

# Official Journal

## of the European Communities

ISSN 0378-6978

L 167

Volume 38

18 July 1995

English edition

## Legislation

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

## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 1738/95  
of 17 July 1995  
on the supply of cereals as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management<sup>(1)</sup>, as last amended by Regulation (EEC) No 1930/90<sup>(2)</sup>, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management<sup>(3)</sup> lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain beneficiaries 9 558 tonnes of cereals;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid<sup>(4)</sup>, as amended by Regulation (EEC) No 790/91<sup>(5)</sup>; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, for a given lot, given the small quantities to be supplied, the packaging methods and the large number of destinations of the supplies, provision should be made for the possibility for tenderers to indicate two ports of loading, where necessary not belonging to the same port area,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

For lots A and B, notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

*Article 2*

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

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

Done at Brussels, 17 July 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1.

<sup>(2)</sup> OJ No L 174, 7. 7. 1990, p. 6.

<sup>(3)</sup> OJ No L 136, 26. 5. 1987, p. 1.

<sup>(4)</sup> OJ No L 204, 25. 7. 1987, p. 1.

<sup>(5)</sup> OJ No L 81, 28. 3. 1991, p. 108.

## ANNEX I

## LOT A

1. **Operation Nos** <sup>(1)</sup>: see Annex II
2. **Programme**: 1994 + 1995
3. **Recipient** <sup>(2)</sup>: Euronaid PO Box 12, NL-2501 CA Den Haag (tel. (31 70) 330 57 57; fax 364 17 01; telex 30960 EURON NL)
4. **Representative of the recipient** <sup>(3)</sup>: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: milled rice (product code 1006 30 92 900, 1006 30 94 900, 1006 30 96 900)
7. **Characteristics and quality of the goods** <sup>(4)</sup> <sup>(5)</sup>: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA (1) (f))
8. **Total quantity**: 3 397 tonnes (8 153 tonnes of cereals)
9. **Number of lots**: 1; see Annex II
10. **Packaging and marking** <sup>(6)</sup> <sup>(7)</sup> <sup>(12)</sup>: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA (2) (c) and IIA (3))  
Language to be used for the marking: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment <sup>(11)</sup>
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 28. 8 — 17. 9. 1995
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 1. 8. 1995
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 22. 8. 1995
  - (b) period for making the goods available at the port of shipment: 11. 9 — 1. 10. 1995
  - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** <sup>(1)</sup>: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi/Wetstraat, B-1049 Bruxelles/Brussel (telex 22037 AGREC B; fax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer** <sup>(4)</sup>: refund applicable on 28. 7. 1995, fixed by Commission Regulation (EC) No 1578/95 (OJ No L 150, 1. 7. 1995, p. 68)

## LOT B

1. **Operation No<sup>(1)</sup>**: see Annex II
2. **Programme**: 1994 + 1995
3. **Recipient<sup>(2)</sup>**: Euronaid PO box 12, NL-2501 CA Den Haag, Nederland (tel. (31 70) 33 05 757; fax 36 41 701; telex 30960 euron nl)
4. **Representative of the recipient<sup>(3)</sup>**: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods<sup>(3)</sup> (7)**: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (1) (a))
8. **Total quantity**: 860 tonnes (1 178 tonnes of cereals)
9. **Number of lots**: one (see Annex II)
10. **Packaging and marking<sup>(6)</sup> (8) (9)**: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (2) (d) and II.B (3)  
Language to be used for the marking: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment<sup>(11)</sup>
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 28. 8 — 17. 9. 1995
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 1. 8. 1995
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 22. 8. 1995
  - (b) period for making the goods available at the port of shipment: 11. 9 — 1. 10. 1995
  - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities<sup>(1)</sup>**: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, Bâtiment Loi 120, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel (telex 22037 AGREC B; fax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer<sup>(4)</sup>**: refund applicable on 28. 7. 1995, fixed by Commission Regulation (EC) No 1578/95 (OJ No L 150, 1. 7. 1995, p. 68)

## LOT C

1. **Operation Nos** <sup>(1)</sup>: see Annex II
2. **Programme**: 1995
3. **Recipient** <sup>(2)</sup>: Euronaid, PO Box 12, NL-2501 CA Den Haag (tel. (31 70) 33 05 757; fax 36 41 701; telex 30960 EURON NL)
4. **Representative of the recipient** <sup>(3)</sup>: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: oat flakes
7. **Characteristics and quality of the goods** <sup>(4)</sup> <sup>(7)</sup>: OJ No C 114, 29. 4. 1991, p. 1 (under II.B (1) (e))
8. **Total quantity**: 132 tonnes (227 tonnes of cereals)
9. **Number of lots**: 1 (see Annex II)
10. **Packaging and marking** <sup>(6)</sup> <sup>(8)</sup> <sup>(10)</sup>: OJ No C 114, 29. 4. 1991, p. 1 (II.B (2) (f) and II.B (3))  
Language to be used for the marking: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 4 — 24. 9. 1995
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 1. 8. 1995
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 22. 8. 1995
  - (b) period for making the goods available at the port of shipment: 18. 9 — 8. 10. 1995
  - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** <sup>(1)</sup>: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi/Wetstraat, B-1049 Bruxelles/Brussel (telex 22037 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer** <sup>(9)</sup>: refund applicable on 28. 7. 1995 fixed by Commission Regulation (EC) No 1578/95 (OJ No L 150, 1. 7. 1995, p. 68)

*Notes :*

- (<sup>1</sup>) The operation number should be mentioned in all correspondence.
- (<sup>2</sup>) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (<sup>3</sup>) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.

A5 : Radiation certificate and certificate of origin must be issued by official authorities and be legalized for the following country : Egypt.

- (<sup>4</sup>) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.

The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 157/95 (OJ No L 24, 1. 2. 1995, p. 1) shall not apply to this amount.

- (<sup>5</sup>) The supplier should send a duplicate of the original invoice to Willis Coroon Scheuer, PO box 1315, NL-1000 Amsterdam.
- (<sup>6</sup>) Shipment to take place in 20-foot containers, condition FCL/FCL. The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.

The provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.

The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying number of bags belonging to each shipping number as specified in the invitation to tender.

The successful tenderer has to seal each container with a numbered locktainer (Sysko locktainer 180 seal), number of which to be provided to the beneficiary's forwarder.

