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Legislation

Contents

I Acts whose publication is obligatory

- ★ Commission Regulation (EEC) No 2956/93 of 27 October 1993 amending Commission Regulation (EEC) No 2780/92 on the conditions for the grant of compensatory payments under the support system for producers of certain arable crops 1
- ★ Commission Regulation (EEC) No 2957/93 of 26 October 1993 imposing a provisional anti-dumping duty on certain imports of gas-fuelled, non-refillable pocket flint lighters originating in Thailand 2
- ★ Commission Regulation (EEC) No 2958/93 of 27 October 1993 laying down detailed rules for the application of Council Regulation (EEC) No 2019/93 as regards the specific arrangements for the supply of certain agricultural products 4
- ★ Commission Regulation (EEC) No 2959/93 of 27 October 1993 amending Regulation (EEC) No 3769/92 implementing and amending Council Regulation (EEC) No 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances 8
- ★ Commission Regulation (EEC) No 2960/93 of 27 October 1993 fixing for the 1993/94 marketing year the reference price for mandarins, including tangerines and satsumas, wilkings and other similar citrus hybrids, with the exception of clementines 10
- Commission Regulation (EEC) No 2961/93 of 27 October 1993 fixing the export refunds on white sugar and raw sugar exported in its unaltered state 12
- Commission Regulation (EEC) No 2962/93 of 27 October 1993 fixing the maximum export refund for white sugar for the 22nd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1144/93 14
- Commission Regulation (EEC) No 2963/93 of 27 October 1993 amending Regulation (EEC) No 2781/93 and increasing to 500 000 tonnes the amount of durum wheat held by the Italian intervention agency for which a standing invitation to tender for resale on the internal market has been opened 15

Contents (continued)

Commission Regulation (EEC) No 2964/93 of 27 October 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal	16
Commission Regulation (EEC) No 2965/93 of 27 October 1993 fixing the premiums to be added to the import levies on cereals, flour and malt	18

II *Acts whose publication is not obligatory*

Council

93/550/EEC :

- ★ **Council Decision of 20 October 1993 concerning the conclusion of the cooperation agreement for the protection of the coasts and waters of the north-east Atlantic against pollution** 20
- Cooperation Agreement for the protection of the coasts and waters of the north-east Atlantic against pollution** 22

Commission

93/551/EEC :

- ★ **Commission opinion of 5 October 1993 concerning the application of Article 4 (2) of Council Directive 91/670/EEC on mutual acceptance of personnel licences for the exercise of functions in civil aviation (Equivalence of British and Belgian pilot licences)** 29

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2956/93

of 27 October 1993

amending Commission Regulation (EEC) No 2780/92 on the conditions for the grant of compensatory payments under the support system for producers of certain arable crops

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 Articles 10 (4) and 12 thereof,

Whereas, pursuant to Article 10 (4) of Regulation (EEC) No 1765/92, the Commission may decide that certain varieties of durum wheat are ineligible for the supplement referred to in Article 4 (3) and (4); whereas in the absence of such a decision, the varieties previously excluded by the Member States on the grounds of quality become eligible; whereas in order to avoid any risk of an increase in the production of these varieties of lower quality, the exclusion provided for in Commission Regulation (EEC) No 2780/92 ⁽³⁾ should be extended for 1994/95;

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

In Article 7 (3) of Regulation (EEC) No 2780/92 'for the 1993/94 marketing year' is hereby replaced by 'for the 1994/95 marketing year.'

Article 2

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

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

Done at Brussels, 27 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 19.

⁽³⁾ OJ No L 281, 25. 9. 1992, p. 5.

COMMISSION REGULATION (EEC) No 2957/93

of 26 October 1993

imposing a provisional anti-dumping duty on certain imports of gas-fuelled,
non-refillable pocket flint lighters originating in Thailand

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 sub-
sidized imports from countries not members of the Euro-
pean Economic Community⁽¹⁾, and in particular
Article 10 (6) thereof,

After consultations within the Advisory Committee as
provided for in that Regulation,

Whereas :

A. PROCEDURE

- (1) On 7 April 1990 the Commission published in the *Official Journal of the European Communities*⁽²⁾ a notice of the initiation of an anti-dumping proceeding concerning imports into the Community of gas-fuelled, non-refillable pocket flint lighters, falling within CN code 9613 10 00 originating in Japan, the People's Republic of China, the Republic of Korea and Thailand.
- (2) The Commission conducted an examination of dumping and injury. All companies were informed of the essential facts of the results of the investigation and had an opportunity to comment on them. It was established that dumping was taking place, that injury was caused to the Community industry concerned by the dumped imports and that the Community's interests called for the imposition of definitive measures. Consequently, the Council imposed by Regulation (EEC) No 3433/91⁽³⁾, a definitive anti-dumping duty on imports of gas-fuelled, non-refillable pocket flint lighters originating in Japan, the People's Republic of China, the Republic of Korea and Thailand. For one Thai producer, Thai Merry Co. Ltd, a dumping margin of 14,1 % was established, and, as the injury threshold for this company exceeded its dumping margin, duties could have been imposed at the level of the dumping margin. However, a price undertaking from this company was accepted by Commission Decision 91/604/EEC⁽⁴⁾. The Council accordingly exempted imports of the product

concerned produced by Thai Merry Co. Ltd from
the definitive anti-dumping duty.

B. WITHDRAWAL OF THE UNDERTAKING

- (3) Thai Merry Co. Ltd has, by correspondence dated 18 August 1993, withdrawn its undertaking. Accordingly, the exemption from the said anti-dumping duty of the imports of the product concerned produced by Thai Merry Co. Ltd is no longer justified.

The exporter has, according to Article 10 (6) of Regulation (EEC) No 2423/88, been informed of the Commission's intention to apply provisional anti-dumping duties on the basis of the facts established before the acceptance of the undertaking and has been offered the opportunity to comment. No comments relevant to the imposition of provisional duties were received within the time period allowed.

C. COMMUNITY INTEREST

- (4) The Commission has no reason to believe that the findings concerning Community interest expressed in Regulation (EEC) No 3433/91 warrant amendment. In addition, not imposing provisional duties on Thai Merry Co. Ltd would be discriminatory towards those exporters on which measures are still in force. Since no arguments that such measures would not be in the Community interest have been put forward, it is considered that the Community's interests call for the immediate application of provisional measures.

