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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2588/93
of 21 September 1993
establishing unit values for the determination of the customs value of certain
perishable goods

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

Having regard to Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods ⁽¹⁾, as last amended by Regulation (EEC) No 3334/90 ⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communicated to the Commission in accordance with Article 1 (2)

of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 September 1993.

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

Done at Brussels, 21 September 1993.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 321, 21. 11. 1990, p. 6.

ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ IrI	Lit	Fl	£
1.10	0701 90 51 0701 90 59	New potatoes	3,77	154	29,50	7,22	25,22	1 039	3,10	6 988	8,11	2,93
1.20	0702 00 10 0702 00 90	Tomatoes	100,05	4 047	784,93	192,86	670,84	27 072	81,56	182 099	216,93	76,01
1.30	0703 10 19	Onions (other than seed)	11,37	465	88,88	21,76	75,99	3 130	9,36	21 055	24,44	8,82
1.40	0703 20 00	Garlic	97,49	3 987	761,58	186,53	651,18	26 826	80,21	180 416	209,50	75,64
1.50	ex 0703 90 00	Leeks	27,80	1 117	209,04	54,33	183,17	7 384	22,31	50 899	61,05	21,85
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	57,81	2 331	438,81	113,34	385,48	15 133	43,14	104 614	127,38	45,06
1.70	0704 20 00	Brussels sprouts	53,72	2 267	423,88	110,06	374,08	11 735	41,29	82 719	124,09	37,72
1.80	0704 90 10	White cabbages and red cabbages	31,38	1 265	239,40	61,47	210,09	8 126	23,42	54 525	69,15	25,05
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>)	123,37	4 943	921,62	240,50	812,12	32 641	98,56	221 730	269,86	96,64
1.100	ex 0704 90 90	Chinese cabbage	20,94	839	156,44	40,82	137,86	5 541	16,73	37 639	45,80	16,40
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	67,35	2 706	506,31	131,61	443,65	17 886	54,03	123 279	147,87	52,93
1.120	ex 0705 29 00	Endives	21,82	877	162,70	42,58	143,89	5 690	17,51	39 262	47,92	17,72
1.130	ex 0706 10 00	Carrots	32,58	1 311	245,82	63,64	216,50	8 694	26,26	58 568	71,55	24,98
1.140	ex 0706 90 90	Radishes	67,01	2 692	503,74	130,94	441,40	17 795	53,76	122 654	147,12	52,67
1.150	0707 00 11 0707 00 19	Cucumbers	41,14	1 654	307,45	80,47	270,68	10 972	32,98	73 514	90,25	32,27
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	204,27	8 354	1 595,76	390,83	1 364,42	56 209	168,08	378 029	438,96	158,49
1.170		Beans :										
1.170.1	0708 20 10 0708 20 90	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)	244,65	10 005	1 911,23	468,10	1 634,16	67 322	201,31	452 763	525,74	189,82
1.170.2	0708 20 10 0708 20 90	Beans (<i>Phaseolus</i> ssp., <i>vulgaris</i> var. <i>Compressus Savi</i>)	46,71	1 879	352,40	91,24	310,36	12 464	37,65	83 960	102,58	35,81
1.180	ex 0708 90 00	Broad beans	92,83	3 894	734,40	189,09	645,42	21 793	71,04	142 837	212,96	66,61
1.190	0709 10 00	Globe artichokes	136,32	5 478	1 024,80	266,38	897,97	36 202	109,37	249 524	299,31	107,15
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	631,13	25 811	4 930,36	1 207,56	4 215,62	173 669	519,32	1 167 983	1 356,26	489,68
1.200.2	ex 0709 20 00	— other	526,03	21 024	3 913,81	1 020,70	3 455,29	137 215	418,45	976 186	1 149,14	431,29
1.210	0709 30 00	Aubergines (egg-plants)	97,14	3 929	762,10	187,25	651,33	26 285	79,19	176 802	210,62	73,80
1.220	ex 0709 40 00	Ribbed celery (<i>Apium graveolens</i> var. <i>dulce</i>)	91,65	3 691	689,40	179,61	604,84	24 461	73,57	162 068	201,40	71,34
1.230	0709 51 30	Chantarelles	474,52	19 407	3 706,95	907,92	3 169,56	130 575	390,45	878 162	1 019,72	368,17
1.240	0709 60 10	Sweet peppers	70,16	2 869	548,13	134,25	468,66	19 307	57,73	129 849	150,78	54,43
1.250	0709 90 50	Fennel	73,55	2 966	558,22	144,18	490,38	19 251	54,88	133 083	162,05	57,33
1.260	0709 90 70	Courgettes	49,65	1 995	373,28	97,03	327,09	13 186	39,83	90 889	109,02	39,02
1.270	ex 0714 20 10	Sweet potatoes, whole, fresh (intended for human consumption)	63,94	2 615	499,52	122,34	427,11	17 595	52,61	118 335	137,41	49,61
2.10	ex 0802 40 00	Chestnuts (<i>Castanea</i> spp.), fresh	83,78	3 378	639,04	164,08	560,82	21 691	62,54	145 547	184,60	66,87
2.20	ex 0803 00 10	Bananas (other than plantains), fresh	56,51	2 311	441,48	108,12	377,48	15 550	46,50	104 585	121,44	43,84
2.30	ex 0804 30 00	Pineapples, fresh	25,78	1 054	201,45	49,33	172,24	7 095	21,21	47 722	55,41	20,00
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	145,33	5 943	1 135,36	278,07	970,77	39 992	119,58	268 962	312,31	112,76

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.50	ex 0804 50 00	Guavas and mangoes, fresh	105,64	4 320	825,26	202,12	705,62	29 069	86,92	195 502	227,01	81,96
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	29,84	1 207	234,16	57,53	200,13	8 076	24,33	54 325	64,72	22,67
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	56,82	2 324	443,91	108,72	379,56	15 636	46,75	105 161	122,11	44,08
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	50,95	2 083	398,04	97,48	340,33	14 020	41,92	94 294	109,49	39,53
2.70		Mandarins (including tangerines and satsumas), fresh ; clementines, wilkings and similar citrus hybrids, fresh :										
2.70.1	ex 0805 20 10	— Clementines	78,69	3 218	614,72	150,56	525,61	21 653	64,74	145 625	169,10	61,05
2.70.2	ex 0805 20 30	— Monreales and Satsumas	69,88	2 812	527,21	136,50	464,32	18 646	56,33	125 606	153,46	53,57
2.70.3	ex 0805 20 50	— Mandarins and wilkings	59,77	2 444	466,97	114,37	399,28	16 449	49,18	110 625	128,45	46,37
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	57,48	2 351	449,10	109,99	383,99	15 819	47,30	106 389	123,54	44,60
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	60,11	2 458	469,63	115,02	401,55	16 542	49,46	111 254	129,18	46,64
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	149,02	6 094	1 164,20	285,13	995,42	41 008	122,62	275 794	320,25	115,62
2.90		Grapefruit, fresh :										
2.90.1	ex 0805 40 00	— white	38,76	1 585	302,80	74,16	258,91	10 666	31,89	71 734	83,29	30,07
2.90.2	ex 0805 40 00	— pink	74,97	3 066	585,68	143,44	500,78	20 630	61,69	138 747	161,11	58,17
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	86,17	3 524	673,16	164,87	575,57	23 711	70,90	159 469	185,17	66,85
2.110	0807 10 10	Water-melons	10,60	437	83,47	20,22	71,14	2 864	8,73	19 618	22,71	8,17
2.120		Melons (other than water-melons) :										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey dew (including Cantalene), Onteniente, Piel de Sapo (including Verde Liso), Rochet, Tendral, Futuro	35,57	1 454	277,88	68,06	237,59	9 788	29,26	65 829	76,44	27,59
2.120.2	ex 0807 10 90	— other	95,98	3 925	749,84	183,65	641,14	26 412	78,98	177 635	206,27	74,47
2.130	0808 10 91 0808 10 93 0808 10 99	Apples	37,23	1 522	290,89	71,24	248,72	10 246	30,63	68 910	80,01	28,89
2.140		Pears										
2.140.1	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Pears — Nashi (<i>Pyrus pyrifolia</i>)	123,17	5 037	962,25	235,67	822,75	33 894	101,35	227 953	264,70	95,57
2.140.2	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Other	37,45	1 543	294,74	71,40	251,20	10 115	30,82	69 271	80,22	28,87
2.150	0809 10 00	Apricots	247,86	9 982	1 864,34	485,74	1 635,68	66 149	198,97	438 280	544,67	192,93
2.160	0809 20 10 0809 20 90	Cherries	102,26	4 136	802,32	197,13	685,71	27 672	83,37	186 134	221,74	77,70
2.170	ex 0809 30 00	Peaches	34,31	1 388	269,22	66,15	230,09	9 285	27,97	62 459	74,40	26,07

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.180	ex 0809 30 00	Nectarines	77,86	3 209	612,64	148,42	522,15	21 024	64,08	143 986	166,75	60,02
2.190	0809 40 11] 0809 40 19]	Plums	68,90	2 818	538,29	131,84	460,26	18 961	56,69	127 520	148,07	53,46
2.200	0810 10 10] 0810 10 90]	Strawberries	251,63	10 291	1 965,76	481,46	1 680,79	69 242	207,05	465 681	540,75	195,23
2.205	0810 20 10	Raspberries	1 048,0	42 174	7 906,65	2 047,19	6 963,49	279 647	844,87	1 883 741	2 301,55	803,54
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	102,94	4 142	776,64	201,08	684,00	27 469	82,98	185 034	226,07	78,92
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	128,42	5 252	1 003,25	245,72	857,81	35 338	105,67	237 666	275,97	99,64
2.230	ex 0810 90 80	Pomegranates	108,01	4 417	843,77	206,65	721,45	29 721	88,87	199 886	232,10	83,80
2.240	ex 0810 90 80	Khakis (including Sharon fruit)	194,40	7 950	1 518,66	371,95	1 298,50	53 494	159,96	359 765	417,75	150,83
2.250	ex 0810 90 30	Lychees	507,61	20 760	3 965,47	971,23	3 390,61	139 681	417,68	939 404	1 090,83	393,84

COMMISSION REGULATION (EEC) No 2589/93
of 22 September 1993
amending Regulation (EEC) No 2505/93 on the supply of vegetable oil as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Commission Regulation (EEC) No 2505/93 ⁽³⁾ issued an invitation to tender for the supply, as food aid, of 3 750 tonnes of vegetable oil; whereas, following a request by the beneficiary, some of the conditions specified in the Annexes to the Regulation should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EEC) No 2505/93 is hereby 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*.

