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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 3638/93

of 20 December 1993

totally or partially suspending the duties applicable to certain products falling within Chapters 1 to 24 of the combined nomenclature and originating in Malta (1994)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Annex I to the Agreement establishing an Association between the European Economic Community and Malta⁽²⁾ the Community must partially suspend the Common Customs Tariff duties applicable to certain products; whereas it would also be appropriate provisionally to adjust or supplement certain of the tariff benefits provided for in the said Annex; whereas, in respect of products listed in the Annex to this Regulation and originating in Malta, the Community should accordingly suspend the fixed component of the charge applicable to goods covered by Regulation (EEC) No 3033/80 and the customs duty applicable to other goods at the levels indicated for each product from 1 January to 31 December 1994;

Whereas the decision for the suspension of customs duties on products covered by this Regulation should be taken by the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1994 products listed in the Annex and originating in Malta shall be imported into the Community at the rates of duty indicated in the Annex for each product.

2. For the purposes of applying this Regulation, the rules of origin shall be those in force at the time for the

implementation of the Agreement establishing an Association between the European Economic Community and Malta.

Article 2

Where products benefiting from the arrangements, provided for in Article 1, are imported into the Community in such quantities or at such prices that they cause or threaten to cause material injury to Community producers of like or directly competing products, the duties applicable may be partially or totally reimposed on the products concerned. Such measures may be taken also in the event of material injury or threat of material injury limited to one region of the Community.

Article 3

1. In order to implement Article 2 the Commission may adopt a Regulation reimposing customs duties for a given period.

2. Where a Member State asks the Commission to adopt such a Regulation, the Commission shall reach its decision within a maximum of 10 working days from the day on which it receives the request and shall inform the Member States of the action taken.

3. Any Member State may refer the measure taken by the Commission to the Council within 10 working days of notification. The fact that the matter is referred to the Council shall not cause the measure to be suspended. The Council shall meet immediately. It may, acting on a qualified majority, amend or rescind the measure in question.

Article 4

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

It shall apply as from 1 January 1994.

⁽¹⁾ OJ No L 323, 29. 11. 1980, p. 1. Regulation as last amended by Regulation (EEC) No 1436/90 (OJ No L 138, 31. 5. 1990, p. 9).

⁽²⁾ OJ No L 61, 14. 3. 1971, p. 3.

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

Done at Brussels, 20 December 1993.

For the Council

The President

W. CLAES

ANNEX

List of products falling within Chapters 1 to 24 originating in Malta (a)

Order No	CN code	Description	Rate of duty (b)
(1)	(2)	(3)	(4)
16.0040	0206 10 99 0206 21 00	Edible offal fresh, chilled or frozen Of bovine animals	2 %
16.0055	0208 10 11 0208 10 19	Other meat and edible meat offal, fresh, chilled or frozen of domestic rabbits	7 %
16.0060 16.0070	0208 10 90 0208 20 00	Of rabbits, other than domestic rabbits, or hares Of frogs' legs	Free
16.0160	0302 65	Dogfish and other sharks	4 %
16.0210	0303 75	Dogfish and other sharks	4 %
16.0230	0304 10 11 0304 20 11	Fish fillets and other fish meat, chilled or frozen Frozen fillets of trout	10 %
16.0330 16.0340	0306 12 0306 13 10	Lobsters Shrimps and prawns	4 %
16.0350	0306 13 90	Other shrimps and prawns	4,5 %
16.0360 16.0370 16.0380	0306 14 0306 19 10 ex 0306 19 90	Crabs Freshwater crayfish <i>Perullus</i> spp,	4 %
16.0400 16.0410	0306 22 0306 23 10	Lobsters Shrimps and prawns	4 %
16.0420	0306 23 90	Other shrimps and prawns	4,5 %
16.0500 16.0510	0307 39 90 0307 41 0307 49 11	Mussels (<i>Perna</i> spp.) Cuttlefish and squid	4 %
16.0520	0307 49 19	Cuttlefish	5,5 %
16.0530 16.0540 16.0550	0307 49 31 0307 49 33 0307 49 35 0307 49 38 0307 49 51 0307 49 71 0307 49 91 0307 49 99	Squid Cuttlefish Squid	4 %

(a) Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

(b) Without prejudice to the levying of any additional duties applicable.

