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Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EC) No 3329/93 of 29 November 1993 concerning the conclusion of an Agreement on fisheries between the European Economic Community and the Government of the Commonwealth of Dominica ...** 1
- Agreement on fisheries between the European Economic Community and the Government of the Commonwealth of Dominica** 2
- Protocol between the European Economic Community and the Government of the Commonwealth of Dominica on conditions relating to reciprocal access for fishing vessels of both Parties** 7
- Commission Regulation (EC) No 3330/93 of 3 December 1993 fixing the import levies on rice and broken rice** 8
- Commission Regulation (EC) No 3331/93 of 3 December 1993 fixing the premiums to be added to the import levies on rice and broken rice** 10
- ★ **Commission Regulation (EC) No 3332/93 of 1 December 1993 concerning the stopping of fishing for sprat by vessels flying the flag of Denmark** 12
- ★ **Commission Regulation (EC) No 3333/93 of 1 December 1993 concerning the stopping of fishing for anchovy by vessels flying the flag of France** 13
- ★ **Commission Regulation (EC) No 3334/93 of 1 December 1993 concerning the stopping of fishing for saithe by vessels flying the flag of France ...** 14
- ★ **Commission Regulation (EC) No 3335/93 of 3 December 1993 on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export to certain destinations, repealing Regulation (EEC) No 1500/93** 15
- ★ **Commission Regulation (EC) No 3336/93 of 3 December 1993 amending Regulation (EC) No 3088/93 adopting exceptional support measures for the market in pigmeat in Germany** 20

* Commission Regulation (EC) No 3337/93 of 3 December 1993 adopting exceptional support measures for the market in pigmeat in Belgium	23
* Commission Regulation (EC) No 3338/93 of 3 December 1993 laying down detailed rules for the application of Council Regulations (EC) No 3119/93 and (EEC) No 1035/77 as regards measures to encourage the processing of certain citrus fruits and the marketing of products processed from lemons	26
* Commission Regulation (EC) No 3339/93 of 3 December 1993 amending Regulation (EEC) No 3616/92 adopting conversion measures for tobacco of the varieties Mavra, Tsebelia, Forchheimer Havanna II c and hybrids of Geudertheimer	34
Commission Regulation (EC) No 3340/93 of 3 December 1993 introducing a countervailing charge on fresh clementines originating in Morocco	35
Commission Regulation (EC) No 3341/93 of 3 December 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal	37
Commission Regulation (EC) No 3342/93 of 3 December 1993 fixing the premiums to be added to the import levies on cereals, flour and malt	39
Commission Regulation (EC) No 3343/93 of 3 December 1993 altering the export refunds on cereals and on wheat or rye flour, groats and meal	41
* Council Regulation (EC) No 3344/93 of 2 December 1993 extending the provisional anti-dumping duty on imports of ethanolamines originating in the United States of America	43
* Commission Directive 93/107/EC of 26 November 1993 amending Council Directive 70/524/EEC concerning additives in feedingstuffs	44

II *Acts whose publication is not obligatory*

European Parliament

93/624/ECSC :

* Decision of the European Parliament of 27 October 1993 giving discharge to the Commission in respect of the management of the European Coal and Steel Community for the 1991 financial year	47
Resolution on the report of the Court of Auditors on the accounts of the European Coal and Steel Community at 31 December 1991, and on the report (annexed to the annual ECSC report for the 1991 financial year) of the Court of Auditors on the management of the accounts and the financial management of the ECSC	53

Corrigenda

* Corrigendum to Commission Regulation (EEC) No 3022/93 of 29 October 1993 amending Regulation (EEC) No 3478/92 laying down detailed rules for the application of the premium system for raw tobacco (OJ No L 270 of 30.10.1993)	55
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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 3329/93

of 29 November 1993

concerning the conclusion of an Agreement on fisheries between the European Economic Community and the Government of the Commonwealth of Dominica

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas the Community and Dominica have negotiated and initialled an Agreement on fisheries which guarantees, on a reciprocal basis, fishing possibilities for the Community's fishermen in the waters over which the Commonwealth of Dominica exercises sovereignty or jurisdiction, as well as for fishermen from Dominica in the Community fishery zone off the coast of the French Departments of Guadeloupe and Martinique;

Whereas it is in the Community's interest to approve this Agreement,

Article 1

The Agreement on fisheries between the European Economic Community and the Government of the Commonwealth of Dominica is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation.

Article 2

The President of the Council is hereby authorized to give the notification provided for in Article 14 of the Agreement and to designate the person empowered to sign the Agreement in order to bind the Community.

Article 3

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 November 1993.

For the Council

The President

G. COËME

⁽¹⁾ Opinion delivered on 17 November 1993 (not yet published in the Official Journal).

AGREEMENT

on fisheries between the European Economic Community and the Government of the Commonwealth of Dominica

THE EUROPEAN ECONOMIC COMMUNITY,

hereinafter referred to as 'the Community', and

THE GOVERNMENT OF THE COMMONWEALTH OF DOMINICA,

hereinafter referred to as 'Dominica',

RECALLING the close relations between the Community and Dominica;

IN THE SPIRIT of cooperation resulting from the Lomé Convention, symbolizing the Parties' common desire to intensify friendly relations between the African, Caribbean and Pacific States and the Community;

CONSIDERING their mutual interest in the rational management, conservation and optimum utilization of fish stocks, notably in the Caribbean region;

TAKING INTO ACCOUNT the signature by both Parties of the United Nations Convention on the Law of the Sea;

AFFIRMING that the exercise by coastal States of their sovereign rights in the waters within their jurisdiction for the purpose of exploring, exploiting, conserving and managing the living resources thereof must be in accordance with the principles of international law;

HAVING REGARD to the fact that Dominica has established an exclusive economic zone extending up to 200 nautical miles from its coast within which it exercises sovereign rights for the purpose of exploring, exploiting, conserving and managing the resources thereof and that the area of fisheries jurisdiction of the Community off the coast of the French Departments of Guadeloupe and Martinique extends up to 200 nautical miles; that fishing within this area is subject to the common fisheries policy of the Community;

TAKING INTO ACCOUNT the fact that a part of the fishery resources of the Caribbean region consists of common stocks or highly interrelated stocks exploited by fishermen of both Parties, and that an effective conservation and rational management of these stocks can therefore only be achieved at this time through cooperation between the two Parties without prejudicing at a later stage other forms of cooperation;

DETERMINED TO CONDUCT their fisheries relations in a spirit of mutual trust and respect for each other's interests;

DESIROUS of establishing the terms and conditions governing fishing activities of mutual interest to the Parties,

HAVE AGREED AS FOLLOWS:

Article 1

The purpose of this Agreement is to establish the principles and rules which will govern in future, in all respects, the reciprocal fishing activities:

— of vessels flying the flag of Member States of the Community which are registered in the French Departments of Guadeloupe and Martinique and which undertake their main activity from the ports in the said area, hereinafter referred to as 'Community vessels', in the waters under the jurisdiction or sovereignty of Dominica, hereinafter referred to as 'the fishing zone of Dominica',

— of vessels registered in Dominica in the Community fishery zone off the coast of the French Departments of Guadeloupe and Martinique, hereinafter referred to as 'the fishing zone of the Community'.

Article 2

With the aim to maintain traditional fishing possibilities, each Party shall grant access to fishing vessels of the other Party to fish within its fishing zone in accordance with the provisions of Article 1 and those set out below.

Article 3

1. The Parties shall cooperate to ensure the conservation and rational management of the fishery resources of the sea and to facilitate the necessary scientific research in particular with regard to:

- (a) stocks occurring within the fishing zones of both Parties;
- (b) stocks occurring within the fishing zones of both Parties and in adjacent areas.

2. The Parties shall, in particular, consult periodically between themselves with respect to the stocks referred to in paragraph 1 with a view to agreeing on measures for the regulation of the fisheries.

3. In the case of stocks occurring within the fishing zones of both Parties and in adjacent areas, the Parties shall seek either directly or through appropriate regional bodies to reach agreement with third parties on measures for the conservation and rational utilization of these stocks.

4. In determining the measures for the conservation and rational utilization of the stocks referred to in paragraph 1, the Parties shall take into account the best scientific advice available to them, the interdependence of stocks, the work of appropriate international organizations such as the Western Central Atlantic Fishery Commission and other relevant factors.

Article 4

1. The Parties shall consult periodically on the number and size of fishing vessels of either Party to be granted access to the fishing zone of the other Party, with a view to obtaining a mutually satisfactory balance in their relations in the fisheries field. The number of vessels of each Party authorized to fish in the fishing zone of the other is laid down in the annexed Protocol.

2. The competent authority of each Party shall, as appropriate, communicate in due time to the other Party, a document containing all details, as set out in Annexes I and II, of each fishing vessel intending to fish within the fishing zone of the other Party. The other Party shall thereupon issue the licences within the agreed limits and, where applicable, after receipt of the licence fees. Annexes I and II may be subject to review by the Joint Committee.

Article 5

With a view to obtaining for the Community a satisfactory level of fishing possibilities in the fishing zone of Dominica, the Community shall, in the event there is an imbalance in catch possibilities, grant to the Government of Dominica financial compensation as set out in the annexed Protocol to this Agreement in order to establish

the mutually satisfactory balance provided for in Article 4. This compensation shall be without prejudice to financing accorded to Dominica under the Lomé Convention.

Article 6

1. The Parties shall take all appropriate measures to ensure that their vessels observe the provisions of this Agreement and the rules and regulations governing fishing in each other's fishing zone.

2. Fishing vessels of one Party shall, when fishing within the fishing zone of the other Party, comply with the conservation measures, supervisory measures, other terms and conditions and all rules and regulations governing fishing activities in that zone.

3. Each Party shall take appropriate measures with a view to ensuring compliance by the vessels of third countries to which it has granted fishing rights with any conservation measures agreed between the Parties pursuant to this agreement.

4. Each Party shall give appropriate advance notice to the other Party of any new measure or conditions governing fishing activities in its fishing zone.

5. The measures taken by each Party to regulate fisheries for the purpose of conservation shall be based on objective and scientific criteria and shall not discriminate in fact or in law against the other Party.

6. Each Party may take within its fishing zone such measures, in conformity with international law, as may be necessary to ensure compliance with the provisions of this Agreement by vessels of the other Party.

Article 7

Should the authorities of a Party decide, as a result of an unforeseeable change in the state of these fish stocks, to take new conservation measures which, in the opinion of the other Party, have a considerable effect on the fishing activities of that Party's vessels, consultations must be held between the Parties in order to redress the balance referred to in Article 4, account being taken of financial compensation already paid by the Community.

Article 8

The Parties shall consult on questions relating to the implementation and proper functioning of this Agreement.

Article 9

A Joint Committee shall be set up to ensure that this Agreement is applied correctly. The number of participants from each Party is limited to four persons not including observers.

The Committee shall meet once a year and shall hold special meetings at the request of either Contracting Party.

Article 10

Nothing contained in this Agreement shall affect or prejudice in any manner the views of either party with respect to any question relating to the Law of the Sea.

Article 11

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Dominica.

Article 12

The Protocol and Annexes form an integral part of this Agreement.

Article 13

This Agreement shall apply for an initial period of three years after the date of its entry into force. In the event of

the Agreement not being terminated by either Party through notice of termination given at least six months before the expiry of that period, it shall remain in force for additional periods of three years' duration thereafter, provided that notice of termination has not been given at least six months before the expiry of any such period.

Article 14

This Agreement shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.

Article 15

This Agreement is drawn up in duplicate in the Danish, Dutch, English, French, Greek, German, Italian, Portuguese and Spanish languages, each of these texts being equally authentic.

