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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EEC) No 374/93**

**of 19 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1738/92<sup>(2)</sup>, 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<sup>(3)</sup>, 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<sup>(4)</sup> 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 18 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 20 February 1993.

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

Done at Brussels, 19 February 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 180, 1. 7. 1992, p. 1.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 390, 31. 12. 1992, p. 118.

## ANNEX

to the Commission Regulation of 19 February 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

| (ECU/tonne) |                                                      |
|-------------|------------------------------------------------------|
| CN code     | Third countries <sup>(*)</sup>                       |
| 0709 90 60  | 134,98 <sup>(*)</sup> <sup>(*)</sup>                 |
| 0712 90 19  | 134,98 <sup>(*)</sup> <sup>(*)</sup>                 |
| 1001 10 00  | 175,28 <sup>(*)</sup> <sup>(*)</sup> <sup>(10)</sup> |
| 1001 90 91  | 138,15                                               |
| 1001 90 99  | 138,15 <sup>(11)</sup>                               |
| 1002 00 00  | 148,42 <sup>(*)</sup>                                |
| 1003 00 10  | 124,92                                               |
| 1003 00 20  | 124,92                                               |
| 1003 00 80  | 124,92 <sup>(11)</sup>                               |
| 1004 00 00  | 113,82                                               |
| 1005 10 90  | 134,98 <sup>(*)</sup> <sup>(*)</sup>                 |
| 1005 90 00  | 134,98 <sup>(*)</sup> <sup>(*)</sup>                 |
| 1007 00 90  | 135,94 <sup>(*)</sup>                                |
| 1008 10 00  | 45,53 <sup>(11)</sup>                                |
| 1008 20 00  | 77,91 <sup>(*)</sup>                                 |
| 1008 30 00  | 35,61 <sup>(*)</sup>                                 |
| 1008 90 10  | <sup>(*)</sup>                                       |
| 1008 90 90  | 35,61                                                |
| 1101 00 00  | 206,13 <sup>(*)</sup> <sup>(11)</sup>                |
| 1102 10 00  | 220,51 <sup>(*)</sup>                                |
| 1103 11 30  | 284,01 <sup>(*)</sup> <sup>(10)</sup>                |
| 1103 11 50  | 284,01 <sup>(*)</sup> <sup>(10)</sup>                |
| 1103 11 90  | 221,47 <sup>(*)</sup>                                |

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

<sup>(2)</sup> 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.

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

<sup>(4)</sup> 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.

<sup>(5)</sup> 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.

<sup>(6)</sup> 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).

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

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

<sup>(9)</sup> 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.

<sup>(10)</sup> 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.

<sup>(11)</sup> 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 375/93****of 19 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1738/92 <sup>(2)</sup>, 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 <sup>(3)</sup>, 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 <sup>(4)</sup> 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 18

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 20 February 1993.

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

Done at Brussels, 19 February 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 180, 1. 7. 1992, p. 1.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 390, 31. 12. 1992, p. 121.

## ANNEX

to the Commission Regulation of 19 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<br>2 | 1st period<br>3 | 2nd period<br>4 | 3rd period<br>5 |
|------------|--------------|-----------------|-----------------|-----------------|
| 0709 90 60 | 0            | 0               | 0               | 5,32            |
| 0712 90 19 | 0            | 0               | 0               | 5,32            |
| 1001 10 00 | 0            | 0               | 0               | 0               |
| 1001 90 91 | 0            | 1,72            | 1,72            | 0,91            |
| 1001 90 99 | 0            | 1,72            | 1,72            | 0,91            |
| 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               | 0               | 5,32            |
| 1005 90 00 | 0            | 0               | 0               | 5,32            |
| 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            | 2,24            | 2,24            | 1,26            |

## B. Malt

(ECU/tonne)

| CN code    | Current<br>2 | 1st period<br>3 | 2nd period<br>4 | 3rd period<br>5 | 4th period<br>6 |
|------------|--------------|-----------------|-----------------|-----------------|-----------------|
| 1107 10 11 | 0            | 3,06            | 3,06            | 1,62            | 1,62            |
| 1107 10 19 | 0            | 2,29            | 2,29            | 1,21            | 1,21            |
| 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 376/93**  
**of 19 February 1993**  
**amending Regulation (EEC) No 320/93 on the supply of milk products 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1930/90 <sup>(2)</sup>, and in particular Article 6 (1) (c) thereof,

Whereas Commission Regulation (EEC) No 320/93 <sup>(3)</sup> issued an invitation to tender for the supply, as food aid, of 2 121 tonnes of milk powder and 150 tonnes of butteroil; whereas some of the conditions specified in Annex I to that Regulation should be altered,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 320/93 is hereby amended as follows:

Note 4 of Annex I is to be replaced by the following:

'(4) 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 said Regulation is that referred to in point 25 of this Annex.

The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 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.'

*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, 19 February 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 37, 13. 2. 1993, p. 13.

**COMMISSION REGULATION (EEC) No 377/93****of 12 February 1993****laying down detailed rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine <sup>(1)</sup>, as last amended by Regulation (EEC) No 1756/92 <sup>(2)</sup>, and in particular Articles 37 (2) and 40 (5) thereof,

Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies <sup>(3)</sup>, and in particular Articles 2 and 3 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 <sup>(4)</sup>,

Whereas Commission Regulation (EEC) No 1780/89 of 21 June 1989 laying down detailed rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies <sup>(5)</sup>, as last amended by Regulation (EEC) No 3821/92 <sup>(6)</sup>, has been substantially amended on a number of occasions; whereas it is appropriate, for reasons of clarity and rationality, to consolidate the said Regulation;

Whereas one feature of the Community market for alcohol is the existence of stocks resulting from intervention under Articles 35, 36 and 39 of Regulation (EEC) No 822/87; whereas Regulation (EEC) No 3877/88 lays down general rules on the disposal of such stocks by the issuing of invitations to tender in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87;

Whereas specific detailed rules should be laid down for such invitations to tender in order to ensure equality of treatment of operators;

Whereas provisions should be made so that these stocks of alcohol may be disposed of by three types of invitations to tender, depending on the quantities of alcohol at 100 % vol. covered by such invitations to tender and on the use and destination for which the alcohol is intended;

Whereas, since the objective of invitations to tender is to obtain the most favourable price, the contract must be awarded to the tenderer offering the highest price where the Commission decides to take action in respect of tenders; whereas it is also necessary to lay down provisions for the eventuality that several tenders relating to the same lot are submitted for the same price;

Whereas, in order to permit intermediate-scale industrial tests of new uses devised for alcohol by certain operators and thus in the long term to develop ways of disposing of significant quantities of Community alcohol without disrupting the market in spirituous beverages, provision should be made under certain conditions for submitting tenders for more than 5 000 hectolitres in respect of a partial invitation to tender;

Whereas it is necessary to determine processing which may be considered equivalent to real industrial uses from processing into goods exported under inward processing arrangements;

Whereas the term of validity of a new standing invitation to tender should be unlimited so that the industry concerned is assured of better continuity in supply in view of the investments needed to process spirits distilled from wine; whereas a quantity of alcohol should be set aside for the standing invitation to tender, care being taken to avoid any disturbance of certain markets;

Whereas notices of invitations to tender issued by the Commission must contain particulars necessary to identify the quantities of alcohol concerned; whereas in addition lots of alcohol comprising one or more vats should be specified solely in partial invitations to tender in order to prevent a substantial quantity of alcohol from being immobilized, given the unlimited duration of the standing invitation to tender;

<sup>(1)</sup> OJ No L 84, 27. 3. 1987, p. 1.

<sup>(2)</sup> OJ No L 180, 1. 7. 1992, p. 27.

<sup>(3)</sup> OJ No L 346, 15. 12. 1988, p. 7.

<sup>(4)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(5)</sup> OJ No L 178, 24. 6. 1989, p. 1.

<sup>(6)</sup> OJ No L 387, 31. 12. 1992, p. 24.

Whereas there is provision for a special tendering procedure for alcohol for use in the fuel sector and therefore there should be restrictions in the partial invitation to tender on the quantities tendered for industrial uses comparable to alcohol combustion where these do not specifically concern the fuel sector;

Whereas, in order to ensure that alcohol sold under a partial invitation to tender is really used for purposes not likely to disrupt the market in alcohol, tenders submitted for that invitation to tender must give a precise indication of the anticipated use;

Whereas tenderers should be able to submit tenders by type of alcohol, by type of end use and by partial invitation to tender; whereas the legal consequences for the tenderer who submits more than one tender in respect of each partial invitation to tender should also be specified;

Whereas, to make it possible to verify that tenderers submit only one tender in response to a partial invitation to tender, the list of tenderers accompanied by the particulars required under this Regulation should give the tenderers' name;

Whereas, in order not to affect competition with products which the alcohol may replace, the Commission should be given the possibility of taking no action in respect of tenders received;

Whereas, in order to be able to grant contracts in respect of the greatest number possible of tenders in respect of a partial invitation to tender where the prices proposed are deemed satisfactory and where the end uses to which the alcohol is to be put are suitable for developing new industrial outlets for the product, provision should be made within certain limits for tenderers who have submitted such tenders to be allocated a replacement lot; whereas this procedure is likely to increase sales of Community alcohol and thus achieve a reduction in stocks management of which entails a high cost to the budget;

Whereas, despite the margin of tolerance relating to the overall quantity of alcohol put up for sale by invitation to tender, the price paid prior to the presentation of a removal order must be calculated on the basis of a quantity of alcohol at 100 % vol, determined to the nearest hectolitre;

Whereas regular individual sales by tender should be held for export of the alcohol awarded to the countries of the Caribbean area for final use in the fuel sector only so as to give these countries greater continuity of supply; whereas experience shows that this outlet is most unlikely to

disrupt the market and affords a major market opportunity;

Whereas the volume of the lots put up for sale by tender for export to the Caribbean countries should be linked to normal sea transport capacity, thereby reducing the cost to the traders concerned of providing performance guarantees; whereas the time limits laid down for the removal of the alcohol awarded should be adjusted accordingly;

Whereas certain of the conditions governing special sales by tender for the use of vinous alcohol in the fuel sector within the Community should be laid down so as to give tenderers certain assurances as regards supplies and to take account of the cost of the investments that need to be made in processing plants for that particular use without, however, completely preventing the physical movement of the quantity of alcohol put up for sale;

Whereas it should be laid down that special invitations to tender may relate to several lots of alcohol where large quantities are set aside for this type of tendering procedure, in view of the obligation for the alcohol in the vats in question to undergo no further physical movement until a removal order has been issued in respect thereof;

Whereas in the event of a special sale by tender for use in the fuel sector which will require physical removal and processing over a period of several years, the price per hectolitre of alcohol at 100 % vol offered by the successful tenderer should be revised every three months by adjusting by a coefficient described in the notice of the invitation to tender concerned, in order to fix prices to be paid for the alcohol awarded which follow more closely the fluctuation of fuel prices on international markets;

Whereas, in view of the size of certain vats in which part of the alcohol obtained from compulsory distillation is held and of the lengthy duration of storage of some of this alcohol, it is impossible to know exactly in practice what quantity of marketable alcohol is contained in certain storage vats;

Whereas, accordingly, provision should be made so that any invitation to tender ultimately found to relate to a quantity of marketed alcohol representing between 99 and 101 % of the quantity of alcohol originally put up for sale shall be deemed to have been executed;

Whereas it should be made clear that the tenderer's statement waiving all claims in respect of the quality and characteristics of the alcohol awarded to him does not extend to hidden impurities that by their nature could not be detected by him beforehand and make it unfit for the use intended;

Whereas provision should be made where appropriate for the denaturing of the alcohol for certain sales by invitation to tender in order to prevent it from being used for other purposes; whereas denaturing should entail the addition of petrol to the quantity of alcohol covered by the contract awarded;

Whereas a system of securities should be introduced to ensure the proper conduct of the invitations to tender and to ensure that the alcohol is in fact used for the purpose specified in the relevant invitation to tender; whereas the securities should be set at a level which will prevent any disturbance involving utilization contrary to the objectives of the invitation to tender on the market in alcohol and spirituous beverages produced in the Community within the meaning of Articles 37 and 40 of Regulation (EEC) No 822/87; whereas the rule laid down in Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products<sup>(1)</sup>, as last amended by Regulation (EEC) No 3745/89<sup>(2)</sup>, which also covers wine, should be taken into account; whereas the primary requirements of the obligations secured should consequently be determined;

Whereas some end uses envisaged for the alcohol in connection with a partial invitation to tender require all or some of the alcohol awarded to be processed into rectified alcohol; whereas certain of the uses to which the alcohol sold by individual or special sales by tender is to be put require that the operations produce foul-tasting alcohol unsuitable for the uses initially intended for these tendering procedures; whereas, therefore, the conditions governing the release of performance guarantees should be amended;

Whereas Regulation (EEC) No 3819/92 lays down provisions governing the conversion rates for the ecu into national currencies to be used for the purposes of the common agricultural policy; whereas the detailed rules for the application thereof should be laid down;

Whereas the checks made to verify whether the alcohol is used for the purposes specified in the relevant invitations to tender should comprise at least checks equivalent to those applied to the monitoring of home-produced alcohol; whereas for the purposes of checks on certain uses or destinations, recourse may be had to the services of an international surveillance firm to verify whether the contract awarded is duly fulfilled; whereas, as the internal market is being reinforced and developed, physical checks should be conducted at the place of departure or of destination of alcohol transport operations;

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. This Regulation lays down detailed rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87, hereinafter referred to as 'alcohol'.

