COMMISSION REGULATION (EC) No 2805/95

of 5 December 1995

fixing the export refunds in the wine sector and repealing Regulation (EEC) No 2137/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine (1), as last amended by Regulation (EC) No 1544/95 (2), and in particular Article 55 (8) thereof,

Whereas, pursuant to Article 55 of Regulation (EEC) No 822/87, to the extent necessary to enable the products listed in Article 1 (2) (a), (b) and (c) of that Regulation to be exported on the basis of the prices for those products on the world market and within the limits of the agreements concluded in accordance with Article 228 of the Treaty, the difference between those prices and the prices in the Community may be covered by an export refund ;

Whereas account must also be taken of the costs of these products, of the economic aspects of the proposed exports, and of the need to avoid disturbances on the Community market ; whereas, however, when fixing the amount of the refunds applicable to liqueur wines, account should be taken of the difference between Community prices and world market prices in respect only of wine and musts used in the manufacture of liqueur wines, since no such difference is recorded in respect of the products used in the manufacture of the wines in question ;

Whereas the international trade situation or the specific requirements of certain markets may make it necessary to vary the refund according to the use or distinction of a specific product ;

Whereas the agreement on agriculture concluded under the Uruguay Round of multilateral trade negotiations provides for annual commitments with regard to expenditure on export refunds ; whereas Article 55 (7) of Regulation (EEC) No 822/87 lays down that those commitments should be complied with on the basis of the export licences issued ; whereas Article 3 (4) of Commission Regulation (EC) No 1685/95 of 11 July 1995 on arrangements for issuing export licences for wine sector products and amending Regulation (EEC) No 3388/81 laying down special detailed rules in respect of import and export licences in the wine sector (3) lays down precise rules regarding those measures ;

Whereas Commission Regulation (EEC) No 2137/93 of 28 July 1993 fixing export refunds in the wine sector and repealing Regulation (EEC) No 646/86 (4), as last amended by Regulation (EC) No 582/95 (5), fixes the amount of the refund for certain products per hectolitre and per degree of alcohol ; whereas it is only possible to determine that degree of alcohol at the time of export, in the analysis certificate referred to in Article 3 (1) of Commission Regulation (EEC) No 3389/81 of 27 November 1981 laying down detailed rules for export refunds in the wine sector (6), as last amended by Regulation (EC) No 2730/95 (7) ; whereas, as a result, it is not possible to evaluate expenditure on export on the basis of licences issued and take the measures provided for in Article 3 (4) of Regulation (EC) No 1685/95 ;

Whereas it is therefore necessary to fix the amount of the export refunds per hectolitre for the various types of products in the sector, regardless of their degree of alcohol ; whereas, with a view to clarity, Regulation (EEC) No 2137/93 should be repealed and certain countries should be removed from the list of third countries in respect of which refunds apply ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. The export refunds provided for in Article 55 of Regulation (EEC) No 822/87 are fixed in the Annex hereto.

2. Regulation (EEC) No 2137/93 is hereby repealed.

Article 2

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

(1) OJ No L 84, 27. 3. 1987, p. 1.
(2) OJ No L 148, 30. 6. 1995, p. 31.
(3) OJ No L 161, 12. 7. 1995, p. 2.
(4) OJ No L 191, 31. 7. 1993, p. 91.
(5) OJ No L 59, 17. 3. 1995, p. 4.
(6) OJ No L 341, 28. 11. 1981, p. 24.
(7) OJ No L 284, 28. 11. 1995, p. 6.

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

Done at Brussels, 5 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

CN code	Product code	For export to (1)	Refund (ECU/hl)
2009 60 11 2009 60 19 2009 60 51 2009 60 71 2004 30 92	100	01	82,612
2204 30 94			21,888
2204 30 96			82,612
2204 30 98			21,888
2204 21 79	120	02 and 09	4,782
2204 21 79	220	02 and 09	
2204 21 83	120		
2204 21 79 2204 21 80	180 180	02	21,217
2204 21 79 2204 21 80	180 180	09	19,854
2204 21 79 2204 21 80	280 280	02	24,84
2204 21 79 2204 21 80	280 280	09	23,244
2204 21 83 2204 21 84	180 180	02	28,98
2204 21 83 2204 21 84	180 180	09	27,118
2204 21 79	910	02 and 09	4,782
2204 21 94 2204 21 98	910	02 and 09	15,00
2204 29 62 2204 29 64 2204 29 65 2204 29 83	120	02 and 09	4,782
2204 29 62 2204 29 64 2204 29 65	220	02 and 09	4,782
2204 29 62 2204 29 64 2204 29 65 2204 29 71 2204 29 72 2204 29 75	180	02	21,217
2204 29 62 2204 29 64 2204 29 65 2204 29 71 2204 29 72 2204 29 75	180	09	19,854
2204 29 62 2204 29 64 2204 29 65 2204 29 71 2204 29 72 2204 29 75	280	02	24,840

CN code	Product code	For export to (1)	Refund (ECU/hl)
2204 29 62 2204 29 64 2204 29 65 2204 29 71 2204 29 72 2204 29 75	280	09	23,244
2204 29 83 2204 29 84	180	02	28,980
2204 29 83 2204 29 84	180	09	27,118
2204 29 62 2204 29 64 2204 29 65	910	02 and 09	4,782
2204 29 94 2204 29 98	910	02 and 09	15,00

(1) The destinations are as follows:

01 — Libya, Nigeria, Cameroon, Gabon,

— Saudi Arabia, United Arab Emirates, India, Thailand, Vietnam, Indonesia, Malaysia, Brunei, Singapore, Philippines, China, South Korea, Japan, Taiwan,

02 all countries of the African continent with the exception of those explicitly excluded under 09,

09 all destinations other than those in 02, with the exception of the following third countries and territories:

— all countries of the American continent within the meaning of Commission Regulation (EEC) No 208/93 (OJ No L 25, 2. 2. 1993, p. 11),

— Algeria,

— Australia,

— Bosnia-Herzegovina,

— Croatia,

— Cyprus,

— Israel,

— Morocco,

— The Republic of Serbia and Montenegro,

— Slovenia,

— South Africa,

— Switzerland,

— The former Yugoslav Republic of Macedonia,

— Tunisia,

— Turkey,

— Hungary,

— Bulgaria,

— Romania.