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Legislation

Contents

I Acts whose publication is obligatory

- * Commission Regulation (EC) No 1555/96 of 30 July 1996 on rules of application for additional import duties on fruit and vegetables 1
- * Commission Regulation (EC) No 1556/96 of 30 July 1996 introducing a system of import licences for certain fruit and vegetables imported from third countries 5
- * Commission Regulation (EC) No 1557/96 of 30 July 1996 setting the trigger levels for additional import duties on certain fruit and vegetables 8
- * Commission Regulation (EC) No 1558/96 of 30 July 1996 laying down certain transitional measures relating to the entry prices for imports of certain fruit and vegetables originating in the associated countries of Central Europe 10
- * Commission Regulation (EC) No 1559/96 of 30 July 1996 increasing the volume of the tariff quota for imports of bananas provided for in Article 18 of Council Regulation (EEC) No 404/93 for 1996 12
- * Commission Regulation (EC) No 1560/96 of 30 July 1996 amending Regulation (EC) No 2568/95 concerning the transfer to Colombia, within the tariff quota for the import of bananas into the Community, of Nicaragua's country quota for 1996 and (EC) No 356/96 concerning the transfer to Colombia, within the tariff quota for the import of bananas into the Community, of part of Venezuela's country quota for 1996 13
- * Commission Regulation (EC) No 1561/96 of 30 July 1996 fixing the reduction coefficients for the determination of the quantity of bananas to be allocated to each operator in categories A and B from the tariff quota for 1996 15
- * Commission Regulation (EC) No 1562/96 of 30 July 1996 fixing the reduction coefficient for the determination of the quantity of bananas to be allocated to each operator in category C from the tariff quota 1996 17

★ Commission Regulation (EC) No 1563/96 of 30 July 1996 fixing the quantities of banana imports for supply to the Community for the fourth quarter of 1996	18
Commission Regulation (EC) No 1564/96 of 2 August 1996 regarding that the market in peaches is in a state of serious crisis	22
Commission Regulation (EC) No 1565/96 of 2 August 1996 on the issuing of export licences for fruit and vegetables without advance fixing of the refund	23
★ Commission Regulation (EC) No 1566/96 of 2 August 1996 amending Regulations (EC) No 1749/95 and (EC) No 2900/95 fixing export taxes on cereal products	24
★ Commission Regulation (EC) No 1567/96 of 2 August 1996 repealing Regulation (EC) No 291/96 fixing an export tax in relation to the product falling within CN code 1003 00 90	26
Commission Regulation (EC) No 1568/96 of 2 August 1996 determining to what extent applications for the right to import for cows and heifers of certain mountain breeds lodged under Regulation (EC) No 1233/96 can be met	27
Commission Regulation (EC) No 1569/96 of 2 August 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables	28

II Acts whose publication is not obligatory

Council

96/470/EC:

★ Council Decision of 26 February 1996 on the conclusion of the Agreements in the form of an exchange of letters between the European Community and, on the one hand, Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Christopher and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe and, on the other hand, the Republic of India on the guaranteed prices for cane sugar for the 1995/96 delivery period	30
Agreement in the form of an Exchange of Letters between the European Community and Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Christopher and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe on the guaranteed prices for cane sugar for the 1995/96 delivery period	31
Agreement in the form of an Exchange of Letters between the European Community and the Republic of India on the guaranteed prices for cane sugar for 1995/96	38

Commission

96/471/ECSC:

★ Commission Decision of 28 February 1996 authorizing the acquisition by Ruhrkohle Handel GmbH of control of Raab Karcher Kohle GmbH (Case No IV/ECSC.1147-Ruhrkohle Handel/Raab Karcher Kohle) ⁽¹⁾	42
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96/472/EC:

- ★ **Commission Decision of 26 July 1996 establishing the list of declining industrial areas concerned by Objective 2 for the programming period from 1997 to 1999, as defined by Council Regulation (EEC) No 2052/88 and amending Decision 94/169/EC 54**

96/473/EC:

- ★ **Commission Decision of 30 July 1996 adopting the forecast supply balance for banana production, consumption, imports and exports for the Community for 1996 ⁽¹⁾ 58**

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1555/96
of 30 July 1996
on rules of application for additional import duties on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Commission Regulation (EC) No 1363/95⁽²⁾, and in particular Article 24 (4) thereof,

Whereas under Regulation (EEC) No 1035/72 import duty additional to that provided for in the Common Customs Tariff ('additional duty') can be imposed on certain products covered by that Regulation if the terms of Article 5 of the Agreement on Agriculture⁽³⁾ are met, unless there is no risk of disturbance of the Community market or the impact would be disproportionate to the end sought;

Whereas additional duty may be imposed if import volumes of the products concerned, determined from import licences issued by Member States or by procedures introduced under a preferential agreement, exceed trigger levels determined by product and period of application as specified in Article 5 (4) of the Agreement on Agriculture;

Whereas additional duty may be imposed only on imports the tariff classification of which made in line with Article 5 of Commission Regulation (EC) No 3223/94⁽⁴⁾, as last amended by Regulation (EC) No 2933/95⁽⁵⁾, entails application of the highest specific duty and on imports made outside the tariff quotas set in the World Trade

Organization framework; whereas no additional duty may be imposed on products which enjoy preferences in respect of the entry price, in so far as their tariff classification does not entail application of the highest specific duty;

Whereas, in the case of imports enjoying tariff preference as to *ad valorem* duty, calculation of the additional duty must take account of this;

Whereas goods en route to the Community are exempt from additional duty; whereas specific provisions on these should therefore be enacted;

Whereas the introduction of the import licence arrangements will not prevent their being replaced by a rapid computerized procedure for recording imports as soon as it is legally and practically possible to set one up; whereas there will be an evaluation in this respect by 31 December 1997;

Whereas the Management Committee for fresh Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Additional import duty as referred to in Article 24 (1) of Regulation (EEC) No 1035/72, termed 'additional duty' below, may be applied to the products listed in the Annex hereto on the conditions set out below.

Article 2

Trigger levels and the applicable periods for each of the products listed in the Annex shall be set each year.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽³⁾ OJ No L 336, 23. 12. 1994, p. 22.

⁽⁴⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽⁵⁾ OJ No L 307, 20. 12. 1995, p. 21.

Article 3

1. If it is found that the quantity imported of a product to which the special safeguard clause applies has in respect of a given period exceeded, as determined from the issued import licences drawn up in accordance with Article 22 (2) of Regulation (EEC) No 1035/72, or by procedure introduced under a preferential agreement, the trigger level set under Article 2, the Commission shall impose an additional duty.

2. It shall apply to goods covered by an import licence issued after the date of introduction of the duty and to imports effected after that date in the event of a procedure, within the meaning of paragraph 1, introduced under a preferential agreement provided that:

- their tariff classification determined in line with Article 5 of Regulation (EC) No 3223/94 entails application of the highest specific duties applicable to imports of the origin in question,
- importation is made during the period of application of the additional duty.

Article 4

1. The additional duty imposed under Article 3 shall be one third of the customs duty applicable to the product given in the Common Customs Tariff.

2. However, for imports enjoying tariff preference as to *ad valorem* duty the additional duty shall be one third of the specific duty on the product in so far as Article 3 (2) applies.

Article 5

1. The following are exempt from additional duty:

- (a) goods imported against the tariff quotas listed in Annex 7 to the combined nomenclature;
- (b) goods en route to the Community as defined in paragraph 2.

2. Goods shall be considered to be en route to the Community that:

- left the country of origin before the decision to impose additional duty, and
- are being transported under cover of a transport document valid from the place of loading in the country of origin to the place of unloading in the Community, drawn up before imposition of additional duty.

3. Interested parties shall provide evidence to the satisfaction of the customs authorities that the requirements of paragraph 2 are met.

However, these authorities may deem that goods left their country of origin before the date of imposition of additional duty if one of the following documents is provided:

- for sea transport, the bill of lading showing that loading took place before that date,
- for rail transport, the waybill accepted by the rail authorities of the country of origin before that date,
- for road transport, the road carriage contract (CMR) or another transit document made out in the country of origin before that date, if the conditions laid down in bilateral or multilateral arrangements concluded in the context of Community transit or common transit are observed,
- for air transport, the air way bill showing that the airline accepted the goods before that date.

Article 6

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, 30 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

CN code	Description
0702 00	Tomatoes
0707 00 10	Cucumbers
0707 00 15	
0707 00 20	
0707 00 25	
0707 00 30	
0707 00 35	
0707 00 40	
0709 10 40	Artichokes
0709 10 10	
0709 10 20	
0709 90 71	Courgettes
0709 90 73	
0709 90 75	
0709 90 77	
0709 90 79	
0805 10 61	Sweet oranges, fresh
0805 10 65	
0805 10 69	
0805 10 01	
0805 10 05	
0805 10 09	
0805 10 11	
0805 10 15	
0805 10 19	
0805 10 21	
0805 10 25	
0805 10 29	
0805 10 31	
0805 10 33	
0805 10 35	
0805 20 31	Clementines
0805 20 11	
0805 10 33	Mandarins, including tangerines, satsumas, wilkings and similar citrus hybrids
0805 20 35	
0805 20 37	
0805 20 39	
0805 20 13	
0805 20 15	
0805 20 17	
0805 20 19	
0805 30 30	Lemons
0805 30 40	
0805 30 20	
0806 10 40	Table grapes
0806 10 50	
0808 10 71	Apples (!)
0808 10 73	
0808 10 79	
0808 10 92	
0808 10 94	
0808 10 98	
0808 10 51	
0808 10 53	
0808 10 59	
0808 10 61	
0808 10 63	
0808 10 69	

CN code	Description
0808 20 47	Pears ⁽²⁾
0808 20 51	
0808 20 57	
0808 20 67	
0808 20 31	
0808 20 37	
0809 10 20	Apricots
0809 10 30	
0809 10 40	
0809 20 31	Cherries
0809 20 39	
0809 20 41	
0809 20 49	
0809 20 51	
0809 20 59	
0809 20 61	
0809 20 69	
0809 30 21	Peaches and nectarines
0809 30 29	
0809 30 31	
0809 30 39	
0809 30 41	
0809 30 49	Plums
0809 40 20	
0809 40 30	

⁽¹⁾ Except cider apples of CN code 0808 10 10 presented in bulk from 16 September to 15 December.

⁽²⁾ Except perry pears of CN code 0808 20 10 presented in bulk from 1 August to 31 December.

COMMISSION REGULATION (EC) No 1556/96

of 30 July 1996

introducing a system of import licences for certain fruit and vegetables
imported from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Commission Regulation (EC) No 1363/95⁽²⁾, and in particular Article 22 (2) thereof,

Whereas under Article 22 (1) of Regulation (EEC) No 1035/72 submission of import licences may be required for any imports into the Community of the products referred to in Article 1 (2);

Whereas, in order to ensure better knowledge of the trade pattern for certain sensitive products, a system of import licences should be introduced and the list of those products determined;

Whereas 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⁽³⁾, as last amended by Regulation (EC) No 2137/95⁽⁴⁾, should apply to all matters not specifically dealt with by this Regulation;

Whereas licences should be issued without delay when they are applied for, whereas the amount of the security to be provided should be set at levels which enable the system to function properly; whereas, in the light of the market for the products in question, the term of the licences should be fixed at 30 days within the limit of the periods relating to the CN codes shown on the licences;

Whereas, in order the better to observe changes in trade with third countries, indication of the place of origin should be required and the importer should be required to import from that country; whereas, however, in view of the characteristics of trade in the products concerned, provision should be made to allow the country of origin to be changed once only;

Whereas, to facilitate the rapid and efficient management of the import licence arrangements, the Member States should periodically notify the Commission of the quanti-

ties for which licences have been applied for and of the quantities not used or only partially used; whereas Commission Regulation (EEC) No 886/87 of 27 March 1987, on the notification by the Member States to the Commission of the information relating to imports of dessert apples⁽⁵⁾, as last amended by Regulation (EC) No 997/95⁽⁶⁾, should be repealed;

Whereas the introduction of the import licence arrangements will not prevent their being replaced by a rapid computerized procedure for recording imports as soon as it is legally and practically possible to set one up; whereas there will be an evaluation in this respect by 31 December 1997;

Whereas the Management Committee for fresh Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The entry for free circulation in the Community of one of the products listed in the Annex to this Regulation shall be subject to the presentation of an import licence issued by the Member States concerned to all applicants, whatever their place of establishment in the Community.

Article 2

Subject to the specific provisions of this Regulation, Regulation (EEC) No 3719/88 shall apply.

Article 3

1. Import licences shall be issued subject to the lodging of a security of ECU 1,5 per 100 kilograms net weight. The security shall be forfeited in full or in part if the quantities stipulated in the licence are not released for free circulation, or only part thereof is released, during the term of validity of the licence.

2. Import licences shall be issued on the day the application is received.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽³⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁴⁾ OJ No L 214, 8. 7. 1995, p. 21.

⁽⁵⁾ OJ No L 85, 28. 3. 1987, p. 16.

⁽⁶⁾ OJ No L 101, 4. 5. 1995, p. 16.

3. They shall show the eight-figure CN codes for the products listed in the Annex.

4. Import licences shall be valid for 30 days from their date of issue as defined in paragraph 2 within the limit of the periods for the CN codes referred to in the Annex hereto.

Article 4

1. Section 8 of the specimen import licences in Annex I to Regulation (EEC) No 3719/88 as it is used in import licence applications and import licences shall show the country of origin of the product. Import licences shall be valid only for products originating in the country shown in Section 8 thereof.

2. Holders of licences may apply, once only, to have the country of origin altered subject to the following rules:

- (a) applications for alteration of the country of origin:
 - must be submitted to the body which issued the original licence,
 - must be accompanied by the original licence and by any extract issued,
 - shall be subjected to Articles 13, 14 (1) and 15 of Regulation (EEC) No 3719/88;
- (b) The body which issued the licence shall retain the original licence and may extract and shall issue a replacement licence and, where appropriate, one or more replacement extracts;
- (c) Replacement licences and, where appropriate, the replacement extract or extract shall:
 - be issued for a quantity of products which, when the tolerance is added, corresponds to the maximum available quantity shown on the documents which they replace,
 - contain in Section 20 the number and, if wished, the date of the document which they replace,
 - contain in Section 8 the name of the new country of origin,

— contain in the other sections the same entries as the document which they replace, and in particular the same date of expiry.

