

# Official Journal

## of the European Communities

ISSN 0378-6978

L 253

Volume 39

5 October 1996

English edition

## Legislation

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<sup>(1)</sup> Text with EEA relevance

## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 1920/96  
of 1 October 1996**

**amending Regulation (EEC) No 2046/89 laying down general rules for distillation  
operations involving wine and the by-products of winemaking**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine <sup>(1)</sup>, and in particular Articles 35 (7), 36 (5), 38 (4), 39 (8), 41 (9) and 42 (5) thereof,

Having regard to the proposal from the Commission,

Whereas, under Article 2 (3) of Regulation (EEC) No 2046/89 <sup>(2)</sup>, Member States may treat associations of winegrowers' cooperatives as producers for the purposes of distillation and whereas Article 2 (4) provides for the presentation, by the Commission, of a report on this matter; whereas, in the light of the experience described in this report, this possibility should be retained on a permanent basis,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 2 (4) of Regulation (EEC) No 2046/89 shall be deleted.

*Article 2*

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

It shall apply from 1 September 1996.

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

Done at Luxembourg, 1 October 1996.

*For the Council*

*The President*

D. SPRING

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<sup>(1)</sup> OJ No L 84, 27. 3. 1987, p. 1. Regulation as last amended by Regulation (EC) No 1592/96 (OJ No L 206, 16. 8. 1996, p. 31).

<sup>(2)</sup> OJ No L 202, 14. 7. 1989, p. 14. Regulation as last amended by Regulation (EEC) No 1546/95 (OJ No L 148, 30. 6. 1995, p. 34).

**COMMISSION REGULATION (EC) No 1921/96****of 4 October 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<sup>(1)</sup>, as last amended by Regulation (EC) No 1588/96<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EC) No 1824/96<sup>(4)</sup>, 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 7 October 1996.

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

Done at Brussels, 4 October 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 23.

<sup>(3)</sup> OJ No L 159, 10. 6. 1989, p. 36.

<sup>(4)</sup> OJ No L 241, 21. 9. 1996, p. 16.

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<sup>er</sup> 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            | Categoría A |   |   |   |   | Categoría C |   |   |
| Lid-Staat of gebied van een Lid-Staat             | Categorie A |   |   |   |   | Categorie C |   |   |
| Estados-membros ou regiões de Estados-membros     | Categoría A |   |   |   |   | Categoría 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                                   | ×           | × | × | × | × |             |   |   |
| Danmark                                           |             |   |   | × | × |             | × | × |
| Deutschland                                       |             |   | × | × | × |             | × | × |
| España                                            |             |   | × | × |   |             |   |   |
| France                                            |             |   | × | × | × |             | × | × |
| Ireland                                           |             |   |   |   |   | ×           | × | × |
| Italia                                            |             |   | × | × | × |             |   |   |
| Nederland                                         |             |   |   | × | × |             |   |   |
| Österreich                                        |             |   | × | × | × |             | × | × |
| Portugal                                          |             |   | × | × | × |             |   |   |
| Suomi                                             |             |   |   | × | × |             |   |   |
| Sweden                                            |             |   |   | × | × |             |   |   |
| Great Britain                                     |             |   | × | × | × | ×           | × | × |
| Northern Ireland                                  |             |   |   |   |   | ×           | × | × |

## COMMISSION REGULATION (EC) No 1922/96

of 4 October 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<sup>(1)</sup>, as last amended by Regulation (EC) No 1588/96<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regula-

tion (EC) No 307/96<sup>(4)</sup> and in Article 1 of Commission Regulation (EC) No 1318/96<sup>(5)</sup>, as last amended by Regulation (EC) No 1833/96<sup>(6)</sup>, 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 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 7 October 1996.

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

Done at Brussels, 4 October 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 23.

<sup>(3)</sup> OJ No L 225, 4. 9. 1993, p. 4.

<sup>(4)</sup> OJ No L 43, 21. 2. 1996, p. 3.

<sup>(5)</sup> OJ No L 170, 9. 7. 1996, p. 26.

<sup>(6)</sup> OJ No L 243, 24. 9. 1996, p. 23.

