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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1151/93**of 12 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 11 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 13 May 1993.

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

Done at Brussels, 12 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 12 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	138,27 (*) (*)
0712 90 19	138,27 (*) (*)
1001 10 00	180,40 (*) (*)
1001 90 91	141,64
1001 90 99	141,64 (*)
1002 00 00	154,87 (*)
1003 00 10	141,20
1003 00 20	141,20
1003 00 80	141,20 (*)
1004 00 00	114,36
1005 10 90	138,27 (*) (*)
1005 90 00	138,27 (*) (*)
1007 00 90	146,53 (*)
1008 10 00	54,81 (*)
1008 20 00	100,20 (*)
1008 30 00	59,20 (*)
1008 90 10	(7)
1008 90 90	59,20
1101 00 00	210,89 (*)
1102 10 00	229,42
1103 11 30	291,65
1103 11 50	291,65
1103 11 90	226,12

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

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

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

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

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

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

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

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

(9) 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 1152/93

of 12 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 11 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 13 May 1993.

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

Done at Brussels, 12 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 12 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	7,59	7,59	11,34
1001 90 99	0	7,59	7,59	11,34
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	10,62	10,62	15,88

B. Malt

(ECU/tonne)

CN code	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
1107 10 11	0	13,51	13,51	20,19	20,19
1107 10 19	0	10,09	10,09	15,08	15,08
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 1153/93

of 12 May 1993

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

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 point (a) of the first subparagraph of Article 19 (4) thereof,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as last amended by Regulation (EEC) No 1684/92⁽⁷⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas Council Regulation (EEC) No 990/93⁽⁸⁾ prohibits trade between the European Economic Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁹⁾ 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⁽¹⁰⁾;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 May 1993.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 176, 30. 6. 1992, p. 31.

⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 96.

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

Done at Brussels, 12 May 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 12 May 1993 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	32,87 ⁽¹⁾
1701 11 90 910	29,49 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	32,87 ⁽¹⁾
1701 12 90 910	29,49 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3573
	— ECU/100 kg —
1701 99 10 100	35,73
1701 99 10 910	35,59
1701 99 10 950	35,59
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3573

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

⁽³⁾ 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.

COMMISSION REGULATION (EEC) No 1154/93

of 12 May 1993

amending Regulation (EEC) No 836/93 increasing to 96 000 tonnes the quantity of maize held by the Greek intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 the intervention agencies⁽³⁾, as last amended by Regulation (EEC) No 966/93⁽⁴⁾,

Whereas Commission Regulation (EEC) No 836/93⁽⁵⁾, opened a standing invitation to tender for the export of 50 000 tonnes of maize held by the Greek intervention agency; whereas Greece informed the Commission of the intention of its intervention agency to increase by 46 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of maize held by the Greek intervention agency for which a standing invitation to tender for export has been opened should be increased to 96 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 836/93 must therefore be amended;

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

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

Done at Brussels, 12 May 1993.

Article 1

Article 2 of Regulation (EEC) No 836/93 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 96 000 tonnes of maize to be exported to all countries of zones I, III(b), VIII(a) and to Cuba.
2. The regions in which the 96 000 tonnes of maize are stored are stated in Annex I to this Regulation.

Article 2

Annex I to Regulation (EEC) No 836/93 is replaced by the Annex hereto.

Article 3

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

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 88, 8. 4. 1993, p. 12.

*ANNEX**'ANNEX I**(tonnes)*

Place of storage	Quantity
Orestiada	96 000'

COMMISSION REGULATION (EEC) No 1155/93**of 12 May 1993****amending Regulation (EEC) No 1724/92 laying down detailed implementing rules for the specific measures for supplying the Canary Islands with products from the pigmeat sector**

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

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

Whereas Annex I to Commission Regulation (EEC) No 1724/92⁽³⁾, as amended by Regulation (EEC) No 511/93⁽⁴⁾, lays down detailed rules for the application of the specific supply measures fixes the quantities of the forecast supply balance with products from the pigmeat sector which benefit from exemption from the levy on imports from third countries, or which benefit from Community aid;

Whereas, in the light of experience, these quantities should be amended to cover demand in the sector satisfactorily;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 1724/92 is hereby replaced by the Annex hereto.

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, 12 May 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 90.

⁽⁴⁾ OJ No L 55, 6. 3. 1993, p. 38.

ANNEX

ANNEX I

**Forecast supply balance for the Canary Islands regarding products from the pigmeat sector
for the period from 1 July 1992 to 30 June 1993**

CN code	Description of goods	Quantity (tonnes)
ex 0203	Meat of domestic swine, fresh or chilled	1 860
ex 0203	Meat of domestic swine, frozen	19 000
1601 00	Sausages and similar products, of meat, meat offal or blood ; food preparations based on these products	12 000
1602 20 90	Prepared or preserved livers of all animals other than geese or ducks	1 900
	Other preparations or conserves containing meat or meat offal of domestic swine :	
1602 41 10	Hams and cuts thereof	4 000
1602 42 10	Shoulders and cuts thereof	2 600
1602 49	Others, including mixtures	3 450'

COMMISSION REGULATION (EEC) No 1156/93
of 12 May 1993

**laying down detailed rules for the application in the pigmeat sector of the
 Bilateral Agreements on agriculture between the Community, of the one part,
 and Austria and Finland, of the other part**

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

Having regard to Council Regulation (EEC) No 1108/93 of 4 May 1993 laying down certain provisions for the application of the Bilateral Agreements on agriculture between the Community, of the one part, and Austria, Finland, Iceland, Norway and Sweden, of the other part,⁽¹⁾ and in particular Article 1 thereof,

Whereas, by Decision 93/239/EEC⁽²⁾, the Council approved the Bilateral Agreements with Austria and Finland; whereas those Agreements were concluded on 17 March 1993 with the intention that the provisions of the Bilateral Agreements on agriculture concluded on 2 May 1992 in Oporto should apply already from 15 April 1993;

Whereas the Bilateral Agreements on agriculture provide for a reduction of import levy for certain products in the pigmeat sector, limited to certain quantities; whereas, in order to ensure the regularity of imports, it is important to spread the aforesaid quantities over the period concerned;

