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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 698/93
of 23 March 1993
amending Regulation (EEC) No 1360/78 on producer groups and associations
thereof

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas Regulation (EEC) No 1360/78 ⁽⁴⁾ introduced a common measure to encourage, in certain regions of the Community where the supply of agricultural products reflects very severe structural deficiencies, the grouping of producers to concentrate the supply of agricultural products and adapt production to market requirements;

Whereas, since the adoption of this common measure, the arrangements have been extended to other regions and sectors with similar needs; whereas it was extended, by Regulation (EEC) No 3875/88 ⁽⁵⁾, to the whole of Ireland and to certain products in France; whereas producers in those regions should continue to have the opportunity to benefit from Community aid;

Whereas, under the reform of the structural funds, Commission Regulation (EEC) No 223/90 ⁽⁶⁾ introduced, for producer groups in regions eligible under Objective 1 as defined in Article 1 of Council Regulation (EEC)

No 2052/88 ⁽⁷⁾, more attractive rates, in order to improve in the future, the efficiency of Regulation (EEC) No 1360/78;

Whereas Regulation (EEC) No 1760/87 ⁽⁸⁾ introduced a number of provisions concerning the obligation on members to market the whole of their production and whereas the monitoring powers conferred on producer groups as regards harvesting and the availability of products should be strengthened;

Whereas this is a common measure within the meaning of Article 2 (1) of Regulation (EEC) No 4256/88 ⁽⁹⁾ and consequently its duration need not be limited;

Whereas, to assess the implementation of this Regulation, particularly in view of its recent extension to certain parts of the Community, a report should be submitted to the Council by 1 January 1997,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1360/78 is hereby amended as follows:

1. The following indent shall be added to Article 6 (1) (b):

'— rules on production information, with particular regard to harvesting and availability';

2. Article 10 (3) (b) shall be replaced by the following:

'(b) may not, however, exceed a total of ECU 120 000.'

⁽¹⁾ OJ No C 312, 3. 12. 1991, p. 18.

⁽²⁾ OJ No C 125, 18. 5. 1992, p. 280.

⁽³⁾ OJ No C 79, 30. 3. 1992, p. 19.

⁽⁴⁾ OJ No L 166, 23. 6. 1978, p. 1, as last amended by Regulation (EEC) No 3763/91 (OJ No L 356, 24. 12. 1991, p. 1).

⁽⁵⁾ OJ No L 346, 15. 12. 1988, p. 16.

⁽⁶⁾ OJ No L 22, 27. 1. 1990, p. 62. Regulation as last amended by Regulation (EEC) No 3588/92 (OJ No L 364, 12. 12. 1992, p. 27).

⁽⁷⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁸⁾ OJ No L 167, 26. 6. 1987, p. 1. Regulation as amended by Regulation (EEC) No 1094/88 (OJ No L 106, 27. 4. 1988, p. 28).

⁽⁹⁾ OJ No L 374, 31. 12. 1988, p. 25.

3. Article 13 shall be replaced by the following:

Article 2

'Article 13

Before 1 January 1997 the Commission shall submit to the Council, on the basis of information supplied by the Member States, a report on the results of the implementation of this common measure.'

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

It shall apply as from 1 January 1992.

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

Done at Brussels, 23 March 1993.

For the Council

The President

S. AUKEN

COMMISSION REGULATION (EEC) No 699/93
of 26 March 1993

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

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

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

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

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, and in particular Article 5 thereof,

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

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

rate established during the reference period from 25 March 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 27 March 1993.

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

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

ANNEX

to the Commission Regulation of 26 March 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Third countries (*)
0709 90 60	139,98 ⁽²⁾ ⁽³⁾
0712 90 19	139,98 ⁽²⁾ ⁽³⁾
1001 10 00	175,55 ⁽¹⁾ ⁽³⁾ ⁽¹⁰⁾
1001 90 91	142,35
1001 90 99	142,35 ⁽¹¹⁾
1002 00 00	150,45 ⁽⁹⁾
1003 00 10	134,41
1003 00 20	134,41
1003 00 80	134,41 ⁽¹¹⁾
1004 00 00	113,05
1005 10 90	139,98 ⁽²⁾ ⁽³⁾
1005 90 00	139,98 ⁽²⁾ ⁽³⁾
1007 00 90	144,37 ⁽⁴⁾
1008 10 00	48,34 ⁽¹¹⁾
1008 20 00	88,49 ⁽⁴⁾
1008 30 00	52,47 ⁽⁷⁾
1008 90 10	⁽⁷⁾
1008 90 90	52,47
1101 00 00	211,97 ⁽⁸⁾ ⁽¹¹⁾
1102 10 00	223,31 ⁽⁸⁾
1103 11 30	284,33 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 50	284,33 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 90	227,61 ⁽⁸⁾

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

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

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

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

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

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

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

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

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

(¹⁰) An amount equal to the amount fixed by Regulation (EEC) No 1825/91 (OJ No L 166, 28. 6. 1991, p. 42) is to be levied in accordance with Article 101 (4) of Decision 91/482/EEC.

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

COMMISSION REGULATION (EEC) No 700/93**of 26 March 1993****fixing the premiums to be added to the import levies on cereals, flour and malt**

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

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

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, and in particular Article 5 thereof,

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 25

March 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 27 March 1993.

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

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

ANNEX

to the Commission Regulation of 26 March 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 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
1001 90 91	0	1,74	1,74	0,35
1001 90 99	0	1,74	1,74	0,35
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	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	2,43	2,43	0,49

B. Malt

(ECU/tonne)

CN code	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	3,10	3,10	0,62	0,62
1107 10 19	0	2,31	2,31	0,47	0,47
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 701/93**of 26 March 1993****amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply
of cereals products from the Community to the Canary Islands**

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

Having regard to Council Regulation (EEC) No 1601/92
of 15 June 1992 introducing specific measures in respect
of certain agricultural products for the benefit of the
Canary Islands ⁽¹⁾, as amended by Regulation (EEC)
No 3714/92 ⁽²⁾, and in particular Article 3 (4) thereof,

Whereas the amounts of aid for the supply of cereals
products to the Canary Islands has been settled by
Commission Regulation (EEC) No 1832/92 ⁽³⁾ as last
amended by Regulation (EEC) No 447/93 ⁽⁴⁾, whereas, as a
consequence of the changes of the rates and prices for
cereals products in the European part of the Community
and on the world market, the aid for supply to the Canary
Islands should be set at the amounts given in the Annex ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The Annex of Regulation (EEC) No 1832/92 is replaced
by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 April 1993.

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No L 185, 4. 7. 1992, p. 26.

⁽⁴⁾ OJ No L 49, 27. 2. 1993, p. 33.

ANNEX

to the Commission Regulation of 26 March 1993 amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals products from the Community to the Canary Islands

(Ecu/tonne)

Product (CN code)		Amount of aid
Common wheat	(1001 90 99)	66,00
Barley	(1003 00 80)	86,00
Maize	(1005 90 00)	92,00
Durum wheat	(1001 10 00)	127,50
Oats	(1004 00 00)	86,00

COMMISSION REGULATION (EEC) No 702/93

of 26 March 1993

setting the amounts of aid for the supply of rice products from the Community
to the Azores and Madeira

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No 1600/92
of 15 June 1992 introducing specific measures in respect
of certain agricultural products for the benefit of the
Azores and Madeira ⁽¹⁾, as amended by Regulation (EEC)
No 3714/92 ⁽²⁾, and in particular Article 10 thereof,Whereas, pursuant to Article 10 of Regulation (EEC) No
1600/92, the requirements of the Azores and Madeira for
rice are to be covered in terms of quantity, price and
quality by the mobilization, on disposal terms equivalent
to exemption from the levy, of Community rice, which
involves the grant of an aid for supplies of Community
origin; whereas this aid is to be fixed with particular
reference to the costs of the various sources of supply and
in particular is to be based on the prices applied to
exports to third countries;Whereas Commission Regulation (EEC) No 1696/92 ⁽³⁾,
as amended by Regulation (EEC) No 2132/92 ⁽⁴⁾, lays
down common detailed rules for implementation of the
specific arrangements for the supply of certain agricul-
tural products, including rice, to the Azores and Madeira;
whereas Commission Regulation (EEC) No 1983/92 of
16 July 1992 laying down detailed rules for implementa-
tion of the specific arrangements for the supply of rice
products to the Azores and Madeira and establishing the
forecast supply balance for these products ⁽⁵⁾ lays down
detailed rules which complement or derogate from the
provisions of the aforementioned Regulation;This Regulation shall be binding in its entirety and directly applicable in all Member
States.

Done at Brussels, 26 March 1993.

Whereas the representative market rates defined in
Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁶⁾ are
used to convert amounts expressed in third country
currencies and are used as the basis for determining the
agricultural conversion rates of the Member States' curren-
cies; whereas detailed rules on the application and deter-
mination of these conversions were set by Commission
Regulation (EEC) No 3819/92 ⁽⁷⁾;Whereas, as a result of the application of these detailed
rules to the current market situation in the rice sector,
and in particular to the rates of prices for these products
in the European part of the Community and on the world
market the aid for supply to the Azores and Madeira
should be set at the amounts given in the Annex;Whereas the measures provided for in this Regulation are
in accordance with the opinion of the Management
Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*Pursuant to Article 10 of Regulation (EEC) No 1600/92,
the amount of aid for the supply of rice of Community
origin under the specific arrangements for the supply of
the Azores and Madeira shall be as set out in the Annex
hereto.*Article 2*

This Regulation shall enter into force on 1 April 1993.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.⁽³⁾ OJ No L 179, 1. 7. 1992, p. 6.⁽⁴⁾ OJ No L 213, 29. 7. 1992, p. 25.⁽⁵⁾ OJ No L 198, 17. 7. 1992, p. 37.⁽⁶⁾ OJ No L 378, 31. 12. 1992, p. 1.⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 17.

ANNEX

to the Commission Regulation of 26 March 1993 setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira

Product (CN code)	<i>(ECU/tonne)</i> Amount of aid	
	Destination	
	Azores	Madeira
Milled rice (1006 30)	271,00	271,00

COMMISSION REGULATION (EEC) No 703/93

of 26 March 1993

fixing the corrective amount applicable to the refund on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 674/92⁽²⁾, and in particular the second subparagraph of Article 17 (4) thereof,

Whereas the first subparagraph of Article 17 (4) of Regulation (EEC) No 1418/76 provides that the export refund applicable to rice and broken rice on the day on which application for an export licence is made, adjusted for the threshold price which will be in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the licence;

Whereas Commission Regulation No 474/67/EEC⁽³⁾, as amended by Regulation (EEC) No 1397/68⁽⁴⁾, lays down detailed rules for the advance fixing of the export refund on rice and broken rice;

Whereas that Regulation provides that the refund applicable on the day on which application for an export licence is made must, when it is fixed in advance, be reduced by an amount no greater than the difference between the cif forward delivery price and the cif price, where the former exceeds the latter by more than ECU 0,30 per tonne; whereas on the other hand, the refund must be increased by an amount no greater than the difference between the cif price and the cif forward delivery price, where the former exceeds the latter by more than ECU 0,30 per tonne;

Whereas the cif price is that determined in accordance with Article 16 of Regulation (EEC) No 1418/76; whereas

the cif forward delivery price is that determined in accordance with Article 3 (2) of Council Regulation (EEC) No 1428/76⁽⁵⁾, based in respect of each month for which the export licence is valid, on the cif price calculated on the basis of offers for shipment during the month of exportation;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁶⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 3819/92⁽⁷⁾;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 17 (4) of Regulation (EEC) No 1418/76 which is applicable to the export refunds fixed in advance in respect of rice and broken rice shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1993.

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No 204, 24. 8. 1967, p. 20.

⁽⁴⁾ OJ No L 222, 10. 9. 1968, p. 6.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 30.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 17.

ANNEX

to the Commission Regulation of 26 March 1993 fixing the corrective amount applicable to the refund on rice and broken rice

(ECU/tonne)

Product code	Destination (1)	Current 4	1st period 5	2nd period 6	3rd period 7
1006 20 11 000	01	0	0	0	0
1006 20 13 000	01	0	0	0	0
1006 20 15 000	01	0	0	0	0
1006 20 17 000	—	—	—	—	—
1006 20 92 000	01	0	0	0	0
1006 20 94 000	01	0	0	0	0
1006 20 96 000	01	0	0	0	0
1006 20 98 000	—	—	—	—	—
1006 30 21 000	01	0	0	0	0
1006 30 23 000	01	0	0	0	0
1006 30 25 000	01	0	0	0	0
1006 30 27 000	—	—	—	—	—
1006 30 42 000	01	0	0	0	0
1006 30 44 000	01	0	0	0	0
1006 30 46 000	01	0	0	0	0
1006 30 48 000	—	—	—	—	—
1006 30 61 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 61 900	01	0	0	0	0
	04	0	0	0	0
1006 30 63 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 63 900	01	0	0	0	0
	04	0	0	0	0
1006 30 65 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 65 900	01	0	0	0	0
	04	0	0	0	0
1006 30 67 100	—	—	—	—	—
1006 30 67 900	—	—	—	—	—
1006 30 92 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 92 900	01	0	0	0	0
	04	0	0	0	0
1006 30 94 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 94 900	01	0	0	0	0
	04	0	0	0	0
1006 30 96 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0

(ECU/tonne)

Product code	Destination (1)	Current 4	1st period 5	2nd period 6	3rd period 7
1006 30 96 900	01	0	0	0	0
	04	0	0	0	0
1006 30 98 100	—	—	—	—	—
1006 30 98 900	—	—	—	—	—
1006 40 00 000	—	—	—	—	—

(1) The destinations are identified as follows:

01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,

02 Zones I, II, III, VI, Ceuta and Melilla,

03 Zones IV, VII c), Canada and zone VIII, except Suriname, Guyana and Madagascar,

04 Destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1), as last amended by Regulation (EEC) No 1525/92 (OJ No L 160, 13. 6. 1992, p. 7).

NB: The zones are those defined in the Annex to Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EEC) No 704/93

of 26 March 1993

fixing the export refunds on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 674/92 ⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Whereas Article 17 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas Commission Regulation (EEC) No 1361/76 ⁽⁴⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

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

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

Whereas the refund must be fixed at least once a month; whereas it may be altered in the intervening period;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁵⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 3819/92 ⁽⁶⁾;

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

Whereas Council Regulation (EEC) No 1432/92 ⁽⁷⁾, as last amended by Regulation (EEC) No 3534/92 ⁽⁸⁾, prohibits trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1993.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 17.

⁽⁷⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁸⁾ OJ No L 358, 8. 12. 1992, p. 16.

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 26 March 1993 fixing the export refunds on rice and broken rice

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refunds (2)	Product code	Destination (1)	Amount of refunds (2)
1006 20 11 000	01	205,00	1006 30 65 100	01	257,00
1006 20 13 000	01	205,00		02	263,00
1006 20 15 000	01	205,00		03	268,00
1006 20 17 000	—	—		04	257,00
1006 20 92 000	01	205,00	1006 30 65 900	01	257,00
1006 20 94 000	01	205,00		04	257,00
1006 20 96 000	01	205,00	1006 30 67 100	—	—
1006 20 98 000	—	—	1006 30 67 900	—	—
1006 30 21 000	01	205,00	1006 30 92 100	01	257,00
1006 30 23 000	01	205,00		02	263,00
1006 30 25 000	01	205,00		03	268,00
1006 30 27 000	—	—		04	257,00
1006 30 42 000	01	205,00	1006 30 92 900	01	257,00
1006 30 44 000	01	205,00		04	257,00
1006 30 46 000	01	205,00	1006 30 94 100	01	257,00
1006 30 48 000	—	—		02	263,00
1006 30 61 100	01	257,00		03	268,00
	02	263,00		04	257,00
	03	268,00	1006 30 94 900	01	257,00
	04	257,00		04	257,00
1006 30 61 900	01	257,00	1006 30 96 100	01	257,00
	04	257,00		02	263,00
1006 30 63 100	01	257,00		03	268,00
	02	263,00		04	257,00
	03	268,00	1006 30 96 900	01	257,00
	04	257,00		04	257,00
1006 30 63 900	01	257,00	1006 30 98 100	—	—
	04	257,00	1006 30 98 900	—	—
			1006 40 00 000	—	—

(1) The destinations are identified as follows:

01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,

02 Zones I, II, III, VI, Ceuta and Melilla,

03 Zones IV, VII c), Canada and Zone VIII excluding Surinam, Guyana and Madagascar,

04 Destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1), as last amended by Regulation (EEC) No 1525/92 (OJ No L 160, 13. 6. 1992, p. 7).

(2) Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

NB: The zones are those defined in the Annex to Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EEC) No 705/93

of 26 March 1993

fixing the import levies on live cattle and on beef and veal other than frozen

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 125/93 ⁽²⁾, and in particular Article 12 (8) thereof,

Whereas, pursuant to Article 9 of Regulation (EEC) No 805/68, a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas in respect of bovine animals the basic levy is determined on the basis of the difference between the guide price and the Community free-at-frontier offer price plus the amount of the customs duty; whereas the Community free-at-frontier offer price is determined in the light of the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period for bovine animals and for the fresh or chilled meat specified in section (a) of the Annex to the said Regulation under CN codes 0201 10 00, 0201 10 90, 0201 20 20 to 0201 20 50, account being taken in particular of the position with respect to supply and demand, of world market prices for frozen meat of a category which is competitive with fresh or chilled meat and of past experience;

Whereas if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;
- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;
- (c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;
- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas if it is found that the price of adult bovine animals on representative Community markets is equal to

or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;
- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;
- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;
- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas pursuant to Article 10 (4) of Regulation (EEC) No 805/68 the basic levy on the meat specified in sections (a), (c) and (d) of the Annex hereto is equal to the basic levy determined for bovine animals, multiplied by a standard coefficient fixed for each of the products in question; whereas these coefficients are fixed by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff ⁽³⁾, as last amended by Regulation (EEC) No 3661/92 ⁽⁴⁾;

Whereas the guide prices for adult bovine animals for the 1992/93 marketing year were fixed by Council Regulation (EEC) No 1377/92 ⁽⁵⁾; whereas Council Regulation (EEC) No 660/93 ⁽⁶⁾ has extended the 1992/93 marketing year for beef and veal until 30 June 1993;

Whereas Regulation (EEC) No 586/77 stipulates that the basic levy is to be calculated according to the method set out in its Article 3 and on the basis of all the representative free-at-frontier offer prices of the Community determined for the products of each of the categories and cuts specified in Article 2 and established principally by reference to the prices specified in the customs documents accompanying products imported from third countries or from other information concerning export prices obtaining in those third countries;

Whereas, however, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account; whereas

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 18, 27. 1. 1993, p. 1.

⁽³⁾ OJ No L 75, 23. 3. 1977, p. 10.

⁽⁴⁾ OJ No L 370, 19. 12. 1992, p. 16.

⁽⁵⁾ OJ No L 147, 29. 5. 1992, p. 6.