*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<sup>er</sup>

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                                  | x           | x           | x |   |   |   |

**COMMISSION REGULATION (EC) No 1923/96**  
**of 3 October 1996**  
**concerning the stopping of fishing for mackerel by vessels flying the flag of**  
**Belgium**

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<sup>(1)</sup>, as amended by Regulation (EC) No 2870/95<sup>(2)</sup>, and in particular Article 21(3) thereof,

Whereas Council Regulation (EC) No 3074/95 of 22 December 1995 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1996 and certain conditions under which they may be fished<sup>(3)</sup>, as last amended by Council Regulation (EC) No 1602/96<sup>(4)</sup>, provides for mackerel 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 mackerel in the waters of ICES divisions II a (EC-zone), III a, III b, c, d (EC-zone), IV by vessels flying the flag of Belgium or registered in Belgium have reached the quota allocated for 1996; whereas Belgium has prohibited fishing for this stock as

from 22 September 1996; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of mackerel in the waters of ICES divisions II a (EC-zone), III a, III b, c, d (EC-zone), IV by vessels flying the flag of Belgium or registered in Belgium are deemed to have exhausted the quota allocated to Belgium for 1996.

Fishing for mackerel in the waters of ICES divisions II a (EC-zone), III a, III b, c, d (EC-zone), IV by vessels flying the flag of Belgium or registered in Belgium is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the above mentioned vessels after the date of application of this Regulation.

*Article 2*

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

It shall apply with effect from 22 September 1996.

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

Done at Brussels, 3 October 1996.

*For the Commission*

Emma BONINO

*Member of the Commission*

<sup>(1)</sup> OJ No L 261, 20. 10. 1993, p. 1.

<sup>(2)</sup> OJ No L 301, 14. 12. 1995, p. 1.

<sup>(3)</sup> OJ No L 330, 30. 12. 1995, p. 1.

<sup>(4)</sup> OJ No L 198, 8. 8. 1996, p. 1.

**COMMISSION REGULATION (EC) No 1924/96**  
**of 4 October 1996**  
**on the supply of white sugar as food aid**

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

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

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

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

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid<sup>(2)</sup>, as amended by Regulation (EEC) No 790/91<sup>(3)</sup>; 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*

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

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, 4 October 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 166, 5. 7. 1996, p. 1.

<sup>(2)</sup> OJ No L 204, 25. 7. 1987, p. 1.

<sup>(3)</sup> OJ No L 81, 28. 3. 1991, p. 108.

## ANNEX

## LOT A

1. **Operation No** <sup>(1)</sup>: 1099/95
2. **Programme**: 1995
3. **Recipient** <sup>(2)</sup>: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma (tel.: (39-6) 57 971; telex: 626675 WFP I)
4. **Representative of the recipient**: to be designated by the recipient
5. **Place or country of destination**: Tajikistan
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** <sup>(3)</sup> <sup>(7)</sup> <sup>(8)</sup>: see OJ No C 114, 29. 4. 1991, p. 1 (V.A.(1))
8. **Total quantity (tonnes)**: 550
9. **Number of lots**: one
10. **Packaging and marking** <sup>(9)</sup> <sup>(6)</sup>: see OJ No C 114, 29. 4. 1991, p. 1 (V.A.(2) and V.A.(3))  
Language to be used for the marking: English
11. **Method of mobilization**: sugar produced in the Community in accordance with the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 as follows:  
A or B sugar (points (a) and (b))
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 18. 11. — 18. 12. 1996
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 21. 10. 1996
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 4. 11. 1996
  - (b) period for making the goods available at the port of shipment: 2. — 22. 12. 1996
  - (c) deadline for the supply: —
22. **Amount of tendering security**: ECU 15 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** <sup>(1)</sup>:  
Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, Bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel, Telex: 25670 AGREC B; fax: (32-2) 296 70 03 / 296 70 04
25. **Refund payable on application by the successful tenderer** <sup>(4)</sup>: periodic refund applicable to white sugar on 27. 9. 1996, fixed by Commission Regulation (EC) No 1842/96 (OJ No L 245, 26. 9. 1996, p. 1)

