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Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EEC) No 330/93 of 9 February 1993 amending Regulation (EEC) No 2984/92 allocating, for 1992, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen** 1
- Commission Regulation (EEC) No 331/93 of 15 February 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal 3
- Commission Regulation (EEC) No 332/93 of 15 February 1993 fixing the premiums to be added to the import levies on cereals, flour and malt 5
- Commission Regulation (EEC) No 333/93 of 15 February 1993 on the supply of vegetable oil as food aid 7
- ★ **Commission Regulation (EEC) No 334/93 of 15 February 1993 laying down detailed implementing rules for the use of land set aside for the provision of materials for the manufacture within the Community of products not primarily intended for human or animal consumption** 12
- Commission Regulation (EEC) No 335/93 of 15 February 1993 on the supply of white sugar as food aid 21
- Commission Regulation (EEC) No 336/93 of 15 February 1993 fixing the import levies on white sugar and raw sugar 24
- Commission Regulation (EEC) No 337/93 of 15 February 1993 introducing a countervailing charge on apples originating in Austria 26
- Commission Regulation (EEC) No 338/93 of 15 February 1993 fixing the amount of aid for peas, field beans and sweet lupins 28

II *Acts whose publication is not obligatory*

Council

- ★ **Council Directive 93/4/EEC of 8 February 1993 amending Directive 71/305/EEC concerning the coordination of procedures for the award of public works contracts 31**

93/97/EEC:

- ★ **Council Decision of 9 February 1993 on the conclusion of the Protocol maintaining in force the Arrangement regarding international trade in textiles (MFA) 33**
- Protocol maintaining in force the Arrangement regarding international trade in textiles 34**
- ★ **Information concerning the date of entry into force of the Agreement on trade and Cooperation with Estonia 36**

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 330/93

of 9 February 1993

amending Regulation (EEC) No 2984/92 allocating, for 1992, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 2984/92 ⁽²⁾, allocates, for 1992, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishery zone around Jan Mayen;

Whereas a catch quota of 8 500 tonnes of 'other species' was allocated to the Community in Norwegian waters south of 62° N for 1992; whereas the catches by Community vessels might lead to this allocation being exhausted shortly;

Whereas, in accordance with the procedure provided for in Article 2 of the Fisheries Agreement between the European Economic Community and the Kingdom of Norway ⁽³⁾, the parties have had further consultations on their reciprocal fishing rights for 1992;

Whereas these consultations have been concluded and, as a result, the abovementioned catch quota allocated to the Community has been increased;

Whereas it is for the Council to determine the conditions subject to which this catch quota may be used by Community fishermen, and whereas, to ensure efficient management of the catch possibilities available, they should be allocated among the Member States as quotas in accordance with Article 8 of Regulation (EEC) No 3760/92,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EEC) No 2984/92, the figures relating to 'other species' in ICES division IV are hereby replaced by those set out in the Annex to this Regulation.

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, 9 February 1993.

For the Council

The President

B. WESTH

⁽¹⁾ OJ No L 389, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 300, 16. 10. 1992, p. 1.

⁽³⁾ OJ No L 226, 29. 8. 1980, p. 48.

ANNEX*(tonnes — fresh round weight)*

Species	ICES division	Community catch quotas	Quotas allocated to Member States	
Other species	IV	9 250	Denmark	4 625
			United Kingdom	3 469
			Germany	} 1 156
			Belgium	
			France	
			Netherlands	

COMMISSION REGULATION (EEC) No 331/93

of 15 February 1993

fixing the import levies on cereals and on wheat or rye flour, groats and meal

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

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1738/92 ⁽²⁾, and in particular Article 13 (5) 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⁾, and in particular Article 5 thereof,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 3873/92 ⁽⁴⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market

rate established during the reference period from 12 February 1993, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3873/92 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 February 1993.

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

Done at Brussels, 15 February 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 390, 31. 12. 1992, p. 118.

ANNEX

to the Commission Regulation of 15 February 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Third countries ^(?)
0709 90 60	134,62 ^(?) ^(?)
0712 90 19	134,62 ^(?) ^(?)
1001 10 00	174,85 ⁽¹⁾ ^(?) ⁽¹⁰⁾
1001 90 91	137,94
1001 90 99	137,94 ⁽¹¹⁾
1002 00 00	148,29 ⁽⁹⁾
1003 00 10	124,19
1003 00 20	124,19
1003 00 80	124,19 ⁽¹¹⁾
1004 00 00	113,38
1005 10 90	134,62 ^(?) ^(?)
1005 90 00	134,62 ^(?) ^(?)
1007 00 90	135,79 ⁽⁴⁾
1008 10 00	45,95 ⁽¹¹⁾
1008 20 00	78,27 ⁽⁴⁾
1008 30 00	36,08 ^(?)
1008 90 10	⁽⁷⁾
1008 90 90	36,08
1101 00 00	205,30 ⁽⁸⁾ ⁽¹¹⁾
1102 10 00	220,33 ⁽⁸⁾
1103 11 30	282,78 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 50	282,78 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 90	220,57 ⁽⁸⁾

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.

⁽³⁾ Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 1,81/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

⁽⁸⁾ On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

⁽⁹⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC, except if paragraph 4 of the same Article applies.

⁽¹⁰⁾ An amount equal to the amount fixed by Regulation (EEC) No 1825/91 (OJ No L 166, 26. 6. 1991, p. 42) is to be levied in accordance with Article 101 (4) of Decision 91/482/EEC.

⁽¹¹⁾ Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

COMMISSION REGULATION (EEC) No 332/93**of 15 February 1993****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular Article 15 (6) 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⁾, and in particular Article 5 thereof,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 3874/92⁽⁴⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 12

February 1993, as regards floating currencies, should be used to calculate the levies;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 February 1993.

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

Done at Brussels, 15 February 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 390, 31. 12. 1992, p. 121.

ANNEX

to the Commission Regulation of 15 February 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 2	1st period 3	2nd period 4	3rd period 5
0709 90 60	0	0,63	0,63	1,01
0712 90 19	0	0,63	0,63	1,01
1001 10 00	0	0	0	0
1001 90 91	0	1,40	1,40	0
1001 90 99	0	1,40	1,40	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0,63	0,63	1,01
1005 90 00	0	0,63	0,63	1,01
1007 00 90	0	0	0	6,25
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	5,31
1008 90 90	0	0	0	5,31
1101 00 00	0	1,96	1,96	0

B. Malt

(ECU/tonne)

CN code	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1107 10 11	0	2,49	2,49	0	0
1107 10 19	0	1,86	1,86	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 333/93
of 15 February 1993
on the supply of vegetable oil as food aid

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

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

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

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain countries and beneficiary organizations 2 286 tonnes of vegetable oil;

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

Whereas, notably for logistical reasons, certain supplies are not awarded within the first and second deadlines for submission of tenders; whereas, in order to avoid republication of the notice of invitation to tender, a third deadline for submission of tenders should be opened,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

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

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

Done at Brussels, 15 February 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX I**LOTS A and B**

