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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1829/96**of 16 September 1996****opening and providing for the administration of Community tariff quotas for certain industrial products**

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 production in the Community of certain industrial products will remain in the course of 1996 unable to meet the specific requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type will depend to a considerable extent on imports from third countries; whereas the most urgent Community requirements for the products in question should be met immediately on the most favourable terms;

Whereas by Regulation (EC) No 3059/95⁽¹⁾ the Council opened, for 1996, Community tariff quotas for certain industrial products; whereas the volume of the quota should be opened from the date of entry into force of this Regulation within the limits of appropriate volumes taking into account the need not to disturb the markets for such products nor the starting out or development of Community production;

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

From the date of entry into force of this Regulation 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.

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 a product covered by this Regulation, and if this entry for release is accepted by the customs authorities, the Member State 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.

⁽¹⁾ OJ No L 326, 30. 12. 1995, p. 19. Regulation as amended by Regulation (EC) No 1253/96 (OJ No L 161, 29. 6. 1996, p. 144).

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

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 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 number	CN code	Taric sub-division	Description	Amount of quota	Quota duty (%)
09.2940	ex 3920 62 10	* 85	Polyethylene terephthalate film, 9 micrometres thick ($\pm 0,3$ micrometres) for the manufacture of products falling within subheading 8523 13 00 (*)	250 tonnes	0
09.2941	ex 8471 70 53	* 60	Disk storage unit of the 3.5 or 5.25 inch type, with a storage capacity, formatted, not exceeding 18 gigabytes, for use in the manufacture of products falling within subheading 8471 (*)	5 330 000 units	0

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

COMMISSION REGULATION (EC) No 1830/96
of 20 September 1996
concerning the stopping of fishing for cod by vessels flying the flag of Portugal

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

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, as last amended by Regulation (EC) No 2870/95⁽²⁾, and in particular Article 21 (3) thereof,

Whereas Council Regulation (EC) No 3076/95 of 22 December 1995 allocating, for 1996, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen⁽³⁾, provides for cod quotas for 1996;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of cod in the waters of ICES divisions I, II a, b (Norwegian waters north of 62 °N) by vessels flying the flag of Portugal or registered in Portugal have reached the quota allocated for 1996; whereas

Portugal has prohibited fishing for this stock as from 30 August 1996; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES divisions I, II a, b (Norwegian waters north of 62 °N) by vessels flying the flag of Portugal or registered in Portugal are deemed to have exhausted the quota allocated to Portugal for 1996.

Fishing for cod in the waters of ICES divisions I, II a, b (Norwegian waters north of 62 °N) by vessels flying the flag of Portugal or registered in Portugal is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 30 August 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

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.
⁽²⁾ OJ No L 301, 14. 12. 1995, p. 1.
⁽³⁾ OJ No L 330, 30. 12. 1995, p. 51.

COMMISSION REGULATION (EC) No 1831/96

of 23 September 1996

opening and providing for the administration of Community tariff quotas bound under GATT for certain fruit and vegetables and processed fruit and vegetable products from 1996

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 list CXL drawn up at the conclusion of negotiations under GATT Article XXIV:6⁽¹⁾, and in particular Article 1 (1) thereof,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽²⁾, as last amended by Commission Regulation (EC) No 1363/95⁽³⁾, and in particular Article 25 (1) thereof,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽⁴⁾, as last amended by Commission Regulation (EC) No 2314/95⁽⁵⁾, and in particular Article 12 (1) thereof,

Having regard to Council Regulation (EC) No 3093/95 of 22 December 1995 laying down the rates of duty to be applied by the Community resulting from negotiations under GATT Article XXIV:6 consequent upon the accession of Austria, Finland and Sweden to the European Union⁽⁶⁾, and in particular Article 5 thereof,

Whereas the Community has undertaken in the context of the World Trade Organization to open on certain terms reduced-duty Community tariff quotas for some fruits and vegetables and processed fruit and vegetable products;

Whereas under its international obligations it falls to the Community to open Community tariff quotas for the products listed in the Annexes to this Regulation; whereas continuous equal access to these quotas should be afforded to all Community importers and the quota rates specified should apply uninterruptedly to all imports of the products in question into all Member States until the quotas are exhausted; whereas this need not prevent

authorization being granted to the Member States, in the interests of efficient common management of the quotas, to draw from them quantities corresponding to actual imports; whereas this way of working requires close cooperation between Member States and the Commission, which must be able to monitor the state of exhaustion of the quotas and inform the Member States accordingly;

Whereas the tariff quotas provided for in the above-mentioned agreements are to be opened from 1996; whereas it is also necessary to lay down certain specific qualifying requirements for the tariff quota benefits specified in the Annexes to this Regulation;

Whereas, by Regulation (EC) No 858/96⁽⁷⁾, the Commission opened part of the Community tariff quotas bound under GATT; whereas, for the sake of clarity and simplification, all the tariff quotas for fruit and vegetables and processed fruit and vegetable products should be grouped together in this Regulation; whereas Regulation (EC) No 858/96 should therefore be repealed;

Whereas the Management Committees for Fresh Fruit and Vegetables and for Products Processed from Fruit and Vegetables have not delivered an opinion within the time limit set by their chairmen,

HAS ADOPTED THIS REGULATION:

Article 1

1. Tariff reductions on the products listed in the Annexes to this Regulation shall be granted annually by means of Community tariff quotas open for the periods specified in the Annexes.

2. The following customs duties shall apply to the tariff quotas referred to in paragraph 1:

- for the products listed in Annexes I and II: the customs duties indicated in those Annexes,
- for the products listed in Annex III: the *ad valorem* duties indicated in that Annex, as well as, where applicable, the specific duties provided for in the Common Customs Tariff of the European Communities.

⁽¹⁾ OJ No L 146, 20. 6. 1996, p. 1.

⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽³⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽⁴⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽⁵⁾ OJ No L 233, 30. 9. 1995, p. 69.

⁽⁶⁾ OJ No L 334, 30. 12. 1995, p. 1.

⁽⁷⁾ OJ No L 116, 11. 5. 1996, p. 1.

3. Entry under the tariff quotas specified in Annex II shall require presentation in support of the declaration of entry for free circulation of a certificate of authenticity in accordance with one of the specimens in Annex IIa, issued by the competent authorities of the country of origin as indicated in Annex IIb, stating that the products possess the specific characteristics indicated in Annex II.

However, in the case of concentrated orange juice, presentation of a certificate of authenticity may be replaced by presentation to the Commission before importation of a general attestation from the competent authority of the country of origin stating that concentrated orange juice produced therein contains no blood orange juice. The Commission shall then inform Member States so that they can advise their customs services. This information shall also be published in the C series of the *Official Journal of the European Communities*.

Article 2

1. The Commission shall take all administrative action it deems advisable for efficient management of the quotas referred to in Article 1.

2. When an importer presents in a Member State a declaration of entry for free circulation including an application for the benefit of the tariff quota for a product covered by this Regulation the Member State shall, if the declaration has been accepted by the customs authorities, notify the Commission of its wish to draw the amount it needs from the quota volume.

Applications to draw showing the date of acceptance of declarations shall be sent to the Commission without delay.

Drawings shall be granted by the Commission in order of date of acceptance of declarations of entry for free circulation by the Member States' customs authorities provided that the available balance permits.

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

4. If the quantities applied for are greater than the quota balance, allocation shall be made *pro rata* to applications. Member States shall be informed of the drawings made.

Article 3

Member States and the Commission shall cooperate closely to ensure that this Regulation is respected.

Article 4

Member States shall ensure that importers have continuous and equal access to the tariff quotas as long as balances permit.

Article 5

Regulation (EC) No 858/96 is hereby repealed.

Article 6

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 January 1996.