## LOT B

1. **Operation No** <sup>(1)</sup>: 1115/95
2. **Programme**: 1995
3. **Recipient** <sup>(2)</sup>: CICR, 19 avenue de la Paix, CH-1202 Genève (tel.: (41-22) 734 60 01; telex: 22269 CICR CH)
4. **Representative of the recipient**: ICRC Tbilissi, Dutu Megreli Road 1, 380003 Tbilissi (tel.: (78832) 935511; fax: (78832) 935520)
5. **Place or country of destination**: Georgia
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** <sup>(3)</sup> <sup>(7)</sup> <sup>(8)</sup>: see OJ No C 114, 29. 4. 1991, p. 1 (V. A (1))
8. **Total quantity (tonnes)**: 150
9. **Number of lots**: 1
10. **Packaging and marking** <sup>(5)</sup> <sup>(6)</sup> <sup>(9)</sup>: see OJ No C 114, 29. 4. 1991, p. 1 (V. A. (2) and V. A. (3))  
Language to be used for the marking: English  
Supplementary markings: 'ZZZ-269'
11. **Method of mobilization**: sugar produced in the Community in accordance with the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 as follows: A or B sugar (points (a) and (b))
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: ICRC warehouse, Castello street 30A Adler Sochi Russia (transport documents should mention: 'Final destination Sukhumi: Humanitarian aid in transit through Russia')
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 18. 11. — 1. 12. 1996
18. **Deadline for the supply**: 29. 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)] 21. 10. 1996
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: (12 noon (Brussels time)) 4. 11. 1996
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 2 — 15. 12. 1996
  - (c) deadline for the supply: 12. 1. 1997
22. **Amount of tendering security**: ECU 15 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** <sup>(1)</sup>:  
Bureau de l'aide alimentaire,  
Attn. Mr T. Vestergaard,  
Bâtiment Loi 130, bureau 7/46,  
Rue de la Loi/Wetstraat 200,  
B-1049 Bruxelles/Brussel  
telex: 25670 AGREC B; fax: (32-2) 296 70 03 / 296 70 04
25. **Refund payable on application by the successful tenderer** <sup>(4)</sup>: periodic refund applicable to white sugar on 27. 9. 1996, fixed by Commission Regulation (EC) No 1842/96 (OJ No L 245, 26. 9. 1996, p. 1)

*Notes:*

- (<sup>1</sup>) The operation number should be mentioned in all correspondence.
- (<sup>2</sup>) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (<sup>3</sup>) 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.
- (<sup>4</sup>) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.

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

- (<sup>5</sup>) Notwithstanding OJ No C 114, point V.A (3) (c) is replaced by the following: 'the words "European Community"'.
  - (<sup>6</sup>) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
  - (<sup>7</sup>) The rule provided at the second indent of Article 18 (2) (a) of Regulation (EEC) No 2103/77 (OJ No L 246, 27. 9. 1977, p. 12) is binding for determination of the sugar category.
  - (<sup>8</sup>) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following document:
    - health certificate.
- (<sup>9</sup>) The bags shall be stacked, maximum 21, on wooden pallets (made of pine, fir, or poplar wood) measuring not more than 1 200 × 1 400 mm, and with the following features:
  - four-way entry, non-reversible, with wings,
  - a top deck consisting of a minimum of seven planks (width: 100 mm; thickness: 22 mm),
  - a bottom deck consisting of three planks (width: 100 mm; thickness: 22 mm),
  - three bearers (width: 100 mm; thickness: 22 mm),
  - nine dowels: 100 × 100 × 78 mm minimum.

The palletized bags shall be covered by a shrink film of a thickness of at least 150 microns and shall be covered with a wooden structure to allow stacking. The whole of the above must be bound, in each direction, by two nylon straps of a width of not less than 15 mm with plastic buckles.

The bags are further protected by cardboard or wood placed between the bags and the straps.

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## COMMISSION REGULATION (EC) No 1925/96

of 4 October 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1890/96 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EC) No 150/95 <sup>(4)</sup>, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 5 October 1996.

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

Done at Brussels, 4 October 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 337, 24. 12. 1994, p. 66.

<sup>(2)</sup> OJ No L 249, 1. 10. 1996, p. 29.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 22, 31. 1. 1995, p. 1.