1. **Operation Nos⁽¹⁾**: see Annex II
2. **Programme**: 1992
3. **Recipient⁽²⁾**: World Food Programme, Via Cristoforo Colombo 426, I-00145 Roma; tel. (39-6) 57 97; telex 626675 I WFP
4. **Representative of the recipient**: OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods⁽³⁾**: OJ No C 114, 29. 4. 1991, p. 1 (under IIIA.1 (a))
8. **Total quantity**: 1 993 tonnes net
9. **Number of lots**: two (see Annex II)
10. **Packaging and marking⁽⁴⁾**: OJ No C 114, 29. 4. 1991, p. 1 (under IIIA.2.1, IIIA.2.3 and IIIA.3)
 - five litre metal canister without cardboard cross-pieces
 - markings in English (A 3 + A 6 + B) and in French (A 1 + A 2 + A 4 + A 5)
 - supplementary markings: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 22. 3 — 18. 4. 1993
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply⁽⁵⁾**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 2. 3. 1993, (Brussels time)
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 16. 3. 1993, (Brussels time)
 - (b) period for making the goods available at the port of shipment: 5. 4 — 2. 5. 1993
 - (c) deadline for the supply: —**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 30. 3. 1993, (Brussels time)
 - (b) period for making the goods available at the port of shipment: 19. 4 — 16. 5. 1993
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities⁽⁶⁾**: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles; telex 22037 / 25670 AGREC B; telefax: (32-2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04
25. **Refund payable on request by the successful tenderer**: —

LOT C

1. **Operation Nos (¹):** 1440/92, 1441/92 and 1442/92
2. **Programme:** 1992
3. **Recipient (²):** World Food Programme, Via Cristoforo Colombo 426, I-00145 Roma; tel. (39-6) 57 97; telex 626675 I WFP
4. **Representative of the recipient:** OJ No C 103, 16. 4. 1987
5. **Place or country of destination:** Tunisia
6. **Product to be mobilized:** refined sunflower oil
7. **Characteristics and quality of the goods (³):** OJ No C 114, 29. 4. 1991, p. 1 (under III.A.1 (b))
8. **Total quantity:** 293 tonnes net
9. **Number of lots:** one (see Annex II)
10. **Packaging and marking (⁴):** OJ No C 114, 29. 4. 1991, p. 1 (under III.A.2.2, III.A.2.3 and III.A.3)
 - five litre plastic drums without cardboard cross-pieces
 - markings in French
 - supplementary markings: see Annex II
11. **Method of mobilization:** the Community market
12. **Stage of supply:** free at port of shipment
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** —
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment:** 22. 3 — 18. 4. 1993
18. **Deadline for the supply:** —
19. **Procedure for determining the costs of supply (⁵):** tendering
20. **Date of expiry of the period allowed for submission of tenders:** 12 noon on 2. 3. 1993 (Brussels time)
21. **A. In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 12 noon on 16. 3. 1993, (Brussels time)
 - (b) period for making the goods available at the port of shipment: 5. 4 — 2. 5. 1993
 - (c) deadline for the supply: —**B. In the case of a third invitation to tender:**
 - (a) deadline for the submission of tenders: 12 noon on 30. 3. 1993, (Brussels time)
 - (b) period for making the goods available at the port of shipment: 19. 4 — 16. 5. 1993
 - (c) deadline for the supply: —
22. **Amount of the tendering security:** ECU 15 per tonne
23. **Amount of the delivery security:** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities (¹):** Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestesgaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles; telex 22037 / 25670 AGREC B; telefax: (32-2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04
25. **Refund payable on request by the successful tenderer:** —

Notes:

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

The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.

The successful tenderer shall give the beneficiaries' representative a health certificate at the time of delivery.

- (4) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.

- (5) Parts A4, A5, A6; B3; Lot C:

shipment to take place in 20-foot containers.

- (6) Parts A1, A2, A3: the cartons shall be stacked on wooden pallets (made of pine, fir or poplar wood) measuring not more than 1 200 × 1 400 mm and with the following features:

four-way entry, non-reversible, with wings;

a top deck consisting of a minimum of seven planks measuring 100 mm in width and of a thickness of 22 mm;

a bottom deck consisting of three planks measuring 100 mm in width and of a thickness of 22 mm;

three bearers measuring 100 mm in width and of a thickness of 22 mm;

nine dowels: 100 × 100 × 78 mm minimum;

the palletized cartons shall be covered by a shrink film of a thickness of at least 150 microns;

the cartons must have reinforced protection consisting of four angles (35 × 35 mm) made of cardboard at least 3 mm thick placed on the four upper edges;

the whole of the above must be bound, in each direction, by two nylon straps of a width of not less than 15 mm with plastic buckles.

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II —
ANEXO II

Lote	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción n°	Inscripciones complementarias
Parti	Totalmængde (i tons)	Delmængde (i tons)	Aktion nr.	Yderligere påskrifter
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Ergänzende Aufschriften
Παρτίδα	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Συμπληρωματικές ενδείξεις
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Supplementary markings
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action n°	Marquage complémentaire
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Iscrizioni supplementari
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Bijkomende vermeldingen
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Ação n°	Inscrições complementares
A	513	A1 : 48 A2 : 35 A3 : 35 A4 : 250 A5 : 40 A6 : 105	1434/92 1435/92 1436/92 1437/92 1438/92 1439/92	PAM / Tchad 0349901 / Ndjamenia via Douala PAM / Tchad 0349900 / Ndjamenia via Douala WFP / Malawi 0478000 / Blantyre via Durban PAM / Burundi 0304701 / Bujumbura via Dar-es-Salaam PAM / Mauritania 0005506 / Nouakchott WFP / Uganda 0241702 / Tororo via Mombasa / Date of expiry
B	1 480	B1 : 35 B2 : 445 B3 : 1 000	1447/92 1448/92 1449/92	WFP / Mozambique 0518900 / Maputo WFP / Mozambique 0518900 / Beira WFP / Kenya 0504603 / Mombasa
C	293	C1 : 128 C2 : 113 C3 : 52	1440/92 1441/92 1442/92	PAM / 0249303 / Tunis PAM / 0340800 / Tunis PAM / 0478300 / Tunis

COMMISSION REGULATION (EEC) No 334/93

of 15 February 1993

laying down detailed implementing rules for the use of land set aside for the provision of materials for the manufacture within the Community of products not primarily intended for human or animal consumption

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops⁽¹⁾, and amended by Regulation (EEC) No 2467/92⁽²⁾, in particular Articles 12 and 16 thereof,

Whereas Article 7 (4) of Council Regulation (EEC) No 1765/92 allows set-aside land to be used for the provision of materials for the manufacture within the Community of products not primarily intended for human or animal consumption, provided that effective control systems are applied;

Whereas the role of each principal intervening party in the market needs to be clearly defined whereas, as it is necessary to provide explicitly for introduction of a new form of commerce in this new market, the concept of the collector should be created; whereas it is necessary to define the raw materials which may be grown on set-aside land as well as the end-use for which the land may be destined in order to allow the agricultural producer to benefit from this regime without delay;

Whereas the raw materials, and the end products which may be produced from them, should be restricted in order to safeguard traditional markets without minimizing the scope for finding new outlets for the raw materials; whereas any of these raw materials or end products may be excluded during the 1993/94 marketing year if adequate control measures have not been introduced;

Whereas it is necessary to introduce the concept of an end-product not primarily intended for human or animal consumption; whereas it is further necessary to specify a method which shall be used to evaluate those products which are to be considered not to be intended for human or animal consumption, and those products which are intended for those destinations in order to quantify the ratio between these two types of product, the value of this

ratio being the criterion serving to identify the primary end use;