*For
the European Economic
Community*

*For
the Government
of the Commonwealth
of Dominica*

ANNEX I

EUROPEAN COMMUNITIES

APPLICATION FOR LICENCE TO FISH IN THE 200-MILE FISHING ZONE OF THE MEMBER STATES
COVERED BY COMMUNITY RULES ON FISHERIES

1. Name of the vessel		
2. Country of registration		
3. Home port		
4. Registration No		
5. External identification		
6. Owner/charterer (1)	Name Address	
	(1) Delete item not applicable	Name Address
7. Gross registered tonnage		
8. Overall length		
9. Engine power (bhp)		
10. Radio call sign		
11. Radio frequency/frequencies		
12. Vessel type		

ANNEX II

LICENCE APPLICATION FORM

1. Name and address of owner of vessel :
.....
.....
2. Name and address of agent or other legal representative :
.....
.....
3. Name and address of master of vessel :
.....
.....
-
4. Name of vessel :
5. Type of vessel :
6. Engine horse power :
7. Port and country of registry :
8. Registration No :
9. Fishing vessel external identification mark :
10. Signal letters :
11. Radio call sign : Frequency :
12. Length :
13. Registered net tonnage :
14. GRT :
-
15. Description of fishing operations requested :
.....
16. Period of validity from until

.....
(Date of application)

.....
(Signature)

PROTOCOL

between the European Economic Community and the Government of the Commonwealth of Dominica on conditions relating to reciprocal access for fishing vessels of both Parties

Article 1

1. Pursuant to Article 4 of the Agreement, the following number of licences will be issued to Community vessels registered in the French Departments of Guadeloupe and Martinique and not exceeding 30 feet in length, authorized to fish in the fishing zone of Dominica:

(a) in the area outside 12 miles from the baselines:

- 100 licences to fish demersal and pelagic species in the period 1 January to 31 December,
- 50 licences to fish pelagic species in the period 1 January to 30 June,
- 20 licences to fish demersal species in the period 1 July to 31 December; the number of these licences to be reviewed by the Joint Committee at the end of the first year of application of the Agreement;

(b) in the area between six to 12 miles from the baselines:

- 30 licences to fish for pelagic species for three months of the year.

2. Pursuant to Article 4 of the Agreement, the following number of licences will be issued to vessels registered in Dominica to fish in the fishing zone of the Community off the coasts of the French Departments of Martinique and Guadeloupe:

(a) in the area outside 12 miles from the baselines:

- 20 vessels not exceeding 30 feet in length to fish demersal and pelagic species in the period 1 January to 31 December;

(b) in the area between six to 12 miles from the baselines:

- the vessels mentioned in (a) may fish pelagic species for three months of the year.

3. Notwithstanding the provisions laid down in paragraphs 1 and 2, each Party agrees to grant not more than five licences for vessels above 30 feet but not exceeding 40 feet in length to the other Party within the limits set out in this Protocol.

Article 2

1. Licence fees applicable to Community vessels fishing in the fishing zone of Dominica are fixed as follows:

- vessels not exceeding 30 feet: EC \$ 100 per vessel per annum,
- vessels above 30 and not exceeding 40 feet: EC \$ 150 per vessel per annum.

These fees will be reviewed by the Joint Committee after the first year of application of the Agreement.

2. Licence fees due for the duration of the Protocol in relation to the vessels referred to in Article 1 (2), have been taken into account in establishing the level of the financial compensation fixed in Article 3.

Article 3

1. The financial compensation referred to in Article 5 of the Agreement shall be set for the first three years of application of the Agreement at a flat rate of ECU 1 650 000, payable in three equal annual instalments. This financial compensation is without prejudice to any future Protocol.

2. The compensation shall be paid into an account opened with a financial institution chosen by the Government of the Commonwealth of Dominica.

Article 4

During the period of application of this Protocol, the Community shall contribute the sum of ECU 400 000 towards the financing of a scientific programme with the objective of gaining greater knowledge of the fishery resources in the waters of Dominica and in particular of the stocks referred to in Article 3 of the Agreement.

Article 5

The two Parties agree that improving the skills and knowledge of those involved in sea-fishing is a vital element in the success of their cooperation. To that end, the Community shall make it easier for nationals of Dominica to find places in establishments in its Member States and shall provide for that purpose awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries. The awards may also be used in any country linked with the Community by a cooperation agreement.

The total cost of the awards may not exceed ECU 150 000. At the request of the relevant authorities of Dominica, part of this sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries. The sum shall be payable as and when it is used.

COMMISSION REGULATION (EC) No 3330/93
of 3 December 1993
fixing the import levies on rice and broken rice

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1544/93 ⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 833/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports of rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 ⁽³⁾, as last amended by Regulation (EEC) No 674/91 ⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2666/93 ⁽⁵⁾, as last amended by Regulation (EC) No 3276/93 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 December 1993.

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

Done at Brussels, 3 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 5.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 75, 21. 3. 1991, p. 29.

⁽⁵⁾ OJ No L 245, 1. 10. 1993, p. 4.

⁽⁶⁾ OJ No L 296, 1. 12. 1993, p. 1.

ANNEX

to the Commission Regulation of 3 December 1993 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies ^(*)		
	Arrangement in Regulation (EEC) No 3877/86 ^(*)	ACP Bangladesh (⁽¹⁾) (⁽²⁾) (⁽³⁾) (⁽⁴⁾)	Third countries (except ACP) (⁽⁵⁾)
1006 10 21	—	140,83	288,86
1006 10 23	—	119,05	245,31
1006 10 25	—	119,05	245,31
1006 10 27	183,98	119,05	245,31
1006 10 92	—	140,83	288,86
1006 10 94	—	119,05	245,31
1006 10 96	—	119,05	245,31
1006 10 98	183,98	119,05	245,31
1006 20 11	—	176,93	361,07
1006 20 13	—	149,72	306,64
1006 20 15	—	149,72	306,64
1006 20 17	229,98	149,72	306,64
1006 20 92	—	176,93	361,07
1006 20 94	—	149,72	306,64
1006 20 96	—	149,72	306,64
1006 20 98	229,98	149,72	306,64
1006 30 21	—	218,54	460,93
1006 30 23	—	242,32	508,41
1006 30 25	—	242,32	508,41
1006 30 27	381,31	242,32	508,41
1006 30 42	—	218,54	460,93
1006 30 44	—	242,32	508,41
1006 30 46	—	242,32	508,41
1006 30 48	381,31	242,32	508,41
1006 30 61	—	233,09	490,89
1006 30 63	—	260,16	545,02
1006 30 65	—	260,16	545,02
1006 30 67	408,77	260,16	545,02
1006 30 92	—	233,09	490,89
1006 30 94	—	260,16	545,02
1006 30 96	—	260,16	545,02
1006 30 98	408,77	260,16	545,02
1006 40 00	—	42,58	91,17

(⁽¹⁾) Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

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

(⁽³⁾) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

(⁽⁴⁾) The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulations (EEC) No 3491/90 and (EEC) No 862/91.

(⁽⁵⁾) The levy on imports of rice of the long-grain aromatic Basmati variety is applicable under the arrangements laid down in amended Regulation (EEC) No 3877/86.

(⁽⁶⁾) No import levy applies to products originating in the OCT pursuant to Article 101 (1) of Decision 91/482/EEC, subject to the provisions of Decision 93/127/EEC.

COMMISSION REGULATION (EC) No 3331/93**of 3 December 1993****fixing the premiums to be added to the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 1544/93⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2667/93⁽³⁾, as last amended by Regulation (EC) No 3277/93⁽⁴⁾;

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,

Article 1

The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 December 1993.

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

Done at Brussels, 3 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 5.

⁽³⁾ OJ No L 245, 1. 10. 1993, p. 7.

⁽⁴⁾ OJ No L 296, 1. 12. 1993, p. 3.

ANNEX

to the Commission Regulation of 3 December 1993 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 12	1st period 1	2nd period 2	3rd period 3
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EC) No 3332/93

of 1 December 1993

concerning the stopping of fishing for sprat by vessels flying the flag of Denmark

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

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 3919/92 of 20 December 1992 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1993 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EC) No 3177/93 ⁽⁴⁾, provides for sprat quotas for 1993;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of sprat in the waters of ICES division III a by vessels flying the flag of Denmark or registered in Denmark have reached the quota allocated for 1993; whereas Denmark has prohibited fishing for

this stock as from 15 November 1993; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of sprat in the waters of ICES division III a by vessels flying the flag of Denmark or registered in Denmark are deemed to have exhausted the quota allocated to Denmark for 1993.

Fishing for sprat in the waters of ICES division III a by vessels flying the flag of Denmark or registered in Denmark is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 15 November 1993.

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

Done at Brussels, 1 December 1993.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 397, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 285, 20. 11. 1993, p. 1.

COMMISSION REGULATION (EC) No 3333/93

of 1 December 1993

concerning the stopping of fishing for anchovy by vessels flying the flag of France

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

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 3919/92 of 20 December 1992 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1993 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EC) No 3177/93 ⁽⁴⁾, provides for anchovy quotas for 1993;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of anchovy in the waters of ICES division VIII by vessels flying the flag of France or

registered in France have reached the quota allocated for 1993,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of anchovy in the waters of ICES division VIII by vessels flying the flag of France or registered in France are deemed to have exhausted the quota allocated to France for 1993.

Fishing for anchovy in the waters of ICES division VIII by vessels flying the flag of France or registered in France is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

Article 2

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

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

Done at Brussels, 1 December 1993.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 397, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 285, 20. 11. 1993, p. 1.

COMMISSION REGULATION (EC) No 3334/93**of 1 December 1993****concerning the stopping of fishing for saithe by vessels flying the flag of France**

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

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 3919/92 of 20 December 1992 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1993 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EC) No 3177/93 ⁽⁴⁾, provides for saithe quotas for 1993;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of saithe in the waters of ICES divisions V b (EC zone), VI, XII and XIV by vessels flying

the flag of France or registered in France have reached the quota allocated for 1993,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of saithe in the waters of ICES divisions V b (EC zone), VI, XII and XIV by vessels flying the flag of France or registered in France are deemed to have exhausted the quota allocated to France for 1993.

Fishing for saithe in the waters of ICES divisions V b (EC zone), VI, XII and XIV by vessels flying the flag of France or registered in France is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

Article 2

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

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

Done at Brussels, 1 December 1993.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 397, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 285, 20. 11. 1993, p. 1.

COMMISSION REGULATION (EC) No 3335/93

of 3 December 1993

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export to certain destinations, repealing Regulation (EEC) No 1500/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas certain intervention agencies hold large stocks of intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas part of that meat should be put up for sale for import into the Republics resulting from the dissolution of the USSR;

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies⁽³⁾, as last amended by Regulation (EEC) No 1759/93⁽⁴⁾, provides for the possibility of applying a two-stage procedure when selling beef from intervention stocks; whereas Commission Regulation (EEC) No 2824/85 of 9 October 1985 laying down detailed rules for the sale of frozen boned beef from intervention stocks for export either in the same state or after cutting and/or repacking⁽⁵⁾ as amended by Regulation (EEC) No 251/93⁽⁶⁾, provides for repackaging under certain conditions;

Whereas, in view of the urgency and the specific nature of the operation and of the need for controls, special detailed rules must be laid down in particular as regards the minimum quantity which may be purchased during the operation;

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

Whereas a time limit must be laid down for export of the said meat; whereas this time limit should be fixed taking

into account Article 5(b) of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽⁷⁾, as last amended by Regulation (EEC) No 2867/93⁽⁸⁾;

Whereas in order to ensure that the meat sold is exported to the destination laid down, a security as specified in Article 5 (2) (a) of Regulation (EEC) No 2539/84 should be required; whereas, in order to ensure a smoother functioning of the export operations, provision should be made for derogations from certain provisions relating to the release of the security;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 3002/92⁽⁹⁾, as last amended by Regulation (EEC) No 1938/93⁽¹⁰⁾;

Whereas Commission Regulation (EEC) No 1500/93⁽¹¹⁾ should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A sale shall be organized of approximately :
 - 30 000 tonnes of bone-in beef held by the French intervention agency,
 - 10 000 tonnes of boned beef held by the Irish intervention agency.
2. This meat must be imported into one or more of the Republics referred to in Annex I.
3. Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulation (EEC) No 2539/84 and (EEC) No 2824/85.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 18, 27. 1. 1993, p. 1.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 161, 2. 7. 1993, p. 59.

