

Official Journal

of the European Communities

ISSN 0378-6978

L 241

Volume 39

21 September 1996

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ Council Regulation (EC) No 1820/96 of 16 September 1996 adopting autonomous and transitional measures for the free trade agreements with Lithuania, Latvia and Estonia in certain processed agricultural products 1
- ★ Council Regulation (EC) No 1821/96 of 16 September 1996 amending for the sixth time Regulation (EEC) No 1866/86 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound 8
- ★ Council Regulation (EC) No 1822/96 of 16 September 1996 opening and providing for the administration of Community tariff quotas for certain fishery products originating in Ceuta (1996-1997) 10
- ★ Council Regulation (EC) No 1823/96 of 16 September 1996 opening and providing for the administration of autonomous Community tariff quotas for certain fishery products (second series 1996) 13
- Commission Regulation (EC) No 1824/96 of 20 September 1996 amending Regulation (EEC) No 1627/89 on the buying in of beef by invitation to tender..... 16
- Commission Regulation (EC) No 1825/96 of 20 September 1996 opening intervention in accordance with Article 6 (4) of Council Regulation (EEC) No 805/68 18
- Commission Regulation (EC) No 1826/96 of 20 September 1996 on the supply of milk products as food aid 20
- ★ Commission Regulation (EC) No 1827/96 of 20 September 1996 providing for the opening and management of a tariff quota for preparations of a kind used in animal feeding falling within CN codes 2309 90 31, 2309 90 41 and 2309 90 51 23
- Commission Regulation (EC) No 1828/96 of 20 September 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables 26

Commission

Administrative Commission of the European Communities on Social Security for
Migrant Workers

96/554/EC:

- * Decision No 162 of 31 May 1996 concerning the interpretation of Articles 14 (1) and 14b (1) of Council Regulation (EEC) No 1408/71 on the legislation applicable to posted workers 28

96/555/EC:

- * Decision No 163 of 31 May 1996 concerning the interpretation of Article 22 (1) (A) of Regulation (EEC) No 1408/71 in respect of persons undergoing dialysis or oxygen therapy 31

Corrigenda

- * Corrigendum to Council Regulation (EC) No 1628/96 of 25 July 1996 relating to aid for Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia (OJ No L 204 of 14.8.1996) 32
- * Corrigendum to Decision No 3/96 of the Association Council between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part of 16 July 1996 settling the dispute between the European Communities and the Republic of Poland concerning skins and hides in accordance with Article 105 (1) and (2) of the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part (OJ No L 208 of 17.8.1996) 32

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1820/96**of 16 September 1996****adopting autonomous and transitional measures for the free trade agreements with Lithuania, Latvia and Estonia in certain processed agricultural products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the Act of Accession of Austria, Finland and Sweden,

Having regard to the proposal of the Commission,

Whereas, in the framework of the free trade agreements between the European Community, on the one hand, and Lithuania, Latvia and Estonia, on the other hand, concessions regarding certain processed agricultural products were granted to those countries;

Whereas, following the accession of Austria, Finland and Sweden, the said concessions need to be adapted to take account in particular of the trade arrangements which existed in processed agricultural produce between Austria, Finland and Sweden, on the one hand, and Lithuania, Latvia and Estonia, on the other;

Whereas the Council Decision of 19 June 1995 adopting the negotiating directives for the adaptation of the Europe agreements, free trade agreements and agreements on tariff quotas for certain wines following enlargement states that the line to be followed regarding the adaptation of the agreements with Lithuania, Latvia and Estonia on processed agricultural produce should take account of enlargement of the European Union and align preferences on those granted to the countries of Central and Eastern Europe;

Whereas Regulation (EC) No 3064/95⁽¹⁾ providing for the adjustment, as an autonomous and transitional measure, of concessions for certain processed agricultural products provided for in the Europe Agreements to take account of

the Agreement on Agriculture concluded during the Uruguay Round Multilateral Trade Negotiations has been extended by Regulation (EC) No 1534/96⁽²⁾;

Whereas the negotiations on improved concessions granted to Estonia, Latvia and Lithuania have been finalized; whereas the new concessions must be the subject of a decision by each Joint Committee, in accordance with the agreements; whereas, however, there is nothing to stop the new concessions being granted on a provisional and autonomous basis as from now;

Whereas negotiations are in progress to this end with the said third countries with a view to concluding additional products to the abovementioned agreements;

Whereas, however, it has not been possible for these additional protocols to enter into force; whereas, under the circumstances and pursuant to Articles 76, 102 and 128 of the 1994 Act of Accession, the Community must take the necessary steps to remedy this situation; whereas these steps must take the form of autonomous Community tariff quotas equivalent to the preferential tariff concessions granted by the Community or otherwise the conventional preferential tariff concessions applied by Austria, Finland and Sweden,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 July to 31 December 1996, the goods originating in Lithuania listed in Annex I shall be subject to the tariff quotas and preferential duties mentioned in that Annex. The basic amounts to be taken into consideration in calculating the reduced agricultural components and additional duties applicable to the importation into the Community are given in Annex II.

⁽¹⁾ OJ No L 328, 30. 12. 1995, p. 2.

⁽²⁾ OJ No L 191, 1. 8. 1996, p. 1.

2. From 1 July to 31 December 1996, the goods originating in Latvia listed in Annex III shall be subject to the tariff quotas and preferential duties mentioned in that Annex. The basic amounts to be taken into consideration in calculating the reduced agricultural components and additional duties applicable to the importation into the Community are given in Annex II.

3. From 1 July to 31 December 1996, the goods originating in Estonia listed in Annex IV shall be subject to the tariff quotas and preferential duties mentioned in that Annex. The basic amounts to be taken into consideration in calculating the reduced agricultural components and additional duties applicable to the importation into the Community are given in Annex II.

Article 2

Annexes I, II, III and IV to Council Regulation (EC) No 3065/95 of 22 December 1995 adopting autonomous and transitional measures for the free trade agreements

with Lithuania, Latvia and Estonia in certain processed agricultural products ⁽¹⁾ shall be cancelled and replaced by Annexes I, II, III and IV to this Regulation.

Article 3

The quotas referred to in Article 1 shall be administered by the Commission in accordance with the provisions of Article 2 of Council Regulation (EC) No 2178/95 of 8 August 1995 opening and providing for the administration of Community tariff quotas and ceilings for certain industrial and fishery products originating in Estonia, Latvia and Lithuania, and establishing the detailed provisions for adapting these quotas and ceilings ⁽²⁾.

Article 4

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

It shall apply with effect from 1 July 1996.

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

Done at Brussels, 16 September 1996.

For the Council

The President

I. YATES

⁽¹⁾ OJ No L 328, 30. 12. 1995, p. 24.