Whereas, for reasons of control, it is necessary to require that the raw material cultivated shall be the subject of a contract between the agricultural producer designated as the claimant and either a first processor or a collector, before the sowing of the raw material concerned; whereas this contract shall serve as a significant instrument in contributing to a balanced market; whereas, for the 1993/94 marketing year, the Contracting Parties may, exceptionally, conclude the contract after the sowing of the primary agricultural product;

Whereas it is necessary to ensure that the quantity of raw material harvested on the area under contract is delivered in its entirety to a first processor or a collector; whereas, in order to ensure that this condition has been met, the claimant must submit a declaration to his competent authority;

Whereas the application of this scheme should, on the one hand, take into consideration any specific conditions prevailing in certain Member States, in particular conditions relating to agricultural practice control, public health, environment and criminal law, but on the other hand, reduce to a minimum the disparities in the treatment of such factors should be minimized within the territory of the Community;

Whereas the role of the collector may be omitted during the initial stages of the scheme for control reasons; whereas this omission must be limited to the shortest possible period in order to ensure a harmonized development of the scheme within the Community;

Whereas neither the raw material cultivated on land set nor any product derived from that raw material should benefit from any aid granted by the Community;

Whereas the claimant showed, in return for the compensation received for the obligation to set land aside, to a control discipline whereby he must declare the areas concerned as well as the quantities harvested;

Whereas rules must be established to clarify the marketing circuits in order to preclude any incentive to produce quantities of raw material greater than are required for the production of end products within this scheme, and to deter speculation at the raw material level;

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ No L 246, 27. 8. 1992, p. 11.

Whereas, in order to preclude speculation, it is necessary to be set up a control system requiring the collector or the first processor to lodge a guarantee, the rate of which shall be related to the volume of aid allocated to the land concerned; whereas this guarantee may be released pro rata, in accordance with the quantities of end products produced within a specific time limit;

Whereas a demonstrable measure of control should be established for each type of principal intervenor; whereas, wherever it is discovered that the rules established by this Regulation have not been observed, controls will be shipped up;

Whereas an evaluation of the scheme with a view to ensuring that the objectives of the Reform of the common agricultural policy have been adhered to should be made using information about the actual use made of the scheme in the Member States;

Whereas it is appropriate to repeal Commission Regulation (EEC) No 2296/92⁽¹⁾, as amended by Regulation (EEC) No 2941/92⁽²⁾, whilst safeguarding the legitimate expectations established by that Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions shall apply:

- 'the claimant' shall mean the person seeking a compensatory payment for with in the meaning of Article 2 (5) of Council Regulation (EEC) No 1765/92 hereafter called 'compensation',
- 'the first processor' shall mean the user of the raw materials who undertakes their first processing with a view of obtaining one or more of the products mentioned in Annex II,
- 'the collector' shall mean each signatory of the contract provided for in Article 6 of this Regulation who buys on his own account the raw material mentioned in Annex I intended for the end uses mentioned in Annex II.

Article 2

The raw materials which may be grown on set-aside land, and their end-uses as envisaged in Article 7 (4) of Council Regulation (EEC) No 1765/92, are set out in Annex I and Annex II respectively.

Article 3

1. Those raw materials specified in Annex I may be grown on set-aside land only on the conditions that their primary final use is in the manufacture of one of the products specified in Annex II. The economic valuation of the non-food products obtained from any processing of those raw materials must be higher than that of all other products destined for human or animal consumption obtained during the same processing, according to the valuation method set out in Article 8 (3).

2. Any raw material specified in Annex I grown on set-aside land must be the subject of a contract pursuant to Article 6.

3. The claimant must deliver all of the raw material harvested, and the collector or first processor must take delivery of it and guarantee that an equivalent quantity of this raw material be used within the Community in the manufacture of one or more of the end products specified in Annex II.

Article 4

Member States may exclude any of the raw materials listed in Annex I from this scheme if they raise difficulties as regards agricultural practice, control, public health or the environment, or in terms of their criminal law. In that event, the Member State concerned shall inform the Commission of the raw material(s) which it proposes to exclude, as well as the justification for such exclusion. If the Commission has not reacted within 20 working days following its receipt of such notification, the exclusions envisaged may be introduced.

During the 1993/94 and 1994/95 marketing years, Member States may also, for control reasons, limit the scheme established by this Regulation to direct deliveries by the claimant to the first processor.

Article 5

Any raw material grown on set-aside land which qualifies for compensation, and any end-product derived from such raw material, shall not be eligible for any measures pursuant to Article 1 (2) of Council Regulation (EEC) No 729/70⁽³⁾.

⁽¹⁾ OJ No L 221, 6. 8. 1992, p. 31.

⁽²⁾ OJ No L 294, 10. 10. 1992, p. 9.

⁽³⁾ OJ No L 94, 28. 4. 1970, p. 13.

Article 6

1. In support of the application for compensation the claimant shall submit to his competent authority a contract, signed before the first sowing of the raw material concerned, concluded between himself and either the collector or the first processor. This contract shall contain the following:

- (a) the name and address of all the Contracting Parties;
- (b) duration of the contract;
- (c) the parcels of land concerned, (their area, location and identification);
- (d) the species and variety of the raw material concerned in each parcel;
- (e) the forecast quantity for each species and variety, and any conditions which may apply to its delivery. That quantity shall at least accord with the yield considered representative by the competent authority for the raw material in question. The yield shall take account of *inter alia*, the stated average yield, if any, for the region concerned;
- (f) an undertaking to comply with the obligations pursuant to Article 3 (3);
- (g) the principal end-uses envisaged for the raw material, each end-use being in conformity with the conditions in Article 3 (1) and 8 (3).

2. Contracts signed before the entry into force of this Regulation shall remain valid for the purpose of this scheme, but must be supplemented so as to conform to this Regulation. The additional clauses shall be transmitted to the competent authority by 15 May 1993 at the latest.

3. For control reasons, Member States may provide that each claimant may conclude only one supply contract for each raw material.

Article 7

1. Each year, in the area aid application submitted to the competent authority, the claimant shall identify the parcel or parcels in respect of which the raw materials mentioned in Annex I are to be cultivated. For each parcel set aside and for each raw material cultivated thereon, the following particulars shall be mentioned:

- the species of the raw material and their varieties,
- the forecast yields for each species and variety.

Where, in a single holding, the same species of variety is also cultivated on on set-aside land, that species or variety

and their forecast yields shall be indicated, together with the parcels concerned, their location and identification.

2. If the claimant is unable to provide the raw material specified in his contract, the contract may be adjusted or annulled. In that event, the competent authorities of both parties shall receive prior notice, in order to allow all necessary controls to be carried out. To maintain his right to compensation, the claimant shall, by any means authorized by the competent authority, return the land in question to fallow, whilst losing the right to sell, give away or use the raw material which has been taken out of the contract.

3. The claimant shall declare to his competent authority the total quantity of raw material which has been harvested, by species and variety, and shall confirm the party to whom he has delivered this raw material.

For raw materials mentioned in Annex I which may benefit from public intervention buying outside this scheme, this quantity shall not be less than that indicated in Article 6 (1) (e). However, in duly justified cases, Member States may exceptionally accept a shortfall of up to 5 % of the forecast quantity.

4. For land set aside under the conditions set out in Council Regulation (EEC) No 1765/92, payment of the compensation to the claimant may be made before the processing of the raw material.