- (<sup>7</sup>) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
    - phytosanitary certificate,
    - fumigation certificate (the cargo shall be fumigated with alumine phosphine).
  - (<sup>8</sup>) Notwithstanding OJ No C 114, point II.A (3) (c) or II.B (3) (c) is replaced by the following : 'the words "European Community"'.
    - (<sup>9</sup>) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
  - (<sup>10</sup>) See fourth amendment to OJ No C 114 published in OJ No C 272, 21. 10. 1992, p. 6.
  - (<sup>11</sup>) For lots A and B, notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.
  - (<sup>12</sup>) See second amendment to OJ No C 114 published in OJ No C 135, 26. 5. 1992, p. 20.
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ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II —  
ANEXO II — LIITE II — BILAGA II

Lote	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción n°	País de destino	Lengua que se debe utilizar en la rotulación
Parti	Totalmængde (i tons)	Delmængde (i tons)	Aktion nr.	Bestemmelsesland	Mærkning på følgende sprog
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Bestimmungsland	Kennzeichnung in folgender Sprache
Παρτίδα	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Χώρα προορισμού	Γλώσσα που πρέπει να χρησιμοποιηθεί για τη σήμανση
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Country of destination	Language to be used for the marking
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action n°	Pays de destination	Langue à utiliser pour le marquage
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Paese di destinazione	Lingua da utilizzare per la marcatura
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Land van bestemming	Taal te gebruiken voor de opschriften
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Acção n°	País de destino	Língua a utilizar na rotulagem
Erä	Kokonaismäärä (tonnia)	Osittaismäärä (tonnia)	Toimi N:o	Määrämaa	Merkinnässä käytettävä kieli
Parti	Total kvantitet (ton)	Delkvantitet (ton)	Aktion nr	Bestämmelsesland	Mærkning på følgende språk
A	3 397	A1 : 990 A2 : 900 A3 : 216 A4 : 144 A5 : 1 147	1543/94 1586/94 1603/94 103/95 104/95	Uganda Haïti Haïti Togo Egypt	English Français Français Français English
B	860	B1 : 80 B2 : 200 B3 : 50 B4 : 140 B5 : 190 B6 : 100 B7 : 100	1629/94 1630/94 93/95 94/95 95/95 96/95 97/95	República Dominicana Haïti Perú Perú Perú Madagascar Ethiopia	Español Français Español Español Español Français English
C	132	C1 : 48 C2 : 60 C3 : 24	98/95 99/95 100/95	Perú Perú Perú	Español Español Español



## COMMISSION REGULATION (EC) No 1739/95

of 17 July 1995

**adopting certain transitional measures relating to the entry price arrangements  
applicable to sour cherries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations <sup>(1)</sup>, and in particular Article 3 (1) thereof,Whereas Council Regulation (EEC) No 2658/87 <sup>(2)</sup>, as last amended by Commission Regulation (EC) No 1359/95 of 23 July 1987 <sup>(3)</sup>, contains in Part 3, Section I, Annex 2 in the combined nomenclature the list of products to which an entry price applies and also, in respect of those products, the scale of entry prices used for the tariff classification of imported products and for determining the import duties applicable; whereas the entry price arrangements were introduced into the fruit and vegetables sector as a result of the agreement on agriculture concluded during the Uruguay Round of multilateral trade negotiations; whereas application on the said entry prices in the case of sour cherries, products which are used exclusively by the processing industry, can represent an excessive burden for the industry and thus hinder trade and bring about a disturbance on the Community market;

Whereas the period of importation for sour cherries commences on 15 June; whereas, until the Council adopts a measure reducing the entry prices for the product in question, it is necessary to adopt certain transitional measures in order to allow the industry to be supplied and trade to operate under normal conditions; whereas it is necessary therefore to derogate from Regula-

tion (EEC) No 2658/87 and to make these transitional measures applicable from 15 June 1995; whereas, pursuant to Article 3 (2) of Regulation (EC) No 3290/94, their period of application under this Regulation may not extend beyond 30 June 1996;

Whereas the entry prices to be determined for this product must take into account the average unit values recorded in trade over a representative period; whereas the *ad valorem* autonomous rates of duty for the product should be reduced also to the same level as the *ad valorem* conventional rates of duty;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I, Part 3, Section I, Annex 2 in the combined nomenclature annexed to Regulation (EEC) No 2658/87 is hereby amended as set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall apply from 15 June 1995.

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

Done at Brussels, 17 July 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*<sup>(1)</sup> OJ No L 349, 31. 12. 1994, p. 105.<sup>(2)</sup> OJ No L 256, 7. 9. 1987, p. 1.<sup>(3)</sup> OJ No L 142, 26. 6. 1995, p. 1.

