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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1086/93**of 4 May 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 3 May

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 5 May 1993.

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

Done at Brussels, 4 May 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 4 May 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	140,42 (*) (*)
0712 90 19	140,42 (*) (*)
1001 10 00	184,16 (*) (*)
1001 90 91	146,18
1001 90 99	146,18 (*)
1002 00 00	156,10 (*)
1003 00 10	141,37
1003 00 20	141,37
1003 00 80	141,37 (*)
1004 00 00	116,24
1005 10 90	140,42 (*) (*)
1005 90 00	140,42 (*) (*)
1007 00 90	145,64 (*)
1008 10 00	56,97 (*)
1008 20 00	102,53 (*)
1008 30 00	61,45 (*)
1008 90 10	(*)
1008 90 90	61,45
1101 00 00	217,25 (*)
1102 10 00	231,14
1103 11 30	296,57
1103 11 50	296,57
1103 11 90	232,98

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

(*) 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.

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

(*) 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.

(*) 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.

(*) 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).

(*) 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 1087/93**of 4 May 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 3 May

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 5 May 1993.

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

Done at Brussels, 4 May 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 4 May 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 5	1st period 6	2nd period 7	3rd period 8
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	4,11	4,11	7,81
1001 90 99	0	4,11	4,11	7,81
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	5,75	5,75	10,95

B. Malt

(ECU/tonne)

CN code	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
1107 10 11	0	7,32	7,32	13,90	13,90
1107 10 19	0	5,47	5,47	10,39	10,39
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 1088/93

of 3 May 1993

re-establishing the levying of customs duties on products falling within CN code 6913, originating in China, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3831/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain industrial products originating in developing countries⁽¹⁾, extended for 1993 by Regulation (EEC) No 3917/92⁽²⁾, and in particular Article 9 thereof,

Whereas, pursuant to Articles 1 and 6 of Regulation (EEC) No 3831/90, suspension of customs duties shall be accorded for 1993 to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceilings fixed in column 6 of Annex I;

Whereas, as provided for in Article 7 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of

the countries and territories concerned may at any time be re-established;

Whereas, in the case of products falling within CN code 6913, originating in China, the individual ceiling was fixed at ECU 5 789 000; whereas on 3 March 1993, imports of these products into the Community originating in China reached the ceiling in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against China,

HAS ADOPTED THIS REGULATION:

Article 1

As from 8 May 1993, the levying of customs duties, suspended for 1993 pursuant to Regulation (EEC) No 3831/90, shall be re-established on imports into the Community of the following products, originating in China:

Order No	CN code	Description
10.0750	6913	Statuettes and other ornamental ceramic articles

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, 3 May 1993.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 396, 31. 12. 1992, p. 1.

COMMISSION REGULATION (EEC) No 1089/93

of 4 May 1993

laying down detailed rules governing the grant of private storage aid for Kefalotyri and Kasseri cheeses

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 Regulation (EEC) No 2071/92 ⁽²⁾ and in particular Articles 9 (3) and 28 thereof,Whereas Council Regulation (EEC) No 508/71 of 8 March 1971 laying down general rules on private storage aid for long-keeping cheeses ⁽³⁾ permits the granting of private storage aid for sheep's-milk cheeses requiring at least six months for maturing where a serious market imbalance could be eliminated or reduced by seasonal storage;

Whereas the market in Kefalotyri and Kasseri cheeses is at present disturbed by the existence of stocks which are difficult to sell and which are causing a lowering of prices; whereas seasonal storage should therefore be introduced for these quantities to improve the situation and allow producers time to find outlets for their cheese;

Whereas the detailed rules for the application of such measures should essentially be the same as those laid down for similar measures during previous years; whereas, however, in view of recent developments on the market for the cheeses concerned, it is appropriate to fix the aid rate as well as the maximum quantity to benefit from it at lower levels than those previously applied;

Whereas experience shows that provisions on checks should be laid down, particularly as regards the documents to be submitted and checks to be made on the spot; whereas, therefore, it should be provided that Member States require the costs of checks be fully or partly borne by the contractor;

Whereas it is appropriate to guarantee the continuation of the storage operations in question;

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

HAS ADOPTED THIS REGULATION:

Article 1

Aid shall be granted in respect of the private storage of 3 200 tonnes of Kefalotyri and Kasseri cheeses made from

Community-produced ewes' or goats' milk or a mixture of the two and satisfying the requirements of Articles 2 and 3.

Article 2

1. The intervention agency shall conclude storage contracts only when the following conditions are met:

- (a) the quantity of cheese to which the contract relates is not less than two tonnes;
- (b) the cheese was manufactured at least 90 days before the date specified in the contract as being the date of commencement of storage, and after 30 November 1992;
- (c) the cheese has undergone tests which show that it meets the condition laid down in (b) and that it is of first quality;
- (d) the storer undertakes:
 - to keep the cheese during the entire period of storage in premises where the maximum temperature is + 16 °C,
 - not, during the term of the contract, to alter the composition of the batch which is the subject of the contract without authorization from the intervention agency. If the condition concerning the minimum quantity fixed for each batch continues to be met, the intervention agency may authorize an alteration which is limited to the removal or replacement of cheeses which are found to have deteriorated to such an extent that they can no longer be stored.