However, this payment shall only be made when the quantity of raw material under contract has been delivered to the collector or the first processor, and if:

- (a) the declaration mentioned in paragraph 3 has been made;
- (b) the conditions mentioned in Article 8 (1) and (2) have been fulfilled, and if the information specified in Article 8 (4) (a) has been transmitted by either the collector or the first processor;
- (c) the competent authority has received proof that the full security referred to in Article 9 (2) has been lodged;
- (d) the competent authority in charge of payment of the compensation has verified for each request that the conditions in Article 6 have been met.

Article 8

1. The collector or, as the case may be, the first processor shall deposit a copy of the contract with his competent authority within 20 working days of the conclusion of the contract referred to in Article 6.

For contracts signed before the entry into force of this Regulation, this copy shall be deposited at the latest by 15 May 1993.

2. The competent authority mentioned in paragraph 1 shall verify that the contracts submitted respect the conditions mentioned in Article 3 (1). If the conditions are not complied with, the competent authority of the claimant shall be notified.

To permit this verification, the collector or, as the case may be, the first processor shall submit to the competent authority mentioned in paragraph 1 the necessary information concerning the processing chain in question and in particular information on the prices and technical processing coefficients which are to serve to determine the quantities of end produce obtainable. Those coefficients shall be those referred to in Article 11 (2).

3. With a view to monitoring compliance with Article 3 (1), the competent authority concerned shall, on the basis of the information in paragraph 2, compare the sum of the values of each non-food product with the sum of the values of all other products yielded by the same processing operation but destined for human or animal consumption.

Each value is the result of the relevant quantity multiplied by the average of ex-factory prices verified during the previous cereals marketing year.

In cases where those prices are not available the competent authority shall determine the appropriate prices, in particular on the basis of the evidence referred to in paragraph 2.

4. (a) The collector and the first processor shall, whether or not the latter is a contracting party, inform their competent authority of the quantity of raw material received, specifying the species and variety as well as the name and address of the contracting party who has delivered the raw material and the place of the delivery, within 20 working days of its delivery;

(b) The collector shall inform his competent authority, within no more than three months of receiving the raw material, of the name and address of the consignee first processors/buyers of the raw material which he has received;

(c) Where the delivery of the raw material to the first processor is not made directly by the collector, the latter shall inform his competent authority of the name and address of those parties who have intervened in the delivery circuit, including the name and address of the first processor. This communication shall be made within 20 working days after the first processor has received the raw material;

Every party who intervenes shall, in turn, inform his competent authority within 20 working days of the name and address of the buyer of the raw material and the quantity sold to him;

(d) Should they be different, the competent authority of the first processor and the authority of each party who intervenes in the delivery circuit of the raw material mentioned in point (c) shall inform the competent authority of the collector of the quantities supplied to the first processor;

(e) Where the Member State of the collector or the first processor is different from the Member State in which the raw material has been cultivated, the competent authority concerned shall inform that of the claimant within 20 working days from the reception of the communication indicated at (a) and (c) of the total quantity of raw material delivered;

(f) The communications in this paragraph shall always cite the reference of the contract in question.

Article 9

1. The collector or, as the case may be, the first processor shall lodge the security mentioned in paragraph 2 below with the competent authority mentioned in Article 8 (1) providing the following evidence

- within 20 working days of the signature of the contract, evidence that at least half of the security has been lodged, and
- within 20 working days after the reception of the raw material under contract evidence that the balance of the security has been lodged.

For contracts signed before the entry into force of this Regulation, the evidence shall be forwarded by 15 May 1993 at the latest.

2. The security shall be equal to 120 % of the value of the compensation for each parcel of land covered by the contract, so as to guarantee its proper performance. The security shall be released pro rata, according to the quantities processed into the end product considered to be the primary non-food use, on condition that the competent authority of the collector or of the first processor has evidence that the quantity of raw materials under contract has been processed in conformity with the conditions set out in Article 6 (1) (g). Where the contract has been adjusted or annulled on the conditions set out in Article 7 (2), the security lodged shall be reduced in accordance with the reduction in area.

3. Where processing is undertaken in different Member States, the various competent authorities shall inform the competent authority where the security has been lodged of the quantity and ex-factory price of every intermediate products, end product, by-product or co-product obtained, stating whether those products are intended for non-food, food or animal feed uses.

Article 10

1. The competent authority of the Member State where any processing takes place shall take the necessary measures to ensure that the processors in its territory give all assurances as regards the engagements undertaken.

2. The processing of quantities of raw materials primarily into one of the end products specified in the contract constitutes the primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽¹⁾. Processing shall take place within a maximum of three years from the date of delivery of the raw material to the first processor.

3. Where the collector or the first processor sells or gives away to a processor in another Member State the raw materials or intermediate products and/or end products, co-products or by-products governed by a contract pursuant to Article 6, the product shall be accompanied by a control copy T 5, to be issued in accordance with Commission Regulation (EEC) No 2823/87⁽²⁾. Box 104 of the control copy T 5 shall be completed under heading 'Other' by inserting one of the following endorsements:

- Producto destinado a su transformación o entrega de acuerdo con lo establecido en el artículo 6 del Reglamento (CEE) n° 334/93 de la Comisión;
- Skal anvendes til forarbejdning eller levering i overensstemmelse med artikel 6 i Kommissionens forordning (EØF) nr. 334/93;
- Zur Verarbeitung oder Lieferung gemäß Artikel 6 der Verordnung (EWG) Nr. 334/93 der Kommission zu verwenden;
- Πρέπει να χρησιμοποιηθεί για μεταποίηση ή παράδοση σύμφωνα με το άρθρο 6 του κανονισμού (ΕΟΚ) αριθ. 334/93 της Επιτροπής.
- To be used for processing or delivery in accordance with Article 6 of Commission Regulation (EEC) No 334/93;
- À utiliser pour transformation ou livraison conformément aux dispositions de l'article 6 du règlement (CEE) n° 334/93 de la Commission;
- Da consegnare o trasformare conformemente all'articolo 6 del regolamento (CEE) n. 334/93;
- Te gebruiken voor verwerking of levering overeenkomstig artikel 6 van Verordening (EEG) nr. 334/93 van de Commissie;
- A utilizar para transformação ou entrega em conformidade com o artigo 6º do Regulamento (CEE) n° 334/93 da Comissão.

The same procedure shall apply to all subsequent sales to processors in other Member States until the sale of the end product envisaged in the contract.

4. Where part or all of the delivery of the raw material to the first processor is not made by a collector established in a Member State other than that of the first processor, at collector shall prepare a control copy T 5, specifying under 'Other' in Box 104 of the copy the following:

- (a) the total quantity under contract;
- (b) the quantity delivered by him direct to the first processor;
- (c) the name and address of the first processor;
- (d) the names and addresses of the other parties who have intervened in the delivery circuit, even in the case where those parties are located in the Member State where the first processing has taken place;
- (e) the quantities delivered by each of the other parties involved;
- (f) the formal reference of the contract in question.

5. Any party intervening in the delivery circuit mentioned in paragraph 4 (d) which above who is not established in the Member State of the first processor shall complete a control copy T 5 specifying in Box 104 the name and address of the collector, and the information set out in points (b), (c) and (f) of paragraph 4.

6. Where one or more end products mentioned in Annex II obtained pursuant to a contract prepared according to Article 6, are intended for export to third countries, their transport within the territory of the Community shall be covered by a control copy T 5 issued by the competent authority of the Member State in which those end products were obtained.

