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Contents

I Acts whose publication is obligatory

- ★ **Commission Regulation (EC) No 2193/96 of 15 November 1996 amending Regulation (EEC) No 2131/93 laying down the procedure and conditions for the sale of cereals held by intervention agencies** 1
- ★ **Commission Regulation (EC) No 2194/96 of 15 November 1996 amending Regulation (EEC) No 120/89 laying down common detailed rules for the application of export levies and charges on agricultural products** 3
- Commission Regulation (EC) No 2195/96 of 15 November 1996 fixing the maximum buying-in price and the quantities of beef to be bought in under the 171st partial invitation to tender as a general intervention measure pursuant to Regulations (EEC) No 1627/89 and (EC) No 2002/96 5
- ★ **Commission Regulation (EC) No 2196/96 of 15 November 1996 setting export refunds on fruit and vegetables** 7
- Commission Regulation (EC) No 2197/96 of 15 November 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables 11
- Commission Regulation (EC) No 2198/96 of 15 November 1996 fixing the import duties in the cereals sector 13
- Commission Regulation (EC) No 2199/96 of 15 November 1996 determining the world market price for unginned cotton and the rate for the aid 16

Council

96/644/EC:

- ★ **Council Decision of 11 November 1996 on the extension of the legal protection of topographies of semiconductor products to persons from the Isle of Man** 18

96/645/Euratom, EC:

- ★ **Council Decision of 11 November 1996 appointing a member of the Economic and Social Committee** 20

96/646/EC:

- ★ **Council Decision of 11 November 1996 appointing three members and two alternate members of the Committee of the Regions** 21

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2193/96

of 15 November 1996

amending Regulation (EEC) No 2131/93 laying down the procedure and conditions for the sale of cereals held by intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as last amended by Regulation (EC) No 120/94⁽⁴⁾, lays down the procedure and conditions for the sale of cereals held by intervention agencies;

Whereas in Member States which do not have sea ports, tenderers for cereals put up for sale are penalized by higher transport costs; whereas, as a result of these additional costs, cereals are more difficult to export from those Member States, which results in particular in longer intervention storage and additional costs to the Community budget; whereas provision must accordingly be made for the possibility in certain cases of financing the lowest transport costs between the place of storage and the place of exit in order to make tenders comparable; whereas Article 7 of Regulation (EEC) No 2131/93 should accordingly be adapted as regards transport costs;

Whereas Article 18 of Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export

refunds on agricultural products⁽⁵⁾, as last amended by Regulation (EC) No 1384/95⁽⁶⁾, lays down general rules as regards proof of completion of customs formalities for release for consumption; whereas Article 17 of Regulation (EEC) No 2131/93 lays down provisions whereby the security covering the difference between the price paid and the price to be observed on resale on the Community market can be released where export takes place by sea; whereas the same provisions are laid down in Commission Regulation (EC) No 1501/95⁽⁷⁾, as last amended by Regulation (EC) No 95/96⁽⁸⁾, as regards payment of refunds fixed by invitation to tender, in order to avoid complicating most Community exports with the requirement of proof of arrival at destination;

Whereas the situation regarding the export of intervention cereals is the same as that existing for the export of cereals from the free market; whereas, for the sake of uniformity and consistency, the same system must accordingly be applied as regards payment of the refund but solely in cases where the refund between Switzerland or Liechtenstein and other third countries is different or where the successful tenderer fixes the lowest standard refund in advance; whereas Regulation (EEC) No 2131/93 should be amended accordingly;

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

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁶⁾ OJ No L 134, 20. 6. 1995, p. 14.

⁽⁷⁾ OJ No L 147, 30. 6. 1995, p. 7.

⁽⁸⁾ OJ No L 18, 24. 1. 1996, p. 10.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2131/93 is hereby amended as follows:

1. the following paragraph is added to Article 7:

'2a. However, where Member States have no sea ports, provision may be made for a derogation from the preceding paragraph in order to finance the lowest transport costs between the place of storage and the place of exit';

2. the following Article 17a is inserted:

'Article 17a

Notwithstanding Article 18 of Regulation (EEC) No 3665/87 and where:

- the refund applicable on the day of submission of tenders for Switzerland or Liechtenstein is different from that for other third countries,
- the successful tenderer has fixed in advance the lowest standard refund other than that applying to Switzerland or Liechtenstein;

proof of completion of customs formalities for release for consumption shall not be required for payment of the refund provided the operator furnishes proof that at least 1 500 tonnes of cereal products has left the customs territory of the Community on a sea-going vessel.