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

Done at Brussels, 23 September 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Order No	CN code Taric subheading	Description ⁽¹⁾	Quota period	Quota volume (tonnes)	Duty rate (%)
09.0055	0701 90 51	Potatoes, fresh or chilled	1 January to 15 May	4 000	3
09.0056	0706 10 00	Carrots and turnips, fresh or chilled	1 January to 31 December	1 200	7
09.0057	0709 60 10	Sweet peppers	1 January to 31 December	500	1,5
09.0035	0712 20 00	Dried onions, whole cut, sliced, broken or in powder, but not further prepared	1 July to 31 December 1996	6 000	10
			1 January to 31 December of subsequent years	12 000	10
09.0041	0802 11 90 0802 12 90	Almonds, whether or not shelled, other than bitter	1 January to 31 December	90 000	2
09.0039	0805 30 20 *41 *43 *45 *47 *51 *53 *55 *57 *61 *63 *65 *67 0805 30 30 *12 *14 *16 *18 *22 *24 *26 *28 *32 *34 *36 *38	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>)	15 January to 14 June	10 000	6
09.0058	0809 10 50 0809 10 10	Apricots, fresh	1 August 1996 to 31 May 1997 1 August to 31 May of subsequent years	500 500	10 10

⁽¹⁾ The goods descriptions in this Annex are those appearing in the combined nomenclature (OJ No L 319, 30. 12. 1995), supplemented in the case of goods with a Taric code by the Taric column 3 description.

ANNEX II

Order No	CN code Taric subheading	Description (*)	Quota period	Quota volume (tonnes)	Duty rate (%)
09.0025	0805 10 01	High quality sweet oranges, fresh	1 February to 30 April	20 000	10
	*31				
	*41				
	*51				
	*61				
	*71				
	*81				
	0805 10 05				
	*31				
	*41				
	*51				
	*61				
	*71				
	*81				
	0805 10 09				
	*31				
	*41				
	*51				
	*61				
	*71				
	*81				
	0805 10 11				
	*11				
	*21				
	*31				
	*41				
	*51				
	*61				
	0805 10 15				
	*11				
	*21				
	*31				
	*41				
	*51				
	*61				
	0805 10 19				
	*11				
	*21				
	*31				
	*41				
	*51				
	*61				
09.0027	0805 20 19	Citrus hybrids known as 'minneolas'	1 February to 30 April	15 000	2
	*13				
	*17				
	*23				
	*27				
	*33				
	*37				
	*43				
	*47				
	*53				
	*57				
	*63				
	*67				
	0805 20 29				
	*12				
	*16				
	*21				
	*27				

Order No	CN code Taric subheading	Description (1)	Quota period	Quota volume (tonnes)	Duty rate (%)
09.0033	2009 11 99 *10	Frozen concentrated orange juice, without addition of sugar, up to 50° Brix, in containers of two litres or less, containing no blood orange juice	1 January to 31 December	1 500	13

(1) The goods descriptions in this Annex are those appearing in the combined nomenclature (OJ No L 319, 30. 12. 1995), supplemented in the case of goods with a Taric code by the Taric column 3 description.

For the purposes of this Annex:

- (a) 'high quality sweet oranges' shall mean oranges similar in variety characteristics, ripe, firm and of good shape, of at least good colour, of flexible unrotted structure, and without unhealed cracks in the skin, hard or dry skin, exanthemata, growth tears, contusions (except as caused by normal handling and packaging), damage caused by dryness or humidity, broad or emergent hispids, folds, scars, oil stains, scales, sun marks, dirt or other foreign matter, disease, insects or damage caused by machinery, movement or otherwise; a maximum of 15 % of the fruit in each consignment may not meet this specification, this percentage including at most 5 % of defects amounting to serious damage, and the latter percentage including at most 0,5 % rot;
- (b) 'citrus hybrids known as "minneolas"' shall mean citrus hybrids of the minneola variety (*Citrus paradisi* Macf. CV Duncan and *Citrus reticulata* blanca, CV Dancy);
- (c) 'frozen concentrated orange juice up to 50° Brix' shall mean orange juice with a density of no more than 1,229 grams per cubic centimetre at 20 °C.

ANEXO IIa — BILAG IIa — ANHANG IIa — ΠΑΡΑΡΤΗΜΑ IIα — ANNEX IIa — ANNEXE IIa — ALLEGATO IIa — BIJLAGE IIa — ANEXO IIa — LIITE IIa — BILAGA IIa

MODELOS DE CERTIFICADO

MODELLER TIL CERTIFIKAT

MUSTER DER BESCHEINIGUNGEN

ΥΠΟΔΕΙΓΜΑ ΠΙΣΤΟΠΟΙΗΤΙΚΟΥ

MODEL CERTIFICATES

MODÈLES DE CERTIFICAT

MODELLI DI CERTIFICATO

MODELLEN VAN CERTIFICAAT

MODELOS DE CERTIFICADO

TODISTUSMALLEJA

FÖRLAGOR TILL INTYG

1 Exporter (Name, full address, country)	2 Number	00000	
3 Consignee (Name, full address, country)	CERTIFICATE OF AUTHENTICITY FRESH SWEET ORANGES 'HIGH QUALITY'		
6 Place and date of shipment — Means of transport	7 Supplementary details		
8 Marks and numbers — Number and kind of packages — DETAILED DESCRIPTION OF GOODS	9 Gross weight (kg)	10 Net weight (kg)	
11 CERTIFICATION BY THE COMPETENT AUTHORITY I hereby certify that the above sweet oranges consist of oranges of similar varietal characteristics which are mature, firm, well-formed, fairly well-coloured, of fairly smooth texture and are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and packing), and are free from damage caused by dryness or mushy condition, split, rough, wide or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or damage caused by mechanical or other means, provided that not more than 15% of the fruit in any lot fails to meet these specifications and, included in this amount, not more than 5% shall be allowed for defects causing serious damage, and, included in this latter amount, not more than 0.5% may be affected by decay.			
12 Competent authority (Name, full address, country)	At, on		
	(Signature)	(Seal)	

1 Exporter (Name, full address, country)	2 Number	00000	
3 Consignee (Name, full address, country)	CERTIFICATE OF AUTHENTICITY FRESH MINNEOLA		
	4 Country of origin	5 Country of destination	
6 Place and date of shipment — Means of transport	7 Supplementary details		
8 Marks and numbers — Number and kind of packages — DETAILED DESCRIPTION OF GOODS	9 Gross weight (kg)	10 Net weight (kg)	
11 CERTIFICATION BY THE COMPETENT AUTHORITY I hereby certify that the citrus described in this certificate are fresh citrus hybrid of the variety Minneola (<i>Citrus paradisi</i> Macf. C.V. Duncan and <i>Citrus reticulata</i> blanco C.V. Dancy).			
12 Competent authority (Name, full address, country)	At , on (Signature) (Seal)		

1 Exporter (Name, full address, country)	2 Number 00000	
3 Consignee (Name, full address, country)	CERTIFICATE OF AUTHENTICITY CONCENTRATED ORANGE JUICE	
6 Place and date of shipment — Means of transport	7 Supplementary details	
8 Marks and numbers — Number and kind of packages — DETAILED DESCRIPTION OF GOODS	9 Gross weight (kg)	10 Net weight (kg)
11 CERTIFICATION BY THE COMPETENT AUTHORITY I hereby certify that the above frozen concentrated orange juice has a density of 1,229 g/cm ³ or less and does not contain blood orange juice.		
12 Competent authority (Name, full address, country)	At, on	
	(Signature)	(Seal)

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

País de origen Oprindelsesland Ursprungsland Χώρα καταγωγής Country of origin Pays d'origine Paesi di origine Land van oorsprong País de origem Alkuperämaa Ursprungsland	Autoridad competente Kompetent myndighed Zuständige Behörde Αρμόδια υπηρεσία Competent authority Autorité compétente Autorità competente Bevoegde autoriteit Autoridade competente Toimivaltainen viranomainen Behörig myndighet
1. <i>Para los 3 contingentes — For de 3 kontingenter — Für die 3 Kontingente — Για τις 3 ποσοστώσεις — For the 3 quotas — Pour les 3 contingents — Per i 3 contingenti — Voor de 3 contingenten — Para os 3 contingentes — Kolmelle kiintiölle — För de 3 kvoterna</i>	
Estados Unidos USA USA ΗΠΑ USA États-Unis d'Amérique Stati Uniti Verenigde Staten Estados Unidos da América Yhdysvallat Förenta staterna	United States Department of Agriculture
Cuba Cuba Kuba Κούβα Cuba Cuba Cuba Cuba Cuba Kuuba Cuba	Ministère de l'agriculture
Argentina Argentina Argentinien Αργεντινή Argentina Argentine Argentina Argentinie Argentina Argentiina Argentina	Dirección Nacional de Producción y Comercialización de la Secretaría de Agricultura, Ganadería y Pesca
Colombia Colombia Kolumbien Κολομβία Colombia Colombia Colombie Colombia Colômbia Kolumbia Colombia	Corporación Colombia Internacional

