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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 814/93**of 5 April 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 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 762/93⁽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 2 April

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 762/93 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 6 April 1993.

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

Done at Brussels, 5 April 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 79, 1. 4. 1993, p. 11.

ANNEX

to the Commission Regulation of 5 April 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries (*)
0709 90 60	141,75 ⁽¹⁾
0712 90 19	141,75 ⁽¹⁾
1001 10 00	180,26 ⁽¹⁾
1001 90 91	146,61
1001 90 99	146,61 ^(*)
1002 00 00	153,48 ^(*)
1003 00 10	137,79
1003 00 20	137,79
1003 00 80	137,79 ^(*)
1004 00 00	116,61
1005 10 90	141,75 ⁽¹⁾
1005 90 00	141,75 ⁽¹⁾
1007 00 90	148,84 ^(*)
1008 10 00	53,58 ^(*)
1008 20 00	95,50 ^(*)
1008 30 00	57,98 ^(*)
1008 90 10	⁽⁷⁾
1008 90 90	57,98
1101 00 00	218,65 ^(*)
1102 10 00	227,51
1103 11 30	291,53
1103 11 50	291,53
1103 11 90	234,66

⁽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).

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

^(*) 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 815/93**of 5 April 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 2 April

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 6 April 1993.

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

Done at Brussels, 5 April 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 5 April 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 4	1st period 5	2nd period 6	3rd period 7
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	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	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	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 816/93

of 2 April 1993

on the supply of various consignments of cereals as food aid

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

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

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

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 10 500 tonnes of cereals;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

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

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

Done at Brussels, 2 April 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOT A

1. **Operation No** (1): 1543/92
2. **Programme**: 1992
3. **Recipient**: Bolivia
4. **Representative of the recipient** (2): Ofinaal, calle Carrasco 1323, Esq. Busch (Miraflores), La Paz, Jefe área des Operaciones: Sra. Rosario Frías de Tapia (tel. 35 57 51)
5. **Place or country of destination** (3): Bolivia
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** (4): see OJ No C 114, 29. 4. 1991, p. 1 (under II.B.I(a))
8. **Total quantity**: 7 664 tonnes (10 500 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking** (5): see OJ No C 114, 29. 4. 1991, p. 1 (under II.B.2(b) and II.B.3)
Markings in Spanish
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Arica (7)
16. **Address of the warehouse and, if appropriate, port of landing**:
Oficinas responsables Ofinaal: Carretera La Paz, Viacha Km 15, La Paz
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 10 — 23. 5. 1993
18. **Deadline for the supply**: 23. 7. 1993
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 20. 4. 1993 (Brussels time)
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 4. 5. 1993 (Brussels time)
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 24. 5 — 6. 6. 1993
 - (c) deadline for the supply: 6. 8. 1993**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 18. 5. 1993 (Brussels time)
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 7 — 20. 6. 1993
 - (c) deadline for the supply: 20. 8. 1993
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** (1): Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles (telex 22037 / 25670 AGREC B; telefax (32/2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on request by the successful tenderer** (8): refund applicable on 30. 3. 1993, fixed by Commission Regulation (EEC) No 430/93 (OJ No L 48, 26. 2. 1993, p. 46)

Notes :

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

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

- (⁴) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund and, where appropriate, the accession compensatory amounts. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.

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

- (⁵) Commission delegation to be contacted by the successful tenderer : Peru, c. Manuel González Olaechea 247, San Isidro, Lima, (tel : (5114) 41 58 27).
- (⁶) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁷) The proof of payment of expenses 'planilla de gastos' arising at the port of Arica must be submitted with the payment application.

Office for the payment of the 'planilla de gastos' :

AADAA (Administración Autónoma de Almacenes Aduaneros), Casilla 5259 (fax (02) 39 20 62 ; tel. 35 99 21 up to 31 La Paz, Bolivia) ;

AADAA(Administración Autónoma de Almacenes Aduaneros), Casilla 1437 (telex 22 10 43 ; tel. 25 27 80 or 25 29 81 Arica, Chile).

