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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1729/96
of 4 September 1996
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1685/96⁽³⁾, as amended by Regulation (EC) No 1706/96⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in amended Regulation (EC) No 1685/96 to the

information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 1685/96 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 September 1996.

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

Done at Brussels, 4 September 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 219, 29. 8. 1996, p. 1.

⁽⁴⁾ OJ No L 221, 31. 8. 1996, p. 22.

ANNEX

to the Commission Regulation of 4 September 1996 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	37,27 ⁽¹⁾
1701 11 90 910	36,18 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	37,27 ⁽¹⁾
1701 12 90 910	36,18 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,4052
	— ECU/100 kg —
1701 99 10 100	40,52
1701 99 10 910	40,11
1701 99 10 950	40,11
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,4052

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

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

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

COMMISSION REGULATION (EC) No 1730/96
of 4 September 1996

fixing the maximum export refund for white sugar for the fifth partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1464/96

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾, and in particular the second subparagraph of Article 17 (5) (b) thereof,

Whereas Commission Regulation (EC) No 1464/96 of 25 July 1996 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1464/96 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

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

Whereas Council Regulation (EEC) No 990/93⁽⁴⁾, as amended by Regulation (EC) No 1380/95⁽⁵⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas

this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 462/96⁽⁶⁾; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the fifth partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1464/96 the maximum amount of the export refund is fixed at ECU 43,106 per 100 kilograms.

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

Article 2

This Regulation shall enter into force on 5 September 1996.

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

Done at Brussels, 4 September 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 187, 26. 7. 1996, p. 42.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁵⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁶⁾ OJ No L 65, 15. 3. 1996, p. 1.

COMMISSION REGULATION (EC) No 1731/96

of 4 September 1996

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾,

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

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

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

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

Whereas the information must be disregarded if the goods concerned are not of sound and fair marketable quality or

if the price quoted in the offer relates only to a small quantity that is not representative of the market; whereas offer prices which can be regarded as not representative of actual market trends must also be disregarded;

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 September 1996.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ No L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 4 September 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

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

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,15	—	0,06
1703 90 00 ⁽¹⁾	11,13	—	0,00

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

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

COMMISSION REGULATION (EC) No 1732/96
of 4 September 1996
establishing unit values for the determination of the customs value of certain
perishable goods

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

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

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code, as last amended by Regulation (EC) No 1676/96 ⁽³⁾, and in particular Article 173 (1) thereof,

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 6 September 1996.