⁽²⁾ OJ No L 223, 20. 9. 1995, p. 1.

ANNEX I

Tariff quotas/suspensions and duties applicable to the importation into the Community of goods originating in Lithuania

Serial No	CN Code	Duty applicable as from 1. 7. 1996	Tariff quota/suspension
	0505 10 90	0	suspension
	1506 00 00	0	suspension
09.6533	1518 00 10	6 %	300 tonnes
	1518 00 31	0	
	1518 00 39	4 %	
	1518 00 91	6 %	
	1518 00 95	0	
	1518 00 99	6 %	
09.6501	1704 90 71	0 + RAC max 24,2 % + ad s/z	400 tonnes
	1704 90 75	0 + RAC max 24,2 % + ad s/z	
09.6503	1806 90	0 + RAC max 24,2 % + ad s/z	500 tonnes
09.6528	2203 00	6 %	400 tonnes
09.6525	2208 60 11	0,79 ecu/% vol/hl + 3,08 ecu/hl	330 tonnes
09.6534	2402 20 90	39,6 %	40 tonnes

NB: The reduced agricultural component (RAC) is calculated on the basis of the amounts shown in Annex II.

ANNEX II

PROCESSED AGRICULTURAL PRODUCTS

Basic amounts to be taken into consideration in calculating agricultural components and additional duties

	ecus / ECU / Ecu / ecu / écus / ecua / 100 kg
Trigo blando / Blød hvede / Weichweizen / Μαλακό σιτάρι / Common wheat / Blé tendre / Grano tenero / Zachte tarwe / Trigo mole / Tavallinen vehnä / Vete	9,148
Trigo duro / Hård hvede / Hartweizen / Σκληρό σιτάρι / Durum wheat / Blé dur / Grano duro / Durumtarwe / Trigo duro / Durumvehnä / Durumvete	14,199
Centeno / Rug / Roggen / Σίκαλη / Rye / Seigle / Segala / Rogge / Centeio / Ruis / Råg	8,914
Cebada / Byg / Gerste / Κριθάρι / Barley / Orge / Orzo / Gerst / Cevada / Ohra / Korn	8,751
Maíz / Majs / Mais / Καλαμπόκι / Maize / Maïs / Granturco / Maïs / Milho / Maissi / Majs	7,408
Arroz descascarillado de grano largo / Ris, afskallet, langkornet / Reis, langkörnig, geschält / Αποφλοιωμένο ρύζι μακρόσπερμο / Long-grain husked rice / Riz décortiqué à grains longs / Riso semigreggio a grani lunghi / Langkorrelige gedopte rijst / Arroz em películas de grãos longos / Pitkäjyväinen esikuorittu riisi / Ris, skalat långkornigt	25,441
Leche desnatada en polvo / Skummetmælkspulver / Magermilchpulver / Αποβουτυρωμένο γάλα σε σκόνη / Skimmed-milk powder / Lait écrémé en poudre / Latte scremato in polvere / Magere-melkpoeder / Leite desnatado em pó / Rasvaton maitojauhe / Skummjölkspulver	27,436
Leche entera en polvo / Sædmælkspulver / Vollmilchpulver / Πλήρες γάλα σε σκόνη / Whole-milk powder / Lait entier en poudre / Latte intero in polvere / Volle-melkpoeder / Leite inteiro em pó / Rasvainen maitojauhe / Mjölkspulver	35,869
Mantequilla / Smør / Butter / Βούτυρο / Butter / Beurre / Burro / Boter / Manteiga / Voi / Smör	55,129
Azúcar blanco / Hvidt sukker / Weißzucker / Λευκή ζάχαρη / White sugar / Sucre blanc / Zucchero bianco / Witte suiker / Açúcar branco / Valkoinen sokeri / Vitt socker	32,565

ANNEX III

Tariff quotas/suspensions and duties applicable to the importation into the Community of goods originating in Latvia

Serial No	CN Code	Duty applicable as from 1. 7. 1996	Tariff quota/suspension
09.6535	1704 90 65	0 + RAC max 24,2 % + ad s/z	250 tonnes
	1704 90 71	0 + RAC max 24,2 % + ad s/z	
	1704 90 75	0 + RAC max 24,2 % + ad s/z	
09.6536	1806 32 90	0 + RAC max 24,2 % + ad s/z	500 tonnes
	1806 90 11	0 + RAC max 24,2 % + ad s/z	
	1806 90 19	0 + RAC max 24,2 % + ad s/z	
09.6537	1901 90 11	0 + RAC	200 tonnes
	1901 90 19	0 + RAC	
	1901 90 99	0 + RAC	
	1901 90 91	8,8 %	
09.6538	1905 30 11	0 + RAC max 31,4 % + ad s/z	200 tonnes
	1905 30 19	0 + RAC max 31,4 % + ad s/z	
	1905 30 30	0 + RAC max 31,4 % + ad s/z	
	1905 30 51	0 + RAC max 31,4 % + ad s/z	
	1905 30 59	0 + RAC max 31,4 % + ad s/z	
	1905 30 91	0 + RAC max 26,9 % + ad f/m	
	1905 30 99	0 + RAC max 31,4 % + ad s/z	
09.6513	2105 00 10	0 + RAC max 24,5 % + ad s/z	28 tonnes
	2105 00 91	0 + RAC max 24 % + ad s/z	
	2105 00 99	0 + RAC max 23,9 % + ad s/z	
	2201 10	0	suspension
09.6528	2203 00	5,3 %	500 tonnes
09.6525	2208 60 11	0,79 ecu/% vol/hl + 3,08 ecu/hl	330 tonnes
09.6529	2208 70 10	0,96 ecu/% vol/hl + 6,16 ecu/hl	11 tonnes

NB: The reduced agricultural component (RAC) is calculated on the basis of the amounts shown in Annex II.

