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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 2320/96**  
**of 28 November 1996**  
**continuing a special system of assistance to traditional ACP suppliers of bananas**  
**established by Regulation (EC) No 2686/94**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130w thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

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

Whereas Protocol 5 on bananas to the fourth ACP-EC Convention provides that, in respect of its banana exports to the Community markets, no ACP State shall be placed, as regards access to its traditional markets and its advantages on those markets, in a less favourable situation than in the past or at present;

Whereas national market organizations have hitherto granted traditional ACP suppliers of bananas an outlet for their production on their traditional markets and enabled them to obtain from these markets an adequate income;

Whereas the common organization of the market in bananas established by Regulation (EEC) No 404/93 <sup>(4)</sup> set the framework for continuing, on the Community market, the advantages enjoyed by traditional ACP suppliers, in accordance with the Community's commitment set out above;

Whereas risks exist nevertheless that the introduction of a new market organization and the need to adapt to it could jeopardize the continuing viability of ACP supplies;

Whereas particular efforts will be needed to adapt to the new market conditions in order to take advantage of the opportunities offered;

Whereas the structure and the nature of the new market and the marketing efforts necessary to maintain a presence on this market represent new elements some of which either the traditional ACP suppliers or the operators handling this procedure could reasonably foresee;

Whereas technical and financial assistance, additional to that provided for in the fourth ACP-EC Convention, should therefore be provided to carry out programmes designed to assist producers to adapt to new market conditions and in particular to improve quality, to improve marketing and to improve competitiveness;

Whereas the new conditions prevailing on the market may result in temporary market disturbances, particularly in the sectors of the Community market traditionally supplied by the ACP States;

Whereas such disturbances could seriously affect the income of the ACP States from the market and therefore the continued viability of the production in question;

Whereas financial assistance should therefore be provided to permit the ACP States to remain on the market, until such time as the market stabilizes and a satisfactory economic return from the market can be received;

Whereas income support should be complementary to transfers under the export earnings stabilization system (Stabex) triggered by the same set of circumstances;

Whereas it is therefore appropriate to align calculation of income support with the calculation of Stabex transfers;

Whereas Regulation (EC) No 2686/94 <sup>(5)</sup> introduced financial assistance in the form of income support;

<sup>(1)</sup> OJ No C 92, 28. 3. 1996, p. 16.

<sup>(2)</sup> OJ No C 37, 15. 7. 1996, p. 37.

<sup>(3)</sup> Opinion of the European Parliament of 21 June 1996 (OJ No C 198, 8. 7. 1996, p. 260), Council common position of 23 July 1996 (OJ No C 333, 7. 11. 1996, p. 1) and European Parliament Decision of 13 November 1996 (OJ No C 362, 2. 12. 1996).

<sup>(4)</sup> OJ No L 47, 25. 2. 1993, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ No L 349, 31. 12. 1994, p. 105).

<sup>(5)</sup> OJ No L 286, 5. 11. 1994, p. 1.

Whereas that Regulation expired on 28 February 1996;

Whereas the statistics necessary for the calculation of Stabex transfers and income support to be granted for the preceding year are not available until the second quarter of each year, thus, in order to satisfy the overall requirements of the system, the rules laid down by Regulation (EC) No 2686/94 should continue to be applied until 31 December 1996;

Whereas that Regulation also establishes technical and financial assistance, additional to that provided for in the fourth ACP-EC Convention and granted to programmes designed to assist producers adapt to new market conditions,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

A special system of assistance to traditional ACP suppliers of bananas is hereby established. This assistance may consist of technical and financial assistance and/or of income support.

#### *Article 2*

For the purposes of this Regulation:

- 'traditional ACP suppliers' means the ACP States listed in the Annex,
- 'bananas' means fresh or dried bananas covered by CN code 0803, excepting plantains.

### **TITLE I**

#### **Technical and financial assistance**

#### *Article 3*

1. Technical and financial assistance shall be provided to traditional ACP suppliers with a view to helping them adapt to the new market conditions following the establishment of a common organization of the market in bananas.

2. This technical and financial assistance shall be provided to contribute to the carrying-out of programmes in the banana sector to achieve one or more of the following objectives:

- to improve quality,
- to adapt production, distribution or marketing methods to meet the quality standards provided for in Article 2 of Regulation (EEC) No 404/93,
- to establish producers' organizations which have as an objective the improvement of the marketing and competitiveness of their products,

- to develop a production and/or marketing strategy to meet the requirements of the market in the Community in the light of the common organization of the market in bananas,

- to assist with training, market intelligence, the development of environmentally sound production methods, improving the distribution infrastructure, improving trade and financial services to banana producers and/or improving competitiveness.

3. Assistance may be given to programmes having similar objectives which are currently financed under the fourth ACP-EC Convention or by the public authorities of the Member States parties to that Convention where such assistance would result in more rapid completion of the programme.

#### *Article 4*

The Commission shall decide on the eligibility of the programme and the level of assistance after consultation with the traditional ACP supplier concerned. It shall also take into account the consistency of the envisaged programme with the general development objectives of the ACP State concerned and its impact on regional cooperation with other banana producers, in particular the Community producers.

### **TITLE II**

#### **Income support**

#### *Article 5*

1. Within the limits indicated in Article 15 (1) of Regulation (EEC) No 404/93, traditional ACP suppliers shall be eligible for income support.

2. Income support shall be paid where the reduction in income derived from the exportation to the Community of bananas complying with the common standards is directly related to conditions prevailing on the market subsequent to the establishment of the common organization of the market in bananas.

#### *Article 6*

1. Income support shall be individually calculated for each traditional ACP supplier on the basis of the quantities exported to the Community during the year of application and the difference between the reference price and the actual price.

2. The reference price shall be the average price per tonne of bananas produced in the ACP State concerned and exported to the Community during the six calendar years preceding the entry into force of this Regulation, less the two years with the highest and the lowest figures.

The actual price shall be the average price per tonne of bananas produced in the ACP State concerned and exported to the Community during the envisaged year of application.

3. The statistics needed for the calculation of income support shall be those drawn up and published on Community imports by the Statistical Office of the European Communities.

4. Before 1 July of each year, the Commission shall determine the income support for the previous year after consultation with the ACP-State concerned.

### TITLE III

#### General provisions

##### Article 7

1. Financial commitments under Title I shall be in addition to any funds available to ACP States under the provisions of the fourth ACP-EC Convention.

2. Financial commitments made under Title II shall be complementary to funds available under the system guaranteeing the stabilization of export earnings provided for in Articles 186 *et seq.* of the fourth ACP-EC Convention. Title II therefore only entitles to payments of income support in as far as transfers, made for identical quantities in accordance with Articles 186 *et seq.* of the fourth ACP-EC Convention, do not entirely offset the effects of price decreases on the income of traditional ACP suppliers.

3. Payments of income support shall be used, in accordance with a framework of mutual obligations to be agreed between the traditional ACP supplier concerned and the Commission in each case, for the benefit of producers adversely affected by the loss of income and be used to enhance the economic viability of production.

4. (a) Where application of Title II gives rise to a transfer basis, the ACP State concerned shall, in the month following receipt of the notification referred to in Article 6 (4), send the Commission a substantial analysis of the sector recording the loss of earnings, the cause of the loss, the policies pursued by the authorities and the projects, programmes or operations to which the resources are to be allocated in accordance with the objectives set out in paragraph 3 hereof,

(b) Projects, programmes or operations to which the recipient ACP States undertake to allocate the transferred resources shall be examined jointly by the Commission and the ACP State concerned.

(c) Resources shall be used to support immediate operations to sustain the economic viability of production, or adjustment operations designed to restructure production and export activities, within the framework of any consistent reform policy in the banana sector.

##### Article 8

1. The granting of assistance as defined Article 1 shall be subject to the designation by the ACP State concerned of a representative organization entitled to act and to receive payments on its behalf within the framework of this Regulation.

2. The representative organizations shall present the following characteristics:

(a) be composed entirely or mainly of producers of bananas in one or more traditional ACP suppliers;

(b) pursue at least two of the following objectives:

- improvement of the quality of the produce,
- improvement of the quality of the distribution and marketing network,
- improvement of the returns to producers,
- improvement of the role of producers in the organization of the banana market.

3. The representative organization designated in accordance with paragraph 2 must be notified to the Commission.

##### Article 9

As far as necessary, detailed rules for the application of this Regulation shall be determined by the Commission in accordance with the procedure laid down in Article 10.

##### Article 10

The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representatives of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

##### Article 11

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

It shall apply with effect from 29 February 1996. It shall expire on 31 December 1996.

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

Done at Brussels, 28 November 1996.

*For the Council*

*The President*

M. LOWRY

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ANNEX

LIST PROVIDED FOR IN THE FIRST INDENT OF ARTICLE 2

Traditional ACP suppliers of bananas

|               |                                  |
|---------------|----------------------------------|
| Belize        | Jamaica                          |
| Cameroon      | Madagascar                       |
| Cape Verde    | Saint Lucia                      |
| Côte d'Ivoire | Saint Vincent and the Grenadines |
| Dominica      | Somalia                          |
| Grenada       | Suriname                         |

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## COMMISSION REGULATION (EC) No 2321/96

of 4 December 1996

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 1 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EC) No 1599/96<sup>(2)</sup>, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 1785/81 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 17a of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar<sup>(3)</sup>, as amended by Regulation (EC) No 3290/94<sup>(4)</sup>; whereas, furthermore, this refund should be fixed in accordance with Article 17a (4) of Regulation (EEC) No 1785/81; whereas candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector<sup>(5)</sup>; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination;

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas Council Regulation (EEC) No 990/93<sup>(6)</sup>, as amended by Regulation (EC) No 1380/95<sup>(7)</sup>, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 462/96<sup>(8)</sup>; whereas account should be taken of this fact when fixing the refunds;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(9)</sup>, as last amended by Regulation (EC) No 150/95<sup>(10)</sup>, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93<sup>(11)</sup>, as last amended by Regulation (EC) No 1482/96<sup>(12)</sup>;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto;

Whereas, in the light of the amendment introduced by Commission Regulation (EC) No 1222/96<sup>(13)</sup>, the figure 9 after the first eight digits corresponding to the combined nomenclature subheadings should be regarded as forming part of the refund nomenclature code from 1 January 1997;

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

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ No L 89, 10. 4. 1968, p. 3.

