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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 3627/93**of 28 December 1993****concerning the stopping of fishing for Atlantic redfish by vessels flying the flag of a Member State**

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 3927/92 of 20 December 1992 fixing catch possibilities for 1993 for certain fish stocks and groups of fish stocks in the Regulatory Area as defined in the NAFO Convention ⁽³⁾, provides for Atlantic redfish 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 Atlantic redfish in the waters

of NAFO zone 3 M by vessels flying the flag of a Member State or registered in a Member State have reached the quota allocated for 1993,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of Atlantic redfish in the waters of NAFO zone 3 M by vessels flying the flag of a Member State or registered in a Member State are deemed to have exhausted the quota allocated to the Community for 1993.

Fishing for Atlantic redfish in the waters of NAFO zone 3 M by vessels flying the flag of a Member State or registered in a Member State 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 that 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, 28 December 1993.

For the Commission

Karel VAN MIERT

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. 67.

COMMISSION REGULATION (EC) No 3628/93**of 28 December 1993****concerning the stopping of fishing for cod by vessels flying the flag of Spain**

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 last amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 3927/92 of 20 December 1992 fixing catch possibilities for 1993 for certain fish stocks and groups of fish stocks in the Regulatory Area as defined in the NAFO Convention ⁽³⁾, provides for cod 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 cod in the waters of NAFO zone 3 NO by vessels flying the flag of Spain or registered in Spain have reached the quota allocated for 1993; whereas Spain has prohibited fishing for this stock as

from 17 December 1993; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of NAFO zone 3 NO by vessels flying the flag of Spain or registered in Spain are deemed to have exhausted the quota allocated to Spain for 1993.

Fishing for cod in the waters of NAFO zone 3 NO by vessels flying the flag of Spain or registered in Spain 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 that of its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 17 December 1993.

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

Done at Brussels, 28 December 1993.

For the Commission

Karel VAN MIERT

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. 67.

COMMISSION REGULATION (EC) No 3629/93

of 28 December 1993

on the supply of sardines as food aid

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

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

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

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain recipients 935 tonnes of sardines;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

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

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

Done at Brussels, 28 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOTS A, B, C and D

1. **Operation Nos** (1): 1008/93 (A), 1009/93 (B), 1010/93 (C) and 1011/93 (D)
2. **Programme** : 1993
3. **Recipient** (2): UNRWA Headquarters, Supply Division, Vienna International Centre, PO Box 700, A-1400 Vienna (telex 135310 UNRWA A — fax (1) 230 75 29)
4. **Representative of the recipient** : UNRWA Field Supply and Transport Officer,
Ashdod: West Bank, PO Box 19149, Jerusalem (tel. 972 (2) 89 05 55; telex 26194 UNRWA IL; fax 972 (2) 81 65 64)
Latakia: PO Box 4313, Damascus, SAR (tel. 963 (11) 66 02 17; telex 412006 UNRWA SY; fax 963 (11) 24 75 13)
Beirut: PO Box 947, Beirut, Lebanon (tel. 86 31 32; telex 21430 UNRWA LE; fax 87 11 45 02 32 (via satellite))
Amman: PO Box 484, Amman, Jordan (tel. 962 (6) 74 19 14 — 77 22 26; telex 23402 UNRWA JFO JO; fax 962 (6) 68 54 76)
5. **Place or country of destination** (3):
 - lot A: Israel
 - lot B: Syria
 - lot C: Lebanon
 - lot D: Jordan
6. **Product to be mobilized** : Sardines
7. **Characteristics and quality of the goods** (4) (5): Tinned headless sardines in vegetable oil (1993 fishing, CN code 1604 13 19)
8. **Total quantity** : 935 tonnes
9. **Number of lots** : four (lot A: 490 tonnes; lot B: 24 tonnes; lot C: 150 tonnes; lot D: 211 tonnes)
10. **Packaging and marking** (7) (8): OJ No C 114, 29. 4. 1991, p. 1 (under VIII.A.2 and VIII.A.3)
Type of tins: 'easy open'
Markings in English: ('mackerel' must be replaced by 'sardine')
Supplementary markings:
 - on the cartons: 'UNRWA'
 - on the tins and the cartons: 'Expiry date: ' (date of manufacture plus four years)In case the required markings cannot be printed on the tins, they must be printed either on an outer packaging of each tin or on self-adhesive labels fixed on the tins.
The expiry date and the date of manufacture shall be printed on the tins and not on the self-adhesive labels.
11. **Method of mobilization** : the Community market
12. **Stage of supply** : lots A, B: free at port of landing — landed; lots C, D: free at destination
13. **Port of shipment** : —
14. **Port of landing specified by the recipient** : —
15. **Port of landing** : lot A: Ashdod; lot B: Latakia
16. **Address of the warehouse and, if appropriate, port of landing** : Lot C: UNRWA depots in Beirut, Lebanon; lot D: UNRWA depots in Amman, Jordan
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage** : 21. 2 — 6. 3. 1994
18. **Deadline for the supply** : lots A, B: 27. 3. 1994; lots C, D: 10. 4. 1994
19. **Procedure for determining the costs of supply** : tendering procedure
20. **Date of expiry of the period allowed for submission of tenders** : 12 noon on 17. 1. 1994 (Brussels time)

21. A: In the case of a second invitation to tender:

- (a) deadline for the submission of tenders: 12 noon on 31. 1. 1994 (Brussels time)
- (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 7 — 20. 3. 1994
- (c) deadline for the supply: Lots A, B: 10. 4. 1994; lots C, D: 24. 4. 1994

B: In the case of a third invitation to tender:

- (a) deadline for the submission of tenders: 12 noon on 14. 2. 1994 (Brussels time)
- (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 21. 3 — 3. 4. 1994
- (c) deadline for the supply: Lots A, B: 24. 4. 1994; lots C, D: 2. 5. 1994

22. Amount of tendering security: ECU 15 per tonne**23. Amount of delivery security: 10 % of the amount of the tender in ecus****24. Address for submission of tenders⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles; (telex 22037 / 25670 AGREC B; telefax: (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)****25. Refund payable on application by the successful tenderer⁽¹⁾: —**

Notes :

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

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

The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following document :

— sanitary certificate.

- (⁴) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
- (⁵) Commission delegation to be contacted by the successful tenderer : see OJ No C 114, 29. 4. 1991, p. 33.
- (⁶) The sanitary certificate and the certificate of origin must be signed and stamped by a Syrian consulate, including a statement that consular fees and charges have been paid (action 1009/93, lot B).
- (⁷) Lots A, C, D : Shipment to take place in 20-foot containers.

Lot A : the contracted shipping terms shall be considered full liner terms (liner in/liner out) free at port of landing container yard and are understood to cover 15 days — Saturdays, Sundays and official public and religious holidays excluded — free of container detention charges at the port of discharge taken from the day/time of the arrival of the vessel. The 15 days free of container detention charges should be clearly marked on the bill of landing. Bona fide detention charges levied in respect of container detention(s) in excess of the said 15 days as detailed above will be borne by UNRWA. UNRWA shall not pay/not be charged any container deposit fees.

After take over of the goods at the delivery stage, the recipient will bear all costs of shifting the containers for destuffing outside the port area and of returning them to the container yard.

Ashod : consignment to be stowed in 20-foot containers not more than 17 tonnes each, net.

- (⁸) Notwithstanding OJ No C 114, point VIII.A.3(c) is replaced by the following : 'the words "European Community"'.

COMMISSION REGULATION (EC) No 3630/93

of 29 December 1993

fixing 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 third subparagraph of Article 13 (2) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas the refunds must be fixed taking into account the factors referred to in Article 2 of Commission Regulation (EEC) No 1533/93⁽³⁾, laying down detailed rules on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EEC) No 1533/93;

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

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁴⁾, as amended by Regulation (EC) No 3528/93⁽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 it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1994.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Done at Brussels, 29 December 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 29 December 1993 fixing 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	—	—	1007 00 90 000	—	—
0712 90 19 000	—	—	1008 20 00 000	—	—
1001 10 00 200	—	—	1101 00 00 100	01	58,00
1001 10 00 400	—	—	1101 00 00 130	01	55,00
1001 90 91 000	—	—	1101 00 00 150	01	50,00
1001 90 99 000	03	33,00	1101 00 00 170	01	47,00
	02	15,00	1101 00 00 180	01	44,00
1002 00 00 000	03	25,00	1101 00 00 190	—	—
	02	15,00	1101 00 00 900	—	—
1003 00 10 000	—	—	1102 10 00 500	01	58,00
1003 00 90 000	03	58,00	1102 10 00 700	—	—
	02	15,00	1102 10 00 900	—	—
1004 00 00 200	—	—	1103 11 10 200	01	— (3)
1004 00 00 400	—	—	1103 11 10 400	—	—
1005 10 90 000	—	—	1103 11 10 900	—	—
1005 90 00 000	03	29,00	1103 11 90 200	01	— (3)
	04	15,00	1103 11 90 800	—	—
	02	0			

(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).

COMMISSION REGULATION (EC) No 3631/93
of 29 December 1993
fixing the corrective amount applicable to the refund on cereals

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 13 (4) thereof,

Whereas Article 13 (4) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Commission Regulation (EEC) No 1533/93⁽³⁾ laying down detailed rules on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals allows for the fixing of a corrective amount for the products listed in Article 1 (1) (c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 2 of Regulation (EEC) No 1533/93;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁴⁾, as amended by Regulation (EC) No 3528/93⁽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 it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1994.

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

Done at Brussels, 29 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 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.

ANNEX

to the Commission Regulation of 29 December 1993 fixing the corrective amount
applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 00 200	—	—	—	—	—	—	—	—
1001 10 00 400	—	—	—	—	—	—	—	—
1001 90 91 000	01	0	0	0	0	0	—	—
1001 90 99 000	01	0	0	0	0	0	—	—
1002 00 00 000	01	0	0	0	0	0	—	—
1003 00 10 000	01	0	0	0	0	0	—	—
1003 00 90 000	01	0	0	0	0	0	—	—
1004 00 00 200	01	0	0	0	0	0	—	—
1004 00 00 400	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	0	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 100	01	0	0	0	0	0	—	—
1101 00 00 130	01	0	0	0	0	0	—	—
1101 00 00 150	01	0	0	0	0	0	—	—
1101 00 00 170	01	0	0	0	0	0	—	—
1101 00 00 180	01	0	0	0	0	0	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 500	01	0	0	0	0	0	—	—
1102 10 00 700	—	—	—	—	—	—	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 200	01	0	0	0	0	0	0	0
1103 11 10 400	01	0	0	0	0	0	0	0
1103 11 10 900	—	—	—	—	—	—	—	—
1103 11 90 200	01	0	0	0	0	0	0	0
1103 11 90 800	—	—	—	—	—	—	—	—

(1) The destinations are identified as follows:

01 all third countries.

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

COMMISSION DECISION No 3632/93/ECSC

of 28 December 1993

establishing Community rules for State aid to the coal industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

II

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 95 (1) thereof,

Having consulted the Consultative Committee, the European Parliament and with the unanimous assent of the Council,

I

Whereas Article 4 (c) of the Treaty prohibits all State aid to the coal industry in any form whatsoever, whether specific or non-specific;

Whereas structural changes on the international and Community energy markets have been forcing the coal industry in the Community to make major modernization, rationalization and restructuring efforts since the early 1960s; whereas, added to the competition from crude oil and natural gas, there has been growing pressure from coal imported from outside the Community; whereas, as a result, many undertakings in the Community are in financial difficulties and require State aid;

Whereas since 1965 the High Authority/Commission has on a number of occasions laid down rules to reconcile State aid to the coal industry with the objectives of the Treaty; whereas each new set of aid rules has been tailored to developments in the economy in general, and in particular to developments in the energy market and the coal market in the Community;

Whereas all the Decisions in question laid down objectives and principles guaranteeing that State aid was in the common interest, was strictly necessary in terms of volume and duration, and in no way disturbed the functioning of the common market; whereas Member States also undertook to obtain prior authorization from the High Authority/Commission before granting aid;

Whereas although Commission Decision 2064/86/ECSC of 30 June 1986 establishing Community rules for State aid to the coal industry⁽¹⁾ has enabled varying degrees of further restructuring, modernization and rationalization to take place in the coal industry with a view to increasing competitiveness, most coal production in the Community remains uncompetitive *vis-à-vis* imports from outside the Community, despite a considerable increase in productivity and a major reduction in employee numbers in this sector;

Whereas the scope for rationalization in the coal industry in the Community is limited by unfavourable geological conditions; whereas, therefore, these rationalization measures must be backed up by restructuring measures in order to improve the competitive position of the Community coal industry;

Whereas, in order to attain this objective, more financial resources are needed than the undertakings themselves can provide; whereas the Community similarly does not have at its disposal the resources needed to finance this process; whereas continuation of a Community system of aid is proving indispensable;

Whereas the measures taken may, in accordance with the ECSC Treaty provisions, form part of a concept for the diversification of energy supply and suppliers, including national energy resources, in the context of existing energy concepts;

Whereas the world market in coal is stable with abundant supplies from a wide variety of geographical sources, with the result that even in the long term and with increased demand for coal the risk of persistent interruption of supply, although it cannot be ruled out totally, is nevertheless minimal;

Whereas most of the coal imported into the Community comes from the Community's partners in the International Energy Agency (IEA) or from States with which the Community and/or the Member States have signed trade agreements and which cannot be considered high-risk suppliers;

⁽¹⁾ OJ No L 177, 1. 7. 1986, p. 1.

Whereas, despite the inevitable restructuring and closures, care must be taken to minimize the social and regional impact of these changes, when continuing the Community's policy in this sector, which must take account of the precarious social situation of mining regions, in particular in the context of the principle of economic and social cohesion ;

Whereas the Community is therefore confronted with a situation for which no provision is made in the Treaty but on which action must nevertheless be taken ; whereas, under these circumstances, the first paragraph of Article 95 of the Treaty must be invoked in order to allow the Community to continue to pursue the objectives set out in the opening Articles of the Treaty and, to this end, to establish new Community rules for aid to the coal industry ;

III

Whereas the Community must progressively bring about conditions which will of themselves ensure the most rational distribution of coal production ;

Whereas, to this end, the Community must, *inter alia*, promote a policy of using natural resources rationally under conditions precluding all protection against competing industries ;

Whereas the Community must promote the growth of international trade ;

Whereas in order to perform its task the Community must ensure the establishment, maintenance and observance of normal competitive conditions ;

Whereas, in the light of the abovementioned provisions, State aid must cause no distortion of competition and must not discriminate between coal producers, purchasers or consumers in the Community ;

Whereas State aid must therefore be granted under transparent conditions to allow better evaluation of its impact on the conditions of competition ;

Whereas inclusion of the aid in the budget or in exactly equivalent mechanisms, simplification of such aid and proper indication of the amounts received in the undertakings' annual accounts are the best guarantees of transparency in the aid systems ;

Whereas, moreover, the upward trend in the amount of aid paid in recent years is incompatible with the excep-

tional, transitional nature of the Community aid arrangements ; whereas the principle of reducing the coal industry's production costs and capacity is therefore necessary in order to achieve degression of aids ;

Whereas, however, a policy of rational distribution of production requires reductions of costs and of capacity to be concentrated primarily on those areas of production receiving the highest level of aid ;

Whereas for undertakings or production units in the Community which have no hope of making progress towards greater economic viability in view of coal prices on the world markets, aid arrangements should make it possible to mitigate the social and regional consequences of closures ; whereas in the light of redevelopment experience in certain Community coal-producing regions it has been recognized that, in cases of early closure of installations with no prospect of future viability, aid should be granted, as deemed necessary by the Member State, for regional industrial redevelopment, to the extent compatible with the Treaties ;

Whereas steps must be taken not only to create the conditions for healthier competition but also to bring about a long-term improvement in the competitiveness of this industry throughout the Community in relation to the world market ;

Whereas Community coal industry undertakings must be able to count on a precise medium and long-term outlook to carry out structural changes ;

Whereas, as a result of the steady decline in coal production in the Community in recent decades, some undertakings may be confronted with abnormal or exceptionally high costs ; whereas State aid to offset all or part of such costs may be compatible with the common market provided that strict supervision of such aid by the Commission is guaranteed ; whereas these inherited costs are not matched by hidden revenue from the past ;

Whereas it is necessary to ensure equal access by the coal industry and other sectors to aid for research and development and to aid for environmental protection ; whereas it is therefore desirable to evaluate the compatibility of such aid with the Community guidelines established to this end ;

Whereas, in particular, the coal industry is characterized by ever-increasing recourse to advanced technology and therefore plays an important role in research, development and demonstration and the exploitation of the industrial potential of such technology ;

IV

Whereas efforts to reduce production costs must form part of a restructuring, rationalization and modernization plan for the industry distinguishing between production units capable of contributing towards attainment of this objective and units which cannot attain it; whereas the latter will have to be the subject of an activity-reduction plan leading to the closure of installations when the present arrangements expire; whereas only exceptional social and regional reasons can justify any postponement of closure beyond the expiry date set;

Whereas the Commission's power of authorization must be implemented on the basis of precise and full knowledge of each measure planned by the governments and of their relationship to the objectives of this Decision; whereas, consequently, Member States should regularly provide the Commission with a consolidated report showing the full details of the direct or indirect aid which they plan to grant to the Community coal industry, specifying the reasons for and scope of the proposed aid and, where appropriate, its relationship with any modernization, rationalization and restructuring plan submitted;

Whereas it may be necessary, in view of the specific nature of certain existing aid arrangements, to allow a transitional period of three years so that such arrangements can be brought into line with the provisions of this Decision;

Whereas it is essential that no payment should be made, in whole or in part, before the Commission has given explicit authorization,

HAS ADOPTED THIS DECISION:

SECTION I

Framework and general objectives

Article 1

1. All aid to the coal industry, whether specific or general, granted by Member States or through State resources in any form whatsoever may be considered Community aid and hence compatible with the proper

functioning of the common market only if it complies with Articles 2 to 9.

