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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2655/93

of 27 September 1993

repealing with retroactive effect the anti-dumping measures applying to imports into the Community of tapered roller bearings originating in Japan

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾ and in particular Articles 14 and 15 thereof,

Having regard to the proposal from the Commission and after consultation within the Advisory Committee as provided for by Regulation (EEC) No 2423/88,

Whereas,

A. Products under consideration

- (1) The products under consideration are tapered roller bearings, including cone and tapered roller assemblies (hereafter referred to as 'TRBs'), falling within CN code 8482 20 00.

B. Procedure

- (2) In May 1989 the Commission announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of a review of Regulation (EEC) No 1739/85⁽³⁾ imposing a definitive duty on imports of TRBs originating in Japan and commenced an investigation in accordance with Article 14 of Regulation (EEC) No 2423/88.
- (3) The investigation was initiated as a result of a complaint lodged in December 1988 by the 'Federation of European Bearing Manufacturers' Associations' (FEBMA) on behalf of producers representing a major proportion of Community production of TRBs.

- (4) In accordance with Article 15 (1) of Regulation (EEC) No 2423/88, the measures imposed by Regulation (EEC) No 1739/85 would namely have lapsed in June 1990. However, as the review investigation was still in progress at this time, the measures remained in force pending the outcome of the review in accordance with Article 15 (4) of Regulation (EEC) No 2423/88 and the Commission published a notice to this effect⁽⁴⁾.

C. Withdrawal of the request for review and termination of review investigation

- (5) In March 1993, FEBMA withdrew its request for review.
- (6) As the Commission has no reason to believe that the cessation of the measures is not in the interest of the Community, it considers that the review and therefore the anti-dumping proceeding should be terminated. The Council agrees.

D. Expiry of the measures

- (7) In view of the foregoing, the anti-dumping measures lapse in accordance with Article 15 (1) of Regulation (EEC) No 2423/88.
- (8) If the review proceeding had not been initiated, the measures would have expired on 28 June 1990. The Commission considers it appropriate in this case that the measures should be repealed with retroactive effect from that date.
- (9) The relevant legislation in force concerning repayment of customs duties will apply. In this respect and in accordance with Article 2 (2) of Regulation (EEC) No 1430/79⁽⁵⁾, as amended by Article 1 (1)

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 126, 23. 5. 1989, p. 2.

⁽³⁾ OJ No L 167, 27. 6. 1985, p. 3.

⁽⁴⁾ OJ No C 132, 31. 5. 1990, p. 5.

⁽⁵⁾ OJ No L 175, 12. 7. 1979, p. 1.

of Regulation (EEC) No 3069/86⁽¹⁾, the normal time limit for submitting repayment applications for duties in three years.

- (10) Although a notice was published in the Official Journal concerning the preservation of importers' rights with regard to anti-dumping duties paid⁽²⁾, such importers could not have known that the Community would definitely repeal the measures with retroactive effect from 29 June 1990. It is therefore appropriate to ensure that importers have a reasonable opportunity to reclaim duties they have paid,

falling within CN code 8482 20 00 are hereby repealed with effect from 29 June 1990.

Article 2

1. The relevant legislation in force concerning customs duties shall apply.

2. For the purposes of applying Article 2 (2) of Regulation (EEC) No 1430/79, anti-dumping duties entered into the accounts of the authority responsible for their collection between 29 June 1990 and 29 December 1990 shall be deemed to have been entered into the accounts on 29 December 1990.

HAS ADOPTED THIS REGULATION:

Article 1

The anti-dumping duties imposed by Regulation (EEC) No 1739/85 on imports of TRBs originating in Japan and

Article 3

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

It shall be applicable from 29 June 1990.

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

Done at Brussels, 27 September 1993.

For the Council

The President

R. URBAIN

⁽¹⁾ OJ No L 286, 9. 10. 1986, p. 1.

⁽²⁾ OJ No C 179, 1. 7. 1993, p. 5.

COMMISSION REGULATION (EEC) No 2656/93
of 29 September 1993

amending Regulation (EEC) No 1196/93 increasing to 1 600 000 tonnes the quantity of barley held by the German intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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 5 thereof,

Having regard to Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies⁽³⁾,

Whereas Commission Regulation (EEC) No 1196/93⁽⁴⁾, as last amended by Regulation (EEC) No 2625/93⁽⁵⁾, opened a standing invitation to tender for the export of 1 450 000 tonnes of barley held by the German intervention agency; whereas, in a communication of 23 September 1993, Germany informed the Commission of the intention of its intervention agency to increase by 150 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 1 600 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 1196/93 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 1196/93 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 1 600 000 tonnes of barley to be exported to all third countries. Customs export formalities must be completed during the period 1 July to 31 December 1993.

2. The regions in which the 1 600 000 tonnes of barley are stored are stated in Annex I to this Regulation.

Article 2

Annex I to Regulation (EEC) No 1196/93 is replaced by the Annex hereto.

Article 3

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

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

Done at Brussels, 29 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 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 122, 18. 5. 1993, p. 17.

⁽⁵⁾ OJ No L 240, 25. 9. 1993, p. 13.

*ANNEX**ANNEX I*

Place of storage	Quantity (tonnes)
Schleswig-Holstein/Hamburg	141 873
Niedersachsen/Bremen	205 533
Nordrhein-Westfalen	256 136
Hessen	63 652
Rheinland-Pfalz	47 953
Baden-Württemberg	35 127
Bayern	202 090
Berlin/Brandenburg	127 746
Mecklenburg-Vorpommern	78 132
Sachsen	94 533
Sachsen-Anhalt	187 895
Thüringen	153 846
Saarland	5 362'

COMMISSION REGULATION (EEC) No 2657/93

of 29 September 1993

fixing the number of young male bovine animals which may be imported on special terms in the fourth quarter of 1993 and derogating from Regulation (EEC) No 2377/80 in respect of that quarter as regards the allocation of the quantities available

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 Articles 13 (4), 15 (2) and 25 thereof,

Whereas the Council has drawn up an estimated supply balance of 198 000 head under the new import arrangements applicable to young male bovine animals for fattening for the period 1 January to 31 December 1993; whereas, pursuant to Article 13 (4) (a) of Regulation (EEC) No 805/68, the number which may be imported each quarter and the rate of reduction in the import levy on such animals must be determined;

Whereas detailed rules for the practical application of these special arrangements were laid down in Commission Regulation (EEC) No 612/77⁽³⁾, as last amended by Regulation (EEC) No 1121/87⁽⁴⁾, and in Commission Regulation (EEC) No 2377/80⁽⁵⁾, as last amended by Regulation (EEC) No 2292/93⁽⁶⁾;

Whereas the supply requirements of certain regions of the Community which have a serious shortfall in bovine animals for fattening must be taken into account; whereas those requirements are apparent in Italy and Greece and may be estimated for the fourth quarter of 1993 at 42 120 head and 6 435 head respectively in those Member States;

Whereas Council Regulation (EEC) No 1432/92⁽⁷⁾, as last amended by Regulation (EEC) No 3534/92⁽⁸⁾, prohibits trade between the European Economic Community and the Republics of Serbia and Montenegro; whereas these Republics are therefore excluded from the scheme;

Whereas, letter No 2 annexed to the Interim Agreement between the European Economic Community and the

European Coal and Steel Community of the one part, and the Czech and Slovak Federal Republic of the other part⁽⁹⁾ applied these arrangements applied to the Czech and Slovak Federal Republic; whereas the latter having been dissolved on 31 December 1992 and succeeded by the Czech Republic and the Slovak Republic, those two countries should be covered by these arrangements;

Whereas the exchange of letters between the European Community and Romania concerning certain arrangements for live bovine animals annexed to the Interim Agreement between the European Economic Community and the European Coal and Steel Community, of the one part, and Romania, of the other part, which come into force on 1 May 1993, provides for Romania to benefit from the present import arrangements;

Whereas Declaration No 2 by the Community on the Community arrangements applicable to imports of young male bovine animals intended for fattening, originating in and coming from Slovenia, annexed to the Cooperation Agreement between the European Economic Community and the Republic of Slovenia⁽¹⁰⁾, which entered into force on 1 September 1993, provides for this Regulation to be applied in respect of the Republic of Slovenia;

Whereas the supply requirements in young bovine animals for fattening justify, for the fourth quarter of 1993, a higher rate of reduction in the levy on animals weighing from 220 to 300 kilograms per head, originating in and coming from Hungary, Poland, Czech Republic, the Slovak Republic, Romania or Slovenia;

Whereas the quantities available must be shared between the traditional trade and other potential applicants;

Whereas, in order to simplify the procedure for allocating the quantities available it is necessary to derogate from Regulation (EEC) No 2377/80; whereas in the case of the traditional trade the quantities available should be allocated directly in proportion to the number of head imported during the last three years; whereas, in the case of other applicants, the quantities available should be allocated directly in proportion to the number of head for which application is made;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 18, 27. 1. 1993, p. 1.

