

Official Journal

of the European Communities

ISSN 0378-6978

L 233

Volume 39

14 September 1996

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (Euratom, ECSC, EC) No 1783/96 of 11 September 1996 laying down the weightings applicable from 1 January 1996 to the remuneration of officials of the European Communities serving in third countries** 1
- Commission Regulation (EC) No 1784/96 of 13 September 1996 on the supply of milk products as food aid 4
- Commission Regulation (EC) No 1785/96 of 13 September 1996 on the supply of white sugar as food aid 10
- Commission Regulation (EC) No 1786/96 of 13 September 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables 13
- Commission Regulation (EC) No 1787/96 of 13 September 1996 fixing the import duties in the cereals sector..... 15
- ★ **Commission Regulation (EC) No 1788/96 of 13 September 1996 fixing the maximum buying-in price and the quantities of beef to be bought in under the 167th partial invitation to tender as a general intervention measure pursuant to Regulations (EEC) No 1627/89 and (EC) No 1680/96** 18

Commission

96/543/EC:

- ★ **Commission Decision of 30 April 1996 ordering the Italian Government to supply all the documentation, information and data on aid for restructuring the road haulage sector and to suspend forthwith the payment of any further aid ⁽¹⁾ 20**

96/544/ECSC:

- ★ **Commission Decision of 29 May 1996 concerning State aid to Walzwerk Ilsenburg GmbH ⁽¹⁾ 24**
-

Corrigenda

- ★ **Corrigendum to Council Regulation (EC) No 1427/96 of 26 June 1996 amending Regulation (EEC) No 2392/89 laying down general rules for the description and presentation of wines and grape musts (OJ No L 184 of 24. 7. 1996) 28**

Corrigendum to Commission Regulation (EC) No 1179/96 of 27 June 1996 opening a standing invitation to tender for the export of barley held by the German intervention agency (OJ No L 155 of 28. 6. 1996) 28

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (Euratom, ECSC, EC) No 1783/96**of 11 September 1996****laying down the weightings applicable from 1 January 1996 to the remuneration of officials of the European Communities serving in third countries**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Staff Regulations of officials of the European Communities and the conditions of employment of other servants of the Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68⁽¹⁾, as last amended by Regulation (EC, Euratom, ECSC) No 2963/95⁽²⁾, and in particular the first paragraph of Article 13 of Annex X thereto,

Having regard to the proposal from the Commission,

Whereas account should be taken of changes in the cost of living in countries outside the Community and weightings applicable to remuneration paid in the currency of the country of employment to officials serving in third countries should be determined with effect from 1 January 1996;

Whereas, under Annex X of the Staff Regulations, the Council sets the weightings every six months; whereas it will accordingly have to set new weightings for the coming half-years;

Whereas the weightings to apply with effect from 1 January 1996 in respect of which payment has been made on the basis of a previous Regulation could lead to retrospective adjustments to remuneration (positive or negative);

Whereas provision should be made for back-payments in the event of an increase in remunerations as a result of these weightings;

Whereas provision should be made for the recovery of sums overpaid in the event of a reduction in remunerations as a result of these weightings for the period between 1 January 1996 and the date of the Council

Decision setting the weightings to apply with effect from 1 January 1996;

Whereas, however, in order to mirror the weightings applicable within the Community to remuneration and pensions of officials and other servants of the Community, provision should be made for any such recovery to apply solely to a period of no more than six months preceding the decision and for its effects to be spread over a period of no more than 12 months following the date of that decision,

HAS ADOPTED THIS REGULATION:

Article 1

With effect from 1 January 1996, the weightings applicable to remuneration payable in the currency of the country of employment of officials of the Community shall be as shown in the Annex.

The exchange rates for the calculation of such remuneration shall be those used for implementation of the general budget of the European Communities for the month preceding the date referred to in the first subparagraph.

Article 2

In accordance with the first subparagraph of Article 13 of Annex X to the Staff Regulations, the Council shall set weightings every six months. It shall accordingly set new weightings with effect from 1 July 1996.

The institutions shall make back-payments in the event of an increase in remuneration as a result of these weightings.

For the period between 1 January 1996 and the date of the Council decision setting the weightings applicable with effect from 1 January 1996, the institutions shall

⁽¹⁾ OJ No L 56, 4. 3. 1968, p. 1.

⁽²⁾ OJ No L 310, 22. 12. 1995, p. 1.

make retrospective downward adjustments to remuneration in the event of a reduction as a result of these weightings.

shall be spread over no more than 12 months from the date of that decision.

Article 3

Retrospective adjustments involving the recovery of sums overpaid shall, however, concern only a period of no more than six months preceding the decision and this recovery

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

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

Done at Brussels, 11 September 1996.

For the Council

The President

D. SPRING

ANNEX

Country of employment	Weightings applicable with effect from 1 January 1996	Country of employment	Weightings applicable with effect from 1 January 1996
Albania	70,63	Madagascar	46,63
Algeria (*)	0,00	Malawi	34,26
Angola	141,13	Mali	79,79
Antigua and Barbuda	89,49	Malta	74,42
Argentina	89,70	Mauritania	68,35
Australia	74,53	Mauritius	67,44
Bangladesh	56,24	Mexico	42,14
Barbados	80,08	Morocco	67,68
Belize	65,29	Mozambique	50,31
Benin	66,01	Namibia	66,94
Bolivia (*)	0,00	Netherlands Antilles	74,86
Botswana	63,55	New Caledonia	123,06
Brazil	72,55	Niger	77,79
Bulgaria	42,92	Nigeria	32,06
Burkina Faso	77,28	Norway	121,72
Burundi	79,57	Pakistan	52,97
Cameroon	91,78	Papua New Guinea	71,43
Canada	64,46	Peru	77,09
Central African Republic	110,66	Philippines	55,05
Chad	77,83	Poland	80,90
Chile	74,13	Republic of Cape Verde	78,70
China	72,51	Romania	35,86
Colombia	62,50	Russia	116,06
Comoros	86,33	Rwanda (*)	0,00
Congo	94,72	Sao Tomé and Príncipe (*)	0,00
Costa Rica	59,95	Senegal	73,60
Cyprus	80,33	Sierra Leone	65,77
Czech Republic	59,37	Slovakia	58,84
Djibouti	110,92	Slovenia	80,90
Dominican Republic	69,81	Solomon Islands	79,13
Egypt	54,68	Somalia (*)	0,00
Equatorial Guinea	75,58	South Africa (The Cape)	70,40
Eritrea (*)	0,00	South Africa (Pretoria)	66,56
Ethiopia	33,93	South Korea	88,92
Ex-Yugoslavia (*)	0,00	Sri Lanka	0,00
Fiji	63,80	Sudan	29,38
Gabon	121,64	Surinam	50,92
Gambia	74,20	Swaziland	47,99
Georgia	70,42	Switzerland	120,56
Ghana	36,29	Syria	98,78
Grenada	87,79	Tanzania	40,05
Guinea	90,03	Thailand	69,90
Guinea-Bissau	61,85	Togo	77,74
Guyana	54,58	Tonga	71,87
Haiti (*)	0,00	Trinidad and Tobago	49,90
Hong Kong	91,53	Tunisia	60,31
Hungary	72,47	Turkey	61,67
India	36,79	Uganda	58,61
Indonesia	73,76	Ukraine	91,84
Israel	97,11	United States of America (New York)	87,74
Ivory Coast	89,88	United States of America (Washington)	72,21
Jamaica	41,48	Uruguay	84,63
Japan (Tokyo)	156,76	Vanuatu	87,51
Jordan (*)	57,34	Venezuela	65,01
Kazakhstan	100,95	Vietnam	34,00
Kenya	60,22	Western Samoa	64,08
Lebanon	26,15	Zaire (*)	0,00
Left bank — Gaza strip (*)	0,00	Zambia	64,08
Lesotho	55,98	Zimbabwe	43,69
Liberia (*)	0,00		