## ANNEX

to the Commission Regulation of 4 October 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 40    | 052                    | 89,5                  | 0808 10 92, 0808 10 94,<br>0808 10 98 | 220                    | 110,8                 |
|               | 060                    | 80,2                  |                                       | 400                    | 162,6                 |
|               | 064                    | 70,8                  |                                       | 412                    | 58,5                  |
|               | 066                    | 54,0                  |                                       | 508                    | 307,2                 |
|               | 068                    | 80,3                  |                                       | 512                    | 186,0                 |
|               | 204                    | 86,8                  |                                       | 600                    | 88,5                  |
|               | 208                    | 44,0                  |                                       | 624                    | 67,7                  |
|               | 212                    | 97,5                  |                                       | 999                    | 116,3                 |
|               | 400                    | 170,4                 |                                       | 039                    | 121,0                 |
|               | 624                    | 95,8                  |                                       | 052                    | 55,2                  |
|               | 999                    | 86,9                  |                                       | 064                    | 46,1                  |
| ex 0707 00 30 | 052                    | 82,8                  | 0808 20 57                            | 070                    | 90,2                  |
|               | 053                    | 156,2                 |                                       | 284                    | 72,1                  |
|               | 060                    | 61,0                  |                                       | 388                    | 45,8                  |
|               | 066                    | 53,8                  |                                       | 400                    | 83,2                  |
|               | 068                    | 69,1                  |                                       | 404                    | 63,6                  |
|               | 204                    | 144,3                 |                                       | 416                    | 72,7                  |
|               | 624                    | 87,1                  |                                       | 508                    | 113,5                 |
|               | 999                    | 93,5                  |                                       | 512                    | 131,1                 |
|               | 052                    | 54,3                  |                                       | 524                    | 100,3                 |
|               | 204                    | 77,5                  |                                       | 528                    | 53,0                  |
|               | 412                    | 54,2                  |                                       | 624                    | 86,5                  |
| 0709 90 79    | 508                    | 42,9                  |                                       | 728                    | 107,3                 |
|               | 624                    | 151,9                 |                                       | 800                    | 141,3                 |
|               | 999                    | 76,2                  |                                       | 804                    | 58,9                  |
|               | 052                    | 67,5                  |                                       | 999                    | 84,8                  |
|               | 204                    | 88,8                  |                                       | 039                    | 104,1                 |
|               | 220                    | 74,0                  |                                       | 052                    | 69,4                  |
|               | 388                    | 68,0                  |                                       | 064                    | 79,2                  |
|               | 400                    | 68,2                  |                                       | 388                    | 57,2                  |
|               | 512                    | 66,7                  |                                       | 400                    | 70,4                  |
|               | 520                    | 66,5                  |                                       | 512                    | 88,7                  |
|               | 524                    | 66,7                  |                                       | 528                    | 132,9                 |
| 0805 30 30    | 528                    | 66,4                  |                                       | 624                    | 79,0                  |
|               | 600                    | 96,5                  |                                       | 728                    | 115,4                 |
|               | 624                    | 48,9                  |                                       | 800                    | 84,0                  |
|               | 999                    | 70,7                  |                                       | 804                    | 73,0                  |
|               | 052                    | 82,4                  |                                       | 999                    | 86,7                  |
|               | 064                    | 49,5                  |                                       |                        |                       |
|               | 066                    | 49,4                  |                                       |                        |                       |
|               |                        |                       |                                       |                        |                       |
|               |                        |                       |                                       |                        |                       |
|               |                        |                       |                                       |                        |                       |
|               |                        |                       |                                       |                        |                       |
| 0806 10 40    |                        |                       |                                       |                        |                       |
|               |                        |                       |                                       |                        |                       |
|               |                        |                       |                                       |                        |                       |
|               |                        |                       |                                       |                        |                       |

(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 DIRECTIVE 96/63/EC

of 30 September 1996

amending Council Directive 76/432/EEC on the approximation of the laws of the Member States relating to the braking devices of wheeled agricultural or forestry tractors

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,

Having regard to Council Directive 74/150/EEC, of 4 March 1974, on the approximation of the laws of the Member States relating to the type-approval of wheeled agricultural or forestry tractors<sup>(1)</sup>, as last amended by Directive 88/297/EEC<sup>(2)</sup>, and in particular Articles 12 and 13 thereof,

Whereas the braking test can be improved by replacing mean deceleration by a formula defining the braking distance as a function of speed; whereas that amendment will be followed by other changes aimed at improving the safety of tractors and the components involved in their use;

Whereas the provisions of this Directive are in accordance with the opinion of the Committee for Adaptation to Technical Progress established by Directive 74/150/EEC,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annexes I and II to Council Directive 76/432/EEC<sup>(3)</sup> are hereby amended in accordance with the Annex to this Directive.

*Article 2*

1. With effect from 1 October 1997 Member States may not:

- refuse, in respect of a type of tractor, to grant EC type-approval, to issue the document referred to in the last indent of Article 10 (1) of Directive 74/150/EEC or to grant national type-approval, or
- prohibit the registration, sale or entry into service of tractors,

on grounds relating to braking devices, if the tractors comply with the requirements of Directive 76/432/EEC as amended by this Directive.

2. With effect from 1 March 1998 Member States:

- shall no longer grant EC type-approval or issue the document referred to in the last indent of Article 10 (1) of Directive 74/150/EEC, and
- may refuse to grant national type-approval

for a type of tractor on grounds relating to braking devices, if the requirements of Directive 76/432/EEC as amended by this Directive are not complied with.

*Article 3*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 October 1997. They shall forthwith inform the Commission thereof.

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

3. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field governed by this Directive.

*Article 4*

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Communities*.

*Article 5*

This Directive is addressed to the Member States.