Disposal may be effected either by a standing invitation to tender (Title I) or by individual invitations to tender (Title II) or by special invitations to tender (Title III).

2. For the purposes of this Regulation, 'invitation to tender' shall mean the organization of a competition among interested parties in the form of a call for bids, the contract being awarded to the party submitting the most advantageous bid complying with the rules laid down in this Regulation.

#### TITLE I

##### **Standing invitation to tender**

#### *Article 2*

A standing invitation to tender may be issued for the implementation within the Community of small-scale projects relating to new industrial end uses such as:

- the heating of glasshouses,
- the drying of feedingstuffs,
- the fuelling of transport vehicles,
- the fuelling of heating systems, including those at cement works,

and processing into goods exported for industrial purposes by an operator who has made use of inward processing arrangements at least once in the previous two years, other than processing consisting solely of redistillation, rectification, dehydration, purification or denaturing of the alcohol.

If the use laid down for the alcohol is exported to third countries in the form of manufactured goods, proof must be provided that during the two preceding years authorization was granted to use alcohol from third countries to manufacture under inward processing arrangements the same goods as those exported.

<sup>(1)</sup> OJ No L 205, 3. 8. 1985, p. 5.

<sup>(2)</sup> OJ No L 364, 14. 12. 1989, p. 54.

### Article 3

The Commission, acting in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87, shall issue a standing invitation to tender covering quantities of alcohol obtained from distillation as provided for in Articles 35, 36 and 39 of that Regulation. The quantities of alcohol awarded under this invitation to tender shall not exceed 400 000 hectolitres of alcohol at 100 % vol per year.

### Article 4

1. The Commission shall organize partial invitations to tender in the framework of a standing invitation to tender.

2. Notices issuing partial invitations to tender shall be published in the *Official Journal of the European Communities* in the first fortnight of each quarter.

Such notices shall specify:

- one or more vats which constitute a lot in a given Member State,
- the quantity of alcohol, expressed in hectolitres of alcohol at 100 % vol, covered by the partial invitation to tender,
- the tendering security as referred to in Article 6 (2) and the performance guarantee as referred to in the second indent of Article 8 (2),
- the special conditions governing the standing invitation to tender and the names and addresses of the intervention agencies concerned.

### Article 5

1. Apart from the particulars listed in Article 30, the tender shall specify:

- the type of goods exported if the use laid down for the alcohol is exported to third countries in the form of manufactured goods,
- the number(s) of the vat(s) in which the alcohol to which the tender relates is stored, the vats all being situated in the same Member State,
- the quantity of alcohol to which the tender relates, broken down by vat and expressed in hectolitres of alcohol at 100 % volume.

The quantity may not be less, in the case of each tender, than 100 hectolitres and may not exceed 5 000 hectolitres of alcohol at 100 % volume where the industrial end use is comparable to use in the fuel sector.

2. The Regulation issuing the standing invitation to tender may be amended or replaced during the period of validity of the standing invitation to tender if, during the

said period of validity, there is any change in the terms on which the alcohol is disposed of.

3. Tenderers may submit only one tender by type of alcohol, by type of end use and by partial invitation to tender. If a tenderer submits more than one tender by type of alcohol, by type of end use and by partial invitation to tender, none of those tenders shall be admissible.

### Article 6

1. Tenders must reach the intervention agency of the Member State concerned by 12 noon Brussels time at the latest on the closing date set for the submission of tenders in the notice of partial invitation to tender. That date must fall between the 15th and the 25th day following the date of publication of the partial invitation to tender.

2. Tenders shall be valid only if proof is provided, within the time limit laid down for the submission of tenders, that a tendering security has been lodged with the intervention agency concerned.

3. The intervention agency concerned shall communicate to the Commission, within the two working days following the final date for submission of tenders, a list of the names of the tenderers whose tenders are pursuant to Article 31 eligible for consideration, the prices offered, the quantities requested, the locations and the alcohol types concerned and the precise uses to be made of the alcohol.

### Article 7

1. The Commission, acting in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87, may decide in the light of the tenders submitted and where appropriate depending on the type of end use laid down for the alcohol:

- either to award contracts,
- or to make no awards.

2. Should contracts be awarded, the Commission, acting in accordance with the procedure referred to in paragraph 1, may decide to fix, where appropriate for each type of industrial use, a minimum price below which tenders will not be considered, taking account in particular of such factors as market conditions, available outlets and the use to be made of the alcohol.

3. The Commission shall draw up a list of the tenders accepted, listing the price offered in decreasing order until the contracts awarded cover the entire quantity of alcohol specified in the notice issuing the partial invitation to tender.

4. Where several admissible tenders relate totally or in part to the same vats, the Commission shall allocate the quantity of alcohol in question to the tenderer submitting the highest tender in absolute value.

The Commission may, in the decision referred to in paragraph 1, opt to propose tenderers whose tenders as referred to in the first subparagraph cannot be met that their tenders be accepted for a replacement quantity of alcohol of the same type. In that case, the relevant tenders shall be deemed to have been accepted provided that the tenderers in question do not express their disagreement with such transfer in writing to the intervention agency concerned within 10 working days from the date of notification of the Commission decisions referred to in the first indent of paragraph 6.

To that end the Commission decision shall indicate, with the agreement of the intervention agency concerned, the vat in which the replacement quantity of alcohol is stored.

5. Should several tenders propose the same price so that the quantity tendered for exceeds the quantity of alcohol covered by the partial invitation to tender, the intervention agency concerned shall award the quantity in question :

- (a) either in proportion to the quantities specified in the tenders concerned ;
- (b) or by dividing that quantity among the tenderers by agreement with the latter ;
- (c) or by drawing lots.

6. The Commission :

- shall notify the decisions taken pursuant to this Article only to those Member States and intervention agencies holding alcohol which have accepted tenders,
- shall publish in a simplified form the results of the partial invitation to tender in the *Official Journal of the European Communities*.

7. The intervention agency shall notify each tenderer in writing, without delay against a receipt, of the decision taken on his tender.

#### Article 8

1. The intervention agency shall hold, at the disposal of each successful tenderer, a statement of award certifying that their tender has been accepted.

Where the Commission proposes substitution pursuant to Article 7 (4) and there is no ensuing dissent by the tenderer, the statement of award referred to in the first subparagraph shall be issued by the intervention agency concerned on the working day following the expiry of the time limit referred to in the second subparagraph of Article 7 (4).

2. Within the two weeks following the date of receipt of the statement of award referred to in Article 7 (7) and, where the second subparagraph of paragraph 1 is applied,

within the two weeks following the date of issue of the statement of award, each successful tenderer shall :

- obtain from the intervention agency the statement of award referred to in paragraph 1,
- provide the intervention agency concerned with proof that a performance security has been lodged to ensure that the alcohol in question is in fact used for the purposes specified in his tender.

#### Article 9

1. Removal of the alcohol must be completed three months after the date of receipt of the notification of acceptance.

2. Removal of the alcohol shall be subject to the presentation of a removal order issued by the intervention agency once the quantity to be removed has been paid for. That quantity shall be determined to the nearest hectolitre of alcohol at 100 % vol.

3. Ownership of the alcohol to which a removal order refers shall be transferred at the time when the removal order is issued and the corresponding quantities shall be considered to have been removed on that date. From then onwards the purchaser shall be responsible for any theft, loss or destruction and for the storage costs of any alcohol awaiting removal.

4. The removal order shall specify the date by which the alcohol must be physically removed from the stores of the intervention agency concerned.

5. Utilization of the alcohol must be completed within two years from the date of first removal.

#### TITLE II

#### Individual invitations to tender

#### Article 10

The Commission, acting in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87, shall issue individual invitations to tender for the sale of alcohol to the Community market or for the export of alcohol from the Community. The alcohol may be sold only for specific uses or for shipment to specific destinations or may prohibit certain uses or destinations.

#### Article 11

Unless otherwise decided in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87, the lot to which an individual invitation to tender relates shall consist of at least 200 000 hectolitres but not more than one million hectolitres, expressed in hectolitres of alcohol at 100 % vol.

*Article 12*

Several individual invitations to tender may be issued during each four-month period, each relating to quantities of not less than 50 000 hectolitres and taken together relating to not more than 600 000 hectolitres, expressed in hectolitres of alcohol at 100 % vol, for the export of vinous alcohol to certain third countries for final use in the fuel sector only.

*Article 13*

1. The notices issuing individual invitations to tender shall be published in the *Official Journal of the European Communities*:

Such notices shall specify:

- the formalities for the submission of tenders,
- the final use and/or destination for which the alcohol is intended,
- the level of the tendering security referred to in Article 15 (2) and the performance guarantee referred to in the second indent of Article 17 (2),
- the Commission department to which tenders should be sent,
- the time limit for the removal of the alcohol as referred to in Article 18 (2),
- the formalities for obtaining samples,
- the conditions relating to payment,
- whether the alcohol is to be denatured.

2. Each notice issuing an individual invitation to tender shall relate to a single lot although the alcohol constituting such lot may be located in several Member States.

*Article 14*

Tenderers may submit only one tender in response to each individual invitation to tender; if a tenderer submits more than one, none of those tenders shall be admissible.

*Article 15*

1. Tenders must reach the competent Commission department by 12 noon Brussels time on the last date set for the submission of tenders in the notice issuing the individual invitation to tender. That date must fall between the 15th and the 25th day following the date of publication of the individual invitation to tender.

2. Tenders shall be valid only if proof has been provided, before the expiry of the time limit for the submission of tenders, that the tendering security has been lodged with such intervention agency concerned.

3. For the purposes of paragraph 2, the intervention agencies concerned:

- shall immediately provide the tenderers with a certificate attesting that the tendering security has been lodged in respect of the quantities for which each intervention agency is responsible,
- shall forward to the Commission, within two working days of the last date for the submission of tenders, a list of the tendering securities checked and accepted.

*Article 16*

1. The Commission, acting in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87 and within 15 working days of the last date for the submission of tenders, may decide, in the light of the tenders submitted:

- either to award a contract,
- or to make no award.

2. Should a contract be awarded, the Commission shall accept the most favourable tender. If two or more tenders quote the same price, the Commission shall make the award by drawing lots.