2. The term 'aid' covers any direct or indirect measure or support by public authorities linked to production, marketing and external trade which, even if it is not a burden on public budgets, gives an economic advantage to coal undertakings by reducing the costs which they would normally have to bear.

3. The term 'aid' also covers the allocation, for the direct or indirect benefit of the coal industry, of the charges rendered compulsory as a result of State intervention, without any distinction being drawn between aid granted by the State and aid granted by public or private bodies appointed by the State to administer such aid.

4. The term 'aid' also covers aid elements contained in financing measures taken by Member States in respect of coal undertakings which are not regarded as risk capital provided to a company under standard market-economy practice.

Article 2

1. Aid granted to the coal industry may be considered compatible with the proper functioning of the common market provided it helps to achieve at least one of the following objectives:

- to make, in the light of coal prices on international markets, further progress towards economic viability with the aim of achieving degression of aids,
- to solve the social and regional problems created by total or partial reductions in the activity of production units,
- to help the coal industry adjust to environmental protection standards.

2. On expiry of a transitional period not exceeding three years starting at the entry into force of this Decision, with a view to increasing transparency, aid shall be authorized only if it is entered in Member States' national, regional or local public budgets or channelled through strictly equivalent mechanisms.

3. With effect from the first coal production year covered by this Decision, all aid received by undertakings shall be shown together with their profit-and-loss accounts as a separate item of revenue, distinct from turnover.

4. For the purposes of this Decision, 'production costs' means those costs, per tonne of coal equivalent, which are linked to current production.

5. All measures involving the granting of aid as referred to in Articles 3 to 7 shall also be appraised, without prejudice to the specific conditions defined for them by those Articles, so as to assess their compatibility with the objectives set out in paragraph 1 of this Article.

SECTION II

Aid granted by the Member States

Article 3

Operating aid

1. Operating aid to cover the difference between production costs and the selling price freely agreed between the contracting parties in the light of the conditions prevailing on the world market may be considered compatible with the common market only if it satisfies all the following conditions:

- the aid notified per tonne shall not exceed for each undertaking or production unit the difference between production costs and foreseeable revenue in the following coal production year,
- the aid actually paid shall be subject to annual correction, based on the actual costs and revenue, at the latest by the end of the coal production year following the year for which the aid was granted. Where the aid is granted within the framework of a multiannual financing ceiling, the final correction shall be made at the end of the year following the aforesaid multiannual financing exercise,
- the amount of operating aid per tonne may not cause delivered prices for Community coal to be lower than those for coal of a similar quality from third countries,
- without prejudice to Articles 8 and 9, Member States shall supply the Commission firstly with all details relevant to the calculation of the foreseeable production costs and revenue per tonne and secondly with all details relevant to the calculation of the correction based on actual production costs and revenue,
- aid must entail no distortion of competition between coal users.

2. Member States which intend to grant operating aid as referred to in paragraph 1 in the course of the 1994 to 2002 coal production years to coal undertakings shall

submit to the Commission in advance a modernization, rationalization and restructuring plan designated to improve the economic viability of the undertakings concerned by reducing production costs.

The plan will provide for appropriate measures and sustained efforts to generate a trend towards a reduction in production costs at 1992 prices, during the period 1994 to 2002.

Implementation of this plan shall be monitored regularly and the situation reviewed by the Commission in 1997.

3. If some production units in an undertaking receive aid for the reduction of activity provided for by Article 4 while others in the same undertaking receive operating aid, the production costs of the units whose activity is reduced shall not be included in the calculation of the average production costs with a view to evaluating attainment by the undertaking of the objective set in paragraph 2 of this Article.

Article 4

Aid for the reduction of activity

Aid to cover the production costs of undertakings or production units which will be unable to attain the conditions laid down by Article 3 (2) may be considered compatible with the common market provided that it satisfies the conditions laid down in Article 3 (1) and is the subject of a closure plan with a deadline occurring before expiry of this Decision.

Should such closure come about after the expiry of this Decision, aid to cover production costs will be authorized only if it is justified on exceptional social and regional grounds and is the subject of a progressive and continuous activity-reduction plan entailing a significant reduction in capacity before the expiry of this Decision.

Article 5

Aid to cover exceptional costs

1. State aid to coal undertakings to cover the costs arising from or having arisen from the modernization, rationalization or restructuring of the coal industry which are not related to current production (inherited liabilities) may be considered compatible with the common market provided that the amount paid does not exceed such costs. Such aid may be used to cover:

- the costs incurred only by undertakings which are carrying out or have carried out restructuring,
- the costs incurred by several undertakings.

The categories of costs resulting from modernization, rationalization and restructuring of the coal industry are defined in the Annex to this Decision.

2. State aid to finance social-welfare schemes specifically for the coal industry may be considered compatible with the common market provided that it brings the ratio between the cost per mineworker in employment and the benefits per person in receipt of benefit for coal undertakings into line with the corresponding ratio in other industries. Without prejudice to Article 9, Member States' Governments shall submit to the Commission the necessary basic data and details of the calculation of the ratios between the burdens and benefits referred to above.

Article 6

Aid for research and development

Aid to cover expenditure by coal undertakings on research and development projects may be considered compatible with the common market provided that it complies with the rules laid down in the Community framework for State aid for research and development.

Article 7

Aid for environmental protection

Aid to facilitate the adjustment to new environmental protection standards of installations in operation at least two years before the entry into force of those standards may be considered compatible with the common market, provided that it complies with rules laid down in the Community framework for State aid for such purposes.

SECTION III

Notification, appraisal and authorization procedures

Article 8

1. Member States which intend to grant operating aid as referred to in Article 3 (2) or aid for the reduction of

activity as referred to in Article 4 for the 1994 to 2002 coal production years shall submit to the Commission, by 31 March 1994 at the latest, a modernization, rationalization and restructuring plan for the industry in accordance with Article 3 (2) and/or an activity-reduction plan in accordance with Article 4.

2. The Commission shall consider whether the plan or plans are in conformity with the general objectives set by Article 2 (1) and with the specific objectives and criteria set by Articles 3 and 4.

3. Within three months of notification of the plans, the Commission shall give its opinion on whether they are in conformity with the general and specific objectives, without prejudging the ability of the measures planned to attain these objectives. If the information in the plans proves insufficient, the Commission may, within one month, request further information, in which case a new three-month period will start on the date of submission of such further information.

4. If a Member State decides to make amendments to the plan which alter its general tendency in respect of the objectives pursued by this Decision, it must inform the Commission so that the latter may rule on the amendments in accordance with the procedures set out in this Article.

Article 9

1. By 30 September each year (or three months before the measures enter into force) at the latest, Member States shall send notification of all the financial support which they intend to grant to the coal industry in the following year, specifying the nature of the support with reference to the general objectives and criteria set out in Article 2 and the various forms of aid provided for in Articles 3 to 7 and its relationship to the plans submitted to the Commission in accordance with Article 8.

2. By 30 September each year at the latest, Member States shall send notification of the amount of aid actually paid in the preceding coal production year and shall declare any corrections made to the amounts originally notified.

3. When notifying aid as referred to in Articles 3 and 4 and making the annual statement of aid actually paid, Member States shall supply all the information necessary for verification of the criteria set out in the relevant Articles.

4. Member States may not put into effect planned aid until it has been approved by the Commission on the basis, in particular, of the general criteria and objectives laid down in Article 2 and of the specific criteria established by Articles 3 to 7. If the Commission has taken no decision within three months of receipt of notification of the measures planned, the measures may be implemented 15 working days after transmission to the Commission of notice of intent to implement them. Any request made by the Commission for further information shall cause that three-month period to run afresh from the date on which the Commission receives the information.

5. In the event of refusal, any payment made in anticipation of authorization from the Commission shall be repaid in full by the undertaking that received it and shall invariably be considered an unfair advantage in the form of an unjustified cash advance and, as such, shall be liable to charges at the market rate payable by the recipient.

6. In its assessment of the measures notified, the Commission shall check whether the measures proposed are in conformity with the plans submitted in accordance with Article 8 and with the objectives set out in Article 2. It may request Member States to explain any deviation from the plans originally submitted and to propose the necessary corrective measures.

7. The arrangements existing at 31 December 1993, under which aid was granted in conformity with the provisions of Decision 2064/86/ECSC and which are linked to agreements between producers and consumers, exempted under Article 85 (3) of the EC Treaty and/or authorized under Article 65 of the ECSC Treaty, must be modified by 31 December 1996 to bring them into line with the provisions of this Decision.

The preceding subparagraph in no way affects either the application of Article 2 of this Decision or the Member

States' notification requirement in accordance with the procedures laid down in Articles 8 and 9 of this Decision. All changes made in the aforementioned arrangements must also be notified to the Commission.

SECTION IV

General and financial provisions

Article 10

1. The Commission shall report annually to the Council, the European Parliament and the Consultative Committee on the application of this Decision.

2. The Commission shall submit to the Council, by 30 June 1997 at the latest, a report on experience and problems in applying this Decision. It may propose any appropriate amendments in accordance with the procedure laid down in the first paragraph of Article 95 of the ECSC Treaty.

Article 11

After consulting the Community, the Commission shall take all the measures necessary to implement this Decision.

Article 12

This Decision shall enter into force on 1 January 1994 and shall expire on 23 July 2002.

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

Done at Brussels, 28 December 1993.

For the Commission

Karel VAN MIERT

Member of the Commission

ANNEX**DEFINITION OF THE COSTS REFERRED TO IN ARTICLE 5 (1) OF DECISION No 3632/93/
ECSC****I. Costs incurred only by undertakings which are carrying out or have carried out restructuring and rationalization****Exclusively :**

- (a) the cost of paying social-welfare benefits resulting from the pensioning-off of workers before they reach statutory retirement age ;
- (b) other exceptional expenditure on workers who lose their jobs as a result of restructuring and rationalization ;
- (c) the payment of pensions and allowances outside the statutory system to workers who lose their jobs as a result of restructuring and rationalization and to workers entitled to such payments before the restructuring ;
- (d) the supply of free coal to workers who lose their jobs as a result of restructuring and rationalization and to workers entitled to such supply before the restructuring ;
- (e) residual costs resulting from administrative, legal or tax provisions ;
- (f) additional underground safety work resulting from restructuring ;
- (g) mining damage provided that it has been caused by pits previously in service ;
- (h) residual costs resulting from contributions to bodies responsible for water supplies and for the removal of waste water ;
- (i) other residual costs resulting from water supplies and the removal of waste water ;
- (j) residual costs to cover former miners' health insurance ;
- (k) exceptional intrinsic depreciation provided that it results from the restructuring of the industry (without taking account of any revaluation which has occurred since 1 January 1986 and which exceeds the rate of inflation) ;
- (l) costs in connection with maintaining access to coal reserves after mining has stopped.

II. Costs incurred by several undertakings

- (a) increase in the contributions, outside the statutory system, to cover social-security costs as a result of the drop, following restructuring, in the number of contributors ;
 - (b) expenditure, resulting from restructuring, on the supply of water and the removal of waste water ;
 - (c) increase in contributions to bodies responsible for supplying water and removing waste water, provided that this increase is the result of a reduction, following restructuring, in the coal production subject to levy.
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COMMISSION REGULATION (EC) No 3633/93
of 29 December 1993
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 2071/92 ⁽²⁾, and in particular Article 17 (4) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 1344/86 ⁽⁴⁾, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 3(1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5(1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products ⁽⁵⁾, as last amended by Regulation (EEC) No 2767/90 ⁽⁶⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 267, 29. 9. 1990, p. 14.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1548/93⁽²⁾;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽³⁾, as amended by Regulation (EC) No 3528/93⁽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⁾;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 150 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽⁶⁾, as last amended by Regulation (EEC) No 222/88⁽⁷⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.

Article 2

This Regulation shall enter into force on 1 January 1994.

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

Done at Brussels, 29 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ No L 91, 1. 4. 1984, p. 71.

⁽⁷⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 29 December 1993 fixing the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0401 10 10 000		5,45	0402 21 91 500		124,32
0401 10 90 000		5,45	0402 21 91 600		135,31
0401 20 11 100		5,45	0402 21 91 700		141,84
0401 20 11 500		8,42	0402 21 91 900		149,14
0401 20 19 100		5,45	0402 21 99 100		110,85
0401 20 19 500		8,42	0402 21 99 200		111,66
0401 20 91 100		11,21	0402 21 99 300		113,12
0401 20 91 500		13,06	0402 21 99 400		121,46
0401 20 99 100		11,21	0402 21 99 500		124,32
0401 20 99 500		13,06	0402 21 99 600		135,31
0401 30 11 100		16,78	0402 21 99 700		141,84
0401 30 11 400		25,87	0402 21 99 900		149,14
0401 30 11 700		38,87	0402 29 15 200		0,6000
0401 30 19 100		16,78	0402 29 15 300		0,9640
0401 30 19 400		25,87	0402 29 15 500		1,0192
0401 30 19 700		38,87	0402 29 15 900		1,1000
0401 30 31 100		46,29	0402 29 19 200		0,6000
0401 30 31 400		72,28	0402 29 19 300		0,9640
0401 30 31 700		79,70	0402 29 19 500		1,0192
0401 30 39 100		46,29	0402 29 19 900		1,1000
0401 30 39 400		72,28	0402 29 91 100		1,1085
0401 30 39 700		79,70	0402 29 91 500		1,2146
0401 30 91 100		90,84	0402 29 99 100		1,1085
0401 30 91 400		133,53	0402 29 99 500		1,2146
0401 30 91 700		155,81	0402 91 11 110		5,45
0401 30 99 100		90,84	0402 91 11 120		11,21
0401 30 99 400		133,53	0402 91 11 310		19,10
0401 30 99 700		155,81	0402 91 11 350		23,60
0402 10 11 000		60,00	0402 91 11 370		28,92
0402 10 19 000		60,00	0402 91 19 110		5,45
0402 10 91 000		0,6000	0402 91 19 120		11,21
0402 10 99 000		0,6000	0402 91 19 310		19,10
0402 21 11 200		60,00	0402 91 19 350		23,60
0402 21 11 300		96,40	0402 91 19 370		28,92
0402 21 11 500		101,92	0402 91 31 100		22,16
0402 21 11 900		110,00	0402 91 31 300		34,18
0402 21 17 000		60,00	0402 91 39 100		22,16
0402 21 19 300		96,40	0402 91 39 300		34,18
0402 21 19 500		101,92	0402 91 51 000		25,87
0402 21 19 900		110,00	0402 91 59 000		25,87
0402 21 91 100		110,85	0402 91 91 000		90,84
0402 21 91 200		111,66	0402 91 99 000		90,84
0402 21 91 300		113,12	0402 99 11 110		0,0545
0402 21 91 400		121,46	0402 99 11 130		0,1121