In the event of release from store of certain quantities:

- (i) if the aforesaid quantities are replaced with the authorization of the intervention agency, the contract is deemed not to have undergone any alteration;
- (ii) if the aforesaid quantities are not replaced, the contract is deemed to have been concluded *ab initio* for the quantity permanently retained.

Any supervisory costs arising from an alteration shall be met by the storer,

- to keep stock accounts and to inform the intervention agency each week of the quantity of cheese put into storage during the previous week, and of any planned withdrawals.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.⁽³⁾ OJ No L 58, 11. 3. 1971, p. 1.

2. The storage contract shall be concluded:

- (a) in writing, stating the date when storage covered by the contract begins; this may not be earlier than the day following that on which the operations connected with putting the batch of cheese covered by the contract into storage were completed;
- (b) after completion by the operations connected with putting the batch of cheese covered by the contract into storage and at the latest 40 days after the date on which the storage covered by the contract begins.

Article 3

1. Aid shall be granted only for cheese put into storage during the period 15 May to 30 November 1993.

2. No aid shall be granted in respect of storage under contract for less than 60 days.

3. The aid payable may not exceed an amount corresponding to 150 days' storage under contract terminating before 31 March 1994. By way of derogation from the second indent of Article 2 (1) (d), when the period of 60 days specified in paragraph 2 has elapsed, the storer may remove all or part of the batch under contract. The minimum quantity that may be removed shall be 500 kilograms. The Member States may, however, increase this quantity to two tonnes.

The date of the start of operations to remove cheese covered by the contract shall not be included in the period of storage under contract.

Article 4

1. The amount of aid shall be ECU 2,17 per tonne per day.

2. The amount of aid in ecus in relation to a storage contract shall be that applying on the first day of storage under contract. It shall be converted into national currency at the representative rate applicable on the last day of storage under contract.

3. Aid shall be paid not later than 90 days from the last day of storage under contract.

Article 5

The periods, dates and time limits mentioned in this Regulation shall be determined in accordance with Regulation (EEC, Euratom) No 1182/71⁽¹⁾. However, Article 3 (4) of that Regulation shall not apply for determination of the duration of storage under contract.

⁽¹⁾ OJ No L 124, 8. 6. 1971, p. 1.

Article 6

1. The Member States shall ensure that the conditions granting entitlement to payment of the aid are fulfilled.

2. The contractor shall make available to the national authorities responsible for verifying execution of the measure any documentation permitting in particular the following particulars of products placed in private storage to be verified:

- (a) ownership at the time of entry into storage;
- (b) the origin and date of manufacture of the cheeses;
- (c) the date of entry into storage;
- (d) presence in the store;
- (e) the date of removal from storage.

3. The contractor or, where applicable, the operator of the store, shall keep stock accounts available at the store, covering:

- (a) identification, by contract number, of the products placed in private storage;
- (b) the dates of entry into and removal from storage;
- (c) the number of cheeses and their weight shown for each lot;
- (d) the location of the products in the store.

4. Products stored must be easily identifiable and must be identified individually by contract.

A special mark shall be affixed to cheeses covered by contract.

5. Without prejudice to Article 2 (1) (d), on entry into storage, the competent bodies shall conduct checks in particular to ensure that products stored are eligible for the aid and to prevent any possibility of substitution of products during storage under contract.

6. The national authorities responsible for controls shall undertake:

- (a) an unannounced check to see that the products are present in the store. The sample concerned must be representative and must correspond to at least 10 % of the overall quantity under contract for a private storage aid measure. Such checks must include, in addition to an examination of the accounts referred to in paragraph 3, a physical check of the weight and type of product and their identification. Such physical checks must relate to at least 5 % of the quantity subject to the unannounced check;
- (b) a check to see that the products are present at the end of the storage period under contract.

7. Checks conducted pursuant to paragraphs 5 and 6 must be the subject of a report stating :

- the date of the check,
- its duration,
- the operations conducted.

The report on checks must be signed by the official responsible and countersigned by the contractor or, where applicable, by the store operator.

8. In the case of irregularities affecting at least 5 % of the quantities of products subject to the checks the latter shall be extended to a larger sample to be determined by the competent body.

The Member States shall notify such cases to the Commission within four weeks.

9. The Member States may provide that the costs of checks will be borne partly or fully by the contractor.

Article 7

Member States shall communicate to the Commission on or before the Tuesday of each week :

- (a) the quantity of cheese for which storage contracts have been concluded during the previous week ;
- (b) any quantities in respect of which the authorization referred to in the second indent of Article 2 (d) has been given.