⁽⁵⁾ OJ No L 268, 10. 10. 1985, p. 14.

⁽⁶⁾ OJ No L 28, 5. 2. 1993, p. 47.

⁽⁷⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁸⁾ OJ No L 262, 21. 10. 1993, p. 26.

⁽⁹⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽¹⁰⁾ OJ No L 176, 20. 7. 1993, p. 12.

⁽¹¹⁾ OJ No L 148, 19. 6. 1993, p. 19.

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

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

5. Tenders or purchase applications shall be valid only if:

- they relate to bone-in or boneless beef,
- they relate to a total minimum quantity of 5 000 tonnes,
- they relate to an equal number of forequarters and hindquarters and quote a single price per tonne expressed in ecus for the whole quantity of bone-in beef specified in the tender,
- in respect of boneless beef, they relate to a lot comprising all the cuts referred to in Annex III, in the percentages stated therein and quote a single price per tonne expressed in ecus of the lot made up in this fashion.

6. Immediately after submitting tenders or purchase applications, operators shall send a copy thereof by telex or fax to the Commission of the European Communities, Division VI/D.2, 130, rue de la Loi, B-1049 Brussels, (telex 220 37 AGREC B; fax (02) 296 60 27).

7. Intervention agencies shall only conclude sales contracts after written authorization by the Commission, in particular in accordance with paragraphs 5 and 6.

8. Tenders shall be considered only if they reach the intervention agencies concerned by 12 noon on 10 December 1993 at the latest.

9. Details of the quantities of the products and the places where they are stored must be made available to interested parties at the addresses given in Annex IV.

Article 2

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

Article 3

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

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be:

- ECU 300 per 100 kilograms of bone-in beef,
- ECU 500 per 100 kilograms of boneless beef.

Article 4

1. No export refund shall be granted on meat sold under this Regulation.

Removal orders as referred to in Article 3 (1) (b) or Regulation (EEC) No 3002/92, export declarations and, where appropriate, T 5 control copies shall bear the following:

Productos de intervención sin restitución [Reglamento (CE) n° 3335/93];

Interventionsvarer uden restitution [Forordning (EF) nr. 3335/93];

Interventionserzeugnisse ohne Erstattung [Verordnung (EG) Nr. 3335/93];

Προϊόντα παρεμβάσεως χωρίς επιστροφή [Κανονισμός (ΕΚ) αριθ. 3335/93];

Intervention products without refund [Regulation (EC) No 3335/93];

Produits d'intervention sans restitution [Règlement (CE) n° 3335/93];

Prodotti d'intervento senza restituzione [Regolamento (CE) n. 3335/93];

Produkten uit interventievoorraden zonder restitutie [Verordening (EG) nr. 3335/93];

Produtos de intervenção sem restituição [Reglamento (CE) n° 3335/93].

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

However, by derogation from Article 15 of Regulation (EEC) No 3002/92 part of the security shall be released when it is established that the products have reached one of the destinations referred to in Article 11 (1) (a), (b) or (c) of that Regulation. That part shall be equivalent to the amount of the security initially lodged less ECU 165 per 100 kg product weight.

Article 5

Regulation (EEG) No 1500/93 is hereby repealed.

Article 6

This Regulation shall enter into force on 10 December 1993.

⁽¹⁾ OJ No L 99, 10. 4. 1981, p. 38.

⁽²⁾ OJ No L 205, 3. 8. 1985, p. 5.

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

Done at Brussels, 3 December 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

The Republics resulting from the dissolution of the USSR

Armenia
Azerbaijan
Belarus
Georgia
Kazakhstan
Kyrgyzstan
Moldova
Russia
Tajikistan
Turkmenistan
Ukraine
Uzbekistan

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio mínimo expresado en ecus por tonelada Mindstepriser i ECU/ton Mindestpreise, ausgedrückt in ECU/Tonne Ελάχιστες τιμές πωλήσεως εκφραζόμενες σε Ecu τόνο Minimum prices expressed in ecus per tonne Prix minimaux exprimés en écus par tonne Prezzi minimi espressi in ecu per tonnellata Minimumprijzen uitgedrukt in ecu per ton Preço mínimo expresso em ecus por tonelada
France	— Quartiers avant, provenant de : Catégorie A/C, classes U, R et O	15 000	500
	— Quartiers arrière, provenant de : Catégorie A/C, classes U, R et O	15 000	500
Ireland	— Boned cuts from : Category C, classes U, R and O	10 000	700 ⁽¹⁾

⁽¹⁾ Precio mínimo por cada tonelada de producto de acuerdo con la distribución contemplada en el Anexo III.

⁽¹⁾ Minimumpris pr. ton produkt efter fordelingen i bilag III.

⁽¹⁾ Mindestpreis je Tonne des Erzeugnisses gemäß der in Anhang III angegebenen Zusammensetzung.

⁽¹⁾ Ελάχιστη τιμή ανά τόνο προϊόντος σύμφωνα με την κατανομή που αναφέρεται στο παράρτημα III.

⁽¹⁾ Minimum price per tonne of products made up according to the percentages referred to in Annex III.

⁽¹⁾ Prix minimal par tonne de produit selon la répartition visée à l'annexe III.

⁽¹⁾ Prezzo minimo per tonnellata di prodotto secondo la ripartizione indicata nell'allegato III.

⁽¹⁾ Minimumprijs per ton produkt volgens de in bijlage III aangegeven verdeling.

⁽¹⁾ Preço mínimo por tonelada de produto segundo a repartição indicada no anexo III.

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

Distribución del lote contemplado en el cuarto guión del apartado 5 del artículo 1

Foredeling af det i artikel 1, stk. 5, fjerde led, omhandlede parti

Zusammensetzung der in Artikel 1 Absatz 5 vierter Gedankenstrich genannten Partie

Κατανομή της παρτίδας που αναφέρεται στο άρθρο 1 παράγραφος 5 τετάρτη περίπτωση

Repartition of the lot meant in the fourth subparagraph of Article 1 (5)

Répartition du lot visé à l'article 1^{er} paragraphe 5 quatrième tiret

Composizione della partita di cui all'articolo 1, paragrafo 5, quarto trattino

Verdeling van de in artikel 1, lid 5, vierde streepje, bedoelde partij

Repartição do lote referido no nº 5, quarto travessão, do artigo 1º

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Cortes Udskeeringer Teilstücke Τεμάχια Cuts Découpes Tagli Deelstukken Cortes	Porcentaje en peso Vægtprocent Gewichtsanteile Ποσοστό του βάρους Weight percentage Pourcentage du poids Percentuale del peso % van het totaalgewicht Percentagem do peso
IRELAND	Striploins	5,5 %
	Insides	9,1 %
	Outsides	8,6 %
	Knuckles	5,4 %
	Rumps	5,6 %
	Cube rolls	2,8 %
	Briskets	5,2 %
	Forequarters	30,3 %
	Shins/shanks	6,4 %
	Plates/Flanks	21,1 %
		100,0 %

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

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

FRANCE :

OFIVAL
Tour Montparnasse
33, avenue du Maine
F-75755 Paris Cedex 15
Tél. : 45 38 84 00, télex : 205476

IRELAND :

Department of Agriculture, Food and Forestry
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 678 90 11, ext. 2278 and 3806
Telex 93292 and 93607, telefax (01) 6616263, (01) 6785214 and (01) 6620198

COMMISSION REGULATION (EC) No 3336/93

of 3 December 1993

amending Regulation (EC) No 3088/93 adopting exceptional support measures for the market in pigmeat in Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Articles 20 and 22 thereof,

Whereas, because of the outbreak of classical swine fever in certain production regions in Germany, exceptional support measures for the market in pigmeat were adopted for that Member State by Commission Regulation (EC) No 3088/93⁽³⁾;

Whereas, for veterinary reasons, restrictions on the free movement of live pigs and pigmeat products are still in force; whereas the final date laid down for the granting of aid for the delivery of pigs and piglets to the German authorities pursuant to Regulation (EC) No 3088/93 should therefore be abolished;

Whereas permission should be given for the use of pigs which have been slaughtered for the manufacture of processed products and which have undergone heat treatment so as to prevent any risk to health; whereas provision should be made to export these products so as to avoid disturbance on the Community market; whereas no export refund should be granted, given the quite low price level at which the processing industry can find supplies; whereas the traditional trade links with third countries for these products should be maintained and any disturbance of the markets in these countries should be avoided;

Whereas account should be taken of the changes in the areas listed in Annex 1 to Decision 93/566/EC in which trade restrictions apply, by replacing the Annex to Commission Regulation (EC) No 3088/93⁽⁴⁾ with a new Annex;

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

Article 1

Regulation (EC) No 3088/93 is hereby amended as follows:

1. In Article 1 (1), the words 'until 22 November 1993' are deleted.

2. The following paragraph is added to Article 1:

'4. If the numbers in paragraphs 2 and 3 relating to piglets and young piglets are reached, aid may be granted for a following 49 000 piglets and young piglets on the terms laid down in paragraph 2 and for 21 000 piglets and young piglets on the terms laid down in paragraph 3.'

3. Article 2 (1) is replaced by the following:

'1. Only pigs, piglets and young piglets raised in the zones listed in the Annex to this Regulation can be delivered, provided that the veterinary provisions laid down in Article 1 (1) of Decision 93/566/EC still apply in these zones on the day the animals are delivered.'

4. The following Article is hereby inserted:

Article 3a

1. Article 3 notwithstanding, the German authorities may decide to use the pigs slaughtered for the manufacture of processed products falling within CN code heading 16 02. In this case, the meat shall undergo heat treatment raising the centre temperature to at least 70° C.

2. The processed products referred to in paragraph 1 must be exported. No export refund shall be granted. The competent authorities shall take the necessary measures to ensure that these provisions are complied with and shall inform the Commission thereof.

The said measures shall include in particular the obligation on the part of the operators to supply at 15-day intervals the data relating to the exports and to complete the customs export formalities in Germany, as well as the obligatory inclusion on the export declaration, and where appropriate on the T5 control copy, of the following:

"Regulation (EC) No 3336/93, export without refund".

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 277, 10. 11. 1993, p. 30.

⁽⁴⁾ OJ No L 273, 5. 11. 1993, p. 60.

3. The German authorities shall take all the necessary measures to ensure that the carcasses or half-carcasses are fully processed and that veterinary requirements during storage, transport and processing are observed. These measures shall include a permanent on-the-spot check of the meat processing by the competent authorities. Germany shall notify the Commission of the practical administrative and monitoring measures it has taken within 15 days of the adoption of this Regulation.
4. The profits resulting from the sale of any meat of pigs slaughtered by the German authorities for processing shall be divided between the Community and Germany on the basis of the scale used to grant the aid. Any loss resulting from the sales transaction shall not be charged to the Community budget. The sale of the meat to the processing industry by the German authorities should be carried out by means of a tender system.
5. Germany shall ensure by appropriate means that sales of processed products falling within CN code heading 16 02 are carried out under fair competitive conditions and do not give rise to undue profit on the part of the operators.
6. The German authorities shall inform the Commission on a regular basis of the progress of the sales, particularly as regards the prices achieved, the quantities sold and the countries of destination. The authorities shall notify the Commission of the measures taken pursuant to paragraph 5 above.
5. The Annex is replaced by the Annex to this Regulation.