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0402 99 11 150		0,1862	0403 90 61 100		0,0545
0402 99 11 310		22,04	0403 90 61 300		0,0842
0402 99 11 330		26,63	0403 90 63 000		0,1121
0402 99 11 350		35,68	0403 90 69 000		0,1678
0402 99 19 110		0,0545	0404 90 11 100		60,00
0402 99 19 130		0,1121	0404 90 11 910		5,45
0402 99 19 150		0,1862	0404 90 11 950		19,10
0402 99 19 310		22,04	0404 90 13 120		60,00
0402 99 19 330		26,63	0404 90 13 130		96,40
0402 99 19 350		35,68	0404 90 13 140		101,92
0402 99 31 110		0,2402	0404 90 13 150		110,00
0402 99 31 150		37,17	0404 90 13 911		5,45
0402 99 31 300		0,4629	0404 90 13 913		11,21
0402 99 31 500		0,7970	0404 90 13 915		16,78
0402 99 39 110		0,2402	0404 90 13 917		25,87
0402 99 39 150		37,17	0404 90 13 919		38,87
0402 99 39 300		0,4629	0404 90 13 931		19,10
0402 99 39 500		0,7970	0404 90 13 933		23,60
0402 99 91 000		0,9084	0404 90 13 935		28,92
0402 99 99 000		0,9084	0404 90 13 937		34,18
0403 10 22 100		5,45	0404 90 13 939		35,74
0403 10 22 300		8,42	0404 90 19 110		110,85
0403 10 24 000		11,21	0404 90 19 115		111,66
0403 10 26 000		16,78	0404 90 19 120		113,12
0403 10 32 100		0,0545	0404 90 19 130		121,46
0403 10 32 300		0,0842	0404 90 19 135		124,32
0403 10 34 000		0,1121	0404 90 19 150		135,31
0403 10 36 000		0,1678	0404 90 19 160		141,84
0403 90 11 000		60,00	0404 90 19 180		149,14
0403 90 13 200		60,00	0404 90 31 100		60,00
0403 90 13 300		96,40	0404 90 31 910		5,45
0403 90 13 500		101,92	0404 90 31 950		19,10
0403 90 13 900		110,00	0404 90 33 120		60,00
0403 90 19 000		110,85	0404 90 33 130		96,40
0403 90 31 000		0,6000	0404 90 33 140		101,92
0403 90 33 200		0,6000	0404 90 33 150		110,00
0403 90 33 300		0,9640	0404 90 33 911		5,45
0403 90 33 500		1,0192	0404 90 33 913		11,21
0403 90 33 900		1,1000	0404 90 33 915		16,78
0403 90 39 000		1,1085	0404 90 33 917		25,87
0403 90 51 100		5,45	0404 90 33 919		38,87
0403 90 51 300		8,42	0404 90 33 931		19,10
0403 90 53 000		11,21	0404 90 33 933		23,60
0403 90 59 110		16,78	0404 90 33 935		28,92
0403 90 59 140		25,87	0404 90 33 937		34,18
0403 90 59 170		38,87	0404 90 33 939		35,74
0403 90 59 310		46,29	0404 90 39 110		110,85
0403 90 59 340		72,28	0404 90 39 115		111,66
0403 90 59 370		79,70	0404 90 39 120		113,12
0403 90 59 510		90,84	0404 90 39 130		121,46
0403 90 59 540		133,53			
0403 90 59 570		155,81			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0404 90 39 150		124,32	0405 00 19 500		156,10
0404 90 51 100		0,6000	0405 00 19 700		160,00
0404 90 51 910		0,0545	0405 00 90 100		160,00
0404 90 51 950		22,04	0405 00 90 900		206,00
0404 90 53 110		0,6000	0406 10 20 100		—
0404 90 53 130		0,9640	0406 10 20 230	028	—
0404 90 53 150		1,0192		032	—
0404 90 53 170		1,1000		400	35,23
0404 90 53 911		0,0545		404	—
0404 90 53 913		0,1121		...	43,29
0404 90 53 915		0,1678	0406 10 20 290	028	—
0404 90 53 917		0,2587		032	—
0404 90 53 919		0,3887		400	35,23
0404 90 53 931		22,04		404	—
0404 90 53 933		26,63		...	43,29
0404 90 53 935		35,68	0406 10 20 610	028	12,19
0404 90 53 937		37,17		032	12,19
0404 90 59 130		1,1085		036	—
0404 90 59 150		1,2146		038	—
0404 90 59 930		0,5557		400	78,73
0404 90 59 950		0,7970		404	—
0404 90 59 990		0,9084		...	80,77
0404 90 91 100		0,6000	0406 10 20 620	028	18,05
0404 90 91 910		0,0545		032	18,05
0404 90 91 950		22,04		036	—
0404 90 93 110		0,6000		038	—
0404 90 93 130		0,9640		400	86,80
0404 90 93 150		1,0192		404	—
0404 90 93 170		1,1000		...	88,56
0404 90 93 911		0,0545	0406 10 20 630	028	21,66
0404 90 93 913		0,1121		032	21,66
0404 90 93 915		0,1678		036	—
0404 90 93 917		0,2587		038	—
0404 90 93 919		0,3887		400	98,65
0404 90 93 931		22,04		404	—
0404 90 93 933		26,63		...	99,99
0404 90 93 935		35,68	0406 10 20 640	028	—
0404 90 93 937		37,17		032	—
0404 90 99 130		1,1085		036	—
0404 90 99 150		1,2146		038	—
0404 90 99 930		0,5557		400	117,33
0404 90 99 950		0,7970		404	—
0404 90 99 990		0,9084		...	117,33
0405 00 11 200		120,98	0406 10 20 650	028	24,82
0405 00 11 300		152,20		032	24,82
0405 00 11 500		156,10		036	—
0405 00 11 700		160,00		038	—
0405 00 19 200		120,98		400	58,66
0405 00 19 300		152,20		404	—
				...	122,15

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 10 20 660		—	0406 30 10 200	028	—
0406 10 20 810	028	—		032	—
	032	—		036	—
	036	—		038	—
	038	—		400	39,27
	400	19,01		404	—
	404	—		...	43,94
	...	19,01	0406 30 10 250	028	—
0406 10 20 830	028	—		032	—
	032	—		036	—
	036	—		038	—
	038	—		400	39,27
	400	32,46		404	—
	404	—		...	43,94
	...	32,46	0406 30 10 300	028	—
0406 10 20 850	028	—		032	—
	032	—		036	—
	036	—		038	—
	038	—		400	57,66
	400	39,37		404	—
	404	—		...	64,46
	...	39,37	0406 30 10 350	028	—
0406 10 20 870		—		032	—
0406 10 20 900		—		036	—
0406 20 90 100		—		038	—
0406 20 90 913	028	—		400	39,27
	032	—		404	—
	400	76,66		...	43,94
	404	—	0406 30 10 400	028	—
	...	76,66		032	—
0406 20 90 915	028	—		036	—
	032	—		038	—
	400	102,21		400	57,66
	404	—		404	—
	...	102,21		...	64,46
0406 20 90 917	028	—	0406 30 10 450	028	—
	032	—		032	—
	400	108,59		036	—
	404	—		038	—
	...	108,59		400	83,96
0406 20 90 919	028	—		404	—
	032	—		...	93,81
	400	121,38	0406 30 10 500	028	—
	404	—	0406 30 10 550	032	—
	...	121,38		036	—
0406 20 90 990		—		038	—
0406 30 10 100		—		400	39,27
0406 30 10 150	028	—		404	18,05
	032	—		...	43,94
	036	—	0406 30 10 600	028	—
	038	—		032	—
	400	18,08		036	—
	404	—		038	—
	...	20,61		400	57,66
				404	25,27
				...	64,46

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 30 10 650	028	—	0406 30 31 730	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	83,96		400	57,66
	404	—		404	—
	...	93,81		...	64,46
0406 30 10 700	028	—	0406 30 31 910	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	83,96		400	39,27
	404	—		404	—
	...	93,81		...	43,94
0406 30 10 750	028	—	0406 30 31 930	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	102,47		400	57,66
	404	—		404	—
	...	114,50		...	64,46
0406 30 10 800	028	—	0406 30 31 950	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	102,47		400	83,96
	404	—		404	—
	...	114,50		...	93,81
0406 30 31 100	028	—	0406 30 39 100	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	102,47		400	39,27
	404	—		404	18,05
	...	114,50		...	43,94
0406 30 31 300	028	—	0406 30 39 300	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	18,08		400	57,66
	404	—		404	25,27
	...	20,61		...	64,46
0406 30 31 500	028	—	0406 30 39 500	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	39,27		400	57,66
	404	—		404	25,27
	...	43,94		...	64,46
0406 30 31 710	028	—	0406 30 39 700	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	39,27		400	83,96
	404	—		404	—
	...	43,94		...	93,81
	028	—	0406 30 39 930	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	39,27		400	83,96
	404	—		404	—
	...	43,94		...	93,81

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 30 39 950	028	—	0406 90 21 900	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	102,47		400	117,33
	404	—		404	—
	...	114,50		...	136,90
0406 30 90 000	028	—	0406 90 23 900	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	102,47		400	58,66
	404	—		404	—
	...	114,50		...	122,15
0406 40 50 000	028	—	0406 90 25 900	028	—
	032	—		032	—
	038	—		036	—
	400	108,30		038	—
	404	—		400	58,66
	...	114,17		404	—
				...	122,15
0406 40 90 000	028	—	0406 90 27 900	028	—
	032	—		032	—
	038	—		036	—
	400	108,30		038	—
	404	—		400	50,66
	...	114,17		404	—
				...	103,52
0406 90 13 000	028	—	0406 90 31 119	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	13,54
	400	117,33		400	56,39
	404	—		404	14,44
	...	143,80		...	81,19
0406 90 15 100	028	—	0406 90 31 151	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	117,33		400	52,71
	404	—		404	13,50
	...	143,80		...	75,66
0406 90 15 900		—	0406 90 31 159		—
0406 90 17 100	028	—		028	—
	032	—	0406 90 33 119	032	—
	036	—		036	—
	038	—		038	13,54
	400	117,33		400	56,39
	404	—		404	14,44
	...	143,80		...	81,19
0406 90 17 900		—			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 90 33 151	028	—	0406 90 69 910	028	—
	032	—		032	—
	036	—		036	63,18
	038	—		400	135,38
	400	52,71		404	72,20
	404	13,50		...	148,91
	...	75,66	0406 90 73 900	028	—
0406 90 33 919	028	—		032	—
	032	—		036	38,50
	036	—		400	136,28
	038	13,54		404	108,30
	400	56,39		...	136,28
	404	14,44	0406 90 75 900	028	—
	...	81,19		032	—
0406 90 33 951	028	—		036	—
	032	—		400	58,66
	036	—		404	—
	038	—		...	113,68
	400	52,71	0406 90 76 100	028	21,66
	404	13,50		032	21,66
	...	75,66		036	—
0406 90 35 190	028	—		038	—
	032	—		400	53,04
	036	38,50		404	—
	400	143,08		...	99,99
	404	81,23	0406 90 76 300	028	—
	...	143,08		032	—
0406 90 35 990	028	—		036	—
	032	—		038	—
	036	—		400	58,66
	038	—		404	—
	400	117,33		...	122,15
	404	—	0406 90 76 500	028	—
	...	117,33		032	—
0406 90 61 000	028	—		036	—
	032	—		038	—
	036	81,23		400	67,69
	400	166,96		404	—
	404	126,35		...	122,15
	...	166,96	0406 90 78 100	028	21,66
0406 90 63 100	028	—		032	21,66
	032	—		036	—
	036	94,79		038	—
	400	191,43		400	53,04
	404	144,40		404	—
	...	191,43		...	99,99
0406 90 63 900	028	—	0406 90 78 300	028	—
	032	—		032	—
	036	63,18		036	—
	400	135,38		038	—
	404	72,20		400	58,66
	...	148,91		404	—
0406 90 69 100	—	—		...	122,15

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 90 78 500	028	—	0406 90 86 300	028	18,05
	032	—		032	18,05
	036	—		036	—
	038	—		038	—
	400	67,69		400	86,80
	404	—		404	—
	...	122,15		...	88,56
0406 90 79 900	028	—	0406 90 86 400	028	21,66
	032	—		032	21,66
	036	—		036	—
	038	—		038	—
	400	50,66		400	98,65
	404	—		404	—
	...	103,52		...	99,99
0406 90 81 900	028	—	0406 90 86 900	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	117,33		400	117,33
	404	—		404	—
	...	117,33		...	117,33
0406 90 85 910	028	—	0406 90 87 100	028	—
	032	—		032	—
	036	38,51		036	—
	400	143,08		038	—
	404	81,23		400	80,77
	...	143,08		404	—
				...	80,77
0406 90 85 991	028	—	0406 90 87 200	028	12,19
	032	—		032	12,19
	036	—		036	—
	038	—		038	—
	400	117,33		400	86,80
	404	—		404	—
	...	117,33		...	88,56
0406 90 85 995	028	24,82	0406 90 87 300	028	18,05
	032	24,82		032	18,05
	036	—		036	—
	038	—		038	—
	400	58,66		400	86,80
	404	—		404	—
	...	122,15		...	88,56
0406 90 85 999	028	—	0406 90 87 400	028	21,66
	032	—		032	21,66
	036	—		036	—
	038	—		038	—
	400	80,77		400	98,65
	404	—		404	—
	...	80,77		...	99,99
0406 90 86 100	028	12,19	0406 90 87 951	028	—
	032	12,19		032	—
	036	—		036	38,50
	038	—		400	136,28
	400	80,77		404	81,23
	404	—		...	136,28
	...	80,77			
0406 90 86 200	028	12,19			
	032	12,19			
	036	—			
	038	—			
	400	80,77			
	404	—			
	...	80,77			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 90 87 971	028	24,82	2309 10 19 010		—
	032	24,82	2309 10 19 100		—
	036	—	2309 10 19 200		0,23
	038	—	2309 10 19 300		0,31
	400	66,79	2309 10 19 400		0,39
	404	—	2309 10 19 500		0,47
	...	122,15	2309 10 19 600		0,55
0406 90 87 972	028	—	2309 10 19 700		0,58
	032	—	2309 10 19 800		0,62
	400	35,23	2309 10 70 010		—
	404	—	2309 10 70 100		18,00
	...	43,29	2309 10 70 200		24,00
0406 90 87 979	028	24,82	2309 10 70 300		30,00
	032	24,82	2309 10 70 500		36,00
	036	—	2309 10 70 600		42,00
	038	—	2309 10 70 700		48,00
	400	66,79	2309 10 70 800		52,80
	404	—	2309 90 35 010		—
	...	122,15	2309 90 35 100		—
			2309 90 35 200		0,23
0406 90 88 100		—	2309 90 35 300		0,31
0406 90 88 200	028	12,19	2309 90 35 400		0,39
	032	12,19	2309 90 35 500		0,47
	036	—	2309 90 35 700		0,55
	038	—	2309 90 39 010		—
	400	80,77	2309 90 39 100		—
	404	—	2309 90 39 200		0,23
	...	80,77	2309 90 39 300		0,31
0406 90 88 300	028	18,05	2309 90 39 400		0,39
	032	18,05	2309 90 39 500		0,47
	036	—	2309 90 39 600		0,55
	038	—	2309 90 39 700		0,58
	400	86,80	2309 90 39 800		0,62
	404	—	2309 90 70 010		—
	...	88,56	2309 90 70 100		18,00
2309 10 15 010		—	2309 90 70 200		24,00
2309 10 15 100		—	2309 90 70 300		30,00
2309 10 15 200		0,23	2309 90 70 500		36,00
2309 10 15 300		0,31	2309 90 70 600		42,00
2309 10 15 400		0,39	2309 90 70 700		48,00
2309 10 15 500		0,47	2309 90 70 800		52,80
2309 10 15 700		0,55			

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EEC) No 208/93.

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by '—'.

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (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.

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as last amended by Regulation (EC) No 3567/93 (OJ No L 327, 28. 12. 1993, p. 1).