3. The Commission:

- shall inform, in writing with advice of receipt, tenderers whose offers are not been accepted of the decision taken on their tenders,
- shall notify its decision to the Member States holding the alcohol and to the successful tenderer,
- shall publish in a simplified form the results of the invitation to tender in the *Official Journal of the European Communities*.

*Article 17*

1. The intervention agency shall keep at the disposal of the successful tenderer a statement of award certifying that his tender has been accepted.

2. Successful tenderers shall, within the 20 days following the date of receipt of the notification referred to in Article 16 (3):

- obtain a statement of award as referred to in paragraph 1 from each intervention agency holding the alcohol,
- provide, at the same time, proof that a performance guarantee has been lodged with each intervention agency concerned to ensure that the alcohol in question is in fact used for the purposes specified in the notice of invitation to tender.

*Article 18*

1. The intervention agency holding the alcohol and the successful tenderer shall agree on a provisional timetable for the removal of the alcohol. That timetable shall be notified to the Commission with a view to the coordination of removal operations in accordance with the provisions of this Regulation.

2. The physical removal of the alcohol from the storehouses of the intervention agencies concerned must be completed within a time limit to be set by reference to the quantity offered for sale, on the basis of one month per full instalment of 75 000 hectolitres of alcohol at 100 % vol. However, this time limit may not be less than three months.

The time limit shall be calculated as from the end of the first month following the date of receipt of the notification of acceptance.

3. Removal of the alcohol shall be subject to the presentation of a removal order issued by the intervention agency holding the alcohol once payment has been made for the quantity to be removed. That quantity shall be determined to the nearest hectolitre of alcohol at 100 % vol.

Each removal order shall cover a quantity of at least 5 000 hectolitres except in the case of the last removal in each Member State.

4. Ownership of the alcohol to which a removal order relates shall be transferred at the time when the removal order is issued, and the corresponding quantities shall be considered to have been removed on that date. From then on the purchaser shall be responsible for any theft, loss or destruction and for the storage costs of any alcohol awaiting removal.

5. The removal order shall state the time limit by which the alcohol must be physically removed from the storehouses of the intervention agency concerned.

6. Utilization of the alcohol must be completed within three years from the date of the first removal.

### TITLE III

#### Special invitation to tender

##### Article 19

1. The Commission, acting in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87, shall issue special invitations to tender for the sale of alcohol to the Community market. The alcohol may be sold only for a specific purpose or for shipment to a specific destination or it may prohibit certain uses or destinations.

2. Each notice issuing a special invitation to tender shall relate to several lots which shall be covered by one removal order. Tenders shall be invited for the price of the first lot, the price of the other lots being determined in accordance with Article 28.

##### Article 20

Unless otherwise decided in accordance with the procedure laid down in Article 83 of Regulation (EEC) No

822/87, the lots to which a special invitation to tender relates shall consist of at least 300 000 hectolitres but not more than 1,2 million hectolitres expressed in hectolitres of alcohol at 100 % vol.

##### Article 21

The notices issuing special invitations to tender shall be published in the *Official Journal of the European Communities*.

Such notices shall specify:

- the formalities for the submission of tenders,
- the final use and/or destination for which the alcohol is intended,
- the level of the tendering security referred to in Article 23 (2) and the performance guarantee referred to in the second indent of Article 25 (2) and in Article 27 (2),
- the Commission department to which tenders should be sent,
- the time limit for removal as referred to in Articles 26 (2) and 27 (3),
- the formalities for obtaining samples,
- the conditions relating to payment,
- whether the alcohol is to be denatured.

##### Article 22

Tenderers may submit only one tender in response to each special invitations to tender, if a tenderer submits more than one, none of those tenders shall be admissible.

##### Article 23

1. Tenders must reach the competent Commission department by 12 noon Brussels time on the last date set for the submission of tenders in the notice issuing the special invitation to tender. That date must fall between the 15th and the 25th day following the publication of the said notice.

2. Tenders shall be valid only if proof has been provided, before the expiry of the time limit for the submission of tenders, that a tendering security has been lodged with each intervention agency concerned.

3. For the purposes of paragraph 2, the intervention agencies concerned:

- shall immediately provide the tenderers with a certificate attesting that the tendering security has been lodged in respect of the quantities for which each intervention agency is responsible,
- shall forward to the Commission, within two working days of the last date for the submission of tenders, a list of the tendering securities checked and accepted.

*Article 24*

1. The Commission, acting in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87 and within 15 working days of the last date for the submission of tenders, may decide in the light of the tenders submitted :

- either to award a contract,
- or to make no award.

2. Should a contract be awarded, the Commission shall accept the highest tender. If two or more tenders quote the same price, the Commission shall make the award by drawing lots.

3. The Commission :

- shall inform, in writing with advice of receipt, tenderers whose offers have not been accepted of the decision taken on their tenders,
- shall notify its decision to the Member States holding the alcohol and to the successful tenderer,
- shall publish in a simplified form the results of the invitation to tender in the *Official Journal of the European Communities*.

*Article 25*

1. The intervention agency shall keep at the disposal of the successful tenderer a statement of award certifying that his tender has been accepted.

2. Successful tenderers shall, within the 20 days following receipt of the notification referred to in Article 24 (3) :

- obtain a statement of award as referred to in paragraph 1 from each of the intervention agencies holding the alcohol,
- provide proof of the lodging with the intervention agency of the Member State where the successful tenderer has his principal place of business, of a performance guarantee to ensure that the total quantity of alcohol for which a contract is awarded is in fact used for the purposes specified in the notice of invitation to tender.

*Article 26*

1. The intervention agency holding the alcohol and the successful tenderer shall agree, in respect of each lot, on a provisional timetable for the removal of the alcohol. That timetable shall be notified to the Commission with a view to the coordination of the removal operations in accordance with the provisions of this Regulation.

2. All the alcohol constituting the first lot must have been physically removed from the storehouses of each intervention agency concerned within a time limit set by reference to the quantity of alcohol in that lot, on the basis of one month per full instalment of 54 000 hectolitres of alcohol at 100 % vol.

The time limit shall be calculated as from the end of the first month following the date of receipt of the notification of acceptance.

*Article 27*

1. The removal of the alcohol constituting the second lot must not begin until all of the alcohol constituting the first lot has been physically removed from the stores of the intervention agencies concerned.

For this purpose :

- each intervention agency concerned shall notify the Commission as soon as the part of the first lot which concerns it has been fully removed from its stores,
- the Commission, having received all the notification referred to in the preceding indent, shall immediately advise the intervention agencies concerned and the successful tenderer that removal of the second lot may commence at a date specified in the advice.

2. The alcohol constituting the second lot must have been physically removed from the stores of the intervention agencies concerned within a time limit set by reference to the quantity of alcohol in that lot, on the basis of one month per full instalment of 54 000 hectolitres of alcohol at 100 % vol.

The time limit shall be calculated as from the first day of the month following the date specified in the advice referred to in the second indent of the second subparagraph of paragraph 1.

3. Where a special invitation to tender relates to more than two lots, the rules laid down in paragraphs 1 and 2 shall apply to the removal of the lots following the first two.

*Article 28*

The price per hectolitre of alcohol at 100 % vol offered by the successful tenderer shall apply up to the first revision made on the first day of the fifth month following the final date for submission of tenders. This tender price shall be adjusted every three months by a coefficient and taking account of a margin within which application of the said coefficient shall result in no change to the price offered.

The coefficient and the margin shall be specified in the notice of invitation to tender.

*Article 29*

1. The removal operations referred to in Articles 26 and 27 shall be subject to the presentation of a removal order issued by the intervention agency holding the alcohol once payment has been received for the quantities to be removed. That quantity shall be determined to the nearest hectolitre of alcohol at 100 % vol.

Each removal order shall cover a quantity of at least 5 000 hectolitres except in the case of the last removal of each lot in each Member State.

2. Ownership of the alcohol to which a removal order refers shall be transferred at the time when the removal order is issued, and the corresponding quantities shall be considered to have been removed on that date. From then onwards the purchaser shall be responsible for any theft, loss or destruction and for the storage costs of any alcohol awaiting removal.

3. The removal order shall state the time limit by which the alcohol which has been paid for must be physically removed from the storehouse of the intervention agency concerned.

4. Utilization of the alcohol of each lot must be completed within one year from the date of the last removal of each lot.

#### TITLE IV

#### General provisions and control arrangements

##### Article 30

1. The alcohol shall be sold in lots.
2. A lot shall consist of a quantity of alcohol of sufficiently uniform quality which may be contained in several vats and kept at several locations and in several Member States.
3. Each lot shall be numbered. The letters 'EC' shall precede the numbers of the lots.
4. Each lot shall be given a description. Such description shall contain at least the following information :
  - (a) the location of the lot, including a reference for the identification of the vat or vats containing the alcohol, and the quantity of alcohol in each vat ;
  - (b) the total quantity, expressed in hectolitres of alcohol at 100 % vol. The quantity may vary up to 1 % ;
  - (c) the alcoholic strength of the alcohol in each vat, expressed in % vol, to the nearest tenth ;
  - (d) if possible, the quality of the lot, specifying upper and lower limits for the following :
    - the acidity, expressed in grams of acetic acid per hectolitre of alcohol at 100 % vol,
    - the methanol content, expressed in grams per hectolitre of alcohol at 100 % vol ;
  - (e) the reference to the intervention measure which gave rise to the production of the alcohol, specifying the relevant Article of Regulation (EEC) No 822/87.
5. Where a special invitation to tender concerns more than two lots, only the first lot or the first two lots, up to a quantity of one million hectolitres of alcohol at 100 % vol, shall be given a description in the notice of invitation in accordance with paragraph 4.

For the subsequent lot or lots the description laid down in paragraph 4 shall be published in the *Official Journal of the European Communities* at least two months before the final date planned in the provisional timetables referred to in Article 26 (1) for the total physical removal from the stores of the intervention agencies of the last lot described.

For this purpose, the aforementioned provisional timetables shall be communicated to the Commission in the month following the first removal of the lots described in the notice of invitation to tender.

##### Article 31

1. To be considered, tenders must be submitted in writing and must include the following :

- (a) the reference number of the notice of invitation to tender ;
- (b) the name and address of the tenderer ;
- (c) in the case of a partial invitation to tender only, the identification of the vat or vats covered by the tender and referred to in the notice of invitation to tender ;
- (d) the price proposed, expressed in ecus per hectolitre of alcohol at 100 % vol. In the case of a special invitation to tender the price proposed should relate only to the first lot ;
- (e) an undertaking from the tenderer to the effect that he will comply with all the rules relating to the tendering procedure in question ;
- (f) a statement by the tenderer to the effect that :
  - he waives all claims in respect of the quality and characteristics of the alcohol awarded to him,
  - he agrees to submit to any checks made on the destination and use of the alcohol,
  - he accepts that it is his responsibility to provide evidence that the alcohol is used as specified in the notice of invitation to tender ;
- (g) in the case of individual and special invitations to tender, the certificates attesting that the tendering security referred to respectively in Articles 15 (3) and 23 (3) has been lodged ;
- (h) in the case of partial invitations to tender, the precise industrial use of the alcohol.

2. Tenders shall be valid only if :

- (a) the tenderer is established in the Community ;
- (b) they relate to the entire lot concerned, except in the case of a special invitation to tender where they must relate to all the lots.

3. Tenders eligible for consideration may not be withdrawn.

4. Tenders may be rejected if the tenderer does not provide all the necessary guarantees that he will carry out his obligations.

*Article 32*

1. On publication of a notice of invitation to tender and until the last date for the submission of tenders in response to such invitation, all interested parties may obtain samples of the alcohol offered for sale, against payment of the sum ECU 2 per litre. The quantity made available to each interested party must not exceed five litres per vat.

2. After the closing date for the submission of tenders :

- the successful tenderer may obtain samples of the alcohol awarded,
- any tenderer to whom a substitution pursuant to Article 7 (4) is proposed may obtain samples of the replacement alcohol proposed.

Such samples may be obtained from the intervention agency against payment of ECU 2 per litre, quantities not exceeding five litres per vat.