⁽⁶⁾ OJ No L 71, 24. 3. 1993, p. 1.

offer prices should also be excluded when the movement of prices in general or the information available suggests that they are unrepresentative of the true trend of prices in the country of origin;

Whereas in cases where for one or more categories of bovine animals or cuts of meat a free-at-frontier offer price cannot be established, the most recent available price should be used for the calculation;

Whereas if the free-at-frontier offer price differs by less than ECU 0,60 per 100 kilograms of live weight from that previously used for the calculation of the levy, the latter price should be retained;

Whereas pursuant to Article 10 (3) of Regulation (EEC) No 805/68 a special basic levy is determined for certain third countries on the basis of the difference between the guide price and the average price recorded over a certain period plus the amount of the customs duty;

Whereas Commission Regulation (EEC) No 611/77⁽¹⁾, as last amended by Regulation (EEC) No 1049/92⁽²⁾, provides that the special levy on products originating in and coming from Austria, Sweden and Switzerland should be determined on the basis of the weighted average of the prices of adult bovine animals recorded on the representative markets of those third countries; whereas the weighting coefficients and representative markets are specified in the Annexes to Regulation (EEC) No 611/77;

Whereas Council Decision 92/232/EEC of 1 October 1991 on the conclusion of an Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Austria concerning the adjustment of the Community import arrangements applicable to certain beef and veal sector products originating in Austria⁽³⁾ lays down new provisions on preferential imports under a separate tariff quota; whereas this must be taken into account when the levies are fixed;

Whereas the average price is not to be used for calculating the special levy unless it is at least ECU 1,21 per 100 kilograms of live weight more than the free-at-frontier offer price determined in accordance with Article 10 (2) of Regulation (EEC) No 805/68;

Whereas if the average price differs by less than ECU 0,60 per 100 kilograms of live weight from that previously used to calculate the levy, the latter may be retained;

Whereas in cases where one or more of the abovementioned third countries adopt, for reasons of health for example, measures affecting the prices recorded on their markets, the Commission may use the latest prices recorded before the entry into force of such measures;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on the representative market or markets of each Member State in respect of the various categories of adult bovine animals or of meat from such animals, after taking into account the size of each of these categories and the relative size of the bovine herd of each Member State;

Whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community⁽⁴⁾, as last amended by Regulation (EEC) No 1615/92⁽⁵⁾;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets; whereas, for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day; whereas in respect of Italy the price of each category and quantity is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax' are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex;

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures;

⁽¹⁾ OJ No L 77, 25. 3. 1977, p. 14.

⁽²⁾ OJ No L 111, 29. 4. 1992, p. 7.

⁽³⁾ OJ No L 111, 29. 4. 1992, p. 16.

⁽⁴⁾ OJ No L 77, 25. 3. 1977, p. 1.

⁽⁵⁾ OJ No L 170, 25. 6. 1992, p. 16.

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices ;

Whereas for such period as the price of adult bovine animals recorded on representative Community markets differs by less than ECU 0,24 per 100 kilograms of live weight from the price previously used, the latter is retained ;

Whereas the levies must be so fixed that obligations arising from international agreements concluded by the Community continue to be fulfilled ; whereas the levies fixed must be consistent with international agreements entered into by the Community ; whereas account should also be taken of Council Regulation (EEC) No 3953/92 of 21 December 1992 concerning the arrangements applicable to the import into the Community of products originating in the Republics of Bosnia-Herzegovina, Croatia and Slovenia and the territory of the former Yugoslav Republic of Macedonia⁽¹⁾, which provides for reductions in the levies on certain products of the beef and veal sector imported into the Community ; whereas Commission Regulation (EEC) No 185/93⁽²⁾ establishes detailed rules for the importation of these products ;

Whereas declarations have been submitted by both the Czech Republic and the Slovak Republic informing the Communities that both the Czech Republic and the Slovak Republic continue to assume all the obligations deriving, *inter alia*, from the Interim Agreement between the Communities and the Czech and Slovak Federal Republic upon the dissolution of the latter on 31 December 1992 and in consequence the concession provided in the Interim Agreement should be accorded without distinction to products originating in the Czech Republic or in the Slovak Republic ;

Whereas Council Regulation (EEC) No 715/90⁽³⁾, as last amended by Regulation (EEC) No 297/91⁽⁴⁾, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States ;

Whereas Council Regulations (EEC) No 518/92⁽⁵⁾, (EEC) No 519/92⁽⁶⁾ and (EEC) No 520/92⁽⁷⁾ of 27 February 1992 on certain procedures for applying the Interim Agreements on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic respectively, of the

other part, introduce arrangements for reducing import levies on certain products ; whereas Commission Regulation (EEC) No 3589/92⁽⁸⁾ lays down detailed rules for applying the arrangements provided for in these agreements as regards beef ;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽⁹⁾, no levies shall apply on imports of products originating in the overseas countries and territories ;

Whereas the various cuts of beef and veal are defined in Regulation (EEC) No 586/77 ;

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature ;

Whereas the levies and special levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month ; whereas these levies may be altered in the period between two fixings where the basic levy or special basic levy is altered, or in the case of changes in the prices recorded on Community representative markets ;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽¹⁰⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies ; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 3819/92⁽¹¹⁾ ;

Whereas, having regard to the provisions of the aforementioned Regulation, and in particular to the information and quotations known to the Commission, the levies on live cattle and beef and veal other than frozen meat should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies on live cattle and beef and veal other than frozen meat shall be as set out in the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 5 April 1993.

⁽¹⁾ OJ No L 406, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 22, 30. 1. 1993, p. 70.

⁽³⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁴⁾ OJ No L 36, 8. 2. 1991, p. 9.

⁽⁵⁾ OJ No L 56, 29. 2. 1992, p. 3.

⁽⁶⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽⁷⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁸⁾ OJ No L 364, 12. 12. 1992, p. 28.

⁽⁹⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽¹⁰⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽¹¹⁾ OJ No L 387, 31. 12. 1992.

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 26 March 1993 fixing the import levies on live cattle and on beef and veal other than frozen

(ECU/100 kg)

CN code	Croatia / Slovenia / Bosnia-Herzegovina / the territory of the former Yugoslav Republic of Macedonia ⁽¹⁾	Austria ⁽²⁾	Sweden/Switzerland	Other third countries ⁽³⁾
— Live weight —				
0102 90 05	—	17,469	30,063	134,374 ⁽¹⁾
0102 90 21	—	17,469	30,063	134,374 ⁽¹⁾
0102 90 29	—	17,469	30,063	134,374 ⁽¹⁾
0102 90 41	—	17,469	30,063	134,374 ⁽¹⁾ ⁽⁴⁾
0102 90 49	—	17,469	30,063	134,374 ⁽¹⁾ ⁽⁴⁾
0102 90 51	23,574	17,469	30,063	134,374 ⁽¹⁾
0102 90 59	23,574	17,469	30,063	134,374 ⁽¹⁾
0102 90 61	—	17,469	30,063	134,374 ⁽¹⁾
0102 90 69	—	17,469	30,063	134,374 ⁽¹⁾
0102 90 71	23,574	17,469	30,063	134,374 ⁽¹⁾
0102 90 79	23,574	17,469	30,063	134,374 ⁽¹⁾
— Net weight —				
0201 10 00	44,791	33,190	57,120	255,311 ⁽¹⁾ ⁽⁵⁾
0201 20 20	44,791	33,190	57,120	255,311 ⁽¹⁾ ⁽⁵⁾
0201 20 30	35,833	26,552	45,696	204,248 ⁽¹⁾ ⁽⁵⁾
0201 20 50	53,750	39,828	68,544	306,373 ⁽¹⁾ ⁽⁵⁾
0201 20 90	—	49,786	85,679	382,966 ⁽¹⁾ ⁽⁵⁾
0201 30 00	—	56,948	98,005	438,060 ⁽¹⁾ ⁽⁵⁾
0206 10 95	—	56,948	98,005	438,060 ⁽¹⁾
0210 20 10	—	49,786	85,679	382,966
0210 20 90	—	56,948	98,005	438,060
0210 90 41	—	56,948	98,005	438,060
0210 90 90	—	56,948	98,005	438,060
1602 50 10	—	56,948	98,005	438,060
1602 90 61	—	56,948	98,005	438,060

⁽¹⁾ In accordance with amended Regulation (EEC) No 715/90, levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.

⁽²⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽³⁾ This levy is applicable only to products complying with the provisions of Commission Regulation (EEC) No 185/93.

⁽⁴⁾ This levy is applicable only to products complying with the provisions of the Agreement between the EEC and Austria (OJ No L 111, 29. 4. 1992, p. 21).

⁽⁵⁾ Products falling within this code, imported from Poland, the territories of the ex Czech and Slovak Federal Republic 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 Commission Regulation (EEC) No 3589/92 (OJ No L 364, 12. 12. 1992, p. 28) have been presented, are subject to the levies set out in the Annex to that Regulation.

⁽⁶⁾ Products falling within this code, imported from Poland, the territories of the ex Czech and Slovak Federal Republic 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 Commission Regulation (EEC) No 247/93 (OJ No L 28, 5. 2. 1993, p. 39) have been presented, are subject to the levies set out in the Annex to that Regulation.

COMMISSION REGULATION (EEC) No 706/93
of 26 March 1993
fixing the import levies on frozen beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 125/93⁽²⁾, and in particular Article 12 (8) thereof,

Whereas, pursuant to Article 9 of Regulation (EEC) No 805/68, a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas, in respect of the types of frozen meat listed in section (b) of the Annex to the said Regulation under CN codes 0202 10 00 and 0202 20 10, the basic levy is determined on the basis of the difference between:

- the guide price multiplied by a coefficient representing the ratio existing in the Community between the price of fresh meat of a category competitive with the frozen meat in question, presented in the same form, and the average price of adult bovine animals, and
- the Community free-at-frontier offer price for frozen meat, plus the amount of the customs duty and a standard amount representing the specific costs of the import operations;

Whereas, by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of the levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff⁽³⁾, as last amended by Regulation (EEC) No 3661/92⁽⁴⁾, the abovementioned coefficient, calculated in accordance with the rules laid down in Article 11 (2) (a) of Regulation (EEC) No 805/68, has been fixed at 1,69 units of account and the standard amount referred to in Article 11 (2) (b) of the said Regulation has been fixed at ECU 6,65;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;

- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;

- (c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;

- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is equal to or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;

- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;

- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;

- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas the guide prices for adult bovine animals for the 1992/93 marketing year have been fixed by Council Regulation (EEC) No 1377/92⁽⁵⁾; whereas Council Regulation (EEC) No 660/93⁽⁶⁾ has extended the 1992/93 marketing year for beef and veal until 30 June 1993;

Whereas the Community free-at-frontier offer price for frozen meat is determined by reference to the world market price based on the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period preceding the fixing of the basic levy, taking into account in particular:

- foreseeable developments on the market in frozen meat,
- the most representative prices on third country markets for fresh and chilled meat of a category which is competitive with frozen meat,
- past experience;

Whereas the basic levy on the types of frozen meat listed in section (b) of the Annex to Regulation (EEC) No 805/68 under CN codes 0202 20 50, 0202 20 90, 0202 30 10, 0202 30 50 and 0202 30 90 is equal to the basic levy fixed for the products falling within CN codes 0202 10 00 and 0202 20 10, multiplied by a standard

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 18, 27. 1. 1993, p. 1.

⁽³⁾ OJ No L 75, 23. 3. 1977, p. 10.

⁽⁴⁾ OJ No L 370, 19. 12. 1992, p. 16.

⁽⁵⁾ OJ No L 147, 29. 5. 1992, p. 6.

⁽⁶⁾ OJ No L 71, 24. 3. 1993, p. 1.

coefficient fixed for each of the products in question; whereas these coefficients were fixed in Annex II to Regulation (EEC) No 586/77;

Whereas, for the purpose of fixing the free-at-frontier offer prices, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account; whereas offer prices should also be excluded when the movement of prices in general or the information available gives reason to believe that they are unrepresentative of the true trend of prices in the country of origin;

Whereas, where the free-at-frontier offer price for frozen meat differs by less than one unit of account per 100 kilograms from that previously used for the calculation of the levy, the latter price should be retained;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on the representative market or markets of each Member State for the various categories of adult bovine animals or of meat from such animals, taking into account the size of each of these categories and the relative size of the bovine herd of each Member State;

Whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community⁽¹⁾, as last amended by Regulation (EEC) No 1615/92⁽²⁾;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets; for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day; whereas in respect of Italy the price of each category and quality is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone; whereas in respect of the United Kingdom the weighted average prices of adult

bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax', are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex;

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets, the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices;

Whereas, for such period as the price of adult bovine animals recorded on representative Community markets differs by less than ECU 0,24 per 100 kilograms of live weight from the price previously used, the latter is retained;

Whereas Council Regulation (EEC) No 715/90⁽³⁾, as amended by Regulation (EEC) No 297/91⁽⁴⁾, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States;

Whereas Council Regulations (EEC) No 518/92⁽⁵⁾, (EEC) No 519/92⁽⁶⁾ and (EEC) No 520/92⁽⁷⁾ of 27 February 1992 on certain procedures for applying the Interim Agreements on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic respectively, of the other part, introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 3589/92⁽⁸⁾ lays down detailed rules for applying the arrangements provided for in these agreements as regards beef and veal;

⁽¹⁾ OJ No L 77, 25. 3. 1977, p. 1.

⁽²⁾ OJ No L 170, 25. 6. 1992, p. 16.

⁽³⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁴⁾ OJ No L 36, 8. 2. 1991, p. 9.

⁽⁵⁾ OJ No L 56, 29. 2. 1992, p. 3.

⁽⁶⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽⁷⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁸⁾ OJ No L 364, 12. 12. 1992, p. 28.

Whereas declarations have been submitted by both the Czech Republic and the Slovak Republic informing the Communities that both the Czech Republic and the Slovak Republic continue to assume all the obligations deriving, *inter alia*, from the Interim Agreement between the Communities and the Czech and Slovak Federal Republic upon the dissolution of the latter on 31 December 1992 and in consequence the concessions provided in the Interim Agreement should be accorded without distinction to products originating in the Czech Republic or in the Slovak Republic;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾, no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas the various cuts of frozen meat are defined in Regulation (EEC) No 586/77;

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas the levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month; whereas these levies may be altered in

the period between two fixings where the basic levy is altered, or in these case of changes in the prices recorded on Community representative markets;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽²⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 3819/92⁽³⁾;

Whereas, having regard to the provisions of the aforementioned Regulations, and in particular to the information and quotations known to the Commission, the levies on frozen beef and veal should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen beef and veal shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 5 April 1993.

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992.

ANNEX

to the Commission Regulation of 26 March 1993 fixing the import levies on frozen beef and veal ⁽¹⁾ ⁽²⁾

(ECU/100 kg)

CN code	Levy
	— Net weight —
0202 10 00	193,059 ⁽³⁾
0202 20 10	193,059 ⁽³⁾
0202 20 30	154,447 ⁽³⁾
0202 20 50	241,324 ⁽³⁾
0202 20 90	289,589 ⁽³⁾
0202 30 10	241,324 ⁽³⁾
0202 30 50	241,324 ⁽³⁾
0202 30 90	332,061 ⁽³⁾
0206 29 91	332,061

⁽¹⁾ In accordance with amended Regulation (EEC) No 715/90, levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.

⁽²⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽³⁾ Products falling within this code, imported from Poland, the territories of the ex Czech and Slovak Federal Republic 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 Commission Regulation (EEC) No 3589/92 (OJ No L 364, 12. 12. 1992, p. 28) have been presented, are subject to the levies set out in the Annex to that Regulation.

COMMISSION REGULATION (EEC) No 707/93

of 26 March 1993

fixing the refunds applicable to cereal and rice sector products supplied as
Community and national 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 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1738/92 ⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 674/92 ⁽⁴⁾, and in particular Article 11 (2) thereof,Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 16 of Regulation (EEC) No 2727/75 and in Article 17 of Regulation (EEC) No 1418/76 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;Whereas Article 3 of Council Regulation (EEC) No 2746/75 ⁽⁶⁾ and Article 6 of Council Regulation (EEC) No 2744/75 ⁽⁷⁾, as last amended by Regulation (EEC) No 1906/87 ⁽⁸⁾, lay down specific criteria to be taken into account for calculating the refunds on cereals and on products processed from cereals; whereas specific criteria applying in the case of wheat flours are set out in Article 4 of Regulation (EEC) No 2746/75;Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 3 of Council Regulation (EEC) No 1431/76 ⁽⁹⁾;

Whereas the refunds fixed by this Regulation are applicable without any variations, for all destinations;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations the refunds applicable for April 1993 to cereals and rice sector products shall be as set out in the Annex.

Article 2

The refunds fixed in this Regulation shall not be regarded as refunds varying according to destination.

Article 3

This Regulation shall enter into force on 1 April 1993.

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.
⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.
⁽⁴⁾ OJ No L 73, 19. 3. 1992, p. 7.
⁽⁵⁾ OJ No L 288, 25. 10. 1974, p. 1.

⁽⁶⁾ OJ No L 281, 1. 11. 1975, p. 78.
⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.
⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.
⁽⁹⁾ OJ No L 166, 25. 6. 1976, p. 36.

ANNEX

to the Commission Regulation of of 26 March 1993 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(ECU/tonne)	
Product code	Refund
1001 10 00 400	125,00
1001 90 99 000	63,00
1002 00 00 000	97,00
1003 00 80 000	83,00
1004 00 00 400	—
1005 90 00 000	90,00
1006 20 92 000	229,00
1006 20 94 000	229,00
1006 30 42 000	—
1006 30 44 000	—
1006 30 92 100	286,00
1006 30 92 900	286,00
1006 30 94 100	286,00
1006 30 94 900	286,00
1006 30 96 100	286,00
1006 30 96 900	286,00
1006 40 00 000	—
1007 00 90 000	90,00
1101 00 00 100	87,00
1101 00 00 130	87,00
1102 20 10 100	122,88
1102 20 10 300	105,32
1102 30 00 000	—
1102 90 10 100	99,33
1103 11 30 200	187,50
1103 11 50 200	187,50
1103 11 90 200	87,00
1103 13 10 100	157,99
1103 14 00 000	—
1104 12 90 100	212,52
1104 21 50 100	132,44

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EEC) No 708/93

of 26 March 1993

setting the amounts of aid for the supply of rice products from the Community
to the Canary Islands

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

Having regard to Council Regulation (EEC) No 1601/92
of 15 June 1992 introducing specific measures in respect
of certain agricultural products for the benefit of the
Canary Islands⁽¹⁾, as amended by Regulation (EEC)
No 3714/92⁽²⁾, and in particular Article 2 thereof,

Whereas, pursuant to Article 3 of Regulation (EEC)
No 1601/92, the requirements of the Canary Islands for
rice are to be covered in terms of quantity, price and
quality by the mobilization, on disposal terms equivalent
to exemption from the levy, of Community rice, which
involves the grant of an aid for supplies of Community
origin; whereas this aid is to be fixed with particular
reference to the costs of the various sources of supply and
in particular is to be based on the prices applied to
exports to third countries;

Whereas Commission Regulation (EEC) No 1695/92⁽³⁾,
as amended by Regulation (EEC) No 2132/92⁽⁴⁾, lays
down common detailed rules for implementation of the
specific arrangements for the supply of certain agricul-
tural products, including rice, to the Canary Islands;
whereas Commission Regulation (EEC) No 1997/92 of
17 July 1992 laying down detailed rules for implementa-
tion of the specific arrangements for the supply of rice
products to the Canary Islands and establishing the fore-
cast supply balance for these products⁽⁵⁾, as amended by
Regulation (EEC) No 399/93⁽⁶⁾, lays down detailed rules
which complement or derogate from the provisions of the
aforementioned Regulation;

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

used to convert amounts expressed in third country
currencies and are used as the basis for determining the
agricultural conversion rates of the Member States' curren-
cies; whereas detailed rules on the application and deter-
mination of these conversions were set by Commission
Regulation (EEC) No 3819/92⁽⁸⁾;

Whereas, as a result of the application of these detailed
rules to the current market situation in the rice sector,
and in particular to the rates of prices for these products
in the European part of the Community and on the world
market, the aid for supply to the Canary Islands should be
set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 3 of Regulation (EEC) No 1601/92,
the amount of aid for the supply of rice of Community
origin under the specific arrangements for the supply of
the Canary Islands shall be as set out in the Annex
hereto.