Whereas the quantities concerned should be reduced *pro rata temporis* to take account of the effective period of application of the quotas in 1993;

Whereas, while recalling the provisions of the Agreements intended to guarantee the origin of the product, it would be appropriate to assure the management of the regime through import licences; whereas, with that in mind, it would be appropriate to define, in particular, the procedure by which applications must be presented, as well as the particulars which must appear on applications for licences in derogation from Article 8 of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import or export licences and advance fixing certificates for agricultural products⁽³⁾, as last amended by Regulation (EEC) No 2101/92⁽⁴⁾; whereas it is appropriate moreover to take measures so that the licences are issued after a delay for reflection and applying, should the occasion arise, a single percentage reduction;

Whereas, in order to assure efficient management of the regime, it is appropriate to provide that the security in respect of import licences under the said regime should be fixed at ECU 30 per 100 kg; whereas the risk of speculation inherent to the regime in question in the

pigmeat sector requires that access of operators to the said regime be subject to compliance with certain precise conditions, in particular as regards restricting the number of operators who may apply for licences, bearing in mind the limited quantities of products available under the regime, in particular regarding restricting the number of operators who may apply for licences, bearing in mind the limited quantities of products available under the regime;

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

HAS ADOPTED THIS REGULATION:

Article 1

All imports into the Community under the arrangements provided for in Annexes IV and II to the Bilateral Agreements on agriculture concluded on 2 May 1992 in Oporto between the European Economic Community and the Republic of Austria and the Republic of Finland respectively of products belonging to Groups A1, A2, A3, F1, F2 and F3 provided for in Annex I shall be subject to the presentation of an import licence.

The quantities of products benefiting from the said arrangement are laid down for each group in Annex I.

Article 2

The quantities fixed for Groups A1, A2, A3, F1, F2 and F3 shall be staggered over the period 15 April to 31 December 1993 as follows:

- for the period 15 April to 30 June:
 - 42 tonnes per group for Groups A1, A2 and A3,
 - 417 tonnes for Group F1,
 - 208 tonnes per group for Groups F2 and F3;
- for the period 1 July to 30 September:
 - 50 tonnes per group for Groups A1, A2 and A3,
 - 500 tonnes for Group F1,
 - 250 tonnes per group for Groups F2 and F3;
- for the period 1 October to 31 December:
 - 50 tonnes per group for Groups A1, A2 and A3,
 - 500 tonnes for Group F1,
 - 250 tonnes per group for Groups F2 and F3.

Article 3

The import licences mentioned in Article 1 shall be subject to the following rules:

⁽¹⁾ OJ No L 113, 7. 5. 1993, p. 1.

⁽²⁾ OJ No L 109, 1. 5. 1993, p. 1.

⁽³⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁴⁾ OJ No L 210, 25. 7. 1992, p. 18.

(a) applicants for import licences must be natural or legal persons who, at the time applications are submitted, can prove to the satisfaction of the competent authorities in the Member States that they have been active in the pigmeat sector for at least the preceding 12 months. However, retail establishments or restaurants selling their products to final consumers are excluded from the benefits of this regime;

(b) the licence application may only relate to one of the group numbers provided for in Annex I to this Regulation. The application may relate to several products covered by different CN codes and originating in one of the two countries covered by this Regulation. In such cases, all the CN codes must be indicated in Section 16 and their descriptions in Section 15.

A licence application must relate at least to one tonne and at most to 25 % of the quantity available for the group concerned for the period as specified in Article 2;

(c) Section 8 of licence applications and licences shall show the country of origin; licences shall carry with them an obligation to import from the country indicated;

(d) Section 20 of licence applications and licences shall contain one of the following entries:

'Reglamento (CEE) n° 1156/93,
Forordning (EØF) nr. 1156/93,
Verordnung (EWG) Nr. 1156/93,
Κανονισμός (ΕΟΚ) αριθ. 1156/93,
Regulation (EEC) No 1156/93,
Règlement (CEE) n° 1156/93,
Regolamento (CEE) n. 1156/93,
Verordening (EEG) nr. 1156/93,
Regulamento (CEE) n° 1156/93';

(e) Section 24 of licences shall contain one of the following entries:

'Levy reduction of 50 % pursuant to:

Reglamento (CEE) n° 1156/93,
Forordning (EØF) nr. 1156/93,
Verordnung (EWG) Nr. 1156/93,
Κανονισμός (ΕΟΚ) αριθ. 1156/93,
Regulation (EEC) No 1156/93,
Règlement (CEE) n° 1156/93,
Regolamento (CEE) n. 1156/93,
Verordening (EEG) nr. 1156/93,
Regulamento (CEE) n° 1156/93.'

Article 4

1. Licence applications may only be lodged during the first 10 days of each period as specified in Article 2.

For the period 15 April to 30 June, however, applications may only be lodged between 17 and 27 May 1993.

2. Licence applications shall only be admissible where the applicant declares in writing that he has not submitted, and undertakes not to submit, any other applications, in respect of the current period, concerning products belonging to the same group in the Member State in which his application is lodged or in another Member State; where an applicant submits more than one application relating to products in the same group, all applications from that person shall be inadmissible.

3. The Member States shall notify the Commission, on the third working day following the end of the application submission period, of the applications lodged for each of the products belonging to the groups in question. Such notification shall comprise a list of applicants and the quantities applied for under each group number as well as the countries of origin. All notifications, including notifications of nil applications, shall be made by telex or fax on the working day stipulated, drawn up on the model found at Annex II in the case where no applications have been made, and at Annexes II and III in the case where applications have been made.

4. The Commission shall decide without delay to what extent quantities may be awarded in respect of applications as referred to in Article 3.

If the quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage reduction in the quantities applied for.

If the overall quantity for which applications have been submitted is less than the quantity available, the Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following period.

5. Licences shall be issued as soon as possible after the Commission's decision.

6. Licences issued shall be valid throughout the Community.

Article 5

Pursuant to Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 90 days from the date of actual issue. Import licences issued pursuant to this Regulation shall not be transferable.

Article 6

A security of ECU 30 per 100 kg shall be lodged in respect of import licence applications for all products referred to in Article 1.