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

Done at Brussels, 22 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 231, 14. 9. 1993, p. 1.

ANNEX

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

Lote	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción n°	Dirección del almacén
Parti	Totalmængde (tons)	Delmængde (tons)	Aktion nr.	Adresse på lageret
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Anschrift des Lagers
Παρτίδα	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Διεύθυνση της αποθήκης
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Address of the warehouse
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action n°	Adresse du magasin
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Indirizzo del magazzino
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Adres van de opslagplaats
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Acção n°	Endereço do armazém
C	1 000	(¹)	814/93	Banco de Moçambique, Av. 25 de Setembro 1679-Maputo, PO Box 423 Contacto : Rashida Amade Tel. 423 968, telefax 29 718
D	750	D 1 : 205 (¹)	815/93	Centro de Abastecimentos, Av. das FPLM 264 Contacto : Valeriano de Brito Distance port-warehouse : 13 km
		D 2 : 435 (²)	815/93	Direcção Provincial de Saúde, Bairro da Manga Contacto : José Gundana Distance port-warehouse : 20 km
		D 3 : 110 (³)	815/93	Hospital Psiquiátrico, Nampula Contacto : Américo dos Anjos Viagem Distance port-warehouse : 240 km

Port of loading : (¹) Maputo. (²) Beira. (³) Nacala.

COMMISSION REGULATION (EEC) No 2590/93

of 22 September 1993

on the supply of various consignments of cereals as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 61 678 tonnes of cereals;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

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

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

Done at Brussels, 22 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX I

LOTS A, B, C and D

1. **Operation Nos** ⁽¹⁾: See Annex II
2. **Programme**: 1992 and 1993
3. **Recipient** ⁽²⁾: Euronaid PO Box 12, NL-2501 CA Den Haag tel. (31 70) 330 57 57; fax: 364 17 01; telex: 30960 NL EURON
4. **Representative of the recipient**: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: milled rice (product code 1006 30 92 900, 1006 30 94 900, 1006 30 96 900)
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁶⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA.1 (f))
8. **Total quantity**: 7 699 tonnes (18 478 tonnes of cereals)
9. **Number of lots**: four, see Annex II
10. **Packaging and marking** ⁽⁷⁾ ⁽⁸⁾ ⁽¹⁰⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA (2) (a) and IIA(3))
Markings in French (Lots A and D and C7, C11 to C14); English (C1 and C2, C4 to C6); Spanish (B1, B4 to B17) and Portuguese (B2 and B3, C3, C8 to C10)
Supplementary markings: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 1 — 21. 11. 1993
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 12. 10. 1993
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 26. 10. 1993
 - (b) period for making the goods available at the port of shipment: 15. 11 — 5. 12. 1993
 - (c) deadline for the supply: —**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 9. 11. 1993
 - (b) period for making the goods available at the port of shipment: 29. 11 — 19. 12. 1993
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles; telex 22037 / 25670 AGREC B; fax: (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04
25. **Refund payable on request by the successful tenderer** ⁽⁴⁾: refund applicable on 30. 9. 1992, fixed by Commission Regulation (EEC) No 2378/93 (OJ No L 218, 28. 8. 1993, p. 17)

LOT E

1. **Operation No** ⁽¹⁾: 830/93
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: Mozambique
4. **Representative of the recipient**: Banco de Mozambique, Av. 25 de Setembro 1679-Maputo/P O Box 423. Contact: Rashida Amade, tel. 423 968, fax 29 718
5. **Place or country of destination** ⁽³⁾: Mozambique
6. **Product to be mobilized**: milled rice (product code 1006 30 92 900, 1006 30 94 900 or 1006 30 96 900)
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾ ⁽¹²⁾: See OJ No C 114, 29. 4. 1991, p. 1 (under II.A.1 f)
8. **Total quantity**: 18 000 tonnes (43 200 tonnes of cereals)
9. **Number of lots**: one (three parts: E 1: 10 500 tonnes, E 2: 4 500 tonnes, E 3: 3 000 tonnes)
10. **Packaging and marking** ⁽⁷⁾ ⁽⁸⁾ ⁽¹⁰⁾ ⁽¹¹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.A.2 (c) and II.A.3) Markings in Portuguese
11. **Method of mobilization of product**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: lot E 1: Maputo; lot E 2: Beira; lot E 3: Nacala
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 1. — 14. 11. 1993
18. **Deadline for the supply**: 12. 12. 1993
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for the submission of tenders**: 12 noon (Brussels time) on 12. 10. 1993
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 26. 10. 1993
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 15 — 28. 11. 1993
 - (c) deadline for the supply: 26. 12. 1993**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 9. 11. 1993
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 29. 11 — 12. 12. 1993
 - (c) deadline for the supply: 9. 1. 1994
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Mr T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles; telex 22037 / 25670 AGREC B; fax (32-2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: Refund applicable on 30. 9. 1993, fixed by Commission Regulation (EEC) No 2378/93 (OJ No L 218, 28. 8. 1993, p. 17)

Notes:

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

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

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

The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106) shall not apply to this amount.

- (5) Commission delegation to be contacted by the successful tenderer : see OJ No C 114, 29. 4. 1991, p. 33.
- (6) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :

— health certificate.

- (7) Shipment to take place in 20-foot containers condition FCL/FCL. The supplier shall be responsible for the cost of making the containers available in the stock position at the container terminal at the port of shipment. The provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.

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

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

- (8) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.

- (9) The following documents must be sent to the beneficiary's representative immediately after loading to enable him to obtain an import licence :

— original pro forma invoice indicating :

- type of goods, quantity,
- FOB price,
- insurance costs,
- freight costs,
- packing list,
- health certificate,
- radiation certificate,
- bill of lading (1/3 original).

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

- (11) The sacks may be ready equipped with disposable slings.

- (12) Broken rice : 30 % maximum.

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

Lote	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción nº	Informaciones complementarias
Parti	Totalmængde (i tons)	Delmængde (i tons)	Aktion nr.	Yderligere oplysninger
Partie	Gesamtmenge (in Tonnen)	Teilmenge (in Tonnen)	Maßnahme Nr.	Ergänzende Auskünfte
Παρτίδα	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Συμπληρωματικές πληροφορίες
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Additional information
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action nº	Informations complémentaires
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Informazioni complementari
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Bijkomende informatie
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Acção nº	Informações complementares
A	3 289	A1 : 2 083	1662/92	Haïti / Caritas N/920350
		A2 : 738	916/93	Haïti / 93CAB032
		A3 : 468	917/93	Haïti / 93PRT004
B	2 178	B1 : 450	443/93	Salvador / 93CRS018
		B2 : 18	444/93	Brasil / 93PDF006
		B3 : 72	445/93	Brasil / 93ALA001
		B4 : 108	446/93	Ecuador / 93CAS004
		B5 : 18	447/93	Bolivia / 93CAB038
		B6 : 36	448/93	Perú / 93PDF020
		B7 : 36	449/93	Perú / 93PDF024
		B8 : 18	450/93	Perú / 93PDF027
		B9 : 180	451/93	Perú / 93CAD005
		B10 : 36	452/93	Perú / 93CAD009
		B11 : 18	453/93	Perú / 93CAD011
		B12 : 126	454/93	Perú / 93CAN011
		B13 : 144	455/93	Perú / 93CAN012
		B14 : 180	456/93	Perú / 93CAM032
		B15 : 18	457/93	Perú / 93PRS017
		B16 : 18	458/93	Perú / 93PRS027
		B17 : 702	459/93	Nicaragua / 93DIA016

Lote	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción n°	Informaciones complementarias
Parti	Totalmængde (i tons)	Delmængde (i tons)	Aktion nr.	Yderligere oplysninger
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Ergänzende Auskünfte
Παρτίδα	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Συμπληρωματικές πληροφορίες
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Additional information
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action n°	Informations complémentaires
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Informazioni complementari
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Bijkomende informatie
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Acção n°	Informações complementares
C	1 494	C1 : 162	790/93	Gambia / 93CRS021
		C2 : 216	791/93	Ghana / 93CAI002
		C3 : 18	792/93	São Tomé e Príncipe / 93CAB047
		C4 : 576	793/93	Sierra Leone / 93CRS026
		C5 : 18	794/93	Sierra Leone / 93PRS009
		C6 : 90	795/93	Liberia / 93DWE012
		C7 : 72	796/93	Madagascar / 93OPE002
		C8 : 54	797/93	Angola / 93CAN020
		C9 : 54	798/93	Angola / 93CAN021
		C10 : 54	799/93	Angola / 93CAN022
		C11 : 54	800/93	Bénin / 93ATM007
		C12 : 18	801/93	République Centrafricaine / 93ATM010
		C13 : 54	802/93	Mauritanie / 93CAF018
		C14 : 54	803/93	Sénégal / 93ATM018
D	738	D1 : 144	804/93	Algérie / 93CAB023
		D2 : 144	805/93	Algérie / 93OXB014
		D3 : 144	806/93	Algérie / 93CIM001
		D4 : 144	807/93	Algérie / 93CIM002
		D5 : 54	808/93	Liban / 93SVF002
		D6 : 90	914/93	Liban / 93SPF004
		D7 : 18	915/93	Tunisie / 93SPF007