⁽³⁾ OJ No L 77, 25. 3. 1977, p. 18.

⁽⁴⁾ OJ No L 109, 24. 4. 1987, p. 12.

⁽⁵⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁶⁾ OJ No L 206, 18. 8. 1993, p. 3.

⁽⁷⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁸⁾ OJ No L 358, 8. 12. 1992, p. 16.

⁽⁹⁾ OJ No L 115, 30. 4. 1992, p. 2.

⁽¹⁰⁾ OJ No L 189, 29. 7. 1993, p. 2.

Whereas, in the case of other applicants, the maximum quantity which each application for an import licence may cover must be limited, in order to permit a more equitable distribution of the quantities available; whereas for financial reasons a minimum number of head should be set for these applications;

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. For the period 1 October to 31 December 1993, the maximum number referred to in Article 13 (4) (a) of Regulation (EEC) No 805/68 shall be 48 555 head of young male bovine animals for fattening comprising:

- (a) 6 315 weighing not more than 300 kilograms per head and subject to a 65 % reduction in the levy; and
- (b) 42 240 of a live weight of 220 to 300 kilograms per head, originating in and coming from Hungary, Poland, the Czech Republic, the Slovak Republic, Romania or Slovenia and subject to a 75 % reduction in the levy.

2. The reductions referred to in 1 shall be in respect of the levy applicable on the day of acceptance of the declaration of release for free circulation.

3. The quantities referred to in 1 shall be distributed as follows:

	<i>Italy</i>	<i>Greece</i>
(a) 6 315 head	5 480	835
(b) 42 240 head	36 640	5 600

4. Applications for licences and licences shall, notwithstanding Article 9 (1) (c) of Regulation (EEC) No 2377/80, relate to:

- either young bovine animals weighing not more than 300 kilograms per head,
- or young bovine animals weighing from 220 to 300 kilograms per head, originating in and coming from Hungary, Poland, the Czech Republic, the Slovak Republic, Romania or Slovenia.

In the latter case, Sections 7 and 8 of applications for licences and licences shall include one of the following entries:

- Hungria y/o Polonia y/o República Checa y/o República Eslovaca y/o Rumania y/o Eslovenia,
- Ungarn og/eller Polen og/eller Den Tjekkiske Republik og/eller Den Slovakiske Republik og/eller Rumænien og/eller Slovenien,

— Ungarn und/oder Polen und/oder Tschechische Republik und/oder Slowakische Republik und/oder Rumänien und/oder Slowenien,

— Ουγγαρία ή/και Πολωνία ή/και Τσεχική Δημοκρατία ή/και Σλοβακική Δημοκρατία ή/και Ρουμανία ή/και Σλοβενία,

— Hungary and/or Poland and/or Czech Republic and/or Slovak Republic and/or Romania and/or Slovenia,

— Hongrie et/ou Pologne et/ou République tchèque et/ou République slovaque et/ou Roumanie et/ou Slovénie,

— Ungheria e/o Polonia e/o Repubblica Ceca e/o Repubblica Slovacca e/o Romania e/o Slovenia,

— Hongarije en/of Polen en/of Tsjechische Republiek en/of Slowaakse Republiek en/of Roemenië en/of Slovenie,

— Hungria e/ou Polónia e/ou República Checa e/ou República Eslovaca e/ou Roménia e/ou Eslovénia.

Licences shall carry with them an obligation to import from one or more of the countries indicated.

5. Import licences as specified in the first indent of the first subparagraph of paragraph 4 shall not give the right to import animals originating in the Republic of Serbia or Montenegro.

6. In the information referred to in Article 15 (4) (a) of Regulation (EEC) No 2377/80, Member States shall specify the category of live weight and the origin of the products in the case referred to in the second indent of the first subparagraph of paragraph 4.

7. Of the number of head reserved for Italy and Greece for each category notwithstanding Article 15 (6) (a) of Regulation (EEC) No 2377/80:

- (a) 90 % may be allocated directly to applicants who provide proof of having imported animals qualifying under this scheme during the last three calendar years. Numbers covered by licences shall be allocated in proportion to the number of head imported in the three years concerned;

- (b) 10 % may be allocated to other applicants.

8. The proof referred to in paragraph 7 shall be provided by the customs document of release for free circulation.

9. In the case of the quantities covered by paragraph 7 (b) import licences shall be issued only for a minimum number of 10 head.

Article 2

- 1. As regards the quantities referred to in Article 1 (7) (b) applications for import licences shall:

(a) relate to a number equal to or more than 50 head; and

(b) relate to a quantity not exceeding 10 % of the quantities available except where the said 10 % results in a figure less than 50 head; in the latter case the maximum figure shall also be 50 head.

2. In cases where applications for import licences state quantities in excess of those provided for by the Regulation, those applications shall only be considered within the limits of the said quantities.

3. Numbers shall be allocated in proportion to the number of head for which application is made. If, because of the numbers for which application is made, the percentage reduction results in fewer than 10 head per import licence, the Member States shall, by drawing lots, allocate licences covering 10 head.

Article 3

In the case of quantities imported under the terms of Article 8 (4) of Commission Regulation (EEC) No 3719/88⁽¹⁾, the levy shall be collected in full in

respect of quantities in excess of those stated on the import licence.

Article 4

For the purposes of Article 15 (3) of Regulation (EEC) No 2377/80, all applications from one applicant, which relate to the same category of weight and the same rate of reduction in the levy, shall be treated as one application.

Article 5

Three weeks at the latest after import of the livestock referred to in this Regulation, importers shall inform the competent authorities which issued the import licences, of the number and origin of the animals imported. Those authorities shall forward that information to the Commission at the beginning of each month.

Article 6

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, 29 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

COMMISSION REGULATION (EEC) No 2658/93
of 29 September 1993

amending Regulation (EEC) No 584/92 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Interim Agreements between the Community and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic and Regulation (EEC) No 2357/93 determining the quantities of certain categories of milk and milk products available for the fourth quarter of 1993 under the arrangements provided for in the Interim Agreements

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 518/92 of 27 February 1992 on certain procedures for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland of the other part⁽¹⁾, as amended by Regulation (EEC) No 2233/93⁽²⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 519/92 of 27 February 1992 on certain procedures for applying the Interim Agreement on trade and trade related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Hungary of the other part⁽³⁾, as amended by Regulation (EEC) No 2234/93⁽⁴⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 520/92 of 27 February 1992 on certain procedures for applying the Interim Agreement on trade and trade-related matters, between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic of the other part⁽⁵⁾, as amended by Regulation (EEC) No 2235/93⁽⁶⁾, and in particular Article 1 thereof,

Whereas the said Regulations established arrangements for reducing import levies on certain products in, *inter alia*, the milk and milk products sector; whereas Commission Regulation (EEC) No 584/92⁽⁷⁾ lays down detailed rules for the application of those arrangements; whereas the Additional Protocols⁽⁸⁾ to the Interim Agreements negotiated between the European Economic Community and Hungary, Poland and the Czech and

Slovak Federal Republic apply provisionally from 1 July 1993; whereas that provisional application features, from that date, an additional 20 % reduction in the levy and in increase in the volume of quotas to the level initially fixed for 1994;

Whereas Regulation (EEC) No 584/92 should be amended and in particular it should be laid down that the operator is to receive a part (20 %) of the levy unduly charged on imports on the basis of licences issued after 1 July 1993 for which a levy reduced by only 40 % was charged.

Whereas Commission Regulation (EEC) No 2357/93⁽⁹⁾ has already fixed the quantities available for the period 1 October to 31 December 1993; whereas as a result of the new decisions adopted under the Additional Protocols, the Annex to the said Regulation should be amended to fix afresh the quantities available for the quarter in question;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 584/92 is hereby amended as follows:

1. Article 2 is replaced by the following:

Article 2

From 1 July 1993 to 30 June 1996, the quantities referred to in Annex I shall be staggered over the year as follows:

- 25 % during the period 1 July to 30 September,
- 25 % during the period 1 October to 31 December,
- 25 % during the period 1 January to 31 March,
- 25 % during the period 1 April to 30 June;

⁽¹⁾ OJ No L 56, 29. 2. 1992, p. 3.

⁽²⁾ OJ No L 200, 10. 8. 1993, p. 3.

⁽³⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽⁴⁾ OJ No L 200, 10. 8. 1993, p. 4.

⁽⁵⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁶⁾ OJ No L 200, 10. 8. 1993, p. 5.