Article 5

1. The Member States shall notify the Commission of:
- (a) the quantities covered by import licence applications, together with the CN code concerned and the date of the application, broken down by country of origin;
 - (b) the quantities covered by unused or partly-used import licences, corresponding to the difference between the quantities entered on the back of the licences and the quantities for which they were issued;
 - (c) the quantities covered by a change of origin within the meaning of Article 4 (2).

This information shall be sent not later than 12 noon (Brussels time) as follows:

- every Wednesday, in respect of applications lodged on the Monday and Tuesday of that week,
- every Friday, in respect of applications lodged on the Wednesday or Thursday of that week,
- every Monday, in respect of applications lodged on the Friday of the preceding week.

2. If no import licence applications have been submitted in one of the periods referred to in paragraph 1, the Member State in question shall notify the Commission thereof on the days indicated in paragraph 1.

Article 6

Regulation (EEC) No 886/87 is hereby repealed.

Article 7

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

It shall apply with effect from 1 September 1996.

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

Done at Brussels, 30 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

CN codes	Periods	Description
0702 00 40 0702 00 45 0702 00 50 0702 00 15	1 October to 31 March	Tomatoes ⁽¹⁾
0702 00 20 0702 00 25 0702 00 30 0702 00 35	1 April to 30 September	
0805 10 61 0805 10 65 0805 10 69 0805 10 01 0805 10 05 0805 10 09 0805 10 11 0805 10 15 0805 10 19 0805 10 21 0805 10 25 0805 10 29 0805 10 31 0805 10 33 0805 10 35	1 December to 31 May	Oranges
0805 20 31 0805 20 11	1 November to end February	Clementines
0805 20 33 0805 20 35 0805 20 37 0805 20 39 0805 20 13 0805 20 15 0805 20 17 0805 20 19	1 November to end February	Mandarins, including tangerines, satsumas, wilkings and similar citrus hybrids
0805 30 30 0805 30 40	1 June to 31 December	Lemons
0805 30 20	1 January to 31 May	
0808 10 71 0808 10 73 0808 10 79 0808 10 92 0808 10 94 0808 10 98	1 July to 31 December	Apples
0808 10 51 0808 10 53 0808 10 59	1 January to 31 March	
0808 10 61 0808 10 63 0808 10 69	1 April to 30 June	
0808 20 47 0808 20 51 0808 20 57 0808 20 67	1 July to 31 December	Pears
0808 20 31 0808 20 37	1 January to 30 April	
0707 00 20 0707 00 25 0707 00 30	1 May to 31 October	Cucumbers

⁽¹⁾ Other than tomatoes originating in Morocco.

COMMISSION REGULATION (EC) No 1557/96**of 30 July 1996****setting the trigger levels for additional import duties on certain fruit and vegetables**

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Commission Regulation (EC) No 1363/95⁽²⁾, and in particular Article 24 (4) thereof,

Whereas Article 2 of Commission Regulation (EC) No 1555/96 of 30 July 1996 on rules of application for additional import duties on fruit and vegetables⁽³⁾, provides for the trigger levels and periods to be fixed;

Whereas Article 5 (4) of the Agreement on Agriculture⁽⁴⁾ lays down the criteria in accordance with which the Commission is to set the trigger levels for additional duties on certain fruit and vegetables; whereas Article 5 (6) permits trigger periods to be set on the basis of the characteristics of perishable and seasonal products;

Whereas, in application of the abovementioned criteria, the trigger levels should be set at the volumes and for the periods given in the Annex hereto;

Whereas the Management Committee for fresh Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The trigger levels for the additional import duties referred to in Article 2 of Regulation (EC) No 1555/96 for the 1996/97 marketing year shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 September 1996.

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

Done at Brussels, 30 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽³⁾ See page 1 of this Official Journal.

⁽⁴⁾ OJ No L 336, 23. 12. 1994, p. 22.

ANNEX

CN code	Trigger period	Trigger level (tonnes)	Description
0702 00 40 0702 00 45 0702 00 50 0702 00 15	1 October 1996 to 31 December 1996	59 923	Tomatoes
0702 00 35	September 1996	565	
0805 10 61 0805 10 65 0805 10 69 0805 10 01 0805 10 05 0805 10 09 0805 10 11 0805 10 15 0805 10 19 0805 10 21 0805 10 25 0805 10 29 0805 10 31 0805 10 33 0805 10 35	1 December 1996 to 31 May 1997	598 202	Oranges
0805 20 31 0805 20 11	1 November 1996 to end February 1997	243 851	Clementines
0805 20 33 0805 20 35 0805 20 37 0805 20 39 0805 20 13 0805 20 15 0805 20 17 0805 20 19	1 November 1996 to end February 1997	90 504	Mandarins, including tangerines, satsumas, wilkings and similar citrus hybrids
ex 0805 30 30 0805 30 40	1 September 1996 to 31 December 1996	89 313	Lemons
0805 30 20	1 January 1997 to 31 May 1997	175 189	
ex 0808 10 92 ex 0808 10 94 ex 0808 10 98	1 September 1996 to 31 December 1996	1 254 523	Apples
0808 10 51 0808 10 53 0808 10 59	1 January 1997 to 31 March 1997	1 746 872	
0808 10 61 0808 10 63 0808 10 69	1 April 1997 to 30 June 1997	1 559 772	
ex 0808 20 57 0808 20 67	1 September 1996 to 31 December 1996	669 866	Pears
0808 20 31 0808 20 37	1 January 1997 to 30 April 1997	524 006	
ex 0707 00 25 0707 00 30	1 September 1996 to 31 October 1996	7 808	Cucumbers

COMMISSION REGULATION (EC) No 1558/96

of 30 July 1996

laying down certain transitional measures relating to the entry prices for imports of certain fruit and vegetables originating in the associated countries of Central Europe

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, as last amended by Regulation (EC) No 1193/96⁽²⁾, and in particular Article 3 (1) thereof,

Whereas, in the wake of the Uruguay Round of multilateral trade negotiations, the reference price arrangements stipulating payment of a countervailing charge on imports of certain fruit and vegetables have been replaced by a system of specific customs duties linked to the entry price;

Whereas the application of such entry prices to certain products intended for processing and originating in Bulgaria, the Czech Republic, Slovakia, Hungary, Poland and Romania could place an excessive burden on industry and thus impede trade with those third countries; whereas, in accordance with the negotiating Directives concerning agricultural products adopted by the Council on 6 March 1995, negotiations are currently under way with the countries concerned with a view to finding a solution to this matter through Additional Protocols to the Europe Agreements⁽³⁾; whereas 'interim' Additional Protocols will only cover the trade-related aspects of Additional Protocols; whereas, pending the outcome of negotiations on these Protocols, an adjustment should be made by reducing, as an autonomous and transitional measure until 31 December 1996, the entry prices of certain fruit intended for processing;

Whereas, in order to ensure that the fruit in question is actually intended for processing, the products concerned

should be allowed to enter at the reduced entry prices subject to compliance with the Community provisions on utilization laid down in Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽⁴⁾, Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92⁽⁵⁾ and Commission Regulation (EEC) No 2251/92 of 29 July 1992 on quality inspection of fresh fruit and vegetables⁽⁶⁾, as last amended by Regulation (EC) No 3148/94⁽⁷⁾;

Whereas, with a view to the proper application of this Regulation, the provisions of the Europe Agreements on the origin of products must apply; whereas, specific provisions should also be adopted on the use to be made of the products concerned by the processing industry;

Whereas the Management Committee for fresh Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. The entry prices above which the specific duty is reduced to zero, as an autonomous and transitional measure, on the products listed in the Annex originating in Bulgaria, the Czech Republic, Slovakia, Hungary, Poland and Romania and intended for processing shall be as shown therein.

2. Where the entry price of a consignment is 2, 4, 6 or 8 % less than the relevant entry price, the specific duty shall be equal respectively to 2, 4, 6, or 8 % of the latter entry price. Where the entry price of a consignment is less than 92 % of the entry price applicable, the highest specific duty shall apply.

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽²⁾ OJ No L 161, 29. 6. 1996, p. 1.

⁽³⁾ OJ No L 347, 31. 12. 1993, p. 1 (Hungary).

OJ No L 348, 31. 12. 1993, p. 1 (Poland).

OJ No L 360, 31. 12. 1994, p. 1 (Czech Republic).

OJ No L 359, 31. 12. 1994, p. 1 (Slovakia).

OJ No L 357, 31. 12. 1994, p. 1 (Romania).

OJ No L 358, 31. 12. 1994, p. 1 (Bulgaria).

⁽⁴⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽⁵⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽⁶⁾ OJ No L 219, 4. 8. 1992, p. 9.

⁽⁷⁾ OJ No L 332, 22. 12. 1994, p. 28.

3. The products concerned shall be allowed to enter at the reduced entry prices provided for in paragraph 1 subject to the conditions laid down in:

- Article 82 of Regulation (EEC) No 2913/92 and Articles 291 *et seq.* of Regulation (EEC) No 2454/93,
- Article 10 of Regulation (EEC) No 2251/92.

Article 2

The Protocol concerning the definition of the concept of originating products and methods of administrative cooperation annexed to each Europe Agreement shall apply.

Article 3

The products listed in the Annex and used for the manufacture of any of the products listed in Article 1 (1) of Council Regulation (EEC) No 426/86⁽¹⁾ shall be considered as intended for processing for the purposes of Article 1 (1).

Article 4

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

It shall apply until 31 December 1996.

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

Done at Brussels, 30 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

CN code	Description	Preferential entry price (ECU/100 kg net weight)
0808 20 57	Pears	32,0
0809 40 30	Plums	53,5

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

COMMISSION REGULATION (EC) No 1559/96

of 30 July 1996

increasing the volume of the tariff quota for imports of bananas provided for in
Article 18 of Council Regulation (EEC) No 404/93 for 1996

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

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 18 (1) thereof,

Whereas Article 18(1) of Regulation (EEC) No 404/93 provides that, where Community demand determined on the basis of the supply balance referred to in Article 16 increases, the volume of the quota is to be increased in consequence;

Whereas in Commission Decision 96/473/EC ⁽³⁾, the Commission establishes the forecast balance for production and consumption in the Community and for imports and exports; whereas that balance indicates an increase in Community demand in particular as a result of the accession to the Community of Austria, Finland and Sweden;

Whereas on 4 April 1995 the Commission submitted to the Council a proposal adapting the volume of the tariff quota for the import of bananas following the accession of the new Member States ⁽⁴⁾; whereas, in spite of the Commission's efforts, the Council has so far not adopted any decision on that proposal; whereas, in order to satisfy consumption demand and prevent serious disturbance on

the Community market, the Commission is obliged to increase the volume of the tariff quota on the basis of the forecast balance; whereas that increase should not include the additional quantity laid down in Commission Regulations (EC) No 127/96 ⁽⁵⁾ and (EC) No 822/96 ⁽⁶⁾ as a result of tropical storms Iris, Luis and Marilyn;

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

HAS ADOPTED THIS REGULATION:

Article 1

The tariff quota for imports of third-country and non-traditional ACP bananas provided for in Articles 18 and 19 of Regulation (EEC) No 404/93 shall be 2 553 000 tonnes (net weight) for 1996, not including the additional quantity of 72 440 tonnes laid down in Regulations (EC) No 127/96 and (EC) No 822/96.

Article 2

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

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

Done at Brussels, 30 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

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

⁽³⁾ See page 58 of this Official Journal.

⁽⁴⁾ OJ No C 136, 3. 6. 1995, p. 22.

⁽⁵⁾ OJ No L 20, 26. 2. 1996, p. 17.

⁽⁶⁾ OJ No L 111, 4. 5. 1996, p. 7.

COMMISSION REGULATION (EC) No 1560/96
of 30 July 1996

amending Regulation (EC) No 2568/95 concerning the transfer to Colombia, within the tariff quota for the import of bananas into the Community, of Nicaragua's country quota for 1996 and (EC) No 356/96 concerning the transfer to Colombia, within the tariff quota for the import of bananas into the Community, of part of Venezuela's country quota for 1996

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾,

Having regard to Commission Regulation (EC) No 478/95 of 1 March 1995 on additional rules for the application of Council Regulation (EEC) No 404/93 as regards the tariff quota arrangements for imports of bananas into the Community and amending Regulation (EEC) No 1442/93 ⁽³⁾, as amended by Regulation (EC) No 702/95 ⁽⁴⁾, and in particular the second subparagraph of Article 2 (2) thereof,

Whereas Regulation (EC) No 478/95 establishes the detailed rules for the application of the Framework Agreement on Bananas concluded as part of the Uruguay Round of multilateral trade negotiations; whereas Article 1 of that Regulation divides the tariff quota into specific shares allocated to the countries or groups of countries referred to in Annex I of that Regulation; whereas, in the event that a country listed in Annex I, Table 1 is not able to export all or some of the quantity allocated to it, Article 2 (2) of that Regulation provides for the reallocation of that quantity;

Whereas, pursuant to that provision, the tariff quota shares allocated to Colombia, Nicaragua and Venezuela have been amended by Commission Regulation (EC) No 2568/95 ⁽⁵⁾ and (EC) No 356/96 ⁽⁶⁾ respectively;

Whereas Nicaragua has informed the Commission that it is now able to recommence exports of bananas to the Community in the last quarter of 1996; whereas, as a result, the shares for Nicaragua and Colombia for 1996 should be reallocated; whereas, as a result, Regulation (EC) No 356/96 should also be adapted;

Whereas this Regulation must enter into force immediately to enable applications for licences in respect of the fourth quarter of 1996 to be lodged,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EC) No 2568/95 is hereby replaced by the following:

'Article 1

Pursuant to the second subparagraph of Article 2 (2) of Regulation (EC) No 478/95, the shares of the tariff quota allocated to Colombia and Nicaragua are hereby changed for 1996 as follows:

— Colombia:	21,6 %
— Nicaragua:	3 %.'

Article 2

In Article 1 of Regulation (EC) No 356/96 the percentage of 24,6 % for Colombia is hereby replaced by 21,6 %.