ANNEX IV

Tariff quotas/suspensions and duties applicable to the importation into the Community of goods originating in Estonia

Serial No	CN Code	Duty applicable as from 1. 7. 1996	Tariff quota/suspension
	1521 10 90	0	suspension
	1521 90 99	0	suspension
09.6515	1704 10 11 1704 10 19 1704 90 71 1704 90 75	0 + RAC max 21,3 % 0 + RAC max 21,3 % 0 + RAC max 24,2 % + ad s/z 0 + RAC max 24,2 % + ad s/z	150 tonnes
09.6530	1805 00 00	0	28 tonnes
09.6517	1806 10 15 1806 10 20 1806 10 30 1806 10 90 1806 20 10 1806 20 30 1806 20 50 1806 20 70 1806 20 80 1806 20 95 1806 31 00 1806 32 1806 90	0 0 + RAC 0 + RAC 0 + RAC 0 + RAC max 24,2 % + ad s/z 0 + RAC max 24,2 % + ad s/z 0 + RAC max 24,2 % + ad s/z 0 + RAC 0 + RAC max 24,2 % + ad s/z 0 + RAC max 24,2 % + ad s/z 0 + RAC max 24,2 % + ad s/z 0 + RAC max 24,2 % + ad s/z 0 + RAC max 24,2 % + ad s/z	500 tonnes
09.6519	1905 10 00 1905 20 1905 30 11 1905 30 19 1905 30 30 1905 30 51 1905 30 59 1905 30 91 1905 30 99 1905 40 1905 90 10 1905 90 20 1905 90 30 1905 90 40 1905 90 45 1905 90 55 1905 90 60 1905 90 90	0 + RAC 0 + RAC 0 + RAC max 31,4 % + ad s/z 0 + RAC max 31,4 % + ad s/z 0 + RAC max 31,4 % + ad s/z 0 + RAC max 31,4 % + ad s/z 0 + RAC max 31,4 % + ad s/z 0 + RAC max 26,9 % + ad f/m 0 + RAC max 31,4 % + ad s/z 0 + RAC 0 + RAC 0 + RAC 0 + RAC 0 + RAC max 26,9 % + ad f/m 0 + RAC max 26,9 % + ad f/m 0 + RAC max 26,9 % + ad f/m 0 + RAC max 31,4 % + ad s/z 0 + RAC max 26,9 % + ad f/m	110 tonnes
09.6521	2102 10 39	10 % + RAC	2 000 tonnes
09.6539	2103 90 90	6 %	600 tonnes
09.6523	2105 00 10 2105 00 91 2105 00 99	0 + RAC max 24,5 % + ad s/z 0 + RAC max 24 % + ad s/z 0 + RAC max 23,9 % + ad s/z	11 tonnes

Serial No	CN Code	Duty applicable as from 1. 7. 1996	Tariff quota/ suspension
	2201 10 19	0	suspension
	2202 10 00	0	suspension
09.6531	2203 00	5,3 %	500 tonnes
09.6525	2208 60 11	0,79 ecu/% vol/hl + 3,08 ecu/hl	100 tonnes
09.6529	2208 70 10	0,96 ecu/% vol/hl + 6,16 ecu/hl	17 tonnes
09.6532	2208 90 69	0,96 ecu/% vol/hl + 6,16 ecu/hl	17 tonnes
09.6534	2402 20 90	39,6 %	50 tonnes

NB: The reduced agricultural component (RAC) is calculated on the basis of the amounts shown in Annex II.

COUNCIL REGULATION (EC) No 1821/96
of 16 September 1996

amending for the sixth time Regulation (EEC) No 1866/86 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and, in particular, Article 43 thereof,

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

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

Whereas, under Articles 2 and 4 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽³⁾, the Council is responsible for adopting, in the light of the available scientific advice, the conservation measures necessary to ensure the rational and responsible exploitation of living marine resources on a sustainable basis; whereas, to that end, the Council may lay down technical measures concerning fishing gear and the ways in which it is used;

Whereas Regulation (EEC) No 1866/86 ⁽⁴⁾ lays down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound;

Whereas the International Baltic Sea Fishery Commission, set up by the Convention on fishing and conservation of living resources in the Baltic Sea and the Belts (Gdansk Convention) and hereinafter referred to as the 'Baltic Sea Commission', lays down the rules governing fishing operations in the Baltic Sea;

Whereas by letter of 11 September 1995 the International Baltic Sea Commission notified the Contracting States of certain recommendations, adopted at the 21st session of the Commission, to modify, among other things, the technical measures;

Whereas the Gdansk Convention provides that the Community must give effect to the said recommendations in the waters of the Baltic Sea, the Belts and the Sound, subject to the objection procedure laid down in Article XI

of the Convention; whereas there are no grounds for such objections,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1866/86 is hereby amended as follows:

(1) Article 9(1) is replaced by the following:

'1. It shall be prohibited, in fishing for salmon (*Salmo salar*) or sea trout (*Salmo trutta*):

- to use drifting or anchored nets from 15 June to 30 September in the waters of subdivisions 22 to 28, 29 south of 59°30'N and 32,
- to use drifting or anchored nets from 1 June to 15 September in the waters of subdivisions 29, 30 and 31 north of 59°30'N,
- to use drifting lines and anchored lines from 1 April to 15 November in the waters of subdivisions 22 to 31,
- to use drifting lines and anchored lines from 1 July to 15 September in the waters of subdivision 32.

The area of prohibition during the closed season is beyond four nautical miles measured from the base-lines, except in subdivision 32 and the area east of longitude 22°30'E (Bengtskar lighthouse) inside the Finnish fishery zone where fishing with drifting lines and anchored lines is prohibited from 1 July to 15 September.'

(2) Footnote 4 on page 4 of Annex IV shall be replaced by the following:

'⁽⁴⁾ With the exception of subdivisions 22-24 where normal trawls and Danish seines with a mesh opening of 90 mm are allowed.'

Article 2

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

It shall apply from 1 January 1996.

⁽¹⁾ OJ No C 44, 16. 2. 1996, p. 6.

⁽²⁾ OJ No C 198, 8. 7. 1996.

⁽³⁾ OJ No L 389, 31. 12. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

⁽⁴⁾ OJ No L 162, 18. 6. 1986, p. 1. Regulation as last amended by Regulation (EC) No 2250/95 (OJ No L 230, 27. 9. 1995, p. 1).

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

Done at Brussels, 16 September 1996.

For the Council

The President

I. YATES

COUNCIL REGULATION (EC) No 1822/96

of 16 September 1996

opening and providing for the administration of Community tariff quotas for certain fishery products originating in Ceuta (1996-1997)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular the final subparagraph of Article 25 (4),

Having regard to Article 3 (3) of Protocol No 2 of the said Act of Accession, concerning the Canary Islands and Ceuta and Melilla,

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

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

Whereas, by virtue of Article 3 (2) of Protocol No 2, certain fishery products originating in Ceuta and Melilla are eligible, as of 1 January 1993, for exemption from customs duties in the customs territory of the Community; whereas that exemption is granted within the limit of tariff quotas calculated by product with reference to the average quantities actually disposed of during 1982, 1983 and 1984 in that part of Spain which is included in the customs territory of the Community or exported to the Community as constituted in 1985;

Whereas the products originating in Ceuta which have enjoyed the benefit of the tariff arrangements set up by Protocol No 2 are no longer exported to the Community because of a decrease in volume of fish catches put on to the market; whereas the tariff quotas opened for Ceuta were not extended beyond 31 December 1992 on this account; whereas live fry, juveniles and adults of sea bream and bass henceforth replace these products in trade with the Community;