(1)	(2)	(3)	(4)
16.0560	0307 51 00 0307 59 10 0307 59 90 0307 91 00 0307 99 13 0307 99 19 0307 99 90	Octopus	4 %
16.0570	0409 00 00	Natural honey	25 %
16.0580	ex 0410 00 00	Edible products of animal origin, not elsewhere specified or included — Royal jelly	4 %
	ex 0410 00 00	— Other	2 %
16.0690	0603 90 00	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, dried, dyed, bleached, impregnated or otherwise prepared	7 %
16.0734	0707 00 19	Cucumber, fresh or chilled, from 16 May to 31 October	16 %
16.0740	ex 0709 20 00	Other vegetable, fresh or chilled Asparagus, from 31 October	12 %
16.0750	ex 0709 30 00	Aubergines, from 1 January to 31 March	9 %
16.0760	ex 0709 40 00	Celery, other than celeriac, from 1 January to 31 March	
16.0790	ex 0709 90 90	Pumpkins and courgettes, from 1 January to the last day of February Other, excluding parsley from 1 January to 31 March	9 %
16.0795	ex 0709 90 90	Okra or comboux (<i>Hibiscus esculentus</i> L. or <i>Abelmoschus esculentus</i> L. Moench), <i>Moringa oleifera</i> (drumsticks)	exemption
16.0825	0711 40 00	Cucumbers and gherkins	12 %
16.0860	ex 0712 30 00	Mushrooms, excluding cultivated mushrooms	6 %
16.0880	0713 10 90	Dried leguminous vegetables, shelled, whether or not skimmed or split	2 %
16.1070	ex 0807 10 10	Watermelons, from 1 November to 30 April	6,5 %
16.1300	0814 00 00	Peel of citrus fruit or melons, fresh, frozen, dried or provisionally preserved in brine, in sulphur water or in other preservative solutions	Free
16.1610	1212 10 91	Locust bean seeds, not decorticated, crushed or ground	Free
16.1620	1212 10 99	Other locust bean seeds	6 %
16.2020	1515 21 10	Other fixed vegetable fats and oils (including jojoba oil) and their fractions Maize (corn) oil and its fractions for technical or industrial uses other than the manufacture of foodstuffs for human consumption (e)	2,5 %
16.2290	ex 1602 90 31	Prepared or preserved rabbit	14 %
16.2510	1704 90 30	White chocolate	4 %

(1)	(2)	(3)	(4)
16.2520	ex 1704 90 51 1704 90 55 1704 90 61 1704 90 65 1704 90 71 1704 90 75 1704 90 81 1704 90 99	Other plates, including marzipan Throat pastilles and cough drops Sugar-coated (panned) goods Gum confectionery and jelly confectionery Boiled sweets whether or not filled Toffees, caramels and similar sweets Compressed tablets Other	6 %
16.2580	ex 1901 10 00 1901 20 00 ex 1901 90 90	Food preparations of flour, meal, starch nor malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 50 %, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 %, not elsewhere specified or included Preparations for infant use, put for retail sale, not containing cocoa powder Mixed and doughs for the preparation of bakers' wares of heading No 1905 Other, not containing cocoa powder	Free
16.2600	1904 10 10 1904 10 30 1904 10 90	Prepared foods obtained by the swelling or roasting for cereals or cereal products (for example, corn flakes), cereals, other than maize (corn), in grain form, pre-cooked or otherwise prepared Prepared food obtained by the swelling or roasting of cereals or cereal products	Free
16.2610	1904 90 10	Of rice	3 %
16.2620	1904 90 90	Of other cereals	2 %
16.2630	1905 10 00	Crispbread	Free
16.2660	1905 90 10	Matzos	Free
16.2670	1905 90 20	Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	Free
16.2680	1905 90 30	Bread	4 %
16.2690	2001 20 00	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid — Onions	14 %
16.2700	2001 90 50 2001 90 65 2001 90 75 2001 90 85 ex 2001 90 95	— Mushrooms — Olives — Salad beetroot — Red cabbages — Other, excluding 'mixed pickles' and papaya chutney	14 %
16.2725	ex 2001 90 95	'Papaya chutney'	9 %
16.2750	ex 2004 90 30	Capers	12 %
16.2800	2005 90 30	Capers	12 %