D. PROVISIONAL DUTIES

- (5) According to Article 10 (6) of Regulation (EEC) No 2423/88, provisional anti-dumping duties should be applied on the basis of the facts established before the acceptance of the undertaking. The level of the provisional anti-dumping duty should therefore be set at a rate of 14,1 %,

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of gas-fuelled, non-refillable pocket flint lighters, falling within CN code ex 9613 10 00 (Taric code 9613 10 00 * 10), originating in Thailand, and produced by Thai Merry Co. Ltd. (Taric additional code : 8740)

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 89, 7. 4. 1990, p. 3.

⁽³⁾ OJ No L 326, 28. 11. 1991, p. 1.

⁽⁴⁾ OJ No L 326, 28. 11. 1991, p. 31.

2. The rate of the duty shall be 14,1 %, applicable to the net, free-at-Community-frontier price before duty.

3. The entry into free circulation in the Community of the product referred to in paragraph 1 into shall be conditional upon the deposit of security for the amount of the provisional duty.

4. The provisions in force concerning customs duties shall apply.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2423/88, the parties concerned may make known their views in writing and apply to be heard orally

by the Commission within one month of the date of entry into force of this Regulation.

Article 3

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

Subject to Articles 11, 12 and 13 of Regulation (EEC) No 2423/88, Article 1 of this Regulation shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 26 October 1993.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EEC) No 2958/93

of 27 October 1993

laying down detailed rules for the application of Council Regulation (EEC) No 2019/93 as regards the specific arrangements for the supply of certain agricultural products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2019/93 of 19 July 1993 introducing specific measures for the smaller Aegean islands concerning certain agricultural products ⁽¹⁾, and in particular Article 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 ⁽²⁾, and in particular Article 6 thereof,

Whereas the measures partially funded by the EAGGF Guarantee Section and intended to offset, as regards the supply of certain Community agricultural products, the exceptional geographical situation of the smaller Aegean islands consist of benefits in the form of flat-rate aids for the supply of those products within the framework of forecast supply balances, the aids being adjusted in relation to the remoteness of the various groups of islands benefiting from them;

Whereas the effects of the benefits granted in the form of aids, which are intended to cover the higher local marketing costs, must be passed on in the prices paid by the end user; whereas the Greek authorities must adopt appropriate measures to establish the effects thereof;

Whereas the local consumption of agricultural products benefiting from the Community aids implies a prohibition on the redispach to other parts of the Community and the exportation to third countries of such products either in the unprocessed state or following processing; whereas special control measures must be adopted to that end; whereas the Greek authorities are required to adopt the measures necessary to prevent the redispach and exportation of the products concerned and, where necessary, to impose penalties in respect thereof;

Whereas the administering authorities should have at their disposal the instruments necessary for ensuring that the supply arrangements are used for their proper purpose, namely the regular supply of products to users

and the passing-on of the benefits to the local consumer; whereas, to that end, the authorities responsible for implementation of the supply procedures must determine the intervals at which the products are to be supplied and the quantities thereof in relation to the outlets available for the products;

Whereas the supply arrangements can be administered on the basis of the import licence provided for in Commission Regulation (EEC) No 3719/88 ⁽³⁾, as last amended by Regulation (EEC) No 1963/93 ⁽⁴⁾; whereas the issue of that document, hereinafter called the 'aid certificate', is subject to the lodging by the applicant of a security equal to 20 % of the amount of the aid corresponding to the quantity granted;

Whereas there should be a system of Community checks on the measures taken by the Greek authorities in order to ensure that they are properly implemented; whereas, to that end, provision should be made for periodic communications to the Commission;

Whereas the procedures for the adoption of the rules for the application of Regulation (EEC) No 2019/93 have not been completed within the period laid down therein; whereas, therefore, temporary provisions are necessary for the granting of aid for 1993; whereas, therefore, the provisions of this Regulation should apply immediately;

Whereas the measures provided for in this Regulation are in accordance with the opinions of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

1. The flat-rate aid referred to in Article 3 (2) of Regulation (EEC) No 2019/93 is hereby fixed, for all products referred to in the Annex thereto, at:

- ECU 15/tonne for consignments to the islands in group A referred to in Annex I,
- ECU 30/tonne for consignments to the islands in group B referred to in Annex II.

⁽¹⁾ OJ No L 184, 27. 7. 1993, p. 1.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁴⁾ OJ No L 177, 21. 7. 1993, p. 19.

2. However, for fruit and vegetables, the amounts of aid referred to above shall be reduced in accordance with the second subparagraph of Article 3 (2) of Regulation (EEC) No 2019/93, as from 1994.

3. Aid shall be paid at the written request of the interested party and on presentation of an aid certificate on which the relevant entries have been duly made.

The Greek authorities shall lay down the time limits for the submission of certificate applications and may make provision for a special application form.

4. The application must be lodged no later than 12 months after the date of the entries, except in cases of *force majeure*. If it is lodged after expiry of this period but within the following six months the aid paid shall be 85 % of that applicable.

The aid shall be paid by the Greek authorities not later than two months after the date on which the application was lodged, except:

(a) in cases of *force majeure*;
or

(b) where an administrative enquiry into entitlement to the aid has been opened. In such cases, payment shall take place only when entitlement has been recognized.

5. The aid certificate shall be drawn up on the import licence form set out in the Annex to Regulation (EEC) No 3719/88.

Articles 8 (3) and (5), 9, 10, 13 to 16, 19, 20 and 21, 24 to 31 and 33 to 37 of Regulation (EEC) No 3719/88 shall apply, *mutatis mutandis*, subject to the provisions of this Regulation.

6. The entry 'Group A aid certificate' or 'Group B aid certificate' shall be printed or stamped in box 20 (special particulars) of the certificate.

Boxes 7 and 8 of the certificate shall be struck out.

7. The aid certificate shall be issued at the request of the parties concerned, subject to the quantity provided for in the forecast supply balance, by the authorities designated by Greece. The Greek authorities may fix a time limit for the issue of the certificate.

8. Issue of the aid certificate shall be conditional on the lodging of a security, the amount of which shall be equal to 20 % of the amount of aid applicable.

If the applications exceed the quantities available for the period in question, the quantities requested shall be reduced by applying a standard coefficient of reduction.

9. The aid certificate shall be presented to the authorities of the place of destination at the same time as the products to which it relates. The Greek authorities make the relevant entries on the aid certificate.

10. Proof of utilization of the aid certificate shall be furnished within 30 days following expiry of the period of validity of the certificate, except in cases of *force majeure*.

Article 2

The rate to be used for the conversion of the aid referred to in Article 1 (1) into national currency shall be the agricultural conversion rate applicable on the day the relevant quantities are charged against the aid certificate by the Greek authorities.

Article 3

1. In the event of transfer of the product or certificate to another party, the holder of the aid certificate shall include in the contract a clause guaranteeing that the benefits of the measure will be passed on to the end user.