Article 7

Regulation (EEC) No 3719/88 shall apply without prejudice to the provisions of this Regulation.

However, notwithstanding Article 8 (4) of that Regulation, the quantity imported in the framework of this Regulation may not exceed that indicated in Sections 17 and 18 of the import licence. The figure 0 shall be entered to that effect in Section 19 of the licence.

Article 8

The products shall be put into free circulation on the presentation of the original of the proof of origin issued or drawn up in the exporting country, in accordance with Annex VI or Annex IV of the Bilateral Agreements concluded with Austria and Finland respectively.

Article 9

This Regulation shall enter into force on the day of 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, 12 May 1993.

For the Commission

René STEICHEN

Member of the Commission

*ANNEX I***PART 1****Products originating in Austria***(tonnes)*

Group No	CN code	Quantity for the period 15 April to 31 December 1993
A1	0210 11 31 0210 19 81	142
A2	0210 12 19	142
A3	1601 00 91 1601 00 99	142

PART 2**Products originating in Finland***(tonnes)*

Group No	CN code	Quantity for the period 15 April to 31 December 1993
F1	0203 11 10 0203 21 10	1 417
F2	0203 12 11 0203 12 19 0203 19 11 0203 19 13 0203 19 15 0203 19 59 0203 22 11 0203 22 19 0203 29 11 0203 29 13 0203 29 15 0203 29 59	708
F3	0203 19 55 ⁽¹⁾ 0203 29 55 ⁽¹⁾	708

⁽¹⁾ Excluding tenderloin presented alone.

Application of Regulation (EEC) No 1156/93

Telefax No :

Group No	Quantity applied for
A1	
A2	
A3	
F1	
F2	
F3	

Application of Regulation (EEC) No 1156/93

Member State :

Group No	CN code	Applicant (name and address)	Quantity (tonnes)
		Total in tonnes per group number	

COMMISSION REGULATION (EEC) No 1157/93
of 12 May 1993

determining the quantities of certain categories of milk and milk products available for the third quarter of 1993 under the arrangements provided for in the Interim Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary and the former Czech and Slovak Federal Republic

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

Having regard to Commission Regulation (EEC) No 584/92 of 6 March 1992 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Interim Agreements between the Community and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic⁽¹⁾, and in particular Article 4 (5) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 914/93⁽²⁾ determining the extent to which applications lodged in April 1993 for import licences for certain milk products and products covered by the arrangements provided for in the Interim Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic can be accepted, applications for import licences for the second quarter of 1993 for certain of the products referred to in Regulation (EEC) No 584/92 were for quantities exceeding those available and for other products for quantities less than those available; whereas, therefore the quantity of each product available for the period from 1 July to 30 September 1993 should be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The quantity available pursuant to Regulation (EEC) No 584/92 for the period from 1 July to 30 September 1993 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 May 1993.

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

Done at Brussels, 12 May 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 62, 7. 3. 1992, p. 34.

⁽²⁾ OJ No L 94, 20. 4. 1993, p. 24.

ANNEX

Total quantities available for the period 1 July to 30 September 1993

(tonnes)

	Poland			Former Czech and Slovak Federal Republic			Hungary
CN code and product	0402 10 19 0402 21 19 0402 21 99	0405 00 10 butter	0406 cheese	0402 10 19 0402 21 19 0402 21 91	0405 00 10 butter	ex 0406 40-Niva ex 0406 90- Moravsky block (¹)	ex 0406 90 89 Balaton (²)
Quantity available	812,5	475	1 550	675	275	708	825

(¹) Primator, Otava, Javor, Uzeny block, Kaskhaval, Akawi, Istambul, Jadel Hermelin, Ostepek, Koliba, Inovec.

(²) Cream-white, Hajdu, Marvany, Ovari, Pannonia, Trappista.

COMMISSION REGULATION (EEC) No 1158/93
of 12 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 1150/93 ⁽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 11 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 13 May 1993.

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

Done at Brussels, 12 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 116, 12. 5. 1993, p. 19.

ANNEX

to the Commission Regulation of 12 May 1993 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽²⁾
1701 11 10	33,63 ⁽¹⁾
1701 11 90	33,63 ⁽¹⁾
1701 12 10	33,63 ⁽¹⁾
1701 12 90	33,63 ⁽¹⁾
1701 91 00	43,45
1701 99 10	43,45
1701 99 90	43,45 ⁽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 1159/93

of 12 May 1993

fixing the maximum export refund for white sugar for the 52nd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 920/92

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 the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 920/92 of 10 April 1992 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, as last amended by Regulation (EEC) No 634/93⁽⁴⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 920/92, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 52nd partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾ prohibits trade between the European Economic Community

and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

1. For the 52nd partial invitation to tender for white sugar issued pursuant to amended Regulation (EEC) No 920/92 the maximum amount of the export refund is fixed at ECU 38,690 per 100 kilograms.

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.

Article 2

This Regulation shall enter into force on 13 May 1993.

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

Done at Brussels, 12 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 98, 11. 4. 1992, p. 11.

⁽⁴⁾ OJ No L 67, 19. 3. 1993, p. 28.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

II

(Acts whose publication is not obligatory)

COUNCIL

**DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE
MEMBER STATES, MEETING WITHIN THE COUNCIL**

of 10 May 1993

**Repealing Decision 92/586/ECSC on certain measures applicable with regard to
Romania concerning trade in certain steel products covered by the ECSC Treaty**

(93/253/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE
EUROPEAN COAL AND STEEL COMMUNITY, MEETING WITHIN THE COUNCIL,

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS:

Article 1

Since Protocol 2 to the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and Romania, of the other part ⁽¹⁾, is applicable as from 1 May 1993, Decision 92/586/ECSC of the representatives of the Governments of the Member States of the ECSC, meeting within the Council, of 28 December 1992 on certain measures applicable with regard to Romania concerning trade in certain steel products covered by the ECSC Treaty ⁽²⁾, is hereby repealed.

Article 2

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

It shall apply from 1 May 1993.

Done at Brussels, 10 May 1993.

The President

N. HELVEG PETERSEN

⁽¹⁾ OJ No L 81, 2. 4. 1993, p. 51.