<sup>(4)</sup> OJ No L 349, 31. 12. 1994, p. 105.

<sup>(5)</sup> OJ No L 214, 8. 9. 1995, p. 16.

<sup>(6)</sup> OJ No L 102, 28. 4. 1993, p. 14.

<sup>(7)</sup> OJ No L 138, 21. 6. 1995, p. 1.

<sup>(8)</sup> OJ No L 65, 15. 3. 1996, p. 1.

<sup>(9)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(10)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(11)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(12)</sup> OJ No L 188, 27. 7. 1996, p. 22.

<sup>(13)</sup> OJ No L 161, 29. 6. 1996, p. 62.

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 5 December 1996.

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

Done at Brussels, 4 December 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

*ANNEX*

**to the Commission Regulation of 4 December 1996 fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

| Product code   | Amount of refund <sup>(1)</sup> |
|----------------|---------------------------------|
|                | — ECU/100 kg —                  |
| 1701 11 90 100 | 40,19 <sup>(1)</sup>            |
| 1701 11 90 910 | 38,92 <sup>(1)</sup>            |
| 1701 11 90 950 | <sup>(2)</sup>                  |
| 1701 12 90 100 | 40,19 <sup>(1)</sup>            |
| 1701 12 90 910 | 38,92 <sup>(1)</sup>            |
| 1701 12 90 950 | <sup>(2)</sup>                  |
|                | — ECU/1 % of sucrose × 100 kg — |
| 1701 91 00 000 | 0,4369                          |
|                | — ECU/100 kg —                  |
| 1701 99 10 100 | 43,69                           |
| 1701 99 10 910 | 43,58                           |
| 1701 99 10 950 | 43,58                           |
|                | — ECU/1 % of sucrose × 100 kg — |
| 1701 99 90 100 | 0,4369                          |

<sup>(1)</sup> Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 17a (4) of Regulation (EEC) No 1785/81.

<sup>(2)</sup> Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

<sup>(3)</sup> Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 462/96 are observed.

**COMMISSION REGULATION (EC) No 2322/96  
of 4 December 1996**

**fixing the maximum export refund for white sugar for the 18th partial invitation  
to tender issued within the framework of the standing invitation to tender  
provided for in Regulation (EC) No 1464/96**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EC) No 1599/96<sup>(2)</sup>, and in particular the second subparagraph of Article 17 (5) (b) thereof,

Whereas Commission Regulation (EC) No 1464/96 of 25 July 1996 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar<sup>(3)</sup>, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1464/96 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 18th partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 990/93<sup>(4)</sup>, as amended by Regulation (EC) No 1380/95<sup>(5)</sup>, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas

this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 462/96<sup>(6)</sup>; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. For the 18th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1464/96 the maximum amount of the export refund is fixed at ECU 46,690 per 100 kilograms.

2. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 462/96 are observed.

*Article 2*

This Regulation shall enter into force on 5 December 1996.

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

Done at Brussels, 4 December 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ No L 187, 26. 7. 1996, p. 42.

<sup>(4)</sup> OJ No L 102, 28. 4. 1993, p. 14.

<sup>(5)</sup> OJ No L 138, 21. 6. 1995, p. 1.

<sup>(6)</sup> OJ No L 65, 15. 3. 1996, p. 1.

**COMMISSION REGULATION (EC) No 2323/96  
of 4 December 1996**

**fixing the representative prices and the additional import duties for molasses in  
the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar <sup>(1)</sup>, as last amended by Regulation (EC) No 1599/96 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 <sup>(3)</sup>, and in particular Articles 1 (2) and 3 (1) thereof,

Whereas Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 <sup>(4)</sup>; whereas that price should be fixed for the standard quality defined in Article 1 of the above Regulation;

Whereas the representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; whereas that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality; whereas the standard quality for molasses is defined in Regulation (EEC) No 785/68;

Whereas, when the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States; whereas, under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends;

Whereas the information must be disregarded if the goods concerned are not of sound and fair marketable quality or

if the price quoted in the offer relates only to a small quantity that is not representative of the market; whereas offer prices which can be regarded as not representative of actual market trends must also be disregarded;

Whereas, if information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68;

Whereas a representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price;

Whereas where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95; whereas should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed;

Whereas application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 5 December 1996.

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ No L 141, 24. 6. 1995, p. 12.

<sup>(4)</sup> OJ No L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 4 December 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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ANNEX

**fixing the representative prices and additional import duties applying to imports of molasses in the sugar sector**

| CN code                   | Amount of the representative price in ECU per 100 kg net of the product in question | Amount of the additional duty in ECU per 100 kg net of the product in question | Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 <sup>(2)</sup> |
|---------------------------|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1703 10 00 <sup>(1)</sup> | 7,65                                                                                | 0,00                                                                           | —                                                                                                                                                                                           |
| 1703 90 00 <sup>(1)</sup> | 11,43                                                                               | —                                                                              | 0,00                                                                                                                                                                                        |

<sup>(1)</sup> For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

<sup>(2)</sup> This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

## COMMISSION REGULATION (EC) No 2324/96

of 4 December 1996

on the sale of olive oil residues held by the Spanish intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EC) No 1581/96<sup>(2)</sup>, and in particular Article 12 (2) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2754/78<sup>(3)</sup>, as last amended by Regulation (EEC) No 2203/90<sup>(4)</sup>, provides that olive oil held by the intervention agencies shall be put up for sale by tender except when particular conditions necessitate recourse to other procedures;

Whereas Article 1 (1) of Commission Regulation (EEC) No 2960/77<sup>(5)</sup>, as last amended by Regulation (EEC) No 3818/85<sup>(6)</sup>, provides that intervention agencies may not sell the olive oil which they hold until a Regulation to that effect has been adopted under the procedure provided for in Article 38 of Regulation No 136/66/EEC;

Whereas, following sales by tender of olive oil by the Spanish intervention agency, the intervention agency still holds in stock a quantity of vat bottom residues; whereas these residues contain a considerable percentage of oil; whereas correct management of the olive oil bought in by the intervention agency requires that these residues should therefore be put up for sale;

Whereas, for commercial reasons based chiefly on the fact that there is no well-defined market or price system for

the product in question, it is not advisable to use the sale by tender procedure previously applied for the olive oil; whereas the Spanish intervention agency should therefore sell the product for the best price it can obtain;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The Spanish intervention agency 'Fondo Español de Garantía Agraria', hereinafter referred to as 'FEGA', shall sell for the best price it can obtain, 3 437 kg of the vat bottom residues which it is holding as a result of the olive oil it bought in up to 31 October 1996.
2. The notice of sale shall be displayed by FEGA at its head office at calle Beneficencia, No 8, 28004 Madrid, Spain, at least 10 days before the date set for the sale.
3. Sale of the product referred to in paragraph 1 shall be effected before 31 January 1997. Delivery of the product sold must take place before 28 February 1997.
4. FEGA shall inform the Commission as soon as possible of the outcome of the sale.

*Article 2*

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

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

Done at Brussels, 4 December 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No 172, 30. 9. 1966, p. 3025/66.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 11.

<sup>(3)</sup> OJ No L 331, 28. 11. 1978, p. 13.

<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 5.

<sup>(5)</sup> OJ No L 348, 30. 12. 1977, p. 46.

<sup>(6)</sup> OJ No L 368, 31. 12. 1985, p. 20.

**COMMISSION REGULATION (EC) No 2325/96****of 4 December 1996****amending Regulations (EC) No 1598/95 and (EC) No 1600/95 as a result of an amendment to the combined nomenclature for certain milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products<sup>(1)</sup>, as last amended by Regulation (EC) No 1587/96<sup>(2)</sup>, and in particular Articles 13 (3), 15 (4) and 16 (1) and (4) thereof,

The Annex to Regulation (EC) No 1598/95 is hereby amended as follows:

- CN codes 0406 90 07, 0406 90 08 and 0406 90 09 are replaced by CN codes 0406 90 13, 0406 90 15 and 0406 90 17 respectively,
- CN codes 0406 90 12, 0406 90 14 and 0406 90 16 and the information relating to them are deleted.

Whereas Commission Regulation (EC) No 1734/96 of 9 September 1996, amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(3)</sup>, provides for amendments in respect of certain milk products with effect from 1 January 1997;

*Article 2*

Regulation (EC) No 1600/95 is hereby amended as follows:

— in Annex II:

- in order number 40, CN codes 0406 90 07 and 0406 90 12 are replaced by CN code 0406 90 13,
- in order number 41, CN codes 0406 90 08 and 0406 90 14 are replaced by CN code 0406 90 15,
- in order number 47, CN codes 0406 90 09 and 0406 90 16 are replaced by CN code 0406 90 17;

Whereas, therefore, the following Regulations which are affected by the amendments to the CN code subheadings mentioned should be amended:

- Commission Regulation (EC) No 1598/95 of 30 June 1995 laying down detailed rules for the application of the arrangements for additional import duties in the milk and milk products sector<sup>(4)</sup>, as last amended by Regulation (EC) No 1756/96<sup>(5)</sup>,
- Commission Regulation (EC) No 1600/95 of 30 June 1995 laying down detailed rules for the application of the import arrangements and opening tariff quotas for milk and milk products<sup>(6)</sup>, as last amended by Regulation (EC) No 1170/96<sup>(7)</sup>;

- in Annex IV, order number 4, CN codes ex 0406 90 07, ex 0406 90 08 and ex 0406 90 09 are replaced by CN codes ex 0406 90 13, ex 0406 90 15 and ex 0406 90 17 respectively,
- in Annex VI, point B, CN codes ex 0406 90 07, ex 0406 90 08 and ex 0406 90 09 are replaced by CN codes ex 0406 90 13, ex 0406 90 15 and ex 0406 90 17 respectively,
- in Annex VII, in the part of the table referring to Switzerland, CN codes ex 0406 90 07, ex 0406 90 08 and ex 0406 90 09 are replaced by CN codes ex 0406 90 13, ex 0406 90 15 and ex 0406 90 17 respectively.