(*) Not available.

COMMISSION REGULATION (EC) No 1784/96
of 13 September 1996
on the supply of milk products as food aid

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

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security⁽¹⁾, and in particular Article 24 (1) (b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated milk powder to certain beneficiaries;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽²⁾, as amended by Regulation (EEC) No 790/91⁽³⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, for a given lot, given the small quantities to be supplied, the packaging methods and the large number of destinations of the supplies, provision should be made for

the possibility for tenderers to indicate two ports of loading, where necessary not belonging to the same port area,

HAS ADOPTED THIS REGULATION:

Article 1

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

For lot A, notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

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

Article 2

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

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

Done at Brussels, 13 September 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽³⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOT A

1. **Operation Nos** ⁽¹⁾: 1070/95 (lot A1); 1071/95 (lot A2)
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: Euronaid, Postbus 12, NL-2501 CA Den Haag, Nederland (tel.: (31 70) 33 05 757; fax: 36 41 701; telex: 30960 EURON NL)
4. **Representative of the recipient** ⁽³⁾: to be designated by the recipient
5. **Place or countries of destination**: A1: Haiti; A2: Angola
6. **Product to be mobilized**: vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under I.B (1))
8. **Total quantity (tonnes)**: 255 tonnes
9. **Number of lots**: one in two parts (A1: 165 tonnes; A2: 90 tonnes)
10. **Packaging and marking** ⁽⁷⁾ ⁽⁸⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under I.B (2), I.A (2) (3) and I.B (3))
Language to be used for the marking: A1: French; A2: Portuguese
11. **Method of mobilization**: the Community market
The manufacture of the skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the tender
12. **Stage of supply**: Free at port of shipment ⁽¹⁰⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 21. 10 — 10. 11. 1996
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: Invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 30. 9. 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 14. 10. 1996
 - (b) period for making the goods available at the port of shipment: 4 — 24. 11. 1996
 - (c) deadline for the supply: —
22. **Amount of tendering security**: ECU 20 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾:
Bureau de l'aide alimentaire, à l'attention de Mr. T. Vestergaard
Bâtiment Loi 130, bureau 7/46
rue de la Loi/Wetstraat 200, B-1049 Brussels
(Telex: 2 56 70 AGREC B; fax: (32 2) 296 70 03/296 70 04)
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: Refund applicable on 6. 9. 1996, fixed by Commission Regulation (EC) No 1693/96 (OJ No L 220, 30. 8. 1996, p. 1)

LOT B

1. **Operation No** ⁽¹⁾: 1072/95 (B1); 1082/95 (B2)
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: Euronaid, Postbus 12, NL-2501, CA Den Haag, Nederland (tel.: (31 70) 33 05 757; fax: 36 41 701; telex: 30960 EURON NL)
4. **Representative of the recipient** ⁽³⁾: to be designated by the recipient
5. **Place or country of destination**: Cuba
6. **Product to be mobilized**: whole milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under I.C (1))
8. **Total quantity**: 240 tonnes
9. **Number of lots**: one in two parts (B1: 105 tonnes; B2: 135 tonnes)
10. **Packaging and marking** ⁽⁷⁾ ⁽⁸⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under I.C (2), I.A (2) (3) and I.C (3))
Language to be used for the marking: Spanish
11. **Method of mobilization**: the Community market
The whole milk powder must be manufactured after the award of the tender
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 28. 10 — 17. 11. 1996
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 30. 9. 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 14. 10. 1996
 - (b) period for making the goods available at the port of shipment: 11. 11 — 1. 12. 1996
 - (c) deadline for the supply: —
22. **Amount of tendering security**: ECU 20 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, Bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Brussels (telex: 25670 AGREC B; fax: (32 2) 296 70 03 / 296 70 04)
25. **Refund payable on application by the successful tenderer** ^(*): Refund applicable on 6. 9. 1996, fixed by Commission Regulation (EC) No 1693/96 (OJ No L 220, 30. 8. 1996, p. 1)

LOT C

1. **Operation No** (1): 1068/95
2. **Programme**: 1995
3. **Recipient** (2): WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma (tel.: (39 6) 57 971; telex: 62 66 75 WFP I)
4. **Representative of the recipient**: to be designated by the recipient
5. **Place or country of destination** (3): Rwanda
6. **Product to be mobilized**: vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** (3) (6): (See OJ No C 114, 29. 4. 1991, p. 1 (under I.B (1))
8. **Total quantity**: 136 tonnes
9. **Number of lots**: one
10. **Packaging and marking** (7): see OJ No C 114, 29. 4. 1991, p. 1 (under I. B (2), I.A (2) (3) and I.B (3))
Language to be used for the marking: French
Supplementary markings: 'Date d'expiration: ...'
11. **Method of mobilization**: The Community market
The manufacture of the skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the tender
12. **Stage of supply**: Free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: Dar-Es-Salaam (the bill of landing should specify: 'in transit to Rwanda')
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: Magasins du PAM à Kigali
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 21. 10 — 3. 11 1996
18. **Deadline for the supply**: 15. 12. 1996
19. **Procedure for determining the costs of supply**: Invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 30. 9. 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 14. 10. 1996
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 4 — 24. 11. 1996
 - (c) deadline for the supply: 29. 12. 1996
22. **Amount of tendering security**: ECU 20 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** (1):
Bureau de l'aide alimentaire, à l'attention de Mr T. Vestergaard,
Bâtiment Loi 130, bureau 7/46,
Rue de la Loi/Wetstraat 200, B-1049 Brussels
(telex: 2 56 70 AGREC B; fax: (32 2) 296 70 03/296 70 04)
25. **Refund payable on application by the successful tenderer** (4): Refund applicable on 6. 9. 1996 fixed by Commission Regulation (EC) No 1693/96 (OJ No L 220, 30. 8. 1996, p. 1)