Article 8

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 15 May 1993.

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

Done at Brussels, 4 May 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 1090/93

of 4 May 1993

fixing the estimated production of olive oil and the amount of the unit production aid that may be paid in advance for the 1992/93 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2046/92⁽²⁾,

Having regard to Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organizations⁽³⁾, as last amended by Regulation (EEC) No 3500/90⁽⁴⁾, and in particular Article 17a (1) thereof,

Whereas Article 5 of Regulation No 136/66/EEC provides that the unit production aid must be reduced where the actual production in a given marketing year exceeds the guaranteed maximum quantity fixed for that marketing year; whereas, however, producers whose average production does not amount to 500 kilograms of olive oil per marketing year are not affected by such a reduction;

Whereas Article 17a of Regulation (EEC) No 2261/84 provides that in order to determine the unit amount of the production aid for olive oil that can be paid in advance, the estimated production for the marketing year concerned should be determined; whereas that amount must be fixed at a level avoiding any risk of unwarranted payment to olive growers;

Whereas, in order to establish the estimated production, the Member States must forward to the Commission the data for the olive oil production estimates for each marketing year; whereas the Commission may avail itself of other sources of information;

Whereas the amount of the advance withheld for the establishment of the register of olive cultivation provided

for in Council Regulation (EEC) No 2159/92⁽⁵⁾ and the amount withheld for measures to improve the quality of olive oil provided for in Council Regulation (EEC) No 2047/92⁽⁶⁾ must be taken into account;

Whereas in Spain and Portugal, the amount of the production aid is different from that in the other Member States; whereas the amount of the advance in those two Member States must therefore be different; whereas, on the basis of the data available, the estimated quantity and the abovementioned amount should be fixed at the levels given below;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1992/93 olive oil marketing year:

- the estimated production shall be 1 299 900 tonnes,
- the unit amount of the production aid that may be paid in advance shall be:
 - ECU 46,31 per 100 kilograms for Spain,
 - ECU 44,22 per 100 kilograms for Portugal,
 - ECU 70,28 per 100 kilograms for the other Member States.

Article 2

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

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

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 1.

⁽³⁾ OJ No L 208, 3. 8. 1984, p. 3.

⁽⁴⁾ OJ No L 338, 5. 12. 1990, p. 3.

⁽⁵⁾ OJ No L 217, 31. 7. 1992, p. 8.

⁽⁶⁾ OJ No L 215, 30. 7. 1992, p. 3.

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

Done at Brussels, 4 May 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 1091/93**of 4 May 1993****amending Regulation (EEC) No 124/93 on the issuing of a standing invitation of tender for the resale on the internal market of 150 000 tonnes of durum wheat held by the Greek intervention agency**

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 1758/92 ⁽²⁾, and in particular Article 7 (6) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies ⁽³⁾, as last amended by Regulation (EEC) No 966/93 ⁽⁴⁾,

Whereas the last partial invitation to tender pursuant to Commission Regulation (EEC) 124/93 ⁽⁵⁾, as last amended by Regulation (EEC) No 584/93 ⁽⁶⁾, should be postponed;

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

Article 2 (2) of Regulation (EEC) No 124/93 is replaced by the following:

'2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 21 May 1993.'

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, 4 May 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 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 98, 24. 4. 1993, p. 25.

⁽⁵⁾ OJ No L 17, 26. 1. 1993, p. 6.

⁽⁶⁾ OJ No L 61, 13. 3. 1993, p. 25.

COMMISSION REGULATION (EEC) No 1092/93

of 4 May 1993

amending Regulation (EEC) No 123/93 and increasing to 250 000 tonnes the amount of barley held by the Spanish intervention agency for which a standing invitation to tender for resale on the internal market has been opened

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 7 (6) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by intervention agencies ⁽³⁾, as last amended by Regulation (EEC) No 966/93 ⁽⁴⁾,

Whereas Commission Regulation (EEC) No 123/93 ⁽⁵⁾, as amended by Regulation (EEC) No 986/93 ⁽⁶⁾, opened a standing invitation to tender for the resale on the internal market of 150 000 tonnes of barley held by the Spanish intervention agency;

Whereas in the present situation on the market the quantity of barley held by the Spanish intervention agency put up for sale on the internal market of the Community should be increased to 250 000 tonnes and the last partial invitation to tender should be postponed;

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

Regulation (EEC) No 123/93 is hereby amended as follows:

1. in Article 1 'of 150 000 tonnes' is replaced by 'of 250 000 tonnes';
2. Article 2 (2) is replaced by the following:
'2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 28 May 1993.'

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, 4 May 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 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 98, 24. 4. 1993, p. 25.

⁽⁵⁾ OJ No L 17, 26. 1. 1993, p. 5.

⁽⁶⁾ OJ No L 102, 28. 4. 1993, p. 5.