The following remark shall appear in Box 104 of the control copy T 5:

- Este producto no podrá acogerse a ninguna de las medidas previstas en el apartado 2 del artículo 1 del Reglamento (CEE) n° 729/70 del Consejo;
- De foranstaltninger, der er omhandlet i artikel 1, stk. 2, i Rådets forordning (EØF) nr. 729/70 kan ikke anvendes på dette produkt;
- Dieses Erzeugnis kommt für keine der Maßnahmen gemäß Artikel 1 Absatz 2 der Verordnung (EWG) Nr. 729/70 des Rates in Betracht;
- Το προϊόν αυτό δεν μπορεί να επωφεληθεί από τα μέτρα που προβλέπονται στο άρθρο 1 παράγραφος 2 του κανονισμού (ΕΟΚ) αριθ. 729/70 του Συμβουλίου.
- This product shall not qualify for any benefits pursuant to Article 1 (2) of Council Regulation (EEC) No 729/70;
- Ce produit ne peut pas bénéficier des mesures prévues à l'article 1^{er} paragraphe 2 du règlement (CEE) n° 729/70 du Conseil;
- Questo prodotto non può beneficiare delle misure di cui all'articolo 1, paragrafo 2 del regolamento (CEE) n. 729/70;

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽²⁾ OJ No L 270, 23. 9. 1987, p. 1.

- Dit produkt komt niet in aanmerking voor maatregelen als bedoeld in artikel 1, lid 2, van Verordening (EEG) nr. 729/70 van de Raad;
- O presente produto não pode beneficiar de medidas ao abrigo do nº 2 do artigo 1º do Regulamento (CEE) nº 729/70 do Conselho.

This requirement arises only in the case where the end product, referred to in Annex II, could enjoy export refunds when obtained from raw materials mentioned in Annex I cultivated outside this scheme.

Article 11

1. Member States shall specify the records which the collector and the processor shall keep. The records shall specify at least the following:

(a) in the case of a collector:

- the quantities of all raw materials bought and sold for processing within the framework of this scheme,
- the name and address of subsequent buyers/processors.

(b) In the case of a processor, on a daily basis:

- the quantities of all raw materials purchased for proceeding,
- the quantities of raw materials processed, together with the quantities and types of end products, co-products and by-products obtained from them,
- wastage during processing losses,
- the quantities destroyed, and the justification for such action,
- the quantities and types of products sold or given away by the processor and the prices obtained,
- the name and address of subsequent buyers/processors.

2. The competent authority of the collector, and that of the Member States in which processing has taken place, shall carry out controls including physical checks and inspection of commercial documents, in order to ensure in the case of the collector, consistency between the purchases of raw materials and deliveries made, and, in the case of the processor, consistency between the delivery of raw materials, end products, co-products and by-products.

The competent authority shall conduct the inspection in particular by reference to technical processing coefficients for the raw materials concerned.

If such coefficients exist in Community legislation in relation to exports, they shall be applied. In their absence,

if other coefficients exist in Community legislation, they shall be applied. In all other cases inspection shall rely mainly on the coefficients generally accepted by the processing industry,

- the correct end use of the raw material, co-products and by-products,
- compliance with Articles 3 (1) and 5 (1).

These controls shall cover at least 10 % of the transactions and processing operations which take place in the Member State and shall be selected by the competent authority on the basis of risk analysis.

3. In the case of:

- irregularities affecting 3 % or more of the checks mentioned in paragraph 2,
- deviation from the previous performances of a processor,
- detection of processing operations where:
 - (i) the quantities or values of end products, by-products or co-products are disproportionate according to the coefficients referred to in the first subparagraph of paragraph 2,
 - (ii) the rate is disproportionate according to the criteria for the economic exploitation of products set out in Article 3 (1) and Article 8 (3),

the competent authorities shall step up the checks referred to in paragraph 2 and shall inform the Commission without delay.

Article 12

Member States shall forward to the Commission within three months of the end of each marketing year all the information needed to assess the present scheme. The communications shall include, in particular, information on any exclusion measures adopted pursuant to Articles 15 (1), together with the following date:

- the areas containing each species and variety of raw material and the various yields accepted under this scheme,
- the quantities of each species and variety of raw material which have not been sold by the collectors,
- the quantities of each type of end product, by-product and co-product obtained, the type of raw material used being also indicated.

Article 13

Member States may take additional measures necessary for the application of this Regulation.

Article 14

The Commission shall adopt a subsequent regulation setting out specific measures relating to the use of set-aside land for the cultivation of pluri-annual raw materials, shown in Annex I.

The contracts signed before the entry into force of the abovementioned regulation shall be taken into consideration on conditions that they have been lodged by 15 May 1993 at the latest. Beyond this date and until the entry into force of the abovementioned regulation, new contracts shall not be accepted.

Article 15

1. Member States may exclude any of the raw materials listed in Annex I or any end-products listed in Annex II respectively during the 1993/94 marketing year of the set aside scheme if adequate control measures have not been introduced in time.

2. For the 1993/94 marketing year, the Contracting Parties may enter into the contract after sowing. The contract shall be concluded, however, before the request for compensation is made. If a claimant has not concluded a contract by 15 May 1993, he shall inform his competent authority.

By whatever means are authorized by that authority, the claimant shall return the set aside land in question to

fallow without any of the raw material planted being sold, given away or used.

3. As regards the quantities of raw materials listed in Annex I which are harvested during the 1993/94 marketing year, the declaration pursuant to Article 7 (3) may be based on the representative yield allowed by Article 6 (1) (e), if Member States can ensure that the quantities under contract are not sold in disregard of the conditions laid down by this Regulation.

Article 16

Commission Regulation (EEC) No 2296/92 is hereby repealed.

Article 17

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

However compensation for the obligation to set land aside may be granted to claimants who can prove that they have sown rape seed falling within CN code 1205 00 90 other than the seed approved under Annex I, or lavender, lavandin or sage falling within CN code 1211 before 10 October 1992, or linseed within CN code 1204 00 90 destined for textile uses, textile flax falling within CN code 5301 and outdoor plants falling within CN code 0602 99 59 before the entry into force of this Regulation.

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

Done at Brussels, 15 February 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Raw materials which may be grown on set-aside land when destined for use in the manufacture of the permissible end products set out in Annex II

CN code	Brief description
ex 0602 99 41	Short rotation forest trees having a maximum cultivation period of 10 years inclusive
0602 99 51	Outdoor perennial plants (e.g. <i>Miscanthus sinensis</i>)
0602 99 59	Other outdoor plants (e.g. <i>Kenaf hibiscus cannabinus L</i>)
0701 90 10	Potatoes
ex 0713 10 90	Peas (<i>Pisum sativum L</i>), other than those for sowing
0713 50 90	Broad beans other than for sowing
0909 40 11	Seeds of caraway, neither crushed nor ground for the industrial manufacture of essential oils or resinoids
1001 90 99	Spelt, common wheat and meslin other than for sowing
ex 1002 00 00	Rye other than seed
1003 00 90	Barley other than seed
1004 00 90	Oats other than seed
1005 90 00	Maize (corn) other than seed
1007 00 90	Grain sorghum, other than hybrids for sowing
ex 1008 10 00	Buckwheat other than seed
ex 1008 20 00	Millet other than seed
ex 1008 90 10	Triticale other than seed
ex 1008 90 90	Other cereals other than seed
1201 00 90	Soya beans other than for sowing
1202 20 00	Shelled ground nuts
ex 1204 00 90	Linseed other than for sowing but destined for uses other than textiles
ex 1205 00 90	Rape or colza seeds other than for sowing (only those types referred to in Article 3 (1) (a), (b), and (c) of Commission Regulation (EEC) No 2294/92 ⁽¹⁾)
1206 00 90	Sunflower seeds other than for sowing
1207 20 90	Cotton seeds other than for sowing (only for the 1993/94 harvest)
1207 30 90	Castor oil seeds other than for sowing
1207 40 90	Sesamum seeds other than for sowing
1207 50 90	Mustard seeds other than for sowing
1207 60 90	Safflower seeds other than for sowing
ex 1207 99 91	Hemp seeds other than for sowing and mentioned in Annex B of Commission Regulation (EEC) No 1164/89 ⁽²⁾ , destined for uses other than textiles
1207 99 99	Other oil seeds and oleaginous fruits other than for sowing,
ex 1209 29	Bitter lupin
ex 1211	Plants and parts of plants (including seeds and fruits), of a kind used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes, other than lavender, lavandin and sage
Chapter 14	Vegetable plaiting, stuffing or padding materials, or those used in brooms or brushes; vegetable products not elsewhere specified or included (eg. Broomcorn (<i>Sorghum vulgare</i> var. <i>technicum</i>))