País de origen Oprindelsesland Ursprungsland Χώρα καταγωγής Country of origin Pays d'origine Paesi di origine Land van oorsprong País de origem Alkuperämaa Ursprungsland	Autoridad competente Kompetent myndighed Zuständige Behörde Αρμόδια υπηρεσία Competent authority Autorité compétente Autorità competente Bevoegde autoriteit Autoridade competente Toimivaltainen viranomainen Behörig myndighet
2. <i>Únicamente para los híbridos de agrios conocidos por el nombre de 'Minneolas' — Udelukkende til krydsninger af citrusfrugter, benævnt 'Minneolas' — Nur für Kreuzungen von Zitrusfrüchten, bekannt unter dem Namen 'Minneolas' — Μόνο για τα υβρίδια εσπεριδοειδών γνωστά με την ονομασία 'Minneolas' — Only for citrus fruit known as 'Minneolas' — Uniquement pour les hybrides d'agrumes connus sous le nom de 'Minneolas' — Solo per ibridi d'agrumi conosciuti sotto il nome di 'Minneolas' — Uitsluitend voor kruisingen van citrusvruchten die bekend staan als 'minneola's' — Somente para os citrinos híbridos conhecidos pelo nome de 'Minneolas' — Ainoastaan Minneolas-sitrusbedelmille — Endast för citrusfrukter benämnda 'Minneolas'</i>	
Israel Israel Israel Ισραήλ Israel Israël Israele Israël Israel Israel Israel	Ministry of Agriculture, Department of Plant Protection and Inspection
Chipre Cypern Zypern Κύπρος Cyprus Chypre Cipro Cyprus Chipre Kypros Cypern	Ministry of Commerce and Industry Produce Inspection Service

ANNEX III

Order No	CN code Taric subheading	Description ⁽¹⁾	Quota period	Quota volume (tonnes)	Duty rate (%)
09.0059	0707 00 35	Cucumbers, fresh or chilled	1 November 1996 to 15 May 1997	1 100	2,5
	0707 00 40				
	0707 00 10		1 November to 15 May of subsequent years	1 100	2,5
	0707 00 15				
	0707 00 20				
09.0060	0806 10 40	Table grapes, fresh	21 July to 31 October	1 500	9
09.0061	0808 10 61	Apples, fresh	1 April to 31 July	600	0
	0808 10 63				
	0808 10 69				
	0808 10 71				
	0808 10 73				
	0808 10 79				
09.0062	0808 20 57 0808 20 67	Pears, fresh other than perry pears	1 August to 31 December	1 000	5
09.0063	0809 10 20	Apricots, fresh	1 June to 31 July	2 500	10
	0809 10 30				
	0809 10 40				
09.0040	0809 20 39 0809 20 49	Cherries other than sour cherries	21 May to 15 July	800	4

⁽¹⁾ The goods descriptions in this Annex are those appearing in the combined nomenclature (OJ No L 319, 30. 12. 1995).

COMMISSION REGULATION (EC) No 1832/96
of 23 September 1996
setting export refunds on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EC) No 1488/95⁽³⁾, as last amended by Regulation (EC) No 2702/95⁽⁴⁾, sets implementing rules for export refunds on fruit and vegetables;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 states that, to the extent necessary to permit economically significant exportation, the difference between prices in international trade of the products listed in that Article and their prices in the Community may be covered by export refunds;

Whereas Article 26 (4) of Regulation (EEC) No 1035/72 states that refunds must be fixed with regard to the existing situation and outlook for fruit and vegetable prices on the Community market and supply availability, on the one hand, and prices in international trade on the other hand; whereas account must also be taken of the costs indicated at (b) in that paragraph and of the economic aspect of the envisaged exports;

Whereas refunds are, pursuant to Article 26 (1) of Regulation (EEC) No 1035/72, to be set with due regard to the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Article 26 (5) of Regulation (EEC) No 1035/72 states that prices on the Community market are to be determined taking account of those most favourable from the exportation standpoint; whereas international trade prices are to be determined and account taken of the prices indicated in the second subparagraph of that paragraph;

Whereas the international trade situation or the special requirements of certain markets may make it necessary to

vary the refund on a given product depending on the destination of that product;

Whereas economically significant exports can be made at the present time of tomatoes, lemons, oranges, apples, peaches and nectarines of classes 'extra', I and II of the common quality standards, table grapes of classes 'extra' and I, shelled almonds, hazelnuts and walnuts in shell;

Whereas the representative market rates as defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as last amended by Regulation (EC) No 150/95⁽⁶⁾, are used to convert amounts in third country currencies and are the basis for determining the agricultural conversion rates of the Member States' currencies; whereas rules for determining and applying these conversion rates were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾, as last amended by Regulation (EC) No 1482/96⁽⁸⁾;

Whereas application of the rules mentioned above to the present and forecast market situation, in particular to fruit and vegetable prices in the Community and in international trade, leads to the refund rates set in the Annexes hereto;

Whereas, pursuant to Article 26 (2) of Regulation (EEC) No 1035/72, the most efficient possible use should be made of the resources available without creating discrimination between traders; whereas, therefore, care should be taken not to disturb the trade flows previously induced by the refund arrangements; whereas, for these reasons and because of the seasonal nature of exports of fruit and vegetables, quotas should be fixed for each product;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refund rates and quantities eligible for refunds in the fruit and vegetables sector for licences with advance fixing of the refund shall be those set in Annex I hereto.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽³⁾ OJ No L 145, 29. 6. 1995, p. 68.

⁽⁴⁾ OJ No L 280, 23. 11. 1995, p. 30.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 188, 27. 7. 1996, p. 22.

The indicative rates and quantities for exports without advance fixing of the refund shall be those fixed in Annex II hereto.

2. Quantities for which licences are issued in the context of food aid, as referred to in Article 14a of Commission Regulation (EEC) No 3719/88⁽¹⁾ laying down common detailed rules for the application of the

system of import and export licences and advance fixing certificates for agricultural products, shall not count against the eligible quantities referred to in paragraph 1.

Article 2

This Regulation shall enter into force on 24 September 1996.

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

Done at Brussels, 23 September 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

ANNEX I

RATES AND QUANTITIES FOR LICENCES WITH ADVANCE FIXING OF THE REFUND

Product	Product code (1)	Destination or destination group (2)	Period 2: applications from 24. 9. 1996 to 15. 11. 1996	
			Refund rate (ECU/net tonne)	Scheduled quantity (tonnes)
Tomatoes	0702 00 15 100 0702 00 20 100 0702 00 25 100 0702 00 30 100 0702 00 35 100 0702 00 40 100 0702 00 45 100 0702 00 50 100	F	36,2	3 198
Shelled almonds	0802 12 90 000	F	77,9	286
Hazelnuts in shell	0802 21 00 000	F	91,0	137
Shelled hazelnuts	0802 22 00 000	F	175,6	1 160
Walnuts in shell	0802 31 00 000	F	112,9	138
Oranges	0805 10 01 200 0805 10 05 200 0805 10 09 200 0805 10 11 200 0805 10 15 200 0805 10 19 200 0805 10 21 200 0805 10 25 200 0805 10 29 200 0805 10 31 200 0805 10 33 200 0805 10 35 200 0805 10 37 200 0805 10 38 200 0805 10 39 200 0805 10 42 200 0805 10 44 200 0805 10 46 200 0805 10 51 200 0805 10 55 200 0805 10 59 200 0805 10 61 200 0805 10 65 200 0805 10 69 200	A C	88,6	30 932
Lemons	0805 30 20 100 0805 30 30 100 0805 30 40 100	F	108,7	5 079
Table grapes	0806 10 21 200 0806 10 29 200 0806 10 30 200 0806 10 40 200 0806 10 50 200 0806 10 61 200 0806 10 69 200	F	39,0	13 585

Product	Product code ⁽¹⁾	Destination or destination group ⁽²⁾	Period 2: applications from 24. 9. 1996 to 15. 11. 1996	
			Refund rate (ECU/net tonne)	Scheduled quantity (tonnes)
Apples	0808 10 51 910 0808 10 53 910 0808 10 59 910 0808 10 61 910 0808 10 63 910 0808 10 69 910 0808 10 71 910 0808 10 73 910 0808 10 79 910 0808 10 92 910 0808 10 94 910 0808 10 98 910	A B D	64,4	9 477
Peaches and nectarines	0809 30 11 100 0809 30 19 100 0809 30 21 100 0809 30 29 100 0809 30 31 100 0809 30 39 100 0809 30 41 100 0809 30 49 100 0809 30 51 100 0809 30 59 100	E	40,2	1 305

⁽¹⁾ The full definitions of the eligible products can be found in the section on fruit and vegetables in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

⁽²⁾ The destination codes are defined as follows:

A: Norway, Iceland, Greenland, Poland, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Bosnia-Herzegovina, Croatia, Slovenia, Former Yugoslav Republic of Macedonia, Malta.