COMMISSION REGULATION (EEC) No 1093/93

of 4 May 1993

amending Regulation (EEC) No 310/93 on the issuing of a standing invitation of tender for the resale on the internal market of 33 000 tonnes of common wheat of breadmaking quality held by the Greek intervention agency

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 7 (6) thereof,

Having regard to Council Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies⁽³⁾, as last amended by Regulation (EEC) No 966/93⁽⁴⁾,

Whereas the last partial invitation to tender pursuant to Commission Regulation (EEC) No 310/93⁽⁵⁾ should be postponed;

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

Article 2 (2) of Regulation (EEC) No 310/93 is replaced by the following:

'2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 21 May 1993.'

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, 4 May 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 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 98, 24. 4. 1993, p. 25.

⁽⁵⁾ OJ No L 36, 12. 2. 1993, p. 35.

COMMISSION REGULATION (EEC) No 1094/93**of 4 May 1993****correcting Regulation (EEC) No 1035/92 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 the export refunds on cereal-based compound
feedingstuffs were fixed by Commission Regulation (EEC)
No 1035/93 ⁽³⁾;Whereas a check has shown that the Annex thereto does
not correspond to the measures submitted for an opinion
to the management committee; whereas the Regulation
in question should be corrected accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*The Annex to Regulation (EEC) No 1035/93 is replaced
by the Annex to this Regulation.*Article 2*This Regulation shall enter into force on the day of its
publication in the *Official Journal of the European
Communities*.

It shall apply with effect from 1 May 1993.

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

Done at Brussels, 4 May 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 108, 1. 5. 1993, p. 16.

ANNEX

to the Commission Regulation of 4 May 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	4,60	2309 90 53 290	7,26
2309 10 13 110	4,60	2309 10 11 310	18,40
2309 10 31 110	4,60	2309 10 13 310	18,40
2309 10 33 110	4,60	2309 10 31 310	18,40
2309 10 51 110	4,60	2309 10 33 310	18,40
2309 10 53 110	4,60	2309 10 51 310	18,40
2309 90 31 110	4,60	2309 10 53 310	18,40
2309 90 33 110	4,60	2309 90 31 310	18,40
2309 90 41 110	4,60	2309 90 33 310	18,40
2309 90 43 110	4,60	2309 90 41 310	18,40
2309 90 51 110	4,60	2309 90 43 310	18,40
2309 90 53 110	4,60	2309 90 51 310	18,40
2309 10 11 190	3,63	2309 90 53 310	18,40
2309 10 13 190	3,63	2309 10 11 390	14,52
2309 10 31 190	3,63	2309 10 13 390	14,52
2309 10 33 190	3,63	2309 10 31 390	14,52
2309 10 51 190	3,63	2309 10 33 390	14,52
2309 10 53 190	3,63	2309 10 51 390	14,52
2309 90 31 190	3,63	2309 10 53 390	14,52
2309 90 33 190	3,63	2309 90 31 390	14,52
2309 90 41 190	3,63	2309 90 33 390	14,52
2309 90 43 190	3,63	2309 90 41 390	14,52
2309 90 51 190	3,63	2309 90 43 390	14,52
2309 90 53 190	3,63	2309 90 51 390	14,52
2309 10 11 210	9,20	2309 90 53 390	14,52
2309 10 13 210	9,20	2309 10 31 410	27,60
2309 10 31 210	9,20	2309 10 33 410	27,60
2309 10 33 210	9,20	2309 10 51 410	27,60
2309 10 51 210	9,20	2309 10 53 410	27,60
2309 10 53 210	9,20	2309 90 41 410	27,60
2309 90 31 210	9,20	2309 90 43 410	27,60
2309 90 33 210	9,20	2309 90 51 410	27,60
2309 90 41 210	9,20	2309 90 53 410	27,60
2309 90 43 210	9,20	2309 10 31 490	21,78
2309 90 51 210	9,20	2309 10 33 490	21,78
2309 90 53 210	9,20	2309 10 51 490	21,78
2309 10 11 290	7,26	2309 10 53 490	21,78
2309 10 13 290	7,26	2309 90 41 490	21,78
2309 10 31 290	7,26	2309 90 43 490	21,78
2309 10 33 290	7,26	2309 90 51 490	21,78
2309 10 51 290	7,26	2309 90 53 490	21,78
2309 10 53 290	7,26	2309 10 31 510	36,80
2309 90 31 290	7,26	2309 10 33 510	36,80
2309 90 33 290	7,26	2309 10 51 510	36,80
2309 90 41 290	7,26	2309 10 53 510	36,80
2309 90 43 290	7,26	2309 90 41 510	36,80
2309 90 51 290	7,26	2309 90 43 510	36,80