COMMISSION REGULATION (EEC) No 817/93

of 2 April 1993

on the supply of white sugar as food aid

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

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

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

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 756 tonnes of sugar;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

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

Article 2

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

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

Done at Brussels, 2 April 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

⁽⁶⁾ OJ No L 177, 1. 7. 1981, p. 4.

ANNEX I

LOTS A and B

1. **Operation Nos** ⁽¹⁾: See Annex II
2. **Programme**: 1992 and 1993
3. **Recipient** ⁽²⁾: Euronaid, PO Box 79, NL-2340 AB Oegstgeest; tel. (31-71) 15 91 56/59; telefax 15 52 01; telex 30223 NL CEMEC
4. **Representative of the recipient** ⁽³⁾: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** ⁽⁴⁾ ⁽⁵⁾ ⁽⁶⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under V.A.1)
8. **Total quantity**: 756 tonnes
9. **Number of lots**: two (lot A: 324 tonnes; lot B: 432 tonnes)
10. **Packaging and marking** ⁽⁷⁾ ⁽⁸⁾ ⁽⁹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under V.A.2 and V.A.3)
Markings in Portuguese (B1, B2, B12), French (B3-B7, B9, B13, B14) and English (A; B8, B10, B11, B15, B16)
Supplementary markings: see Annex II
11. **Method of mobilization**: sugar produced in the Community in accordance with the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 as follows:
 - A or B sugar (points (a) and (b))
 - C sugar (point (c))
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 10 — 30. 5. 1993
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 20. 4. 1993 at 12 noon (Brussels time)
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 4. 5. 1993 at 12 noon (Brussels time)
 - (b) period for making the goods available at the port of shipment: 24. 5 — 13. 6. 1993
 - (c) deadline for the supply: —**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 18. 5. 1993 at 12 noon (Brussels time)
 - (b) period for making the goods available at the port of shipment: 7 — 27. 6. 1993
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁰⁾:
Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles; (telex 22037 / 25670 AGREC B; telefax (32/2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on request by the successful tenderer** ⁽¹¹⁾: In the case of A and B sugar: periodic refund applicable to white sugar on 25. 3. 1993, fixed by Commission Regulation (EEC) No 672/93 (OJ No L 72, 25. 3. 1993, p. 12)

Notes:

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

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

- (4) For A and B sugar:

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

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

For C sugar:

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

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

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

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

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

- (10) Notwithstanding OJ No C 114, point V.A.3(c) is replaced by the following: 'the words "European Community".'

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

Lote	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción n°	Inscripciones complementarias
Parti	Totalmængde (i tons)	Delmængde (i tons)	Aktion nr.	Yderligere påskrifter
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Ergänzende Aufschriften
Παρτίδα	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Συμπληρωματικές ενδείξεις
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Supplementary markings
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action n°	Inscriptions complémentaires
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Iscrizioni supplementari
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Bijkomende vermeldingen
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Acção n°	Inscrições complementares
A	324		22/93	Eritrea / Oxfam B / 93 OXB 004 / Massawa
B	432	B1 : 18	23/93	Brasil / CAM / 93 CAM 001 / Recife
		B2 : 18	24/93	Brasil / PDF / 93 PDF 003 / Manaus
		B3 : 54	25/93	Algeria / Caritas B / 93 CAB 012 / Alger via Oran
		B4 : 54	26/93	Algeria / Oxfam B / 93 OXB 009 / Tindouf via Oran
		B5 : 18	28/93	Benin / Prosalus / 93 PRS 002 / Zagnanado via Cotonou
		B6 : 18	29/93	Burkina Faso / Cinterad / 93 CIN 026 / Ouagadougou via Cotonou
		B7 : 36	30/93	Burundi / Caritas B / 93 CAB 005 / Bujumbura via Dar es Salaam
		B8 : 18	31/93	Liberia / Prosalus / 93 PRS 005 / Monrovia
		B9 : 18	32/93	Mali / Cinterad / 93 CIN 015 / Tombouctou via Cotonou
		B10 : 18	34/93	Uganda / ICR / 93 ICR 001 / Kampala via Mombasa
		B11 : 54	35/93	Zimbabwe / WVUK / 93 WVB 010 / Mazowe River Refugee Camp via Beira
		B12 : 18	36/93	Moçambique / FOS / 93 FOS 001 / Chimoio via Beira
		B13 : 18	1339/92	Mali / Cinterad / 923423 / Mopti via Cotonou
		B14 : 18	1340/92	Mali / Cinterad / 923424 / Tombouctou via Cotonou
		B15 : 18	1341/92	India / ACA / 921601 / Kanyakumari via Tuticorin
		B16 : 36	1342/92	India / CFSS / 923507 / Bombay