B: Faeroes, African countries and territories except South Africa, countries of the Arabian Peninsula (Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qaiwain, Ras al Khaimah, Fujairah), Kuwait, Yemen), Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia.

C: Switzerland, Czech Republic, Slovakia.

D: Hong Kong, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica.

E: All destinations except Switzerland.

F: All destinations.

ANNEX II

RATES AND QUANTITIES FOR LICENCES WITHOUT ADVANCE FIXING OF THE REFUND

Product	Product code (*)	Destination or destination group (2)	Indicative refund rate (ECU/net tonne)	Period 2 Applications from 1. 10. 1996 to 24. 11. 1996
				Indicative quantity (tonnes)
Tomatoes	0702 00 15 100 0702 00 20 100 0702 00 25 100 0702 00 30 100 0702 00 35 100 0702 00 40 100 0702 00 45 100 0702 00 50 100	F	36,2	3 198
Shelled almonds	0802 12 90 000	F	77,9	286
Hazelnuts in shell	0802 21 00 000	F	91,0	137
Shelled hazelnuts	0802 22 00 000	F	175,6	1 160
Walnuts in shell	0802 31 00 000	F	112,9	138
Oranges	0805 10 01 200 0805 10 05 200 0805 10 09 200 0805 10 11 200 0805 10 15 200 0805 10 19 200 0805 10 21 200 0805 10 25 200 0805 10 29 200 0805 10 31 200 0805 10 33 200 0805 10 35 200 0805 10 37 200 0805 10 38 200 0805 10 39 200 0805 10 42 200 0805 10 44 200 0805 10 46 200 0805 10 51 200 0805 10 55 200 0805 10 59 200 0805 10 61 200 0805 10 65 200 0805 10 69 200	A C	88,6	30 932
Lemons	0805 30 20 100 0805 30 30 100 0805 30 40 100	F	108,7	5 079
Table grapes	0806 10 21 200 0806 10 29 200 0806 10 30 200 0806 10 40 200 0806 10 50 200 0806 10 61 200 0806 10 69 200	F	39,0	13 585

Product	Product code ⁽¹⁾	Destination or destination group ⁽²⁾	Indicative refund rate (ECU/net tonne)	Period 2 Applications from 1. 10. 1996 to 24. 11. 1996
				Indicative quantity (tonnes)
Apples	0808 10 51 910	A B D	64,4	9 477
	0808 10 53 910			
	0808 10 59 910			
	0808 10 61 910			
	0808 10 63 910			
	0808 10 69 910			
	0808 10 71 910			
	0808 10 73 910			
	0808 10 79 910			
	0808 10 92 910			
	0808 10 94 910			
	0808 10 98 910			
Peaches and nectarines	0809 30 11 100	E	40,2	1 305
	0809 30 19 100			
	0809 30 21 100			
	0809 30 29 100			
	0809 30 31 100			
	0809 30 39 100			
	0809 30 41 100			
	0809 30 49 100			
	0809 30 51 100			
	0809 30 59 100			

⁽¹⁾ The full definitions of the eligible products can be found in the section on fruit and vegetables in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

⁽²⁾ The destination codes are defined as follows:

A: Norway, Iceland, Greenland, Poland, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Bosnia-Herzegovina, Croatia, Slovenia, Former Yugoslav Republic of Macedonia, Malta.

B: Faeroes, African countries and territories except South Africa, countries of the Arabian Peninsula (Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qaiwain, Ras al Khaimah, Fujairah), Kuwait, Yemen), Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia.

C: Switzerland, Czech Republic, Slovakia.

D: Hong Kong, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica.

E: All destinations except Switzerland.

F: All destinations.

COMMISSION REGULATION (EC) No 1833/96
of 23 September 1996
amending Regulation (EC) No 1318/96 derogating from Regulation (EEC) No
2456/93 as regards public intervention

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) 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 the first sentence of Article 14 (1) 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 public intervention⁽³⁾, as last amended by Regulation (EC) No 307/96⁽⁴⁾, lays down the amount of the increase to be applied to the average market price in order to calculate the maximum buying-in price; whereas, given the current difficulties faced by the beef sector, the current increase should be adjusted to take account of the increased costs and reduced receipts affecting the sector; whereas the amount should be increased by ECU 3 for the second invitation to tender of September 1996;

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 following Article 1a is hereby added to Commission Regulation (EC) No 1318/96⁽⁵⁾:

'Article 1a

Notwithstanding the first sentence of Article 14 (1) of Regulation (EEC) No 2456/93, the increase applicable to the average market price shall be ECU 13 per 100 kg carcase weight.'

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 to the second invitation to tender of September 1996.

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

Done at Brussels, 23 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.

COMMISSION REGULATION (EC) No 1834/96**of 23 September 1996****on the issuing of import licences for bananas under the tariff quota for the fourth quarter of 1996 and on the submission of new applications****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EEC) No 1442/93 ⁽³⁾, as last amended by Regulation (EC) No 1409/96 ⁽⁴⁾, lays down detailed rules for the application of the arrangements for importing bananas into the Community; whereas Regulation (EC) No 478/95 ⁽⁵⁾, as amended by Regulation (EC) No 702/95 ⁽⁶⁾, lays down additional rules for the application of the tariff quota arrangements laid down in Articles 18 and 19 of Regulation (EEC) No 404/93;

Whereas Article 9 (3) of Regulation (EEC) No 1442/93 lays down that, where, in the case of a given origin, for a country or group of countries referred to in Annex I to Regulation (EC) No 478/95, the quantities covered by import licence applications from one or more of the categories of operators exceed the quantity available, a reduction percentage to be applied to applications shall be set;

Whereas the quantities available for import under the tariff quota are laid down for the fourth quarter of 1996 in Commission Regulation (EC) No 1563/96 ⁽⁷⁾;

Whereas in the case of the quantities covered by licence applications that are either less than or equal to the quantities available, licences are issued for the quantities applied for; whereas, however, for certain origins, the quantities applied for exceed the quantities available set out in the Annex to Regulation (EC) No 1563/96; whereas, therefore, a reduction percentage should be set to be applied to each licence application for the origin or origins involved and category of licence in question;

Whereas, the maximum quantity for which such licence applications may still be submitted should be set taking account of the available quantities fixed by Regulation (EC) No 1563/96 and the applications accepted at the end of the application period running from 1 to 7 September 1996; whereas Council Regulation (EC) No 478/95 on additional rules for the application of Council Regulation (EEC) No 404/93 as regards the tariff quota arrangements for imports of bananas into the Community and amending Regulation (EEC) No 1442/93 applies;

Whereas, in application of the framework agreement on bananas concluded with a number of producer third countries during the Uruguay Round multilateral trade negotiations, those countries are authorized to issue export licences for up to 70 % of their allocations, which licences are to be presented in order to obtain category A and C import licences in the Community;

Whereas if, for the fourth quarter of 1996, licence applications submitted by category A and C importers do not use up the available quantities laid down in the Annex hereto, it is in the interest of the producer countries to enable them to best use their allocations and of the Community and its importers in order to satisfy the consumption needs laid down in the supply balance, to allocate any available quantities at the end of the second period for the submission of licence applications to category B importers submitting applications within the deadline; whereas the additional administrative rules should be laid down;

Whereas this Regulation should apply immediately to permit licences to be issued as quickly as possible;

Whereas the Management Committee for Bananas has not issued an opinion within the time limit laid down by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences shall be issued under the tariff quota arrangements for the import of bananas for the fourth quarter of 1996 for the quantity indicated in the licence application, multiplied by reduction coefficients of

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.
⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.
⁽³⁾ OJ No L 142, 12. 6. 1993, p. 6.
⁽⁴⁾ OJ No L 181, 20. 7. 1996, p. 13.
⁽⁵⁾ OJ No L 49, 4. 3. 1995, p. 13.
⁽⁶⁾ OJ No L 71, 31. 3. 1995, p. 84.
⁽⁷⁾ OJ No L 193, 3. 8. 1996, p. 18.