(1)	(2)	(3)	(4)
16.2820	ex 2006 00 39	Fruits, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallized) Other, with a sugar content exceeding 13 % by weight Fruit falling within heading Nos 0801, 0803, 0804 (except figs and pineapples), 0805 40 00, 0807 20 00, 0810 40 10, 0810 40 50, 0810 30 90, 0810 20 90, 0810 40 90, 0810 90 10, 0810 90 30 and 0810 90 80	6 %
16.2830	ex 2006 00 90	Other, with a sugar content not exceeding 13 % Fruit falling within heading Nos 0801, 0803, 0804 (except figs and pineapples), 0805 40 00, 0807 20 00, 0810 40 10, 0810 40 50, 0810 30 90, 0810 20 90, 0810 40 90, 0810 90 10, 0810 90 30 and 0810 90 80	6 %
16.2840	ex 2007 10 90	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked, preparations, whether or not containing added sugar or other sweetening matter Other Fruit falling within heading Nos 0801, 0803, 0804 (excluding figs and pineapples), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 30 and 0810 90 80	8 %
16.2850	ex 2007 91 10 ex 2007 91 30	Jams and marmalades of citrus fruit With a sugar content exceeding 30 % by weight, excluding orange jam and marmalade With sugar content exceeding 13 % but not exceeding 30 % by weight, excluding orange jam and marmalade	18 %
16.2860	ex 2007 91 90	Other, excluding orange jam and marmalade	19 %
16.2865	2007 99 31	Jam, jellies marmalades, cherry purée and cherry pastes with a sugar content exceeding 30 % by weight	25 %
16.2870	ex 2007 99 39	With a sugar content exceeding 30 % by weight Fruit falling within heading Nos 0801, 0803, 0804 (except figs and pineapples), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 30 and 0810 90 80	8 %
16.2880	ex 2007 10 10 ex 2007 99 58	With a sugar content exceeding 13 % but not exceeding 30 % by weight Fruit falling within heading Nos 0801, 0803, 0804 (except figs and pineapples), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 30 and 0810 90 80	8 %
16.2890	ex 2007 99 99	Other Fruit falling within heading Nos 0801, 0803, 0804 (excluding figs and pineapples), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 30 and 0810 90 80	8 %
16.2900	2008 11 91 2008 11 99 ex 2008 19 10	Fruits, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included Ground-nuts Other, including mixtures in immediate packings of a net content exceeding 1 kg, excluding almonds, walnuts and hazelnuts	6 %
16.3290	2009 20 11	Fruit juices (including grape musts) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter Grapefruit juices	28 %
16.3300	2009 20 19	Grapefruit juice	28 %

(1)	(2)	(3)	(4)
16.3310	2009 20 91 2009 20 99	Grapefruit juice	7 %
16.3320	ex 2009 30 31 ex 2009 30 39	Citrus fruit juices (excluding lemon juices) containing added sugar Citrus fruit juices (excluding lemon juices) not containing added sugar	13 %
16.3340	2009 30 91 2009 30 95	Other citrus fruit juices With an added sugar content exceeding 30 % by weight With an added sugar content not exceeding 30 % by weight	14 %
16.3360	2009 40 30	Pineapple juice	17 %
16.3370	2009 40 91	Pineapple juice	17 %
16.3400	ex 2009 80 39	Date juice	Free
16.3550	2102 10 31 2102 10 39	Bakers' yeast	4 %
16.3580	2102 20 90	Other	Free
16.3760	2309 10 90	Preparation of a kind used in animal feeding Other dog or cat food	3 %