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

Done at Brussels, 4 September 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽³⁾ OJ No L 218, 28. 8. 1996, p. 1.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU Fmk SKr	öS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
1.10	New potatoes 0701 90 51 0701 90 59	a) b) c)	61,03 352,01 519,32	817,29 397,44 2 392,17	116,15 48,43 50,33	449,06 118 586,78	18 583,64 130,22	9 819,36 11 909,94
1.30	Onions (other than seed) 0703 10 19	a) b) c)	11,25 64,90 95,75	150,69 73,28 441,07	21,42 8,93 9,28	82,80 21 865,01	3 426,45 24,01	1 810,49 2 195,95
1.40	Garlic 0703 20 00	a) b) c)	83,80 483,37 713,11	1 122,26 545,75 3 284,82	159,49 66,50 69,11	616,63 162 837,74	25 518,17 178,82	13 483,48 16 354,17
1.50	Leeks ex 0703 90 00	a) b) c)	36,24 209,03 308,38	485,31 236,00 1 420,49	68,97 28,76 29,89	266,66 70 417,58	11 035,08 77,33	5 830,80 7 072,20
1.60	Cauliflowers 0704 10 10 0704 10 05 0704 10 80	a) b) c)	75,84 437,43 645,35	1 015,62 493,89 2 972,68	144,33 60,18 62,54	558,03 147 363,95	23 093,28 161,82	12 202,20 14 800,10
1.70	Brussels sprouts 0704 20 00	a) b) c)	53,71 309,79 457,04	719,26 349,77 2 105,25	102,22 42,62 44,29	395,20 104 363,36	16 354,69 114,60	8 641,62 10 481,45
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	40,58 234,06 345,31	543,43 264,27 1 590,60	77,23 32,20 33,47	298,59 78 850,59	12 356,61 86,59	6 529,08 7 919,15
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	105,95 611,10 901,56	1 418,84 689,97 4 152,89	201,63 84,07 87,38	779,59 205 870,39	32 261,78 226,07	17 046,72 20 676,04
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	78,85 454,79 670,96	1 055,93 513,49 3 090,66	150,06 62,57 65,03	580,18 153 212,65	24 009,82 168,25	12 686,49 15 387,50
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 05 0705 11 80	a) b) c)	56,79 327,56 483,24	760,51 369,83 2 225,98	108,08 45,06 46,83	417,86 110 348,08	17 292,56 121,18	9 137,17 11 082,51
1.120	Endives ex 0705 29 00	a) b) c)	21,82 125,85 185,67	292,20 142,10 855,27	41,53 17,31 17,99	160,55 42 398,22	6 644,19 46,56	3 510,71 4 258,15
1.130	Carrots ex 0706 10 00	a) b) c)	30,34 175,00 258,17	406,30 197,58 1 189,23	57,74 24,07 25,02	223,24 58 953,35	9 238,53 64,74	4 881,52 5 920,82
1.140	Radishes ex 0706 90 90	a) b) c)	49,31 284,41 419,59	660,34 321,12 1 932,79	93,84 39,13 40,67	362,83 95 813,77	15 014,90 105,22	7 933,68 9 622,80
1.160	Peas (<i>Pisum sativum</i>) 0708 10 90 0708 10 20 0708 10 95	a) b) c)	233,60 1 347,40 1 987,81	3 128,34 1 521,29 9 156,53	444,58 185,36 192,65	1 718,87 453 914,76	71 132,60 498,45	37 585,58 45 587,70

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU Fmk SKr	öS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	244,26 1 408,83 2 078,44	3 270,97 1 590,65 9 574,01	464,84 193,81 201,43	1 797,24 474 610,23	74 375,77 521,18	39 299,23 47 666,20
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	119,84 691,22 1 019,76	1 604,85 780,43 4 697,33	228,07 95,09 98,83	881,79 232 859,91	36 491,28 255,71	19 281,54 23 386,66
1.180	Broad beans ex 0708 90 00	a) b) c)	92,83 535,43 789,92	1 243,14 604,53 3 638,63	176,67 73,66 76,56	683,05 180 377,04	28 266,74 198,08	14 935,79 18 115,68
1.190	Globe artichokes 0709 10 30	a) b) c)	115,68 667,22 984,36	1 549,14 753,34 4 534,27	220,15 91,79 95,40	851,18 224 776,65	35 224,56 246,83	18 612,22 22 574,84
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	439,01 2 532,12 3 735,64	5 879,00 2 858,92 17 207,61	835,48 348,34 362,04	3 230,23 853 029,14	133 677,48 936,73	70 633,51 85 671,68
1.200.2	— other ex 0709 20 00	a) b) c)	454,50 2 621,49 3 867,48	6 086,48 2 959,82 17 814,90	864,96 360,64 374,82	3 344,23 883 134,40	138 395,25 969,79	73 126,32 88 695,22
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	396,32 2 285,93 3 372,43	5 307,40 2 580,95 15 534,54	754,25 314,47 326,84	2 916,16 770 090,68	120 680,26 845,65	63 765,94 77 341,98
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	84,57 487,79 719,63	1 132,53 550,74 3 314,86	160,95 67,10 69,74	622,27 164 327,12	25 751,56 180,45	13 606,81 16 503,75
1.230	Chantarelles 0709 51 30	a) b) c)	531,41 3 065,09 4 521,92	7 116,42 3 460,67 20 829,48	1 011,33 421,66 438,24	3 910,13 1 032 575,71	161 814,07 1 133,89	85 500,54 103 703,95
1.240	Sweet peppers 0709 60 10	a) b) c)	67,28 388,09 572,55	901,05 438,18 2 637,35	128,05 53,39 55,49	495,09 130 740,81	20 488,28 143,57	10 825,75 13 130,60
1.250	Fennel 0709 90 50	a) b) c)	73,55 424,23 625,86	984,95 478,98 2 882,92	139,97 58,36 60,66	541,18 142 914,27	22 395,97 156,94	11 833,75 14 353,21
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	73,47 423,76 625,18	983,88 478,46 2 879,78	139,82 58,30 60,59	540,60 142 758,82	22 371,61 156,77	11 820,88 14 337,60
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	136,94 789,85 1 165,26	1 833,85 891,79 5 367,60	260,61 108,66 112,93	1 007,61 266 086,74	41 698,23 292,20	22 032,82 26 723,70
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	42,55 245,40 362,04	569,77 277,07 1 667,69	80,97 33,76 35,09	313,06 82 671,87	12 955,44 90,78	6 845,49 8 302,93