Done at Brussels, 30 September 1996.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

<sup>(1)</sup> OJ No L 84, 28. 3. 1974, p. 10.

<sup>(2)</sup> OJ No L 126, 20. 5. 1988, p. 52.

<sup>(3)</sup> OJ No L 122, 8. 5. 1976, p. 1.

*ANNEX*

Directive 76/432/EEC is amended as follows:

1. In Annex I, item 4.2.6, at the end of the first subparagraph, the following sentence is added:

“When more than one axle is normally subject to braking, one axle may be decoupled provided that activation of the service brake automatically recouples this axle and that, if the recoupling device fails, this is done automatically.”

2. In Annex II, item 1.1.1, the first sentence is replaced by the following: “The effectiveness of a service brake is based on the braking distance calculated according to the formula set out in 2.1.1.1”,

item 1.2.2.2 is deleted,

item 2.1.1.1 is amended to read:

“2.1.1.1. Under type O test conditions, achieve a stopping distance which is calculated as follows:

$$S_{\max} \leq 0,15 V + \frac{V^2}{116}$$

where

V is the maximum design speed in km/h, and

$S_{\max}$  is the maximum stopping distance in metres.”

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## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 30 April 1996

on financial measures by Spain in respect of the coal industry in 1996

(Only the Spanish text is authentic)

(Text with EEA relevance)

(96/575/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 3632/93/ECSC of 28 December 1993 establishing Community rules for State aid to the coal industry<sup>(1)</sup>, and in particular Articles 2 (1) and 9 thereof,

Whereas:

— aid of Pta 17 159 million to cover exceptional welfare aid paid to workers who lose their jobs as a result of the measures to modernize, rationalize, restructure and reduce the activity of the Spanish coal industry,

— aid of Pta 6 587 million to cover the technical costs of closing down mining installations as a result of the measures to modernize, rationalize, restructure and reduce the activity of the Spanish coal industry,

— aid of Pta 50 million for research and development projects,

— aid of Pta 100 million for environmental protection.

## I

By letter of 6 February 1996, pursuant to Article 9 (1) of Decision No 3632/93/ECSC, Spain notified the Commission of the financial measures which it intended to take in respect of the coal industry in 1996.

Under Decision No 3632/93/ECSC, the Commission must rule on the following financial measures relating to 1996:

— aid of Pta 118 678 million to cover operating losses,

The financial measures proposed by Spain for the coal industry fall within the provisions of Article 1 of Decision No 3632/93/ECSC and must be approved by the Commission, in accordance with Article 9, on the basis, in particular, of the general criteria and objectives laid down in Article 2 and the specific criteria established by Articles 3 and 4 of the Decision. In accordance with Article 9 (6) of the Decision, the Commission must assess whether the measures are in conformity with the plans to modernize, rationalize, restructure and reduce the activity of the Spanish coal industry, as provided for in Commission Decision No 94/1072/ECSC<sup>(2)</sup>.

<sup>(1)</sup> OJ No L 329, 30. 12. 1993, p. 12.

<sup>(2)</sup> OJ No L 385, 31. 12. 1994, p. 31.

## II

The aid of Pta 118 678 million which Spain proposes to grant the coal industry is intended to compensate in full or in part for operating losses suffered by coal producers.

The sum notified is divisible into operating aid of Pta 49 882 million in accordance with Article 3 of Decision No 3632/93/ECSC and aid of Pta 68 796 million to reduce activity in accordance with Article 4 thereof.

Of the operating aid of Pta 49 882 million, Pta 43 836 million will be covered by financial support from the Electricity Compensation Office (Ofico), while the remaining Pta 6 046 million will come from State budgets.

On 28 December 1995 Spain adopted Royal Decree No 2203/1995<sup>(1)</sup> on the specific costs covered by the procedures for granting aid to coalmining. This Royal Decree defines the aid to cover operating losses, the aid to cover exceptional costs and the other aid associated with coalmining available to Spanish coal undertakings supplying fuel to electricity generators.

This aid will be financed by levying a percentage on electricity prices charged to consumers, which will be administered by Ofico. In 1996 this aid will not be entered in the State budgets or included in any strictly equivalent mechanisms. The Commission notes the undertaking given by Spain to amend the aid mechanism in force in 1996 before the transitional period not exceeding three years, as provided for by Article 2 (2) of Decision No 3632/93/ECSC, expires on 31 December 1996 to make it compatible with the rules in the Decision.

Those Spanish coal producers which receive operating aid may raise their production costs by a maximum of two points below the consumer price index per year. This reduction, in real terms, will contribute to improving the economic viability of the coal-producing undertakings, as provided for by Article 3 (2) of Decision No 3632/93/ECSC, with the objective of progressively reducing the aid.