⁽⁷⁾ OJ No L 62, 7. 3. 1992, p. 34.

⁽⁸⁾ OJ No L 195, 4. 8. 1993, p. 43.

⁽⁹⁾ OJ No L 216, 26. 8. 1993, p. 13.

2. the second subparagraph of Article 5 is replaced by the following :

'However, licences shall not be valid after 30 June of the period in which they are issued.';

3. Annex I is replaced by Annex I hereto.

Article 2

The Annex to Regulation (EEC) No 2357/93 is replaced by Annex II hereto.

Article 3

Imports based on import licences issued after 1 July 1993 for products listed in Annex I to Regulation (EEC) No 584/92 shall qualify for a 60 % reduction in the levy. Upon application, operators shall receive the 20 % of the levy unduly charged if they effected imports on such a basis after 1 July 1993.

Article 4

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

It shall apply with effect from 1 July 1993.

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

Done at Brussels, 29 September 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

ANNEX I

A. Products originating in Poland

Levy reduction of:

— 60 % from 1 July 1993

(in tonnes)

CN code	Product	1 July 1993 to 30 June 1994	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996
0402 10 19	Skimmed-milk powder	} 3 550	3 800	4 100
0402 21 19	Whole-milk powder			
0402 21 99	Whole-milk powder			
0405 00 11	Butter	1 200	1 300	1 400
0405 00 19				
0406	Cheese	2 400	2 600	2 800

B. Products originating in the Czech and the Slovak Republic

Levy reduction of:

— 60 % from 1 July 1993

(in tonnes)

CN code	Product	1 July 1993 to 30 June 1994	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996
0402 10 19	Skimmed-milk powder	} 3 000	3 200	3 400
0402 21 19	Whole-milk powder			
0402 21 91	Whole-milk powder			
0405 00 11	Butter	1 200	1 300	1 400
0405 00 19				
ex 0406 40	Niva	} 1 200	1 300	1 400
ex 0406 90	Moravsky block, Primator, Otava, Javor, Uzeny block, Kashkaval Akawi, Istanbul, Jadel Hermelin, Ostepek, Koliba, Inovec			

C. Products originating in Hungary

Levy reduction of:

— 60 % from 1 July 1993

(in tonnes)

CN code	Product	1 July 1993 to 30 June 1994	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996
ex 0406 90 89	Balaton, Cream-white Hajdu, Marvany, Ovari, Pannonia, Trap-pista	} 1 200	1 300	1 400'

ANNEX II

ANNEX

Total quantities available for the period 1 October to 31 December 1993

(tonnes)							
Country	Poland			Former Czech and Slovak Federal Republic			Hungary
CN code and product	0402 10 19 0402 21 19 0402 21 99	0405 00 11 0405 00 19 butter	0406 cheese	0402 10 19 0402 21 19 0402 21 91	0405 00 11 0405 00 19 butter	ex 0406 40-Niva ex 0406 90- Moravsky block ⁽¹⁾	ex 0406 90 89 Balaton ⁽²⁾
Quantity available	962,5	325	650	825	325	325	325

⁽¹⁾ Primator, Otava, Javor, Uzeny block, Kaskhaval, Akawi, Istambul, Jadel Hermelin, Ostepek, Koliba, Inovec.⁽²⁾ Cream-white, Hajdu, Marvany, Ovari, Pannonia, Trappista.

COMMISSION REGULATION (EEC) No 2659/93**of 29 September 1993****correcting Regulation (EEC) No 2583/93 authorizing certain intervention agencies to put up for sale by tender 60 000 tonnes of durum wheat for export in the form of durum wheat meal and groats**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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 5 thereof,

Whereas Commission Regulation (EEC) No 2583/93⁽³⁾ has authorized certain intervention agencies to put up for sale by tender 60 000 tonnes of durum wheat for export in the form of durum wheat meal and groats ;

Whereas a check has shown that an error was made in that Regulation ; whereas the Regulation should therefore be corrected ;

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

Article 1

Article 1 of Regulation (EEC) No 2583/93 is hereby replaced by the following :

Article 1

The intervention agencies of the Member States listed below are hereby authorized to issue an invitation to tender for the sale on the Community market of 60 000 tonnes of durum wheat in accordance with Article 4 of Regulation (EEC) No 2131/93, as follows :

<i>(tonnes)</i>	
Greece	10 000
Spain	50 000'

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, 29 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 237, 22. 9. 1993, p. 14.

COMMISSION REGULATION (EEC) No 2660/93

of 29 September 1993

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1548/93⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

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

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

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

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

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

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁹⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹⁰⁾;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 September 1993.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 176, 30. 6. 1992, p. 31.

⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 106.

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

Done at Brussels, 29 September 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 29 September 1993 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	35,26 ⁽¹⁾
1701 11 90 910	33,85 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	35,26 ⁽¹⁾
1701 12 90 910	33,85 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3833
	— ECU/100 kg —
1701 99 10 100	38,33
1701 99 10 910	38,08
1701 99 10 950	38,08
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3833

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

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

⁽³⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

COMMISSION REGULATION (EEC) No 2661/93**of 29 September 1993****abolishing the countervailing charge on apples originating in Hungary**

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 Commission Regulation (EEC) No 2550/93⁽³⁾ introduced a countervailing charge on apples originating in Hungary;

Whereas for these products originating in Hungary there were no prices for six consecutive working days; whereas the conditions specified in Article 26 (1) of Regulation

(EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of apples originating in Hungary can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2550/93 is hereby repealed.

Article 2

This Regulation shall enter into force on 30 September 1993.

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

Done at Brussels, 29 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 69, 20. 3. 1993, p. 7.

⁽³⁾ OJ No L 234, 17. 9. 1993, p. 15.

COMMISSION REGULATION (EEC) No 2662/93
of 29 September 1993
amending Regulation (EEC) No 2599/93 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 Commission Regulation (EEC) No 2599/93 ⁽³⁾ introduced a countervailing charge on apples originating in New Zealand;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that Regulation is

amended; whereas, if those conditions are taken into consideration, the countervailing charge on the import of apples originating in New Zealand must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 2599/93, 'ECU 5,36' is hereby replaced by 'ECU 7,47'.

Article 2

This Regulation shall enter into force on 30 September 1993.

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

Done at Brussels, 29 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 69, 20. 3. 1993, p. 7.

⁽³⁾ OJ No L 238, 23. 9. 1993, p. 29.

COMMISSION REGULATION (EEC) No 2663/93
of 29 September 1993
fixing the import levies on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 2071/92 ⁽²⁾, and in particular Article 14 (8) thereof,

Whereas Article 14 of Regulation (EEC) No 804/68 provides for charging a levy on imports of the products listed in Article 1 of that Regulation; whereas these products may be divided into groups; whereas the product groups and the pilot groups and the pilot product for each of these groups are set out in Annex I to Council Regulation (EEC) No 2915/79 of 18 December 1979 determining the groups of products and the special provisions for calculating levies on milk and milk products ⁽³⁾, as last amended by Regulation (EEC) No 3798/91 ⁽⁴⁾;

Whereas the levy on the products in any one group must be equal to the threshold price for the pilot product less the free-at-frontier price; whereas these threshold prices were fixed for the 1993/94 milk year by Council Regulation (EEC) No 1562/93 ⁽⁵⁾;

Whereas Commission Regulation (EEC) No 1723/93 ⁽⁶⁾, determining the prices and amounts fixed in ecus in the milk and milk products sector which are reduced as a result of the monetary realignments of September and November 1992, January and May 1993;

Whereas, however, Regulation (EEC) No 2915/79 lays down special provisions for calculating the levy on certain assimilated products; whereas these products are listed and the method of calculating the levy on them described in Annex II and in Articles 2 to 12 of that Regulation respectively;

Whereas, as provided for in Regulation (EEC) No 2915/79, the component of the levy established using a factor expressing the weight ratio existing between the milk components contained in the product on the one hand and the product itself on the other is, for products containing sugar or other sweeteners, calculated by multiplying the basic amount by the quantity of milk components contained in the product;

Whereas Article 12 of Regulation (EEC) No 2915/79 provides that for certain products originating in or coming from certain third countries a specific levy is to be applied; whereas the levy applicable to those products is fixed in Annex I to Commission Regulation (EEC) No 1767/82 ⁽⁷⁾, as last amended by Regulation (EEC) No 1941/93 ⁽⁸⁾;

Whereas, for as long as it is found that on importation into the Community the price of an assimilated product for which the levy is not equal to the levy on its pilot product is considerably lower than the price which would obtain if the ratio to the price of the pilot product were normal, the levy must be equal to the sum of two components:

- one component equal to the amount resulting from the provisions of Articles 2 to 7 of Regulation (EEC) No 2915/79 applicable to the assimilated product in question,
- an additional component fixed at a level which, the composition and quality of the assimilated product being taken into account, makes it possible to re-establish normal price ratios for imports into the Community;

Whereas Article 14(3) of Regulation (EEC) No 804/68 provides that the levy on products in respect of which the customs duty has been bound within GATT must be limited to the amount resulting from that binding;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 329, 24. 12. 1979, p. 1.