Such a clause shall be included in any subsequent contracts relating to the product.

2. The Greek authorities shall take all appropriate steps to check that the benefits derived from the grant of the aid are passed on.

3. Where the benefits are not passed on, the Greek authorities:

— shall recover all or part of the benefit granted from the holder of the aid certificate,

— may, depending on the seriousness of the failure to fulfil the obligations, provisionally or definitively limit or suspend the right to apply for aid certificates.

4. For the purposes of the first indent of paragraph 3:

— the holder of the aid certificate shall be considered to have received the benefit granted,

— the benefit granted shall be equal to the amount of the aid.

Article 4

1. The Greek authorities shall adopt the measures necessary to prevent the redispach to other parts of the Community and the exportation to third countries of products, whether processed or unprocessed, which have benefited from the supply arrangements, and shall communicate these provisions to the Commission no later than 1 February 1994.

2. For the purpose of paragraph 1, redispach of products to destinations outside Group A islands or outside Group B islands shall constitute redispach to another part of the Community.

Article 5

The Greek authorities shall notify the Commission no later than the last day of each month of the following data relating to the previous month but one, by product :

- the quantities for which aid certificates were applied for,
- the number of cases of non-utilization of aid certificates and the quantities involved,

drawn up separately for each recipient island-group.

Article 6

Aid for the quantities of products given in the supply balance estimated for 1993 shall be increased, by way of compensation and reimbursement for the cost of supply, by an amount equal to 50 % of the flat-rate aid laid down ; the increase shall apply to consignments carried out until 31 December 1993 at the latest.

Article 7

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, 27 October 1993.

For the Commission

René STEICHEN

Member of the Commission

*ANNEX I***List of Islands and 'nomos' belonging to Group A :**

(Article 1)

- Thassos,
- Samothrace,
- Sporades,
- Kythira,
- Antikythira,
- Amoliani,
- islands of the nomos of Evia, not including the island of Evia,
- the following islands of the nomos of Kiklades :
 - Kea
 - Kythnos
 - Giaros
 - Andros
 - Tinos
 - Syros
 - Mykonos
 - Dilos
 - Rinia.

*ANNEX II***List of Islands and 'nomos' belonging to Group B :**

(Article 1)

- Nomos of Dodekanisa (Dodecanese),
- Khios,
- Lesvos (Lesbos),
- Samos,
- islands of the nomos of Kiklades not included in Group A.

COMMISSION REGULATION (EEC) No 2959/93

of 27 October 1993

amending Regulation (EEC) No 3769/92 implementing and amending Council Regulation (EEC) No 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3677/90 of 13 December 1990 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances⁽¹⁾, as amended by Commission Regulation (EEC) No 900/92⁽²⁾, and in particular Article 10 (3) thereof,

Having regard to Commission Regulation (EEC) No 3769/92⁽³⁾ implementing and amending Council Regulation (EEC) No 3677/90, hereinafter referred to as 'the basic Regulation',

Whereas certain substances used for the illicit manufacture of narcotic drugs and psychotropic substances listed in categories 2 and 3 are subject to targeted controls and are subject to an export authorization requirement when they are exported to countries classed as sensitive;

Whereas the lists of sensitive destinations for the substances in question are contained in Annexes II and III to Regulation (EEC) No 3769/92;

Whereas the identification of sensitive destinations has to take place on the basis that a country is concerned, either by the illicit manufacture of narcotic drugs and psychotropic substances or by other relevant factors such as geographical proximity to a country in which such drugs or substances are produced;

Whereas in identifying sensitive destinations, the Commission, acting in agreement with the Member

States' delegations, has preferred to establish contacts with each individual country concerned;

Whereas such approach was adopted in respect of a number of countries with a view to including them in the list of sensitive destinations and an initial list of countries was drawn up and annexed to Regulation (EEC) No 3769/92;

Whereas new concrete results having been reached through these contacts since the adoption of Regulation (EEC) No 3769/92, the list must be updated to include these new countries and, for reasons of transparency, the Annexes II and III to this Regulation need to be replaced;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II and III to Regulation (EEC) No 3769/92 are replaced by the Annex hereto.

Article 2

This Regulation enters into force on the 20th 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, 27 October 1993.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 357, 20. 12. 1990, p. 1.

⁽²⁾ OJ No L 96, 10. 4. 1992, p. 1.

⁽³⁾ OJ No L 383, 29. 12. 1992, p. 17.

ANNEX

ANNEX II

<i>Substance</i>	<i>Destination</i>
Acetic acid	Colombia
	Guatemala
	Hong Kong
	India
	Iran
	Lebanon
	Malaysia
	Myanmar (Burma)
	Singapore
	Syria
	Thailand
	Turkey

ANNEX III

<i>Substance</i>	<i>Destination</i>
Methylethyl ketone (MEK) Toluene Potassium permanganate Sulphuric acid (¹)	Argentina
	Bolivia
	Brazil
	Chile
	Colombia
	Costa Rica
	El Salvador
	Ecuador
	Guatemala
	Honduras
	Hong Kong
	Panama
	Paraguay
	Peru
	Syria
Acetone Ethyl ether Hydrochloric acid (¹)	Thailand
	Uruguay
	Argentina
	Bolivia
	Brazil
	Chile
	Colombia
	Costa Rica
	El Salvador
	Ecuador
	Guatemala
	Honduras
	Hong Kong
	Iran
	Libanon
	Myanmar (Burma)
	Panama
	Paraguay
	Peru
	Singapore
	Syria
	Thailand
	Turkey
	Uruguay

(¹) This includes the salts of these substances, except for sulphuric acid and hydrochloric acid, whenever the existence of such salts is possible.

COMMISSION REGULATION (EEC) No 2960/93

of 27 October 1993

**fixing for the 1993/94 marketing year the reference price for mandarins,
including tangerines and satsumas, wilkings and other similar citrus hybrids,
with the exception of clementines**

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 Article 27 (1) 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 9 (1) thereof,

Having regard to Commission Regulation (EEC) No 3824/92 of 28 December 1992 laying down the prices and amounts fixed in ecus to be amended as a result of the monetary realignments⁽⁴⁾, as amended by Regulation (EEC) No 1663/93⁽⁵⁾, and in particular Article 2 thereof,

Whereas Article 23 (1) of Regulation (EEC) No 1035/72 provides that reference prices for the whole Community are to be fixed each year before the beginning of the marketing year;

Whereas the importance of mandarin production in the Community is such that a reference price must be fixed for that product, such price to be operative also for tangerines, satsumas, wilkings and other similar citrus hybrids, with the exception of clementines;