⁽²⁾ OJ No L 396, 31. 12. 1992, p. 51.

COMMISSION

COMMISSION DECISION

of 9 December 1992

on Italian Decree-Law No 14 of 21 January 1992 relating, *inter alia*, to the overall refinancing of the aid measures provided for by Law No 64 of 1 March 1986 on special aid to the Mezzogiorno

(Only the Italian text is authentic)

(93/254/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 pursuant to Article 93,

Whereas :

In reply, the Italian authorities sent the Commission the text of Decree-Law No 14 of 21 January 1992 (Official Gazette of the Italian Republic No 16/3, 21 January 1992), which contains the following provisions :

- Article 1 provides for the refinancing of the reduction in social security contributions provided for by the Law on the Mezzogiorno,
- Article 2 provides for the State defrayal of social security contributions, involving a further reduction in social security contributions for firms in the Mezzogiorno,
- Article 6 provides for the overall refinancing of the aid measures envisaged in the Law on the Mezzogiorno.

I

- (1) By letter dated 24 January 1992 the Commission, having seen press reports according to which various aid measures had been taken, *inter alia*, on the refinancing of the aid scheme set up by Law No 64 of 1 March 1986 on special aid to the Mezzogiorno, asked the Italian authorities whether they could confirm such information. The aid to enterprises provided for by Law No 64 of 1 March 1986 had been declared compatible with the common market, subject to certain conditions, by Commission Decision 88/318/EEC taken pursuant to Article 93 of the EEC Treaty on 2 March 1988⁽¹⁾. The volume of finance earmarked for the scheme was Lit 120 000 billion (ECU 72 billion), plus tax concessions. The aid scheme was to end on 31 December 1993.

- (2) By letter of 25 June 1992⁽²⁾ the Commission informed the Italian Government that it had decided to initiate proceedings pursuant to Article 93 (2) of the EEC Treaty in respect of the three abovementioned provisions, which it deemed incompatible with the common market within the meaning of Article 92 of the Treaty and ineligible for any of the derogations provided for therein. The Italian Government was invited to submit its comments within one month of notification of the letter, while the other Member States and interested third parties were also invited, by means of a notice published in the *Official Journal of the European Communities*, to submit their comments.

⁽¹⁾ OJ No L 143, 10. 6. 1988, p. 37.

⁽²⁾ OJ No C 240, 19. 9. 1992, p. 7.

By letter dated 8 October 1992 the Italian authorities informed the Commission that Articles 1 and 2 of the Decree-Law had retroactively become ineffective because they had not been converted into law within the time limit imposed by the Italian Constitution. Since their substance was reproduced in draft Law No 1536 of 8 September 1992, notified pursuant to Article 93 (3) of the EEC Treaty, the Commission took the view, in so far as those two provisions were concerned, that the proceedings initiated by its decision of 25 June 1992 no longer served any purpose. It decided at the same time to initiate fresh proceedings pursuant to Article 93 (2) in respect of draft Law No 1536. Consequently, this Decision does not cover the provisions of the Law on the Mezzogiorno relating to the reduction in social security contributions. No other Member State or interested party submitted comments within the period allowed.

- (3) The measure provided for in Article 6 of the Decree-Law, relating to the overall refinancing of the aid measures envisaged in the Law on the Mezzogiorno, was reproduced in several decree-laws without being converted into law by the Italian Parliament. By letter of 30 July 1992 the Italian authorities asked the Commission to allow them to delay submission of their comments pursuant to Article 93 (2) so that they could include therein the amendments made to the text of the Decree-Law which was to be submitted to Parliament for conversion and on which the Commission could have adopted its final decision pursuant to Article 93 (2) of the EEC Treaty. The text in question was adopted by the Italian Government on 22 October 1992 as Decree-Law No 415 (Official Gazette of the Italian Republic No 249/3, 22 October 1992), and the Italian authorities submitted their comments to the Commission on 27 November 1992. No other Member State or interested party took the opportunity to submit comments.

II

- (4) The refinancing under scrutiny amounts to Lit 24 000 billion (ECU 14 350 million) earmarked for aid to enterprises.

In its decision of 25 June 1992 the Commission noted that Italy had failed to fulfil its obligations pursuant to Article 10 of Commission Decision

88/318/EEC (OJ No L 143, 10. 6. 1988, p. 37), which established the conditions under which the Law on the Mezzogiorno was declared compatible with the common market. Pursuant to that Article, the Italian authorities should have informed the Commission each year of, *inter alia*, the total amount of tax aid granted, broken down by region and by economic sector. The information provided was not broken down in that way.

The Commission took the view in its decision of 25 June 1992 that the compatibility of the overall refinancing of aid on the scale envisaged by the Law on the Mezzogiorno could not be assessed without knowing the distorting effects and the advantages, in terms of development, in each of the components of the aid that had been in operation for seven years. Given the opacity of the past and future situation, the Commission cannot declare the refinancing of the scheme, as it has been implemented hitherto, to be compatible with the common market.

The Commission also stated in the abovementioned Decision that its declaration on the compatibility of the Law on the Mezzogiorno was limited to the period of validity of that Law, which was to end on 31 December 1993. The spreading of the refinancing beyond that date, as envisaged by Decree-Law No 14 of 21 January 1992, was consequently incompatible with the common market.

III

- (5) The Italian authorities stress in their comments that they intend to make fundamental changes to the principles governing application of the Law on the Mezzogiorno during the period covered by the refinancing, which will end on 31 December 1993. They state that the only payments to be made beyond that date are those already committed, and that all decisions to grant aid are to be taken before the deadline laid down by the Law.

The planned changes should enable the Commission to take the view, even in the absence of information on tax aid granted in the past, that the aid scheme as refinanced can be deemed compatible with the common market.