Taric codes

Order No	CN code	Taric code
16.0380	ex 0306 19 90	0306 19 90*20
16.0580	ex 0410 00 00	0410 00 00*10
	ex 0410 00 00	0410 00 00*90
16.0740	ex 0709 20 00	0709 20 00*12 *92
16.0750	ex 0709 30 00	0709 30 00*10 *20
16.0760	ex 0709 40 00	0709 40 00*13 *91
16.0790	ex 0709 90 90	0709 90 90*12 *51 *52 *58 *91
16.0795	ex 0709 90 90	0709 90 90*23 *24 *25 *26 *31 *32
16.0860	ex 0712 30 00	0712 30 00*22 *24 *27
16.1070	ex 0807 10 10	0807 10 10*10 *20
16.2290	ex 1602 90 31	1602 90 31*20
16.2520	ex 1704 90 51	1704 90 51*90
16.2580	ex 1901 10 00	1901 10 00*31 *33 *35 *37 *81 *83 *85 *87

Order No	CN code	Taric code
	ex 1901 90 90	1901 90 90*16 *18 *27 *29 *71 *73 *75 *77 *97 *99
16.2700	2001 90 65 2001 90 75 2001 90 85 ex 2001 90 95	2001 90 95*41 *49 *61 *69 *70 *92 *93 *97 *98
16.2750	ex 2004 90 30	2004 90 30*20
16.2820	ex 2006 00 39	2006 00 39*10
16.2830	ex 2006 00 90	2006 00 90*10
16.2840	ex 2007 10 90	2007 10 90*11 *19
16.2850	ex 2007 91 10 ex 2007 91 30	2007 91 10*19 2007 91 30*19
16.2860	ex 2007 91 90	2007 91 90*19
16.2870	ex 2007 99 39	2007 99 39*10
16.2880	ex 2007 10 10 ex 2007 99 58	2007 10 10*11 *19 2007 99 58*11 *19
16.2890	ex 2007 99 99	2007 99 99*11 *19
16.2900	ex 2008 19 10	2008 19 10*90
16.3320	ex 2009 30 31 ex 2009 30 39	2009 30 31*90 2009 30 39*90
16.3400	ex 2009 80 39	2009 80 39*20

COUNCIL REGULATION (EC) No 3639/93

of 20 December 1993

suspending wholly or in part the Common Customs Tariff duties on certain agricultural products originating in Turkey (1994)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Whereas under Annex 6 to the Additional Protocol laying down the conditions, procedures and timetables for implementing the transitional phase referred to in Article 4 of the Agreement establishing an Association between the European Economic Community and Turkey⁽²⁾ and under Article 9 of the Supplementary Protocol to the Association Agreement between the European Economic Community and Turkey consequent on the accession of new Member States to the Community⁽³⁾, which was signed in Ankara on 30 June 1973 and entered into force on 1 March 1986⁽⁴⁾ the Community must wholly or in part suspend the Common Customs Tariff duties applicable to certain products; whereas it also appears necessary, on a provisional basis, to adjust or supplement some of the advantages provided for in the abovementioned Annex 6; whereas the Community should, therefore, with regard to the products originating in Turkey contained in the list annexed to this Regulation, suspend until 31 December 1994 either the fixed component of the charge applicable to the goods falling within the scope of Regulation (EEC) No 3033/80 or the customs duty applicable to the other products, at the levels indicated for each of them;

Whereas suspension of these duties shall be decided by the Commission,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1994 the customs duties on imports into the Member States of the products originating in Turkey listed in the Annex shall be those indicated for each of them in the said Annex.