(ECU/tonne)		(ECU/tonne)	
Product code	Amount of refund (')	Product code	Amount of refund (')
2309 90 51 510	36,80	2309 10 53 690	36,31
2309 90 53 510	36,80	2309 90 41 690	36,31
2309 10 31 590	29,04	2309 90 43 690	36,31
2309 10 33 590	29,04	2309 90 51 690	36,31
2309 10 51 590	29,04	2309 90 53 690	36,31
2309 10 53 590	29,04	2309 10 51 710	55,20
2309 90 41 590	29,04	2309 10 53 710	55,20
2309 90 43 590	29,04	2309 90 51 710	55,20
2309 90 51 590	29,04	2309 90 53 710	55,20
2309 90 53 590	29,04	2309 10 51 790	43,57
2309 10 31 610	46,00	2309 10 53 790	43,57
2309 10 33 610	46,00	2309 90 51 790	43,57
2309 10 51 610	46,00	2309 90 53 790	43,57
2309 10 53 610	46,00	2309 10 51 810	64,40
2309 90 41 610	46,00	2309 10 53 810	64,40
2309 90 43 610	46,00	2309 90 51 810	64,40
2309 90 51 610	46,00	2309 90 53 810	64,40
2309 90 53 610	46,00	2309 10 51 890	50,83
2309 10 31 690	36,31	2309 10 53 890	50,83
2309 10 33 690	36,31	2309 90 51 890	50,83
2309 10 51 690	36,31	2309 90 53 890	50,83

(') Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

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 1095/93**of 4 May 1993****fixing the import levies on white sugar and raw sugar**

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 3814/92⁽²⁾, and in particular Article 16 (8) thereof,

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 789/93⁽⁴⁾, as last amended by Regulation (EEC) No 1026/93⁽⁵⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 789/93 to the information known to the Commission that the levies

at present in force should be altered to the amounts set out in the Annex hereto;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 3 May 1993, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 May 1993.

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

Done at Brussels, 4 May 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 79, 1. 4. 1993, p. 66.

⁽⁵⁾ OJ No L 105, 30. 4. 1993, p. 31.

ANNEX

to the Commission Regulation of 4 May 1993 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽²⁾
1701 11 10	34,11 ⁽¹⁾
1701 11 90	34,11 ⁽¹⁾
1701 12 10	34,11 ⁽¹⁾
1701 12 90	34,11 ⁽¹⁾
1701 91 00	43,69
1701 99 10	43,69
1701 99 90	43,69 ⁽²⁾

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

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

⁽³⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EEC) No 1096/93

of 4 May 1993

altering the export refunds 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 the fifth subparagraph of Article 16 (2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EEC) No 1065/93 ⁽³⁾, as amended by Regulation (EEC) No 1084/93 ⁽⁴⁾;

Whereas export possibilities exist for a quantity of 50 000 tonnes of rye flour; whereas the procedure laid down in Article 9 (4) of Commission Regulation (EEC) No 891/89 ⁽⁵⁾, as last amended by Regulation (EEC) No 3570/92 ⁽⁶⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1065/93 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

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 1068/93 ⁽⁸⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, as fixed in the Annex to Regulation (EEC) No 1065/93 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 5 May 1993.

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

Done at Brussels, 4 May 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 108, 1. 5. 1993, p. 36.

⁽⁴⁾ OJ No L 110, 4. 5. 1993, p. 16.

⁽⁵⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁶⁾ OJ No L 362, 11. 12. 1992, p. 51.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁸⁾ OJ No L 108, 1. 5. 1993, p. 106.

ANNEX

to the Commission Regulation of 4 May 1993 altering export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refund (2)	Product code	Destination (1)	Amount of refund (2)
0709 90 60 000	—	—	1007 00 90 000	—	—
0712 90 19 000	—	—	1008 20 00 000	—	—
1001 10 00 200	—	—	1101 00 00 100	01	0
1001 10 00 400	04	50,00	1101 00 00 130	01	0
	02	20,00	1101 00 00 150	01	0
1001 90 91 000	01	0	1101 00 00 170	01	0
1001 90 99 000	04	62,00	1101 00 00 180	01	0
	05	0	1101 00 00 190	—	—
	02	20,00	1101 00 00 900	—	—
1002 00 00 000	03	21,00	1102 10 00 500	01	125,00 (3)
	02	20,00	1102 10 00 700	—	—
1003 00 10 000	01	0	1102 10 00 900	—	—
1003 00 20 000	04	85,00	1103 11 30 200	01	140,00
	02	20,00	1103 11 30 900	01	0
1003 00 80 000	04	85,00	1103 11 50 200	01	140,00
	02	20,00	1103 11 50 400	01	120,00
1004 00 00 200	—	—	1103 11 50 900	01	0
1004 00 00 400	—	—	1103 11 90 200	01	0
1005 10 90 000	—	—	1103 11 90 800	—	—
1005 90 00 000	04	85,00			
	06	10,00			
	07	15,00			
	02	0			

(1) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Romania,
- 06 Zones I, VIII a), Albania, Romania and Cuba,
- 07 Bulgaria.

(2) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

(3) Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEC) No 891/89, in respect of a quantity of 50 000 tonnes of rye flour destined for all third countries.

