

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2336/95

of 26 September 1995

derogating from Regulation (EEC) No 1765/92 establishing a support system for producers of certain arable crops as regards the set-aside requirement for the 1996/97 marketing year

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas the support system for producers of certain arable crops introduced by Regulation (EEC) No 1765/92⁽²⁾, provides that, in order to qualify for compensatory payments under the general scheme, producers must set aside a predetermined percentage of their arable land; whereas this percentage should be re-examined to take account of production and market developments;

Whereas, since the introduction of the system, the cereals market has achieved a better balance as a result of a reduction in production and an increase in Community consumption; whereas this situation, together with the favourable world market situation, has resulted in a significant reduction in intervention cereal stocks;

Whereas on the basis of a forecast supply balance for 1995/96, it appears that the equilibrium sought between production and internal and external outlets may be maintained whilst increasing Community production by

returning to cultivation a certain amount of land that has been set-aside; whereas, in order to achieve this objective in an efficient manner, the two rates for set-aside beginning not later than 15 January 1996 should therefore be set temporarily for the 1996/97 marketing year at a level lower than that resulting from the provisions in force,

HAS ADOPTED THIS REGULATION:

Article 1

1. Notwithstanding the second subparagraph of Article 7 (1) of Regulation (EEC) No 1765/92, the set-aside requirement based on rotation is hereby fixed for the 1996/97 marketing year at 10 %.

2. Notwithstanding the third subparagraph of Article 7 (1) of Regulation (EEC) No 1765/92, the set-aside requirement for any form of set-aside other than that based on rotation is hereby fixed for the 1996/97 marketing year at 10 %.

Article 2

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

It shall apply to set-aside for the 1996/97 marketing year only.

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

Done at Brussels, 26 September 1995.

For the Council

The President

L. ATIENZA SERNA

⁽¹⁾ Opinion delivered on 22 September 1995 (not yet published in the Official Journal).

⁽²⁾ OJ No L 181, 1. 7. 1992, p. 12, as last amended by Regulation (EC) No 1460/95 (OJ No L 144, 28. 6. 1995, p. 1).

COUNCIL REGULATION (EC) No 2337/95

of 2 October 1995

establishing a system of compensation for the additional costs incurred in the marketing of certain fishery products from the Azores, Madeira, the Canary Islands and the French department of Guiana as a result of their very remote location

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Having regard to the Declaration annexed to the Treaty on European Union on the outermost regions of the Community,

Having regard to the current difficulties of the European Union's fisheries sector, which are particularly aggravated by the cost of transporting fisheries products to markets on account of the remoteness and isolation of the outermost regions of the Community,

Whereas, by Decisions 89/687/EEC ⁽⁴⁾, 91/314/EEC ⁽⁵⁾ and 91/315/EEC ⁽⁶⁾, the Council established, as part of the Community's policy in favour of its outermost regions, programmes of options specific to the remote and insular nature of the French overseas departments (Poseidom), the Canary Islands (Poseican) and Madeira and the Azores (Poseima) respectively, laying down the general outlines of measures to be applied taking account of the special characteristics of and constraints on those regions;

Having regard to the success of similar initiatives which have already been undertaken,

Whereas those regions are suffering from specific development problems, in particular the additional costs incurred in the marketing of certain products as a result of their remoteness; whereas, in order to maintain the competitiveness of certain fishery products in relation to similar products from other Community regions, Community measures have been applied in the fisheries sector in 1992 and 1993 to compensate for the additional costs incurred in the processing of tuna in the Azores and Madeira and the production and freezing of tuna and the freezing and processing of sardines in the Canary Islands; whereas these measures were followed up in 1994 by the

adoption by the Council of Regulation (EC) No 1503/94 ⁽⁷⁾; whereas the continuation of the system of compensation for the additional costs incurred in the processing and marketing of those products should be provided for at Community level from 1995 and measures should therefore be adopted providing for the continuation of the existing measures;

Having regard to the social and economic importance of coastal and small-scale fishing in the outermost regions of the European Union,

Whereas it is necessary to rationalize the fishing effort with a view to sound management of stocks, and taking particular account of the research carried out to this end to a high technical standard by various scientific institutions in the outermost regions,

HAS ADOPTED THIS REGULATION:

Article 1

A system of compensation for the additional costs incurred in the marketing of certain fishery products from the Azores, Madeira, the Canary Islands and the French department of Guiana as a result of their remoteness is hereby established.

Article 2

1. For the Azores and Madeira, the system referred to in Article 1 shall consist of the payment of ECU 187 per tonne up to a maximum of 15 000 tonnes of tuna per year delivered to local industry (10 000 tonnes for the Azores and 5 000 tonnes for Madeira).
2. For the Canary Islands, the system referred to in Article 1 shall consist of the payment of ECU 151 per tonne, up to a maximum of 10 400 tonnes per year, of tuna for marketing fresh, ECU 54 per tonne, up to a maximum of 3 500 tonnes per year of frozen tuna, ECU 103 per tonne, up to a maximum of 10 500 tonnes per year, of sardines and mackerel for canning and ECU 54 per tonne, up to a maximum of 7 000 tonnes per year, of sardines and mackerel for freezing.
3. For the French department of Guiana, the system referred to in Article 1 shall consist of the payment of ECU 1 044 per tonne of prawns, up to a maximum of 3 500 tonnes per year, for industrial fishing and ECU 1 123 per tonne of prawns, up to a maximum of 500 tonnes per year, for non-industrial fishing.

⁽¹⁾ OJ No C 343, 6. 12. 1994, p. 17.

⁽²⁾ OJ No C 109, 1. 5. 1995, p. 318.

⁽³⁾ OJ No C 102, 24. 4. 1995, p. 13.

⁽⁴⁾ OJ No L 399, 30. 12. 1989, p. 39.

⁽⁵⁾ OJ No L 171, 29. 6. 1991, p. 5.

⁽⁶⁾ OJ No L 171, 29. 6. 1991, p. 10.

⁽⁷⁾ OJ No L 162, 30. 6. 1994, p. 8.

Article 3

The detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 32 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products ⁽¹⁾.

Article 4

The measures provided for in this Regulation shall be intended for producers, owners of vessels registered in the ports of the regions referred to in Article 1 and carrying out their activities on those regions, or associations of such producers or owners, as well as operators in the processing sector who bear additional costs in the marketing of the products referred to in herein as a result of their very remote location.

Article 5

The measures provided for in this Regulation are measures intended to stabilize the agricultural markets within the meaning of Article 3 of Council Regulation

(EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽²⁾. They are to be financed by the European Agricultural Guidance and Guarantee Fund, Guarantee Section.

Article 6

Not later than 30 June 1997, the Commission shall present the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions with a report on the application of the measures provided for in this Regulation accompanied by appropriate proposals if necessary.

Article 7

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

It shall apply from 1 January 1995 to 31 December 1997.

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

Done at Luxembourg, 2 October 1995.

For the Council
The President
J. SOLANA

⁽¹⁾ OJ No L 388, 31. 12. 1992, p. 1. Regulation as last amended by Regulation (EEC) No 1891/93 (OJ No L 172, 15. 7. 1993, p. 1).

⁽²⁾ OJ No L 94, 28. 4. 1970, p. 13. Regulation as last amended by Regulation (EEC) No 2048/88 (OJ No L 185, 15. 7. 1998, p. 1).

COMMISSION REGULATION (EC) No 2338/95

of 4 October 1995

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1101/95⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

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

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾, as amended by Regulation (EC) No 3290/94⁽⁶⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector⁽⁷⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

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

Whereas Council Regulation (EEC) No 990/93⁽⁸⁾, as amended by Regulation (EC) No 1380/95⁽⁹⁾, 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; whereas account should be taken of this fact when fixing the refunds;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽¹⁰⁾, as last amended by Regulation (EC) No 150/95⁽¹¹⁾, 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⁽¹²⁾, as last amended by Regulation (EC) No 1053/95⁽¹³⁾;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 October 1995.

(1) OJ No L 177, 1. 7. 1981, p. 4.

(2) OJ No L 110, 17. 5. 1995, p. 1.

(3) OJ No L 143, 25. 6. 1968, p. 6.

(4) OJ No L 167, 26. 6. 1976, p. 13.

(5) OJ No L 89, 10. 4. 1968, p. 3.

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

(7) OJ No L 214, 8. 9. 1995, p. 16.

(8) OJ No L 102, 28. 4. 1993, p. 14.

(9) OJ No L 138, 21. 6. 1995, p. 1.

(10) OJ No L 387, 31. 12. 1992, p. 1.

(11) OJ No L 22, 31. 1. 1995, p. 1.