⁽⁴⁾ OJ No L 357, 28. 12. 1991, p. 3.

⁽⁵⁾ OJ No L 154, 25. 6. 1993, p. 1.

⁽⁶⁾ OJ No L 159, 1. 7. 1993, p. 123.

⁽⁷⁾ OJ No L 196, 5. 7. 1982, p. 1.

⁽⁸⁾ OJ No L 176, 20. 7. 1993, p. 21.

Whereas Commission Regulation (EEC) No 1073/68 ⁽¹⁾, as amended by Regulation (EEC) No 222/88 ⁽²⁾, provides that a free-at-frontier price must be established for each of the pilot products defined in Annex I to Regulation (EEC) No 2915/79; whereas these prices must be determined for products of good marketable quality;

Whereas the free-at-frontier prices must be established on the basis of the most favourable purchasing opportunities in international trade for the products listed in Article 1 of Regulation (EEC) No 804/68 other than assimilated products for which the levy is not equal to the levy on the related pilot products; whereas, when recording these purchasing opportunities, the Commission must take account of all information obtained direct or through the Member States concerning prices for delivery of third-country products free-at-Community-frontier and prices on third-country markets;

Whereas Commission Regulation (EEC) No 788/86 ⁽³⁾, as last amended by Regulation (EEC) No 1525/90 ⁽⁴⁾, specifies the free-at-Spanish-frontier values of certain cheeses imported from and originating in Switzerland;

Whereas, however, no account should be taken of information relating to small quantities which are not representative of trade in the products in question and quantities in respect of which price trends in general or other information available to it lead the Commission to believe that the price in question is unrepresentative of the real trend of the market;

Whereas the prices used must be adjusted where they are not quoted free-at-Community-frontier or where they do not apply to products of good marketable quality; whereas the adjustment in respect of an assimilated product the levy on which is equal to the levy on its pilot product must be effected in such a way as to allow, in particular, for differences in composition, maturity, quality and presentation between the assimilated product and the related pilot product; whereas adjustments relating to composition must be calculated by multiplying the difference between the milk component content of the pilot product and that of the assimilated product in question by the value attributed in international trade to one unit of weight of the milk component in question; whereas, when the other adjustments are being effected, the difference between the value attributed on the Community market to each of the relevant characteristics of the pilot product and the value attributed on that market to the corresponding characteristics of the assimilated product in question must be taken into account;

Whereas, if no information on prices is available, the free-at-frontier price may, by way of exception, be established on the basis of the value of the raw materials contained in the pilot product in question (calculated on the basis of the prices of milk products for which prices are available), average processing costs and average yields;

Whereas, in exceptional circumstances, a free-at-frontier price may remain unchanged for a limited period where the new level of the price for a given quality or a specific origin, used as a basis for establishing the previous free-at-frontier price, has not reached the Commission to enable it to establish the next free-at-frontier price and if the Commission considers that the prices which are available could lead to sudden and considerable changes in the free-at-frontier price because they are not sufficiently representative of real market trends;

Whereas, in accordance with Article 19 (1) of Regulation (EEC) No 804/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas Article 8 of Regulation (EEC) No 1073/68 provides that the levies are fixed every fortnight; whereas they may be altered in the intervening period if necessary; whereas the levy remains valid until another becomes applicable;

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose ⁽⁵⁾, as amended by Regulation (EEC) No 222/88, stipulates that the treatment provided for lactose and lactose syrup falling within CN code 1702 10 90 by Regulation (EEC) No 804/68 and by the provisions adopted for the application of that Regulation is to be extended to lactose and lactose syrup falling within CN code 1702 10 10; whereas consequently the levy fixed for products falling within CN code 1702 10 90 also applies to products falling within CN code 1702 10 10; whereas to ensure that the provision in question is properly applied these products and the levy thereon should be explicitly mentioned in the list of levies;

Whereas Council Regulations (EEC) No 518/92 ⁽⁶⁾, as amended by Regulation (EEC) No 2233/93 ⁽⁷⁾, (EEC) No 519/92 ⁽⁸⁾, as amended by Regulation (EEC) No 2234/93 ⁽⁹⁾, and (EEC) No 520/92 ⁽¹⁰⁾, as amended by Regulation (EEC) No 2235/93 ⁽¹¹⁾, of 27 February 1992 on certain procedures for applying the Interim Agreements on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic respectively, of the other part, introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 584/92 ⁽¹²⁾, as amended by Regulation (EEC) No 2658/93 ⁽¹³⁾, lays down detailed rules for applying the arrangements provided for in these agreements as regards milk and milk products;

⁽¹⁾ OJ No L 180, 26. 7. 1968, p. 25.

⁽²⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽³⁾ OJ No L 74, 19. 3. 1986, p. 20.

⁽⁴⁾ OJ No L 144, 7. 6. 1990, p. 15.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽⁶⁾ OJ No L 56, 29. 2. 1992, p. 3.

⁽⁷⁾ OJ No L 200, 10. 8. 1993, p. 3.

⁽⁸⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽⁹⁾ OJ No L 200, 10. 8. 1993, p. 4.

⁽¹⁰⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽¹¹⁾ OJ No L 200, 10. 8. 1993, p. 5.

⁽¹²⁾ OJ No L 62, 7. 3. 1992, p. 34.

⁽¹³⁾ See page 8 of this Official Journal.

Whereas, in addition, account must be taken of Council Decision 93/239/EEC of 15 March 1993 concerning the conclusion of the Agreements in the form of exchanges of letters between the European Economic Community, of the one part, and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway and the Kingdom of Sweden, of the other part, on the provisional application of the Agreements on certain arrangements in the field of agriculture, signed by the said parties in Oporto on 2 May 1992⁽¹⁾; whereas Commission Regulation (EEC) No 1316/93⁽²⁾ lays down detailed rules for the application of the import arrangements for these products originating in Sweden;

Whereas Council Regulation (EEC) No 715/90⁽³⁾, as amended by Regulation (EEC) No 297/91⁽⁴⁾, lays down the arrangements applicable to agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽⁵⁾, no levies shall apply on products originating in the overseas countries and territories;

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⁾;

Whereas it follows from applying these provisions that the levies on milk and milk products should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1993.

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

Done at Brussels, 29 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 109, 1. 5. 1993, p. 1.
⁽²⁾ OJ No L 132, 29. 5. 1993, p. 73.
⁽³⁾ OJ No L 84, 30. 3. 1990, p. 85.
⁽⁴⁾ OJ No L 36, 8. 2. 1991, p. 9.
⁽⁵⁾ OJ No L 263, 19. 9. 1991, p. 1.
⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