COMMISSION REGULATION (EEC) No 2591/93

of 22 September 1993

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of bone-in beef held by certain intervention agencies and intended for export, repealing Regulation (EEC) No 1231/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 125/93 ⁽²⁾, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies ⁽³⁾, as last amended by Regulation (EEC) No 1759/93 ⁽⁴⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas certain intervention agencies hold stocks of bone-in intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas outlets exist in certain third countries for the products in question; whereas it is appropriate therefore to offer this meat for sale in accordance with Regulation (EEC) No 2539/84;

Whereas quarters from intervention stocks may in certain cases have been handled a number of times; whereas, in order to help with the presentation and marketing of such meat, its repackaging should be authorized, subject to the observance of precise conditions;

Whereas it is necessary to lay down a time limit for export of the said meat; whereas this time limit should be fixed by taking into account Article 5 (b) of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector ⁽⁵⁾, as last amended by Regulation (EEC) No 2292/93 ⁽⁶⁾;

Whereas in order to ensure that beef sold is exported, the lodging of security, as specified at (a) of Article 5 (2) of Regulation (EEC) No 2539/84, should be required;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 3002/92 of 16 October 1992 laying down common detailed rules for verifying the use and/or destination of products from intervention ⁽⁷⁾, as last amended by Regulation (EEC) No 1938/93 ⁽⁸⁾;

Whereas Commission Regulation (EEC) No 1231/93 ⁽⁹⁾ should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A sale shall be organized of approximately:

- (a) 10 000 tonnes of bone-in beef held by the German intervention agency,
10 000 tonnes of bone-in beef held by the French intervention agency,
2 000 tonnes of bone-in beef held by the Italian intervention agency,
5 000 tonnes of bone-in beef held by the Danish intervention agency,
58 tonnes of bone-in beef held by the Belgian intervention agency;
- (b) 10 000 tonnes of bone-in beef, to be sold as 'compensated' quarters, held by the German intervention agency,
10 000 tonnes of bone-in beef, to be sold as 'compensated' quarters, held by the French intervention agency.

This meat shall be for export to the destinations indicated at 02 and 03 in footnote 7 to the Annex to Commission Regulation (EEC) No 1067/93 ⁽¹⁰⁾.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 18, 27. 1. 1993, p. 1.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 161, 2. 7. 1993, p. 59.

⁽⁵⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁶⁾ OJ No L 206, 18. 8. 1993, p. 3.

⁽⁷⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽⁸⁾ OJ No L 176, 20. 7. 1993, p. 12.

⁽⁹⁾ OJ No L 124, 20. 5. 1993, p. 25.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 101.

Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulations (EEC) No 2539/84 and (EEC) No 3002/92.

The provisions of Commission Regulation (EEC) No 985/81 ⁽¹⁾ shall not apply to this sale. However, the competent authorities may allow bone-in forequarters and hindquarters, the packaging material of which is torn or soiled, to be placed in new packaging of the same type under their supervision before presentation for consignment at the customs office of departure.

2. Tenders submitted under paragraph 1 (b) must relate to an equal number of forequarters and hindquarters and must quote a single price per tonne for the whole quantity of bone-in meat covered by the tender.

3. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

4. Only those tenders shall be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 29 September 1993.

5. Particulars of the quantities and the places where the products are stored shall be available to interested parties at the addresses given in Annex II.

Article 2

The products referred to in Article 1 must be exported within five months from the date of conclusion of the contract of sale.

Article 3

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 30 per 100 kilograms.

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be ECU 300 per 100 kilograms.

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

Done at Brussels, 22 September 1993.

Article 4

1. In respect of meat sold under this Regulation no export refund shall be granted.

On the removal order referred to in Article 3 (1) (b) of Regulation (EEC) No 3002/92, the export declaration, and, where appropriate, the T5 control copy shall be entered:

Productos de intervención sin restitución [Reglamento (CEE) n° 2591/93];

Interventionsvarer uden restitution [Forordning (EØF) nr. 2591/93];

Interventionserzeugnisse ohne Erstattung [Verordnung (EWG) Nr. 2591/93];

Προϊόντα παρεμβάσεως χωρίς επιστροφή [Κανονισμός (ΕΟΚ) αριθ. 2591/93];

Intervention products without refund [Regulation (EEC) No 2591/93];

Produits d'intervention sans restitution [Règlement (CEE) n° 2591/93];

Prodotti d'intervento senza restituzione [Regolamento (CEE) n. 2591/93];

Produkten uit interventievoorraden zonder restitutie [Verordening (EEG) nr. 2591/93];

Produtos de intervenção sem restituição [Reglamento (CEE) n° 2591/93].

2. With regard to the security provided for in Article 3 (2), compliance with the provisions of paragraph 1 shall constitute a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 ⁽²⁾.

Article 5

Regulation (EEC) No 1231/93 is hereby repealed.

Article 6

This Regulation shall enter into force on 29 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 99, 10. 4. 1981, p. 38.

⁽²⁾ OJ No L 205, 3. 8. 1985, p. 5.

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio mínimo expresado en ecus por tonelada Mindstepriser i ECU/ton Mindestpreise, ausgedrückt in ECU/Tonne Ελάχιστες τιμές πώλησεως εκφραζόμενες σε Ecu τόνο Minimum prices expressed in ecus per tonne Prix minimaux exprimés en écus par tonne Prezzi minimi espressi in ecu per tonnellata Minimumprijzen uitgedrukt in ecu per ton Preço mínimo expresso em ecus por tonelada
a) Deutschland	— Hinterviertel, stammend von : Kategorien A/C, Klassen U, R und O	10 000	550
France	— Quartiers avant : catégorie A/C, classes U, R et O	5 000	450
	— Quartiers arrière : catégorie A/C, classes U, R et O	5 000	550
Italia	— Quarti anteriori, provenienti da : categoria A, classi U, R e O	1 000	450
	— Quarti posteriori, provenienti da : categoria A, classi U, R e O	1 000	550
Danmark	— Bagfjerdinger af : kategori A/C, klasse R og O	5 000	550
Belgique/België	— Quartiers avant provenant de : Voorvoeten, afkomstig van : catégorie A, classes U, R et O Categorie A, klassen U, R en O	58	450
b) Deutschland	Kompensierte Viertel (¹) mit Knochen, stammend von : Kategorien A/C, Klassen U, R und O	10 000	500
France	Quartiers compensés (¹) avec os provenant de : Catégorie A/C, classes U, R et O	10 000	500

(¹) Nombre égal de quartiers avant et de quartiers arrière.

(¹) Equal number of forequarters and hindquarters.

(¹) Gleiche Anzahl Vorder- und Hinterviertel.

(¹) Numero uguale di quarti anteriori e posteriori.

(¹) Een gelijk aantal voor- en achtervoeten.

(¹) Lige stort antal forfjerdinger og bagfjerdinger.

(¹) Ίσος αριθμός μπροστινών και πισινών τετάρτων.

(¹) Número igual de cuartos delanteros y traseros.

(¹) Número igual de quartos dianteiros e de quartos traseiros.

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

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção**

- DEUTSCHLAND :** Bundesanstalt für landwirtschaftliche Marktordeung (BALM)
Geschäftsbereich 3 (Fleisch und Fleischerzeugnisse)
Postfach 180 107 — Adickesallee 40
D-60322 Frankfurt am Main
Tel. (069) 1 56 47 72/3
Telex : 04 11 156, Telefax : 069 15 64 791
- FRANCE :** Ofival
Tour Montparnasse
33, avenue du Maine
F-75755 Paris Cedex 15
(tél. : 45 38 84 00 ; télex : 20 54 76)
- ITALIA :** Azienda di Stato per gli interventi nel mercato agricolo (AIMA)
Via Palestro 81
I-00185 Roma
Tel. 49 49 91
Telex 61 30 03
- DANMARK :** EF-Direktoratet
Nyropsgade 26
DK-1602 København K
(tlf. (33) 92 70 00, telex 151 37 EFDIR DK, telefax (33) 92 69 48)
- BELGIQUE/BELGIË :** Office belge de l'économie et de l'agriculture
Rue de Trèves 82
B-1040 Bruxelles
[tél. (2) 287 24 11 ; télex 24076 OBEA BRU B, 65567 OBEA BRU B ; téléfax (2) 230 25 33]
- Belgische dienst voor bedrijfsleven en landbouw
Trierstraat 82
B-1040 Brussel
-

COMMISSION REGULATION (EEC) No 2592/93

of 21 September 1993

re-establishing the levying of customs duties on products falling within CN code 2932 12 00, 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 Article 1 of that Regulation, customs duties on certain products originating in each of the countries or territories listed in Annex III shall be totally suspended and the products as such shall, as a general rule, be subject to statistical surveillance every three months on the reference base referred to in Article 8;

Whereas, as provided for in Article 8, where the increase of preferential imports of these products, originating in one or more beneficiary countries, threatens to cause economic difficulties in the Community or in a region of the Community, the levying of customs duties may be re-established, once the Commission has had an appropriate exchange of information with the Member States; whereas for this purpose the reference base to be considered shall be, as a general rule, 6,615 % of the highest maximum amount valid for 1988;

Whereas, in the case of the products falling within CN code 2932 12 00, originating in China, the reference base was fixed at ECU 291 000;

Whereas on 7 July 1993 imports of these products into the Community, originating in Brazil, reached the

reference base in question after being charged there-against whereas the exchange of information organized by the Commission has demonstrated that continuance of the preference threatens to cause economic difficulties in a region of the Community;

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 26 September 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:

CN code	Description
2932 12 00	— — 2-Fuvaldehyde (furfuvaldehyde)

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, 21 September 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 2593/93

of 21 September 1993

amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EEC) No 1969/93⁽²⁾, and in particular Article 9 thereof,

Whereas Regulation (EEC) No 2658/87 established a goods nomenclature, hereinafter called the 'combined nomenclature', to meet, at one and the same time, the requirements both of the Common Customs Tariff and of the external trade statistics of the Community;

Whereas to ensure the uniform application of the combined nomenclature rules must be laid down regarding the classification of vermouth and other wine of fresh grapes flavoured with plants or aromatic substances falling within CN code 2205; whereas flavoured wines may, *inter alia*, contain significant added quantities of liquids such as fruit juices, syrups and water and whereas it may therefore be difficult to distinguish them from mixtures of fermented beverages and non-alcoholic beverages falling within CN code 2206; whereas it would appear possible to distinguish between these two groups of products on the basis of their actual alcoholic strength by volume; whereas it would appear appropriate to set the limit thereof at 7 % vol; whereas an Additional note to that effect should be included in Chapter 22 of the

combined nomenclature; whereas Annex I to Regulation (EEC) No 2658/87 should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following Additional note shall be inserted in Chapter 22 of the combined nomenclature annexed to Regulation (EEC) No 2658/87:

- '5. Only vermouth and other wine of fresh grapes flavoured with plants or aromatic substances having an actual alcoholic strength by volume of not less than 7 % vol shall be regarded as products falling within CN code 2205.'