3. The intervention agency of the Member State on whose territory the alcohol is held shall take the necessary steps to enable interested parties to avail themselves of this right.

4. If the tenderer finds, within the time limit set in Article 9 (1), Article 18 (2), Article 26 (2) or Article 27 (2) for removal of the lot of alcohol concerned, that a quantity of alcohol awarded is, subject to confirmation of this finding by the intervention agency, unsuitable for the uses planned owing to hidden impurities that by their nature could not be discovered at the time when it was possible for a check to be made before the alcohol was awarded, the Commission may indicate a replacement quantity, in agreement with the relevant intervention agency. The vat in which the replacement quantity is stored shall be determined in agreement with the intervention agency concerned. If the tenderer does not indicate his disagreement with the transfer, by writing to the intervention agency concerned within 10 working days from the date of notification of the Commission's decision indicating the replacement quantity, he shall be deemed to have agreed to the substitution.

*Article 33*

1. If the alcohol is to be denatured, the quantity denatured must be that removed between the time when the removal order is handed over and the time when the alcohol is physically removed under the supervision of the Member States concerned. The cost of such denaturing shall be borne by the successful tenderer.

2. The denaturing shall take the form of the addition of petrol, in the ratio of 1 : 100, to the appropriate quantity of alcohol at 100 % vol.

3. Denaturing may be carried out in a vat provided for this purpose.

*Article 34*

For the application of this Regulation :

1. (a) as regards the tendering security, the primary requirements within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be that tenders must not be withdrawn after the expiry of the time limit for their submission, and that a performance guarantee must be lodged ;

(b) as regards the performance guarantee, the primary requirements within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be that the alcohol removed must in fact be used for the purposes specified in the relevant invitation to tender and that the entire quantity of alcohol must be physically removed from the stores of each of the intervention agencies concerned before the deadline.

2. The alcohol removed shall be deemed to have been used entirely for the specified purposes if, where utilization is accompanied by :

(a) prior rectification,

— at least 90 % of the total quantities of alcohol removed under a partial invitation to tender are used for the specified purposes,

— at least 95 % of the total quantities of raw alcohol removed under an individual invitation to tender are used for the specified purposes and proof is provided by the successful tenderer that this operation took place in Community territory. In that case the successful tenderer shall inform the Commission of the destination and final use of the by-products ;

(b) prior dehydration, at least 99 % of the total quantities of alcohol removed are used for the specified purposes.

3. (a) The tendering security shall be released immediately if the tender has not been accepted or if the successful tenderer has met the conditions laid down in paragraph 1 (a) ;

(b) The performance guarantee shall be released immediately by each of the intervention agencies holding the alcohol once the successful tenderer provides each of those intervention agencies, in respect of the quantity removed in question, with the proof required to that end by Title V of Regulation (EEC) No 2220/85.

*Article 35*

Notwithstanding Article 2 (1) of Regulation (EEC) No 1676/85,

- payments made prior to the issue of the removal orders referred to in Articles 9 (2), 18 (3) and 29 (1), expressed in ecus at the time when the tender is submitted,
- tendering securities as referred to in Articles 6 (2), 15 (2) and 23 (2), expressed in ecus per hectolitre of alcohol at 100 % vol,
- performance guarantees as referred to in the second indent of Article 8 (2), the second indent of Article 17 (2) and the second indent of Article 25 (2), expressed in ecus per hectolitre of alcohol at 100 % vol,
- payments for samples in accordance with Article 32 (1) and (2), expressed in ecus,

shall be converted into national currencies at the average weekly exchange rate used for the fixing or adjustment of the monetary compensatory amounts in force on the day before the publication of the notice of invitation to tender.

*Article 36*

1. For the purposes of drawing up the notices issuing invitations to tender and the description of lots as provided for in the second subparagraph of Article 30 (5), the Commission shall send to the Member States concerned a request for informations, specifying for each Member State :

- the quantity of alcohol, expressed in hectolitres of alcohol at 100 % vol, which it plans to offer for sale by tender,
- the type of alcohol concerned,
- the quality of the lots of alcohol, laying down maximum and minimum values for the characteristics referred to in the first and second indents of Article 30 (4) (d).

Within fifteen days of receiving this request in the case of partial invitation to tender, and within eight days in the case of individual and special invitations to tender, the Member States concerned shall inform the Commission of the exact location and references of the various vats of alcohol meeting the required quality criteria and containing a total quantity of alcohol not less than that referred to in the first indent of the first subparagraph.

The Member States concerned shall make a balanced selection between the alcohol obtained from the distillation operations referred to in Article 39 of Regulation

(EEC) No 822/87, on the one hand, and that obtained from the distillation operations referred to in Articles 35 and 36 of the same Regulation, on the other hand.

2. After the information referred to in the second subparagraph of paragraph 1 has been forwarded to the Commission, the alcohol in the vats concerned shall not be moved until a removal order relating thereto has been issued.

This prohibition shall not relate to alcohol in vats not covered by the notices of invitation to tender concerned or not specified in the Commission decision referred to in Articles 7, 16 and 24.

3. Each month the Member States holding the alcohol covered by individual or special invitations to tender shall inform the Commission of the progress made with the physical removal of the alcohol specified in the relevant invitation to tender.

*Article 37*

1. The Member States concerned shall take the necessary measures to facilitate the operations provided for in this Regulation and to ensure compliance with the applicable Community rules. They shall designate one or more bodies to be responsible for checks on compliance with the said rules.

The controls shall consist of at least checks equivalent to those used to monitor home-produced alcohol and must include at least the following :

- physical checks on the quantity of alcohol transported,
- verification of the use made of the alcohol, by frequent spot checks at least once per month,
- verification of accounts, records, utilization procedures and stocks.

If the alcohol has been denatured checks shall be made at least every two months.

2. The Member States shall determine which documents records and other supporting evidence or information must be supplied by the successful tenderer. They shall inform the Commission of the control measures laid down for the application of paragraph 1. Where appropriate the Commission shall forward to the Member State concerned the observations required to ensure effective verification.

3. The measures taken by the Member States shall be notified to the Commission before any control operations are begun.

*Article 38*

The notice of invitation to tender may stipulate that recourse is to be had to the services of an international surveillance firm to check on the proper conduct of the invitation to tender, and in particular the final destination and/or final use of the alcohol. The cost of such services shall be borne by the successful tenderer, as shall the cost of analysis and verification pursuant to Article 37.

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

Done at Brussels, 12 February 1993.

*Article 39*

1. Regulation (EEC) No 1780/89 is hereby repealed.
2. References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in the Annex.

*Article 40*

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

*For the Commission*

René STEICHEN

*Member of the Commission*

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## ANNEX

## CORRELATION TABLE

| Regulation (EEC) No 1780/89 | Regulation (EEC) No 377/93 |
|-----------------------------|----------------------------|
| Article 1                   | Article 1                  |
| Article 2                   | Article 2                  |
| Article 3                   | Article 3                  |
| Article 4                   | Article 4                  |
| Article 5                   | Article 5                  |
| Article 6                   | Article 6                  |
| Article 7 (1)               | Article 7 (1)              |
| Article 7 (2)               | Article 7 (2)              |
| Article 7 (3)               | Article 7 (3)              |
| Article 7 (4) (a)           | Article 7 (4)              |
| Article 7 (5)               | Article 7 (5)              |
| Article 7 (5) (a)           | Article 7 (6)              |
| Article 7 (6)               | Article 7 (7)              |
| Article 8                   | Article 8                  |
| Article 9                   | Article 9                  |
| Article 10                  | Article 10                 |
| Article 11                  | Article 11                 |
| Article 11 (a)              | Article 12                 |
| Article 12                  | Article 13                 |
| Article 13                  | Article 14                 |
| Article 14                  | Article 15                 |
| Article 15                  | Article 16                 |
| Article 16                  | Article 17                 |
| Article 17                  | Article 18                 |
| Article 18                  | Article 19                 |
| Article 19                  | Article 20                 |
| Article 20                  | Article 21                 |
| Article 21                  | Article 22                 |
| Article 22                  | Article 23                 |
| Article 23                  | Article 24                 |
| Article 24                  | Article 25                 |
| Article 25                  | Article 26                 |
| Article 26                  | Article 27                 |
| Article 27                  | Article 28                 |
| Article 28                  | Article 29                 |
| Article 29                  | Article 30                 |
| Article 30                  | Article 31                 |
| Article 31 (1)              | Article 32 (1)             |
| Article 31 (1) (a)          | Article 32 (2)             |
| Article 31 (2)              | Article 32 (3)             |
| Article 31 (3)              | Article 32 (4)             |
| Article 32                  | Article 33                 |
| Article 33                  | Article 34                 |
| Article 34                  | Article 35                 |
| Article 35 (1) & (2)        | Article 36 (1)             |
| Article 35 (3)              | Article 36 (2)             |
| Article 35 (4)              | Article 36 (3)             |
| Article 36 (1)              | Article 37 (1)             |
| Article 36 (2)              | Article 37 (2)             |
| Article 35 (5)              | Article 37 (3)             |
| Article 37                  | Article 38                 |
| Article 38                  | Article —                  |
| Article —                   | Article 39                 |
| Article 39                  | Article 40                 |

## COMMISSION REGULATION (EEC) No 378/93

of 19 February 1993

fixing the compensatory payment for non-professional producers of sunflower seed in Spain and Portugal for the 1993/94 marketing year

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<sup>(1)</sup>, as amended by Regulation (EEC) No 2467/92<sup>(2)</sup>, and in particular Article 5 (2) thereof,

Whereas the second paragraph of Article 5 (2) of Regulation (EEC) No 1765/92 provides for a special compensatory payment for non-professional producers of sunflower seed in Spain and Portugal; whereas Article 7 of Commission Regulation (EEC) No 2294/92<sup>(3)</sup>, as last amended by Regulation (EEC) No 3529/92<sup>(4)</sup>, provides that, for such producers, the compensatory payment made under the simplified scheme at the rate applicable to cereals may be supplemented by an additional compensatory payment; whereas it is therefore appropriate to fix the amount of that payment;

Whereas Article 5 (3) of Regulation (EEC) No 1765/92 lays down that the Commission shall publish in the *Official Journal of the European Communities* the amounts specified in Article 5 for oil seeds;

Whereas the compensation to be paid to non-professional producers of sunflower seed in Spain and Portugal shall be fixed in such a way as to avoid any distortion which might arise from the transitional arrangements resulting from the Act of Accession of Spain and Portugal for sunflower seed producers in those Member States,

HAS ADOPTED THIS REGULATION:

## Article 1

For the purposes of this Regulation:

— the term 'compensatory payment to non-professional sunflower seed producers' shall be understood to mean the amount in ecu per hectare which replaces the compensatory payment in force for cereals in the region in question in order to constitute the compensation referred to in the second paragraph of Article 5

(2) of Regulation (EEC) No 1765/92 for non-professional producers of sunflower seed in Spain and Portugal,

— the term 'non-professional sunflower seed producer' shall be understood to mean a producer of sunflower seed who has lodged an application for the marketing year in question under the simplified scheme referred to in Article 8 of Regulation (EEC) No 1765/92, covering all of the arable crops for which he is seeking a compensatory payment.

## Article 2

1. The compensatory payment to non-professional sunflower seed producers may be made solely to such producers.
2. For the 1993/94 marketing year, the projected compensatory payment to non-professional sunflower seed producers shall be fixed at ECU 242/ha in Spain and ECU 232/ha in Portugal.
3. The amount specified in paragraph 2 at national level shall be broken down regionally in accordance with the regionalization plan implemented by the Member State concerned in respect of the 1993/94 marketing year.