Whereas the period during which mandarins harvested during a given crop year are marketed extends from October to 15 May of the following year; whereas the quantity put on the market during October and from 1 March to 15 May of the following year represents only a small percentage of that marketed over the whole marketing year; whereas the reference price should therefore be fixed only for the period running from 1 November to the last day of February of the following year;

Whereas Article 23 (2) (b) of Regulation (EEC) No 1035/72 stipulates that reference prices are to be fixed at the same level as for the preceding marketing year,

adjusted, after deducting the standard cost of transporting Community products between production areas and Community consumption centres in the preceding year, by:

- the increase in production costs for fruit and vegetables, less productivity growth, and
- the standard rate of transport costs in the current marketing year;

Whereas the resulting figure may nevertheless not exceed the arithmetic mean of producer prices in each Member State with regard to Article 23 (2) plus transport costs for the current year, after this amount has been increased by the rise in production costs less productivity growth; whereas the reference price may, however, not be lower than in the preceding marketing year;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest, during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics, being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

Whereas Article 1 of Commission Regulation (EEC) No 3820/92 of 28 December 1992 on transitional measures for the application of the agrimonetary arrangements laid down in Council Regulation (EEC) No 3813/92⁽⁶⁾ establishes a correspondence between the provisions of the agrimonetary arrangements applicable from 1 January 1993 and those applicable before that date;

Whereas Regulation (EEC) No 3824/92 establishes a list of prices and amounts for the fruit and vegetables sector which are to be divided by a coefficient of 1,010495 fixed by Regulation (EEC) No 537/93⁽⁷⁾, as amended by Regulation (EEC) No 1331/93⁽⁸⁾, as from the beginning of the 1993/94 marketing year; whereas Article 2 of Regulation

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 69, 20. 3. 1993, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 29.

⁽⁵⁾ OJ No L 158, 30. 6. 1993, p. 18.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 22.

⁽⁷⁾ OJ No L 57, 10. 3. 1993, p. 18.

⁽⁸⁾ OJ No L 132, 29. 5. 1993, p. 114.

(EEC) No 3824/92 lays down that the resulting reduction in the prices and amounts for each sector concerned shall be specified and the level of such reduced prices fixed; whereas, however, this adjustment may not result in a reference price level below that of the preceding marketing year, in accordance with Article 23 (2) of Regulation (EEC) No 1035/72;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1993/94 marketing year, the reference price for fresh mandarins including tangerines and satsumas,

wilkings and other similar citrus hybrids, with the exception of clementines (CN codes ex 0805 20 30, ex 0805 20 50, ex 0805 20 70 and ex 0805 20 90), expressed in ecus per 100 kilograms net of packed products quality class I, of all sizes, shall be:

from 1 November 1993 to 28 February 1994 : 27,64.

Article 2

This Regulation shall enter into force on 1 November 1993.

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

Done at Brussels, 27 October 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 2961/93

of 27 October 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 28 October 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, 27 October 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 27 October 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	35,03 ⁽¹⁾
1701 11 90 910	31,79 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	35,03 ⁽¹⁾
1701 12 90 910	31,79 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3808
	— ECU/100 kg —
1701 99 10 100	38,08
1701 99 10 910	36,89
1701 99 10 950	36,89
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3808

⁽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 2962/93

of 27 October 1993

fixing the maximum export refund for white sugar for the 22nd 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 22nd 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 22nd 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 39,453 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 28 October 1993.

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

Done at Brussels, 27 October 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 2963/93

of 27 October 1993

amending Regulation (EEC) No 2781/93 and increasing to 500 000 tonnes the amount of durum wheat held by the Italian intervention agency for which a standing invitation to tender for resale on the internal market has been opened

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

Having regard to Council Regulation (EEC) No 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 2131/93⁽³⁾ lays down the procedures and conditions governing the offer for sale of cereals held by intervention agencies;

Whereas Commission Regulation (EEC) No 2781/93⁽⁴⁾ opened a standing invitation to tender for the resale on the internal market of 200 000 tonnes of durum wheat held by the Italian intervention agency;

Whereas in the present situation on the market the quantity of durum wheat held by the Italian intervention agency put up for sale on the internal market of the Community should be increased to 500 000 tonnes;

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

In Article 1 of Regulation (EEC) No 2781/93 'of 200 000 tonnes' is replaced by 'of 500 000 tonnes'.

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, 27 October 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 252, 9. 10. 1993, p. 13.

COMMISSION REGULATION (EEC) No 2964/93**of 27 October 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 2703/93⁽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 26

October 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 2703/93 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 28 October 1993.

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

Done at Brussels, 27 October 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 245, 1. 10. 1993, p. 108.

ANNEX

to the Commission Regulation of 27 October 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Third countries (*)
0709 90 60	88,64 (*) (*)
0712 90 19	88,64 (*) (*)
1001 10 00	66,91 (*) (*)
1001 90 91	79,97
1001 90 99	79,97 (*)
1002 00 00	111,49 (*)
1003 00 10	119,26
1003 00 20	119,26
1003 00 80	119,26 (*)
1004 00 00	89,64
1005 10 90	88,64 (*) (*)
1005 90 00	88,64 (*) (*)
1007 00 90	99,31 (*)
1008 10 00	24,15 (*)
1008 20 00	24,11 (*)
1008 30 00	22,65 (*)
1008 90 10	(*)
1008 90 90	22,65
1101 00 00	150,31 (*)
1102 10 00	193,60
1103 11 30	136,06
1103 11 50	136,06
1103 11 90	173,14
1107 10 11	153,23
1107 10 19	117,24
1107 10 91	223,16 (*)
1107 10 99	169,50 (*)
1107 20 00	195,73 (*)

(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.

(10) In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.

COMMISSION REGULATION (EEC) No 2965/93**of 27 October 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 26 October 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 28 October 1993.