## ANNEX

CN Code	Description	Rate of duties	
		autonomous (%)	conventional (%)
1	2	3	4
'0809 20 31	— — from 21 to 31 May :		
	— — — Sour cherries ( <i>Prunus cerasus</i> ):		
	— — — — with an entry price per 100 kg net weight of :		
	— — — — — not less than ECU 155,1	14,5	14,5
	— — — — — not less than ECU 152 but less than ECU 155,1	14,5	14,5 + 3,1 Ecu/100 kg/net
	— — — — — not less than ECU 148,9 but less than ECU 152	14,5	14,5 + 6,2 Ecu/100 kg/net
	— — — — — not less than ECU 145,8 but less than ECU 148,9	14,5	14,5 + 9,3 Ecu/100 kg/net
	— — — — — not less than ECU 142,7 but less than ECU 145,8	14,5	14,5 + 12,4 Ecu/100 kg/net
	— — — — — not less than ECU 50,7 <sup>(1)</sup> but less than ECU 142,7 <sup>(1)</sup> <sup>(2)</sup>	14,5	14,5 + 33,1 Ecu/100 kg/net
	— — — — — not less than ECU 49,7 <sup>(1)</sup> but less than ECU 50,7 <sup>(1)</sup> <sup>(3)</sup>	14,5 + 1,0 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	— — — — — not less than ECU 48,7 <sup>(1)</sup> but less than ECU <sup>(1)</sup> <sup>(4)</sup>	14,5 + 2,0 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	— — — — — not less than ECU 47,7 <sup>(1)</sup> but less than ECU 48,7 <sup>(1)</sup> <sup>(5)</sup>	14,5 + 3,0 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	— — — — — not less than ECU 46,6 <sup>(1)</sup> but less than ECU 47,7 <sup>(1)</sup> <sup>(6)</sup>	14,5 + 4,1 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	— — — — — less than ECU 46,6 <sup>(1)</sup> <sup>(7)</sup>	14,5 + 33,1 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
0809 20 41	— — from 1 June to 15 July :		
	— — — Sour cherries ( <i>Prunus cerasus</i> ):		
	— — — — with an entry price per 100 kg net weight of :		
	— — — — — not less than ECU 131,1	14,5	14,5
	— — — — — not less than ECU 128,5 but less than ECU 131,1	14,5	14,5 + 2,6 Ecu/100 kg/net
	— — — — — not less than ECU 125,9 but less than ECU 128,5	14,5	14,5 + 5,2 Ecu/100 kg/net
	— — — — — not less than ECU 123,2 but less than ECU 125,9	14,5	14,5 + 7,9 Ecu/100 kg/net
	— — — — — not less than ECU 120,6 but less than ECU 123,2	14,5	14,5 + 10,5 Ecu/100 kg/net
	— — — — — not less than ECU 50,7 <sup>(1)</sup> but less than ECU 120,6 <sup>(8)</sup>	14,5	14,5 + 33,1 Ecu/100 kg/net
	— — — — — not 49,7 <sup>(1)</sup> but less than ECU 50,7 <sup>(1)</sup> <sup>(9)</sup>	14,5 + 1,0 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	— — — — — not less than ECU 48,7 <sup>(1)</sup> but less than ECU 49,7 <sup>(1)</sup> <sup>(10)</sup>	14,5 + 2,0 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	— — — — — not less than ECU 47,7 <sup>(1)</sup> but less than ECU 48,7 <sup>(1)</sup> <sup>(11)</sup>	14,5 + 3,0 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	— — — — — not less than ECU 46,6 <sup>(1)</sup> but less than ECU 47,7 <sup>(1)</sup> <sup>(12)</sup>	14,5 + 4,1 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	— — — — — less than ECU 46,6 <sup>(1)</sup> <sup>(13)</sup>	14,5 + 33,1 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net

CN Code	Description	Rate of duties	
		autonomous (%)	conventional (%)
1	2	3	4
0809 20 51	— — from 16 to 31 July : — — — Sour cherries ( <i>Prunus cerasus</i> ): — — — — with an entry price per 100 kg net weight of : — — — — — not less than ECU 131,1 — — — — — not less than ECU 128,5 but less than ECU 131,1 — — — — — not less than ECU 125,9 but less than ECU 128,5 — — — — — not less than ECU 123,2 but less than ECU 125,9 — — — — — not less than ECU 120,6 but less than ECU 123,2 — — — — — not less than ECU 45,9 <sup>(1)</sup> but less than ECU 120,6 <sup>(1)</sup> <sup>(14)</sup> — — — — — not less than ECU 45,0 <sup>(1)</sup> but less than ECU 45,9 <sup>(1)</sup> <sup>(15)</sup> — — — — — not less than ECU 44,1 <sup>(1)</sup> but less than ECU 45,0 <sup>(1)</sup> <sup>(16)</sup> — — — — — not less than ECU 43,1 <sup>(1)</sup> but less than ECU 44,1 <sup>(1)</sup> <sup>(17)</sup> — — — — — not less than ECU 42,2 <sup>(1)</sup> but less than ECU 43,1 <sup>(1)</sup> <sup>(18)</sup> — — — — — less than ECU 42,2 <sup>(1)</sup> <sup>(19)</sup>	14,5 14,5 14,5 14,5 14,5 14,5 14,5 14,5 + 0,9 Ecu/100 kg/net 14,5 + 1,8 Ecu/100 kg/net 14,5 + 2,8 Ecu/100 kg/net 14,5 + 3,6 Ecu/100 kg/net 14,5 + 33,1 Ecu/100 kg/net	14,5 14,5 + 2,6 Ecu/100 kg/net 14,5 + 5,2 Ecu/100 kg/net 14,5 + 7,9 Ecu/100 kg/net 14,5 + 10,5 Ecu/100 kg/net 14,5 + 33,1 Ecu/100 kg/net 14,5 + 33,1 Ecu/100 kg/net 14,5 + 33,1 Ecu/100 kg/net 14,5 + 33,1 Ecu/100 kg/net 14,5 + 33,1 Ecu/100 kg/net 14,5 + 33,1 Ecu/100 kg/net
0809 20 61	— — from 1 to 10 August : — — — Sour cherries ( <i>Prunus cerasus</i> ): — — — — with an entry price per 100 kg net weight of : — — — — — not but less than ECU 97,3 <sup>(19)</sup> — — — — — not less than ECU 95,4 but less than ECU 97,3 — — — — — not less than ECU 93,4 but less than ECU 95,4 — — — — — not less than ECU 91,5 but less than ECU 93,4 — — — — — not less than ECU 89,5 but less than ECU 91,5 — — — — — not less than ECU 45,9 <sup>(1)</sup> but less than ECU 89,5 <sup>(1)</sup> <sup>(20)</sup> — — — — — not less than ECU 45,0 <sup>(1)</sup> but less than ECU 45,9 <sup>(1)</sup> <sup>(21)</sup> — — — — — not less than ECU 44,1 <sup>(1)</sup> but less than ECU 45,0 <sup>(1)</sup> <sup>(22)</sup> — — — — — not less than ECU 43,1 <sup>(1)</sup> but less than ECU 44,1 <sup>(1)</sup> <sup>(23)</sup> — — — — — not less than ECU 42,2 <sup>(1)</sup> but less than ECU 43,1 <sup>(1)</sup> <sup>(24)</sup> — — — — — less than ECU 42,2 <sup>(1)</sup> <sup>(25)</sup>	14,5 14,5 14,5 14,5 14,5 14,5 14,5 14,5 + 0,9 Ecu/100 kg/net 14,5 + 1,8 Ecu/100 kg/net 14,5 + 2,8 Ecu/100 kg/net 14,5 + 3,6 Ecu/100 kg/net 14,5 + 33,1 Ecu/100 kg/net	14,5 14,5 + 1,9 Ecu/100 kg/net 14,5 + 3,9 Ecu/100 kg/net 14,5 + 5,8 Ecu/100 kg/net 14,5 + 7,8 Ecu/100 kg/net 14,5 + 33,1 Ecu/100 kg/net 14,5 + 33,1 Ecu/100 kg/net 14,5 + 33,1 Ecu/100 kg/net 14,5 + 33,1 Ecu/100 kg/net 14,5 + 33,1 Ecu/100 kg/net 14,5 + 33,1 Ecu/100 kg/net