Article 2

This Regulation shall enter into force on 1 April 1993.

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 1.

⁽⁴⁾ OJ No L 213, 29. 7. 1992, p. 25.

⁽⁵⁾ OJ No L 199, 18. 7. 1992, p. 20.

⁽⁶⁾ OJ No L 46, 24. 2. 1993, p. 5.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 17.

ANNEX

to the Commission Regulation of 26 March 1993 setting the amounts of aid for the supply of rice products from the Community to the Canary Islands

Product (CN code)	<i>(ECU/tonne)</i>	
	Amount of aid	
	Canary Islands	
Milled rice (1006 30)	271,00	
Broken rice (1006 40)	60,00	

COMMISSION REGULATION (EEC) No 709/93**of 26 March 1993****amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply
of cereals products from the Community to the Azores and Madeira**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as amended by Regulation (EEC) No 3714/92 ⁽²⁾, and in particular Article 10 thereof,

Whereas the amounts of aid for the supply of cereals products to the Azores and Madeira has been settled by Commission Regulation (EEC) No 1833/92 ⁽³⁾, as last amended by Regulation (EEC) No 446/93 ⁽⁴⁾, whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The Annex of Regulation (EEC) No 1833/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 April 1993.

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No L 185, 4. 7. 1992, p. 28.

⁽⁴⁾ OJ No L 49, 27. 2. 1993, p. 31.

ANNEX

to the Commission Regulation of 26 March 1993 amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira

<i>(Ecu/tonne)</i>			
Product (CN code)		Amount of aid	
		Destination	
		Azores	Madeira
Common wheat	(1001 90 99)	66,00	66,00
Barley	(1003 00 80)	86,00	86,00
Maize	(1005 90 00)	92,00	92,00
Durum wheat	(1001 10 00)	127,50	127,50

COMMISSION REGULATION (EEC) No 710/93**of 26 March 1993****amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply
of cereals products from the Community to the French overseas departments**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments ⁽¹⁾, as amended by Regulation (EEC) No 3714/92 ⁽²⁾, and in particular Article 2 (6) thereof,

Whereas the amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92 ⁽³⁾, as last amended by Regulation (EEC) No 445/93 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market,

the aid for supply to the FOD should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of Regulation (EEC) No 391/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 April 1993.

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No L 43, 19. 2. 1992, p. 23.

⁽⁴⁾ OJ No L 49, 27. 2. 1993, p. 29.

ANNEX

to the Commission Regulation of 26 March 1993 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Ecu/tonnes)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	69,00	69,00	69,00	72,00
Barley (1003 00 80)	89,00	89,00	89,00	92,00
Maize (1005 90 00)	95,00	95,00	95,00	98,00
Durum wheat (1001 10 00)	130,50	130,50	130,50	133,50

COMMISSION REGULATION (EEC) No 711/93
of 25 March 1993

re-establishing the levying of customs duties on products of category 9 (order No 40.0090), originating in Indonesia, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

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

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries ⁽¹⁾, extended into 1993 by Council Regulation (EEC) No 3917/92 ⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/90 provides that preferential tariff treatment shall be accorded for 1993 for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of products of category 9 (order No 40.0090), originating in Indonesia, the relevant ceiling amounts to 131 tonnes;

Whereas on 15 January 1993 imports of the products in question into the Community, originating in Indonesia, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Indonesia,

HAS ADOPTED THIS REGULATION:

Article 1

As from 30 March 1993 the levying of customs duties, suspended pursuant to Regulation (EEC) No 3832/90, shall be re-established in respect of the following products, imported into the Community and originating in Indonesia:

Order No	Category (unit)	CN code	Description
40.0090	9 (tonnes)	5802 11 00 5802 19 00 ex 6302 60 00	Terry towelling and similar woven terry fabrics of cotton; toilet linen and kitchen linen, of terry towelling and similar woven terry fabrics, of cotton, other than knitted or crocheted

Article 2

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

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

Done at Brussels, 25 March 1993.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 39.

⁽²⁾ OJ No L 396, 31. 12. 1992, p. 1.

COMMISSION REGULATION (EEC) No 712/93

of 26 March 1993

laying down detailed rules for the application of the NAFO pilot observer scheme

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

Having regard to Council Regulation (EEC) No 3928/92 of 20 December 1992 establishing a NAFO pilot observer scheme applicable to Community fishing vessels operating in the Regulatory Area of the Northwest Atlantic Fisheries Organization (NAFO) ⁽¹⁾, and in particular Article 3 thereof,

Whereas detailed rules should be laid down for implementing the NAFO pilot observer scheme, hereinafter referred to as 'the observer scheme' and, in particular with regard to the participation of Community observers in the observer scheme, and the cooperation of the Member States and the Commission in these matters;

Whereas cases of *force majeure* should be dealt with by the Member States in accordance with the principles laid down in the case law of the Court of Justice;

Whereas the Management Committee for Fishery Resources has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. Member States shall appoint the number of observers to participate in the observer scheme necessary to ensure that the level of observer deployment is equivalent to that laid down in point 1 (i) of the Annex to Regulation (EEC) No 3928/92.
2. Member States shall forward to the Commission by 15 March of each year the number of observers and the number and types of vessel to which observers will be assigned. The names of the vessels and the names of the observers shall be notified to the Commission prior to the embarkation of the observers.
3. On the basis of the information referred to in paragraph 2, the Commission, in cooperation with the Member States, shall draw up a provisional plan for participation in the observer scheme for the calendar year in question and notify the said plan to the Executive Secretary of NAFO.

Article 2

A Member State whose vessels are not expected to exceed 50 days per annum on ground in the NAFO Regulatory Area in the period 1 January 1993 to 30 June 1994 shall

be exempt from the requirement to deploy observers under the observer scheme.

Article 3

1. Member States shall specify in the Community observers' contract of employment the precise duties to be carried out by the said observers. These duties shall correspond to those set out in point 2 of the Annex to Regulation (EEC) No 3928/92.

2. The notification referred to in Article 1 (2) shall indicate the qualifications and bank account details of each observer.

Article 4

1. The Commission shall pay the Community observers assigned to the observer scheme by means of a *per diem* allowance. This allowance shall be calculated on the same basis and at the same rate as that employed by the Commission to reimburse national experts attending Commission meetings.

2. On receipt of the information requested in Article 3, the Commission shall advance a maximum of 30 % of the total estimated *per diem* allowance for each Community observer. The remaining portion of the allowance shall be payable within 20 days of receipt of the observation report and all supporting documentation.

3. The *per diem* allowance shall be paid directly to the Community observer.

Article 5

1. The Community observer shall complete observation reports in the format prescribed in Annex I.

2. During the observation period the observers shall keep a log of all fishing activities engaged in by the vessel under observation. Guidelines on the preparation of this log are set out in Annex II.

3. The observation report, a copy of the daily log and any other supporting documents shall be forwarded to the competent authorities of the flag State within 10 days of the termination of the observation period.

Article 6

The observer report and any supporting documentation shall be treated as confidential by the observers. The master of the vessel observed may, on his own request, be provided with a copy.

⁽¹⁾ OJ No L 397, 31. 12. 1992, p. 78.

Article 7

1. On receipt of the observer reports, Member States shall evaluate the said reports and, in the event that the reports indicate that the vessel observed has engaged in fishing practices at variance with conservation measures, the authorities of the said Member States shall take all appropriate action to investigate the matter in order to prevent such practices.

2. Member States shall forward copies of all observation reports and any supporting documentation to the Commission within 10 days of receipt of the said reports.

Article 8

1. Member States shall designate their respective competent authorities to evaluate and decide upon all claims of *force majeure* entailing a decision by the master

of the vessel not to accept an observer on board or to limit the observation period as provided for in point 3 (ii) of the Annex to Regulation (EEC) No 3928/92.

2. In the event that the competent authorities accede to claims of *force majeure* as referred to in paragraph 1, all pertinent information pertaining to these decisions shall be forwarded to the Commission, within five days of the date of the decisions.

Article 9

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

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

Done at Brussels, 26 March 1993.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

TRIP REPORT FROM TO 199 ..

3. Total catch per area. Quota species in kilograms. Observer's estimate. Live weight (LW); processed weight (PW).

4. Total catch per area. Non-quota species in kilograms. Observer's estimate.

[illegible]

5. Transshipment. Transshipment declaration No

Date	Place/position	Species	Observer's estimate Amounts in kg	Receiving vessel/company	Nationality	Transshipment declaration, kg

6. Compliance with the NAFO conservation and enforcement measures

☐ yes
☐ no

If no:

Date	Part/section/paragraph	Nature of non-compliance

7. Date Signature

8. Comments with references to serial numbers an points of daily reports

Date Signature

DAILY REPORT 00.00-24.00 LOCAL TIME ZT +

4. Catches kept on board. All species in kilograms.

[illegible]

- ☐ yes ☐ no Amounts in kg

6. Other discards

☐
yes☐
no

Species

Amounts in kg

7. Other observations

.....

8. Date Signature

COMMISSION REGULATION (EEC) No 713/93
of 26 March 1993

amending Regulation (EEC) No 3478/92 laying down detailed rules for the application of the premium system for raw tobacco with regard to cultivation declarations

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organization of the market in raw tobacco⁽¹⁾, and in particular Article 27 thereof,

Whereas in some Member States producer groups carried out first processing themselves; whereas it was possible, under the system which had been established by Article 3 of Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco⁽²⁾, as last amended by Regulation (EEC) No 860/92⁽³⁾, for first processing to take place on the basis of a cultivation declaration instead of a cultivation contract; whereas Regulation (EEC) No 2075/92 no longer provides for this possibility;

Whereas the absence of such an option has been found to create transition difficulties in the industry; whereas the short space of time between the reform and its implementation makes it difficult to put a stop to this commercial practice within the time required; whereas Commission Regulation (EEC) No 3478/92⁽⁴⁾, as amended by Regulation (EEC) No 648/93⁽⁵⁾, should therefore be amended to authorize operators who have availed themselves of this option in the past to engage in this activity for the 1993 harvest; whereas, however, Member States should provide for stringent and specific control measures to prevent fraud;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following Article 5a is hereby added to Regulation (EEC) No 3478/92:

'Article 5a

1. Where a producer group, regarded as a producer in accordance with the third indent of Article 2 of

Regulation (EEC) No 3477/92, carries out the first processing of tobacco, the cultivation contract shall be replaced, as a transitional measure and in respect of the 1993 harvest, by a cultivation declaration to be submitted to the competent authorities of the Member State concerned by 14 April at the latest, subject to the group's having presented, in accordance with Article 3 (2) of Regulation (EEC) No 727/70, such a declaration since the 1989 harvest but before 20 June 1992.

2. The cultivation declaration must include the following details:

- (a) the name of the group concerned and of its members,
- (b) reference to the cultivation certificates or, as appropriate, to the quota statement,
- (c) the tobacco variety,
- (d) the maximum quantity to be produced,
- (e) the proportion of production to undergo first processing by the group,
- (f) the exact location where the tobacco is produced and undergoes first processing,
- (g) the areas cultivated by the members of the group.

3. The provisions of this Regulation with regard to cultivation contracts shall apply, *mutatis mutandis*, to cultivation declarations.

4. The cultivation declaration shall be registered by the competent authority before 1 May, after the accuracy of the details supplied have been verified on the basis of, *inter alia*, the production and processing data relating to previous harvests.

5. The competent authority shall determine the requirements which it considers necessary for the monitoring of the operations.'

Article 2

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

⁽¹⁾ OJ No L 215, 30. 7. 1992, p. 70.

⁽²⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽³⁾ OJ No L 91, 7. 4. 1992, p. 1.

⁽⁴⁾ OJ No L 351, 2. 12. 1992, p. 17.

⁽⁵⁾ OJ No L 69, 20. 3. 1993, p. 30.

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 714/93

of 26 March 1993

amending Regulation (EEC) No 2168/92 laying down detailed implementing rules for the specific measures for the Canary Islands with regards to potatoes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992, introducing specific measures for the Canary Islands concerning certain agricultural products⁽¹⁾, as amended by Commission Regulation (EEC) No 3714/92⁽²⁾, and in particular Article 21 thereof,

Whereas Article 21 of Regulation (EEC) No 1601/92 provides for a restriction on deliveries of ware potatoes to the Canary Islands from third countries or from the rest of the Community, in order to avoid disturbance of the market during the periods which are crucial for the marketing of the Canary Islands' production; whereas it is appropriate to fix the sensitive period as well as the maximum quantities of potatoes to be delivered to the Canary Islands during 1993; whereas it is appropriate to amend Article 10 of Commission Regulation (EEC) No 2168/92⁽³⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2168/92 is hereby amended as follows:

1. the first indent of Article 10 (1) is replaced by the following:

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

Done at Brussels, 26 March 1993.

'During the period 1 April to 31 October 1993, the delivery of potatoes falling within CN headings 0701 90 51, 0901 90 59 and 0701 90 90 from third countries and the rest of the Community to the Canary Islands, shall be limited to the quantities as set out in the Annex.';

2. the following Annex is added:

'ANNEX'

Distribution of the quantities referred to in Article 10:

Month	Quantity (tonnes)
April	3 700
May	500
June	100
July	100
August	100
September	150
October	4 350'

Article 2

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

It shall apply from 1 April 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No L 217, 31. 7. 1992, p. 44.

COMMISSION REGULATION (EEC) No 715/93
of 26 March 1993
extending certain time limits for the certification of hops

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

Having regard to Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organization of the market in hops ⁽¹⁾, as last amended by Regulation (EEC) No 3124/92 ⁽²⁾,

Having regard to Council Regulation (EEC) No 1784/77 of 1 July 1977 on the certification of hops ⁽³⁾, as last amended by Regulation (EEC) No 1605/91 ⁽⁴⁾, and in particular Article 1 (3) thereof,

Whereas the said Regulation (EEC) No 1784/77 set an annual deadline for the certification of hop cones; whereas it also provides that this date may be deferred when disposal problems arise for a given harvest; whereas this situation has arisen in respect of the 1992 harvest in certain regions of the Community; whereas, therefore, the deadline for the certification of hop cones from the 1992 harvest should be deferred to 31 May 1993;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1992 harvest the final date for the certification of hop cones is hereby postponed to 31 May 1993.

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 from 1 April 1993.

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 175, 4. 8. 1971, p. 1.

⁽²⁾ OJ No L 313, 30. 10. 1992, p. 1.

⁽³⁾ OJ No L 200, 8. 8. 1977, p. 1.

⁽⁴⁾ OJ No L 149, 14. 6. 1991, p. 14.

**COMMISSION REGULATION (EEC) No 716/93
of 26 March 1993**

**fixing advance payments in respect of the production levies in the sugar sector
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 (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 3814/92 ⁽²⁾, and in particular Article 28 (8) thereof,

Whereas Article 5 of Commission Regulation (EEC) No 1443/82 of 8 June 1982 laying down detailed rules for the application of the quota system in the sugar sector ⁽³⁾, as last amended by Regulation (EEC) No 886/91 ⁽⁴⁾, provides for the fixing before 1 April, and the collection before the following 1 June, of the unit amounts to be paid by sugar producers and isoglucose producers as advance payments of the production levies for the current marketing year; whereas the estimate of the basic production levy and of the B levy, referred to in Article 6 of Regulation (EEC) No 1443/82, gives an amount which is more than 60 % of the maximum amounts indicated in Article 28 (3), (4) and (5) of Regulation (EEC) No 1785/81; whereas, in accordance with Article 6 of Regulation (EEC) No 1443/82, the unit amounts for sugar should therefore be fixed at 50 % of the maximum amounts concerned and for isoglucose the unit amount of the advance payment should therefore be fixed at 40 % of the unit amount of the basic production levy estimated for sugar;

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

HAS ADOPTED THIS REGULATION:

Article 1

The unit amounts referred to in Article 5(1)(b) of Regulation (EEC) No 1443/82 in respect of the 1992/93 marketing year are hereby fixed as follows:

- (a) the advance payment of the basic production levy for A sugar and B sugar shall be ECU 0,530 per 100 kilograms of white sugar;
- (b) the advance payment of the B levy for B sugar shall be ECU 9,939 per 100 kilograms of white sugar;
- (c) the advance payment of the basic production levy for A isoglucose and B isoglucose shall be ECU 0,424 per 100 kilograms of dry matter.

Article 2

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

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽³⁾ OJ No L 158, 9. 6. 1982, p. 17.

⁽⁴⁾ OJ No L 90, 11. 4. 1991, p. 15.

COMMISSION REGULATION (EEC) No 717/93

of 26 March 1993

amending Regulation (EEC) No 3076/78 on the importation of hops from non-member countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1696/71 of 26 June 1971 on the common organization of the market in hops ⁽¹⁾, as last amended by Regulation (EEC) No 3124/92 ⁽²⁾, and in particular Article 5 (3) thereof,

Whereas, pursuant to Article 1 (2) of Commission Regulation (EEC) No 3076/78 of 21 December 1978 on the importation of hops from non-member countries ⁽³⁾, as last amended by Regulation (EEC) No 2940/92 ⁽⁴⁾, hops imported from non-member countries must be accompanied by an attestation of equivalence; whereas a temporary derogation — in the form of a control attestation — is given to certain countries not listed in the Annex to Commission Regulation (EEC) No 3077/78 of 21 December 1978 on the equivalence with Community certificates of attestations accompanying hops imported from non-member countries ⁽⁵⁾, as last amended by Regulation (EEC) No 2238/91 ⁽⁶⁾; whereas these control attestations provide only very little information as regards the characteristics of the product and no information at all on its origin and year of harvest; whereas, therefore, provi-

sion should be made for hops imported with a control attestation and hop products prepared from such hops not to be covered by a certification procedure;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph is added to Article 4 (1) of Regulation (EEC) No 3076/78:

'Hops imported with a control attestation and hop products prepared from hops imported with such an attestation may not be covered by a certification procedure.'

