

Official Journal

of the European Communities

ISSN 0378-6978

L 292

Volume 39

15 November 1996

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2184/96
of 28 October 1996
concerning imports into the Community of rice originating in and coming from
Egypt

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Community and the Arab Republic of Egypt have agreed, in an Agreement in the form of an Exchange of Letters, that the customs duties to be applied to imports of rice (CN Code 1006) originating in and coming from Egypt are to be those calculated in accordance with Article 12 of Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, reduced by an amount equal to 25 % of the value of those duties, and that the reduction accorded should no longer be subject to the collection by Egypt of an export levy on the product;

Whereas Council Regulation (EEC) No 1250/77 of 17 May 1977 concerning imports of rice from the Arab Republic of Egypt⁽²⁾ should be repealed accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The customs duties on imports into the Community of rice (CN Code 1006) originating in and coming from

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

Done at Luxembourg, 28 October 1996.

Egypt shall be those calculated in accordance with Article 12 of Regulation (EEC) No 1418/76 reduced by an amount equal to 25 % of the value of those duties, within the limits of an annual volume of 32 000 tonnes.

Article 2

The arrangements for the implementation of this Regulation, including any surveillance measures, shall be adopted in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 1418/76.

Article 3

Regulation (EEC) No 1250/77 is hereby repealed.

Article 4

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

It shall apply from 1 May 1996.

For the Council

The President

D. SPRING

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1. Regulation as last amended by Regulation (EC) No 3072/95 (OJ No L 329, 30. 12. 1995, p. 18).

⁽²⁾ OJ No L 146, 14. 6. 1977, p. 9.

**COUNCIL REGULATION (EURATOM, EC) No 2185/96
of 11 November 1996**

**concerning on-the-spot checks and inspections carried out by the Commission
in order to protect the European Communities' financial interests against fraud
and other irregularities**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 203 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

- (1) Whereas it is essential, for the credibility of the Community, to step up the efforts to counter fraud and other irregularities committed against the Community budget;
- (2) Whereas Article 209a of the Treaty establishing the European Community makes it clear that the protection of the Communities' financial interests is primarily the responsibility of the Member States, without prejudice to other provisions of the Treaty;
- (3) Whereas Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests ⁽³⁾ established a common legal framework for all the fields of the Communities' activity;
- (4) Whereas Article 1 (2) of the said Regulation includes a definition of 'irregularity' and whereas the sixth recital of that Regulation stipulates that irregular conduct includes fraudulent actions as defined in the Convention on the protection of the European Communities' financial interests ⁽⁴⁾;
- (5) Whereas Article 10 of that Regulation provided for subsequent adoption of additional general provisions relating to on-the-spot inspections and checks;
- (6) Whereas, without prejudice to the checks carried out by the Member States in accordance with Article 8 of Regulation (EC, Euratom) No 2988/95 and in the interests of efficiency, it is appropriate to adopt additional general provisions concerning on-the-spot checks and inspections by the Commission that do not affect the application of Community sectoral rules as referred to in Article 9 (2) of the said Regulation;
- (7) Whereas implementation of the provisions of this Regulation is subject to identification of the objectives that justify their application, especially where, owing to the scale of fraud, which is not confined to one country and frequently involves organized rings, or where, on account of the special nature of the situation in a Member State, those objectives cannot, in view of the seriousness of the damage done to the Communities' financial interests or to the credibility of the Union, be fully realized by the Member States alone and can therefore be better achieved at Community level;
- (8) Whereas on-the-spot checks and inspections may not exceed what is necessary to ensure the correct application of Community law;
- (9) Whereas they shall also be carried out without prejudice to the provisions applicable in each Member State relating to the protection of the essential interests of State security;
- (10) Whereas, in accordance with the principle of sincere cooperation of the Community implicit in Article 5 of the EC Treaty and in the light of the case-law of the Court of Justice of the European Communities, it is important that Member States' administrations and Commission departments cooperate genuinely and provide one another with the necessary assistance in the preparation and performance of on-the-spot checks and inspections;
- (11) Whereas it is necessary to define the conditions under which Commission inspectors are to exercise their powers;
- (12) Whereas those on-the-spot checks and inspections are carried out with due regard to the fundamental rights of the persons concerned and to the rules on professional secrecy and the protection of personal data; whereas in that regard it is important that the Commission ensure that its inspectors comply with Community and national provisions on the protection of personal data, in particular those laid down in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽⁵⁾;

⁽¹⁾ OJ No C 84, 21. 3. 1996, p. 10.

⁽²⁾ OJ No C 166, 10. 6. 1996, p. 102 and Opinion delivered on 23 October 1996 (not yet published in the Official Journal).

⁽³⁾ OJ No L 312, 23. 12. 1995, p. 1.

⁽⁴⁾ OJ No C 316, 27. 11. 1995, p. 48.

⁽⁵⁾ OJ No L 281, 23. 11. 1995, p. 31.

- (13) Whereas, if action to combat fraud and irregularities is to be effective, the Commission must carry out inspections on the premises of those economic operators who may have been involved, directly or indirectly, in the irregularity in question and on the premises of other economic operators who might be concerned by that irregularity; whereas, in the event of the application of this Regulation, the Commission should ensure that those economic operators are not simultaneously subjected, in respect of the same acts, to similar checks and inspections carried out by the Commission or by the Member States on the basis of Community sectoral rules or national legislation;
- (14) Whereas the Commission inspectors must have access to all the information on the transactions concerned on the same terms as national administrative inspectors; whereas the reports by the Commission inspectors, signed, if appropriate, by the national inspectors, must be drawn up taking into account the procedural requirements laid down in the law of the Member State concerned; whereas they must be admitted as evidence in the administrative and judicial proceedings of the Member State where it proves necessary to use them and have an identical value to the reports drawn up by national administrative inspectors;
- (15) Whereas, in cases where there is a risk of evidence disappearing, or where economic operators oppose on-the-spot checks or inspections by the Commission, it is for the Member States to take the necessary precautionary or implementing measures in accordance with their legislation;
- (16) Whereas this Regulation affects neither Member States' powers regarding the prosecution of criminal offences nor the rules governing mutual assistance between Member States on criminal matters;
- (17) Whereas the Treaties contain no powers for the adoption of this Regulation other than those provided for in Article 235 of the EC Treaty and Article 203 of the Euratom Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the additional general provisions within the meaning of Article 10 of Regulation (EC, Euratom) No 2988/95 which are applicable to on-the-spot administrative checks and inspections carried out by the Commission in order to protect the financial interests of the Communities against irregularities as defined in Article 1 (2) of the said Regulation.

Without prejudice to the provisions of the Community sectoral rules, this Regulation shall apply to all areas of the Communities' activity.

This Regulation shall not affect Member States' powers regarding the prosecution of criminal offences or the rules

governing mutual assistance in criminal matters between Member States.

Article 2

The Commission may carry out on-the-spot checks and inspections pursuant to this Regulation:

- for the detection of serious or transnational irregularities or irregularities that may involve economic operators acting in several Member States, or
- where, for the detection of irregularities, the situation in a Member State requires on-the-spot checks and inspections to be strengthened in a particular case in order to improve the effectiveness of the protection of financial interests and so to ensure an equivalent level of protection within the Community, or
- at the request of the Member State concerned.

Article 3

Where the Commission decides to carry out on-the-spot checks and inspections under this Regulation, it shall ensure that similar checks and inspections are not being carried out at the same time in respect of the same facts with regard to the economic operators concerned on the basis of Community sectoral regulations.

In addition, it shall take into account the inspections in progress or already carried out in respect of the same facts with regard to the economic operators concerned, by the Member State on the basis of its legislation.

Article 4

On-the-spot checks and inspections shall be prepared and conducted by the Commission in close cooperation with the competent authorities of the Member State concerned, which shall be notified in good time of the object, purpose and legal basis of the checks and inspections, so that they can provide all the requisite help. To that end, the officials of the Member State concerned may participate in the on-the-spot checks and inspections.

In addition, if the Member State concerned so wishes, the on-the-spot checks and inspections may be carried out jointly by the Commission and the Member State's competent authorities.

Article 5

On-the-spot checks and inspections shall be carried out by the Commission on economic operators to whom Community administrative measures and penalties pursuant to Article 7 of Regulation (EC, Euratom) No 2988/95 may be applied, where there are reasons to think that irregularities have been committed.

In order to make it easier for the Commission to carry out such checks and inspections, economic operators shall be required to grant access to premises, land, means of transport or other areas, used for business purposes.

Where strictly necessary in order to establish whether an irregularity exists, the Commission may carry out on-the-spot checks and inspections on other economic operators concerned, in order to have access to pertinent information held by those operators on facts subject to on-the-spot checks and inspections.