COMMISSION REGULATION (EC) No 3634/93
of 29 December 1993
fixing the agricultural conversion rates

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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⁽¹⁾, as last amended by Regulation (EC) No 3528/93⁽²⁾, and in particular Article 3 (1) thereof,

Whereas the agricultural conversion rates were fixed by Commission Regulation (EEC) No 2249/93⁽³⁾;

Whereas Article 4 of Regulation (EEC) No 3813/92 provides that the agricultural conversion rate for a floating currency is to be adjusted where the monetary gap between it and the representative market rate exceeds certain levels; whereas, notwithstanding that Article 4, Article 4a of that Regulation applies until 31 December 1994;

Whereas the representative market rates are determined on the basis of reference periods established in accordance with Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates⁽⁴⁾;

Whereas, in view of the decision by the Ministers of Finance on 2 August 1993, all the Member States' currencies are to be regarded floating currencies in accordance with Article 1 (b) of Regulation (EEC) No 3813/92;

Whereas, however, Article 2 of Regulation (EEC) No 1068/93 provides that, in cases where the absolute value of the difference between the monetary gaps in two Member States, calculated from the average on the ecu rates for three consecutive working days, exceeds six points:

— the representative market rates for the currencies in question shall be adjusted on the basis of the three working days in question,

and

— the basic reference period concerned begins the day following these three working days;

Whereas, as a consequence of the exchange rates recorded during the reference period 27 to 29 December 1993, it is necessary to fix a new agricultural conversion rate for the Italian lira;

Whereas Article 15 (3) of Regulation (EEC) No 1068/93 provides that an agricultural conversion rate fixed in advance shall be adjusted if the gap between that rate and the agricultural conversion rate in force at the time of the operative event applicable for the currency concerned exceeds four points; whereas, in that event, the agricultural conversion rate fixed in advance is brought more closely into line with the rate in force, up to the level of a gap of four points with that rate; whereas the rate which replaces the agricultural conversion rate fixed in advance should be specified,

HAS ADOPTED THIS REGULATION:

Article 1

The agricultural conversion rates are fixed in Annex I hereto.

Article 2

In the case referred to in Article 15 (3) of Regulation (EEC) No 1068/93, the agricultural conversion rate fixed in advance shall be replaced by the ecu rate for the currency concerned, shown in Annex II:

— Table A, where the latter rate is higher than the rate fixed in advance,

or

— Table B, where the latter rate is lower than the rate fixed in advance.

Article 3

Regulation (EEC) No 2811/93 is hereby repealed.

Article 4

This Regulation shall enter into force on 30 December 1993.

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽³⁾ OJ No L 256, 14. 10. 1993, p. 16.

⁽⁴⁾ OJ No L 108, 1. 5. 1993, p. 106.

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

Done at Brussels, 29 December 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Agricultural conversion rates

ECU 1 =	49,3070	Belgian and Luxembourg francs
	9,34812	Danish kroner
	2,35418	German marks
	328,567	Greek drachmas
	190,382	Spanish pesetas
	7,98191	French francs
	0,976426	Irish punt
	2 264,19	Italian lire
	2,65256	Dutch guilders
	236,933	Portuguese escudos
	0,920969	Pound sterling

ANNEX II

Agricultural conversion rates fixed in advance and adjusted

Table A			Table B		
ECU 1 =	47,4106	Belgian and Luxembourg francs	ECU 1 =	51,3615	Belgian and Luxembourg francs
	8,98858	Danish kroner		9,73763	Danish kroner
	2,26363	German marks		2,45227	German marks
	315,930	Greek drachmas		342,257	Greek drachmas
	183,060	Spanish pesetas		198,315	Spanish pesetas
	7,67491	French francs		8,31449	French francs
	0,938871	Irish punt		1,01711	Irish punt
	2 177,11	Italian lire		2 358,53	Italian lire
	2,55054	Dutch guilders		2,76308	Dutch guilders
	227,820	Portuguese escudos		246,805	Portuguese escudos
	0,885547	Pound sterling		0,959343	Pound sterling

COMMISSION REGULATION (EC) No 3635/93
of 29 December 1993
fixing the import levies on white sugar and raw sugar

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1548/93 ⁽²⁾, and in particular Article 16 (8) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as amended by Regulation (EC) No 3528/93 ⁽⁴⁾, and in particular Article 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1695/93 ⁽⁵⁾, as last amended by Regulation (EC) No 3563/93 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1695/93 to the information known to the Commission that the

levies at present in force should be altered to the amounts set out in the Annex hereto;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 28 December 1993, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 December 1993.

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

Done at Brussels, 29 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 40.

⁽⁶⁾ OJ No L 324, 24. 12. 1993, p. 49.

ANNEX

to the Commission Regulation of 29 December 1993 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	34,29 ⁽¹⁾
1701 11 90	34,29 ⁽¹⁾
1701 12 10	34,29 ⁽¹⁾
1701 12 90	34,29 ⁽¹⁾
1701 91 00	42,36
1701 99 10	42,36
1701 99 90	42,36 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42), as last amended by Regulation (EEC) No 1428/78 (OJ No L 171, 28. 6. 1978, p. 34).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

⁽³⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COUNCIL DIRECTIVE 93/109/EC**of 6 December 1993****laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 8b (2) thereof,

Having regard to the proposal from the Commission,

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

Whereas the Treaty on European Union marks a new stage in the process of creating an ever closer union among the peoples of Europe; whereas one of its tasks is to organize, in a manner demonstrating consistency and solidarity, relations between the peoples of the Member States; whereas its fundamental objectives include a strengthening of the protection of the rights and interests of the nationals of its Member States through the introduction of a citizenship of the Union;

Whereas to that end Title II of the Treaty on European Union, amending the Treaty establishing the European Economic Community, with a view to establishing the European Community, introduces a citizenship of the Union for all nationals of the Member States and confers on such nationals on that basis a number of rights;

Whereas the right to vote and to stand as a candidate in elections to the European Parliament in the Member State of residence, laid down in Article 8b (2) of the Treaty establishing the European Community, is an instance of the application of the principle of non-discrimination between nationals and non-nationals and a corollary of the right to move and reside freely enshrined in Article 8a of that Treaty;

Whereas Article 8b (2) of the EC Treaty is concerned only with the possibility of exercising the right of vote and to stand as a candidate in elections to the European Parliament, without prejudice to Article 138 (3) of the EC Treaty, which provides for the establishment of a uniform procedure in all Member States for those elections; whereas it essentially seeks to abolish the nationality

requirement which currently has to be satisfied in most Member States in order to exercise those rights;

Whereas application of Article 8b (2) of the EC Treaty does not presuppose harmonization of Member States' electoral systems; whereas, moreover, to take account of the principle of proportionality set out in the third paragraph of Article 3b of the EC Treaty, the content of Community legislation in this sphere must not go beyond what is necessary to achieve the objective of Article 8b (2) of the EC Treaty;

Whereas the purpose of Article 8b (2) of the EC Treaty is to ensure that all citizens of the Union, whether or not they are nationals of the Member State in which they reside, can exercise in that State their right to vote and to stand as a candidate in elections to the European Parliament under the same conditions; whereas the conditions applying to non-nationals, including those relating to period and proof of residence, should therefore be identical to those, if any, applying to nationals of the Member State concerned;

Whereas Article 8b (2) of the EC Treaty provides for the right to vote and to stand as a candidate in elections to the European Parliament in the Member State of residence, without, nevertheless, substituting it for the right to vote and to stand as a candidate in the Member State of which the citizen is a national; whereas the freedom of citizens of the Union to choose the Member State in which to take part in European elections must be respected, while taking care to ensure that this freedom is not abused by people voting or standing as a candidate in more than one country;

Whereas any derogation from the general rules of this Directive must be warranted, pursuant to Article 8b (2) of the EC Treaty, by problems specific to a Member State; whereas any derogation must, by its very nature, be subject to review;

Whereas such specific problems may arise in a Member State in which the proportion of citizens of the Union of voting age, who reside in it but are not nationals of it, is very significantly above average; whereas derogations are warranted where such citizens form more than 20 % of the total electorate; whereas such derogations must be based on the criterion of period of residence;

⁽¹⁾ OJ No C 329, 6. 12. 1993.

Whereas citizenship of the Union is intended to enable citizens of the Union to integrate better in their host country and that in this context, it is in accordance with the intentions of the authors of the Treaty to avoid any polarization between lists of national and non-national candidates ;

Whereas this risk of polarization concerns in particular a Member State in which the proportion of non-national citizens of the Union of voting age exceeds 20 % of the total number of citizens of the Union of voting age who reside there and that, therefore, it is important that this Member State may lay down, in compliance with Article 8b of the Treaty, specific provisions concerning the composition of lists of candidates ;

Whereas account must be taken of the fact that in certain Member States residents who are nationals of other Member States have the right to vote in elections to the national parliament and certain provisions of this Directive may consequently be dispensed with in those Member States,

HAS ADOPTED THIS DIRECTIVE :

CHAPTER I

GENERAL PROVISIONS

Article 1

1. This Directive lays down the detailed arrangements whereby citizens of the Union residing in a Member State of which they are not nationals may exercise the right to vote and to stand as a candidate there in elections to the European Parliament.

2. Nothing in this Directive shall affect each Member State's provisions concerning the right to vote or to stand as a candidate of its nationals who reside outside its electoral territory.

Article 2

For the purposes of this Directive :

1. 'elections to the European Parliament' means elections by direct universal suffrage to the European Parliament of representatives in accordance with the Act of 20 September 1976⁽¹⁾;
2. 'electoral territory' means the territory of a Member State in which, in accordance with the above Act and, within that framework, in accordance with the electoral law of that Member State, members of the European Parliament are elected by the people of that Member State ;

3. 'Member State of residence' means a Member State in which a citizen of the Union resides but of which he is not a national ;
4. 'home Member State' means the Member State of which a citizen of the Union is a national ;
5. 'Community voter' means any citizen of the Union who is entitled to vote in elections to the European Parliament in his Member State of residence in accordance with this Directive ;
6. 'Community national entitled to stand as a candidate' means any citizen of the Union who has the right to stand as a candidate in elections to the European Parliament in his Member State of residence in accordance with this Directive ;
7. 'electoral roll' means the official register of all voters entitled to vote in a given constituency or locality, drawn up and kept up to date by the competent authority under the electoral law of the Member State of residence, or the population register if it indicates eligibility to vote ;
8. 'reference date' means the day or the days on which citizens of the Union must satisfy, under the law of the Member State of residence, the requirements for voting or for standing as a candidate in that State ;
9. 'formal declaration' means a declaration by the person concerned, inaccuracy in which makes that person liable to penalties, in accordance with the national law applicable.

Article 3

Any person who, on the reference date :

- (a) is a citizen of the Union within the meaning of the second subparagraph of Article 8 (1) of the Treaty ;
- (b) is not a national of the Member State of residence, but satisfies the same conditions in respect of the right to vote and to stand as a candidate as that State imposes by law on its own nationals,

shall have the right to vote and to stand as a candidate in elections to the European Parliament in the Member State of residence unless deprived of those rights pursuant to Articles 6 and 7.

Where, in order to stand as a candidate, nationals of the Member State of residence must have been nationals for a certain minimum period, citizens of the Union shall be deemed to have met this condition when they have been nationals of a Member State for the same period.

Article 4

1. Community voters shall exercise their right to vote either in the Member State of residence or in their home Member State. No person may vote more than once at the same election.

2. No person may stand as a candidate in more than one Member State at the same election.

⁽¹⁾ OJ No L 278, 8. 10. 1976, p. 5.

Article 5

If, in order to vote or to stand as candidates, nationals of the Member State or residence must have spent a certain minimum period as a resident in the electoral territory of that State, Community voters and Community nationals entitled to stand as candidates shall be deemed to have fulfilled that condition where they have resided for an equivalent period in other Member States. This provision shall apply without prejudice to any specific conditions as to length of residence in a given constituency or locality.

Article 6

1. Any citizen of the Union who resides in a Member State of which he is not a national and who, through an individual criminal law or civil law decision, has been deprived of his right to stand as a candidate under either the law of the Member State of residence or the law of his home Member State, shall be precluded from exercising that right in the Member State of residence in elections to the European Parliament.

2. An application from any citizen of the Union to stand as a candidate in elections to the European Parliament in the Member State of residence shall be declared inadmissible where that citizen is unable to provide the attestation referred to in Article 10 (2).

Article 7

1. The Member State of residence may check whether the citizens of the Union who have expressed a desire to exercise their right to vote there have not been deprived of that right in the home Member State through an individual civil law or criminal law decision.

2. For the purposes of paragraph 1 of this Article, the Member State of residence may notify the home Member State of the declaration referred to in Article 9 (2). To that end, the relevant and normally available information from the home Member State shall be provided in good time and in an appropriate manner; such information may only include details which are strictly necessary for the implementation of this Article and may only be used for that purpose. If the information provided invalidates the content of the declaration, the Member State of residence shall take the appropriate steps to prevent the person concerned from voting.

3. The home Member State may, in good time and in an appropriate manner, submit to the Member State of residence any information necessary for the implementation of this Article.

Article 8

1. A Community voter exercises his right to vote in the Member State of residence if he has expressed the wish to do so.

2. If voting is compulsory in the Member State of residence, Community voters who have expressed the wish to do so shall be obliged to vote.

CHAPTER II

EXERCISE OF THE RIGHT TO VOTE AND THE RIGHT TO STAND AS A CANDIDATE*Article 9*

1. Member States shall take the necessary measures to enable a Community voter who has expressed the wish for such to be entered on the electoral roll sufficiently in advance of polling day.

2. In order to have his name entered on the electoral roll, a Community voter shall produce the same documents as a voter who is a national. He shall also produce a formal declaration stating:

- (a) his nationality and his address in the electoral territory of the Member State of residence;
- (b) where applicable, the locality or constituency in his home Member State on the electoral roll of which his name was last entered, and
- (c) that he will exercise his right to vote in the Member State of residence only.

3. The Member State of residence may also require a Community voter to:

- (a) state in his declaration under paragraph 2 that he has not been deprived of the right to vote in his home Member State;
- (b) produce a valid identity document, and
- (c) indicate the date from which he has been resident in that State or in another Member State.

4. Community voters who have been entered on the electoral roll shall remain thereon, under the same conditions as voters who are nationals, until such time as they request to be removed or until such time as they are removed automatically because they no longer satisfy the requirements for exercising the right to vote.

Article 10

1. When he submits his application to stand as a candidate, a Community national shall produce the same supporting documents as a candidate who is a national. He shall also produce a formal declaration stating:

- (a) his nationality and his address in the electoral territory of the Member State of residence;

(b) that he is not standing as a candidate for election to the European Parliament in any other Member State, and

(c) where applicable, the locality or constituency in his home Member State on the electoral roll of which his name was last entered.

2. When he submits his application to stand as a candidate a Community national must also produce an attestation from the competent administrative authorities of his home Member State certifying that he has not been deprived of the right to stand as a candidate in that Member State or that no such disqualification is known to those authorities.

3. The Member State of residence may also require a Community national entitled to stand as a candidate to produce a valid identity document. It may also require him to indicate the date from which he has been a national of a Member State.

Article 11

1. The Member State of residence shall inform the person concerned of the action taken on his application for entry on the electoral roll or of the decision concerning the admissibility of his application to stand as a candidate.

2. Should a person be refused entry on the electoral roll or his application to stand as a candidate be rejected, the person concerned shall be entitled to legal remedies on the same terms as the legislation of the Member State of residence prescribes for voters and persons entitled to stand as candidates who are its nationals.

Article 12

The Member State of residence shall inform Community voters and Community nationals entitled to stand as candidates in good time and in an appropriate manner of the conditions and detailed arrangements for the exercise of the right to vote and to stand as a candidate in elections in that State.

Article 13

Member States shall exchange the information required for the implementation of Article 4. To that end, the Member State of residence shall, on the basis of the formal declaration referred to in Articles 9 and 10, supply the home Member State, sufficiently in advance of polling day, with information on the latter State's nationals entered on electoral rolls or standing as candidates. The home Member State shall, in accordance with its national legislation, take appropriate measures to ensure that its nationals do not vote more than once or stand as candidates in more than one Member State.

CHAPTER III

DEROGATIONS AND TRANSITIONAL PROVISIONS

Article 14

1. If on 1 January 1993, in a given Member State, the proportion of citizens of the Union of voting age who

reside in it but are not nationals of it exceeds 20 % of the total number of citizens of the Union residing there who are of voting age, that Member State may, by way of derogation from Articles 3, 9 and 10 :

(a) restrict the right to vote to Community voters who have resided in that Member State for a minimum period, which may not exceed five years ;

(b) restrict the right to stand as a candidate to Community nationals entitled to stand as candidates who have resided in that Member State for a minimum period, which may not exceed 10 years.

These provisions are without prejudice to appropriate measures which this Member State may take with regard to the composition of lists of candidates and which are intended in particular to encourage the integration of non-national citizens of the Union.

However, Community voters and Community nationals entitled to stand as candidates who, owing to the fact that they have taken up residence outside their home Member State or by reason of the duration of such residence, do not have the right to vote or to stand as candidates in that home State shall not be subject to the conditions as to length of residence set out above.