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU Fmk SKr	öS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
2.40	Avocados, fresh ex 0804 40 90 ex 0804 40 20 ex 0804 40 95	a) b) c)	127,53 735,59 1 085,22	1 707,87 830,52 4 998,86	242,71 101,19 105,17	938,39 247 807,51	38 833,71 272,12	20 519,25 24 887,88
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	120,13 692,91 1 022,25	1 608,78 782,34 4 708,83	228,63 95,32 99,07	883,95 233 429,81	36 580,59 256,33	19 328,73 23 443,89
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 42 0805 10 51 0805 10 37	a) b) c)	17,65 101,83 150,23	236,42 114,97 691,99	33,60 14,01 14,56	129,90 34 304,09	5 375,76 37,67	2 840,49 3 445,24
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamou- tis, ovalis, trovita and hamlins 0805 10 44 0805 10 55 0805 10 38	a) b) c)	42,30 244,00 359,98	566,52 275,49 1 658,17	80,51 33,57 34,89	311,27 82 200,09	12 881,51 90,27	6 806,43 8 255,54
2.60.3	— Others 0805 10 39 0805 10 46 0805 10 59	a) b) c)	24,54 141,56 208,84	328,66 159,82 961,97	46,71 19,47 20,24	180,58 47 687,51	7 473,07 52,37	3 948,68 4 789,37
2.70	Mandarins (including tangerines and satsu- mas), fresh; clementines, wilkings and simi- lar citrus hybrids, fresh:							
2.70.1	— Clementines 0805 20 21	a) b) c)	73,20 422,22 622,90	980,29 476,71 2 869,27	139,31 58,08 60,37	538,62 142 237,69	22 289,95 156,19	11 777,73 14 285,26
2.70.2	— Monreales and satsumas 0805 20 23	a) b) c)	54,18 312,50 461,03	725,56 352,83 2 123,68	103,11 42,99 44,68	398,66 105 276,62	16 497,81 115,61	8 717,24 10 573,17
2.70.3	— Mandarines and wilkings 0805 20 25	a) b) c)	57,56 332,00 489,80	770,82 374,85 2 256,16	109,54 45,67 47,47	423,53 111 844,26	17 527,02 122,82	9 261,06 11 232,78
2.70.4	— Tangerines and others ex 0805 20 27 ex 0805 20 29	a) b) c)	91,12 525,55 775,35	1 220,21 593,38 3 571,50	173,41 72,30 75,14	670,45 177 049,11	27 745,22 194,42	14 660,23 17 781,45
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	128,61 741,80 1 094,38	1 722,28 837,54 5 041,06	244,76 102,05 106,06	946,31 249 899,25	39 161,50 274,42	20 692,45 25 097,96