Whereas Ceuta's location as an enclave on the African continent poses specific problems; whereas the lack of both agriculture and industry leaves fishing as Ceuta's primary industry; whereas since the crisis is occurring in that sector, aquaculture has the potential to offer Ceuta's economic operators an alternative source of income to sea fishing;

Whereas the Community accords some third countries preferential tariff treatment in the form of exemption

from customs duties for products of CN codes ex 0301 99 90, 0302 69 94 and 0302 69 95; whereas steps should be taken to ensure that the tariff treatment of such products originating in Ceuta and imported into the Community is comparable to that accorded to the third countries; whereas the tariff arrangements applied to Ceuta need to be adjusted accordingly;

Whereas the joint declaration on Protocol No 2 on the Canary Islands, Ceuta and Melilla is intended to permit the substitution of products covered by Article 3 of the Protocol in question;

Whereas, by Regulation (EC) No 1326/95 ⁽³⁾ the Council opened a Community tariff quota (09.0321) for 1995 for live fry, juveniles of sea bream and bass originating in Ceuta;

Whereas the Kingdom of Spain has asked that the Commission open zero-duty Community tariff quotas for live fry, juveniles and adults of sea bream and bass originating in Ceuta;

Whereas zero-duty Community tariff quotas should therefore be opened for the products in question the volumes fixed on the basis of annual production at 2 500 000 units (fry and juvenile sea bream and bass) and 100 tonnes (adult sea bream and bass); whereas the quota year must run from 1 January to 31 December for 1996 and 1997; whereas application of the quota duty is subject to compliance with the rules laid down for the common organization of the markets;

Whereas it is, in particular, necessary to guarantee all Community importers equal and continuous access to the quota and ensure the uninterrupted application of the rate laid down for the quota to all imports of the products in question into all Member States until the quota is exhausted;

Whereas it is for the Community, in compliance with its international obligations, to decide to open tariff quotas; whereas there is, however, no reason why the Member States should not be authorized, in the interests of the efficient administration of the quota, to draw from the

⁽¹⁾ OJ No C 55, 24. 2. 1996, p. 8.

⁽²⁾ OJ No C 198, 8. 7. 1996.

⁽³⁾ OJ No L 128, 13. 6. 1995, p. 6.

quota volumes the quantities needed to cover actual imports; whereas this method of administration calls for close cooperation between the Member States and the Commission, which must in particular be able to monitor the rate at which the quota is used up and inform the Member States accordingly,

Accession of Spain and Portugal and its detailed rules of application to the products not covered by this Regulation.

Article 2

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation shall apply without prejudice to the arrangements provided for by Protocol No 2 to the Act of

In 1996 and 1997, from 1 January to 31 December, the customs duties applicable on importation into the Community of the products set out below, originating in Ceuta, shall be suspended at the level and within the limit of the Community tariff quotas shown below:

Order No	CN code	Taric subdivision	Description	Amount of quota	Quota duty (in %)
09.0321	ex 0301 99 90	* 20	Live fry and juveniles of sea bream, (<i>Sparus aurata</i>) and bass (<i>Dicentrarchus labrax</i>)	2 500 000 units	Free
09.0322	0302 69 94 0302 69 95		Sea bass (<i>Dicentrarchus labrax</i>), Gilt-head sea breams (<i>Sparus aurata</i>), fresh or chilled	100 tonnes	Free

Article 3

The product's originating status shall be proven in accordance with Article 6 of Regulation (EEC) No 1135/88 ⁽¹⁾.

release for free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

Article 4

The tariff quota referred to in Article 2 shall be administered by the Commission, which may take all appropriate measures to ensure efficient administration thereof.

If a Member State does not use the quantities drawn, it shall return them to the corresponding quota volume as soon as possible.

Article 5

Where an importer declares in a Member State a product covered by this Regulation for release for free circulation and applies to take advantage of the preferential arrangements, and that declaration is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the quota volume.

If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated on a pro rata basis. The Commission shall inform the Member States of the drawings made.

Article 6

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

Article 7

Requests for drawings, indicating the date of acceptance of the said declarations, must be sent to the Commission without delay.

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 8

The drawings shall be granted by the Commission by reference to the date of acceptance of the declaration for

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

It shall apply from 1 January 1996.

⁽¹⁾ Council Regulation (EEC) No 1135/88 of 7 March 1988 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in the trade between the customs territory of the Community, Ceuta and Melilla and the Canary Islands (OJ No L 114, 2. 5. 1988, p. 1). Regulation as amended by Regulation (EEC) No 3902/89 (OJ No L 375, 23. 12. 1989, p. 5).

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

Done at Brussels, 16 September 1996.

For the Council

The President

I. YATES

COUNCIL REGULATION (EC) No 1823/96

of 16 September 1996

opening and providing for the administration of autonomous Community tariff
quotas for certain fishery products (second series 1996)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas Community supplies of certain species of whole herrings currently depend on imports from third countries; whereas it is in the Community's interest to suspend in part or in whole the customs duties for the products in question, within Community tariff quotas of an appropriate volume; whereas, in order not to jeopardize the development prospects of this production in the Community and to ensure an adequate supply to satisfy user industries, it is advisable to open those quotas for the rest of 1996;

Whereas, by Regulation (EC) No 789/96⁽¹⁾, the Council opened autonomous tariff quotas for certain fishery products for 1996;

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up;

Whereas the decision for the opening of autonomous tariff quotas should be taken by the Community; whereas, to ensure the efficiency of a common administration of these quotas, there is no reasonable obstacle to authorizing the Member States to draw from the quota volumes the necessary quantities corresponding to actual imports; whereas, however, this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 September 1996 until 31 December 1996, the customs duties applicable on importation to products

listed in the Annex shall be suspended at the levels and within the limits of the Community tariff quota indicated for each product.

2. Imports of the product in question shall not be covered by the quotas referred to in paragraph 1 unless the free-at-frontier price, which is determined by the Member States in accordance with Article 22 of Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products⁽²⁾ is at least equal to the reference price fixed, or to be fixed, by the Community for the product concerned.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take all appropriate administrative measures in order to ensure effective administration thereof.

Article 3

If an importer presents in a Member State an entry for release for free circulation, including a request for preferential benefit for the product covered by this Regulation and if this entry for release is accepted by the customs authorities, the Member States concerned shall inform the Commission and draw an amount corresponding to its requirements from the corresponding quota amount.

The drawing request, with indication of the date of acceptance of the said entries, must be transmitted to the Commission without delay.