LOT D

1. **Operation No** ⁽¹⁾: 1083/95 (D1); 1084/95 (D2)
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: Solidaridad Internacional, Glorieta de Quevedo 7, 6-D 28015 Madrid (tel.: (34-1) 593 11 13; fax: 448 44 69) Oxfam Belgique, rue du Conseil 39, B-1050 Bruxelles. (tel.: (32-2) 512 99 90; fax: 511 89 19; contact: J. M. Biquet)
4. **Representative of the recipient**: Croissant Rouge Sahraoui, 17 rue Ben M'Hidi Lardi, Oran (tel.: (213-6) 39 64 24; fax: 33 10 65; contact: Mr Bougoudour)
5. **Place or country of destination**: Algeria
6. **Product to be mobilized**: vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under I.B.(1))
8. **Total quantity**: 135 tonnes
9. **Number of lots**: one in two parts (D1: 112,5 tonnes; D2: 22,5 tonnes)
10. **Packaging and marking** ⁽⁷⁾ ⁽¹¹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (I.B (2), I.A. (2) (3) and I.B (3))
Language to be used for the marking: French
11. **Method of mobilization**: The Community market
The manufacture of the skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the tender
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Oran
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 21. 10 — 3. 11. 1996
18. **Deadline for the supply**: 17. 11. 1996
19. **Procedure for determining the costs of supply**: Invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 30. 9. 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 14. 10. 1996
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 4 — 17. 11. 1996
 - (c) deadline for the supply: 1. 12. 1996
22. **Amount of tendering security**: ECU 20 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾:
Bureau de l'aide alimentaire, à l'attention de Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Brussels; Telex: 2 56 70 AGREC B; fax: (32 2) 296 70 03 / 296 70 04
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: refund applicable on 6. 9. 1996, fixed by Commission Regulation (EC) No 1693/96 (OJ No L 220, 30. 8. 1996, p. 1)

Notes:

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

The amount of the refund shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 1482/96 (OJ No L 188, 27. 7. 1996, p. 22), shall not apply to this amount.

- (⁵) Commission delegation to be contacted by the successful tenderer: OJ No C 114, 29. 4. 1991, p. 33.
- (⁶) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:
- health certificate,
 - lots A, B, D: veterinary certificate issued by an official entity stating that the product was processed with pasteurized milk, coming from healthy animals, processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 12 months prior to the processing.

The veterinary certificate must state the temperature and duration of the pasteurization, the temperature and duration in the spray-drying tower and the expiry date for consumption.

- (⁷) Notwithstanding OJ No C 114, point I. B.3 (c) or I.C.3 (c) is replaced by the following: 'the words "European Community".'
- (⁸) Shipment to take place in 20-foot containers, condition FCL/FCL each containing 15 tonnes net. The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.

The provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.

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

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

- (⁹) The supplier should send a duplicate of the original invoice to: Willis Corroon Scheuer, Postbus 1315, NL-1000 BH Amsterdam.
- (¹⁰) Notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.
- (¹¹) Placed in one-way 20-foot containers.
-

COMMISSION REGULATION (EC) No 1785/96
of 13 September 1996
on the supply of white sugar as food aid

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

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security⁽¹⁾, and in particular Article 24 (1) (b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

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

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽²⁾, as amended by Regulation (EEC) No 790/91⁽³⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, for a given lot, given the small quantities to be supplied, the packaging methods and the large number of destinations of the supplies, provision should be made for

the possibility for tenderers to indicate two ports of loading, where necessary not belonging to the same port area,

HAS ADOPTED THIS REGULATION:

Article 1

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

For lot A, notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

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

Article 2

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

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

Done at Brussels, 13 September 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽³⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOT A

1. **Operation No** ⁽¹⁾: 1073/95 (A1); 1081/95 (A2)
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: Euronaid, Postbus 12, NL-2501 CA Den Haag, Nederland, (tel.: (31-70) 33 05 757; fax: (31-70) 36 41 701; telex: 30960 EURON NL)
4. **Representative of the recipient** ⁽³⁾: to be designated by the recipient
5. **Place or country of destination**: A1: Angola; A2: Haiti
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾ ⁽⁸⁾: see OJ No C 114, 29. 4. 1991, p. 1 (V.A (1))
8. **Total quantity**: 360 tonnes
9. **Number of lots**: one in two parts: (A1: 162 tonnes; A2: 198 tonnes)
10. **Packaging and marking** ⁽⁶⁾ ⁽¹⁰⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under V.A (2) and V.A (3))
Language to be used for the marking: A1: Portuguese; A2: French
11. **Method of mobilization**: sugar produced in the Community in accordance with the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 as follows:
A or B sugar (points (a) and (b))
12. **Stage of supply**: free at port of shipment ⁽¹¹⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 21. 10 — 10. 11. 1996
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 30. 9. 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 14. 10. 1996
 - (b) period for making the goods available at the port of shipment: 4 — 24. 11. 1996
 - (c) deadline for the supply: —
22. **Amount of tendering security**: ECU 15 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Brussels. Telex: 25670 AGREC B; fax: (32-2) 296 70 03 / 296 70 04
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: Periodic refund applicable to white sugar on 10. 9. 1996, fixed by Commission Regulation (EC) No 1729/96 (OJ No L 224, 5. 9. 1996, p. 1)

Notes:

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

The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 1482/96 (OJ No L 188, 21. 7. 1996, p. 22), shall not apply to this amount.