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU Fmk SKr	δS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
2.90	Grapefruit, fresh:							
2.90.1	— white	a)	50,91	681,81	96,89	374,62	15 503,10	8 191,64
	ex 0805 40 90	b)	293,66	331,56	40,40	98 929,12	108,64	9 935,68
	ex 0805 40 20	c)	433,24	1 995,63	41,99			
	ex 0805 40 95							
2.90.2	— pink	a)	63,82	854,65	121,46	469,59	19 433,07	10 268,19
	ex 0805 40 90	b)	368,10	415,61	50,64	124 007,23	136,18	12 454,33
	ex 0805 40 20	c)	543,06	2 501,52	52,63			
	ex 0805 40 95							
2.100	Table grapes	a)	—	—	—	—	—	—
	0806 10 21	b)	—	—	—	—	—	—
	0806 10 29	c)	—	—	—	—	—	—
	0806 10 61							
	0806 10 30							
	0806 10 69							
2.110	Water melons	a)	16,68	223,41	31,75	122,75	5 079,82	2 684,11
	0807 11 00	b)	96,22	108,64	13,24	32 415,60	35,60	3 255,57
		c)	141,96	653,90	13,76			
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro	a)	40,17	537,94	76,45	295,57	12 231,77	6 463,11
	ex 0807 19 00	b)	231,69	261,60	31,87	78 053,93	85,71	7 839,14
		c)	341,82	1 574,53	33,13			
2.120.2	— other	a)	122,58	1 641,54	233,28	901,95	37 325,61	19 722,39
	ex 0807 19 00	b)	707,02	798,27	97,26	238 183,97	261,56	23 921,36
		c)	1 043,07	4 804,73	101,09			
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>)	a)	—	—	—	—	—	—
	ex 0808 20 41	b)	—	—	—	—	—	—
		c)	—	—	—	—	—	—
2.140.2	Other	a)	—	—	—	—	—	—
	ex 0808 20 41	b)	—	—	—	—	—	—
		c)	—	—	—	—	—	—
2.150	Apricots	a)	457,51	6 126,79	870,69	3 366,38	139 311,79	73 610,61
	0809 10 10	b)	2 638,85	2 979,42	363,03	888 983,11	976,21	89 282,62
	0809 10 50	c)	3 893,09	17 932,88	377,30			
2.160	Cherries	a)	408,95	5 476,49	778,28	3 009,07	124 525,27	65 797,60
	0809 20 11	b)	2 358,76	2 663,18	324,49	794 626,66	872,60	79 806,18
	0809 20 19	c)	3 479,88	16 029,49	337,25			
	0809 20 21							
	0809 20 29							
	0809 20 71							
	0809 20 79							
2.170	Peaches	a)	—	—	—	—	—	—
	0809 30 19	b)	—	—	—	—	—	—
	0809 30 59	c)	—	—	—	—	—	—
2.180	Nectarines	a)	—	—	—	—	—	—
	ex 0809 30 11	b)	—	—	—	—	—	—
	ex 0809 30 51	c)	—	—	—	—	—	—

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU Fmk SKr	öS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
2.190	Plums 0809 40 10 0809 40 40	a)	—	—	—	—	—	—
		b)	—	—	—	—	—	—
		c)	—	—	—	—	—	—
2.200	Strawberries 0810 10 10 0810 10 05 0810 10 80	a)	125,39	1 679,17	238,63	922,63	38 181,25	20 174,50
		b)	723,23	816,57	99,49	243 644,06	267,55	24 469,73
		c)	1 066,98	4 914,87	103,41			
2.205	Raspberries 0810 20 10	a)	1 053,81	14 112,20	2 005,52	7 753,99	320 885,14	169 551,71
		b)	6 078,22	6 862,67	836,18	2 047 647,67	2 248,57	205 649,97
		c)	8 967,20	41 305,87	869,06			
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a)	336,77	4 509,89	640,91	2 477,97	102 546,46	54 184,27
		b)	1 942,44	2 193,13	267,22	654 374,42	718,58	65 720,33
		c)	2 865,68	13 200,27	277,73			
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	a)	118,28	1 584,02	225,11	870,35	36 017,72	19 031,31
		b)	682,25	770,30	93,86	229 838,01	252,39	23 083,16
		c)	1 006,52	4 636,37	97,55			
2.230	Pomegranates ex 0810 90 85	a)	115,43	1 545,79	219,68	849,34	35 148,44	18 571,99
		b)	665,78	751,71	91,59	224 290,88	246,30	22 526,05
		c)	982,23	4 524,48	95,19			
2.240	Khakis (including sharon fruit) ex 0810 90 85	a)	235,60	3 155,11	448,38	1 733,59	71 741,42	37 907,27
		b)	1 358,93	1 534,31	186,95	457 799,78	502,72	45 977,88
		c)	2 004,83	9 234,90	194,30			
2.250	Lychees ex 0810 90 30	a)	336,67	4 508,62	640,73	2 477,27	102 517,51	54 168,97
		b)	1 941,89	2 192,51	267,15	654 189,63	718,38	65 701,77
		c)	2 864,87	13 196,55	277,65			

COMMISSION REGULATION (EC) No 1733/96
of 4 September 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 Commission 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 5 September 1996.