ANNEX

to the Commission Regulation of 29 September 1993 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note (°)	Import levy	CN code	Note (°)	Import levy
0401 10 10		17,15	0403 10 16	(¹)	2,0923/kg + 28,79
0401 10 90		15,94	0403 10 22		25,68
0401 20 11		23,27	0403 10 24		30,39
0401 20 19		22,06	0403 10 26		72,88
0401 20 91		27,98	0403 10 32	(¹)	0,1964/kg + 27,58
0401 20 99		26,77	0403 10 34	(¹)	0,2435/kg + 27,58
0401 30 11		70,47	0403 10 36	(¹)	0,6684/kg + 27,58
0401 30 19		69,26	0403 90 11		122,04
0401 30 31		134,46	0403 90 13		178,97
0401 30 39		133,25	0403 90 19		216,48
0401 30 91		224,53	0403 90 31	(¹)	1,1479/kg + 28,79
0401 30 99		223,32	0403 90 33	(¹)	1,7172/kg + 28,79
0402 10 11	(⁴)	122,04	0403 90 39	(¹)	2,0923/kg + 28,79
0402 10 19	(³) (⁴)	114,79	0403 90 51		25,68
0402 10 91	(¹) (⁴)	1,1479/kg + 28,79	0403 90 53		30,39
0402 10 99	(¹) (⁴)	1,1479/kg + 21,54	0403 90 59		72,88
0402 21 11	(⁴)	178,97	0403 90 61	(¹)	0,1964/kg + 27,58
0402 21 17	(⁴)	171,72	0403 90 63	(¹)	0,2435/kg + 27,58
0402 21 19	(³) (⁴)	171,72	0403 90 69	(¹)	0,6684/kg + 27,58
0402 21 91	(³) (⁴)	216,48	0404 10 02		31,82
0402 21 99	(³) (⁴)	209,23	0404 10 04		178,97
0402 29 11	(¹) (³) (⁴)	1,7172/kg + 28,79	0404 10 06		216,48
0402 29 15	(¹) (⁴)	1,7172/kg + 28,79	0404 10 12		122,04
0402 29 19	(¹) (⁴)	1,7172/kg + 21,54	0404 10 14		178,97
0402 29 91	(¹) (⁴)	2,0923/kg + 28,79	0404 10 16		216,48
0402 29 99	(¹) (⁴)	2,0923/kg + 21,54	0404 10 26	(¹)	0,3182/kg + 21,54
0402 91 11	(⁴)	38,74	0404 10 28	(¹)	1,7172/kg + 28,79
0402 91 19	(⁴)	38,74	0404 10 32	(¹)	2,0923/kg + 28,79
0402 91 31	(⁴)	48,43	0404 10 34	(¹)	1,1479/kg + 28,79
0402 91 39	(⁴)	48,43	0404 10 36	(¹)	1,7172/kg + 28,79
0402 91 51	(⁴)	134,46	0404 10 38	(¹)	2,0923/kg + 28,79
0402 91 59	(⁴)	133,25	0404 10 48	(²)	0,3182/kg
0402 91 91	(⁴)	224,53	0404 10 52	(²)	1,7172/kg + 6,04
0402 91 99	(⁴)	223,32	0404 10 54	(²)	2,0923/kg + 6,04
0402 99 11	(⁴)	45,90	0404 10 56	(²)	1,1479/kg + 6,04
0402 99 19	(⁴)	45,90	0404 10 58	(²)	1,7172/kg + 6,04
0402 99 31	(¹) (⁴)	1,3083/kg + 25,17	0404 10 62	(²)	2,0923/kg + 6,04
0402 99 39	(¹) (⁴)	1,3083/kg + 23,96	0404 10 72	(²)	0,3182/kg + 21,54
0402 99 91	(¹) (⁴)	2,2090/kg + 25,17	0404 10 74	(²)	1,7172/kg + 27,58
0402 99 99	(¹) (⁴)	2,2090/kg + 23,96	0404 10 76	(²)	2,0923/kg + 27,58
0403 10 02		122,04	0404 10 78	(²)	1,1479/kg + 27,58
0403 10 04		178,97	0404 10 82	(²)	1,7172/kg + 27,58
0403 10 06		216,48	0404 10 84	(²)	2,0923/kg + 27,58
0403 10 12	(¹)	1,1479/kg + 28,79	0404 90 11		122,04
0403 10 14	(¹)	1,7172/kg + 28,79	0404 90 13		178,97

CN code	Note (°)	Import levy	CN code	Note (°)	Import levy
0404 90 19		216,48	0406 90 31	(°) (°)	152,33
0404 90 31		122,04	0406 90 33	(°) (°)	152,33
0404 90 33		178,97	0406 90 35	(°) (°)	152,33
0404 90 39		216,48	0406 90 37	(°) (°)	152,33
0404 90 51	(°)	1,1479/kg + 28,79	0406 90 39	(°) (°)	152,33
0404 90 53	(°) (°)	1,7172/kg + 28,79	0406 90 50	(°) (°)	152,33
0404 90 59	(°)	2,0923/kg + 28,79	0406 90 61	(°) (°)	373,92
0404 90 91	(°)	1,1479/kg + 28,79	0406 90 63	(°) (°)	373,92
0404 90 93	(°) (°)	1,7172/kg + 28,79	0406 90 69	(°) (°)	373,92
0404 90 99	(°)	2,0923/kg + 28,79	0406 90 73	(°) (°)	152,33
0405 00 11	(°)	231,21	0406 90 75	(°) (°)	152,33
0405 00 19	(°)	231,21	0406 90 77	(°) (°)	152,33
0405 00 90		282,08	0406 90 79	(°) (°)	152,33
0406 10 20	(°) (°)	193,95	0406 90 81	(°) (°)	152,33
0406 10 80	(°) (°)	249,05	0406 90 85	(°) (°)	152,33
0406 20 10	(°) (°)	373,92	0406 90 89	(°) (°)	152,33
0406 20 90	(°) (°)	373,92	0406 90 93	(°) (°)	193,95
0406 30 10	(°) (°)	158,98	0406 90 99	(°) (°)	249,05
0406 30 31	(°) (°)	145,51	1702 10 10		27,82
0406 30 39	(°) (°)	158,98	1702 10 90		27,82
0406 30 90	(°) (°)	255,70	2106 90 51		27,82
0406 40 00	(°) (°)	144,22	2309 10 15		88,51
0406 90 11	(°) (°)	217,16	2309 10 19		114,91
0406 90 13	(°) (°)	151,15	2309 10 39		107,29
0406 90 15	(°) (°)	151,15	2309 10 59		87,66
0406 90 17	(°) (°)	151,15	2309 10 70		114,91
0406 90 19	(°) (°)	373,92	2309 90 35		88,51
0406 90 21	(°) (°)	217,16	2309 90 39		114,91
0406 90 23	(°) (°)	152,33	2309 90 49		107,29
0406 90 25	(°) (°)	152,33	2309 90 59		87,66
0406 90 27	(°) (°)	152,33	2309 90 70		114,91
0406 90 29	(°) (°)	152,33			

(°) The levy on 100 kg of product falling within this code is equal to the sum of the following:

- (a) the amount per kilogram shown, multiplied by the weight of lactic matter contained in 100 kg of product; and
- (b) the other amount indicated.

(°) The levy on 100 kg of product falling within this code is equal to:

- (a) the amount per kilogram shown, multiplied by the weight of the dry lactic matter contained in 100 kg of product plus, where appropriate,
- (b) the other amount indicated.

(°) Products falling within this code and imported from a third country

- for which an IMA 1 certificate, issued in accordance with Regulation (EEC) No 1767/82, is presented,
 - for which an EUR 1 certificate, issued in accordance with Regulation (EEC) No 1316/93 for Sweden and amended Regulation (EEC) No 584/92 for Poland, the Czech and Slovak Republics and Hungary, is presented,
- shall be subject to the levies defined in the said Regulations, respectively.

(°) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.

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

COMMISSION REGULATION (EEC) No 2664/93

of 29 September 1993

fixing the maximum export refund for white sugar for the 18th 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 18th 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 18th 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 40,748 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 30 September 1993.

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

Done at Brussels, 29 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.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE 93/77/EEC

of 21 September 1993

relating to fruit juices and certain similar products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100a thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Whereas Council Directive 75/726/EEC of 17 November 1975 on the approximation of the laws of the Member States concerning fruit juices and certain similar products⁽³⁾ has been frequently and substantially amended; whereas for reasons of clarity and rationality the said Directive should be consolidated;

Whereas in order to contribute towards the establishment of a single market for fruit juices and fruit nectars, to lay down conditions of production which take account of consumer requirements and to facilitate trade relations on the basis of fair competition, common rules must be adopted governing composition, use of reserved descriptions, manufacturing specifications and labelling of the products concerned;

Whereas existing differences between national provisions governing these products constitute barriers to free movement and create unfair conditions of competition;

Whereas it is essential to establish manufacturing and labelling rules for juices and nectars intended for direct human consumption and to lay down rules for their raw materials while ensuring that the reserved descriptions in this Directive cannot be abused;

Whereas these provisions should, pursuant to the second paragraph of Article 20 of Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs⁽⁴⁾, be adapted to the rules laid down in the said Directive;

Whereas, pending the adoption of Community provisions in this field, Member States should, for the time being, be free to lay down rules governing the labelling of products not for sale either to the ultimate consumer or to mass caterers;

Whereas the establishment of the characteristics of the products referred to by this Directive must be capable of being adapted to scientific and technical developments; whereas the adoption thereof should be entrusted to the Commission so as to simplify and expedite the procedure;

Whereas the same applies to the determination of methods of analysis for checking the purity criteria of the additives and processing aid used in the manufacture of fruit juices and nectars and to the determination of the sampling procedure and the methods of analysis required for checking the composition and the manufacturing specifications of these juices and nectars;

⁽¹⁾ OJ No C 305, 23. 11. 1992, p. 109 and Decision of 23 June 1993 (not yet published in the Official Journal).

⁽²⁾ OJ No C 313, 30. 11. 1992, p. 24.

⁽³⁾ OJ No L 311, 1. 12. 1975, p. 40. Directive as last amended by Directive 89/394/EEC (OJ No L 186, 30. 6. 1989, p. 14).