Article 6

1. On-the-spot checks and inspections shall be carried out on the Commission's authority and responsibility by its officials or other servants, duly empowered, hereinafter called 'Commission inspectors'. Persons placed at the disposal of the Commission by the Member States as national experts on secondment may assist in such checks and inspections.

Commission inspectors shall exercise their powers on production of a written authorization showing their identity and position, together with a document indicating the subject-matter and purpose of the on-the-spot check or inspection.

Subject to the Community law applicable, they shall be required to comply, with the rules of procedure laid down by the law of the Member State concerned.

2. Subject to the agreement of the Member State concerned, the Commission may seek the assistance of officials from other Member States as observers and call on outside bodies acting under its responsibility to provide technical assistance.

The Commission shall ensure that the aforementioned officials and bodies give every guarantee as regards technical competence, independence and observance of professional secrecy.

Article 7

1. Commission inspectors shall have access, under the same conditions as national administrative inspectors and in compliance with national legislation, to all the information and documentation on the operations concerned which are required for the proper conduct of the on-the-spot checks and inspections. They may avail themselves of the same inspection facilities as national administrative inspectors and in particular copy relevant documents.

On-the-spot checks and inspections may concern, in particular:

- professional books and documents such as invoices, lists of terms and conditions, pay slips, statements of

materials used and work done, and bank statements held by economic operators,

- computer data,
- production, packaging and dispatching systems and methods,
- physical checks as to the nature and quantity of goods or completed operations,
- the taking and checking of samples,
- the progress of works and investments for which financing has been provided, and the use made of completed investments,
- budgetary and accounting documents,
- the financial and technical implementation of subsidized projects.

2. Where necessary, it shall be for the Member States, at the Commission's request, to take the appropriate precautionary measures under national law, in particular in order to safeguard evidence.

Article 8

1. Information communicated or acquired in any form under this Regulation shall be covered by professional secrecy and protected in the same way as similar information is protected by the national legislation of the Member State that received it and by the corresponding provisions applicable to the Community institutions.

Such information may not be communicated to persons other than those within the Community institutions or in the Member States whose functions require them to know it nor may it be used by Community institutions for purposes other than to ensure effective protection of the Communities' financial interests in all Member States. Where a Member State intends to use for other purposes information obtained by officials participating under its authority as observers, in accordance with Article 6 (2), in on-the-spot checks and inspections, it shall seek the agreement of the Member State where that information was obtained.

2. The Commission shall report as soon as possible to the competent authority of the State within whose territory an on-the-spot check or inspection has been performed any fact or suspicion relating to an irregularity which has come to its notice in the course of the on-the-spot check or inspection. In any event the Commission shall be required to inform the aforementioned authority of the result of such checks and inspections.

3. Commission inspectors shall ensure that in drawing up their reports account is taken of the procedural requirements laid down in the national law of the Member State concerned. The material and supporting documents as referred to in Article 7 shall be annexed to the said reports. The reports thus prepared shall constitute admissible evidence in administrative or judicial proceedings of the Member State in which their use proves necessary, in

the same way and under the same conditions as administrative reports drawn up by national administrative inspectors. They shall be subject to the same evaluation rules as those applicable to administrative reports drawn up by national administrative inspectors and shall be of identical value to such reports. Where an inspection is carried out jointly, pursuant to the second subparagraph of Article 4, the national inspectors who took part in the operation shall be asked to countersign the report drawn up by the Commission inspectors.

4. The Commission shall ensure that, when implementing this Regulation, its inspectors comply with Community and national provisions on the protection of personal data, in particular those laid down in Directive 95/46/EC of the European Parliament and of the Council.

5. Where on-the-spot checks or inspections are performed outside Community territory, reports shall be prepared by Commission inspectors in conditions which would enable them to constitute admissible evidence in

administrative or judicial proceedings of the Member State in which their use proves necessary.

Article 9

Where the economic operators referred to in Article 5 resist an on-the-spot check or inspection, the Member State concerned, acting in accordance with national rules, shall give Commission inspectors such assistance as they need to allow them to discharge their duty in carrying out an on-the-spot check or inspection.

It shall be for the Member States to take any necessary measures, in conformity with national law.

Article 10

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

It shall apply from 1 January 1997.

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

Done at Brussels, 11 November 1996.

For the Council

The President

R. QUINN

COMMISSION REGULATION (EC) No 2186/96
of 14 November 1996
amending Regulation (EEC) No 536/93 laying down detailed rules on the
application of the additional levy 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 3950/92 of 28 December 1992 establishing an additional levy in the milk and milk products sector⁽¹⁾, as last amended by Regulation (EC) No 1109/96⁽²⁾, and in particular Article 11 thereof,

Whereas Article 4 of Commission Regulation (EEC) No 536/93⁽³⁾, as last amended by Regulation (EC) No 82/96⁽⁴⁾, provides for a penalty affecting producers selling directly who do not comply with the time limit for forwarding declarations summarizing their sales during the period elapsing to the competent authority of the Member State; whereas experience gained shows that in the case of producers with a very small reference quantity, the penalty laid down is hardly a deterrent and the administrative costs of collection exceed the amount concerned; whereas a minimum amount should accordingly be set for that penalty;

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

Done at Brussels, 14 November 1996.

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

The second subparagraph of Article 4(2) of Regulation (EEC) No 536/93 is hereby replaced by the following:

'Where that time limit is not observed, the producer shall be liable to the levy on all the quantities of milk and milk equivalent sold directly in excess of his reference quantity or, where there is no overrun, to a penalty equal to the levy due for a 0,1 % overrun of his reference quantity. That penalty may not, however, be less than ECU 20 or exceed ECU 1 000.'

Article 2

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

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 405, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 148, 21. 6. 1996, p. 13.

⁽³⁾ OJ No L 57, 10. 3. 1993, p. 12.

⁽⁴⁾ OJ No L 17, 23. 1. 1996, p. 1.

COMMISSION REGULATION (EC) No 2187/96

of 14 November 1996

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of uniflorous (standard) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as last amended by Regulation (EC) No 539/96⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EC) No 1981/94⁽³⁾, as last amended by Regulation (EC) No 1877/96⁽⁴⁾, opened and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EC) No 1985/96⁽⁵⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁶⁾, as last amended by Regulation (EEC) No 2917/93⁽⁷⁾, lays down the detailed rules for the application of the arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾, as last amended by Regulation (EC) No 150/95⁽⁹⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹⁰⁾, as last amended by Regulation (EC) No 1482/96⁽¹¹⁾;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for uniflorous (standard) carnations originating in Israel, whereas the Common Customs Tariff duty should be re-established,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of uniflorous (standard) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 15 November 1996.

⁽¹⁾ OJ No L 264, 17. 10. 1996, p. 14.

⁽²⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽³⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ No L 188, 27. 7. 1996, p. 22.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 79, 29. 3. 1996, p. 6.

⁽³⁾ OJ No L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ No L 249, 1. 10. 1996, p. 1.

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

Done at Brussels, 14 November 1996.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 2188/96

of 14 November 1996

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of small-flowered roses originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as last amended by Regulation (EC) No 539/96⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EC) No 1981/94⁽³⁾, as last amended by Regulation (EC) No 1877/96⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

- (a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;
- or
- (b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EC) No 1985/96⁽⁵⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁶⁾, as last amended by Regulation (EEC) No 2917/93⁽⁷⁾, lays down the detailed rules for the application of the arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾, as last amended by Regulation (EC) No 150/95⁽⁹⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹⁰⁾, as last amended by Regulation (EC) No 1482/96⁽¹¹⁾;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for small-flowered roses originating in Israel; whereas the Common Customs Tariff duty should be re-established;

Whereas the quota for the products in question covers the period 1 November 1996 to 31 October 1997; whereas, as a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of small-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 15 November 1996 and is applicable until 31 October 1997 at the latest.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 79, 29. 3. 1996, p. 6.

⁽³⁾ OJ No L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ No L 249, 1. 10. 1996, p. 1.

⁽⁵⁾ OJ No L 264, 17. 10. 1996, p. 14.

⁽⁶⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹¹⁾ OJ No L 188, 27. 7. 1996, p. 22.