(12) OJ No L 108, 1. 5. 1993, p. 106.

(13) OJ No L 107, 12. 5. 1995, p. 4.

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

Done at Brussels, 4 October 1995.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 4 October 1995 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	40,24 ⁽¹⁾
1701 11 90 910	39,85 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	40,24 ⁽¹⁾
1701 12 90 910	39,85 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,4374
	— ECU/100 kg —
1701 99 10 100	43,74
1701 99 10 910	43,32
1701 99 10 950	43,32
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,4374

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

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

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

COMMISSION REGULATION (EC) No 2339/95
of 4 October 1995

fixing the maximum export refund for white sugar for the 10th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1813/95

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1101/95 ⁽²⁾, and in particular the second subparagraph of Article 17 (5) (b) thereof,

Whereas Commission Regulation (EC) No 1813/95 of 26 July 1995 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1813/95 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 10th partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 990/93 ⁽⁴⁾, as amended by Regulation (EC) No 1380/95 ⁽⁵⁾, 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; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 10th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1813/95 the maximum amount of the export refund is fixed at ECU 46,344 per 100 kilograms.
2. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 are observed.

Article 2

This Regulation shall enter into force on 5 October 1995.

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

Done at Brussels, 4 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 175, 27. 7. 1995, p. 12.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁵⁾ OJ No L 138, 21. 6. 1995, p. 1.

COMMISSION REGULATION (EC) No 2340/95

of 4 October 1995

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EC) No 1101/95⁽²⁾,

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

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

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

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

Whereas the information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market; whereas offer prices which can be regarded as not representative of actual market trends must also be disregarded;

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 October 1995.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ No L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 4 October 1995.

For the Commission
 Franz FISCHLER
Member of the Commission

ANNEX

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

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question in the event of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,68	—	0,00
1703 90 00 ⁽¹⁾	9,43	—	0,00

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

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

COMMISSION REGULATION (EC) No 2341/95
of 3 October 1995

**establishing unit values for the determination of the customs value of certain
perishable goods**

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

Having regard to Council Regulation (EEC) No 2913/92
of 12 October 1992 establishing the Community Customs
Code ⁽¹⁾,

Having regard to Commission Regulation (EEC) No
2454/93 of 2 July 1993 laying down provisions for the
implementation of Council Regulation (EEC) No 2913/92
establishing the Community Customs Code ⁽²⁾, as last
amended by Regulation (EC) No 1762/95 ⁽³⁾, and in parti-
cular Article 173 (1) thereof,

Whereas Articles 173 to 177 of Regulation (EEC) No
2454/93 provide that the Commission shall periodically
establish unit values for the products referred to in the
classification in Annex 26 to that Regulation;

Whereas the result of applying the rules and criteria laid
down in the abovementioned Articles to the elements

communicated to the Commission in accordance with
Article 173 (2) of Regulation (EEC) No 2454/93 is that
unit values set out in the Annex to this Regulation should
be established in regard to the products in question,

HAS ADOPTED THIS REGULATION :

Article 1

The unit values provided for in Article 173 (1) of Regula-
tion (EEC) No 2454/93 are hereby established as set out
in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 October 1995.

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

Done at Brussels, 3 October 1995.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽³⁾ OJ No L 171, 21. 7. 1995, p. 8.

ANNEX

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU Fmk SKr	öS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
1.10	New potatoes 0701 90 51 0701 90 59	a)	24,79	327,37	46,53	180,86	7 580,26	4 032,32
		b)	139,34	160,63	20,23	52 677,26	52,10	4 887,70
		c)	227,17	956,85	20,69			
1.30	Onions (other than seed) 0703 10 19	a)	12,01	158,67	22,55	87,66	3 673,90	1 954,33
		b)	67,53	77,85	9,80	25 530,94	25,25	2 368,91
		c)	110,10	463,75	10,03			
1.40	Garlic 0703 20 00	a)	71,83	948,56	134,81	524,05	21 963,92	11 683,70
		b)	403,73	465,43	58,60	152 633,17	150,95	14 162,17
		c)	658,22	2 772,49	59,94			
1.50	Leeks ex 0703 90 00	a)	42,20	557,28	79,20	307,88	12 903,87	6 864,21
		b)	237,19	273,44	34,43	89 672,47	88,68	8 320,32
		c)	386,70	1 628,84	35,21			
1.60	Cauliflowers ex 0704 10 10 ex 0704 10 90	a)	32,94	435,04	61,83	240,34	10 073,25	5 358,46
		b)	185,16	213,46	26,88	70 001,69	69,23	6 495,15
		c)	301,88	1 271,54	27,49			
1.70	Brussels sprouts 0704 20 00	a)	53,71	709,28	100,81	391,85	16 423,39	8 736,41
		b)	301,88	348,02	43,82	114 130,53	112,87	10 589,68
		c)	492,18	2 073,11	44,82			
1.80	White cabbages and red cabbages 0704 90 10	a)	33,87	447,28	63,57	247,11	10 356,73	5 509,26
		b)	190,37	219,46	27,63	71 971,72	71,18	6 677,94
		c)	310,37	1 307,32	28,26			
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> Plenck) ex 0704 90 90	a)	79,26	1 046,69	148,76	578,26	24 236,04	12 892,35
		b)	445,49	513,57	64,67	168 422,74	166,57	15 627,22
		c)	726,31	3 059,29	66,14			
1.100	Chinese cabbage ex 0704 90 90	a)	81,30	1 073,63	152,59	593,14	24 859,83	13 224,18
		b)	456,96	526,79	66,33	172 757,62	170,85	16 029,43
		c)	745,00	3 138,03	67,84			
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 90	a)	156,73	2 069,75	294,16	1 143,46	47 924,74	25 493,55
		b)	880,92	1 015,55	127,87	333 041,85	329,37	30 901,51
		c)	1 436,21	6 049,50	130,79			
1.120	Endives ex 0705 29 00	a)	21,82	288,15	40,95	159,19	6 672,10	3 549,22
		b)	122,64	141,39	17,80	46 366,19	45,85	4 302,12
		c)	199,95	842,21	18,21			
1.130	Carrots ex 0706 10 00	a)	28,30	373,72	53,11	206,47	8 653,55	4 603,25
		b)	159,06	183,37	23,09	60 135,80	59,47	5 579,74
		c)	259,33	1 092,33	23,62			
1.140	Radishes ex 0706 90 90	a)	39,42	520,57	73,99	287,60	12 053,81	6 412,02
		b)	221,57	255,43	32,16	83 765,13	82,84	7 772,20
		c)	361,23	1 521,54	32,89			
1.160	Peas (<i>Pisum sativum</i>) 0708 10 10 0708 10 90	a)	252,79	3 338,35	474,45	1 844,32	77 299,19	41 119,27
		b)	1 420,86	1 638,01	206,25	537 172,72	531,25	49 841,94
		c)	2 316,51	9 757,40	210,95			

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU Fmk SKr	öS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
1.170	Beans :							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 10 ex 0708 20 90	a) b) c)	234,33 1 317,09 2 147,32	3 094,53 1 518,38 9 044,77	439,80 191,19 195,54	1 709,62 497 940,38	71 653,65 492,45	38 116,13 46 201,74
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>) ex 0708 20 10 ex 0708 20 90	a) b) c)	120,95 679,80 1 108,32	1 597,22 783,70 4 668,38	227,00 98,68 100,93	882,41 257 007,24	36 983,36 254,17	19 673,28 23 846,59
1.180	Broad beans ex 0708 90 00	a) b) c)	92,83 521,76 850,66	1 225,89 601,50 3 583,07	174,23 75,74 77,46	677,26 197 258,18	28 385,46 195,08	15 099,63 18 302,73
1.190	Globe artichokes 0709 10 10 0709 10 20 0709 10 30	a) b) c)	115,68 650,19 1 060,05	1 527,65 749,56 4 465,04	217,11 94,38 96,53	843,97 245 813,06	35 372,51 243,10	18 816,39 22 807,93
1.200	Asparagus :							
1.200.1	— green ex 0709 20 00	a) b) c)	334,95 1 882,65 3 069,39	4 423,33 2 170,37 12 928,62	628,65 273,28 279,51	2 443,74 711 756,94	102 421,87 703,91	54 483,27 66 040,85
1.200.2	— other ex 0709 20 00	a) b) c)	114,14 641,54 1 045,94	1 507,31 739,58 4 405,60	214,22 93,12 95,25	832,74 242 540,65	34 901,62 239,87	18 565,90 22 504,30
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	121,10 680,64 1 109,68	1 599,17 784,66 4 674,09	227,28 98,80 101,05	883,49 257 321,95	37 028,64 254,48	19 697,37 23 875,79
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	59,79 336,06 547,89	789,57 387,42 2 307,79	112,22 48,78 49,89	436,21 127 050,16	18 282,53 125,65	9 725,38 11 788,44
1.230	Chantarelles 0709 51 30	a) b) c)	258,88 1 455,07 2 372,28	3 418,72 1 677,44 9 992,30	485,88 211,22 216,03	1 888,72 550 104,47	79 160,07 544,04	42 109,16 51 041,82
1.240	Sweet peppers 0709 60 10	a) b) c)	75,71 425,56 693,82	999,87 490,60 2 922,43	142,10 61,77 63,18	552,39 160 888,13	23 151,81 159,11	12 315,60 14 928,11
1.250	Fennel 0709 90 50	a) b) c)	73,55 413,40 673,98	971,29 476,58 2 838,90	138,04 60,01 61,38	536,60 156 289,34	22 490,05 154,57	11 963,57 14 501,41
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	59,42 334,01 544,55	784,75 385,05 2 293,69	111,53 48,48 49,59	433,55 126 274,35	18 170,89 124,88	9 665,99 11 716,45
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	83,78 470,90 767,73	1 106,38 542,86 3 233,76	157,24 68,35 69,91	611,24 178 027,47	25 618,16 176,06	13 627,57 16 518,40
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	62,49 351,22 572,62	825,21 404,90 2 411,94	117,28 50,98 52,14	455,90 132 783,89	19 107,61 131,32	10 164,28 12 320,44