COMMISSION REGULATION (EEC) No 818/93

of 5 April 1993

amending Regulation (EEC) No 230/93 opening an invitation to tender for the refund for the export of maize

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⁾,Having regard to 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⁾, and in particular Article 5 thereof,Whereas Commission Regulation (EEC) No 230/93 ⁽⁴⁾, as amended by Regulation (EEC) No 401/93 ⁽⁵⁾, opens an invitation to tender for the refund for the export of maize to countries in zones I and III (b) and to Cuba; whereas, given the present situation the countries of zone VIII (a) (ACP countries) should be included in the destinations for this invitation to tender;

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

1. Article 1 (2) of Regulation (EEC) No 230/93 is hereby replaced by the following:

‘2. The invitation to tender shall relate to maize for export to the countries in zones I, III (b), VIII (a) and to Cuba.’

2. The heading of the Annex to Regulation (EEC) No 230/93 is hereby replaced by the following:

‘Weekly invitation to tender for the refund for the export of maize to countries in zones I, III (b), VIII (a) and to Cuba.’

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 5 April 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 281, 1. 11. 1975, p. 78.⁽⁴⁾ OJ No L 27, 4. 2. 1993, p. 20.⁽⁵⁾ OJ No L 46, 24. 2. 1993, p. 9.

COMMISSION REGULATION (EEC) No 819/93

of 5 April 1993

amending Regulation (EEC) No 2294/92 on detailed rules for the application of the support system for producers of the oil seeds referred to in Council Regulation (EEC) No 1765/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops⁽¹⁾, as last amended by Regulation (EEC) No 364/93⁽²⁾, and in particular Articles 11 (1) and 12 thereof,

Whereas Commission Regulation (EEC) No 2294/92⁽³⁾, as last amended by Regulation (EEC) No 3529/92⁽⁴⁾, restricts the eligibility of producers of rape seed and colza to receive the compensatory payments to only those producers sowing seed of the varieties and qualities approved by the Commission and referred to in Article 3 of the Regulation (EEC) No 2294/92; whereas new varieties of rape seed meeting the Community's quality criteria are available; whereas these varieties should be added to the list of varieties referred to in the said Article 3;

Whereas the planting of areas for the sole purpose of receiving a compensatory payment should be prevented; whereas to this end and in respect of which a compensatory payment is applied for must be cultivated normally and the crop maintained for a certain minimum period;

Whereas it is necessary to establish a timetable for the making of the compensatory payments to producers, in order to ensure that they are made within a reasonable period of the date limit for sowing and of application for support, on one hand, and the publication of the final regional reference amounts, on the other; whereas experience gained through the application of Council Regulation (EEC) No 3766/91 of 12 December 1991 establishing a support scheme for producers of soya beans, rape seed, colza seed and sunflower seed⁽⁵⁾ should be taken into consideration when establishing this timetable;

Whereas the translation of certain terms contained in Regulation (EEC) No 2294/92 has led to confusion over

their meaning in the German language version of the Regulation; whereas the German text should be consistent with the other language versions;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2294/92 is hereby amended as follows:

1. the following Article 1a is inserted:

'Article 1a

Oil seed crops shall be maintained until at least the beginning of flowering in normal local growth conditions. Furthermore, oil seed crops shall be maintained until at least 30 June prior to the marketing year in question, except in those cases where a harvest takes place at the stage of full agricultural maturity before this date.'

2. the following Article 7a is inserted:

'Article 7a

1. The eligibility of a producer to receive the advance payment provided for in Article 11 (2) of Regulation (EEC) No 1765/92 shall be recognized when the conditions of Title II of this Regulation have been met.

2. Without prejudice to the transitional measures introduced by Commission Regulation (EEC) No 3368/92⁽⁶⁾, the checks necessary before any advance payment may be made shall include at least the administrative checks provided for in Article 8 (1) of Council Regulation (EEC) No 3508/92⁽⁷⁾.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ No L 42, 19. 2. 1993, p. 3.