Such proof shall be furnished by the following endorsement, certified by the competent authority, on the control copy referred to in Article 6 of Regulation

(EEC) No 3665/87, the single administrative document or the national document proving that the goods have left the customs territory of the Community:

Exportación de cereales por vía marítima; artículo 17 *bis* del Reglamento (CEE) n° 2131/93

Eksport af korn ad søvejen — Artikel 17a i forordning (EØF) nr. 2131/93

Ausfuhr von Getreide auf dem Seeweg — Verordnung (EWG) Nr. 2131/93 Artikel 17a

Η εξαγωγή των σιτηρών δια θαλασσίας οδού — Κανονισμός (ΕΟΚ) αριθ. 2131/93, άρθρο 17 α

Export of cereals by sea — Article 17a of Regulation (EEC) No 2131/93

Exportation de céréales par voie maritime — Règlement (CEE) n° 2131/93, article 17 bis

Esportazione di cereali per via marittima — Regolamento (CEE) n. 2131/93, articolo 17 bis

Uitvoer van graan over zee — Verordening (EEG) nr. 2131/93, artikel 17 bis

Exportação de cereais por via marítima — Artigo 17ºA, Regulamento (CEE) nº 2131/93

Viljan vienti meriteitse — Asetus (ETY) N:o 2131/93 17a artikla

Export av spanmål sjövägen — artikel 17a i förordning (EEG) nr 2131/93.'

Article 2

This Regulation shall enter into force on the third 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, 15 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2194/96

of 15 November 1996

amending Regulation (EEC) No 120/89 laying down common detailed rules for the application of export levies and charges on agricultural products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Articles 9 (2), 13 (11) and 16 (2) thereof, and the corresponding provisions of the other regulations on the common organization of the markets in agricultural products,

Whereas in certain circumstances an export levy or charge is applied to all export transactions and physical exits from the customs territory of the Community of agricultural products fulfilling the conditions laid down in Article 9 (2) and 10 (1) of the Treaty;

Whereas Article 30 (1) (b) (i) of Commission Regulation (EEC) No 3719/88⁽³⁾, as last amended by Regulation (EC) No 2137/95⁽⁴⁾, lays down the requirement that products for which an export licence has been presented must leave the customs territory of the Community within 60 days from the day of acceptance of the export declaration;

Whereas Article 32 (1) of Commission Regulation (EEC) No 3665/87⁽⁵⁾, as last amended by Regulation (EC) No 1384/95⁽⁶⁾, stipulates that within 60 days of the date on which goods cease to be subject to the arrangements provided for in Article 4 or 5 of Council Regulation (EEC) No 565/80⁽⁷⁾, as amended by Regulation (EC) No 2026/83⁽⁸⁾, those goods must leave the customs territory of the Community in their original state;

Whereas, where an export levy or charge is fixed after the date of acceptance of an export declaration for agricultural products, those products are not subject to payment of that levy or charge if they leave the customs territory of the Community within the 60-day time limit laid down

in Article 30 (1) (b) (i) of Regulation (EEC) No 3719/88; whereas, likewise, where the agricultural products are subject to one of the arrangements referred to in Articles 4 and 5 of Regulation (EEC) No 565/80, the export levies and charges do not apply if those products are exported within the time limits determined in accordance with Article 32 (1) of Regulation (EEC) No 3665/87;

Whereas Article 211 of Council Regulation (EEC) No 2913/92⁽⁹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, stipulates that failure to comply with the conditions under which goods were allowed to leave the customs territory of the Community with total or partial relief from export duties incurs a customs debt on exportation; whereas that customs debt is incurred at the moment the goods or agricultural products leave the customs territory of the Community; whereas the declarant is the debtor;

Whereas Article 251 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92, establishing the Community Customs Code⁽¹⁰⁾, as last amended by Regulation (EC) No 1676/96⁽¹¹⁾, stipulates that export declarations are to be invalidated where the goods have been declared for export but have not left the customs territory of the Community within the time limit laid down; whereas, however, that provision cannot be applied when the export is carried out;

Whereas payment of a refund may arise from a monthly increase or a positive correction to a refund rate fixed at zero;

Whereas certain amendments should be made to Commission Regulation (EEC) No 120/89⁽¹²⁾, as amended by Regulation (EEC) No 1431/93⁽¹³⁾, in order to provide for the approach to be taken in view of the above factors;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁴⁾ OJ No L 214, 8. 9. 1995, p. 21.