- (6) Decree-Law No 415 of 22 October 1992, which introduces the principles underlying those changes into Italian law, together with the written comments submitted by the Italian Government, are evidence of the changes that the Italian authorities intend to make through the law converting the Decree and through the general implementing provisions to be adopted, *inter alia*, by CIPE and CIPI. Those changes involve in particular:

- specifying that all aid granted to a firm in the context of the Law on the Mezzogiorno must be calculated and expressed in terms of net grant equivalent, so as to ensure that all operations are fully transparent,
- reducing the ceilings for the intensity of aid to productive investment and varying them according to differences in the level of development of the area concerned and the size of the recipient firms, so as to favour the development of small and medium-sized firms within the ceiling applicable in each area. The individual ceilings should be laid down by decisions of CIPI and CIPE, when the scheme is put into effect, on instructions from the government,
- reserving, within those individual ceilings, the highest aid intensity to new initiatives and ruling out or significantly reducing aid for extensions and restructuring operations. This policy should also find concrete expression through the decisions of CIPE and CIPI,
- converting the tax exemptions provided for by the Law on the Mezzogiorno (Article 14 (4) and (5) of Law No 64 of 1 March 1986 and Articles 102 (1) and (2) and 105 of Presidential Decree No 218 of 6 March 1978) into tax credits calculated in advance by reference to the investments made by each recipient firm. The credits are to be taken into account in calculating the net grant equivalent of the total aid granted to the firm for the purpose of ensuring that the aid ceilings allowed for the area and the size of the firm concerned are not exceeded,
- clarifying the rules on the overlapping of aid under different schemes, so as to ensure that the Commission's guidelines on the matter are properly applied,
- providing for the possibility of extending the geographical scope of these measures, or of other regional measures to be defined, to other

areas in difficulty not covered by the Law on the Mezzogiorno. Those areas have yet to be defined.

Transitional provisions will govern a number of aid applications already pending on the date of entry into force of Decree-Law No 363 of 14 August 1992 and will enable the aid scheme as approved by the Commission Decision of 2 March 1988 to be applied to them.

IV

- (7) The measures refinanced by the Italian authorities, the nature of which was examined by the Commission in Decision 88/318/EEC, constitute — for the reasons set out therein, all of which are valid here — aid within the meaning of Article 92 of the EEC Treaty. They are therefore caught by the prohibition enshrined in that Article and their refinancing can be deemed compatible with the common market only where it qualifies for one of the exemptions provided for therein.

Although these measures were deemed by the Commission Decision of 2 March 1988 to qualify for exemption on account of their regional development objectives, the lack of information on their actual application, particularly in the case of operating aid and tax aid, prevents the Commission from assessing the distorting effects of refinancing a system that has become opaque and consequently declaring such refinancing compatible with the common market.

- (8) The situation could be different, however, if the aid scheme provided for by Law No 64 of 1 March 1986 were to be applied in a radically different manner from in the past, in particular so as to facilitate the transition to a more fundamental reform of aid to the Mezzogiorno, to be carried out on expiry of the Law in line with the principles underlying the abovementioned amendments.
- (9) The Commission is, however, unable to comment here on the compatibility with the common market of any extension of the operation to areas other than those specified in the Law on the Mezzogiorno until such time as those areas have been precisely identified. Pursuant to Article 93 (3) of the EEC Treaty, the Italian Government must therefore notify its detailed extension plans in good time to allow the Commission to comment on the planned measures before they are put into effect.

V

- (10) In view of the foregoing and subject to the above-mentioned reservation concerning the extension of the geographical coverage, the Commission takes the view that the guidelines emerging from Decree-Law No 415 of 22 October 1992 and the comments submitted by the Italian Government are such as to make the scheme compatible with the common market, despite the lack of transparency regarding past operations, provided that those guidelines are translated into practice in a significant and verifiable manner. Adoption of the law converting the Decree and any other legislative measures, as well as decisions of CIPI and CIPE, are appropriate means of translating the guidelines into practice.

In this context, aid should clearly be granted only to firms in the provinces that can still qualify for application of the Law on the Mezzogiorno, with due regard to the time limits laid down in this connection in Commission Decision 88/318/EEC. It should be noted that the aid referred to in Article 3 of that Decision may be granted until 31 December 1992 and that, in the provinces referred to in Article 4 of the Decision, aid was in any event no longer to be granted after 30 December 1990. It should further be stressed that Article 9 of the Decision, concerning sectoral limitations and exclusions, and all the other provisions thereof which are not affected by this Decision, continue to apply.

- (11) On aid to productive investment the Commission takes the view that, given the aid intensities allowed in regions of the Community whose socio-economic situation is comparable to that of the Mezzogiorno, the following maximum aid intensities, reflecting the different economic conditions obtaining in the three zones into which the Mezzogiorno is divided pursuant to recital 1 of Commission Decision 88/318/EEC, can be deemed compatible with the common market:

- in zone A, 65 % net grant equivalent (nge) for small and medium-sized enterprises (SMEs), as defined in the Community guidelines on State aid for SMEs adopted by the Commission on 20 May 1992⁽¹⁾, and 50 % nge for other firms,
- in zone B, 55 % nge for SMEs falling within the above definitions and 40 % nge for other firms,

- in zone C, 40 % nge for SMEs falling within the above definitions and 25 % nge for other firms.

- (12) In the light of past experience, the Commission takes the view that the intensity of aid for research should also be reduced and, pursuant to the Community framework for State aid for research and development⁽²⁾, differentiated according to the type of research and the size of the firm. Such aid can consequently be deemed compatible with the common market up to a maximum gross intensity of:

- 60 % for basic research and 35 % for applied research carried out by SMEs as defined in the Community guidelines on State aid for SMEs,
- 50 % for basic research and 25 % for applied research carried out by other firms.

- (13) On the tax aid, the Commission considers that modification of the scheme, so as to convert tax reliefs into tax credits determined in advance by reference to the investment made by the recipient firm and taken into account in calculating the net grant equivalent for the purpose of ensuring that the abovementioned ceilings are not exceeded, is such as to render the aid transparent and, under the conditions shown above, compatible with the common market.

National measures modifying the system of tax aid along these lines must clearly be adopted at the earliest opportunity and not later than 31 December 1992. Such measures should apply to all aid applications subject to this Decision, with the exception of those covered by Article 5 thereof.

- (14) As regards the rules on the overlapping of aid under different schemes, the Commission stresses that the rules on compatibility were brought to the attention of Member States, in particular through its communication of 21 December 1978 on regional aid systems⁽³⁾ and its communication on the cumulation of aids for different purposes⁽⁴⁾.