The inclusion of these measures in the notified modernization, rationalization, restructuring and activity-reduction plan and the progressive reduction of production costs and quantities planned for 1996 meet the

objectives of the first and second indents of Article 2 (1) of Decision No 3632/93/ECSC, namely, in the light of coal prices on international markets, to make further progress towards the economic viability of the 65 undertakings receiving operating aid, with the aim of tapering off the aids and of solving the social and regional problems created by developments in the coal industry.

Of the aid of Pta 68 796 million to reduce activity, Pta 21 687 million will be covered by financial support from Ofico, while Pta 47 109 million will come from State budgets.

Of the Pta 47 109 million from the general State budget, Pta 39 433 million is intended for Hunosa, Pta 4 800 million for Minas de Figaredo SA and Pta 2 876 million for Mina de la Camocha SA, all of which lie in the central Asturian coalfield.

The remaining Pta 21 687 million is intended for the same undertakings and for others in the coalfields in north-west, north-east and southern Spain, which must close before Decision No 3632/93/ECSC expires.

This aid will help to solve the social and regional problems created by developments in the coal industry. It forms part of a closure plan and is therefore in line with the provisions of Article 4 of Decision No 3632/93/ECSC.

The Commission finds that a sum of Pta 1 197 million covering part of the operating losses of Hunosa relates to activities other than coal production, and on this the Commission must give an opinion following a separate procedure based on Article 92 of the EC Treaty.

In its notification, Spain found that the aid to be granted will not exceed, for each undertaking or production unit, the difference between production costs and foreseeable revenue.

The amount of aid notified by Spain for 1996 is 1,5 % lower than the aid approved by the Commission for 1995, while coal producers' prices to electricity generators have remained more or less stable.

The Commission notes Spain's undertaking to take the necessary measures to ensure that by 31 December 1996 at the latest the selling price of Spanish coal will be agreed freely between the contracting parties, taking account of conditions on the world market.

<sup>(1)</sup> *Boletín Oficial del Estado*, No 311, 29. 12. 1995, p. 37447.

In view of the above and on the basis of the information provided by Spain, this aid is compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market.

### III

The aid of Pta 17 159 million which Spain proposes to grant will cover compensation for those of the 7 300 workers in Spanish coal undertakings who will lose their jobs or have to take early retirement under the modernization, rationalization, restructuring and activity-reduction plan for the Spanish coal industry.

Part of this aid, amounting to Pta 6 075 million, is to be granted to Hunosa, Minas de Figaredo SA and Mina de la Camocha SA and covered by the general State budget.

The remaining Pta 11 084 million is intended for the other undertakings affected by modernization, rationalization and restructuring measures or by measures to reduce activity and will be covered by financial support from Ofico.

This support constitutes 'aid' within the meaning of Article 1 (3) of Decision No 3632/93/ECSC, which refers to the allocation, for the direct or indirect benefit of the coal industry, of any charges rendered compulsory as a result of State intervention, without any distinction being drawn between aid granted by the State and aid granted by public or private bodies appointed by the State to administer such aid. Accordingly, the Commission must give an opinion on this measure in accordance with Article 9 of the Decision.

These financial measures relate to obligations imposed by the modernization, rationalization and restructuring of the Spanish coal industry and cannot therefore be considered to be related to current production (inherited liabilities).

Pursuant to Article 5 of Decision No 3632/93/ECSC, the aid mentioned explicitly in the Annex to the Decision, namely the cost of paying social-welfare benefits resulting from the pensioning-off of workers before they reach statutory retirement age and other exceptional expenditure on workers who lose their jobs as a result of restructuring and rationalization, may be considered compatible

with the common market provided that the amount paid does not exceed such costs.

The Commission notes Spain's undertaking to take the measures necessary to bring this aid mechanism into line with the provisions of Article 2 (2) of Decision No 3632/93/ECSC by 31 December 1996 at the latest.

In view of the above and on the basis of the information provided by Spain, this aid is compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market.

### IV

The aid of Pta 6 587 million which Spain proposes to grant is intended to cover part of the loss of value of the fixed assets of coal undertakings which have to close down totally or partially. Furthermore, those undertakings will have to bear exceptional costs resulting from the progressive closures which will take place, initially, up to 31 December 1997.

Part of this aid, totalling Pta 2 244 million, is to be granted to Hunosa and covered by the general State budget. The remaining Pta 4 343 million is intended for the other undertakings reducing their activity and will be covered by financial support from Ofico.