Article 2

Additional Notes 5 to 8 shall become Additional Notes 6 to 9, respectively.

Article 3

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

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

Done at Brussels, 21 September 1993.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 9.

COMMISSION REGULATION (EEC) No 2594/93

of 22 September 1993

amending Regulation (EEC) No 2293/92 laying down detailed rules for the application of Council Regulation (EEC) No 1765/92 with regard to the set-aside scheme referred to in Article 7

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops⁽¹⁾, as last amended by Regulation (EEC) No 1552/93⁽²⁾, and in particular Article 12 thereof,

Having regard to Council Regulation (EEC) No 1541/93 of 14 June 1993 fixing the non-rotational set-aside rate referred to in Article 7 of Regulation (EEC) No 1765/92⁽³⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EEC) No 2293/92⁽⁴⁾, as amended by Regulation (EEC) No 1379/93⁽⁵⁾, must be altered and supplemented to take account of the introduction from the 1994/95 marketing year of the non-rotational set-aside scheme defined in Regulation (EEC) No 1541/93; whereas in certain regions of the Community farmers begin to make preparations for the said marketing year in September; whereas it is therefore necessary for this Regulation to apply from 1 September 1993;

Whereas experience has shown that the minimum period for which land must be set aside needs to be extended to prevent it being used subsequently to grow certain minor crops the market in which is very sensitive to any additional production; whereas, however, in order to take account of certain specific circumstances, it should be made possible for the land set aside to be used before the expiry of the minimum set-aside period;

Whereas, for reasons of scheme management and in order to be able to implement environmental measures on the non-rotational fallow, the minimum set-aside period should be fixed at five years;

Whereas, in addition, provision should be made for the adjustments and penalties applicable in the event of aban-

donment of non-rotational set-aside before the end of the period fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2293/92 is amended as follows:

- Article 1 is replaced by the following:

‘Article 1

This Regulation lays down detailed rules for the application of Article 7 of Regulation (EEC) No 1765/92 with regard to set-aside.’

- In Article 2, the second sentence is replaced by the following:

‘However, areas previously set aside under Council Regulation (EEC) No 2328/91^(*) and Regulation (EEC) No 1765/92 shall, without prejudice to Article 3 (5) of this Regulation, be treated as areas under cultivation.

(*) OJ No L 218, 6. 8. 1991, p. 1.’

- In Article 3 (3), the second sentence is replaced by the following:

‘These measures may also concern a green cover; in that case, the measures must provide that the plant cover may not be used for seed production and that it may on no account be used for agricultural purposes before 31 August or produce, before the following 15 January, crops which are intended for marketing.’

- In Article 3 (4), the second indent is replaced by the following:

‘— remain set aside for a period commencing on 15 January at the latest and ending on 31 August at the earliest. However, Member States shall set the conditions under which producers may be authorized to sow seed, from 15 July, for harvesting in the following year and the conditions to be met in order for grazing to be authorized from 15 July in Member States where transhumance is traditionally practised.’

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 19.

⁽³⁾ OJ No L 154, 25. 6. 1993, p. 1.

⁽⁴⁾ OJ No L 221, 6. 8. 1992, p. 19.

⁽⁵⁾ OJ No L 136, 5. 6. 1993, p. 17.

5. In Article 3 (5), the following sentence is added :

'However, a plot which has already been set aside may be reused if the producer has no further land available enabling him to comply with the abovementioned period.'

6. The following Article 3a is inserted at the end of Title I :

Article 3a

1. In the case of application of the non-rational set-aside referred to in Article 1 of Council Regulation (EEC) No 1541/93 (*), the corresponding set-aside must be effected without interruption on the same plots for a minimum period of 60 consecutive months.

2. An area which has been set aside under Council Regulations (EEC) No 2078/92 (**) and (EEC) No 2080/92 (***) may not be counted for the purposes of the set-aside provided for in this Regulation.

3. A producer who has opted for the scheme provided for in paragraph 1 :

— must adjust the area which is the subject of the set-aside obligation for a given marketing year and for the period remaining compared to that referred to in paragraph 1, in order to take account of a change in the rate of non-rational set-aside or in the event of a change in the area for which he is applying for the compensatory payment,

— may go back on that choice without the penalty referred to in paragraph 4 :

(a) in the event that the rate referred to in the second indent of Article 1 (2) of Regulation

(EEC) No 1541/93 is amended in accordance with Article 2 (2) of the said Regulation ;

(b) in the event that the producer decides to submit the land in question to one of the schemes provided for under Regulation (EEC) No 2078/92 or (EEC) No 2080/92 ;

(c) in special cases authorized by the Member State which entail a change in farm structure independently of the producer's will, such as land consolidation ;

(d) on a temporary basis in respect of set-aside undertaken with a view to the 1995 harvest.

4. Notwithstanding Article 9 of Commission Regulation (EEC) No 3887/92 (****), where a producer has, in his area-related aid application, expressly gone back on his choice before the end of the period referred to in paragraph 1, he must reimburse a sum equal to 5 % of the compensatory payment paid for the set-aside of land carried out in the previous year, multiplied by the number of years during which he did not comply with his original undertaking.

(*) OJ No L 154, 25. 6. 1993, p. 1.

(**) OJ No L 215, 30. 7. 1992, p. 85.

(***) OJ No L 215, 30. 7. 1992, p. 96.

(****) OJ No L 391, 31. 12. 1992, p. 36.'

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 September 1993.

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

Done at Brussels, 22 September 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 2595/93**of 22 September 1993****laying down detailed rules for implementing Council Regulation (EEC) No 1765/92 as regards the use of land set aside for the production of multiannual raw materials for the manufacture within the Community of products not intended for human or animal consumption**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

No 1765/92 with regard to the set-aside scheme referred to in Article 7⁽¹⁾, as last amended by Regulation (EEC) No 2594/93⁽²⁾;

Having regard to the Treaty establishing the European Economic Community,

Whereas the multiannual raw materials which can be cultivated on set-aside land not subject to rotation and the uses to which they may be put should be defined;

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops⁽¹⁾, as amended by Regulation (EEC) No 1552/93⁽²⁾, and in particular Article 12 thereof,

Whereas a claimant for an annual compensatory payment should be required to undertake to use the multiannual raw materials cultivated on the set-aside land exclusively for purposes other than human or animal consumption;

Having regard to Council Regulation (EEC) No 1541/93 of 14 June 1993 fixing the non-rotational set-aside rate referred to in Article 7 of Regulation (EEC) No 1765/92⁽³⁾, and in particular Article 3 thereof,

Whereas implementation of this scheme should take account of Member States' legislation, in particular requirements relating to agricultural practice, checks, public health and environmental and criminal law, while minimizing disparities in treatment due to such factors within the Community;

Whereas Article 7 (4) of Regulation (EEC) No 1765/92 allows set-aside land to be used for the provision of materials for the manufacture within the Community of products not intended for human or animal consumption, provided that effective control systems are applied;

Whereas neither the multiannual raw materials grown on the set-aside land nor the products derived therefrom should benefit from any other aid granted by the Community;

Whereas Commission Regulation (EEC) No 334/93 of 15 February 1993 laying down detailed implementing rules for the use of land set aside for the provision of materials for the manufacture within the Community of products not primarily intended for human or animal consumption⁽⁴⁾ lays down the conditions for the cultivation of annual raw materials on land subject to rotational or non-rotational set-aside; whereas the detailed implementing rules should therefore be laid down for the cultivation of multiannual raw materials on set-aside land not subject to rotation; whereas the provisions of this Regulation should conform to Commission Regulation (EEC) No 2293/92 of 31 July 1992 laying down detailed rules for the application of Council Regulation (EEC)

Whereas, in return for the compensation received for the undertaking to set land aside, the claimant must be subject to rules providing for checks based, in particular, on a crop declaration;

Whereas implementation of this scheme should be subject to a system of checks and, where necessary, penalties, in accordance with Commission Regulation (EEC) No 3887/92⁽⁵⁾; whereas, in addition, special rules should be laid down in respect of contracts signed prior to the entry into force of Regulation (EEC) No 334/93;

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

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.⁽²⁾ OJ No L 154, 25. 6. 1993, p. 19.⁽³⁾ OJ No L 154, 25. 6. 1993, p. 1.⁽⁴⁾ OJ No L 38, 16. 2. 1993, p. 12.⁽⁵⁾ OJ No L 221, 6. 8. 1992, p. 19.⁽⁶⁾ See page 19 of this Official Journal.⁽⁷⁾ OJ No L 391, 31. 12. 1992, p. 36.

HAS ADOPTED THIS REGULATION :

provided for in Council Regulation (EEC) No 2078/92 ⁽¹⁾ and (EEC) No 2080/92 ⁽²⁾.

Article 1

For the purposes of this Regulation, 'claimant' means the person making an area-related aid application with a view to obtaining the annual compensatory payment within the meaning of Articles 2 (5) and 7 (5) of Regulation (EEC) No 1765/92, hereinafter called 'compensation'.