The Italian authorities must, therefore, comply with these rules if the aid under examination is to be compatible with the common market.

⁽¹⁾ OJ No C 213, 19. 8. 1992, p. 2.

⁽²⁾ OJ No C 83, 11. 4. 1986, p. 2.

⁽³⁾ OJ No C 31, 3. 2. 1979, p. 9.

⁽⁴⁾ OJ No C 3, 5. 1. 1985, p. 2.

- (15) As regards the transitional application of the aid scheme hitherto implemented to certain pending applications, the Commission would point out that a declaration to the effect that an aid scheme is compatible with the common market also concerns the amount of the budget earmarked for the scheme, and the Member State implementing it must avoid creating situations that could conflict with this status of the scheme. Any domestic situations that conflict with the limitation of the approved budget must be settled internally by the Member State concerned, and the Commission cannot be forced to deem a refinancing operation to be compatible with the common market where it is not. Although the Commission's practice is generally to give favourable consideration to refinancing operations (see its communication of 2 July 1992 on the accelerated clearance of certain aid schemes) ⁽¹⁾, this does not apply where, as in the case in point, the Commission informs the Member State in good time that the opacity of a scheme would not allow it to be refinanced.

The Commission can, however, take the view that, in the context of amendments to the implementing rules, the limited refinancing of a scheme in its original form can be justified if it is aimed at facilitating initiatives which have widespread effects on the development of a region. It can treat in this way initiatives planned under programme contracts or initiatives in respect of which the administrative examination and approval procedure has been completed or, in the absence of such a procedure, those whose implementation is highly advanced and which can thus be expected to produce their beneficial effects on development of the region within a short period.

The Commission therefore considers that it can deem compatible with the common market the fact that some of the Lit 24 000 billion refinancing is earmarked for granting aid, pursuant to the rules implementing the Law on the Mezzogiorno which were approved by Decision 88/318/EEC, to certain firms whose applications were pending on the date when Decree-Law No 363 of 14 August 1992 entered into force. That proportion of the refinancing should not exceed Lit 10 000 billion and should be channelled as a matter of priority towards aid for programme contracts and projects for which the administrative examination and approval procedure has been completed or whose implementation is at a more advanced stage, in

which case they must be not less than 30 % implemented. The Commission reserves the right to re-examine the appropriateness of this amount in the light of a report on its allocation to be submitted by the Italian authorities,

HAS ADOPTED THIS DECISION :

Article 1

The Lit 24 000 billion refinancing of the aid measures provided for by Law No 64 of 1 March 1986 on aid to the Mezzogiorno, as envisaged in Decree-Law No 14 of 21 January 1992 and in the recapitulating and amending decree-laws, is hereby approved subject to the conditions laid down in the following Articles.

The aid may be granted only in so far as the various provinces still qualify for aid under Law No 64 of 1 March 1986, with due regard to the deadlines laid down in the Commission Decision of 2 March 1988 on the compatibility of that Law.

The refinancing shall not cover the reductions in social security contributions provided for in Article 1 of Decree-Law No 14 of 21 January 1992.

Article 2

The intensity of aid for productive investment by firms, expressed in net grant equivalent, shall not exceed the following ceilings :

- (a) in zone A as defined in the Commission Decision of 2 March 1988 on aid to the Mezzogiorno :

- 65 % for small and medium-sized enterprises (SMEs) as defined in the Community guidelines on State aid for SMEs adopted on 20 May 1992,
- 50 % for other firms ;

- (b) in zone B :

- 55 % for SMEs as defined in the abovementioned guidelines,
- 40 % for other firms ;

- (c) in zone C :

- 40 % for SMEs as defined in the abovementioned guidelines,
- 25 % for other firms.

⁽¹⁾ OJ No C 213, 19. 8. 1992, p. 10.

Article 3

The intensity of aid for research shall not exceed the maximum gross ceiling of:

- 60 % for basic research and 35 % for applied research carried out by SMEs as defined in the Community guidelines on State aid for SMEs adopted on 20 May 1992,
- 50 % for basic research and 25 % for applied research carried out by other firms.

Article 4

The tax aid provided for in Article 14 of Law No 64 of 1 March 1986 and Article 102 (1) and (2) and Article 105 of Presidential Decree No 218 of 6 March 1978 shall be converted into tax credits that are in proportion to the investments made by each firm.

These credits shall be taken into account in calculating the net grant equivalent of the total aid for the purpose of ensuring that the ceilings for aid intensity laid down in Articles 2 and 3 are not exceeded; they shall be reduced if necessary to keep the overall intensity of the aid below those ceilings.

The national provisions implementing this Article shall be adopted not later than 31 December 1992. They shall apply to all aid applications covered by this Decision, with the exception of those referred to in Article 5.

Article 5

Within the Lit 24 000 billion refinancing referred to in Article 1, a sum of Lit 10 000 billion may, pursuant to the Commission Decision of 2 March 1988 on the compatibility of the Law on the Mezzogiorno and by way of derogation from Articles 2 and 3 of this Decision, be used for pending aid applications before the Italian authorities on the date of entry into force of Decree-Law No 363 of 14 August 1992.

That amount shall be used as a matter of priority to finance programme contracts and projects for which the administrative examination and approval procedure has been completed or, in the absence of such a procedure, which are at an advanced stage of implementation, in which case they shall be not less than 30 % implemented.

The Italian Government shall submit to the Commission, before 1 July 1993, a detailed written report on the allocation of the amount in question, which the Commission reserves the right to scrutinize.

Article 6

The individual decisions granting the aid shall be taken by the Italian authorities by 31 December 1993.

This Decision does not relate to the refinancing of the reductions in social security contributions provided for by Law No 64 of 1 March 1986, which is the subject of a separate examination.

The provisions of Decision 88/318/EEC on the compatibility of Law No 64 of 1 March 1988 shall continue to apply in so far as they are not affected by this Decision.

Article 7

Italy shall inform the Commission, by 31 January 1993, of the measures it has taken to comply with this Decision.

Article 8

This Decision is addressed to the Italian Republic.