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

Done at Brussels, 4 September 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 307, 20. 12. 1995, p. 21.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 4 September 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	33,6	0808 10 92, 0808 10 94, 0808 10 98	624	67,7
	060	80,2		999	113,0
	064	70,8		039	121,0
	066	54,0		052	64,0
	068	80,3		064	64,4
	204	86,8		070	90,2
	208	44,0		284	72,1
	212	97,5		388	83,3
	624	95,8		400	77,5
	999	71,4		404	63,6
ex 0707 00 25	052	62,4	0808 20 57	416	72,7
	053	156,2		508	113,5
	060	61,0		512	78,9
	066	53,8		524	100,3
	068	69,1		528	61,6
	204	144,3		624	86,5
	624	87,1		728	107,3
	999	90,6		800	141,3
	052	54,3		804	95,1
	204	77,5		999	87,8
0709 90 79	412	54,2	0809 30 41, 0809 30 49	039	104,1
	508	42,9		052	53,8
	624	151,9		064	80,3
	999	76,2		388	85,3
	052	131,3		400	70,4
	204	88,8		512	88,7
	220	74,0		528	132,9
	388	74,6		624	79,0
	400	68,2		728	115,4
	512	80,0		800	84,0
0805 30 30	520	66,5	0809 40 30	804	73,0
	524	64,3		999	87,9
	528	65,6		052	93,9
	600	96,5		220	121,8
	624	48,9		624	106,8
	999	78,0		999	107,5
	052	69,9		052	78,8
	064	43,6		064	55,8
	066	49,4		066	44,2
	220	110,8		068	37,1
0806 10 40	400	148,6		400	90,5
	412	58,5		624	132,1
	508	307,2		676	68,6
	512	186,0		999	72,4
	600	88,5			

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6). Code '999' stands for 'of other origin'.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 7 February 1996

on aid proposal by Friuli-Venezia-Giulia (Italy) for the economic development of mountain areas

(Only the Italian text is authentic)

(Text with EEA relevance)

(96/530/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1538/95 ⁽²⁾, and in particular Article 23 thereof,

Having given notice to the parties concerned, pursuant to the first subparagraph of Article 93 (2) to submit their comments and having regard to those comments,

Whereas:

I

1. By letter dated 6 July 1993, recorded as received on 27 July 1993, the Italian Permanent Representative to the European Communities notified the Commission, in accordance with Article 93 (3) of the EC Treaty, of

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 17.

Regional Law (Friuli-Venezia-Giulia) No 496/93 on aid for the economic development of mountain regions. The Italian authorities provided further information to the Commission by letter dated 9 December 1993, recorded as received on 17 December 1993.

Since assessment of the provisions of the draft law in question falls within the powers of several Commission departments, the case-file was divided into two: Aid No 465/A/93 and Aid No 465/B/93. Aid No 465/B/93 refers to the measures provided for under Articles 10, 11, 12 and 15 of the draft law.

By letter SG(94) D/2424 of 21 February 1994, the Commission informed the Italian Government of its decision to initiate the procedure provided for in Article 93 (2) of the Treaty with regard to the measures provided for in Article 11 of Regional Law No 496/93 which appeared to constitute operating aid not qualifying for any of the derogations laid down in Article 92 of the Treaty and consequently to be regarded as incompatible with the common market.

The Commission, on the other hand, noted the Italian authorities' undertaking to abolish the aids under Articles 10 and 15 of the draft law. The Commission raised no objection to Article 12.

The Commission gave notice to Italy to submit its comments under the above procedure.