⁽⁴⁾ OJ No L 33, 8. 2. 1979, p. 1. Directive as last amended by Directive 91/72/EEC (OJ No L 42, 16. 2. 1991, p. 27).

Whereas it is desirable that for all cases where the Community empowers the Commission to implement rules relating to foodstuffs provision should be made for establishing close cooperation between the Member States and the Commission within the Standing Committee on Foodstuffs set up by Decision 69/414/EEC⁽¹⁾;

Whereas in some cases national provisions must be maintained and a review clause applied;

Whereas in particular the conditions governing the possible use of L-Malic and DL-Malic acids in fruit juices and nectars must be examined in the context of more general rules governing the use of certain acids in foodstuffs;

Whereas it has appeared necessary, in view of the production conditions obtaining in certain Member States, to make it possible for such Member States to authorize the addition of citric acid to apple juice;

Whereas it is not possible to extract the juice of certain tropical fruits without the pulp; whereas it therefore appears necessary to provide for the possible use of fruit purée in the manufacture of certain fruit juices;

Whereas the option of replacing all sugars by honey within the limits laid down should be extended to all fruit nectars, and the option of using sugars and honey together in certain nectars should be removed;

Whereas the sweetening of certain concentrated fruit juices should be authorized only if they are intended for direct sale to the consumer, since the sweetening may not exceed the permitted limits at the final stage;

Whereas Member States must be free not to adopt in their entirety the lists of additives and processing aid provided for in this Directive until the identification and purity criteria for these products have been established;

Whereas this Directive must not affect the obligations of the Member States concerning the deadlines for transposal of Directive 75/726/EEC and the Directives that amended it,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this Directive, the following definitions shall apply:

1. *Fruit*:

Fruit, fresh or preserved by chilling, sound, free from deterioration, containing all the essential constituents needed for the production of fruit juices and nectars and

of a suitable degree of ripeness. Tomatoes are not regarded as fruit;

2. *Fruit purée*:

The fermentable but unfermented product obtained by sieving the edible part of whole or peeled fruit without removing the juice;

3. *Concentrated fruit purée*:

The product obtained from fruit purée by the physical removal of a specific proportion of its water content;

4. *Sugars*:

(a) For the production of fruit juice

- semi-white sugar,
- sugar (white sugar),
- extra white sugar,
- dextrose monohydrate,
- dextrose anhydrous,
- dried glucose syrup,
- fructose;

(b) for the production of fruit juice made from concentrated fruit juice and the production of fruit nectar, in addition to the sugars referred to in (a):

- glucose syrup,
- sugar solution,
- invert sugar solution,
- invert sugar syrup,
- the aqueous solution of sucrose with the following characteristics:
 - (aa) dry matter:
not less than 62 % by weight,
 - (bb) invert sugar content (ratio of fructose to dextrose: $1,0 \pm 0,2$):
not more than 3 % by weight of dry matter,
 - (cc) conductivity ash:
not more than 0,3 % by weight of dry matter;
 - (dd) colour in solution:
not more than 75 ICUMSA units,
 - (ee) residual sulphur dioxide content:
not more than 15 mg/kg of dry matter;

5. *Fruit juice*:

- (a) The juice obtained from fruit by mechanical processes, fermentable but unfermented, having the characteristic colour, aroma and flavour typical of the juice from the fruit from which it comes.

⁽¹⁾ OJ No L 291, 19. 11. 1969, p. 9.

In the case of citrus fruits, the fruit juice shall come from the endocarp; lime-juice, however, may be obtained from the whole fruit, by suitable production processes whereby by proportion of constituents of the outer part of the fruit is reduced to a minimum.

(b) The product obtained from concentrated fruit juice by:

- the restoration of the proportion of water extracted from the juice when it was concentrated, the water which is added having the appropriate characteristics, particularly from the chemical, microbiological and organoleptic viewpoints, for guaranteeing the essential qualities of the juice, and
- the restoration of its aroma by means of the volatiles collected during the concentration of the fruit juice in question or from the juice of fruits of the same kind,

and which has organoleptic and analytical characteristics equivalent to those of juice obtained from fruit of the same kind in accordance with (a);

6. Concentrated fruit juice:

The product obtained from fruit juice by the physical removal of a specific proportion of the water content. If the product is for direct consumption, the reduction in volume shall not be less than 50 %;

7. Fruit nectar:

The unfermented but fermentable product obtained by the addition of water and sugars to fruit juice, concentrated fruit juice, fruit purée, concentrated fruit purée or to a mixture of these products which also conforms with Annex I.

However, it may be decided under the procedure laid down in Article 15 that, in the case of certain fruits whose juice has a high natural sugar content, nectar may be produced from them without the addition of sugars;

8. Dried fruit juice:

The product obtained from fruit juice by the physical removal of almost all the water content.

Article 2

1. Member States shall take all measures necessary to ensure that the products referred to in Article 1 (5) to (8) may be marketed only if they conform to the definitions and rules laid down in this Directive.

2. Articles 4 to 13 shall apply only to fruit juice, concentrated fruit juice, fruit nectar and dried fruit juice intended for direct consumption, concentrated fruit juice used for the production of fruit juice or nectar intended for direct consumption and fruit juice used for the production of fruit nectar intended for direct consumption.

Article 3

1. The descriptions referred to in Article 1 (5) to (8) shall be reserved for the products defined therein and, without prejudice to Article 10 (2) (a), must be used in trade to describe them.

2. The use of the following descriptions shall also be reserved:

- (a) 'Vruchtendrank', for fruit nectars;
- (b) 'Süßmost', for fruit nectars obtained exclusively from fruit juices, concentrated fruit juices or a mixture of these products inedible in the natural state because of their high natural acidity;
- (c) — 'succo e polpa', for fruit nectars obtained exclusively from fruit purée and/or concentrated fruit purée,
— 'sumo e polpa' for fruit nectars obtained exclusively from fruit juice and fruit purée and/or concentrated fruit purée;
- (d) 'æblemost', for apple juice with no added sugars;
- (e) 'Sur ... saft', together with the name (in Danish) of the fruit used, for juices with no added sugars and obtained from blackcurrants, cherries, redcurrants, whitecurrants, raspberries, strawberries or elderberries.

3. If the product comes from a single variety of fruit, the name of the latter shall be substituted for the word 'fruit' or shall accompany any descriptions not containing the word 'fruit'.

4. Paragraph 1 shall not prevent the expressions 'sød ... saft' or 'sødet ... saft', together with the name of fruit used, from being employed in Denmark to describe a product consisting of:

- juices obtained from blackcurrants, cherries, redcurrants, whitecurrants, raspberries, strawberries or elderberries and,
- added sugars in a quantity exceeding 200 grams per litre,

provided that the quantity of added sugars and the conditions of use of the product are shown.

Article 4

1. Only the following shall be authorized for the production of fruit juices :

(a) the mixing of one or more kinds of fruit juices and/or fruit purées ;

(b) treatment with :

- L-Ascorbic acid (E 300) in the amount necessary to produce an anti-oxidant effect,
- nitrogen,
- carbon dioxide (E 290),
- pectolytic enzymes,
- proteolytic enzymes,
- amylolytic enzymes,
- edible gelatine,
- tannins,
- bentonite,
- silica aerogel,
- kaolin,
- charcoal,
- inert filtration adjuvants (perlite, asbestos, washed diatomite, cellulose, insoluble polyamide) ;

(c) the usual physical processes and treatments such as heat treatments, centrifuging and filtering ; the use of some of these processes and treatments may be restricted or prohibited by the Council acting unanimously on a proposal from the Commission.

2. The following shall also be authorized :

(a) in the case of fruit juices other than pear and grape the addition of sugars in accordance with the following conditions :

- (i) in a quantity, expressed as dry matter, not greater than 15 grams per litre of juice, in order to correct them ;
- (ii) in a quantity, expressed as dry matter, not greater than :
 - 40 grams per litre of juice in the case of apple juice, although this addition may be prohibited by Member States,
 - 200 grams per litre of juice in the case of lemon, lime, bergamot, and red, white and blackcurrant juices,
 - 100 grams per litre of juice in other cases, for the purpose of sweetening ;

(b) in the case of grape juice :

- treatment with :
 - sulphur dioxide (E 220),
 - sodium sulphite (E 221),
 - acid sodium sulphite (sodium bisulphite) (E 222),

- sodium disulphite (sodium pyrosulphite or sodium metabisulphite) (E 223),

- potassium disulphite (potassium pyrosulphite or potassium metabisulphite) (E 224),

- calcium sulphite (E 226) and

- acid calcium sulphite (calcium bisulphite) (E 227),

- provided that the total amount of these substances expressed as sulphur dioxide in the juice, as sold or delivered to the consumer, is not greater than 10 mg per litre of juice :

- desulphiting by physical processes,

- clarification by means of casein, white of egg and other animal albumins,

- partial deacidification by means of neutral potassium tartrate, or calcium carbonate to which may be added small quantities of double calcium salt of D-Tartaric and L-Malic acids ;

(c) in the case of pineapple juice, the addition of citric acid (E 330) in a quantity not greater than 3 grams per litre.