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 2 April 1993

concerning additional guarantees relating to Aujeszky's disease for pigs destined for certain parts of the territory of the Community

(93/244/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine⁽¹⁾, as last amended by Directive 92/102/EEC⁽²⁾, and in particular Article 9 (2) thereof,

Whereas Luxembourg is undertaking a programme to eradicate Aujeszky's disease;

Whereas the programme has been approved by Commission Decision 93/200/EEC⁽³⁾;

Whereas it is appropriate to propose certain additional guarantees to protect the progress already made and to ensure that the programme is successfully concluded;

Whereas the authorities of Luxembourg apply to the national movement of pigs for breeding and production rules at least equivalent to those provided for in this Decision;

Whereas those additional guarantees should not be sought from Member States or regions of Member States which are regarded as free from Aujeszky's disease under

Commission Decision 93/24/EEC⁽⁴⁾, because pigs from those areas present a minimal risk of spreading the disease;

Whereas the guarantees envisaged in this Decision may also be granted to other parts of the territory of the Community which, in regard to the disease, are in the same position as Luxembourg;

Whereas the opinion of the Scientific Veterinary Committee has been obtained;

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

Pigs intended for breeding which come from other Member States or regions and destined for areas listed in Annex I must fulfil the following conditions:

1. Aujeszky's disease must be compulsorily notifiable in the Member State of origin;
2. no clinical, pathological or serological evidence of Aujeszky's disease must have been recorded in the herd of origin for the past 12 months;

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

⁽²⁾ OJ No L 355, 5. 12. 1992, p. 32.

⁽³⁾ OJ No L 87, 7. 4. 1993, p. 14.

⁽⁴⁾ OJ No L 16, 25. 1. 1993, p. 18.

3. the pigs must have been isolated in accommodation approved by the competent authority such that no direct or indirect contact with other pigs is possible for the 30 days immediately prior to movement;
4. the pigs must have been subjected to an Elisa screening test for the presence of the gl antibody which meets the standards in Annex II, on sera taken at least 21 days after entry into isolation, with negative results. All animals in isolation must also have given negative results to this test;
5. the pigs must have remained in the herd of origin for three months or since birth.

Article 2

Pigs intended for production which come from other Member States or regions and destined for areas listed in Annex I, must fulfil the following conditions:

1. Aujeszky's disease must be compulsorily notifiable in the Member State of origin;
2. no clinical, pathological or serological evidence of Aujeszky's disease must have been recorded in the herd of origin for the past 12 months;
3. (i) no pre-movement testing shall be necessary if the herd of origin is part of an official monitoring programme where at least 15 % of the breeding animals (or 25 animals, whichever is the greater) are tested over the course of each year. Such testing shall be split into at least three approximately equal divisions, each being separated by at least two months; movement into such herds shall only be from herds of equivalent or superior status;
- (ii) if the herd of origin is not part of such a monitoring programme the pigs must be segregated prior to movement and the pigs must be sampled in accordance with Annex III within 10 days prior to movement and subjected to a test which meets the standards in Annex II. All animals tested must pass the test;
4. the pigs must have remained in the herd of origin for three months or since birth.

Article 3

The animals mentioned in Article 2 shall be transported direct to the farm of destination and shall remain there until slaughter unless otherwise authorized by the competent authority in the Member State of destination.

Article 4

1. The health certificate provided as Model III of Annex F to Council Directive 64/432/EEC must be supplemented by the following for pigs destined for Member States or regions listed in Annex I hereto and coming from other Member States or regions:

'pigs for breeding in accordance with Commission Decision 93/244/EEC'; or 'pigs for production in accordance with Commission Decision 93/244/EEC'.

2. The pigs referred to in paragraph 1 must not come into contact with pigs of different status during transit.

Article 5

In derogation from Articles 1, 2 and 3, the additional conditions may not be imposed by Member States, or regions, of destination on Member States or regions listed in Annex I to Decision 93/24/EEC or on Member States or regions listed in Annex I.

Article 6

This Decision shall apply as from 1 April 1993.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 2 April 1993.

For the Commission

René STEICHEN

Member of the Commission

*ANNEX I***Regions free of Aujeszky's disease which do not permit vaccination**

Luxembourg: whole territory.