## Article 3

Without prejudice to the terms for granting compensatory payments in respect of arable crops covered by Regulation (EEC) No 1765/92:

- (a) an advance payment of 50 % of the amounts specified in Article 2 (2) may be made to non-professional sunflower seed producers, as provided for in Article 11 (2), (3) and (4) of Regulation (EEC) No 1765/92;
- (b) if in Spain or Portugal the final reference amounts are different from the projected reference amounts provided for pursuant to Article 5 of Regulation (EEC) No 1765/92, the compensatory payments shall be adjusted accordingly;
- (c) the adjustments referred to in point (b) shall be made before the regional breakdown referred to in Article 2 (3) hereof.

## Article 4

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

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

<sup>(2)</sup> OJ No L 246, 27. 8. 1992, p. 11.

<sup>(3)</sup> OJ No L 221, 6. 8. 1992, p. 22.

<sup>(4)</sup> OJ No L 358, 8. 12. 1992, p. 8.

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

Done at Brussels, 19 February 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 379/93

of 19 February 1993

amending Regulation (EEC) No 1627/89 on the buying in of beef by invitation to tender

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

*Article 1*

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EEC) No 125/93 <sup>(2)</sup>, and in particular Article 6 (8) thereof,

Commission Regulation (EEC) No 1627/89 <sup>(3)</sup> is hereby amended as follows :

Whereas Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector <sup>(4)</sup>, as last amended by Regulation (EEC) No 3891/92 <sup>(5)</sup>, lays down rules concerning carcasses weighing between 150 and 200 kg ;

1. the following paragraph 3 is added to Article 1 :

'3. The intervention agencies in the Member States or regions of a Member State listed in Annex III shall, pursuant to Article 6 a (2) of Regulation (EEC) No 805/68, buy in the products specified therein, in accordance with the provisions of Regulation (EEC) No 859/89.'

Whereas application of the measures laid down in Article 6 a of Regulation (EEC) No 805/68 involves the initiation of buying in by invitation to tender of such products in the Member States of Member State regions listed in the Annex to this Regulation which do not apply the processing premium referred to in Article 4 i of Regulation (EEC) No 805/68 ; whereas, in view of the foreseeable supply situation on the market, invitations to tender as referred to above should accordingly be opened as from February 1993 ;

2. Annex III contained in the Annex to this Regulation is hereby added.

*Article 2*

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

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

It shall apply with effect from 23 February 1993.

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

Done at Brussels, 19 February 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 18, 27. 1. 1993, p. 1.

<sup>(3)</sup> OJ No L 91, 4. 4. 1989, p. 5.

<sup>(4)</sup> OJ No L 391, 31. 12. 1992, p. 57.

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

*ANNEX*

*ANNEX III*

**Member States or regions of a Member State referred to in Article 1(3):**

Belgium  
Denmark  
Deutschland  
Ellas  
España  
France  
Ireland  
Italia  
Luxembourg  
Nederland  
Great Britain  
Northern Ireland'

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## COMMISSION REGULATION (EEC) No 380/93

of 19 February 1993

on the supply of white sugar as urgent aid for the people of Albania pursuant to  
Council Regulation (EEC) No 3106/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No 3106/92  
of 26 October 1992 on urgent action for the supply of  
agricultural products to the people of Albania<sup>(1)</sup>, and in  
particular Article 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<sup>(2)</sup>, and in particular Article 6  
thereof,

Whereas Regulation (EEC) No 3106/92 provides for  
urgent action for the free supply of agricultural products  
intended for the people of Albania; whereas the Albanian  
authorities have also requested the supply of white sugar;  
whereas this request should be granted; whereas pursuant  
to Article 2 of that Regulation suppliers are to be chosen  
by tendering procedure;

Whereas it is necessary to determine the conditions for  
participating in the tendering procedure for the award of  
supply contracts and the obligations of the successful  
tenderers;

Whereas, as regards the securities to be lodged by  
suppliers, Commission Regulation (EEC) No 2220/85 of  
22 July 1985 laying down common detailed rules for the  
application of the system of securities for agricultural  
products<sup>(3)</sup>, as last amended by Regulation (EEC)  
No 3745/89<sup>(4)</sup>, should apply;

Whereas the goods delivered do not qualify for export  
refunds;

Whereas it is appropriate to retain as the operative event  
for the agricultural conversion rate, for the determination  
of the amount to be paid in national currency for the  
supply, the completion of the customs formalities for  
exportation, without prejudice to the possibility to fix the  
rates in advance in application of Articles 8 to 12 of  
Commission Regulation (EEC) No 3819/92<sup>(5)</sup>, on detailed

rules for determining and applying the agricultural  
conversion rates;

Whereas the appropriate communications to ensure the  
optimal monitoring of operations until the taking over at  
destination should be provided for,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. A tendering procedure is hereby initiated for the  
award of a contract for the supply pursuant to Regulation  
(EEC) No 3106/92 of one lot of 5 000 tonnes of white C  
sugar in accordance with the conditions laid down in this  
Regulation.

2. The supply of the lot shall include:

- (a) The mobilization of white C sugar produced in the  
Community within the meaning of point (c) of the  
sixth subparagraph of Article 24 (1) (a) of Council  
Regulation (EEC) No 1785/81<sup>(6)</sup>.

The sugar to be supplied must satisfy the quality and  
characteristics requirements laid down in Annex I.  
The product must be packed and labelled in  
accordance with the instructions in that Annex.

- (b) Transport to the port of Durres at the expense of the  
successful tenderer, by 7 April 1993 at the latest. Deli-  
very shall include unloading and placement at the  
entry of the storehouse at destination.

Where the last subparagraph of Article 2 (2) applies, trans-  
port must be effected by 14 April 1993 at the latest.

Tenderers shall take out at their own expense the appro-  
priate insurance to cover the goods up to the delivery  
stage fixed.

*Article 2*

1. Tenders shall be transmitted by written telecommu-  
nication to the intervention agency of the Member State  
in which the goods are packed and stored prior to ship-  
ment.

<sup>(1)</sup> OJ No L 312, 29. 10. 1992, p. 2.

<sup>(2)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(3)</sup> OJ No L 205, 3. 8. 1985, p. 5.

<sup>(4)</sup> OJ No L 364, 14. 12. 1989, p. 54.

<sup>(5)</sup> OJ No L 387, 31. 12. 1992, p. 17.

<sup>(6)</sup> OJ No L 177, 1. 7. 1981, p. 4.

2. Tenders must be lodged in their entirety before 17.00 hrs (Brussels time) on 24 February 1993.

Where no award is made under Article 5 (1), tenders must be lodged for a second submission before 12.00 noon (Brussels time) on 8 March 1993.

#### *Article 3*

1. Tenders shall be valid only if they :

- (a) indicate the precise reference to this Regulation ;
- (b) indicate the name and address and in particular the telex/telefax number of a tenderer established in the Community ;
- (c) cover the entire lot (net weight) ;
- (d) indicate the total amount of the tender, expressed in ecus per tonne of goods. In addition, the amount shall be broken down to show separately the price offered for the manufacture and packaging of the goods, and the transport and other costs (including insurance) from the storehouse to the delivery stage referred to in Article 1 (2) (b) ;
- (e) indicate, for transport by sea, the port of shipment in the Community ;
- (f) indicate the exact address of the packaging plant and storehouse at which the goods are kept prior to dispatch ;
- (g) are accompanied by proof that the tenderer has lodged a tendering security of ECU 20 per tonne in the name of the intervention agency in accordance with Title III of Regulation (EEC) No 2220/85. This proof shall be furnished by means of a document issued by the guarantor.

2. A tender which is not presented in accordance with this Article or which contains conditions other than those laid down in this Regulation shall not be valid.

3. No tender may be changed or withdrawn.

#### *Article 4*

The competent agencies referred to in Article 2 shall transmit to the Commission, by written telecommunica-

tion (Telefax No 296 33 05), not later than 24 hours following the closing date fixed for the submission of tenders, the following information :

- 1. the number of tenders submitted within the deadline referred to in Article 2 and in accordance with Article 3 ;
- 2. separately and clearly for each tender :
  - the total ecu price offered, and the breakdown provided for in Article 3 (1) (d),
  - the places of packing and storage prior to dispatch,
  - the business name of the tenderer established in the Community.

#### *Article 5*

1. On the basis of the tenders received :

- the delivery shall be awarded to the tenderer(s) whose tender(s) quote the lowest amounts ; in the event of equal quotes, awards will be made by drawing lots,
- or, where necessary, no award shall be made, in particular where the tenders submitted exceed the prices normally obtaining on the market.

2. Within five working days following the closing date for submission of tenders, the Commission shall inform each Member State of the tenders which have been accepted and of the awards which have not been made.

3. Within six working days following the closing date for submission of tenders, the agency referred to in Article 2 (1) shall inform all tenderers by written telecommunication of the outcome of the tendering procedure. Where an award is made, the successful tenderer shall be informed thereof immediately by written telecommunication.

#### *Article 6*

The tendering security provided for in Article 3 (1) (g) shall be released without delay :

- if a tender is not accepted or if no award is made,
- to the successful tenderer when proof is provided of the lodging of the delivery security in accordance with Article 7.

### Article 7

Within five working days of being notified of the award of the delivery contract, the successful tenderer shall provide the agency indicated in Article 2 with proof that a delivery security amounting to 10 % of the tender amount, in accordance with Title III of Regulation (EEC) No 2220/85, has been lodged in its name. The proof shall be furnished by means of a document issued by the guarantor.

### Article 8

1. The successful tenderer shall present the application for payment of the delivery to the intervention agency referred to in Article 2.

The application shall be accompanied by :

- the export certificate referred to at Article 12,
- the customs declarations of exportation,
- the transport documents,
- the T5's, if necessary,
- the original of the take-over certificate drawn up in accordance with the specimen in Annex II and issued by the beneficiary or his representative (Agro Export, Ministry of External Trade, Tirana).

Where the certificate is not issued by the beneficiary, the Commission shall designate the agency competent to issue the certificate in accordance with the specimen referred to above.

2. The payment shall be made for the quantity of goods (net weight) recorded at the take-over and confirmed in the document of conformity provided for in Article 9 (2).

### Article 9

1. The goods shall be inspected by the intervention agency of the Member State in which packing and storage are carried out before the consignment indicated by the successful tenderer in his offer. The inspection shall concern the quantity, the quality, packaging and labelling of the supply.

Following inspection, the agency shall issue a certificate of conformity.

2. An inspection of conformity of the supply as regards quantity, quality, packaging and labelling shall be carried out in the country of destination by an agency or a control firm designated by the agency mentioned in paragraph 1 in agreement with the successful tenderer. A certificate of conformity shall be issued following the inspection and transmitted directly to the intervention agency.

3. The agencies or control firms responsible for the inspections shall take separate representative samples, to be retained for the Commission, before loading in the Community as well as at the place of destination.

4. The costs relating to the inspections as well as the cost of samples shall be borne by the successful tenderer.

### Article 10

1. For the purposes of releasing the delivery security, the primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be completion of the delivery in accordance with the conditions laid down.

The quantity delivered shall be considered satisfactory where the net weight when taken over by the beneficiary is not more than 1 % less than the quantity awarded.

2. Proof of fulfilment of the obligations relating to the supply shall be given to the agency concerned by presenting the documents referred to in Article 8.

3. When delivery delays occur, for each day of delay 0,05 % of the security specified in Article 7 shall be forfeit in respect of the quantities delivered late. If such delays exceed a period of five days, the percentage forfeit shall amount to 0,1 % for each day of delay.

These provisions shall apply where delivery delay is attributable to the operator.

4. In the event of particular difficulties, the Commission shall take the appropriate measures.

### Article 11

1. Except in cases of *force majeure*, the successful tenderer shall bear all risks which the goods may incur, in particular loss or deterioration as far as the supply stage laid down.

2. In cases of *force majeure*, the successful tenderer shall be freed from all or part of his obligations. In such cases, the competent agency responsible for payment shall take the appropriate measures after consulting the Commission.

### Article 12

Without prejudice to Article 3 (1) of Commission Regulation (EEC) No 2630/81 (1) box 20 (special conditions) of licence applications and export licences for C sugar shall indicate : 'Urgent aid — Regulation (EEC) No 380/93. No eligible for export refunds.'