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU Fmk SKr	öS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
2.40	Avocados, fresh ex 0804 40 10 ex 0804 40 90	a) b) c)	105,56 593,30 967,30	1 393,98 683,98 4 074,36	198,12 86,12 88,09	770,13 224 304,84	32 277,48 221,83	17 169,99 20 812,28
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	90,74 510,02 831,52	1 198,31 587,97 3 502,44	170,31 74,03 75,72	662,02 192 818,97	27 746,66 190,69	14 759,82 17 890,84
2.60	Sweet oranges, fresh :							
2.60.1	— Sanguines and semi-sanguines 0805 10 01 0805 10 11 0805 10 21 0805 10 32 0805 10 42 0805 10 51	a) b) c)	26,95 151,48 246,96	355,90 174,63 1 040,22	50,58 21,99 22,49	196,62 57 267,13	8 240,74 56,64	4 383,66 5 313,57
2.60.2	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovals, Trovita and Hamlins 0805 10 05 0805 10 15 0805 10 25 0805 10 34 0805 10 44 0805 10 55	a) b) c)	39,99 224,77 366,46	528,10 259,12 1 543,55	75,06 32,63 33,37	291,76 84 976,99	12 228,19 84,04	6 504,78 7 884,65
2.60.3	— Others 0805 10 09 0805 10 19 0805 10 29 0805 10 36 0805 10 46 0805 10 59	a) b) c)	31,95 179,57 292,76	421,91 207,01 1 233,15	59,96 26,07 26,66	233,09 67 888,65	9 769,18 67,14	5 196,71 6 299,09
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh :							
2.70.1	— Clementines ex 0805 20 11 ex 0805 20 21	a) b) c)	53,21 299,07 487,60	702,68 344,78 2 053,81	99,87 43,41 44,40	388,21 113 068,06	16 270,50 111,82	8 655,09 10 491,10
2.70.2	— Monreales and Satsumas ex 0805 20 13 ex 0805 20 23	a) b) c)	49,38 277,55 452,50	652,10 319,96 1 905,98	92,68 40,29 41,21	360,26 104 929,54	15 099,37 103,77	8 032,10 9 735,96
2.70.3	— Mandarines and wilkings ex 0805 20 15 ex 0805 20 25	a) b) c)	40,18 225,84 368,20	530,62 260,36 1 550,91	75,41 32,78 33,53	293,15 85 382,21	12 286,51 84,44	6 535,80 7 922,25
2.70.4	— Tangerines and others ex 0805 20 17 ex 0805 20 19 ex 0805 20 27 ex 0805 20 29	a) b) c)	54,48 306,18 499,19	719,39 352,98 2 102,64	102,24 44,45 45,46	397,44 115 756,53	16 657,37 114,48	8 860,88 10 740,55
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	161,62 908,42 1 481,05	2 134,36 1 047,26 6 238,37	303,34 131,87 134,87	1 179,16 343 439,82	49 421,01 339,65	26 289,48 31 866,30

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU Fmk SKr	6S FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
2.90	Grapefruit, fresh :							
2.90.1	— white ex 0805 40 10 ex 0805 40 90	a) b) c)	41,79 234,87 382,93	551,84 270,77 1 612,94	78,43 34,09 34,87	304,87 88 796,99	12 777,89 87,82	6 797,19 8 239,09
2.90.2	— pink ex 0805 40 10 ex 0805 40 90	a) b) c)	52,89 297,27 484,65	698,44 342,70 2 041,42	99,26 43,15 44,13	385,86 112 385,95	16 172,35 111,15	8 602,87 10 427,81
2.100	Table grapes 0806 10 21 0806 10 29 0806 10 30 0806 10 61 0806 10 69	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.110	Water melons 0807 10 10	a) b) c)	15,76 88,58 144,42	208,12 102,12 608,31	29,58 12,86 13,15	114,98 33 489,05	4 819,08 33,12	2 563,51 3 107,30
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, Cuper, Honey Dew (including Cantalene), Onteniente, Piel de Sapo (including Verde Liso), Rochet, Tendral, Futuro ex 0807 10 90	a) b) c)	39,39 221,37 360,92	520,12 255,21 1 520,23	73,92 32,13 32,87	287,35 83 692,89	12 043,41 82,77	6 406,49 7 765,50
2.120.2	— other ex 0807 10 90	a) b) c)	89,90 505,30 823,81	1 187,21 582,52 3 470,00	168,73 73,35 75,02	655,89 191 033,17	27 489,68 188,93	14 623,13 17 725,14
2.140	Pears							
2.140.1	Pears — Nashi (<i>Pyrus pyrifolia</i>) ex 0808 20 31 ex 0808 20 37 ex 0808 20 41	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.140.2	Other ex 0808 20 10 ex 0808 20 31 ex 0808 20 37 0808 20 41	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.150	Apricots 0809 10 10 0809 10 50	a) b) c)	77,42 435,15 709,45	1 022,39 501,65 2 988,27	145,30 63,17 64,60	564,84 164 512,85	23 673,41 162,70	12 593,06 15 264,44
2.160	Cherries 0809 20 11 0809 20 19 0809 20 21 0809 20 29 0809 20 71 0809 20 79	a) b) c)	87,78 493,38 804,38	1 159,21 568,78 3 388,15	164,75 71,62 73,25	640,42 186 527,23	26 841,28 184,47	14 278,21 17 307,06
2.170	Peaches 0809 30 19 0809 30 59	a) b) c)	56,79 319,20 520,40	749,96 367,98 2 191,99	106,59 46,33 47,39	414,33 120 675,34	17 365,19 119,34	9 237,40 11 196,94
2.180	Nectarines ex 0809 30 11 ex 0809 30 51	a) b) c)	194,87 1 095,29 1 785,71	2 573,41 1 262,68 7 521,63	365,74 158,99 162,61	1 421,72 414 087,06	59 587,15 409,52	31 697,36 38 421,35

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU Fmk SKr	δS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
2.190	Plums 0809 40 10 0809 40 40	a)	59,14	781,02	111,00	431,48	18 084,38	9 619,98
		b)	332,42	383,22	48,25	125 673,20	124,29	11 660,67
		c)	541,95	2 282,77	49,35			
2.200	Strawberries 0810 10 10 0810 10 90	a)	362,04	4 781,03	679,49	2 641,35	110 704,23	58 889,06
		b)	2 034,89	2 345,88	295,38	769 313,28	760,83	71 381,25
		c)	3 317,60	13 974,09	302,11			
2.205	Raspberries 0810 20 10	a)	762,88	10 074,44	1 431,80	5 565,77	233 272,68	124 089,30
		b)	4 287,87	4 943,16	622,42	1 621 074,23	1 603,20	150 412,47
		c)	6 990,74	29 445,79	636,60			
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a)	145,17	1 917,09	272,46	1 059,12	44 389,94	23 613,21
		b)	815,95	940,64	118,44	308 477,54	305,08	28 622,30
		c)	1 330,28	5 603,30	121,14			
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 90 10	a)	109,33	1 443,82	205,20	797,66	33 431,49	17 783,87
		b)	614,52	708,43	89,20	232 324,37	229,76	21 556,37
		c)	1 001,88	4 220,03	91,23			
2.230	Pomegranates ex 0810 90 85	a)	137,08	1 810,25	257,28	1 000,10	41 916,19	22 297,30
		b)	770,48	888,22	111,84	291 286,78	288,07	27 027,24
		c)	1 256,15	5 291,04	114,39			
2.240	Khakis (including Sharon fruit) ex 0810 90 85	a)	222,59	2 939,48	417,77	1 623,96	68 063,35	36 206,27
		b)	1 251,10	1 442,30	181,61	472 990,39	467,78	43 886,73
		c)	2 039,73	8 591,57	185,75			
2.250	Lychees ex 0810 90 30	a)	420,10	5 547,76	788,46	3 064,94	128 457,76	68 333,05
		b)	2 361,23	2 722,08	342,75	892 687,29	882,84	82 828,60
		c)	3 849,64	16 215,10	350,56			