Article 2

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

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 175, 4. 8. 1971, p. 1.

⁽²⁾ OJ No L 313, 30. 10. 1992, p. 1.

⁽³⁾ OJ No L 367, 28. 12. 1978, p. 17.

⁽⁴⁾ OJ No L 294, 10. 10. 1992, p. 8.

⁽⁵⁾ OJ No L 367, 28. 12. 1978, p. 28.

⁽⁶⁾ OJ No L 204, 27. 7. 1991, p. 13.

COMMISSION REGULATION (EEC) No 718/93
of 26 March 1993
amending Regulation (EEC) No 3889/87 laying down detailed rules for the
application of the special measures for certain regions of hops production

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

Having regard to Council Regulation (EEC) No 2997/87
of 22 September 1987 laying down, in respect of hops,
the amount of aid to producers for the 1986 harvest and
providing for special measures for certain regions of
production⁽¹⁾, as last amended by Regulation (EEC)
No 3338/92⁽²⁾, and in particular Article 2 (6) thereof,

Whereas, pursuant to Article 7 (3) of Regulation (EEC)
No 1696/71 of 26 July 1971 on the common organiza-
tion of the market in hops⁽³⁾, as last amended by Regula-
tion (EEC) No 3124/92⁽⁴⁾, new producer groups may be
recognized during the period of implementation of the
conversion programme submitted by a Member State;
whereas this Member State should be allowed to submit
an additional varietal conversion programme which
includes the plan of the newly recognized group; whereas
Commission Regulation (EEC) No 3889/87⁽⁵⁾, as last
amended by Regulation (EEC) No 345/91⁽⁶⁾, should be
amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following is hereby added to Article 1 (2) of Regula-
tion (EEC) No 3889/87:

‘Nevertheless, Member States may submit additional
programmes before 31 December 1993 in order to
include producer groups which were not included in
their initial programmes.’

Article 2

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

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 284, 7. 10. 1987, p. 19.

⁽²⁾ OJ No L 336, 20. 11. 1992, p. 3.

⁽³⁾ OJ No L 175, 4. 8. 1971, p. 1.

⁽⁴⁾ OJ No L 313, 30. 10. 1992, p. 1.

⁽⁵⁾ OJ No L 365, 24. 12. 1987, p. 41.

⁽⁶⁾ OJ No L 41, 14. 2. 1991, p. 18.

COMMISSION REGULATION (EEC) No 719/93

of 25 March 1993

concerning the classification of certain goods in the combined nomenclature

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Commission Regulation (EEC) No 558/93⁽²⁾, and in particular Article 9 thereof,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and these rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivisions to it and which is established by specific Community provisions, with a view to the application of tariff or other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas it is appropriate that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the combined nomenclature, and which do not conform to the rights established by this Regulation, can continue to be

invoked under the provisions in Article 6 of Commission Regulation (EEC) No 3796/90⁽³⁾, as amended by Regulation (EEC) No 2674/92⁽⁴⁾, for a period of three months by the holder if a binding contract has been concluded such as is envisaged in Article 14 (3) (a) or (b) of Commission Regulation (EEC) No 1715/90⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the combined nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

Binding tariff information issued by the customs authorities of Member States which do not conform to the rights established by this Regulation can continue to be invoked under the provisions of Article 6 of Regulation (EEC) No 3796/90 for a period of three months by the holder if a binding contract has been concluded as envisaged in Article 14 (3) (a) or (b) of Regulation (EEC) No 1715/90.

Article 3

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 25 March 1993.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.
⁽²⁾ OJ No L 58, 11. 3. 1993, p. 50.

⁽³⁾ OJ No L 365, 28. 12. 1990, p. 17.
⁽⁴⁾ OJ No L 271, 16. 9. 1992, p. 5.
⁽⁵⁾ OJ No L 160, 26. 6. 1990, p. 1.

ANNEX

Description	Classification CN Code	Reason
(1)	(2)	(3)
Emmentaler cheese in irregularly formed particles approximately 3 mm wide, less than 1 mm thick and of varying lengths, generally exceeding 10 mm.	0406 20 90	Classification is determined by General Rules 1 and 6 for the interpretation of the combined nomenclature and by the wording of CN codes 0406, 0406 20 and 0406 20 90. Because of the form of the cheese particles, the product is regarded as <i>grated</i> cheese.

COMMISSION REGULATION (EEC) No 720/93

of 26 March 1993

amending Regulation (EEC) No 2164/92 laying down detailed rules for the application of the specific supply arrangements for the Canary Islands relating to milk products and establishing the forecast supply balance

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

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽¹⁾, amended by Regulation (EEC) No 3714/92 ⁽²⁾, and in particular Article 3 (4) thereof,

Whereas Commission Regulation (EEC) No 1695/92 ⁽³⁾, as amended by Regulation (EEC) No 2132/92 ⁽⁴⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Canary Islands;

Whereas Annex II to Commission Regulation (EEC) No 2164/92 of 30 July 1992 laying down detailed rules for the application of the specific supply arrangements for the Canary Islands relating to milk products and establishing the forecast supply balance ⁽⁵⁾, amended by Regu-

lation (EEC) No 3551/92 ⁽⁶⁾, fixes the aid for milk products;

Whereas Commission Regulation (EEC) No 689/93 ⁽⁷⁾ fixing the export refunds on milk and milk products adjust the refunds on certain milk products; whereas the aid for certain products listed in Annex II to Commission Regulation (EEC) No 2164/92 should be adapted to take account of those adjustments,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EEC) No 2164/92 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 27 March 1993.

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 1.

⁽⁴⁾ OJ No L 213, 29. 7. 1992, p. 25.

⁽⁵⁾ OJ No L 217, 31. 7. 1992, p. 17.

⁽⁶⁾ OJ No L 361, 10. 12. 1992, p. 21.

⁽⁷⁾ OJ No L 73, 26. 3. 1993, p. 19.

ANNEX

ANNEX II

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter ⁽¹⁾ :			
0401 10	— Of a fat content, by weight, not exceeding 1 % :			
0401 10 10	— — In immediate packings of a net content not exceeding 2 litres	0401 10 10 000	(¹)	5,45
0401 10 90	— — Other	0401 10 90 000	(¹)	5,45
0401 20	— Of a fat content, by weight, exceeding 1 % but not exceeding 6 % :			
	— — Not exceeding 3 % :			
0401 20 11	— — — In immediate packings of a net content not exceeding 2 litres :			
	— — — — Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 100	(¹)	5,45
	— — — — Of a fat content, by weight, exceeding 1,5 %	0401 20 11 500	(¹)	8,58
0401 20 19	— — — Other :			
	— — — — Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 100	(¹)	5,45
	— — — — Of a fat content, by weight, exceeding 1,5 %	0401 20 19 500	(¹)	8,58
	— — Exceeding 3 % :			
0401 20 91	— — — In immediate packings of a net content not exceeding 2 litres :			
	— — — — Of a fat content, by weight, not exceeding 4 %	0401 20 91 100	(¹)	11,50
	— — — — Of a fat content, by weight, exceeding 4 %	0401 20 91 500	(¹)	13,46
0401 20 99	— — — Other :			
	— — — — Of a fat content, by weight, not exceeding 4 %	0401 20 99 100	(¹)	11,50
	— — — — Of a fat content, by weight, exceeding 4 %	0401 20 99 500	(¹)	13,46
0401 30	— Of a fat content, by weight, exceeding 6 % :			
	— — Not exceeding 21 % :			
0401 30 11	— — — In immediate packings of a net content not exceeding 2 litres :			
	— — — — Of a fat content, by weight :			
	— — — — — Not exceeding 10 %	0401 30 11 100	(¹)	17,36
	— — — — — Exceeding 10 % but not exceeding 17 %	0401 30 11 400	(¹)	26,92
	— — — — — Exceeding 17 %	0401 30 11 700	(¹)	40,59
0401 30 19	— — — Other :			
	— — — — Of a fat content, by weight :			
	— — — — — Not exceeding 10 %	0401 30 19 100	(¹)	17,36
	— — — — — Exceeding 10 % but not exceeding 17 %	0401 30 19 400	(¹)	26,92
	— — — — — Exceeding 17 %	0401 30 19 700	(¹)	40,59
	— — Exceeding 21 % but not exceeding 45 % :			
0401 30 31	— — — In immediate packings of a net content not exceeding 2 litres :			
	— — — — Of a fat content, by weight :			
	— — — — — Not exceeding 35 %	0401 30 31 100	(¹)	48,39
	— — — — — Exceeding 35 % but not exceeding 39 %	0401 30 31 400	(¹)	75,72
	— — — — — Exceeding 39 %	0401 30 31 700	(¹)	83,52

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401 30 39	- - - Other : - Of a fat content, by weight : - Not exceeding 35 % - Exceeding 35 % but not exceeding 39 % - Exceeding 39 % - - Exceeding 45 % :	0401 30 39 100 0401 30 39 400 0401 30 39 700	(1) (1) (1)	48,39 75,72 83,52
0401 30 91	- - - In immediate packings of a net content not exceeding 2 litres : - Of a fat content, by weight : - Not exceeding 68 % - Exceeding 68 % but not exceeding 80 % - Exceeding 80 %	0401 30 91 100 0401 30 91 400 0401 30 91 700	(1) (1) (1)	95,23 140,12 163,55
0401 30 99	- - - Other : - Of a fat content, by weight : - Not exceeding 68 % - Exceeding 68 % but not exceeding 80 % - Exceeding 80 %	0401 30 99 100 0401 30 99 400 0401 30 99 700	(1) (1) (1)	95,23 140,12 163,55
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter :			
0402 10	- In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % : - - Not containing added sugar or other sweetening matter (2) :			
0402 10 11	- - - In immediate packings of a net content not exceeding 2,5 kg	0402 10 11 000	(2)	60,00
0402 10 19	- - - Other	0402 10 19 000	(2)	60,00
	- - - Other (3) :			
0402 10 91	- - - In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 000	(2)	0,6000
0402 10 99	- - - Other	0402 10 99 000	(2)	0,6000
	- In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % :			
0402 21	- - Not containing added sugar or other sweetening matter (2) : - - - Of a fat content, by weight, not exceeding 27 % :			
0402 21 11	- - - - In immediate packings of a net content not exceeding 2,5 kg :			
	- Of a fat content, by weight :			
	- Not exceeding 11 %	0402 21 11 200	(2)	60,00
	- Exceeding 11 % but not exceeding 17 %	0402 21 11 300	(2)	97,48
	- Exceeding 17 % but not exceeding 25 %	0402 21 11 500	(2)	103,42
	- Exceeding 25 %	0402 21 11 900	(2)	112,00
	- - - - Other :			
0402 21 17	- - - - - Of a fat content, by weight, not exceeding 11 %	0402 21 17 000	(2)	60,00
0402 21 19	- - - - - Of a fat content, by weight, exceeding 11 % but not exceeding 27 % :			
	- Not exceeding 17 %	0402 21 19 300	(2)	97,48
	- Exceeding 17 % but not exceeding 25 %	0402 21 19 500	(2)	103,42
	- Exceeding 25 %	0402 21 19 900	(2)	112,00
	- - - - - Of a fat content, by weight, exceeding 27 % :			

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 21 91	- - - - In immediate packings of a net content not exceeding 2,5 kg : - Of a fat content, by weight : - Not 28 % - Exceeding 28 % but not exceeding 29 % - Exceeding 29 % but not exceeding 41 % - Exceeding 41 % but not exceeding 45 % - Exceeding 45 % but not exceeding 59 % - Exceeding 59 % but not exceeding 69 % - Exceeding 69 % but not exceeding 79 % - Exceeding 79 %	0402 21 91 100 0402 21 91 200 0402 21 91 300 0402 21 91 400 0402 21 91 500 0402 21 91 600 0402 21 91 700 0402 21 91 900	(°) (°) (°) (°) (°) (°) (°) (°)	112,91 113,77 115,34 124,41 127,51 139,36 146,46 154,37
0402 21 99	- - - - Other : - Of a fat content, by weight : - Not exceeding 28 % - Exceeding 28 % but not exceeding 29 % - Exceeding 29 % but not exceeding 41 % - Exceeding 41 % but not exceeding 45 % - Exceeding 45 % but not exceeding 59 % - Exceeding 59 % but not exceeding 69 % - Exceeding 69 % but not exceeding 79 % - Exceeding 79 %	0402 21 99 100 0402 21 99 200 0402 21 99 300 0402 21 99 400 0402 21 99 500 0402 21 99 600 0402 21 99 700 0402 21 99 900	(°) (°) (°) (°) (°) (°) (°) (°)	112,91 113,77 115,34 124,41 127,51 139,36 146,46 154,37
ex 0402 29	- - Other (°) : - - - Of a fat content, by weight, not exceeding 27 % : - - - - Other :			
0402 29 15	- - - - In immediate packings of a net content not exceeding 2,5 kg : - Of a fat content, by weight : - Not exceeding 11 % - Exceeding 11 % but not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 %	0402 29 15 200 0402 29 15 300 0402 29 15 500 0402 29 15 900	(°) (°) (°) (°)	0,6000 0,9748 1,0342 1,1200
0402 29 19	- - - - Other : - Of a fat content, by weight : - Not exceeding 11 % - Exceeding 11 % but not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 % - - - Of a fat content, by weight, exceeding 27 % :	0402 29 19 200 0402 29 19 300 0402 29 19 500 0402 29 19 900	(°) (°) (°) (°)	0,6000 0,9748 1,0342 1,1200

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 29 91	— — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a fat content, by weight : — Not exceeding 41 % — Exceeding 41 %	0402 29 91 100 0402 29 91 500	(3) (3)	1,1291 1,2441
0402 29 99	— — — — Other : — Of a fat content, by weight : — Not exceeding 41 % — Exceeding 41 %	0402 29 99 100 0402 29 99 500	(3) (3)	1,1291 1,2441
0402 91	— — Not containing added sugar or other sweetening matter (2) : — — — Of a fat content, by weight, not exceeding 8 % :			
0402 91 11	— — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a non-fat lactic dry matter content : — Of less than 15 % and of a fat content, by weight : — Not exceeding 3 % — Exceeding 3 % — Of 15 % or more and of a fat content, by weight : — Not exceeding 3 % — Exceeding 3 % but not exceeding 7,4 % — Exceeding 7,4 %	0402 91 11 110 0402 91 11 120 0402 91 11 310 0402 91 11 350 0402 91 11 370	(2) (2) (2) (2) (2)	5,45 11,50 19,17 23,87 29,47
0402 91 19	— — — — Other : — Of a non-fat lactic dry matter content : — Of less than 15 % and of a fat content, by weight : — Not exceeding 3 % — Exceeding 3 % — Of 15 % or more and of a fat content, by weight : — Not exceeding 3 % — Exceeding 3 % but not exceeding 7,4 % — Exceeding 7,4 % — — — Of a fat content, by weight, exceeding 8 % but not exceeding 10 % :	0402 91 19 110 0402 91 19 120 0402 91 19 310 0402 91 19 350 0402 91 19 370	(2) (2) (2) (2) (2)	5,45 11,50 19,17 23,87 29,47
0402 91 31	— — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a non-fat lactic dry matter content : — Of less than 15 % — Of 15 % or more	0402 91 31 100 0402 91 31 300	(2) (2)	23,02 34,83
0402 91 39	— — — — Other : — Of a non-fat lactic dry matter content : — Of less than 15 % — Of 15 % or more — — — Of a fat content, by weight, exceeding 10 % but not exceeding 45 % :	0402 91 39 100 0402 91 39 300	(2) (2)	23,02 34,83
0402 91 51	— — — — In immediate packings of a net content not exceeding 2,5 kg	0402 91 51 000	(2)	26,92
0402 91 59	— — — — Other	0402 91 59 000	(2)	26,92
0402 91 91	— — — — In immediate packings of a net content not exceeding 2,5 kg	0402 91 91 000	(2)	95,23
0402 91 99	— — — — Other	0402 91 99 000	(2)	95,23

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 99	— — Other :			
	— — — Of a fat content, by weight, not exceeding 9,5 % :			
0402 99 11	— — — — In immediate packings of a net content not exceeding 2,5 kg :			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight ⁽³⁾ :			
	— Not exceeding 3 %	0402 99 11 110	⁽³⁾	0,0545
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 130	⁽³⁾	0,1150
	— Exceeding 6,9 %	0402 99 11 150	⁽³⁾	0,1909
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight ⁽⁴⁾ :			
	— Not exceeding 3 %	0402 99 11 310	⁽⁴⁾	22,12
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 330	⁽⁴⁾	26,91
	— Exceeding 6,9 %	0402 99 11 350	⁽⁴⁾	36,34
0402 99 19	— — — — Other :			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight ⁽³⁾ :			
	— Not exceeding 3 %	0402 99 19 110	⁽³⁾	0,0545
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 130	⁽³⁾	0,1150
	— Exceeding 6,9 %	0402 99 19 150	⁽³⁾	0,1909
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight ⁽⁴⁾ :			
	— Not exceeding 3 %	0402 99 19 310	⁽⁴⁾	22,12
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 330	⁽⁴⁾	26,91
	— Exceeding 6,9 %	0402 99 19 350	⁽⁴⁾	36,34
	— — — Of a fat content, by weight, exceeding 9,5 % but not exceeding 45 % :			
0402 99 31	— — — — In immediate packings not exceeding 2,5 kg :			
	— Of a fat content, by weight, not exceeding 21 % :			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % ⁽³⁾	0402 99 31 110	⁽³⁾	0,2497
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more ⁽⁴⁾	0402 99 31 150	⁽⁴⁾	37,89
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % ⁽³⁾	0402 99 31 300	⁽³⁾	0,4839
	— Of a fat content, by weight, exceeding 39 % ⁽³⁾	0402 99 31 500	⁽³⁾	0,8352
0402 99 39	— — — — Other :			
	— Of a fat content, by weight, not exceeding 21 % :			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % ⁽³⁾	0402 99 39 110	⁽³⁾	0,2497
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more ⁽⁴⁾	0402 99 39 150	⁽⁴⁾	37,89
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % ⁽³⁾	0402 99 39 300	⁽³⁾	0,4839
	— Of a fat content, by weight, exceeding 39 % ⁽³⁾	0402 99 39 500	⁽³⁾	0,8352
	— — — Of a fat content, by weight, exceeding 45 % :			
0402 99 91	— — — — In immediate packings not exceeding 2,5 kg ⁽³⁾	0402 99 91 000	⁽³⁾	0,9523
0402 99 99	— — — — Other ⁽³⁾	0402 99 99 000	⁽³⁾	0,9523