Article 2

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

It shall apply from 23 November 1993; however, the provisions of Article 1 (5) shall apply from 1 December 1993.

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

Done at Brussels, 3 December 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

ANNEX

1. In Bundesland Niedersachsen, in the :

Emsland Kreis, the Gemeinden : Lähden, Stadt Werlte, Spahnharrenstätte, Lorup, Hilkenbrock, Werpeloh, Börger, Rastorf, Lahn, Vrees, Großberichten, Hüfen and Stadt Sögel ;

Kreis Cloppenburg, the Gemeinden : Löhningen, Lastrup, Lindern, Molbergen, Cloppenburg, Cappeln, Ernstek, Garrel and Essen ;

Kreis Vechta, the Gemeinden : Damme, Neuenkirchen, Holdorf, Steinfeld, Dinklage, Lohne and Bakum ;

Kreis Diepholz, the Gemeinden : Diepholz, Samtgemeinde, Altes Amt Lemförde, Hemsloh, Rehden, Dickel, Wetschen and Drebber ;

Kreis Osnabrück, the Gemeinden : Bramsche, Rieste, Altershausen, Stadt Bersenbrück, Gehrde, Ankum, Nortrup, Badbergen, Bohmte and Osterkappeln.

2. In Bundesland Baden-Württemberg in the Ostalbkreis, the Gemeinden : Unterschneidheim, Taunhausen, Stödtlen, Pfahlheim, Rölingen, Rainau, Westhausen, Lauchheim, Bopfingen, Neresheim, Ebnet, Kirchheim-Ries and Riesburg.

3. In Bundesland Bayern, in the :

Ansbach Kreise, the Gemeinden : Dinkelsbühl, Dürnwangen, Langfurth, Mönchsroth, Wilburgstetten, Weiltingen, Wittelshofen, Ehingen am Hesselberg, Gerolfingen, Röckingen and Wassertrüdingen ;

Donau-Ries Kreise, the Gemeinden : Fremdingen, Markt Offingen, Maihingen, Wallerstein, Nördlingen, Ehingen a.d. Rees, Auhausen, Oettingen, Hainsfarth, Megesheim, Munningen, Wechingen, Deiningen, Alerheim, Möttingen, Reimlingen, Mönchsdeggingen, Hohenaltheim, Ederheim, Forheim and Amerdingen.

4. In Bundesland Mecklenburg Vorpommern, the Kreise : Ribnitz-Damgarten, Neubrandenburg and Neubrandenburg Stadt.

5. In Bundesland Schleswig Holstein, in the :

Kreis Herzogtum Lauenburg, the Gemeinden : Bliestorf, Grinau, Groß-Boden, Groß-Schenkenberg and Schurensöhlen ;

Kreis Ostholstein, the Gemeinden : Ahrensböök, Bad Schwartau, Bosau, Eutin, Malente, Ratekau, Schabeutz, Stockelsdorf and Süsel ;

Kreis Plön, the Gemeinden : Ascheberg, Barmissen, Belau, Bönebüttel, Bösdorf, Bothkamp, Dersau, Dörnick, Groß-Harrie, Kalübbe, Kühren, Lebrade, Lehmkuhlen, Löptin, Nehnten, Nettelsee, Plön, Postfeld, Pretz, Rathjensdorf, Rendswühren, Ruhwinkel, Schellhorn, Schillsdorf, Stolpe, Tasdorf, Wahlstorf, Wankendorf, Warnau and Wittmold ;

Kreis Segeberg, the Gemeinden : Bad Segeberg, Bahrenhof, Bark, Bebensee, Blunk, Bornhöved, Buchholz, Bühnsdorf, Daldorf, Damsdorf, Fahrenkrug, Fredesdorf, Geschendorf, Glasau, Gönnebek, Groß-Gladebrügge, Groß-Kummerfeld, Groß-Niendorf, Groß-Rönnau, Heidmühlen, Högersdorf, Itzstedt, Klein-Rönnau, Krems II, Kükels, Latendorf, Leezen, Mözen, Negerbötzel, Nehms, Neuengörs, Neversdorf, Oering, Pronsdorf, Rickling, Rohlsdorf, Schakendorf, Schieren, Schmalensee, Schwissel, Seedorf, Seth, Stipsdorf, Stocksee, Strukdorf, Sülfeld, Tarbek, Tensfeld, Todesfelde, Trappenkamp, Travenhorst, Wahlstedt, Wakendorf I, Weede, Wensin, Westerrade and Wittenborn ;

Kreis Stormarn, the Gemeinden : Bad Oldesloe, Barnitz, Elmenhorst, Grabau, Klein-Wesenberg, Meddewarde, Neritz, Nienwohld, Pölitz, Rethwisch, Rümpel, Travenbrück, Westerau, Badendorf, Feldhorst, Hamberge, Heidekamp, Heilshop, Mönkhagen, Rehhorst, Reinfeld, Wesenberg and Zarpfen ;

and

Hansestadt Lübeck.

COMMISSION REGULATION (EC) No 3337/93

of 3 December 1993

adopting exceptional support measures for the market in pigmeat in Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Articles 20 and 22 (2) thereof,

Whereas, because of the outbreak of classical swine fever in certain production regions in Belgium, protection zones have been established by the Belgian authorities pursuant to Article 9 of Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever⁽³⁾, as last amended by Directive 93/384/EEC⁽⁴⁾; whereas, consequently, in these zones the trade in live pigs, fresh pigmeat and pigmeat products which have not been subjected to heat treatment is temporarily prohibited;

Whereas restrictions on the free movement of goods resulting from the application of veterinary measures are likely to bring about a serious disturbance of the market for pigmeat in Belgium; whereas exceptional market support measures, to apply for no longer than is strictly necessary, must accordingly be adopted with respect solely to live animals from the affected areas;

Whereas, with the aim of preventing a further spread of the disease, the pigs produced in the protection zones should be separated from normal trade in products intended for human consumption and processed into products intended for uses other than human consumption;

Whereas a buying-in price should be fixed at which piglets and live pigs in the protection zones are to be taken over by the intervention agency; whereas with the aim of preventing misuse, the buying in of piglets which are fattened on closed-circuit holdings should be excluded;

Whereas provision should be made for the Belgian authorities to adopt all necessary control and surveillance measures and to inform the Commission accordingly;

Whereas the restrictions on the free movement of live pigs have been operative for several weeks now in the zones in question, provoking a substantial increase in the weight of the animals and leading to an intolerable situation where the welfare of the animals is concerned; whereas retroactive application of this Regulation from 22 November 1993 is therefore justified;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 22 November until 22 December 1993 the Belgian intervention agency shall buy live pigs weighing more than 110 kilograms on average per lot and piglets weighing more than 25 kilograms on average per lot.
2. The purchase of the first 217 000 live pigs and first 122 500 piglets shall be financed from the Community budget.
3. Belgium is hereby authorized to purchase, in addition, at its own expense and on the terms laid down in this Regulation, a further 93 000 live pigs and 52 500 piglets.

Article 2

1. Only live pigs and piglets raised in the zones listed in Annex I to this Regulation can be bought in, provided that the veterinary provisions laid down by the Belgian authorities still apply in the areas on the day the animals are bought in.
2. Only piglets can be bought in which are not fattened in a closed-circuit holding or which cannot be used by a closed-circuit holding for its own purposes.

Article 3

On the day they are bought in, the animals shall be weighed and slaughtered in such a way as to prevent the disease from spreading.

They shall be transported without delay to a rendering plant and processed into products falling with CN codes 1501 00 11, 1506 00 00 and 2301 10 00.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 47, 21. 2. 1980, p. 11.

⁽⁴⁾ OJ No L 166, 8. 7. 1993, p. 34.

However, the pigs may be transported to a slaughterhouse where they shall be slaughtered forthwith and may be stored as whole or half carcasses in a cold store before being transported to a rendering plant. In this case, the whole or half carcasses are presented to the rendering plant in accordance with the provisions laid down in Annex II.

These operations shall be carried out under permanent supervision of the competent Belgian authorities.

Article 4

1. The farm-gate buying-in price of live pigs weighing more than 110 kilograms on average per lot shall be ECU 110 per 100 kilograms slaughtered weight.

Where the average weight per lot is less than 110 kilograms but more than 106 kilograms, the buying-in price shall be ECU 93 per 100 kilograms. In both cases, a coefficient of 0,83 is applied on the buying-in price.

2. The farm-gate buying-in price for piglets shall be ECU 28 per head.

Where the average weight per lot is less than 25 kilograms but more than 24 kilograms, the buying-in price shall be ECU 24 per head.

Article 5

The competent Belgian authorities shall adopt all measures necessary to ensure compliance with the provisions of this Regulation and in particular with Article 2 hereof. They shall inform the Commission accordingly as soon as possible.

Article 6

The competent Belgian authorities shall send the Commission each Wednesday the following information concerning the previous week :

- the number and total weight of the pigs bought in,
- the number and total weight of young piglets bought in.

Article 7

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

It shall apply with effect from 22 November 1993.

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

Done at Brussels, 3 December 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

- (a) The municipalities of Wingene, Ruiselede, Tielt and Pittem.
- (b) Part of :
 - 1. the municipalities of Ardoois, Lichtervelde, Torhout and Zedelgem located east of the A 17 motorway ;
 - 2. the municipalities of Oostkamp located east of the A 17 motorway and south of the E 40 motorway ;
 - 3. the municipality of Beernem located south of the E 40 motorway ;
 - 4. the municipality of Aalter located south of the E 40 motorway and west of the N 37 national road.

ANNEX II

Rules governing the presentation of carcasses or half-carcasses at the rendering plant, as referred to in Article 3 (3)

- 1. Carcasses or half-carcasses must be presented without having been depilated.
 - 2. The fore- and hindquarters of the whole carcass or whole half-carcass must be cut using the following method :
 - (a) separation of the anterior femoral muscles from the thigh bones : after cutting the patellar tendons and lifting the patella, the knife blade lightly scores the anterior surface of the femur and does not stop until it reaches the hip joint, the blade remaining perpendicular to the median plane of the limb ;
 - (b) partial separation of the shoulder : holding the limb in one hand by the lower of the forearm, cut the axillary muscles equidistant from the sternum and the inside surface of the arm and continue by dividing the subscapulothoracic cell tissue while separating the limb from the trunk ;
 - (c) division of the olecranon muscles : cut from back to front perpendicularly to the posterior margin of the muscles so as to meet the shoulder joint which the cut is intended to open.
 - 3. The carcasses or half-carcasses must have a deep longitudinal cut in the iliocostalis muscle parallel to the vertebral column.
 - 4. The cuts in each carcass or half-carcass must be individually sprinkled with a denaturing product.
- The product, selected by the Member State, must be readily visible and indelible.
-

COMMISSION REGULATION (EC) No 3338/93

of 3 December 1993

laying down detailed rules for the application of Council Regulations (EC) No 3119/93 and (EEC) No 1035/77 as regards measures to encourage the processing of certain citrus fruits and the marketing of products processed from lemons

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3119/93 of 8 November 1993 laying down special measures to encourage the processing of certain citrus fruits⁽¹⁾, and in particular Article 10 thereof,

Having regard to Council Regulation (EEC) No 1035/77 of 17 May 1977 laying down special measures to encourage the marketing of products processed from lemons⁽²⁾, as last amended by Regulation (EEC) No 1199/90⁽³⁾, and in particular Article 3 thereof,

Whereas the basic conditions for the application of the system of aid for producers' organizations delivering satsumas and of financial compensation for processors of various citrus fruits should be established by stages;