⁽³⁾ OJ No L 221, 6. 8. 1992, p. 22.

⁽⁴⁾ OJ No L 358, 8. 12. 1992, p. 8.

⁽⁵⁾ OJ No L 356, 24. 12. 1991, p. 17.

3. Member States shall make the advance payment to producers at the earliest possible date, and in no case later than 30 September of the marketing year in respect of which the application for support was made.

4. Member States shall make the final payment to producers not later than 60 days after the date of publication of the final regional reference amounts in the *Official Journal of the European Communities*.

5. Notwithstanding paragraph 3, in cases where there is doubt as to the validity or accuracy of an application, no advance payment shall be made until such doubts are resolved.

(^(*)) OJ No L 342, 25. 11. 1992, p. 9.

(^(**)) OJ No L 355, 5. 12. 1992, p. 1.⁷;

3. the following varieties of oil seed rape shall be inserted in the list in Annex II:

'Alaska
Amazon
Apex
Aries
Fidelio
Gazelle
Goeland
Leadol
Liberty
Licargo
Logo

Mandarin
Marinka
Mars
Mensa
Navajo
Prestol
Prospa
Rosette
Saxon
Sponsor
Sprinter.⁷;

4. relates solely to the German-language version.

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, 5 April 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 820/93

of 5 April 1993

fixing, for the ninth 12-month period, amounts for the levy referred to in Article 5c of Council Regulation (EEC) No 804/68 in the milk and milk products sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 857/84 of 31 March 1984 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector⁽¹⁾, as last amended by Regulation (EEC) No 817/92⁽²⁾, and in particular Article 11 (a) thereof,

Whereas Article 5c of Council Regulation (EEC) No 804/68⁽³⁾, as last amended by Regulation (EEC) No 2071/92⁽⁴⁾, instituted a levy payable by every producer or purchaser of milk or other milk products on quantities exceeding an annual reference quantity; whereas rates for this levy are set in Article 1 of Regulation (EEC) No 857/84;

Whereas, pursuant to Article 11 of Regulation (EEC) No 857/84, the Commission must state amounts for the levy,

HAS ADOPTED THIS REGULATION:

Article 1

The amount of the levy referred to in Article 1 (1) of Regulation (EEC) No 857/84 is fixed for the ninth 12-month period at:

- ECU 30,83 per 100 kilograms of milk and/or milk equivalent where formula A or formula B is applied,
- ECU 20,11 per 100 kilograms of milk and/or milk equivalent where there is direct sale for consumption.

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, 5 April 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 90, 1. 4. 1984, p. 13.

⁽²⁾ OJ No L 86, 1. 4. 1992, p. 85.

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽⁴⁾ OJ No L 215, 30. 7. 1992, p. 64.

COMMISSION REGULATION (EEC) No 821/93

of 5 April 1993

amending Regulation (EEC) No 2177/92 laying down detailed rules for the application of the specific supply arrangements for the Azores, Madeira and the Canary Islands with regard to sugar

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⁾, and in particular Article 10 thereof,

Whereas Commission Regulation (EEC) No 2177/92 of 30 July 1992 laying down detailed rules for the application of the specific supply arrangements for the Azores, Madeira and the Canary Islands with regard to sugar and amending Regulation (EEC) No 2670/81⁽²⁾ fixed the quantity of sugar eligible for Community aid or for exemption from the import levy during the 1992/93 marketing year in respect of Madeira, under the specific supply arrangements provided for in Regulation (EEC) No 1600/92, at 6 000 tonnes;

Whereas, as a result of an increase in local consumption, the quantities initially fixed for Madeira should conse-

quently be reviewed and the Annex to Regulation (EEC) No 2177/92 amended for the 1992/93 marketing year;

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 Annex to Regulation (EEC) No 2177/92 is hereby replaced by the Annex to this Regulation.

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, 5 April 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

Quantities of sugar expressed in terms of tonnes of white sugar, referred to in Article 1 of this Regulation for the 1992/93 marketing year

Region	Quantity
Azores	7 000
Madeira	10 000
Canary Islands	60 000

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 217, 31. 7. 1992, p. 71.