Article 2

1. Multiannual crops on land subject to non-rotational set-aside may only be raw materials which can be used for purposes other than human and/or animal consumption.

2. The land intended for the cultivation of the raw materials referred to in Annex I shall be subject to the provisions of Regulation (EEC) No 2293/92.

Article 3

In order to be eligible for compensation, the claimant wishing to use set-aside land for the cultivation of the raw materials referred to in Annex I shall provide a written undertaking to the competent authority in his Member State when submitting his first area-related aid application that in the event of the utilization or sale of the raw materials concerned they will be put to the uses set out in Annex II.

In his undertaking, the claimant shall declare that he has taken note of the fact that non-compliance with his undertaking leaves him open to the penalties provided for in Regulation (EEC) No 3887/92.

Article 4

Member States may exclude from this scheme only those raw materials listed in Annex I which give rise to difficulties for reasons related to agricultural practice, the carrying out of checks, public health, environmental impact or criminal law. In that event, Member States shall notify the Commission of the raw material(s) they intend to exclude. If the Commission does not respond within 20 working days of receipt of the notification, Member States may proceed with the intended exclusions.

Article 5

Raw materials cultivated on set-aside land and for which compensation is paid, and the products derived from such raw materials may not benefit from the measures financed by the European Agricultural Guidance and Guarantee Fund, Guarantee Section, or from the Community aid

Article 6

Claimants shall inform the competent authority each year in their area-related aid applications of the plots subject to non-rotational set-aside, the multiannual crops corresponding to such plots, the length of the crop cycle and the envisaged harvest frequency.

Article 7

1. The competent authority in the Member State concerned shall keep in the database referred to in Article 2 of Council Regulation (EEC) No 3508/92 ⁽³⁾ an up-to-date list of the area-related aid applications submitted each year by each claimant in order to ensure that the conditions for grant of the compensation, in particular the undertakings referred to in Article 6, are complied with.

2. Any supervisory measure needed to ensure that the undertakings arising from the implementation of the provisions of this Regulation are complied with shall be taken in accordance with the procedures set out in Regulation (EEC) No 3887/92.

3. In the event that the undertakings referred to in paragraph 2 are not complied with, the penalties which may be imposed on the claimant shall be those provided for in Regulation (EEC) No 3887/92.

Article 8

Member States may adopt any additional measures needed for the application of this Regulation and shall notify the Commission thereof.

Article 9

Member States shall forward to the Commission within six months at the latest of the end of each marketing year all the information needed for an assessment of this measure, in particular the amount of land subject to non-rotational set-aside for each multiannual species cultivated on it.

Article 10

Pursuant to Article 14 of Regulation (EEC) No 334/93, contracts signed prior to the entry into force of that Regulation shall be performed in accordance with the terms of this Regulation.

Article 11

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

⁽¹⁾ OJ No L 215, 30. 7. 1992, p. 85.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 96.

⁽³⁾ OJ No L 355, 5. 12. 1992, p. 1.

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

Done at Brussels, 22 September 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Multiannual raw materials which may be cultivated on land subject to non-rotational set-aside provided they are intended for the manufacture of the products listed in Annex II or for the direct use of the claimant

CN code	Brief description of products
ex 0602 99 41	Short-rotation forest trees with a harvest cycle of 10 years or less
ex 0602 99 49	Trees, shrubs and bushes producing plant material covered by CN code 1211 and by Chapter 14 of the combined nomenclature, excluding all those which can be used for human or animal consumption
ex 0602 99 51	Outdoor multiannual plants (e.g. <i>Miscanthus sinensis</i>) other than those which can be used for human or animal consumption, in particular those producing plant material covered by CN code 1211, other than lavender, lavandin and sage, and by Chapter 14 of the combined nomenclature

ANNEX II

Products intended for authorized uses, other than human or animal consumption, where derived from the raw materials referred to in Annex I

All products covered by the combined nomenclature :

- (a) with the exception of all products falling within Chapters 1 to 24 of the combined nomenclature, except for :
- all products falling within Chapter 15 of the combined nomenclature which are intended for uses other than human or animal consumption,
 - products falling within CN code 2207 20 00 for direct use in motor fuel or for processing for use in motor fuel ;
- (b) including all the products mentioned in Annex I and their processed derivatives intended for energy purposes.

COMMISSION REGULATION (EEC) No 2596/93

of 22 September 1993

amending Regulations (EEC) No 131/92, (EEC) No 1695/92 and (EEC) No 1696/92 concerning common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products to the French overseas departments, the Canary Islands, the Azores and Madeira

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as amended by Commission Regulation (EEC) No 3714/92⁽²⁾, and in particular Articles 2 (6), 3 (5) and 4 (5) thereof,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽³⁾, as last amended by Commission Regulation (EEC) No 1974/93⁽⁴⁾, and in particular Articles 3 (4), 4 (4), 5 (2) and 6 (2) thereof,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products⁽⁵⁾, as last amended by the abovementioned Commission Regulation (EEC) No 1974/93, and in particular Article 10 thereof,

Whereas Commission Regulations (EEC) No 131/92⁽⁶⁾, (EEC) No 1695/92⁽⁷⁾ and (EEC) No 1696/92⁽⁸⁾, as last amended by Regulation (EEC) No 1707/93⁽⁹⁾, make provision in particular for the introduction of a Community system to check the measures taken so as to verify their sound execution; whereas this check is effected by means of information sent to the Commission relating to the quantities of agricultural products which have been the subject of licence applications;

Whereas the experience gained has shown that a more precise assessment of the quantities of agricultural products benefiting from the Community aid scheme could ensure better implementation of the supply balance and more accurate management of the budgetary commitments;

Whereas the operators concerned may find supplies on the Community market or on the markets of non-

member countries; whereas, therefore, assessing the needs of the most remote regions must take into account this option even when calculating the amounts of Community aid to be granted; whereas these amounts may be established only by statistics and on the basis of the various aid rates to be applied; whereas, therefore, the statistical information which the national authorities send to the Commission must be broken down using the code for which the aid amount has been fixed;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

Article 7 of Regulation (EEC) No 131/92 is hereby replaced by the following:

Article 7

1. France shall send the Commission no later than the last day of each month the following data relating to the previous month, by product and, where applicable, by individual destination:

- separately, the quantities which were the subject of applications for import licences and for "aid certificates",
- quantities actually imported from third countries,
- quantities actually introduced from the rest of the Community, using the code for which the aid amount is fixed,
- separately, the quantities and cases of non-utilization of import licences and of "aid certificates".

2. Applications for aid certificates and the information to be sent to the Commission on such applications shall be made using the code for which the aid amount is fixed.

However, where the aid amount is the same for several codes, the applications and "aid certificates" may be grouped together for all of the codes corresponding to the same amount of aid.

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.
⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.
⁽³⁾ OJ No L 173, 27. 6. 1992, p. 13.
⁽⁴⁾ OJ No L 180, 27. 7. 1993, p. 26.
⁽⁵⁾ OJ No L 173, 27. 6. 1992, p. 1.
⁽⁶⁾ OJ No L 15, 22. 1. 1992, p. 13.
⁽⁷⁾ OJ No L 179, 1. 7. 1992, p. 1.
⁽⁸⁾ OJ No L 179, 1. 7. 1992, p. 6.
⁽⁹⁾ OJ No L 159, 1. 7. 1993, p. 75.

Article 2

Article 8 of Regulation (EEC) No 1695/92 is hereby replaced by the following:

'Article 8

1. Spain shall send the Commission no later than the last day of each month the following data relating to the previous month, by product and, where applicable, by individual destination:

- separately, the quantities which were the subject of applications for import licences, for exemption certificates and for "aid certificates",
- quantities actually imported from third countries,
- quantities actually introduced from the rest of the Community, using the code for which the aid amount is fixed,
- separately, the quantities and cases of non-utilization of import licences, of exemption certificates and of "aid certificates".

2. Applications for "aid certificates" and the information to be sent to the Commission on such applications shall be made using the code for which the aid amount is fixed.

However, where the aid amount is the same for several codes, the applications and "aid certificates" may be grouped together for all of the codes corresponding to the same amount of aid.'

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

Done at Brussels, 22 September 1993.

Article 3

Article 8 of Regulation (EEC) No 1696/92 is hereby replaced by the following:

'Article 8

1. Portugal shall send the Commission no later than the last day of each month the following data relating to the previous month, by product and, where applicable, by individual destination:

- separately, the quantities which were the subject of applications for import licences and for "aid certificates",
- quantities actually imported from third countries,
- quantities actually introduced from the rest of the Community, using the code for which the aid amount is fixed,
- separately, the quantities and cases of non-utilization of import licences and of "aid certificates".

2. Applications for aid certificates and the information to be sent to the Commission on such applications shall be made using the code for which the aid amount is fixed.

However, where the aid amount is the same for several codes, the applications and "aid certificates" may be grouped together for all of the codes corresponding to the same amount of aid.'

Article 4

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

It shall apply from 1 October 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 2597/93
of 22 September 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 1548/93 ⁽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 1695/93 ⁽⁴⁾, as last amended by Regulation (EEC) No 2585/93 ⁽⁵⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1695/93 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 21 September 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 23 September 1993.

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

Done at Brussels, 22 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.
⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.
⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 40.
⁽⁵⁾ OJ No L 237, 22. 9. 1993, p. 18.

ANNEX

to the Commission Regulation of 22 September 1993 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	36,00 ⁽¹⁾
1701 11 90	36,00 ⁽¹⁾
1701 12 10	36,00 ⁽¹⁾
1701 12 90	36,00 ⁽¹⁾
1701 91 00	43,28
1701 99 10	43,28
1701 99 90	43,28 ⁽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 2598/93
of 22 September 1993
fixing the import levy on molasses

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 market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 1548/93 ⁽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 levy on molasses was fixed by Commission Regulation (EEC) No 1693/93 ⁽⁴⁾, as last amended by Regulation (EEC) No 2484/93 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1693/93 to the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this Regulation;

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

rate established during the reference period from 21 September 1993 as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

1. The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be fixed, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00 to ECU 0,62 per 100 kilograms.
2. However, no import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

Article 2

This Regulation shall enter into force on 23 September 1993.