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 apply from the fourth quarter of 1996.

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

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

⁽³⁾ OJ No L 49, 4. 3. 1995, p. 13.

⁽⁴⁾ OJ No L 71, 31. 3. 1995, p. 84.

⁽⁵⁾ OJ No L 262, 1. 11. 1995, p. 31.

⁽⁶⁾ OJ No L 50, 29. 2. 1996, p. 18.

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

Done at Brussels, 30 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1561/96

of 30 July 1996

fixing the reduction coefficients for the determination of the quantity of bananas to be allocated to each operator in categories A and B from the tariff quota for 1996

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas, pursuant to Article 6 of Commission Regulation (EEC) No 1442/93 of 10 June 1993 laying down detailed rules for the application of the arrangements for importing bananas into the Community ⁽³⁾, as last amended by Regulation (EC) No 1409/96 ⁽⁴⁾, the Commission, depending on the annual tariff quota and the total reference quantities of operators determined pursuant to Articles 3 and following of that Regulation, is to fix, where appropriate, a single reduction coefficient for each category of operators to be applied to operators' reference quantities to determine the quantity to be allocated to each for the year in question;

Whereas, pending the adaptation of the volume of the tariff quota as a result of the accession of Austria, Finland and Sweden, Commission Regulation (EC) No 2679/95 ⁽⁵⁾, for the purposes of implementation of Article 6 of Regulation (EEC) No 1442/93, provisionally fixes the reduction coefficients to be applied to the reference quantity of each operator in categories A and B, on the basis of a tariff quota volume of 2 200 000 tonnes for 1996;

Whereas the volume of the tariff quota was fixed subsequently at 2 553 000 tonnes for 1996 by Commission Regulation No 1559/96 ⁽⁶⁾, not including the additional quantity of 72 440 tonnes laid down in Commission Regulations (EC) No 127/96 ⁽⁷⁾ and 822/96 ⁽⁸⁾ as a result of tropical storms Iris, Luis and Marilyn;

Whereas, for the sake of clarity, Regulation (EC) No 2679/95 should be repealed;

Whereas for calculating the abovementioned reduction coefficients, the total quantity allocated to operators who suffered the effects of tropical storms Iris, Luis and Marilyn should not be taken into account; whereas the coefficients should be determined on the basis of 2 553 000 tonnes;

Whereas the provisions of this Regulation must enter into force immediately, given the time limits laid down in Regulation (EEC) No 1442/93;

Whereas the Management Committee for Bananas has failed to deliver an opinion within the time limit laid down by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The quantity to be allocated to each operator in categories A and B in respect of the period from 1 January to 31 December 1996 within the tariff quota provided for in Articles 18 and 19 of Regulation (EEC) No 404/93 shall be calculated by applying to the operator's reference quantity, determined in accordance with Article 5 of Regulation (EEC) No 1442/93, the following single reduction coefficients:

- for each category A operator: 0,623432,
- for each category B operator: 0,552005.

Article 2

Regulation (EC) No 2679/95 is hereby repealed.

Article 3

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

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

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

⁽³⁾ OJ No L 142, 12. 6. 1993, p. 6.

⁽⁴⁾ OJ No L 181, 20. 7. 1996, p. 13.

⁽⁵⁾ OJ No L 277, 21. 11. 1995, p. 1.

⁽⁶⁾ See page 12 of this Official Journal.

⁽⁷⁾ OJ No L 20, 26. 1. 1996, p. 17.

⁽⁸⁾ OJ No L 111, 4. 5. 1996, p. 7.

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

Done at Brussels, 30 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1562/96

of 30 July 1996

fixing the reduction coefficient for the determination of the quantity of bananas
to be allocated to each operator in category C from the tariff quota 1996

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 1442/93 of 10 June 1993 laying down detailed rules for the application of the arrangements for importing bananas into the Community ⁽³⁾, as last amended by Regulation (EC) No 1409/96 ⁽⁴⁾, and in particular Article 4 (4) thereof,

Whereas, pending the adaptation of the volume of the tariff quota as a result of the accession of Austria, Finland and Sweden, Commission Regulation (EC) No 2724/95 ⁽⁵⁾, for the purposes of implementation of Article 4 (4) of Regulation (EEC) No 1442/93, provisionally fixes the reduction coefficient to be applied to the annual allocation requested by each operator in category C, on the basis of a tariff quota volume of 2 200 000 tonnes for 1996;

Whereas the volume of the tariff quota was fixed subsequently at 2 553 000 tonnes for 1996 by Commission Regulation (EC) No 1559/96 ⁽⁶⁾ not including the additional quantity of 72 440 tonnes laid down in Regulations (EC) No 127/96 ⁽⁷⁾ and (EC) No 822/96 ⁽⁸⁾ as a result of tropical storms Iris, Luis and Marilyn;

Whereas for calculating the aforementioned reduction coefficient, the total quantity allocated to operators who suffered the effects of tropical storms Iris, Luis and Marilyn should not be taken into account; whereas the coefficient should be determined on the basis of 2 553 000 tonnes;

Whereas, for the sake of clarity, Regulation (EC) No 2724/95 should be repealed;

Whereas the provisions of this Regulation must enter into force immediately, given the time limits laid down in Regulation (EEC) No 1442/93,

HAS ADOPTED THIS REGULATION:

Article 1

The quantity to be allocated to each operator in category C in respect of 1996 within the tariff quota provided for in Articles 18 and 19 of Regulation (EEC) No 404/93 shall be calculated by applying to the quantity applied for by each operator, in accordance with Article 4 (4) of Regulation (EEC) No 1442/93, a reduction coefficient of 0,000391.

Article 2

Regulation (EC) No 2724/95 is hereby repealed.

Article 3

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

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

Done at Brussels, 30 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

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

⁽³⁾ OJ No L 142, 12. 6. 1993, p. 6.

⁽⁴⁾ OJ No L 181, 20. 7. 1996, p. 13.

⁽⁵⁾ OJ No L 283, 25. 11. 1995, p. 13.

⁽⁶⁾ See page 12 of this Official Journal.

⁽⁷⁾ OJ No L 20, 26. 1. 1996, p. 17.

⁽⁸⁾ OJ No L 111, 4. 5. 1996, p. 7.

COMMISSION REGULATION (EC) No 1563/96

of 30 July 1996

fixing the quantities of banana imports for supply to the Community for the fourth quarter of 1996

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas Article 9 (1) of Commission Regulation (EEC) No 1442/93 ⁽³⁾, as last amended by Regulation (EC) No 1409/96 ⁽⁴⁾, provides that indicative quantities, expressed where necessary as percentages of the shares allocated to the various countries or groups of countries listed in Annex I to Commission Regulation (EC) No 478/95 ⁽⁵⁾, as last amended by Regulation (EC) No 702/95 ⁽⁶⁾, or of the quantities of those quotas available are to be fixed using data and forecasts relating to the Community market, for the purposes of issuing import licences for each quarter;

Whereas the tariff quota quantities available for imports from the countries or groups of countries listed in Annex I to Regulation (EC) No 478/95 for the fourth quarter of 1996 should be determined taking account on the one hand of the import licences issued during the first three quarters of 1995 and on the other hand of the tariff quota provided for in Article 18 of Regulation (EEC) No 404/93 plus the quantity laid down in Commission Regulation (EC) No 1559/96 ⁽⁷⁾;

Whereas, with a view to achieving the same objectives, the indicative quantities provided for in Article 14 (1) of Regulation (EEC) No 1442/93 should be fixed for the purposes of issuing licences for traditional banana imports from the African, Caribbean and Pacific (ACP) States;

Whereas this Regulation must enter into force immediately so that licence applications can be lodged in respect of the fourth quarter of 1996;

Whereas the respective shares for Colombia and Nicaragua were amended by Commission Regulation (EC) No 1560/96 ⁽⁸⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantities available for import in respect of the fourth quarter of 1996 under the tariff quota arrangements for banana imports from the countries or groups of countries listed in Annex I to Regulation (EC) No 478/95 shall be as set out in Annex I hereto.

2. Applications for import licences in respect of the fourth quarter of 1996 from individual operators may not cover a quantity exceeding the difference between the quantity allocated to the operator pursuant to Article 4 (4) and Article 6 of Regulation (EEC) No 1442/93 and the total quantity covered by import licences issued to him in respect of the first three quarters of 1995. Import licence applications shall be accompanied by copies of any import licences issued to the operator in respect of the preceding quarters of 1995.

Article 2

Pursuant to Article 14 (1) of Regulation (EEC) No 1442/93, quantities available for traditional imports of bananas from the ACP States for the fourth quarter of 1996 shall be as set out in Annex II hereto.

Article 3

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

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

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

⁽³⁾ OJ No L 142, 12. 6. 1993, p. 6.

⁽⁴⁾ OJ No L 181, 20. 7. 1996, p. 13.

⁽⁵⁾ OJ No L 49, 4. 3. 1995, p. 13.

⁽⁶⁾ OJ No L 71, 31. 3. 1995, p. 84.

⁽⁷⁾ See page 12 of this Official Journal.

⁽⁸⁾ See page 13 of this Official Journal.

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

Done at Brussels, 30 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Tariff quota quantities available for bananas imports from the countries or groups of countries listed in Annex I to Regulation (EC) No 478/95 in respect of the fourth quarter of 1996

TABLE 1

Country	Quantity (tonnes net weight)	
	Categories A and C	Category B
Colombia	151 715	32 770
Costa Rica	112 395	38 677
Venezuela	20 442	
Nicaragua	16 530	

TABLE 2

Country	Quantity (tonnes net weight)
Non-traditional imports from ACP States:	
Dominican Republic	4 852
Belize	10 950
Côte d'Ivoire	1 501
Cameroon	7 288
Other ACP States	3 007

TABLE 3

Country	Quantity (tonnes net weight)
Other	272 404

ANNEX II

Quantities available for traditional imports of bananas from the ACP States in respect of the fourth quarter of 1996

<i>(tonnes net weight)</i>	
Country	Quantity
Traditional imports from ACP States:	
Côte d'Ivoire	26 074
Cameroon	23 042
Suriname	19 526
Somalia	21 700
Jamaica	37 500
Windward Islands	146 394
Belize	8 000
Cape Verde	4 800
Madagascar	5 900

COMMISSION REGULATION (EC) No 1564/96**of 2 August 1996****regarding that the market in peaches is in a state of serious crisis**

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 1363/95⁽²⁾, and in particular Article 19 a (1) thereof,

Whereas, under Article 19a (1) of Regulation (EEC) No 1035/72, if, for a given product on one of the representative markets referred to in Article 17 (2) of that Regulation, the prices communicated to the Commission pursuant to paragraph 1 of that same Article remain below the buying-in-price, plus 5 % of the basic price, for two consecutive market days, the Commission shall without delay record that the market in the product in question is in a state of serious crisis;

Whereas the situation has arisen in Spain as from 24 July 1996 for peaches; whereas it should consequently be recorded that the market in this product is in a state of serious crisis,

HAS ADOPTED THIS REGULATION:

Article 1

It is recorded that the market in peaches is in a state of serious crisis.

Article 2

This Regulation shall enter into force on 3 August 1996.

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

Done at Brussels, 2 August 1996.

For the Commission

Christos PAPOUTSIS

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.

COMMISSION REGULATION (EC) No 1565/96

of 2 August 1996

on the issuing of export licences for fruit and vegetables without advance fixing of the refund

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Commission Regulation (EC) No 1363/95⁽²⁾, and in particular Article 26 (11) thereof,

Whereas Commission Regulation (EC) No 1121/96⁽³⁾, fixes the indicative quantities laid down for the issue of export licences without advance fixing of the refund other than those applied for in the context of food aid;

Whereas Article 7 of Commission Regulation (EC) No 1488/95 of 28 June 1995, on implementing rules for export refunds on fruit and vegetables⁽⁴⁾, as last amended by Regulation (EC) No 2702/95⁽⁵⁾, provides that where there is an overrun of the indicative quantities, the excess quantities are to be deducted;

Whereas, in the light of information now available to the Commission, the indicative quantities laid down for the current period for peaches and nectarines have already been exceeded; whereas these overruns will probably result in a reduction of the indicative quantity for the following period; whereas that reduction would be prejudicial to exports followed by applications for licences without advance fixing of the refund during that following period;

Whereas, in order to avoid that situation, the applications for licences without advance fixing of the refund for

peaches and nectarines exported after 6 August 1996 should be rejected up to the end of the current period;

Whereas, in order for them not to be included in the calculations made by the Commission pursuant to Articles 6 and 7 of Regulation (EC) No 1488/95, those applications must not be communicated to the Commission;

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

HAS ADOPTED THIS REGULATION:

Article 1

For peaches and nectarines, the applications for export licences without advance fixing of the refund referred to in Article 5 of Regulation (EC) No 1488/95, for which the export declaration for the products was accepted after 6 August 1996 and before 1 October 1996, are hereby rejected.

Notwithstanding Article 8 of Regulation (EC) No 1488/95, those applications shall not be included in communications to the Commission.

Article 2

This Regulation shall enter into force on 3 August 1996.

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

Done at Brussels, 2 August 1996.

For the Commission

Christos PAPOUTSIS

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽³⁾ OJ No L 149, 22. 6. 1996, p. 11.

⁽⁴⁾ OJ No L 145, 29. 6. 1995, p. 68.

⁽⁵⁾ OJ No L 280, 23. 11. 1995, p. 30.

COMMISSION REGULATION (EC) No 1566/96
of 2 August 1996
amending Regulations (EC) No 1749/95 and (EC) No 2900/95 fixing export taxes
on cereal products

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 the cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 16 thereof,

Whereas Commission Regulation (EC) No 1749/95⁽³⁾ as last amended by Regulation (EC) No 1062/96⁽⁴⁾, fixes an export tax for durum wheat falling within CN code 1001 10 00;

Whereas Commission Regulation (EC) No 2900/95⁽⁵⁾, as last amended by Regulation (EC) No 1062/96, fixes an export tax for common wheat falling within CN code 1001 90 99;

Whereas prices on the world market for durum wheat and common wheat have changed; whereas the level of the taxes should be adjusted to the new market situation; whereas, therefore, the export taxes on durum wheat and common wheat should be reduced;

Whereas the Annexes to Regulations (EC) No 1749/95 and (EC) No 2900/95 should therefore be amended;

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

The Annex to Regulation (EC) No 1749/95 is replaced by Annex I hereto.