- (5) The supplier should send a duplicate of the original invoice to: Willis Corroon Scheuer, Postbus 1315, NL-1000 BH Amsterdam.
- (6) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (7) The rule provided at the second indent of Article 18 (2) (a) of Commission Regulation (EEC) No 2103/77 (OJ No L 246, 27. 9. 1977, p. 12) is binding for determination of the sugar category.
- (8) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following document:
 - health certificate.
- (9) Notwithstanding OJ No C 114, point V.A (3) (c) is replaced by the following: 'the words "European Community"'.
 - (10) Shipment to take place in 20-foot containers, condition FCL/FCL, each containing 18 tonnes net.

The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.

The provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.

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

The successful tenderer has to seal each container with a numbered locktainer (Sysko locktainer 180 seal), the number of which to be provided to the beneficiary's forwarder.
- (11) Notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

COMMISSION REGULATION (EC) No 1786/96
of 13 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 14 September 1996.

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

Done at Brussels, 13 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 13 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	33,5	0808 10 92, 0808 10 94, 0808 10 98	624	67,7
	060	80,2		999	112,7
	064	70,8		039	121,0
	066	54,0		052	64,0
	068	80,3		064	67,9
	204	86,8		070	90,2
	208	44,0		284	72,1
	212	97,5		388	93,9
	624	95,8		400	54,5
	999	71,4		404	63,6
	052	62,4		416	72,7
	053	156,2		508	113,5
ex 0707 00 25	060	61,0	0808 20 57	512	83,0
	066	53,8		524	100,3
	068	69,1		528	52,9
	204	144,3		624	86,5
	624	87,1		728	107,3
	999	90,6		800	141,3
	052	54,3		804	95,9
	204	77,5		999	87,1
	412	54,2		039	104,1
	508	42,9		052	62,1
	624	151,9		064	81,2
	999	76,2		388	57,2
0805 30 30	052	131,2	0809 30 41, 0809 30 49	400	70,4
	204	88,8		512	88,7
	220	74,0		528	132,9
	388	104,0		624	79,0
	400	68,2		728	115,4
	512	80,0		800	84,0
	520	66,5		804	73,0
	524	67,5		999	86,2
	528	66,4		052	93,8
	600	96,5		220	121,8
	624	48,9		624	106,8
	999	81,1		999	107,5
0806 10 40	052	70,1	0809 40 30	052	38,8
	064	49,5		064	50,7
	066	49,4		066	46,4
	220	110,8		068	37,1
	400	139,4		400	84,9
	412	58,5		624	52,2
	508	307,2		676	68,6
	512	186,0		999	54,1
	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'.

COMMISSION REGULATION (EC) No 1787/96
of 13 September 1996
fixing the import duties in the cereals sector

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

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

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

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

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

Whereas Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 for the 1996/97 marketing year as regards import duties in the cereals sector;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 September 1996.

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

Done at Brussels, 13 September 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 161, 29. 6. 1996, p. 125.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	15,75	5,75
1001 90 91	Common wheat seed	33,28	23,28
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	33,28	23,28
	medium quality	43,09	33,09
	low quality	49,42	39,42
1002 00 00	Rye	73,46	63,46
1003 00 10	Barley, seed	73,46	63,46
1003 00 90	Barley, other ⁽³⁾	73,46	63,46
1005 10 90	Maize seed other than hybrid	75,80	65,80
1005 90 00	Maize other than seed ⁽³⁾	75,80	65,80
1007 00 90	Grain sorghum other than hybrids for sowing	87,57	77,57

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 30 August to 12 September 1996)

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

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	126,75	130,09	128,58	107,62	161,18 ⁽¹⁾	103,47 ⁽¹⁾
Gulf premium (ECU/tonne)	—	12,61	7,80	16,49	—	—
Great lake premium (ECU/tonne)	16,89	—	—	—	—	—

⁽¹⁾ Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 8,94 per tonne; Great Lakes — Rotterdam: ECU 17,82 per tonne.

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

COMMISSION REGULATION (EC) No 1788/96

of 13 September 1996

fixing the maximum buying-in price and the quantities of beef to be bought in under the 167th partial invitation to tender as a general intervention measure pursuant to Regulations (EEC) No 1627/89 and (EC) No 1680/96

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1588/96 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef ⁽³⁾, as last amended by Regulation (EC) No 307/96 ⁽⁴⁾, an invitation to tender was opened pursuant to Article 1 (1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender ⁽⁵⁾, as last amended by Regulation (EC) No 1744/96 ⁽⁶⁾;

Whereas, in accordance with Article 13 (1) of Regulation (EEC) No 2456/93, a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received; whereas, in accordance with Article 14 of that Regulation, only tenders quoting prices not exceeding the maximum buying-in price and not exceeding the average national or regional market price, plus the amount referred to in paragraph 1 of that Article, are to be accepted;

Whereas, once tenders submitted in respect of the 167th partial invitation to tender have been considered and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughtering, the maximum buying-price and the quantities which may be bought in should be fixed;

Whereas, following the buying in of forequarters and carcasses and half-carcasses of lean animals of less than 10 months old, the price of such products should be defined on the basis of carcass prices;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing coefficient or, where appropriate, depending on the differences in prices and the quantities tendered for, several reducing coefficients should accordingly be applied to the quantities which may be bought in in accordance with Article 13 (3) of Regulation (EEC) No 2456/93 and the final indent of Article 1 (1a) of Commission Regulation (EC) No 1318/96 ⁽⁷⁾, as last amended by Regulation (EC) No 1751/96 ⁽⁸⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

Under the 167th partial invitation to tender opened pursuant to Regulation (EC) No 1627/89:

(a) for category A:

- the maximum buying-in price shall be ECU 261 per 100 kg of carcasses or half-carcasses of quality R3,
- the price of forequarters shall be calculated from the carcass price using the coefficient 0,80 for the straight cut,
- the maximum quantity of carcasses, half-carcasses and forequarters accepted shall be 13 486 tonnes,
- the quantities offered at a price of ECU 229 or more shall be multiplied by a coefficient of 45 % in accordance with Article 13 (3) of Regulation (EEC) No 2456/93;

(b) for category C:

- the maximum buying-in price shall be ECU 261 per 100 kg of carcasses or half-carcasses of quality R3,
- the price of forequarters shall be calculated from the carcass price using the coefficient 0,80 for the straight cut,

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 23.

⁽³⁾ OJ No L 225, 4. 9. 1993, p. 4.

⁽⁴⁾ OJ No L 43, 21. 2. 1996, p. 3.

⁽⁵⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ No L 226, 7. 9. 1996, p. 11.

⁽⁷⁾ OJ No L 170, 9. 7. 1996, p. 26.