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

Done at Brussels, 14 November 1996.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 2189/96**of 14 November 1996****temporarily suspending the issuing of export licences for certain milk products and determining what proportion of the amounts covered by pending applications for export licences may be allocated**

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⁾,

Having regard to Commission Regulation (EC) No 1466/95 of 27 June 1995 laying down special detailed rules of application for export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 1875/96 ⁽⁴⁾, and in particular Article 8 (3) thereof,

Whereas the market in certain milk products is currently subject to uncertainty; whereas licence applications of a speculative nature should be avoided which may lead to distortions of competition between operators and potentially disrupt the continuity of exports of these products for the remainder of the period in question; whereas the issue of export licenses for the products involved should be temporarily suspended;

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 issue of export licences for milk products falling within CN code 0406 is hereby suspended for the period from 15 to 20 November 1996.
2. Licences shall be issued for products falling within CN code 0406 for which applications are still pending and against which licences would have been issued from 15 November 1996.

Article 2

This Regulation shall enter into force on 15 November 1996.

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

Done at Brussels, 14 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽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.

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Commission Regulation (EC) No 1363/95⁽²⁾, and in particular Article 26 (11) thereof,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽³⁾, as amended by Regulation (EC) No 1193/96⁽⁴⁾, and in particular Article 4 thereof,

Whereas various aspects of Commission Regulation (EC) No 1488/95 of 28 June 1995 on implementing rules for export refunds on fruit and vegetables⁽⁵⁾, as last amended by Regulation (EC) No 2702/95⁽⁶⁾, should be amended in order to improve the system of export refunds on fruit and vegetables, and to ensure its transparency; whereas, in the interests of clarity and rationalization, it is appropriate to use the new amendments as an opportunity to recast the text and repeal the aforesaid Regulation (EC) No 1488/95;

Whereas Article 26 (6) of Regulation (EEC) No 1035/72 requires the presentation of an export licence for the grant of any refund;

Whereas Commission Regulation (EEC) No 3719/88⁽⁷⁾, as last amended by Regulation (EC) No 2137/95⁽⁸⁾, sets out detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products;

Whereas Commission Regulation (EEC) No 3846/87⁽⁹⁾, as last amended by Regulation (EC) No 2123/96⁽¹⁰⁾, establishes an agricultural product nomenclature for export refunds;

Whereas Commission Regulation (EEC) No 3665/87⁽¹¹⁾, as last amended by Regulation (EC) No 1384/95⁽¹²⁾, lays down common detailed rules for the application of the system of export refunds on agricultural products; whereas these detailed rules must be supplemented by specific rules relating to fruit and vegetables;

Whereas, pursuant to Article 26 (1) of Regulation (EEC) No 1035/72, refunds are to be set with due regard to the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas the Commission is required to fix the refund rates and the maximum quantities eligible for refunds; whereas those amounts and quantities must be fixed per period of allocation of export licences; whereas they may be revised in the light of economic circumstances;

Whereas, to ensure that quantities for export are administered in a proper manner, time should be allowed for consideration before licences are issued;

Whereas the Member States should designate the authorities responsible for issuing licences;

Whereas, in the interests of a proper implementation of the scheme, provision should be made for a variety of systems for the grant of refunds;

Whereas the issue of licences with advance fixing of the refund should be subject also to the lodging of a security;

Whereas, to ensure the smooth operation of the system and to exclude speculators, licences should be non-transferable;

Whereas Article 26 (4) of Regulation (EEC) No 1035/72 provides, *inter alia*, for refunds to be fixed in accordance with the economic aspect of proposed exports; whereas, to that end, provision should be made for new arrangements for the issue of licences with advance fixing of the refund;

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽³⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽⁴⁾ OJ No L 161, 29. 6. 1996, p. 1.

⁽⁵⁾ OJ No L 145, 29. 6. 1995, p. 68.

⁽⁶⁾ OJ No L 280, 23. 11. 1995, p. 30.

⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁸⁾ OJ No L 214, 8. 9. 1995, p. 21.

⁽⁹⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽¹⁰⁾ OJ No L 284, 6. 11. 1996, p. 2.

⁽¹¹⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽¹²⁾ OJ No L 134, 20. 6. 1995, p. 14.

whereas, before such licences are issued, the Commission should gather information by asking exporters to indicate the minimum rate they require in order to be able to export; whereas the Commission can use this information to make an informed decision on economically viable refund rates;

Whereas, since Article 26 (7) of Regulation (EEC) No 1035/72 stipulates that the rate of refund is that applicable on the date of application for the licence where the refund is fixed in advance, provision should be made for a procedure whereby licence applications must be submitted during a period fixed in advance for that purpose on the basis of an indicative refund rate, after which the Commission will fix, on the basis of the information transmitted by the Member States, an actual date for licence applications and a definitive refund rate applicable on that day;

Whereas the Commission must be entitled to reject all applications for special licences with advance fixing of the refund where necessary;

Whereas the meaning of the date of issue of licences should be defined by reference to Regulation (EEC) No 3719/88;

Whereas, in order to maintain the flexibility which is characteristic of exports of fruit and vegetables, being perishable products, provision should be made for certain transactions to be eligible for a refund without advance fixing provided that a licence application is submitted *a posteriori*;

Whereas, in order not to discriminate between Community exporters when licences are being issued without advance fixing of the refund, account should be taken of the date on which the export declaration is accepted rather than the date of application for the licence;

Whereas, in order to prevent significant overruns of indicative quantities in the case of licences without advance fixing of the refund, the Commission should be able to reject licence applications relating to a date subsequent to a given export date;

Whereas the destination or group of destinations should be made compulsory;

Whereas the Member States should regularly forward certain information on licence applications to the Commission;

Whereas steps should be taken to ensure that exported products on which refunds are granted meet the relevant

common quality standards and any national rules on the quality of fruit and vegetables exported to third countries;

Whereas, in the case of supplies for ships and aircraft treated as exports from the Community and thus qualifying for export refunds, systematic checking of each consignment would impose an administrative burden disproportionate to the small quantities of fruit and vegetables normally involved; whereas the checking of such deliveries should be dispensed with therefore in certain conditions;

Whereas, in line with Article 4 (3) of Commission Regulation (EEC) No 2251/92 of 29 July 1992 on quality inspection of fresh fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 3184/94⁽²⁾, the above derogation will be acceptable only for quantities of 500 kilograms of a product or less;

Whereas an exported quantity conferring entitlement to a refund may not, subject to the tolerance limits, exceed the quantity applied for in the licence application;

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

HAS ADOPTED THIS REGULATION:

Article 1

Arrangements for the grant of refunds

1. The export refunds referred to in Article 26 of Regulation (EEC) No 1035/72 shall be granted on the basis of export licences which may be issued under three systems:

- the standard system with advance fixing of the refund, hereinafter called 'system A1',
- the special system with advance fixing of the refund, hereinafter called 'system A2',
- the system without advance fixing of the refund, hereinafter called 'system B'.

2. The rates of refund for systems A1 and A2 shall be set by the Commission in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72, as shall the quantities for which licences may be issued and the terms of validity of those licences. However, the rates and quantities set in the case of system A2 shall have a purely indicative value.

⁽¹⁾ OJ No L 219, 4. 8. 1992, p. 9.

⁽²⁾ OJ No L 332, 22. 12. 1994, p. 28.

The rates and quantities shall be set for each licence application period.

3. In the case of system B, the Commission, acting in accordance with the procedure under Article 33 of Regulation (EEC) No 1035/72, shall set the indicative quantities and refund rates.

The rates and quantities shall be set for each export period.

4. The quantities referred to in paragraphs 2 and 3 and the terms of validity of the licences referred to in paragraph 2 may, in exceptional circumstances, be adjusted by the Commission in the light of Community production and the prospects for exports.

Article 2

Special provisions for system A1

1. Exporters shall apply to the competent authorities in the Member States for a licence under system A1 in order to obtain a refund at the rate applicable on the date of the licence application.

Licence applications shall be accompanied by the lodging of a security equal to half the amount of the refund in force on the date of the application for the products exported.

2. Member States shall send the Commission, in accordance with the model set out in Annex I, not later than 12 o'clock midday (Brussels time) on Monday and Thursday of each week, information concerning, for each application date and for each product category, the quantities for which application for a licence has been made during the preceding days, other than those covered by applications rejected pursuant to Article 4 (3), or, as appropriate, the absence of applications.

3. The Commission shall check, for each application submission date in turn, whether the total quantities applied for in each product category exceed the quantity referred to in Article 1 (2):

- less the quantities for which A1 licences have been issued during the current issuing period, not including licences issued for food aid as provided for in Article 10 (4) of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations,
- plus any quantities covered by applications withdrawn under paragraph 5 of this Article,
- plus any quantities for which licences have been issued but not used,
- plus any quantities not used within the tolerance provided for in Article 8 (5) of Regulation (EEC) No 3719/88.

If they do the Commission shall determine for what percentage of the quantities licences may be issued or shall reject the applications.