0,4645, 0,4611 and 0,5683 for applications indicating the origins 'Dominican Republic', 'Costa Rica: category B' and 'Others' respectively.

Article 2

The quantities for which licence applications may still be lodged in respect of the fourth quarter of 1996 are laid down in the Annex hereto.

Article 3

Import licences shall be issued to category B importers, within the meaning of Article 18 (1) of Regulation (EEC) No 404/93, who have submitted an import licence application for bananas from Costa Rica and/or Colombia within 10 working days of publication of this Regulation

for the quantities of bananas laid down in the Annex, for those two countries for categories A and C available after submission of applications for the second period pursuant to Article 4 of Regulation (EC) No 478/95. Such licence applications shall bear the words 'Application for category B licence — Regulation (EEC) No 1442/93'.

The Commission shall immediately determine the quantities for which licences may be issued for the origin or origins concerned. Licences shall be issued immediately by the competent authorities and shall be valid for the period laid down in Article 11 (2) of Regulation (EEC) No 1442/93.

Article 4

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

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

Done at Brussels, 23 September 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

<i>(in tonnes)</i>	
	Quantities available for new requests
COLOMBIA	
— Categories A and C	113 768,855
— Category B	11 838,937
COSTA RICA	
— Categories A and C	91 604,694
NICARAGUA	12 353,163
VENEZUELA	18 490,179
BELIZE	8 950,000
CAMEROON	1 425,605
CÔTE D'IVOIRE	145,000
Other ACP	2 970,275

COMMISSION REGULATION (EC) No 1835/96
of 23 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 24 September 1996.

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

Done at Brussels, 23 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 23 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	113,2
	064	70,8		039	121,0
	066	54,0		052	71,5
	068	80,3		064	54,2
	204	86,8		070	90,2
	208	44,0		284	72,1
	212	97,5		388	53,5
	400	170,4		400	54,4
	624	95,8		404	63,6
	999	86,9		416	72,7
	052	82,8		508	113,5
	053	156,2		512	126,1
ex 0707 00 25	060	61,0	0808 20 57	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	40,6
0709 90 79	052	54,3		999	83,6
	204	77,5		039	104,1
	412	54,2		052	72,5
	508	42,9		064	78,4
	624	151,9		388	57,2
	999	76,2		400	70,4
0805 30 30	052	134,6		512	88,7
	204	88,8		528	132,9
	220	74,0		624	79,0
	388	69,7		728	115,4
	400	68,2		800	84,0
	512	80,0		804	73,0
	520	66,5		999	86,9
	524	73,9	0809 30 41, 0809 30 49	052	93,8
	528	68,8		220	121,8
	600	96,5		624	106,8
	624	48,9		999	107,5
0806 10 40	999	79,1	0809 40 30	052	66,3
	052	75,5		064	50,9
	064	49,5		066	72,1
	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	60,7
	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'.

COMMISSION REGULATION (EC) No 1836/96

of 23 September 1996

determining the world market price for unginned cotton and the rate for the aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95⁽¹⁾,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995⁽²⁾ laying down general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81, as amended by Regulation (EC) No 1584/96⁽³⁾, and in particular Articles 3, 4 and 5 thereof,

Whereas Article 3 of Regulation (EC) No 1554/95 requires a world market price for unginned cotton to be periodically determined from the world market price determined for ginned cotton, using the historical relationship between the two prices as specified in Article 1 (2) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules for implementing the system of aid for cotton⁽⁴⁾, as last amended by Regulation (EC) No 1645/96⁽⁵⁾; whereas if it cannot be determined in this way it is to be based on the last price determined;

Whereas Article 4 of Regulation (EC) No 1554/95 requires the world market price for ginned cotton to be determined for a product of specific characteristics using the most favourable offers and quotations on the world market of those considered representative of the real market trend; whereas to this end an average is to be calculated of offers and quotations on one or more European exchanges for a cif product to a North European port from the supplier countries considered most representative as regards international trade; whereas these rules for determination of the world market price for ginned cotton provide for adjustments to reflect dif-

ferences in product quality and the nature of offers and quotations; whereas these adjustments are specified in Article 2 of Regulation (EEC) No 1201/89;

Whereas application of the above rules gives the world market price for unginned cotton indicated hereunder;

Whereas Article 5 (3) of Regulation (EC) No 1554/95 stipulates that the advance payment rate for the aid is to be the guide price less the world market price and less a further amount calculated by the formula applicable when the guaranteed maximum quantity is overrun but with a 15 % increase in the estimate for unginned cotton production; whereas Commission Regulation (EC) No 1683/96⁽⁶⁾ determined estimated production for the 1996/97 marketing year; whereas application of these rules gives the advance payment rates for each Member State indicated hereunder,

HAS ADOPTED THIS REGULATION:

Article 1

1. The world market price for unginned cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at ECU 31,911 per 100 kilograms.

2. Advance payment of the aid as indicated in Article 5 (3) of Regulation (EC) No 1554/95 shall be at the rate of:

- ECU 62,696 per 100 kilograms in Spain,
- ECU 32,188 per 100 kilograms in Greece,
- ECU 74,389 per 100 kilograms in other Member States.

Article 2

This Regulation shall enter into force on 24 September 1996.

⁽¹⁾ OJ No L 148, 30. 6. 1995, p. 45.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 48.

⁽³⁾ OJ No L 206, 16. 8. 1996, p. 16.

⁽⁴⁾ OJ No L 123, 4. 5. 1989, p. 23.

⁽⁵⁾ OJ No L 207, 17. 8. 1996, p. 3.

⁽⁶⁾ OJ No L 217, 28. 8. 1996, p. 1.

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

Done at Brussels, 23 September 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COUNCIL DIRECTIVE 96/59/EC

of 16 September 1996

on the disposal of polychlorinated biphenyls and polychlorinated terphenyls
(PCB/PCT)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130s (1) thereof,

Having regard to the Commission proposal⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Acting in accordance with the procedure laid down in Article 189c of the Treaty⁽³⁾,

meeting within the Council, in their Resolution of 1 February 1993⁽⁷⁾;

(1) Whereas Council Directive 76/403/EEC of 6 April 1976 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls⁽⁴⁾ brought about an approximation of the laws of the Member States in this field; whereas those rules have not proved sufficient; whereas the state of the art has evolved to a point where disposal conditions for PCBs can be improved; whereas that Directive should therefore be replaced by a new Directive;

(2) Whereas Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations⁽⁵⁾ underlines, the need for a periodic review of the whole problem with a view to moving gradually towards a complete ban on PCBs and PCTs;

(3) Whereas the safe disposal of non-recyclable and non-reusable waste is one of the objectives of the Council Resolution of 7 May 1990 on waste policy⁽⁶⁾, as confirmed by the Fifth Action Programme on the Environment and Sustainable Development, the approach and general strategy of which were approved by the Council and the Representatives of the Governments of the Member States,

(4) Whereas in accordance with Council Directive 75/442/EEC of 15 July 1975 on waste⁽⁸⁾, appropriate measures must be taken to avoid the abandonment, dumping or uncontrolled disposal of waste, and the use of processes or methods which could harm the environment;

(5) Whereas in order to dispose of PCBs, because of the risks they present for the environment and for human health, general obligations concerning the controlled disposal of PCBs and the decontamination or disposal of equipment are necessary;

(6) Whereas such measures should be taken as soon as possible without prejudice to the Member States' international obligations, in particular those contained in PARCOM Decision 92/3⁽⁹⁾; whereas PCBs which are the subject of an inventory must be disposed of by the end of 2010 at the latest;

(7) Whereas the disposal of PCBs represents a transitional and temporary problem and some Member States which have no PCB disposal capacity face a force majeure situation; whereas the proximity principle should be interpreted in a flexible manner so as to permit European solidarity in this area; whereas, in addition, installations should be set up in the Community for the disposal, decontamination and storage of PCBs;

(8) Whereas Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils⁽¹⁰⁾ lays down 50 ppm as the maximum limit for the PCB or PCT content of regenerated oils or oils used as fuel;

(9) Whereas Council Directive 91/339/EEC of 18 June 1991, amending Directive 76/769/EEC for the eleventh time⁽¹¹⁾, prohibits or restricts the marketing of certain PCB substitutes, and whereas they too should therefore be disposed of completely;

⁽¹⁾ OJ No C 319, 12. 12. 1988, p. 57.