Whereas eligibility under the system provided for must be conditional on submission of an application together with all the particulars necessary to ensure the correct operation of the system;

Whereas the system of financial compensation or aid for citrus fruit producers' organizations is to be based on contracts between producers or producers' groups and processors; whereas the particulars to be included in the contracts should be specified;

Whereas, in order to ensure supplies to undertakings processing mandarins, clementines and satsumas, processing contracts must be concluded before a given date; whereas, taking account of the duration of the marketing year for oranges and lemons, provision should be made for two or four processing contracts respectively to be concluded before given dates; whereas, however, to ensure maximum efficiency of the system, the contracting parties should be allowed, in certain cases and subject to certain limits, to increase, by way of one or more supplementary agreements, the quantities of fruit originally contracted for;

Whereas, because the finished product depends closely on the fruit supplied to the processor, such fruit should meet certain minimum quality criteria;

Whereas applications for financial compensation or for aid must include all the particulars needed to establish that they are fully justified;

Whereas, to ensure that the financial compensation or aid system is correctly applied, processors and citrus fruit producers' organizations must keep up-to-date records; whereas, to prevent irregularities in the operation of the system, processors and citrus fruit producers' organizations must be subjected to such inspection and monitoring as is considered necessary and to financial penalties in cases of failure to comply with the rules, in particular in the case of false statements;

Whereas individual producers may obtain part of the aid for 1993/94 only; whereas provision should therefore be made for a derogation in their case for that marketing year;

Whereas, in view of the extent and significance of the amendments made to Commission Regulation (EEC) No 1562/85⁽⁴⁾, as last amended by Regulation (EEC) No 1203/93⁽⁵⁾, it should be replaced, for reasons of clarity, by this Regulation;

Whereas the marketing year for citrus begins on 1 October; whereas it is necessary, therefore, to set the same date for the application of this Regulation as for Regulation (EEC) No 3119/93;

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:

TITLE I

Field of application

Article 1

This Regulation lays down detailed rules for applying the system of aid for citrus fruit producers' organizations and of financial compensation to encourage the processing of sweet oranges, mandarins, clementines, satsumas and lemons, as provided for in Regulations (EC) No 3119/93 and (EEC) No 1035/77 respectively.

⁽¹⁾ OJ No L 279, 12. 11. 1993, p. 17.

⁽²⁾ OJ No L 125, 19. 5. 1977, p. 3.

⁽³⁾ OJ No L 119, 11. 5. 1990, p. 61.

⁽⁴⁾ OJ No L 152, 11. 6. 1985, p. 5.

⁽⁵⁾ OJ No L 122, 18. 5. 1993, p. 32.

Article 2

For the purposes of this Regulation :

- 'processor' means an undertaking operating commercially on its own responsibility one or more plants equipped to process oranges, mandarins, clementines or lemons into juice and/or to process satsumas into segments,
- 'producer' means any natural or legal person growing, on his own holding, fruit to be processed,
- 'citrus fruit producers' organization' means an organization recognized as a producers' organization within the meaning of Article 13a of Council Regulation (EEC) No 1035/72⁽¹⁾.

TITLE II**Information required of producers' organizations and processors***Article 3*

1. Producers' organizations and processors wishing to qualify for the system of aid or financial compensation shall inform the competent authorities of the Member State in which processing is to take place not later than 45 days before the start of the marketing year during which they intend to apply for aid or financial compensation and shall at the same time transmit all the information required by the Member State for the proper management and monitoring of the system. Member States may stipulate that such information :

- (a) need only be transmitted by producers' organizations or processors wishing to qualify for the first time, if the requisite information for the others is already available ;
- (b) should relate to a single marketing year, several marketing years or an unlimited period.

2. In exceptional cases for which proper justification satisfying the competent authority concerned is provided, Member States may accept information received after the time limit specified in paragraph 1 where there is no adverse impact on the system of aid or financial compensation.

Article 4

1. In respect of each marketing year, producers' organizations or processors shall notify the competent authorities of the week in which deliveries or processing is to commence. The information must reach the competent

authorities not later than five working day before the start of deliveries or processing.

2. In exceptional cases for which proper justification satisfying the competent authority concerned is provided, Member States may accept information received after the time limit specified in paragraph 1 ; however, no aid or financial compensation shall be granted in such cases in respect of fruit already delivered or processed or in the course of being delivered or processed if the necessary checks on the eligibility for aid or financial compensation cannot be carried out to the satisfaction of the competent authority.

TITLE III**Processing contracts***Article 5*

1. Individual contracts as referred to in Articles 2 and 6 of Regulation (EC) No 3119/93 and Article 1 of Regulation (EEC) No 1035/77, hereinafter referred to as 'processing contracts', shall be concluded in writing between, on the one hand, producers or producers' groups, or associations legally recognized in the Community and, on the other, processors or legally recognized processors' groups or associations, or between the latter and the producers' organizations.

A processing contract may also take the form of a commitment to supply fruit by one or more producers or a producers' organization to the recognized group or association to which they belong, or to a producers' organization, where it is acting as a processor.

2. Processing contracts must contain :

- (a) the name and address of the producer or recognized producers' group or association or of the producers' organization ;
- (b) the name and address of the processor or the recognized processor's group or association or of the producer's organization where it is acting as a processor ;
- (c) the quantity of fruit covered ;
- (d) the timetable of deliveries to the processor ;
- (e) the price to be paid to the other contracting party for the fruit, not including costs relating to packing, loading, transport and unloading and the payment of fiscal charges which must, where relevant, be detailed separately.

3. Member States may stipulate further requirements concerning processing contracts, in particular with regard to deadlines, the terms of payment of the minimum price and penalties to be paid by a contracting party if he fails to fulfil his contractual obligations.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

Article 6

Where production and processing are carried out by the same natural or legal person, a processing contract as referred to in the second subparagraph of Article 5 (1) shall be deemed to exist if a schedule has been drawn up showing:

- the total area devoted to fruit growing,
- an estimate of the total crop,
- the quantity to be sent for processing,
- the timetable of deliveries for processing.

Article 7

1. Processing contracts shall be concluded:

- before 15 February in the case of oranges to be delivered for processing before 30 April; before 30 April in the case of oranges to be delivered before the end of the marketing year;
- before 15 November in the case of satsumas,
- before 1 December in the case of clementines,
- before 15 January in the case of mandarins,
- before 20 May, 20 August, 20 November and 20 February in the case of lemons to be supplied for processing during the periods between:
 - 1 June and 31 August,
 - 1 September and 30 November,
 - 1 December and 28 or 29 February,
 - 1 March and 31 May, respectively.

However, for mandarins, clementines, satsumas and oranges, a Member State may, in exceptional circumstances, be authorized at its request to defer the date in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72.

For the 1993/94 marketing year the deadline for the conclusion of contracts in respect of satsumas and clementines shall be 15 December 1993.

2. The contracting parties may increase the quantities of fruit initially specified in a contract, by means of a

written supplementary agreement. Such agreements shall be concluded at the latest by:

- (a) 15 March or 31 May in the case of oranges depending on whether the fruit is to be delivered to the processing industry in the first period or second period specified in the first indent of paragraph 1;
- (b) 1 January in the case of satsumas;
- (c) 15 January in the case of clementines;
- (d) 28/29 February in the case of mandarins;
- (e) 15 July, 15 October, 15 January, 15 April for lemons depending on which of the periods specified in the fifth indent of paragraph 1 is involved.

However, such supplementary agreements may cover:

- not more than 40 % of the original quantity of oranges,
- not more than 40 % of the original quantities of mandarins, clementines and satsumas,
- not more than 40 % of the original quantities of lemons.

3. Where the minimum price to be paid to producers or producers' organizations for a given type of fruit has not been published in the *Official Journal of the European Communities* at least 21 days before one of the dates given in paragraph 1, the final date for the conclusion of contracts for that product shall, by way of derogation from paragraph 1, be the 21st day following publication of the said price.

4. Payment by the processor to the producer or producers' organization shall be made by bank or post office transfer only.

Article 8

1. Processors and groups or associations of processors shall send copies of each processing contract, together with any supplementary agreements, to the body designated by the Member State where the fruit has been grown and, where relevant, the corresponding body in the Member State where processing takes place. These copies must reach the competent authorities within 10 working days of the conclusion of the contract or supplementary agreement.

2. Producers' organizations delivering satsumas for processing shall send a copy of each processing contract, together with any supplementary agreements, to the body designated by the Member State where the fruit has been grown within 10 working days of the conclusion of the contract or supplementary agreement.

3. In exceptional cases for which proper justification satisfying the Member State concerned has been provided, Member States may validate processing contracts and supplementary agreements reaching their authorities out of time provided that the validation is compatible with the aims of the system of aid or financial compensation and does not adversely affect the monitoring of that system.

TITLE IV

Raw materials

Article 9

Fruit supplied to processors under processing contracts must:

- in the case of mandarins, clementines and oranges processed into juice and satsumas processed into segments, satisfy at least the minimum quality and size requirements laid down for Class III,
- in the case of lemons, satisfy at least the minimum quality characteristics laid down in point B (i) of Title II of Annex II to Commission Regulation (EEC) No 920/89⁽¹⁾, with not more than 15 % by weight of off-grade fruit fit for processing.

Article 10

1. At the time each batch of oranges, mandarins, clementines, satsumas or lemons is delivered to the processing plant under a processing contract, the competent authorities designated by the Member State where the processing takes place shall verify the weight of fruit delivered and its conformity with the quality requirements referred to in Article 9.

When these checks have been completed, a certificate shall be issued to the processor in respect of each batch stating:

- the names and addresses of the contracting parties,
- the conformity of the fruit with the quality and net weight requirements.

A copy of the certificate shall be given to the producer or producers' organization. One copy shall be kept by the competent authority.

2. Where the checks referred to in paragraph 1 show that all or part of the fruit does not conform with Article 9 the authorities specified in paragraph 1 shall notify the contracting parties of that fact at the same time and indicate the consequences with regard to payment of financial compensation or aid.

TITLE V

Application for aid and financial compensation

Article 11

1. Processors shall submit applications for financial compensation to the competent body in the Member State where processing took place:

(a) in the case of oranges, one or more applications may be submitted within not more than 60 days as from:

- 15 February or 30 April for fruit processed before these dates,
- completion of the processing for the marketing year;

(b) in the case of satsumas and clementines not more than 60 days as from:

- 1 January for fruit processed before that date,
- completion of the processing;

(c) in the case of mandarins not more than 60 days as from:

- 15 February for quantities processed before that date,
- completion of the processing;

(d) in the case of lemons, one or more applications may be submitted not more than 60 days as from:

- 31 August, 30 November, 28/29 February, 31 May for quantities processed before those dates,
- completion of processing for the marketing year.

2. Producers' organizations delivering satsumas for processing shall send applications for aid to the competent body of the Member State where the fruit was produced, not more than 60 days as from:

- 1 January for quantities delivered before this date,
- on completion of the deliveries.

⁽¹⁾ OJ No L 97, 11. 4. 1989, p. 19.

3. Processors or producers' organizations delivering satsumas may, should they wish, submit their applications for financial compensation in respect of mandarins, satsumas, clementines and oranges or aid for satsumas altogether not more than 60 days after completion of the processing.

Article 12

1. Applications for financial compensation must include:

- (a) the name and address of the applicant;
- (b) an indication of the total quantities of:
 - oranges purchased during the marketing year up to 15 February and 30 April respectively and from 1 May, and/or
 - mandarins purchased during the marketing year up to 15 February and after 16 February, and/or
 - clementines and satsumas purchased during the marketing year up to 1 January and after 2 January, and/or
 - lemons delivered since the beginning of the marketing year, after deduction of any quantities specified in any previous application(s);
- (c) a statement of the corresponding quantities purchased under any contracts or supplementary agreements;
- (d) total quantities of each product obtained after processing of mandarins, clementines, satsumas, oranges and/or lemons, and quantities of juice obtained from each product, together with the degree of concentration in degrees Brix;
- (e) total quantities of each product obtained after processing of mandarins, clementines, satsumas, oranges or lemons purchased under contracts, and the quantities of juice obtained from each product, together with the degree of concentration in degrees Brix;
- (f) a statement by the processor to the effect that a price at least equivalent to the minimum price was paid for the fresh products.