The Commission, through a notice in the *Official Journal of the European Communities*, also invited the other Member States and interested parties to submit their comments⁽¹⁾.

Comments were submitted only by the Italian Government, by letters dated 30 September 1994, recorded as received on 5 October 1994, and 20 December 1994, recorded as received on 27 December 1994, and by fax dated 11 May 1995, recorded as received on 15 May 1995.

2. The measures in question involve the award of extraordinary non-recoverable grants to milk and milk products cooperatives located in mountain areas in the municipalities listed in the Annex to Council Directive (EEC) No 75/273/EEC of 28 April 1975, with a view to meeting their liabilities in the 1992 financial year.

The expenditure accounting for these liabilities must relate to the years 1990, 1991 or 1992 and may not have been for the purchase of raw materials.

The cooperatives must submit a financial reconstruction plan and a declaration certifying the accuracy of the balance sheet submitted and cannot have received other aid.

3. The regional authorities gave assurances that the proposed aid would not be granted before the final decision of the Commission.

II

1. As part of the procedure, the Italian authorities gave the following explanations:

The budget amounts to lit 3 billion (about ECU 1,41 million). The aid is planned for a year and is non-cumulative. Aid would be provided on a one-off basis and would compensate fully any losses arising from expenditure on modernizing or restructuring the company or on marketing its products. It was explained that management losses originating in various ways were involved, for example those caused by credit not immediately due or quite simply as a result of current account debts due to insufficient capital.

2. The Italian authorities objected in the first place that the measures for which the Commission had initiated

the procedure provided for in Article 93 (2) of the EC Treaty did not distort competition since they did not alter the workings of the common agricultural policy, did not reduce in any way the processing and marketing costs incurred by the cooperatives concerned and did not, moreover, increase productivity.

3. The Italian authorities contended that the proposed measures cannot be considered operating aid, since they are intended to reestablish the finances of cooperatives hampered by undercapitalization or debts not immediately due and to restore their operational and competitive standing.
4. The Italian authorities added that it had introduced the measures in question for socio-economic reasons, for example the restructuring and development of the cooperatives in question and, more importantly, because of the failure to grant regional aids for the transport of milk referred to in Article 8 (1) (1) of Regional Law No 16/67 notified on 24 March 1967, since the Commission had not delivered an opinion on the common market compatibility of the measures provided for in that Law.

Appropriate measures pursuant to Article 93 (1) of the Treaty (Aid No E 17/94) were applied to the aid referred to in the abovementioned Article 8 (1) (1). Paragraph 1 of the said Article had in effect been repealed by Regional Law No 36/92.

The Italian authorities contended that, had their debts not been met, the cooperatives would have gone bankrupt, with serious repercussions for that part of the region where the economy was already weak.

The Italian authorities concluded that the aid in question could not alter the conditions of trade to an extent contrary to the common interest and was therefore not incompatible with the common market.

III

1. Article 23 of Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products applies Articles 92 to 94 of the Treaty to the production and marketing of the products referred to in Article 1, save as otherwise provided in the Regulation.
2. Article 92 (1) of the Treaty states that any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods, shall, in so far as it affects trade between Member States, be incompatible with the common market.

⁽¹⁾ OJ No C 155, 7. 6. 1994, p. 5.

The measures in question constitute aid granted through State resources. They are designed to ensure the survival and production of beneficiary undertakings which, without this aid, would have been forced either to withdraw from the market or else become more efficient.

They accordingly have the effect of improving the economic standing of the beneficiary undertakings *vis-à-vis* their competitors who do not receive this assistance. As a result, they distort or threaten to distort competition as described above.

Given the value of trade in milk and milk products (in 1993: Italian exports to the EC were worth ECU 405 660 000; Italian imports from the EC totalled ECU 2 057 650 000; production in the sector in question: ECU 3 675 000 000 ⁽¹⁾), including ECU 81 900 000 in the Friuli-Venezia Giulia region), it appears that the aids represent a quite significant share of the value of the quantities produced in the region and they are likely to affect trade between the Member States by favouring national production to the detriment of imports from the other Member States.