Article 2

The Annex to Regulation (EC) No 2900/95 is replaced by Annex II hereto.

Article 3

This Regulation shall enter into force on 3 August 1996.

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

Done at Brussels, 2 August 1996.

For the Commission

Christos PAPOUTSIS

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 169, 19. 7. 1995, p. 21.
⁽⁴⁾ OJ No L 140, 13. 6. 1996, p. 28.
⁽⁵⁾ OJ No L 304, 16. 12. 1995, p. 27.

*ANNEX I**'ANNEX*

CN code	Export tax (in ECU/tonne)
1001 10 00	10,00'

*ANNEX II**'ANNEX*

CN code	Export tax (in ECU/tonne)
1001 90 99	10,00'

COMMISSION REGULATION (EC) No 1567/96

of 2 August 1996

repealing Regulation (EC) No 291/96 fixing an export tax in relation to the
product falling within CN code 1003 00 90

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⁾, and in particular Article 16
thereof,

Whereas Commission Regulation (EC) No 291/96⁽³⁾ fixes
an export tax on barley;

Whereas the market conditions which led to the intro-
duction of the export tax on barley no longer apply;
whereas the tax on those products should be abolished;

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

Regulation (EC) No 291/96 is hereby repealed.

Article 2

This Regulation shall enter into force on 3 August 1996.

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

Done at Brussels, 2 August 1996.

For the Commission

Christos PAPOUTSIS

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 38, 16. 2. 1996, p. 1.

COMMISSION REGULATION (EC) No 1568/96

of 2 August 1996

determining to what extent applications for the right to import for cows and heifers of certain mountain breeds lodged under Regulation (EC) No 1233/96 can be met

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1233/96 of 28 June 1996 laying down for the second six months of 1996 the detailed rules for the application of a tariff quota for cows and heifers of various mountain breeds, other than those intended for slaughter, originating in certain third countries⁽¹⁾, and in particular Article 5 thereof,

Whereas Article 2 (2) of Regulation (EC) No 1233/96 provides for the quantities reserved to traditional importers to be assigned in proportion to their imports during the period 1 July 1993 to 30 June 1996;

Whereas allocation of the quantities available to operators covered by Article 2 (3) of the abovementioned Regulation is to be made in proportion to the quantities applied for; whereas since the quantities applied for exceed those available, a fixed percentage reduction should be set,

HAS ADOPTED THIS REGULATION:

Article 1

Every application for the right to import lodged in accordance with Regulation (EC) No 1233/96 shall be granted to the following extent:

- (a) for importers covered by (a) in Article 2 (1) of Regulation (EC) No 1233/96, 3,779 % of the quantities imported during the period 1 July 1993 to 30 June 1996;
- (b) for importers covered by (b) in Article 2 (1) of Regulation (EC) No 1233/96, 1,727 % of the quantities applied for.

Article 2

This Regulation shall enter into force on 3 August 1996.

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

Done at Brussels, 2 August 1996.

For the Commission

Christos PAPOUTSIS

Member of the Commission

⁽¹⁾ OJ No L 161, 29. 6. 1996, p. 94.

COMMISSION REGULATION (EC) No 1569/96

of 2 August 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 3 August 1996.

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

Done at Brussels, 2 August 1996.

For the Commission

Christos PAPOUTSIS

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 2 August 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	69,4		388	89,0
	060	80,2		400	67,9
	064	70,8		404	63,6
	066	60,3		416	72,7
	068	80,3		508	113,5
	204	86,8		512	97,9
	208	44,0		524	100,3
	212	97,5		528	90,1
	624	95,8		528	90,1
	999	76,1		624	86,5
ex 0707 00 25	052	62,4	0808 20 57	728	107,3
	053	156,2		800	91,5
	060	61,0		804	87,4
	066	53,8		999	87,3
	068	69,1		039	104,1
	204	144,3		052	102,2
	624	87,1		064	72,5
	999	90,6		388	63,7
	052	54,3		400	70,4
	204	77,5		512	86,2
0709 90 79	412	54,2		528	132,9
	624	151,9		624	79,0
	999	84,5		728	115,4
	052	130,6		800	84,0
	204	88,8		804	73,0
0805 30 30	220	74,0	0809 20 69	999	89,4
	284	94,4		052	198,4
	388	72,0		061	182,0
	400	68,2		064	137,1
	512	54,8		066	73,7
	520	66,5		068	91,0
	524	66,2		400	174,3
	528	62,6		600	94,9
	600	96,5		616	221,6
	624	48,9		624	63,7
0806 10 40	999	77,0	0809 30 41, 0809 30 49	676	166,2
	052	105,7		999	140,3
	064	75,6		052	63,1
	066	49,4		220	121,8
	220	110,8		624	106,8
	400	157,3		999	97,2
	412	133,4	0809 40 30	052	78,8
	508	307,2		064	72,9
	512	186,0		066	74,6
	600	105,0		068	61,2
	624	125,0		400	143,5
	999	135,5		624	185,5
0808 10 92, 0808 10 94, 0808 10 98	039	111,7		676	68,6
	052	64,0		999	97,9
	064	78,6			
	070	90,2			
	284	72,1			

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 26 February 1996

on the conclusion of the Agreements in the form of an exchange of letters between the European Community and, on the one hand, Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Christopher and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe and, on the other hand, the Republic of India on the guaranteed prices for cane sugar for the 1995/96 delivery period

(96/470/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas implementation of Protocol 8 on ACP Sugar annexed to the Fourth ACP-EEC Convention⁽¹⁾ and of the Agreement between the European Economic Community and the Republic of India on cane sugar⁽²⁾ is carried out, in accordance with Article 1 (2) of each, within the framework of the management of the common organization of the sugar market;

Whereas it is appropriate to approve the Agreements in the form of an Exchange of Letters between the Community and, on the one hand, the States referred to in the Protocol and, on the other hand, the Republic of India on the guaranteed prices for cane sugar for the 1995/96 delivery period,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreements in the form of an Exchange of Letters between the European Community and, on the one hand, Barbados, Belize, the Republic of the Congo, Fiji, the

Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Christopher and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe and, on the other hand, the Republic of India on the guaranteed prices for cane sugar for the 1995/96 delivery period are hereby approved on behalf of the Community.

The text of the Agreements is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreements referred to in Article 1 in order to bind the Community.

Article 3

This Decision will be published in the *Official Journal of the European Communities*.

Done at Brussels, 26 February 1996.

For the Council

The President

W. LUCHETTI

⁽¹⁾ OJ No L 229, 17. 8. 1991, p. 216.

⁽²⁾ OJ No L 190, 22. 7. 1975, p. 35.

AGREEMENT

in the form of an Exchange of Letters between the European Community and Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Christopher and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe on the guaranteed prices for cane sugar for the 1995/96 delivery period

A. Letter No 1

Brussels,

Sir,

The representatives of the ACP States referred to in Protocol 8 on ACP sugar annexed to the Fourth ACP-EEC Convention and of the Commission, acting on behalf of the European Community, have agreed, pursuant to the provisions of the said Protocol, on the following:

For the delivery period 1 July 1995 to 30 June 1996, the guaranteed prices referred to in Article 5 (4) of the Protocol shall, for the purpose of intervention within the terms of Article 6 of the Protocol, be:

- (a) for raw sugar: ECU 52,37 per 100 kilograms;
- (b) for white sugar: ECU 64,65 per 100 kilograms.

These prices shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif, free out of European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to the determination of the guaranteed prices.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the governments of the abovementioned ACP States and the Community.

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

*On behalf of the Council
of the European Union*

B. Letter No 2

Brussels,

Sir,

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

'The representatives of the ACP States referred to in Protocol 8 on ACP sugar annexed to the Fourth ACP-EEC Convention and of the Commission, acting on behalf of the European Community, have agreed, pursuant to the provisions of the said Protocol, on the following:

For the delivery period 1 July 1995 to 30 June 1996, the guaranteed prices referred to in Article 5 (4) of the Protocol shall, for the purpose of intervention within the terms of Article 6 of the Protocol, be:

- (a) for raw sugar: ECU 52,37 per 100 kilograms;
- (b) for white sugar: ECU 64,65 per 100 kilograms.

These prices shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif, free out of European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to the determination of the guaranteed prices.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the abovementioned ACP States and the Community.'

I have the honour to confirm the agreement of the Governments of the ACP States referred to in this letter with the foregoing.

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

*For the Governments
of the ACP States
referred to in Protocol 8*

Hecho en Bruselas, el treinta y uno de mayo de mil novecientos noventa y seis.

Udfærdiget i Bruxelles, den enogtredivte maj nitten hundrede og seksoghalvfems.

Geschehen zu Brüssel am einunddreißigsten Mai neunzehnhundertsechsunneunzig.

Έγινε στις Βρυξέλλες, στις τριάντα μία Μαΐου χίλια εννιακόσια ενενήντα έξι.

Done at Brussels on the thirty-first day of May in the year one thousand nine hundred and ninety-six.

Fait à Bruxelles, le trente-et-un mai mil neuf cent quatre-vingt-seize.

Fatto a Bruxelles, addì trentuno maggio millenovecentonovantasei.

Gedaan te Brussel, de eenendertigste mei negentienhonderd zesennegentig.

Feito em Bruxelas, em trinta e um de Maio de mil novecentos e noventa e seis.

Tehty Brysselissä kolmantenakymmenentenäensimmäisenä päivänä toukokuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäkuusi.

Som skedde i Bryssel den trettioförsta maj nittonhundra nittiosex.

En nombre del Consejo de la Unión Europea

På vegne af Rådet for Den Europæiske Union

Im Namen des Rates der Europäischen Union

Εξ ονόματος του Συμβουλίου της Ευρωπαϊκής Ένωσης

On behalf of the Council of the European Union

Au nom du Conseil de l'Union européenne

A nome del Consiglio dell'Unione europea

Namens de Raad van de Europese Unie

Em nome do Conselho da União Europeia

Euroopan unionin neuvoston puolesta

På Europeiska unionens råds vägnar



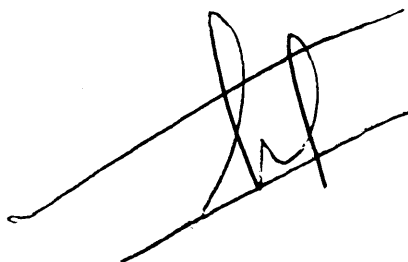
For the Government of Barbados



For the Government of Belize



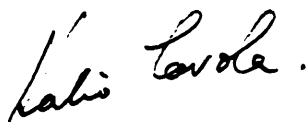
Pour le gouvernement de la république du Congo



Pour le gouvernement de la république de Côte d'Ivoire



For the Government of the Sovereign Democratic Republic of Fiji



Laisi Lavele.

For the Government of the Cooperative Republic of Guyana

S. Mann

For the Government of Jamaica

[Signature]

For the Government of the Republic of Kenya

[Signature]

Pour le gouvernement de la république de Madagascar

[Signature]

For the Government of the Republic of Malawi

[Signature]

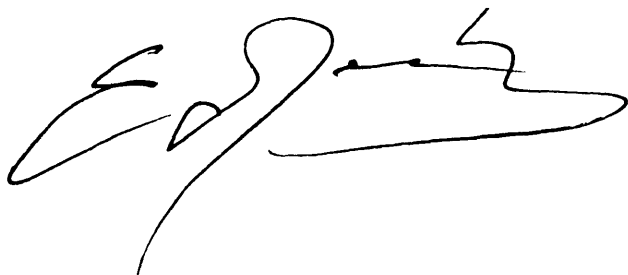
For the Government of the Republic of Mauritius

[Signature]

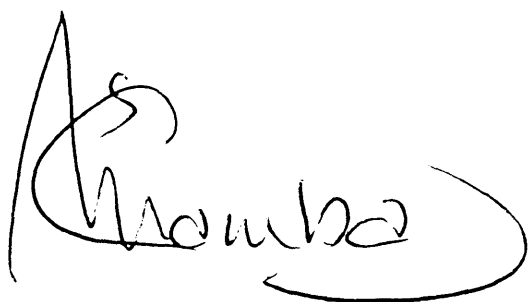
For the Government of Saint Kitts and Nevis

[Signature]

For the Government of the Republic of Suriname



For the Government of the Kingdom of Swaziland



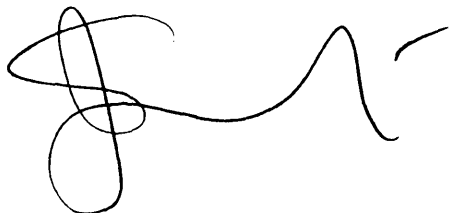
For the Government of the United Republic of Tanzania



For the Government of the Republic of Trinidad and Tobago



For the Government of the Republic of Uganda



For the Government of the Republic of Zambia



For the Government of the Republic of Zimbabwe



AGREEMENT

in the form of an Exchange of Letters between the European Community and the Republic of India on the guaranteed prices for cane sugar for 1995/96

A. Letter No 1

Brussels,

Sir,

The Representatives of India and of the Commission, acting on behalf of the European Community, have agreed within the framework of the negotiations provided for in Article 5 (4) of the Agreement between the European Economic Community and the Republic of India on cane sugar, on the following:

For the delivery period 1 July 1995 to 30 June 1996, the guaranteed prices referred to in Article 5 (4) of the Agreement shall, for the purpose of intervention within the terms of Article 6 of the Agreement, be:

- (a) for raw sugar: ECU 52,37 per 100 kilograms;
- (b) for white sugar: ECU 64,65 per 100 kilograms.

These prices shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif, free out of European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to the determination of the guaranteed prices.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between your Government and the Community.

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

*On behalf of the Council
of the European Union*

B. *Letter No 2*

Brussels,

Sir,

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

'The representatives of the ACP States referred to in Protocol 8 on ACP sugar annexed to the Fourth ACP-EEC Convention and of the Commission, acting on behalf of the European Community, have agreed, pursuant to the provisions of the said Protocol, on the following:

For the delivery period 1 July 1995 to 30 June 1996, the guaranteed prices referred to in Article 5 (4) of the Agreement shall, for the purpose of intervention within the terms of Article 6 of the Agreement, be:

- (a) for raw sugar: ECU 52,37 per 100 kilograms;
- (b) for white sugar: ECU 64,65 per 100 kilograms.