2. Applications for financial compensation must include:

- (a) invoices for the quantities of fresh products referred to in paragraph 1 (c) duly receipted by the other contracting party, showing that the price paid was not less than the minimum price referred to in Article 3 of Regulation (EC) No 3119/93 and Article 1 (3) of Regulation (EEC) No 1035/77, or
- (b) where growers have entered into a commitment to supply the fruit, a statement by them that the processor has paid or credited to them a price not less than the minimum price;

(c) the certificate referred to in Article 10;

(d) a copy of the transfer order referred to in Article 7 (4).

Article 13

Applications for aid by producers' organizations must include:

- (a) the name and address of the organization and the processor;
- (b) the total quantities of satsumas delivered during the marketing year up to and including 1 January and from 2 January;
- (c) the corresponding quantities of satsumas delivered under contracts or supplementary agreements during the marketing year up to and including 1 January and from 2 January;
- (d) a statement by the producers' organization to the effect that a price at least equal to the minimum price was paid to it for the quantities of fresh product specified under (c);
- (e) a copy of the transfer order provided for in Article 7 (4);
- (f) the certificate provided for in Article 10.

TITLE VI

Monitoring

Article 14

1. Processors shall keep records containing the following minimum information for each of the periods referred to in Article 12 (1) (b):

- batches of fruit purchased or entering an undertaking each day, with separate entries for fruit covered by processing contracts and written supplementary agreements, together with the serial numbers of any receipts issued for such batches,
- the weight of each batch and the name and address of the other contracting party,
- the quantities of finished products manufactured each day from the fruit, identifying the quantities eligible for financial compensation, and the quantities of juice obtained from each product, together with the degree of concentration in degrees Brix,
- the quantities of products leaving the processing plant, with the degree of concentration in degrees Brix for each batch, and the address of the consignee. Entries in the records may consist of references to supporting documents where these contain the prescribed particulars.

In addition, the register shall contain the following information: the quantities of juice purchased, by product, and their degree of concentration in degrees Brix.

2. Processors shall keep proof of payment in respect of all fruit purchased under a processing contract or supplementary agreement for five years after the end of the marketing year. Processors shall also keep proof of payment in respect of all fruit bought for processing for five years.

3. Processors shall be subject to any inspection or monitoring considered necessary and shall keep such additional records as are prescribed by the national authorities to enable them to carry out the checks that they consider necessary.

Article 15

1. Producers' organizations delivering satsumas for processing shall keep records containing the following minimum information for each of the periods referred to in Article 13 (b) and (c):

- the batches delivered to the processing industry each day, distinguishing between those covered by processing contracts or written supplementary agreements, together with the serial numbers of any receipts issued for such batches,
- the weight of each batch together with the name and address of the other contracting party.

2. Producers' organizations shall be subject to any inspection or monitoring considered necessary and shall keep such additional records as are prescribed by the national authorities to enable them to carry out the checks that they consider necessary.

Article 16

1. In respect of each marketing year, the competent authorities shall check the records of producers' organizations and processors and verify by random checks of not less than 10 % of applications for aid and not less than 10 % of applications for financial compensation, in particular:

(a) for producers' organizations:

- whether the quantities of satsumas delivered under processing contracts correspond to those given in the application for aid,
- whether the quantities given in the application for aid correspond to those in respect of which the certificate referred to in Article 10 was issued,
- whether the quality requirements are satisfied;

(b) for processors:

- whether the quantities of oranges, mandarins, clementines, satsumas or lemons purchased under

contracts and processed in the undertaking correspond to those indicated in the application for financial compensation,

- whether the quantities of fruit referred to in the first indent are consistent with the juice obtained from processing, taking account of the yield of the fruit and the degree of concentration of the finished product in degrees Brix. The equivalence between the quantity of fruit and the quantity of juice obtained and the degree of concentration shall be assessed on the basis of the table set out in the Annex,
- whether the quantities given in the application for financial compensation correspond to those in respect of which the certificate referred to in Article 10 was issued,
- whether the price paid for the products referred to in the first indent for processing is not less than the minimum price, and
- whether the quality requirements are satisfied.

2. In respect of each marketing year, the competent authorities shall also make random checks, for each processor, of not less than 10 % of the invoices relating to applications for financial compensation, selected for the checks referred to in paragraph 1, in order to establish the authenticity of the signatures, the accuracy of the invoices and the payment thereof, for instance by consulting the parties concerned.

3. The competent authorities designated by Member States shall carry out physical checks at least twice a year on the stocks of processed products held by the processor and on the stocks of processed products purchased, and shall compare the data thus obtained with those contained in the processor's records.

4. Verifications undertaken pursuant to this Article shall be without prejudice to any additional checks by the competent authorities or the possible consequences of the application of national provisions.

5. Member States shall take all necessary steps to prevent and punish fraud in connection with the system of aid and financial compensation and to ensure its correct application.

6. Where, in relation to paragraphs 1 and 2, irregularities attain 5 % of the applications for aid or financial compensation or invoices checked, the competent authorities shall step up the checks and inform the Commission thereof without delay.

7. Member States shall recover the amounts unduly paid, with interest at the rate in force in the Member State for similar cases. Member States shall inform the Commission of the interest rates applied.

Article 17

Where it is established that the aid or financial compensation applied for by a producers' organization or processor in respect of any marketing year is greater than the aid or financial compensation due, a reduction shall be applied where the disparity is due to false statements or documents or to negligence on the part of the producers' organization or processor. The reduction shall be :

- 10 % where the disparity is equivalent to between 1 and 5 % of the aid or financial compensation due,
- 40 % where the disparity is equivalent to between more than 5 and 25 %.

Where the disparity is greater than 25 %, no aid or financial compensation shall be due for the marketing year concerned. Moreover, the producers' organization or processor shall lose any entitlement to aid or financial compensation for the following year.

Where aid or financial compensation has already been paid, the Member State shall recover any amounts paid in excess of the aid or financial compensation due, reduced as indicated in the first paragraph, without prejudice to any interest as referred to in Article 16 (7).

TITLE VII

Notification

Article 18

Each Member State shall notify to the Commission not later than three months after the end of the marketing year for each product :

1. the total quantity, in net weight, of each of the finished products obtained by the processing industry, after complete processing of oranges, mandarins, clementines, satsumas and lemons ;
2. the total quantity, in net weight, of each of the finished products obtained from oranges, mandarins, clementines, satsumas and lemons in respect of which financial compensation was granted ;
3. total quantities of oranges, mandarins, clementines, satsumas and lemons processed, broken down according to the finished product obtained ;
4. total quantities of oranges, mandarins, clementines, satsumas and lemons covered by processing contracts as referred to Article 5, broken down by finished product ;
5. total quantities of oranges, mandarins, clementines, satsumas and lemons, for each period referred to in Article 12 (1) (b), indicated in the applications for

financial compensation as having been used for the manufacture of the products referred to in point 2 of this Article, broken down by finished product ;

6. the expenditure, given in national currency, incurred in relation to the financial compensation paid in respect of the quantities referred to in point 5 ;
7. the combined net weight of products not sold and remaining in store at the end of the processing year ;
8. the finished products referred to in points 1 to 5 and 7, with the degree of concentration expressed in degrees Brix ;
9. the total quantity of satsumas delivered by the producers' organizations, with a separate indication of quantities delivered under contract ;
10. the expenditure, given in national currency, incurred in relation to the aid to producers' organizations paid in respect of the quantities delivered under contract.

Each Member State shall notify to the Commission, by 31 March each year at the latest, the quantities of lemons delivered for processing between 1 March of the preceding year and 28/29 February of the current year pursuant to Regulation (EEC) No 1035/77.

TITLE VIII

Derogating provisions

Article 19

For the 1993/94 marketing year, the provisions of Article 11 (2) and (3) and Article 13 and the penalties provided for in Article 17 shall apply to an individual producer as referred to in Article 19c of Regulation (EEC) No 1035/72 who applies for aid for satsumas.

TITLE IX

Final provisions

Article 20

Regulation (EEC) No 1562/85 is repealed.

Article 21

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

It shall apply with effect from 12 November 1993.

However, in the case of products processed from lemons, Regulation (EEC) No 1562/85 shall continue to apply until the end of the 1993/94 marketing year.

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

Done at Brussels, 3 December 1993.

For the Commission
René STEICHEN
Member of the Commission

ANNEX

TABLE OF EQUIVALENCE

Juice	Juice yields between	Degrees Brix natural juice between
Oranges	30 to 40 %	10 to 12°
Mandarins and clementines	22,5 to 30 %	10 to 12°
Lemons	20 to 30 %	7 to 8°

COMMISSION REGULATION (EC) No 3339/93**of 3 December 1993****amending Regulation (EEC) No 3616/92 adopting conversion measures for tobacco of the varieties Mavra, Tsebelia, Forchheimer Havanna II c and hybrids of Geudertheimer**

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

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organization of the market in raw tobacco⁽¹⁾, and in particular Article 14 thereof,

Whereas Commission Regulation (EEC) No 3616/92⁽²⁾ provides for a programme of conversion from the varieties Mavra, Tsebelia, Forchheimer Havanna II c and hybrids of Geudertheimer to other varieties of tobacco or to agricultural crops other than tobacco; whereas, pursuant to Article 6 (1), the conversion aid must be paid not later than 30 September of the year of harvesting; whereas, owing to administrative difficulties, this deadline cannot

always be met; whereas the deadline should therefore be put back to 30 November,

HAS ADOPTED THIS REGULATION:

Article 1

The date of 30 September referred to in Article 6 (1) of Regulation (EEC) No 3616/92 is hereby replaced by that of 30 November.

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, 3 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 215, 30. 7. 1992, p. 70.

⁽²⁾ OJ No L 367, 16. 12. 1992, p. 13.

COMMISSION REGULATION (EC) No 3340/93**of 3 December 1993****introducing a countervailing charge on fresh clementines originating in Morocco**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Having regard to the Treaty establishing the European Community,

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽¹⁾, as last amended by Regulation (EEC) No 249/93⁽²⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;Having regard to Regulation (EEC) No 1035/72 of the Council of 18 May 1972 on the common organization of the market in fruit and vegetables⁽³⁾, as last amended by Regulation (EEC) No 638/93⁽⁴⁾, and in particular the second subparagraph of Article 27 (2) thereof,

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

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾ 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⁽⁶⁾,Whereas Commission Regulation (EC) No 3053/93 of 4 November 1993 fixing for the 1993/94 marketing year the reference prices for fresh clementines⁽⁷⁾ fixed the reference price for products of class I at ECU 59,57 per 100 kilograms net for the period December 1993 to February 1994;

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 3,34 per 100 kilograms net is applied to fresh clementines (CN code 0805 20 10) originating in Morocco.

Article 2

This Regulation shall enter into force on 7 December 1993.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.⁽²⁾ OJ No L 69, 20. 3. 1993, p. 7.⁽³⁾ OJ No L 273, 5. 11. 1993, p. 14.⁽⁴⁾ OJ No L 261, 20. 10. 1993, p. 18.⁽⁵⁾ OJ No L 220, 10. 8. 1974, p. 20.⁽⁶⁾ OJ No L 28, 5. 2. 1993, p. 45.⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 17.

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

Done at Brussels, 3 December 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 3341/93

of 3 December 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 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 2

December 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 4 December 1993.