These financial measures relate to obligations imposed by the modernization, rationalization and restructuring of the Spanish coal industry and cannot therefore be considered to be related to current production (inherited liabilities).

Pursuant to Article 5 of Decision No 3632/93/ECSC, the aid mentioned explicitly in the Annex to the Decision, namely exceptional intrinsic depreciation provided that it results from the restructuring of the industry (without taking account of any revaluation which has occurred since 1 January 1986 and which exceeds the rate of inflation), can be considered compatible with the common market provided that the amount paid does not exceed such costs.

The Commission notes Spain's undertaking to take the measures necessary to bring this aid mechanism into line with the provisions of Article 2 (2) of Decision No 3632/93/ECSC by 31 December 1996 at the latest.

In view of the above and on the basis of the information provided by Spain, this aid is compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market.

## V

The aid of Pta 50 million which Spain proposes to grant to certain coal undertakings and mining research organizations is intended to support their research and development efforts. This aid, not exceeding 20 % of the undertakings' total expenditure on research and technological development, is intended to solve the specific problems created by the unique nature of Spain's coal deposits and to improve the technologies for using coal, with a favourable impact on the environment.

This aid, which is explicitly mentioned in Article 6 of Decision No 3632/93/ECSC, helps to improve coal-mining technology and is intended to reduce production costs, which will help progressively to reduce the aid. The Commission's evaluation found that this aid complies with the rules laid down in the Community framework for State aid for research and development.

In view of the above and on the basis of the information provided by Spain, this aid is compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market.

## VI

The aid of Pta 100 million which Spain proposes to grant to certain coal undertakings is intended to support their efforts on environmental protection.

This aid, which is explicitly mentioned in Article 7 of Decision No 3632/93/ECSC, is intended to facilitate the adjustment of coal undertakings to new environmental protection standards and is in no way related to the adjustments which the undertakings would have to make as a consequence of their mining activities themselves. The Commission's evaluation found that this aid complies with the rules laid down in the Community framework for State aid for the environment.

In view of the above and on the basis of the information provided by Spain, the aid and measures planned are compatible with the objectives of Decision No 3632/93/

ECSC and with the proper functioning of the common market.

## VII

The Spanish Government will ensure that the granting of the aid covered by this Decision gives rise to no discrimination between producers, purchasers and consumers in the Community coal market.

The Commission reiterates that in its decision approving the plan to modernize, rationalize, restructure and reduce the activity of the Spanish coal industry, it requested Spain to report by 30 March 1997 and 30 September 1997 at the latest, giving details of the level of compliance with the restructuring plan by *Minero Siderúrgica de Ponferrada*.

In view of the above and on the basis of the information provided by Spain, the aid and measures planned are compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market.

In accordance with the second indent of Article 3 (1) and with Article 9 (2) and (3) of Decision No 3632/93/ECSC, the Commission must verify that aid authorized for current production relates solely to the purposes set out in Articles 3 and 4 of the Decision. In this respect, it must be informed of the amounts involved and the distribution of payments,

HAS ADOPTED THIS DECISION:

### *Article 1*

Spain is hereby authorized to pay the following aid in 1996:

- aid of Pta 117 481 million to cover operating losses by coal undertakings,
- aid of Pta 17 159 million to cover exceptional welfare aid paid to workers who lose their jobs as a result of the measures to modernize, rationalize, restructure and reduce the activity of the Spanish coal industry,

- aid of Pta 6 587 million to cover the technical costs of closing down mining installations as a result of the measures to modernize, rationalize, restructure and reduce the activity of the Spanish coal industry,
- aid of Pta 50 million for research and development projects,
- aid of Pta 100 million for environmental protection.

*Article 2*

Spain shall ensure that any unspent or overestimated aid for any item covered by this Decision is repaid to it.

*Article 3*

Spain shall notify the Commission, by 30 June 1997 at the latest, of the amount of aid actually paid in respect of 1996.

*Article 4*

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 30 April 1996.

*For the Commission*

Christos PAPOUTSIS

*Member of the Commission*

## COMMISSION DECISION

of 29 May 1996

authorizing the granting of aid by Portugal to the coal industry in 1995 and 1996

(Only the Portuguese text is authentic)

(Text with EEA relevance)

(96/576/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

II

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 3632/93/ECSC of 28 December 1993 establishing Community rules for State aid to the coal industry<sup>(1)</sup>, and in particular Articles 2 (1) and 9 thereof,

Whereas:

I

By letter of 4 October 1995 Portugal informed the Commission, in accordance with Article 9 (1) of Decision No 3632/93/ECSC, of the financial measures it intended to take to support the coal industry in 1995 and 1996. Furthermore, by letter of 5 March 1996 Portugal sent additional information requested by the Commission.