Done at Brussels, 9 December 1992.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION DECISION

of 10 February 1993

concerning aid which Italy has decided to grant through AIMA for the private storage of hazelnuts

(Only the Italian text is authentic)

(93/255/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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

After giving notice to the parties concerned to submit comments⁽³⁾, in accordance with Article 93 of the Treaty, and after taking due account of same,

Whereas :

I

1. By letter dated 10 April 1991, recorded as received on 29 April 1991, the Italian Permanent Representation to the European Communities notified the Commission, pursuant to Article 93 (3) of the Treaty, of a national programme established by the Azienda di Stato per gli interventi nel Mercato Agricolo (AIMA) to aid the private storage of hazelnuts.

2. The measure involves the grant of Lit 16 000 per quintal and per month for the storage of a total quantity of 200 000 quintals of hazelnuts.

The Italian Government justified the measure on the grounds of the difficulties affecting the market in hazelnuts.

II

1. By letter No SG(91) D/12522 of 3 July 1991 the Commission informed the Italian Government that it had decided to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of this aid.

2. In that letter the Commission informed the Italian authorities that it considered the aid to be an operating aid incompatible with the Commission's standing philosophy regarding the application of Articles 92, 93 and 94 of the Treaty ; such a measure has the direct effect of arti-

ficially reducing cost prices and improving the conditions under which the producers concerned produce and dispose of their products as compared with other producers in other Member States who do not qualify for comparable aid.

It is accordingly liable to distort competition and affect trade between Member States and meets the criteria laid down in Article 92 (1) of the Treaty without qualifying under the exceptions provided for in Article 92 (2) and (3).

Moreover, the measure constitutes an infringement of Regulation (EEC) No 1035/72 and Council Regulations (EEC) No 789/89⁽⁴⁾ and (EEC) No 790/89⁽⁵⁾, as last amended by Regulation (EEC) No 832/92⁽⁶⁾.

This Regulation must be considered a comprehensive and exhaustive system which bars the Member State from taking supplementary measures.

3. The Commission gave the Italian Government notice, under this procedure, to submit its comments.

The Commission also requested the other Member States and interested parties to submit their comments.

III

By telex dated 1 August 1991, the Italian Government replied to the Commission's letter of 3 July 1991 ; it made the following comments :

1. the measure, according to the Italian authorities, has a developmental effect on the sector concerned which has been in economic difficulties for several years now.

The measure aims in particular to encourage activities to improve the quality of services before and after sale with a view to facilitating the adjustment of the products in question to the needs of the market of destination and, consequently, to make such services more competitive in relation to the production of third countries ;

2. the measure is not an operating aid according to the Italian authorities ; rather, it is likely to encourage the development of a sector in need of upgrading — a need which was also acknowledged by the Community.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 23.

⁽³⁾ OJ No C 246, 21. 9. 1991, p. 7.

⁽⁴⁾ OJ No L 85, 30. 3. 1989, p. 3.

⁽⁵⁾ OJ No L 85, 30. 3. 1989, p. 6.

⁽⁶⁾ OJ No L 88, 3. 4. 1992, p. 15.

By telex dated 14 August 1991 the Italian authorities informed the Commission that the aforementioned aid, having been implemented from 22 September 1990, had been withdrawn.

IV

1. The Italian authorities have failed to fulfil their obligations pursuant to Article 93 (3) of the Treaty, firstly by not notifying the measure at the planning stage, and secondly by putting it into effect on 22 September 1990 without first giving the Commission the opportunity of expressing its views.

Such irregularities have given rise to a particularly serious situation in that the aid is, in its substance and for the reasons set out below, in breach of the common organization of the market in fruit and vegetables and is incompatible with the common market pursuant to Article 92 of the Treaty.

2. With regard to the arguments put forward by the Italian authorities, the following must be emphasized:

Each common organization of the market is characterized by the fact that, for a given sector, any possibility of national market organization measures is ruled out, Community measures taking their place instead.

The Italian authorities may no longer, even in critical market situations, adopt measures other than those authorized by the rules governing the common organization of the market in fruit and vegetables.

That common organization, along with Regulations (EEC) No 789/89 and (EEC) No 790/89, is to be seen as a complete and exhaustive system which leaves the Member State no power to take any supplementary measures with regard to the operation of the market organization concerned.

The aid scheme which, contrary to the opinion of the Italian authorities, is by its nature an operating measure and not a structural one, is therefore incompatible with the common market and does not qualify for any of the exceptions provided for in Article 92 (3) of the Treaty.

In view of the foregoing, the reasons put forward by the Italian authorities cannot be accepted.

V

Italian hazelnut production in 1990 was estimated at around 101 400 tonnes, while that of the Community as a whole stood at 153 450 tonnes⁽¹⁾. During that period, imports into Italy of hazelnuts from the other Member States amounted to 1 475 tonnes and those from non-

member countries amounted to 651 tonnes. Italian exports of this product to the other Member States amounted to 3 404 tonnes and those to non-member countries reached 1 529 tonnes.

The aid involves a quantity equal to 20 000 tonnes of hazelnuts, representing a fifth of Italian production; this measure could thus have an appreciable effect on the marketing of the product.

VI

1. Articles 92, 93 and 94 of the Treaty apply to the production and marketing of hazelnuts by virtue of Article 31 of Regulation (EEC) No 1035/72.

2. Aid for the private storage of hazelnuts constitutes an operating aid for the benefit of producers, producer associations, their groups, and traders active in this sector. The aid enables the beneficiaries to reduce storage costs and benefit from more advantageous prices than would be the case without the State aid.

The measure could, therefore, distort competition between beneficiaries of the aid and other non-beneficiary operators in the same sector in Italy and elsewhere in the Community.

Moreover, this reduction in storage costs reduces the overhead costs of marketing the product in question and enables Italian producer groups and associations and interested traders to sell the product in Italy and in the other Member States on more favourable terms. The aid makes them more competitive on the markets of the other Member States and is therefore likely to affect trade between Member States.

The measures in question therefore fulfil the criteria set out in Article 92 (1) of the Treaty, according to which the aid to which it relates is incompatible with the common market.

3. The exceptions to such incompatibility set out in Article 92 (2) are clearly not applicable to the aid in question. Those set out in Article 92 (3) relate to the objectives pursued in the Community's interest and not only in the interest of individual sectors of the national economy. Those exceptions are to be strictly interpreted when examining any regional or sectoral aid or any case of individual application of general aid schemes.