<sup>(1)</sup> Entry price on autonomous basis.<sup>(2)</sup> Code taric 0809 20 31 \* 61.<sup>(3)</sup> Code taric 0809 20 31 \* 62.<sup>(4)</sup> Code taric 0809 20 31 \* 63.<sup>(5)</sup> Code taric 0809 20 31 \* 64.<sup>(6)</sup> Code taric 0809 20 31 \* 65.<sup>(7)</sup> Code taric 0809 20 31 \* 66.<sup>(8)</sup> Code taric 0809 20 41 \* 61.<sup>(9)</sup> Code taric 0809 20 41 \* 62.<sup>(10)</sup> Code taric 0809 20 41 \* 63.<sup>(11)</sup> Code taric 0809 20 41 \* 64.<sup>(12)</sup> Code taric 0809 20 41 \* 65.<sup>(13)</sup> Code taric 0809 20 41 \* 66.<sup>(14)</sup> Code taric 0809 20 51 \* 61.<sup>(15)</sup> Code taric 0809 20 51 \* 62.<sup>(16)</sup> Code taric 0809 20 51 \* 63.<sup>(17)</sup> Code taric 0809 20 51 \* 64.<sup>(18)</sup> Code taric 0809 20 51 \* 65.<sup>(19)</sup> Code taric 0809 20 51 \* 66.<sup>(20)</sup> Code taric 0809 20 61 \* 61.<sup>(21)</sup> Code taric 0809 20 61 \* 62.<sup>(22)</sup> Code taric 0809 20 61 \* 63.<sup>(23)</sup> Code taric 0809 20 61 \* 64.<sup>(24)</sup> Code taric 0809 20 61 \* 65.<sup>(25)</sup> Code taric 0809 20 61 \* 66.

## COMMISSION REGULATION (EC) No 1740/95

of 17 July 1995

amending Regulation (EC) No 3223/94 on detailed rules for the application of the import arrangements for fruit and vegetables

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1363/95<sup>(2)</sup>, and in particular Article 23 (2) thereof,

Whereas part B of the Annex to Commission Regulation (EC) No 3223/94<sup>(3)</sup>, as amended by Regulation (EC) No 1363/95, lists products for which a mechanism for directly recording the import prices applies, so that they can be classified in the Tariff; whereas, as a result of the fixing of a separate entry price for sour cherries, a product intended principally for processing, by Commission Regulation (EC) No 1739/95 of 17 July 1995, laying down certain transitional measures regarding the entry price system applicable to cherries<sup>(4)</sup>, sour cherries should be transferred from part A to part B of that Annex from the date of application of the aforementioned Regulation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 3223/94 is hereby amended as follows:

1. In 'Part A', the heading relating to cherries is replaced by the following table:

CN code	Description	Period of application
'0809 20 39 0809 20 49 0809 20 59 0809 20 69	Cherries "other"	21 to 31 May 1 June to 15 July 16 to 31 July 1 to 10 August'

2. In 'Part B', the following heading is added:

CN code	Description	Period of application
'0809 20 31 0809 20 41 0809 20 51 0809 20 61	Sour cherries	21 to 31 May 1 June to 15 July 16 to 31 July 1 to 10 August'

*Article 2*

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

It shall apply from 15 June 1995.

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

Done at Brussels, 17 July 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 132, 16. 6. 1995, p. 8.

<sup>(3)</sup> OJ No L 337, 24. 12. 1994, p. 66.

<sup>(4)</sup> See page 7 of this Official Journal.

## COMMISSION REGULATION (EC) No 1741/95

of 17 July 1995

**amending Regulation (EEC) No 1164/89 laying down detailed rules concerning the aid for fibre flax and hemp**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organization of the market in flax and hemp <sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94 <sup>(2)</sup>, and in particular Article 4 (5) thereof,

Whereas Article 2 of Commission Regulation (EEC) No 1164/89 <sup>(3)</sup>, as last amended by Regulation (EC) No 528/95 <sup>(4)</sup>, lays down that the aid for flax provided for in Article 4 of Regulation (EEC) No 1308/70 is only to be paid for flax grown from fibre flax seed; whereas in order to ensure correct application of the aid scheme, Article 5 (3) of Regulation (EEC) No 1164/89 lays down that the declaration of areas sown provided for in paragraph 1 of that Article must include information on the seed used; whereas, in order to reinforce the monitoring of the varieties of flax used, it should be laid down that the declaration of areas sown must be accompanied by a document or include a declaration permitting more accurate identification of the seed used; whereas, in order to reinforce the monitoring of the varieties of flax used, it should be laid down that the declaration of areas sown must be accompanied by a document or include a declaration permitting more accurate identification of the seed used;

Whereas Article 3 (2) of Regulation (EEC) No 1164/89 lays down that, for the purposes of determining the tetrahydrocannabinol content, applications for aid for hemp must be accompanied by a document containing certain information on the seed used; whereas, in order to make this check more effective and without prejudice to any additional measures that may prove appropriate, the deadline for the submission of that document should be brought forward;

Whereas, in order to permit verification of the height of the cutter bar, Article 4 (a) of Regulation (EEC) No 1164/89 lays down that areas must be kept in a state allowing it to be verified during a specified period; whereas it should be specified that that period may commence when a declaration is submitted that harvest operations have started;

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

*Article 1*

Regulation (EEC) No 1164/89 is hereby amended as follows:

1. The following subparagraph is added to Article 2:

'For the purposes of checking the seed used, the declaration of areas sown, referred to in Article 5 (1), shall be accompanied by the official labels drawn up pursuant to Council Directive 69/208/EEC <sup>(\*)</sup>, and in particular Article 10 thereof, or provisions adopted on the basis of that Directive, for the seed used, or by any other document recognized as being equivalent by the Member State concerned, including the certificates provided for pursuant to Article 14 of that Directive.