4. Export licences shall be issued on the fifth working day following the day on which the application is submitted, provided that neither of the measures referred to in the second subparagraph of paragraph 3 has been taken in the meantime.

5. In the event of a percentage being set pursuant to the second subparagraph of paragraph 3, applications may be withdrawn within 10 working days of the date of publication of that percentage. Withdrawal shall give rise to the release of the security. The security shall be released also where applications are rejected.

Article 3

Special provisions for system A2

1. Exporters shall apply for a licence under system A2 to the competent authorities in the Member States during the application periods referred to in Article 1 (2) with a view to obtaining a definitive refund rate and a specific quantity of products, valid on the actual date of application.

For the purposes of this Regulation, 'actual date of application' means the date on which the applications referred to in the first subparagraph are deemed to have been submitted.

Licence applications shall be accompanied by the lodging of a security equal to half the amount of the indicative refund rate in force during the application period.

2. Licence applications shall carry in box 20 at least one of the following entries, in which the minimum rate of refund sought by the applicant in order to be able to export shall be expressed by a whole number of ecus per net tonne:

- Solicitud condicionada a la fijación, por parte de la Comisión, de un tipo de restitución superior o igual a... (*tipo mínimo solicitado por el solicitante del certificado*) ecus/tonelada neta, en la fecha efectiva de la solicitud
- Ansøgning under den forudsætning, at Kommissionen fastsætter en restitutionssats på mindst... (den minimumssats, licensansøgeren ansøger om) ECU/t netto på den faktiske ansøgningsdato
- Antrag vorbehaltlich eines von der Kommission am tatsächlichen Tag der Antragstellung festgesetzten Erstattungssatzes von mindestens... ECU/Tonne Eigengewicht (vom Antragsteller beantragter Satz)

- Αίτηση με την επιφύλαξη του καθορισμού από την Επιτροπή ύψους επιστροφής ανώτερου ή ίσου προς... (ελάχιστο ύψος που ζητά ο υποβάλλων αίτηση πιστοποιητικού) ECU/τόνο καθαρού βάρους κατά την πραγματική ημερομηνία της αίτησης
- Application subject to the fixing by the Commission of a refund rate of not less than ECU.../tonne net (*minimum rate sought by the applicant*) on the actual date of application
- Demande sous réserve de la fixation par la Commission d'un taux de restitution supérieur ou égal à... (taux minimal demandé par le demandeur de certificat) écus/tonne net à la date effective de la demande
- Domanda condizionata alla fissazione, da parte della Commissione, di un tasso di restituzione superiore o pari a... (tasso minimo chiesto dal richiedente del titolo) ECU/t netta alla data effettiva della domanda
- Aanvraag onder voorbehoud dat de Commissie op de daadwerkelijke aanvraagdatum een restitutie vaststelt die niet lager is dan... (door de certificaataanvrager gevraagde minimumrestitutievoet)
- Pedido sob reserva da fixação pela Comissão de uma taxa de restituição superior ou igual a... (taxa mínima pedida pelo requerente de certificado) ecus/tonnelada líquida na data efectiva de pedido
- Hakemus, jonka edellytyksenä on, että komissio vahvistaa tuen määrän, joka on vähintään... (todistuksen hakijan pyytämä vähimmäismäärä) ecua tonnilta nettopainoa hakemuksen tosiasiallisena päivämääränä
- Ansökan med förbehåll för att kommissionen fastställer ett bidragsbelopp på minst... (minimibidrags-sats som den licenssökande begärt) ecu/ton nettovikt vid det faktiska datumet för ansökan.

Licence applicants may not apply for a minimum rate higher than double the indicative rate.

3. Member States shall notify to the Commission, in accordance with the model set out in Annex II, not later than 12 o'clock midday (Brussels time) on the third working day following the licence application period, information concerning, for each product category, the quantities in respect of which application for a licence has been made, excluding those covered by applications rejected pursuant to Article 4 (3), or, as appropriate, the absence of applications. These quantities shall be broken down by:

- destination or groups of destinations,
- minimum rate sought by the applicant in ascending order.

4. At the end of each licence application period, the Commission shall fix:

- the actual date of application as referred to in paragraph 1 of this Article,
 - the definitive refund rates applicable on that date,
 - the percentages for the issue of licences deemed to have been applied for on the actual date of application,
- or shall reject the applications where necessary.

5. Applications as referred to in paragraph 2 that are subject to a rate higher than the corresponding definitive rate fixed by the Commission shall be considered void.

6. Export licences shall be issued by the Member States on the third working day after the actual date of application.

7. The security shall be released in the case of applications that are regarded as void pursuant to paragraph 5 or those rejected in accordance with paragraph 4.

Article 4

Provisions common to systems A1 and A2

1. For the A1 and A2 licences referred to in Article 1 (1) (a) and (b), destinations or groups of destinations shall be compulsory within the meaning of Article 20 (3) of Regulation (EEC) No 3665/87. They shall be entered in box 7 of the licence application or licence.

2. Box 22 of licence applications and licences shall contain at least one of the following entries:

- Restitución válida para... (cantidad para la que se haya expedido el certificado) como máximo
- Restitutionen omfatter højst... (den mængde, licensen er udstedt for)
- Erstattung gültig für höchstens... (Menge, für die die Lizenz erteilt wurde)
- Επιστροφή που ισχύει για (ποσότητα για την οποία εκδίδεται το πιστοποιητικό) κατ' ανώτατο όριο
- Refund valid for not more than... (quantity for which licence issued)
- Restitution valable pour... (quantité pour laquelle le certificat est délivré) au maximum
- Restituzione valida al massimo per... (quantitativo per il quale è rilasciato il titolo)
- Restitutie voor ten hoogste... (hoeveelheid waarvoor het certificaat is afgegeven)
- Restituição válida para... (quantidade em relação à qual tenha sido emitido o certificado), no máximo
- Tuki on voimassa enintään (määrä, jolle todistus on myönnetty)
- Bidrag som gäller för högst... (kvantitet för vilken licensen skall utfärdas).

3. For each period in which applications are submitted and for each type of licence, the total quantity of a product for which licence applications are submitted by an exporter for a destination or group of destinations may not exceed half that set for that product and destination or group of destinations during the application period concerned.

Where that quantity is increased during an application period, the quantity in respect of which further applications are submitted may not be greater than half the increase.

Member States shall automatically reject all applications not complying with the first and second subparagraphs.

4. The Member States shall send the Commission, in accordance with the model set out in Annex III, not later than 12 o'clock midday (Brussels time) on Thursday of each week, information concerning, for each product category:

- any quantities for which licence applications have been withdrawn,
- any quantities for which licences have been issued but not used and any quantities not used within the tolerance provided for in Article 8 (5) of Regulation (EEC) No 3719/88,
- as appropriate, the absence of such quantities,
- the refund rate applied to the quantities referred to in the first and second indents.

The information notified shall concern the last week but two.

5. Licences shall be valid from their date of issue within the meaning of Article 21 (2) of Regulation (EEC) No 3719/88.

However, in the case of export licences for apples intended for Hong Kong, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico and Costa Rica, the period of validity shall commence:

- on 15 July of the current year for licences issued between the date corresponding to 15 July less the period of validity and 14 July,
- on the day of issue for licences issued from 15 July to the end of February of the following year.

The period of validity shall end at the end of February for licences issued between the date corresponding to 1 March less the period of validity and the end of February.

These dates shall be indicated as follows in box 22 of the licence:

- Certificado válido del (fecha de comienzo del período de validez) al (fecha final del período de validez)
- Licensen er gyldig fra (gyldighedsperiodens begyndelse) til (gyldighedsperiodens ophør)
- Lizenz gültig vom (Beginn der Gültigkeitsdauer) bis zum (Ende der Gültigkeitsdauer)
- Πιστοποιητικό που ισχύει από (ημερομηνία έναρξης ισχύος) έως (ημερομηνία λήξης ισχύος)
- Licence valid from (date of commencement of validity) to (date of end of validity)
- Certificat valable du (date de début de validité) au (date de fin de validité)
- Titolo valido dal [data di decorrenza della validità] al [data di scadenza della validità]
- Certificaat geldig van (datum van de eerste dag van de geldigheidsduur) tot en met (datum van de laatste dag van de geldigheidsduur)
- Certificado válido de (data de início da validade) a (data de termo da validade)
- Todistus voimassa (voimassaolon alkamispäivä) (voimassaolon päättymispäivä)
- Licens giltig från (datum för giltighetstidens början) till (datum då giltighetstiden slutar).