Exceptions can be granted only in cases where the Commission can establish that the aid is necessary for achieving one of the objectives set out in those provisions. To allow such exceptions in respect of aid which does not offer such benefits would amount to allowing trade between Member States to be affected and competition to be distorted without justification from the point of view of the Community interest and would give an unfair advantage to operators in certain Member States.

⁽¹⁾ A figure corresponding to the average annual Community production of hazelnuts in the years 1988 and 1989.

In the case in point, the aid does not offer such benefits. The Italian Government was unable to provide any justification, and the Commission could find none, to show that the aid in question met the conditions required for the application of one of the exceptions set out in Article 92 (3) of the Treaty.

The measure is not one intended to promote an important project of common European interest, as referred to in Article 92 (3) (b), given that its likely effects on trade run counter to the common interest. Nor is it a measure intended to remedy a serious disturbance in the economy of the Member State concerned, within the meaning of that provision.

As regards the exceptions set out in Article 92 (3) (a) and (c) for aid to promote and facilitate the economic development of certain areas or of certain activities referred to in subparagraph (c), it should be noted that the measure, as an operating aid, cannot bring about a lasting improvement in the conditions obtaining in the holdings and enterprises attracting the aid since, once it ceases to be granted, their structural situation will revert to what it was before State intervention began to operate.

Accordingly, the aid is to be regarded as one which does not benefit from any of the exemptions set out in Article 92 (2) and (3) of the Treaty.

4. Moreover, it must be remembered that the aid concerns a product which is subject to a market organization and that there are restrictions on the powers of the Member States to intervene independently in the operation of a market organization comprising a common support system, this being now the exclusive responsibility of the Community.

The grant of the aid in this sector disregards the rule under which Member States are no longer empowered to decide unilaterally on farmers' income within a common organization of the market by granting aids of this type. Even if a derogation pursuant to Article 92 (3) of the Treaty had been conceivable for the agricultural product in question, the fact that the aid measure breaches the

market organization concerned rules out the application of such a derogation.

5. The aid in question is therefore incompatible with the common market within the meaning of Article 92 of the Treaty.

6. This Decision is without prejudice to any measures the Commission may see fit to take as regards the financing of the common agricultural policy by the European Agricultural Guidance and Guarantee Fund (EAGGF),

HAS ADOPTED THIS DECISION:

Article 1

The aid provided for under the AIMA programme for the private storage of hazelnuts and granted for a period of eleven months (22 September 1990 to 14 August 1991) is unlawful in that it infringes Article 93 (3) of the Treaty. It is, moreover, incompatible with the common market within the meaning of Article 92 of the Treaty.

Article 2

Italy shall inform the Commission, within two months of being notified of this Decision, of the measures it has taken to comply therewith.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 10 February 1993.

For the Commission

René STEICHEN

Member of the Commission

CORRIGENDA**Corrigendum to Commission Regulation (EEC) No 3800/92 of 23 December 1992 amending Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

(Official Journal of the European Communities No L 384 of 30 December 1992)

On page 8 in Article 1, Additional note, in the first paragraph, third line :

for: 'which covers',

read: 'attached to';

in the second paragraph, second line :

for: 'and/or',

read: 'or'.

Corrigendum to Commission Regulation (EEC) No 3801/92 of 23 December 1992 concerning the classification of certain goods in the combined nomenclature

(Official Journal of the European Communities No L 384 of 30 December 1992)

On page 9, in the fourth recital, sixth line :

for: 'Article 65',

read: 'Article 6';

in Article 3 :

for: 'Regulation No 1074',

read: 'Regulation No 1074/80';

on page 10, in the Annex, in the 'Description' column :

item 2, shall read as follows :

'2. Training shoes with rubber outer soles, 27-cm long in-soles and plastic uppers on which are sewn leather strips or pieces covering about 40 % of the surface.';

item 5 shall read as follows :

'5. Training shoes which cover the ankle, with outer soles of coarsely patterned rubber, in-soles of not less than 24 cm and uppers of leather (84 %), and in plastics (16 %), completely covering an inner shell of textile material which could not itself serve as the outer part of the upper. The leather and plastics are sewn onto the shell. (See sketch No 9)';

Item 6 shall read as follows :

'6. Hiking/trekking boots (footwear which cover the ankle), with outer soles of coarsely patterned rubber and uppers of textile material, on which are sewn pieces of leather covering about 80 % of the surface (See sketch No 10)'.

in the 'CN classification' column against item 6 :

for: '6406 19 90',

read: '6404 19 90';

in the third column :

in the heading insert :

'Reasons';

in item 4, column 3, fourth line :

for: '... codes 642...',

read: '... codes 6402...';

on pages 11 and 12 in the text immediately beneath drawings Nos 7, 8, 9 and 10, B :

for: 'Plastic material',

read: 'plastics material'

Corrigendum to Commission Regulation (EEC) No 3803/92 of 23 December 1992 amending Regulation (EEC) No 4142/87 of 9 December 1987 determining the conditions under which certain goods are eligible on import for a favourable tariff arrangement by reason of their end-use

(Official Journal of the European Communities No L 384 of 30 December 1992)

On page 15, in the third recital:

for: 'Commission Regulation No 2823/87 of 18 September 1987',

read: 'Commission Regulation No 3566/92 of 8 December 1992';

footnote (?) is replaced by:

'OJ No L 362, 11. 12. 1992, p. 11';

in Article 1 — Article 9 (1):

for: 'Regulation No 2823/87',

read: 'Regulation No 3566/92';

in Article 1 — Article 9 (2), second subparagraph, fourth indent, fifth line:

for: 'below.',

read: 'above.'

Corrigendum to Commission Regulation (EEC) No 1122/93 of 7 May 1993 fixing Community producer prices for carnations and roses for the application of the import arrangements for certain floricultural products originating in Cyprus, Israel, Jordan and Morocco

(Official Journal of the European Communities No L 114 of 8 May 1993)

On page 14, in Article 2:

for: 'This Regulation shall enter into force on 1 June 1992.',

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