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0405 00	Butter and other fats and oils derived from milk :			
0405 00 11	— Of a fat content, by weight, not exceeding 85 % :			
	— — In immediate packings of a net content not exceeding 1 kg			
	— Of a fat content, by weight, not exceeding 85 % :			
	— Of less than 62 %	0405 00 11 100		—
	— Of 62 % or more but less than 78 %	0405 00 11 200		127,02
	— Of 78 % or more but less than 80 %	0405 00 11 300		159,80
	— Of 80 % or more but less than 82 %	0405 00 11 500		163,90
	— Of 82 % or more	0405 00 11 700		168,00
0405 00 19	— — Other :			
	— Of a fat content, by weight, not exceeding 85 % :			
	— Of less than 62 %	0405 00 19 100		—
	— Of 62 % or more but less than 78 %	0405 00 19 200		127,02
	— Of 78 % or more but less than 80 %	0405 00 19 300		159,80
	— Of 80 % or more but less than 82 %	0405 00 19 500		163,90
	— Of 82 % or more	0405 00 19 700		168,00
0405 00 90	— Other :			
	— Of a fat content, by weight :			
	— Not exceeding 99,5 %	0405 00 90 100		168,00
	— Exceeding 99,5 %	0405 00 90 900		216,00
0406	— Cheese :			
0406 30	— Processed, cheese, not grated or powdered (°) :			
0406 30 10	— — In the blending of which only Emmentaler, Gruyere and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger); put up for retail sale, of a fat content by weight in the dry matter, not exceeding 56 % :			
	— — — In the blending of which only Emmentaler and Gruyere have been used of a fat content by weight in the dry matter, not exceeding 56 % :			
	— — — — Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter :			
	— — — — — Not exceeding 48 % :			
	— Of a dry matter content, by weight :			
	— Of less than 27 %	0406 30 10 100		—
	— Of 27 % or more but less than 33 %	0406 30 10 150		21,69
	— Of 33 % or more but less than 38 %	0406 30 10 200		46,25
	— Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter :			
	— Of less than 20 %	0406 30 10 250		46,25
	— Of 20 % or more	0406 30 10 300		67,85
	— Of 43 % or more and of a fat content, by weight, in the dry matter :			
	— Of less than 20 %	0406 30 10 350		46,25
	— Of 20 % or more but less than 40 %	0406 30 10 400		67,85
	— Of 40 % or more	0406 30 10 450		98,75
	— — — — — Exceeding 48 % :			
	— Of a dry matter content, by weight :			
	— Of less than 33 %	0406 30 10 500		—
	— Of 33 % or more but less than 38 %	0406 30 10 550		46,25
	— Of 38 % or more but less than 43 %	0406 30 10 600		67,85

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 30 10 (cont'd)	- Of 43 % or more but less than 46 % - Of 46 % or more and of a fat content, by weight, in the dry matter : - Of less than 55 % - Of 55 % or more - - - - Of a fat content, by weight, exceeding 36 % - - - Other - - Other : - - - Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter :	0406 30 10 650 0406 30 10 700 0406 30 10 750 0406 30 10 800 0406 30 10 900		98,75 98,75 120,53 120,53 —
0406 30 31	- - - - Not exceeding 48 % : - Of a dry matter content, by weight : - Of less than 27 % - Of 27 % or more but less than 33 % - Of 33 % or more but less than 38 % - Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter : - Of less than 20 % - Of 20 % or more - Of 43 % or more and of a fat content, by weight, in the dry matter : - Of less than 20 % - Of 20 % or more but less than 40 % - Of 40 % or more	0406 30 31 100 0406 30 31 300 0406 30 31 500 0406 30 31 710 0406 30 31 730 0406 30 31 910 0406 30 31 930 0406 30 31 950	 (°) (°) (°) (°) (°) (°) (°)	 — 21,69 46,25 46,25 67,85 46,25 67,85 98,75
0406 30 39	- - - - Exceeding 48 % : - Of a dry matter content, by weight : - Of less than 33 % - Of 33 % or more but less than 38 % - Of 38 % or more but less than 43 % - Of 43 % or more but less than 46 % - Of 46 % or more and of a fat content, by weight, in the dry matter : - Of less than 55 % - Of 55 % or more	0406 30 39 100 0406 30 39 300 0406 30 39 500 0406 30 39 700 0406 30 39 930 0406 30 39 950	 (°) (°) (°) (°) (°) (°)	 — 46,25 67,85 98,75 98,75 120,53
0406 30 90	- - - Of a fat content, by weight, exceeding 36 %	0406 30 90 000	(°)	120,53
0406 90 23	- - - Edam : - Of a fat content, by weight, in the dry matter : - Of less than 39 % - Of 39 % or more	0406 90 23 100 0406 90 23 900	 (°)	 128,58
0406 90 25	- - - Tilsit : - Of a fat content, by weight, in the dry matter : - Of less than 39 % - Of 39 % or more	0406 90 25 100 0406 90 25 900	 (°)	 128,58
0406 90 27	- - - Butterkäse : - Of a fat content, by weight, in the dry matter : - Of less than 39 % - Of 39 % or more	0406 90 27 100 0406 90 27 900	 (°)	 108,97

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 90 77	- - - - - Danbo, Fontal, Fontina, Fynbo, Gouda, Havarti, Maribo and Samsø : - Of a fat content, by weight, in the dry matter of less than 39 % - Of a fat content, by weight, in the dry matter of 39 % or more but less than 55 % - Of a fat content, by weight, in the dry matter of 55 % or more	0406 90 77 100 0406 90 77 300 0406 90 77 500	(°) (°) (°)	105,25 128,58 128,58
0406 90 79	- - - - - Estrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin and Taleggio : - Of a fat content, by weight, in the dry matter of less than 39 % - Of a fat content, by weight, in the dry matter of 39 % or more	0406 90 79 100 0406 90 79 900	(°) (°)	— 108,97
0406 90 81	- - - - - Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby and Monterey : - Of a fat content, by weight, in the dry matter of less than 39 % - Of a fat content, by weight, in the dry matter of 39 % or more	0406 90 81 100 0406 90 81 900	(°) (°)	— 123,50
0406 90 89	- - - - - Other : - Of a fat content, by weight, in the dry matter of less than 39 % : - Of a fat content, by weight, in the dry matter : - Of less than 5 % and of a content, by weight, in the dry matter of 32 % or more - Of 5 % or more but less than 19 % and of a content, by weight, in the dry matter of 32 % or more - Of 19 % or more but less than 39 % and of a water content, calculated by weight, of the non-fatty matter not exceeding 62 % - Of a fat content, by weight, in the dry matter of 39 % or more : - Cheeses produced from whey - Other cheeses of a water content, calculated by weight, of the non-fatty matter : - Exceeding 47 % but not exceeding 52 % : - Idiasabal, manchego, roncal, manufactured exclusively from sheep's and/or goats' milk - Other - Exceeding 52 % but not exceeding 62 % : - Maasdam - Manouri of a fat content, by weight, of 30 % or more - Other - Exceeding 62 %	0406 90 89 100 0406 90 89 200 0406 90 89 300 0406 90 89 910 0406 90 89 951 0406 90 89 959 0406 90 89 971 0406 90 89 972 0406 90 89 979 0406 90 89 990	(°) (°) (°) (°) (°) (°) (°) (°) (°) (°)	85,02 93,22 105,25 — 143,45 123,50 128,58 45,57 128,58 —

- (1) When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or casein and/or caseinates, no aid shall be granted. When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added to the product.
- (2) The weight of the added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content by weight. When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or added casein and/or added caseinates, the whey and/or added casein and/or caseinates shall not be taken into account in the added calculation of the amount of aid.
- When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:
- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and in particular,
 - the lactose content of the added whey.
- (3) The weight of added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content, by weight.
- The aid per 100 kilograms of product falling within this subheading shall be equal to the sum of the following components:
- (a) the amount per kilogram shown, multiplied by the weight of the lactic part contained in 100 kilograms of product; however, where whey and/or lactose and/or casein and/or caseinates have been added to the product, the amount per kilogram shown shall be multiplied by the weight of lactic part excluding the weight of added whey and/or added lactose and/or added caseinates, contained in 100 kilograms of product;
- (b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68 (OJ No L 184, 29. 7. 1968, p. 10).
- When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:
- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished products, and in particular,
 - the lactose content of the added whey.
- (4) The aid on 100 kilograms of product falling within this subheading is equal to the sum of the following elements:
- (a) the amount per 100 kilograms shown; however, where whey and/or lactose and/or casein and/or caseinates have been added to the products, the amount per 100 kilograms shown shall be:
- multiplied by the weight of the lactic part other than the added whey and/or added lactose and/or added casein and/or added caseinates contained in 100 kilograms of product, and then
 - divided by the weight of the lactic part contained in 100 kilograms of product;
- (b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68.
- When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:
- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and, in particular,
 - the lactose content of the added whey.
- (5) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.
- (6) Where the product contains casein and/or caseinates, the part corresponding to the casein and/or the added caseinates will not be taken into account for the purpose of calculating the aid.
- When completing customs formalities, the party concerned is to state, on the declaration provided for the purpose, whether or not casein and/or caseinates have been added per 100 kilograms and where this is the case, the actual content by weight of added casein and/or added caseinates of finished product.

COMMISSION REGULATION (EEC) No 721/93**of 26 March 1993****amending Regulation (EEC) No 574/93 introducing a countervailing charge on fresh lemons originating in Cyprus**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 638/93 ⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 574/93 ⁽³⁾ introduced a countervailing charge on fresh lemons originating in Cyprus;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration the countervailing charge on the import of fresh lemons originating in Cyprus must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 574/93 'ECU 3,56 is hereby replaced by 'ECU 8,47

Article 2

This Regulation shall enter into force on 27 March 1993.

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 69, 20. 3. 1993, p. 7.

⁽³⁾ OJ No L 59, 12. 3. 1993, p. 25.

COMMISSION REGULATION (EEC) No 722/93**of 26 March 1993****amending Regulation (EEC) No 2219/92 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products and establishing the forecast supply balance**

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

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products⁽¹⁾, as amended by Regulation (EEC) No 3714/92⁽²⁾, and in particular Article 10 thereof,

Whereas Commission Regulation (EEC) No 1696/92⁽³⁾, as last amended by Regulation (EEC) No 2132/92⁽⁴⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Azores and Madeira;

Whereas Annex II to Regulation (EEC) No 2219/92 of 30 July 1992 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products and establishing the forecast supply balance⁽⁵⁾, amended by Regulation (EEC) No 3553/92⁽⁶⁾, fixes the aid for milk products;

Whereas Commission Regulation (EEC) No 689/93⁽⁷⁾ fixing the export refunds on milk and milk products adjusts the refunds on certain milk products; whereas the aid for certain products listed in Annex II to Regulation (EEC) No 2219/92 should be adapted in order to take account of those adjustments,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EEC) No 2219/92 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 27 March 1993.

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.
⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.
⁽³⁾ OJ No L 179, 1. 7. 1992, p. 25.
⁽⁴⁾ OJ No L 213, 29. 7. 1992, p. 25.
⁽⁵⁾ OJ No L 361, 10. 12. 1992, p. 32.
⁽⁶⁾ OJ No L 327, 13. 11. 1992, p. 39.

⁽⁷⁾ OJ No L 73, 26. 3. 1993, p. 15.

ANNEX

ANNEX II

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter ⁽¹⁾ :			
0401 10	– Of a fat content, by weight, not exceeding 1 %:			
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 000	(¹)	5,45
0401 10 90	– – Other	0401 10 90 000	(¹)	5,45
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	– – Not exceeding 3 %:			
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 100	(¹)	5,45
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 11 500	(¹)	8,58
0401 20 19	– – – Other:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 100	(¹)	5,45
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 19 500	(¹)	8,58
	– – Exceeding 3 %:			
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 91 100	(¹)	11,50
	– Of a fat content, by weight, exceeding 4 %	0401 20 91 500	(¹)	13,46
0401 20 99	– – – Other:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 99 100	(¹)	11,50
	– Of a fat content, by weight, exceeding 4 %	0401 20 99 500	(¹)	13,46
0401 30	– Of a fat content, by weight, exceeding 6 %:			
	– – Not exceeding 21 %:			
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 11 100	(¹)	17,36
	– Exceeding 10 % but not exceeding 17 %	0401 30 11 400	(¹)	26,92
	– Exceeding 17 %	0401 30 11 700	(¹)	40,59
0401 30 19	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 19 100	(¹)	17,36
	– Exceeding 10 % but not exceeding 17 %	0401 30 19 400	(¹)	26,92
	– Exceeding 17 %	0401 30 19 700	(¹)	40,59
	– – Exceeding 21 % but not exceeding 45 %:			
0401 30 31	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 35 %	0401 30 31 100	(¹)	48,39
	– Exceeding 35 % but not exceeding 39 %	0401 30 31 400	(¹)	75,72
	– Exceeding 39 %	0401 30 31 700	(¹)	83,52

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401 30 39	— — — Other :			
	— Of a fat content, by weight :			
	— Not exceeding 35 %	0401 30 39 100	(¹)	48,39
	— Exceeding 35 % but not exceeding 39 %	0401 30 39 400	(¹)	75,72
	— Exceeding 39 %	0401 30 39 700	(¹)	83,52
	— — Exceeding 45 % :			
0401 30 91	— — — In immediate packings of a net content not exceeding 2 litres :			
	— Of a fat content, by weight :			
	— Not exceeding 68 %	0401 30 91 100	(¹)	95,23
	— Exceeding 68 % but not exceeding 80 %	0401 30 91 400	(¹)	140,12
	— Exceeding 80 %	0401 30 91 700	(¹)	163,55
0401 30 99	— — — Other :			
	— Of a fat content, by weight :			
	— Not exceeding 68 %	0401 30 99 100	(¹)	95,23
	— Exceeding 68 % but not exceeding 80 %	0401 30 99 400	(¹)	140,12
	— Exceeding 80 %	0401 30 99 700	(¹)	163,55
ex 0402	Skimmed-milk powder of a fat content, by weight, not exceeding 1,5 %	0402 10 11 000 0402 10 19 000	(²)	60,00
ex 0402	Whole milk powder of a fat content, by weight, not exceeding 27 %	0402 21 11 900 0402 21 19 900	(²)	112,00
0405 00	Butter and other fats and oils derived from milk :			
0405 00 11	— Of a fat content, by weight, not exceeding 85 % :			
	— — In immediate packings of a net content not exceeding 1 kg			
	— Of a fat content, by weight, not exceeding 85 % :			
	— Of less than 62 %	0405 00 11 100		—
	— Of 62 % or more but less than 78 %	0405 00 11 200		127,02
	— Of 78 % or more but less than 80 %	0405 00 11 300		159,80
	— Of 80 % or more but less than 82 %	0405 00 11 500		163,90
	— Of 82 % or more	0405 00 11 700		168,00
0405 00 19	— — Other :			
	— Of a fat content, by weight, not exceeding 85 % :			
	— Of less than 62 %	0405 00 19 100		—
	— Of 62 % or more but less than 78 %	0405 00 19 200		127,02
	— Of 78 % or more but less than 80 %	0405 00 19 300		159,80
	— Of 80 % or more but less than 82 %	0405 00 19 500		163,90
	— Of 82 % or more	0405 00 19 700		168,00
0405 00 90	— Other :			
	— Of a fat content, by weight :			
	— Not exceeding 99,5 %	0405 00 90 100		168,00
	— Exceeding 99,5 %	0405 00 90 900		216,00
ex 0406	Cheeses :			
0406 90 23	Edam			128,58
0406 90 25	Tilsit			128,58
0406 90 77	Danbo, Fontal, Fontina, Fynbo, Gouda, Havarti, Maribo Samsø			105,25
0406 90 79	Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio			108,97

(¹) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.

COMMISSION REGULATION (EEC) No 723/93

of 26 March 1993

fixing the maximum buying-in price and the quantities of beef bought in for the 88th partial invitation to tender within the general intervention measures under Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas, pursuant to Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of general and special intervention measures in the beef and veal sector ⁽³⁾, as last amended by Regulation (EEC) No 685/93 ⁽⁴⁾, an invitation to tender was opened by Article 1 (1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender ⁽⁵⁾, as last amended by Regulation (EEC) No 646/93 ⁽⁶⁾;

Whereas, in accordance with Article 11 (1) of Regulation (EEC) No 859/89, a maximum buying-in price is to be fixed for quality R3, where appropriate, for each partial invitation to tender in the light of the tenders received; whereas, in accordance with Article 12 of that Regulation, only tenders lower than or equal to the maximum price are to be accepted, without, however, exceeding the average national or regional market price plus the amount mentioned in paragraph 1; whereas, however, pursuant to Article 5 of that Regulation, where the intervention agencies in Member States are offered meat in quantities greater than they are able to take over forthwith, such intervention agencies may limit buying in to the quantities they can take over;

Whereas, after the tenders submitted for the 88th partial invitation to tender have been examined and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughterings, the maximum buying-in price and the quantities which may be accepted into intervention should be fixed;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing coefficient or, where appropriate depending on the differences in prices and the quantities tendered for, several reducing coefficients should accordingly be applied to the quantities which may be bought in in accordance with Article 11 (3) of Regulation (EEC) No 859/89;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 18, 27. 1. 1993, p. 1.

⁽³⁾ OJ No L 91, 4. 4. 1989, p. 5.

⁽⁴⁾ OJ No L 73, 26. 3. 1993, p. 9.

⁽⁵⁾ OJ No L 69, 20. 3. 1993, p. 26.

⁽⁶⁾ OJ No L 54, 5. 3. 1993, p. 11.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 88th partial invitation to tender opened by Article 1 (1) of Regulation (EEC) No 1627/89:

(a) for category A:

in the Member States or regions of Member States which meet the conditions laid down in Article 6 (2) of Regulation (EEC) No 805/68:

— the maximum buying-in price is hereby fixed at ECU 249,50 per 100 kilograms of carcasses or half-carcasses of quality R3,

— the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 3 725 tonnes; the quantities offered are hereby reduced by 30 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89;

(b) for category C:

in the Member States or regions of Member States which meet the conditions laid down in Article 6 (2) of Regulation (EEC) No 805/68:

— the maximum buying-in price is hereby fixed at ECU 242,79 per 100 kilograms of carcasses or half-carcasses of quality R3,

— the maximum quantity accepted of carcasses or half-carcasses is hereby fixed at 2 530 tonnes; the quantities offered are hereby reduced by 80 % in Northern Ireland pursuant to Article 11 (3) of Regulation (EEC) No 859/89.

Article 2

Notwithstanding the first sentence of Article 13 (2) of Regulation (EEC) No 859/89 in Member States where no deliveries may be made during the period 8 to 12 April 1993 or during part thereof, the time limit for delivery shall be extended by the corresponding number of days.