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

*Article 3*

This Regulation shall enter into force on 1 January 1997.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 21.

<sup>(3)</sup> OJ No L 238, 19. 9. 1996, p. 1.

<sup>(4)</sup> OJ No L 151, 1. 7. 1995, p. 1.

<sup>(5)</sup> OJ No L 230, 11. 9. 1996, p. 6.

<sup>(6)</sup> OJ No L 151, 1. 7. 1995, p. 12.

<sup>(7)</sup> OJ No L 155, 28. 6. 1996, p. 10.

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

Done at Brussels, 4 December 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 2326/96  
of 4 December 1996**

**apportioning, for 1996, the contributions by the Community and the Member States concerned to the scrapping funds referred to in Council Regulation (EEC) No 1101/89 on structural improvements in inland waterway transport**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1101/89 of 27 April 1989 on structural improvements in inland waterway transport<sup>(1)</sup>, as last amended by Regulation (EC) No 2254/96<sup>(2)</sup>, and in particular Articles 4 (a) and 10 (3) thereof,

Whereas Regulation (EEC) No 1101/89 introduced a system for structural improvements to inland waterways of which the principal aspect is the organization of scrapping activities that are coordinated at Community level;

Whereas provision has been made for a financial contribution to the scrapping funds by the Community for the scrapping of the vessels on the common waiting list referred to in Commission Regulation (EEC) No 1102/89 of 27 April 1989, laying down certain measures for implementing Council Regulation (EEC) No 1101/89 on structural improvements in inland waterway transport<sup>(3)</sup>, as last amended by Regulation (EC) No 3039/94<sup>(4)</sup>; whereas appropriations have been entered for that purpose in the general budget of the Communities for 1996;

Whereas, in addition, provision has been made for a financial contribution to the scrapping funds by the Member States concerned for 1996 by means of Council Regulation (EEC) No 2254/96; whereas that participation must be calculated in proportion to the size of their respective active fleets;

Whereas it is for the Commission to apportion the financial contribution by the Community and that by the Member States concerned for 1996 among the two sectors concerned: dry-cargo vessels, and push-craft and tanker vessels in accordance with the number of applications for premiums lodged and to allot this to the scrapping funds;

Whereas it is necessary to extend the deadline for requiring that scrapping shall take place as provided for in Commission Regulation (EC) No 1102/89 in order to take account of the large number of vessels to be scrapped and the resultant bottlenecks within the scrapping companies;

Whereas the budgetary implications for 1996 make the immediate entry into force of this regulation a matter of urgency;

Whereas the Member States have been consulted on the measures provided for by this regulation and an opinion

has been delivered on these by the panel of experts on structural improvements in inland waterway transport — as provided for by Article 12 of Commission Regulation (EC) No 1102/89,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. This Regulation lays down the conditions attached to the granting of scrapping premiums for the vessels referred to in Article 2 of Regulation (EEC) No 1101/89, account being taken of the need to reduce the capacity of the inland waterway fleets of the Member States by approximately 5 % in 1996.

2. In order to achieve that aim an overall budget of ECU 64 million is considered necessary for 1996, of which ECU 42 million are intended for the scrapping of dry-cargo vessels and of pusher-craft; ECU 22 million are intended for the scrapping of tanker vessels.

3. In addition to the monies referred to in Article 1 (4) of Regulation (EEC) No 1102/89, the scrapping funds referred to in Article 3 (1) of Regulation (EEC) No 1101/89 have, for 1996, received a financial contribution by the Community amounting to ECU 20 million and a financial contribution by the Member States concerned amounting to ECU 41 million for the scrapping of the vessels that are on the common waiting list referred to in Article 8 (6) of Regulation (EEC) No 1102/89.

4. The allotting of the financial contribution by the Member States concerned for 1996 has been calculated in proportion to the size of their active fleets, in tonnes equivalent, as at 1 January 1996, the amounts involved being:

- ECU 680 000 for Austria,
- ECU 6 010 000 for Belgium,
- ECU 10 450 000 for Germany,
- ECU 960 000 for France,
- ECU 22 900 000 for the Netherlands.

5. The Commission shall cooperate with the fund authorities in drawing up the common waiting list for the two separate accounts referred to in Article 3 (3) of Regulation (EEC) No 1101/89.

<sup>(1)</sup> OJ No L 116, 28. 4. 1989, p. 25.

<sup>(2)</sup> OJ No L 304, 27. 11. 1996, p. 1.

<sup>(3)</sup> OJ No L 116, 28. 4. 1989, p. 30.

<sup>(4)</sup> OJ No L 322, 15. 12. 1994, p. 11.

The budgets available for the two separate accounts shall be allotted by the funds to the applicants for scrapping premiums in the order of their entry in that common waiting list until all of the monies available have been spent. The fund authorities shall immediately inform vessel owners if their applications have been accepted.

6. The Commission shall decide, before 31 December 1996, how to apportion the monies referred to in paragraph 2 among the scrapping funds in the light of the requests for premiums accepted.

#### *Article 2*

In Article 7 (5) first paragraph of Regulation (EEC) No 1102/89 the word 'six' shall be replaced by 'nine'.

#### *Article 3*

This Regulation shall take effect on the third day following the date of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 4 December 1996.

*For the Commission*

Neil KINNOCK

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 2327/96  
of 4 December 1996**

**amending Regulation (EC) No 2031/96 setting export refunds on products  
processed from fruit and vegetables other than those granted for added sugar**

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

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2314/95<sup>(2)</sup>, and in particular Articles 13 (8), 14 (5) and 14a (7) thereof,

Whereas Commission Regulation (EC) No 2031/96<sup>(3)</sup> fixes the quantities eligible for export licences, other than those applied for in the context of food aid;

Whereas Commission Regulation (EC) No 1429/95 of 23 June 1995 on implementing rules for export refunds on products processed from fruit and vegetables other than those granted for added sugars<sup>(4)</sup>, as amended by Regulation (EC) No 341/96<sup>(5)</sup>, sets up the components for establishing the quantities on which export refunds may be paid; whereas, for reasons of transparency, the updated situation concerning those quantities should be brought to the attention of the operators;

Whereas, taking account of the amendment introduced by Commission Regulation (EC) No 1222/96<sup>(6)</sup>, the figure 9

is deemed to be integrated into the export refunds nomenclature code after the eight figures relating to the nomenclature subheadings with effect from 1 January 1997;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 2031/96 is hereby replaced by the Annex hereto.

*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, 4 December 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 49, 27. 2. 1986, p. 1.

<sup>(2)</sup> OJ No L 233, 30. 9. 1995, p. 69.

<sup>(3)</sup> OJ No L 271, 24. 10. 1996, p. 25.

<sup>(4)</sup> OJ No L 141, 24. 6. 1995, p. 28.

<sup>(5)</sup> OJ No L 48, 27. 2. 1996, p. 8.

<sup>(6)</sup> OJ No L 161, 29. 6. 1996, p. 62.

## ANNEX

## ANNEX

| Product<br>(The full definitions of the eligible products<br>are given in the "processed fruit and vegetables"<br>sector of Commission Regulation (EEC) No 3846/87<br>(OJ No L 366, 24. 12. 1987, p. 1).) |                                                                              | Product<br>code                  | Destination<br>code (1) | Licence issuing period November 1996 to February 1997                              |                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|----------------------------------|-------------------------|------------------------------------------------------------------------------------|------------------------------------|
|                                                                                                                                                                                                           |                                                                              |                                  |                         | Period for submission of applications:<br>from 25 October 1996 to 21 February 1997 |                                    |
|                                                                                                                                                                                                           |                                                                              |                                  |                         | Refund rate<br>(ECU/tonne net)                                                     | Quantities provided<br>(in tonnes) |
| Provisionally preserved cherries                                                                                                                                                                          |                                                                              | 0812 10 00 100                   | A                       | 95,0                                                                               | 3 102,447                          |
| Peeled tomatoes                                                                                                                                                                                           |                                                                              | 2002 10 10 100                   | B                       | 70,4                                                                               | 44 617,979                         |
| Preserved cherries                                                                                                                                                                                        |                                                                              | 2006 00 31 000<br>2006 00 99 100 | A                       | 215,0                                                                              | 1 061,911                          |
| Prepared hazelnuts                                                                                                                                                                                        |                                                                              | 2008 19 19 100<br>2008 19 99 100 | C                       | 102,3                                                                              | 700,653                            |
| Orange<br>juice                                                                                                                                                                                           | With a sugar content of not<br>less than 10° Brix, but less<br>than 22° Brix | 2009 11 99 110<br>2009 19 99 110 | C                       | 9,8                                                                                | 397,696                            |
|                                                                                                                                                                                                           | With a sugar content of not<br>less than 22° Brix, but less<br>than 33° Brix | 2009 11 99 120<br>2009 19 99 120 | C                       | 19,7                                                                               | 1,041                              |
|                                                                                                                                                                                                           | With a sugar content of not<br>less than 33° Brix, but less<br>than 44° Brix | 2009 11 99 130<br>2009 19 99 130 | C                       | 29,5                                                                               | 1,041                              |
|                                                                                                                                                                                                           | With a sugar content of not<br>less than 44° Brix, but less<br>than 55° Brix | 2009 11 99 140<br>2009 19 99 140 | C                       | 39,4                                                                               | 22,904                             |
|                                                                                                                                                                                                           | With a sugar content of not<br>less than 55° Brix                            | 2009 11 99 150<br>2009 19 99 150 | C                       | 49,3                                                                               | 356,053                            |

(1) The destinations codes are defined as follows:

A: All destinations except the countries of North America,

B: All destinations except the United States of America,

C: All destinations.