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

Done at Brussels, 22 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 36.

⁽⁵⁾ OJ No L 228, 9. 9. 1993, p. 34.

COMMISSION REGULATION (EEC) No 2599/93

of 22 September 1993

introducing a countervailing charge on apples originating in New Zealand

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Commission Regulation (EEC) No 1640/93 of 28 June 1993 fixing for the 1993/94 marketing year the reference prices for apples⁽³⁾ fixed the reference price for products of class I for the month of September 1993 at ECU 43,98 per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by

Regulation (EEC) No 249/93⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for apples originating in New Zealand the entry price calculated in this way has remained at least ECU 0,6 below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these apples;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁶⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 5,36 per 100 kilograms net is applied to apples originating in New Zealand (CN codes 0808 10 31, 0808 10 33, 0808 10 39, 0808 10 51, 0808 10 53, 0808 10 59, 0808 10 81, 0808 10 83, and 0808 10 89) originating in New Zealand.

Article 2

This Regulation shall enter into force on 24 September 1993.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 69, 20. 3. 1993, p. 7.

⁽³⁾ OJ No L 157, 29. 6. 1993, p. 8.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 249, 5. 2. 1993, p. 45.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

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

Done at Brussels, 22 September 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 2600/93

of 22 September 1993

fixing the maximum export refund for white sugar for the 17th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1144/93

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 1548/93⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1144/93 of 10 May 1993 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1144/93, 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 17th partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 990/93⁽⁴⁾ 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 17th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1144/93 the maximum amount of the export refund is fixed at ECU 41,056 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 23 September 1993.

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

Done at Brussels, 22 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.

⁽³⁾ OJ No L 116, 12. 5. 1993, p. 5.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

COMMISSION REGULATION (EEC) No 2601/93**of 22 September 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 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as amended by Regulation (EEC) No 2193/93⁽²⁾, and in particular Articles 10 (5) and 11 (3) thereof,

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

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1680/93⁽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 21

September 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 1680/93 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 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 September 1993.

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

Done at Brussels, 22 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 8.

ANNEX

to the Commission Regulation of 22 September 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	136,27 ⁽²⁾ ⁽³⁾
0712 90 19	136,27 ⁽²⁾ ⁽³⁾
1001 10 00	68,92 ⁽¹⁾ ⁽⁵⁾
1001 90 91	86,99
1001 90 99	86,99 ⁽⁵⁾
1002 00 00	113,57 ⁽⁶⁾
1003 00 10	116,60
1003 00 20	116,60
1003 00 80	116,60 ⁽⁵⁾
1004 00 00	85,60
1005 10 90	136,27 ⁽²⁾ ⁽³⁾
1005 90 00	136,27 ⁽²⁾ ⁽³⁾
1007 00 90	142,05 ⁽⁴⁾
1008 10 00	22,44 ⁽⁵⁾
1008 20 00	29,85 ⁽⁴⁾
1008 30 00	29,85 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	29,85
1101 00 00	160,41 ⁽⁵⁾
1102 10 00	196,12
1103 11 30	141,96
1103 11 50	141,96
1103 11 90	183,08
1107 10 11	165,72
1107 10 19	126,58
1107 10 91	218,43
1107 10 99	165,96
1107 20 00	191,61

(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 2602/93**of 22 September 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 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as amended by Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 12 (4) 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⁾,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1681/93⁽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 21 September 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 to be added to the levies fixed in advance for the import in respect of the products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 September 1993.

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

Done at Brussels, 22 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 11.

ANNEX

to the Commission Regulation of 22 September 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	9	10	11	12
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0
1102 10 00	0	0	0	0
1103 11 30	0	0	0	0
1103 11 50	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	9	10	11	12	1
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 2603/93

of 22 September 1993

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as amended by Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 11 (3) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1544/93⁽⁴⁾, and in particular Article 12 (4) 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⁽⁵⁾,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 2391/93⁽⁶⁾, as last amended by Regulation (EEC) No 2573/93⁽⁷⁾;

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne

of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽⁸⁾, as last amended by Regulation (EEC) No 1740/78⁽⁹⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Commission Regulation (EEC) No 1620/93⁽¹⁰⁾ as fixed in the Annex to amended Regulation (EEC) No 2391/93 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 23 September 1993.

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

Done at Brussels, 22 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 154, 25. 6. 1993, p. 5.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 218, 28. 8. 1993, p. 45.

⁽⁷⁾ OJ No L 235, 18. 9. 1993, p. 36.

⁽⁸⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁹⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽¹⁰⁾ OJ No L 155, 26. 6. 1993, p. 29.

ANNEX

to the Commission Regulation of 22 September 1993 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies (*)	
	ACP	Third countries (other than ACP)
0714 10 10 ⁽¹⁾	111,88	118,53
0714 10 91	115,51 ⁽³⁾ ⁽⁷⁾	115,51
0714 10 99	113,70	118,53
0714 90 11	115,51 ⁽³⁾ ⁽⁷⁾	115,51
0714 90 19	113,70 ⁽³⁾	118,53
1102 90 10	207,92	213,96
1103 19 30	207,92	213,96
1103 29 20	207,92	213,96
1104 11 10	117,82	120,84
1104 11 90	231,02	237,06
1104 21 10	184,82	187,84
1104 21 30	184,82	187,84
1104 21 50	288,78	294,82
1104 21 90	117,82	120,84
1106 20 10	111,88 ⁽³⁾	118,53

⁽¹⁾ 6 % *ad valorem*, subject to certain conditions.

⁽³⁾ In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States:

- products falling within CN code ex 0714 10 91,
- products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
- flours and meal of arrow-root falling within CN code 1106 20,
- arrow-root starch falling within CN code 1108 19 90.

⁽⁷⁾ 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.

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 7 July 1993

concerning aid decided by the Italian Government in favour of the ceramics industry of Lazio

(Only the Italian text is authentic)

(93/508/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, in accordance with the abovementioned Article, given notice to the parties concerned to submit their comments to it,

Whereas :

I

By Regional Law No 90 of 14 December 1990⁽¹⁾ the region of Lazio instituted an aid scheme in favour of the ceramics industry. Article 1 provides, in order to support employment and to promote and develop local traditions in the area of Civita Castellana, Fabrica di Roma, Gallese, Corchiano, Castel Sant'Elia, Nepi, Faleria, Stimigliano, Cittaducale, Forano and Castel S. Angelo, for the financing of a publicity campaign for ceramic sanitary ware, crockery and tiles manufactured by companies established and having their production units in the aforementioned area. The characteristics of eligible products are fixed by the regional government.

Article 2 of Regional Law No 90 provides that the investments necessary to meet those characteristics may be aided by the regional government by means of grants covering up to 25 % of the eligible cost. Article 3 speci-

fies that a budget of Lit 1 000 million is available for the publicity campaign and Lit 5 000 million for the investments.

Decision No 1468 of the regional government of Lazio of 3 March 1992 lays down the characteristics of eligible products, as provided for in the second point of Article 1 of Regional Law No 90. Decision No 11944 of 17 December 1991 specified that eligible cost includes leasing costs and the depreciation on investment for a maximum of three years, as well as the cost of consultants, the introduction of quality systems, training costs and certain operating costs. In order to be eligible such costs must be linked to the objectives of introducing company quality systems, process innovation to increase quality and the acquisition of services to increase or verify the quality of input, production process and output. The aid is granted in the form of a maximum 25 % grant on eligible cost, with a maximum of Lit 300 million per company. Cumulation with other regional or national aid is admissible up to 70 % of eligible cost.

Neither Regional Law No 90 of 1990, nor Decisions No 11944 of 1991 and No 1468 of 1992 were notified in advance to the Commission as provided for in Article 93 (3) of the Treaty.

II

By letter of its Permanent Representation of 29 October 1992 the Italian Government notified the aid scheme in question to the Commission. In its notification the Italian Government emphasized that, although the law in question was in force, it would only become operative after approval by the Commission.

⁽¹⁾ Bollettino Ufficiale della Regione Lazio No 36 of 29 December 1990.

The Commission took the view that the notification was belated, because neither Regional Law No 90 of 1990, nor Decision No 1468 of 1992 contains a suspensive clause making its application subject to prior Commission approval. The Commission therefore treated the aid scheme as a non-notified aid.

The Commission also took the view that the aid scheme would be likely to distort competition and affect trade between Member States within the meaning of Article 92 (1) of the Treaty and that it did not seem to qualify for one of the derogations provided for in that Article. In particular, the Commission took the view that the derogations provided for in Article 92 (3) (a) and (c) in favour of certain areas could not apply, because companies in assisted as well as unassisted areas are eligible for the aid and because cumulation with other regional aid is possible. Moreover, aid for publicity and investment to improve product quality could not be said to facilitate the development of the ceramics sector without adversely affecting trading conditions to an extent contrary to the common interest within the meaning of Article 92 (3) (c). The Italian Government had also failed to show the need for the aid, which, furthermore, did not seem to fit the criteria the Commission has adopted for allowing aid to small and medium-sized enterprises. The Commission therefore decided to initiate the procedure laid down in Article 93 (2) of the Treaty.

The Italian Government was informed of this decision by letter dated 18 January 1993 and was invited to submit its comments within one month. The other Member States and interested third parties were also given notice to submit their comments⁽¹⁾.