OJ No C 299, 20. 11. 1991, p. 9.

⁽²⁾ OJ No C 139, 5. 6. 1989, p. 1.

⁽³⁾ Opinions of the European Parliament of 17 May 1990 (OJ No C 149, 18. 6. 1990, p. 150) and 12 December 1990 (OJ No C 19, 28. 1. 1991, p. 83). Common position of the Council of 27 November 1995 (OJ No C 87, 25. 3. 1996, p. 1) and Decision of the European Parliament of 22 May 1996 (OJ No C 166, 10. 6. 1996, p. 76).

⁽⁴⁾ OJ No L 108, 26. 4. 1976, p. 41.

⁽⁵⁾ OJ No L 262, 27. 9. 1976, p. 201. Directive as last amended by Directive 94/60/EC (OJ No L 365, 31. 12. 1994, p. 1).

⁽⁶⁾ OJ No C 122, 18. 5. 1990, p. 2.

⁽⁷⁾ OJ No C 138, 17. 5. 1993, p. 1.

⁽⁸⁾ OJ No L 194, 25. 7. 1975, p. 39. Directive as last amended by Commission Decision 94/3/EC (OJ No L 5, 7. 1. 1994, p. 15).

⁽⁹⁾ Ministerial Meeting of the Oslo and Paris Commissions of 21-22 September 1992.

⁽¹⁰⁾ OJ No L 194, 25. 7. 1975, p. 23. Directive as last amended by Directive 91/692/EEC (OJ No L 377, 31. 12. 1991, p. 48).

⁽¹¹⁾ OJ No L 186, 12. 7. 1991, p. 64.

- (10) Whereas it is essential to know what quantities of PCBs exist in order to be able to match disposal capacity to needs; whereas it is therefore necessary to label equipment containing PCBs and to compile inventories of such equipment; whereas such inventories must be regularly updated;
- (11) Whereas, bearing in mind the costs and technical difficulties entailed by an inventory of equipment slightly contaminated with PCBs, a simplified inventory should be used; whereas, in addition, provision should be made for equipment slightly contaminated by PCBs to be disposed of at the end of its useful life, bearing in mind the low risks it presents for the environment;
- (12) Whereas the marketing of PCBs is prohibited, and whereas the separation of PCBs from other substances for their reuse and the topping up of transformers with PCBs should therefore be prohibited; whereas, however, on safety grounds, the maintenance of transformers may be continued in order to sustain the dielectric quality of the PCBs they contain;
- (13) Whereas undertakings carrying out the disposal and/or decontamination of PCBs must obtain permits;
- (14) Whereas the conditions for decontaminating equipment containing PCBs must be defined and whereas the equipment should be specifically labelled;
- (15) Whereas certain technical tasks necessary for the implementation of this Directive should be carried out by the Commission, in accordance with the Committee procedure referred to in Article 18 of Directive 75/442/EEC;
- (16) Whereas the number of PCB disposal and decontamination plants is small and their capacity limited and the disposal and/or decontamination of the PCBs inventoried must therefore be properly planned; whereas, moreover, outlines for the collection and subsequent disposal of non-inventoried equipment should be drawn up; whereas such outlines may, if necessary, make use of existing mechanisms concerning waste in general and need not take account of very minor quantities of PCBs which cannot be identified in practice,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The purpose of this Directive is to approximate the laws of the Member States on the controlled disposal of PCBs, the decontamination or disposal of equipment containing PCBs and/or the disposal of used PCBs in order to eliminate them completely on the basis of the provisions of this Directive.

Article 2

For the purposes of this Directive:

- (a) 'PCBs' means:
- polychlorinated biphenyls,
 - polychlorinated terphenyls,
 - Monomethyl-tetrachlorodiphenyl methane, Monomethyl-dichloro-diphenyl methane, Monomethyl-dibromo-diphenyl methane,
 - any mixture containing any of the abovementioned substances in a total of more than 0,005 % by weight;
- (b) 'equipment containing PCBs' means any equipment containing PCBs or having contained PCBs (e.g. transformers, capacitors, receptacles containing residual stocks) which has not been decontaminated. Equipment of a type which may contain PCBs shall be treated as if it contains PCBs unless it is reasonable to assume the contrary;
- (c) 'used PCBs' means any PCBs which are waste within the meaning of Directive 75/442/EEC;
- (d) 'holder' means the natural or legal person who is in possession of PCBs, used PCBs and/or equipment containing PCBs;
- (e) 'decontamination' means all operations which enable equipment, objects, materials or fluids contaminated by PCBs to be reused, recycled or disposed of under safe conditions, and which may include replacement, meaning all operations in which PCBs are replaced by suitable fluids not containing PCBs;
- (f) 'disposal' means operations D 8, D 9, D 10, D 12 (only in safe, deep, underground storage in dry rock formations and only for equipment containing PCBs and used PCBs which cannot be decontaminated) and D 15 provided for in Annex II A of Directive 75/442/EEC.

Article 3

Without prejudice to their international obligations, Member States shall take the necessary measures to ensure that used PCBs are disposed of and PCBs and equipment containing PCBs are decontaminated or disposed of as soon as possible. For the equipment and the PCBs contained therein, which are subject to inventory in accordance with Article 4 (1), decontamination and/or disposal shall be effected at the latest by the end of 2010.

Article 4

1. In order to comply with Article 3, Member States shall ensure that inventories are compiled of equipment with PCB volumes of more than 5 dm³, and shall send summaries of such inventories to the Commission at the latest three years after the adoption of this Directive. In the case of power capacitors, the threshold of 5 dm³ shall be understood as including all the separate elements of a combined set.

2. Equipment in respect of which it is reasonable to assume that the fluids contain between 0,05 % and 0,005 % by weight of PCBs may be inventoried without the data required in the third and fourth indents of paragraph 3, and may be labelled as 'PCBs contaminated < 0,05 %'. They shall be decontaminated or disposed of in accordance with Article 9 (2).

3. The inventories shall comprise the following:

- the names and addresses of the holders,
- the location and description of the equipment,
- the quantity of PCBs contained in the equipment,
- the dates and types of treatment or replacement carried out or envisaged,
- the dates of declaration.

If a Member State has already compiled a similar inventory, a new one shall not be required. Inventories shall be regularly updated.

4. In order to comply with paragraph 1, Member States shall take the necessary measures to ensure that the holders of such equipment notify the competent authorities of the quantities which they hold and of any changes in this respect.

5. Member States shall take the necessary measures to ensure that any equipment which is subject to inventory under paragraph 1 is labelled. A similar label must also be affixed to the doors of premises where such equipment is located.

6. PCB-disposal undertakings shall keep registers of the quantity, origin, nature and PCB content of used PCBs delivered to them. They shall communicate this information to the competent authorities. The registers may be consulted by the local authorities and by the public. The undertakings also issue to holders who deliver used PCBs receipts specifying the nature and the quantity thereof.

7. Member States shall ensure that the competent authorities monitor the quantities of which they are notified.

Article 5

1. By way of derogation from Article 3 of Directive 75/442/EEC Member States shall prohibit the separation of PCBs from other substances for the purpose of reusing the PCBs.

2. Member States shall prohibit the topping up of transformers with PCBs.

3. Until such time as they are decontaminated, taken out of service and/or disposed of in accordance with this Directive, the maintenance of transformers containing PCBs may continue only if the objective is to ensure that the PCBs they contain comply with technical standards or

specifications regarding dielectric quality and provided that the transformers are in good working order and do not leak.

Article 6

1. Member States shall take the necessary measures to ensure that used PCBs and equipment containing PCBs which is subject to inventory in accordance with Article 4 (1) are transferred as soon as possible to undertakings licensed pursuant to Article 8.

2. Before PCBs, used PCBs and/or equipment containing PCBs are taken by a licensed undertaking, all precautions necessary to avoid any risk of fire shall be taken. To this end they shall be kept away from any flammable products.