Article 3

This Regulation shall enter into force on 29 March 1993.

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 724/93

of 26 March 1993

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 674/92⁽⁴⁾, and in particular the fourth subparagraph of Article 17 (2) thereof,

Whereas Article 16 of Regulation (EEC) No 2727/75 and Article 17 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75⁽⁵⁾, and Article 2 of Council Regulation (EEC) No 1431/76⁽⁶⁾ laying down general rules for granting export refunds on cereals and rice respectively and criteria for fixing the amount of such refunds, provide that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 6 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁷⁾, as last amended by Regulation (EEC) No 1906/87⁽⁸⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas, on the basis of the criteria laid down in Regulation (EEC) No 2744/75, particular account should be taken of the prices and quantities of basic products used to calculate the variable component of the levy;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas when the refund is being calculated account should be taken of the quantities of raw materials used to determine the variable component of the levy; whereas the quantities of raw materials used for certain processed products may vary according to the end use of the product; whereas, depending on the manufacturing process used, products other than the main product are obtained, the quantity and value of which may vary with the nature and quality of the main products being manufactured; whereas cumulation of the refunds on the various products manufactured by a single process from the same basic product may make it possible, in certain cases, to export to third countries at prices which are lower than world market prices; whereas the refund on certain products should therefore be limited to an amount which, while allowing access to the world market, will ensure that the aims of the common organization of the markets are respected;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽¹⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 3819/92⁽²⁾;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas Council Regulation (EEC) No 1432/92⁽³⁾, as last amended by Regulation (EEC) No 3534/92⁽⁴⁾, prohibits trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does

not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

Whereas certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 April 1993.

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 17.

⁽³⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁴⁾ OJ No L 358, 8. 12. 1992, p. 16.

ANNEX

to the Commission Regulation of 26 March 1993 fixing the export refunds on products
processed from cereals and rice

(ECU/tonne)		(ECU/tonne)	
Product code	Refund (1)	Product code	Refund (1)
1102 20 10 100 (2)	122,88	1104 23 10 900	—
1102 20 10 300 (2)	105,32	1104 29 11 000	74,91
1102 20 10 900 (2)	—	1104 29 15 000	—
1102 20 90 100 (2)	105,32	1104 29 19 000	—
1102 20 90 900 (2)	—	1104 29 91 000	73,44
1102 30 00 000	—	1104 29 95 000	94,56
1102 90 10 100	99,33	1104 30 10 000	18,36
1102 90 10 900	67,54	1104 30 90 000	21,94
1102 90 30 100	191,27	1107 10 11 000	130,72
1102 90 30 900	—	1107 10 91 000	117,87
1103 12 00 100	191,27	1108 11 00 200	146,88
1103 12 00 900	—	1108 11 00 300	146,88
1103 13 10 100 (2)	157,99	1108 11 00 800	—
1103 13 10 300 (2)	122,88	1108 12 00 200	140,43
1103 13 10 500 (2)	105,32	1108 12 00 300	140,43
1103 13 10 900 (2)	—	1108 12 00 800	—
1103 13 90 100 (2)	105,32	1108 13 00 200	140,43
1103 13 90 900 (2)	—	1108 13 00 300	140,43
1103 14 00 000	—	1108 13 00 800	—
1103 19 10 000	94,56	1108 14 00 200	—
1103 19 30 100	102,64	1108 14 00 300	—
1103 19 30 900	—	1108 14 00 800	—
1103 21 00 000	74,91	1108 19 10 200	138,08
1103 29 20 000	67,54	1108 19 10 300	138,08
1103 29 30 000	—	1108 19 10 800	—
1103 29 40 000	—	1108 19 90 200	—
1104 11 90 100	99,33	1108 19 90 300	—
1104 11 90 900	—	1108 19 90 800	—
1104 12 90 100	212,52	1109 00 00 100	0,00
1104 12 90 300	170,02	1109 00 00 900	—
1104 12 90 900	—	1702 30 51 000	183,44
1104 19 10 000	74,91	1702 30 59 000	140,43
1104 19 50 110	140,43	1702 30 91 000	183,44
1104 19 50 130	114,10	1702 30 99 000	140,43
1104 19 50 150	—	1702 40 90 000	140,43
1104 19 50 190	—	1702 90 50 100	183,44
1104 19 50 900	—	1702 90 50 900	140,43
1104 19 91 000	—	1702 90 75 000	192,22
1104 21 10 100	99,33	1702 90 79 000	133,41
1104 21 10 900	—	2106 90 55 000	140,43
1104 21 30 100	99,33	2302 10 10 000	18,19
1104 21 30 900	—	2302 10 90 100	18,19
1104 21 50 100	132,44	2302 10 90 900	—
1104 21 50 300	105,95	2302 20 10 000	18,19
1104 21 50 900	—	2302 20 90 100	18,19
1104 22 10 100	170,02	2302 20 90 900	—
1104 22 10 900	—	2302 30 10 000	18,19
1104 22 30 100	180,64	2302 30 90 000	18,19
1104 22 30 900	—	2302 40 10 000	18,19
1104 22 50 000	—	2302 40 90 000	18,19
1104 23 10 100	131,66	2303 10 11 100	70,22
1104 23 10 300	100,94	2303 10 11 900	—

(1) Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

(2) No refund shall be granted on products given a heat treatment resulting in pregelatinization of the starch.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EEC) No 725/93

of 26 March 1993

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the cereal markets;

Whereas it follows from applying these detailed rules to the present situation on the market in cereal-based compound feedingstuffs that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas Article 7 (1) of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽⁴⁾, as last amended by Regulation (EEC) No 944/87⁽⁵⁾, provides that, when export refunds on cereal-based compound

feedingstuffs are being fixed, only certain products used in the manufacture of compound feedingstuffs for which a refund may be fixed should be taken into account;

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs⁽⁶⁾, as last amended by Regulation (EEC) No 3630/91⁽⁷⁾, provides that calculation of the export refund must be based on the averages of the refunds granted and the levies calculated on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the current month; whereas that calculation must also take account of the cereal products content; whereas, therefore, in the interest of simplification, compound feedingstuffs should be placed in categories and the refund for each category should be fixed on the basis of the quantity of cereal products content for the category concerned; whereas, furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as between the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 3819/92⁽⁹⁾;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁵⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁶⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁷⁾ OJ No L 344, 14. 12. 1991, p. 40.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 17.

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas Council Regulation (EEC) No 1432/92⁽¹⁾, as last amended by Regulation (EEC) No 3534/92⁽²⁾, prohibits trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 April 1993.

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽²⁾ OJ No L 358, 8. 12. 1992, p. 16.

ANNEX

to the Commission Regulation of 26 March 1993 fixing the export refunds on cereal-based compound feedingstuffs

(ECU/tonne)		(ECU/tonne)	
Product code	Amount of refund (')	Product code	Amount of refund (')
2309 10 11 110	4,39	2309 90 53 290	6,21
2309 10 13 110	4,39	2309 10 11 310	17,55
2309 10 31 110	4,39	2309 10 13 310	17,55
2309 10 33 110	4,39	2309 10 31 310	17,55
2309 10 51 110	4,39	2309 10 33 310	17,55
2309 10 53 110	4,39	2309 10 51 310	17,55
2309 90 31 110	4,39	2309 10 53 310	17,55
2309 90 33 110	4,39	2309 90 31 310	17,55
2309 90 41 110	4,39	2309 90 33 310	17,55
2309 90 43 110	4,39	2309 90 41 310	17,55
2309 90 51 110	4,39	2309 90 43 310	17,55
2309 90 53 110	4,39	2309 90 51 310	17,55
2309 10 11 190	3,10	2309 90 53 310	17,55
2309 10 13 190	3,10	2309 10 11 390	12,41
2309 10 31 190	3,10	2309 10 13 390	12,41
2309 10 33 190	3,10	2309 10 31 390	12,41
2309 10 51 190	3,10	2309 10 33 390	12,41
2309 10 53 190	3,10	2309 10 51 390	12,41
2309 90 31 190	3,10	2309 10 53 390	12,41
2309 90 33 190	3,10	2309 90 31 390	12,41
2309 90 41 190	3,10	2309 90 33 390	12,41
2309 90 43 190	3,10	2309 90 41 390	12,41
2309 90 51 190	3,10	2309 90 43 390	12,41
2309 90 53 190	3,10	2309 90 51 390	12,41
2309 10 11 210	8,78	2309 90 53 390	12,41
2309 10 13 210	8,78	2309 10 31 410	26,33
2309 10 31 210	8,78	2309 10 33 410	26,33
2309 10 33 210	8,78	2309 10 51 410	26,33
2309 10 51 210	8,78	2309 10 53 410	26,33
2309 10 53 210	8,78	2309 90 41 410	26,33
2309 90 31 210	8,78	2309 90 43 410	26,33
2309 90 33 210	8,78	2309 90 51 410	26,33
2309 90 41 210	8,78	2309 90 53 410	26,33
2309 90 43 210	8,78	2309 10 31 490	18,62
2309 90 51 210	8,78	2309 10 33 490	18,62
2309 90 53 210	8,78	2309 10 51 490	18,62
2309 10 11 290	6,21	2309 10 53 490	18,62
2309 10 13 290	6,21	2309 90 41 490	18,62
2309 10 31 290	6,21	2309 90 43 490	18,62
2309 10 33 290	6,21	2309 90 51 490	18,62
2309 10 51 290	6,21	2309 90 53 490	18,62
2309 10 53 290	6,21	2309 10 31 510	35,11
2309 90 31 290	6,21	2309 10 33 510	35,11
2309 90 33 290	6,21	2309 10 51 510	35,11
2309 90 41 290	6,21	2309 10 53 510	35,11
2309 90 43 290	6,21	2309 90 41 510	35,11
2309 90 51 290	6,21	2309 90 43 510	35,11

(ECU/tonne)		(ECU/tonne)	
Product code	Amount of refund (1)	Product code	Amount of refund (1)
2309 90 51 510	35,11	2309 10 53 690	31,03
2309 90 53 510	35,11	2309 90 41 690	31,03
2309 10 31 590	24,82	2309 90 43 690	31,03
2309 10 33 590	24,82	2309 90 51 690	31,03
2309 10 51 590	24,82	2309 90 53 690	31,03
2309 10 53 590	24,82	2309 10 51 710	52,66
2309 90 41 590	24,82	2309 10 53 710	52,66
2309 90 43 590	24,82	2309 90 51 710	52,66
2309 90 51 590	24,82	2309 90 53 710	52,66
2309 90 53 590	24,82	2309 10 51 790	37,24
2309 10 31 610	43,89	2309 10 53 790	37,24
2309 10 33 610	43,89	2309 90 51 790	37,24
2309 10 51 610	43,89	2309 90 53 790	37,24
2309 10 53 610	43,89	2309 10 51 810	61,44
2309 90 41 610	43,89	2309 10 53 810	61,44
2309 90 43 610	43,89	2309 90 51 810	61,44
2309 90 51 610	43,89	2309 90 53 810	61,44
2309 90 53 610	43,89	2309 10 51 890	43,44
2309 10 31 690	31,03	2309 10 53 890	43,44
2309 10 33 690	31,03	2309 90 51 890	43,44
2309 10 51 690	31,03	2309 90 53 890	43,44

(1) Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

NB : The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

There are no refunds for products falling within CN codes 2309 10 11, 2309 10 13, 2309 10 31, 2309 10 33, 2309 10 51, 2309 10 53, 2309 90 31, 2309 90 33, 2309 90 41, 2309 90 43, 2309 90 51 and 2309 90 53 not included in the above table.

COMMISSION REGULATION (EEC) No 726/93
of 26 March 1993
fixing production refunds on cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1738/92 ⁽²⁾, and in particular Article 11a (5) thereof,

Having regard to Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sectors ⁽³⁾, as last amended by Regulation (EEC) No 1309/92 ⁽⁴⁾ and in particular Article 6 thereof,

Whereas Article 2 of Commission Regulation (EEC) No 2169/86 of 10 July 1986 laying down detailed rules for the control and payment of production refunds in the cereals and rice sectors ⁽⁵⁾, as last amended by Regulation (EEC) No 1398/91 ⁽⁶⁾, provides that the production refund is to be fixed one per month; whereas the same Article provides for the possibility of altering the calculated refund in the event of significant movements in the prices of maize and wheat;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the

Annex to Regulation (EEC) No 2169/86 to establish the exact amount payable;

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

HAS ADOPTED THIS REGULATION:

Article 1

The production refunds payable on cereals and rice in accordance with Regulation (EEC) No 1009/86 and calculated in accordance with Regulation (EEC) No 2169/86 as amended shall be as follows in ECU 134,98 per tonne.

Article 2

This Regulation shall enter into force on 1 April 1993.

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

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽⁴⁾ OJ No L 139, 22. 5. 1992, p. 47.

⁽⁵⁾ OJ No L 189, 11. 7. 1986, p. 12.

⁽⁶⁾ OJ No L 134, 29. 5. 1991, p. 19.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE 93/7/EEC

of 15 March 1993

on the return of cultural objects unlawfully removed from the territory of a Member State

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

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

In cooperation with the European Parliament ⁽²⁾,

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

Whereas Article 8a of the Treaty provides for the establishment, not later than 1 January 1993, of the internal market, which is to comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaty;

Whereas, under the terms and within the limits of Article 36 of the Treaty, Member States will, after 1992, retain the right to define their national treasures and to take the necessary measures to protect them in this area without internal frontiers;

Whereas arrangements should therefore be introduced enabling Member States to secure the return to their territory of cultural objects which are classified as national treasures within the meaning of the said Article 36 and have been removed from their territory in breach of the abovementioned national measures or of Council Regulation (EEC) No 3911/92 of 9 December 1992 on the

export of cultural goods ⁽⁴⁾; whereas the implementation of these arrangements should be as simple and efficient as possible; whereas, to facilitate cooperation with regard to return, the scope of the arrangements should be confined to items belonging to common categories of cultural object; whereas the Annex to this Directive is consequently not intended to define objects which rank as 'national treasures' within the meaning of the said Article 36, but merely categories of object which may be classified as such and may accordingly be covered by the return procedure introduced by this Directive;

Whereas cultural objects classified as national treasures and forming an integral part of public collections or inventories of ecclesiastical institutions but which do not fall within these common categories should also be covered by this Directive;

Whereas administrative cooperation should be established between Member States as regards their national treasures, in close liaison with their cooperation in the field of stolen works of art and involving in particular the recording, with Interpol and other qualified bodies issuing similar lists, of lost, stolen or illegally removed cultural objects forming part of their national treasures and their public collections;

Whereas the procedure introduced by this Directive is a first step in establishing cooperation between Member States in this field in the context of the internal market; whereas the aim is mutual recognition of the relevant national laws; whereas provision should therefore be made, in particular, for the Commission to be assisted by an advisory committee;

Whereas Regulation (EEC) No 3911/92 introduces, together with this Directive, a Community system to protect Member States' cultural goods; whereas the date by which

⁽¹⁾ OJ No C 53, 28. 2. 1992, p. 11, and
OJ No C 172, 8. 7. 1992, p. 7.

⁽²⁾ OJ No C 176, 13. 7. 1992, p. 129 and
OJ No C 72, 15. 3. 1993.

⁽³⁾ OJ No C 223, 31. 8. 1992, p. 10.

⁽⁴⁾ OJ No L 395, 31. 12. 1992, p. 1.

Member States have to comply with this Directive has to be as close as possible to the date of entry into force of that Regulation; whereas, having regard to the nature of their legal systems and the scope of the changes to their legislation necessary to implement this Directive, some Member States will need a longer period,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this Directive:

1. 'Cultural object' shall mean an object which:

- is classified, before or after its unlawful removal from the territory of a Member State, among the 'national treasures possessing artistic, historic or archaeological value' under national legislation or administrative procedures within the meaning of Article 36 of the Treaty,
- and

- belongs to one of the categories listed in the Annex or does not belong to one of these categories but forms an integral part of:

- public collections listed in the inventories of museums, archives or libraries' conservation collection.

For the purposes of this Directive, 'public collections' shall mean collections which are the property of a Member State, local or regional authority within a Member State or an institution situated in the territory of a Member State and defined as public in accordance with the legislation of that Member State, such institution being the property of, or significantly financed by, that Member State or a local or regional authority;

- the inventories of ecclesiastical institutions.

2. 'Unlawfully removed from the territory of a Member State' shall mean:

- removed from the territory of a Member State in breach of its rules on the protection of national treasures or in breach of Regulation (EEC) No 3911/92, or
- not returned at the end of a period of lawful temporary removal or any breach of another condition governing such temporary removal.

3. 'Requesting Member State' shall mean the Member State from whose territory the cultural object has been unlawfully removed.

4. 'Requested Member State' shall mean the Member State in whose territory a cultural object unlawfully removed from the territory of another Member State is located.

5. 'Return' shall mean the physical return of the cultural object to the territory of the requesting Member State.

6. 'Possessor' shall mean the person physically holding the cultural object on his own account.

7. 'Holder' shall mean the person physically holding the cultural object for third parties.

Article 2

Cultural objects which have been unlawfully removed from the territory of a Member State shall be returned in accordance with the procedure and in the circumstances provided for in this Directive.

Article 3

Each Member State shall appoint one or more central authorities to carry out the tasks provided for in this Directive.

Member States shall inform the Commission of all the central authorities they appoint pursuant to this Article.

The Commission shall publish a list of these central authorities and any changes concerning them in the C series of the *Official Journal of the European Communities*.

Article 4

Member States' central authorities shall cooperate and promote consultation between the Member States' competent national authorities. The latter shall in particular:

1. upon application by the requesting Member State, seek a specified cultural object which has been unlawfully removed from its territory, identifying the possessor and/or holder. The application must include all information needed to facilitate this search, with particular reference to the actual or presumed location of the object;
2. notify the Member States concerned, where a cultural object is found in their own territory and there are reasonable grounds for believing that it has been unlawfully removed from the territory of another Member State;
3. enable the competent authorities of the requesting Member State to check that the object in question is a cultural object, provided that the check is made within 2 months of the notification provided for in paragraph 2. If it is not made within the stipulated period, paragraphs 4 and 5 shall cease to apply;
4. take any necessary measures, in cooperation with the Member State concerned, for the physical preservation of the cultural object;
5. prevent, by the necessary interim measures, any action to evade the return procedure;

6. act as intermediary between the possessor and/or holder and the requesting Member State with regard to return. To this end, the competent authorities of the requested Member States may, without prejudice to Article 5, first facilitate the implementation of an arbitration procedure, in accordance with the national legislation of the requested State and provided that the requesting State and the possessor or holder give their formal approval.

Article 5

The requesting Member State may initiate, before the competent court in the requested Member State, proceedings against the possessor or, failing him, the holder, with the aim of securing the return of a cultural object which has been unlawfully removed from its territory.

Proceedings may be brought only where the document initiating them is accompanied by:

- a document describing the object covered by the request and stating that it is a cultural object,
- a declaration by the competent authorities of the requesting Member State that the cultural object has been unlawfully removed from its territory.