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

Done at Brussels, 27 October 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 27 October 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 10	1st period 11	2nd period 12	3rd period 1
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	14,43
1001 90 99	0	0	0	14,43
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	20,20
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

(ECU/tonne)

CN code	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2
1107 10 11	0	0	0	25,69	25,69
1107 10 19	0	0	0	19,19	19,19
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 20 October 1993

concerning the conclusion of the cooperation agreement for the protection of the coasts and waters of the north-east Atlantic against pollution

(93/550/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the first two action programmes of the European Communities on the environment ⁽⁴⁾ emphasize the importance for the Community of dealing with pollution of the seas in general and make provision *inter alia* for Community measures to deal with pollution caused by transport and shipping; whereas they specify that the task of protecting sea water constitutes a matter of priority with a view to maintaining vital ecological balances;

Whereas the third action programme of the European Communities on the environment ⁽⁵⁾ emphasizes that, in the event of an accident, the authorities in the Member States concerned must be able to intervene quickly, in a coordinated manner and with sufficient means;

Whereas the fourth environmental action programme of the European Communities ⁽⁶⁾ confirms that the control of pollution from oil spills remains a valid priority and, indeed, that the priority attributed to marine pollution is increasing; whereas it recognizes that considerable atten-

tion must be paid to other dangerous substances transported by sea, as well as to oil;

Whereas the fifth environmental action programme of the European Communities ⁽⁷⁾, on the one hand, refers to the need to improve the general state of preparation and capacity for intervention in the event of natural and technological disasters and, on the other, stresses the need to improve the means of intervention in view of the increased risks inherent in particular in dangerous transport operations, which in concrete terms involves improving and further upgrading mutual assistance procedures;

Whereas the Commission has participated, on behalf of the Community, in the negotiations to prepare an international cooperation agreement for the protection of the coasts and waters of the north-east Atlantic against pollution;

Whereas, as a result of those negotiations, the Cooperation Agreement for the protection of the coasts and waters of the north-east Atlantic against pollution was adopted on 17 October 1990 in Lisbon, and signed on behalf of the Community;

Whereas that Agreement fills a gap, as far as the north-east Atlantic is concerned, in international action relating to accidental marine pollution, the Baltic Sea, the North Sea and the Mediterranean Sea being already covered by multilateral agreements for cooperation in case of accidental marine pollution;

⁽¹⁾ OJ No C 56, 26. 2. 1993, p. 13.

⁽²⁾ OJ No C 176, 28. 6. 1993, p. 211.

⁽³⁾ OJ No C 201, 26. 7. 1993, p. 48.

⁽⁴⁾ OJ No C 112, 20. 12. 1973, p. 1 and

OJ No C 139, 13. 6. 1977, p. 1.

⁽⁵⁾ OJ No C 46, 17. 2. 1983, p. 9.

⁽⁶⁾ OJ No C 328, 7. 12. 1987, p. 23.

⁽⁷⁾ OJ No C 138, 17. 5. 1993, p. 33.

Whereas it is desirable for the Community to approve that Agreement in order to play its part in achieving its objectives alongside Member States, especially in consideration of Council Decision 86/85/EEC of 6 March 1986 establishing a Community information system for the control and reduction of pollution caused by the spillage of hydrocarbons and other harmful substances at sea or in major inland waters (¹),

HAS DECIDED AS FOLLOWS:

Article 1

The Cooperation Agreement for the protection of the coasts and waters of the north-east Atlantic against pollution, as adopted in Lisbon on 17 October 1990, is hereby

approved on behalf of the European Economic Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the European Economic Community, deposit the instrument of approval with the Government of Portugal as provided for in Article 24 (2) of the Agreement.

Done at Luxembourg, 20 October 1993.

For the Council

The President

A. BOURGEOIS

(¹) OJ No L 77, 22. 3. 1986, p. 33. Decision as amended by Decision 88/346/EEC (OJ No L 158, 25. 6. 1988, p. 32).

COOPERATION AGREEMENT

for the protection of the coasts and waters of the north-east Atlantic against pollution

THE GOVERNMENT OF THE KINGDOM OF SPAIN,

THE GOVERNMENT OF THE FRENCH REPUBLIC,

THE GOVERNMENT OF THE KINGDOM OF MOROCCO,

THE GOVERNMENT OF THE PORTUGUESE REPUBLIC,

THE EUROPEAN ECONOMIC COMMUNITY,

meeting in the Conference for the protection of the coasts and waters of the north-east Atlantic against pollution due to hydrocarbons and other harmful substances, held in Lisbon on 17 October 1990,
AWARE of the need to protect the human environment in general and the marine environment in particular;

RECOGNIZING that pollution of the north-east Atlantic Ocean by hydrocarbons and other harmful substances may threaten the marine environment in general and the interests of coastal States in particular;

NOTING that such pollution has many origins, but RECOGNIZING that special measures are necessary in the event of accidents and other pollution incidents caused by ships and fixed and floating platforms;

CONCERNED to act promptly and effectively in the event of a pollution incident at sea which would endanger the coasts or the related interests of a coastal State, with a view to reducing the damage caused by such an incident;

STRESSING the importance of genuine preparation at national level to combat pollution incidents at sea;

RECOGNIZING MOREOVER that it is important that reciprocal assistance and international cooperation be instituted amongst States in order to protect their coasts and their related interests;

EMPHASIZING also the importance of measures taken individually and jointly in order to minimize the risks of pollution incidents at sea;

MINDFUL of the success of current regional agreements, and in particular of the action plan of the European Communities, the aim of which is to provide aid in the event of major marine pollution by hydrocarbons or other dangerous substances,

have designated their Plenipotentiaries, who, having exchanged their full powers, found in good and due form, HAVE AGREED AS FOLLOWS:

Article 1

The Contracting Parties to this Agreement (hereinafter referred to as 'the Parties') undertake, individually or jointly as the case may be, to take all appropriate measures under this Agreement in order to be prepared to deal with an incident of pollution at sea such as pollution caused by hydrocarbons or other harmful substances.

'hydrocarbons' means oil in all its forms in particular crude oil, fuel oil, muds, hydrocarbon residues and other refined products;

'other harmful substances' means all substances other than hydrocarbons, including hazardous waste, the release of which into the marine environment may be harmful to human health, ecosystems or living resources, coasts or the related interests of the Parties.

Article 2

For the purposes of this Agreement:

'pollution incident' means an event or series of events having the same origin and resulting in a discharge or a danger of a discharge of hydrocarbons or other harmful substances which has occasioned or may occasion damage to the marine environment, the coast or the related interests of one or more of the Parties, and requiring emergency action or an immediate reaction of some other kind;

Article 3

The geographical scope of this Agreement shall be the north-east Atlantic region bounded by the outer limit of the exclusive economic zones of each of the contracting States and:

- (a) to the north by a line drawn from east to west as follows : starting from the southernmost point of the island of Quessant (Ushant) and following the parallel 48° 27' N as far as its intersection with the south-west limit of the Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances (Bonn Agreement); thence following the south-west limit of the said Bonn Agreement as far as its intersection with the line marking the limit of the continental shelf between France and the United Kingdom of Great Britain and Northern Ireland defined by the arbitration decision of 30 June 1977; thence following the said line as far as its western extremity situated at point N with the coordinates 48° 06' 00" N and 9° 36' 30" W;
- (b) to the east by the western limit of the Convention for the protection of the Mediterranean Sea against pollution (Barcelona Convention) of 16 February 1976;
- (c) to the south by the southern limit of the waters covered by the sovereignty or jurisdiction of the Kingdom of Morocco.