2. Where, on 1 February 1994, the laws of a Member State prescribe that the nationals of another Member State who reside there have the right to vote for the national parliament of that State and, for that purpose, may be entered on the electoral roll of that State under exactly the same conditions as national voters, the first Member State may, by way of derogation from this Directive, refrain from applying Articles 6 to 13 in respect of such nationals.

3. By 31 December 1997 and thereafter 18 months prior to each election to the European Parliament, the Commission shall submit to the European Parliament and to the Council a report in which it shall check whether the grant to the Member States concerned of a derogation pursuant to Article 8b (2) of the EC Treaty is still warranted and shall propose that any necessary adjustments be made.

Member States which invoke derogations under paragraph 1 shall furnish the Commission with all the necessary background information.

Article 15

For the fourth direct elections to the European Parliament, the following special provisions shall apply :

(a) citizens of the Union who, on 15 February 1994, already have the right to vote in the Member State of residence and whose names appear on the electoral roll in the Member State of residence shall not be subject to the formalities laid down in Article 9 ;

(b) Member States in which the electoral rolls have been finalized before 15 February 1994 shall take the steps necessary to enable Community voters who wish to exercise their right to vote there to enter names on the electoral roll sufficiently in advance of polling day ;

- (c) Member States which do not draw up specific electoral rolls but indicate eligibility to vote in the population register and where voting is not compulsory may also apply this system to Community voters who appear on that register and who, having been informed individually of their rights, have not expressed a wish to exercise their right to vote in their home Member State. They shall forward to the home Member State the document showing the intention expressed by those voters to vote in the Member State of residence ;
- (d) Member States in which the internal procedure for the nomination of candidates for political parties and groups is governed by law may provide that any such procedures which, in accordance with that law, were opened before 1 February 1994 and the decisions taken within that framework shall remain valid.

CHAPTER IV

FINAL PROVISIONS

Article 16

The Commission shall submit a report to the European Parliament and the Council by 31 December 1995 on the application of this Directive to the June 1994 elections to the European Parliament. On the basis of the said report the Council, acting unanimously on a proposal from the

Commission and after consulting the European Parliament, may adopt provisions amending this Directive.

Article 17

Member States shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive no later than 1 February 1994. They shall forthwith 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 on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 18

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

Article 19

This Directive is addressed to the Member States.

Done at Brussels, 6 December 1993.

For the Council

The President

W. CLAES

COMMISSION DIRECTIVE 93/116/EC

of 17 December 1993

adapting to technical progress Council Directive 80/1268/EEC relating to the
fuel consumption of motor vehicles

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 relating to the type-approval of motor vehicles and their trailers⁽¹⁾, as last amended by Commission Directive 93/81/EEC⁽²⁾, and in particular Article 13 (2) thereof,

Having regard to Council Directive 80/1268/EEC of 16 December 1980 on the approximation of the laws of the Member States relating to the fuel consumption of motor vehicles⁽³⁾, as amended by Directive 89/491/EEC⁽⁴⁾, and in particular Article 3 thereof,

Whereas Directive 80/1268/EEC is one of the separate directives of the EC type-approval procedure which has been established by Directive 70/156/EEC; whereas, consequently, the provisions laid down in Directive 70/156/EEC relating to vehicle systems, components and separate technical units apply to this Directive;

Whereas, in particular, Articles 3 (4) and 4 (3) of Directive 70/156/EEC require each separate Directive to have attached to it an information document incorporating the relevant items of Annex I to that Directive and also a type-approval certificate based on Annex VI thereto in order that type-approval may be computerized;

Whereas reference should be made to Council Directive 70/220/EEC⁽⁵⁾, as last amended by Directive 93/59/EEC⁽⁶⁾, relating to measures to be taken against air pollution by emissions from motor vehicles, because that Directive establishes technical and administrative provisions which apply also to this Directive;

Whereas, in view of the increasing concern about the environmental effects of carbon dioxide emissions, the fifth programme of action of the European Communities on the protection of the environment approved by the Council on 16 December 1992 provides for a stabilization target of these emissions; whereas it is necessary to determine the carbon dioxide emissions of light motor vehicles in the framework of the EC type-approval;

whereas it is appropriate to base the measurement of carbon dioxide on the test procedure established by Directive 70/220/EEC for the measurement of the air-polluting substances of motor vehicles, and consequently to calculate fuel consumption on the basis of the results of these measurements;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee for Adaptation to Technical Progress established by Directive 70/156/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 80/1268/EEC shall be amended as follows:

1. the title shall be replaced by the following:

'Council Directive 80/1268/EEC relating to the carbon dioxide emissions and the fuel consumption of motor vehicles.'

2. Article 2 shall be replaced by the following:

Article 2

No Member State may refuse to grant EC type-approval or national type-approval in respect of a vehicle, or refuse or prohibit the sale, registration, entry into service or use of a vehicle, on grounds relating to its carbon dioxide emissions or its fuel consumption if the emission and consumption figures have been determined in accordance with Annexes I and II and are set out in a document given to the vehicle owner at the time of purchase in the manner and form decided by each Member State.'

3. the Annexes shall be replaced by the Annexes to this Directive.

Article 2

1. With effect from 1 April 1994, Member States may not on grounds relating to the emission of carbon dioxide or to fuel consumption:

- refuse, in respect of any given type of motor vehicle, to grant EC type-approval or national type-approval; or
- prohibit the registration, sale or entry into service of vehicles,

⁽¹⁾ OJ No L 42, 23. 2. 1970, p. 1.

⁽²⁾ OJ No L 264, 23. 10. 1993, p. 49.

⁽³⁾ OJ No L 375, 31. 12. 1980, p. 36.

⁽⁴⁾ OJ No L 238, 15. 8. 1989, p. 43.

⁽⁵⁾ OJ No L 76, 6. 4. 1970, p. 1.

⁽⁶⁾ OJ No L 186, 28. 7. 1993, p. 21.

if the emission and consumption figures have been determined to be in accordance with the requirements of Directive 80/1268/EEC as amended by this Directive.

2. With effect from 1 January 1996, Member States :

- shall no longer grant EC type-approval, and
- may refuse to grant national type-approval,

for a type of vehicle on grounds relating to the emission of carbon dioxide and to the fuel consumption if the emission and consumption figures have not been determined in accordance with the requirements of Directive 80/1268/EEC, as amended by this Directive.

3. With effect from 1 January 1997, Member States :

- shall consider certificates of conformity which accompany new vehicles in accordance with the provisions of Directive 70/156/EEC to be no longer valid for the purposes of Article 7 (1) of that Directive, and
- may refuse the registration, sale and entry into service of new vehicles which are not accompanied by a certificate of conformity in accordance with Directive 70/156/EEC,

on grounds relating to the emission of carbon dioxide and to fuel consumption if the emission and consumption figures have not been determined in accordance with the requirements of Directive 80/1268/EEC, as amended by this Directive.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 March 1994. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these 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.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

Article 4

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

Done at Brussels, 17 December 1993.

For the Commission

Martin BANGEMANN

Member of the Commission

*ANNEX I***DETERMINATION OF CO₂ EMISSIONS AND FUEL CONSUMPTION****1. SCOPE**

This Directive applies to the carbon dioxide (CO₂) emissions and the fuel consumption of all motor vehicles of category M1.

2. APPLICATION FOR EC TYPE-APPROVAL

2.1. The application for EC type-approval pursuant to Article 3 (4) of Directive 70/156/EEC for a vehicle type with regard to CO₂ emissions and fuel consumption shall be submitted by the manufacturer.

2.2. A model for the information document is given in Annex II to Directive 70/220/EEC. When already available, the type-approval number will also be reported. When appropriate, copies of other type-approvals with the relevant data are provided to enable extension of approvals in accordance with point 11. At the request of the technical service in charge of the tests or the manufacturer, complementary technical information could be considered for specific vehicles which are particularly fuel efficient.

2.3. For the test described in point 6 of this Annex, a vehicle representative of the vehicle type to be approved will be submitted when the technical service responsible for the type-approval tests carries out the tests itself. During the test, the technical service will check that this vehicle conforms to the limit values applicable to that type, as described in Directive 70/220/EEC, as modified according to its last amendment.

3. GRANTING OF EC TYPE-APPROVAL

3.1. If the relevant requirements are satisfied, EC type-approval pursuant to Article 4 (3) of Directive 70/156/EEC shall be granted.

3.2. A model for the EC type-approval certificate is given in Annex II.

3.3. An approval number in accordance with Annex VII to Directive 70/156/EEC shall be assigned to each vehicle type approved. The same Member State shall not assign the same number to another vehicle type.

4. GENERAL REQUIREMENTS

4.1. The CO₂ emissions are measured during the test cycle simulating the urban and extra-urban driving patterns as described in Appendix 1 of Annex III to Council Directive 91/441/EEC⁽¹⁾.

4.2. The results of the test must be expressed as carbon dioxide emissions in g/km rounded to the nearest whole number.

4.3. Fuel consumptions are calculated according to point 7 by the carbon balance method using the measured emissions of CO₂ and the other carbon related emissions (CO and HC). The results will be rounded to the first decimal place.

4.4. Test fuel

The appropriate reference fuels as defined in Annex VIII to Directive 91/441/EEC must be used for testing.

For the purpose of calculation mentioned in point 4.3, the following fuel characteristics will be used :

- (a) density : measured on the test fuel according to ISO 3675 or an equivalent method ;
- (b) hydrogen — carbon ratio : fixed values will be used which are 1,85 for gasoline and 1,86 for diesel.

⁽¹⁾ OJ No L 242, 30. 8. 1991, p. 1.

5. TEST CONDITIONS**5.1. Test vehicle**

5.1.1. The vehicle must be presented in good mechanical condition. It must have been run in and driven at least 3 000 kilometres, but less than 15 000 kilometres, before the test.

5.1.2. The settings of the engine and of the vehicle controls must be those prescribed by the manufacturer. This requirement also applies, in particular to the idle settings, to the cold start device and to the exhaust gas pollutant emission control system.

5.1.3. The laboratory may check that vehicle performance is as specified by the manufacturer and that it is possible to use it in normal driving conditions, particularly cold and hot start.

5.1.4. Before the test, the vehicle must be stored in a room where the temperature remains between 293 and 303 K (20 and 30 °C). This conditioning period will last at least six hours and to a point where the temperature of the engine lube oil and the engine coolant are within ± 2 K of the room temperature. At the request of the manufacturer, the test may be conducted within a maximum of 30 hours after the vehicle has been used at normal temperature.

At the manufacturer's request, gasoline engined vehicles may be preconditioned according to the procedure prescribed in point 5.1.11 of Annex VI to Directive 91/441/EEC; compression-ignition engined vehicles may be preconditioned according to the procedure described in point 5.3 of Annex III to the same Directive.

5.1.5. Only the equipment necessary for the functioning of the vehicle during the test shall be in operation. If there is a manually controlled device on the carburettor inlet for air heating, it must be in the 'summer' position. In general, the auxiliary equipment required for the normal running of the vehicle must be in operation.

5.1.6. If the radiator fan is temperature controlled, it must be operating as it would normally on the vehicle. The passenger compartment heating system must not be operating, nor must the air conditioning system, although its compressor must be operating normally.

5.1.7. If a pressure charging device is fitted, it must be operating as it would normally.

5.2. Lubricants

All lubricants must be those recommended by the manufacturer of the vehicle and must be indicated on the test report.

5.3. Tyres

The tyres must be of one of the types specified as original equipment by the vehicle manufacturer, inflated to the pressure recommended for the test load and speeds (adjusted, where necessary, for test-bed operation under test conditions). The pressures used must be indicated in the test report.

6. MEASUREMENT OF CO₂ AND CARBON-RELATED EMISSIONS**6.1. Test cycle**

The test cycle is described in Appendix 1 of Annex III to Directive 91/441/EEC including both Part One (urban driving) and Part Two (extra-urban driving). All driving prescriptions contained in this Appendix will be applied for the CO₂ measurement.

6.2. Definition**6.2.1. Reference mass**

Mass of the vehicle in running order less the uniform mass of the driver of 75 kg and increased by a uniform mass of 100 kg.

6.3. Dynamometer adjustments

6.3.1. The load and inertia adjustments of the dynamometer are determined as defined in Annex III to Directive 91/441/EEC with the exception of point 5.1 and Appendix II, point 3.3.1.

6.3.2. For the purpose of the determination of CO₂ emissions and the related fuel consumption, the inertia weight used to adjust the dynamometer will be chosen as follows :

Reference mass of vehicle RW (kg)	Power absorbed by the dynamometer Pa (kW)	Equivalent inertia I (kg)
RW ≤ 480	3,8	455
480 < RW ≤ 540	4,1	510
540 < RW ≤ 595	4,3	570
595 < RW ≤ 650	4,5	625
650 < RW ≤ 710	4,7	680
710 < RW ≤ 765	4,9	740
765 < RW ≤ 850	5,1	800
850 < RW ≤ 965	5,6	910
965 < RW ≤ 1 080	6,0	1 020
1 080 < RW ≤ 1 190	6,3	1 130
1 190 < RW ≤ 1 305	6,7	1 250
1 305 < RW ≤ 1 420	7,0	1 360
1 420 < RW ≤ 1 530	7,3	1 470
1 530 < RW ≤ 1 640	7,5	1 590
1 640 < RW ≤ 1 760	7,8	1 700
1 760 < RW ≤ 1 870	8,1	1 810
1 870 < RW ≤ 1 980	8,4	1 930
1 980 < RW ≤ 2 100	8,6	2 040
2 100 < RW ≤ 2 210	8,8	2 150
2 210 < RW ≤ 2 380	9,0	2 270
2 380 < RW ≤ 2 610	9,4	2 270
2 610 < RW	9,8	2 270

If the corresponding equivalent inertia is not available on the dynamometer, the bigger value closest to the vehicle reference mass will be used.

6.3.3. When using the alternative method for the setting of the dynamometer, the brake is adjusted in accordance with the values of Pa listed in the above table.

6.4. Calculation of emissions

6.4.1. General provisions

6.4.1.1. Emissions of gaseous pollutants are calculated by means of the following equation :

$$M_i = \frac{V_{\text{mix}} \cdot Q_i \cdot C_i \cdot 10^{-6}}{d} \quad (1)$$

where :

M_i = mass emission of the pollutant i in grams per kilometre ;

V_{mix} = volume of the diluted exhaust gas expressed in litres per test and corrected to standard conditions (273,2 K and 101,33 kPa) ;

Q_i = density of the pollutant i in grams per litre at normal temperature and pressure (273,2 K and 101,33 kPa) ;

C_i = concentration of the pollutant i in the diluted exhaust gas expressed in ppm and corrected by the amount of the pollutant i contained in the dilution air. If C_i is expressed in % volume, 10^{-6} factor is replaced by 10^{-2} ;

d = driven distance during the operating cycle in km.

6.4.1.2. Volume determination

6.4.1.2.1. Calculation of the volume when a variable dilution device with constant flow control by orifice or venturi is used. Record continuously the parameters showing the volumetric flow, and calculate the total volume for the duration of the test.

6.4.1.2.2. Calculation of volume when a positive displacement pump is used. The volume of diluted exhaust gas in systems comprising a positive displacement pump is calculated with the following formula :

$$V = V_o \cdot N$$

where :

V = volume of the diluted exhaust gas expressed in litres per test (prior to correction);

V_o = volume of gas delivered by the positive displacement pump on testing conditions in litres per revolution ;

N = number of revolutions per test.

6.4.1.2.3. Correction of the diluted exhaust-gas volume to standard conditions. The diluted exhaust-gas volume is corrected by means of the following formula :

$$V_{\text{mix}} = V \cdot K_1 \cdot \frac{P_p}{T_p} \quad (2)$$

in which :

$$K_1 = \frac{273,2}{101,33} = 2,6961 \text{ (K} \cdot \text{kPa}^{-1}) \quad (3)$$

where :

P_p = absolute pressure at the inlet to the positive displacement pump in kPa ;

T_p = average temperature of the diluted exhaust gas entering the positive displacement pump during the test (K).

6.4.1.3. Calculation of the corrected concentration of pollutants in the sampling bag

$$C_i = C_e - C_d \left(1 - \frac{1}{DF} \right) \quad (4)$$

where :

C_i = concentration of the pollutant i in the diluted exhaust gas, expressed in ppm or % volume and corrected by the amount of i contained in the dilution air ;

C_e = measured concentration of pollutant i in the diluted exhaust gas, expressed in ppm, or % volume ;

C_d = measured concentration of pollutant i in the air used for dilution, expressed in ppm, or % volume ;

DF = dilution factor.