**COMMISSION REGULATION (EC) No 2328/96**  
**of 4 December 1996**  
**fixing the import duties in the rice sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector <sup>(2)</sup>, as amended by Regulation (EC) No 2131/96 <sup>(3)</sup>, and in particular Article 4 (1) thereof,

Whereas Article 11 of Regulation (EC) No 3072/95 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 a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties;

Whereas, pursuant to Article 12 (3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product;

Whereas Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice 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 from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing;

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

Whereas application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import duties in the rice sector referred to in Article 11 (1) and (2) of Regulation (EC) No 3072/95 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 5 December 1996.

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

Done at Brussels, 4 December 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 329, 30. 12. 1995, p. 18.

<sup>(2)</sup> OJ No L 189, 30. 7. 1996, p. 71.

<sup>(3)</sup> OJ No L 285, 7. 11. 1996, p. 6.

## ANNEX I

## to the Commission Regulation of 4 December 1996 fixing the import duties on rice and broken rice

(ECU/tonne)

| CN code    | Duties <sup>(1)</sup>                                                           |                                                                                  |                                                 |
|------------|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------|-------------------------------------------------|
|            | Third countries<br>(except ACP and<br>Bangladesh) <sup>(2)</sup> <sup>(3)</sup> | ACP<br>Bangladesh<br><sup>(1)</sup> <sup>(2)</sup> <sup>(3)</sup> <sup>(4)</sup> | Basmati<br>India<br>and Pakistan <sup>(5)</sup> |
| 1006 10 21 | (7)                                                                             | 140,81                                                                           |                                                 |
| 1006 10 23 | (7)                                                                             | 140,81                                                                           |                                                 |
| 1006 10 25 | (7)                                                                             | 140,81                                                                           |                                                 |
| 1006 10 27 | (7)                                                                             | 140,81                                                                           |                                                 |
| 1006 10 92 | (7)                                                                             | 140,81                                                                           |                                                 |
| 1006 10 94 | (7)                                                                             | 140,81                                                                           |                                                 |
| 1006 10 96 | (7)                                                                             | 140,81                                                                           |                                                 |
| 1006 10 98 | (7)                                                                             | 140,81                                                                           |                                                 |
| 1006 20 11 | (7)                                                                             | 177,31                                                                           |                                                 |
| 1006 20 13 | (7)                                                                             | 177,31                                                                           |                                                 |
| 1006 20 15 | (7)                                                                             | 177,31                                                                           |                                                 |
| 1006 20 17 | 304,49                                                                          | 147,91                                                                           | 54,49                                           |
| 1006 20 92 | (7)                                                                             | 177,31                                                                           |                                                 |
| 1006 20 94 | (7)                                                                             | 177,31                                                                           |                                                 |
| 1006 20 96 | (7)                                                                             | 177,31                                                                           |                                                 |
| 1006 20 98 | 304,49                                                                          | 147,91                                                                           | 54,49                                           |
| 1006 30 21 | (7)                                                                             | 271,09                                                                           |                                                 |
| 1006 30 23 | (7)                                                                             | 271,09                                                                           |                                                 |
| 1006 30 25 | (7)                                                                             | 271,09                                                                           |                                                 |
| 1006 30 27 | (7)                                                                             | 271,09                                                                           |                                                 |
| 1006 30 42 | (7)                                                                             | 271,09                                                                           |                                                 |
| 1006 30 44 | (7)                                                                             | 271,09                                                                           |                                                 |
| 1006 30 46 | (7)                                                                             | 271,09                                                                           |                                                 |
| 1006 30 48 | (7)                                                                             | 271,09                                                                           |                                                 |
| 1006 30 61 | (7)                                                                             | 271,09                                                                           |                                                 |
| 1006 30 63 | (7)                                                                             | 271,09                                                                           |                                                 |
| 1006 30 65 | (7)                                                                             | 271,09                                                                           |                                                 |
| 1006 30 67 | (7)                                                                             | 271,09                                                                           |                                                 |
| 1006 30 92 | (7)                                                                             | 271,09                                                                           |                                                 |
| 1006 30 94 | (7)                                                                             | 271,09                                                                           |                                                 |
| 1006 30 96 | (7)                                                                             | 271,09                                                                           |                                                 |
| 1006 30 98 | (7)                                                                             | 271,09                                                                           |                                                 |
| 1006 40 00 | (7)                                                                             | 84,38                                                                            |                                                 |

<sup>(1)</sup> Subject to the application of the provisions of Articles 12 and 13 of amended Council Regulation (EEC) No 715/90 (OJ No L 84, 30. 3. 1990, p. 85).

<sup>(2)</sup> In accordance with Regulation (EEC) No 715/90, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

<sup>(3)</sup> The import levy on rice entering the overseas department of Réunion is specified in Article 11 (3) of Regulation (EC) No 3072/95.

<sup>(4)</sup> The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ No L 337, 4. 12. 1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ No L 88, 9. 4. 1991, p. 7).

<sup>(5)</sup> No import duty applies to products originating in the OCT pursuant to Article 101 (1) of amended Council Decision 91/482/EEC (OJ No L 263, 19. 9. 1991, p. 1).

<sup>(6)</sup> For husked rice of the Basmati variety originating in India and Pakistan, a reduction of ECU 250 per tonne applies (Article 4b of amended Regulation (EC) No 1503/96).

<sup>(7)</sup> Duties fixed in the Common Customs Tariff.

## ANNEX II

## Calculation of import duties for rice

|                            | Paddy            | Indica rice |        | Japonica rice |        | Broken rice      |
|----------------------------|------------------|-------------|--------|---------------|--------|------------------|
|                            |                  | Husked      | Milled | Husked        | Milled |                  |
| 1. Import duty (ECU/tonne) | ( <sup>1</sup> ) | 304,49      | 572,00 | 363,30        | 572,00 | ( <sup>1</sup> ) |

## 2. Elements of calculation:

|                               |   |        |        |           |           |   |
|-------------------------------|---|--------|--------|-----------|-----------|---|
| (a) Arag cif price (\$/tonne) | — | 406,47 | 362,70 | 355,00    | 405,00    | — |
| (b) fob price (\$/tonne)      | — | —      | —      | 325,00    | 375,00    | — |
| (c) Sea freight (\$/tonne)    | — | —      | —      | 30,00     | 30,00     | — |
| (d) Source                    | — | USDA   | USDA   | Operators | Operators | — |

(<sup>1</sup>) Duties fixed in the Common Customs Tariff.

## COMMISSION REGULATION (EC) No 2329/96

of 4 December 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 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 5 December 1996.

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

Done at Brussels, 4 December 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 December 1996 establishing the standard import values  
for determining the entry price of certain fruit and vegetables

*(ECU/100 kg)*

| CN code                                           | Third country<br>code <sup>(1)</sup> | Standard import<br>value |
|---------------------------------------------------|--------------------------------------|--------------------------|
| 0702 00 45                                        | 204                                  | 68,1                     |
|                                                   | 624                                  | 126,9                    |
|                                                   | 999                                  | 97,5                     |
| 0709 90 79                                        | 052                                  | 75,1                     |
|                                                   | 999                                  | 75,1                     |
| 0805 10 61, 0805 10 65, 0805 10 69                | 052                                  | 63,1                     |
|                                                   | 388                                  | 33,4                     |
|                                                   | 624                                  | 38,0                     |
|                                                   | 999                                  | 44,8                     |
| 0805 20 31                                        | 052                                  | 73,7                     |
|                                                   | 204                                  | 89,7                     |
|                                                   | 999                                  | 81,7                     |
| 0805 20 33, 0805 20 35, 0805 20 37,<br>0805 20 39 | 052                                  | 63,7                     |
|                                                   | 464                                  | 139,6                    |
|                                                   | 999                                  | 101,7                    |
| 0805 30 40                                        | 052                                  | 70,5                     |
|                                                   | 388                                  | 62,6                     |
|                                                   | 528                                  | 39,3                     |
|                                                   | 600                                  | 77,1                     |
|                                                   | 999                                  | 62,4                     |
| 0808 10 92, 0808 10 94, 0808 10 98                | 052                                  | 61,5                     |
|                                                   | 060                                  | 46,3                     |
|                                                   | 064                                  | 60,9                     |
|                                                   | 400                                  | 81,7                     |
|                                                   | 404                                  | 71,2                     |
| 0808 20 67                                        | 999                                  | 64,3                     |
|                                                   | 052                                  | 66,8                     |
|                                                   | 064                                  | 76,2                     |
|                                                   | 400                                  | 76,8                     |
|                                                   | 624                                  | 66,9                     |
|                                                   | 999                                  | 71,7                     |

<sup>(1)</sup> 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 2330/96

of 4 December 1996

fixing, for November 1996, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EC) No 1599/96 <sup>(2)</sup>,

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>,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 July 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector <sup>(5)</sup>, as last amended by Regulation (EC) No 2926/94 <sup>(6)</sup>, and in particular Article 1 (3) thereof,

Whereas Article 1 (2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural

conversion rates applicable during the month of storage; whereas that specific rate must be fixed each month for the previous month;

Whereas application of these provisions will lead to the fixing, for November 1996, of the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The specific agricultural conversion rate to be used to convert the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 into each of the national currencies for November 1996 shall be as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 5 December 1996.

It shall apply with effect from 1 November 1996.