In this regard it should be emphasized that even if the amount of aid or the size of a beneficiary undertaking is relatively small, this does not automatically rule out the possibility of trade between the Member States being affected.

In the light of the foregoing, the aids in question are deemed State aids within the meaning of Article 92 (1) of the Treaty.

The Commission also feels that the arguments put forward by the Italian authorities, namely that the measures did not in any way reduce the costs to the cooperatives for processing and marketing and did not increase productivity, are irrelevant, since it has been concluded above that the aids come under Article 92 (1) of the Treaty.

3. The principle of incompatibility laid down in Articles 92 (1) does allow for exceptions, however.

IV

1. The derogations from the incompatibility rule laid down in Article 92 (2) obviously do not apply in this

⁽¹⁾ Eurostat Economic accounts for agriculture and forestry, OPOCE, 1995.

instance, nor have they been pleaded by the Italian authorities.

2. In the case of the derogations provided for in Article 92 (3), they must be evaluated in terms of their Community interest and not in terms of their interest to particular sectors of the national economy.

Those derogations must be interpreted strictly when any regional or sectoral aid programmes are being scrutinized or in any case where a general aid scheme is applied.

The derogations may be granted in particular only where the Commission has established that the aid is needed to achieve one of the objectives in question. To grant a derogation in the case of an aid not offering such a guarantee would allow trade between the Member States to be affected and would unjustifiably distort competition to the detriment of the Community interest while at the same time unduly favouring the operators of certain Member States.

3. This aid offers no such guarantee. The Italian Government has supplied no proof that the aid in question fulfils the conditions required for the application of one of the derogations provided for in Article 92 (3), nor has the Commission found any.
4. The measures do not promote the execution of an important project of common European interest within the meaning of Article 92 (3) (b) since, by virtue of their possible effects on trade, the aids are contrary to the common interest.

Neither are they measures to remedy a serious disturbance in the economy of a Member State within the meaning of the same provision.

5. The Commission's remarks and conclusions on the comments submitted by the Italian authorities are as follows:

As regards the grounds put forward, namely that without the aids the undertakings would be forced into bankruptcy, it should be remembered that market forces can result in the disappearance of uncompetitive undertakings, those in economically weak regions being no exception.

6. As the Commission indicated when it initiated the procedure provided for under Article 93 (2) of the Treaty, the aids can be deemed compatible with the common market only under the following, strictly defined conditions:

- the aid must relate to the servicing of loans contracted for investments already made,
- the total subsidy equivalent of any aids granted when the loans were contracted plus the aid in question may not exceed the rates generally allowed by the Commission — that is to say, for investments in processing and marketing, 55 % for projects complying with sectoral programmes or one of the objectives in Article 1 of Regulation (EEC) No 866/90, and 35 % for other projects which are not otherwise excluded by the selection criteria laid down in point 2 of the Annex to Decision 90/342/EEC, applied by analogy for assessing aid in the light of Article 92 of the Treaty,
- the aids must be consecutive on adjustments to new loan rates due to changes in the interest rate or must relate to holdings offering viability guarantees, especially in cases where the servicing costs of existing loans are such that the holdings are at risk, or may possibly fail.

No condition has been imposed by the Italian authorities as to the origin of the debts of the cooperatives involved. Furthermore, the liabilities are covered in full and there is no evidence that the aids serve to cover the servicing costs of current loans contracted for investments.

7. In addition, the proposed measures do not comply with the Community guidelines on State aid for rescuing and restructuring firms in difficulty⁽¹⁾.

The said guidelines were adopted by the Commission after the procedure provided for in the Article 93 (2) of the Treaty was initiated in 1994, and they define the general conduct of aid for rescuing and restructuring firms in all sectors.

In the agricultural sector, the Member State may, if it so wishes, and as an alternative to the special rules (which were applied at the time the procedure was opened since no alternative was then available), apply the general guidelines to the individual beneficiaries.

Under the guidelines, rescue aid must include aid to improve liquidity, in the form of loan guarantees or loans bearing normal commercial interest rates.