3. Where reasonably practicable, equipment containing PCBs which is not subject to inventory in accordance with Article 4 (1) and which is part of another piece of equipment shall be removed and collected separately when the latter equipment is taken out of use, recycled or disposed of.

Article 7

Member States shall take the necessary measures to prohibit any incineration of PCBs and/or used PCBs on ships.

Article 8

1. Member States shall take the necessary measures to ensure that all undertakings engaged in the decontamination and/or the disposal of PCBs, used PCBs and/or equipment containing PCBs obtain permits in accordance with Article 9 of Directive 75/442/EEC.

2. Where incineration is used for disposal, Council Directive 94/67/EC of 16 December 1994 on the incineration of dangerous waste⁽¹⁾ shall apply. Other methods of disposing of PCBs, used PCBs and/or equipment containing PCBs may be accepted provided they achieve equivalent environmental safety standards — compared with incineration — and fulfil the technical requirements referred to as best available techniques.

3. Member States shall individually or jointly take the necessary measures to develop, if appropriate and taking account of Article 4 (3) (a) (ii) of Regulation (EEC) No 259/93/EEC⁽²⁾ and Article 5 (1) of Directive 75/442/EEC, installations for the disposal, decontamination and safe storage of PCBs, used PCBs and/or equipment containing PCBs.

⁽¹⁾ OJ No L 365, 31. 12. 1994, p. 34.

⁽²⁾ OJ No L 30, 6. 2. 1993, p. 1. Regulation as amended by Commission Decision 94/721/EC (OJ No L 288, 9. 11. 1994, p. 36).

Article 9

1. Member States shall take the necessary measures to ensure that transformers containing more than 0,05 % by weight of PCBs are decontaminated under the following conditions:

- (a) the objective of the decontamination must be to reduce the level of PCBs to less than 0,05 % by weight and, if possible, to no more than 0,005 % by weight;
- (b) the replacement fluid not containing PCBs must entail markedly lesser risks;
- (c) the replacement of the fluid must not compromise the subsequent disposal of the PCBs;
- (d) the labelling of the transformer after its decontamination must be replaced by the labelling specified in the Annex hereto.

2. By way of derogation from Article 3, Member States shall ensure that transformers the fluids in which contain between 0,05 % and 0,005 % by weight of PCBs are either decontaminated under the conditions laid down in paragraph 1 (b) to (d) or disposed of at the end of their useful lives.

Article 10

The Commission, acting in accordance with the procedure referred to in Article 18 of Directive 75/442/EEC:

- (a) shall fix the reference methods of measurement to determine the PCB content of contaminated materials. Measurements effected before the determination of the reference methods shall remain valid;
- (b) may fix technical standards for the other methods of disposing of PCBs referred to in the second sentence of Article 8 (2);
- (c) shall make available a list of the production names of capacitors, resistors and inductance coils, containing PCBs;
- (d) shall if necessary determine, solely for the purpose of Article 9 (1) (b) and (c) other less hazardous substitutes for PCBs.

Article 11

1. Member States shall, within three years of the adoption of this Directive, draw up:

- plans for the decontamination and/or disposal of inventoried equipment and the PCBs contained therein;
- outlines for the collection and subsequent disposal of equipment which is not subject to inventory in accordance with Article 4 (1), as referred to in Article 6 (3).

2. Member States shall communicate these plans and outlines to the Commission without delay.

Article 12

1. Member States shall take the necessary measures to comply with this Directive not later than 18 months after its adoption. They shall forthwith inform the Commission thereof.

2. When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

3. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive. The Commission shall inform the other Member States thereof.

Article 13

1. This Directive shall enter into force on the date of its adoption and Directive 76/403/EEC shall be repealed with effect from that date.

2. With effect from the date referred to in paragraph 1:

- (a) the reference in Article 10 (1) of Directive 87/101/EEC⁽¹⁾ to 'PCBs and PCTs within the meaning of Directive 76/403/EEC' shall be construed as a reference to PCBs within the meaning of this Directive;
- (b) the reference in Article 10 (2) of Directive 87/101/EEC to Directive 76/403/EEC shall be construed as a reference to this Directive;
- (c) the reference in Article 2 (j) of Regulation (EEC) No 259/93 to Article 6 of Directive 76/403/EEC shall be construed as a reference to Article 8 of this Directive.

Article 14

This Directive is addressed to the Member States.

Done at Brussels, 16 September 1996.

For the Council

The President

I. YATES

⁽¹⁾ OJ No L 42, 12. 2. 1987, p. 43.

*ANNEX***Labelling of decontaminated PCB equipment**

Each item of decontaminated equipment must be clearly marked with an indelible and embossed or engraved sign which must include the following information and be worded in the language of the country in which the equipment is used:

DECONTAMINATED PCB EQUIPMENT

Fluid containing PCBs was replaced

- with (name of the substitute)
- on (date)
- by (undertaking).

Concentration of PCBs in

- old fluid % by weight
- new fluid % by weight.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 16 September 1996

appointing four members and eight alternate members of the Committee of the Regions

(96/556/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 198a thereof,

Having regard to the Council Decisions of 26 January 1994⁽¹⁾ and 23 January 1995⁽²⁾ appointing members and alternate members of the Committee of the Regions,

Whereas four seats as members and eight seats as alternate members of the Committee have become vacant following the resignations of Mr Norbert De Batselier, Mr Hugo Weckx, Mr Michel Lebrun and Mr Tarcisio Grandi, members, and of Mr Antonio Gómez Fayren, Mr Theo Kelchtermans, Mr Lode Hancke, Mr Louis Vanvelthoven, Mr Stefaan De Clerck, Mr Herman Suykerbuyk, Mr Jean-Claude Van Cauwenberghe and Mr Carlo Andreotti, alternate members, notified to the Council on 18 December 1995, 1 July 1996, 3 September 1996, 25 July 1996, 2 September 1996, 1 July 1996, 19 June 1996, 1 July 1996, 1 July 1996, 10 September 1996, 3 September 1996 and 10 September 1996 respectively;

Having regard to the proposals from the Belgian, Italian and Spanish Governments,

HAS DECIDED AS FOLLOWS:

Sole Article

1. Mr Eddy Baldewijns is hereby appointed a member of the Committee of the Regions in place of Mr Norbert

De Batselier for the remainder of the latter's term of office, which runs until 25 January 1998.

2. Mr Herman Suykerbuyk is hereby appointed a member of the Committee of the Regions in place of Mr Hugo Weckx for the remainder of the latter's term of office, which runs until 25 January 1998.
3. Mr Karel De Gucht is hereby appointed a member of the Committee of the Regions in place of Mr Michel Lebrun for the remainder of the latter's term of office, which runs until 25 January 1998.
4. Mr Carlo Andreotti is hereby appointed a member of the Committee of the Regions in place of Mr Tarcisio Grandi for the remainder of the latter's term of office, which runs until 25 January 1998.
5. Mr Freddy Sarens is hereby appointed an alternate member of the Committee of the Regions in place of Mr Theo Kelchtermans for the remainder of the latter's term of office, which runs until 25 January 1998.
6. Mr Gilbert Bossuyt is hereby appointed an alternate member of the Committee of the Regions in place of Mr Lode Hancke for the remainder of the latter's term of office, which runs until 25 January 1998.
7. Mr Peter Vanvelthoven is hereby appointed an alternate member of the Committee of the Regions in place of Mr Louis Vanvelthoven for the remainder of the latter's term of office, which runs until 25 January 1998.
8. Mr Paul Dumez is hereby appointed an alternate member of the Committee of the Regions in place of Mr Stefaan De Clerck for the remainder of the latter's term of office, which runs until 25 January 1998.

⁽¹⁾ OJ No L 31, 4. 2. 1994, p. 29.

⁽²⁾ OJ No L 25, 2. 2. 1995, p. 20.