III

It was only by letter dated 8 April 1993 that the Italian Government submitted its observations under the procedure. The Italian Government repeated that no aid had yet been awarded under the scheme, pending the request for approval by the Commission. Regarding the publicity campaign, the Italian Government pointed out that this would only take place inside Italy and be carried out by the region of Lazio. Regarding the aid for eligible cost, the Italian Government stressed that this included 'soft' expenditure for training and for outside consultants as well as investment cost and that for determining aid for the latter category only the annual depreciation for up to three years would be taken into account, which would reduce the scale of the aid. The Italian Government also stated that the beneficiary companies are all small and medium-sized enterprises or associations of such enterprises and pointed to the regional problems in the Civita Castellana area, the favourable effect of the aid on

employment, and the particularities of ceramics produced in that area, which should reduce the effect of the aid on intra-Community competition. Finally, the Italian Government indicated that the Lazio region would abolish the possibility of cumulation with other aid and describe more precisely either the beneficiaries or admissible cost.

Within the framework of the procedure, observations were also submitted by the United Kingdom, the German Government, the liaison office of the European ceramics industry Ceram-Unie and the British Ceramic Manufacturers Federation.

These observations were submitted to the Italian Government for its comments by letter dated 6 April 1993. These comments were provided by letter dated 17 May 1993, which also indicated that a total of 30 companies qualify for the aid scheme.

IV

The financing, with Lit 1 000 million, of a publicity campaign in Italy by the region of Lazio to promote sales of ceramics produced in Civita Castellana constitutes aid to the manufacturers of these products in this area within the meaning of Article 92 (1) of the EEC Treaty. The fact that this sum is not provided to the companies directly, but is spent by the regional authorities does not alter this appraisal, as those companies will be the beneficiaries of the publicity they would normally have to finance themselves.

The grants of up to 25 % of eligible cost as set out in Regional Law No 90 of 1990 and Regional Decision No 11944 of 1991, totalling Lit 5 000 million, in favour of manufacturers of ceramics in the Civita Castellana area constitute aid to those manufacturers, who are able to take advantage of it to make investments and to improve the quality of their products by various means, without having to bear all the cost thereof.

The Commission therefore identifies aid to manufacturers of ceramics in the Civita Castellana area totalling Lit 6 000 million (ECU 3,3 million at the date of this Decision).

V

Article 93 (3) of the Treaty provides that the Commission shall be informed, in sufficient time to enable it to submit its comments, of any plans to grant or alter aid. This obligation must be interpreted in the sense that the notification must take place before the legislative process that institutes a right to the aid has been concluded. In the present case, Regional Law No 90 of 1990 and the Deci-

⁽¹⁾ OJ No C 46, 18. 2. 1993, p. 3.

sions of the regional government prescribed by that law were adopted without prior notification to the Commission and without a provision making the granting of aid dependent on approval by the Commission. The fact that no aid has yet been granted to individual companies does not change the Commission's view that the Italian Government failed to notify its plan to grant aid pursuant to Article 93 (3) of the Treaty.

VI

There is competition between manufacturers of ceramic tableware, crockery and sanitary ware and these products are traded between Member States. As was set out in the letter to the Italian Government dated 18 January 1993 inviting it to submit its observations, Italy is a net exporter of ceramic sanitary ware and crockery.

In 1990 Italy exported 21 533 tonnes of ceramic sanitary ware (CN code 6910) to other Member States and imported 2 304 tonnes. In the same year Italy exported 36 283 tonnes of ceramic crockery (CN code 6911 and 6912) to other Member States and imported 26 377 tonnes.

In 1991 Italy exported 20 569 tonnes of ceramic sanitary ware to other Member States and imported 2 288 tonnes. In the same year Italy exported 37 976 tonnes of ceramic crockery to other Member States and imported 29 286 tonnes.

In the first 11 months of 1992 Italy exported 17 346 tonnes of ceramic sanitary ware to other Member States and imported 2 988 tonnes. In that same period Italy exported 33 617 tonnes of ceramic crockery to other Member States and imported 24 554 tonnes.

Where financial aid strengthens the position of certain undertakings compared with others that are competing with them in the Community, such aid must be deemed to affect competition with such other undertakings.

In its observations submitted within the framework of the procedure, the Italian Government stated that sanitary ware is the main product of the ceramics industry in the area of Civita Castellana. Given that the characteristic of the products of that area is that they are made of earthenware, the main competitors are situated outside the Community. Of the 3 140 000 pieces manufactured in this area in 1992, only 20 % had been exported, 62,5 % of which to third countries.

The fact cannot, however, alter the conclusion that the aid to the ceramics industry in the Civita Castellana area threatens to distort competition and to affect trade between Member States within the meaning of Article 92 (1) of the Treaty. Sanitary ware made of earthenware is

also manufactured in certain other Member States, notably France and Spain, and quality sanitary ware in earthenware can, to a certain degree, compete with comparable products made of the more expensive china.

Article 92 (1) of the Treaty lays down the principle that aid having certain characteristics which it specifies is incompatible with the common market.

The derogations from the principle which are set out in Article 92 (2) of the Treaty are inapplicable in this instance, given the nature and objectives of the aid, and were not in any case invoked by the Italian Government.

VII

Article 92 (3) of the Treaty specifies the aid which may be considered to be compatible with the common market. Compatibility with the Treaty must be viewed in the context of the Community and not of a single Member State. So as to maintain the proper functioning of the common market and take account of the principles laid down in Article 3 (f) of the Treaty, the exceptions to the principle of Article 92 (1) which are set out in Article 92 (3) must be interpreted strictly in examining any aid scheme or individual aid measure.

In particular, the derogations may be applied only if the Commission finds that, if the aid were not granted, market forces alone would not be sufficient to induce the recipients to act in such a way as to achieve one of the objectives pursued.

Applying the derogations to cases which do not contribute to such an objective, or where the aid is not necessary for this purpose, would mean conferring undue advantages on the industries or undertakings of certain Member States, whose financial position would be strengthened, and affecting trading conditions between Member States and distorting competition, without any justification based on the common interest referred to in Article 92 (3).

With regard to the derogation provided for in Article 92 (3) (a) for aid to promote the economic development of certain regions, it should be noted that the standard of living in the Lazio region is not abnormally low, nor does it suffer from serious underemployment within the meaning of that derogation.

With regard to the derogations provided for in Article 92 (3) (b), it is to be noted that the aid is not intended to remedy a serious disturbance in the Italian economy or to promote the execution of an important project of common European interest; nor, indeed, has the Italian Government put forward any argument calling for the application of these derogations.

With regard to the derogation provided for in Article 92 (3) (c) for aid to facilitate the development of certain economic activities, where such aid does not adversely affect trading conditions to an extent contrary to the common interest, the Commission notes that the Italian Government specified within the framework of the procedure that it would change the detailed rules of the aid scheme in order to exclude all cumulation with other aid and that the Government stated that only small and medium-sized enterprises with up to 250 workers and an annual turnover of less than ECU 20 million are eligible for the aid.

The Commission understands the specific problems of small and medium-sized companies and has therefore decided in its Communication 92/C 213/02 'Community guidelines on State aid for small and medium-sized enterprise (SMEs)' ⁽¹⁾ (hereinafter referred to as 'the Community guidelines') not to object to investment aid up to 7,5 % in gross terms to companies with no more than 250 employees and either an annual turnover of no more than ECU 20 million or a balance sheet total not exceeding ECU 10 million, which are not more than 25 % owned by one or more companies not falling within this definition. For small companies having less than 50 employees and either an annual turnover not exceeding ECU 5 million, or a balance sheet total not exceeding ECU 2 million, which are not more than 25 % owned by one or more companies not falling within this definition, the Commission stated in the Community guidelines that it would not object to investment aid up to 15 % gross. The Community guidelines also allow aid to small and medium-sized enterprises in respect of consultancy help, training and dissemination of knowledge up to 50 % gross.

The aid decided by the region of Lazio exceeds these limits, however.

The aid for financing a publicity campaign is neither 'soft', nor is it investment aid; rather it constitutes operating aid, because publicity is part of the marketing effort companies would normally be expected to finance themselves as a necessary condition for their operations. Because such aid is extremely close to the market, it will adversely affect trading conditions to an extent contrary to the common interest. The Italian Government's statement that the publicity is limited to Italy does not change this appraisal because such publicity will have a restrictive effect on imports and potential imports of ceramics from other Member States.

Neither does the 25 % grant on eligible cost conform with the Community guidelines. The eligible cost includes investment in fixed assets, notably new plant and

machinery. In its observations submitted within the framework of the procedure, the Italian Government correctly pointed out that investment aid will be lower than 25 % because only the depreciation for a maximum of three years will benefit from aid; consequently, with a write-off period of five years, the investment aid will not exceed 15 % of investment cost in gross terms. This is, however, still well above the ceiling of 7,5 % for medium-sized enterprises mentioned in the Community guidelines.

Eligible cost also includes the cost of acquiring or realizing company quality systems, for which 25 % aid can be granted. Such aid cannot be regarded as 'soft' but rather constitutes investment aid which exceeds by far the ceilings mentioned in the Community guidelines.

Eligible cost furthermore includes the cost of raw materials and consumer goods which are considered strictly necessary for the realization of quality improvement programmes and orders for which are subject to specific bookkeeping. Aid allowing companies to acquire raw materials and consumer goods is neither 'soft' nor is it investment aid; rather it constitutes operating aid to which the derogation provided for in Article 92 (3) (c) cannot apply.

Finally, eligible cost also includes the cost of training and of obtaining the advice of consultants. The Community guidelines indicate that a favourable view will be taken of such 'soft' aid up to a level of 50 %. The 25 % aid for this purpose in favour of the ceramics industry in Civita Castellana remains well within this limit.

The Commission has found no justification for the aid exceeding the limits laid down in the guidelines for aid to small and medium-sized enterprises. It is perfectly natural for companies to try to improve the quality of their products, in order to remain competitive. To allow investment aid to certain manufacturers for this purpose will distort competition and will affect trading conditions. Furthermore, the fact that the aid in question is not made available to small and medium-sized enterprises in Lazio in general, but only to those in one specific sector, also needs to be taken into consideration. The sectoral concentration of the aid in favour of a horizontal objective, such as the promotion of small and medium-sized enterprises, will clearly distort competition between competitors in that sector, and this effect will be perceived as such by those competitors; this distortion will be more pronounced if most or all companies in that sector are small and medium-sized, as is apparently the case in the ceramics industry of Civita Castellana.