Where appropriate, the declarant must justify the absence of such a document to the satisfaction of the monitoring body in the Member State concerned.

For the 1995/96 marketing year, however, the document or the justification referred to above must be submitted by 30 November 1995.

<sup>(\*)</sup> OJ No L 169, 10. 7. 1969, p. 3.'

2. Article 3 (2) is replaced by the following:

'2. For the purpose of monitoring compliance with the conditions laid down in the first subparagraph of Article 3 (1) of Regulation (EEC) No 619/71, the declaration of areas sown for hemp, referred to in Article 5 (1), shall be accompanied by the official labels drawn up pursuant to Council Directive 69/208/EEC, and in particular Article 10 thereof, or provisions adopted on the basis of that Directive, for the seed used, or by any other document recognized as being equivalent by the Member State concerned, including the certificates provided for pursuant to Article 14 of that Directive.

For the 1995/96 marketing year, however, the document relating to the seed used shall be submitted by 31 October 1995.'

3. Article 4 (a) is replaced by the following:

'(a) which have been completely sown and harvested and on which normal cultivation work has been carried out; to be considered as having been harvested, areas must have undergone an operation:

<sup>(1)</sup> OJ No L 146, 4. 7. 1970, p. 1.

<sup>(2)</sup> OJ No L 349, 31. 12. 1994, p. 105.

<sup>(3)</sup> OJ No L 121, 29. 4. 1989, p. 4.

<sup>(4)</sup> OJ No L 54, 10. 3. 1995, p. 9.

- carried out after seed formation,
- aimed at terminating the growing cycle of the plant, and
- carried out with the aim of using the stalk, with or without seed.

The use referred to in the third indent shall be considered as having been desired if the plant has been pulled up or if it has been cut by a cutter bar operating, in the case of flax and hemp, at a maximum height of 10 cm and 20 cm respectively from the ground.

As regards the requirement as to the height of the cutter bar :

- areas must be kept in a state allowing it to be verified during the 20 days following the date of submission of the aid application or of a declaration that harvesting operations has commenced,
- Member States shall take the measures necessary to verify fulfilment of that condition and may take special harvest conditions into account.'

#### *Article 2*

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

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

Done at Brussels, 17 July 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 1742/95****of 17 July 1995****fixing the coefficients for reducing the compensatory payments granted under Regulation (EEC) No 1765/92 in the 1995/96 marketing year in certain regions of the Community**

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

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops<sup>(1)</sup>, as last amended by Regulation (EC) No 1664/95<sup>(2)</sup>, and in particular Article 12 thereof,

Whereas, in order to prevent complicated regionalization plans resulting in actual yields which significantly exceed historical yields, Regulation (EEC) No 1765/92 provides for the reduction of compensatory payments during the following marketing year in proportion to the overrun of the average historical yield resulting from the 1993 regionalization plans;

Whereas the procedure to be used for measuring such overruns is laid down in Regulation (EC) No 1237/95 laying down detailed rules for the application of the stabilizer to the yields used for the calculation of the compensatory payments referred to in Regulation (EEC) No 1765/92<sup>(3)</sup>;

Whereas application of that method results in the fixing of the coefficients indicated in this Regulation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Pursuant to Article 3 (6) of Regulation (EEC) No 1765/92, the compensatory payments for the 1995/96 marketing year shall be multiplied by a coefficient of 0,995 in the case of France.

*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, 17 July 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 12.

<sup>(2)</sup> OJ No L 158, 8. 7. 1995, p. 13.

<sup>(3)</sup> OJ No L 121, 1. 6. 1995, p. 29.

## COMMISSION REGULATION (EC) No 1743/95

of 17 July 1995

**deciding not to accept tenders submitted in response to the 140th partial invitation to tender opened as a general intervention measure pursuant to Regulation (EEC) No 1627/89**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(1)</sup>, as last amended by Regulation (EC) No 424/95<sup>(2)</sup>, and in particular Article 6 (7) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the intervention measures in the beef and veal sector<sup>(3)</sup>, as last amended by Regulation (EC) No 200/95<sup>(4)</sup>, an invitation to tender was opened by Article 1 (1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender<sup>(5)</sup>, as last amended by Regulation (EC) No 1601/95<sup>(6)</sup>;

Whereas, in accordance with Article 13 (1) of Regulation (EEC) No 2456/93, a maximum buying-in price is to be fixed for quality R3, where appropriate, for each partial invitation to tender in the light of the tenders received; whereas, in accordance with Article 13 (2) of that Regulation, a decision may be taken not to proceed with the tendering procedure;

Whereas, after examination of the tenders submitted for the 140th partial invitation tender and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughterings and prices, it has been decided not to proceed with the tendering procedure;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

No award shall be made against the 140th partial invitation to tender opened by Article 1 (1) of Regulation (EEC) No 1627/89.

*Article 2*

This Regulation shall enter into force on 18 July 1995.

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

Done at Brussels, 17 July 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 45, 1. 3. 1995, p. 2.

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

<sup>(4)</sup> OJ No L 24, 1. 2. 1995, p. 120.

<sup>(5)</sup> OJ No L 159, 10. 6. 1989, p. 36.

<sup>(6)</sup> OJ No L 153, 4. 7. 1995, p. 1.



## COMMISSION REGULATION (EC) No 1744/95

of 17 July 1995

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 1363/95<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 units of account on the conversion rates to be applied with the purposes of the common agricultural policy<sup>(3)</sup>, as last amended by Regulation (EC) No 150/95<sup>(4)</sup>, and in particular Article 3 (3) thereof,

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 18 July 1995.

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

Done at Brussels, 17 July 1995.

*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 132, 16. 6. 1995, p. 8.