3. The addition of both sugars and acid to the same fruit juice shall be prohibited.

4. If more than one acid is added to the same fruit juice or nectar, the sum of the quantities of each of the acids added, expressed as a percentage of the maximum authorized quantity, must not exceed 100.

Article 5

Except where otherwise provided for in this Directive, the sulphur dioxide content of a fruit juice, as determined by analysis, shall not exceed 10 mg per litre of juice.

Article 6

1. Only the following shall be authorized in the production of fruit nectars :

(a) the mixing of one or more kinds of fruit nectars, with a possible admixture of fruit juice or fruit purée ;

(b) the treatments and processes listed in Article 4 (1) (b) and (c).

2. The following shall also be authorized :

(a) the addition of sugars in a quantity not greater than 20 % by weight of the total weight of the finished product ;

(b) the addition of water in a quantity such that the fruit juice and/or fruit purée content and the total acidity of the finished product are not lower than the levels specified in Annex I ; in the case of a mixed fruit nectar the juice and/or purée content and the total acidity shall be proportional to the levels specified in Annex I ;

- (c) the total replacement of sugars with honey, within the 20 % limit specified in (a);
- (d) in the case of the production of the fruit nectars referred to in Article 3 (2) (c) which are obtained from apples, pears or peaches or a mixture of these fruits, the addition of citric acid in a quantity not greater than five grams per litre of finished product; the citric acid may, however, be replaced totally or partially by an equivalent quantity of lemon juice.

Article 7

Only the following shall be permitted in the manufacture of concentrated fruit juices:

- (a) the treatments and processes listed in Article 4 with the exception of the provisions in paragraphs 2 (a). However, the addition of sugars provided for in that point (a) shall be authorized only for prepackaged concentrated fruit juices intended for the ultimate consumer and provided that the sweetening is indicated in the description; in that case the total quantity of sugars added expressed in relation to the volume of the juice 'obtained from concentrated...' may not exceed the limit authorized in Article 4 (2) (a).

For a period of 10 years from 14 June 1989, sugar may be added to concentrated orange juice not intended for the ultimate consumer up to a maximum quantity expressed as dry matter of 15 grams per litre for the purpose of correcting it.

In the case referred to in the second subparagraph the processor must be informed of the addition of sugar, in accordance with trade practices.

On expiry of the period referred to in the second subparagraph, the Council shall decide, acting on a proposal from the Commission, whether to continue the exception in the said subparagraph;

- (b) the partial dehydration of the fruit juice by a physical treatment or process other than direct flame; the use of certain treatments or processes may be restricted or prohibited by the Council acting unanimously on a proposal from the Commission;
- (c) restoration of their aroma by means of the volatiles collected during the concentration of the basic fruit juice or from the juice of fruit of the same kind; the addition of such volatiles shall be obligatory for concentrated fruit juices which are intended for direct consumption.

Article 8

In the manufacture of dried fruit juice the almost total dehydration of fruit juice by a physical treatment or

process other than direct flame shall also be authorized; restoration of the essential volatiles from fruits of the same kind, or possibly recovered during dehydration, shall be compulsory.

Article 9

The treatments and processes referred to in Articles 4, 6, 7 and 8 must not result in any substance being allowed to remain in the products treated in quantities which may be dangerous to human health.

Article 10

1. Directive 79/112/EEC shall apply to the products defined in Article 1 (5) to (8), in accordance with the conditions set out in this Article.

- 2. (a) The names under which the products defined in Article 1 (5) to (8) are sold shall be the name reserved for them pursuant to Article 3 (1), (2) and (3).

However:

- (i) the use of the description 'fruit nectar' may be made optional by Member States for one or more of the products referred to in Article 3 (2) where the descriptions listed therein are used to designate these products;
- (ii) for the product defined in Article 1 (8), the adjective 'dried' may be replaced by the adjective 'powdered' and may be accompanied or replaced by particulars of the specific process used (eg freeze-dried or any other similar reference);

- (b) The names under which they are sold shall be supplemented:

- (i) for products manufactured from two or more kinds of fruit, except as regards the use of lemon juice in accordance with Article 6 (2) (d), by a list of the fruits used, in descending order of the weight of the fruit juices or purées included, where appropriate after restoration; the use of the term 'fruit' shall be optional in this case;
- (ii) the products with sugar added within the limits laid down in Article 4 (2) (a) (ii), by the description 'sweetened', followed by an indication of the maximum quantity of sugars added, calculated as dry matter and expressed as grams per litre; the quantity indicated may not exceed the actual quantity added by more than 15 %;

- (iii) for the fruit nectars referred to in Article 3 (2) (c) which are not designated by the description 'succo e polpa' alone, in accordance with the national provisions referred to in point (a) (i), by the description 'contains fruit pulp' or an equivalent description.

3. An obligation to declare the list of ingredients shall apply, subject to the following :

- (a) (i) the restoration to its original state, by means of the substances strictly necessary for this operation :

- of fruit juice from a concentrated fruit juice,
- of a fruit purée from concentrated fruit purée ;

- (ii) the restoration of the flavour :

- to concentrated fruit juice,
- to dried fruit juice,

shall not involve an obligation to declare the list of the ingredients used for this purpose ;

- (b) The substances listed in the first indent of Article 4 (2) (b) shall not be considered as ingredients of one of the products defined in Article 1 (5) to (8) where the sulphur dioxide content of these products, as determined by analysis, does not exceed 10 mg per litre.

4. Indication of the following particulars shall also be compulsory on the labelling of the products defined in Article 1 (5) to (8) :

- (a) for fruit juice and nectar obtained wholly or partially from a concentrated product, the declaration 'contains ... made from concentrate', plus the name of the concentrated product used ; this declaration shall appear in the immediate vicinity of the product name, standing out prominently in bold lettering ;
- (b) for the products defined in Article 1 (5), (6) and (7), the carbon dioxide content of which is greater than 2 grams per litre, the description 'carbonated' ;
- (c) for concentrated fruit juice and dried fruit juice, an indication of the quantity of water to be added to restore the product ;
- (d) for fruit nectars, the actual minimum content of fruit juice, fruit purée or mixture of these ingredients, by the declaration 'fruit content : ... % minimum'.

5. The particulars referred to in paragraph 4 (a), (b) and (d) shall appear in the same field of vision of those referred to in Article 11 (3) (a) of Directive 79/112/EEC.

6. The addition of L-ascorbic acid as provided for in Article 4 (1) (b) shall not authorize any reference to Vitamin C.

Article 11

Without prejudice to the provisions to be adopted by the Community in this field, Member States shall remain free to determine the labelling rules for the products referred to in Article 2 (2) which are not to be delivered as such to the ultimate consumer or to mass caterers.

Article 12

The amendments necessary to adapt Articles 4, 6, 7 and 8 and Annex I to technical progress shall be adopted in accordance with the procedure laid down in Article 15, with the exception of those concerning additives.

Article 13

1. Member States shall adopt all the measures necessary to ensure that trade in the products defined in Article 1 (5) to (8) which comply with the rules laid down in this Directive cannot be impeded by the application of national non-harmonized provisions governing the composition, manufacturing specifications, packaging or labelling of these products in particular or of food stuffs in general.

2. Paragraph 1 shall not apply to non-harmonized provisions justified on grounds of :

- protection of public health,
- fraud prevention, unless such provisions are liable to impede the application of the definitions and rules laid down by this Directive,
- protection of industrial and commercial property, of indications of source, appellation of origin and the prevention of unfair competition.

Article 14

The identity and purity criteria for the additives and treatment agents referred to in Articles 4 and 6 shall be determined where necessary in accordance with the procedure laid down in Article 15.