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

Done at Brussels, 4 December 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.  
<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 43.  
<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.  
<sup>(4)</sup> OJ No L 22, 31. 1. 1995, p. 1.  
<sup>(5)</sup> OJ No L 159, 1. 7. 1993, p. 94.  
<sup>(6)</sup> OJ No L 307, 1. 12. 1994, p. 56.

## ANNEX

to the Commission Regulation of 4 December 1996 fixing, for November 96, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector

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| Agricultural conversion rates |          |                               |
|-------------------------------|----------|-------------------------------|
| <hr/>                         |          |                               |
| ECU 1 =                       | 39,6580  | Belgian and Luxembourg francs |
|                               | 7,49997  | Danish kroner                 |
|                               | 1,92441  | German marks                  |
|                               | 311,761  | Greek drachmas                |
|                               | 165,198  | Spanish pesetas               |
|                               | 6,61023  | French francs                 |
|                               | 0,816779 | Irish punt                    |
|                               | 1 973,93 | Italian lire                  |
|                               | 2,15852  | Dutch guilders                |
|                               | 13,5396  | Austrian schillings           |
|                               | 198,202  | Portuguese escudos            |
|                               | 6,02811  | Finnish marks                 |
|                               | 8,64446  | Swedish kroner                |
|                               | 0,809915 | Pound sterling                |

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## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 30 July 1996

concerning certain aid proposed by Italy as part of a programme for the restructuring of its private steel industry

(Only the Italian text is authentic)

(Text with EEA relevance)

(96/678/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Commission Decision No 3855/91/ECSC of 27 November 1991 establishing Community rules for aid to the steel industry<sup>(1)</sup>,

After giving notice to the parties concerned, in accordance with the abovementioned Decision, to submit their comments and taking into account those comments<sup>(2)</sup>,

Whereas:

## I

By letters of 15 December 1995 and 2 February 1996 the Commission notified the Italian authorities of its decision to initiate the procedure provided for in Article 6 (4) of Commission Decision No 3855/91/ECSC, hereinafter referred to as the 'Steel Aid Code', in respect of aid they planned to grant, under a programme for the restructuring of Italy's private steel industry, to the following enterprises in the steel sector:

- Ferriera Acciaieria Casilina SpA,
- Acciaierie del Sud SpA,
- Officine Laminatoi Sebino SpA,
- Moccia Irme SpA,
- Mini Acciaieria Odolese SpA,
- Prolafer Srl,
- Dora Srl,
- Acciaierie San Gabriele SpA,
- Montifer Srl.

When, by Decision of 12 December 1994, it authorized Italian Law No 481 of 3 August 1994 on the restructuring of Italy's private steel sector after verifying that the Law complied with the Steel Aid Code and in particular with Article 4 thereof, the Commission requested that the Italian authorities notify it in advance of cases in which the Law was to be applied.

The Decision also specified that, in order to qualify for aid for closure, the firms concerned had to have been in operation for on average at least one shift per day, i.e. at least eight hours per day, five days per week for the whole of 1993 and up to February 1994, when Decree-Law No 103/94 was notified to the Commission; the provisions of the Decree-Law were subsequently adopted as Law No 481/94.

According to information in the possession of the Commission, the firms concerned satisfied the other requirements applicable under Article 4 of the Steel Aid Code governing aid for closures, but were not in regular production at the time of their closure.

<sup>(1)</sup> OJ No L 362, 31. 12. 1991, p. 57.

<sup>(2)</sup> OJ No C 101, 3. 4. 1996, p. 4; OJ No C 121, 25. 4. 1996, p. 3.

In Case 790/95, Officine Laminatoi Sebino SpA had produced only 57 000 tonnes of hot-rolled products, equivalent to 21 % of its capacity; in Case 794/95, Mini Acciaieria Odolese SpA had produced only 30 973 tonnes of hot-rolled products, equivalent to 16,7 % of its capacity; in Case 777/95, Casilina SpA had produced only 11 356 tonnes of hot-rolled products, equivalent to 14,2 % of its capacity; in Case 791/95, Montifer Srl had produced only 32 000 tonnes of hot-rolled products, equivalent to 21,1 % of its capacity; in Case 978/95, Dora Srl had produced only 21 444 tonnes of hot-rolled products, equivalent to 8,6 % of its capacity; and in Case 780/95, Acciaierie del Sud SpA had produced only 13 934 tonnes of hot-rolled products, equivalent to 5 % of its capacity. Moccia Irme SpA (Case N 793/95), Prolafer Srl (Case 977/95) and Acciaierie San Gabriele SpA (Case 979/95) were not in production in 1993.

Accordingly, since it was very difficult to determine whether the aids were compatible with the common market, the Commission decided to initiate the procedure provided for in Article 6 (4) of the Steel Aid Code in respect of the nine abovementioned cases.

By letter of 27 March 1996, the Italian authorities withdrew the notification given in the Montifer Case (791/95), on the grounds that they no longer intended to grant closure aid to that firm; in Case N 794/95 (Mini Acciaieria Odolese), the process of taking evidence is not yet over and the Commission accordingly reserves the right to adopt a final decision at a later stage.

This Decision accordingly covers the other seven cases.

## II

In accordance with the procedure, the Commission invited the Italian Government to submit its comments, whilst the other Member States and interested parties were informed by way of publication of the decision to initiate the procedure.

By letter of 10 May 1996 the German Government notified the Commission of its comments, which were forwarded to the Italian authorities by letter of 24 May 1996. In the abovementioned comments, the German Government expresses support for the Commission's decision to initiate the procedure.

By letter of 31 January 1996, in response to the opening of the procedure, the Italian Government argued the following:

- while referring back to the Decision of 12 December 1994, which allowed the Italian authorities to put forward objective criteria whereby plants that had operated at less than 25 % capacity could still be deemed eligible for aid for closure, the Commission Decision initiating the procedure merely stated that the criteria put forward by Italy as an alternative to the concept of regular production were unsuitable;
- the criteria the Italian authorities presented to the Commission for consideration were based on the view that the low or zero output recorded by some firms in 1993 and early 1994 was indicative not of a desire to abandon the steel market or of obsolescent or uncompetitive plant but of unfavourable trade conditions connected with financial difficulties and a market crisis;
- by not redeploying their workforce, preferring instead to call in the Cassa integrazione guadagni (earnings supplement fund), by implementing training schemes and applying for public early retirement benefits in pursuance of a restructuring plan, the firms clearly showed that they intended to restructure in order to overcome the crisis that was affecting them;
- the plants covered by the cases submitted to the Commission for scrutiny are not experiencing any problems of productivity due to technical factors. Some have recently benefited under major modernization schemes designed to increase efficiency and, since they have all been regularly maintained, each one could still, at little cost, resume regular production within a short space of time. The best proof of this is the very strong interest numerous potential buyers have shown in the plants;
- additional factors should be taken into account, e.g. the fact that electricity supply contracts have not been terminated, that the firms have remained active on the steel market, and that returns, in particular forms 260-261, have been sent to the Community, confirming that the reduced or zero output in 1993 is attributable to unfavourable cyclical conditions and that the firms wanted to remain on the market and wait for the right conditions before resuming regular production.

## III

By virtue of their production, the firms are subject to the terms of the ECSC Treaty, Article 4 (c) of which stipulates that subsidies or aids granted by States in any form whatsoever are recognized as incompatible with the common market for coal and steel and are accordingly abolished

and prohibited within the Community. The only possible exceptions to this general prohibition are set out explicitly and restrictively in Article 2 (aid for research and development), Article 3 (aid for environmental protection) and Article 4 (aid for closures) of the Steel Aid Code.

The purpose of the exceptions to the general prohibition on aids to the steel industry under Article 4 (c) of the ECSC Treaty is not to make the Community rules governing aids to the steel industry less strict, since those rules are justified by the serious distortion of competition that might be caused by aids that are incompatible with the common market in a sector that continues to be very sensitive. It is therefore necessary for those rules to be strictly adhered to, which means that aid to an enterprise in the steel sector may be authorized by the Commission only if the requirements applicable under the Steel Aid Code have effectively been complied with.

Article 4 of the Steel Aid Code lays down that aid to firms which permanently cease production of ECSC iron and steel products may be deemed compatible with the common market on condition that those firms:

- became a legal entity before 1 January 1991 and have not reorganized their production or plant structure since 1 January 1991,
- have been regularly producing ECSC iron and steel products up to the date of notification of the aid,
- are not directly or indirectly controlled, within the meaning of Decision No 24/54 of the High Authority<sup>(1)</sup>, by, and do not themselves directly or indirectly control, an undertaking that is itself a steel undertaking or controls other steel undertakings.

Article 4 further provides that the amount of the aid may not exceed the higher of the following two values:

- the discounted value of the contribution to fixed costs obtainable from plants over a three-year period, less any advantages the aided firm derives from their closure,
- residual book value of the plants (ignoring that portion of any revaluations since 1 January 1990 which exceeded the national inflation rate).

The cases under consideration satisfy every requirement except the one — regarding regular production — that had led to the initiation of proceedings.

In this connection, although it stipulates that, in order to be eligible for aid, a firm must be in regular production at the time of the closure, the Steel Aid Code does not give a precise definition of 'regular'. Accordingly, in its Decision of 12 December 1994, the Commission stated that the requirement concerned would be deemed met if the firm receiving the aid had been in production for on average at least one shift per day, i.e. at least eight hours per day, for five days per week for the whole of 1993 and up to 28 February 1994, when Decree-Law No 103/94 was notified to the Commission. The latter decided, moreover, that the Italian authorities should be allowed to demonstrate on the basis of objective criteria that a firm which did not satisfy this requirement had nonetheless regularly produced ECSC iron and steel products.

The Commission would then have examined the aid in the light of the particular circumstances of the case, in order to ensure that the criterion of regular production had been met.