The drawings are granted by the Commission by reference to the date of acceptance of the entries for release for free circulation by the customs authorities of the Member States concerned to the extent that the available balance so permits.

If a Member State does not use the quantities drawn it shall return them as soon as possible to the corresponding quota amount.

⁽¹⁾ OJ No L 108, 1. 5. 1996, p. 8.

⁽²⁾ OJ No L 388, 31. 12. 1992, p. 1. Regulation as last amended by Regulation (EC) No 3318/94 (OJ No L 350, 31. 12. 1994, p. 15).

If the quantities requested are greater than the available balance of the quota amount, allocation shall be made on a pro-rata basis with respect to the requests. Member States shall be informed by the Commission of the drawings made.

Article 4

Each Member State shall ensure that importers of the products concerned have equal and uninterrupted access to the quotas for such time as the residual balance of the quota volumes so permits.

Article 5

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

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

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

Done at Brussels, 16 September 1996.

For the Council

The President

I. YATES

ANNEX

Order No	CN code	Taric subdivision	Description of goods	Amount of quota (in tonnes)	Quota duty (%)
09.2788	ex 0302 40 98 ex 0303 50 98	* 10 * 10	Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), excluding livers and roes, fresh, chilled or frozen for industrial manufacture ^(a) (^b)	40 000	0

^(a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

^(b) This quota is available for products intended to undergo any operation, unless it is solely for one or more of the following operations:

- cleaning, gutting, tailing, heading,
- cutting (excluding filleting or cutting of frozen blocks),
- sampling, sorting,
- labelling,
- packing,
- chilling,
- freezing,
- deep freezing,
- thawing, separation.

However the quota is not available for products intended, in addition to undergo treatment (or operations) which gives quota entitlement, where such treatment (or operations) is (are) carried out at retail or catering level. The reduction of customs duties shall apply only to fish intended for human consumption.

COMMISSION REGULATION (EC) No 1824/96
of 20 September 1996
amending Regulation (EEC) No 1627/89 on the buying in of beef by invitation to tender

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 Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender ⁽³⁾, as last amended by Regulation (EC) No 1744/96 ⁽⁴⁾, opened buying in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;

Whereas the application of Article 6 (2), (3) and (4) of Regulation (EEC) No 805/68 and the need to limit intervention to the buying in of the quantities necessary to ensure reasonable support for the market result, on the basis of the prices of which the Commission is aware, in

an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying in is open by invitation to tender, and the list of the quality groups which may be bought in;

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

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 23 September 1996.

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

Done at Brussels, 20 September 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 23.

⁽³⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁴⁾ OJ No L 226, 7. 9. 1996, p. 11.

*ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO —
BIJLAGE — ANEXO — LIITE — BILAGA*

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1 del Reglamento (CEE) n° 1627/89

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1 i forordning (EØF) nr. 1627/89

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 der Verordnung (EWG) Nr. 1627/89 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 1627/89

Member States or regions of a Member State and quality groups referred to in Article 1 (1) of Regulation (EEC) No 1627/89

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er} paragraphe 1 du règlement (CEE) n° 1627/89

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1 del regolamento (CEE) n. 1627/89

In artikel 1, lid 1, van Verordening (EEG) nr. 1627/89 bedoelde Lid-Statens of gebieden van een Lid-Staat en kwaliteitsgroepen

Estados-membros ou regiões de Estados-membros e grupos de qualidades referidos no n° 1 do artigo 1º do Regulamento (CEE) n° 1627/89

Jäsenvaltiot tai alueet ja asetuksen (ETY) N:o 1627/89 1 artiklan 1 kohdan tarkoittamat laaturyhmitt

Medlemsstater eller regioner och kvalitetsgrupper som avses i artikel 1.1 i förordning (EEG) nr 1627/89

Estados miembros o regiones de Estados miembros	Categoría A					Categoría C		
Medlemsstat eller region	Kategori A					Kategori C		
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A					Kategorie C		
Κράτος μέλος ή περιοχές κράτους μέλους	Κατηγορία Α					Κατηγορία Γ		
Member States or regions of a Member State	Category A					Category C		
États membres ou régions d'États membres	Catégorie A					Catégorie C		
Stati membri o regioni di Stati membri	Categoria A					Categoria C		
Lid-Staat of gebied van een Lid-Staat	Categorie A					Categorie C		
Estados-membros ou regiões de Estados-membros	Categoria A					Categoria C		
Jäsenvaltiot tai alueet	Luokka A					Luokka C		
Medlemsstater eller regioner	Kategori A					Kategori C		
	S	E	U	R	O	U	R	O
België/Belgique	x	x	x	x	x			
Danmark				x	x		x	x
Deutschland			x	x	x		x	x
España			x	x	x			
France			x	x	x		x	x
Ireland						x	x	x
Italia			x	x	x			
Nederland				x	x			
Österreich			x	x	x			
Portugal			x	x	x			
Suomi				x	x			
Sweden				x	x			
Great Britain						x	x	x
Northern Ireland						x	x	x

COMMISSION REGULATION (EC) No 1825/96

of 20 September 1996

opening intervention in accordance with Article 6 (4) of Council Regulation
(EEC) No 805/68

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 Article 6 (4) of Regulation (EEC) No 805/68 provides that intervention must be opened in a Member State or region of a Member State if for two consecutive weeks the average Community market price of young uncastrated male animals less than two years old or castrated male animals, recorded on the basis of the Community grading scale is less than 78 % of the intervention price and the average market price in the Member State concerned, calculated on the same basis, is less than 60 % of the intervention price;

Whereas where the conditions are met, all offers to sell into intervention must be accepted in the Member State or region of the Member State concerned for those products referred to in Article 4 of 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 Regula-

tion (EC) No 307/96 ⁽⁴⁾ and in Article 1 of Commission Regulation (EC) No 1318/96 ⁽⁵⁾, as last amended by Regulation (EC) No 1751/96 ⁽⁶⁾, derogating from Regulation (EEC) No 2456/93;

Whereas the conditions referred to above are met in relation to young uncastrated male animals less than two years old in Great Britain and Northern Ireland;

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

Intervention, as referred to in Article 6 (4) of Regulation (EEC) No 805/68, is opened in the Member States and regions of the Member States listed in the Annex to this Regulation for the categories and qualities referred to therein.

Article 2

This Regulation shall enter into force on 23 September 1996.

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

Done at Brussels, 20 September 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽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 170, 9. 7. 1996, p. 26.

⁽⁶⁾ OJ No L 229, 10. 9. 1996, p. 13.

*ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO —
BIJLAGE — ANEXO — LIITE — BILAGA*

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el artículo 1

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1

Member States or regions of a Member State and quality groups referred to in Article 1

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er}

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1

In artikel 1 bedoelde Lid-Staten of gebieden van een Lid-Staat en kwaliteitsgroepen

Estados-membros ou regiões de Estados-membros e grupos de qualidades referidos no artigo 1º

Jäsenvaltiot tai alueet ja 1 artiklassa tarkoitettut laaturyhmät

Medlemsstater eller regioner och kvalitetsgrupper som avses i artikel 1

Estados miembros o regiones de Estados miembros	Categoría A	Categoría C				
Medlemsstat eller region	Kategori A	Kategori C				
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A	Kategorie C				
Κράτος μέλος ή περιοχή κράτους μέλους	Κατηγορία Α	Κατηγορία Γ				
Member States or regions of a Member State	Category A	Category C				
États membres ou régions d'États membres	Catégorie A	Catégorie C				
Stati membri o regioni di Stati membri	Categoria A	Categoria C				
Lid-Staat of gebied van een Lid-Staat	Categorie A	Categorie C				
Estados-membros ou regiões de Estados-membros	Categoria A	Categoria C				
Jäsenvaltiot tai alueet	Luokka A	Luokka C				
Medlemsstater eller regioner	Kategori A	Kategori C				
	U	R	O	U	R	O
Northern Ireland	×	×	×			
Great Britain	×	×	×			

COMMISSION REGULATION (EC) No 1826/96
of 20 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,

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.

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, 20 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⁾: 1860/94
2. **Programme**: 1994
3. **Recipient** ⁽²⁾: UNHCR (for the attention of Mme Seinet), case postale 2500, CH-1211 Genève 2 dépôt (tel. (41-22) 739 81 37; telefax: 739 85 63)
4. **Representative of the recipient**: UNHCR, BP 4405 Nouakchott (tel. (222) 25 63 27; telefax 25 61 76; telex 5729 MTN)
5. **Place or country of destination** ⁽³⁾: Mauritania
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**: 55
9. **Number of lots**: 1
10. **Packaging and marking** ⁽⁷⁾: 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: French
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 landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Nouakchott
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 28. 10 to 10. 11. 1996
18. **Deadline for the supply**: 1. 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 7. 10. 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 21. 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: 11 to 24. 11. 1996
 - (c) deadline for the supply: 15. 12. 1996
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. 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 request by the successful tenderer** ^(*): refund applicable on 17. 9. 1996, fixed by Commission Regulation (EC) No 1776/96 (OJ No L 232, 13. 9. 1996, p. 19)

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

**COMMISSION REGULATION (EC) No 1827/96
of 20 September 1996**

**providing for the opening and management of a tariff quota for preparations of
a kind used in animal feeding falling within CN codes 2309 90 31, 2309 90 41 and
2309 90 51**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas, as a result of the accession of Austria, Finland and Sweden, the Community has concluded agreements with certain third countries on the conclusion of the negotiations under Article XXIV.6 of the General Agreement on Tariffs and Trade (GATT); whereas these agreements, *inter alia*, provide for certain Community commitments on agriculture; whereas these commitments must be implemented as soon as possible; whereas Regulation (EC) No 1095/96 authorizes the Commission to take the necessary measures in accordance with the management committee procedure;

Whereas one of the above concessions is a tariff quota of 2 800 tonnes of preparations of a kind used for feeding animals falling within CN codes 2309 90 31, 2309 90 41 and 2309 90 51 which can be imported annually from 1 January 1996 at a customs duty rate of 7 % *ad valorem*;

Whereas the detailed rules for the management of this quota must be laid down; whereas the type of management concerned will require close collaboration between the Member States and the Commission, which must also in particular be able to monitor progress in using up the tariff quota and inform the Member States thereof;

Whereas the licences for the import of the products in question under this quota should be issued after a scrutiny period and with the fixing of a single percentage reduction in the quantities applied for, where appropriate;

Whereas the information to appear on the applications and licences should be specified;

Whereas, to ensure the sound management of this scheme, the security for the import licences under it should be set at ECU 25 a tonne;

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

HAS ADOPTED THIS REGULATION:

Article 1

The products falling within CN codes 2309 90 31, 2309 90 41 and 2309 90 51 listed in the Annex hereto and qualifying for a tariff quota as laid down by Regulation (EC) No 1095/96 may be imported into the Community in accordance with this Regulation and at a customs duty rate of 7 % *ad valorem*.

Article 2

1. Applications for import licences shall be lodged with the competent authorities in each Member State on the first working day of each week by 1 p.m., Brussels time. Licence applications must relate to a quantity equal to or greater than 5 tonnes of product and may not exceed 500 tonnes.

2. The Member States shall send the import licence applications to the Commission by telex or fax, by 6 p.m. Brussels time, at the latest on the day they are lodged.

3. By the Friday following the day on which the applications are lodged, the Commission shall notify the Member States by telex or fax of the outcome of the licence applications.

4. On receipt of the Commission notification, the Member States shall issue the import licences. The term of validity of licences shall be calculated from their date of issue.

5. The quantity released for free circulation may not be greater than that indicated in sections 17 and 18 of the import licence. To this end, the figure '0' shall be entered in section 19 of the licence.

Article 3

In the case of products to be imported at the reduced customs duty laid down in Article 1 of this Regulation, import licence applications and licences shall include in section 24 one of the following entries:

⁽¹⁾ OJ No L 146, 20. 6. 1996, p. 1.

- Derechos de aduana limitados al 7 % *ad valorem* [Reglamento (CE) n° 1827/96]
- Toldsatsen begrænses til 7 % af værdien (Forordning (EF) nr. 1827/96)
- Beschränkung des Zolls auf 7 % des Zollwerts (Verordnung (EG) Nr. 1827/96)
- Δασμοί περιορισμένοι στο 7 % *ad valorem* [Κανονισμός (ΕΚ) αριθ. 1827/96]
- Customs duties limited to 7 % *ad valorem* (Regulation (EC) No 1827/96)
- Droits de douane limités à 7 % *ad valorem* [Règlement (CE) n° 1827/96]
- Dazi doganali limitati al 7 % *ad valorem* [Regolamento (CE) n. 1827/96]
- Douanerechten beperkt tot 7 % *ad valorem* (Verordening (EG) nr. 1827/96)
- Direitos aduaneiros limitados a 7 % *ad valorem* [Regulamento (CE) n° 1827/96]

- Arvotulli rajoitettu 7 prosenttiin [asetus (EY) N:o 1827/96]
- Tullsatsen begränsad till 7 % av värdet (Förordning (EG) nr 1827/96).

Article 4

The amount of the security for the import licences provided for in this Regulation shall be ECU 25 a tonne.

Article 5

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

It shall apply from 1 January 1996.