COMMISSION REGULATION (EC) No 2342/95

of 4 October 1995

opening invitations to tender for the fixing of aid for the private storage of carcasses and half-carcasses of lamb in Sweden and Finland

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EC) No 1265/95⁽²⁾, and in particular Article 7 (2) thereof,

Whereas Commission Regulation (EEC) No 3446/90 of 27 November 1990 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat⁽³⁾, as last amended by Regulation (EC) No 3533/93⁽⁴⁾, lays down in particular detailed rules on invitations to tender;

Whereas Commission Regulation (EEC) No 3447/90 of 28 November 1990 on special conditions for the granting of private storage aid for sheepmeat and goatmeat⁽⁵⁾, as last amended by Regulation (EC) No 879/95⁽⁶⁾, lays down in particular the minimum quantities in respect of which a tender may be submitted;

Whereas the application of Article 7 (2) of Regulation (EEC) No 3013/89 may result in the opening of invitations to tender for private storage aid; whereas that Article provides for the application of these measures on the basis of the situation of each quotation zone; whereas, in view of the particularly difficult market situation in Sweden and Finland in particular due to adhesion and the

opening of their markets to imports, it has been judged opportune to initiate such a procedure;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sheep and Goat Meat,

HAS ADOPTED THIS REGULATION:

Article 1

Invitations to tender are hereby opened in Sweden and Finland for aid to private storage for carcasses and half-carcasses of lamb.

Subject to the provisions of Regulation (EEC) No 3447/90 tenders may be submitted to the intervention agency of the Member State concerned.

Article 2

Tenders must be submitted not later than 2 p.m. on 6 October 1995 to the relevant intervention agency.

Article 3

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

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

Done at Brussels, 4 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 123, 3. 6. 1995, p. 1.

⁽³⁾ OJ No L 333, 30. 11. 1990, p. 39.

⁽⁴⁾ OJ No L 321, 23. 12. 1993, p. 9.

⁽⁵⁾ OJ No L 333, 30. 11. 1990, p. 46.

⁽⁶⁾ OJ No L 91, 22. 4. 1995, p. 2.

COMMISSION REGULATION (EC) No 2343/95
of 4 October 1995

amending Regulations (EC) No 1871/95, (EC) No 1938/95, (EC) No 1939/95 and
(EC) No 1940/95 on the opening of standing invitations to tender for the resale
on the internal market of cereals held by the intervention agencies

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

Having regard to Council Regulation (EEC) No 1766/92
of 30 June 1992 on the common organization of the
market in cereals⁽¹⁾, as last amended by Regulation (EC)
No 1863/95⁽²⁾, and in particular Article 5 thereof,

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

Whereas the last partial invitation to tender pursuant to
Commission Regulations (EC) No 1871/95⁽⁵⁾, (EC) No
1938/95⁽⁶⁾, as amended by Regulation (EC) No
2172/95⁽⁷⁾, (EC) No 1939/95⁽⁸⁾ and (EC) No 1940/95⁽⁹⁾
should be postponed;

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

In Regulations (EC) No 1871/95, (EC) No 1938/95, (EC)
No 1939/95 and (EC) No 1940/95:

Article 2 (2) is replaced by the following:

'2. The final date for the submission of tenders for
the last partial invitation to tender shall expire on 26
October 1995.'

Article 2

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

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

Done at Brussels, 4 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 179, 29. 7. 1995, p. 49.

⁽⁶⁾ OJ No L 186, 5. 8. 1995, p. 23.

⁽⁷⁾ OJ No L 218, 14. 9. 1995, p. 8.

⁽⁸⁾ OJ No L 186, 5. 8. 1995, p. 24.

⁽⁹⁾ OJ No L 186, 5. 8. 1995, p. 25.

COMMISSION REGULATION (EC) No 2344/95
of 4 October 1995
altering the rates of the refunds applicable to eggs and egg yolks exported in the
form of goods not covered by Annex II to the Treaty

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 8 (3) thereof,

Whereas the rates of the refunds applicable from 20 September 1995 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Commission Regulation (EC) No 2208/95 ⁽³⁾, as amended by Regulation (EC) No 2272/95 ⁽⁴⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EC) No 2208/85 to the informa-

tion at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The rates of refund fixed by amended Regulation (EC) No 2208/95 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 October 1995.

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

Done at Brussels, 4 October 1995.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 222, 20. 9. 1995, p. 1.

⁽⁴⁾ OJ No L 231, 28. 9. 1995, p. 28.

ANNEX

to the Commission Regulation of 4 October 1995 altering the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty

		<i>(ECU/100 kg)</i>
CN code	Description	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked :	
	– Of poultry :	
0407 00 30	– – Other :	
	a) On exportation of ovalbumin of CN code 3502 10	11,00
	b) On exportation of other goods	6,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter :	
	– Egg yolks :	
0408 11	– – Dried :	
ex 0408 11 80	– – – Suitable for human consumption : not sweetened	45,00
0408 19	– – Other :	
	– – – Suitable for human consumption :	
ex 0408 19 81	– – – – Liquid : not sweetened	20,00
ex 0408 19 89	– – – – Frozen : not sweetened	20,00
	– Other :	
0408 91	– – Dried :	
ex 0408 91 80	– – – Suitable for human consumption : not sweetened	30,00
0408 99	– – Other :	
ex 0408 99 80	– – – Suitable for human consumption : not sweetened	7,00

COMMISSION REGULATION (EC) No 2345/95
of 4 October 1995
establishing the standard import values for determining the entry price of
certain fruit and vegetables

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 1740/95⁽²⁾, and in particular Article 4 (1) thereof,

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 October 1995.

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

Done at Brussels, 4 October 1995.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 167, 18. 7. 1995, p. 10.

⁽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 4 October 1995 establishing the standard import values
for determining the entry price of certain fruit and vegetables

<i>(ECU/100 kg)</i>			<i>(ECU/100 kg)</i>		
CN code	Third country code (*)	Standard import value	CN code	Third country code (*)	Standard import value
0702 00 40	052	54,3	0806 10 40	052	92,8
	060	80,2		064	56,6
	064	59,6		066	49,4
	066	41,7		220	110,8
	068	62,3		400	135,7
	204	50,9		412	132,4
	212	117,9		512	186,0
	624	75,0		600	64,5
	999	67,7		624	123,2
	999	70,1		999	105,7
ex 0707 00 30	052	166,9	0808 10 92, 0808 10 94, 0808 10 98	039	79,3
	053	61,0		064	77,8
	060	53,8		388	49,3
	066	60,4		400	62,9
	068	49,1		404	61,5
	204	207,3		508	68,4
	624	95,5		512	50,7
	999	55,6		524	57,4
0709 90 79	052	77,5	528	48,0	
	204	196,3	800	62,0	
	624	109,8	804	32,3	
0805 30 30	999	71,3	0808 20 57	999	59,1
	052	62,1		052	84,3
	388	72,1		064	78,5
	400	72,8		388	79,6
	512	66,5		512	89,7
	520	61,0		528	84,1
	524	66,9		800	55,8
	528	54,7		804	112,9
	600	78,0		999	83,6
	624	67,3			
	999				

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

COMMISSION REGULATION (EC) No 2346/95
of 4 October 1995
amending the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1530/95 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1573/95 of 30 June 1995 laying down detailed rules for the application of Council Regulation (EEC) No 1418/76 as regards import duties in the rice sector ⁽³⁾, as amended by Regulation (EC) No 1818/95 ⁽⁴⁾, and in particular Article 4 (1) thereof,

Whereas import duties in the rice sector have been fixed by Commission Regulation (EC) No 2274/95 ⁽⁵⁾;

Whereas Article 4 (1) of Regulation (EC) No 1573/95 provides that if during the period of application, the

average import duty calculated differs by ECU 10 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 2274/95,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 2274/95 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 5 October 1995.