(1) OJ No L 258, 11. 9. 1981, p. 16.

*Article 13*

The rate to be applied for the payment of the supply is the agricultural conversion rate in force on the day customs formalities for exportation are completed.

*Article 14*

1. Member States shall communicate to the Commission all information concerning the carrying out of a delivery, in particular the results of the inspections referred to

in Article 9, actual delivery schedules and any incidents occurring during delivery.

2. The Commission shall communicate in good time to the competent agencies of the Member States all the information necessary to facilitate the proper execution of deliveries.

*Article 15*

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, 19 February 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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*ANNEX I*

1. Characteristics and quality of the goods : white sugar of category 2 standard quality (Council Regulation (EEC) No 793/92 (OJ No L 94, 21. 4. 1972, p. 1)) meeting the requirements set out in Article 3 (3) of Commission Regulation (EEC) No 2103/77 (OJ No L 246, 27. 9. 1977, p. 12).

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.

2. Packaging and marking : new jute bags, with inner polythene bag at least 0,05 mm thick, minimum weight of jute and polythene 420 g, net capacity 50 kilograms.

Marking : the European flag (see Annexes I and II to OJ No C 114, 29. 4. 1991, p. 1).

3. 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'.
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## ANNEX II

## TAKE-OVER CERTIFICATE

I, the undersigned : .....  
(surname, name, business name)

acting for ..... for the account  
of .....  
hereby certify that the goods described below, delivered pursuant to Commission Regulation (EEC)  
No 380/93 have been taken over :

— Date and place of take-over : .....

.....

— Type of goods : .....

.....

— Tonnage, (net) weight taken over : .....

.....

— Packaging : .....

.....

.....

.....

Observations :

.....

.....

.....

.....

.....

.....

Signature : .....

Date : .....

\_\_\_\_\_

**COMMISSION REGULATION (EEC) No 381/93**  
**of 19 February 1993**  
**fixing the import levies on rice and broken rice**

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 1418/76  
of 21 June 1976 on the common organization of the  
market in rice <sup>(1)</sup>, as last amended by Regulation (EEC)  
No 674/92 <sup>(2)</sup>, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC)  
No 833/87 of 23 March 1987 laying down detailed rules  
for the application of Council Regulation (EEC)  
No 3877/86 on imports of rice of the long-grain aromatic  
Basmati variety falling within CN codes 1006 10, 1006 20  
and 1006 30 <sup>(3)</sup>, as last amended by Regulation (EEC)  
No 674/91 <sup>(4)</sup>, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were  
fixed by Commission Regulation (EEC) No 3863/92 <sup>(5)</sup>, as  
last amended by Regulation (EEC) No 325/93 <sup>(6)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies to be charged on the products listed in  
Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76  
shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 20 February  
1993.

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

Done at Brussels, 19 February 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(2)</sup> OJ No L 73, 19. 3. 1992, p. 7.

<sup>(3)</sup> OJ No L 80, 24. 3. 1987, p. 20.

<sup>(4)</sup> OJ No L 75, 21. 3. 1991, p. 29.

<sup>(5)</sup> OJ No L 390, 31. 12. 1992, p. 89.

<sup>(6)</sup> OJ No L 37, 13. 2. 1993, p. 27.

## ANNEX

to the Commission Regulation of 19 February 1993 fixing the import levies on rice and broken rice

(ECU/tonne)

| CN code    | Levies (°)                                           |                                                                               |                                                       |
|------------|------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------|
|            | Arrangement<br>in Regulation (EEC)<br>No 3877/86 (°) | ACP<br>Bangladesh<br>( <sup>(1)</sup> ) ( <sup>(2)</sup> ) ( <sup>(3)</sup> ) | Third countries<br>(except ACP)<br>( <sup>(4)</sup> ) |
| 1006 10 21 | —                                                    | 151,66                                                                        | 310,53                                                |
| 1006 10 23 | —                                                    | 162,82                                                                        | 332,85                                                |
| 1006 10 25 | —                                                    | 162,82                                                                        | 332,85                                                |
| 1006 10 27 | 249,64                                               | 162,82                                                                        | 332,85                                                |
| 1006 10 92 | —                                                    | 151,66                                                                        | 310,53                                                |
| 1006 10 94 | —                                                    | 162,82                                                                        | 332,85                                                |
| 1006 10 96 | —                                                    | 162,82                                                                        | 332,85                                                |
| 1006 10 98 | 249,64                                               | 162,82                                                                        | 332,85                                                |
| 1006 20 11 | —                                                    | 190,48                                                                        | 388,16                                                |
| 1006 20 13 | —                                                    | 204,43                                                                        | 416,06                                                |
| 1006 20 15 | —                                                    | 204,43                                                                        | 416,06                                                |
| 1006 20 17 | 312,05                                               | 204,43                                                                        | 416,06                                                |
| 1006 20 92 | —                                                    | 190,48                                                                        | 388,16                                                |
| 1006 20 94 | —                                                    | 204,43                                                                        | 416,06                                                |
| 1006 20 96 | —                                                    | 204,43                                                                        | 416,06                                                |
| 1006 20 98 | 312,05                                               | 204,43                                                                        | 416,06                                                |
| 1006 30 21 | —                                                    | 235,85                                                                        | 495,56 (°)                                            |
| 1006 30 23 | —                                                    | 287,42                                                                        | 598,62 (°)                                            |
| 1006 30 25 | —                                                    | 287,42                                                                        | 598,62 (°)                                            |
| 1006 30 27 | 448,97 (°)                                           | 287,42                                                                        | 598,62 (°)                                            |
| 1006 30 42 | —                                                    | 235,85                                                                        | 495,56 (°)                                            |
| 1006 30 44 | —                                                    | 287,42                                                                        | 598,62 (°)                                            |
| 1006 30 46 | —                                                    | 287,42                                                                        | 598,62 (°)                                            |
| 1006 30 48 | 448,97 (°)                                           | 287,42                                                                        | 598,62 (°)                                            |
| 1006 30 61 | —                                                    | 251,54                                                                        | 527,78 (°)                                            |
| 1006 30 63 | —                                                    | 308,51                                                                        | 641,73 (°)                                            |
| 1006 30 65 | —                                                    | 308,51                                                                        | 641,73 (°)                                            |
| 1006 30 67 | 481,30 (°)                                           | 308,51                                                                        | 641,73 (°)                                            |
| 1006 30 92 | —                                                    | 251,54                                                                        | 527,78 (°)                                            |
| 1006 30 94 | —                                                    | 308,51                                                                        | 641,73 (°)                                            |
| 1006 30 96 | —                                                    | 308,51                                                                        | 641,73 (°)                                            |
| 1006 30 98 | 481,30 (°)                                           | 308,51                                                                        | 641,73 (°)                                            |
| 1006 40 00 | —                                                    | 68,16                                                                         | 142,33                                                |

(<sup>(1)</sup>) Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

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

(<sup>(3)</sup>) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

(<sup>(4)</sup>) The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulation (EEC) Nos 3491/90 and 862/91.

(<sup>(5)</sup>) The levy on imports into Portugal is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3778/91 (OJ No L 356, 24. 12. 1991, p. 46).

(<sup>(6)</sup>) The levy on imports of rice of the long-grain aromatic Basmati variety is applicable under the arrangements laid down in amended Regulation (EEC) No 3877/86.

(<sup>(7)</sup>) No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

## COMMISSION REGULATION (EEC) No 382/93

of 19 February 1993

fixing the premiums to be added to the import levies on rice and broken rice

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 1418/76  
of 21 June 1976 on the common organization of the  
market in rice <sup>(1)</sup>, as last amended by Regulation (EEC)  
No 674/92 <sup>(2)</sup>, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice  
and broken rice were fixed by Commission Regulation  
(EEC) No 3862/92 <sup>(3)</sup>, as last amended by Regulation  
(EEC) No 326/93 <sup>(4)</sup>;

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 to be added to the import levies fixed in  
advance in respect of rice and broken rice originating in  
third countries shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 20 February  
1993.

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

Done at Brussels, 19 February 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(2)</sup> OJ No L 73, 19. 3. 1992, p. 7.

<sup>(3)</sup> OJ No L 390, 31. 12. 1992, p. 86.

<sup>(4)</sup> OJ No L 37, 13. 2. 1993, p. 29.

## ANNEX

to the Commission Regulation of 19 February 1993 fixing the premiums to be added to the import levies on rice and broken rice

| CN code    | (ECU/tonne)  |                 |                 |                 |
|------------|--------------|-----------------|-----------------|-----------------|
|            | Current<br>2 | 1st period<br>3 | 2nd period<br>4 | 3rd period<br>5 |
| 1006 10 21 | 0            | 0               | 0               | —               |
| 1006 10 23 | 0            | 0               | 0               | —               |
| 1006 10 25 | 0            | 0               | 0               | —               |
| 1006 10 27 | 0            | 0               | 0               | —               |
| 1006 10 92 | 0            | 0               | 0               | —               |
| 1006 10 94 | 0            | 0               | 0               | —               |
| 1006 10 96 | 0            | 0               | 0               | —               |
| 1006 10 98 | 0            | 0               | 0               | —               |
| 1006 20 11 | 0            | 0               | 0               | —               |
| 1006 20 13 | 0            | 0               | 0               | —               |
| 1006 20 15 | 0            | 0               | 0               | —               |
| 1006 20 17 | 0            | 0               | 0               | —               |
| 1006 20 92 | 0            | 0               | 0               | —               |
| 1006 20 94 | 0            | 0               | 0               | —               |
| 1006 20 96 | 0            | 0               | 0               | —               |
| 1006 20 98 | 0            | 0               | 0               | —               |
| 1006 30 21 | 0            | 0               | 0               | —               |
| 1006 30 23 | 0            | 0               | 0               | —               |
| 1006 30 25 | 0            | 0               | 0               | —               |
| 1006 30 27 | 0            | 0               | 0               | —               |
| 1006 30 42 | 0            | 0               | 0               | —               |
| 1006 30 44 | 0            | 0               | 0               | —               |
| 1006 30 46 | 0            | 0               | 0               | —               |
| 1006 30 48 | 0            | 0               | 0               | —               |
| 1006 30 61 | 0            | 0               | 0               | —               |
| 1006 30 63 | 0            | 0               | 0               | —               |
| 1006 30 65 | 0            | 0               | 0               | —               |
| 1006 30 67 | 0            | 0               | 0               | —               |
| 1006 30 92 | 0            | 0               | 0               | —               |
| 1006 30 94 | 0            | 0               | 0               | —               |
| 1006 30 96 | 0            | 0               | 0               | —               |
| 1006 30 98 | 0            | 0               | 0               | —               |
| 1006 40 00 | 0            | 0               | 0               | 0               |

**COMMISSION REGULATION (EEC) No 383/93****of 19 February 1993****correcting Regulation (EEC) No 217/93 on olive oil storage contracts for the 1992/93 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of the common organization of the market in oils and fats <sup>(1)</sup>, as last amended by Regulation (EEC) No 2046/92 <sup>(2)</sup>, and in particular Article 20d (3) and (4) thereof,

Whereas Commission Regulation (EEC) No 217/93 <sup>(3)</sup> lays down rules on olive oil storage contracts for the 1992/93 marketing year;

Whereas a check has shown that an error was made in that Regulation; whereas the text of that Regulation is not identical to that put before the relevant Management

Committee for opinion; whereas the Regulation should therefore be corrected,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 2 (2) of Regulation (EEC) No 217/93 is hereby replaced by the following:

'2. Contracts shall relate only to olive-oil qualities that may be offered for intervention and to lots of at least 100 tonnes net. In Portugal, however, the minimum size of lots shall be 25 tonnes.'

*Article 2*

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

It shall apply with effect from 6 February 1993.

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

Done at Brussels, 19 February 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No 172, 30. 9. 1966, p. 3025/66.