⁽⁸⁾ OJ No L 229, 10. 9. 1996, p. 13.

- the maximum quantity of carcasses, half-carcasses and forequarters accepted shall be 12 006 tonnes,
 - the quantities offered at a price of ECU 229 or more shall be multiplied by a coefficient of 45 % in accordance with Article 13 (3) of Regulation (EEC) No 2456/93;
 - (c) for carcasses and half-carcasses of lean animals of less than 10 months old:
- the awarded prices shall be calculated from the carcase price using the coefficient 1,23,
 - the maximum quantity accepted shall be 1 559 tonnes.

Article 2

This Regulation shall enter into force on 16 September 1996.

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

Done at Brussels, 13 September 1996.

For the Commission

Franz FISCHLER

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 April 1996

ordering the Italian Government to supply all the documentation, information and data on aid for restructuring the road haulage sector and to suspend forthwith the payment of any further aid

(Only the Italian text is authentic)

(Text with EEA relevance)

(96/543/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Articles 5, 92 and 93 thereof,

Having regard to the Agreement establishing the European Economic Area, and in particular Articles 61 and 62 thereof,

Whereas:

- (1) By letter of 19 April 1991 ⁽¹⁾, the Commission notified the Italian Government of its decision to initiate the procedure under Article 93 (2) of the Treaty with respect to an aid scheme for restructuring the road haulage sector in Italy.
- (2) Having initiated the procedure, the Commission learnt, via the Italian Official Journal (GURI of 12 February 1992, Serie Generale No 35, p. 3), that the Italian authorities had introduced Law No 68 of 5 February 1992, instituting an aid scheme, within the meaning of Article 92 of the Treaty, the effects of which are identical to those of the aid originally notified by the Italian authorities on 13 September 1990, and had further adopted the Decree of 27 June 1992 (GURI of 13 June 1992, Serie Generale No 163, p. 12) which provides for the possibility of

issuing three times as many authorizations as will be issued on the basis of Article 9 of Law No 68 (early retirement).

- (3) On the basis of this information, the Commission decided to extend the Article 93 (2) procedure initiated in Case No C 17/91 ⁽²⁾ to the abovementioned measures.
- (4) The legal basis for this aid package is thus constituted by the following:
 - Law No 68 of 5 February 1992 'Ristrutturazione dell'autotrasporto di cose per conto di terzi' (GURI of 12 February 1992, Serie Generale, No 35, p. 3),
 - Decree of 27 June 1992 'Rilascio di nuove autorizzazioni al trasporto di merci per conto di terzi' (GURI of 13 June 1992, Serie Generale No 163, p. 12),
 - Decree of 29 October 1992 'Disposizioni concernenti i criteri per la concessione e l'erogazione dei benefici nonché i tempi e la modalità per la presentazione delle domande di cui alla legge 5 febbraio 1992' (GURI of 20 January 1993, Serie Generale No 15, p. 15),
 - Decree of 3 December 1992 'Versamento contributivo per gli autotrasportatori che cessino l'attività d'impresa' (GURI of 23 December 1992, Serie Generale No 301, p. 6),

⁽¹⁾ OJ No C 137, 28. 5. 1991, p. 3.

⁽²⁾ OJ No C 66/3, 9. 3. 1993, p. 3.

- Decree of 26 April 1993 'Disposizioni concernenti la ripartizione dei fondi disponibili tra le diverse finalità della legge 5 febbraio, No 68',
 - Decree Law No 92 of 29 March 1995 (GURI of 30 March 1995), Decree Law No 205 of 30 May 1995, Decree Law No 311 of 28 July 1995 (GURI No 176 of 29. 7. 1995) and Decree Law No 402 of 26 September 1995 (GURI No 226 of 27. 9. 1995), not converted into law (see GURI No 277 of 27 November 1995).
- (5) The purpose of the notified aid is to restructure the road haulage sector so as to prepare it for the single market in 1993, by encouraging, in particular, mergers between firms and the creation of consortia and cooperatives. To that end, the aid package, as originally envisaged, included a number of measures (see Law No 68 of 1992), namely:
- A.
Tax relief in the event of mergers between firms which had been registered for at least three years (Article 3.1);
 - B.
Grants for the purchase, or the hire-purchase, of a new vehicle in the event of a merger (Article 3.2 and 4);
 - C.
Investment subsidies (Article 6);
 - D.
Payment by the State of two years' social security charges on the remuneration of workers taking a training course (Article 8);
 - E.
Retirement grants for individuals, or members of cooperatives, aged over 60 in the case of men and 55 in the case of women, who worked as road hauliers without employees (Article 9);
 - F.
Payment by the State of two years' social security charges in respect of new recruits to firms which had previously been self-employed hauliers (Article 10).
- (6) In view of the alterations made to the initial proposal for an aid package, and given the exchange rate fluctuations which have occurred, the budgetary amounts currently being considered by the Italian authorities are unclear and seem to have changed considerably since the initial notification. At a meeting of experts on 25 September 1995, the Italian authorities informed the Commission that the overall budget for 1995, 1996 and 1997 was Lit 378,1 billion (ECU 189 million), but gave no indication as to how this aid was to be allocated among the various schemes.
- (7) The legal framework, according to the information provided by the Italian authorities, has been applied only with regard to the 1992 aid measures, and even then the only aid measures to which the legal framework was actually applied were the early retirement schemes: no other types of aid were requested. Moreover, the correspondence notified by the Italian authorities includes an agreement with the hauliers, dated 17 March 1995, under which Law No 68 would be extended for three years but the authorities would implement only those measures provided for in Articles 6.1 (c) (promotion of combined transport), 8 (vocational training) and 9 (early retirement).
- (8) There have been a number of exchanges of information between the Italian authorities and the Commission since the abovementioned procedure was initiated. In their letter of 22 December 1993, the Italian authorities informed the Commission that the Council of Ministers had adopted a preliminary draft law ('provisions relating to the carriage of goods by road on behalf of third parties'), Article 2 of which substantially amends Law No 68 of 1992 so as to bring it in line with Community legislation on State aid. The Article in question would do away with those aid schemes which most clearly conflict with Community law, but would still allow tax relief (Article 3.1 of the Law) and measures to encourage the vocational training of road hauliers (Article 8 of the Law), combined transport (Article 6 (c) of the Law) and early retirement for hauliers having no employees (Article 9 of the Law).
- (9) In response to two requests by the Commission for further information, issued on 22 February 1994 and 12 April 1995, the Italian authorities sent the Commission a letter, recorded as received on 17 July 1995 by the Directorate-General for Transport, stating that the proposed amending Law had not been adopted in December 1993 because the Italian Parliament had been dissolved and there were internal political difficulties in Italy. Consequently, under an agreement with the road haulage associations (a copy of which was sent to the

Commission), Law No 68 had been extended by the abovementioned Decree Law No 92 of 29 March 1995, but only those Articles relating to early retirement, combined transport and vocational training would be the subject of implementing decrees. At the same time the Italian authorities informed the Commission that the implementing decrees were still being drafted and would be sent to the Commission as soon as possible, together with the other information which had been requested in the Commission's last letter.