Article 4

1. 'Each of the States' Parties to this Agreement shall set up within its territory, if necessary in collaboration with the industries concerned, including the shipping industry, and other bodies, and shall maintain in operational condition a minimum amount of equipment at predetermined points in order to be able to deal with discharges of hydrocarbons or other harmful substances.
2. Each of the Parties shall set up a national system to prevent and combat incidents of pollution at sea. This system shall encompass :
 - (a) a description of the administrative organization and of the responsibility of each of its components for the preparation and implementation of measures to prevent and combat pollution, and in particular of the national authority responsible for dealing with questions of mutual assistance with the other Parties;
 - (b) the particulars of a national operational contact point to be responsible for receiving and issuing reports on pollution incidents at sea, as mentioned in Article 8 (3) of this Agreement;
 - (c) a national plan of action to prevent or to deal with such pollution incidents. The said plan of action shall comprise, *inter alia*:
 - (i) identifying likely sources of discharge of hydrocarbons or other harmful substances;
 - (ii) identifying endangered sensitive areas and vulnerable resources in danger, and priorities for their protection;

- (iii) itemizing the equipment and human resources available;
- (iv) specifying the means for storing and disposing of the hydrocarbons or other harmful substances recovered.

3. Furthermore, each of the Parties shall, individually or within the framework of bilateral or multilateral cooperation, set up staff training programmes to improve the state of readiness of the bodies responsible for dealing with pollution.

Article 5

1. The Parties shall jointly draw up and determine guidelines covering the practical, operational and technical aspects of joint action.
2. To facilitate active cooperation, each of the Parties shall undertake to provide the other Parties with the information referred to in Article 4 (2) (a) and (b), and information on :
 - (a) its national resources (equipment and staff) intended for preventing and dealing with such pollution, of which, at the time of a pollution incident, some could be made available within the framework of international assistance under conditions to be determined between the Parties concerned;
 - (b) new methods to avoid such pollution and effective new techniques for dealing with it;
 - (c) the main pollution incidents on which it has had to take action.

Article 6

The cooperation provided for in the preceding Articles shall also apply in the event of loss at sea of harmful substances placed in packages, freight containers, portable containers or in lorry, trailer or rail tankers.

Article 7

1. Each of the Parties shall require its officials with powers in this context, and captains and others responsible for vessels flying its flag or for marine platforms operated in areas falling within its jurisdiction, to report forthwith the occurrence of any incident on their vessels or platforms involving the discharge or danger of discharge of hydrocarbons or other harmful substances. In the case of vessels, these reports shall comply with the provisions drawn up by the Intergovernmental Maritime Consultative Organization.

2. Each of the Parties shall issue instructions to the vessels and aircraft of its maritime inspectorate and other departments that they are to report, without delay, any incident of pollution due to hydrocarbons or other harmful substances which they have observed.

3. Each of the Parties shall request the captains of all vessels flying its flag and the pilots of all aircraft registered in its territory to report without delay the presence, nature and extent of the hydrocarbons or other harmful substances observed which may constitute a danger for the coast or related interests of one or more of the Parties.

Article 8

1. For the sole purposes of this Agreement, the north-east Atlantic region shall be divided into areas as defined in Annex 1 to this Agreement.

2. A Party in whose area a pollution incident occurs shall conduct the requisite evaluations as to its nature, magnitude and possible consequences.

3. Where the magnitude of the pollution incident so warrants, the Party concerned shall immediately inform all other Parties through their operational contact points of any action taken to combat the hydrocarbons or other harmful substances. It shall keep these substances under observation for as long as they are present in its area and shall keep the other Parties informed of developments concerning the pollution incident and of the measures taken or planned.

4. When oil slicks or floating substances drift into an adjacent area, the responsibility for the evaluation and for the notification of the other Parties, as stipulated above, shall be transferred to the Party in whose area the hydrocarbons or substances are now located, unless otherwise agreed by the Parties concerned.

Article 9

1. The Parties may designate areas of joint interest.

2. If pollution occurs in an area of joint interest, the Party in whose area of responsibility the incident occurs shall not merely inform the neighbouring Party immediately as required by Article 8 (3) but shall also invite that Party to take part in the evaluation of the nature of the incident and to decide whether the incident must be regarded as being of sufficient gravity and magnitude to warrant joint action by both Parties in combating it.

3. Subject to the provisions of paragraph 4 of this Article, the responsibility for initiating such joint action shall lie with the Party in whose area of responsibility the

incident occurs. This Party shall designate an authority and instruct it to coordinate action; the said authority shall then assume responsibility for action, request any aid which may be needed and coordinate all available resources. The neighbouring Party shall provide such appropriate support as its resources permit and shall likewise appoint an authority for the liaison of action.

4. The neighbouring Party may assume responsibility for coordinating action subject to an agreement with the Party in whose area of responsibility the incident occurs where:

- (a) the neighbouring Party is directly threatened by the incident; or
- (b) the vessel or vessels in question flies or fly the flag of the neighbouring Party; or
- (c) the greater part of the resources likely to be used in the operation to combat pollution belong to the neighbouring Party.

If this paragraph is invoked, the Party in whose area of responsibility of incident occurs shall give the Party assuming responsibility for the coordination of action all requisite assistance.

Article 10

A Party requiring assistance to deal with pollution or a threat of pollution at sea or off its coast may request help from the other Parties. The Party requesting assistance shall specify the type of assistance which it requires, if need be by seeking the opinion of other Parties. Parties from whom help is requested under this Article shall make every endeavour to provide such help in so far as their resources permit, taking into consideration, particularly in the event of pollution by harmful substances other than hydrocarbons, the technical resources at their disposal.

Article 11

1. No provision in this Agreement shall prejudice in any manner whatsoever the sovereignty of States over their territorial waters, or the jurisdiction and sovereign rights which they exercise in their exclusive economic zones and over the continental shelf pursuant to international law, or the exercise by vessels and aircraft of all States of the rights and freedom of navigation as governed by international law and in accordance with the relevant international instruments.

2. Under no circumstances may the division into areas referred to in Articles 8 and 9 of this Agreement be invoked as a precedent or as an argument in respect of sovereignty or jurisdiction.

Article 12

Each of the Parties shall develop means for monitoring shipping by setting up departments dealing with shipping movements. The Parties shall, to that end, consult each other regularly and shall participate actively in the studies needed for such development within the competent international bodies, including studies into linking up national departments dealing with shipping movements.