These prices shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif, free out of European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to the determination of the guaranteed prices.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between your Government and the Community.'

I have the honour to confirm the agreement of my Government with the foregoing.

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

*For the Government
of the Republic of India*

Hecho en Bruselas, el seis de mayo de mil novecientos noventa y seis.

Udfærdiget i Bruxelles, den sjette maj nitten hundrede og seksoghalvfems.

Geschehen zu Brüssel am sechsten Mai neunzehnhundertsechsunneunzig.

Έγινε στις Βρυξέλλες, στις έξι Μαΐου χίλια εννιακόσια ενενήντα έξι.

Done at Brussels on the sixth day of May in the year one thousand nine hundred and ninety-six.

Fait à Bruxelles, le six mai mil neuf cent quatre-vingt-seize.

Fatto a Bruxelles, addì sei maggio millenovecentonovantasei.

Gedaan te Brussel, de zesde mei negentienhonderd zesennegentig.

Feito em Bruxelas, em seis de Maio de mil novecentos e noventa e seis.

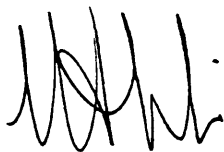
Tehty Brysselissä kuudentena päivänä toukokuuta vuonna
tuhatyhdeksänsataayhdeksänkymmentäkuusi.

Som skedde i Bryssel den sjätte maj nittonhundranittiosex.

En nombre del Consejo de la Unión Europea
På vegne af Rådet for Den Europæiske Union
Im Namen des Rates der Europäischen Union
Εξ ονόματος του Συμβουλίου της Ευρωπαϊκής Ένωσης
On behalf of the Council of the European Union
Au nom du Conseil de l'Union européenne
A nome del Consiglio dell'Unione europea
Namens de Raad van de Europese Unie
Em nome do Conselho da União Europeia
Euroopan unionin neuvoston puolesta
På Europeiska unionens råds vägnar



For the Government of the Republic of India
Por el Gobierno de la República de la India
For regeringen for Republikken Indien
Für die Regierung der Republik Indien
Για την κυβέρνηση της Δημοκρατίας της Ινδίας
Pour le gouvernement de la république de l'Inde
Per il governo della Repubblica dell'India
Voor de Regering van de Republiek India
Pelo Governo da República da Índia
Intian tasavallan hallituksen puolesta
För Indiens regering



COMMISSION

COMMISSION DECISION

of 28 February 1996

authorizing the acquisition by Ruhrkohle Handel GmbH of control of Raab Karcher Kohle GmbH

(Case No IV/ECSC.1147-Ruhrkohle Handel/Raab Karcher Kohle)

(Only the German text is authentic)

(Text with EEA relevance)

(96/471/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 66 thereof,

Having regard to Decision No 24/54 of 6 May 1954 laying down in implementation of Article 66 (1) of the Treaty, a Regulation on what constitutes control of an undertaking⁽¹⁾,

Having regard to the proposal, notified on 15 November 1994, for the acquisition by Ruhrkohle Handel GmbH of the entire share capital of Raab Karcher Kohle GmbH,

Having consulted the Government of the Federal Republic of Germany,

Whereas:

I. THE PARTIES

- (1) Ruhrkohle GmbH, Düsseldorf ('RH') is a wholly-owned subsidiary of Ruhrkohle Beteiligungs-GmbH, which in turn is a wholly-owned subsidiary of Ruhrkohle AG. Ruhrkohle Beteiligungs-GmbH is the holding company for those of Ruhrkohle AG's interests which do not involve the production of coal or coke.

- (2) RH is active in the fields of trade in solid fuels (hard coal, hard coal briquettes, coal coke and brown coal), trade in mineral oil, vehicle servicing and building technology. The coal business includes domestic and international trading with customers in industry and the wholesale trade and with private householders. Coal processing (for special grades of coal) is also carried on. In 1994 RH achieved a total turnover of DM 3,82 billion, of which some two thirds was in Germany and one third in the rest of Western Europe. The trade in coal business turned over DM 2,67 billion. RH employs 1 960 people, including approximately 400 in coal-related activities.

- (3) Ruhrkohle AG, Essen, ('RAG') is primarily active in the mining of hard coal and the production of coke, and distributes both products either direct or through RH and other traders. Accounting for over 80 % of domestic hard coal production, RAG is by far the largest German mining company. RAG also has interests in the fields of electricity generation, chemicals and plastics, waste treatment, mining technology and real estate. In 1994 RAG's turnover came to DM 22,5 billion, of which DM 22,4 billion was achieved in Germany. Of this total, DM 13,1 billion was earned from mining and DM 12,4 billion from the activities of the other group companies. Of RAG's total workforce of 111 000, 87 000 are still employed in mining (1969: 183 000). RAG's shares are held by five shareholders (partly through joint ventures with co-proprietors): VEBA (approximately 39,2 %), VEW (30,2 %), Thyssen (12,7 %), Krupp-Hoesch (8 %) and Arbed SA (6,5 %); own holding: 3,5 %.

⁽¹⁾ OJ of the High Authority No 9, 11. 5. 1954, p. 345.

- (4) Raab Karcher Kohle GmbH, Essen, ('RKK') ties together the coal trading activities of Raab Karcher AG, a member of the VEBA group. In 1994 the company employed just over 700 people (1993: 1 209) and achieved a turnover of DM 1,29 billion (1993: DM 1,59 billion). Of this total, DM 1,18 billion was earned in Germany and DM 113 million in other Member States.
- (5) RH (like RAG) and RKK market hard coal, an ECSC product, and are therefore undertakings within the meaning of Article 80 of the ECSC Treaty.

II. THE PROPOSED TRANSACTION

- (6) RH proposes to acquire all the shares in RKK from Raab Karcher AG. This will result in a 'concentration' within the meaning of Article 66 of the ECSC Treaty.

III. THE CONCENTRATION

- (7) By acquiring all the capital and voting rights in RKK, RAG (through RH) will gain direct control of RKK. This constitutes an acquisition of control within the meaning of High Authority Decision No 24/54 and hence a concentration within the meaning of Article 66 (1) of the ECSC Treaty.
- (8) This finding is not invalidated by the fact that RKK, as the undertaking being taken over, has hitherto belonged indirectly to VEBA AG and that VEBA is the largest shareholder in RAG (VEBA has a 39,2 % stake in RAG and about 40 % of the voting rights at the general meeting). In the light of RAG's articles of association and the rules of procedure of its executive board and supervisory board, it cannot be said that VEBA exercises sole control over RAG and that the proposed acquisition of RKK is accordingly an internal company matter which does not have to be notified. Instead, RAG's general meeting, executive board and supervisory board each take decisions by a simply majority in all cases (paragraphs 6 (2), 11 (3) and 21 (3) of the articles of association; paragraph 13 (7) of the rules of procedure of the executive board). This also applies to matters of fundamental importance such as questions to do with the corporate strategy of the whole undertaking, the safeguarding of shareholders' rights in subsidiaries, etc. (paragraph 3 (7) read in conjunction with paragraph 2 (1) of the rules of procedure of the executive board). Under the terms of the agreements reached pursuant to

the memorandum of association, there are no veto rights for certain shareholders, and according to the shareholders there is no agreement on the pooling of voting rights. Changing coalitions and, in particular, majority decisions going against VEBA are therefore theoretically possible.

- (9) The parties take the view that RAG is controlled by none of the shareholders, whether alone or jointly with others. This may be borne out by the possibility of changing coalitions. There is, however, evidence to suggest that RAG is controlled jointly by the five shareholders. Because of RAG's prominent position under German coal policy, the shareholders have strong common interests. In particular under the 'Jahrhundertvertrag' (Century contract), which was applicable until the end of 1995, and the 'Hüttenvertrag' (Steelworks Agreement) (see paragraphs 26 and 27 below), RAG is essentially under an obligation to implement German coal policy in respect of hard coal in close cooperation with the competent national authorities. Indeed, decisions within RAG's general meeting and supervisory board have so far always been taken unanimously.

- (10) Although the existence between minority shareholders of strong common interests may result in their not acting against each other in exercising their voting rights in relation to the joint venture, this rarely justifies the conclusion that there is joint control (see *inter alia* paragraph 32 of the Commission notice on the notion of a concentration under Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings (Official Journal No C 385 of 31 December 1994, page 5). In earlier Decisions the Commission left open the question of the joint control of RAG by its shareholders. It found that VEBA exercises only a limited influence over RAG, and in the assessment under the competition rules it largely ignored the relationship between the two firms (see paragraph 2 of the Decision of 12 December 1990, Case No 782 Stinnes Inter-carbon/Stromeyer). The 'Jahrhundertvertrag' expired at the end of 1995 and the new subsidy rules for German coalmining in force from 1996 may lead to divergences in the interests of the individual shareholders in RAG. The question of the joint control of RAG does not need to be decided here. Even assuming that there is joint control, with respect to RKK there would be a change in the control by VEBA. RKK would no longer be under VEBA's sole control, being placed under the joint control of RAG's shareholders (on the change from sole to joint control, see paragraphs 16 and 18 of

the Commission notice on the notion of a concentration under Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings. The acquisition of RKK is therefore at all events a concentration within the meaning of Article 66 (1) of the ECSC Treaty.

- (11) For the purposes of assessing the concentration under the competition rules, the question of the joint control of RAG by its shareholders must, however, be taken into account in that, assuming that VEBA jointly exercised a decisive influence over RAG, even before the concentration took place there was no completely independent competitive relationship between RAG/RH and RKK. An assessment of this limited competitive relationship does not need to be carried out here, however, because, even if there were a completely independent competitive relationship between RAG/RH and RKK, the proposed concentration will not — as is shown below — lead to any impediment to effective competition.

IV. THE RELEVANT MARKET

1. The product markets

- (12) RH and RKK sell hard coal and hard coal products (hard coal briquettes and coal coke) to industrial users (the electricity industry, steelmakers and other industrial enterprises), domestic consumers and small businesses. The domestic consumer and small business sector does not come under the ECSC Treaty (see Article 80 of the ECSC Treaty).

Demand side

- (13) On the demand side in the case of hard coal and hard coal products (hereinafter called 'hard coal'), it can first of all be said in general terms that there is a market for the sale of hard coal to industrial users. Owing to the different end uses, different subsidy provisions for certain categories of user, and hence markedly different prices, the market should, however, be further subdivided into sales to the electricity industry (power station coal or steam coal), steelmakers (coking coal and blast furnace coke) and other industrial users. The last-named category covers primarily the sugar, cement and paper industries and purchases mainly steam coal to produce process heat. All these types of coal and coke are, pursuant to Article 81 read in conjunction with Annex I, subject to the rules of the ECSC Treaty. A corresponding division of the market according to category of user is also proposed by the parties.

The substitutability of fuels

- (14) With regard to sales to the electricity industry (electricity-generating utilities and auto-generators) which account for 70 % of all sales (see paragraph 25) other fuels cannot in principle be substituted for hard coal. The supply structure being dictated by the existence of certain power stations and regulated to some extent by central government ('energy mix'), and the substantial investment needed to convert existing power stations and build new ones make it difficult, if not impossible, to switch from hard coal to oil, natural gas or nuclear power. The parties have submitted that a considerable number of power stations can also burn oil or gas and that there are direct imports of electricity. Electricity is imported from other Member States to supplement domestically produced power during peak-load periods, but so far the quantities involved have been insignificant. The Commission has ascertained in the course of its enquiries, moreover, that to some extent oil is used for start-up purposes and oil or gas for standby purposes in the event of instability in the coal combustion process due, for example, to impurities. With oil or gas, however, a coal-fired power station attains only a fraction of the combustive power that it does using hard coal, so in reality neither fuel can be substituted for the latter.
- (15) The same holds true in principle for brown coal. Coal-fired power stations are not suited to burning both types of coal. Converting from one type of coal to the other is, as the parties themselves admit, uneconomic and, owing to the different combustion characteristics, scarcely feasible technically (boiler volume, by-product recovery).
- (16) Since, unlike hard coal, brown coal is disproportionately costly to transport (water content of up to 40 %), competition with hard coal would in any event come into prospect only where the two types of coal are mined in adjacent areas (see paragraph 10 of the Commission Decision of 27 June 1994, IV/M.402 — PowerGen/NRG/Energy/Morrison Knudsen/Mibrag). Such competition is relevant, however, only in the context of building new power stations, and it therefore affects hard coal sales only indirectly. The Commission has ascertained in the course of its enquiries that apart from the construction of a new brown-coal-fired power station in Brandenburg no further power station capacity is to be built in Germany for the next 10 years. In the operation of existing power stations, price developments in relation to individual fuels matter only in so far as a power station operator has different types of station at his disposal and is able to vary their loading. During peak-load periods even these power station operators are no longer flexible in this respect.