<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 17 July 1995 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)			(ECU/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value	CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 35	052	47,7		508	90,9
	060	80,2		512	49,3
	066	41,7		524	45,6
	068	32,4		528	55,8
	204	50,9		800	202,3
	212	117,9		804	81,5
	624	75,0		999	84,5
	999	63,7			
0707 00 25	052	50,1	0808 20 51	052	84,9
	053	166,9		388	78,5
	060	39,2		512	46,9
	066	53,8		528	70,2
	068	60,4		800	64,3
	204	49,1		804	64,8
	624	207,3		999	68,3
	999	89,5			
0709 90 77	052	55,6	0809 10 40	052	64,6
	204	77,5		064	100,5
	624	196,3		999	82,5
	999	109,8			
0805 30 30	388	62,6	0809 20 51, 0809 20 59	052	153,1
	512	55,7		061	170,0
	524	59,2		064	177,6
	528	56,7		068	63,1
	600	54,7		400	191,9
	624	78,0		624	239,5
	999	61,2		676	166,2
				999	165,9
0808 10 71, 0808 10 73, 0808 10 79	039	92,2	0809 30 31, 0809 30 39	052	59,2
	388	66,4		220	121,8
	400	76,5		624	106,8
				999	95,9
				624	245,1
				999	245,1

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 3079/94 (OJ No L 325, 17. 12. 1994, p. 17). Code '999' stands for 'of other origin.'

## COMMISSION DIRECTIVE 95/33/EC

of 10 July 1995

amending Council Directive 82/471/EEC concerning certain products used in animal nutrition

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 82/471/EEC of 30 June 1982 concerning certain products used in animal nutrition<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 6 thereof,

Whereas Directive 82/471/EEC provides for regular amendment of the content of its Annex to take account of advances in scientific and technical knowledge;

Whereas the study of a new product belonging to the group of protein products obtained from micro-organisms, in this case from bacteria, has permitted to show a beneficial effect in pigs, calves and salmon; whereas authorization for the use of this product in animal nutrition should therefore be permitted under certain conditions;

Whereas, for technological reasons of production, the minimum concentration of the concentrated liquid L-lysine authorized has to be amended;

Whereas the Scientific Committee for Animal Nutrition and the Scientific Committee for Food issued an opinion on the use of the protein product of fermentation from natural gas obtained by culture of *Methylococcus capsulatus* (Bath), *Alcaligenes acidovorans*, *Bacillus brevis* and *Bacillus firmus*;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee for Feedingstuffs,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annex to Directive 82/471/EEC is hereby amended as set out in the Annex of this Directive.

*Article 2*

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive by 30 June 1996 at the latest. They shall immediately inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

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

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 10 July 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 213, 21. 7. 1982, p. 8.

## ANNEX

1. In group 1.1 'Bacteria', the group of products and the following product are added:

1	2	3	4	5	6	7
Name of product group	Name of product	Designation of nutritive principle or identity of micro-organism	Culture substrat (specifications if any)	Composition characteristics of product	Animal species	Special provisions
'1.1.2. Bacteria cultivated on natural gas	1.1.2.1 protein product of fermentation from natural gas obtained by culture of: <i>Methylococcus capsulatus</i> (Bath), <i>Alcaligenes acidovorans</i> , <i>Bacillus brevis</i> et <i>Bacillus firmus</i> , and the cells of which have been killed	<i>Methylococcus capsulatus</i> (Bath) NCIMB strain 11132 <i>Alcaligenes acidovorans</i> NCIMB strain 12387 <i>Bacillus brevis</i> NCIMB strain 13288 <i>Bacillus firmus</i> NCIMB strain 13280	Natural gas: (approx. 91 % methane, 5 % ethane, 2 % propane, 0,5 % isobutane, 0,5 % n-butane, 1 % other components), ammonia, mineral salts	Crude protein: min. 65 %	— Pigs for fattening from 25 to 60 kg — Calves from 80 kg on — Salmon	Declarations to be made on the label or the packaging of the product: — the name: "Protein product of fermentation from natural gas obtained by culture of <i>Methylococcus capsulatus</i> (Bath), <i>Alcaligenes acidovorans</i> , <i>Bacillus brevis</i> and <i>Bacillus firmus</i> ," — crude protein — crude ash — crude fat — moisture content — instructions for use — maximum incorporation rate in the feed: — 8 % pigs for fattening — 8 % calves — 19 % salmon (freshwater) — 33 % salmon (seawater) — declaration of the words: "avoid inhalation"  Declarations to be made on the label or packaging of the compound feeding-stuffs: — The name: "Protein product obtained by bacterial fermentation of natural gas" — amount of the product contained in the feedingstuffs

2. In group 3 'Amino acids and their salts', in group 3.2 'Lysine', item 3.2.2 'Concentrated liquid L-lysine (base)', the text of column 5 is replaced by the following text: 'L-lysine: min. 50 %'.

## 18th COMMISSION DIRECTIVE 95/34/EC

of 10 July 1995

adapting to technical progress Annexes II, III, VI and VII to Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products<sup>(1)</sup>, as last amended by Commission Directive 94/32/EC<sup>(2)</sup>, and in particular Article 8 (2) thereof,

After consultation of the Scientific Committee on Cosmology,

Whereas furocoumarines are recognized to be photomutagenic and photocarcinogenic; whereas the Scientific Committee on Cosmetology has not been able to conclude from the available scientific, technical and epidemiological data that the association of protective filters with furocoumarines would guarantee the safety of sun protection and bronzing products containing furocoumarines above a minimum level; whereas, in order to protect public health, it is therefore necessary to limit furocoumarines to less than 1 mg/kg in these products;

Whereas 4-tert-Butyl-3-methoxy-2,6-dinitrotoluene (Musk Ambrette), is recognized to be a potent photoallergen; whereas, on the basis of recent scientific research, use of this substance in cosmetic products poses a risk to human health; whereas it is therefore necessary to prohibit its use;

Whereas toxicological evaluation of Diisobutyl-phenoxy-ethoxy-ethyl-dimethylbenzyl-ammonium chloride (Benzethonium), shows that this ingredient is toxic to a significant degree; whereas the safety margin for human health, when this ingredient is used in cosmetic products, is inadequate; whereas it is therefore necessary to prohibit its use;

Whereas cells, tissues or products of human origin are liable to transmit the Creutzfeldt-Jakob disease, human spongiform encephalopathy, and certain virus diseases; whereas it is therefore necessary, given the current state of scientific knowledge, to prohibit their use in cosmetic products;

Whereas recent toxicological studies of 3,3-Bis(4-hydroxyphenyl)phthalide (Phenolphthalein); show a net clastogenic effect *in vitro*; whereas the safety margin is

low, especially where children are concerned; whereas it is therefore necessary to prohibit its use;

Whereas, on the basis of the latest scientific and technical research, 2-Cyano-3,3-diphenyl acrylic acid, 2-ethylhexyl ester may be used as ultraviolet filter in cosmetic products;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee on the Adaptation to Technical Progress of the Directives on the Removal of Technical Barriers to Trade in the Cosmetic Products Sector,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 76/768/EEC is hereby amended as shown in the Annex hereto.