*ANNEX II***Protocol for enzyme linked immunosorbent assay (Elisa) for detecting antibodies to Aujeszky's disease virus glycoprotein 1 (ADV-g1) in serum**

1. The institutions listed in paragraph 2 (d) shall evaluate Elisa g1-tests and kits against the criteria in paragraph 2 (a), (b) and (c). The competent authority in each Member State shall ensure that only Elisa g1-kits that meet these standards shall be registered. The examinations listed in 2 (a) and (b) must be carried out prior to approval of the test and the examination in 2 (c), at least, must thereafter be carried out on each batch.
 2. *Standardization, sensitivity and specificity of the test.*
 - (a) The sensitivity of the test must be of such a level that the following Community Reference sera are scored positive :
 - Community Reference serum ADV1 at 1 : 8 dilution,
 - Community Reference serum ADV-g1 A,
 - Community Reference serum ADV-g1 B,
 - Community Reference serum ADV-g1 C,
 - Community Reference serum ADV-g1 D,
 - Community Reference serum ADV-g1 E,
 - Community Reference serum ADV-g1 F.
 - (b) The specificity of the test must be of such a level that the following Community Reference sera are scored negative :
 - Community Reference serum ADV-g1 G,
 - Community Reference serum ADV-g1 H,
 - Community Reference serum ADV-g1 J,
 - Community Reference serum ADV-g1 K,
 - Community Reference serum ADV-g1 L,
 - Community Reference serum ADV-g1 M,
 - Community Reference serum ADV-g1 N,
 - Community Reference serum ADV-g1 O,
 - Community Reference serum ADV-g1 P,
 - Community Reference serum ADV-g1 Q.
 - (c) For batch control, the Community Reference serum ADV1 must be scored positive at a dilution of 1 : 8 and the Community Reference serum ADV-g1 K must be scored negative.
 - (d) The institutes listed below will, in addition, be responsible for checking the quality of the Elisa method in each Member State, and in particular for producing and standardizing national reference sera according to the Community Reference sera.
 1. Central Veterinary Laboratory, Weybridge, United Kingdom ;
 2. École nationale vétérinaire, Alfort, France ;
 3. State Veterinary Virus Research Institute, Lindholm, Denmark ;
 4. Federal Research Centre, Tübingen, Germany ;
 5. Centraal Diergeeneskundig Instituut, Lelystad, The Netherlands ;
 6. Institut National de Recherche Vétérinaire, Uccle, Belgium ;
 7. Istituto zooprofilattico sperimentale, Brescia, Italy ;
 8. Veterinary Research Laboratory, Dublin, Ireland ;
 9. Laboratorio de Sanidad y Producción Animal, Barcelona, Spain ;
 10. Laboratório Nacional de Investigação Veterinária, Lisbon, Portugal ;
 11. Institute for Infections and Parasitic Diseases, Athens, Greece ;
 12. Laboratoire de Médecine Vétérinaire, 54 avenue Gaston Diderich, Luxembourg-ville, Luxembourg.
 - (e) The Community Reference sera will be supplied by those laboratories listed in paragraph 2 (d) above.
-

ANNEX III

Population	Number to be sampled
under 25	All
25-100	25
100 +	30

COMMISSION OPINION

of 26 April 1993

concerning the application of Article 4 (2) of Council Directive 91/670/EEC on mutual acceptance of personnel licences for the exercise of functions in civil aviation

Equivalence of French, Irish and Portuguese pilot licences

(Only the French text is authentic)

(93/245/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 91/670/EEC of 16 December 1991 on mutual acceptance of personnel licences for the exercise of functions in civil aviation⁽¹⁾, and in particular Article 4 (2) thereof,

Having regard to the request of the French Government,

Having requested the Member States involved to submit their pilot training schemes and programmes,

Whereas :

1. By letter of 12 January 1993 registered by the Commission on 15 January 1993, the French authorities requested the Commission, on the basis of Article 4 (2) of Directive 91/670/EEC to give an opinion on the equivalence of pilot licences granted by the Civil Aviation Authorities of Ireland, Portugal and France.
2. Directive 91/670/EEC requires a Member State to accept, without undue delay or additional tests, any licence issued by another Member State together with privileges and certificates pertaining thereto. Licences issued by another Member State can be accepted on the basis of either equivalence (Article 4 (1) to (4)) or experience (Article 4 (5)). Article 4 (1) provides that the requirement of acceptance shall apply where a licence issued by the home Member State is based on requirements which are equivalent to those of the host Member State. According to Article 4 (2) (a) of the Directive, any Member State may ask the Commission for an opinion on the equivalence of a licence presented to it for acceptance, within three weeks of receiving the request.

3. Pursuant to the French request the Commission wrote to the Irish and Portuguese Governments on 21 and 26 January 1993 respectively requesting full details of the requirements for the issue of commercial pilot licences and air transportation pilot licences in their respective countries. The Irish Government transmitted their requirements on 11 February 1993 which were registered by the Commission on 16 February 1993. The Portuguese Government sent the details requested on 12 March 1993 which were registered by the Commission on 15 March 1993. In view of the time taken to gather the relevant information, the Commission sought, by letter of 12 March 1993 to the French authorities, a one month extension of the consultation procedure, as well as, on 7 April 1993, another extension till 28 April 1993.

4. The Commission has examined the respective French, Irish and Portuguese requirements for the issue of an air transport pilot licence (ATPL) and evaluated them in accordance with three essential criteria :

- (a) general minimal requirements ;
- (b) skill requirements ;
- (c) theoretical knowledge requirements.