⁽¹⁾ OJ No L 221, 6. 8. 1992, p. 28.

⁽²⁾ OJ No L 121, 29. 4. 1989, p. 4.

ANNEX II

End- products which are to be considered as permissible lists, other than for human or animal consumption, derived from the raw materials in Annex I

All products of the combined nomenclature :

(a) with the exception of :

- all of the products falling within Chapters 1 to 24 of the combined nomenclature with the exception of :
 - all products falling within CN Chapter 15 which are intended for uses other than for human or animal consumption,
 - CN code 2207 20 00, for direct use in motor fuel or for processing for use in motor fuel,

(b) with the inclusion of :

- all agricultural products set out in Annex I and their derivatives obtained by an intermediate transforming process which are burned in power stations for energy,
- all products mentioned in Council Regulations (EEC) No 1009/86⁽¹⁾ and (EEC) No 1010/86⁽²⁾ on the condition that they are not obtained from cereals or potatoes cultivated on set aside land and/or they do not contain products derived from cereals or potatoes cultivated on set aside land.

⁽¹⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽²⁾ OJ No L 94, 9. 4. 1986, p. 9.

COMMISSION REGULATION (EEC) No 335/93

of 15 February 1993

on the supply of white sugar as food aid

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

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

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

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 36 tonnes of sugar;

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

Whereas, in order to ensure that the supplies are carried out, provision should be made for tenderers to be able to mobilize either A or B quota sugar or C sugar in accordance with the regulations governing the market; whereas the contract for the supply of each lot is to be awarded to the tenderer submitting the lowest tender having regard to the conditions applicable to the categories of sugar in question;

Whereas, notably for logistical reasons, certain supplies were not awarded within the first and second deadlines for submission of tenders; whereas, in order to avoid republication of the notice of invitation to tender, a third deadline for submission of tenders should be opened,

HAS ADOPTED THIS REGULATION:

Article 1

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

Tenders relating to the lots specified in the Annex shall cover either sugar produced under the A or B quotas or C sugar within the meaning of points (a), (b) and (c) of the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 ⁽⁶⁾. Tenders shall be rejected unless they specify the category of sugar to which they relate.

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

Article 2

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

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

Done at Brussels, 15 February 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

⁽⁶⁾ OJ No L 177, 1. 7. 1981, p. 4.

ANNEX

LOT A

1. **Operation Nos** (1): 1404/92 (A 1) and 1405/92 (A 2)
2. **Programme**: 1992
3. **Recipient** (2): Euronaid, PO Box 79, NL-2340 AB Oegstgeest Nederland; tel. (31-71) 15 91 56/59; telefax 15 52 01; telex 30223 NL CEMEC
4. **Representative of the recipient** (3): see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Uganda (A 1), Afghanistan (A 2)
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** (3) (4) (5): see OJ No C 114, 29. 4. 1991, p. 1, (under V.A.1)
8. **Total quantity**: 36 tonnes
9. **Number of lots**: one in two parts (A 1: 18 tonnes; A 2: 18 tonnes)
10. **Packaging and marking** (6) (7): see OJ No C 114, 29. 4. 1991, p. 1 (under V.A.2 and V.A.3).
Markings in English
Supplementary markings: A 1: 'Uganda / ICR / 924609 / Kiryandongo via Mombasa'
A 2: 'Afghanistan / DWH / 922831 / Kabul via Karachi'
11. **Method of mobilization**: sugar produced in the Community in accordance with the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 (OJ No L 177, 1. 7. 1981, p. 4) as follows:
 - A or B sugar (points (a) and (b))
 - C sugar (point (c))
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 29. 3 - 18. 4. 1993
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 2. 3. 1993 at 12 noon (Brussels time)
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 16. 3. 1993 at 12 noon (Brussels time)
 - (b) period for making the goods available at the port of shipment: 12. 4 - 2. 5. 1993
 - (c) deadline for the supply: —**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 30. 3. 1993 at 12 noon (Brussels time)
 - (b) period for making the goods available at the port of shipment: 26. 4 - 16. 5. 1993
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** (8):
Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles; telex 22037 / 25670 AGREC B; telefax: (32-2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on request by the successful tenderer** (9): In the case of A and B sugar: periodic refund applicable to white sugar on 17. 2. 1993, fixed by Commission Regulation (EEC) No 297/93 (OJ No L 35, 11. 2. 1993, p. 9)

Notes:

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

The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.

- (4) For A and B sugar:

Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund and, where appropriate, the accession compensatory amounts. The date referred to in Article 2 of the above-mentioned Regulation is that referred to in point 25 of this Annex.

The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 8 to 12 of Commission Regulation (EEC) No 3819/92 (OJ No L 387, 31. 12. 1992, p. 17) shall not apply to this amount.

For C sugar:

Commission Regulation (EEC) No 2330/87 is not applicable. The rules given in Commission Regulation (EEC) No 2630/81 (OJ No L 258, 11. 9. 1981, p. 16) apply to exportation of sugar supplied under this Regulation.

- (5) The supplier should send a duplicate of the original invoice to: M. De Keyzer and Schütz BV, Postbus 1438, Blaak 16, NL-3000 BK Rotterdam.
- (6) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:
 - phytosanitary certificate,
- (7) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (8) The rule provided at the second indent of Article 18 (2) (a) of Regulation (EEC) No 2103/77 is binding for determination of the sugar category.
- (9) Shipment to take place in 20-foot containers, condition FCL/FCL. The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.

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

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

The successful tenderer has to seal each container with a numbered loctainer, number of which to be provided to the beneficiary's forwarded.

COMMISSION REGULATION (EEC) No 336/93**of 15 February 1993****fixing the import levies on white sugar and raw sugar**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 (EEC) No 3814/92 ⁽²⁾, and in particular Article 16 (8) 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⁾, and in particular Article 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 29/93 ⁽⁴⁾, as last amended by Regulation (EEC) No 327/93 ⁽⁵⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 29/93 to

the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 12 February 1993, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 February 1993.

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

Done at Brussels, 15 February 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 5, 9. 1. 1993, p. 14.

⁽⁵⁾ OJ No L 37, 13. 2. 1993, p. 31.