<sup>(2)</sup> OJ No L 215, 30. 7. 1992, p. 1.

<sup>(3)</sup> OJ No L 26, 3. 2. 1993, p. 9.

## COMMISSION REGULATION (EEC) No 384/93

of 19 February 1993

introducing special surveillance of imports of apples from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 1754/92<sup>(2)</sup>, and in particular Article 29 (2) thereof,

Whereas Council Regulation (EEC) No 2707/72<sup>(3)</sup> lays down the conditions for applying protective measures for fruit and vegetables;

Whereas this marketing year the production of apples in the Community is well up on the average for the last few years; whereas producer prices are, to a varying extent depending on the market concerned, well below those of the preceding marketing year; whereas unsold stocks are appreciably higher than at the same time last year despite the withdrawal of large quantities since the beginning of the marketing year;

Whereas, because of this high production, excessive imports of apples during this marketing year would be likely to cause serious market disturbance which might endanger the objectives set out in Article 39 of the Treaty;

Whereas measures should accordingly be adopted which will allow close monitoring of apple imports until the end of the period of importation; whereas the system which is best suited to that purpose would be a system of import licences which provides for a waiting period between the application for a licence and the latter's date of issue and involves the lodging of a security to ensure that importers fulfil their obligations;

Whereas it is advisable to apply the provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products<sup>(4)</sup>, as last amended by Regulation (EEC)

No 2101/92<sup>(5)</sup>, subject to the application of certain provisions specific to this Regulation;

Whereas, in order to take account of the special situation of prodc's in transit to the Community on the date of entry into force of this Regulation, import licences applied for before 27 February 1993 should be issued without delay,

HAS ADOPTED THIS REGULATION:

*Article 1*

The release before 1 September 1993, for free circulation within the Community, of apples falling within 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 shall be subject to the presentation of an import licence issued, in accordance with Articles 2 and 3, by the Member States concerned to all applicants irrespective of where their place of business is located in the Community.

*Article 2*

1. The import licence shall be issued subject to the lodging of a security of ECU 1,5 per 100 kilograms net. The security shall be forfeit in whole or in part if, during the period of validity of the licence, the quantities stated in the licence are not released for free circulation or are released for circulation in part only.

2. Import licences shall be valid for 40 days from their date of issue as defined in Article 3 (2). However, their validity shall not go beyond 31 August 1993.

3. The provisions of Regulation (EEC) No 3719/88 shall apply, subject to the following specific provisions:

— the fourth indent of Article 5 (1) and Article 8 (4) shall not apply. The quantity released for free circulation may not be more than that indicated in boxes 17 and 18 of the licence; the figure 0 shall be entered in box 19 of the licence accordingly,

— notwithstanding Article 8 (5), the obligation to import shall be deemed to be fulfilled when the quantity imported is not more than 7 % below the quantity indicated on the licence,

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

<sup>(2)</sup> OJ No L 180, 1. 7. 1992, p. 23.

<sup>(3)</sup> OJ No L 291, 28. 12. 1972, p. 3.

<sup>(4)</sup> OJ No L 331, 2. 12. 1988, p. 1.

<sup>(5)</sup> OJ No L 240, 25. 9. 1992, p. 12.

- notwithstanding the second sentence of Article 9 (1), rights deriving from the import licence shall not be transferable,
- notwithstanding the first subparagraph of Article 33 (2), where the obligation to import has not been fulfilled the security shall be forfeit in respect of a quantity equal to the difference between :
  - 93 % of the net quantity indicated on the licence, and
  - the net quantity actually imported.

#### *Article 3*

1. The product's country of origin shall be stated in box 8 of both the application for an import licence and the licence itself. The import licence shall be valid only for products originating in the country shown in the said box 8.

2. Import licences shall be issued on the fifth working day following the day on which the application is lodged unless measures are taken within that time.

However, import licences applied for before 27 February 1993 shall be issued without delay.

#### *Article 4*

The Member States shall notify the Commission of :

1. the quantities of apples, by CN code and by country of origin, for which applications for import licences have been received.

Such notifications shall take place :

- every Wednesday, in respect of applications lodged on the Monday or Tuesday of that week,
- every Friday, in respect of applications lodged on the Wednesday or Thursday of that week,
- every Monday, in respect of applications lodged the preceding week on Friday;

2. the quantities covered by import licences which have not been used or which have been used only in part, corresponding to the difference between the quantities entered on the back of the licences and the quantities for which the licences were issued.

Such notifications shall take place every Wednesday, in respect of information received the previous week.

If no applications for import licences have been submitted during one of the periods specified in point 1 of if there are no unused quantities within the meaning of point 2, the Member States in question shall so inform the Commission on the days indicated in this Article.

#### *Article 5*

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, 19 February 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

**COMMISSION REGULATION (EEC) No 385/93**  
**of 19 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 3814/92 <sup>(2)</sup>, 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 <sup>(3)</sup>, 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 <sup>(4)</sup>, as last amended by Regulation (EEC) No 373/93 <sup>(5)</sup>;

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 18 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 20 February 1993.

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

Done at Brussels, 19 February 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 387, 31. 12. 1992, p. 7.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 5, 9. 1. 1993, p. 14.

<sup>(5)</sup> OJ No L 42, 19. 2. 1993, p. 21.

## ANNEX

to the Commission Regulation of 19 February 1993 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

| CN code    | Levy (°)  |
|------------|-----------|
| 1701 11 10 | 38,24 (°) |
| 1701 11 90 | 38,24 (°) |
| 1701 12 10 | 38,24 (°) |
| 1701 12 90 | 38,24 (°) |
| 1701 91 00 | 44,78     |
| 1701 99 10 | 44,78     |
| 1701 99 90 | 44,78 (°) |

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

(°) 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.

(°) 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.

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

**DECISION No 3/92 OF THE EEC-AUSTRIA JOINT COMMITTEE**  
**of 30 December 1992**  
**amending Protocol 3 concerning the definition of the concept of originating**  
**products and methods of administrative cooperation**

(93/105/EEC)

## THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Republic of Austria, signed in Brussels on 22 July 1972,

Having regard to Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, hereinafter referred to as 'Protocol 3', and in particular Article 28 thereof,

Whereas the origin rule in the list in Annex III to Protocol 3 applicable to articles of apparel, clothing accessories and other articles of fur skin falling within HS heading 4303 provides for the manufacture from non-assembled, tanned or dressed furskins, falling within HS heading No 4302;

Whereas a footnote authorized however the use of assembled skins of sables, grey Siberian squirrel and hamster falling within HS heading No 4302 until 31 March 1990;

Whereas it is appropriate to reinsert this derogation from the rules of origin, limited to a two years period, and also

to authorize the use of skins of burunduki, pechanyky, pahmi and Chinese lamb and Chinese kid as well,

## HAS DECIDED AS FOLLOWS:

*Article 1*

The reference (1) and the footnote in the list annexed to this Decision shall be inserted in the list in Annex III to Protocol 3 to the EEC-Austria Agreement.

*Article 2*

This Decision shall apply with effect from 1 November 1992.

Done at Brussels, 30 December 1992.

*For the Joint Committee*

*The President*

G. WAAS

*ANNEX*

**List of working or processing required to be carried out on non-originating materials in order that the product manufactured can obtain originating status**

| HS heading No | Description of product                                                  | Working or processing carried out on non-originating materials that confers originating status |
|---------------|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| (1)           | (2)                                                                     | (3)                                                                                            |
| 4303          | Articles of apparel, clothing accessories and other articles of furskin | Manufacture from non-assembled tanned or dressed furskins, of heading No 4302 <sup>(1)</sup>   |

<sup>(1)</sup> Until 31 October 1994 assembled skins of suzuki, grey Siberian squirrel, hamster, burunduki, pechaniky, pahmi and Chinese lamb and Chinese kid of HS heading No 4302 may be used.

**DECISION No 3/92 OF THE EEC-FINLAND JOINT COMMITTEE  
of 19 November 1992**

**amending Protocol 3 concerning the definition of the concept of originating  
products and methods of administrative cooperation**

(93/106/EEC)

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Republic of Finland, signed in Brussels on 5 October 1972,

Having regard to Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, hereinafter referred to as 'Protocol 3', and in particular Article 28 thereof,

Whereas the origin rule in the list in Annex III to Protocol 3 applicable to articles of apparel, clothing accessories and other articles of fur skin falling within HS heading 4303 provides for the manufactures from non-assembled, tanned or dressed furskins, falling within HS heading No 4302;

Whereas a footnote authorized however the use of assembled skins of suzluksi, grey Siberian squirrel and hamster falling within HS heading No 4302 until 31 March 1990;

Whereas it is appropriate to reinsert this derogation from the rules of origin, limited to a two years period, and also to authorize the use of skins of burunduki, pechaniky, pahmi and Chinese lamb and Chinese kid as well,

HAS DECIDED AS FOLLOWS:

*Article 1*

The reference (1) and the footnote in the list annexed to this Decision shall be inserted in the list in Annex III to Protocol 3 to the EEC-Finland Agreement.

*Article 2*

This Decision shall apply with effect from 1 November 1992.

Done at Brussels, 19 November 1992.

*For the Joint Committee*

*The President*

G. GIOLA

**ANNEX**

**List of working or processing required to be carried out on non-originating materials in order  
that the product manufactured can obtain originating status**

| HS heading No | Description of product                                                   | Working or processing carried out on non-originating materials that confers originating status |
|---------------|--------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| (1)           | (2)                                                                      | (3)                                                                                            |
| 4303          | Articles of apparel, clothing accessories and other articles of fur skin | Manufacture from non-assembled tanned or dressed furskins, of heading No 4302 <sup>(1)</sup>   |

<sup>(1)</sup> Until 31 October 1994 assembled skins of suzluksi, grey Siberian squirrel, hamster, burunduki, pechaniky, pahmi and Chinese lamb and Chinese kid of HS heading No 4302 may be used.

**DECISION No 1/93 OF THE EEC-ICELAND JOINT COMMITTEE**  
**of 20 January 1993**  
**amending Protocol 3 concerning the definition of the concept of originating**  
**products and methods of administrative cooperation**

(93/107/EEC)

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Republic of Iceland, signed in Brussels on 22 July 1972,

Having regard to Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, hereinafter referred to as 'Protocol 3', and in particular Article 28 thereof,

Whereas the origin rule in the list in Annex III to Protocol 3 applicable to articles of apparel, clothing accessories and other articles of fur skin falling within HS heading 4303 provides for the manufactures from non-assembled, tanned or dressed furskins, falling within HS heading No 4302;

Whereas a footnote authorized however the use of assembled skins of suzuki, grey Siberian squirrel and hamster falling within HS heading No 4302 until 31 March 1990;

Whereas it is appropriate to reinsert this derogation from the rules of origin, limited to a two years period, and also to authorize the use of skins of burunduki, pechaniky, pahmi and Chinese lamb and Chinese kid as well,

HAS DECIDED AS FOLLOWS:

*Article 1*

The reference (1) and the footnote in the list annexed to this Decision shall be inserted in the list in Annex III to Protocol 3 to the EEC-Iceland Agreement.

*Article 2*

This Decision shall apply with effect from 1 November 1992.

Done at Brussels, 20 January 1993.

*For the Joint Committee*

*The President*

H. HAFSTEIN

**ANNEX**

**List of working or processing required to be carried out on non-originating materials in order that the product manufactured can obtain originating status**

| HS heading No | Description of product                                                   | Working or processing carried out on non-originating materials that confers originating status |
|---------------|--------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| (1)           | (2)                                                                      | (3)                                                                                            |
| 4303          | Articles of apparel, clothing accessories and other articles of fur skin | Manufacture from non-assembled tanned or dressed furskins, of heading No 4302 <sup>(1)</sup>   |

<sup>(1)</sup> Until 31 October 1994 assembled skins of suzuki, grey Siberian squirrel, hamster, burunduki, pechaniky, pahmi and Chinese lamb and Chinese kid of HS heading No 4302 may be used.