⁽⁵⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁶⁾ OJ No L 134, 20. 6. 1995, p. 14.

⁽⁷⁾ OJ No L 62, 4. 3. 1980, p. 5.

⁽⁸⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽⁹⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽¹⁰⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽¹¹⁾ OJ No L 218, 28. 8. 1996, p. 1.

⁽¹²⁾ OJ No L 16, 20. 1. 1989, p. 19.

⁽¹³⁾ OJ No L 140, 11. 6. 1993, p. 27.

HAS ADOPTED THIS REGULATION:

Article 1

The following Article 4a is hereby added to Commission Regulation (EEC) No 120/89:

'Article 4a

1. Where Article 4 does not apply and where no refund is granted on the products, the declarant shall incur a debt within the meaning of Article 211 of Council Regulation (EEC) No 2913/92 (*) if the products leave the customs territory of the Community after the 60-day time limit laid down in Article 32 (1) of Regulation (EEC) No 3665/87 or Article 30 (1) (b) (i) of Regulation (EEC) No 3719/88 at the rate in force pursuant to the second subparagraph of Article 4 (1) above, but on the basis of the nature, characteristics and quantity of the exported products given in the export declaration as initially accepted.

For the purposes of this paragraph, the final subparagraph of Article 251 (2) (a) of Commission Regulation (EEC) No 2454/93 (**) shall not apply.

2. The customs debt referred to in paragraph 1 shall be deemed to be incurred at the place where the export declaration is accepted.

From the day on which an export levy applies to products as referred to in paragraph 1, the customs office of exit from the Community's customs territory shall inform the customs office where the export formalities were carried out of the date the products in question actually left the Community's customs territory by returning the control copy T5 or a photocopy of the control copy T5 or by sending a notification specially drawn up for the purpose.

The document sent to the customs office where the export formalities were carried out is completed by the customs office of exit to include the following statement:

Aplicación del artículo 4 *bis* del Reglamento (CEE) n° 120/89

Anvendelse af artikel 4a i forordning (EØF) nr. 120/89
Anwendung von Artikel 4a der Verordnung (EWG) Nr. 120/89

Εφαρμογή του άρθρου 4α του κανονισμού (ΕΟΚ) αριθ. 120/89

Application of Article 4a of Regulation (EEC) No 120/89

Application de l'article 4 *bis* du règlement (CEE) n° 120/89

Applicazione dell'articolo 4 *bis* del regolamento (CEE) n. 120/89

Toepassings van artikel 4 bis van Verordening (EEG) nr. 120/89

Aplicação do artigo 4ºA do Regulamento (CEE) n° 120/89

Asetuksen (ETY) N:o 120/89 4 a artiklan soveltaminen
I enlighet med artikel 4a i förordning (EEG) nr 120/89.

3. If the customs office where the export formalities were carried out is not responsible for the charging of export levies it will inform the responsible national authority.

(*) OJ No L 302, 19. 10. 1992, p. 1.

(**) OJ No L 253, 11. 10. 1993, p. 1.

Article 2

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, 15 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2195/96

of 15 November 1996

fixing the maximum buying-in price and the quantities of beef to be bought in under the 171st partial invitation to tender as a general intervention measure pursuant to Regulations (EEC) No 1627/89 and (EC) No 2002/96

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 1997/96⁽²⁾, and in particular Article 6 (7) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef⁽³⁾, as last amended by Regulation (EC) No 2015/96⁽⁴⁾, an invitation to tender was opened pursuant to Article 1 (1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender⁽⁵⁾, as last amended by Regulation (EC) No 2159/96⁽⁶⁾ and by Article 1 of Commission Regulation (EC) No 2002/96 of 18 October 1996 opening intervention in accordance with Article 6 (4) of Council Regulation (EEC) No 805/68⁽⁷⁾, and for lean bovine animals by Article 1 (2) by Commission Regulation (EC) No 1931/96, as amended by Regulation (EC) No 2015/96⁽⁸⁾;

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

Whereas, once tenders submitted in respect of the 171st partial invitation to tender have been considered and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaugh-

terings, the maximum buying-in price and the quantities which may be bought in should be fixed;