ANNEX

to the Commission Regulation of 15 February 1993 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	39,27 ⁽¹⁾
1701 11 90	39,27 ⁽¹⁾
1701 12 10	39,27 ⁽¹⁾
1701 12 90	39,27 ⁽¹⁾
1701 91 00	45,49
1701 99 10	45,49
1701 99 90	45,49 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68.

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

⁽³⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC. However, an amount equal to the amount fixed by Regulation (EEC) No 1870/91 B to be levied in accordance with Article 101 (4) of the abovementioned Decision.

COMMISSION REGULATION (EEC) No 337/93

of 15 February 1993

introducing a countervailing charge on apples originating in Austria

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1754/92⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least ECU 0,6 below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1660/92 of 26 June 1992 fixing for the 1992/93 marketing year the reference prices for apples⁽³⁾ fixed the reference price for products of Quality class I at ECU 50,44 per 100 kilograms net for the month of February 1993;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 249/93⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for apples originating in Austria the entry price calculated in this way has remained at least ECU 0,6 below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these apples;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁶⁾ 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 3819/92⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 10,83 per 100 kilograms net is applied to apples (CN codes 0808 10 31, 0808 10 33, 0808 10 39, 0808 10 51, 0808 10 53, 0808 10 59, 0808 10 81, 0808 10 83 and 0808 10 89) originating in Austria.

Article 2

This Regulation shall enter into force on 17 February 1993.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 23.

⁽³⁾ OJ No L 172, 27. 6. 1992, p. 57.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 28, 5. 2. 1993, p. 45.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 17.

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

Done at Brussels, 15 February 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 338/93

of 15 February 1993

fixing the amount of aid for peas, field beans and sweet lupins

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins ⁽¹⁾, as last amended by Regulation (EEC) No 1750/92 ⁽²⁾, and in particular Article 3 (6) (a) thereof,

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins ⁽³⁾, as last amended by Regulation (EEC) No 1734/92 ⁽⁴⁾, and in particular Article 26a (7) thereof,

Whereas, as provided for in Article 3 (1) of Regulation (EEC) No 1431/82, aid is granted for peas, field beans and sweet lupins harvested in the Community and used in the manufacture of feedingstuffs where the world market price of soya cake is lower than the activating price; whereas this aid is equal to a proportion of the difference between these prices; whereas this proportion of the price difference was fixed in Article 3a of Council Regulation (EEC) No 2036/82 ⁽⁵⁾, as last amended by Regulation (EEC) No 2206/90 ⁽⁶⁾;

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 1431/82, aid is granted for peas and field beans harvested in the Community where the world market price for these products is lower than the guide price; whereas this aid is equal to the difference between the two prices;

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1992/93 marketing year was fixed by Council Regulation (EEC) No 1751/92 ⁽⁷⁾; whereas, as provided for in Article 2a of Regulation (EEC) No 1431/82, the activating price for the aid for peas, field beans and sweet lupins is increased monthly as from the beginning of the third month of the marketing year; whereas the amount of the monthly

increases in the threshold price was fixed by Council Regulation (EEC) No 1752/92 ⁽⁸⁾;

Whereas the abatement of the subsidy which arises from the system of maximum guaranteed quantities for the 1992/93 year, has been fixed by Commission Regulation (EEC) No 2512/92 ⁽⁹⁾, as amended by Regulation (EEC) No 2752/92 ⁽¹⁰⁾;

Whereas, pursuant to Article 4 of Regulation (EEC) No 1431/82, the world market price for soya cake must be determined on the basis of the most favourable purchase possibilities, excepting offers and quotations which cannot be considered representative of the real market trend; whereas account must be taken both of all offers on the world market and of the prices quoted on exchanges that are important for international trade;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 2049/82 ⁽¹¹⁾, as last amended by Regulation (EEC) No 1238/87 ⁽¹²⁾, the price must be determined per 100 kilograms of bulk soya cake of the standard quality defined in Article 1 (2) of Council Regulation (EEC) No 1464/86 ⁽¹³⁾ delivered to Rotterdam; whereas the necessary adjustments, notably those referred to in Article 2 of Regulation (EEC) No 2049/82, must be made for offers and quotations not of the type referred to above;

Whereas Commission Regulation (EEC) No 3328/92 ⁽¹⁴⁾ limits the validity of the certificate provided for in Article 4 of Council Regulation (EEC) No 2036/82 to 30 June 1993;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽¹⁵⁾ 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 3819/92 ⁽¹⁶⁾;

Whereas pursuant to Articles 121 (2) and 307 (2) of the Act of Accession the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of products from third countries;

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 17.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 179, 1. 7. 1992, p. 120.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 180, 1. 7. 1992, p. 18.

⁽⁸⁾ OJ No L 180, 1. 7. 1992, p. 20.

⁽⁹⁾ OJ No L 250, 29. 8. 1992, p. 15.

⁽¹⁰⁾ OJ No L 279, 23. 9. 1992, p. 18.

⁽¹¹⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽¹²⁾ OJ No L 117, 5. 5. 1987, p. 9.

⁽¹³⁾ OJ No L 133, 21. 5. 1986, p. 21.

⁽¹⁴⁾ OJ No L 334, 19. 11. 1992, p. 17.

⁽¹⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽¹⁶⁾ OJ No L 387, 31. 12. 1992, p. 17.

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Commission Regulation (EEC) No 1899/91⁽¹⁾; whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide price is increased monthly as from the beginning of the third month of the marketing year;

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ecus that results from Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State;

Whereas Article 26a of Regulation (EEC) No 3540/92 has been repealed in accordance with Article 2 of Regulation (EEC) No 3820/92⁽²⁾; whereas the Commission therefore publishes in the *Official Journal of the European*

Communities only the gross amount of aid, expressed in ecus, to be granted for 100 kilograms of the product, as soon as it is fixed; whereas the gross aid in ecus resulting from Article 3 of Regulation (EEC) No 1431/82 is to be converted directly into the national currencies at the agricultural conversion rate valid on the day of identification in the Member State in which the products are used,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of aid provided for in Article 3 (1) of Regulation (EEC) No 1431/82 is indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 February 1993.

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

Done at Brussels, 15 February 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 169, 29. 6. 1991, p. 29.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 22.

ANNEX

Gross aid

Products intended for human consumption :

(ECU per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
Peas used :					
— in Portugal	11,508	11,666	11,824	11,824	11,824
— in another Member State	11,508	11,666	11,824	11,824	11,824
Field beans used :					
— in Portugal	11,508	11,666	11,824	11,824	11,824
— in another Member State	11,508	11,666	11,824	11,824	11,824

Products used in animal feed :

(ECU per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
A. Peas used :					
— in Portugal	12,002	12,367	12,699	12,891	12,891
— in another Member State	12,002	12,367	12,699	12,891	12,891
B. Field beans used :					
— in Portugal	12,002	12,367	12,699	12,891	12,891
— in another Member State	12,002	12,367	12,699	12,891	12,891
C. Sweet lupins used :					
— in Portugal	14,303	14,580	14,813	15,069	15,069
— in another Member State	14,303	14,580	14,813	15,069	15,069

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE 93/4/EEC

of 8 February 1993

amending Directive 71/305/EEC concerning the coordination of procedures for the award of public works contracts

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 57 (2), last sentence, Article 66 and Article 100a thereof,

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

In cooperation with the European Parliament ⁽²⁾,

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

Whereas it would be appropriate to enable certain technical conditions concerning notices and statistical reports required by Council Directive 71/305/EEC of 26 July 1971 concerning the coordination of procedures for the award of public works contracts ⁽⁴⁾ to be adapted in the light of changing technical requirements;

Whereas Annex II to Directive 71/305/EEC refers to the General Industrial Classification of Economic Activities within the European Communities (NACE); whereas the Community may, as required, revise or replace its common nomenclature and whereas it is necessary to make provision for the possibility of adapting the reference made to the NACE nomenclature in Annex II accordingly;

Whereas such changes should be made using the procedure provided for in Article 30b of Directive 71/305/EEC, which should be adapted accordingly,

Article 1

Article 30b of Directive 71/305/EEC is hereby replaced by the following:

Article 30b

1. Article I shall be amended by the Commission, in accordance with the procedure laid down in paragraph 3, when, in particular on the basis of the notifications from the Member States, it appears necessary:

- (a) to remove from the said Annex bodies governed by public law which no longer fulfil the criteria laid down in Article 1 (b);
- (b) to include in that Annex bodies governed by public law which meet those criteria.