**DECISION No 3/92 OF THE EEC-SWEDEN JOINT COMMITTEE**

of 16 November 1992

**amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation**

(93/108/EEC)

**THE JOINT COMMITTEE,**

Having regard to the Agreement between the European Economic Community and the Kingdom of Sweden, signed in Brussels on 22 July 1972,

Having regard to Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, hereinafter referred to as 'Protocol 3', and in particular Article 28 thereof,

Whereas the origin rule in the list in Annex III to Protocol 3 applicable to articles of apparel, clothing accessories and other articles of fur skin falling within HS heading 4303 provides for the manufactures from non-assembled, tanned or dressed furskins, falling within HS heading No 4302;

Whereas a footnote authorized however the use of assembled skins of sables, grey Siberian squirrel and hamster falling within HS heading No 4302 until 31 March 1990;

Whereas it is appropriate to reinsert this derogation from the rules of origin, limited to a two years period, and also to authorize the use of skins of burunduki, pechaniky, pahmi and Chinese lamb and Chinese kid as well,

**HAS DECIDED AS FOLLOWS:***Article 1*

The reference (1) and the footnote in the list annexed to this Decision shall be inserted in the list in Annex III to Protocol 3 to the EEC-Sweden Agreement.

*Article 2*

This Decision shall apply with effect from 1 November 1992.

Done at Brussels, 16 November 1992.

*For the Joint Committee**The President*

L. ANELL

**ANNEX**

**List of working or processing required to be carried out on non-originating materials in order that the product manufactured can obtain originating status**

| HS heading No | Description of product                                                   | Working or processing carried out on non-originating materials that confers originating status |
|---------------|--------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| (1)           | (2)                                                                      | (3)                                                                                            |
| 4303          | Articles of apparel, clothing accessories and other articles of fur skin | Manufacture from non-assembled tanned or dressed furskins, of heading No 4302 <sup>(1)</sup>   |

<sup>(1)</sup> Until 31 October 1994 assembled skins of sables, grey Siberian squirrel, hamster, burunduki, pechaniky, pahmi and Chinese lamb and Chinese kid of HS heading No 4302 may be used.

## COUNCIL DECISION

of 15 February 1993

authorizing the French Republic to extend the application of a measure derogating from Article 17 (2) of the sixth Directive (77/388/EEC) on the harmonization of the laws of the Member States relating to turnover taxes

(93/109/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the sixth Council Directive (77/388/EEC) of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax : uniform basis of assessment <sup>(1)</sup>,

Having regard to Council Decision 89/488/EEC, of 28 July 1989 authorizing the French Republic to apply a measure derogating from Article 17 (2) of the sixth Directive 77/388/EEC on the harmonization of the laws of the Member States relating to turnover taxes <sup>(2)</sup>,

Having regard to the proposal from the Commission consequent upon its report on the application of Decision 89/488/EEC,

Whereas, under Article 27 (1) of Directive 77/388/EEC the Council, acting unanimously on a proposal from the Commission, may authorize any Member State to introduce special measures for derogation from that Directive, in order to simplify the procedure for charging value-added tax (VAT) or to prevent certain types of tax evasion or avoidance ;

Whereas, by letter registered by the Secretariat-General of the Commission on 22 October 1992, the Government of the French Republic requested authorization to extend application of the derogation previously granted to it for a limited period by Decision 89/488/EEC on the basis of Article 27 of Directive 77/388/EEC ;

Whereas the said measure consists in excluding altogether from the right to deduct VAT previously charged on expenditure in respect of goods and services in cases where private use of such goods and services accounts for more than 90 % of their total use, in order to refrain from taxing self-supplies the taxable base of which is particularly difficult to establish under those circumstances ;

Whereas, moreover, the said measure makes it possible to prevent certain types of tax evasion or avoidance and, in

any event, combats certain forms of consumption without taxation while, at the same time, simplifying the VAT treatment of certain transactions ;

Whereas the said measure constitutes a derogation from Article 17 (2) of the Directive 77/388/EEC, whereby a taxable person is entitled to deduct the tax charged on goods and services used by him in so far as those goods and services are used for the purposes of his taxable transactions ;

Whereas the request for an extension of the said measure can be accepted subject to certain conditions and adjustments to its legal arrangements in accordance with the observations made by the Commission in respect of its application over the period 1990 to 1992 ;

Whereas, without a new authorization from the Council based on a proposal from the Commission, the said measure cannot be extended beyond 31 December 1996, by which time the Commission is to present a report on its application to the Council ;

Whereas this temporary extension will not *a priori* affect the amount of VAT due at the final consumption stage ;

Whereas, moreover, it will not *a priori* have a negative effect on the European Communities' own resources accruing from VAT ;

Whereas the other Member States were informed on 20 November 1992 of the request for an extension of the said derogation submitted by the Government of the French Republic,

HAS ADOPTED THIS DECISION :

## Article 1

By way of derogation from Article 17 (2) of Directive 77/388/EEC, the French Republic is hereby authorized until 31 December 1996 to exclude expenditure in respect of goods and services in cases where use of such

<sup>(1)</sup> OJ No L 145, 13. 6. 1977, p. 1. Directive as last amended by Directive 92/111/EEC (OJ No L 384, 31. 12. 1992, p. 47).

<sup>(2)</sup> OJ No L 239, 16. 8. 1989, p. 22.

goods and services for the private use of the taxable person or of his staff or, more generally, for purposes other than those of his business account for more than 90 % of their total use from the right to deduct VAT, previously charged.

*Article 2*

On the basis of a report to be submitted by the Commission on the application of the authorization referred to in Article 1, accompanied, if appropriate, by a proposal for a Decision the Council shall determine on the basis of that proposal by 31 December 1996, at the latest whether the said authorization is to be extended.

*Article 3*

This Decision is addressed to the French Republic.

Done at Brussels, 15 February 1993.

*For the Council*

*The President*

M. JELVED

## COUNCIL DECISION

of 15 February 1993

authorizing the French Republic to extend the application of a measure derogating from Article 2 of the sixth Directive (77/388/EEC) on the harmonization of the laws of the Member States relating to turnover taxes

(93/110/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the sixth Council Directive (77/388/EEC) of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment<sup>(1)</sup>, and in particular Article 27 thereof,

Having regard to Council Decision 89/683/EEC of 21 December 1989 authorizing the French Republic to apply a measure derogating from Article 2 of the sixth Directive (77/388/EEC) on the harmonization of the laws of the Member States relating to turnover taxes<sup>(2)</sup>,

Having regard to the ensuing Commission proposal,

Having regard to the Commission report on the application of Decision 89/683/EEC,

Whereas, under Article 27 (1) of Directive 77/388/EEC, the Council, acting unanimously on a proposal from the Commission, may authorize any Member State to introduce or extend special measures for derogation from that Directive in order to simplify the procedure for charging value added tax (VAT) or to prevent certain types of tax evasion or avoidance;

Whereas, by letter registered by the Secretariat-General of the Commission on 22 October 1992, the Government of the French Republic requested authorization to extend application of the derogation previously granted to it for a limited period by Decision 89/683/EEC on the basis of Article 27 of Directive 77/388/EEC;

Whereas the Commission report on the application of the said measure over the period 1991 to 1992 has demonstrated the latter's usefulness and effectiveness in the waste-recovery sector, which is particularly vulnerable to fraud; whereas the said report finds that there is

no reason to oppose extension of the derogation provided that the derogation is clearly limited over time, and expires in the short term;

Whereas the other Member States were informed on 20 November 1992 of the request from the Government of the French Republic,

HAS ADOPTED THIS DECISION:

*Article 1*

By way of derogation from Article 2 of Directive 77/388/EEC, the French Republic is hereby authorized, until 31 December 1996 and in respect of fresh industrial waste and recuperable material, to exempt from VAT:

(a) on the one hand, supplies made by:

- undertakings whose annual turnover is less than FF 500 000,
- undertakings which do not have a permanent establishment or which, although they have a permanent establishment, have achieved in the previous year a turnover figure in respect of such products of less than FF 6 million, unless they are authorized to subject such transactions to VAT;

(b) on the other hand, imports and intra-Community acquisitions.

*Article 2*

By way of derogation from Article 10 (2) of Directive 77/388/EEC, the French Republic is hereby authorized until 31 December 1996 to introduce in respect of supplies to taxable persons of fresh industrial waste and recuperable material in the form of non-ferrous metals and their alloys, where these supplies are not exempt from VAT on the basis of Article 1, arrangements suspending payment of VAT relating to these transactions.

The taxable persons receiving these supplies shall pay VAT on them where these products are intended neither for the export as such nor for the manufacture or resale as such of products liable to VAT.

<sup>(1)</sup> OJ No L 145, 13. 6. 1977, p. 1. Directive as last amended by Directive 92/111/EEC (OJ No L 384, 31. 12. 1992, p. 47).

<sup>(2)</sup> OJ No L 398, 30. 12. 1989, p. 31.

*Article 3*

In the light of a report from the Commission on the application of the authorizations referred to in Articles 1 and 2, accompanied, where appropriate, by a proposal for a Decision, the Council, acting on the basis of that proposal, shall decide, by 31 December 1996 at the latest, whether the said authorizations are to be extended.

*Article 4*

This Decision is addressed to the French Republic.

Done at Brussels, 15 February 1993.

*For the Council*

*The President*

M. JELVED

## COUNCIL DECISION

of 15 February 1993

authorizing the United Kingdom to apply an optional measure derogating from Article 17 of the sixth Directive (77/388/EEC) on the harmonization of the laws of the Member States relating to turnover taxes

(93/111/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the sixth Council Directive (77/388/EEC) of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment<sup>(1)</sup>, and in particular Article 27 thereof,

Having regard to the proposal from the Commission,

Whereas, under the terms of Article 27 (1) of Directive 77/388/EEC, the Council, acting unanimously on a proposal from the Commission, may authorize any Member State to introduce special measures for derogation from the provisions of that Directive in order to simplify the procedure for charging the tax or to prevent certain types of tax evasion or avoidance;

Whereas the United Kingdom was authorized, by Decision 90/497/EEC<sup>(2)</sup>, in accordance with the procedure laid down in Article 27 (1) to (4) of Directive 77/388/EEC, to apply a measure derogating from Article 17 (1) of the said Directive until 31 December 1992;

Whereas the United Kingdom, by means of a letter dated 26 October 1992 and received by the Commission on 28 October 1992, requested authorization to extend the said derogation until 31 December 1996;

Whereas the other Member States were informed on 27 November 1992 of the United Kingdom's request;

Whereas this special measure derogating from Article 17 (1) of Directive 77/388/EEC forms part of an optional system of taxation for firms with an annual turnover of less than £350 000 based on the third subparagraph of

Article 10 (2) of the said Directive, which permits payment of tax to be deferred until receipt of the price;

Whereas the United Kingdom wishes to increase the turnover ceiling from £300 000 to £350 000 to take account of inflation;

Whereas that request can be accepted in view of the limited number of firms that have opted for this simplified scheme and the limited duration of the extension in question;

Whereas the derogation concerned has no negative effect on the own resources of the European Communities accruing from VAT,

HAS ADOPTED THIS DECISION:

*Article 1*

By way of derogation from the provisions of Article 17 (1) of Directive 77/388/EEC, the United Kingdom is hereby authorized, until 31 December 1996, to provide within an optional scheme that enterprises with an annual turnover of less than £350 000 must postpone the right of deduction of tax until it has been paid to the supplier.

*Article 2*

This Decision is addressed to the United Kingdom.

Done at Brussels, 15 February 1993.

*For the Council*

*The President*

M. JELVED

<sup>(1)</sup> OJ No L 145, 13. 6. 1977, p. 1. Directive as last amended by Directive 92/111/EEC (OJ No L 384, 31. 12. 1992, p. 47).

<sup>(2)</sup> OJ No L 276, 6. 10. 1990, p. 45.