The licences referred to in the second subparagraph shall not be issued during the period 1 March to the date corresponding to 15 July less the period of validity. The destination given on licences which are valid during part of the period from 1 March to 14 July for the export of apples to other destinations may not be changed to one of the destinations listed in the second subparagraph.

6. Quantities exported within the tolerance provided for in Article 8 (4) of Regulation (EEC) No 3719/88 shall not be eligible for payment of a refund.

Article 5

Special provisions for system B

1. Notwithstanding the first paragraph of Article 2a of Regulation (EEC) No 3665/87, exporters may apply for a licence under system B as referred to in Article 1 (3) from the competent authorities of the Member States at the latest on the fifth working day following the date of acceptance of the export declaration for the products with a view to obtaining a refund at the valid rate for the export period in question.

Licence applications shall be deemed to have been submitted on the date of acceptance of the export declaration for the products. However, if that day is a public holiday applications shall be deemed to have been submitted on the first working day following.

Nonetheless, in the case of export licences for apples intended for Hong Kong, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico and Costa Rica, such applications shall be admissible during the period from 15 July to the end of the following February only.

2. Licence applications must be accompanied by a copy of the export declaration for the products. The declaration must contain at least one of the following entries:

- Exportación para la que se presentará una solicitud *a posteriori* de certificado de exportación sin fijación anticipada de la restitución (sistema B)
- Udførsel, for hvilken der efterfølgende ansøges om eksportlicens uden forudfastsættelse af restitutionen (system B)
- Ausfuhr, für die nachträglich eine Ausfuhrlizenz ohne Vorausfestsetzung der Erstattung beantragt wird (System B)
- Εξαγωγή για την οποία θα υποβληθεί αίτηση εκ των υστέρων για την έκδοση πιστοποιητικού εξαγωγής χωρίς προκαθορισμό της επιστροφής (σύστημα Β)
- Export to be the subject of an *a posteriori* application for an export licence without advance fixing of the refund (system B)
- Exportation qui fera l'objet d'une demande *a posteriori* de certificat d'exportation sans fixation à l'avance de la restitution (système B)
- esportazione che sarà oggetto di una domanda *a posteriori* di titolo di esportazione senza fissazione anticipata della restituzione (sistema B)
- Uitvoer waarvoor achteraf een uitvoercertificaat zonder vaststelling vooraf van de restitutie (B-stelsel) zal worden aangevraagd
- Exportação que será objecto de um pedido *a posteriori* de certificado de exportação sem prefixação da restituição (sistema B)
- Vienti, josta jätetään jälkikäteen todistushakemus, johon ei sisälly tuen ennakkovahvistusta (B-menettely)
- Export som kräver en ansökan i efterhand om exportlicens utan förutfastställelse av bidraget (system B).

3. Licence applications and licences shall carry in box 22 at least one of the following entries:

- Solicitud de certificado de exportación sin fijación anticipada de la restitución con arreglo al artículo 5 del Reglamento (CE) n° 2190/96
- Ansøgning om eksportlicens uden forudfastsættelse af restitutionen, jf. artikel 5 i forordning (EF) nr. 2190/96
- Antrag auf Erteilung einer Ausfuhrlizenz ohne Vorausfestsetzung der Erstattung gemäß Artikel 5 der Verordnung (EG) Nr. 2190/96

— Αίτηση για έκδοση πιστοποιητικού εξαγωγής χωρίς προκαθορισμό της επιστροφής σύμφωνα με το άρθρο 5 του κανονισμού (ΕΚ) αριθ. 2190/96

— Application for export licence without advance fixing of the refund in accordance with Article 5 of Regulation (EC) No 2190/96

— Demande de certificat d'exportation sans fixation à l'avance de la restitution conformément à l'article 5 du règlement (CE) n° 2190/96

— Domanda di titolo di esportazione senza fissazione anticipata della restituzione, ai sensi dell'articolo 5 del regolamento (CE) n. 2190/96

— Aanvraag om een uitvoercertificaat zonder vaststelling vooraf van de restitutie overeenkomstig artikel 5 van Verordening (EG) nr. 2190/96

— Pedido de certificado de exportação sem prefixação da restituição, nos termos do artigo 5º do Regulamento (CE) n° 2190/96

— Asetuksen (EY) N:o 2190/96 5 artiklan mukainen vientitodistushakemus ilman tuen ennakkovahvistusta

— Ansökan om exportlicens utan förutfastställelse av bidraget enligt artikel 5 i förordning (EG) nr 2190/96.

4. The Member States shall send the Commission, in accordance with the model set out in Annex IV, not later than 12 o'clock midday (Brussels time) on Thursday of each week, information giving, for each application date within the meaning of paragraph 1 and for each product category:

- the quantities for which licence applications have been submitted, or stating, if appropriate, the absence of applications,
- any quantities for which licence applications have been withdrawn,
- any quantities unused.

The information shall cover the quantities for which licence applications are deemed to have been submitted during the last week but two.

5. If the quantities applied for exceed or threaten to exceed the indicative quantity set for the current export period, the Commission may set a date from which licence applications will be rejected if the relevant product declaration was accepted after that date during the current export period.

6. After each export period, the Commission shall check, on the basis of the information available to it, for each product, whether the quantities applied for not including those for food aid as provided for in Article 10 (4) of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations exceed the indicative quantities set, and shall fix the final dates of refund.

If they do, the Commission may reduce the rate of refund for those transactions.

Furthermore, in order to comply with the annual limits arising under agreements concluded in accordance with Article 228 of the Treaty, the Commission may determine for what percentage of the quantities applied for licences may be issued.

7. Export licences shall be issued on the fourteenth working day after the end of the export period, for that period. Box 22 of the licences shall contain at least one of the following entries, along with the refund rate, fixed in accordance with the first subparagraph of paragraph 6, and the quantity, reduced if necessary by the percentage referred to in the third subparagraph of paragraph 6:

- Certificado de exportación sin fijación anticipada de la restitución por una cantidad de ... kilogramos de los productos que se indican en la casilla 16, a un tipo de ... ecus/tonelada
- Eksportlicens uden forudfastsættelse af restitutionen for en mængde på ... kg produkter, anført i rubrik 16, til en sats på ... ECU/ton
- Ausfuhrlizenz ohne Vorausfestsetzung der Erstattung für eine Menge von ... kg der in Feld 16 genannten Erzeugnisse zum Satz von ... ECU/Tonne
- Πιστοποιητικό εξαγωγής χωρίς προκαθορισμό της επιστροφής για ποσότητα ... χιλιογράμμων των προϊόντων που αναγράφονται στη θέση 16 ύψους ... Ecu/τόνο
- Export licence without advance fixing of the refund for ... kilograms of products as listed in ox 16, at a rate of ECU .. /tonne
- Certificat d'exportation sans fixation à l'avance de la restitution pour une quantité de ... kilogrammes de produits figurant à la case 16, au taux de ... écus/tonne
- Titolo di esportazione senza fissazione anticipata della restituzione per un quantitativo di ... kg dei prodotti indicati nella casella 16, al tasso di ... ECU/t
- Uitvoercertificaat zonder vaststelling vooraf van de restitutie voor ... kg van de in vak 16 genoemde produkten; de restitutie bedraagt ... ecu/ton
- Certificado de exportação sem prefixação da restituição para uma quantidade de ... quilogramas de produtos indicados na casa 16, à taxa de ... ecus/tonelada.
- Vientitodistus, johon ei liity vientituen ennakkovahvistusta, ... kilogramman määrälle kohdassa 16 mainittuja tuotteita, tuen määrä ... ecua/tonni
- Exportlicens utan förutfastställelse av bidraget för en kvantitet av ... kilo av de produkter som anges i fält 16, till ett belopp av ... ecu/ton.

However, if the refund rate or percentage as referred to in paragraph 6 above is zero, the applications shall be rejected.

8. Article 22 of Regulation (EEC) No 3719/88 shall not apply to the licences referred to in paragraphs 1 to 7.

These licences shall be submitted direct to the body responsible for payment of the export refund which shall enter the quantity and stamp the licence.

Article 6

General provisions

1. Member States shall designate the agency or agencies responsible for issuing the export licences and shall inform the Commission thereof.

2. Licence applications and licences shall carry in box 16 the code of the agricultural product nomenclature for export refunds given in Regulation (EEC) No 3846/87.

However, more than one code may appear at the same time in a licence application and a licence provided the codes are those of products in the same category and the refund rate applicable is the same.