⁽¹⁾ OJ No C 213, 19. 8. 1992, p. 2.

In view of the stiff competition in the ceramics sector, notably for sanitary ware, which is the main product of the ceramics industry of Civita Castellana, the investment aid provided for in Regional Law No 90 of 1990 in order to stimulate quality improvement will adversely affect trading conditions to an extent contrary to the common interest, in so far as it exceeds the limits indicated in the Community guidelines. Equally, the operating aid for publicity and for raw materials and consumer goods will adversely affect trading conditions to an extent contrary to the common interest.

Parts of the region of Lazio qualify for regional aid within the meaning of the derogation provided for in Article 92 (3) (c). Of the municipalities in the Civita Castellana area, only Stimigliano is located in an assisted area pursuant to Article 92 (3) (c). The municipalities of Castel Sant'Elia, Civita Castellana, Corchiano, Fabrica di Roma, Faleria, Gallese and Nepi are eligible for Community structural funds pursuant to Objective 5b under Council Regulation (EEC) No 2052/88⁽¹⁾; this is not the case, however, for the municipalities of Cittaducale, Forano and Castel S. Angelo. Consequently, the aid scheme in favour of the ceramics industry in the Civita Castellana area is not restricted to companies in assisted areas within the meaning of Article 92 (3) (c). The Commission also notes that neither the aid for publicity nor the aid for eligible cost is dependent on initial or expansion investment or job creation within the meaning of its coordination principles on the application of Article 92 (3) (c) to regional aid. For all these reasons the aid scheme in question does not meet the criteria to be considered as facilitating the promotion of certain economic activities or of certain economic areas without adversely affecting trading conditions to an extent contrary to the common interest within the meaning of Article 92 (3) (c).

The Italian Government argued in the course of the procedure that the aid scheme in question is similar to the scheme the Commission approved within the framework of the operative programme under Objective 5b, subprogramme 2, points 2 and 4 for the region of Lazio. The Commission does not agree that the two schemes are similar. First, subprogramme 2 for the period 1991 to 1993 provides that State aid is allowed for certain investments made by small and medium-sized industrial enterprises with a maximum intensity of 15 % for companies with less than 50 workers and 7,5 % for companies with

50 to 150 workers; these maxima are in accordance with the Community guidelines. The aid scheme instituted by Regional Law No 90 of 1990, however, provides that manufacturers of ceramics can receive up to 15 or even 25 % investment aid. Furthermore, whereas only companies belonging to any industrial sector in Objective 5b areas are eligible for the aid under subprogramme 2 after 1992, the aid scheme instituted by Regional Law No 90 of 1990 applies to manufacturers of ceramics inside and outside these areas as well. In addition, subprogramme 2 does not contain the possibility of providing aid to finance a publicity campaign for ceramics produced by eligible companies, such as the aid scheme instituted by Regional Law No 90 of 1990. For all these reasons, the aid to the ceramics sector goes well beyond the aid the Commission approved under Objective 5b.

This notwithstanding, the Commission has also taken into consideration that point 4.1 of the Community guidelines provides for the situation where areas are designated as eligible for aid from the structural funds under Objective 2 or 5b but are not nationally assisted areas; in such areas up to the end of 1993 small and medium-sized enterprises may receive aid for investment up to a certain level to be decided in relation to each scheme. In the case of the aid scheme in favour of the ceramics sector in the Civita Castellana area the Commission takes the view that the investment aid ceilings of 7,5 % for medium-sized companies and 15 % for small companies can be raised to 10 and 20 % respectively for companies located in Objective 2 and 5b areas until the end of 1993. This view is in line with the position adopted by the Commission in its decision dated 2 June 1993 regarding the general aid scheme for SMEs in Italy instituted by Law No 317 of 1991. For the period after 1993, the aid ceilings that will apply to companies in Objective 2 and 5b areas will depend on whether these areas remain eligible under those objectives.

Point 4.1 of the Community guidelines also provides for the possibility that SMEs in Article 92 (3) (c) areas can receive an extra 10 percentage points gross of investment aid on top of the prevailing rate of regional aid authorized by the Commission, with an overall ceiling of 30 % net. The Commission notes that Stimigliano is located in such an area. Within the framework of the procedure the Italian Government informed the Commission that it would exclude all cumulation of aid under Regional Law No 90 of 1990 with other aid, so that the possibility of cumulation with regional aid within the meaning of the Community guidelines cannot occur.

⁽¹⁾ OJ No L 185, 15. 7. 1988, p. 9.

The Italian Government stated in the course of the procedure that the region of Lazio would lay down more precisely either the description of the beneficiaries, or the type of admissible cost. As has been set out above, the amendments proposed by the Italian Government concerning the detailed rules of the aid scheme in question, such as the limitation of the beneficiaries to small and medium-sized enterprises are insufficient to enable any of the derogations provided for in Article 92 (3) of the Treaty to be applied to the aid in question, considered as a whole. This decision serves the purpose of distinguishing those parts of the aid scheme which satisfy the requirements in order to be considered compatible with the common market from those parts which do not,

HAS ADOPTED THIS DECISION :

Article 1

1. The aid amounting to Lit 1 000 million provided for in Article 1 (1) of Regional Law No 90 of 14 December 1990 of the region of Lazio in favour of a publicity campaign on behalf of the ceramics industry in the Civita Castellana area is incompatible with the common market within the meaning of Article 92 (1) of the EEC Treaty and may not be granted.

2. The investment aid amounting to Lit 5 000 million provided for in Article 2 of Regional Law No 90 in favour of small and medium-sized enterprises as defined in the Community guidelines on State aid for small and medi-

um-sized enterprises (SMEs) is compatible with the common market :

- in so far as it does not exceed one of the following ceilings :
 - 20 % gross for small enterprises situated in areas eligible under Objectives 2 and 5b of the Structural Funds at the time the aid is awarded,
 - 15 % gross for other small enterprises,
 - 10 % gross for medium-sized enterprises situated in areas eligible under Objectives 2 and 5b of the Structural Funds at the time the aid is awarded,
 - 7,5 % gross for other medium-sized enterprises, and
- in so far as the acquisition of raw materials and consumer goods is excluded from eligible cost.

Article 2

Italy shall inform the Commission within two months of the date of notification 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, 7 July 1993.

For the Commission

Karel VAN MIERT

Vice-President

COMMISSION DECISION

of 21 September 1993

amending Decision 93/195/EEC as regards the re-entry of registered horses from
certain racetrack complexes in the United States of America

(93/509/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Directive 90/426/EEC of
26 June 1990 on animal health conditions governing the
movement and import from third countries of equidae ⁽¹⁾,
as last amended by Directive 92/36/EEC ⁽²⁾, and in parti-
cular Article 19 (ii) thereof,Whereas the Commission, by Decision 93/195/EEC ⁽³⁾,
laid down the animal health conditions and veterinary
certification for the re-entry of registered horses for
racing, competition and cultural events after temporary
export;Whereas the presence of equine viral arteritis has been
confirmed at Arlington International Racetrack, Illinois,
Churchill Downs, Kentucky, Ak-sar-ben, Nebraska and
Prairie Meadows, Iowa in the United States of America;Whereas the appearance of equine viral arteritis is likely to
constitute a danger on the re-entry, after temporary
export, of Community registered horses which have parti-
cipated in competitions at the racetrack complexes
concerned;Whereas, consequently, steps should be taken to prohibit,
in accordance with the abovementioned Decision, the
re-entry, after temporary export, of registered horses for
racing, competition and cultural events from the racetrack
complexes concerned; whereas, in the light of the epizoo-
tological knowledge of this disease, the prohibition
should be limited to a period of six months;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

Decision 93/195/EEC is hereby amended as follows:

1. in Annex I, Group C, 'United States of America' is
replaced by 'United States of America (with the excep-
tion, until 28 February 1994, of the following racetrack
complexes: Arlington International Racetrack, Illinois,
Churchill Downs, Kentucky, Ak-sar-ben, Nebraska,
and Prairie Meadows, Iowa)';
2. in Annex II, Group C, 'United States of America' is
replaced by 'United States of America (with the excep-
tion, until 28 February 1994, of the following racetrack
complexes: Arlington International Racetrack, Illinois,
Churchill Downs, Kentucky, Ak-sar-ben, Nebraska,
and Prairie Meadows, Iowa)'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 September 1993.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 42.⁽²⁾ OJ No L 157, 10. 6. 1992, p. 28.⁽³⁾ OJ No L 86, 6. 4. 1993, p. 1.

COMMISSION DECISION**of 21 September 1993****amending Commission Decision 93/197/EEC on animal health conditions and veterinary certification for imports of registered equidae and equidae for breeding and production****(93/510/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae⁽¹⁾, as last amended by Directive 92/36/EEC⁽²⁾, and in particular Article 15 (a) and Article 16 thereof,Whereas Commission Decision 93/197/EEC⁽³⁾ lays down the animal health conditions and veterinary certification for imports of registered equidae and equidae for breeding and production;

Whereas, in accordance with this decision, the equidae in question may be imported into the Community only if they have been resident during a specified period in establishments under veterinary supervision in the third country of dispatch; whereas difficulties have arisen in practice because this entire period has to be spent in the third country of dispatch;

Whereas it should be specified that it is not necessary for the entire period to be spent in the third country of dispatch if the equidae were imported directly from the Community; whereas, therefore, it is necessary to amend Decision 93/197/EEC;

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

HAS ADOPTED THIS DECISION:

Article 1

Annex II to Decision 93/197/EEC is hereby amended as follows:

in point (d) of Section III of Certificates A, B, C, D and E, the text in brackets is replaced by 'or since birth if the animal is less than three months old or since entry if it was imported directly from the European Community during the previous three months'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 September 1993.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 42.⁽²⁾ OJ No L 157, 10. 6. 1992, p. 28.⁽³⁾ OJ No L 86, 6. 4. 1993, p. 16.