9. Mr Hugo Van Rompaye is hereby appointed an alternate member of the Committee of the Regions in place of Mr Herman Suykerbuyk for the remainder of the latter's term of office, which runs until 25 January 1998.
10. Mr Willy Burgeon is hereby appointed an alternate member of the Committee of the Regions in place of Mr Jean-Claude Van Cauwenberghe for the remainder of the latter's term of office, which runs until 25 January 1998.
11. Mr Tarcisio Grandi is hereby appointed an alternate member of the Committee of the Regions in place of
- Mr Carlo Andreotti for the remainder of the latter's term of office, which runs until 25 January 1998.
12. Mr Juan Antonio Megías García is hereby appointed an alternate member of the Committee of the Regions in place of Mr Antonio Gómez Fayren for the remainder of the latter's term of office, which runs until 25 January 1998.
- Done at Brussels, 16 September 1996.
- For the Council*
The President
I. YATES
-

COMMISSION

DECISION No 1/96 OF THE ACP-EC CUSTOMS COOPERATION COMMITTEE of 2 September 1996

derogating from the definition of the concept of 'originating products' to take account of the special situation of the Kingdom of Swaziland with regard to its manufacturing of yarn (HS codes 5402 52 and 5402 62)

(96/557/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

HAS DECIDED AS FOLLOWS:

Having regard to the fourth ACP-EEC Convention, signed at Lomé on 15 December 1989, and in particular Article 31 (9) of Protocol 1 thereto,

Whereas Article 31 of Protocol 1 to the Convention on the definition of the concept of 'originating products' and on administrative cooperation methods provides that derogations from this Protocol may be granted by the Customs Cooperation Committee when warranted by the development of existing industries or the creation of new industries;

Whereas the African, Caribbean and Pacific (ACP) States have submitted a request from the Government of the Kingdom of Swaziland for a derogation from the definition set out in Protocol 1 in respect of core yarn;

Whereas the requested derogation is justified under the relevant provisions of Protocol 1 especially as regards the development of existing industries, the fact that the applicant is a landlocked State, the inapplicability of the rules on cumulation of origin, the level of the added-value in Swaziland and whereas the derogation cannot do any serious damage to an industry established in the Community, subject to compliance with certain conditions regarding quantities, surveillance and duration;

Whereas in both the original letter, received on 8 December 1995, and the amended version, received on 17 January 1996, the ACP States asked for the derogation to be granted with effect from 1 January 1994;

Whereas the ACP States have failed to advance any arguments substantiating their request for the derogation to be backdated by two years, and the Commission is therefore unable to agree to retroactive application of the measure,

Article 1

Notwithstanding the special provisions of Annex II to Protocol 1, the products listed in the Annex to this Decision and manufactured in Swaziland shall be considered as originating in the ACP States subject to the following conditions.

Article 2

The derogation provided for in Article 1 relates to products exported from Swaziland to the Community between 1 January 1996 and 31 December 1999.

Article 3

The competent authorities of Swaziland shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 1. To that end, all the certificates they issue pursuant to this Decision shall bear a reference to it. The competent customs authorities of Swaziland shall forward to the Commission every three months a statement of the quantities in respect of which movement certificates EUR.1 have been issued pursuant to this Decision, and the serial numbers of those certificates.

Article 4

The ACP States, the Community and the Member States shall be bound, each to the extent to which it is concerned, to take the measures necessary to implement this Decision.

Article 5

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 2 September 1996.

*For the ACP-EC Customs Cooperation
Committee*

The Chairmen

James CURRIE
Edmond CAKPO-TOZO

ANNEX

<i>(in kilograms)</i>			
HS Code	Product	Year	Quantities
5402.52	Yarn	1996	1 014 000
5402.62		1997	1 115 000
		1998	1 115 000
		1999	1 115 000

DECISION No 2/96 OF THE ACP-EC CUSTOMS COOPERATION COMMITTEE**of 2 September 1996****derogating from the definition of 'originating products' to take account of the special situation of Fiji, Mauritius and Senegal regarding the production of canned tuna and tuna loins**

(96/558/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

Having regard to the fourth ACP-EEC Convention signed at Lomé on 15 December 1989 as revised by the Agreement signed in Mauritius on 4 November 1995, and in particular Article 31 (8) of Protocol 1 thereto,

Whereas the said Protocol provides for derogations from the rules of origin to be granted whenever the development of an existing industry or the establishment of a new one warrants it;

Whereas Article 31 (8) of Protocol 1 lays down specific rules for derogations in respect of canned tuna and tuna loins, which may be granted automatically subject to an annual quota;

Whereas on 24 May 1996 the African, Caribbean and Pacific States (ACP States) submitted a request under Article 31 (8) of Protocol 1 from the Governments of Fiji, Mauritius and Senegal for a derogation from the rule of origin in the Protocol in respect of canned tuna and tuna loins produced by those countries from 1 January 1996 to 29 February 2000, allocated as follows: 600 tonnes of canned tuna and 300 tonnes of tuna loins for Fiji, 300 tonnes of canned tuna and 200 tonnes of tuna loins for Mauritius and 600 tonnes of canned tuna for Senegal;

Whereas Fiji, Mauritius and Senegal already enjoy a derogation in respect of an annual quantity of 2 500 tonnes of canned tuna;

Whereas those countries should therefore be granted the requested derogation for the period 1 June 1996 to 29 February 2000,

HAS DECIDED AS FOLLOWS:

Article 1

By way of derogation from the special provisions in the list in Annex II to Protocol 1 of the fourth ACP-EEC Convention of Lomé, canned tuna and tuna loins of HS

heading ex 16.04 manufactured in Fiji, Mauritius or Senegal from non-originating fish shall be regarded as originating in those countries in accordance with the terms of this Decision.

Article 2

The derogation provided for in Article 1 shall apply to the annual quantities shown in the annexes which are exported by the countries concerned from 1 June 1996 to 29 February 2000.

Article 3

The quantities referred to in Article 2 shall be administered by the Commission, which may take whatever administrative steps are required to ensure efficient management.

Where an importer presents a declaration for release to free circulation in a Member State, claiming entry under this Decision, and the declaration is accepted by the customs authorities, the Member State concerned shall draw the requisite quantity by means of an appropriate notification to the Commission. Requests for drawings, stating the date on which the declaration was accepted, shall be forwarded to the Commission without delay.

The Commission shall release drawings according to the date on which the declarations for free circulation were accepted by the customs authorities of the Member State concerned, as far as the available balance permits.

If a Member State fails to use a drawing it shall return it as soon as possible to the appropriate quota.

If requests exceed the available balance of a given quota, quantities shall be allocated on a pro rata basis. The Commission shall inform the Member States of drawings on the quotas.

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quota volumes as far as the available balance permits.

Article 4

Box 7 of EUR.1 certificates issued under this Decision shall contain the words:

'Derogation — Decision No 2/96'

Article 5

The ACP States and the Member States and the European Community shall take the measures necessary on their part to implement this Decision.

Article 6

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 2 September 1996.

*For the ACP-EC Customs
Cooperation Committee*

The Joint Chairmen

James CURRIE

Edmond CAKPO-TOZO

ANNEX I

FIJI

(in tonnes)

Order No	HS code	Goods description	Period	Quantities
09.1653	ex 1604	Canned tuna	From 1. 6. 1996 to 31. 5. 1997	600
			From 1. 6. 1997 to 31. 5. 1998	600
			From 1. 6. 1998 to 31. 5. 1999	600
			From 1. 6. 1999 to 29. 2. 2000	450
09.1654	ex 1604	Tuna loins	From 1. 6. 1996 to 31. 5. 1997	300
			From 1. 6. 1997 to 31. 5. 1998	300
			From 1. 6. 1998 to 31. 5. 1999	300
			From 1. 6. 1999 to 29. 2. 2000	225

ANNEX II

MAURITIUS

(in tonnes)

Order No	HS code	Goods description	Period	Quantities
09.1653	ex 1604	Canned tuna	From 1. 6. 1996 to 31. 5. 1997	300
			From 1. 6. 1997 to 31. 5. 1998	300
			From 1. 6. 1998 to 31. 5. 1999	300
			From 1. 6. 1999 to 29. 2. 2000	225
09.1654	ex 1604	Tuna loins	From 1. 6. 1996 to 31. 5. 1997	200
			From 1. 6. 1997 to 31. 5. 1998	200
			From 1. 6. 1998 to 31. 5. 1999	200
			From 1. 6. 1999 to 29. 2. 2000	150

ANNEX III

SENEGAL

(in tonnes)

Order No	HS code	Goods description	Period	Quantities
09.1653	ex 1604	Canned tuna	From 1. 6. 1996 to 31. 5. 1997	600
			From 1. 6. 1997 to 31. 5. 1998	600
			From 1. 6. 1998 to 31. 5. 1999	600
			From 1. 6. 1999 to 29. 2. 2000	450