Category, within the meaning of the second paragraph of Article 13a of Regulation (EEC) No 3719/88, shall mean the following classes of products:

- tomatoes falling within CN code 0702 00,
- shelled almonds falling within CN code 0802 12,
- hazelnuts falling within CN codes 0802 21 and 0802 22,
- walnuts in shell falling within CN code 0802 31,
- oranges falling within CN code 0805 10,
- clementines falling within CN codes 0805 20 11, 0805 20 21 and 0805 20 31,
- monreales and satsumas falling within CN codes 0805 20 13, 0805 20 23 and 0805 20 33,
- mandarins and wilkings falling within CN codes 0805 20 15, 0805 20 25 and 0805 20 35,
- tangerines falling within CN codes 0805 20 17, 0805 20 27 and 0805 20 37,
- other similar citrus hybrids falling within CN codes 0805 20 19, 0805 20 29 and 0805 20 39,
- lemons falling within CN codes 0805 30 20, 0805 30 30 and 0805 30 40,
- limes falling within CN code 0805 30 90,
- table grapes falling within CN code 0806 10,
- apples falling within CN code 0808 10,
- peaches and nectarines falling within CN code 0809 30.

3. In the Member States' notification of information to the Commission using the forms set out in the Annexes to this Regulation the quantities shall be broken down according to whether or not they fall within the scope of the food aid provided for in Article 10 (4) of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations.

Where the day fixed for the notification of information is a national holiday, the Member State concerned shall make the notification on the working day preceding that national holiday.

Notification shall be made by fax or by any other electronic messaging device.

4. Licences shall not be transferable.

5. In addition to the conditions laid down in Regulation (EEC) No 3665/87, payment of the refund shall be subject to the presentation:

- in the case of products for which a common quality standard has been set, of an inspection certificate as provided for in Article 4(4) of Regulation (EEC) No 2251/92,
- in the case of products for which a common quality standard has not been set, and provided national requirements regarding the quality of fruit and vegetables exported to third countries apply, of a document issued by the inspection authorities in the Member States certifying that at the time of inspection the products met the said requirements.

However, for the supplies of fruit and vegetables referred to in Article 34(1)(a) of Regulation (EEC) No 3665/87, provided the quantities do not exceed 500 kilograms for each class of product, the submission of

- the inspection certificate referred to in Article 4(4) of Regulation (EEC) No 2251/92,
or
- the document issued pursuant to the second indent of the first subparagraph,

shall not be required for payment of the refund for the operations for which the procedure referred to in Article 38 of Regulation (EEC) No 3665/87 or Council Regulation (EEC) No 565/80⁽¹⁾ is not applied.

Article 7

Repeal

Commission Regulation (EC) No 1488/95 is hereby repealed. However, Article 4 of that Regulation shall continue to apply to licences with advance fixing as referred to in Article 3 thereof that are applied for before 18 November 1996 and Articles 5 and 6 shall 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.

References to the repealed Regulation shall be construed as references to this Regulation and shall be correlated in accordance with the table set out in Annex V.

Article 8

Entry into force

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

Systems A1 and A2 shall apply from 18 November 1996 to A1 and A2 licences applied for from that date and system B shall apply from 25 November 1996 to B licences applied for in respect of consignments for which the export declaration is accepted after 24 November 1996.

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

Done at Brussels, 14 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 62, 7. 3. 1980, p. 5.

ANNEX III

Form for notification of information as provided for in Article 4 (4) of Regulation (EC) No 2190/96

A1 AND A2 LICENCES

Member State:

Date:

Product (Product name)	Applications withdrawn		Licences and quantities not used		Refund rate (ECU/net tonne)
	Food aid (GATT) (kilograms)	Other (kilograms)	Food aid (GATT) (kilograms)	Other (kilograms)	

ANNEX IV

Form for notification of information as provided for in Article 5 (4) of Regulation (EC) No 2190/96

B LICENCES

Member State:

Date on which applications were lodged (*):

Product (Product name)	Licence applications		Applications withdrawn		Quantities not used	
	Food aid (GATT) (kilograms)	Other (kilograms)	Food aid (GATT) (kilograms)	Other (kilograms)	Food aid (GATT) (kilograms)	Other (kilograms)

(*) Within the meaning of the second subparagraph of Article 5 (1).

ANNEX V

CORRELATION TABLE			
Regulation (EC) No 1488/95		This Regulation	
Article	Paragraph	Article	Paragraph(s)
1	1	1	2 and 3
1	2		
1	3	1	4
2		6	1
3	1	2	1
3	2	6	2
3	3	4	2
3	4	4	3
4	1	2	3
4	2	2	4
4	3	4	5
4	4	2	5
4	5	4	6
5	1	5	1
5	2	5	1 and 2
5	4	5	3
5	5	5	7
5	6	5	8
6		5	6
7			
8		2	2
		5	4
		4	4
		6	3
9		6	5
10			

COMMISSION REGULATION (EC) No 2191/96

of 14 November 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 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 15 November 1996.

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

Done at Brussels, 14 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 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 14 November 1996 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>			<i>(ECU/tonne)</i>		
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	22,00
1001 10 00 400	—	—	1101 00 15 130	01	20,50
1001 90 91 000	—	—	1101 00 15 150	01	19,00
1001 90 99 000	03	6,00	1101 00 15 170	01	17,50
	02	0	1101 00 15 180	01	16,00
1002 00 00 000	03	21,50	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	21,50	1102 10 00 700	—	—
	02	0	1102 10 00 900	—	—
1004 00 00 200	—	—	1103 11 10 200	01	22,00 (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	22,00 (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).

COMMISSION REGULATION (EC) No 2192/96**of 14 November 1996****establishing the standard import values for determining the entry price of
certain fruit and vegetables**

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

Having regard to Commission Regulation (EC) No
3223/94 of 21 December 1994 on detailed rules for the
application of the import arrangements for fruit and vege-
tables⁽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 Regu-
lation (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 multila-
teral trade negotiations, the criteria whereby the Commis-
sion fixes the standard values for imports from third

countries, in respect of the products and periods stipu-
lated in the Annex thereto;

Whereas, in compliance with the above criteria, the stan-
dard 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 15 November
1996.

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

Done at Brussels, 14 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 249, 1. 10. 1996, p. 29.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 14 November 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 45	204	46,1
	999	46,1
0707 00 40	052	68,5
	624	124,4
	999	96,5
0709 90 79	052	75,5
	999	75,5
0805 20 31	052	85,5
	204	97,3
	999	91,4
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	60,1
	999	60,1
0805 30 40	052	67,1
	388	45,2
	400	83,7
	528	49,4
	600	54,0
	999	59,9
0806 10 50	052	126,2
	400	257,9
	999	192,0
0808 10 92, 0808 10 94, 0808 10 98	060	45,9
	064	44,7
	400	79,0
	404	70,5
	999	60,0
0808 20 67	052	72,0
	064	79,4
	400	58,9
	624	62,2
	999	68,1

⁽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'.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 28 October 1996

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Arab Republic of Egypt modifying the arrangements for imports into the Community of rice originating in and coming from Egypt

(96/640/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 in conjunction with the first sentence of Article 228 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 19 of the Cooperation Agreement between the European Economic Community and the Arab Republic of Egypt⁽¹⁾ provides for a reduction in the levy on imports into the Community of rice originating in and coming from that country within the limits of an annual quantity of 32 000 tonnes and on condition that an export levy be collected; whereas the Agreement provides that the Community may modify these arrangements, taking accounts of Egypt's interests, in the event of any change in its rules;

Whereas the Community, in the Uruguay Round agreement on agriculture, has undertaken to replace variable levies with customs duties; whereas this necessitates the modification of the Agreement with Egypt;

Whereas the Community has to that end negotiated with the Arab Republic of Egypt an Agreement in the form of an Exchange of Letters modifying the arrangements in question;

Whereas this Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the Arab Republic of Egypt modifying the arrangements for imports into the Community of rice originating in and coming from Egypt is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

⁽¹⁾ OJ No L 266, 27. 9. 1978, p. 1.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in order to bind the Community ⁽¹⁾.

Article 3

The provisions implementing the Agreement, including any surveillance measures, shall be adopted according to the procedure laid down in Article 27 of Regulation (EEC) No 1418/76 ⁽²⁾.

Where the application of the Agreement calls for close cooperation with the Arab Republic of Egypt, the Commission may take all necessary measures to ensure such cooperation.

Done at Luxembourg, 28 October 1996.

For the Council

The President

D. SPRING

⁽¹⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

⁽²⁾ Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice (OJ No L 166, 25. 6. 1976, p. 1). Regulation as last amended by Regulation (EEC) No 3072/95 (OJ No L 329, 30. 12. 1995, p. 18).

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

between the European Community and the Arab Republic of Egypt modifying the arrangements for imports into the Community of rice originating in and coming from Egypt

Letter No 1

Brussels, 4 November 1996.