COMMISSION REGULATION (EEC) No 822/93

of 5 April 1993

introducing a countervailing charge on tomatoes originating in Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

tomatoes originating in Morocco being applicable; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Having regard to the Treaty establishing the European Economic Community,

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁵⁾, as last amended by Regulation (EEC) No 249/93⁽⁶⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;Having regard to Regulation (EEC) No 1035/72 of the Council 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, for tomatoes originating in Morocco the entry price calculated in this way has remained at least ECU 0,6 below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these tomatoes;

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

Whereas 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' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 3819/92⁽⁸⁾;

HAS ADOPTED THIS REGULATION:

Whereas Commission Regulation (EEC) No 735/93 of 29 March 1993 fixing for the 1992 marketing year the reference prices for tomatoes⁽³⁾ fixed the reference price for products of class I at ECU 197,27 per 100 kilograms net for the month of April 1993;*Article 1*

A countervailing charge of ECU 68,92 per 100 kilograms net is applied to tomatoes (CN code 0702 00) originating in Morocco.

Article 2

This Regulation shall enter into force on 7 April 1993.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.⁽²⁾ OJ No L 69, 20. 3. 1993, p. 7.⁽³⁾ OJ No L 75, 30. 3. 1993, p. 16.⁽⁴⁾ OJ No L 313, 30. 10. 1992, p. 18.⁽⁵⁾ OJ No L 220, 10. 8. 1974, p. 20.⁽⁶⁾ OJ No L 28, 5. 2. 1993, p. 45.⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 17.

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

Done at Brussels, 5 April 1993.

For the Commission

René STEICHEN

Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 3/92 OF THE EEC-NORWAY JOINT COMMITTEE
of 18 December 1992
amending Protocol 3 concerning the definition of the concept of 'originating
products' and methods of administrative cooperation

(93/191/EEC)

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Kingdom of Norway, signed in Brussels on 14 May 1973,

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

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

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

Whereas it is appropriate to re-insert this derogation from the rules of origin, limited to a two-year period, and also

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

HAS DECIDED AS FOLLOWS:

Article 1

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

Article 2

This Decision shall apply with effect from 1 November 1992.

Done at Brussels, 18 December 1992.

For the Joint Committee

The President

G. GIOLA

ANNEX

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

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

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

DECISION No 3/92 OF THE EEC-SWITZERLAND JOINT COMMITTEE
of 18 November 1992
amending Protocol 3 concerning the definition of the concept of 'originating
products' and methods of administrative cooperation

(93/192/EEC)

THE JOINT COMMITTEE,

HAS DECIDED AS FOLLOWS:

Having regard to the Agreement between the European Economic Community and the Swiss Confederation, signed in Brussels on 22 July 1972,

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

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

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

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

Article 1

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

Article 2

This Decision shall apply with effect from 1 November 1992.

Done at Brussels, 18 December 1992.

For the Joint Committee

The President

B. de TSCHARNER

ANNEX

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

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

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

COMMISSION

COMMISSION DECISION

of 23 December 1992

on the aid granted for the creation of industrial enterprises in Modane, Savoy (France), considered in the light of Articles 92 and 94 of the EEC Treaty

(Only the French text is authentic)

(93/193/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 given notice to the parties concerned to submit their comments, in accordance with the same provision, and having regard to those comments,

Whereas :

I

Following a written question (No 2832/91), which Mr Mauro Chiabrande, Member of the European Parliament, put to the Commission on 11 November 1991, the Commission sent the French Government a request for information on aid which appeared to have been granted to industrial enterprises setting up in Modane, Savoy⁽¹⁾.

The Commission received no reply, and accordingly it sent a reminder by letter No 437 of 5 February 1992. The French authorities sent the Commission an interim answer dated 17 February 1992, which was followed by a full answer dated 9 April 1992.

The information provided was incomplete, and too vague to enable the Commission to check whether the aid was compatible with Articles 92 and 93 of the EEC Treaty; on 14 April 1992, therefore, the Commission decided to

initiate proceedings under Article 93 (2) of the EEC Treaty to examine the measures in question.