- (10) On 25 September 1995, a meeting was held in Brussels between Commission representatives and the Italian authorities. The purpose of this meeting was to clarify a number of legal problems before the final adoption of the ministerial implementing decrees. The Italian experts confirmed that only Articles 6 (c), 8 and 9 of Law No 68, namely the measures to promote combined transport, vocational training and early retirement, would be applied. The Italian experts also confirmed that Law No 68 had not created any rights for possible beneficiaries (except with regard to early retirement in 1992), since the implementing decrees had never been published.
- (11) On 21 November 1995, the Commission sent a letter containing all the information requested by the Italian authorities at the meeting. This letter reminded the Italian authorities that the Commission was still awaiting a written reply to its letter of 12 April 1995 requesting further information, details of the implementation of the aid schemes and the legislative steps which had been taken to revoke the unadopted aid schemes covered by Law No 68 of 5 February 1992. The Italian authorities were also asked to send the Commission full information concerning any extension in time of the aid package, and it was pointed out that any such extension would be regarded as covered by procedure No C/17/91. On this same occasion, the Italian authorities were warned that the Commission might order suspension of the aid, might order Italy to provide all the necessary information and might then take its decision on the basis of the existing information. A period of 15 working days was allowed for a reply to this letter.
- (12) Subsequently, the Commission learned that a fresh proposal had been made to extend Law No 68 via the Decree-Law of 26 September 1995, but that the latter had not been converted into law and was thus no longer valid. Throughout January 1996, informal conversations took place with the Italian authorities, who promised to provide the requested information. To date, however, this information has not reached the Commission.
- (13) In view of the foregoing and as the Court recognized in its judgment in Case C-301/87 (*Boussac*) on 14 February 1990 and subsequently confirmed in its judgment of 13 April 1994 in Cases C-324/90 and C-342/90 (*Pleuger*)⁽¹⁾, where Article 93 (3) of the EC Treaty is violated the Commission has the power to take a provisional decision obliging the Member State concerned, in this case Italy, to suspend payment of aid and to provide the Commission with all the documents and all the information and data necessary for it to examine the compatibility of the aid schemes concerned with the common market.
- (14) Furthermore, in accordance with those judgments of the Court, if Italy were to fail to comply with this Decision by not supplying, within six weeks of its notification, all the relevant information for an assessment of the compatibility of the aid in question, the Commission could take a final decision on the basis of the information then available to it; such decision could require recovery of the aid disbursed and payment of interest calculated from the date of payment of the aid at the reference rate applicable on that date, which is used for calculating the net subsidy-equivalent of the various types of aid in that Member State. This measure would be necessary in order to re-establish the *status quo ante*⁽²⁾ by removing all the financial benefits which the firm receiving the unlawful aid had improperly enjoyed since the date on which the aid was paid.
- (15) In the case in point, the Italian authorities have — as seen above — been asked by the Commission in particular in the letters of 5 July 1993, 18 April 1995 and 5 July 1995, to send it complete information about the aid in question. In some cases, no reply at all has been received, while in other cases the Commission considers that the replies received are insufficient to enable it to assess the compatibility of the aid with Community law.
- (16) Moreover, the Italian authorities have confirmed that the aid schemes relating to 1992 were implemented and that an agreement was signed with the haulage associations on 17 March 1995 for the implementation of some of the measures provided for under the aid package in question. A number of decree-laws were issued in the course of 1995 with a view to extending the scheme to 1995/1996/1997.
- ⁽¹⁾ [1994] ECR I-1205.
⁽²⁾ Case C-142/87. Judgment of the Court delivered on 21 March 1990, [1990] ECR I-959.

- (17) However, under Article 93 (3) of the Treaty, the Member State concerned may not put its proposed aid measures into effect until the assessment procedure in accordance with Article 92 (2) has resulted in a final decision. Since the Italian Government has implemented the aid package concerned without complying with this obligation not to put the measures into effect, the package must be regarded as unlawful under Community law.
- (18) In view of the foregoing, the Commission considers that there is a major risk of distortion of competition and that the aid should be suspended forthwith. This would involve not only refraining from implementing the aid schemes described above but also from adopting any new laws or regulations of which the purpose is to lay down implementing rules for the aid schemes described above,

HAS ADOPTED THIS DECISION:

Article 1

Within six weeks of the date of notification of this Decision, Italy shall provide all the information and data and all the relevant documents needed to enable the Commission to assess whether the aids for restructuring the road haulage sector examined in aid Case C-17/91 are compatible with Article 92 of the EC Treaty. This information shall, in particular, include the following details:

1. The implementing rules for the aid schemes regarding training and for those intended to promote combined transport and early retirement in the road haulage sector. The Italian authorities must, in particular, provide the information which was requested in the letter of 12 April 1995 for the purposes of assessing the aid schemes concerned in the light of the relevant Community legislation, specifying the types of investment in combined transport equipment and the arrangements for paying aid for training.
2. The ways in which this aid may be added to other aid packages currently in force, and the total budget for the aid package, specifying how each scheme is broken down by year.
3. The extent to which the aid schemes concerned have already been implemented, and the legislative steps taken to revoke the unadopted aid schemes covered by

Law No 68 of 5 February 1992 (GURI of 12 February 1992) which constitutes the legal basis for aid Case C-17/91. To this end, the Italian authorities should confirm officially that the other measures provided for in the said Law No 68, including those in the form of tax relief, have been withdrawn from the proposed aid package. Should this not be the case, the information sent by the Italian authorities must also include full details of the arrangements for implementing the other measures.