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

Done at Brussels, 4 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 5.

⁽³⁾ OJ No L 150, 1. 7. 1995, p. 53.

⁽⁴⁾ OJ No L 175, 27. 7. 1995, p. 25.

⁽⁵⁾ OJ No L 231, 28. 9. 1995, p. 33.

ANNEX I

to the Commission Regulation of 4 October 1995 altering the import duties on rice and broken rice

(ECU/tonne)

CN code	Duties (*)				Arrangement in Regulation (EEC) No 3877/86 (†)
	Third countries (except ACP and Bangladesh) (‡) (¶)	ACP Bangladesh (‡) (¶) (¶)	Basmati India (¶) Article 4, Regulation (EC) No 1573/95	Basmati Pakistan (¶) Article 4, Regulation (EC) No 1573/95	
1006 10 21	(¶)	150,76			
1006 10 23	(¶)	150,76			
1006 10 25	(¶)	150,76			
1006 10 27	(¶)	150,76			—
1006 10 92	(¶)	150,76			
1006 10 94	(¶)	150,76			
1006 10 96	(¶)	150,76			
1006 10 98	(¶)	150,76			—
1006 20 11	309,22	150,27			
1006 20 13	309,22	150,27			
1006 20 15	309,22	150,27			
1006 20 17	349,37	170,34	99,37	299,37	—
1006 20 92	309,22	150,27			
1006 20 94	309,22	150,27			
1006 20 96	309,22	150,27			
1006 20 98	349,37	170,34	99,37	299,37	—
1006 30 21	564,08	267,13			
1006 30 23	564,08	267,13			
1006 30 25	564,08	267,13			
1006 30 27	603,09	286,63			—
1006 30 42	564,08	267,13			
1006 30 44	564,08	267,13			
1006 30 46	564,08	267,13			
1006 30 48	603,09	286,63			—
1006 30 61	564,08	267,13			
1006 30 63	564,08	267,13			
1006 30 65	564,08	267,13			
1006 30 67	603,09	286,63			—
1006 30 92	564,08	267,13			
1006 30 94	564,08	267,13			
1006 30 96	564,08	267,13			
1006 30 98	603,09	286,63			—
1006 40 00	(¶)	90,38			

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

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

(¶) The import levy on rice entering the overseas department of Réunion is specified in Article 12 (3) of Regulation (EEC) No 1418/76.

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

- (⁵) Only for imports of rice of the long-grain aromatic Basmati variety under the arrangements laid down in amended Council Regulation (EEC) No 3877/86 (OJ No L 361, 20. 12. 1986, p. 1).
- (⁶) No import duty applies to products originating in the OCT pursuant to Article 101 (1) of amended Council Decision 91/482/EEC (OJ No L 263, 19. 9. 1991, p. 1).
- (⁷) For husked rice of the Basmati variety originating in India and not imported under the arrangements in Regulation (EEC) No 3877/86, a reduction of ECU 250 per tonne applies (Article 4, Regulation (EC) No 1573/95).
- (⁸) For husked rice of the Basmati variety originating in Pakistan and not imported under the arrangements in Regulation (EEC) No 3877/86, a reduction of ECU 50 per tonne applies (Article 4, Regulation (EC) No 1573/95).
- (⁹) Duties fixed in the Common Customs Tariff.

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (ECU/tonne) (¹)	(²)	349,37	603,09	309,22	564,08	(²)
2. Elements of calculation :						
(a) Arag cif price (\$/tonne)	—	370,92	420,62	422,49	437,85	—
(b) fob price (\$/tonne)	—	—	—	397,49	407,85	—
(c) Sea freight (\$/tonne)	—	—	—	25	30	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Where rice is imported during the month following fixing, these import duties must be adjusted in accordance with the fourth subparagraph of Article 4 (1) of Regulation (EC) No 1573/95.

(²) Duties fixed in the Common Customs Tariff.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 18 September 1995

on the accession of the Community to the Agreement for the establishment of the Indian Ocean Tuna Commission

(95/399/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 in conjunction with Article 228 (2), first sentence and (3), first subparagraph, thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas the Community signed the United Nations Convention on the Law of the Sea which requires all members of the international community to cooperate in conserving and managing the sea's biological resources ;

Whereas, in the case of sea fishing, the Community has responsibility for adopting measures to conserve and manage fishery resources and to enter into contractual arrangements in this regard with third countries and international organizations ;

Whereas the Community participated to this end in the international negotiations which culminated in the approval of an Agreement by the Food and Agriculture Organization of the United Nations to set up the Indian Ocean Tuna Commission ;

Whereas this Agreement constitutes a useful framework for strengthening international cooperation for the

purpose of conserving and making rational use of Indian Ocean tuna and related species ;

Whereas Community fishermen are engaged in fishing for these species in the Indian Ocean ; whereas it is in the Community's interest to accede to the said Agreement,

HAS DECIDED AS FOLLOWS :

Article 1

The Agreement for the establishment of the Indian Ocean Tuna Commission 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 shall, on behalf of the Community, deposit the instrument of acceptance in accordance with Article XVII (1) of the Agreement.

Done at Brussels, 18 September 1995.

For the Council

The President

P. SOLBES MIRA

⁽¹⁾ OJ No C 109, 1. 5. 1995, p. 277.

AGREEMENT
for the establishment of the Indian Ocean Tuna Commission

PREAMBLE

THE CONTRACTING PARTIES,

RECOGNIZING the desirability of promoting the peaceful uses of the seas and oceans, and the equitable and efficient utilization and conservation of their living resources,

DESIRING to contribute to the realization of a just and equitable international economic order, with due regard to the special interests and needs of developing countries,

DESIRING to cooperate with a view to ensuring the conservation of tuna and tuna-like species in the Indian Ocean and promoting their optimum utilization, and the sustainable development of the fisheries,

RECOGNIZING, in particular, the special interests of developing countries in the Indian Ocean region to benefit equitably from the fishery resources,

CONSIDERING the United Nations Convention on the Law of the Sea opened for signature on 10 December 1982 and, in particular, Articles 56, 64 and 116 to 119 thereof,

CONSIDERING that the conservation of tuna and tuna-like species and the sustainable and rational utilization of tuna resources in the Indian Ocean would be greatly enhanced by the establishment of cooperative measures by both the coastal States of the Indian Ocean and other States whose nationals harvest tuna and tuna-like species in the region,

BEARING IN MIND the Western Indian Ocean Tuna Organization Convention which was opened for signature on 19 June 1991,

CONSIDERING that the aforementioned objectives could best be achieved through the establishment of a Commission set up under Article XIV of the Constitution of the Food and Agriculture Organization of the United Nations,

HAVE AGREED AS FOLLOWS:

Article I

Establishment

The Contracting Parties hereby agree to establish the Indian Ocean Tuna Commission (hereinafter referred to as 'the Commission') within the framework of the Food and Agriculture Organization of the United Nations (hereinafter referred to as 'the FAO').

Article II

Area of competence

The area of competence of the Commission (hereinafter referred to as 'the Area') shall be the Indian Ocean (defined for the purpose of this Agreement as being FAO statistical areas 51 and 57 as shown on the map set out in Annex A to this Agreement) and adjacent seas, north of the Antarctic Convergence, in so far as it is necessary to cover such seas for the purpose of conserving and managing stocks that migrate into or out of the Indian Ocean.

Article III

Species and stocks

The species covered by this Agreement shall be those set out in Annex B. The term 'stocks' means the populations of such species which are located in the Area or migrate into or out of the Area.

Article IV

Membership

1. Membership in the Commission shall be open to members and associate members of the FAO:

(a) that are:

(i) coastal States or associate members situated wholly or partly within the Area;

- (ii) States or associate members whose vessels engage in fishing in the Area for stocks covered by this Agreement ; or
 - (iii) regional economic integration organizations of which any State referred to in subparagraph (i) or (ii) is a member and to which that State has transferred competence over matters within the purview of this Agreement ; and
- (b) that accept this Agreement in accordance with the provisions of paragraph 1 of Article XVII.

2. The Commission may, by a two-thirds majority of its Members, admit to membership any other States that are not members of the FAO, but are members of the United Nations, or of any of its specialized agencies or of the International Atomic Energy Agency, provided that such States :

- (a) are :
 - (i) coastal States situated wholly or partly within the Area ;
 - or
 - (ii) States whose vessels engage in fishing in the Area for stocks covered by this Agreement ;
- and
- (b) have submitted an application for membership and a declaration made in a formal instrument that they accept this Agreement as in force at the time of acceptance in accordance with paragraph 2 of Article XVII.