Article 13

1. In the absence of any bilateral or multilateral agreement which may be concluded on the financial provisions governing action taken by the Parties to combat pollution at sea, the Parties shall bear the costs of their respective action to combat such pollution in accordance with the principles stated below :

- (a) if action is taken by one Party at the express request of another, the Party which had requested the help shall refund to the other Party the expenses entailed by its action ;
- (b) if action is taken solely upon the initiative of one Party, that Party shall bear the costs entailed by its action ;
- (c) if action is taken in an area of joint interest by the Parties concerned by that area, as defined in Article 9, each Party shall bear the costs entailed by its own action.

2. The Party which requested assistance shall be free to terminate its request at any time but shall, in that case, bear the expenses already disbursed or incurred by the assisting Contracting Party.

3. Unless otherwise agreed, expenses entailed by action undertaken by one Party at the express request of another shall be calculated by a responsible person or body, where appropriate on the basis of an expert report, in accordance with the legislation and current practice of the assisting country for the reimbursement of such expenditure.

Article 14

1. Article 13 of this Agreement may not in any circumstances be interpreted as prejudicing the rights of the Parties to recover from third parties the costs involved in actions undertaken to deal with pollution or a threat of pollution pursuant to other provisions and rules applicable under national and international law.

2. The Parties may cooperate and provide mutual assistance in recovering the costs involved in their actions.

Article 15

1. Meetings of the Parties to this Agreement shall be held at regular intervals or at any time when, owing to

special circumstances, it shall be decided to do so pursuant to the rules of procedure.

2. In the course of their first meetings, the Parties shall draw up rules of procedure and financial regulations, which shall be adopted by a unanimous vote.

3. The depositary government shall convene the first meeting of the Parties as soon as possible following entry into force of this Agreement.

Article 16

In the areas falling within its jurisdiction, the European Economic Community shall exercise its voting right with a number of votes equal to the number of its Member States which are Parties to this Agreement. The European Economic Community shall not exercise its voting right in cases where Member States exercise theirs and *vice versa*.

Article 17

Meetings of the Parties shall be responsible for :

- (a) general monitoring of implementation of this Agreement ;
- (b) regular examination of the effectiveness of measures taken pursuant to this Agreement ;
- (c) endeavouring as soon as possible to identify and define those areas which, owing to their environmental characteristics, must be regarded as particularly sensitive ;
- (d) carrying out any other functions which may be necessary in accordance with the provisions of this Agreement.

Article 18

1. An International Centre shall be set up with the aim of assisting those States which are Parties to react swiftly and effectively to pollution incidents.

2. This Centre, having its seat in the depositary State, shall cooperate with existing bodies in the other Parties in order to ensure the desired swiftness and effectiveness throughout the region covered by this Agreement and, where necessary, outside that region.

3. The meeting of the Parties shall define the functions of the Centre on the basis of the guidelines given in Annex 2.

Article 19

1. The International Centre shall prepare suitable proposals for the Parties with the aim of improving the mobility and complementary nature of the material facilities of the various Parties.

2. Recommendations shall be aimed in particular at operations to renew or increase national stocks.

Article 20

1. Without prejudice to the provisions of Annex 1.3 of this Agreement, any proposal from one of the Parties with a view to amendment of this Agreement or its Annexes shall be studied at a meeting of the Parties. Following adoption of the proposal by a unanimous vote, the Parties shall be notified of the amendment by the depositary government.

2. Such an amendment shall enter into force on the first day of the second month following the date on which the depositary government receives notification of its approval by all Contracting Parties.

Article 21

1. Each Contracting Party shall contribute 2,5 % of the expenditure involved in the secretariat function for this Agreement as referred to in Annex 2.7. Two-thirds of the balance of this expenditure shall be covered by the depositary government, and the remaining third by the other States as follows:

- the Kingdom of Spain : 40 %,
- the French Republic : 40 %,
- the Kingdom of Morocco : 20 %.

2. The other functions of the Centre which are referred to in Annex 2 shall be covered as far as possible by voluntary contributions from the Parties, the amount of which shall be indicated at the meeting of the Contracting Parties.

Article 22

1. The signatory States and the European Economic Community become Parties to this Agreement either by signature without reservation as to ratification, acceptance or approval followed by ratification, acceptance or approval.

2. The instruments of ratification, acceptance or approval shall be deposited with the Government of Portugal.

3. This Agreement shall enter into force on the first day of the second month following the date on which all the States referred to in this Article and the European Economic Community sign without reservation as to ratification, acceptance or approval or deposit an instrument of ratification, acceptance or approval.

Article 23

1. The Parties may unanimously invite any other State having a north-east Atlantic coast to accede to this Agreement.

2. If they do so, Articles 3 and 21 of this Agreement and Annex 1 hereto shall be amended accordingly. Any amendments shall be adopted by a unanimous vote at a meeting of the Contracting Parties and shall take effect at the time of entry into force of this Agreement for the acceding State.

Article 24

1. For each State acceding to this Agreement, the latter shall enter into force on the first day of the second month following the date on which the State concerned deposits its instrument of accession.

2. Instruments of accession shall be deposited with the Government of Portugal.

Article 25

1. After five years this Agreement may be denounced by any Party.

2. Denunciation shall be effected by a notification in writing addressed to the depositary government, which shall notify all the other Parties of any denunciation received and of the date of its receipt.

3. A denunciation shall take effect one year after its receipt by the depositary government.

Article 26

The depositary government shall inform those States which have signed this Agreement or acceded thereto, and the European Economic Community, of:

- (a) any signing of this Agreement;
- (b) the depositing of instruments of ratification, acceptance, approval or accession and the receipt of notice of denunciation;
- (c) the date of entry into force of this Agreement;
- (d) the receipt of notifications of approval concerning amendments made to this Agreement or its Annexes and the date of entry into force of those amendments.

Article 27

The original of this Agreement, drawn up in the Arabic, Spanish, French and Portuguese languages, the French text being authentic in case of divergence, shall be deposited with the Government of Portugal, which shall communicate certified copies to the Contracting Parties and which shall transmit a certified copy to the Secretary-General of the United Nations Organization for registration and publication, in application of Article 102 of the Charter of the United Nations.

In witness whereof, the undersigned Plenipotentiaries have hereunto set their hands and affixed their seals.

Done at Lisbon, 17 October 1990.

FOR THE GOVERNMENT OF THE FRENCH REPUBLIC

Minister for the Sea (Ministry of Infrastructure, Housing, Transport and the Sea),

Jacques Mellick.

FOR THE GOVERNMENT OF THE KINGDOM OF SPAIN,

Minister for Public Works and Town Planning,

Javier Sáenz Cosculluela.

FOR THE GOVERNMENT OF THE KINGDOM OF MOROCCO,

Minister for the Interior and for Information,

Driss Basri.