- (17) For these reasons the relevant product market in relation to the principal group of users, the electricity industry, must be restricted to hard coal, other fuels providing, at best, a certain marginal competition at the preliminary stage of capital expenditure on new and replacement combustion plant (see paragraph 7 of the Commission Decision of 12 December 1990 — Stinnes Intercarbon/Stromeyer).
- (18) From the point of view of steelmakers, other fuels can likewise be substituted for hard coal only to a very limited extent. The question whether the relevant product market is to be limited to hard coal or, if necessary, further defined can, however, in the last analysis be left open here; even assuming that there was a market for the sale of hard coal to steel producers, the concentration will not result in any hindering of effective competition (see paragraph 55).
- (19) In the case of sales of hard coal to other industrial users, there are, on the other hand, certain substitution relationships with oil and gas or other fuels. The parties have given examples of the dual use of furnaces in the cement industry; main fuels such as coal are burnt in a primary furnace, meeting some 70 % of energy requirements, and cheaper fuels or waste materials are burnt in a secondary furnace to meet the remaining third of requirements. Similar examples were given for the sugar industry. The Commission recognized the competitive pressure exerted by other fuels on hard coal in the field of 'other industrial users', in its British Fuels Limited Decision of 9 July 1987 (1987 Competition Report, point 94). However, even in the case of these industrial users there would appear to be no unlimited interchangeability between hard coal and other energy sources owing to the conversion costs entailed. The question whether the relevant product market is to be limited to hard coal or, if necessary, further defined can, however, in the last analysis be left open here: even assuming that there was a small market for the sale of hard coal to other industrial users, the concentration will not result in any hindering of effective competition (see paragraphs 56 *et seq.*)
- due first and foremost to the special system for subsidizing German hard coal, which has produced a supply structure in the energy sector and a competition structure in the sale of coal in Germany that are unlike those in the other Member States (see paragraphs 26 *et seq.*) Although German power station operators will in future be able to buy imported coal without restriction, there is little incentive for them, until they have exhausted the resources available under the government's aid package, to import hard coal rather than purchase it from RAG, or any other German producer. Any imports at a price below the average third-country price would depress the latter even further during the following quarter, and this would have the effect, from the standpoint of foreign suppliers, of an entry barrier. On the whole, there is relatively little interpenetration of Member States markets.
- (21) The sale of hard coal to steelmakers is determined until the end of 1997 by the procurement obligations and subsidies provided for under the 'Hüttenvertrag' (see paragraph 27). From a geographical point of view, this market is therefore a national one.
- (22) With regard to unsubsidized sales of hard coal to other industrial users, there may be said to be a geographic market extending beyond Germany inasmuch as most of the coal such users buy is imported. On the other hand, customer-supplier relationships play a more prominent role in what is very much a small-business-user structure; the supplier function has so far been performed essentially by German traders. The question of the definition of the geographic market can, however, in the last analysis be left open here: even if Germany is assumed to be the relevant market, the concentration will not hinder effective competition (see paragraphs 56 *et seq.*)

V. ASSESSMENT UNDER ARTICLE 66 (2)

2. The relevant geographic market

- (20) The market for the sale of hard coal to the electricity industry in Germany is from a geographical point of view still a national one. The parties gave a definition to that effect in their notification. This is
- (23) The concentration between RH and RKK can be authorized under the conditions laid down in Article 66 (2) if the proposed transaction does not give the undertakings concerned the power:
- to determine prices, to control or restrict production or distribution or to hinder effective competition in a substantial part of the market for these products, or

— to evade the rules of competition, in particular by establishing an artificially privileged position involving a substantial advantage in access to supplies or markets.

- (24) The question whether the proposed concentration will hinder or eliminate competition in the German market for the sale of hard coal must be examined against the background of the subsidy rules for German hard coal intended for electricity generation (power station coal), which are set to change in 1996, and in the light of RAG's position in the sale of domestic and imported coal arising out of the concentration.

1. The sale of hard coal in Germany

- (25) In 1994 a total of approximately 80 million tonnes hard coal and hard coal products were sold in Germany (1993: 76,7 million tonnes, in each case for hard coal, hard coal briquettes and coal coke together; *source*: Statistik der Kohlenwirtschaft e.V., Zahlen zur Kohlenwirtschaft vol 142, June 1995). Of the total amount, 17,6 million tonnes (plus 0,9 million tonnes of coking coal for processing into coke in Germany) consisted of imports. The German market is just ahead of the British market and well ahead of the other coal-consuming Member States (Spain, France, Italy and Benelux) the largest market in the EU. Of total sales the lion's share, or some 70 %, was accounted for by electricity producers. The steel industry bought 18,8 million tonnes and other industrial users 4,7 million tonnes. Domestic consumers and small businesses bought approximately 1,3 million tonnes.

- (26) In the past the German market was characterized, in relation to the two main user groups, namely electricity producers and steelmakers, by the 'Jahrhundertvertrag' and the 'Hüttenvertrag'. 'Jahrhundertvertrag' is the name given to a set of agreements dating from 1980 between the 44 public electricity-generating utilities and industrial producers of electricity for in-house consumption (autogenerators), on the one hand, and the Gesamtverband des deutschen Steinkohlebergbaus (General Association of the German Coalmining Industry), on the other, on the sale of specific quantities of German hard coal up to 1995 for the purpose of generating electricity. Coal was purchased at a fixed list price equal to the cost of production, the difference

between that price and the world market price for heavy fuel oil being refunded to the electricity producers through a levy, the 'Kohlepfennig', on final consumers. During negotiations between the German Government and the parties to the 'Jahrhundertvertrag' as part of the 1989 'Kohlerunde' (round of coal talks), the obligatory minimum amount to be purchased was set for the last five-year period (1991-95) at 40,9 million tonnes coal equivalent (tce) (or approximately 41,5 million tonnes of hard coal) a year, of which 34,4 million tce was for the electricity-generating utilities and 6,5 million tce for autogenerators. The Commission exempted the 'Jahrhundertvertrag', which expired on 31 December 1995, from the prohibition on restrictive practices, by Decision of 22 December 1992 pursuant to Article 85 (3) of the EC Treaty (Official Journal No L 50, of 2 March 1993, page 14). The 'Zollkontingentsgesetz' (Tariff Quota Act), which in the past has restricted the volume of coal imports, also expired at the end of 1995.

- (27) The 'Hüttenvertrag' provides for certain procurement obligations for coking coal on the part of German steelmakers. It is applicable until the year 2000 and has been authorized by the Commission up to the end of 1997 (Decision of 30 March 1989, Official Journal No L 101, of 13 April 1989, page 35). The 1991 'Kohlerunde' talks ended in agreement on a set of follow-up arrangements applicable until 2005. As a result of the procurement obligations, customer-supplier relationships for coking coal and coke exist almost exclusively between coal producers and the steelmakers. The wholesale trade is scarcely involved in this business.

- (28) From 1 January 1996 a new subsidy regime will apply to German power station coal. In future it will no longer be the sales volume that is fixed but in a slightly degressive form the aid volume. The law to safeguard the use of hard coal in power generation and to amend the Atomic Law and the Electricity Supply Law of 19 July 1994 ('Artikelgesetz'; the Article Law) provides for aid for the conversion of coal into electricity of DM 7,5 billion for 1996 and DM 7 billion a year for the period 1997 to 2000. A steeper reduction in 1999 and 2000 is, however, not ruled out. With an estimated difference in price between German and imported hard coal of DM 200 a tonne, a sales volume of 37,5 million tonnes in 1996 and 35 million tonnes in subsequent years is being aimed at. Within the

limits of this aid package, subsidies are paid direct to the mining companies. They are equal to the difference between the cost of producing German coal and the average third-country price for imported hard coal, free at German frontier. Details are governed by the Electricity-from-coal Directives of the Federal Ministry of Economic Affairs of 13 June 1995 (Bundesanzeiger (Federal Gazette) of 20 June 1995, page 6565).

- (29) This aid to Community coal can be granted only after prior authorization from the Commission, in accordance with the provisions set out in Decision No 3632/93/ECSC. In line with that Decision, State aid must cause no distortion of competition and must not discriminate between coal producers, purchasers and consumers in the Community.

- (30) The parties are of the opinion that, as a result of the new subsidy rules, the market for hard coal as such will be opened up to competition from imports as from 1996.

- (31) With financial support from the aid budget, RAG and the other two German mining companies (Saarbergwerke and Preussag Ibbenbüren) must from 1996 sell their coal independently to power station operators. This represents in principle a step towards the opening-up of the market for power station coal, which in the past was almost completely regulated; from 1996 electricity producers will have more opportunities than before to purchase imported coal. However, according to the information in the Commission's possession, it is only to a limited extent that there can be said to be an opening-up of the market to competition. For the time being RAG has no room for manoeuvre when it comes to setting prices. In order to qualify for a subsidy, it is in principle, obliged to sell at the average third-country price. Under the Electricity-from-coal Directives and the award decisions, that price can be undercut in only a limited number of exceptional circumstances. If, for example, an electricity producer can prove that it has purchased 20 % of its annual requirements at an imported-coal price which is below the third-country price, it can insist on RAG's supplying German hard coal at the lower price. RAG is then entitled to a refund of the (accordingly greater) difference compared with its production costs, but it must at the same time bear in mind that its share of the aid budget of DM 7,5 billion (DM 7 billion from 1997) will be exhausted more quickly.

- (32) On the other hand, RAG is in a position until the aid budget is exhausted always to sell at the average world market price. The sales opportunities of other coal importers are consequently limited from the outset. Every import of coal at a below-average

price has a favourable impact, when the further average third-country price is calculated, on the price chargeable to electricity producers. RAG's actual sales prospects from 1996 compared with those of importers are difficult to evaluate because, in the past, sales have not reflected the electricity industry's actual requirements. The Commission's enquiries have revealed, however, that electricity producers at least in the short term will still turn predominantly to RAG and the other German mining companies for their power-station-coal requirements. They can now obtain German hard coal at the average world market price. Moreover, their power stations are designed to run on German hard coal and the increasingly important recovery of by-products of the combustion process is geared to the make-up of German hard coal. Individual electricity producers have mentioned overall logistical and qualitative advantages as a reason for not changing their previous purchasing behaviour. Security of supply and the preference of public electricity-generating utilities for domestic hard coal were cited as further grounds for adhering to the same procurement policy. Even if the annual sales volume of RAG and the other two German mining companies were to taper off from 1996, importers will not benefit direct from the falling demand for coal.

- (33) In RAG's view, electricity producers will purchase the quantities not covered by long-term supply contracts through short-term spot transactions involving smaller quantities. This will benefit importers to some extent. The Commission established in the course of its enquiries that, by and large, both competitors and users expect the share of sales accounted for by imports to increase to some extent. In 1994 18,5 million tonnes of hard coal products (including 2,2 million tonnes of coke) were imported into Germany⁽¹⁾. On the basis of the expected increase, the volume of imports may be estimated at some 20 to 25 million tonnes in the year 2000. Only after 2000 following the further reduction in subsidies to the German coal industry is there likely to be a more marked increase in import penetration of the German market. Some studies conclude that a fairly sharp increase will occur: while the Verein Deutscher Kohleimporteure e.V. (Association of German Coal Importers), Hamburg, views scenarios of either 25 or 30 million tonnes as possible in 2000, the Statistik der Kohlenwirtschaft e.V., Essen, point to

⁽¹⁾ 1993: 15 million tonnes of hard coal products (including 1 million tonnes of coke). The Verein Deutscher Kohleimporteure (Association of German Coal Importers) estimates that, across the EU, imports will increase from the current level of 130 million tonnes to 190 million tonnes.

an import volume of more than 32 million tonnes that year. The parties refer to studies by Prognos AG and the International Energy Agency (IEA), which both forecast an increase to over 35 million tonnes in the year 2000.

2. The impact of the concentration on the relevant markets

(a) Market shares

- (34) To sum up, the market for the sale of hard coal to industrial users in Germany will in the years ahead undergo considerable change irrespective of the proposed concentration between RH and RKK. Owing to the new subsidy rules applicable from 1996, customers in the electricity industry will reduce their purchases of domestic hard coal, which currently has a 70 % share of all coal sales, and in the medium term will exert increased demand for imported hard coal. This will have a particular impact on the structure of competition at the trading stage, as will be explained below (see paragraphs 42 *et seq.*) The assessment of the new entity in the light of competition law must take particular account of this impact despite the fact that it is not conditioned by the concentration.

- (35) In 1994 RAG (including RH) sold a total of 55,9 million tonnes of hard coal, briquettes and coke. Of this amount, 40,8 million tonnes were sold to electricity producers, 14,7 million tonnes to steel-makers and 1,5 million tonnes to other industrial users, domestic consumers and small businesses.

- (36) In 1994 RKK sold a total of 7,9 million tonnes (1993: 8,1 million tonnes), of which 5,6 million tonnes were sold in Germany. Of this latter amount, 3,5 million tonnes were mined in Germany and 2,1 million tonnes were imported.

- (37) According to the figures submitted by the parties, in 1994 the volume of the market for power-station coal could be put at 57,6 million tonnes (1993: 58,5 million tonnes, in each case not counting sales to the steel industry and to the domestic consumer and small business user sector). Bearing in mind that 85 % of the coal sold by RH and RKK is supplied by RAG and is therefore included in RAG's sales figures, the following market shares are arrived at for the sale of hard coal to the electricity industry:

RAG	[...] million tonnes ⁽¹⁾	[65-70 %] ⁽²⁾
RH	[...] million tonnes ⁽¹⁾	[< 10 %] ⁽²⁾
RKK	[...] million tonnes ⁽¹⁾	[< 5 %] ⁽²⁾
	[...] million tonnes ⁽¹⁾	[70-75 %] ⁽²⁾
Saarbergwerke	[...] million tonnes ⁽¹⁾	[10-15 %] ⁽²⁾

- (38) Taking only sales of imported hard coal to the electricity industry (volume: 11,6 million tonnes), the following picture emerges:

RH	[...] million tonnes ⁽¹⁾	[15-20 %] ⁽²⁾
RKK	[...] million tonnes ⁽¹⁾	[5-10 %] ⁽²⁾
	[...] million tonnes ⁽¹⁾	[20-30 %] ⁽²⁾
Stinnes	[...] million tonnes ⁽¹⁾	[40-45 %] ⁽²⁾
RTE	[...] million tonnes ⁽¹⁾	[< 5 %] ⁽²⁾
Others	0,8 million tonnes	6,9 %
Direct imports	2,5 million tonnes	21,6 %

- (39) In the case of sales of hard coal to other industrial users (excluding steelmakers) the market shares are as follows (taking as a basis a volume of 4,7 million tonnes in 1994):

RH	[...] million tonnes ⁽¹⁾	[15-20 %] ⁽²⁾
RKK	[...] million tonnes ⁽¹⁾	[20-25 %] ⁽²⁾
	[...] million tonnes ⁽¹⁾	[35-40 %] ⁽²⁾
Stinnes	[...] million tonnes ⁽¹⁾	[25-30 %] ⁽²⁾
Rheinbraun	[...] million tonnes ⁽¹⁾	[5-10 %] ⁽²⁾
Others	1,1 million tonnes	23,4 %

⁽¹⁾ Deleted business secret.

⁽²⁾ Business secret, replaced by a range of market shares.