Whereas, following the buying in of forequarters, the price of such products should be defined on the basis of carcass prices;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing coefficient or, where appropriate, depending on the differences in prices and the quantities tendered for, several reducing coefficients should accordingly be applied to the quantities which may be bought in in accordance with Article 13 (3) of Regulation (EEC) No 2456/93;

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

HAS ADOPTED THIS REGULATION:

Article 1

Under the 171st partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89:

- (a) for category A:
 - (i) in those Member States or Member States' regions meeting the conditions of Article 6 (2) of Regulation (EEC) No 805/68:
 - the maximum buying-in price shall be ECU 266 per 100 kg carcasses or half-carcasses of quality R3,
 - the price of forequarters shall be derived from the carcass price using the coefficient 0,80 for the straight cut,
 - the maximum quantity of carcasses, half-carcasses or forequarters accepted shall be 8 653 tonnes,
 - the quantities offered at a price greater than ECU 254,5 shall be multiplied by a coefficient of 45 %, in accordance with Article 13 (3) of Regulation (EEC) No 2456/93;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 267, 19. 10. 1996, p. 1.

⁽³⁾ OJ No L 225, 4. 9. 1993, p. 4.

⁽⁴⁾ OJ No L 269, 22. 10. 1996, p. 16.

⁽⁵⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ No L 289, 12. 11. 1996, p. 12.

⁽⁷⁾ OJ No L 267, 19. 10. 1996, p. 10.

⁽⁸⁾ OJ No L 269, 22. 10. 1996, p. 16.

- (ii) in those Member States or Member States' regions meeting the conditions of Article 6 (4) of Regulation (EEC) No 805/68:
- the maximum buying-in price shall be ECU 224,839 per 100 kg carcasses or half-carcasses of quality R3,
 - the price of forequarters shall be derived from the carcass price using the coefficient 0,80 for the straight cut,
 - the maximum quantity of carcasses, half-carcasses or forequarters accepted shall be 167 tonnes;
- (b) for category C:
- the maximum buying-in price shall be ECU 266 per 100 kg carcasses or half-carcasses of quality R3,
 - the price of forequarters shall be derived from the carcass price using the coefficient 0,80 for the straight cut,
 - the maximum quantity of carcasses, half-carcasses or forequarters accepted shall be 5 943 tonnes;
- the quantities offered at a price greater than ECU 254,5 shall be multiplied by a coefficient of 45 % in accordance with Article 13 (3) of Regulation (EEC) No 2456/93;
- (c) for carcasses and half-carcasses of lean animals as referred to in Article 6b of Regulation (EEC) No 805/68:
- the maximum buying-in price shall be ECU 356 per 100 kg carcasses or half-carcasses,
 - the maximum quantity of carcasses or half-carcasses shall be 261 tonnes.

Article 2

This Regulation shall enter into force on 18 November 1996.

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

Done at Brussels, 15 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2196/96
of 15 November 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 2190/96⁽³⁾ lays down implementing rules for export refunds on fruit and vegetables for A1 and A2 licences applied for from 18 November 1996 and for B type licences applied for in respect of exports for which the export declaration is accepted after 24 November 1996;

Whereas it should be borne in mind that Regulation (EC) No 1488/95⁽⁴⁾, as last amended by Regulation (EC) No 2702/95⁽⁵⁾, must continue to apply to licences without advance fixing applied for after 24 November 1996 for exports for which an export declaration is accepted before 25 November 1996;

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 referred to in (b) of that paragraph and of the economic aspect of the envisaged exports;

Whereas, pursuant to Article 26 (1) of Regulation (EEC) No 1035/72, refunds are 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 with account taken of the prices referred to 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 and apples 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⁽⁶⁾, as last amended by Regulation (EC) No 150/95⁽⁷⁾, 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 laid down by Commission Regulation (EEC) No 1068/93⁽⁸⁾, as last amended by Regulation (EC) No 1482/96⁽⁹⁾;

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;

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽³⁾ OJ No L 292, 15. 11. 1996, p. 12.

⁽⁴⁾ OJ No L 145, 29. 6. 1995, p. 68.

⁽⁵⁾ OJ No L 280, 23. 11. 1995, p. 30.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁸⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ OJ No L 188, 27. 7. 1996, p. 22.