FOR THE GOVERNMENT OF THE PORTUGUESE REPUBLIC,

Minister for the Environment and Natural Resources,

Fernando Real.

FOR THE EUROPEAN ECONOMIC COMMUNITY,

Member of the Commission of the European Communities with special responsibility for environmental protection,

Carlo Ripa di Meana.

ANNEX 1

1. Subject to bilateral agreements concluded between the contracting States, the areas provided for in Article 8 (1) of this Agreement shall correspond to the exclusive economic zones of each of the contracting States.
2. Any bilateral agreements which may be concluded in accordance with the previous paragraph shall be communicated to the depositary government, which shall transmit them to the Contracting Parties. They shall enter into force for all Contracting Parties on the first day of the sixth month following such transmission, unless, within a period of three months following that transmission, one of the Contracting Parties raises an objection or asks for consultations on the matter.
3. Two or more States which are Parties may alter the common limits of their zones as defined in this Annex. Any such alteration shall enter into force for all Parties on the first day of the sixth month following the date of its communication by the depositary government, unless, within a period of three months following that communication, one of the Parties raises an objection or asks for consultations on the matter.

*ANNEX 2***Guidelines for defining the functions of the International Action Centre**

1. Establishing close working relationships with other national and international centres in the region covered by the Agreement and, where necessary, outside that region.
 2. On the basis of the above principle and using all existing powers in the region, coordinating national and regional action with regard to training, technical cooperation and expertise in cases of emergency.
 3. Collecting and disseminating information on pollution incidents (inventories, expert opinions, reports on incidents, technical progress for improving action plans, etc.).
 4. Preparing systems for transmitting information, in particular to be exchanged in cases of emergency.
 5. Place for exchanges of information on techniques for monitoring marine pollution.
 6. Role of the Centre in cases of emergency.
 7. Secretariat for this Agreement.
 8. Management of that part of the Portuguese stock which may be made available to other Parties in other States outside the region. Also, where appropriate, coordination of the management of other similar national stocks (in particular, this function could be envisaged in the case of additional stocks for which there has been a Community or international financial contribution).
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COMMISSION

COMMISSION OPINION

of 5 October 1993

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

(Equivalence of British and Belgian pilot licences)

(Only the French and Dutch texts are authentic)

(93/551/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the request of the Belgian Government,

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

Whereas :

- (1) By letter No 911.91.42.40.477., registered by the Commission on 6 July 1993, the Belgian authorities requested the Commission, pursuant to Article 4 (2) of Directive 91/670/EEC, to give its opinion on the equivalence of pilot licences granted by the Civil Aviation Authorities of Belgium and the United Kingdom.

Pursuant to Article 4 (2) (b) of the Directive the Commission is obliged to give its opinion within two months of receipt of the request. On account of the summer holiday period the Commission sought, by letter of 26 August 1993 to the Belgian authorities, an extension of the consultation procedure till 30 September 1993.

- (2) Directive 91/670/EEC requires a Member State to accept, without undue delay or additional tests, any licence issued by another Member State together with privileges and certificates pertaining thereto

(Article 3 (1)). Licences issued by another Member State of the Community can be accepted on the basis either of equivalence (Article 4 (1) to (4)) or of experience (Article 4 (5)). Article 4 (1) provides that the requirement of acceptance shall apply where a licence issued by another Member State is based on requirements which are equivalent to those of the host Member State. Pursuant to Article 4 (2) (a) of the Directive any Member State may ask the Commission for an opinion on the equivalence of a licence, presented to it for acceptance, within three weeks of receiving the request.

- (3) As regards pilots, the fundamental principles of free movement of persons and freedom of establishment and to provide services, enshrined in Articles 48, 52 and 59 of the Treaty, have been given effect by Article 3 (1) of the Directive⁽²⁾. That Article provides for mutual acceptance of pilot licences.

Nevertheless, Article 4 of the Directive makes the mutual acceptance of those licences subject to a possible procedure for the verification of equivalence between the requirements of the host Member State and the issuing Member State when reasonable doubts as to the equivalence of the licences concerned remain. Article 4 thereby aims at ensuring the safety of air transport services, to which explicit reference is made in the sixth recital of the Directive. However, use of that procedure

⁽¹⁾ OJ No L 373, 31. 12. 1991, p. 21.

⁽²⁾ See also the Judgments of the Court of Justice in Case 222/86 (Heylens v. Union Nationale [1987] ECR 4097, Case C-340/89 Vlassopoulou v. Ministerium für Justiz [1991] ECR I-2357, and Case C-19/92 Kraus v. Land Baden-Württemberg, Judgment of 31 March 1993 (not yet published)).

must not go beyond what is strictly necessary for achieving the overall objective of safety of air operations and must, therefore, not prejudice the effective exercise of the abovementioned fundamental freedoms of the Treaty.

- (4) The Commission has examined the respective Belgian and British requirements for the issue of an air transport pilot licence (ATPL) and evaluated them in accordance with three essential criteria:

- general minimal requirements,
- skill requirements,
- theoretical knowledge requirements.

(a) An examination of the respective general minimal requirements of the Belgian and British authorities for the issue of an ATPL shows that there is equivalence.

(b) As regards pilot skill, comparison of the Member States' requirements is based on an analysis of the requirements laid down in the rules and regulations and the check forms used during tests. The minimum characteristics of aircraft on which the practical tests leading to the ATPL have to be taken is an essential component of that licence.

Belgium uses an aircraft over 20 tonnes whilst the United Kingdom uses a multi-engined light aircraft. In practice, an ATPL is issued when the experience criteria are met, but there is no separate ATPL skill test, since this is incorporated in the type-rating test.

Consequently, a UK licence holder would require a type-rating on FAR 25/JAR 25 aircraft.

- (c) The comparison between the United Kingdom and Belgium on theoretical knowledge require-

ments demonstrates that the same overall level regarding breadth of knowledge required, is applied. Additional tests to evaluate their equivalence do not therefore appear appropriate.

- (5) On the basis of the available information, having regard to the principles set out above and given that all Member States satisfy the internationally accepted standards of the International Civil Aviation Organization (ICAO) regarding air safety,

HAS ADOPTED THIS OPINION:

Article 1

The airline transport pilot licences issued in the United Kingdom may be regarded as equivalent overall to a comparable licence issued by Belgium, subject to the holder's also having a type-rating as pilot-in-command on JAR Category 25 aircraft (multi-engined aircraft of over 5 700 kg).

Article 2

This opinion is addressed to the Kingdom of Belgium.

Done at Brussels, 5 October 1993.

For the Commission

Abel MATUTES

Member of the Commission