- (40) The total volume of sales of hard coal to steel-makers came to 18,8 million tonnes in 1994. As a result of steelmakers' purchasing obligations under the 'Hüttenvertrag', 14,4 million tonnes consisted of direct supplies from RAG at regulated prices. RH and RKK sold only small quantities of imported coal in this market; RH sold [...] million tonnes⁽¹⁾ and RKK [...] million tonnes⁽¹⁾. The combined share of the total market comes to [75-85 %]⁽²⁾. Saarbergwerke has a market share of [10-15 %]⁽²⁾ ([...] million tonnes⁽³⁾ direct supplies). The combined share of RH and RKK in all imports of coke and coking coal comes to [25-30 %]⁽²⁾.

(b) *The competitive position of RAG after the concentration*

- (41) Taking as a basis the market conditions currently prevailing in the hard coal distribution business, RH/RKK would have a sales volume in excess of 20 million tonnes of hard coal (10,6 million tonnes of domestic hard coal and 9,7 million tonnes of third-country coal, including 4 to 5 million tonnes of coal imported into Germany). In view of the expected changes in market structure in the years ahead and the line previously taken by RKK in the German coal trade, the acquisition of RKK cannot, however all things considered be expected to give RAG the power to hinder effective competition in the sale of hard coal to industrial users (electricity industry, steelmakers and other industrial users), particularly given the likely reduction of its market share (Article 66, paragraph 2 of the ECSC Treaty).

(aa) Sales to the electricity industry (power station coal)

- (42) In the past against the background of the payment of subsidies under the 'Jahrhundertvertrag' sales of domestic hard coal to electricity producers via traders took place on a fairly large scale. Under the subsidy rules applicable from 1996, the distinction between direct sales by the coalmining companies and sales through traders will become blurred. In future it will be in the interests of the German mining companies and RAG in particular to sell domestic hard coal direct at the predetermined average third-country price. The parties therefore proceed on the assumption, as do other market participants, that in future substantially less, if any, German power station coal will be sold by traders such as RH, RKK, etc. All traders will basically

switch to trading in imported coal. With regard to domestic hard coal, trade will probably, as the parties have submitted, be maintained only with autogenerators. But since this involves an annual volume of only some 0,6 million tonnes, RH/RKK will derive no significant competitive advantage from being tied into the RAG group.

- (43) If, therefore, it is to be assumed that in future there will no longer be any room for a trading stage in the sale of German hard coal to the electricity industry, the acquisition of RKK will result in RAG expanding much less than might at first appear to be the case. As indicated above, it will mean an effective increase in market share of [$< 5\%$]⁽²⁾ in the field of power-station coal, the largest segment of the hard coal market. The fact that RAG itself has such a sizeable share of the power-station coal market is a direct result of the particular circumstances linked to the selling of subsidized German coal. The expected increase of competition in this market in the medium to long term will erode RAG's current market share. Since RAG has no real room for manoeuvre here when it comes to setting prices, this market share does not reflect real market power. In view of imported coal's increasing importance in future, the expansion through the acquisition of RKK will, on the basis of 1994's figures [5-10 %]⁽²⁾, mean an increase of all imports into Germany. The import business is not, however, as will be seen below, characterized by lasting customer-supplier relationships and was not one of RKK'S particular strengths.

RKK's competitive potential

- (44) In 1994 RKK achieved a turnover of DM 1,3 billion and employed 700 (1995: 500) people. It has an extensive distribution and storage network consisting of nine branches with 44 storage depots. Of these depots 37 are used exclusively, however, to supply domestic consumers and small business users (including 28 in the new Federal States). Only at four depots — Mannheim, Stuttgart, Karlsruhe and Duisburg-Ruhrort — is the supplying of industrial users, in addition to domestic consumers and small business users, of any importance. Of the 500 people currently employed by RKK, as many as 400 work in the domestic consumer and small business user sector. According to the parties, the domestic consumer and small business user sector will in the years ahead contract still further to a significant degree, necessitating the closure of more depots. In recent years RKK has already had to close down many of the depots it acquired in the new Federal States after German unification. RH

⁽¹⁾ Deleted business secret — less than 0,5 million tonnes.

⁽²⁾ Business secret, replaced by a range of market shares.

⁽³⁾ Deleted business secret.

will achieve not inconsiderable synergy effects in distribution and storage as a result of the concentration. These will occur above all in the domestic consumer and small business user sector and should result in a profitable volume of sales being achieved in a fast-shrinking market. The 'Bundeskartellamt', which is responsible for the assessment of the effects of the merger on the domestic consumers and small businesses, has not prohibited the concentration.

- (45) Small industrial users are supplied, in contrast, on a direct-to-purchaser basis, for which, to the extent that it is actually necessary, only Duisburg-Ruhrort is of any importance as a handling depot. Large industrial users — that is, power stations — have their own railway sidings and inland waterway port facilities and are not dependent on their suppliers' infrastructure. RKK's network of sales and of storage depots does not therefore confer on RH any particular advantage when it comes to supplying industrial users.

Import trade

- (46) In the import trade RKK has agents in South Africa, Colombia, the USA and Australia. In 1994 it imported 2,1 million tonnes of hard coal products into Germany (1993: 1,6 million tonnes). Of this amount, over one third came from South Africa, the other major sources being Colombia, China, Poland and the Czech Republic. These coal-producing countries stand out in terms of the price and quality of their exports to Germany. Whereas, with a combined total of 65 % South Africa, Australia and the USA account for the bulk of coal trading worldwide, it is from South Africa, Poland and Colombia that most of Germany's coal imports come (these countries' share of imports being 61 %).
- (47) RKK expects its import business to shrink further in 1995 to about 1,5 million tonnes. Although contracts are concluded on an exclusivity basis for specific grades of coal, as a rule they are made for only one year. Since the proposed merger with RH was announced, RKK has lost several supply contracts with foreign producers either in whole or in part. Thus, the Chinese coal producer Shanxi Sanjia Coal & Chemistry Ltd, referring to the merger, gave notice of termination of the supply relationship as from the end of 1995 (volume: just under [...] tonnes⁽¹⁾). RKK's South African suppliers, Total and Duiker, have cut their supplies (of about [...] tonnes⁽¹⁾) by almost 50 % on

account of the supply relationship between RH and a rival South African producer, Amcoal. RKK expects that deliveries will be stopped altogether in 1996. According to the parties, this customer-loss effect caused by the concentration will also result in some foreign producers refusing to collaborate with an importer (RKK) who has links with a domestic coal producer, in this case RAG.

- (48) Even if, with imports into Germany of some two million tonnes, RKK is — like Stinnes, RH and RTE — one of the larger importers, the focal point of its trading activities is — like that of RH — German coal. Whereas only [...] million tonnes⁽²⁾ of Stinne's total sales in Germany [...] consisted of German coal, RKK sold [...] million tonnes⁽³⁾ of German coal. This is the result of a redistribution of tasks within VEBA in 1992. Stinnes was put in charge of international coal trading in its entirety and most of the import business, *inter alia* through the acquisition of RKK's shareholding in Polkohle. RKK was to concentrate mainly on German coal. Since then RKK has lacked a sufficient volume of international business inasmuch as it carries on no international coal trading, apart from importing coal into Germany. Stinnes, by contrast, is a much larger player in terms both of international trade and of imports into Germany.

- (49) According to a number of market participants, trade in power station coal will, in future, increasingly be characterized by direct customer-supplier relationships between power stations and foreign producers. Traders will operate in this environment only as agents handling the logistics. RAG and RKK have a substantial indirect shareholding in what used to be the leading importer of Czech coal, Brennstoff-Importgesellschaft mbH, Bayreuth, but users in Germany now also buy direct from Czech mining companies. The same applies to Polish coal, of which [...] in 1995 more than 60 % is no longer imported through the previous sole importer, Polkohle. The parties estimate that direct imports by power stations already amount in the current year to 2,5 million tonnes. At the level of municipal electricity supply companies, the Wirtschaftliche Vereinigung deutscher Versorgungsbetriebe (Association of German Public Utilities), Frankfurt — which groups together more than 300 municipal undertakings — expects a considerable increase in direct imports from 1997 onwards and estimates that its own deliveries will come to 2 to 3 million tonnes a year.

⁽¹⁾ Deleted business secret.

⁽²⁾ Deleted business secret less than 1 million tonnes.

⁽³⁾ Deleted business secret between 2,5 and 3,5 million tonnes.

- (50) To sum up, through the acquisition of RKK, RAG/RH will improve its access to imported coal, but, because of the limited importance of RKK as an importer and the diminishing importance of pure trading businesses in the coal importing field, it will not have unlimited room for manoeuvre in the importation of coal. Nor can it be said that the access of competitors like Stinnes, RTE and others to sources of supply in other coal-producing countries will be more difficult as a result of the concentration.

Actual and potential competition

- (51) After the concentration, Stinnes Intercoal will be almost the only competitor facing RH/RKK in the coal wholesale trade. As already indicated, the transfer of RKK's international coal business and shareholding in Polkohl to Stinnes brought about a reallocation, within the VEBA group of companies, of areas of activity between RKK and Stinnes. Although, unlike RKK, Stinnes sells mainly imported coal, there are only minor differences between the two firms' clientele owing to the fact that they both predominantly supply power stations. Against the background of this overlapping of the two firms' clientele, the stiffening of competition in the coal importation field, and the resulting differences between the two companies due to their disparate orientations, RH/RKK and Stinnes will in future compete with one another more fiercely. Although VEBA indirectly has a significant interest in the new entity RH/RKK, it has, by selling RKK to RAG, reduced rather than increased its influence over RKK. In view of RH/RKK's outstanding market position Stinnes is of particular importance being the only significant independent competitor to the new entity. This follows mainly from the considerable standing of Stinnes in the international coal trade and with the sale of improved hard coal in Germany. At present, Stinnes is the most important competitor of RH/RKK both with regard to its access to the markets for the procurement of cheaper imported coal and with regard to its access to the markets for the sale of hard coal in Germany.
- (52) Besides Stinnes, traders such as RTE, Saarberg Handel and a number of smaller firms are active in Germany. However, owing to the comparatively small quantities they deal in, they are of only limited importance as rivals to RH/RKK and Stinnes.
- (53) As a result of the increased importance of direct imports, potential competition on the German market will come direct from foreign producers.

British and French coal producers stated, however, in answer to a Commission survey that, owing to the subsidizing of German coal, they could see no improved prospect of successful entry into the German market in the short term. Not until German coal subsidies have been further reduced will the opportunities for importers improve substantially. In the medium term, between 1996 and 1998, the growth in imports will therefore still be restrained, probably not exceeding 15 to 20 %. If, as has been forecast (see paragraph 33), a sharper rise were subsequently to occur, foreign producers and foreign traders (Glencore, PhiBro, SSM, Anker) might be expected judging by the findings of the Commission survey to enter the market.

- (54) The prospects for imported coal and hence the competitive structure depend essentially, however, on the future procurement behaviour of the electricity producers. The eight largest electricity-generating utilities in Germany meet between 70 and 80 % of the country's electricity requirements. The electricity producers are currently concluding only basic contracts with RAG and the other German coal producers. This enables them to conclude short-term spot transactions involving domestic or foreign coal. Even if it is not to be expected that public electricity-generating utilities will jeopardize the smooth run-down of German coal production by drastically reducing their demand for German coal, they can nevertheless at any time buy imported coal either through traders or direct from foreign producers. The acquisition by RAG/RH of RKK is therefore not considered by the vast majority of those users to be anti-competitive.

(bb) Sales to the steel industry

- (55) Whereas under the 'Hüttenvertrag' hard coal products used to be supplied exclusively by German coal producers direct to steelmakers, in 1994 sales of 1,9 million tonnes of imported coke and coking coal were achieved for the first time by traders (out of total sales to steelmakers of 18,8 million tonnes). RH's share of the imports came to [...] million tonnes⁽¹⁾ and RKK's to [...] million tonnes⁽²⁾. As a result of the concentration, RAG/RH's share of total deliveries to the steel industry increases by only about 1 % to about [75-85 %]⁽²⁾. The combined share of all imports comes to [25-30 %]⁽²⁾. Following the termination of RKK's coke-supply agreement with Shanxi

⁽¹⁾ Deleted business secret — less than 0,5 million tonnes.

⁽²⁾ Business secret, replaced by a range of market shares.

Sanjia, the market share looks set to shrink further. For this reason and owing to a certain customer-loss effect, the concentration will likewise not lead to a hindering of effective competitive in this market.

(cc) Sales to other industrial users

- (56) Taking as a basis a small market for the sale of hard coal to other industrial users, the concentration would give RH/RKK a combined market share of [35-40 %]⁽¹⁾. The next strongest competitor is Stinnes with [25-30 %]⁽¹⁾. Foremost among other industrial users are small and medium-sized undertakings in the cement, limestone and paper industries, etc. and undertakings which need hard coal to produce process heat. Altogether they purchase comparatively small volumes. For example, RH sells no more than 150 000 tonnes a year to the largest of its other-user customers. In 1994 the overall volume of this market segment came to no more than 4,7 million tonnes, down from 6 million tonnes in 1993. In the longer term Raab Karcher estimates that the market will decline to about 3 million tonnes in 2005. The market for the sale of coal to other industrial users is therefore a minor one compared with that for power station coal and the sale of coal to steelmakers.
- (57) The parties expect there to be a considerable customer-loss effect in this market because small industrial users do not wish to be dependent on a single supplier. Since the proposed concentration was announced, a number of customers have already given notice that they intend to switch suppliers. As part of the RAG group, from 1996 RKK will no longer be an independent trader; the name 'Raab Karcher Kohle GmbH' will cease to be used.
- (58) Unlike the electricity industry, other industrial users overwhelmingly purchase imported hard coal. Because they are geographically dispersed and buy comparatively small quantities, they are able to obtain coal only through traders who are active in Germany, and not direct from German or foreign producers. For this reason, the concentration will have a stronger impact here than in the case of other users. However, a sufficient number of alternative sources of supply are still available in the form of Stinnes (the largest German coal importer), RTE, Rheinbaun and several smaller traders.
- (59) In the opinion of all market participants, sufficient quantities of imported coal are now available. The decisive competitive parameter is the price. Since,

moreover, transport and transshipment facilities, especially for barges, are available to traders in Germany, RH/RKK will not have any particular competitive edge in this respect. It is to competitors' advantage, moreover, that importing is conducted chiefly on a direct-to-customer basis from the seaport. If transshipment has to be carried out in Duisburg, the new entity will be able to capitalize on the presence in Duisburg-Ruhrort of the warehousing and transshipping firm Navigare, in which RKK has a majority interest. Nevertheless, as a major port on the Rhine and Ruhr rivers, Duisburg is home to a number of other transshipping firms. In addition, the storage and transport facilities which RAG has at its disposal for the distribution of German coal are of only limited use for importing purposes.