3. With a view to furthering the objectives of this Agreement, the Members of the Commission shall cooperate with each other to encourage any State or regional economic integration organization which is entitled to become, but is not yet, a member of the Commission, to accede to this Agreement.

4. If any member of the Commission ceases to meet the criteria set out in paragraph 1 or 2 for two consecutive calendar years, the Commission may, after consultation with the member concerned, determine that the member is deemed to have withdrawn from this Agreement effective as from the date of that determination.

5. For the purpose of this Agreement, the term 'whose vessels' in relation to a member organization means vessels of a Member State of such member organization.

6. Nothing in this Agreement, nor any act or activity carried out in pursuance of this Agreement, shall be interpreted as changing or in any way affecting the position of any party to this Agreement with respect to the legal status of any area covered by this Agreement.

Article V

Objectives, functions and responsibilities of the Commission

1. The Commission shall promote cooperation among its members with a view to ensuring, through appropriate

management, the conservation and optimum utilization of stocks covered by this Agreement and encouraging sustainable development of fisheries based on such stocks.

2. In order to achieve these objectives, the Commission shall have the following functions and responsibilities, in accordance with the principles expressed in the relevant provisions of the United Nations Convention on the Law of the Sea :

- (a) to keep under review the conditions and trends of the stocks and to gather, analyse and disseminate scientific information, catch and effort statistics and other data relevant to the conservation and management of the stocks and to fisheries based on the stocks covered by this Agreement ;
- (b) to encourage, recommend and coordinate research and development activities in respect of the stocks and fisheries covered by this Agreement, and such other activities as the Commission may decide appropriate, including activities connected with transfer of technology, training and enhancement, having due regard to the need to ensure the equitable participation of members of the Commission in the fisheries and the special interests and needs of members in the region that are developing countries ;
- (c) to adopt, in accordance with Article IX and on the basis of scientific evidence, conservation and management measures, to ensure the conservation of the stocks covered by this Agreement and to promote the objective of their optimum utilization throughout the Area ;
- (d) to keep under review the economic and social aspects of the fisheries based on the stocks covered by this Agreement bearing in mind, in particular, the interests of developing coastal States ;
- (e) to consider and approve its programme and autonomous budget, as well as the accounts for the past budgetary period ;
- (f) to transmit to the Director-General of the FAO (hereinafter referred to as 'the Director-General') reports on its activities, programme, accounts and autonomous budget and on such other matters as may be appropriate for action by the Council or the conference of the FAO ;
- (g) to adopt its own rules of procedure, financial regulations and other internal administrative regulations as may be necessary to carry out its functions ; and
- (h) to carry out such other activities as may be necessary to fulfil its objectives as set out above.

3. The Commission may adopt decisions and recommendations, as required, with a view to furthering the objectives of this Agreement.

*Article VI***Sessions of the Commission**

1. Each member of the Commission shall be represented at sessions of the Commission by a single delegate who may be accompanied by an alternate and by experts and advisers. Alternates, experts and advisers may take part in the proceedings of the Commission but may not vote, except in the case of an alternate who is duly authorized to substitute for the delegate.
2. Each member of the Commission shall have one vote. Unless otherwise provided in this Agreement, decisions and recommendations of the Commission shall be taken by a majority of the votes cast. A majority of the Members of the Commission shall constitute a quorum.
3. The Commission may adopt and amend, as required, its own rules of procedure by a two-thirds majority of its members, which rules shall not be inconsistent with this Agreement or with the Constitution of the FAO.
4. The Chairperson of the Commission shall convene an annual regular session of the Commission.
5. Special sessions of the Commission may be convened by the Chairperson of the Commission at the request of at least one-third of its members.
6. The Commission shall elect its Chairperson and no more than two Vice-Chairpersons, each of whom shall serve for a term of two years and shall be eligible for re-election but shall not serve for more than four years in succession. In electing the Chairperson and the Vice-Chairpersons, the Commission shall pay due regard to the need for an equitable representation from among the Indian Ocean States.
7. The Commission may adopt and amend, as required, the financial regulations of the Commission by a two-thirds majority of its members, which financial regulations shall be consistent with the principles embodied in the financial regulations of the FAO. The financial regulations and amendments thereto shall be reported to the finance committee of the FAO which shall have the power to disallow them if it finds that they are inconsistent with the principles embodied in the financial regulations of the FAO.
8. In order to ensure close cooperation between the Commission and the FAO, the FAO shall have the right to participate without vote in all meetings of the Commission and subsidiary bodies established in accordance with paragraph 5 of Article XII.

*Article VII***Observers**

1. Any member or associate member of the FAO that is not a member of the Commission may, upon its

request, be invited to be represented by an observer at sessions of the Commission. It may submit memoranda and participate without vote in the discussions.

2. States which, while not members of the Commission nor members or associate members of the FAO, are members of the United Nations, any of its specialized agencies or the International Atomic Energy Agency may, upon request and subject to the concurrence of the Commission through its Chairperson and to the provisions relating to the granting of observer status to nations adopted by the Conference of the FAO, be invited to attend sessions of the Commission as observers.

3. The Commission may invite intergovernmental or, on request, non-governmental organizations having special competence in the field of activity of the Commission to attend such of its meetings as the Commission may specify.

*Article VIII***Administration**

1. The Secretary of the Commission (hereinafter referred to as 'the Secretary') shall be appointed by the Director-General with the approval of the Commission, or in the event of appointment between regular sessions of the Commission, with the approval of the members of the Commission. The staff of the Commission shall be appointed by the Secretary and shall be under the Secretary's direct supervision. The Secretary and staff of the Commission shall be appointed under the same terms and conditions as staff members of the FAO; they shall, for administrative purposes, be responsible to the Director-General.
2. The Secretary shall be responsible for implementing the policies and activities of the Commission and shall report thereon to the Commission. The Secretary shall also act as Secretary to other subsidiary bodies established by the Commission, as required.
3. The expenses of the Commission shall be paid out of its autonomous budget except those relating to such staff and facilities as can be made available by the FAO. The expenses to be borne by the FAO shall be determined and paid within the limits of the biennial budget prepared by the Director-General and approved by the Conference of the FAO in accordance with the general rules and the financial regulations of the FAO.
4. Expenses incurred by delegates, their alternates, experts and advisers when attending, as government representatives, sessions of the Commission, its sub-commissions and its committees, as well as the expenses incurred by observers at sessions, shall be borne by the respective governments or organizations. The expenses of experts invited by the Commission to attend, in their individual capacity, meetings of the Commission or its sub-commissions or committees shall be borne by the budget of the Commission.

Article IX

Procedures concerning conservation and management measures

1. Subject to paragraph 2, the Commission may, by a two-thirds majority of its members present and voting, adopt conservation and management measures binding on members of the Commission in accordance with this Article.
2. Conservation and management measures for stocks for which a sub-commission has been established pursuant to paragraph 2 of Article XII, shall be adopted upon the proposal of the sub-commission concerned.
3. The Secretary shall, without undue delay, notify the Members of the Commission of any conservation and management measures adopted by the Commission.
4. Subject to paragraphs 5 and 6, conservation and management measures adopted by the Commission pursuant to paragraph 1, shall become binding on Members 120 days from the date specified in the Secretary's notification or on such other date as may be specified by the Commission.
5. Any member of the Commission may, within 120 days from the date specified or within such other period as may be specified by the Commission pursuant to paragraph 4, object to a conservation and management measure adopted pursuant to paragraph 1. A member of the Commission which has objected to a measure shall not be bound thereby. Any other member of the Commission may similarly object within a further period of 60 days from the expiry of the 120-day period. A member of the Commission may also withdraw its objection at any time and become bound by the measure immediately if the measure is already in effect or at such time as it may come into effect under this Article.
6. If objections to a measure adopted pursuant to paragraph 1 are made by more than one-third of the members of the Commission, the other members shall not be bound by that measure; but this shall not preclude any or all of them from giving effect thereto.
7. The Secretary shall notify each member of the Commission immediately upon receipt of each objection or withdrawal of objection.
8. The Commission may, by a simple majority of its members present and voting, adopt recommendations concerning conservation and management of the stocks for furthering the objectives of this Agreement.

Article X

Implementation

1. Each member of the Commission shall ensure that such action is taken, under its national legislation, including the imposition of adequate penalties for violations,

as may be necessary to make effective the provisions of this Agreement and to implement conservation and management measures which become binding on it under paragraph 1 of Article IX.