Whereas, on account of the market situation and in order that the most efficient possible use can be made of the resources available, and in view of the structure of Community exports, the most appropriate method should be selected for export refunds on certain products and consequently refunds under the A1 and A2 licence arrangements referred to in Article 1 of Regulation (EC) No 2190/96 should not be set simultaneously for the export period in question; whereas under the A2 arrangements a distinction should be made between close and more remote destinations;

Whereas, with due regard to the amendment made by Commission Regulation (EEC) No 1222/96⁽¹⁾, the figure 9 is to be regarded as included in the nomenclature code for refunds after the eight figures for the combined nomenclature subheadings from 1 January 1997;

Whereas the Management Committee for Fresh Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds on fruit and vegetables shall be those fixed in the Annex 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 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽²⁾, shall not count against the eligible quantities referred to in paragraph 1.
3. Without prejudice to the application of Article 4 (5) of Regulation (EC) No 2190/96 the period of validity of A1 and A2 licences shall be two months.

Article 2

This Regulation shall enter into force on 18 November 1996.

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

Done at Brussels, 15 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 161, 29. 6. 1996, p. 62.

⁽²⁾ OJ No L 331, 2. 12. 1988, p. 1.

ANNEX

EXPORT REFUNDS ON FRUIT AND VEGETABLES

Product (Full definitions of eligible products are given in the 'Fruit and vegetables' section of Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1))	Product code	A1 applications from 18. 11. 1996 to 9. 1. 1997			A2 applications from 19. 11. 1996 to 22. 11. 1996			B Export period from 25. 11. 1996 to 16. 1. 1997		
		Destination or destination group (1)	Refund rate (ECU/net tonne)	Scheduled quantity (tonnes)	Destination or destination group (1)	Indicative refund rate (ECU/net tonne)	Indicative quantity (tonnes)	Destination or destination group (1)	Indicative refund rate (ECU/net tonne)	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	2 477				F	36,2	2 477
Shelled almonds	0802 12 90 000	F	77,9	250				F	77,9	250
Hazelnuts in shell	0802 21 00 000	F	91,0	55				F	91,0	55
Shelled hazelnuts	0802 22 00 000	F	175,6	1 317				F	175,6	1 317
Walnuts in shell	0802 31 00 000	F	112,9	149				F	112,9	149
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	AC	88,6	67 723				AC	88,6	67 723
Lemons	0805 30 20 100 0805 30 30 100 0805 30 40 100	F	108,7	9 625				F	108,7	9 625

Product (Full definitions of eligible products are given in the 'Fruit and vegetables' section of Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1))	Product code	A1 applications from 18. 11. 1996 to 9. 1. 1997			A2 applications from 19. 11. 1996 to 22. 11. 1996			B Export period from 25. 11. 1996 to 16. 1. 1997		
		Destination or destination group (*)	Refund rate (ECU/net tonne)	Scheduled quantity (tonnes)	Destination or destination group (*)	Indicative refund rate (ECU/net tonne)	Indicative quantity (tonnes)	Destination or destination group (*)	Indicative refund rate (ECU/net tonne)	Indicative quantity (tonnes)
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	4 892						
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	ABD	64,4		A	64,4	5 142	ABD	64,4	11 427
	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				BD	64,4	6 285			
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							

(*) 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, Federal Republic of Yugoslavia (Serbia and Montenegro), 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,

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, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia,

E: All destinations except Switzerland,

F: All destinations.

COMMISSION REGULATION (EC) No 2197/96**of 15 November 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 1890/96⁽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 16 November 1996.

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

Done at Brussels, 15 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 249, 1. 10. 1996, p. 29.

⁽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 15 November 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 45	204	46,7
	999	46,7
0707 00 40	052	68,5
	624	124,4
	999	96,5
0709 90 79	052	71,3
	999	71,3
0805 20 31	052	85,5
	204	73,1
	999	79,3
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	61,0
	999	61,0
0805 30 40	052	65,9
	388	45,2
	400	84,0
	528	49,4
	600	54,0
	999	59,7
	052	146,6
0806 10 50	400	262,0
	999	204,3
0808 10 92, 0808 10 94, 0808 10 98	060	45,9
	064	44,7
	400	65,6
	404	70,5
	999	56,7
0808 20 67	052	71,9
	064	79,4
	400	119,9
	624	62,2
	999	83,4

⁽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 2198/96
of 15 November 1996
fixing the import duties in the cereals sector

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 November 1996.