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

Done at Brussels, 3 December 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 3 December 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ^(*)
0709 90 60	80,51 ⁽²⁾ ⁽³⁾
0712 90 19	80,51 ⁽²⁾ ⁽³⁾
1001 10 00	6,19 ⁽¹⁾ ⁽⁵⁾
1001 90 91	90,03
1001 90 99	90,03 ⁽⁶⁾
1002 00 00	112,66 ⁽⁶⁾
1003 00 10	117,98
1003 00 20	117,98
1003 00 80	117,98 ⁽⁷⁾
1004 00 00	90,74
1005 10 90	80,51 ⁽²⁾ ⁽³⁾
1005 90 00	80,51 ⁽²⁾ ⁽³⁾
1007 00 90	97,09 ⁽⁶⁾
1008 10 00	25,31 ⁽⁷⁾
1008 20 00	25,14 ⁽⁷⁾
1008 30 00	23,66 ⁽⁷⁾
1008 90 10	⁽⁷⁾
1008 90 90	23,66
1101 00 00	163,56 ⁽⁶⁾
1102 10 00	196,51
1103 11 30	43,29
1103 11 50	43,29
1103 11 90	186,71
1107 10 11	171,13
1107 10 19	130,61
1107 10 91	220,88 ⁽¹⁰⁾
1107 10 99	167,79 ⁽⁷⁾
1107 20 00	193,75 ⁽¹⁰⁾

⁽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 (EC) No 3342/93**of 3 December 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 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 2 December 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 4 December 1993.

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

Done at Brussels, 3 December 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 3 December 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 12	1st period 1	2nd period 2	3rd period 3
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0
1102 10 00	0	0	0	0
1103 11 30	0	0	0	0
1103 11 50	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

(ECU/tonne)

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

COMMISSION REGULATION (EC) No 3343/93**of 3 December 1993****altering the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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 the fourth subparagraph of Article 13 (2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EC) No 3236/93 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EC) No 3236/93 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁴⁾ 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 ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/93, exported in the natural state, as fixed in the Annex to Regulation (EC) No 3236/93 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 4 December 1993.

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

Done at Brussels, 3 December 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 292, 26. 11. 1993, p. 48.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

ANNEX

to the Commission Regulation of 3 December 1993 altering the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refund (2)	Product code	Destination (1)	Amount of refund (2)
0709 90 60 000	—	—	1005 90 00 000	03	25,00
0712 90 19 000	—	—		04	15,00
1001 10 00 200	—	—		02	0
1001 10 00 400	—	—	1007 00 90 000	—	—
1001 90 91 000	—	—	1008 20 00 000	—	—
1001 90 99 000	03	39,00	1101 00 00 100	01	63,50
	02	15,00	1101 00 00 130	01	60,50
1002 00 00 000	03	25,00	1101 00 00 150	01	55,50
	02	15,00	1101 00 00 170	01	51,50
1003 00 10 000	05	—	1101 00 00 180	01	48,50
1003 00 20 000	03	58,00	1101 00 00 190	—	—
	02	15,00	1101 00 00 900	—	—
1003 00 80 000	03	58,00	1102 10 00 500	01	63,50
	02	15,00	1102 10 00 700	—	—
1004 00 00 200	—	—	1102 10 00 900	—	—
1004 00 00 400	—	—	1103 11 30 200	01	— ⁽³⁾
1005 10 90 000	—	—	1103 11 30 900	—	—
			1103 11 50 200	01	— ⁽³⁾
			1103 11 50 400	—	—
			1103 11 50 900	—	—
			1103 11 90 200	01	— ⁽³⁾
			1103 11 90 800	—	—

(1) The destinations are identified as follows:

01 All third countries,

02 Other third countries,

03 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,

04 Zones I, III b), VIII a), Cuba and Hungary.

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

(3) No refund is granted when this product contains compressed meal.

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

COUNCIL REGULATION (EC) No 3344/93
of 2 December 1993
extending the provisional anti-dumping duty on imports of ethanolamines
originating in the United States of America

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European 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 11 thereof,

Having regard to the proposal from the Commission,

Whereas Commission Regulation (EEC) No 2172/93⁽²⁾ imposed a provisional anti-dumping duty on imports of ethanolamines originating in the United States of America;

Whereas some exporters representing a significant percentage of the trade involved have requested an exten-

sion of that provisional anti-dumping duty, so as to enable them to present their views in greater detail,

HAS ADOPTED THIS REGULATION:

Article 1

The validity of the provisional anti-dumping duty on imports of ethanolamine originating in the United States of America imposed by Regulation (EEC) No 2172/93 is hereby extended for a period of two months.

It shall cease to apply if, before the expiration of that period, the Council adopts definitive measures or the proceeding is terminated pursuant to Article 9 of Regulation (EEC) No 2423/88.

Article 2

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

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

Done at Brussels, 2 December 1993.

For the Council

The President

M. DE GALAN

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 195, 4. 8. 1993, p. 5.

COMMISSION DIRECTIVE 93/107/EC**of 26 November 1993****amending Council Directive 70/524/EEC concerning additives in feedingstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs⁽¹⁾, as last amended by Commission Directive 93/55/EEC⁽²⁾, and in particular Article 7 thereof,

Whereas Directive 70/524/EEC provides for regular amendment of the content of its Annexes to take account of advances in scientific and technical knowledge; whereas the Annexes were consolidated by Commission Directive 91/248/EEC⁽³⁾;

Whereas the use of the coccidiostat 'Diclazuril' has been tested in certain Member States; whereas, on the basis of experience gained, it appears that this new use can be authorized throughout the Community;

Whereas the use of certain colouring agents in feeds for ornamental fish has been tested in certain Member States; whereas this new use may be authorized provisionally at national level pending approval at Community level;

Whereas the investigation of various additives currently listed in Annex II and therefore authorizable at national level has not yet been completed; whereas, therefore, the period of authorization of these substances should be extended for a specific period;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Feedingstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annexes to Directive 70/524/EEC are hereby amended as set out in the Annex hereto.

Article 2

Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive by 30 November 1994 at the latest. They shall immediately inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Article 3

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

Done at Brussels, 26 November 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 270, 14. 12. 1970, p. 1.

⁽²⁾ OJ No L 206, 18. 8. 1993, p. 11.

⁽³⁾ OJ No L 124, 18. 5. 1991, p. 1.

ANNEX

1. In Annex I, in part D 'Coccidiostats and other medicinal substances', the following item is added :

EC No	Additive	Chemical formula, description	Specie or category of animal	Maximum age	Minimum content		Maximum content	Other provisions
					mg/kg of complete feedingsuffs			
'E 771	Diclazuril	(+)-4-chlorophenyl(2,6-dichloro-4-(2,3,4,5-tetrohydro-3,5-dioxo-1,2,4-triazin-2-yl-phenyl)acetoneitrile	Chickens for fattening	—	1	1	1	Use prohibited at least five days before slaughter'

2. In Annex II :

2.1. in part A 'Antibiotics' :

- 2.1.1. against item No 22 'Avoparcin' the date '30. 11. 1993' in column 'Period of authorization' is replaced by '30. 11. 1994' for the category of animal 'Dairy cattle' ;
- 2.1.2. against item No 28 'Avilamycin' the date '30. 11. 1993' in the column 'Period of authorization' is replaced by '30. 11. 1994' for the category of animal 'Chickens for fattening' ;
- 2.1.3. against item No 29 'Efrotamycin' the date '30. 11. 1993' in the column 'Period of authorization' is replaced each time by '30. 11. 1994' for the categories of animal 'Piglets' and 'Pigs' ;

2.2. in part D 'Coccidiostats and other medicinal substances' :

- 2.2.1. against item No 22 'Robenidine' the date '30. 11. 1993' is replaced by '30. 3. 1994' ;
- 2.2.2. against item No 23 'Narasin/Nicarbazin' for the category of animal 'Chickens for fattening', No 24 'Diclazuril' for the category of animal 'Chickens for fattening' and No 25 'Malofuginone' for the category of animal 'Laying hens' the date '30. 11. 1993' is replaced each time by '30. 11. 1994' ;

2.3. in part F 'Colouring matters including pigments' the following items are added :

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions	Period of authorization
					mg/kg of complete feedingsuffs				
'1. 2.	1. Carotenoids and xantho- phylls :								
	Canthaxanthin	C ₄₀ H ₅₂ O ₂	Ornamental fish	—	—	—	—	—	30. 11. 1994
	Astaxanthin	C ₄₀ H ₅₂ O ₄	Ornamental fish	—	—	—	—	—	30. 11. 1994'

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Other provisions	Period of authorization
					mg/kg of complete feedingstuffs	Maximum content		
	2. Other colouring matters :							
'1.	Tartrazine	$C_{16}H_9N_4O_9S_2Na_3$	Ornamental fish	—	—	—	—	30. 11. 1994
2.	Sunset yellow FCF	$C_{16}H_{10}N_2O_7S_2Na_2$						
3.	Ponceau 4 R	$C_{20}H_{11}N_2O_{10}S_3Na_3$						
4.	Erythrosine	$C_{20}H_6I_6O_2Na_2.H_2O$						
5.	Indigotine	$C_{16}H_8N_2O_8S_2Na_2$	Ornamental fish	—	—	—	—	30. 11. 1994
6.	Chlorophyll complex	—	Ornamental fish	—	—	—	—	30. 11. 1994
7.	Acid Brilliant Green BS, (Lissamine Green)	Sodium salt of 4,4-bis (dimethylamino)diphe- nyl- methylene-2- naphthol-3,6- disulphonic acid	Ornamental fish	—	—	—	—	30. 11. 1994
8.	Carbon black	C	Ornamental fish	—	—	—	—	30. 11. 1994'
9.	Bixin	$C_{25}H_{30}O_4$						
10.	Iron oxide, red	Fe_2O_3						

2.4. in part L 'Binders, anti-caking agents and coagulants', against item No 1 'Synthetic calcium aluminates' the date '30. 11. 1993' in the column 'Period of authorization' is replaced by '30. 11. 1994' for the category of animal 'Dairy cows, cattle for fattening, calves, lambs, kids'.

II

(Acts whose publication is not obligatory)

EUROPEAN PARLIAMENT

DECISION OF THE EUROPEAN PARLIAMENT

of 27 October 1993

giving discharge to the Commission in respect of the management of the European Coal and Steel Community for the 1991 financial year

(93/624/ECSC)

THE EUROPEAN PARLIAMENT,

- having regard to the following amounts contained in the accounts of the European Coal and Steel Community as at 31 December 1991 ⁽¹⁾, the report of the Court of Auditors of 25 June 1992 ⁽²⁾, confirming that the accounts present a true picture of the financial situation of the European Coal and Steel Community at 31 December 1991, and the results of the ECSC operations in the financial year ending on the same date,
- 1. gives the Commission discharge in respect of the management of the ECSC for the financial year (attaching, by way of information, the figures relating to the implementation of the administrative budget for the 1991 financial year);
- 2. instructs its President to forward this decision and the resolution containing its comments to the Commission, the Council, the Court of Auditors and the ECSC Consultative Committee and to have them published in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 27 October 1993.

The Secretary-General

Enrico VINCI

The President

Dr Egon KLEPSCH

⁽¹⁾ The relevant tables are included after this decision.

⁽²⁾ OJ No C 215, 21. 8. 1992, p. 28.