2. Each member of the Commission shall transmit to the Commission an annual statement of the actions it has taken pursuant to paragraph 1. Such statement shall be sent to the Secretary of the Commission not later than 60 days before the date of the following regular session of the Commission.

3. The members of the Commission shall cooperate, through the Commission, in the establishment of an appropriate system to keep under review the implementation of conservation and management measures adopted pursuant to paragraph 1 of Article IX, taking into account appropriate and effective tools and techniques to monitor the fishing activities and to gather the scientific information required for the purposes of this Agreement.

4. The members of the Commission shall cooperate in the exchange of information regarding any fishing for stocks covered by this Agreement by nationals of any State or entity which is not a member of the Commission.

Article XI

Information

1. The members of the Commission shall, on the request of the Commission, provide such available and accessible statistical and other data and information as the Commission may require for the purposes of this Agreement. The Commission shall decide the scope and form of such statistics and the intervals at which they shall be provided. The Commission shall also endeavour to obtain fishing statistics from fishing States or entities which are not members of the Commission.
2. Each member of the Commission shall provide to the Commission copies of laws, regulations and administrative instructions in force or, where appropriate, summaries thereof, relating to the conservation and management of stocks covered by this Agreement and shall inform the Commission of any amendment or repeal of such laws, regulations and administrative instructions.

Article XII

Subsidiary bodies

1. The Commission shall establish a permanent Scientific Committee.
2. The Commission may establish sub-commissions to deal with one or more of the stocks covered by this Agreement.
3. Such sub-commissions shall be open to members of the Commission which are coastal States laying on the migratory path of the stocks concerned in the sub-commission or are States whose vessels participate in the fisheries of these stocks.

4. A sub-commission shall provide a forum for consultation and cooperation on matters related to the management of the stocks concerned and in particular:

- (a) to keep under review the stocks concerned and to gather scientific and other relevant information relating to the stocks concerned;
- (b) to assess and analyse the conditions and trends of the stocks concerned;
- (c) to coordinate research and studies of the stocks concerned;
- (d) to report to the Commission on its findings;
- (e) to propose such recommendations for action by the members of the Commission as may be appropriate, including action to obtain necessary information relating to the stocks and proposals for conservation and management measures;
- (f) to consider any matter referred to it by the Commission.

5. The Commission may, subject to the provisions of this Article, establish such committees, working parties or other subsidiary bodies as may be necessary for the purposes of this Agreement.

6. The establishment by the Commission of any sub-commission which requires funding by the Commission, and of any committee, working party or other subsidiary body shall be subject to the availability of the necessary funds in the approved autonomous budget of the Commission or of the FAO as the case may be. When the related expenses are to be borne by the FAO, the determination of such availability shall be made by the Director-General. Before taking any decision involving expenditure in connection with the establishment of subsidiary bodies, the Commission shall have before it a report from the Secretary or the Director-General, as appropriate, on the administrative and financial implications.

7. Subsidiary bodies shall provide to the Commission such information regarding their activities as the Commission may require.

Article XIII

Finances

1. Each member of the Commission undertakes to contribute annually its share of the autonomous budget in accordance with a scale of contributions to be adopted by the Commission.

2. At each regular session, the Commission shall adopt its autonomous budget by consensus of its members provided, however, that if, after every effort has been made, a consensus cannot be reached in the course of that session, the matter will be put to a vote and the budget shall be adopted by a two-thirds majority of its members.

3. (a) The amount of the contribution of each member of the Commission shall be determined in accordance

with a scheme which the Commission shall adopt and amend by consensus.

- (b) In adopting the scheme, due consideration shall be given to each member being assessed an equal basic fee and a variable fee based, *inter alia*, on the total catch and landings of species covered by this Agreement in the Area, and the per capita income of each member.
- (c) The scheme adopted or amended by the Commission shall be set out in the financial regulations of the Commission.

4. Any non-member of the FAO that becomes a member of the Commission shall be required to make such contribution towards the expenses incurred by the FAO with respect to the activities of the Commission as the Commission may determine.

5. Contributions shall be payable in freely convertible currencies unless otherwise determined by the Commission with the concurrence of the Director-General.

6. The Commission may also accept donations and other forms of assistance from organizations, individuals and other sources for purposes connected with the fulfilment of any of its functions.

7. Contributions and donations and other forms of assistance received shall be placed in a trust fund administered by the Director-General in conformity with the financial regulations of the FAO.

8. A Member of the Commission which is in arrears in the payment of its financial contributions to the Commission shall have no vote in the Commission if the amount of its arrears equals or exceeds the amount of the contributions due from it for the two preceding calendar years. The Commission may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay was due to conditions beyond the control of the Member.

Article XIV

Headquarters

The Commission, after consultation with the Director-General, shall determine the place of its headquarters.

Article XV

Cooperation with other organizations and institutions

1. The Commission shall cooperate and make appropriate arrangements therefore with other intergovernmental organizations and institutions, especially those active in the fisheries sector, which might contribute to the work and further the objectives of the Commission in particular with any intergovernmental organization or institution dealing with tuna in the Area. The Commission may enter into agreements with such organizations and institutions. Such agreements shall seek to promote complementarity and, subject to paragraph 2, to avoid duplication in and conflict with the activities of the Commission and such organizations.

2. Nothing in this Agreement shall prejudice the rights and responsibilities of other intergovernmental organizations or institutions dealing with tuna or a species of tuna in the Area of the validity of any measures adopted by such organization or institution.

Article XVI

Coastal States' rights

This Agreement shall not prejudice the exercise of sovereign rights of a coastal State in accordance with the international law of the sea for the purposes of exploring and exploiting, conserving and managing the living resources, including the highly migratory species, within a zone of up to 200 nautical miles under its jurisdiction.

Article XVII

Acceptance

1. Acceptance of this Agreement by any member of associate member of the FAO shall be effected by the deposit of an instrument of acceptance with the Director-General.

2. Acceptance of this Agreement by any State referred to in paragraph 2 of Article IV shall be effected by the deposit of an instrument of acceptance with the Director-General. Acceptance shall become effective on the date on which the Commission approves the application for membership.

3. The Director-General shall inform all members of the Commission, all members of the FAO and the Secretary-General of the United Nations of all acceptances that have become effective.

Article XVIII

Entry into force

This Agreement shall enter into force as from the date of receipt by the Director-General of the 10th instrument of acceptance. Thereafter, with respect to each member or associate member of the FAO or State referred to in paragraph 2 of Article IV which subsequently deposits an instrument of acceptance, this Agreement shall enter into force on the date on which such acceptance takes effect or becomes effective in accordance with Article XVII above.

Article XIX

Reservations

Acceptance of this Agreement may be made subject to reservations in accordance with the general rules of public international law as reflected in the provisions of Part II, Section 2 of the Vienna Convention of the Law of Treaties of 1969.

Article XX

Amendment

1. This Agreement may be amended by a three-quarters majority of the members of the Commission.

2. Proposals for amendments may be made by any member of the Commission or by the Director-General. Proposals made by a member of the Commission shall be addressed to both the Chairperson of the Commission and the Director-General and those made by the Director-General shall be addressed to the Chairperson of the Commission, not later than 120 days before the session of the Commission at which the Proposal is to be considered. The Director-General shall immediately inform all members of the Commission of all proposals for amendments.

3. Any amendments to this Agreement shall be reported to the Council of the FAO which may disallow an amendment which is clearly inconsistent with the objectives and purposes of the FAO or the provisions of the Constitution of the FAO.

4. Amendments not involving new obligations for members of the Commission shall take effect for all members from the date of their adoption by the Commission, subject to paragraph 3.

5. Amendments involving new obligations for members of the Commission shall, after adoption by the Commission, subject to paragraph 3, come into force in respect of each member only upon its acceptance thereof. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General. The Director-General shall inform all members of the Commission and the Secretary-General of the United Nations of such acceptance. The rights and obligations of any member of the Commission that has not accepted an amendment involving new obligations shall continue to be governed by the provisions of this Agreement in force prior to the Amendment.

6. Amendments to the Annexes to this Agreement may be adopted by a two-thirds majority of the members of the Commission and shall come into force from the date of approval by the Commission.

7. The Director-General shall inform all members of the Commission, all members and associate members of the FAO and the Secretary-General of the United Nations of the entry into force of any amendment.

Article XXI

Withdrawal

1. Any member of the Commission may withdraw from this Agreement at any time after the expiry of two years from the date upon which the Agreement entered into force with respect to that member, by giving written notice of such withdrawal to the Director-General who shall immediately inform all the members of the Commission and the members and associate members of the FAO and the Secretary-General of the United Nations of such withdrawal. Withdrawal shall become effective at the end of the calendar year following that in which the notice of withdrawal shall become effective at the end of the calendar year following that in which the notice of withdrawal has been received by the Director-General.