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

Done at Brussels, 20 September 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

The quantities imported under the CN codes referred to in this Annex shall benefit from a customs duty of 7 % *ad valorem*.

CN code	Description	Total quantity which may be imported annually from 1 January 1996
	Preparations of a kind used in animal feeding: – Other:	
2309 90 31	– – – – – containing no milk products or containing less than 10 % by weight of such products	2 800 tonnes
2309 90 41	– – – – – containing no milk products or containing less than 10 % by weight of such products	
2309 90 51	– – – – – containing no milk products or containing less than 10 % by weight of such products	

COMMISSION REGULATION (EC) No 1828/96

of 20 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 21 September 1996.

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

Done at Brussels, 20 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 20 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	89,6	0808 10 92, 0808 10 94, 0808 10 98	624	67,7
	060	80,2		999	113,6
	064	70,8		039	121,0
	066	54,0		052	71,5
	068	80,3		064	60,9
	204	86,8		070	90,2
	208	44,0		284	72,1
	212	97,5		388	58,7
	400	170,4		400	54,4
	624	95,8		404	63,6
ex 0707 00 25	999	86,9	0808 20 57	416	72,7
	052	82,8		508	113,5
	053	156,2		512	126,1
	060	61,0		524	100,3
	066	53,8		528	53,0
	068	69,1		624	86,5
	204	144,3		728	107,3
	624	87,1		800	141,3
	999	93,5		804	69,2
	052	54,3		999	86,0
0709 90 79	204	77,5	0809 30 41, 0809 30 49	039	104,1
	412	54,2		052	70,8
	508	42,9		064	77,7
	624	151,9		388	57,2
	999	76,2		400	70,4
0805 30 30	052	134,9		512	88,7
	204	88,8		528	132,9
	220	74,0		624	79,0
	388	77,2		728	115,4
	400	68,2		800	84,0
	512	80,0		804	73,0
	520	66,5		999	86,7
	524	69,4		052	93,8
	528	65,2		220	121,8
	600	96,5		624	106,8
0806 10 40	624	48,9	0809 40 30	999	107,5
	999	79,1		052	66,3
	052	79,0		064	50,9
	064	49,5		066	76,8
	066	49,4		068	37,1
	220	110,8		400	80,5
	400	139,3		624	49,5
	412	58,5		676	68,6
	508	307,2		999	61,4
	512	186,0			
	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

ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES
ON SOCIAL SECURITY FOR MIGRANT WORKERS

DECISION No 162

of 31 May 1996

concerning the interpretation of Articles 14 (1) and 14b (1) of Council Regulation
(EEC) No 1408/71 on the legislation applicable to posted workers

(96/554/EC)

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81 (a) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to the members of their families moving within the Community, under which it is made responsible for dealing with all administrative questions or questions of interpretation arising from the provisions of Regulation (EEC) No 1408/71 and subsequent Regulations,

Whereas Decision No 128 of 17 October 1985 should be brought up to date;

Whereas, on the one hand, the provisions of Articles 14 (1) and 14b (1) of Regulation (EEC) No 1408/71 provide for an exception to the general rule laid down in Article 13 (2) (a) or (c) of the said Regulation so as to facilitate in practice the exercise by the worker of his right to free movement;

Whereas the purpose of these provisions is thus to avoid, for workers, employers and social security institutions, the administrative complications which would result from the application of the general rule laid down in Article 13 (2) (a) or (c) of the said Regulation where the period of employment is of short duration in a Member State or on a vessel flying the flag of a Member State other than the

State in which the undertaking has its registered office or a place of business;

Whereas Articles 14 (1) and 14b (1) of Regulation (EEC) No 1408/71 should, as exceptions, be interpreted strictly;

Whereas their scope should be delimited more precisely and, to this end, several specific cases that are likely to arise should be listed;

Whereas, notwithstanding the fact that the exceptions to the general rules provided for in Article 13 of the said Regulation should be interpreted strictly, the scope of Article 14 (1) or 14b (1) of the said Regulation should for the sake of simplicity be extended to cover the case of a worker who is engaged in a Member State in which the undertaking has its registered office or place of business with a view to being posted to another Member State or to a vessel flying the flag of another Member State, in order to take account of the case law of the Court of Justice;

Whereas, to this end, one of the decisive criteria for the application of Article 14 (1) or 14b (1) of the said Regulation is the existence of a direct relationship between the undertaking and the worker it engages;

Whereas the protection of the worker and the legal security to which he and the institution with which he is insured are entitled, require full guarantees that the direct

relationship be maintained throughout the period of posting; whereas the possibility provided in this case should therefore be restricted to undertakings which normally carry out their activities in the Member State to whose legislation the posted worker remains subject;

Whereas any abusive extensions of the period of posting due to repeated temporary interruptions should be avoided;

Whereas there can no longer be any guarantee of maintaining the direct relationship if the posted worker is made available to a third undertaking;

Whereas the administrative complications which Article 14 (1) seeks to avoid will at any rate arise if a worker engaged by an undertaking established in a Member State with a view to being posted to another Member State had previously been subject to the legislation of a third Member State or of a non-member country and, *a fortiori*, if he had previously been subject to the legislation of the Member State to which he is posted; whereas the purpose of Article 14 (1) would thus be disregarded; whereas the same applies, *mutatis mutandis*, to Article 14b (1);

Whereas it is necessary to carry out, throughout the period of posting, all the checks, in particular with regard to the payment of contributions and the maintenance of the direct relationship, required to prevent wrongful use of the abovementioned provisions, and to ensure that administrative bodies, employers and workers are suitably informed;

Whereas the worker and the employer must be duly informed of the conditions under which the posted worker is allowed to remain subject to the legislation of the country from which he has been posted;

Acting in accordance with the provisions of Article 80 (3) of Regulation (EEC) No 1408/71,

HAS DECIDED AS FOLLOWS:

1. The provisions of Articles 14 (1) and 14b (1) of Regulation (EEC) No 1408/71 shall apply to a worker subject to the legislation of a Member State (sending State) by virtue of the pursuit of an activity in the employ of an undertaking who is sent by that undertaking to another Member State (State of employment) in order to perform work there for the said undertaking.

The work shall be regarded as being performed for the undertaking of the sending State if it has been established that this work is being performed for that undertaking and that there continues to exist a direct

relationship between the worker and the undertaking that posted him.

In order to establish whether such a direct relationship continues to exist, and to determine whether the worker remains in the employ of the undertaking which posted him, a number of elements have to be taken into account, including responsibility of recruitment, employment contract, dismissal and determination of the nature of the work.