Balance sheets at 31 December 1991 and 31 December 1990

(amounts expressed in ecus)

— Before allocation of profit —

ASSETS

	31 December 1991	31 December 1990
Balances with central banks	1 081 028	2 455 381
Loans and advances to credit institutions:		
— repayable on demand	34 036 866	36 330 473
— with agreed maturity dates or periods of notice	803 286 645	968 451 679
— loans	3 239 875 489	2 694 352 165
Total	4 077 199 000	3 699 134 317
Loans and advances to customers:		
— loans	4 276 210 661	4 212 720 400
— levy	13 845 058	1 818 180
— fines	1 754 070	1 702 087
Total	4 291 809 789	4 216 240 667
Debt securities including fixed-income securities:		
— issued by public bodies	1 069 105 622	1 007 034 384
— issued by other borrowers	244 402 965	237 273 716
(including own-debt securities: 88 954 023 in 1991 and 104 283 876 in 1990)		
Total	1 313 508 587	1 244 308 100
Tangible and intangible assets	6 021 801	5 991 681
Other assets	10 722 601	6 660 664
Prepayments and accrued income	335 432 183	294 513 076
TOTAL ASSETS	10 035 774 989	9 469 303 886

— Before allocation of profit —

LIABILITIES

	31 December 1991	31 December 1990
LIABILITIES <i>VIS-A-VIS</i> THIRD PARTIES		
Amounts owed to credit institutions :		
— repayable on demand	0	1 946 183
— with agreed maturity dates or periods of notice	85 978 663	90 177 871
— borrowings	2 936 886 431	3 210 329 694
Total	3 022 865 094	3 302 453 748
Debts evidenced by certificates	4 202 296 133	3 462 281 500
Other liabilities	107 922 528	145 747 865
Accruals and deferred income	284 484 893	257 939 731
Provisions for liabilities and charges	7 084 687	5 437 682
Commitments for the ECSC operating budget	1 288 934 244	1 176 182 496
TOTAL LIABILITIES <i>VIS-A-VIS</i> THIRD PARTIES	8 913 587 579	8 350 043 022
NET ASSETS		
Provisions for financing the ECSC operating budget	385 058 170	383 939 347
RESERVES :		
— Guarantee fund	482 885 000	482 885 000
— Special reserve	188 980 000	188 980 000
— Former pension fund	56 150 435	54 887 556
Total	728 015 435	726 752 556
Value adjustment reserve	7 773 845	7 139 997
Surplus brought forward	166 085	485 186
Surplus for the financial year	1 173 875	943 778
NET TOTAL	1 122 187 410	1 119 260 864
TOTAL LIABILITIES	10 035 774 989	9 469 303 886

**Profit-and-loss accounts for the years ending 31 December 1991
and 31 December 1990**

(amounts expressed in ecus)

EXPENDITURE

	31 December 1991	31 December 1990
Interest payable and similar charges :		
— interest	853 945 655	706 897 548
— issuing costs and redemption premiums	16 185 304	14 853 731
Total	870 130 959	721 751 279
Commissions payable	2 419 396	2 817 495
Net losses on financial operations :		
— foreign-exchange losses	0	81 272
— losses on securities	3 163 224	4 236 067
— value adjustments in respect of securities	0	0
Total	3 163 224	4 317 339
Administrative expenses	5 000 000	5 000 000
Value adjustments in respect of tangible assets	895 511	9 007 495
Other operating charges	751 705	601 021
Value adjustments in respect of losses and advances and provisions for contingent liabilities and for commitments :		
— value adjustment in respect of loans and advances	1 000 069	2 742 950
— allocation to the provision for risks and charges	1 946 642	730 885
Total	9 593 927	18 082 351
TOTAL OPERATING CHARGES	885 307 506	746 968 464
Extraordinary charges	444 491	32 272
Conversion difference	0	5 659 172
Allocation to the value adjustment reserve	633 848	
Legal commitments for the financial year	454 375 588	445 277 280
Allocation to reserves for financing the ECSC operating budget	313 304 101	311 851 569
TOTAL CHARGES	1 654 065 534	1 509 788 757
Profit for the financial year	1 173 875	943 778
TOTAL	1 655 239 409	1 510 732 535

	REVENUE	
	31 December 1991	31 December 1990
Interest receivable and similar income:		
— interest (including interest on fixed-income securities: 125 091 970 in 1991 and 106 346 129 in 1990)	1 081 577 404	927 491 072
— issuing and redemption premiums	12 670 676	10 944 940
Total	1 094 248 080	938 436 012
Net profit on financial operations:		
— foreign-exchange profits	23 286	0
— profits on securities	8 931 669	0
— value adjustments in respect of securities	20 110 244	2 770 868
Total	29 065 199	2 770 868
Value adjustments in respect of loans and advances and provisions:		
— value adjustments in respect of loans and advances	10 676 489	10 772 378
— transfer from the provisions for risks and charges	324 254	0
Total	11 000 743	10 772 378
Other operating income	720 849	1 785 786
Extraordinary income	0	9 640 148
TOTAL OPERATING INCOME	1 135 034 871	963 405 192
Conversion difference	633 848	0
Transfer from the value adjustment reserve	0	5 659 172
Income linked to the operating budget	207 401 206	291 280 321
Transfer from the provision for financing the ECSC operating budget	311 851 569	250 387 850
Transfer from the provision for fines to be collected	317 915	
TOTAL INCOME	1 655 239 409	1 510 732 535

Implementation of the ECSC Operating Budget

(in ecus)

	31 December	
	1991	1990
IMPLEMENTATION OF THE BUDGET		
Expenditure :		
— administrative expenditure	5 000 000	5 000 000
— legal commitments	435 375 588	445 277 280
— miscellaneous	73 086	39 322
Total	459 448 674	450 316 602
Revenue :		
— levy	175 054 804	178 494 591
— fines	—	6 893 489
— deposits	18 348	92 813
— cancellations of legal commitments	32 311 852	105 795 816
— miscellaneous	16 202	3 612
— surplus from the last budget	91 351 569	44 387 850
— net balance from the last financial year	220 500 000	206 000 000
Total	519 252 775	541 668 171
BUDGET OUT-TURN	59 804 101	91 351 569

(in ecus)

	31 December	
	1991	1990
Result on non-budgetary operations	254 673 875	221 443 778
Budget out-turn	59 804 101	91 351 569
Total	314 477 976	312 795 347
Allocation to the provisions for financing the operations budget for the following financial year :		
— surplus from the implementation of the budget	59 804 101	91 351 569
— net balance	253 500 000	220 500 000
SURPLUS BEFORE ALLOCATION	1 173 875	943 778

RESOLUTION

on the report of the Court of Auditors on the accounts of the European Coal and Steel Community at 31 December 1991, and on the report (annexed to the annual ECSC report for the 1991 financial year) of the Court of Auditors on the management of the accounts and the financial management of the ECSC

THE EUROPEAN PARLIAMENT,

- having regard to the ECSC financial report for the 1991 financial year⁽¹⁾, submitted by the Commission, and in particular the balance sheet and profit and loss accounts of the ECSC at 31 December 1991,
 - having regard to the report of the Court of Auditors on the accounts of the ECSC at 31 December 1991⁽²⁾ and the Annex containing the report on the management of the accounts and the financial management of the European Coal and Steel Community (C3-0130/93),
 - having regard to the report of the Committee on Budgetary Control (A3-0258/93),
- A. whereas the Court of Auditors has found that the financial statements of the ECSC at 31 December 1991 give a true and fair view of the results of its operations for the year then ended,
- B. whereas the coal and steel sectors in the Community are once more undergoing a period of severe crisis, emphasising the importance of the role the ECSC has to play,
- C. whereas the ECSC Treaty is due to expire in 2002, and suitable provision must urgently and definitively be made for the continuation, in some form, of the activities undertaken under its auspices thereafter,
- D. whereas, until such time as a definitive contrary decision is reached, the ECSC Treaty continues to be fully in effect,
- E. whereas, following Parliament's decision of 22 April 1993 to postpone the granting of discharge for the management of the ECSC budget in 1991⁽³⁾, the Commission has provided Parliament with additional information which allows discharge to be granted subject to the following resolution:

Financial statements

1. Notes that the ratios calculated by the Commission for the reserves and the ratios calculated by the Court of Auditors for the Guarantee Fund and own

resources have fallen slightly; notes however that they remain at the upper end of the recommended ranges and that therefore the balance sheet of the ECSC may be considered sound;

2. Welcomes the increase in lending activity in 1991, and notes that the ECSC's balance sheet ratios remain such that further increases in total lending can take place without jeopardizing its creditworthiness;
3. Calls on the Commission to examine its use of the global loan instrument, and in particular the role of the financial intermediaries, with a view to eliminating the inequalities it produces in the treatment of actual and potential ECSC borrowers in different parts of the Community;

ECSC administrative expenditure

4. Calls upon the Commission to produce a formal estimate, to be annexed to the ECSC operating budget, of the true costs of the administration of the ECSC; notes that, at present, the EEC general budget subsidizes the ECSC budget to a significant extent;

Security of lendings

5. Notes that the ECSC had a good record in terms of recovery of its lendings; welcomes the generally prudent approach of the Commission to the security taken to cover its loans;
6. Urges the Commission to take all possible steps to ensure that, in the case of privatization or any other change of ownership of a borrower, the security held to cover loans remains substantially undiminished; stresses that the Commission must not allow political pressure to undermine its prudent stance;
7. Finds, following examination of information received subsequent to postponement of discharge, that the loans classified 'at risk' as at 31 December 1991 by the Commission do not constitute a significant danger to the strength of the ECSC balance sheet, and that the Commission's management of such loans can be considered satisfactory; believes however that the ongoing economic difficulties of the coal and steel sectors have increased the potential risk to the balance sheet of the ECSC and that it is more than ever of paramount importance that the Commission take a firm line in holding guarantors of loans to their obligations;

⁽¹⁾ OJ No C 215, 21. 8. 1992, p. 3.

⁽²⁾ OJ No C 215, 21. 8. 1992, p. 28.

⁽³⁾ OJ No C 150, 31. 5. 1993, p. 275.

8. Emphasises, given the financial difficulties which may be experienced by some ECSC debtors in the current economic climate, that decisions of an essentially political nature affecting Community finances must be made by a democratically accountable body; reaffirms therefore that any decision not corresponding to strict banking criteria must be referred to the budgetary authority;

Property policy

9. Considers that the Commission breached Community rules in spending the profit from the sale of the property at 61, rue des Belles Feuilles in Paris, without reference to the budgetary authority; reminds the Commission that a share of this amount belonged to the EEC taxpayer, who was thus bypassed;
10. Questions the Commission's accounting practices, according to which none of the amounts spent or assets acquired in Paris formally appear in the ECSC balance sheet, other than as a nominal entry of ECU 1;
11. Expresses the view that the Commission's handling of the property transactions in Paris did not represent sound financial management; believes that the property purchases made did not represent the best or most appropriate investment of the money available;
12. Regrets the lack of political acumen displayed by the Commission in its property investment policy in

Paris; seeks formal assurances that such episodes will not recur;

13. Emphasises that the Commission has undertaken not to carry out further property transactions without first obtaining the assent of the budgetary authority, and that the Commission's internal procedures for such transactions have also been improved;

Bagnoli

14. Calls on the Commission to recover all interest rate subsidies wrongly paid over to the Bagnoli project, and to monitor carefully the repayment of outstanding loans, and to inform the Committee on Budgetary Control of the results;

General

15. Calls on the Commission to exercise its full rights and powers under the ECSC Treaty, which remains for the time being fully in force, to take a lead role in the restructuring of the European coal and steel sectors, and to ensure that national policies do not result in distortion of fair competition between enterprises in different Member States;
16. Instructs its President to forward this resolution to the Commission, the Council, the Court of Auditors and the ECSC Consultative Committee.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 3022/93 of 29 October 1993 amending Regulation (EEC) No 3478/92 laying down detailed rules for the application of the premium system for raw tobacco

(Official Journal of the European Communities No L 270 of 30 October 1993)

On page 64, after the last recital, insert the following recital:

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