2. The conditions for the drawing up, transmission, receipt, translation, collection and distribution of the notices referred to in Article 12 and of the statistical reports provided for in Article 30a, the nomenclature provided for in Annex II, as well as the reference in the notices to particular positions of the nomenclature, may be modified in accordance with the procedure laid down in paragraph 3.

3. The chairman of the Advisory Committee for Public Works Contracts shall submit to the Committee a draft of any measures to be taken. The Committee shall deliver its opinion on the draft, if necessary by taking a vote, within a time limit to be fixed by the chairman in the light of the urgency of the matter.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to request that its position be recorded in the minutes.

⁽¹⁾ OJ No C 225, 1. 9. 1992, p. 11.

⁽²⁾ OJ No C 305, 23. 11. 1992 and Decision of 20 January 1993 (not yet published in the Official Journal).

⁽³⁾ OJ No C 332, 16. 12. 1992, p. 71.

⁽⁴⁾ OJ No L 185, 16. 8. 1971, p. 5. Directive as last amended by Directive 90/531/EEC (OJ No L 297, 29. 10. 1990, p. 1).

The Commission shall take the fullest account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

4. Amended versions of Annexes I and II and of the conditions set out in paragraph 2 shall be published in the *Official Journal of the European Communities*.

Article 2

1. Member States shall bring into force the measures necessary to comply with this Directive before 1 July 1993. They shall forthwith inform the Commission thereof.

2. When Member States adopt the measures referred to in paragraph 1, the measures shall contain a reference to this Directive or be accompanied by such a reference at

the time of their official publication. The procedures for such reference shall be adopted by Member States.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 8 February 1993.

For the Council

The President

J. TRØJBORG

COUNCIL DECISION**of 9 February 1993****on the conclusion of the Protocol maintaining in force the Arrangement
regarding international trade in textiles (MFA)****(93/97/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Commission took part, on behalf of the Community, in the negotiations on the maintenance in force of the Arrangement regarding international trade in textiles (MFA) ⁽¹⁾;

Whereas these negotiations led to the establishment of a Protocol maintaining in force the MFA for a further period of 12 months until 31 December 1993;

Whereas this Protocol should be approved on behalf of the European Economic Community,

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol maintaining in force the Arrangement regarding international trade in textiles, which was adopted by the GATT Textiles Committee on 9 December 1992, is hereby approved on behalf of the European Economic Community.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to notify acceptance of the said Protocol on behalf of the European Economic Community, in accordance with paragraph 3 of the Protocol.

Done at Brussels, 9 February 1993.

*For the Council**The President*

B. WESTH

⁽¹⁾ OJ No L 341, 4. 12. 1986, p. 34.

9 December 1992

PROTOCOL**maintaining in force the Arrangement regarding international trade in textiles**

The PARTIES to the Arrangement regarding international trade in textiles (hereinafter referred to as 'the Arrangement' or 'MFA'),

ACTING pursuant to paragraph 5 of Article 10 of the Arrangement,

REAFFIRMING that the terms of the Arrangement regarding the competence of the Textiles Committee and the Textiles Surveillance Body are maintained, and

FOLLOWING the Decision of the Textiles Committee adopted on 9 December 1992,

HEREBY AGREE as follows :

1. The Arrangement, including the Conclusions of the Textiles Committee adopted on 31 July 1986, as amended by the 1989 Protocol Amending the 1986 Protocol extending the Arrangement regarding international trade in textiles, shall be maintained in force for a further period of twelve months until 31 December 1993.
2. This Protocol shall be deposited with the Director-General to the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade. It shall be open for acceptance, by signature or otherwise, by the Parties to the Arrangement, by other governments accepting or acceding to the Arrangement pursuant to the provisions of Article 13 thereof and by the European Economic Community.
3. This Protocol shall enter into force with effect from 1 January 1993 for the parties which have accepted it by that date and it shall enter into force for a party which accepts it on a later date as of the date of such acceptance. It shall be applied provisionally, taking into account their constitutional and/or legislative procedures for ratification, as from 1 January 1993, by parties which have signed it subject to completion of constitutional procedures, or notified the depositary of their intention to apply it provisionally, by that date, and by other parties from the date of their signature or notification of provisional application.

DONE at Geneva this ninth day of December one thousand nine hundred and ninety-two, in a single copy, in the English, French and Spanish languages, each text being authentic.

9 December 1992

Decision by the Textiles Committee to maintain in force the Arrangement regarding international trade in textiles for a period of 12 months

(1 January to 31 December 1993)

1. The Textiles Committee met on 9 December 1992 to resume the discussion that it had begun at its meeting on 6 December 1991 on the future of the Arrangement regarding international trade in textiles (MFA), in accordance with the provisions of Article 10.5 of the Arrangement.
 2. The Committee decided to maintain in force the existing MFA, as extended by the 1986 Protocol, and as maintained in force by the 1991 Protocol, for a further period of 12 months from 1 January 1993 to 31 December 1993 in view of the fact that the Uruguay Round has not been completed.
 3. The Committee reaffirmed the Conclusions of the Textiles Committee adopted on 31 July 1986 and the obligations contained therein. In this context, participants reiterated that full account should be taken, *inter alia*, of the special considerations provided for small suppliers and the least developed countries.
 4. In taking their decision to further extend the MFA, participants proceeded on the understanding that bilateral agreements for the year 1993 will provide increased market access.
 5. Participants reiterated their respect for the equity obligations in the Arrangement.
 6. Participants reaffirmed their agreement to cooperate fully in dealing with problems relating to circumvention of the Arrangement.
 7. Participants noted the concern expressed by a number of participants with respect to the problem of infringement of registered trade marks and designs in trade in textiles and clothing and noted that such problems could be dealt with in accordance with the relevant national laws and regulations.
 8. As to the necessary legal steps in this regard, the Textiles Committee drew up the attached text of a Protocol maintaining in force the MFA for a further period of 12 months. The Protocol would enter into force on 1 January 1993.
-

Information concerning the date of entry into force of the Agreement on trade and Cooperation with Estonia ⁽¹⁾

The European Community and the Republic of Estonia notified each other on 22 December 1992 and 29 January 1993 respectively of the completion of the legal processes necessary for the entry into force of the Agreement on trade and commercial and economic cooperation signed on 11 May 1992. In accordance with Article 21, the Agreement will therefore enter into force on 1 March 1993.

⁽¹⁾ OJ No L 403, 31. 12. 1992, p. 1.