2. A member of the Commission may give notice of withdrawal with respect to one or more of the territories for the international relations of which it is responsible. When a member gives notice of its own withdrawal it shall apply. In the absence of such a statement, the withdrawal shall be deemed to apply to all the territories for the international relations of which the member of the Commission is responsible, with the exception of territories belonging to an associate member which is a member of the Commission in its own right.

3. Any member of the Commission that gives notice of withdrawal from the FAO shall be deemed to have simultaneously withdrawn from the Commission, and this withdrawal shall be deemed to apply to all the territories for the international relations of which the member of the Commission is responsible, with the exception of territories belonging to an associate member which is a member of the Commission in its own right.

4. Withdrawal may also take place as provided for pursuant to paragraph 4 of Article IV.

Article XXII

Termination

This Agreement shall be automatically terminated if and when, as the result of withdrawals, the number of members of the Commission drops below 10, unless the remaining members of the Commission unanimously decide otherwise.

Article XXIII

Interpretation and settlement of disputes

Any dispute regarding the interpretation or application of this Agreement, if not settled by the Commission, shall be referred for settlement to a conciliation procedure to be adopted by the Commission. The results of such conciliation procedure, while not binding in character, shall become the basis for renewed consideration by the parties concerned of the matter out of which the disagreement arose. If as the result of this procedure the dispute is not settled, it may be referred to the International Court

of Justice in accordance with the Statute of the International Court of Justice in accordance with the Statute of the International Court of Justice, unless the parties to the dispute agree to another method of settlement.

Article XXIV

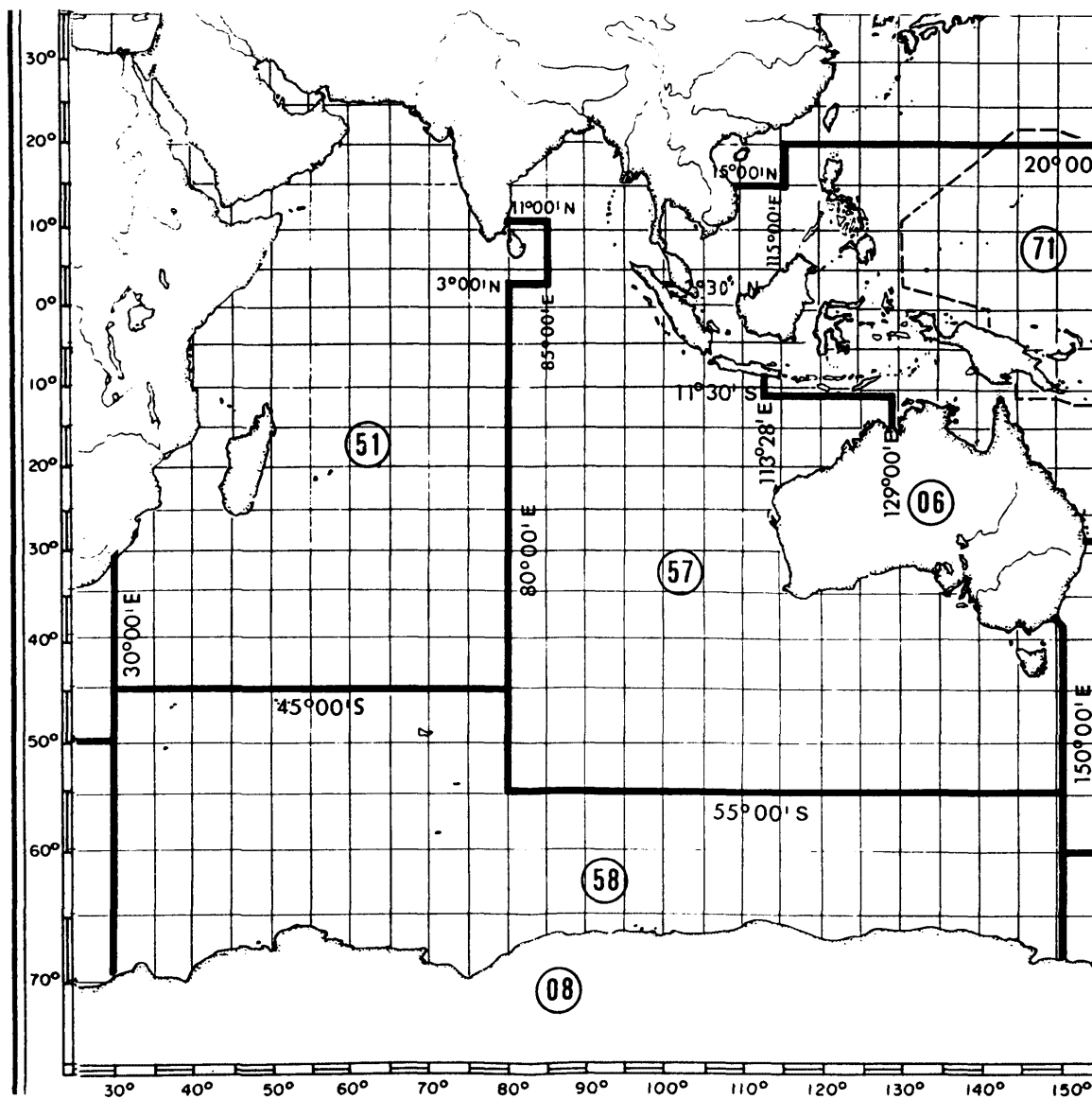
Depositary

The Director-General shall be the depositary of this Agreement. The depositary shall :

- (a) send certified copies of this Agreement to each member and associate member of the FAO and to such non-member States as may become party to this Agreement ;
- (b) arrange for the registration of this Agreement, upon its entry into force, with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations ;
- (c) inform each member and associate member of the FAO which has accepted this Agreement and any non-member State which has been admitted to membership in the Commission of :
 - (i) the application of a non-member State to be admitted to membership in the Commission,
 - (ii) proposals for the amendment of this Agreement or of the Annexes thereto ;
- (d) inform each member and associate member of the FAO and any non-member States as may become party to this Agreement of :
 - (i) the deposit of instruments of acceptance in accordance with Article XVII ;
 - (ii) the date of entry into force of this Agreement in accordance with Article XVIII ;
 - (iii) reservations made to this Agreement in accordance with Article XIX ;
 - (iv) the adoption of amendments to this Agreement in accordance with Article XX ;
 - (v) withdrawals from this Agreement pursuant to Article XXI ; and
 - (vi) termination of this Agreement in accordance with Article XXII.

ANNEX A

FAO fishing areas in the Indo-Pacific



ANNEX B

FAO English name	FAO French name	FAO Spanish name	Scientific name
1. Yellowfin tuna	Albacore	Rabil	<i>Thunnus albacares</i>
2. Skipjack tuna	Listao	Listado	<i>Katsuwonus pelamis</i>
3. Bigeye tuna	Thon obèse	Patudo	<i>Thunnus obesus</i>
4. Albacore	Germon	Atún blanco	<i>Thunnus alalunga</i>
5. Southern bluefin tuna	Thon rouge du sud	Atún del sur	<i>Thunnus maccoyii</i>
6. Longtail tuna	Thon mignon	Atún tongol	<i>Thunnus tonggol</i>
7. Kawakawa	Thonine orientale	Bacoreta oriental	<i>Euthynnus affinis</i>
8. Frigate tuna	Auxide	Melva	<i>Auxis thazard</i>
9. Bullet tuna	Bonito	Melva (= Melvera)	<i>Auxis rochei</i>
10. Narrow-barred Spanish mackerel	Thazard rayé (Indo-Pacifique)	Carite estriado (Indo-Pacífico)	<i>Scomberomorus commerson</i>
11. Indo-Pacific king mackerel	Thazard ponctué (Indo-Pacifique)	Carite (Indo-Pacífico)	<i>Scomberomorus guttatus</i>
12. Indo-Pacific blue marlin	Thazard bleu (Indo-Pacifique)	Aguja azul (Indo-Pacífico)	<i>Makaira mazara</i>
13. Black marlin	Makaire noir	Aguja negra	<i>Makaira indica</i>
14. Striped marlin	Marlin rayé	Marlín rayado	<i>Tetrapturus audax</i>
15. Indo-Pacific sailfish	Voilier (Indo-Pacifique)	Pez vela (Indo-Pacífico)	<i>Istiophorus platypterus</i>
16. Swordfish	Espadon	Pez espada	<i>Xipbias gladius</i>