The dilution factor is calculated as follows :

$$DF = \frac{13,4}{C_{\text{CO}_2} + (C_{\text{HC}} + C_{\text{CO}}) 10^{-4}} \quad (5)$$

where :

C_{CO_2} = concentration of CO_2 in the diluted exhaust gas contained in the sampling bag, expressed in % volume ;

C_{HC} = concentration of HC in the diluted exhaust gas contained in the sampling bag, expressed in ppm carbon equivalent ;

C_{CO} = concentration of CO in the diluted exhaust gas contained in the sampling bag, expressed in ppm.

6.4.1.4. Example

6.4.1.4.1. Data

6.4.1.4.1.1. Ambient conditions :

ambient temperature : $23^\circ\text{C} = 296,2^\circ\text{K}$,

barometric pressure : $P_B = 101,33 \text{ kPa}$.

6.4.1.4.1.2. Volume measured and reduced to standard conditions

$$V = 51\,961 \text{ l}$$

6.4.1.4.1.3. Analyser readings :

	Diluted exhaust	Dilution air
HC (¹)	92 ppm	3,0 ppm
CO	470 ppm	0 ppm
CO ₂	1,6 % volume	0,03 % volume

(¹) In ppm carbon equivalent.

6.4.1.4.2. Calculation

6.4.1.4.2.1. Dilution factor (DF) (see formula 5)

$$DF = \frac{13,4}{C_{CO_2} + (C_{CH} + C_{CO}) 10^{-4}}$$

$$DF = \frac{13,4}{1,6 + (92 + 470) 10^{-4}}$$

$$DF = 8,091$$

6.4.1.4.2.2. Calculation of the corrected concentration of pollutants in the sampling bag :

HC mass emissions (see formulae 4 and 1)

$$C_i = C_e - C_d \left(1 - \frac{1}{DF} \right) \quad (4)$$

$$C_{HC} = 92 - 3 \left(1 - \frac{1}{8,091} \right)$$

$$C_{HC} = 89,371 \text{ ppm}$$

$$M_{HC} = C_{HC} \cdot V_{mix} \cdot Q_{HC} \cdot \frac{1}{d} \cdot 10^{-6} \quad (1)$$

$$Q_{HC} = 0,619$$

$$M_{HC} = 89,371 \cdot 51\,961 \cdot 0,619 \cdot 10^{-6} \cdot \frac{1}{d}$$

$$M_{HC} = \frac{2,88}{d} \text{ g/km}$$

CO mass emissions (see formula 1)

$$M_{CO} = C_{CO} \cdot V_{mix} \cdot Q_{CO} \cdot \frac{1}{d} \cdot 10^{-6} \quad (1)$$

$$Q_{CO} = 1,25$$

$$M_{CO} = 470 \cdot 51\,961 \cdot 1,25 \cdot 10^{-6} \cdot \frac{1}{d}$$

$$M_{CO} = \frac{30,5}{d} \text{ g/km}$$

CO₂ mass emissions (see formula 1)

$$C_i = C_e - C_d \left(1 - \frac{1}{DF} \right) \quad (4)$$

$$C_{CO_2} = 1,6 - 0,03 \left(1 - \frac{1}{8,091} \right)$$

$$C_{CO_2} = 1,573 \text{ % volume}$$

$$Q_{CO_2} = 1,964$$

$$M_{CO_2} = C_{CO_2} \cdot V_{mix} \cdot Q_{CO_2} \cdot 10^{-2} \cdot \frac{1}{d} \quad (1)$$

$$M_{CO_2} = 1,573 \cdot 51\,961 \cdot 1,964 \cdot 10^{-2} \cdot \frac{1}{d}$$

$$M_{CO_2} = \frac{1\,605,27}{d} \text{ g/km}$$

6.4.2. Special provisions relating to vehicles equipped with compression ignition engines

HC measurements for compression-ignition engines

The average HC concentration used in determining the HC mass emissions from compression-ignition engines is calculated with the aid of the following formula :

$$C_e = \frac{\int_{t_1}^{t_2} C_{HC} \cdot dt}{t_2 - t_1} \quad (7)$$

where :

$\int_{t_1}^{t_2} C_{HC} \cdot dt$ = integral of the recording of the heated FID over the test duration $(t_2 - t_1)$;

C_e = HC concentration of the diluted exhaust sample as calculated from the integrated HC trace, in ppm carbon equivalent.

6.5. Interpretation of the results

6.5.1. The CO₂ value adopted as the type-approval value shall be the value declared by the manufacturer if the value measured by the technical service does not exceed the declared value by more than 4 %. The measured value can be lower without any limitations.

6.5.2. If the measured value of CO₂ exceeds the manufacturer's declared CO₂ value by more than 4 %, then another test is run on the same vehicle.

When the average of the two test results does not exceed the manufacturer's declared value by more than 4 %, then the value declared by the manufacturer is taken as the type-approval value.

6.5.3. If the average still exceeds the declared value by more than 4 %, a final test is run on the same vehicle.

The average of the three test results is taken as the type-approval value.

7. CALCULATION OF FUEL CONSUMPTIONS

7.1. The fuel consumptions are calculated from the emissions of hydrocarbons, carbon monoxide and carbon dioxide calculated in accordance with paragraph 6.

7.2. The fuel consumptions expressed in litres per 100 km are calculated using the following formulae :

(a) for petrol-engined vehicles :

$$FC = \frac{0,1154}{D} [(0,866 \cdot HC) + (0,429 \cdot CO) + (0,273 \cdot CO_2)]$$

(b) for diesel-engined vehicles :

$$FC = \frac{0,1155}{D} [(0,866 \cdot HC) + (0,429 \cdot CO) + (0,273 \cdot CO_2)]$$

where :

FC = fuel consumption in litres per 100 km ;

HC = measured emission of hydrocarbon in g/km ;

CO = measured emission of carbon monoxide in g/km ;

CO₂ = measured emission of carbon dioxide in g/km ;

D = density of the test fuel.

8. AMENDMENTS TO APPROVALS

8.1. In the case of amendments to approvals granted pursuant to this Directive the provisions of Article 5 of Directive 70/156/EEC shall apply.

9. CONFORMITY OF PRODUCTION FOR CO₂ EMISSIONS

- 9.1. As a general rule, measures to ensure the conformity of production with regard to CO₂ emissions from vehicles is checked on the basis of the description in the type-approval certificate set out in Annex II to this Directive and in accordance with the provisions of Article 10 of Directive 70/156/EEC.

If the authority is not satisfied with the auditing procedure of the manufacturer, then points 2.4.2 and 2.4.3 of Annex X to Directive 70/156/EEC shall apply.

- 9.1.1. If a vehicle type has had one or several extensions, the tests will be carried out on the vehicle(s) described in the information package which accompanied the first type-approval application.

- 9.1.1.1. Conformity of the vehicle for the CO₂ test.

- 9.1.1.1.1. Three vehicles are randomly taken in the series and are tested as described in paragraph 6 of this Annex.

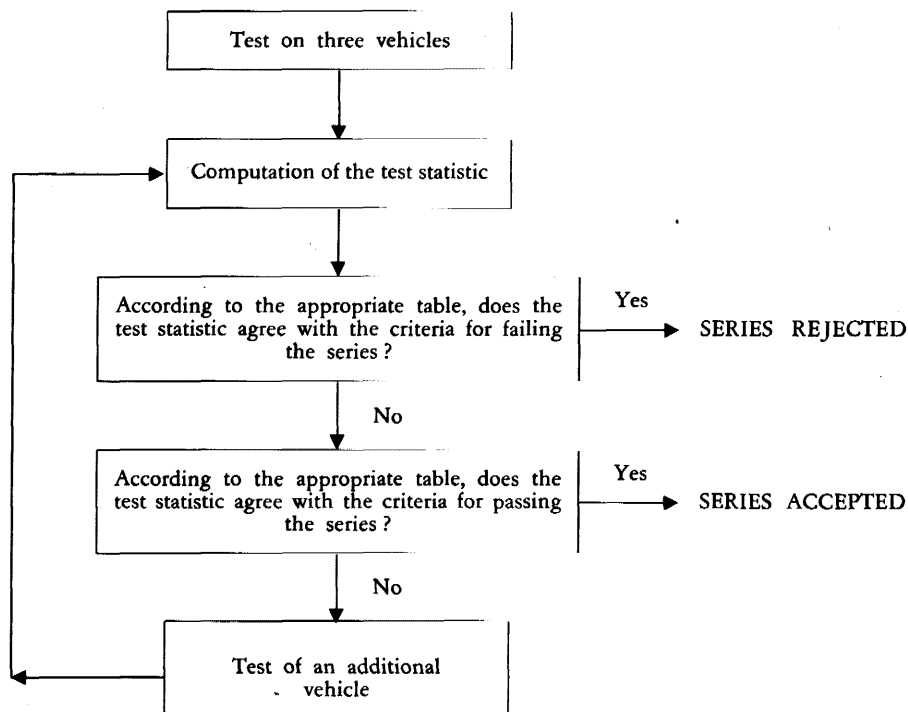
- 9.1.1.1.2. If the authority is satisfied with the production standard deviation given by the manufacturer, according to Annex X to Directive 70/156/EEC, the tests are carried out according to point 9.2 of this Annex.

If the authority is not satisfied with the production standard deviation given by the manufacturer according to Annex X to Directive 70/156/EEC, the tests are carried out according to point 9.3 of this Annex.

- 9.1.1.1.3. The production of a series is regarded as conforming or non-conforming, on the basis of tests on the three sampled vehicles, once a pass or fail decision is reached for CO₂, according to the test criteria applied in the appropriate table.

If no pass decision and/or no fail decision is reached for CO₂, a test is carried out on an additional vehicle (see Figure I/8).

FIGURE I/8



- 9.1.1.2. Notwithstanding the requirements of point 5.1.1 of this Annex, the tests will be carried out on vehicles which have not travelled any distance.

- 9.1.1.2.1. However, at the request of the manufacturer, the tests will be carried out on vehicles which have been run-in a maximum of 15 000 km.

In this case, the running-in procedure will be conducted by the manufacturer who shall undertake not to make any adjustments to those vehicles.

- 9.1.1.2.2. If the manufacturer asks to conduct a running-in procedure ('x' km, where $x \leq 15\,000$ km), it may be carried out as follows :

- the emission of CO₂ will be measured at zero and at 'x' km on the first tested vehicle (which can be the type-approval vehicle),
- the evolution coefficient of the emission between zero and 'x' km will be calculated as follows :

$$EC = \frac{\text{Emissions 'x' km}}{\text{Emissions zero km}}$$

It may be less than one,

- the following vehicles will not be subjected to the running-in procedure, but their zero km emissions will be modified by the evolution coefficient, EC.

In this case, the values to be taken will be :

- the value at 'x' km for the first vehicle,
- the values at zero km multiplied by the evolution coefficient for the following vehicles.

- 9.1.1.2.3. As an alternative to this procedure, the car manufacturer can use a fixed evolution coefficient EC of 0,92 and multiply all values of CO₂ measured at zero km by this factor.

- 9.1.1.2.4. The reference fuels described in Annex VII to Directive 91/441/EEC shall be used for this test.

- 9.2. Conformity of production when manufacturer's statistical data is available

- 9.2.1. The following sections describe the procedure to be used to verify the CO₂ conformity of production requirements when the manufacturer's production standard deviation is satisfactory.

- 9.2.2. With a minimum sample size of three the sampling procedure is set so that the probability of a lot passing a test with 40 % of the production defective is 0,95 (producer's risk = 5 %), while the probability of a lot being accepted with 65 % of the production defective is 0,1 (consumer's risk = 10 %).

- 9.2.3. The following procedure is used (see Figure I/8).

Let L be the natural logarithm of the CO₂ type-approval value :

- x_i = the natural logarithm of the measurement for the i-th vehicle of the sample ;
- s = an estimate of the production standard deviation (after taking the natural logarithm of the measurements) ;
- n = the current sample number.

- 9.2.4. Compute for the sample, the test statistic quantifying the sum of the standardized deviations to the limit and defined as :

$$\frac{1}{s} \sum_{i=1}^n (L - x_i)$$

- 9.2.5. Then :

- if the test statistic is greater than the pass decision number for the sample size given in Table I/-/9.2.5, a pass decision is reached,
- if the test statistic is less than the fail decision number for the sample size given in Table I/-/9.2.5, a fail decision is reached,
- otherwise, an additional vehicle is tested according to point 6 of this Annex and the procedure is applied to the sample with one unit more.

TABLE I/ -/9.2.5

Sample size (cumulative number of vehicles tested)	Pass Decision No	Fail Decision No
(a)	(b)	(c)
3	3,327	- 4,724
4	3,261	- 4,790
5	3,195	- 4,856
6	3,129	- 4,922
7	3,063	- 4,988
8	2,997	- 5,054
9	2,931	- 5,120
10	2,865	- 5,185
11	2,799	- 5,251
12	2,733	- 5,317
13	2,667	- 5,383
14	2,601	- 5,449
15	2,535	- 5,515
16	2,469	- 5,581
17	2,403	- 5,647
18	2,337	- 5,713
19	2,271	- 5,779
20	2,205	- 5,845
21	2,139	- 5,911
22	2,073	- 5,977
23	2,007	- 6,043
24	1,941	- 6,109
25	1,875	- 6,175
26	1,809	- 6,241
27	1,743	- 6,307
28	1,677	- 6,373
29	1,611	- 6,439
30	1,545	- 6,505
31	1,479	- 6,571
32	- 2,112	- 2,112

9.3. Conformity of production when manufacturer's statistical data is unsatisfactory or unavailable.

9.3.1. The following sections describe the procedure to be used to verify the CO₂ conformity of production requirements when the manufacturer's evidence of production standard deviation is either unsatisfactory or unavailable.

9.3.2. With a minimum sample size of three the sampling procedure is set so that the probability of a lot passing a test with 40 % of the production defective is 0,95 (producer's risk = 5 %), while the probability of a lot being accepted with 65 % of the production defective is 0,1 (consumer's risk = 10 %).

9.3.3. The measurement of CO₂ is considered to be log normally distributed and should first be transformed by taking the natural logarithms. Let m_0 and m denote the minimum and maximum sample sizes respectively ($m_0 = 3$ and $m = 32$) and let n denote the current sample number.

9.3.4. If the natural logarithms of the measurements in the series are $x_1, x_2, \dots, x_j$ and L is the natural logarithm of the CO₂ type-approval value, then define :

$$d_j = x_j - L$$

$$\bar{d}_n = \frac{1}{n} \sum_{j=1}^n d_j$$

and :

$$V_n^2 = \frac{1}{n} \sum_{j=1}^n (d_j - \bar{d}_n)^2$$

9.3.5. Table I/-/9.3.5 shows values of the pass (A_n) and fail (B_n) decision numbers against current sample number. The test statistic is the ratio $\bar{d}_n / V_n$ and shall be used to determine whether the series has passed or failed as follows:

for $m_0 \leq n \leq m$:

- pass the series if $\bar{d}_n / V_n \leq A_n$,
- fail the series if $\bar{d}_n / V_n \geq B_n$,
- take another measurement if $A_n < \bar{d}_n / V_n < B_n$.

9.3.6. Remarks

The following recursive formulae are useful for computing successive values of the test statistic:

$$\bar{d}_n = \left(1 - \frac{1}{n}\right) \bar{d}_{n-1} + \frac{1}{n} d_n$$

$$V_n^2 = \left(1 - \frac{1}{n}\right) V_{n-1}^2 + \frac{(\bar{d}_n - d_n)^2}{n-1}$$

$$(n = 2, 3, \dots; \bar{d}_1 = d_1; V_1 = 0)$$

TABLE I/-/9.3.5

Sample size (cumulative number of vehicles tested) n	Pass Decision No A_n	Fail Decision No B_n
(a)	(b)	(c)
3	- 0,80381	16,64743
4	- 0,76339	7,68627
5	- 0,72982	4,67136
6	- 0,69962	3,25573
7	- 0,67129	2,45431
8	- 0,64406	1,94369
9	- 0,6175	1,59105
10	- 0,59135	1,33295
11	- 0,56542	1,13566
12	- 0,5396	0,9797
13	- 0,51379	0,85307
14	- 0,48791	0,74801
15	- 0,46191	0,65928
16	- 0,43573	0,58321
17	- 0,40933	0,51718
18	- 0,38266	0,45922
19	- 0,3557	0,40788
20	- 0,3284	0,36203
21	- 0,30072	0,32078
22	- 0,27263	0,28343
23	- 0,2441	0,24943
24	- 0,21509	0,21831
25	- 0,18557	0,1897
26	- 0,1555	0,16328
27	- 0,12483	0,1388
28	- 0,09354	0,11603
29	- 0,06159	0,0948
30	- 0,02892	0,07493
31	- 0,00449	0,05629
32	- 0,03876	0,03876

10. SPECIAL PROVISIONS

- 10.1. In the future, vehicles with special fuel efficient technologies may be offered which could be submitted to complementary testing programmes. These would be specified at a later stage which can be claimed by the manufacturer in order to demonstrate the advantages of the solution.