The French authorities were informed accordingly, by letter dated 28 April 1992, and the other Member States and interested parties were informed by means of a notice published in the Official Journal⁽²⁾.

The French authorities gave an initial reply by letter dated 14 May 1992. On 3 August 1992 they asked to be allowed two months to complete the reply; they sent the Commission their definitive reply on 16 November 1992.

II

In his written question to the Commission Mr Chiabrande described the following arrangements, which he understood applied to enterprises setting up in Modane :

1. a reduction on electricity prices, granted by the regional council of Savoy, of up to 25 % of the cost for a maximum of five years;
2. tax exemptions;
3. recruitment and training aid;
4. financial aid;
 - for land development on favourable and negotiable terms,
 - for the construction of buildings for lease, rental or sale;
5. grants from the *département* and region intended substantially to reduce the cost of these buildings.

In their letters of 14 May and 16 November 1992 the French authorities provided clarification and argument in support of their position on points 2 to 5 above.

⁽¹⁾ Letter to the Office of the French Permanent Representative No 4487, 16 December 1991.

⁽²⁾ OJ No C 149, 13. 6. 1992, p. 4.

As regards the reduction in electricity prices referred to in point 1, the French authorities supplied the legal basis of the aid and a draft amendment to it, and figures for reductions already granted.

The Commission analysed the two aspects separately, that is to say :

A. points 2 to 5 above ;

B. the reductions in electricity prices : here the Commission considered the new draft Order and the force of established practices, namely the concessions already granted to enterprises under the Mountain Areas Law since it entered into force on 31 March 1987.

III

A

Tax exemptions

These are exemptions or reductions in business tax and succession and gift duties, which are granted by local authorities ; the mechanisms and various implementing orders were authorized by the Commission in 1982, at the same time as the regional planning grant (PAT) scheme. The concessions cannot be granted for more than five years, and relate mainly to business start-up and expansion operations.

Recruitment and training

The measure at issue here is a general scheme administered by public bodies throughout France. The Aid is awarded not to firms but to employed persons or job seekers and accordingly does not constitute State aid within the meaning of Article 92 of the EEC Treaty.

Financial aid for land development and the construction of buildings, and local authority grants to reduce the cost of buildings

These measures are administered in the canton of Modane by the département and region and by Sofirem, one of the Charbonnages de France coalmining conversion corporations.

— Sofirem

Sofirem is a conversion corporation whose activities were approved by the Commission on 31 May 1989 ; it provides loans on favourable terms, takes sharehol-

dings, and provides advisory services, mainly in the French coalfields. On 27 September 1990 the Commission authorized the extension of its activities to Modane on the following conditions : it was to assist only firms with a staff of no more than 100 and a turnover of no more than ECU 10 million, and the aid granted was not to exceed a gross intensity of 7,5 %. Sofirem has complied with these conditions.

— The département and region

Local authorities can provide assistance in Modane under Article 1 of Order No 82-809 of 22 September 1982, which was approved by the Commission at the same time as the PAT scheme ; it allows them to acquire buildings, to renovate them, and then to lease, rent or sell them at market prices.

B

Reductions on electricity prices

The reductions are given under Order No 87/214 of 25 March 1987 on the power and energy reserved provided for in Article 10 of the Hydraulic Energy Law of 16 October 1919, as amended by Article 91 of the Mountain Areas Law, No 85-30 of 9 January 1985.

The Hydraulic Energy Law states that where a concession is granted for the operation of a hydroelectric power station, part of the power available must be reserved for the local area, as a public service obligation.

The Mountain Areas Law also allows certain firms to enjoy a reduction on energy prices, by decision of the regional council in accordance with machinery to be established by order.

Lastly, Order No 87-214 lays down the criteria for determining which firms are eligible and provides that the reduction granted is to be 25 % of the price.

Under the Order, manufacturing and craft firms are eligible for the price reduction where they :

- invest in connection with the creation of a business, a take-over of a business in difficulty, the expansion of a business or the internal conversion of a business, and
- undertake to create or maintain a number of permanent or seasonal jobs which is no lower than a threshold periodically determined by the regional council.

The regions which qualify are mountain areas, defined in terms of high altitude or steeply sloping terrain, and are not all eligible for regional aid.