Pursuant to Decision No 3632/93/ECSC, the Commission is to give its decision on the following financial measure:

- aid to the Carbonífera do Douro company totalling Esc 345 950 000, the first part being granted in 1995 and the second in 1996, to cover exceptional social-welfare expenditure to compensate workers who lose their jobs as a result of measures taken to restructure the Portuguese coal industry.

The support measures for the coal industry proposed by Portugal meet the requirements of Article 1 (1) of Decision No 3632/93/ECSC. The Commission must therefore give a decision, pursuant to Article 9 (4) of the Decision, on the conformity of those measures with the aims and criteria set out in the Decision and their compatibility with the proper functioning of the common market. In its assessment of the measures notified, the Commission needs to check, pursuant to Article 9 (6) of the abovementioned Decision, whether they are in conformity with the plan to reduce activity in the Portuguese coal industry, which was endorsed by Decision No 94/994/ECSC<sup>(2)</sup>.

The activity-reduction plan leading to the final closure of the Douro coal mines was examined by the Commission in the light of the general objectives set out in Article 2 (1) and the specific criteria and objectives set out in Article 4 of Decision No 3632/93/ECSC. Coal production in Portugal was concentrated almost exclusively in the Douro Basin coal mines by the Carbonífera do Douro company, which was responsible for operations in the Pejão and São Pedro da Cova coalfields. Since the late 1980s, the company has suffered operating losses which have been covered by State aid. The losses are due mainly to difficult geological conditions, gradual exhaustion of resources, difficulties in disposing of the output and poor-quality coal. All these factors combined affected the economic viability of the operation. Furthermore, almost the only client, Electricidade de Portugal, decided to convert the Tapada do Outeiro thermal power station to natural gas from the beginning of 1995, so there is no longer an outlet for the coal produced.

The aim of the activity-reduction plan for the Carbonífera do Douro company was gradually to reduce the output and workforce of Germunde, the only coal mine left in operation, between 1990 and 1994, when final closure was planned. At the same time an action plan was proposed, principally to create new activities to improve the employment situation in the Castelo de Paiva region and thereby offset the job losses resulting from the closure of the mine.

III

Meanwhile, the Portuguese authorities confirmed the final closure of the Germunde mine on 31 December 1994 and guaranteed that, since then, there has no longer been any subsidized coal production in Portugal. The proposed aid for 1995 and 1996 is therefore solely intended to cover exceptional costs, in accordance with Article 5 of Decision No 3632/93/ECSC.

The aid to cover exceptional social costs, totalling Esc 345 950 000, is intended to provide partial cover for the compensation to be paid to some 49 employees of the Carbonífera do Douro company who lost their jobs on 31 December 1994 as a result of the final closure of the mining operations.

<sup>(1)</sup> OJ No L 329, 30. 12. 1993, p. 12.

<sup>(2)</sup> OJ No L 379, 31. 12. 1994, p. 3.

This aid is not connected to current production and must be regarded as covering inherited liabilities. In accordance with Article 5 (1) of Decision No 3632/93/ECSC, such aid, which is explicitly defined in the Annex to the Decision, namely the cost of paying social welfare benefits resulting from the pensioning-off of workers before they reach statutory retirement age, other exceptional expenditure on workers who lose their jobs as a result of restructuring and rationalization, and the payment of pensions and allowances outside the statutory system to workers who lose their jobs as a result of restructuring and rationalization and to workers entitled to such payments before the restructuring, may be considered compatible with the common market provided that the amount paid does not exceed costs. The Commission has ensured that this last condition has been met, since the measure in question has also been the subject of a request for conversion aid, in accordance with Article 56 of the ECSC Treaty.

#### IV

Accordingly, the aid to be granted by Portugal to the coal industry in 1995 and 1996 is compatible with the proper functioning of the common market,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Portugal is hereby authorized to grant aid totalling Esc 345 950 000 to its coal industry for 1995 and 1996 to

cover the compensation to be paid to workers who lost their jobs as a result of the closure of the mining operations of the Carbonífera do Douro company.

#### *Article 2*

Portugal shall inform the Commission, by 30 September 1996 at the latest, of the amount of aid actually paid in respect of 1995 and, by 30 September 1997 at the latest, of the aid actually paid in respect of 1996.

#### *Article 3*

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 29 May 1996.

*For the Commission*

Christos PAPOUTSIS

*Member of the Commission*