(c) *The proposed acquisition of MG PC Petrolkoks GmbH*

- (60) RAG proposes to acquire 100 % of the sharecapital of the German undertaking MG PC Petrolkoks GmbH, Frankfurt am Main ('MGPC'), through its subsidiary RH or, after the implementation of the concentration, RKK. MGPC, a subsidiary of the MG Carbon GmbH, is exclusively active in the sale of petrol coke and processed products of petrol coke. This is a by-product that results from the refining of crude oil. It is a non-coal product and therefore does not fall within the application of the ECSC-Treaty (see Annex I to the Treaty). Because the concentration also has no Community dimension according to the Merger Regulation it was notified to the Bundeskartellamt and was cleared on 24 November 1995.
- (61) Petrol coke is used as fuel by powers plants and in the cement industry. Furthermore petrol coke is used with the production of coal coke and as an additive of coal coke in the steel industry. Petrol coke is produced by all manufacturers of crude oil and is marketed predominantly by five large trade companies (Aimcor, Koch-Carbon, Thyssen/Citco, SSM and Louisiana-Carbon). MGPC sold worldwide some two million tonnes of petrol coke (see *Coal Week International* of 1 August 1995), 0,38 million tonnes of it in the Community. In Germany (market volume: 2,4 million tonnes) MGPC sold [...] tonnes⁽²⁾ petrol coke last year and reached a market share of about [5-10 %]⁽³⁾. RH is not active in the sale of petrol coke. The proposed concentration does not lead to an addition of market shares and would have only negligible effects on the German market for the sale of petrol coke. The acquisition of MGPC by

⁽¹⁾ Business secret, replaced by a range of market shares.

⁽²⁾ Business secret.

⁽³⁾ Business secret, replaced by a range of market shares.

RH/RKK would neither affect the German markets for the sale of hard coal nor give any potential to the new entity RH/RKK for preventing other traders and/or users from gaining access to international sources of supply for cheaper imported hard coal.

- (62) Both the Ruhrkohle group of companies and the RKK have stated that besides MGPC they have not acquired any undertakings or assets of undertakings from Metalgesellschaft or its subsidiary MG Carbon GmbH being active in the production and/or sale of coal or coke.

VI. SUMMARY

- (63) Because of the changes which the market can be expected to undergo as from 1996 following the entry into force of the new subsidy regime reduction in market volume, disappearance of the trading stage in the case of German hard coal and which to conform with Community legislation must entail no distortion of competition between coal users in the Community, the proposed concentration is not likely to hinder effective competition in the largest segment, that consisting of the sale of hard coal to the electricity industry. The sizeable market share of RAG group has in the past mainly resulted from the direct supplies of price-regulated domestic hard coal to German electricity generators according to the 'Jahrhundertvertrag'. Since RAG/RH had no real scope for price setting here, its sizeable market share does not reflect real market power.
- (64) After the purchasing commitments of the German electricity generators regarding domestic coal have expired in the medium to long term, the import of hard coal is expected to become very important. However, RAG/RH through the acquisition of RKK gains no potential for preventing other traders and/or users from gaining access to international sources of supply the more so since RAG's total market share is likely to decrease. This view is

largely based on the assessment of the competitive potential of Stinnes with the import of hard coal. At present Stinnes is the most important competitor of RH/RKK both with regard to its access to the markets for the procurement of cheaper imported coal and with regard to its access to the markets for the sale of hard coal in Germany. RKK's strengths used to lie more in trading in German coal and above all in the supplying of domestic consumers and small business users with such coal. Both areas will become less important in future, the latter even drastically so. In view of this, too, the proposed concentration is unlikely to hinder effective competition on the markets for the sale of coal to steelmakers and other industrial users.

Since the requirements of Article 66 (2) of the ECSC Treaty are thus met, the proposed concentration may be authorized,

HAS ADOPTED THIS DECISION:

Article 1

The exercise of control over Raab Karcher Kohle GmbH by Ruhrkohle Handel GmbH is hereby authorized.

Article 2

This Decision is addressed to Ruhrkohle Handel GmbH, Jägerhofstraße 29, D-40479 Düsseldorf and to Raab Karcher Kohle GmbH, Rudolf-von-Benningsen-Foerderder-Platz 1, D-45131 Essen.

Done at Brussels, 28 February 1996.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION

of 26 July 1996

establishing the list of declining industrial areas concerned by Objective 2 for the programming period from 1997 to 1999, as defined by Council Regulation (EEC) No 2052/88 and amending Decision 94/169/EC

(96/472/EC)

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

Having regard to Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as last amended by Regulation (EC) No 3193/94⁽²⁾, and in particular Article 9 (3) thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions,

Whereas Regulation (EEC) No 2052/88 provides for, in particular in Article 12 (1), a second programming period from 1994 to 1999 for Structural Fund assistance under Objective 2;

Whereas Article 9 (3) of the aforementioned Regulation states that the Commission shall, in accordance with the procedure laid down in Article 17 and on the basis of the criteria laid down in Article 9 (2), establish an initial list for three years of the declining industrial areas concerned by Objective 2, taking into account the national priorities and situations, and in close consultation with the Member State concerned; whereas this list was established by Commission Decision 94/169/EC⁽³⁾, as last amended by Decision 95/189/EC⁽⁴⁾, for the programming period from 1994 to 1996;

Whereas Article 9 (6) states that the list of eligible areas shall be reviewed by the Commission periodically in close consultation with the Member State concerned and that the assistance granted by the Community in respect of Objective 2 in the various areas listed shall be planned and implemented on a three-yearly basis;

Whereas Article 9 (1) of the same Regulation states that the declining industrial areas concerned by Objective 2 shall comprise regions, frontier regions or parts of regions, including employment areas and urban communities;

Whereas Article 9 (2) specifies the criteria to be used to define the declining industrial areas concerned by Objective 2;

Whereas Article 9 (4) states that in establishing the list, the Commission and the Member States shall seek to ensure that assistance is genuinely concentrated on the areas most seriously affected, at the most appropriate geographical level, taking into account the particular situation of the areas concerned;

Whereas it is appropriate to retain the initial list for the programming period from 1997 to 1999 subject to certain amendments,

HAS ADOPTED THIS DECISION:

Article 1

The initial list of declining industrial areas concerned by Objective 2 as set out in Decision 94/169/EC, established pursuant to Article 9 (3) of Regulation (EEC) No 2052/88, will apply for the three-year period 1997-99 subject to the amendments set out in the Annex.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 July 1996.

For the Commission

Monika WULF-MATHIES

Member of the Commission

⁽¹⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽²⁾ OJ No L 337, 24. 12. 1994, p. 11.

⁽³⁾ OJ No L 81, 24. 3. 1994, p. 1.

⁽⁴⁾ OJ No L 123, 3. 6. 1995, p. 18.

ANNEX

LIST OF AREAS ELIGIBLE FOR OBJECTIVE 2 (1997-1999)

SPAIN

Eligible areas for the period 1994-1996, to be excluded from the list for the period 1997-1999

No NUTS III	Level III region	Eligible areas	
		The whole level III region, with the exception of	Only the following areas are eligible within the level III region

Regions satisfying basic criteria (a), (b) and (c)

4	Zaragoza		Distrito administrativo nº 2 (centro) del municipio de Zaragoza y Distrito administrativo nº 7 (Almozara) del municipio de Zaragoza
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Areas to be added to the initial list for the period 1994-1996

No NUTS III	Level III region	Eligible areas	
		The whole level III region, with the exception of	Only the following areas are eligible within the level III region

Regions satisfying basic criteria (a), (b) and (c)

4	Zaragoza		Distrito administrativo nº 1 (Casco Antiguo) del municipio de Zaragoza y Distrito administrativo nº 4 (Ensanche) del municipio de Zaragoza
5	Barcelona		Unidad estadística básica nº 81 (parte): zona Universitaria (sólo complejo universitario) del municipio de Barcelona

Areas suffering from restructuring in industrial sectors of decisive importance

3	Baleares		Finca rústica «Son Espanyol» (perteneciente al municipio de Palma de Mallorca)
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Urban communities suffering from industrial decline

1	Madrid		Entidad de población «Los Villares» (perteneciente al municipio de Arganda) Polígonos industriales (cuya denominación se adjunta aparte) de los municipios de Arganda, Ajalvir, Coslada, Humanes, Meco, Mejorada del Campo, Navalcarnero, Pinto, Torrejón de la Calzada, Torrejón de Velasco, Valdemoro y Velilla de San Antonio Polígonos industriales de los distritos de San Blas, Vicálvaro, Villa de Vallecas y Villaverde del municipio de Madrid Universidad Complutense y Universidad Politécnica (Ciudad Universitaria) Universidad Complutense (Campus de Somosaguas) Universidad Politécnica (villa de Vallecas) Universidad Autónoma (Cantoblanco)
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ITALY

Eligible areas for the period 1994-1996 to be excluded from the list for the period 1997-1999

No NUTS III	Level III region	Eligible areas	
		The whole level III region, with the exception of	Only the following areas are eligible within the level III region

Regions satisfying basic criteria (a), (b) and (c)

3	Pisa		Comune di Pisa: quartiere n. 5 (parte) ad eccezione delle sezioni censuarie n.: 231, 234, 236, 237, 244, 245, 246, 248
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Areas suffering from restructuring in industrial sectors of decisive importance

5	Milano		Comune di Rescaldina
6	Varese		Comune di Vergiate
13	Reggio Emilia		Comune di Correggio (parte): sezioni censuarie n.: da 1 a 7, da 12 a 25, da 31 a 39, da 45 a 46, da 48 a 50, da 53 a 68, da 75 a 84, 88 Comune di Reggio Emilia (parte) Circoscrizione n. 2, limitatamente alle sezioni censuarie n.: 1472 e 1477, da 266 a 296, da 298 a 301 Circoscrizione n. 7, limitatamente alle sezioni censuarie n.: 1182, 1186, 1187, 1212, 1213, 1215, 1216, 1218 e 1220; da 1174 a 1177, da 1193 a 1197, da 1200 a 1210 Circoscrizione n. 8, limitatamente alle sezioni censuarie n.: da 1306 a 1325, da 1421 a 1443, da 1456 a 1468
14	Modena		Comune di Carpi (parte) sezioni censuarie n.: da 168 a 455

Areas to be added to the initial list for the period 1994-1996

No NUTS III	Level III region	Eligible areas	
		The whole level III region, with the exception of	Only the following areas are eligible within the level III region

Adjacent areas

1	Roma		Comune di Roma (parte) la circoscrizione XII limitatamente alla zona L del PRG
10	Venezia		Comune di Venezia (parte): zona portuale del Comune di Venezia

Areas suffering from restructuring in industrial sectors of decisive importance

5	Milano		Comune di Arese (parte): limitatamente alle sezioni censuarie n. da 10 a 13, da 16 a 20, 24, da 31 a 33 Comune di Lainate (parte): limitatamente alle sezioni censuarie n. da 5 a 9, 13, da 15 a 17 Comune di Garbagnate Milanese (parte): frazione di Bariana
7	Trieste		Comune di Trieste (parte): zona portuale del Comune di Trieste
14	Modena/Ferrara		Comune di Ferrara (parte): l'intero territorio comunale ad eccezione delle seguenti circoscrizioni: Centro cittadino, Zona Est, Zona Nord-Est, Zona Sud, Nord-Ovest, Giardino-Arlanuova-Doro Della circoscrizione di Via Bologna restano escluse le seguenti sezioni censuarie: da 317 a 324, da 328 a 355, da 359 a 410 Della circoscrizione Nord restano escluse le seguenti sezioni censuarie: da 626 a 644, da 646 a 673, da 680 a 682 Comune di Copparo (parte): l'intero territorio comunale ad eccezione delle seguenti sezioni censuarie: numeri 1, 2 e da 4 a 14 Comune di Ro Ferrarese
15	Firenze		Comune di Fucecchio

NETHERLANDS

Areas to be added to the initial list for the period 1994-1996

No NUTS III	Level III region	Eligible areas	
		The whole level III region, with the exception of	Only the following areas are eligible within the level III region

Adjacent areas

1	Overig Groningen		Havengebied Eemshaven (onderdeel van de gemeente Eemshaven) bestuurd door het Havenschap Delfzijl
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COMMISSION DECISION

of 30 July 1996

adopting the forecast supply balance for banana production, consumption,
imports and exports for the Community for 1996

(Text with EEA relevance)

(96/473/EC)

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

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas ⁽¹⁾, as last amended by Commission Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas Article 16 of Regulation (EEC) No 404/93 provides for a forecast supply balance to be drawn up each year on the basis of a number of market parameters; whereas the main purpose of the supply balance is to establish the outlook for Community production and consumption and the forecast for imports of traditional ACP bananas, and hence the supply requirements for the Community market and the requisite tariff quota;

Whereas the supply balance should in accordance with Article 16 (3) of Regulation (EEC) No 404/93, take account of the impact of tropical storms Iris, Luis and Marilyn, which seriously affected production in Martinique, Guadeloupe and traditional imports of bananas from certain ACP States up to July 1996;

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

HAS ADOPTED THIS DECISION:

Article 1

The forecast supply balance for banana production, consumption, imports and exports for the Community for 1996 shall be as shown in the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 30 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

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

ANNEX

PROVISIONAL BALANCE SHEET FOR BANANAS, 1996

	<i>(in tonnes)</i>
EC production	750 000
Traditional ACP imports	680 000
Tariff quota	
— basic tariff quota	2 553 000
— additional quantities, Iris, Luis and Marilyn	72 440
Gross consumption	4 055 440
Exports	25 000
Net consumption	4 030 440