2. Within the framework of the provisions of paragraph 1 of this Decision, the abovementioned Articles 14 (1) and 14b (1) shall continue to apply in particular under the following conditions:

(a) *Posting of regular staff*

If the worker, posted by the undertaking in the sending State to an undertaking in the State of employment, is also posted to one or more other undertakings in the same State of employment, in so far, however, as the worker continues to carry out his work for the undertaking which posted him.

This may be the case, in particular, if the undertaking posted the worker to a Member State in order to perform work there successively or simultaneously in two or more undertakings situated in the same Member State.

(b) *Posting of staff engaged with a view to being posted*

If the worker subject to the legislation of a Member State in accordance with the provisions of Regulation (EEC) No 1408/71 is engaged in that Member State, in which the undertaking has its registered office or place of business, with a view to being posted on behalf of that undertaking either to another Member State or to a vessel flying the flag of another Member State, provided that:

(i) there exists a direct relationship between that undertaking and the worker during his period of posting;

and

(ii) the undertaking normally carries out its activity in the territory of the first Member State, i.e.:

— in the case of an undertaking whose activity consists in making staff temporarily available to other undertakings, that it usually makes staff available to hirers established in the territory of that State with a view to being employed there, and

— in other cases, that the undertaking carries out substantial activities in the territory of the first Member State and usually employs its staff here.

- (c) Temporary interruption of the worker's activities with the undertaking in the State of employment shall not constitute an interruption of the posting within the meaning of Articles 14 (1) and 14b (1).
3. The provisions of the aforementioned Articles 14 (1) and 14b (1) shall not apply or shall cease to apply in particular:
- (a) if the undertaking to which the worker has been posted places him at the disposal of another undertaking in the Member State in which it is situated;
 - (b) if the worker posted to a Member State is placed at the disposal of an undertaking situated in another Member State;
 - (c) if the worker is recruited in a Member State in order to be sent by an undertaking situated in a second Member State to an undertaking in a third Member State.
4. (a) The competent institution of the Member State to whose legislation the person concerned remains subject pursuant to the aforementioned Articles 14 (1) and 14b (1), in the cases provided for by this Decision, shall duly inform the employer and the worker concerned of the conditions under which the posted worker may continue to be subject to its legislation. The employer shall thus be informed of the possibility of checks throughout the period of posting so as to ascertain that this period has not come to an end. Such checks may relate, in particular, to the payment of contributions and the maintenance of the direct relationship.
- (b) Moreover, the posted worker and his employer shall inform the competent institution of the sending State of any change occurring during the period of posting, in particular:
- if the posting applied for has in the end not taken place or if the extension of the posting applied for has in the end not taken place,
 - if the activity is interrupted in a case other than that provided for in paragraph 2 (c) of this Decision,
 - if the posted worker has been assigned by his employer to another undertaking in the sending State, in particular in the event of merger or transfer of an undertaking.
- (c) The competent institution of the sending State shall, where appropriate and upon request, provide the institution of the State of employment with the information referred to in subparagraph (b).
- (d) The competent institutions of the sending State and of the State of employment shall cooperate in carrying out the above mentioned checks and where there is any doubt concerning the applicability of Article 14 (1) (a) or (b) of Regulation (EEC) No 1408/71.
5. This Decision, which replaces Decision No 128 of 17 October 1985, shall apply from the first day of the month following its publication in the *Official Journal of the European Communities*.

G. MICCIO

*Chairman of the Administrative
Commission*

DECISION No 163

of 31 May 1996

concerning the interpretation of Article 22 (1) (A) of Regulation (EEC) No 1408/71 in respect of persons undergoing dialysis or oxygen therapy

(96/555/EC)

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81 of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, which requires the Administrative Commission to deal with all administrative questions and questions of interpretation arising from the provisions of Regulation (EEC) No 1408/71 and subsequent regulations,

Having regard to Article 22 (1) (a) of Regulation (EEC) No 1408/71, which refers to persons whose condition necessitates immediate sickness benefits during a stay in the territory of another Member State,

Whereas it is necessary to avoid any abuse of the provisions of Article 22 (1) (a) by persons who move temporarily to the territory of another Member State to obtain benefits in kind under this subparagraph without complying with the procedure laid down in subparagraph (c) of the same Article, which makes the granting of such benefits subject to prior authorization by the competent institution;

Whereas an over-restrictive interpretation of Article 22 (1) (a) would cause a significant obstacle to freedom of movement for persons whose condition necessitates continuous and regular medical treatment such that they will be likely to require immediate benefits in the event of a stay in the territory of another Member State;

Whereas, therefore, it is necessary to clarify the interpretation of Article 22 (1) (a) in order to specify that it also covers persons undergoing kidney dialysis or oxygen therapy who travel to the territory of another Member

State and whose condition necessitates immediate benefits as part of ongoing treatment, notwithstanding the practical obligation to make a prior arrangement for the granting of these benefits during the stay, and in as far as the stay is for reasons other than medical reasons;

Acting in accordance with the conditions laid down in Article 80 (3) of Regulation (EEC) No 1408/71,

HAS DECIDED AS FOLLOWS:

1. Kidney dialysis or oxygen therapy provided in a Member State other than the competent Member State for a person entitled to invoke the provisions of Article 22 (1) (a) of Regulation (EEC) No 1408/71 or for a member of his or her family shall be regarded as being an immediate benefit within the meaning of the aforementioned provision if it is part of existing and ongoing dialysis or oxygen therapy, and in as far as the stay is for reasons other than medical reasons.
2. The provisions of the previous paragraph shall apply without prejudice to the practical obligation on the person concerned to make a prior arrangement with a view to ensuring the effective availability of the treatment in question during a temporary stay in the Member State.
3. This Decision, which replaces Decision No 123 of 24 February 1984, will be published in the *Official Journal of the European Communities*. It is applicable from the first day of the month following publication.

G. MICCIO

*Chairman of the Administrative
Commission*

CORRIGENDA

Corrigendum to Council Regulation (EC) No 1628/96 of 25 July 1996 relating to aid for Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia

(Official Journal of the European Communities No L 204 of 14 August 1996)

On page 3 in Article 11, third paragraph, first line:

for: '...1 January 1988,...',

read: '...1 January 1998,...'.

Corrigendum to Decision No 3/96 of the Association Council between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part of 16 July 1996 settling the dispute between the European Communities and the Republic of Poland concerning skins and hides in accordance with Article 105 (1) and (2) of the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part

(Official Journal of the European Communities No L 208 of 17 August 1996)

On page 34, Article 2 (2) shall read as follows:

2. Notwithstanding Article 1 (2) (b), materials originating in the Community within the meaning of this Protocol shall be considered as materials originating in Poland and it shall not be necessary that such materials have undergone sufficient working or processing there, provided however that they have undergone working or processing going beyond that referred to in Article 5 (3) of this Protocol.