4. In addition, according to the information available to the Commission, Article 3 of the Italian Decree-Law of 26 September 1995 (GURI No 226 of 27 September 1995) extended the period of validity of Law No 68 until 31 December 1997, in accordance with the terms of the agreement signed with the haulage associations on 17 March 1995; however, the Decree-Law has not yet been converted into law. The Italian authorities are requested to inform the Commission of the implications of this non-conversion and of any fresh Parliamentary bill seeking to extend the duration of the aid package.

Italy may provide any other information it considers relevant to the assessment of this matter.

Article 2

Italy should suspend forthwith the implementation of any new aid scheme taking the form described above, pending the outcome of the Commission's assessment thereof, and shall notify the Commission, within 15 working days, of the steps it has taken to comply with such obligation. The obligation shall include the duty not only to refrain from disbursing the aid already introduced but also to refrain from adopting any further legislation laying down rules or procedures for implementing the aid described above.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 30 April 1996.

For the Commission

Neil KINNOCK

Member of the Commission

COMMISSION DECISION
of 29 May 1996
concerning State aid to Walzwerk Ilsenburg GmbH
(Only the German text is authentic)
(Text with EEA relevance)
(96/544/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 4 (c) thereof,

Having regard to Commission Decision No 3855/91/ECSC of 27 November 1991 establishing Community rules for aid to the steel industry⁽¹⁾, and in particular Articles 5 and 6 thereof,

Having, in accordance with Article 6 (4) of the abovementioned Decision, given notice to interested parties to submit their comments,

Whereas:

I

By fax dated 24 November 1994, registered on 25 November 1994, Germany notified State aid in respect of Walzwerk Ilsenburg. The aid, consisting of an investment subsidy of DM 5,85 million and a tax concession of DM 0,9505 million, was intended to facilitate an investment amounting to DM 29,5 million.

On 15 February 1995 the Commission decided to open the procedure pursuant to Article 6 (4) of Decision 3855/91/ECSC of 27 November 1991 (hereinafter referred to as 'the SAC') with regard to the above proposal.

The Commission considered that the aid fell under Article 5 of the SAC and that aid falling under this Article had to be notified by 30 June 1994 at the latest, according to Article 6 (1) of the SAC, and could only be deemed compatible with the common market before 31 December 1994.

Germany was informed of this decision, which was published in the *Official Journal of the European Communities*⁽²⁾ by letter of 10 March 1995.

Germany reacted by letter of 19 April 1995 saying, in particular:

- that it understood that the late notification could have caused problems for the Commission, but that the Commission accepted other late notifications as well,
- that the parent company Preussag Stahl AG had, as the result of a letter of 21 December 1994 from the Commission, understood that the State aid had been authorized. In the letter reference was made to a letter from Preussag Stahl AG of 7 December 1994 addressed to two Members of the Commission, urging the Commission to examine the State aid,
- that the Federal Government, the Government of the *Land* Saxony-Anhalt and the company itself had, because of the urgency, been entitled to regard that letter as a positive verdict on the examination by the Commission,
- that the *Land* of Saxony-Anhalt and the company had arranged for payment of the aid on 23 December 1994,
- that the *Land* of Saxony-Anhalt and the company had interpreted the letter as a substantive authorization and that their subsequent actions had been made on the basis of legitimate expectations.

The following observations were received from third parties and other Member States:

- On 30 November 1995 the Permanent Representation of one Member State indicated that the aid appeared to be incompatible with Article 5 of the SAC and that great importance attached to the strict application of the ECSC State aid rules.
- On 30 November 1995 a steel company stated that, according to the SAC, notification had to be lodged by 30 June 1994 and that the notification of 25 November 1994 was too late; that Article 5 of the SAC only allows compatibility of regional aid until 31 December 1994 and that Article 14 of the ECSC Treaty provides that decisions of the High Authority (the Commission) are binding in their entirety.
- On 24 November 1995 an association of steel producers argued that the Commission is no longer empowered to authorize the aid, as the special provisions contained in Article 5 of the SAC have expired.

⁽¹⁾ OJ No L 362, 31. 12. 1991, p. 57.

⁽²⁾ OJ No C 289, 31. 10. 1995, p. 11.

— On 1 December 1995 another steel company requested that the aid should not be authorized and stated that it was irrelevant whether the aid resulted in a capacity increase or not, since the investment is aimed at rationalizing production and improving competitiveness.

These observations have been sent to Germany by letter of 15 January 1996.

By letter of 20 February 1996 Germany provided its comments to the observations.

It pointed out that the SAC does not prohibit a positive decision in the event of a late notification and maintained that as a result of the letter of 21 December from the Commission, the company is protected by legitimate expectations. It added that improvements in competitiveness achieved through the aid were fully covered by, and acceptable under, Article 5 of the SAC.

II

The aided investment was made to fit out a rolling mill for the production of heavy plates. This type of product falls under the ECSC Treaty and, consequently, the aid is caught by the general prohibition of State aid as laid down in Article 4 (c) of the ECSC Treaty.

However, on the basis of the SAC certain aid measures may be deemed compatible with the common market for steel. The Articles 2, 3 and 4 of the SAC cannot be applied since the aid is not earmarked for R&D, environmental protection or closure.

As far as this case is concerned, Article 5 of the SAC seems to be of relevance here since it stipulates that aid granted to steel undertakings for investment under general regional aid schemes may, until 31 December 1994, be deemed compatible with the common market, provided that the aided undertaking is located in the territory of the former German Democratic Republic and the aid is accompanied by a reduction in the overall production capacity of that territory.

However, Article 5 of the SAC shows clearly that the Commission only has the authority to declare regional investment aid compatible with the common market for steel before 31 December 1994; it follows that it has no such authority after 31 December 1994.

As from 1 January 1995 the SAC makes no further provision for declaring regional investment aid for steel undertakings in Germany compatible with the common market

for steel, since Articles 1 (1) and 5 of the SAC do not admit of such compatibility with the common market after 31 December 1994, regardless of whether or not the aid would have been authorizable had it been notified in time.

III

The comments from the other Member States and from the interested parties seem to endorse the Commission's view and need no further discussion.

One argument of the German Government is that it was aware of the fact that the notification was effected too late, but that the Commission had taken decisions in other cases that were notified too late as well.

Article 6 (1) of the SAC stipulates that regional investment aid under Article 5 of the SAC had to be notified at the latest by 30 June 1994. This deadline was set in order to give the Commission sufficient time to assess the proposed aid measures before 31 December 1994.

It is true that the Commission had adopted decisions in cases that had been notified after 30 June 1994, but only where it was possible to take them before 31 December 1994.