5. (a) An examination of the respective general minimal requirements of the French and Irish authorities for the issue of an ATPL licence shows no significant differences.

- (b) As regards pilot skill, the French regulations require approved training, by a suitably qualified instructor, on the ground and in flight, followed by manoeuvrability tests and tests in flight on a multi-turbine airplane requiring a pilot in command licence to exercise the function as commander on board in public transport or on an approved airplane of equivalent performance. The Irish authorities require a single flight test for trainees who don't possess a commercial pilot licence and authorize all types of airplane for this test. However, each type rating as pilot in command includes tests equivalent to the French tests. Differences arise on account of the absence of 'integrated' training requirements and the type of

⁽¹⁾ OJ No L 373, 31. 12. 1991, p. 21.

aircraft authorized since the complexity, the higher speeds and inertial effects are generally more pronounced on heavier aircraft. Therefore, the Irish ATPL is equivalent for skill requirement only when the licence includes a PIC-type rating (Part of the licence) on multi-engined airplanes of more than 5 700 kg (JAR/FAR 25 category) or any other plane considered as equivalent by the French authorities.

- (c) Examination of the theoretical knowledge required reveals only minor differences and can be discounted particularly if the licence-holder possesses a type rating as defined above.
- (d) The difference in philosophy between the Irish and French systems makes it difficult to take a single element of the Irish licence from its national context for direct transposition into its French equivalent. Therefore, equivalence between the two licences can only be assessed in relation to their totality by which overall equivalence is achieved. If the conditions outlined in (b) above are fulfilled the licences can be considered equivalent.

6. (a) An examination of the respective French and Portuguese general minimal requirements for the issue of an ATPL licence shows no major differences. It is to be noted that Portuguese standards have markedly improved since the Commission carried out its examination of comparative requirements.

- (b) Pilot skills required by the French authorities are set out in 5 above. The Portuguese administration requires flight tests on the basis of a similar programme but on a twin-engined airplane. Differences arise because the complexity, the higher speed and inertial effects are generally more pronounced on heavier aircraft. The pilot skill requirement of the two licences can be considered as equivalent when the approved training and practical tests have been carried out on multi-engined airplanes of more than 5 700 kg (JAR/FAR 25 category) or any other airplane considered as equivalent by the French authorities.

- (c) The theoretical tests transmitted to the Commission by the Portuguese authorities show a narrowing of the differences between the requirements in the two Member States since the Commission asked for information to prepare the report on comparative requirements laid down under Article 4 (1) of the Directive. Portugal requires that air law is studied prior to the issue of the licence whilst in France this examination is required, by

operational regulations, after the granting of the licence. Other subjects which can be considered as comparable, or which in both countries are not tested, include air safety, loading and alignment, radio-navigation, turbine motors and performance.

As regards meteorology, aerotechnics and flying technique, France requires a greater breadth and depth of knowledge than Portugal. Hence, the Commission has to assess whether those differences between the two scheme could prejudice their equivalence under the Directive.

As regards pilots, the fundamental principles of free movement of persons and freedom of establishment and to provide services, enshrined in Articles 48, 52 and 59 of the EEC Treaty, have been implemented by virtue of Article 3 (1) of the Directive⁽¹⁾. That Article provides for mutual acceptance of pilot licenses.

Nevertheless, Article 4 of the Directive makes the mutual acceptance of those licences subject to a possible procedure of verification of equivalence between the requirements of the host Member State and the issuing Member State when reasonable doubts as to the equivalence of the licences concerned are raised. Article 4 thereby aims at ensuring the safety of air transport services, to which explicit reference is made in the sixth recital of the Directive. However, use of that procedure must not go beyond what is strictly necessary for achieving the overall objective of safety of air operations and must, therefore, not prejudice the effective exercise of the abovementioned fundamental freedoms of the Treaty.

regard to the principles set out above and on the basis of the available information, the Commission could not identify any reasons why the Portuguese requirements on meteorology, aerotechnics and flying technique could be viewed as a threat to the safety of air transport services. In particular, they satisfy the internationally accepted standards of ICAO.

For those reasons, the Commission concludes that the theoretical knowledge requirements are equivalent in the two Member States.

7. On the basis of the foregoing analysis,

⁽¹⁾ See also judgments of the Court of Justice in the cases of Heylens of 15 October 1987, Case 222/86 — Vlassopoulou of 7 May 1991, Case C-340/89 — Kraus of 31 March 1993, Case C-19/92.

HAS ADOPTED THIS OPINION :

Article 1

The Commission considers that an Irish ATPL licence and a Portuguese ATPL licence can be considered as equivalent to a comparable French licence if they include a PIC-type rating on multi-engined airplanes of more than 5 700 kg (FAR/JAR 25 category) or any other airplane considered as equivalent by the French authorities.

Article 2

The present opinion is addressed to the Republic of France.

Done at Brussels, 26 April 1993.

For the Commission

Abel MATUTES

Member of the Commission