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

Done at Brussels, 15 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 161, 29. 6. 1996, p. 125.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	18,06	8,06
1001 90 91	Common wheat seed	47,32	37,32
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	47,32	37,32
	medium quality	48,52	38,52
	low quality	67,91	57,91
1002 00 00	Rye	75,45	65,45
1003 00 10	Barley, seed	75,45	65,45
1003 00 90	Barley, other ⁽³⁾	75,45	65,45
1005 10 90	Maize seed other than hybrid	91,35	81,35
1005 90 00	Maize other than seed ⁽³⁾	91,35	81,35
1007 00 90	Grain sorghum other than hybrids for sowing	75,45	65,45

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 1 November to 14 November 1996)

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

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	113,45	119,12	109,90	81,85	158,14 ⁽¹⁾	100,75 ⁽¹⁾
Gulf premium (ECU/tonne)	—	17,58	7,42	12,03	—	—
Great lake premium (ECU/tonne)	15,44	—	—	—	—	—

⁽¹⁾ Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 11,22 per tonne; Great Lakes — Rotterdam: ECU 20,25 per tonne.

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

COMMISSION REGULATION (EC) No 2199/96

of 15 November 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 31,949 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 62,658 per 100 kilograms in Spain,
- ECU 32,150 per 100 kilograms in Greece,
- ECU 74,351 per 100 kilograms in other Member States.

Article 2

This Regulation shall enter into force on 16 November 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, 15 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 11 November 1996

on the extension of the legal protection of topographies of semiconductor products to persons from the Isle of Man

(96/644/EC)

THE COUNCIL OF THE EUROPEAN UNION,

by successive Council Decisions taken on an interim basis, the latest of which is Decision 94/828/EC⁽²⁾;

Having regard to the Treaty establishing the European Community,

Whereas that Decision applied until 31 December 1995;

Having regard to Council Directive 87/54/EEC⁽¹⁾ of 16 December 1986 on the legal protection of topographies of semiconductor products, and in particular Article 3 (7) thereof,

Whereas the Isle of Man has appropriate legislation⁽³⁾ on the protection of topographies of semiconductor products; whereas that legislation entered into force on 1 January 1994; whereas it applies Directive 87/54/EEC and gives effect to the Council's previous Decisions on the topic; whereas the Isle of Man extends application of the legislation to nationals of Member States of the Community;

Having regard to the proposal from the Commission,

Whereas the right to legal protection of topographies of semiconductor products in the Community applies to persons qualifying for protection under Article 3 (1) to (5) of Directive 87/54/EEC;

Whereas the Agreement on trade-related aspects of intellectual property rights, concluded on 15 April 1994, requires Members of the World Trade Organization to

Whereas this right can be extended by Council Decision to persons who do not benefit from protection under the said provisions;

Whereas the extension of the protection in question should be decided by the Community as a whole;

Whereas the Community has, since 7 November 1987, extended such protection to persons from the Isle of Man

⁽²⁾ Council Decision 87/532/EEC of 26 October 1987 on the extension of legal protection of topographies of semiconductor products in respect of persons from certain countries and territories (OJ No L 313, 4. 11. 1987, p. 22); Council Decision 90/511/EEC of 9 October 1990 on the extension of the legal protection of topographies of semiconductor products to persons from certain countries and territories (OJ No L 285, 17. 10. 1990, p. 31); Council Decision 93/16/EEC of 21 December 1992 on the extension of the legal protection of topographies of semiconductor products to persons from the United States of America and certain territories (OJ No L 11, 19. 1. 1993, p. 20), as amended by Decision 93/520/EEC (OJ No L 246, 2. 10. 1993, p. 31); Council Decision 94/828/EC of 19 December 1994 on the extension of the legal protection of topographies of semiconductor products to persons from certain territories (OJ No L 351, 31. 12. 1994, p. 12).

⁽³⁾ Design Right (Semiconductor Topographies) Order of 14 December 1993 and Design Right (Semiconductor Topographies) Regulations of 18 January 1994.