Sir,

I have the honour to refer to the Agreement in the form of an Exchange of Letters between the European Community and the Arab Republic of Egypt concerning the arrangements for imports into the Community of rice originating in and coming from Egypt.

Under this Agreement, the customs duties applicable to imports of rice (CN code 1006) originating in and coming from Egypt shall be those calculated in accordance with Article 12 of Regulation (EEC) No 1418/76 reduced by an amount equal to 25 % of the value of the said duties.

The application of the reduction in customs duties accorded shall no longer be subject to the collection by Egypt of an export levy on the product.

This reduction in customs duties shall be applicable from 1 May 1996.

This Agreement shall enter into force on the date on which it is signed by both Parties.

I should be obliged if you would confirm your agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

For the European Community

Letter No 2

Brussels, 4 November 1996.

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'I have the honour to refer to the Agreement in the form of an Exchange of Letters between the European Community and the Arab Republic of Egypt concerning the arrangements for imports into the Community of rice originating in and coming from Egypt.

Under this Agreement, the customs duties applicable to imports of rice (CN code 1006) originating in and coming from Egypt shall be those calculated in accordance with Article 12 of Regulation (EEC) No 1418/76 reduced by an amount equal to 25 % of the value of the said duties.

The application of the reduction in customs duties accorded shall no longer be subject to the collection by Egypt of an export levy on the product.

This reduction in customs duties shall be applicable from 1 May 1996.

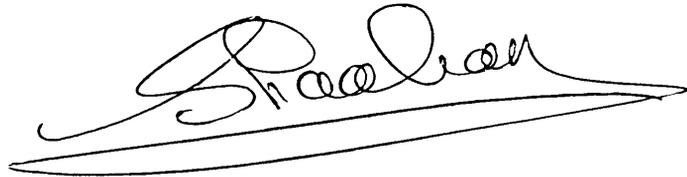
This Agreement shall enter into force on the date on which it is signed by both Parties.

I should be obliged if you would confirm your agreement with the contents of this letter.'

I have the honour to confirm the agreement of the Government of the Arab Republic of Egypt.

Please accept, Sir, the assurance of my highest consideration.

*For the Government
of the Arab Republic of Egypt*



COUNCIL DECISION

of 28 October 1996

on the conclusion of an Agreement in the form of an exchange of letters between the European Community and the Arab Republic of Egypt on the adjustment of the regime for imports into the Community of oranges originating in and coming from Egypt

(96/641/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof, in conjunction with the first sentence of Article 228 (2) thereof,

Having regard to the proposal from the Commission,

Whereas, in the context of the Uruguay Round of multilateral trade negotiations, the import regime for oranges has been changed;

Whereas this new regime may have a negative effect on the Community's traditional imports from Egypt;

Whereas Article 22 of the Cooperation Agreement between the European Economic Community and the Arab Republic of Egypt⁽¹⁾ provides that, where the existing rules are modified, the Community may amend the regime set out in the Agreement for the products concerned;

Whereas the Community has agreed with the Arab Republic of Egypt that, pending the conclusion of a new Euro-Mediterranean Agreement, the said regime will be adjusted on the basis of an Agreement in the form of an exchange of letters;

Whereas the latter Agreement should now be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters between the European Community and the Arab Republic

of Egypt on the adjustment of the regime for imports into the Community of oranges originating in and coming from Egypt is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in order to bind the Community⁽²⁾.

Article 3

If necessary, the Commission shall adopt detailed rules for the application of the Agreement, in accordance with the procedure provided for in Article 33 of Regulation (EEC) No 1035/72⁽³⁾.

Done at Luxembourg, 28 October 1996.

For the Council

The President

D. SPRING

⁽¹⁾ OJ No L 266, 27. 9. 1978, p. 1.

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

⁽³⁾ Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables (OJ No L 118, 20. 5. 1972, p. 1). Regulation as last amended by Commission Regulation (EC) No 1363/95 (OJ No L 132, 16. 6. 1995, p. 8).

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

between the European Community and the Arab Republic of Egypt on the adjustment of the regime for imports into the Community of oranges originating in and coming from Egypt

Letter No 1

Brussels, 4 November 1996.

Sir,

I have the honour to refer to the consultations held between the Egyptian authorities and the services of the European Commission on the implementation of the new WTO commitments following the Uruguay Round.

The aim of these consultations was to grant to Egypt, pending the conclusion of the Euro-Mediterranean Agreement and according to Article 22 of the Cooperation Agreement, preferences equivalent to those provided for in the Cooperation Agreement between the European Economic Community and the Arab Republic of Egypt.

It has been agreed that for fresh oranges falling within code ex 0805 10:

1. From 1 December to 31 May and for a maximum quantity of 8 000 tonnes, the entry price level from which specific duties will be reduced to zero shall be ECU 273 per tonne.
2. This agreed entry price shall be reduced in the same proportion and at the same pace as the entry prices bound within the WTO.
3. If the entry price of a particular lot is 2 %, 4 %, 6 % or 8 % below the agreed entry price, the specific customs duty shall be 2 %, 4 %, 6 % or 8 % of the agreed entry price as appropriate.
4. If the entry price of a particular lot is below 92 % of the agreed entry price, the specific customs duty bound within the WTO shall apply.

This Agreement shall enter into force upon signature by both parties. It shall be applicable as from 1 December 1996.

I should be grateful if you would kindly inform me whether your government is in agreement with the above.

Please accept the assurance of my highest consideration.

For the European Community



Letter No 2

Brussels, 4 November 1996

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'I have the honour to refer to the consultations held between the Egyptian authorities and the services of the European Commission on the implementation of the new WTO commitments following the Uruguay Round.

The aim of these consultations was to grant to Egypt, pending the conclusion of the Euro-Mediterranean Agreement and according to Article 22 of the Cooperation Agreement, preferences equivalent to those provided for in the Cooperation Agreement between the European Economic Community and the Arab Republic of Egypt.

It has been agreed that for fresh oranges falling within code ex 0805 10:

1. From 1 December to 31 May and for a maximum quantity of 8,000 tonnes, the entry price level from which specific duties will be reduced to zero shall be ECU 273 per tonne.
2. This agreed entry price shall be reduced in the same proportion and at the same pace as the entry prices bound within the WTO.
3. If the entry price of a particular lot is 2 %, 4 %, 6 % or 8 % below the agreed entry price, the specific customs duty shall be 2 %, 4 %, 6 % or 8 % of the agreed entry price as appropriate.
4. If the entry price of a particular lot is below 92 % of the agreed entry price, the specific customs duty bound within the WTO shall apply.

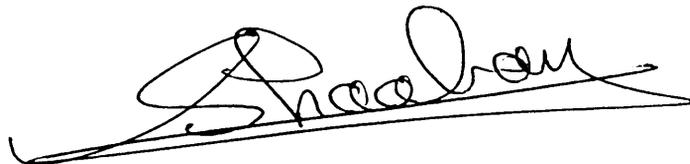
This Agreement shall enter into force upon signature by both parties. It shall be applicable as from 1 December 1996.

I should be grateful if you would kindly inform me whether your government is in agreement with the above.'

I have the honour to confirm that my government is in agreement with the contents of your letter.

Please accept the assurance of my consideration,

*For the Government
of the Arab Republic of Egypt*



COMMISSION

COMMISSION DECISION

of 8 November 1996

setting up an Energy Consultative Committee

(96/642/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community,

Whereas the Commission White Paper *An energy policy for the European Union* (COM(95)682) of 13 December 1995 provides for the setting-up of an Energy Consultative Committee;

Whereas the Council Resolution of 7 May 1996 takes note with satisfaction of the wide and transparent consultations that have taken place with the organizations representing energy suppliers and consumers in the Community on the basis of the Green Paper, and calls upon the Commission to continue that process of consultation in a Community energy policy framework;

Whereas the national authorities and economic operators in the sector acknowledge the need for dialogue between representatives of the energy sector and the Commission departments;

Whereas through that dialogue, the Commission should be able to obtain, *inter alia*, pertinent advice about the objectives and the implementation of European energy policy;

Whereas the RTD framework programme, based on the EC Treaty and the Euratom Treaty, covers technological development in the non-nuclear and nuclear energy sectors;

Whereas an Energy Consultative Committee structured and organized in accordance with the Commission's objectives should be set up;

Whereas it is important for the Commission to consult a body representative of all energy sector players;

Whereas the status of that Committee should be based on past experience,

Article 1

1. An Energy Consultative Committee, hereinafter referred to as 'the Committee', is hereby set up within the Commission.
2. The Committee shall consist of eminent persons representing energy producers, distributors, consumers and unions, and environmental protection associations.