Article 6

The central authority of the requesting Member State shall forthwith inform the central authority of the requested Member State that proceedings have been initiated with the aim of securing the return of the object in question.

The central authority of the requested Member State shall forthwith inform the central authorities of the other Member States.

Article 7

1. Member States shall lay down in their legislation that the return proceedings provided for in this Directive may not be brought more than one year after the requesting Member State became aware of the location of the cultural object and of the identity of its possessor or holder.

Such proceedings may, at all events, not be brought more than 30 years after the object was unlawfully removed from the territory of the requesting Member State. However, in the case of objects forming part of public collections, referred to in Article 1 (1), and ecclesiastical goods in the Member States where they are subject to special protection arrangements under national law, return proceedings shall be subject to a time-limit of 75 years, except in Member States where proceedings are not subject to a time-limit or in the case of bilateral agreements between Member States laying down a period exceeding 75 years.

2. Return proceedings may not be brought if removal from the national territory of the requesting Member State

is no longer unlawful at the time when they are to be initiated.

Article 8

Save as otherwise provided in Articles 7 and 13, the competent court shall order the return of the cultural object in question where it is found to be a cultural object within the meaning of Article 1 (1) and to have been removed unlawfully from national territory.

Article 9

Where return of the object is ordered, the competent court in the requested States shall award the possessor such compensation as it deems fair according to the circumstances of the case, provided that it is satisfied that the possessor exercised due care and attention in acquiring the object.

The burden of proof shall be governed by the legislation of the requested Member State.

In the case of a donation or succession, the possessor shall not be in a more favourable position than the person from whom he acquired the object by that means.

The requesting Member State shall pay such compensation upon return of the object.

Article 10

Expenses incurred in implementing a decision ordering the return of a cultural object shall be borne by the requesting Member State. The same applies to the costs of the measures referred to in Article 4 (4).

Article 11

Payment of the fair compensation and of the expenses referred to in Articles 9 and 10 respectively shall be without prejudice to the requesting Member State's right to take action with a view to recovering those amounts from the persons responsible for the unlawful removal of the cultural object from its territory.

Article 12

Ownership of the cultural object after return shall be governed by that law of the requesting Member State.

Article 13

This Directive shall apply only to cultural objects unlawfully removed from the territory of a Member State on or after 1 January 1993.

Article 14

1. Each Member State may extend its obligation to return cultural objects to cover categories of objects other than those listed in the Annex.

2. Each Member State may apply the arrangements provided for by this Directive to requests for the return of cultural objects unlawfully removed from the territory of other Member States prior to 1 January 1993.

Article 15

This Directive shall be without prejudice to any civil or criminal proceedings that may be brought, under the national laws of the Member States, by the requesting Member State and/or the owner of a cultural object that has been stolen.

Article 16

1. Member States shall send the Commission every three years, and for the first time in February 1996, a report on the application of this Directive.

2. The Commission shall send the European Parliament, the Council and the Economic and Social Committee, every three years, a report reviewing the application of this Directive.

3. The Council shall review the effectiveness of this Directive after a period of application of three years and, acting on a proposal from the Commission, make any necessary adaptations.

4. In any event, the Council acting on a proposal from the Commission, shall examine every three years and, where appropriate, update the amounts indicated in the Annex, on the basis of economic and monetary indicators in the Community.

Article 17

The Commission shall be assisted by the Committee set up by Article 8 of Regulation (EEC) No 3911/92.

The Committee shall examine any question arising from the application of the Annex to this Directive which may be tabled by the chairman either on his own initiative or at the request of the representative of a Member State.

Article 18

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within nine months of its adoption, except as far as the Kingdom of Belgium, the Federal Republic of Germany and the Kingdom of the Netherlands are concerned, which must conform to this Directive at the latest twelve months from the date of its adoption. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

Article 19

This Directive is addressed to the Member States.

Done at Brussels, 15 March 1993.

For the Council

The President

M. JELVED

ANNEX

Categories referred to in the second indent of Article 1 (1) to which objects classified as 'national treasures' within the meaning of Article 36 of the Treaty must belong in order to qualify for return under this Directive

- A. 1. Archaeological objects more than 100 years old which are the products of:
- land or underwater excavations and finds,
 - archaeological sites,
 - archaeological collections.
2. Elements forming an integral part of artistic, historical or religious monuments which have been dismembered, more than 100 years old.
3. Pictures and paintings executed entirely by hand, on any medium and in any material⁽¹⁾.
4. Mosaics other than those in category 1 or category 2 and drawings executed entirely by hand, on any medium and in any material⁽¹⁾.
5. Original engravings, prints, serigraphs and lithographs with their respective plates and original posters⁽¹⁾.
6. Original sculptures or statuary and copies produced by the same process as the original⁽¹⁾ other than those in category 1.
7. Photographs, films and negatives thereof⁽¹⁾.
8. Incunabula and manuscripts, including maps and musical scores, singly or in collections⁽¹⁾.
9. Books more than 100 years old, singly or in collections.
10. Printed maps more than 200 years old.
11. Archives and any elements thereof, of any kind, on any medium, comprising elements more than 50 years old.
12. (a) Collections⁽²⁾ and specimens from zoological, botanical, mineralogical or anatomical collections;
(b) Collections⁽²⁾ of historical, palaeontological, ethnographic or numismatic interest.
13. Means of transport more than 75 years old.
14. Any other antique item not included in categories A 1 to A 13, more than 50 years old.

The cultural objects in categories A 1 to A 14 are covered by this Directive only if their value corresponds to, or exceeds, the financial thresholds under B.

B. Financial thresholds applicable to certain categories under A (in ecus)

VALUE: 0 (Zero)

- 1 (Archaeological objects)
- 2 (Dismembered monuments)
- 8 (Incunabula and manuscripts)
- 11 (Archives)

15 000

- 4 (Mosaics and drawings)
- 5 (Engravings)
- 7 (Photographs)
- 10 (Printed maps)

⁽¹⁾ Which are more than fifty years old and do not belong to their originators.

⁽²⁾ As defined by the Court of Justice in its Judgment in Case 252/84, as follows:

'Collectors' pieces within the meaning of Heading No 99.05 of the Common Customs Tariff are articles which possess the requisite characteristics for inclusion in a collection, that is to say, articles which are relatively rare, are not normally used for their original purpose, are the subject of special transactions outside the normal trade in similar utility articles and are of high value.'

50 000

- 6 (Statuary)
- 9 (Books)
- 12 (Collections)
- 13 (Means of transport)
- 14 (Any other item)

150 000

- 3 (Pictures)

The assessment of whether or not the conditions relating to financial value are fulfilled must be made when return is requested. The financial value is that of the object in the requested Member State.

The date for the conversion of the values expressed in ecus in the Annex into national currencies shall be 1 January 1993.

Information concerning the entry into force of Council Regulation (EEC) No 3911/92 of 9 December 1992 on the export of cultural goods⁽¹⁾

The reference to the Council Directive on the return of cultural objects unlawfully removed from the territory of a Member State in Articles 2 (2), 6 and 11 of the abovementioned Regulation should read as follows: 93/7/EEC⁽²⁾.

Article 11 of Regulation (EEC) No 3911/92 provides for its entry into force on the third day following that of publication in the *Official Journal of the European Communities* of Directive 93/7/EEC.

⁽¹⁾ OJ No L 395, 31. 12. 1992, p. 1.

⁽²⁾ See page 74 of this Official Journal.

COUNCIL DIRECTIVE 93/12/EEC
of 23 March 1993
relating to the sulphur content of certain liquid fuels

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 100 thereof,

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

In cooperation with the European Parliament ⁽²⁾,

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

Whereas in order to improve air quality with regard to sulphur dioxide and other emissions, the Community has to take measures to reduce progressively the sulphur content of gas oil used for self-propelling vehicles, including aircraft and vessels, and for heating, industrial and marine purposes;

Whereas, under Article 2 (1) and Article 5 (1) of Directive 75/716/EEC ⁽⁴⁾, the provisions in force in the Member States lay down two limits with respect to the sulphur content of liquid fuels; whereas these provisions differ from one Member State to another;

Whereas these differences oblige Community oil companies to adjust the maximum sulphur content of their products, depending on which Member State is being supplied; whereas such differences thus constitute a barrier to trade in these products, thereby directly affecting the establishment and functioning of the single market;

Whereas, in addition, Article 6 of Directive 75/716/EEC provides that in the light of any new information available the Commission is to submit a report to the Council accompanied by an appropriate proposal with a view to the establishment of a single value;

Whereas successive action programmes of the European Communities on the environment ⁽⁵⁾ stress the importance of preventing and reducing air pollution;

Whereas fuel quality plays an important role in reducing air pollution by vehicle exhaust emissions;

Whereas, in addition, by virtue of Decision 81/462/EEC ⁽⁶⁾ the Community is a contracting party to the Convention on long-range transboundary air pollution, which provides in particular for the development of strategies and policies to limit and, as far as possible, gradually reduce and prevent air pollution;

Whereas reducing the sulphur content of certain liquid fuels serves to further one of the Community's objectives, which is to preserve, protect and improve the quality of the environment and to contribute towards protecting human health, by rectifying environmental damage at source;

Whereas, in accordance with Directive 75/716/EEC, several Member States have already fixed a value of 0,2 % by weight;

Whereas Member States must take steps to ensure that diesel fuels of a maximum sulphur content of 0,05 % by weight are gradually made available;

Whereas, in order to attain the particulate emission levels set in specific Community Directives, the sulphur content of diesel fuels placed on the market within the Community may not exceed 0,2 % by weight as from 1 October 1994 and 0,05 % by weight as from 1 October 1996; whereas the Member States must take appropriate measures to achieve that objective;

Whereas the increasing use of gas oil for motor vehicles implies further efforts with regard to the quality of diesel fuel, in order to limit the adverse effects of such use on air quality; whereas setting a maximum sulphur content of 0,05 % by weight to apply from 1 October 1996 for diesel fuel allows the industries concerned sufficient time to make the technical adjustments required;

Whereas the other uses of gas oils and medium oils require an effort to be made to reduce air pollution, wherein account should be taken of their contribution having regard to air quality improvement and environmental costs and benefits; whereas the Commission should submit to the Council, which will take a decision

⁽¹⁾ OJ No C 174, 5. 7. 1991, p. 18 and OJ No C 120, 12. 5. 1992, p. 12.

⁽²⁾ OJ No C 94, 13. 4. 1992, p. 209 and OJ No C 337, 21. 12. 1992.

⁽³⁾ OJ No C 14, 20. 1. 1992, p. 17.

⁽⁴⁾ OJ No L 307, 27. 11. 1975, p. 22. Directive as amended by Directive 87/219/EEC (OJ No L 91, 3. 4. 1987, p. 19).

⁽⁵⁾ OJ No C 112, 20. 12. 1973, p. 1, OJ No C 139, 13. 6. 1977, p. 1 and OJ No C 46, 17. 2. 1983, p. 1.

⁽⁶⁾ OJ No L 171, 27. 6. 1981, p. 11.

thereon by 31 July 1994 at the latest, a proposal introducing, by 1 October 1999 at the latest, a lower limit for the sulphur content and setting new limit values for aviation kerosenes;

Whereas a sudden change in crude oil supplies leading to an increase in average sulphur content may, in view of available desulphurization capacity, jeopardize supplies to consumers in a Member State; whereas it would therefore seem advisable to authorize that Member State to derogate under certain conditions from the sulphur content limits laid down in respect of its own market;

Whereas the introduction of a low sulphur content level in marine gas oils for sea-going ships raises specific technical and economic problems for Greece; whereas a derogation of limited duration in favour of Greece should not depress trade in marine gas oils since Greek refinery installations currently cover no more than domestic demand for gas oils and medium oils; whereas exports for final combustion from Greece to another Member State must comply with the provisions of the Directive applicable in that Member State; whereas Greece could be granted a five-year derogation before introducing marine gas oils with the required sulphur content; whereas this period will end on 30 September 1999;

Whereas spot checks should be carried out to ascertain the sulphur content of gas oils and medium oils placed on the market; whereas for this purpose provision should be made for a uniform method based on the best available technology,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. For the purposes of this Directive:

- (a) 'gas oil' means any petroleum product falling under CN code 2710 00 69, or any petroleum product which, by reason of its distillation limits, falls within the category of middle distillates intended for use as fuel and of which at least 85 % by volume, including distillation losses, distils at 350° C;
- (b) 'diesel fuels' means gas oils used for self-propelling vehicles as referred to in Directive 70/220/EEC⁽¹⁾ and Directive 88/77/EEC⁽²⁾.

⁽¹⁾ OJ No L 76, 6. 4. 1970, p. 1. Directive as last amended by Directive 91/441/EEC (OJ No L 242, 30. 8. 1991, p. 1).

⁽²⁾ OJ No L 36, 9. 2. 1988, p. 1. Directive as last amended by Directive 91/542/EEC (OJ No L 295, 25. 10. 1991, p. 1).

2. This Directive shall not apply to gas oils:

- contained in the fuel tanks of vessels, aircraft or motor vehicles crossing a frontier between a third country and a Member State;
- intended for processing prior to final combustion.

Article 2

1. Member States shall, in order to reach the particulate emission levels laid down in specific Community Directives, prohibit the marketing of diesel fuels in the Community if their sulphur compound content, expressed in sulphur (hereinafter 'sulphur content'), exceeds:

- 0,2 % by weight as from 1 October 1994,
- 0,05 % by weight as from 1 October 1996.

Member States shall take steps to ensure that the diesel fuels referred to in the first paragraph with a sulphur content not exceeding 0,05 % by weight are gradually made available.

2. Member States shall prohibit the marketing in the Community of gas oils other than, or used for purposes other than, those referred to in paragraph 1 with the exception of aviation kerosene, as from 1 October 1994, if their sulphur content exceeds 0,2 % by weight.

Before 1 January 1994, the Commission shall indicate, in a report to the Council, what progress has been made in controlling sulphur dioxide emissions. At the same time it shall submit to the Council a proposal, in the more general framework of the policy to improve air quality, for transition to a second phase, prescribing a lower limit by 1 October 1999 at the latest, and setting new limit values for aviation kerosene.

The Council shall act by a qualified majority by 31 July 1994 at the latest.

3. If, as the result of a sudden change in the supply of crude oil or petroleum products, it becomes difficult for a Member State to apply the limit on the maximum sulphur content of gas oil, that Member State shall inform the Commission thereof. The Commission may authorize a higher limit to be applicable within the territory of that Member State for a period not exceeding six months, and shall notify its decision to the Council. Any Member State may contest that Decision before the Council within one month. The Council, acting by a qualified majority, may adopt a different decision within two months.

By way of derogation the Government of Greece may, up to 30 September 1999, authorize marketing of gas oil for marine use with a sulphur content in excess of 0,2 % by weight.

Article 3

No Member State may, as from the dates of application laid down in Article 2 (1) and (2), prohibit, restrict or prevent the placing on the market of gas oils on the grounds of their sulphur content, if those gas oils comply with the requirements of this Directive.

Article 4

1. Member States shall take all necessary measures to check by sampling the sulphur content of gas oils which are placed on the market.

2. The reference method adopted for determining the sulphur content of gas oils which are placed on the market shall be that defined by ISO method 8754. The statistical interpretation of the results of the checks made to determine the sulphur content of the gas oils placed on the market shall be made in accordance with ISO standard 4259 (1979 edition).

Article 5

As from 1 October 1994, Directive 75/716/EEC shall be replaced by this Directive.

Article 6

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 October 1994. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

Article 7

This Directive is addressed to the Member States.

Done at Brussels, 23 March 1993.

For the Council

The President

S. AUKEN

COMMISSION

COMMISSION DECISION

of 23 December 1992

on the AIMA national programme on aid to agricultural operators for the export of citrus fruit to the USSR and the east European countries

(Only the Italian text is authentic)

(93/175/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1754/92⁽²⁾, and in particular Article 31 thereof,

After giving notice⁽³⁾, in accordance with Article 93 (2) of the Treaty, to those concerned to submit their comments,

Whereas :

I

1. The Italian Permanent Representation to the European Communities notified the Commission by letter No 3857 of 3 April 1991, recorded as received on 18 April 1991, of the aid measures in question pursuant to Article 93 (3) of the EEC Treaty.

2. The aid measures in question were drawn up on the basis of the CIPE (Comitato Interministeriale per la Programmazione Economica) decision of 24 May 1990.

3. The aid measures provide for aid of Lit 150 per kilogram of citrus fruit exported in respect of a total quantity of 200 000 quintals.

The recipients are individual and associated agricultural operators.

The aid was introduced to facilitate the marketing of higher-quality citrus fruit in the east European countries and the USSR.

II

1. By letter No SG(91) D/12651 of 3 July 1991 the Commission notified the Italian Government that it had decided to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of the aid.

2. By that letter the Commission informed the Italian authorities that it considered the aid to be operating aid, which it has consistently regarded as incompatible with the common market pursuant to Articles 92, 93 and 94 of the Treaty; such aid has the direct effect of artificially lowering cost prices and improving production conditions and market outlets for the producers concerned as compared with producers in other Member States not in receipt of comparable aid.

As the products concerned are the subject of intra-Community trade (see point V), the aid is consequently liable to distort competition and affect trade between the Member States; it meets the criteria in Article 92 (1) of the Treaty without being eligible under any of the exceptions set out in Article 92 (2) and (3) thereof.

The Commission also pointed out that the Community rules on the market organization for fruit and vegetables (Regulation (EEC) No 1035/72) form a complete and comprehensive system which precludes the possibility of Member States' taking further measures independently.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 23.

⁽³⁾ OJ No C 251, 26. 9. 1991, p. 3.

The aid in question consequently constitutes an infringement of the Community provisions.

3. Under the aforementioned procedure, the Commission gave notice to the Italian Government to submit its comments.

The Commission also gave notice to the other Member States and interested parties other than Member States to submit their comments.

III

By letter of 5 August 1991 the Italian Government replied to the Commission's letter of formal notice and made the following observations:

- (a) although the Commission's assertions cannot be disputed from a legal viewpoint, it should be emphasized that the measure covers a limited quantity (200 000 quintals) and a certain period only;
- (b) the exceptional and temporary nature of the measure, which is intended to resolve a very difficult short-term situation on the market in Italy, should therefore be underlined;
- (c) lastly, account must be taken of the highly limited funds (Lit 3 000 million) involved, which cannot therefore be considered liable to distort competition.

IV

With regard to the arguments put forward by the Italian authorities, the following should be stressed.

To solve the difficulties on the market for citrus fruit, any measure necessary must be taken within the framework of the market organization with a view in particular to preventing even greater difficulties emerging as a result of unilateral national measures, which may shift problems arising in the regions benefiting from such measures to other citrus-producing regions where such support is not provided.

The difficulties on the market for citrus fruit are not new; a feature of this market is long-term structural surpluses of numerous products, which have not yet been disposed of despite the Community structural improvement programmes introduced for citrus fruit in Italy. The aim of the aid scheme in question is to promote the marketing of Italian citrus fruit; the result is thus to encourage production of the crops receiving aid. Such aid therefore tends to defeat the purpose of the structural measures laid down in the Community programmes to provide a lasting solution to such persistent difficulties observed in Italy.

The Commission does not consider that the measure in question can provide a solution to the socio-structural difficulties of the citrus industry on account of the nature of the aid itself and the adverse effects it may have on measures to improve the industry.

The granting of the export aid in question encourages existing citrus plantations to be maintained and may

possibly lead to a rise in production. It may even result in an increase in supply to the market and thus affect intra-Community trade.

The aid measure in question cannot be considered compatible with the common market as it is in conflict with the arrangements under the market organization for fruit and vegetables, which provide for a refund on exports to third countries (Article 30 of Regulation (EEC) No 1035/72).

The argument concerning the small size of the funds involved cannot be accepted. In accordance with the decisions of the Court of Justice of the European Communities, the relatively low level of aid does not of itself rule out the possibility that trade between Member States may be affected (judgments of 17 September 1980 in Case 730/79 *Philip Morris v. Commission*, [1980] ECR 2671; of 15 January 1986 in Case 52/84, *Commission v. Belgium*, [1986] ECR 89; of 10 July 1986 in Case 234/84, *Belgium v. Commission*, [1986] ECR 2263; of 11 November 1987 in Case 259/85, *France v. Commission*, [1987] ECR 4393; of 21 March 1990 in Case C-142/87, *Belgium v. Commission*, [1990] ECR I-959).

V

During the 1990/91 marketing year, Italian citrus production amounted to 2 930 000 tonnes and that of the Community to approximately 8 965 000 tonnes. During the same period, Italian citrus fruit imports from other Member States totalled 48 000 tonnes and those from third countries 57 000 tonnes. Italian exports of such products to the other Member States amounted to 162 000 tonnes while exports to third countries were 170 000 tonnes.

The aid for exports amounting to 20 000 tonnes is accordingly likely to have a significant effect on trade.

VI

1. Articles 92, 93 and 94 of the Treaty apply to citrus-fruit production and trade pursuant to Article 31 of Regulation (EEC) No 1035/72.

The aid in question affords a special advantage directly to exporters and indirectly to citrus growers by providing them artificially with a financial contribution they could not have secured on the market normal conditions. It consequently has the effect of distorting competition between recipients and other operators not in receipt of that aid in Italy and the other Member States.

Aid of type can have the effect of encouraging producers to maintain or even increase citrus production.

The measure in question therefore meets the criteria laid down in Article 92 (1) of the Treaty, which states that such aid is incompatible in principle with the common market.

2. Furthermore, account should be taken of the fact that the aid relates to a product subject to a common organization for the market and that there are limits to the Member States' power to intervene in the operation of market organizations entailing a system of common prices, for which the Community has exclusive competence.

The common organizations of the market should be considered complete, comprehensive systems which preclude any power on the part of Member States to take supplementary market measures.

The grant of the aid in question is not in accordance with the conditions laid down under the market organization for fruit and vegetables, which do not permit the grant of national aid of this type.

The aid should therefore be deemed to infringe Community rules.

3. The exceptions to the principle of incompatibility with the common market provided for in Article 92 (2) do not apply to the aid in question. Those set out in Article 92 (3) refer to the objectives pursued in the interest of the Community and not only in that of particular sectors of the national economy. Such exceptions must be interpreted strictly.

They may in particular apply where the aid is necessary to achieve one of the objectives covered by those provisions. Where aid does not meet those conditions, to allow an exception to be made would be tantamount to permitting trade between Member States to be affected and distortion for competition which is not warranted having regard to the Community interest and at the same time allowing producers of certain Member States to enjoy undue benefits.

In the case in point, there is no evidence to suggest that the aid meets one of those objectives. The Italian Government has not provided and the Commission has not discovered any grounds allowing it to be established that the aid in question meets the conditions laid down for the application of an exception pursuant to Article 92 (3) of the Treaty.

The aid measure is not intended to promote the execution of an important project of common European interest within the meaning of Article 92 (3) (b) since it runs counter to the common interest by virtue of the effects it may have on trade.

Moreover, it is not intended to remedy serious disturbance in the economy of the Member States concerned within the meaning of that provision.

As regards the exceptions provided for in Article 92 (3) (a) and (c) in respect of aid to promote or facilitate the economic development of certain areas and of certain activities referred to in (c), it should be noted that the measure cannot bring about a lasting improvement in the

conditions affecting the sector of the economy benefiting therefrom since, once the aid ceases to be granted, the sector will relapse into the same structural situation existing prior to the introduction of the State aid.

The aid in question is an artificial inducement to exporters of the product concerned to maintain or even increase exports and has adverse effects on measures to improve the industry concerned. Furthermore, the aid provides only a purely provisional guarantee that it will protect jobs in the undertakings concerned.

As a consequence, the aid must be regarded as operating aid for the undertakings concerned, a type of aid to which the Commission has always been opposed since it is not subject to conditions enabling one of the exceptions provided for in Article 92 (3) (a) and (c) to apply.

Furthermore, even if the agricultural products concerned could have benefited from exception pursuant to Article 92 (3), the fact that the aid in question constitutes an infringement of the common organization of the market concerned rules out the operation of such an exception.

4. The aid in question is therefore incompatible with the common market within the meaning of Article 92 of the Treaty and cannot therefore be implemented.

HAS ADOPTED THIS DECISION:

Article 1

The aid decided on by the CIPE (Comitato Interministeriale per la Programmazione Economica), provided for in the decision of 23 October 1990 taken by AIMA (Azienda di Stato per gli interventi nel Mercato Agricolo), and entailing the grant of aid for the export of citrus fruit to the USSR and the east European countries is compatible with the common market within the meaning of Article 92 of the EEC Treaty and may not be implemented.

Article 2

Italy shall inform the Commission within two months of notification of his Decision of the measure it has taken to comply therewith.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 23 December 1992.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION

of 19 March 1993

repealing the Decision suspending the buying-in of butter in certain Member States

(Only the Danish text is authentic)

(93/176/EEC)

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Commission Regulation (EEC) No 2071/92⁽²⁾, and in particular the first subparagraph of Article 7a (1) and Article 7a (3) thereof,

Whereas Council Regulation (EEC) No 777/87⁽³⁾, as last amended by Regulation (EEC) No 1634/91⁽⁴⁾, sets out the circumstances under which the buying-in of butter and skimmed-milk powder may be suspended and subsequently resumed and, where suspension takes place, the alternative measures that may be taken;

Whereas Commission Regulation (EEC) No 1547/87⁽⁵⁾, as last amended by Regulation (EEC) No 2011/91⁽⁶⁾, lays down the criteria on the basis of which the buying-in of butter by invitation to tender is to be opened and suspended in a Member State or, as regards the United Kingdom and the Federal Republic of Germany, in a region;

Whereas Commission Decision 93/141/EEC⁽⁷⁾ suspends buying-in in Denmark; whereas information on market

prices shows that the condition laid down in Article 1 (3) of Regulation (EEC) No 1547/87 is currently no longer met in this Member State; whereas it is appropriate therefore to repeal the abovementioned Decision;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS DECISION:

Article 1

Decision 93/141/EEC is hereby repealed.

Article 2

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 19 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 78, 20. 3. 1987, p. 10.

⁽⁴⁾ OJ No L 150, 15. 6. 1991, p. 26.

⁽⁵⁾ OJ No L 144, 4. 6. 1987, p. 12.

⁽⁶⁾ OJ No L 185, 11. 7. 1991, p. 5.

⁽⁷⁾ OJ No L 56, 9. 3. 1993, p. 43.

COMMISSION DECISION

of 26 March 1993

concerning certain protection measures, with regard to swine vesicular disease in the Netherlands and Italy

(93/177/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, as last amended by Council Directive 92/118/EEC⁽²⁾ and, in particular, Article 10 (4) thereof,

Whereas the Swine Vesicular Disease situation within the Community in February 1993 resulted in establishing interim protective measures by the adoption of Commission Decision 93/128/EEC of 26 February 1993 concerning certain protection measures, with regard to swine vesicular disease in the Netherlands and Italy⁽³⁾;

Whereas interim protection measures taken within the context of Article 10 (3) of Council Directive 90/425/EEC shall be submitted to the Standing Veterinary Committee as soon as possible to be confirmed, amended or cancelled;

Whereas a meeting of the Standing Veterinary Committee was held on 4 March 1993 concerning the swine vesicular disease situation and the necessary protective measures to be implemented; whereas it was concluded from the meeting of the Standing Veterinary Committee that the measures introduced by Decision 93/128/EEC should be of a short duration and a Draft should be presented by the Commission on this matter;

Whereas necessary disease protection measures and in particular measures relevant to intra-Community trade must be adopted;

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

HAS ADOPTED THIS DECISION:

Article 1

From 27 March 1993, pigs being sent from Italy and the Netherlands to other Member States must meet the following conditions:

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ No L 50, 2. 3. 1993, p. 29.

1. The means of transport utilized must have undergone cleansing and disinfection before and after each journey. Vehicles carrying pigs must be sealed.

2. Pigs destined for breeding and production must:

- have been kept separate for 10 days and undergone a serological test for antibodies to swine vesicular disease virus within 10 days prior to certification and found negative, or
- have been born and kept since births or, at least, kept for 30 days, at a controlled swine vesicular disease free holding as defined in the Annex,
- not during transport to the place of destination come into contact with pigs which do not fulfil these requirements.

3. Pigs destined for slaughter must:

- (a) originate from a controlled swine vesicular disease free holding as defined in the Annex and have been kept at the said holding for, at least, 30 days prior to dispatch; or,
- (b) originate from a holding in which the pigs:
 - have been subject to a test for antibodies to swine vesicular disease virus and found negative; this test shall include one pig per pen of the pigs intended for movement and the test shall have been carried out within 21 days prior to certification,
 - have been kept for, at least 30 days, prior to dispatch on the holding;
- (c) not during transport to the place of destination come into contact with pigs which do not fulfill these requirements.

Article 2

Assembly points (collecting centres) which can be used during the transport of pigs from the holding of origin to the place of destination shall be notified to the Commission and Member States before 27 March 1993. The assembly points shall be under the supervision of the competent authorities. Any amendments after 27 March 1993 to the list of notified assembly points shall be communicated to the Commission and Member States.

Article 3

The Netherlands shall immediately put into force the necessary legislation in relation to lay out an equipment of assembly points in such a way that the cleaning and disinfection of the assembly points concerned and the objects present on those assembly points can be adequately and thoroughly executed. The assembly points shall be cleaned and disinfected after each depopulation and in any case after each day in operation.

Article 4

The health certificate provided for in Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine⁽¹⁾, accompanying pigs sent from the Netherlands and Italy must be completed by the following:

'Animals in accordance with Commission Decision 93/177/EEC of 26 March 1993 concerning certain protection measures, with regard to swine vesicular disease in the Netherlands and Italy.'

Article 5

Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision by 27 March 1993. They shall inform the Commission thereof. The Decision shall apply until 1 August 1993. It shall be reviewed not later than 1 of May 1993 taking into account the results of the serological screening. Member States shall communicate the results of the screening to the Commission on a weekly basis.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 1977/64.

*ANNEX***Controlled swine vesicular disease free holding**

'Controlled swine vesicular disease free holding' means a holding in which the pig population :

- (i) has undergone an initial test for antibodies to swine vesicular disease virus and found negative. The test has been carried out on blood samples collected from breeding sows in accordance with the following sampling procedure :

Number of breeding sows	Breeding sows tested
< 50 sows	all sows
50 to 200 sows	50 sows
> 200 sows	60 sows

If the pig population includes production pigs the initial tests for antibodies shall include blood sampling from one pig in each pen at the holding up to a maximum of 60 samples for production pigs ; and,

- (ii) participates in an ongoing serological screening for antibodies to swine vesicular disease Virus, based on testing 50 % of each consignment of the breeding sows slaughtered and the tests shall have a negative result ;
- (iii) can in the case of the introduction of pigs from the Netherlands and Italy only receive pigs from holdings having a 'controlled swine vesicular disease free' status.

COMMISSION DECISION

of 26 March 1993

concerning certain protection measures, with regard to swine vesicular disease

(93/178/EEC)

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

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, as last amended by Council Directive 92/118/EEC⁽²⁾ and, in particular, Article 10 (4) thereof,

Whereas the swine vesicular disease situation within the Community in February 1993 resulted in establishing interim protective measures by the adoption of Commission Decision 93/128/EEC of 26 February 1993 concerning certain protection measures, with regard to swine vesicular disease, in the Netherlands and Italy⁽³⁾;

Whereas general protective measures must be introduced by each Member State; whereas, however, the special situation in the Netherlands and Italy has made it necessary to adopt specific measures; whereas such measures have been defined by Commission Decision;

Whereas under certain circumstances swine vesicular disease virus infections may occur undetected due to lack of clinical signs of disease;

Whereas a serological screening of pigs for antibodies to swine vesicular disease virus would provide information on previous undetected infections; whereas screening for antibodies should be carried out in all Member States during a period of three months;

Whereas the swine vesicular disease virus can remain viable outside the pig for a considerable period of time; whereas the said virus, present in vehicles used for transportation of pigs, can infect the pigs being transported;

Whereas a thorough and repeated cleaning and disinfection of the transportation network engaged in transport of pigs should reduce the risk for spreading swine vesicular disease when pigs are being transported;

Whereas measures to control swine vesicular disease were introduced by Council Directive 92/119/EEC of 17 December 1992, introducing general Community measures for the control of certain animal disease and specific measures relating to swine vesicular disease⁽⁴⁾;

Whereas the measures provided for in the said Directive shall apply in all Member States not later than 1 October 1993;

Whereas in case of outbreaks of swine vesicular disease Member States shall apply disease control and eradication measures; whereas the measures applied should include certain of the measures already agreed notably in Directive 92/119/EEC;

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

HAS ADOPTED THIS DECISION:

Article 1

1. Member States shall carry out a serological screening of pigs for antibodies to swine vesicular disease virus, in accordance with the requirements of the Annex. The results obtained from the serological screening shall be submitted every two weeks to the Commission. The screening shall be submitted every two weeks to the Commission. The screening shall be completed by 1 August 1993.

2. The Commission will analyse the results obtained from the screening for antibodies referred to in paragraph 1 and may amend this Decision in the light of developments.

3. All Member States shall:

- arrange that all parts of the transportation network including assembly points, engaged in transport of pigs are undergoing thorough and repeated cleaning and disinfection,
- arrange in case of outbreaks of swine vesicular disease that the control and eradication measures applied are those laid down in Articles 4, 5 and 10 and points 4, 7 and 8 of Chapter 1, Annex II of Council Directive 92/119/EEC.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ No L 50, 2. 3. 1993, p. 29.

⁽⁴⁾ OJ No L 62, 15. 3. 1993, p. 69.

ANNEX

Serological screening for antibodies to swine vesicular disease virus

I. General screening — All Member States

Member States shall, during a three month period, carry out a screening programme which is based on testing of samples collected from, at least:

- 50 % of breeding boars slaughtered, chosen randomly,
- 5 % of breeding sows slaughtered, chosen randomly,
- pigs on holdings linked to pigs which have been imported from the Netherlands or Italy, during the period June 1992 to 26 February 1993.

As an alternative the Member States may, however, carry out screening of pigs other than the breeding boars and breeding sows referred to above. The screening programme shall be agreed with the Commission as soon as possible.

II. Screening in three km zones

Where not yet done serological screening shall be carried out on pigs kept on all holdings situated within a distance of three km of outbreaks recorded since 1 March 1992 and of pigs kept on holdings, which have been repopulated following outbreaks since the same date. The results shall be forwarded to the Commission.

The screening to be carried out in accordance with Annex IV, points 1 and 2 of Council Directive 80/217/EEC⁽¹⁾.

III. Serological tests to be used in a Community surveillance programme

1. National Laboratories participating in a surveillance programme should use:

either,

(a) Serum Neutralization Test (SNT), or

(b) Liquid Phase Blocking Elisa or Competitive Blocking Elisa or Indirect Trapping Elisa or any Elisa which demonstrates reproducibility and has the ability to score the reference serum positive (doubtful or positive sera to be confirmed using the SNT).

2. Laboratories with limited experience of swine vesicular disease tests may send doubtful and positive sera to one of the experienced laboratories, preferably to Pirbright, for confirmation.
3. A serum with a low positive reaction⁽²⁾, provided by the Pirbright Laboratory will serve as reference serum, which must score positive in national laboratories.
4. Laboratories setting up tests should check the sensitivity of their tests regimes using the reference positive serum referred to in paragraph 3 above, distributed by the Pirbright Laboratory together with the protocol of the test as performed in Pirbright.
5. Laboratories should use the UK 72 strain virus or equivalent as the test virus.

⁽¹⁾ OJ No L 47, 21. 2. 1980, p. 11.

⁽²⁾ A low positive serum will, when tested in SNT at the Pirbright Laboratory, have a titre within the range 1/64-1/128 (final dilution) using the Pirbright protocol, which will be supplied to participating laboratories.

COMMISSION DECISION

of 26 March 1993

repealing Decision 93/128/EEC concerning certain protection measures, with
regard to swine vesicular disease, in the Netherlands and Italy

(93/179/EEC)

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

Having regard to Council Directive 90/425/EEC of
26 June 1990 concerning veterinary and zootechnical
checks applicable in intra-Community trade in certain
live animals and products with a view to the completion
of the internal market⁽¹⁾, as last amended by Council
Directive 92/118/EEC⁽²⁾, and, in particular, Article 10 (4)
thereof,

Whereas the swine vesicular disease situation within the
Community in February 1993 resulted in establishing
interim protective measures by the adoption of Commis-
sion Decision 93/128/EEC of 26 February 1993 concern-
ing certain protection measures, with regard to swine
vesicular disease, in the Netherlands and Italy⁽³⁾;

Whereas interim protection measures taken within the
context of Article 10 (3) of Council Directive 90/425/EEC
shall be submitted to the Standing Veterinary Committee
as soon as possible to be confirmed, amended or
cancelled;

Whereas a meeting of the Standing Veterinary Committee
was held on 4 March 1993 concerning the swine vesicular
disease situation and the necessary protective measures to
be implemented; whereas it was concluded from the
meeting of the Standing Veterinary Committee that the
measures introduced by Decision 93/128/EEC should be
of a short duration and a Draft should be presented by the
Commission on this matter;

Whereas certain protection measures specified to the situ-
ation in the Netherlands and Italy must be adopted;

Whereas the interim protection measures introduced by
Decision 93/128/EEC in the interest of clarity must be
repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Decision 93/128/EEC, is hereby repealed.

Article 2

This Decision shall apply from 27 March 1993.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 26 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ No L 50, 2. 3. 1993, p. 29.