The purpose of Article 4 of the Steel Aid Code and of the Decision of 12 December 1994 is clear: aid for closures may be granted only to firms that are significantly active, in other words whose production on the market in iron and steel products is regular. The Community legislator did not, however, feel it necessary or advisable to allow an exception to the general prohibition under Article 4 of the ECSC Treaty in the absence of significant effects on the market resulting from the closure of a firm which is not in regular production.

It therefore follows that criteria could, provided they demonstrated the regularity of production, be accepted as an alternative to the one laid down by the Commission in its Decision. The criteria put forward by the Italian Government (non-cancellation of the electricity-supply contract, continued employment of the workforce, maintenance of the facilities, etc.), however, demonstrate not that the firms in question were in regular production, but that they were capable of producing on a regular basis.

Article 4 of the Steel Aid Code is drafted in such a way as to rule out a broad interpretation which would allow aid to go to firms which, although they had not been in regular production, were capable of producing ECSC products on a regular basis. It would therefore appear that, in the light of the alternative criteria they have put forward, the way in which the criterion of regularity has been interpreted by the Italian authorities is not founded in law and cannot, therefore, be accepted.

As regards the claim made by the Italian authorities that the low output recorded by the firms in 1993 was due to particularly unfavourable cyclical conditions and to a

<sup>(1)</sup> OJ No 9, 11. 5. 1954, p. 345/54.

major crisis on the market in long products, it must be stated that production was in fact only slightly down in the case of long products, in particular in the case of wire rod and other flat bars and sections:

| <i>(millions of tonnes)</i> |      |      |      |      |
|-----------------------------|------|------|------|------|
| Italy                       | 1990 | 1991 | 1992 | 1993 |
| long products               | 12,7 | 13,3 | 13,2 | 12,5 |
| wire rod                    | 2,8  | 3,0  | 3,2  | 3,1  |
| bars and sections           | 3,6  | 3,5  | 3,3  | 3,2  |

The same applies to the market in bars for reinforcing concrete — the most important as far as the firms in question are concerned — in respect of which there was a slight reduction in the rate of use of production capacity at both European and Italian level during the relevant period, i.e. 1992 and 1993:

| <i>(millions of tonnes)</i> |          |        |                                        |
|-----------------------------|----------|--------|----------------------------------------|
| EUR-12                      | Capacity | Output | Rate of use of production capacity (%) |
| 1991                        | 19,98    | 12,24  | 61,3                                   |
| 1992                        | 22,39    | 12,53  | 55,9                                   |
| 1993                        | 22,84    | 12,92  | 56,5                                   |
| Italy                       | Capacity | Output | Rate of use of production capacity (%) |
| 1991                        | 9,4      | 5,5    | 58,8                                   |
| 1992                        | 10,4     | 5,7    | 54,3                                   |
| 1993                        | 10,3     | 5,4    | 52,1                                   |

On the basis of these figures it must be concluded that the argument put forward by the Italian authorities, namely that the low level of production of the firms in question was attributable to unfavourable market conditions in 1993, cannot be accepted.

Relevant though they may be in the context of the restructuring of the steel sector, the comments on the positive impact of these irreversible closures on a market displaying heavy overcapacity cannot be accepted in the context of the application of Article 4 of the Steel Aid Code.

Finally, concerning the comment by the Italian authorities that the Commission had not set about defining any criteria as an alternative to the one referred to in the Decision of 12 December 1994, it should be emphasized

that it was for the Italian authorities alone to demonstrate, by reference to other suitable criteria than the criterion put forward by the Commission, that production was regular.

In the light of the provisions of the Steel Aid Code, the other comments put forward by the Italian authorities are not founded in law.

The Commission notes, however, that in the case of OLS (Officine Laminatoi Sebino SpA), which in 1993 had produced 57 000 tonnes of hot-rolled products — equivalent to 21 % of its capacity — an overhaul of the electrical and electronic equipment of the mill producing reinforced concrete bars had been undertaken in the first quarter of 1993. Production was completely halted by OLS during that period and subsequently became regular again. The annual production at OLS should have been at least 76 000 tonnes in 1993, equivalent to 28 % of capacity. In view of this and, in particular, the output that the firm would have been able to achieve had it not been for the abovementioned overhaul of its mill, the Commission has reason to believe that OLS was in regular production (in other words, that it was in production for at least one shift per day, five days per week), at the time of its closure.

#### IV

In the light of the above, in particular Part III, it must be concluded that the requirements applicable under Article 4 of the Steel Aid Code have not been satisfied except in the case of OLS and that the comments put forward by the Italian authorities are not such as to alter the initial assessment which the Commission made when it decided to initiate the procedure under Article 6 (4) of the Steel Aid Code.

It should therefore be concluded that the aid Italy plans to grant to:

1. Ferriera Acciaierie Casilina SpA, totalling LIT 2 908 billion;
2. Acciaierie del Sud SpA, totalling LIT 21 647 billion;
3. Moccia Irme SpA, totalling LIT 13 509 billion;
4. Prolafer Srl, totalling LIT 2 038 billion;
5. Dora Srl, totalling LIT 3 438 billion;
6. Acciaierie San Gabriele, totalling LIT 10 123 billion;

is to be regarded as incompatible with the common market, in that it does not, under the Steel Aid Code, qualify for exemption from the general prohibition provided for in Article 4 (c) of the ECSC Treaty.

However, the aid totalling LIT 20 280 billion that Italy plans to grant to Officine Laminatoi Sebino SpA can be declared compatible with the common market since it satisfies the requirements applicable under Article 4 of the Steel Aid Code,

HAS ADOPTED THIS DECISION:

*Article 1*

The State aid Italy plans to grant, as part of the restructuring of the private steel sector, to the firms Ferriera Acciaieria Casilina SpA, Acciaieria del Sud SpA, Moccia Irme SpA, Prolafer Srl, Dora Srl and Acciaierie San Gabriele SpA is incompatible with the common market as defined by Article 4 (c) of the ECSC Treaty. Accordingly, the aid may not be granted.

*Article 2*

The State aid that Italy plans to grant, as part of the restructuring of the private steel sector, to Officine Lami-

natoi Sebino SpA is compatible with the common market. The granting of the aid is therefore authorized.

*Article 3*

Italy shall inform the Commission, within two months of notification of this Decision, of the measures it has taken to comply with it.

*Article 4*

This Decision is addressed to the Italian Republic.

Done at Brussels, 30 July 1996.

*For the Commission*

Karel VAN MIERT

*Member of the Commission*

## COMMISSION DECISION

of 18 November 1996

concerning a request for exemption submitted by Belgium pursuant to Article 8 (2) (c) of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(Only the French and Dutch texts are authentic)

(96/679/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers<sup>(1)</sup>, as last amended by Directive 96/27/EC of the European Parliament and of the Council<sup>(2)</sup>, and in particular Article 8 (2) (c) thereof,

Whereas the request submitted by Belgium on 7 March 1996, which reached the Commission on 8 March 1996, contains the information required by Article 8 (2) (c); whereas the request concerns the fitting of seven types of vehicle with eleven types of third stop lamp falling within category ECE S3 by virtue of ECE (United Nations Economic Commission for Europe) Regulation No 7 and fitted in accordance with ECE Regulation No 48;

Whereas the reasons given in the request, according to which the fitting of the stop lamps and the stop lamps themselves do not meet the requirements of Council Directive 76/758/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to end-outline marker lamps, front position (side) lamps, rear position (side) lamps and stop lamps for motor vehicles and their trailers<sup>(3)</sup>, as last amended by Commission Directive 89/516/EEC<sup>(4)</sup>, or of Council Directive 76/756/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to the installation of lighting and light-signalling devices on motor vehicles and their trailers<sup>(5)</sup>, as last amended by Commission Directive 91/663/EEC<sup>(6)</sup> are well founded; whereas the

descriptions of the tests, the results thereof and their compliance with ECE Regulations No 7 and No 48 ensure a satisfactory level of safety;

Whereas the Community Directives concerned will be amended in order to permit the production and fitting of such stop lamps;

Whereas the measure provided for in this Decision is in accordance with the opinion of the Committee on adaptation to technical progress set up by Directive 70/156/EEC,

HAS ADOPTED THIS DECISION:

*Article 1*

The request submitted by Belgium for an exemption concerning the production and fitting of 11 types of third stop lamp falling within category ECE S3 by virtue of ECE Regulation No 7 and fitted in accordance with ECE Regulation No 48 is hereby approved.

*Article 2*

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 18 November 1996.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

<sup>(1)</sup> OJ No L 42, 23. 2. 1970, p. 1.

<sup>(2)</sup> OJ No L 169, 8. 7. 1996, p. 1.

<sup>(3)</sup> OJ No L 262, 27. 9. 1976, p. 54.

<sup>(4)</sup> OJ No L 265, 12. 9. 1989, p. 1.

<sup>(5)</sup> OJ No L 262, 27. 9. 1976, p. 1.

<sup>(6)</sup> OJ No L 366, 31. 12. 1991, p. 17.