The mechanism described here constitutes operating aid: the Commission will sometimes authorize aid of this kind in areas which qualify for assistance pursuant to Article 92 (3) (a) of the EEC Treaty, but never in areas which qualify pursuant to Article 92 (3) (c) — still less in areas which do not qualify for regional aid, which is the case in the canton of Modane.

In their letter of 16 November 1992, however, the French authorities sent the Commission a draft Order amending Order No 87-214. Under the new Order the electricity price reduction could not total more than FF 350 000 (ECU 50 000) per firm over three years. The Order would also exclude 'manufacturing enterprises governed by special Community rules on State aid'.

Reductions already granted to firms under the Mountain Areas Law since it entered into force on 31 March 1987

The scheme was extended to firms only on 31 March 1987; before that it had been confined to public authorities and public services.

The French authorities have calculated the total amount granted in reductions to firms in 1990 and 1991:

	(in FF million)	
	1990	1991
Granted to firms in France	1,2	1,6
Granted to firms in Savoy	0,6	0,8

IV

In the light of what has been said here, and particularly in point III A and B, the Commission has reached the following conclusions:

- the application to the canton of Modane of the measures described at point III A, that is to say tax exemptions, recruitment and training aid and the measures taken by Sofirem and local authorities under Order No 82-809, merely brings together a combina-

tion of measures which already exist and which have been authorized by the Commission, and is consequently in accordance with Community legislation on State aid,

- the scheme for the reduction of electricity prices under the Mountain Areas Law, described at point III.B, as it would be amended by the draft Order notified to the Commission on 16 November 1992, satisfied the *de minimis* test set out in the Community guidelines on State aid for small and medium-sized enterprises adopted by the Commission on 20 May 1992⁽¹⁾,
- the total granted in electricity price reductions in Savoy under the Mountain Areas Law is small, at FF 800 000 to nine firms in 1991. The firms involved thus received an average of FF 90 000 each in 1991. It is theoretically possible that one of them may have received a reduction of more than ECU 50 000 over a three-year period, but it is extremely unlikely that aid on so small a scale might have adversely affected trade between Member States to an extent contrary to the common interest.

Accordingly, on condition that the draft Order notified to the Commission is introduced by 31 March 1993 at the latest, and that the French authorities ensure that the Community rules on the overlapping of aid schemes of minor importance and on the combination of aid granted for different purposes are complied with, the Commission takes the view that Order No 87-214, as consequently amended, is compatible with the common market,

HAS ADOPTED THIS DECISION:

Article 1

1. The tax exemptions, the staff recruitment and training aid and the measures taken by Sofirem and local authorities described in point III A are compatible with the common market.

2. Order No 87-214 of 25 March 1987 on the power reserves of hydroelectric undertakings provided for by Article 10 of the Hydraulic Energy Law of 16 October 1919 as amended by the Mountain Areas Law of 9 January 1985 is compatible with the common market on the conditions hereinafter set out.

⁽¹⁾ OJ No C 213, 19. 8. 1992, p. 4.

Article 2

Before 1 March 1993 the French authorities shall take the measures necessary to ensure that the total granted in electricity price reductions to any one undertaking does not exceed ECU 50 000 in any period of three years.

Article 3

The French authorities shall ensure that the Community rules on the overlapping of aid measures of minor importance and on the overlapping of aid granted for different purposes are complied with.

Article 4

Industries governed by special Community rules on State aid, laid down under the EEC and ECSC Treaties, are excluded from the scope of this Decision.

Article 5

The French Government shall inform the Commission no later than 30 April 1993 of the measures it has taken to comply with this Decision.

Article 6

This Decision is addressed to the French Republic.

Done at Brussels, 23 December 1992.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION

of 24 February 1993

ruling on the granting of aid by Belgium to the coal industry in 1993

(Only the Dutch and French texts are authentic)

(93/194/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

II

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2064/86/ECSC of 30 June 1986 establishing Community rules for State aid to the coal industry⁽¹⁾,

Whereas :

I

In its letters of 9 October and 13 November 1992 the Belgian Government informed the Commission, pursuant to Article 9 (2) of Decision No 2064/86/ECSC, of the financial measures it intends to take to support the coal industry in 1993.