Article 2

Tasks

1. The Committee may be consulted by the Commission on all problems related to Community energy policy.
2. The Committee shall issue opinions or submit reports to the Commission at the latter's request or on its own initiative; the proceedings of the Committee are not subject to any vote.
3. When the Commission asks the Committee for an opinion or a report pursuant to paragraph 2 above, it may lay down the time limit within which the opinion is to be given or the report is to be submitted.

Article 3

Composition

1. The Committee shall consist of 31 members.
2. Seats shall be allocated as follows:
 - 15 members representing the energy industry as a whole,
 - eight members representing energy consumers,
 - six members representing energy sector unions,
 - one member representing environmental protection organizations,
 - one representative of the Commission departments.

*Article 4***Appointment**

1. Full members of the Committee and their alternates shall be appointed by the Commission.
2. An alternate shall be designated for each full member.
3. European energy sector (energy industry, consumers, and unions) and environmental protection organizations shall propose, at the Commission's request, a list of three people for each seat (full members and alternates).
4. The candidates proposed for a seat by the organizations must be of different nationality.
5. Without prejudice to Article 11, an alternate shall attend meetings of the Committee or of a working party (within the meaning of Article 10) only if the full member is prevented from attending or is absent.

*Article 5***Term of office**

1. The term of office of full members of the Committee and of their alternates shall be three years. It may be renewed once.

However, the Commission reserves the right to bring the term of office to a close before its expiry.

2. On expiry of their term of office, members of the Committee and their alternates shall continue in office until such time as they are replaced or reappointed.

3. A member's term of office shall terminate in the event of resignation or death. A member's term of office may also be terminated if the body which put him forward as a candidate asks for him to be replaced.

The full member shall be replaced for the remainder of the period in accordance with the procedure set out in Article 4.

4. No remuneration shall be given for the tasks performed.

*Article 6***Publication**

The Commission shall publish the list of members in the *Official Journal of the European Communities*.

*Article 7***Chairmanship**

1. The Committee shall elect from among its members a Chairman for a period of three years acting by a two-thirds majority of members present.

2. Every three years, acting by a two-thirds majority of members present, the Committee shall elect from among its members three vice-Chairmen representing the energy industry, consumers, and unions respectively.

3. The Chairman and Vice-Chairmen whose term of office has elapsed shall remain in office until such time as they are replaced or reappointed.

4. In the event of the termination of the term of office of the Chairman or of one of the Vice-Chairmen, they shall be replaced for the remainder of their term of office in accordance with the procedure set out in paragraphs 1 and 2 above.

*Article 8***Steering Committee**

1. The Chairman and the Vice-Chairmen shall constitute the Steering Committee.
2. The Steering Committee shall prepare and organize the work of the Committee.
3. The Steering Committee may invite the rapporteurs from any of the working parties referred to in Article 10 to attend its meetings.

*Article 9***Secretariat**

The Commission shall provide secretariat services for the Committee, the Steering Committee, and the working parties.

*Article 10***Working parties**

1. In order to perform the tasks set out in Article 2 the Committee may:
 - (a) set up *ad hoc* working parties. It may authorize a member to be replaced by an expert designated by name within a working party. The representative thus appointed shall enjoy the same rights as the full member whom he replaces in meetings of the working party;
 - (b) propose that the Commission invite experts to assist it in specific work.
2. Working parties shall have a maximum of 11 members.
3. The setting-up of a working party shall be subject to prior budgetary authorization by the Commission.

*Article 11***Observers**

Representatives of interested Commission departments may attend meetings of the Committee and of the working parties as observers.

*Article 12***Opinions and reports**

The Committee shall submit its opinions or reports to the Commission. Where an opinion is adopted unanimously by the Committee, the latter shall establish common conclusions which are attached to the minutes. If the Committee fails to reach unanimous agreement on an opinion or on a report, it shall convey to the Commission the dissenting views expressed.

*Article 13***Meetings**

1. The Committee and the Steering Committee shall meet at the seat of the Commission.
2. The Committee and the Steering Committee shall be convened on the initiative of the Chairman or at the request of a majority of their members.

*Article 14***Confidentiality**

Without prejudice to Article 214 of the Treaty, members of the Committee shall be required to preserve the confidentiality of their work.

*Article 15***Review**

After consulting the Committee, the Commission may review this Decision in the light of experience.

*Article 16***Entry into force**

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

Done at Brussels, 8 November 1996.

For the Commission

Christos PAPOUTSIS

Member of the Commission

COMMISSION DECISION

of 13 November 1996

concerning protective measures with regard to imports of certain animals and their products from Bulgaria due to outbreaks of foot-and-mouth disease

(Text with EEA relevance)

(96/643/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries⁽¹⁾, as last amended by Directive 96/43/EC⁽²⁾, and in particular Article 19 (6) thereof,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC⁽³⁾, as last amended by Directive 96/43/EC, and in particular Article 18 (1),

Whereas outbreaks of foot-and-mouth disease have occurred in Bulgaria;

Whereas under the current Community legislation Member States authorize the imports of live biungulates and their products from Bulgaria; whereas, therefore, the situation in Bulgaria presents a serious threat to the herds of Member States in view of the trade in live animals and their products;

Whereas it is appropriate to take the necessary measures to protect the Community from the risk of introduction of this disease;

Whereas Commission Decision 93/242/EEC of 30 April 1993 concerning the importation into the Community of certain live animals and their products originating from certain European countries in relation to foot-and-mouth disease⁽⁴⁾, as last amended by Decision 96/414/EC⁽⁵⁾, allows under certain conditions, the importation of live animals, fresh meat and certain meat products from and through certain countries, including Bulgaria;

Whereas Commission Decision 95/340/EC⁽⁶⁾, as last amended by Decision 96/584/EC⁽⁷⁾, draws up a list of

third countries from which Member States authorize imports of raw milk, heat treated milk and milk based products; whereas Bulgaria is included in this list; whereas it is necessary to ensure that any imported milk products have undergone a treatment sufficient to destroy the virus;

Whereas Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC⁽⁸⁾, as last amended by Commission Decision 96/405/EC⁽⁹⁾, lays down the conditions for the importation of animal casings, hides and skins, bones and bone products, horn and horn products, hooves and hoof products, game trophies and unprocessed wool and hair; whereas these products may be imported only if treated in such a way to destroy the virus; whereas, however, certain other products may still be imported; whereas this material constitutes a risk;

Whereas it is necessary therefore to prohibit the importation and transit of live biungulates and the imports of certain animal products from Bulgaria; whereas however certain products can be imported if they have undergone specific treatments;

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

HAS ADOPTED THIS DECISION:

Article 1

Commission Decision 93/242/EEC is amended as follows:

1. in Annex B the word 'Bulgaria' is deleted;
2. in Annex A the word 'Bulgaria' is inserted.

⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 162, 1. 7. 1996, p. 1.

⁽³⁾ OJ No L 268, 24. 9. 1991, p. 56.

⁽⁴⁾ OJ No L 110, 4. 5. 1993, p. 36.

⁽⁵⁾ OJ No L 167, 6. 7. 1996, p. 58.

⁽⁶⁾ OJ No L 200, 24. 8. 1995, p. 38.

⁽⁷⁾ OJ No L 255, 9. 10. 1996, p. 20.

⁽⁸⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽⁹⁾ OJ No L 165, 4. 7. 1996, p. 40.

Article 2

1. Member States shall not authorize the importation of milk and milk based products originating in Bulgaria unless they have undergone a treatment which meets the requirements of Article 3 of Commission Decision 95/340/EC.

2. In addition to the provisions of Commission Decision 93/242/EEC, Member States shall not authorize the importation of the following products of the bovine, ovine, caprine and other biungulate species originating in the territory of Bulgaria:

- blood and blood products as described in Annex I, Chapter 7 to Directive 92/118/EEC,
- raw materials for the manufacture of animal feeding-stuffs and pharmaceutical or technical products as described in Annex I, Chapter 10 to Directive 92/118/EEC,
- animal manure as described in Annex I, Chapter 14 to Directive 92/118/EEC.

3. The prohibition referred to in the first indent of paragraph 2 shall not apply to blood products which have undergone the treatment provided for in Annex I, Chapter 7 (3) (b) to Directive 92/118/EEC.

4. Member States shall ensure that the certificates accompanying animal products treated in according to paragraph 1 or 3 and authorized to be sent from Bulgaria shall bear the following words:

'Animal products conforming to Commission Decision 96/643/EC concerning protection measures with regard to imports of animals and animal products from Bulgaria.'

Article 3

Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 13 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission