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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2366/96
of 6 December 1996
amending for the fifth time Regulation (EC) No 3074/95 fixing, for certain fish
stocks and groups of fish stocks, the total allowable catches for 1996 and certain
conditions under which they may be fished

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽¹⁾, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas, under Article 8 (4) of Regulation (EEC) No 3760/92, it is incumbent upon the Council to establish the total allowable catches (TACs) by fishery or group of fisheries;

Whereas Regulation (EC) No 3074/95 ⁽²⁾ fixes, for certain fish stocks and groups of fish stocks, the TACs for 1996 and certain conditions under which they may be fished;

Whereas the state of the stocks of herring in zone VII g, h, j, k and of haddock in zones VII, VIII, IX, X and CECAF 34.1.1 (Community waters) allows TACs to be increased without endangering the future management of these resources;

Whereas, within the framework of bilateral consultations between the Community and Poland, the Community share for Baltic sprat has been increased;

Whereas Regulation (EC) No 3074/95 should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to this Regulation shall replace the corresponding elements of the Annex to Regulation (EC) No 3074/95.

Article 2

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

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

Done at Brussels, 6 December 1996.

For the Council

The President

D. SPRING

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

⁽²⁾ OJ No L 330, 30. 12. 1995, p. 1. Regulation as last amended by Regulation (EC) No 1952/96 (OJ No L 258, 11. 10. 1996, p. 1).

ANNEX

Species: Herring <i>Clupea harengus</i>	Zone: VII g, h, j, k ⁽¹⁾
België/Belgique Danmark Deutschland 230 Ελλάδα España France 1 300 Ireland 18 140 Italia Luxembourg Nederland 1 300 Österreich Portugal Suomi/Finland Sverige United Kingdom 30 EC 21 000 TAC 21 000 ^(*)	⁽¹⁾ Increased by zone bounded: — to the north by latitude 52° 30'N, — to the south by latitude 52° 00'N, — to the west by the coast of Ireland, — to the east by the coast of the United Kingdom. ^(*) Precautionary TAC.
Species: Haddock <i>Melanogrammus aeglefinus</i>	Zone: VII, VIII, IX, X, CECF 34.1.1 ⁽¹⁾
België/Belgique 110 ⁽²⁾ Danmark Deutschland Ελλάδα España France 6 670 ⁽²⁾ Ireland 2 220 ⁽²⁾ Italia Luxembourg Nederland Österreich Portugal Suomi/Finland Sverige United Kingdom 1 000 ⁽²⁾ EC 10 000 TAC 10 000 ^(*)	⁽¹⁾ Community waters. ⁽²⁾ May not be fished in the waters under the sovereignty or jurisdiction of Spain and Portugal. ^(*) Precautionary TAC.

Species: Sprat <i>Sprattus sprattus</i>		Zone: III b, c, d ⁽¹⁾
België/Belgique		⁽¹⁾ Community waters. ⁽²⁾ Of which, for Germany and Denmark together, no more than 4 000 t may be fished in the Estonian zone, no more than 6 000 t in the Latvian zone, and no more than 2 000 t in the Lithuanian zone. ⁽³⁾ Of which no more than 2 500 t may be fished in the Estonian zone and no more than 1 000 t in the Latvian zone.
Danmark	45 270	
Deutschland	27 170	
Ελλάδα		
España		
France		
Ireland		
Italia		
Luxembourg		
Nederland		
Österreich		
Portugal		
Suomi/Finland	23 220 ⁽³⁾	
Sverige	85 240	
United Kingdom		
EC	180 900 ⁽²⁾	
TAC	182 900	

COMMISSION REGULATION (EC) No 2367/96

of 12 December 1996

on the issuing of export licences for fruit and vegetables without advances fixing of the refund

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 1035/72 as regards export refunds on fruit and vegetables⁽¹⁾, and in particular Article 7 thereof,Whereas, under Article 7 of Regulation (EC) No 2190/96, Articles 5 and 6 of Commission Regulation (EC) No 1488/95 of 28 June 1995 on implementing rules for export refunds on fruit and vegetables⁽²⁾, as last amended by Regulation (EC) No 2702/95⁽³⁾, continue to apply to licences without advance fixing as referred to in Article 5 thereof that are applied for in respect of consignments for which the export declaration is accepted before 25 November 1996;Whereas Commission Regulation (EC) No 1832/96⁽⁴⁾, as amended by Regulation (EC) No 2110/96⁽⁵⁾, fixes the indicative quantities laid down for the issue of export licences other than those requested in the context of food aid;

Whereas, in the light of information now available to the Commission, the indicative quantities have been exceeded in the case of tomatoes, hazelnuts in shell, walnuts in shell, lemons, apples and table grapes; whereas, furthermore, in the case of table grapes the quantities in respect of which licences without advance fixing can be applied for have been exhausted until July 1997;

Whereas as a consequence a reduction coefficient should be fixed for quantities applied for licences without advance fixing of the refund applied for between 1 October and 24 November 1996 in the case of table grapes and a rate of refund which is lower than the indicative rate should be fixed for tomatoes, hazelnuts in shell, walnuts in shell, lemons and apples,

HAS ADOPTED THIS REGULATION:

Article 1

The reduction coefficients by which the quantities applied for must be multiplied and the rates of refund applying to export licences without advance fixing of the refund as referred to in Article 5 of Regulation (EC) No 1488/95 and applied for between 1 October and 4 November 1996 shall be as fixed in the Annex hereto.

The above subparagraph shall not apply to licences applied for in connection with food-aid operations as provided for in Article 10 (4) of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations.

Article 2

This Regulation shall enter into force on 13 December 1996.

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

Done at Brussels, 12 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ No L 145, 29. 6. 1995, p. 68.

⁽³⁾ OJ No L 280, 23. 11. 1995, p. 30.

⁽⁴⁾ OJ No L 243, 24. 9. 1996, p. 17.

⁽⁵⁾ OJ No L 282, 1. 11. 1996, p. 58.

ANNEX

Reduction coefficients for quantities applied for and rates of refund applicable to licences without advance fixing of the refund applied for between 1 October and 24 November 1996

Product	Reduction coefficient (quantities)	Rate of refund (ECU/tonne net)
Tomatoes	(no reduction)	14,35
Shelled almonds	(no reduction)	77,90
Hazelnuts in shell	(no reduction)	46,86
Shelled hazelnuts	(no reduction)	175,60
Walnuts in shell	(no reduction)	109,23
Oranges	(no reduction)	88,60
Lemons	(no reduction)	66,26
Table grapes	0,2323	39,00
Apples	(no reduction)	44,75
Peaches and nectarines		

COMMISSION REGULATION (EC) No 2368/96
of 12 December 1996

**derogating from and amending Regulation (EEC) No 2456/93 laying down
detailed rules for the application of Council Regulation (EEC) No 805/68 as
regards the general and special intervention measures for beef**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 2222/96⁽²⁾, and in particular Articles 6 (7) and 22a (3) thereof,

Whereas, because of the current reduced consumption of beef and veal in the Community, prices continue to be low; whereas the situation calls for support measures;

Whereas, to that end, certain derogations should be made from Commission Regulation (EEC) No 2456/93 of 1 September 1993⁽³⁾, as last amended by Regulation (EC) No 2015/96⁽⁴⁾, in respect of invitations to tender opened in January, February and March 1997;

Whereas, in order for intervention to provide a full response to the serious situation on the market, the list of eligible qualities laid down for the United Kingdom should be extended; whereas the abovementioned Regulation should also be supplemented, on an exceptional and temporary basis and for the sake of fairness, to allow the buying-in of carcasses of young bovine animals in conformation classes S and E in Member States where production of those classes predominates and the market prices are regularly recorded;

Whereas, by way of an exception, the maximum weight provided for in Article 4 (2) (h) of Regulation (EEC) No 2456/93 did not apply for April to December; whereas there should be a gradual return to the weight limit originally laid down;

Whereas the closing dates for the submission of tenders is the second and fourth Tuesdays of the month; whereas, in view of the public holidays in March 1997, the closing dates for March and April 1997 should be changed for practical reasons;

Whereas, in view of the difficult situation currently facing the beef industry, the increase to be applied to the average market price in order to calculate the maximum buying-in price should be temporarily adjusted to take

account, in particular, of increased costs and reduced income in the sector;

Whereas the rules on the lodging of securities in the form of cash deposits should be made clearer so as to permit intervention agencies to accept bank cheques;

Whereas, in the light of experience, intervention agencies should be authorized to reduce, where necessary, the delivery period for products in order to prevent deliveries relating to two consecutive tenders from overlapping;

Whereas the Management Committee for Beef and Veal has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. Notwithstanding the first subparagraph of Article 4 (1) of Regulation (EEC) No 2456/93:

(a) The additional products not included in Annex III to that Regulation which may be bought into intervention shall be as follows:

UNITED KINGDOM

Great Britain

- category A, class U2 and class U3,
- category A, class R2 and class R3,
- category A, class O2 and class O3,
- category C, class U3 and class U4,
- category C, class O3 and class O4.

Northern Ireland

- category A, class U2 and class U3,
- category A, class R2 and class R3,
- category A, class O2 and class O3,
- category C, class O3 and class O4.

The difference between the intervention price for quality R3 and that for quality O4 shall be ECU 30 per 100 kilograms.

The coefficient to be used for converting tenders submitted for quality R3 into tenders for quality O4 shall be 0,914 (middle class).

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ No L 225, 4. 9. 1993, p. 4.

⁽⁴⁾ OJ No L 269, 22. 10. 1996, p. 16.

- (b) Products in category A falling within conformation classes S2, S3, E2 and E3 in accordance with the Community classification scale may be bought into intervention in Member States which regularly record the prices for those qualities and where classes S and E accounted for at least 50 % of the animals slaughtered in category A in 1995.

The coefficients to be used for converting from quality R3 into qualities S2, S3, E2 and E3 shall be 1,356, 1,304, 1,228 and 1,156 (middle class) respectively.

2. Notwithstanding Article 4 (2) of Regulation (EEC) No 2456/93:

- (a) carcasses and half-carcasses of castrated animals reared in the United Kingdom which are more than 30 months old may not be bought in;
- (b) forequarters obtained from carcasses or half-carcasses as referred to in that paragraph may be bought in.

3. Notwithstanding Article 4 (2) (h) of Regulation (EEC) No 2456/93, the maximum weight of carcasses as referred to in the above provision shall be:

- (a) for carcasses of animals in categories A and C, conformation classes U, R and O:

— 380 kg for invitations to tender in January 1997,
— 370 kg for invitations to tender in February 1997,
— 360 kg for invitations to tender in March 1997;

- (b) for carcasses of animals in category A, conformation classes S and E:

— 470 kg for invitations to tender in January 1997,
— 460 kg for invitations to tender in February 1997,
— 450 kg for invitations to tender in March 1997.

4. Notwithstanding the first sentence of Article 10 of Regulation (EEC) No 2456/93, during the period 1 March

to 30 April 1997, the deadline for the submission of tenders shall expire at 12 noon (Brussels time):

- on the second Tuesday in March,
— on the first and fourth Tuesdays in April.

5. Notwithstanding Article 14 (1) of Regulation (EEC) No 2456/93:

- (a) the increase applicable, in accordance with the first sentence, to the average market price shall be ECU 14 per 100 kilograms carcass weight;
- (b) the increase applicable, in accordance with the second sentence, to the average market price shall be ECU 7 per 100 kilograms carcass weight.

Article 2

Regulation (EEC) No 2456/93 is hereby amended as follows:

- (1) Article 12 (2) is replaced by the following:

'2. Notwithstanding Articles 8 (1) and 11 of Commission Regulation (EEC) No 2220/85, securities shall be lodged only in the form of cash deposits as defined in Articles 13 and 14 (1) and (3) of that Regulation.'

- (2) The following is added to Article 16 (2):

'In addition, intervention agencies may, when setting the timetable for deliveries as referred to in paragraph 1 (c), reduce that period to not less than 14 days.'

Article 3

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

Article 1, with the exception of paragraph 4 thereof, shall apply to invitations to tender opened in January, February and March 1997.

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

Done at Brussels, 12 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2369/96

of 12 December 1996

opening and providing for the administration of a Community tariff quota for
10 000 tonnes of oat grains otherwise worked falling within CN codes 1104 22 92
and 1104 22 99

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas the Community, for the purposes of the WTO, undertook to establish, per marketing year and from 1 January 1996, a tariff quota at zero duty for 10 000 tonnes of oat grains otherwise worked falling within CN codes 1104 22 92 and 1104 22 99;

Whereas these imports are subject to the presentation of import licences; whereas the conditions governing the issue of such licences should be specified;

Whereas adequate management of imports requires the establishment of a system of securities; whereas, in view of the likelihood of speculation inherent in the system on account of the exemption from payment of the duty, access to the imports in question should be limited to those operators who have lodged a security for importation, who supply proof that they have exercised a commercial activity in the cereals sector for at least 12 months and who are registered in the Member State in which the application is submitted,

Whereas special provisions governing the organization of imports, and in particular those relating to notices concerning import licence applications will be adopted in accordance with the procedure laid down in Article 23 of Council Regulation (EEC) No 1766/92 ⁽²⁾, as last amended by Commission Regulation (EC) No 923/96 ⁽³⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The import per marketing year of 10 000 tonnes of oat grains otherwise worked falling within CN codes

1104 22 92 and 1104 22 99, benefiting from a zero rate of import duty, shall be subject to an import licence issued in accordance with the provisions of this Regulation.

However, for the 1995/96 marketing year, the maximum quantity to be imported shall be 5 000 tonnes.

Article 2

1. An application for an import licence in respect of the quantity stated in Article 1 shall be admissible subject to the following conditions:

- (a) the application shall relate to a maximum of 350 tonnes of oats to be imported;
- (b) where the application is submitted by an agent, it shall contain the name and address of the operator;
- (c) the application shall be accompanied by:
 - proof that the applicant is a natural or legal person who has exercised a commercial activity in the cereals sector for at least 12 months and is registered in the Member State in which the application is submitted,
 - proof that a security of ECU 5 per tonne has been lodged with the competent authority of the Member State concerned, the security serving to establish the applicant's good faith,
 - a written statement by the applicant certifying that he has submitted only one application. Where the applicant submits more than one application for an import licence in respect of the same product, all such applications shall be inadmissible.

However, applications for import licences for oat grains otherwise worked submitted between 1 January 1996 and the date of entry into force of this Regulation shall be considered as having been submitted under this Regulation. To this end, Member States shall forward information as to the quantities specified in the applications for import licences for oat grains otherwise worked falling under the CN codes referred to in Article 1 submitted during that period to the Commission by telex, fax or telegram within 15 days of the date of the entry into force of this Regulation. On the basis of the quantities notified in this way, the Commission shall, where appropriate, apply the second subparagraph of Article 3 (3).

2. An application may not be withdrawn.

⁽¹⁾ OJ No L 146, 20. 6. 1996, p. 1.

⁽²⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽³⁾ OJ No L 126, 24. 5. 1996, p. 37.

Article 3

1. Applications for import licences for oat grains otherwise worked falling within CN codes 1104 22 92 and 1104 22 99 shall be submitted to the competent authorities of any Member State on the second working Monday of each month up to 1 p.m. (Brussels time). A quantity of 1 000 tonnes shall, to this end, be available in respect of each month until the quantities referred to in Article 1 are used up. Quantities not used in the course of one month shall be carried forward to the following month until the end of each marketing year.

2. Member States shall notify to the Commission, in accordance with the model set out in Annex I to this Regulation, by telex, fax or telegram, within two working days of the closing date for the submission of applications:

- the number of admissible applications submitted, even where that number is zero,
- the quantity of oats in respect of which applications for licences have been submitted,
- the names and addresses of the applicants.

3. Within three working days of the time limit for notification referred to in paragraph 2, the Commission shall inform the Member States whether or not the licences may be issued for the total quantities in respect of each product for which applications were submitted. Where such quantity exceeds the quantity of product to be imported over the period considered, the Commission shall notify the Member States of the reduction or reductions which they will have to apply, when issuing the licences, to the quantities for which applications were submitted.

If the applications for import licences submitted between 1 January 1996 and the date of entry into force of this Regulation and the licences issued over that same period, notified to the Commission pursuant to the second subparagraph of Article 2 (1), exceed the quantity specified in Article 1, the Commission shall apply a reduction coefficient to the quantities to which each of those applications or licences relates.

In the case of licences already issued, the resulting quantity shall be multiplied by the reduced duty referred to in Article 1, and the balance remaining up to the quantity for which the licence had been issued shall be subject to the import duty in force on the date the customs formalities were completed. The authority responsible for the issue of the import licences in the Member State issuing those licences shall, at the request of the operator concerned, issue a certificate in accordance with the model set out in Annex II, specifying the quantity qualifying for repayment of the duty, in accordance with Article 880 of Commission Regulation (EEC) No 2454/93⁽¹⁾. The operator concerned may, on the strength of that certificate, apply to the customs office where

release for free circulation was or will be effected for repayment of the duty paid, in accordance with Articles 877 to 881 of Regulation (EEC) No 2454/93.

4. Import licences shall be issued as soon as possible after the Commission's notification to the Member States referred to in paragraph 3, and in any event within three working days.

Notwithstanding Article 6 of Commission Regulation (EC) No 1162/95⁽²⁾, the period of validity of licences for oat grains otherwise worked issued as part of the present quota shall be 45 days.

Article 4

An import licence shall contain the following entries and shall be subject to the following conditions:

- in boxes 7 and 8 the country of provenance and the country of origin of the product in question shall be mentioned respectively,
- in boxes 7 and 8 the entry 'yes' must be marked with a cross,
- notwithstanding Article 8 (4) of Commission Regulation (EEC) No 3719/88⁽³⁾, the quantity released for free circulation may not exceed that indicated in boxes 17 and 18, and the number 0 must therefore be entered in box 19,
- in box 20, one of the following entries shall be made:
 - Reglamento (CE) n° 2369/96
 - Forordning (EF) nr. 2369/96
 - Verordnung (EG) Nr. 2369/96
 - Κανονισμός (ΕΚ) αριθ. 2369/96
 - Regulation (EC) No 2369/96
 - Règlement (CE) n° 2369/96
 - Regolamento (CE) n. 2369/96
 - Verordening (EG) nr. 2369/96
 - Regulamento (CE) n° 2369/96
 - Asetus (EY) N:o 2369/96
 - Förordning (EG) nr 2369/96,
- in box 24, one of the following entries shall be made:
 - Derecho cero. Contingente arancelario de granos de avena trabajados de otra forma de los códigos NC 1104 22 92 y 1104 22 99
 - Toldfritagelse. Toldkontingent for havrekerner, bearbejdet på anden måde, i KN-kode 1104 22 92 og 1104 22 99
 - Nullsatz. Zollkontingent für anders bearbeiteten Hafer der KN-Codes 1104 22 92 und 1104 22 99

⁽¹⁾ OJ No L 117, 24. 5. 1995, p. 2.

⁽²⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽³⁾ OJ No L 253, 11. 10. 1993, p. 1.

- Δασμός μηδέν. Δασμολογική ποσόστωση σπόρων βρώμης αλλιώς επεξεργασμένων των κωδικών ΣΟ 1104 22 92 και 1104 22 99
 - Zero duty. Tariff quota for oats grains otherwise worked falling within CN codes 1104 22 92 and 1104 22 99
 - Droit zéro. Contingent tarifaire de grains d'avoine autrement travaillés des codes NC 1104 22 92 et 1104 22 99
 - Dazio zero. Contingente tariffario di cereali di avena altrimenti lavorati dei codici NC 1104 22 92 e 1104 22 99
 - Nulrecht. Tariefcontingent voor op andere wijze bewerkte haver van de GN-codes 1104 22 92 en 1104 22 99
 - Direito igual a zero. Contingente pautal de grãos de aveia trabalhados de outro modo, dos códigos NC 1104 22 92 e 1104 22 99
 - Tulliton. CN-koodeihin 1104 22 92 ja 1104 22 99 kuuluvien muulla tavoin käsiteltyjen kauranjyvien kiintiö
 - Tullsats 0. Tullkvot för korn av havre bearbetad på annat sätt med KN-nummer 1104 22 92 och 1104 22 99.
- notwithstanding Regulation (EEC) No 3719/88, the rights arising from the licence shall not be transmissible.

Article 5

The good faith security referred to in the second indent of Article 2 (1) (c) shall be released on the issue of the licence.

Article 6

1. Member states shall notify the Commission by telex, fax or telegram:

- (a) within two working days of the issue of the licence, of the quantity of each product in respect of which licences have been issued, the issue dates, the countries of origin and provenance of the product and the names and addresses of the licence holders, and
- (b) at the latest on the last working day of each month following that in which the product was released for free circulation, of the details referred to in (a) and the quantity of product released for free circulation broken down by country of origin.

2. The forwarding of the information referred to in paragraph 1 shall be obligatory even where an application has not been submitted, a licence has not been issued and importation has not taken place.

Article 7

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

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

Done at Brussels, 12 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Model for the forwarding of information referred to in Article 3 (2)

Application No	Quantity	Applicant	Address
Total quantity			

*ANNEX II***Model of certificate referred to in Article 3 (3)**

Reference import licence No:

Holder: (name, full address and Member State)

.....

Body issuing the extract: (name and address).....

.....

Rights transmitted to:

.....

Quantity in respect of which repayment may be applied for, in accordance with Regulation (EC) No 2369/96: (quantity in kg)

.....

(Date and signature)

COMMISSION REGULATION (EC) No 2370/96

of 12 December 1996

amending Regulation (EC) No 1372/95 laying down detailed rules for implementing the system of export licences in the poultrymeat sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Commission Regulation (EC) No 2916/95⁽²⁾, and in particular Article 3 (2) thereof,

Whereas Commission Regulation (EC) No 1372/95⁽³⁾, as last amended by Regulation (EC) No 2238/96⁽⁴⁾, lays down detailed rules for implementing the system of export licences in the poultrymeat sector;

Whereas, in order to avoid speculative applications, the period of validity of licences for product category 6 was reduced for particular destinations by Regulation (EC) No 2238/96; whereas it is also necessary, in order to achieve the said objectives, to make the destination for products of category 6 compulsory;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 of Regulation (EC) No 1372/95 the following paragraphs 6 and 7 are added:

'6. In the case of licences for products of category 6 (a) referred to in Annex I it is obligatory to export to the country of destination indicated in case 7 or to any country referred to in Annex IV.

To this end, licence applications and licences shall contain at least one of the following

— in section 20:

- Categoría 6 a)
- Kategori 6a)
- Kategorie 6a
- Κατηγορία 6 α)
- Category 6 (a)
- Catégorie 6a)
- Categoria 6a)
- Categorie 6a)
- Categoria 6a)
- Tuoteluokka 6a)
- Kategori 6a),

— in section 22:

- Exportación obligatoria a los países mencionados en el Anexo IV del Reglamento (CE) n° 1372/95
- Udførsel obligatorisk til lande, der er anført i bilag IV til forordning (EF) nr. 1372/95
- Ausfuhr nach den in Anhang IV der Verordnung (EG) Nr. 1372/95 genannten Länder ist verbindlich
- Υποχρεωτική εξαγωγή σε χώρες που αναφέρονται στο παράρτημα IV του κανονισμού (ΕΚ) αριθ. 1372/95
- Export obligatory to countries referred to in Annex IV to Regulation (EC) No 1372/95
- Exportation obligatoire vers les pays visés à l'annexe IV du règlement (CE) n° 1372/95
- Esportazione obbligatoria verso paesi elencati nell'allegato IV del regolamento (CE) n. 1372/95
- Verplichte uitvoer naar landen die zijn vermeld in bijlage IV bij Verordening (EG) nr. 1372/95
- Exportação obrigatória para países referidos no anexo IV do Regulamento (CE) n° 1372/95
- Velvoittaa viemään asetuksen (EY) N:o 1372/95 liitteessä IV tarkoitettuihin maihin
- Export obligatorisk till länderna i bilaga IV till förordning (EG) nr 1372/95.

7. In the case of licences for products of category 6 (b) referred to in Annex I it is obligatory to export to the country of destination indicated in case 7 or to any other country not referred to in Annex IV.

To this end, licence applications and licences shall contain at least one of the following

— in section 20:

- Categoría 6 b)
- Kategori 6b)
- Kategorie 6b
- Κατηγορία 6 β)
- Category 6 (b)
- Catégorie 6b)
- Categoria 6b)
- Categorie 6b)
- Categoria 6b)
- Tuoteluokka 6b)
- Kategori 6b),

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 305, 19. 12. 1995, p. 49.

⁽³⁾ OJ No L 133, 17. 6. 1995, p. 26.

⁽⁴⁾ OJ No L 299, 23. 11. 1996, p. 16.

- in section 22:
 - Exportación obligatoria a los países no mencionados en el Anexo IV del Reglamento (CE) n° 1372/95
 - Udførsel obligatorisk til lande, der ikke er anført i bilag IV til forordning (EF) nr. 1372/95
 - Ausfuhr nach einem der nicht in Anhang IV der Verordnung (EG) Nr. 1372/95 genannten Länder ist verbindlich
 - Υποχρεωτική εξαγωγή σε χώρες που δεν αναφέρονται στο παράρτημα IV του κανονισμού (ΕΚ) αριθ. 1372/95
 - Export obligatory to countries not referred to in Annex IV to Regulation (EC) No 1372/95
 - Exportation obligatoire vers les pays autres que ceux visés à l'annexe IV du règlement (CE) n° 1372/95
- Esportazione obbligatoria verso paesi non elencati nell'allegato IV del regolamento (CE) n. 1372/95
- Verplichte uitvoer naar landen die niet zijn vermeld in bijlage IV bij Verordening (EG) nr. 1372/95
- Exportação obrigatória para países não referidos no anexo IV do Regulamento (CE) n° 1372/95
- Velvoittaa viemään muihin kuin asetuksen (EY) N:o 1372/95 liitteessä IV tarkoitettuihin maihin
- Export obligatorisk till länder som inte anges i bilaga IV till förordning (EG) nr 1372/95.

Article 2

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

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

Done at Brussels, 12 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2371/96

of 12 December 1996

fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 17 (3) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Regulation (EEC) No 804/68 provides that when the refunds on the products listed in Article 1 of the abovementioned Regulation, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 228 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 17(5) of Regulation (EEC) No 804/68 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 12 of Commission Regulation (EC) No 1466/95 of 27 June 1995 on specific detailed rules for the application of export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 1875/96 ⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ No L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ No L 247, 28. 9. 1996, p. 36.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 230,00 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽³⁾, as last amended by Regulation (EEC) No 222/88⁽⁴⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

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

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾, as amended by Regulation (EC) No 1380/95⁽⁶⁾ 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⁽⁷⁾; whereas account should be taken of this fact when fixing the refunds;

Whereas, in the light of the amendment introduced by Regulation (EC) No 1222/96⁽⁸⁾, 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 Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to destinations No 022, 024, 028, 043, 044, 045, 046, 052, 404, 600, 800 and 804 for products falling within CN code 0406.

Article 2

This Regulation shall enter into force on 13 December 1996.

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

Done at Brussels, 12 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 91, 1. 4. 1984, p. 71.

⁽⁴⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁶⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁷⁾ OJ No L 65, 15. 3. 1996, p. 1.

⁽⁸⁾ OJ No L 161, 29. 6. 1996, p. 62.

ANNEX

to the Commission Regulation of 12 December 1996 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0401 10 10 000	+	4,748	0402 21 99 600	+	131,29
0401 10 90 000	+	4,748	0402 21 99 700	+	137,24
0401 20 11 100	+	4,748	0402 21 99 900	+	143,96
0401 20 11 500	+	7,340	0402 29 15 200	+	0,6300
0401 20 19 100	+	4,748	0402 29 15 300	+	0,9530
0401 20 19 500	+	7,340	0402 29 15 500	+	1,0040
0401 20 91 100	+	9,775	0402 29 15 900	+	1,0802
0401 20 91 500	+	11,39	0402 29 19 200	+	0,6300
0401 20 99 100	+	9,775	0402 29 19 300	+	0,9530
0401 20 99 500	+	11,39	0402 29 19 500	+	1,0040
0401 30 11 100	+	14,62	0402 29 19 900	+	1,0802
0401 30 11 400	+	22,55	0402 29 91 100	+	1,0878
0401 30 11 700	+	33,87	0402 29 91 500	+	1,1851
0401 30 19 100	+	14,62	0402 29 99 100	+	1,0878
0401 30 19 400	+	22,55	0402 29 99 500	+	1,1851
0401 30 19 700	+	33,87	0402 91 11 110	+	4,748
0401 30 31 100	+	40,34	0402 91 11 120	+	9,775
0401 30 31 400	+	63,00	0402 91 11 310	+	14,00
0401 30 31 700	+	69,47	0402 91 11 350	+	17,15
0401 30 39 100	+	40,34	0402 91 11 370	+	20,85
0401 30 39 400	+	63,00	0402 91 19 110	+	4,748
0401 30 39 700	+	69,47	0402 91 19 120	+	9,775
0401 30 91 100	+	79,18	0402 91 19 310	+	14,00
0401 30 91 400	+	116,37	0402 91 19 350	+	17,15
0401 30 91 700	+	135,80	0402 91 19 370	+	20,85
0401 30 99 100	+	79,18	0402 91 31 100	+	19,31
0401 30 99 400	+	116,37	0402 91 31 300	+	24,65
0401 30 99 700	+	135,80	0402 91 39 100	+	19,31
0402 10 11 000	+	63,00	0402 91 39 300	+	24,65
0402 10 19 000	+	63,00	0402 91 51 000	+	22,55
0402 10 91 000	+	0,6300	0402 91 59 000	+	22,55
0402 10 99 000	+	0,6300	0402 91 91 000	+	79,18
0402 21 11 200	+	63,00	0402 91 99 000	+	79,18
0402 21 11 300	+	95,30	0402 99 11 110	+	0,0475
0402 21 11 500	+	100,40	0402 99 11 130	+	0,0978
0402 21 11 900	+	108,00	0402 99 11 150	+	0,1336
0402 21 17 000	+	63,00	0402 99 11 310	+	16,14
0402 21 19 300	+	95,30	0402 99 11 330	+	19,37
0402 21 19 500	+	100,40	0402 99 11 350	+	25,75
0402 21 19 900	+	108,00	0402 99 19 110	+	0,0475
0402 21 91 100	+	108,78	0402 99 19 130	+	0,0978
0402 21 91 200	+	109,53	0402 99 19 150	+	0,1336
0402 21 91 300	+	110,88	0402 99 19 310	+	16,14
0402 21 91 400	+	118,51	0402 99 19 330	+	19,37
0402 21 91 500	+	121,15	0402 99 19 350	+	25,75
0402 21 91 600	+	131,29	0402 99 31 110	+	0,2094
0402 21 91 700	+	137,24	0402 99 31 150	+	26,81
0402 21 91 900	+	143,96	0402 99 31 300	+	0,4034
0402 21 99 100	+	108,78	0402 99 31 500	+	0,6947
0402 21 99 200	+	109,53	0402 99 39 110	+	0,2094
0402 21 99 300	+	110,88	0402 99 39 150	+	26,81
0402 21 99 400	+	118,51	0402 99 39 300	+	0,4034
0402 21 99 500	+	121,15			

Product code	Destination (°)	Amount of refund (°)	Product code	Destination (°)	Amount of refund (°)
0402 99 39 500	+	0,6947	0404 90 29 160	+	136,02
0402 99 91 000	+	0,7918	0404 90 29 180	+	142,66
0402 99 99 000	+	0,7918	0404 90 81 100	+	0,6194
0403 10 11 400	+	4,748	0404 90 81 910	+	0,0475
0403 10 11 800	+	7,340	0404 90 81 950	+	16,00
0403 10 13 800	+	9,775	0404 90 83 110	+	0,6194
0403 10 19 800	+	14,62	0404 90 83 130	+	0,9445
0403 10 31 400	+	0,0475	0404 90 83 150	+	0,9950
0403 10 31 800	+	0,0734	0404 90 83 170	+	1,0703
0403 10 33 800	+	0,0978	0404 90 83 911	+	0,0475
0403 10 39 800	+	0,1462	0404 90 83 913	+	0,0978
0403 90 11 000	+	61,94	0404 90 83 915	+	0,1462
0403 90 13 200	+	61,94	0404 90 83 917	+	0,2255
0403 90 13 300	+	94,45	0404 90 83 919	+	0,3387
0403 90 13 500	+	99,50	0404 90 83 931	+	16,00
0403 90 13 900	+	107,03	0404 90 83 933	+	19,20
0403 90 19 000	+	107,83	0404 90 83 935	+	25,52
0403 90 31 000	+	0,6194	0404 90 83 937	+	26,55
0403 90 33 200	+	0,6194	0404 90 89 130	+	1,0783
0403 90 33 300	+	0,9445	0404 90 89 150	+	1,1746
0403 90 33 500	+	0,9950	0404 90 89 930	+	0,4843
0403 90 33 900	+	1,0703	0404 90 89 950	+	0,6947
0403 90 39 000	+	1,0783	0404 90 89 990	+	0,7918
0403 90 51 100	+	4,748	0405 10 11 500	+	185,37
0403 90 51 300	+	7,340	0405 10 11 700	+	190,00
0403 90 53 000	+	9,775	0405 10 19 500	+	185,37
0403 90 59 110	+	14,62	0405 10 19 700	+	190,00
0403 90 59 140	+	22,55	0405 10 30 100	+	185,37
0403 90 59 170	+	33,87	0405 10 30 300	+	190,00
0403 90 59 310	+	40,34	0405 10 30 500	+	185,37
0403 90 59 340	+	63,00	0405 10 30 700	+	190,00
0403 90 59 370	+	69,47	0405 10 50 100	+	185,37
0403 90 59 510	+	79,18	0405 10 50 300	+	190,00
0403 90 59 540	+	116,37	0405 10 50 500	+	185,37
0403 90 59 570	+	135,80	0405 10 50 700	+	190,00
0403 90 61 100	+	0,0475	0405 10 90 000	+	196,95
0403 90 61 300	+	0,0734	0405 20 90 500	+	173,78
0403 90 63 000	+	0,0978	0405 20 90 700	+	180,73
0403 90 69 000	+	0,1462	0405 90 10 000	+	240,00
0404 90 21 100	+	61,94	0405 90 90 000	+	190,00
0404 90 21 910	+	4,748	0406 10 20 100	+	—
0404 90 21 950	+	13,87	0406 10 20 230	037	—
0404 90 23 120	+	61,94		039	—
0404 90 23 130	+	94,45		099	24,03
0404 90 23 140	+	99,50		400	24,72
0404 90 23 150	+	107,03		...	36,05
0404 90 23 911	+	4,748	0406 10 20 290	037	—
0404 90 23 913	+	9,775		039	—
0404 90 23 915	+	14,62		099	22,36
0404 90 23 917	+	22,55		400	22,99
0404 90 23 919	+	33,87		...	33,54
0404 90 23 931	+	13,87	0406 10 20 300	037	—
0404 90 23 933	+	17,00		039	—
0404 90 23 935	+	20,66		099	9,820
0404 90 23 937	+	24,43		400	11,78
0404 90 23 939	+	25,54		...	14,73
0404 90 29 110	+	107,83			
0404 90 29 115	+	108,54			
0404 90 29 120	+	109,89			
0404 90 29 130	+	117,46			
0404 90 29 135	+	120,05			
0404 90 29 150	+	130,11			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 10 20 610	037	—	0406 20 90 990	+	—
	039	—	0406 30 31 710	037	—
	099	41,70		039	—
	400	50,04		099	12,55
	...	62,55		400	12,55
0406 10 20 620	037	—		...	18,82
	039	—	0406 30 31 730	037	—
	099	45,73		039	—
	400	54,87		099	18,41
	...	68,59		400	18,41
0406 10 20 630	037	—		...	27,62
	039	—	0406 30 31 910	037	—
	099	51,63		039	—
	400	61,95		099	12,55
	...	77,44		400	12,55
0406 10 20 640	037	—		...	18,82
	039	—	0406 30 31 930	037	—
	099	60,59		039	—
	400	72,70		099	18,41
	...	90,88		400	18,41
0406 10 20 650	037	—		...	27,62
	039	—	0406 30 31 950	037	—
	099	63,07		039	—
	400	38,26		099	26,79
	...	94,61		400	26,79
0406 10 20 660	+	—		...	40,18
0406 10 20 830	037	—	0406 30 39 500	037	—
	039	—		039	—
	099	16,77		099	18,41
	400	20,12		400	18,41
	...	25,15		...	27,62
0406 10 20 850	037	—	0406 30 39 700	037	—
	039	—		039	—
	099	20,33		099	26,79
	400	24,39		400	26,79
	...	30,49		...	40,18
0406 10 20 870	+	—	0406 30 39 930	037	—
0406 10 20 900	+	—		039	—
0406 20 90 100	+	—		099	26,79
0406 20 90 913	037	—		400	26,79
	039	—		...	40,18
	099	39,59	0406 30 39 950	037	—
	400	47,50		039	—
	...	59,38		099	31,78
0406 20 90 915	037	—		400	31,78
	039	—		...	47,66
	099	52,78	0406 30 90 000	037	—
	400	63,34		039	—
	...	79,17		099	31,78
0406 20 90 917	037	—		400	31,78
	039	—		...	47,66
	099	56,07	0406 40 50 000	037	—
	400	67,29		039	—
	...	84,11		099	58,96
0406 20 90 919	037	—		400	49,60
	039	—		...	88,44
	099	62,67			
	400	75,21			
	...	94,01			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 40 90 000	037	—	0406 90 31 119	037	—
	039	—		039	—
	099	58,96		099	45,07
	400	49,60		400	34,60
	...	88,44		...	67,61
0406 90 07 000	037	—	0406 90 31 151	037	—
	039	—		039	—
	099	68,69		099	42,01
	400	97,72		400	32,34
	...	103,03		...	63,02
0406 90 08 100	037	—	0406 90 33 119	037	—
	039	—		039	—
	099	72,30		099	45,07
	400	102,86		400	34,60
	...	108,45		...	67,61
0406 90 08 900	+	—	0406 90 33 151	037	—
0406 90 09 100	037	—		039	—
	039	—		099	42,01
	099	68,69		400	32,34
	400	97,72		...	63,02
	...	103,03	0406 90 33 919	037	—
0406 90 09 900	+	—		039	—
	037	—		099	39,83
	039	—		400	30,57
	099	68,69		...	59,74
	400	97,72	0406 90 33 951	037	—
0406 90 12 000	...	103,03		039	—
	037	—		099	39,08
	039	—		400	30,08
	099	72,30		...	58,62
	400	102,86	0406 90 35 190	037	30,47
0406 90 14 100	...	108,45		039	30,47
	037	—		099	75,47
	039	—		400	79,25
	099	68,69		...	113,21
	400	97,72	0406 90 35 990	037	—
0406 90 14 900	...	103,03		039	—
	+	—		099	57,56
	037	—		400	60,44
	039	—		...	86,34
0406 90 16 100	099	68,69	0406 90 37 000	037	—
	400	97,72		039	—
	...	103,03		099	74,25
	037	—		400	102,86
	039	—		...	111,38
0406 90 16 900	099	70,69	0406 90 61 000	037	42,75
	400	66,96		039	42,75
	...	106,04		099	82,02
	037	—		400	86,12
	039	—		...	123,03
0406 90 21 900	099	58,34	0406 90 63 100	037	39,07
	400	31,81		039	39,07
	...	87,51		099	67,25
	037	—		400	100,88
	039	—		...	100,88
0406 90 23 900	099	48,04			
	400	27,93			
	...	72,06			
	037	—			
	039	—			
0406 90 25 900	099	58,34			
	400	31,81			
	...	87,51			
	037	—			
	039	—			
0406 90 27 900	099	48,04			
	400	27,93			
	...	72,06			
	037	—			
	039	—			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 63 900	037	31,07	0406 90 81 900	037	—
	039	31,07		039	—
	099	46,62		099	57,56
	400	69,93		400	60,44
	...	69,93		...	86,34
0406 90 69 100	+	—	0406 90 85 910	037	30,47
0406 90 69 910	037	—		039	30,47
	039	—		099	75,47
	099	51,51		400	79,25
	400	77,27		...	113,21
	...	77,27	0406 90 85 991	037	—
0406 90 73 900	037	—		039	—
	039	—		099	57,56
	099	70,37		400	60,44
	400	73,89		...	86,34
	...	105,56	0406 90 85 995	037	—
0406 90 75 900	037	—		039	—
	039	—		099	59,92
	099	58,71		400	31,81
	400	33,48		...	89,88
	...	88,06	0406 90 85 999	+	—
0406 90 76 100	037	—		+	—
	039	—		037	—
	099	43,06		039	—
	400	27,27		099	39,59
	...	64,59		400	41,57
0406 90 76 300	037	—	0406 90 86 100	...	59,38
	039	—		037	—
	099	52,73		039	—
	400	30,26		099	43,39
	...	79,09		400	45,56
0406 90 76 500	037	—	0406 90 86 300	...	65,08
	039	—		037	—
	099	52,73		039	—
	400	34,92		099	49,09
	...	79,09		400	51,54
0406 90 78 100	037	—	0406 90 86 400	...	73,63
	039	—		037	—
	099	43,06		039	—
	400	27,27		099	57,63
	...	64,59		400	60,52
0406 90 78 300	037	—	0406 90 86 900	...	86,45
	039	—		037	—
	099	52,73		039	—
	400	30,26		099	57,63
	...	79,09		400	60,52
0406 90 78 500	037	—	0406 90 87 100	...	86,45
	039	—		+	—
	099	52,73		037	—
	400	34,92		039	—
	...	79,09		099	36,61
0406 90 79 900	037	—	0406 90 87 200	400	38,44
	039	—		...	54,92
	099	53,45		037	—
	400	28,91		039	—
	...	80,17		099	40,13
			0406 90 87 300	400	42,13
				...	60,19

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 87 400	037	—	2309 10 15 010	+	—
	039	—	2309 10 15 100	+	—
	099	45,41	2309 10 15 200	+	—
	400	47,68	2309 10 15 300	+	—
	...	68,11	2309 10 15 400	+	—
0406 90 87 951	037	—	2309 10 15 500	+	—
	039	—	2309 10 15 700	+	—
	099	66,49	2309 10 19 010	+	—
	400	69,82	2309 10 19 100	+	—
	...	99,74	2309 10 19 200	+	—
0406 90 87 971	037	—	2309 10 19 300	+	—
	039	—	2309 10 19 400	+	—
	099	55,36	2309 10 19 500	+	—
	400	51,74	2309 10 19 600	+	—
	...	83,04	2309 10 19 700	+	—
0406 90 87 972	099	21,09	2309 10 19 800	+	—
	400	20,55	2309 10 70 010	+	—
	...	31,64	2309 10 70 100	+	14,58
			2309 10 70 200	+	19,44
0406 90 87 973	037	—	2309 10 70 300	+	24,30
	039	—	2309 10 70 500	+	29,16
	099	55,36	2309 10 70 600	+	34,02
	400	36,22	2309 10 70 700	+	38,88
	...	83,04	2309 10 70 800	+	42,77
0406 90 87 974	037	—	2309 90 35 010	+	—
	039	—	2309 90 35 100	+	—
	099	55,36	2309 90 35 200	+	—
	400	36,22	2309 90 35 300	+	—
	...	83,04	2309 90 35 400	+	—
0406 90 87 979	037	—	2309 90 35 500	+	—
	039	—	2309 90 35 700	+	—
	099	55,36	2309 90 39 010	+	—
	400	36,22	2309 90 39 100	+	—
	...	83,04	2309 90 39 200	+	—
0406 90 88 100	+	—	2309 90 39 300	+	—
0406 90 88 105	037	—	2309 90 39 400	+	—
	039	—	2309 90 39 500	+	—
	099	43,39	2309 90 39 600	+	—
	400	45,56	2309 90 39 700	+	—
	...	65,08	2309 90 39 800	+	—
0406 90 88 300	037	—	2309 90 70 010	+	—
	039	—	2309 90 70 100	+	14,58
	099	43,39	2309 90 70 200	+	19,44
	400	45,56	2309 90 70 300	+	24,30
	...	65,08	2309 90 70 500	+	29,16
			2309 90 70 600	+	34,02
			2309 90 70 700	+	38,88
			2309 90 70 800	+	42,77

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6).

However, '099' covers all destination codes from 053 to 096 inclusive.

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by '—'.

Where no destination ('+') is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

(**) 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.

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as amended.

**COMMISSION REGULATION (EC) No 2372/96
of 12 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⁽¹⁾, as last amended by Regulation (EC) No 1890/96⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third

countries, in respect of the products and periods stipulated in the Annex thereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 13 December 1996.

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

Done at Brussels, 12 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 249, 1. 10. 1996, p. 29.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 12 December 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 45	204	80,1
	624	162,5
	999	121,3
0707 00 40	624	113,5
	999	113,5
0709 10 40	220	179,7
	999	179,7
0709 90 79	052	81,9
	999	81,9
0805 10 61, 0805 10 65, 0805 10 69	052	59,6
	204	55,2
	388	33,4
	448	29,0
	624	36,0
	999	42,6
	052	81,6
0805 20 31	204	71,2
	999	76,4
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	59,3
	464	166,0
	999	112,6
0805 30 40	052	68,4
	528	50,0
	600	87,8
	999	68,7
0808 10 92, 0808 10 94, 0808 10 98	052	61,5
	060	44,2
	064	49,4
	400	80,7
	404	72,9
	999	61,7
	064	77,5
0808 20 67	091	49,8
	400	103,8
	624	69,0
	999	75,0

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 2373/96

of 12 December 1996

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (2) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 95/96⁽⁴⁾;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

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

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas it follows from applying the detailed rules set out above to the present situation on the market in

cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾, as amended by Regulation (EC) No 1380/95⁽⁶⁾, 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⁽⁷⁾; whereas account should be taken of this fact when fixing the refunds;

Whereas, in the light of the amendment introduced by Commission Regulation (EC) No 1222/96⁽⁸⁾, 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 Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 December 1996.

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

Done at Brussels, 12 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.
⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.
⁽³⁾ OJ No L 147, 30. 6. 1995, p. 7.
⁽⁴⁾ OJ No L 18, 24. 1. 1996, p. 10.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.
⁽⁶⁾ OJ No L 138, 21. 6. 1995, p. 1.
⁽⁷⁾ OJ No L 65, 15. 3. 1996, p. 1.
⁽⁸⁾ OJ No L 161, 29. 6. 1996, p. 62.

ANNEX

to the Commission Regulation of 12 December 1996 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refund (2)	Product code	Destination (1)	Amount of refund (2)
0709 90 60 000	—	—	1008 20 00 000	—	—
0712 90 19 000	—	—	1101 00 11 000	—	—
1001 10 00 200	—	—	1101 00 15 100	01	24,00
1001 10 00 400	01	0	1101 00 15 130	01	22,50
1001 90 91 000	—	—	1101 00 15 150	01	20,50
1001 90 99 000	03	7,50	1101 00 15 170	01	19,00
	02	0	1101 00 15 180	01	18,00
1002 00 00 000	03	22,00	1101 00 15 190	—	—
	02	0	1101 00 90 000	—	—
1003 00 10 000	—	—	1102 10 00 500	01	41,00
1003 00 90 000	03	20,50	1102 10 00 700	—	—
	02	0	1102 10 00 900	—	—
1004 00 00 200	—	—	1103 11 10 200	01	10,00 (3)
1004 00 00 400	—	—	1103 11 10 400	—	— (3)
1005 10 90 000	—	—	1103 11 10 900	—	—
1005 90 00 000	—	—	1103 11 90 200	01	10,00 (3)
1007 00 90 000	—	—	1103 11 90 800	—	—

(1) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Liechtenstein, Ceuta and Melilla.

(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.

(3) No refund is granted when this product contains compressed meal.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 November 1996

amending Decision 93/311/EC on the clearance of the accounts presented by the Member States in respect of the expenditure for 1992 of the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) and in respect of certain expenditure for 1993

(Only the Spanish, German, Greek and Italian texts are authentic)

(96/701/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽¹⁾, as last amended by Regulation (EC) No 1287/95⁽²⁾, and in particular Article 5 (2) thereof,

After consulting the Fund Committee,

Whereas before the Commission determines, within the framework of a decision on the clearance of accounts, any financial correction eligible for the conciliation procedure established by Decision 94/442/EC⁽³⁾, it is necessary that the Member State should be able, if it wishes, to seek recourse to that procedure, and whereas in that case it is necessary that the Commission should examine, prior to its decision, the report drawn up by the conciliation body; whereas the time limits laid down for that procedure had not expired, for all the eligible corrections, on the date of adoption of Commission Decision 96/311/EC⁽⁴⁾; whereas that Decision did not cover the corresponding amounts of expenditure declared by the Member States concerned in respect of 1992; whereas the conciliation procedure has been completed for the major part of the financial corrections concerned; whereas, as a result, the expenditure re-

lating thereto should be cleared by this Decision; whereas the expenditure for which the conciliation procedure has not yet been completed will be cleared at a later date;

Whereas the expenditure declared by Italy in respect of the premiums for the permanent abandonment of areas given over to vines amounting to Lit 31 861 816 140 is not covered by this Decision, since further examination is necessary; whereas, that amount has therefore been deducted from the expenditure declared by that Member State in respect of this financial year and will be cleared at a later date,

HAS ADOPTED THIS DECISION:

Article 1

The parts of Annex I to Decision 96/311/EC relating to Germany, Greece, Spain, and Italy are hereby replaced by the Annex to this Decision.

Article 2

The additional amounts of DM 19 591 000,00, Dr 12 493 466 284, Pta 721 255 271, and Lit 27 846 339 935 arising under point 3 of Annex I and chargeable by virtue of this Decision are to be taken into account as part of the expenditure referred to in Article 4 (1) of Commission Regulation (EC) No 296/96⁽⁵⁾ for November 1996.

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 125, 8. 6. 1995, p. 1.

⁽³⁾ OJ No L 182, 16. 7. 1994, p. 45.

⁽⁴⁾ OJ No L 117, 14. 5. 1996, p. 19.

⁽⁵⁾ OJ No L 39, 17. 2. 1996, p. 5.

Article 3

This Decision is addressed to the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, and the Italian Republic.

Done at Brussels, 20 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

'GERMANY

EAGGF Guarantee Section expenditure Financial year: 1992	DM
1. Expenditure recognized	
(a) Expenditure declared by the Member State in respect of the present clearance	9 907 054 451,92
(b) Expenditure declared during the preceding year but excluded from that clearance	0,00
(c) Expenditure declared, excluded from the present clearance	0,00
(d) Expenditure declared, coming under the present clearance (a + b + c)	9 907 054 451,92
(e) Expenditure disallowed	- 52 970 804,61
(f) Total expenditure recognized (d + e)	9 854 083 647,31
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	9 960 612 381,39
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	0,00
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	0,00
(d) Expenditure charged to a later exercise	0,00
(e) Total expenditure charged, coming under the present clearance (a + b + c - d)	9 960 612 381,39
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2e - 1f)	106 528 734,08'

'GREECE

EAGGF Guarantee Section expenditure Financial year: 1992	Dr
1. Expenditure recognized	
(a) Expenditure declared by the Member State in respect of the present clearance	527 865 079 141
(b) Expenditure declared during the preceding year but excluded from that clearance	132 358 648
(c) Expenditure declared, excluded from the present clearance	0
(d) Expenditure declared, coming under the present clearance (a + b + c)	527 997 437 789
(e) Expenditure disallowed	- 13 114 460 229
(f) Total expenditure recognized (d + e)	514 882 977 560
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	527 599 525 489
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	132 358 648
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	0
(d) Expenditure charged to a later exercise	0
(e) Total expenditure charged, coming under the present clearance (a + b + c - d)	527 731 884 137
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2e - 1f)	12 848 906 577'

'SPAIN

EAGGF Guarantee Section expenditure Financial year: 1992	Pta
1. Expenditure recognized	
(a) Expenditure declared by the Member State in respect of the present clearance	462 759 884 527
(b) Expenditure declared during the preceding year but excluded from that clearance	636 164 384
(c) Expenditure declared, excluded from the present clearance	0
(d) Expenditure declared, coming under the present clearance (a + b + c)	463 396 048 911
(e) Expenditure disallowed	- 32 743 754 917
(f) Total expenditure recognized (d + e)	430 652 293 994
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	462 571 064 842
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	636 164 384
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	0
(d) Expenditure charged to a later exercise	0
(e) Total expenditure charged, coming under the present clearance (a + b + c - d)	463 207 229 226
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2e - 1f)	32 554 935 232'

'ITALY

EAGGF Guarantee Section expenditure Financial year: 1992	Lit
1. Expenditure recognized	
(a) Expenditure declared by the Member State in respect of the present clearance	8 032 958 695 897
(b) Expenditure declared during the preceding year but excluded from that clearance	8 203 376 912
(c) Expenditure declared, excluded from the present clearance	- 77 298 063 824
(d) Expenditure declared, coming under the present clearance (a + b + c)	7 963 864 008 985
(e) Expenditure disallowed	- 659 151 310 965
(f) Total expenditure recognized (d + e)	7 304 712 698 020
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	8 029 606 857 885
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	8 203 376 912
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	- 77 298 063 824
(d) Expenditure charged to a later exercise	0
(e) Total expenditure charged, coming under the present clearance (a + b + c - d)	7 960 512 170 973
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2e - 1f)	655 799 472 953'

COMMISSION DECISION

of 26 November 1996

authorizing Member States temporarily to take additional measures against the dissemination of *Thrips palmi* Karny as regards the Kingdom of the Netherlands

(96/702/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, as last amended by Directive 96/14/EC⁽²⁾, and in particular Article 15 (3) thereof,

Whereas, where a Member State considers that there is an imminent danger of the introduction into its territory of *Thrips palmi* Karny, from another Member State, it may temporarily take any additional measures necessary to protect itself from that danger, as long as the Commission has not adopted such measures;

Whereas the Netherlands informed the other Member States and the Commission on 19 June 1995 that in some nurseries producing ornamental *Ficus* plants, infestation with *Thrips palmi* was identified; whereas complementary reports supplied by the Netherlands indicated that more nurseries showed infestation by *Thrips palmi*; whereas therefore the Commission adopted Decision 96/153/EC⁽³⁾ authorizing Member States temporarily to take additional measures against the dissemination of *Thrips palmi* Karny as regards the Netherlands;

Whereas the Netherlands informed the other Member States and the Commission on 27 September 1996 that in a new nursery infestation with *Thrips palmi* was identified;

Whereas however, in spite of intensive investigations, it has not yet been possible to identify the source of the infestation in the Netherlands;

Whereas in that situation it is justified for the Member States to be authorized to take improved additional measures against the dissemination of *Thrips palmi* as regards the Netherlands;

Whereas these measures have to take into account the production and distribution structure in the Netherlands, as well as the increased risk involved by crops grown in the vicinity of infected nurseries;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

1. The Kingdom of the Netherlands shall ensure for plants of *Ficus* L. until 30 November 1997, that the conditions laid down in paragraph 2 are met, if plants of *Ficus* L. intended for planting, other than seeds, coming from the Netherlands are to be moved into other Member States or within the Netherlands.

2. For the purpose of paragraph 1, the following conditions shall be met:

(a) plants of *Ficus* L., intended for planting, other than seeds, shall:

(aa) — have been held, grown or produced in nurseries officially registered in accordance with the provisions of Commission Directive 92/90/EEC⁽⁴⁾, and

— either have been held, grown or produced during a period of at least two months in a single place of production and this place of production or its immediate vicinity shall have been found free from *Thrips palmi* in both official inspections carried out at least twice a month during the two months prior to movement from the place of production and in monitoring procedures throughout the said period, or have been held, grown or produced during a period of at least one month in a single place of production or its immediate vicinity and have undergone an appropriate treatment to ensure freedom from *Thrips palmi* and subsequently this place of production shall have been found free from *Thrips palmi* in both official inspections carried out at least twice a month during the month prior to movement from the place of production and in monitoring procedures throughout the said period;

(ab) be accompanied, when moved from the place of production, by a plant passport prepared and issued in accordance with the provisions of Commission Directive 92/105/EEC⁽⁵⁾;

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 68, 19. 3. 1996, p. 24.

⁽³⁾ OJ No L 34, 13. 2. 1996, p. 49.

⁽⁴⁾ OJ No L 344, 26. 11. 1992, p. 38.

⁽⁵⁾ OJ No L 4, 8. 1. 1993, p. 22.

- (b) without prejudice to the reporting requirements pursuant to Article 15 of Directive 77/93/EEC, the Netherlands shall notify to the Commission and to the other Member States, full details of the places of production confirmed to be infested as soon as infestation is confirmed.

Article 2

1. The Member States shall ensure that plants of *Ficus* L. intended for planting, other than seeds, grown in a Member State other than the Netherlands are accompanied when moved from the place of production and, in all their subsequent movements, by a document stating the country of origin.

2. The Member States of destination:

- may subject consignments of plants of *Ficus* L. intended for planting, other than seeds, coming from the Netherlands to inspection,
- may take further appropriate steps to carry out official monitoring in respect of plants of *Ficus* L. intended for planting, other than seeds, coming from the Netherlands and moved into their territory.

Article 3

Member States shall conduct official surveys for *Thrips palmi*.

The survey conducted by the Netherlands in accordance with subparagraph 1 shall be monitored by the experts referred to in Article 19 (a) of Directive 77/93/EEC under the procedure laid down therein. By 1 May 1997 and 1 September 1997 a report of the results of the survey conducted in the Netherlands and of the said monitoring shall be submitted to the other Member States and to the Commission.

The details and results of the surveys provided for in subparagraph 1 shall be notified to the other Member States and to the Commission by 1 September 1997.

Article 4

The Member States shall adjust the measures which they have adopted with a view to protecting themselves against the introduction and the spread of *Thrips palmi*, in such a manner that the measures comply with Articles 1 and 2.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 26 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 26 November 1996

establishing the ecological criteria for the award of the Community eco-label to refrigerators

(Text with EEA relevance)

(96/703/EC)

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

Having regard to Council Regulation (EEC) No 880/92 of 23 March 1992 on a Community eco-label award scheme⁽¹⁾, and in particular the second subparagraph of Article 5 (1) thereof,

Whereas the first subparagraph of Article 5 (1) of Regulation (EEC) No 880/92 provides that the conditions for the award of the Community eco-label shall be defined by product group;

Whereas Article 10 (2) of Regulation (EEC) No 880/92 states that the environmental performance of a product shall be assessed by reference to the specific criteria for the product groups;

Whereas it is appropriate to establish criteria expressing test methods and classification for energy consumption in conformity with Commission Directive 94/2/EC of 21 January 1994 implementing Council Directive 92/75/EEC with regard to energy labelling of household electric refrigerators, freezers and their combinations⁽²⁾ and, moreover, to adapt the energy-consumption requirements to technological innovation and market developments;

Whereas in accordance with Article 6 of Regulation (EEC) No 880/92 the Commission has consulted the principal interest groups within a consultation forum;

Whereas the measures set out in this Decision are in accordance with the opinion of the Committee set up pursuant to Article 7 of Regulation (EEC) No 880/92,

HAS ADOPTED THIS DECISION:

Article 1

The product group 'refrigerators' (hereinafter referred to as 'the product group') shall mean:

Electric, mains-operated household refrigerators, frozen food storage cabinets, food freezers and their combinations.

Appliances that may also use other energy sources, such as batteries, are excluded.

Article 2

The environmental performance and the fitness for use of the product group shall be assessed by reference to the specific ecological criteria set out in the Annex.

Article 3

The product group definition and the specific ecological criteria for the product group shall be valid for a period of three years from the date on which this Decision takes effect.

Article 4

For administrative purposes the product group code number assigned to this product group shall be '012'.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 26 November 1996.

For the Commission

Ritt BJERREGAARD

Member of the Commission

⁽¹⁾ OJ No L 99, 11. 4. 1992, p. 1.

⁽²⁾ OJ No L 45, 17. 2. 1994, p. 1.

ANNEX

FRAMEWORK

In order to be awarded an eco-label, the appliance shall comply with the criteria of this Annex which are aimed at promoting:

- reduction of environmental damage or risks related to the use of energy (global warming, acidification, depletion of non renewable energy sources) by reducing energy consumption,
- reduction of environmental damage or risks related to the use of potentially ozone-depleting substances by reducing the use of these substances,
- reduction of environmental damage or risks related to the use of substances which may have a global-warming potential.

Additionally, the criteria encourage the implementation of best practice (optimal environmental use) and enhance consumers' environmental awareness.

Furthermore the recycling of the machine is encouraged by marking of plastic components.

KEY CRITERIA

1. Save energy

The appliance must have an energy efficiency index lower than 75 % as defined in Directive 94/2/EC, Annex V, using the same test method EN 153 and the same classification in 10 categories.

The appliance will thus qualify for either energy efficiency class 'A' or 'B' as defined in Directive 94/2/EC, Annex V.

2. Reduce ozone depletion potential (ODP)⁽¹⁾ of refrigerants and foaming agents

The refrigerants in the refrigerating circuit and foaming agents used for the insulation of the appliance shall have an ozone depletion potential equal to zero.

3. Reduce global warming potential (GWP)⁽²⁾ of refrigerants and foaming agents

The refrigerants in the refrigerating circuit and foaming agents used for the insulation of the appliance, shall have a global warming potential equal to, or lower than, 15 (rated as CO₂ equivalents over a period of 100 years).

BEST PRACTICE CRITERIA

4. Instruct the user

The appliance shall be sold with an instruction manual which provides advice on the correct environmental use and, in particular:

1. recommendations for optimal use of energy in the operation of the appliance, including:
 - 1.1. Guidelines concerning the placing or installation of the refrigerator stating the minimum dimensions of free space around the appliance needed to ensure sufficient circulation of air;
 - 1.2. advice that the consumer should avoid placing the appliance next to any heat source (such as ovens, radiators, etc.) or in direct sunlight;
 - 1.3. advice that the thermostat setting should be dependent on the ambient temperature and should be checked by using an appropriate thermometer (explanation on how to proceed should be provided);
 - 1.4. advice that the door or lid should not be opened more often than needed and no longer than necessary, especially with regard to upright freezers;
 - 1.5. advice that hot foodstuffs should be allowed to cool down before placing in the appliance, as the steam from the foodstuffs contributes to the icing up of the evaporator unit;

⁽¹⁾ The ODP is defined in the *Scientific assessment of stratospheric ozone: 1994*, Panel for Scientific Assessment.

⁽²⁾ The GWP and GWPs of several substances are defined in *Climate change, The IPCC scientific assessment* (1990).

- 1.6. advice that the evaporator unit should be kept clean from thick layers of ice and that frequent defrosting facilitates the removal of the ice cover;
- 1.7. Advice that the sealing of the door should be replaced when not functioning properly;
- 1.8. advice that the radiator on the back of the appliance and the space underneath the appliance should be kept clean from dust or kitchen smoke;
- 1.9. information that ignoring the issues mentioned above will lead to higher energy consumption.
2. Advice that any damage to the radiator (heat-exchanger) on the back of the appliance, or other events leading to exposure of the refrigerant to the environment, should be avoided because of potential environmental and health risks.

The manual shall specifically mention that sharp objects (such as knives, screwdrivers, etc.) should not be used for removing ice as they could damage the evaporator unit.

3. Information that the appliance contains fluids and is made of parts and materials which are reusable and/or recyclable.
4. Advice that when disposing of the appliance the consumer should enquire about and follow the applicable waste-management routes.

5. Encourage recycling

Plastic parts weighing more than 50 g must have a permanent marking identifying the material. The correct material abbreviations to be used are:

1. PET
2. HDPE
3. PVC
4. LDPE
5. PP
6. PS
7. all other plastics to conform to ISO 1043.

Also the type of refrigerant, and foaming agent used for the insulation, must be indicated on the appliance, near to or on the rating plate, to facilitate possible future recovery.

PERFORMANCE CRITERIA

6. Limit noise emission

This criterion applies to the whole product group, except chest freezers indicated as category 9: 'household food freezers, chest' in Annex IV to Commission Directive 94/2/EC.

Airborne noise from the appliance, counted as sound power, shall not exceed 42 dB(A) (re 1pW).

The measurement of the noise level shall be in accordance with Council Directive 86/594/EEC⁽¹⁾ using EN 28960 standard.

7. Provide information on noise

Information about the noise level of the appliance shall be provided in a way clearly visible to the consumer. This shall be done by the incorporation of this information in the energy label for refrigerators.

The information relating to noise shall be provided in accordance with Council Directive 86/594/EEC, using EN 28960 standard.

TESTING

8. Testing laboratories

The testing shall be performed at the expense of the applicant by laboratories that meet the general requirements stressed in the EN 45001 standards.

⁽¹⁾ OJ No L 344, 6. 12. 1986, p. 24.

CONSUMER INFORMATION

The following text shall be provided in such a way as to be clearly visible for consumers (next to the label, whenever possible):

- This product qualifies for the European Union eco-label because it is energy efficient, safeguards the ozone layer and has minimized contribution to the greenhouse effect.
 - Additional information on how to minimize environmental impact is given in the instruction manual.
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