Article 15

1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter to the Standing Committee for Foodstuffs, either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

(b) If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 16

1. This Directive shall not affect national provisions whereby:

(a) the vitaminization of the products covered by this Directive is authorized;

(b) processes of diffusion may be authorized for the manufacture of fruit juices other than grape, citrus fruit, pineapple, pear, peach and apricot intended for the manufacture of concentrated fruit juices, provided that the concentrated juices thus obtained comply with the conditions laid down in Article 1 (5) regarding fruit juices obtained from concentrated fruit juices and have organoleptic and analytical characteristics at least equivalent to those of concentrated juices obtained by mechanical processes;

(c) — the substances referred to in the first indent of Article 4 (2) (b) may be added to pineapple, apple, orange and grapefruit juices on condition that the total quantity added, expressed as sulphur dioxide, does not exceed 50 mg per litre;

— the substances referred to in the first indent of Article 4 (2) (b) may be added to lemon and lime juices on condition that the total quantity added, expressed as sulphur dioxide, does not exceed 350 mg per litre;

(d) dimethylpolysiloxane may be used in pineapple juice up to a maximum of 10 mg per litre;

(e) up to 5 grams per litre of lactic acid may be added to the fruit nectar referred to in Article 1 (7), where this

is obtained from apples or pears or from a mixture of these fruits;

(f) up to 3 grams per litre of citric acid may be added to:

— grape juice, subject to such addition being authorized up to and including 19 November 1975,

— apple juice;

(g) up to 3 grams per litre, either singly or combined, of L and DL Malic acids may be added to pineapple juice and to the fruit nectars referred to in Article 3 (2)

(c) if they are obtained from pears or peaches, subject to such addition being authorized up to and including 19 November 1975.

2. The exceptions regarding additives provided for in paragraph 1 (c), (d), (e), (f) and (g) shall cease to apply once the relevant rules become applicable at Community level.

Article 17

This Directive shall not apply to:

(a) products intended for export from the Community;

(b) foodstuffs for particular nutritional uses.

Article 18

Member States may postpone implementation of Article 4 (1) (b), Article 4 (2) (b) last indent and Article 6 (1) (b) until the identification and purity criteria are laid down under Article 14.

Article 19

1. Directive 75/726/EEC, including Directives which amended it⁽¹⁾, is hereby repealed without prejudice to the obligations of the Member States concerning the deadlines for transposal of such Directives set out in Annex II.

2. References to the repealed Directive shall be construed as references to this Directive and should be read in accordance with the correlation table in Annex III.

Article 20

This Directive is addressed to the Member States.

Done at Brussels, 21 September 1993.

For the Council

The President

A. BOURGEOIS

⁽¹⁾ Directives 79/168/EEC, 81/487/EEC and 89/394/EEC.

ANNEX I

SPECIAL PROVISIONS RELATING TO FRUIT NECTARS

Fruit nectars made from	Minimum total acid content expressed as tartaric acid (g/l of finished product)	Minimum juice and/or purée content (% by weight of finished product)
I. Fruits with aid juice unpalatable in the natural state		
Passion fruit (<i>Passiflora edulis</i>)	8	25
Quito naranjillos (<i>Solanum quitoense</i>)	5	25
Blackcurrants	8	25
Whitecurrants	8	25
Redcurrants	8	25
Gooseberries	9	30
Sallow-thorn berries (<i>Hippophae</i>)	9	25
Sloes	8	30
Plums	6	30
Quetsches	6	30
Rowanberries	8	30
Rose hips (fruits of <i>Rosa</i> sp.)	8	40
Sour cherries	8	35
Other cherries	6 ⁽¹⁾	40
Bilberries	4	40
Elderberries	7	50
Raspberries	7	40
Apricots	3 ⁽¹⁾	40
Strawberries	5 ⁽¹⁾	40
Mulberries/blackberries	6	40
Cranberries	9	30
Quinces	7	50
Lemons and limes	—	25
Other fruits belonging to this category	—	25
II. Low-acid, pulpy or highly flavoured fruits with juice unpalatable in the natural state		
Mangos	—	35
Bananas	—	25
Guavas	—	25
Papayas	—	25
Lychees	—	25
Azeroles (Neapolitan medlars)	—	25
Soursop (<i>Annona muricata</i>)	—	25
Bullock's heart or custard apple (<i>Annona reticulata</i>)	—	25
Sugar apples	—	25
Pomegranates	—	25
Cashew fruits	—	25
Spanish plums (<i>Spondia purpurea</i>)	—	25
Umbu (<i>Spondia tuberosa aroda</i>)	—	30
Other fruits belonging to this category	—	25
III. Fruits with juice palatable in the natural state		
Apples	3 ⁽¹⁾	50
Pears	3 ⁽¹⁾	50
Peaches	3 ⁽¹⁾	45
Citrus fruits except lemons and limes	5	50
Pineapples	4	50
Other fruits belonging to this category	—	50

⁽¹⁾ Limit not applicable in the case of the product referred to in Article 3 (2) (c).

*ANNEX II***TIME LIMITS FOR TRANSPOSAL**

Directive	Deadlines	
	To permit trade in those products which comply with this Directive	To prohibit trade in those products which do not comply with this Directive
75/726/EEC (OJ No L 311, 1. 12. 1975, p. 40)	18 November 1977	19 November 1978
79/168/EEC (OJ No L 37, 13. 2. 1979, p. 27)		19 November 1981 (*)
81/487/EEC (OJ No L 189, 11. 7. 1981, p. 43)	1 July 1983	1 July 1984
89/394/EEC (OJ No L 186, 30. 6. 1989, p. 14)	14 June 1990	14 June 1991

(*) This time limit may be extended to four years by the Member States (19 November 1982).

*ANNEX III***CORRELATION TABLE**

This Directive	Directive 75/726/EEC
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 4	Article 4
—	Article 5
Article 5	Article 6 first subparagraph
—	Article 6 second subparagraph
Article 6	Article 7
Article 7	Article 8
Article 8	Article 9
Article 9	Article 10
Article 10	Article 11
Article 11	Article 11 a
Article 12	Article 11 b
Article 13	Article 12
Article 14	Article 13
Article 15	Article 14
Article 16 (1) (f)	Article 16 (1) (g)
Article 16 (1) (g)	Article 16 (1) (h)
Article 17	Article 17
—	Article 18 (1) and (2)
Article 18	Article 18 (3)
Article 19	—
Article 20	Article 19
Annex I	Annex

COMMISSION

COMMISSION DECISION

of 28 September 1993

terminating the anti-dumping proceeding concerning imports of unwrought manganese containing more than 96 % by weight of manganese originating in the People's Republic of China

(93/519/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 9 thereof,

After consultation with the Advisory Committee as provided for in the above Regulation,

Whereas :

(1) On 10 November 1991 the Commission received a complaint lodged by the *Chambre syndicale de l'électrometallurgie et de l'électrochimie* (Paris, France) on behalf of the sole Community producer of unwrought manganese containing more than 96 % by weight of manganese (hereafter unwrought manganese). The complaint evidence of dumping and injury resulting therefrom which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of unwrought manganese, falling within CN code ex 8111 00 11, originating in the People's Republic of China, and subsequently commenced an investigation.

(2) The Commission officially so advised the exporters and importers known to be concerned, the repre-

sentative of the People's Republic of China and the complainant. The parties concerned were given the opportunity to make their views known in writing, and to request a hearing.

(3) The Commission sought and verified all information it deemed to be necessary for the purpose of a preliminary determination. Since China is a non-market economy country, normal value was established on information obtained in a market economy third country, in the present case the USA. Investigations were carried out at the premises of the following companies :

Community producer :

— Pechiney Electrometallurgie (Paris, France) ;

Analogue country producer :

— Kerr-McGee Corporation (Oklahoma, USA).

(4) The investigation of dumping covered the period from 1 January 1991 to 31 December 1991.

(5) In the course of its investigation, the Commission has established on the basis of information received from the sole Community producer of unwrought manganese, that it has decided to discontinue production, and is in the process of phasing out gradually its manufacturing operations. Accordingly, since the Community production of the product concerned by the present proceeding is discontinued, protective measures are unnecessary. The proceeding should thus be terminated.

(6) The Advisory Committee has been consulted and has raised no objections.

(7) The complaint was informed of the intention of the Commission to terminate the proceeding and did not object,

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 15, 21. 1. 1992, p. 12.

DECIDES :

Sole Article

The anti-dumping proceeding concerning imports of unwrought manganese containing more than 96 % by weight of manganese originating in the People's Republic of China and falling within CN code ex 8111 00 11 is hereby terminated.

Done at Brussels, 28 September 1993.

For the Commission

Leon BRITTAN

Vice-President

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 3919/92 of 20 December 1992 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches (TACs) for 1993 and certain conditions under which they may be fished

(Official Journal of the European Communities No L 397 of 31 December 1992)

On page 5 in Article 9, footnote 12:

for: '(12) The use of 32 mm mesh shall be permitted until 31 December 1993';

read: '(12) The use of 30 mm mesh shall be permitted until 31 December 1993';

Corrigendum to Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community

(Official Journal of the European Communities No L 57 of 2 March 1992)

On page 28 in Article 3 (1), last line:

for: '... 86 km/h.';

read: '... 85 km/h.'.