In this case the notification was lodged with the Commission on 25 November 1994 — too late for the deadline of 30 June 1994. The Commission did not see any possibility of taking a decision before 31 December 1994, because the investment amounted to DM 29,5 million and was therefore in excess of ECU 10 million. Article 6 (3) of the SAC requires the Commission to seek the views of the Member States on plans for regional investment aid when the amount of the aided investment or of the total aided investments during 12 consecutive months is in excess of ECU 10 million, before adopting a position.

The time between 25 November 1994 (the date of receipt of the notification) and 21 December 1994 (the Commission's last session before 31 December 1994), i.e. 17 working days, was not sufficient to prepare consultation of the Member States in the various languages and to conduct this consultation and to take a final decision.

It should be noted that the Commission, according to Article 6 (3) of the SAC, is to seek the views of the Member States on plans for aid under Article 5 of the SAC before it adopts a position on them when the amount of the aided investment is in excess of ECU 10 million. The investment in question amounted to DM 29,5 million (ECU 15,395 million in values of November

1994) exceeded that threshold. It is impossible to carry out such consultation and to adopt a decision, taking the comments of Member States into account, in 17 working days, including the day of receipt of the notification.

The other argument of the German Government is that the Federal Government, the Government of the *Land* Saxony-Anhalt and the company had the right to view the letter of 21 December 1994, informing the beneficiary's parent company of the approval of the aid, as a positive decision and that the *Land* and the company acted with legitimate confidence in respectively paying and accepting the aid.

It is however, the State that has to be authorized by the Commission to pay out the aid and not the beneficiary to receive it.

The letter of 21 December 1994 was not issued by the Member of the Commission responsible for competition nor by any of his staff. In addition, this letter could not have been regarded by either the Federal Government or the regional government as an authorization, since it is generally agreed that a decision by the Commission in State aid matters is not communicated by letter to the beneficiary or its parent company, but by letter of the Commission to the Member State concerned.

The letter of 21 December 1994 could not have created legitimate expectations on the part of the Federal Government, the government of the *Land* or the beneficiary company, since:

- it was known to both governments that the notification had been lodged too late and that therefore a decision before 31 December 1994 was not possible. On formal grounds the notification was too late since it was made after 30 June 1994. This date is given in Article 6 (1) of the SAC as the date by which notifications of aid falling under Article 5 of the SAC had to be lodged with the Commission. Even on practical grounds the notification was lodged too late, since the amount of the investment (DM 29,5 million) required, pursuant to Article 6 (3) of the SAC, prior consultation of Member States before the Commission could take a decision. It has to be noted that under Article 6 (5) of the SAC, the Commission has three months to reach a decision in a case like this. The time available to the Commission was not sufficient for it to make its position known,
- the Federal Government had been informed explicitly of this impossibility by letter of 1 December 1994 from the Director in charge of State aid at the Directorate-General for Competition. In this letter the Federal Government was also urged to withdraw the notification in order to prevent the procedure from

being initiated solely on account of failure to observe the time limit,

- the Permanent Representation of Germany received a telex on 21 December 1994 from the Secretariat General of the Commission concerning the approval of regional investment aid for ECSC companies. One of the aid numbers listed in the telex was N 308/94. This aid number corresponded to a notified State aid to Walzwerk Ilsenburg GmbH. This notification had been lodged with the Commission on 10 May 1994. By letter of 9 June 1994, Germany was informed that the aid had been registered under No N 308/94.

After receiving this telex it must have occurred to the Federal Government that the letter of 21 December 1994 of one of the Commissioners to Preussag Stahl AG has been based on the assumption that State aid Case N 308/94 was the case to which Preussag Stahl AG had referred to in its letter of 7 December 1994 and on which the Commission gave a favourable decision on 21 December 1994,

- neither Germany nor the recipient undertaking attacked the decision to initiate the procedure pursuant to Article 6 of the SAC, and they were informed by letter dated 23 February 1995 that the letter of 21 December 1994, in so far as it might have given the impression that the aid in question here had been authorized, was mistaken.

The above arguments, taken not only collectively but also separately, must have made it clear to both the Federal Government and the Government of Saxony-Anhalt that the Commission did not approve on 21 December 1994 the State aid notified on 24 November 1994 and that the letter to Preussag Stahl AG of 21 December 1994, which did not issue from the Member of the Commission responsible for competition or any of his staff could not be associated with that notification of State aid.

It can therefore not be claimed that the German authorities acted in good faith or are protected by legitimate expectations when they arranged for the payment of the aid on 23 December 1994.

IV

Since Article 5 of the SAC provides that regional investment aid may only be declared compatible with the common market by the Commission before 31 December 1994, and since the Commission could not form a view of the notified State aid before that date, the State aid notified is incompatible with the common market according to Article 1 (1) of the SAC and prohibited by Article 4 (c) of the ECSC Treaty.

The aid in question has already been paid. Since it is incompatible with the common market and prohibited by the ECSC Treaty, it has to be recovered,

HAS ADOPTED THIS DECISION:

Article 1

The investment subsidy of DM 5,85 million and the tax concession of DM 0,9505 million paid by the *Land* of Saxony-Anhalt to the ECSC steel undertaking Walzwerk Ilseburg GmbH, constitutes State aid incompatible with the common market and prohibited under the ECSC Treaty and Commission Decision No 3855/91/ECSC.

Article 2

Germany shall recover the aid from the recipient company. Repayment shall be made in accordance with the procedures and provisions of German law with interest, based on the interest rate used as reference rate in the assessment of regional aid schemes, commencing from the date on which the aid was paid over.

Article 3

Germany shall inform the Commission, within two months of being notified of this Decision, of the measures taken to comply therewith.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 29 May 1996.

For the Commission

Karel VAN MIERT

Member of the Commission

CORRIGENDA**Corrigendum to Council Regulation (EC) No 1427/96 of 26 June 1996 amending Regulation (EEC) No 2392/89 laying down general rules for the description and presentation of wines and grape musts**

(Official Journal of the European Communities No L 184 of 24 July 1996)

On page 4 in Article 1 (4), second line of quoted matter, (e):

for: '... nominal value,...',

read: '... nominal volume,...'.

Corrigendum to Commission Regulation (EC) No 1179/96 of 27 June 1996 opening a standing invitation to tender for the export of barley held by the German intervention agency

(Official Journal of the European Communities No L 155 of 28 June 1996)

Page 38, Article 6 (1), third subparagraph, point (b), first indent:

for: '... 68 kg/hl,'

read: '... 60 kg/hl,'.