The guidelines also state that the *sine qua non* of all restructuring plans is that they must restore the long-term viability of the firm within a reasonable time scale and on the basis of realistic assumptions as to its future operating conditions. Consequently, restructuring aid must be linked to a viable restructuring or recovery programme submitted in all relevant detail to the Commission.

As none of the above conditions are met, the aids in question cannot be justified as aids to rescue or restructure ailing firms.

The aid measures provided for in Article 11 of Regional Law No 496 are thus deemed operating aid. They cannot improve in any lasting way the circumstances and structural position in which the beneficiary producers find themselves.

Contrary to what the Italian authorities have claimed, the discharging of debts without a link to earlier investment may constitute operating aid.

As regards the argument advanced by the Italian authorities that the measures in question do not distort competition since they do not change the workings of the common agricultural policy, the Commission notes that such distortion can occur even where there is no change in the workings of the policy. The Commission therefore considers the argument irrelevant in assessing the compatibility of the measures with the common market.

Consequently, the Commission notes that these measures, by virtue of their operational nature, do not qualify for the derogations laid down in Article 92 (3) (a) and (c) regarding aid to promote or facilitate the economic development of areas or the development of certain activities.

8. The Italian authorities provided new grounds to justify the proposed aids in its comments of 20 December 1994:

While the wording of Article 11 of the Law in question still allowed for debts of whatever origin to be met, which had also been maintained in the description sent on 6 July 1993, the 'Giunta regionale' declared at its meeting of 23 November 1994 that 'the losses (...) stem from unexpected expenditure by the cooperatives operating in the milk and milk products sector as a result of the failure to grant aid for the transport of milk as provided for in Article 8 (1) (1) of Regional Law No 16/1967 (...).'

⁽¹⁾ OJ No C 368, 23. 12. 1994, p. 12.

The Italian authorities contend that this Law was notified to the Commission in 1967, that the Commission had no observations to make on it and that it has remained inoperative ever since.

The meeting also stipulated that the application for aid should be accompanied by a declaration from the cooperative's legal representative, in lieu of an affidavit, to the effect that the losses resulted from the causes mentioned above. The legitimate interests of the beneficiaries were thereby satisfied.

The Commission also considered these new arguments. However, it should be noted that this is a new scheme, as the Italian authorities have acknowledged in the description. This new scheme must be judged in the light of current laws and circumstances. Thus, even though the Commission had approved in the past a scheme of measures in favour of the same beneficiaries, such approval could not predetermine the decision on another (new) scheme notified whose measures — while retaining the same beneficiaries — differed from those approved under the earlier scheme.

Furthermore, even on the hypothesis that the Commission's acquiescence in the old scheme could prejudice the decision on the new one, which the Commission does not concede, the Commission notes that in the relevant measures ⁽¹⁾ it identified aid for the transport of milk as 'operating aid, incompatible with the common market pursuant to Articles 92 and 93 of the Treaty'. Italy, therefore, even were its reasoning accepted, cannot properly invoke the earlier aid.

As regards the declaration as to the origin of the losses, the Italian Government has not provided, nor has the Commission found, any proof of a causal link between the lack of aid for transport on the one hand and the losses incurred by the cooperatives in question on the other.

The Italian Government has, moreover, failed to provide any assurances that the amount of money involved in discharging the debts of each beneficiary

would not exceed in any case the grant aid that beneficiary would have received for the transport of milk, had it been granted at the time.

In view of the above, the grounds put forward by the Italian Government are not accepted by the Commission.

This aid cannot therefore qualify as an exception under Article 92 of the Treaty and must therefore be regarded as incompatible with the common market,

HAS ADOPTED THIS DECISION:

Article 1

The aids provided for in Article 11 of Regional Law No 496/93 are incompatible with the common market pursuant to Article 92 of the EC Treaty and may not be granted.

Article 2

The Italian authorities shall abolish the provision referred to in Article 1 within two months of the date of notification of this Decision.

Article 3

The Italian Government shall inform the Commission, within two months of notification of this Decision, of the measures it has taken to comply therewith.

Article 4

This Decision is addressed to the Italian Republic.

Done at Brussels, 7 February 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ Commission's letter to the Italian Government SG(94) D/1782 of 9 December 1994, p. 3.