*Article 2*

1. Member States shall take all the necessary measures to ensure that as from 1 July 1996 for the substances set out in the Annex, neither manufacturers nor importers established in the Community shall place on the market products which do not comply with the requirements of this Directive.

2. Member States shall take the necessary measures to ensure that the products referred to in paragraph 1 containing the substances set out in the Annex shall not be sold or otherwise supplied to the final consumer after 30 June 1997.

*Article 3*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 30 June 1996. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

<sup>(1)</sup> OJ No L 262, 27. 9. 1976, p. 169.

<sup>(2)</sup> OJ No L 181, 15. 7. 1994, p. 31.

2. Member States shall communicate to the Commission the provisions of national law which they adopt in the field covered by this Directive.

*Article 4*

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

*Article 5*

This Directive is addressed to the Member States.

Done at Brussels, 10 July 1995.

*For the Commission*

Emma BONINO

*Member of the Commission*

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## ANNEX

The Annexes to Directive 76/768/EEC are amended as follows :

1. Annex II :

- (a) Reference number 358 is replaced by the following number :

'358. Furocoumarines (e.g. trioxysalan\*, 8-methoxypsoralen, 5-methoxypsoralen) except for normal content in natural essences used.

In sun protection and in bronzing products, furocoumarines shall be below 1 mg/kg.'

- (b) The following numbers are added :

'414. 4-tert-Butyl-3-methoxy-2,6-dinitrotoluene (Musk Ambrette)

415. Diisobutyl-phenoxy-ethoxy-ethyldimethylbenzylammonium chloride (Benzethonium chloride)

416. Cells, tissues or products of human origin

417. 3,3-Bis(4-hydroxyphenyl)phthalide (Phenolphthalein\*)'

2. In Annex III, Part 2, reference number 3 is deleted.

3. Annex VI, Part 2 :

- (a) Reference number 15 is deleted.

- (b) '30. 6. 1995' in reference numbers 2, 16, 21, 29, 30 is replaced by '30. 6. 1996'.

4. Annex VII :

- (a) In Part 1, the following reference number is added :

'a	b	c	d	e
10	2-cyano-3,3-diphenyl acrylic acid, 2-ethylhexyl ester (Octocrylene)	10 % (expressed as acid)'		

- (b) In Part 2, '30. 6. 1995' in reference numbers 2, 5, 6, 12, 13, 17, 25, 26, 29, 32, 33 and 34 is replaced by '30. 6. 1996'.

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 6 July 1995

relating to the institution of a Scientific Committee for Food

(95/273/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Whereas the drafting and amendment of common rules concerning the composition, manufacturing characteristics, packaging and labelling of foodstuffs requires consideration of the problems relating to the protection of health and safety of persons;

Whereas the quest for solutions to these problems needs the participation of highly qualified scientific personnel, particularly in the fields associated with medicine, nutrition, toxicology, biology, chemistry or other similar disciplines;

Whereas contact with such groups should assume a permanent character in the form of a committee of a consultative nature established by the Commission;

Whereas Commission Decision 74/234/EEC of 16 April 1974 relating to the institution of a Scientific Committee for Food<sup>(1)</sup>, as amended by Decision 86/241/EEC<sup>(2)</sup>, provides that the said Committee shall be composed of not more than 18 members; whereas, in view of the further enlargement of the Community on 1 January 1995 and the increase in the Committee's workload since the said number of members was established, the maximum number of members provided for should be increased;

Whereas, according to Article 101, Protocol 37 and Chapter XII of Annex II to the Agreement on the Euro-

pean Economic Area, the Commission has undertaken to ensure the participation in the Scientific Committee for Food of at least one highly qualified scientist from those Member States of the European Free Trade Association signatory to the Agreement;

Whereas scientific advice on matters relating to food safety must, in the interests of consumers and industry, be independent and transparent;

Whereas, in the interests of transparency, Decision 74/234/EEC should be replaced by this Decision,

HAS DECIDED AS FOLLOWS:

*Article 1*

A Scientific Committee for Food hereinafter called the 'Committee' is hereby established by the Commission.

*Article 2*

1. The Committee shall be consulted by the Commission whenever a legal act requires so.

2. The Committee may be consulted by the Commission on any other problem relating to the protection of the health and safety of persons arising or likely to arise from the consumption of food, in particular on nutritional, hygienic and toxicological issues.

3. The Committee may draw the attention of the Commission to any such problem.

<sup>(1)</sup> OJ No L 136, 20. 5. 1974, p. 1.

<sup>(2)</sup> OJ No L 163, 19. 6. 1986, p. 40.



*Article 3*

The Committee shall be composed of not more than 20 members.

*Article 4*

The Members of the Committee shall be nominated by the Commission from highly qualified scientific persons having competence in the fields referred to in Article 2 (2).

*Article 5*

The Committee shall elect a chairman and two vice-chairmen from its members. The election shall take place by simple majority of the members.

*Article 6*

1. The mandate of a member, chairman or vice-chairman of the Committee shall have a term of three years. It shall be renewable. However, the chairman and vice-chairmen of the Committee may not be immediately re-elected after being in office for two consecutive periods of three years. The duties shall not be subject to remuneration.

After the expiry of the period of three years, the members, chairman or vice-chairmen of the Committee remain in office until their replacement or the renewal of their mandate.

2. Where a member, chairman or vice-chairmen of the Committee finds he is unable to fulfil his mandate, or where the circumstances which led to his nomination significantly change, or in the case of his resignation, he shall be replaced for the remaining term of the mandate in accordance with the procedure provided, as the case may be, in Article 4 or Article 5.

*Article 7*

1. The Committee may form working groups from amongst its members.

2. The mandate of the working groups shall be to report to the Committee on the subjects referred to them by the latter.

*Article 8*

1. The Committee and the working groups shall meet at the invitation of a representative of the Commission.

2. The representative of the Commission as well as other officials and interested agents of the Commission shall assist at the meeting of the Committee and the working groups.

3. The representative of the Commission may invite individuals having particular expertise in the subject being studied to participate at the meetings.