Pursuant to the abovementioned Decision, the Commission must give a ruling on the following financial aid schemes :

- aid totalling Bfrs 14 100 000 to cover expenses relating to the system of supplementary holiday for underground workers,
- aid totalling Bfrs 214 000 000 to finance social benefit schemes in the coal industry, corresponding to the difference between actual and normal social charges.

In its letter of 9 October 1992 the Belgian Government informed the Commission that, with effect from the 1993 calendar year, it would refrain from granting to the coal industry aid of any form except, provisionally, for aid to cover the social costs arising from closure.

The measures which the Belgian Government intends to take to support the coal industry in 1993 comply with the provisions of Article 1 (1) of Decision No 2064/86/ECSC.

The Commission must therefore give a ruling, pursuant to Article 10 of the Decision, as to whether they comply with the objectives and criteria set out in that Decision and whether they are compatible with the proper functioning of the common market.

Since 1987 the Belgian coal industry has been undergoing restructuring made necessary by the fact that production capacity was not economically viable ; implementation of a multiannual restructuring plan led to the ending of all coal production in Belgium on 30 September 1992. The Belgian Government confirmed this definitive shutdown in its letter of 9 October 1992.

The financial aid schemes planned are intended to cover the social charges arising from the pit closures, particularly underground work on safety and environmental protection.

The information contained in the notification from the Belgian Government regarding the financing of the social benefit scheme in the coal industry reveals that the aid which the Belgian Government proposes to grant brings the ratio between the burden per mineworker in employment and the benefits per person in receipt of benefit below the corresponding ratio in other industries. This difference will amount to Bfrs 214 000 000 in 1993.

Consequently, the limits specified in Article 7 are exceeded. This excess aid must be considered an inherited liability. Pursuant to Article 8 of Decision No 2064/86/EEC, the aid may be considered compatible with the common market provided that it does not exceed the costs incurred. The information submitted by the Belgian Government made it possible to verify compliance with this condition.

The aid to cover expenditure relating to the system of supplementary holiday for underground workers is to be considered an inherited liability subject to compliance with the conditions laid down in Article 8 of the Decision. The Commission verified the information submitted by the Belgian Government and ascertained that the aid will not exceed the expected costs.

Since these measures are connected with the restructuring programme, the aid planned by the Belgian Government complies with the provisions, objectives and criteria for implementation of Decision No 2064/86/ECSC.

III

The aid covered by this Decision is therefore compatible with the proper functioning of the common market,

⁽¹⁾ OJ No L 177, 1. 7. 1986, p. 1.

HAS ADOPTED THIS DECISION:

— aid to finance social benefit schemes in the coal industry, not exceeding Bfrs 214 000 000.

Article 1

The Belgian Government is hereby authorized to grant aid totalling Bfrs 228 100 000 to the Belgian coal industry for the 1993 calendar year. The total amount shall be made up of the following aid:

— aid to cover expenses relating to the system of supplementary holiday for underground workers, not exceeding Bfrs 14 100 000,

Article 2

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 24 February 1993.

For the Commission

Abel MATUTES

Member of the Commission

CORRIGENDA**Corrigendum to Council Directive 90/387/EEC of 28 June 1990 on the establishment of the internal market for telecommunications services through the implementation of open network provision**

(Official Journal of the European Communities No L 192 of 24 July 1990)

On page 3 in Article 2, point 7:

for: '... for the public or direct network ... via the public switches network ...',

read: '... for the public of direct network ... via the public switched network ...'.

Corrigendum to Commission Decision 92/460/EEC of 2 September 1992 concerning animal health conditions and veterinary certificates for the import of domestic animals of the bovine and porcine species from Switzerland

(Official Journal of the European Communities No L 261 of 7 September 1992)

On page 5, in Annex A, point V. 1 should read:

- '1. that Switzerland has during the past 24 months been free from foot-and-mouth disease and during the past 12 months been free from rinderpest, contagious bovine pleuro-pneumonia, vesicular stomatitis and bluetongue, that no vaccinations have been carried out against any of these diseases during the past 12 months and that the importation of animals vaccinated against foot-and-mouth disease is prohibited;'.
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