## COMMISSION DECISION

of 18 November 1996

concerning requests for exemption submitted by Belgium pursuant to Article 8 (2) (c) of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(Only the French and Dutch texts are authentic)

(96/680/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers<sup>(1)</sup>, as last amended by Directive 96/27/EC of the European Parliament and of the Council<sup>(2)</sup>, and in particular Article 8 (2) (c) thereof,

Whereas the requests submitted by Belgium on 22 May 1996, which reached the Commission on 24 May 1996, contains the information required by Article 8 (2) (c); whereas the requests concern, respectively, the fitting of two types of vehicle and the eleven variants thereof with two types of third stop lamp and the fitting of one type of vehicle with one type of third stop lamp falling within category ECE S3 by virtue of ECE (United Nations Economic Commission for Europe) Regulation No 7 and fitted in accordance with ECE Regulation No 48;

Whereas the reasons given in the requests, according to which the fitting of the stop lamps and the stop lamps themselves do not meet the requirements of Council Directive 76/758/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to end-outline marker lamps, front position (side) lamps, rear position (side) lamps and stop lamps for motor vehicles and their trailers<sup>(3)</sup>, as last amended by Commission Directive 89/516/EEC<sup>(4)</sup>, or of Council Directive 76/756/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to the installation of lighting and light-signalling devices on motor vehicles and their trailers<sup>(5)</sup>, as last amended by Commission Directive 91/663/EEC<sup>(6)</sup> are well founded; whereas the descriptions of the tests, the results thereof and their

compliance with ECE Regulations No 7 and No 48 ensure a satisfactory level of safety;

Whereas the Community Directives concerned will be amended in order to permit the production and fitting of such stop lamps;

Whereas the measure provided for in this Decision is in accordance with the opinion of the Committee on adaptation to technical progress set up by Directive 70/156/EEC,

HAS ADOPTED THIS DECISION:

*Article 1*

The requests submitted by Belgium for an exemption concerning the production and fitting of two types of third stop lamp on the one hand and one type of third stop lamp on the other falling within category ECE S3 by virtue of ECE Regulation No 7 and fitted in accordance with ECE Regulation No 48 is hereby approved.

*Article 2*

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 18 November 1996.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

<sup>(1)</sup> OJ No L 42, 23. 2. 1970, p. 1.

<sup>(2)</sup> OJ No L 169, 8. 7. 1996, p. 1.

<sup>(3)</sup> OJ No L 262, 27. 9. 1976, p. 54.

<sup>(4)</sup> OJ No L 265, 12. 9. 1989, p. 1.

<sup>(5)</sup> OJ No L 262, 27. 9. 1976, p. 1.

<sup>(6)</sup> OJ No L 366, 31. 12. 1991, p. 17.

## COMMISSION DECISION

of 18 November 1996

concerning a request for exemption submitted by Luxembourg pursuant to Article 8 (2) (c) of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(Only the French text is authentic)

(96/681/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers<sup>(1)</sup>, as last amended by Directive 96/27/EC of the European Parliament and of the Council<sup>(2)</sup>, and in particular Article 8 (2) (c) thereof,

Whereas the request submitted by Luxembourg on 1 April 1996, which reached the Commission on 10 April 1996, contains the information required by Article 8 (2) (c); whereas the request concerns the fitting of one type of vehicle with two types of third stop lamp falling within category ECE S3 by virtue of ECE (United Nations Economic Commission for Europe) Regulation No 7 and fitted in accordance with ECE Regulation No 48;

Whereas the reasons given in the request, according to which the fitting of the stop lamps and the stop lamps themselves do not meet the requirements of Council Directive 76/758/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to end-outline marker lamps, front position (side) lamps, rear position (side) lamps and stop lamps for motor vehicles and their trailers<sup>(3)</sup>, as last amended by Commission Directive 89/516/EEC<sup>(4)</sup>, or of Council Directive 76/756/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to the installation of lighting and light-signalling devices on motor vehicles and their trailers<sup>(5)</sup>, as last amended by Commission Directive 91/663/EEC<sup>(6)</sup> are well founded; whereas the

descriptions of the tests, the results thereof and their compliance with ECE Regulations No 7 and No 48 ensure a satisfactory level of safety;

Whereas the Community Directives concerned will be amended in order to permit the production and fitting of such stop lamps;

Whereas the measure provided for in this Decision is in accordance with the opinion of the Committee on adaptation to technical progress set up by Directive 70/156/EEC,

HAS ADOPTED THIS DECISION:

*Article 1*

The request submitted by Luxembourg for an exemption concerning the production and fitting of two types of third stop lamp falling within category ECE S3 by virtue of ECE Regulation No 7 and fitted in accordance with ECE Regulation No 48 is hereby approved.

*Article 2*

This Decision is addressed to Luxembourg.

Done at Brussels, 18 November 1996.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

<sup>(1)</sup> OJ No L 42, 23. 2. 1970, p. 1.

<sup>(2)</sup> OJ No L 169, 8. 7. 1996, p. 1.

<sup>(3)</sup> OJ No L 262, 27. 9. 1976, p. 54.

<sup>(4)</sup> OJ No L 265, 12. 9. 1989, p. 1.

<sup>(5)</sup> OJ No L 262, 27. 9. 1976, p. 1.

<sup>(6)</sup> OJ No L 366, 31. 12. 1991, p. 17.

## COMMISSION DECISION

of 18 November 1996

concerning a request for exemption submitted by Germany pursuant to Article 8 (2) (c) of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(Only the German text is authentic)

(96/682/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers<sup>(1)</sup>, as last amended by Directive 96/27/EC of the European Parliament and of the Council<sup>(2)</sup>, and in particular Article 8 (2) (c) thereof,

Whereas the request submitted by Germany on 2 April 1996 and consolidated by letter of 3 May 1996, which was received by the Commission on 13 May 1996, was accompanied by a report containing the information required by Article 8 (2) (c); whereas the request concerns two types of gas discharge lamp for two types of headlamp for one type of motor vehicle;

Whereas the information provided by Germany shows that the technology and principle embodied in these new types of gas discharge lamp and headlamp do not meet the requirements of Community regulations; whereas, however, the descriptions of the tests, the results thereof and the action taken in order to ensure road safety are satisfactory and ensure a level of safety equivalent to that of the lamps and headlamps covered by the requirements of the Directives in force and, in particular, of Council Directive 76/761/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to motor-vehicle headlamps which function as main-beam and/or dipped-beam headlamps and to incandescent electric filament lamps for such headlamps<sup>(3)</sup>, as last amended by Commission Directive 89/517/EEC<sup>(4)</sup>;

Whereas these new types of gas discharge lamp and these two new types of headlamp meet the requirements of UNECE (United Nations Economic Commission for Europe) Regulations Nos 98 and 99; whereas it is therefore justified to allow the three items covered by the request for exemption, i.e. the types of gas discharge lamp, the two types of headlamp fitted with this type of

lamp and the type of motor vehicle, to benefit from the granting of EEC type-approval on condition that the type of vehicle concerned is equipped with an automatic headlamp levelling system, a headlamp cleaning device and a system guaranteeing that dipped-beam headlamps are permanently lit;

Whereas the Community Directives concerned will be amended in order to enable gas discharge lamps embodying this new technology, headlamps fitted with such lamps and motor vehicles equipped with such headlamps to be placed on the market;

Whereas the measure provided for in this Decision is in accordance with the opinion of the Committee on adaptation to technical progress set up by Directive 70/156/EEC,

HAS ADOPTED THIS DECISION:

*Article 1*

The request submitted by Germany for an exemption concerning two types of gas discharge lamp for two types of headlamp for one type of motor vehicle is hereby approved on condition that the vehicle type concerned is equipped with an automatic headlamp levelling system, a headlamp cleaning device and a system guaranteeing that dipped-beam headlamps are permanently lit.

*Article 2*

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 18 November 1996.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

<sup>(1)</sup> OJ No L 42, 23. 2. 1970, p. 1.

<sup>(2)</sup> OJ No L 169, 8. 7. 1996, p. 1.

<sup>(3)</sup> OJ No L 262, 27. 9. 1976, p. 96.

<sup>(4)</sup> OJ No L 265, 12. 9. 1989, p. 15.

## COMMISSION DECISION

of 18 November 1996

concerning a request for exemption submitted by the United Kingdom pursuant to Article 8 (2) (c) of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(Only the English text is authentic)

(96/683/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers<sup>(1)</sup>, as last amended by Directive 96/27/EC of the European Parliament and of the Council<sup>(2)</sup>, and in particular Article 8 (2) (c) thereof,

Whereas the request submitted by the United Kingdom on 8 March 1996, which reached the Commission on 15 March 1996, contains the information required by Article 8 (2) (c); whereas the request concerns the fitting of four types of vehicle with three types of third stop lamp falling within category ECE S3 by virtue of ECE (United Nations Economic Commission for Europe) Regulation No 7 and fitted in accordance with ECE Regulation No 48;

Whereas the reasons given in the request, according to which the fitting of the stop lamps and the stop lamps themselves do not meet the requirements of Council Directive 76/758/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to end-outline marker lamps, front position (side) lamps, rear position (side) lamps and stop lamps for motor vehicles and their trailers<sup>(3)</sup>, as last amended by Commission Directive 89/516/EEC<sup>(4)</sup>, or of Council Directive 76/756/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to the installation of lighting and light-signalling devices on motor vehicles and their trailers<sup>(5)</sup>, as last amended by Commission Directive 91/663/EEC<sup>(6)</sup> are well founded; whereas the

descriptions of the tests, the results thereof and their compliance with ECE Regulations No 7 and No 48 ensure a satisfactory level of safety;

Whereas the Community Directives concerned will be amended in order to permit the production and fitting of such stop lamps;

Whereas the measure provided for in this Decision is in accordance with the opinion of the Committee on adaptation to technical progress set up by Directive 70/156/EEC,

HAS ADOPTED THIS DECISION:

*Article 1*

The request submitted by the United Kingdom for an exemption concerning the production and fitting of three types of third stop lamp falling within category ECE S3 by virtue of ECE Regulation No 7 and fitted in accordance with ECE Regulation No 48 on the types of vehicles for which they are intended is hereby approved.

*Article 2*

This Decision is addressed to the United Kingdom.

Done at Brussels, 18 November 1996.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

<sup>(1)</sup> OJ No L 42, 23. 2. 1970, p. 1.

<sup>(2)</sup> OJ No L 169, 8. 7. 1996, p. 1.

<sup>(3)</sup> OJ No L 262, 27. 9. 1976, p. 54.

<sup>(4)</sup> OJ No L 265, 12. 9. 1989, p. 1.

<sup>(5)</sup> OJ No L 262, 27. 9. 1976, p. 1.