⁽¹⁾ OJ No L 24, 27. 1. 1987, p. 36.

grant protection to integrated-circuit topographies in compliance with its own provisions and with those of the Treaty on Intellectual Property in Respect of Integrated Circuits to which it refers;

Whereas the Agreement, together with that establishing the World Trade Organization, to which it is annexed, entered into force on 1 January 1995;

Whereas it is foreseeable that the Government of the United Kingdom will apply the Agreement establishing the World Trade Organization to the Isle of Man and that the Agreement on trade-related aspects of intellectual property rights will be implemented in respect of the Isle of Man;

Whereas the provisions guaranteeing protection of topographies in the Isle of Man for persons from the Community are still in force there;

Whereas protection should continue to be extended under Directive 87/54/EEC to the Isle of Man, with effect from 1 January 1996, until such time as the Isle of Man is bound by the provisions of the Agreement on trade-related aspects of intellectual property rights following the extension of the Agreement establishing the World Trade Organization to the Isle of Man,

HAS ADOPTED THIS DECISION:

Article 1

Member States shall extend the right to legal protection under Directive 87/54/EEC as follows:

- (a) natural persons who are nationals of the Isle of Man or who have their habitual residence in the territory of the Isle of Man shall be treated in the same way as nationals of a Member State;

- (b) companies or other legal persons from the Isle of Man which have a real and effective industrial or commercial establishment there shall be treated as if they had a real and effective industrial or commercial establishment in the territory of a Member State.

Article 2

This Decision shall apply from 1 January 1996.

Member States shall extend the right to protection under this Decision to the persons referred to in Article 1 until such time as the Isle of Man is bound by the provisions of the Agreement on trade-related aspects of intellectual property rights following the extension of the Agreement establishing the World Trade Organization to the Isle of Man.

Any exclusive rights acquired under Decisions 87/532/EEC, 90/511/EEC, 94/828/EC or under this Decision shall continue to produce their effects for the period laid down under Directive 87/54/EEC.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 11 November 1996.

For the Council

The President

R. QUINN

COUNCIL DECISION
of 11 November 1996
appointing a member of the Economic and Social Committee

(96/645/Euratom, EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 195 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Having regard to Council Decision (EC) No 94/660 of 26 September 1994 appointing members of the Economic and Social Committee for the period from 21 September 1994 to 20 September 1998 ⁽¹⁾,

Whereas a seat has become vacant on the Economic and Social Committee following the resignation of Mr René Bleser communicated to the Council on 12 September 1996;

Having regard to the nominations submitted by the Luxembourg Government on 5 September 1996;

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Josy Konz is hereby appointed a member of the Economic and Social Committee in place of Mr René Bleser for the remainder of the latter's term of office, which expires on 20 September 1998.

Done at Luxembourg, 11 November 1996.

For the Council

The President

R. QUINN

⁽¹⁾ OJ No L 257, 5. 10. 1994, p. 20.

COUNCIL DECISION**of 11 November 1996****appointing three members and two alternate members of the Committee of the Regions**

(96/646/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 Council Decisions (EC) No 94/65 of 26 January 1994⁽¹⁾ and (EC) No 95/15 of 23 January 1995⁽²⁾ appointing members and alternate members of the Committee of the Regions,

Whereas three seats as members and two seats as alternate members of the Committee have become vacant following the resignations of Mr Giovanni Grasso, Mr Cristófol Soler I Cladera and Mr Javier Otano Cid, members, and Mr Pier Luigi Bersani and Mr Juan Cruz Alli Aranguren, alternate members, notified to the Council on 17 October 1996, 9 July 1996, 29 October 1996, 17 October 1996 and 29 October 1996 respectively;

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

HAS DECIDED AS FOLLOWS:

Sole Article

1. Mr Antonio Rastrelli is hereby appointed a member of the Committee of the Regions in place of Mr Giovanni Grasso for the remainder of the latter's term of office, which runs until 25 January 1998.
2. Mr Jaime Matas Palou is hereby appointed a member of the Committee of the Regions in place of Mr Cristófol Soler I Cladera for the remainder of the latter's term of office, which runs until 25 January 1998.
3. Mr Miguel Sanz Sesma is hereby appointed a member of the Committee of the Regions in place of Mr Javier Otano Cid for the remainder of the latter's term of office, which runs until 25 January 1998.
4. Mr Antonio La Forgia is hereby appointed an alternate member of the Committee of the Regions in place of Mr Pier Luigi Bersani for the remainder of the latter's term of office, which runs until 25 January 1998.
5. Mr José María Aracama Yoldi is hereby appointed an alternate member of the Committee of the Regions in place of Mr Juan Cruz Alli Aranguren for the remainder of the latter's term of office, which runs until 25 January 1998.

Done at Brussels, 11 November 1996.

*For the Council**The President*

R. QUINN

⁽¹⁾ OJ No L 31, 4. 2. 1994, p. 29.

⁽²⁾ OJ No L 25, 2. 2. 1995, p. 20.