4. The Commission shall provide the secretariat of the Committee and the working groups.

5. The Commission shall codify the working practices and procedures of the Committee and make them available to interested parties.

*Article 9*

1. The deliberations of the Committee shall relate to the requests for opinion put by the representative of the Commission.

The representative of the Commission, in requesting the opinion of the Committee, may fix the length of time within which the opinion is to be given.

2. Where the opinion requested is the subject of the unanimous agreement of the members of the Committee, these latter establish the common conclusions. In the absence of unanimous agreement, the various positions taken in the course of the deliberations shall be entered in a report drawn up under the responsibility of the representative of the Commission.

3. The Commission shall publish the opinions of the Committee.

*Article 10*

Without prejudice to Article 214 of the Treaty members shall be obliged not to divulge information coming to their knowledge as a result of the work of the Committee when the representative of the Commission informs them that the opinion requested relates to material of a confidential nature.

In this case, only the members of the Committee and the representatives of the Commission shall be present at the meetings.

*Article 11*

Members shall be required to notify the Commission annually, and as they occur during the work of the Committee and its working groups, of interests which could prejudice their independence.

*Article 12*

Decision 74/234/EEC is hereby repealed.

Done at Brussels, 6 July 1995.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

## COMMISSION DECISION

of 10 July 1995

**amending Decision 91/516/EEC establishing a list of ingredients whose use is prohibited in compound feedingstuffs**

(Text with EEA relevance)

(95/274/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 79/373/EEC of 2 April 1979 on the marketing of compound feedingstuffs<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 10 (c) thereof,Whereas Commission Decision 91/516/EEC<sup>(2)</sup> established a list of ingredients whose use is prohibited in compound feedingstuffs;

Whereas it is necessary to define more precisely the prohibition concerning the use of treated hide in order to not exclude the use of certain waste of hide which have been treated in a way causing no danger to the animal, e.g. by salting; this measure aims at preventing the disposal of waste which could pollute the environment;

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

HAS ADOPTED THIS DECISION :

*Article 1*

Annex I to Decision 91/516/EEC is hereby amended as set out in the Annex of this Decision.

*Article 2*

This Decision shall apply from 1 June 1996.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 10 July 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*<sup>(1)</sup> OJ No L 86, 6. 4. 1979, p. 30.<sup>(2)</sup> OJ No L 281, 9. 10. 1991, p. 23.

*ANNEX*

Point 2 is replaced by the following :

'2. Hide treated with tanning substances, including its waste'.

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## COMMISSION DECISION

of 10 July 1995

**amending Commission Decision 94/777/EC laying down special conditions for the import of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Turkey**

(Text with EEA relevance)

(95/275/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION :

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of live bivalve molluscs<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 9 thereof,

Whereas the list of establishments approved by Turkey for importing live bivalve molluscs, echinoderms, tunicates and marine gastropods into the Community has been drawn up in Commission Decision 94/777/EC<sup>(2)</sup>; whereas this list may be amended following the communication of a new list by the competent authority in Turkey;

Whereas the competent authority in Turkey has communicated a new list adding three establishments;

Whereas it is necessary to amend the list of approved establishments;

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

*Article 1*

Annex C of Decision 94/777/EC is replaced by the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 10 July 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 268, 24. 9. 1991, p. 1.

<sup>(2)</sup> OJ No L 312, 6. 12. 1994, p. 35.

## ANNEX

## ANNEX C

## LIST OF ESTABLISHMENTS APPROVED FOR EXPORT TO THE EUROPEAN COMMUNITY

Name and address	Approval number and expiry date
Marsan — Eceabat	110 — 31. 12. 1995
Mim-Tur — Sariyer	140 — 31. 12. 1995
Dardanel Onentas — Çanakkale	181 — 31. 12. 1995
Yavuz Mildon — Gelibolu	183 — 31. 12. 1995
Real — Ayvalik	203 — 31. 12. 1995
Artur I — Ayvalik	205 — 31. 12. 1995
Tuna — İstanbul	206 — 31. 12. 1995
Kerevitas Mersu Ancoker — Bursa	301 — 31. 12. 1995
Oray — Tekirdag	315 — 31. 12. 1995
Gürel — Tekirdag	339 — 31. 12. 1995

## CORRIGENDA

**Corrigendum to Commission Regulation (EC) No 843/95 of 18 April 1995 amending Commission Regulation (EEC) No 2210/93 on the communication of information for the purposes of the common organization of the market in fishery and aquaculture products**

*(Official Journal of the European Communities No L 85 of 19 April 1995)*

(a) — On page 14, next to '1. Herrings':

*for:* 'Dunmore East/Castletown Bere/Cobh',

*read:* 'Dunmore East/Castletownbere/Cobh',

*for:* 'Åland',

*read:* 'Åland Islands'.

— On page 15:

— next to '7. Saithe', after 'Lerwick/Scalloway', add 'Bremerhaven/Cuxhaven',

— next to '8. Haddock', after 'Grimsby/Hull', add 'Killybegs',

— next to '9. Whiting':

*for:* 'Castletown Bere',

*read:* 'Castletownbere',

— next to '11. Mackerel':

*for:* 'Castletown Bere',

*read:* 'Castletownbere'.

— On page 16:

— next to '15. Hake':

*for:* 'Castletown Bere',

*read:* 'Castletownbere',

— next to '16. Megrin':

*for:* 'Castletown Bere',

*read:* 'Castletownbere',

— next to '17. Ray's bream':

*for:* 'Santa Eugenia de Ribeira',

*read:* 'Santa Eugenia de Riveira',

— next to '18. (a) Whole anglerfish':

*for:* 'Castletown Bere',

*read:* 'Castletownbere'.

— On page 17:

— next to '20. Flounder':

*for:* 'Hundested',

*read:* 'Hvide Sande'.

(b) At Section 'III. Products listed in Annex I (E) to Regulation (EEC) No 3759/92':

On page 17, next to '2 (a) Norway lobster whole':

*for:* 'Rossavea',

*read:* 'Rossaveal'.

(c) At Section 'VII. Products listed in Annex III to Regulation (EEC) No 3759/92':

On page 19, next to 'All species of tuna':

*for:* 'Santa Eugenia de Ribeira',

*read:* 'Santa Eugenia de Riveira'.