<sup>(6)</sup> OJ No L 366, 31. 12. 1991, p. 17.

## COMMISSION DECISION

of 18 November 1996

concerning a request for exemption submitted by the United Kingdom pursuant to Article 8 (2) (c) of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(Only the English text is authentic)

(96/684/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers<sup>(1)</sup>, as last amended by Directive 96/27/EC of the European Parliament and of the Council<sup>(2)</sup>, and in particular Article 8 (2) (c) thereof,

Whereas the request submitted by the United Kingdom on 8 March 1996, which reached the Commission on 15 March 1996, contains the information required by Article 8 (2) (c); whereas the request concerns the fitting of three types of vehicle with three types of third stop lamp falling within category ECE S3 by virtue of ECE (United Nations Economic Commission for Europe) Regulation No 7 and fitted in accordance with ECE Regulation No 48;

Whereas the reasons given in the request, according to which the fitting of the stop lamps and the stop lamps themselves do not meet the requirements of Council Directive 76/758/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to end-outline marker lamps, front position (side) lamps, rear position (side) lamps and stop lamps for motor vehicles and their trailers<sup>(3)</sup>, as last amended by Commission Directive 89/516/EEC<sup>(4)</sup>, or of Council Directive 76/756/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to the installation of lighting and light-signalling devices on motor vehicles and their trailers<sup>(5)</sup>, as last amended by Commission Directive 91/663/EEC<sup>(6)</sup> are well founded; whereas the

descriptions of the tests, the results thereof and their compliance with ECE Regulations No 7 and No 48 ensure a satisfactory level of safety;

Whereas the Community Directives concerned will be amended in order to permit the production and fitting of such stop lamps;

Whereas the measure provided for in this Decision is in accordance with the opinion of the Committee on adaptation to technical progress set up by Directive 70/156/EEC,

HAS ADOPTED THIS DECISION:

*Article 1*

The request submitted by the United Kingdom for an exemption concerning the production and fitting of three types of third stop lamp falling within category ECE S3 by virtue of ECE Regulation No 7 and fitted in accordance with ECE Regulation No 48 on the types of vehicles for which they are intended is hereby approved.

*Article 2*

This Decision is addressed to the United Kingdom.

Done at Brussels, 18 November 1996.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

<sup>(1)</sup> OJ No L 42, 23. 2. 1970, p. 1.

<sup>(2)</sup> OJ No L 169, 8. 7. 1996, p. 1.

<sup>(3)</sup> OJ No L 262, 27. 9. 1976, p. 54.

<sup>(4)</sup> OJ No L 265, 12. 9. 1989, p. 1.

<sup>(5)</sup> OJ No L 262, 27. 9. 1976, p. 1.

<sup>(6)</sup> OJ No L 366, 31. 12. 1991, p. 17.

## COMMISSION DECISION

of 18 November 1996

concerning a request for exemption submitted by the United Kingdom pursuant to Article 8 (2) (c) of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(Only the English text is authentic)

(96/685/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers<sup>(1)</sup>, as last amended by Directive 96/27/EC of the European Parliament and of the Council<sup>(2)</sup>, and in particular Article 8 (2) (c) thereof,

Whereas the request submitted by the United Kingdom on 8 March 1996, which reached the Commission on 15 March 1996, contains the information required by Article 8 (2) (c); whereas the request concerns the fitting of six types of vehicle with six types of third stop lamp falling within category ECE S3 by virtue of ECE (United Nations Economic Commission for Europe) Regulation No 7 and fitted in accordance with ECE Regulation No 48;

Whereas the reasons given in the request, according to which the fitting of the stop lamps and the stop lamps themselves do not meet the requirements of Council Directive 76/758/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to end-outline marker lamps, front position (side) lamps, rear position (side) lamps and stop lamps for motor vehicles and their trailers<sup>(3)</sup>, as last amended by Commission Directive 89/516/EEC<sup>(4)</sup>, or of Council Directive 76/756/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to the installation of lighting and light-signalling devices on motor vehicles and their trailers<sup>(5)</sup>, as last amended by Commission Directive 91/663/EEC<sup>(6)</sup> are well founded; whereas the

descriptions of the tests, the results thereof and their compliance with ECE Regulations No 7 and No 48 ensure a satisfactory level of safety;

Whereas the Community Directives concerned will be amended in order to permit the production and fitting of such stop lamps;

Whereas the measure provided for in this Decision is in accordance with the opinion of the Committee on adaptation to technical progress set up by Directive 70/156/EEC,

HAS ADOPTED THIS DECISION:

*Article 1*

The request submitted by the United Kingdom for an exemption concerning the production and fitting of six types of third stop lamp falling within category ECE S3 by virtue of ECE Regulation No 7 and fitted in accordance with ECE Regulation No 48 on the types of vehicles for which they are intended is hereby approved.

*Article 2*

This Decision is addressed to the United Kingdom.

Done at Brussels, 18 November 1996.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

<sup>(1)</sup> OJ No L 42, 23. 2. 1970, p. 1.

<sup>(2)</sup> OJ No L 169, 8. 7. 1996, p. 1.

<sup>(3)</sup> OJ No L 262, 27. 9. 1976, p. 54.

<sup>(4)</sup> OJ No L 265, 12. 9. 1989, p. 1.

<sup>(5)</sup> OJ No L 262, 27. 9. 1976, p. 1.

<sup>(6)</sup> OJ No L 366, 31. 12. 1991, p. 17.

## COMMISSION DECISION

of 18 November 1996

concerning a request for exemption submitted by the United Kingdom pursuant to Article 8 (2) (c) of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(Only the English text is authentic)

(96/686/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers<sup>(1)</sup>, as last amended by Directive 96/27/EC of the European Parliament and of the Council<sup>(2)</sup>, and in particular Article 8 (2) (c) thereof,

Whereas the request submitted by the United Kingdom on 8 March 1996, which reached the Commission on 15 March 1996, contains the information required by Article 8 (2) (c); whereas the request concerns the fitting of seven types of vehicle with three types of third stop lamp falling within category ECE S3 by virtue of ECE (United Nations Economic Commission for Europe) Regulation No 7 and fitted in accordance with ECE Regulation No 48;

Whereas the reasons given in the request, according to which the fitting of the stop lamps and the stop lamps themselves do not meet the requirements of Council Directive 76/758/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to end-outline marker lamps, front position (side) lamps, rear position (side) lamps and stop lamps for motor vehicles and their trailers<sup>(3)</sup>, as last amended by Commission Directive 89/516/EEC<sup>(4)</sup>, or of Council Directive 76/756/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to the installation of lighting and light-signalling devices on motor vehicles and their trailers<sup>(5)</sup>, as last amended by Commission Directive 91/663/EEC<sup>(6)</sup> are well founded; whereas the

descriptions of the tests, the results thereof and their compliance with ECE Regulations No 7 and No 48 ensure a satisfactory level of safety;

Whereas the Community Directives concerned will be amended in order to permit the production and fitting of such stop lamps;

Whereas the measure provided for in this Decision is in accordance with the opinion of the Committee on adaptation to technical progress set up by Directive 70/156/EEC,

HAS ADOPTED THIS DECISION:

*Article 1*

The request submitted by the United Kingdom for an exemption concerning the production and fitting of three types of third stop lamp falling within category ECE S3 by virtue of ECE Regulation No 7 and fitted in accordance with ECE Regulation No 48 on the types of vehicles for which they are intended is hereby approved.

*Article 2*

This Decision is addressed to the United Kingdom.

Done at Brussels, 18 November 1996.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

<sup>(1)</sup> OJ No L 42, 23. 2. 1970, p. 1.

<sup>(2)</sup> OJ No L 169, 8. 7. 1996, p. 1.

<sup>(3)</sup> OJ No L 262, 27. 9. 1976, p. 54.

<sup>(4)</sup> OJ No L 265, 12. 9. 1989, p. 1.

<sup>(5)</sup> OJ No L 262, 27. 9. 1976, p. 1.

<sup>(6)</sup> OJ No L 366, 31. 12. 1991, p. 17.

## CORRIGENDA

Corrigendum to Commission Regulation (EC) No 1442/95 of 26 June 1995 amending Annexes I, II, III and IV of Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin

(Official Journal of the European Communities No L 143 of 27 June 1995)

Pages 29 and 30, Annex, part C, 1.2.2.1., 1.2.2.2. and 1.2.2.3., should read as follows:

'C. Annex III is modified as follows:

1. Anti-infectious agents
- 1.2. Antibiotics
- 1.2.2. Macrolides

| Pharmacologically Active substance(s) | Marker Residue | Animal Species                                              | MRLs                                | Target Tissues                             | Other provisions                                                                                                                  |
|---------------------------------------|----------------|-------------------------------------------------------------|-------------------------------------|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| "1.2.2.1. Spiramycin                  | Spiramycin     | Porcine                                                     | 600 µg/kg<br>300 µg/kg<br>200 µg/kg | Liver<br>Kidney, muscle<br>Fat             | Provisional MRLs expire on 1 July 1997<br>MRLs apply to all microbiological active residues expressed as Spiramycin-equivalent    |
| 1.2.2.2. Tylosin                      | Tylosin        | Bovine, Porcine, Poultry<br>Bovine                          | 100 µg/kg<br>50 µg/kg               | Muscle, liver, kidney<br>Milk              | Provisional MRLs expire on 1 July 1997                                                                                            |
| 1.2.2.3. Erythromycin                 | Erythromycin   | Bovine, ovine, porcine, poultry<br>Bovine, ovine<br>Poultry | 400 µg/kg<br>10 µg/kg<br>200 µg/kg  | Liver, kidney, muscle, fat<br>Milk<br>Eggs | Provisional MRLs expire on 1 June 2000<br>MRLs apply to all microbiological active residues expressed as Erythromycin-equivalent" |