11. EXTENSION OF APPROVAL

- 11.1. The type-approval can be extended to vehicles from the same type or from a different type differing with regard to the following characteristics of Annex II if the CO₂ emissions measured by the technical service do not exceed by more than 4 % the type-approval value :

- 11.1.1. Mass.
 - 11.1.2. Maximum authorized mass.
 - 11.1.3. Type of bodywork : saloon, estate, coupé.
 - 11.1.4. Overall gear ratios.
 - 11.1.5. Engine equipment and accessories.
-

ANNEX II**MODEL**

(maximum format : A4 (210 × 297 mm))

EC TYPE-APPROVAL CERTIFICATE**STAMP OF ADMINISTRATION**

Communication concerning the :

- type approval (1)
- extension of type approval (1)
- refusal of type approval (1)
- withdrawal of type approval (1)

of a type of vehicle / component / separate technical unit (1) with regard to Directive 80/1268/EEC, as last amended by Directive 93/116/EC.

Type-approval number :

Reason for extension :

Section I

- 0.1. Make (trade name of manufacturer) :
- 0.2. Type and general commercial description(s) :
- 0.3. Means of identification of type, if marked on the vehicle/component/separate technical unit (1) (2) :
- 0.3.1. Location of that marking :
- 0.4. Category of vehicle (3) :
- 0.5. Name and address of manufacturer :
- 0.6. In the case of components and separate technical units, location and method of affixing of the EC type-approval mark :
- 0.7. Address(es) of assembly plant(s) :

Section II

1. Additional information (where applicable) : see addendum
 2. Technical service responsible for carrying out the tests :
 3. Date of test report :
 4. No of test report :
 5. Remarks (if any) : see addendum
 6. Place :
 7. Date :
 8. Signature :
 9. The index to the information package lodged with the approval authority, which may be obtained on request, is attached.
-

Addendum

to EC type-approval certificate No :

concerning the type approval of a vehicle with regard to Directive 80/1268/EEC (CO₂ emissions and fuel consumption) as last amended by Directive 93/116/EC.

1. Additional information
 - 1.1. Mass of the vehicle in running order :
 - 1.2. Maximum mass :
 - 1.3. Type of bodywork : saloon, estate, coupé ⁽¹⁾
 - 1.4. Drive wheels : front, rear, 4 x 4 ⁽¹⁾
 - 1.5. Engine :
 - 1.5.1. Engine displacement :
 - 1.5.2. Fuel supply system : carburettor/injection ⁽¹⁾
 - 1.5.3. Fuel recommended by the manufacturer :
 - 1.5.4. Maximum power : kW at min⁻¹
 - 1.5.5. Pressure charging device : yes/no ⁽¹⁾
 - 1.5.6. Ignition system : diesel/conventional or electronic ignition ⁽¹⁾
 - 1.6. Transmission :
 - 1.6.1. Type of gearbox : manual/automatic ⁽¹⁾
 - 1.6.2. Number of gear ratios :
 - 1.6.3. Total gear ratios (including the rolling circumferences of the tyres under load) : road speeds per 1 000 min⁻¹ km/h

First gear :	Fourth gear :
Second gear :	Fifth gear :
Third gear :	Overdrive :
 - 1.6.4. Final drive ratio :
 - 1.6.5. Tyres :

Type :	Dimensions :
Rolling circumference under load :	
- 1.7. Test results
 - 1.7.1. CO₂ mass emission : g/km
 - 1.7.2. Fuel consumptions
 - 1.7.2.1. Fuel consumption (urban conditions) : l/100 km
 - 1.7.2.2. Fuel consumption (extra-urban conditions) : l/100 km
 - 1.7.2.3. Fuel consumption (combined) : l/100 km
2. Remarks :

⁽¹⁾ Delete where not applicable.⁽²⁾ If the means of identification of type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by this type-approval certificate, such characters shall be represented in the documentation by the symbol '?' (e.g. ABC??123??).⁽³⁾ As defined in Annex II A to Directive 70/156/EEC.

TWELFTH COMMISSION DIRECTIVE 93/117/EC
of 17 December 1993
establishing Community analysis methods for official control of feedingstuffs

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

Having regard to Council Directive 70/373/EEC of 20 July 1970 on the introduction of Community methods of sampling and analysis for the official control of feedingstuffs⁽¹⁾, as last amended by Regulation (EEC) No 3768/85⁽²⁾, and in particular Article 2 thereof,

Whereas Directive 70/373/EEC requires that official controls on feedingstuffs for the purpose of checking compliance with requirements arising under quality and composition provisions laid down by law, regulation or administrative action shall be carried out using Community sampling and analysis methods;

Whereas Community analysis methods for the additives robenidine and methyl benzoquate should be established for use in checking compliance with the conditions for its use in animal feedingstuffs;

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

Member States shall require that analyses conducted in the course of official checks on feedingstuffs to identify

their robenidine and methyl benzoquate content be made using the methods described in the Annex hereto.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions required for compliance with this Directive by 30 November 1994 at the latest and shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these 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 that of its publication in the *Official Journal of the European Communities*.

Done at Brussels, 17 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 170, 3. 8. 1970, p. 2.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

ANNEX

1. DETERMINATION OF ROBENIDINE

1,3-bis[(4-chlorobenzylidene)amino] guanidine-hydrochloride

1. Purpose and scope

This method is for the determination of robenidine in feedingstuffs, the lower limit of determination is 5 mg/kg.

2. Principle

The sample is extracted with acidified methanol. The extract is dried and an aliquot portion subjected to a clean-up on an aluminium oxide column. Robenidine is eluted from the column with methanol, concentrated, and made up to a suitable volume with mobile phase. The content of robenidine is determined by reversed-phase high-performance liquid chromatography (HPLC) using an UV detector.

3. Reagents

3.1. Methanol

3.2. Acidified methanol

Transfer 4,0 ml hydrochloric acid (P₂₀C, 1,18 g/ml) into a 500 ml graduated flask, make up to the mark with methanol (3.1) and mix. This solution should be freshly prepared before use.

3.3. Acetonitrile, HPLC grade

3.4. Molecular sieve

Type 3A, 8 to 12 mesh beads (1,6-2,5 mm beads, crystalline alumino-silicate, diameter of pores 0,3 mm)

3.5. Aluminium oxide: acidic activity grade I for column chromatography

Transfer 100 g aluminium oxide into a suitable container and add 2,0 ml of water. Stopper and shake for approximately 20 minutes. Store in a well stoppered container.

3.6. Potassium dihydrogen phosphate solution, $c = 0,025 \text{ mol/l}$

Dissolve 3,40 g of potassium dihydrogen phosphate in water (HPLC grade) in a 1000 ml graduated flask, make up to the mark and mix.

3.7. Di-sodium hydrogen phosphate solution, $c = 0,025 \text{ mol/l}$

Dissolve 3,55 g of anhydrous (or 4,45 g of dihydrate or 8,95 g of dodecahydrate) di-sodium hydrogen phosphate in water (HPLC grade) in a 1,000 ml graduated flask, make up to the mark and mix.

3.8. HPLC mobile phase

Mix together the following reagents:

650 ml acetonitrile (3.3),

250 ml water (HPLC-grade),

50 ml potassium di-hydrogen phosphate solution (3.6),

50 ml di-sodium hydrogen phosphate solution (3.7).

Filter through a 0,22 µm filter (4.6) and degas the solution, (e.g. by ultrasonification for 10 minutes).

3.9. Standard substance

Pure robenidine: 1,3-bis[4-chlorobenzylidene)amino] guanidine hydrochloride, E 750.

3.9.1. Robenidine stock standard solution : 300 µg/ml :

Weigh to the nearest 0,1 mg, 30 mg of robenidine standard substance (3.9). Dissolve in acidified methanol (3.2) in a 100 ml graduated flask, make up to the mark with the same solvent and mix. Wrap the flask with aluminium foil and store in a dark place.

3.9.2. Robenidine intermediate standard solution : 12 µg/ml

Transfer 10,0 ml of the stock standard solution (3.9.1) into a 250 ml graduated flask, make up to the mark with the mobile phase (3.8) and mix. Wrap the flask with aluminium foil and store in a dark place.

3.9.3. Calibration solutions

Into a series of 50 ml calibrated flasks, transfer 5,0, 10,0, 15,0, 20,0 and 25,0 ml of the intermediate standard solution (3.9.2). Make up to the mark with mobile phase (3.8) and mix. These solutions correspond to 1,2, 2,4, 3,6, 4,8 and 6,0 µg/ml of robenidine respectively. These solutions must be freshly prepared before use.

4. Apparatus

4.1. Glass column

Constructed of amber glass fitted with a stopcock and a reservoir of approximately 150 ml capacity, internal diameter 10 to 15 mm, length 250 mm.

4.2. Laboratory wrist-action shaker

4.3. Rotary film evaporator

4.4. HPLC equipment with variable wavelength ultraviolet detector or diode array detector operating in the range of 250 to 400 nm

4.4.1. Liquid chromatographic column : 300 mm × 4 mm, C₁₈, 10 µm packing or equivalent

4.5. Glass fibre filter paper (Whatman GF/A or equivalent)

4.6. Membrane filters, 0,22 µm

4.7. Membrane filters, 0,45 µm

5. Procedure

Note : Robenidine is light-sensitive. Amber glassware should be used in all operations.

5.1. General

5.1.1. A blank feed should be analysed to check that neither robenidine nor interfering substances are present.

5.1.2. A recovery test should be carried out by analysing the blank feed (5.1.1) which has been fortified by addition of a quantity of robenidine, similar to that present in the sample. To fortify at a level of 60 mg/kg, transfer 3,0 ml of the stock standard solution (3.9.1) to a 250 ml conical flask. Evaporate the solution to c. 0,5 ml in a stream of nitrogen. Add 15 g of the blank feed, mix and wait for 10 minutes before proceeding with the extraction step (5.2).

Note : for the purpose of this method, the blank feed should be similar in type to that of the sample and on analysis robenidine should not be detected.

5.2. Extraction

Weigh to the nearest 0,01 g, approximately 15 g of the prepared sample. Transfer to a 250 ml conical flask and add 100,0 ml of acidified methanol (3.2), stopper and shake for one hour on the shaker (4.2). Filter the solution through a glass fibre filter paper (4.5) and collect the whole filtrate in a 150 ml conical flask. Add 7,5 g molecular sieve (3.4), stopper and shake for five minutes. Filter immediately through a glass-fibre filter paper. Retain this solution for the purification step (5.3).

5.3. *Purification*

5.3.1. Preparation of the aluminium-oxide column

Insert a small glass-wool plug into the lower end of a glass column (4.1) and tamp it down using a glass rod. Weigh out 11,0 g of the prepared aluminium oxide (3.5) and transfer to the column. Care should be taken to minimize the exposure to the atmosphere during this stage. Gently tap the loaded column at its lower end to settle the aluminium oxide.

5.3.2. Sample purification

Transfer onto the column by pipette 5,0 ml of the sample extract prepared in (5.2). Rest the pipette tip close to the column wall and allow the solution to be absorbed onto the aluminium oxide. Elute the robenidine from the column using 100 ml methanol (3.1), at a flow rate of 2 to 3 ml/minute and collect the eluate in a 250 ml round bottomed flask. Evaporate the methanol solution to dryness under reduced pressure at 40 C by means of a rotary film evaporator (4.3). Re-dissolve the residue in 3 to 4 ml of mobile phase (3.8) and transfer quantitatively to a 10 ml graduated flask. Rinse the flask with several 1 to 2 ml portions of mobile phase and transfer these rinsings to the graduated flask. Make up to the mark with the same solvent and mix. An aliquot is filtered through a 0,45 µm (4.7). Reserve this solution for HPLC determination (5.4).

5.4. *HPLC determination*

5.4.1. Parameters

The following conditions are offered for guidance, other conditions may be used provided they yield equivalent results :

Liquid chromatographic column (4.4.1),

HPLC mobile phase (3.8),

Flow rate : 1,5 to 2 ml/minute,

Detector wavelength : 317 nm,

Injection volume : 20 to 50 µl.

Check the stability of the chromatographic system, injecting the calibration solution (3.9.3) containing 3,6 µg/ml several times, until constant peak heights and retention times are achieved.

5.4.2. Calibration graph

Inject each calibration solution (3.9.3) several times and measure the peak heights (areas) for each concentration. Plot a calibration curve using the mean peak heights or areas of the calibration solutions as the ordinates and corresponding concentrations in µg per ml as abscissae.

5.4.3. Sample solution

Inject the sample extract (5.3.2) several times, using the same volume as taken for the calibration solutions and determine the mean peak height (area) of the robenidine peaks.

6. *Calculation of results*

From the mean height (area) of the robenidine peaks of the sample solution determine the concentration of the sample solution in µg/ml by reference to the calibration graph (5.4.2).

The content of robenidine *w* (mg/kg) in the sample is given by the following formula :

$$w = \frac{c \times 200}{m}$$

in which :

c = robenidine concentration of the sample solution in µg/ml,

m = mass of the test position in grams.

7. *Validation of the results*

7.1. *Identity*

The identity of the analyte can be confirmed by co-chromatography, or by using a diode-array detector by which the spectra of the sample extract and the calibration solution (3.9.3) containing 6 µg/ml are compared.

7.1.1. Co-chromatography

A sample extract is fortified by addition of an appropriate amount of calibration solution (3.9.3). The amount of added robenidine should be similar to the estimated amount of robenidine found in the sample extract.

Only the height of the robenidine peak should be enhanced after taking into account both the amount added and the dilution of the extract. The peak width, at half of its maximum height, must be within approximately 10 % of the original width.

7.1.2. Diode-array detection

The results are evaluated according to the following criteria :

- (a) the wavelength of maximum absorption of the sample and of the standard spectra, recorded at the peak apex on the chromatogram, must be the same within a margin determined by the resolving power of the detection system. For diode-array detection, this is typically within approximately 2 nm ;
- (b) between 250 and 400 nm, the sample and standard spectra recorded at the peak apex on the chromatogram, must not be different for those parts of the spectrum within the range 10 to 100 % of relative absorbance. This criterion is met when the same maxima are present and at no observed point the deviation between the two spectra exceeds 15 % of the absorbance of the standard analyte ;
- (c) between 250 and 400 nm, the spectra of the upslope, apex and downslope of the peak produced by the sample extract must not be different from each other for those parts of the spectrum within the range 10 to 100 % of relative absorbance. This criterion is met when the same maxima are present and when at all observed points the deviation between the spectra does not exceed 15 % of the absorbance of the spectrum of the apex.

If one of these criteria is not met the presence of the analyte has not been confirmed.

7.2. Repeatability

The difference between the results of two parallel determinations carried out on the same sample must not exceed 10 % of the higher result for robenidine content higher than 15 mg/kg.

7.3. Recovery

For a fortified blank sample the recovery should be at least 85 %.

8. Results of a collaborative study

A collaborative study was arranged by the Community in which four samples of poultry and rabbit feed, in meal or pelleted form were analysed by 12 laboratories. Duplicate analyses were performed on each sample. The results are given in the table below :

	Poultry		Rabbit	
	Meal	Pellet	Meal	Pellet
Mean mg/kg	27,00	27,99	43,6	40,1
S _r (mg/kg)	1,46	1,26	1,44	1,66
CV _r (%)	5,4	4,5	3,3	4,1
S _R (mg/kg)	4,36	3,36	4,61	3,91
CV _R (%)	16,1	12,0	10,6	9,7
Recovery (%)	90,0	93,3	87,2	80,2

S_r = standard deviation of repeatability.

CV_r = coefficient of variation of repeatability

S_R = standard deviation of reproducibility

CV_R = coefficient of variation of reproducibility.

2. DETERMINATION OF METHYL BENZOQUATE

7-benzyloxy-6-butyl-3-methoxycarbonyl-4-quinolone

1. Purpose and scope

This method is for the determination of methyl benzoate in feedingstuffs. The lower limit of determination is 1 mg/kg.

2. Principle

Methyl benzoate is extracted from the sample with methanolic methanesulfonic acid solution. The extract is purified with dichloromethane, by ion-exchange chromatography and then again with dichloromethane. The methyl benzoate content is determined by reversed-phase high-performance liquid chromatography (HPLC) with an UV detector.

3. Reagents

3.1. Dichloromethane

3.2. Methanol, HPLC grade

3.3. HPLC mobile phase:

mixture of methanol (3.2) and water (HPLC grade) 75 + 25 (v + v).

Filter through a 0,22 µm filter (4.5) and degas the solution (e.g. by ultrasonification for 10 minutes).

3.4. Methanesulfonic acid solution, $\sigma = 2\%$

Dilute 20,0 ml methanesulfonic acid to 1000 ml with methanol (3.2).

3.5. Hydrochloric acid solution, $\sigma = 10\%$

Dilute 100 ml hydrochloric acid (P₂₀ c. 1,18 g/ml) to 1000 ml with water.

3.6. Cation-exchange resin Amberlite CG-120 (Na), 100 to 200 mesh

The resin is pretreated before use: slurry 100 g resin with 500 ml hydrochloric acid solution (3.5) and heat on a hot plate to boiling, stirring continuously. Allow to cool and decant off the acid. Filter through a filter paper under vacuum. Wash the resin twice with 500 ml portions of water and then with 250 ml of methanol (3.2). Rinse the resin with a further 250 ml portion of methanol and dry by passing air through the filter cake. Store the dried resin in a stoppered bottle.

3.7. Standard substance: pure methyl benzoate (7-benzyloxy-6-butyl-3-methoxycarbonyl-4-quinolone)

3.7.1. Methyl benzoate stock standard solution, 500 µg/ml

Weigh to the nearest 0,1 mg, 50 mg of standard substance (3.7), dissolve in methanesulfonic acid solution (3.4) in a 100 ml graduated flask, make up to the mark and mix.

3.7.2. Methyl benzoate intermediate standard solution, 50 µg/ml

Transfer 5,0 ml of methyl benzoate stock standard solution (3.7.1) into a 50 ml graduated flask, make up to the mark with methanol (3.2) and mix.

3.7.3. Calibration solutions

Transfer 1,0, 2,0, 3,0, 4,0 and 5,0 ml of methyl benzoate intermediate standard solution (3.7.2) into a series of 25 ml graduated flasks. Make up to the mark with the mobile phase (3.3) and mix. These solutions have concentrations of 2,0, 4,0, 6,0, 8,0 and 10,0 µg/ml methyl benzoate respectively. These solutions must be freshly prepared before use.

4. Apparatus

4.1. Laboratory shaker

4.2. *Rotary film evaporator*

4.3. *Glass column (250 mm × 15 mm) fitted with a stopcock and reservoir of approximately 200 ml capacity*

4.4. *HPLC equipment with variable wavelength ultraviolet detector or diode-array detector*

4.4.1. *Liquid chromatographic column: 300 mm × 4 mm, C-18, 10 µm packing or equivalent*

4.5. *Membrane filters, 0,22 µm*

4.5. *Membrane filters, 0,45 µm*

5. **Procedure**

5.1. *General*

5.1.1. A blank feed should be analysed to check that neither methyl benzoate nor interfering substances are present.

5.1.2. A recovery test should be carried out by analysing the blank feed which has been fortified by addition of a quantity of methyl benzoate, similar to that present in the sample. To fortify at a level of 15 mg/kg, add 600 µl of the stock standard solution (3.7.1) to 20 g of the blank feed, mix and wait for 10 minutes before proceeding with the extraction step (5.2).

Note: for the purpose of this method, the blank feed should be similar in type to that of the sample and on analysis methyl benzoate should not be detected.

5.2. *Extraction*

Weigh to the nearest 0,01 g, approximately 20 g of the prepared sample and transfer to a 250 ml conical flask. Add 100,0 ml of methanesulfonic acid solution (3.4) and shake mechanically (4.1) for 30 minutes. Filter the solution through a filter paper and retain the filtrate for the liquid-liquid partition step (5.3).

5.3. *Liquid-liquid partition*

Transfer into a 500 ml separating funnel containing 100 ml of hydrochloric acid solution (3.5), 25,0 ml of the filtrate obtained in (5.2). Add 100 ml dichloromethane (3.1) to the funnel and shake for one minute. Allow the layers to separate and run off the lower (dichloromethane) layer into a 500 ml round-bottomed flask. Repeat the extraction of the aqueous phase with two further 40-ml portions of dichloromethane and combine these with the first extract in the round-bottomed flask. Evaporate the dichloromethane extract down to dryness on the rotary evaporator (4.2) operating under reduced pressure at 40° C. Dissolve the residue in 20 to 25 ml methanol (3.2), stopper the flask and retain the whole of the extract for ion-exchange chromatography (5.4).

5.4. *Ion-exchange chromatography*

5.4.1. *Preparation of the cation-exchange column*

Insert a plug of glass wool into the lower end of a glass column (4.3). Prepare a slurry of 5,0 g of the treated cation-exchange resin (3.6) with 50 ml of hydrochloric acid (3.5), pour into the glass column and allow to settle. Run out the excess acid to just above the resin surface and wash the column with water until the effluent is neutral to litmus. Transfer 50 ml methanol (3.2) onto the column and allow to drain down to the resin surface.

5.4.2. *Column chromatography*

By means of a pipette, carefully transfer the extract obtained in (5.3) onto the column. Rinse the round-bottomed flask with two portions of 5 to 10 ml methanol (3.2) and transfer these washings to the column. Run the extract down to the resin surface and wash the column with 50 ml methanol, ensuring that the flow rate does not exceed 5 ml per minute. Discard the effluent. Elute the methyl benzoate from the column using 150 ml of methanesulfonic acid solution (3.4) and collect the column eluate in a 250 ml conical flask.

5.5. *Liquid-liquid partition*

Transfer the eluate obtained in (5.4.2) into a 1 litre separating funnel. Rinse the conical flask with 5 to 10 ml methanol (3.2) and combine the washings with the contents of the separating funnel. Add 300 ml of hydrochloric acid solution (3.5) and 130 ml of dichloromethane (3.1). Shake for 1 minute and allow the phases to separate. Run off the lower (dichloromethane) layer into a 500 ml round-bottomed flask. Repeat the extraction of the aqueous phase with two further 70 ml portions of dichloromethane and combine these extracts with the first in the round-bottomed flask.

Evaporate the dichloromethane extract down to dryness on the rotary evaporator (4.2) operating under reduced pressure at 40° C. Dissolve the residue in the flask with approximately 5 ml of methanol (3.2) and transfer this solution quantitatively to a 10 ml graduated flask. Rinse the round-bottomed flask with a further two portions of 1 to 2 ml of methanol and transfer these to the graduated flask. Make up to the mark with methanol and mix. An aliquot portion is filtered through a membrane filter (4.6). Reserve this solution for HPLC-determination (5.6).

5.6. *HPLC determination*

5.6.1. Parameters

The following conditions are offered for guidance, other conditions may be used provided that they give equivalent results:

- liquid chromatographic column (4.4.1),
- HPLC mobile phase: methanol-water mixture (3.3),
- flow rate: 1 to 1,5 ml/minute,
- detection wavelength: 265 nm,
- Injection volume: 20 to 50 µl.

Check the stability of the chromatographic system, injecting the calibration solution (3.7.3) containing 4 µg/ml several times, until constant peak heights or areas and retention times are achieved.

5.6.2. Calibration graph

Inject each calibration solution (3.7.3) several times and measure the peak heights (areas) for each concentration. Plot a calibration graph using the mean peak heights or areas of the calibration solutions as the ordinates and the corresponding concentrations in µg/ml as the abscissae.

5.6.3. Sample solution

Inject the sample extract (5.5) several times, using the same volume as taken for the calibration solutions and determine the mean peak height (area) of the methyl benzoate peaks.

6. Calculation of results

Determine the concentration of the sample solution in µg/ml from the mean height (area) of the methyl benzoate peaks of the sample solution by reference to the calibration graph (5.6.2).

The content of methyl benzoate w (mg/kg) of the sample is given by the following formula:

$$w = \frac{c \times 40}{m}$$

in which:

c = methyl benzoate concentration of the sample solution in µg/ml,
 m = mass of the test portion in grams.

7. Validation of the results

7.1. Identity

The identity of the analyte can be confirmed by co-chromatography, or by using a diode-array detector by which the spectra of the sample extract and the calibration solution (3.7.3) containing 10 µg/ml are compared.

7.1.1. Co-chromatography

A sample extract is fortified by addition of an appropriate amount of the intermediate standard solution (3.7.2). The amount of added methyl benzoate should be similar to the estimated amount of methyl benzoate in the sample extract.

Only the height of the methyl-benzoate peak should be enhanced after taking into account both the amount added and the dilution of the extract. The peak width, at half of its maximum height, must be within approximately 10 % of the original width,

7.1.2. Diode-array detection

The results are evaluated according to the following criteria :

- (a) the wavelength of maximum absorption of the sample and of the standard spectra recorded at the peak apex on the chromatogram must be the same within a margin determined by the resolving power of the detection system. For diode-array detection, this is typically within approximately 2 nm ;
- (b) between 220 and 350 nm, the sample and standard spectra recorded at the peak apex on the chromatogram must not be different for those parts of the spectrum within the range 10 to 100 % of relative absorbance. This criterion is met when the same maxima are present and at no observed point the deviation between the two spectra exceeds 15 % of the absorbance of the standard analyte ;
- (c) between 220 and 350 nm, the spectra of the upslope, apex and downslope of the peak produced by the sample extract must not be different from each other for those parts of the spectrum within the range 10 to 100 % of relative absorbance. This criterion is met when the same maxima are present and when at all observed points the deviation between the spectra does not exceed 15 % of the absorbance of the spectrum of the apex.

If one of these criteria is not met the presence of the analyte has not been confirmed.

7.2. Repeatability

The difference between the results of two parallel determinations carried out on the same sample must not exceed : 10 % relative to the higher result for methyl benzoate contents between 4 and 20 mg/kg.

7.3. Recovery

For a fortified blank sample the recovery should be at least 90 %.

8. Results of a collaborative study

Five samples were analysed by 10 laboratories. Duplicate analyses were performed on each sample.

Results

	Blank	Meal 1	Pellet 1	Meal 2	Pellet 2
Mean (mg/kg)	n.d.	4,50	4,50	8,90	8,70
S _r (mg/kg)	—	0,30	0,20	0,60	0,50
CV _r (%)	—	6,70	4,40	6,70	5,70
S _R (mg/kg)	—	0,40	0,50	0,90	1,00
CV _R (%)	—	8,90	11,10	10,10	11,50
Recovery (%)	—	92,00	93,00	92,00	89,00

n.d. = not detected.

S_r = standard deviation of repeatability.

CV_r = coefficient of variation of repeatability.

S_R = standard deviation of reproducibility.

CV_R = coefficient of variation of reproducibility.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 30 November 1993

on the creation of a Community database on road accidents

(93/704/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 213 thereof,

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

Whereas the European Parliament has adopted a resolution on the adoption of common measures to reduce road accidents ⁽²⁾;

Whereas the Council and the representatives of the Governments of the Member States meeting within the Council of 21 June 1991 adopted a resolution requesting the Commission to draw up and implement a Community programme of practical measures designed to put into effect new common initiatives and compare existing national experience in the areas of action and research relating to the campaign on road accidents and the consequences thereof for the victims ⁽³⁾;

Whereas the creation of a Community database on road accidents is one of the priorities selected by the high-level group of representatives of the Governments of the Member States;

Whereas, in its White Paper on the Future Development of the Common Transport Policy and its communication for an action programme on road safety, the Commission considers that, bearing in mind the significant differences

in the levels of road safety in different Member States, a major priority in this area should be to promote the exchange of information and experience by the setting up of a Community database;

Whereas the Member States gather statistics on road accidents that occur within their territories and centralize the data in computer files; whereas there is at present no common database allowing access to those individual files or use of the data therein;

Whereas a database created and managed at Community level would make it possible to identify and quantify the problems, evaluate the efficiency of any measures taken and determine the relevance of any Community action;

Whereas the Member States acting separately cannot create and manage a database of that type; whereas the Community therefore, in line with the principle of subsidiarity, will intervene only to ensure that the data contained in the Member States' statistical files are grouped together and to guarantee close coordination between the Member States with a view to the smooth operation of the Community database;

Whereas it is advisable to decide on the practical aspects of transmitting statistical data stored in the Member States to the Commission, particularly the intervals, the deadlines and the medium to be used for such transmission;

Whereas any analysis of road safety problems should concentrate foremost on accidents resulting in death or injury and should not include material damage, whereas, for the purpose of such an analysis, it is not necessary to identify the persons involved;

⁽¹⁾ OJ No C 225, 20. 8. 1993, p. 6.

⁽²⁾ OJ No C 68, 24. 3. 1986, p. 35.

⁽³⁾ OJ No C 178, 9. 7. 1991, p. 1.

Whereas the Commission should take steps to ensure that confidential statistics are protected,

HAS ADOPTED THIS DECISION :

Article 1

1. Member States shall establish statistics on road accidents resulting in death or injury that occur within their territories.
2. For the purposes of this Directive 'accident resulting in death or injury' shall mean any collision between road users involving at least one vehicle in motion on a public highway normally open to traffic and causing the death of and/or injury to one or more of the road users.

Article 2

1. Member States shall communicate the data on accidents resulting in death or injury for a given year stored in the computer files at the highest existing degree of centralization to the Statistical Office of the European Communities (hereinafter referred to as the SOEC) in terms of statistical units. For the purposes of this Decision 'statistical unit' shall mean an accident resulting in death or injury.
2. The data referred to in paragraph 1 shall be communicated for the first time before 31 March 1994 for 1991 and 1992 and for subsequent years not more than nine months after the end of the reference year in question.
3. Any such data which are protected by national laws on the confidentiality of statistics shall also be transmitted to the SOEC, which shall treat them in accordance with Regulation (Euratom, EEC) No 1588/90 ⁽¹⁾.
4. Acting in accordance with the procedure laid down in Article 5, the Commission shall determine what information should not be included in the files transmitted.

Article 3

1. As far as possible data shall be transmitted on a readable medium the type and format of which shall be proposed by the Commission.
2. Should a Member State correct statistics after their transmission to the SOEC, it shall send to SOEC a complete copy of the updated file.
3. Should a Member State wish to change the form or content of its data files, it shall first inform the Commission. Where a Member State makes changes to files already transmitted to the SOEC, the amended versions of

the files in question shall also be transmitted to the SOEC.

4. Each Member State shall be responsible for the quality of the statistics it provides.
5. The Commission shall be responsible for processing the data received.

Article 4

1. The Commission shall be responsible for disseminating the data received. Acting in accordance with the procedure laid down in Article 5, it shall decide on the procedures for access to the statistics on accidents resulting in death or injury centralized by the Commission, on any publications, and on any other information conducive to the smooth operation of the Community database.
2. The Commission and the Member States shall examine any methodological or technical problems arising in connection with the establishment and transmission of the statistics or the way in which they are collected in order to find solutions which will gradually lead to the Member States' data being as consistent and comparable as possible.

On the basis of this examination, the Commission shall submit to the Council, should the need arise, appropriate proposals.

Article 5

1. Where any reference is made to the procedure laid down in this Article, the Commission shall be assisted by the statistical programme committee established under Decision 89/382/EEC, Euratom ⁽²⁾.
2. The Commission representative shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion of that draft within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to have its position recorded in the minutes.

The Commission shall take the greatest possible account of the opinion delivered by the committee. It shall inform the committee of the manner in which the opinion has been taken into account.

Article 6

Three years after the date of application of this Decision the Commission shall present to the Council :

⁽¹⁾ OJ No L 151, 15. 6. 1990, p. 1.

⁽²⁾ OJ No L 181, 28. 6. 1989, p. 47.

- (a) an evaluation report on the results obtained in implementing the measures provided for in Articles 2, 3 and 4 including whether it is desirable to continue the measures ;

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 30 November 1993.

For the Council

The President

G. COËME

- (b) the conclusions stemming from that report regarding the feasibility of continuing the project provided for by this Decision.
-