2. For the purposes of applying this Regulation, the rules of origin shall be those in force at the time for the implementation of the Agreement establishing an Association between the European Economic Community and Turkey.

The methods of administrative cooperation for ensuring that the products listed in the Annexes benefit from the total or partial suspension shall be those laid down in Association Council Decision No 5/72 attached to Regulation (EEC) No 428/73, as last amended by Decision No 1/83, attached to Regulation (EEC) No 993/83⁽⁵⁾.

Article 2

When imports of products qualifying for the arrangements provided for in Article 1 come into the Community in quantities or at prices which cause or threaten to cause serious injury to the Community producers of such products or directly competitive products, the Common Customs Tariff duties may be partially or wholly re-established for the products in question. These measures may also be taken in the event of serious injury or the threat of serious injury limited to a single region of the Community.

Article 3

1. In order to ensure the application of Article 2, the Commission may decide by means of a Regulation to re-establish Common Customs Tariff duties for a limited period.

2. Where the Commission has been requested by a Member State to take action it shall take a decision within a maximum period of 10 working days from receipt of the request and shall inform the Member States of the action taken.

3. Any Member State may refer the Commission's action to the Council, within 10 working days of its notification.

Referring the matter to the Council shall not have a suspensory effect. The Council shall meet without delay. It may by a qualified majority amend or annul the measure taken.

Article 4

This Regulation shall enter into force on 1 January 1994.

⁽¹⁾ OJ No L 323, 29. 11. 1980, p. 1. Regulation as last amended by Regulation (EEC) No 1436/90 (OJ No L 138, 31. 5. 1990, p. 9).

⁽²⁾ OJ No 217, 29. 12. 1964, p. 3687/64.

⁽³⁾ OJ No L 361, 31. 12. 1977, p. 2.

⁽⁴⁾ OJ No L 48, 26. 2. 1986, p. 36.

⁽⁵⁾ OJ No L 112, 28. 4. 1983, p. 1.

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

Done at Brussels, 20 December 1993.

For the Council

The President

W. CLAES

ANNEX

List of products falling within Chapter 1 to 24 originating in Turkey for which there are grounds for total or partial suspension of the Common Customs Tariff

Order No	CN code (*)	Description	Rate of duty (a)
15.0001	ex 0709 30 00	Vegetables, fresh or chilled : – Aubergines, from 1 to 14 January	9 %
15.0003	0714 20 10	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and other similar roots and tubers with high starch or inulin content, fresh or dried, whole or sliced; sago pith : – Sweet potatoes intended for human consumption (1)	Free
15.0005	ex 0807 10 10	Melons (including watermelons) and papaws (papayas), fresh : – Watermelons, from 1 November to 31 March	6,5 %
15.0007	ex 1806 10 10 ex 1806 10 30 ex 1806 10 90	Chocolate and other food preparations containing cocoa : – Cocoa powder, not otherwise sweetened than by the addition of sucrose	3 %
15.0009	1806 20 10 1806 20 30 1806 20 50 1806 20 80 1806 20 95 1806 31 00 1806 32 10 1806 32 90 1806 90 11 1806 90 19 1806 90 31 1806 90 39 1806 90 50	Chocolate and chocolate goods, whether or not filled, sugar confectionery and substitutes therefore made from sugar substitution products, containing cocoa	9 %
15.0011	ex 1901 90 90	Preparation based on flour of leguminous vegetables in the form of sun-dried discs of dough, known as 'papad.'	Free
15.0013	ex 1903 00 00	Tapioca, other than tapioca prepared from potato starch	2 %
15.0015	0710 40 00 0711 90 30 2001 90 30 2004 90 10 2005 80 00 2008 99 85	Preparations : – – corn	3 %
15.0017	1904 90 10	– – Of rice	3 %
15.0019	1904 90 90	– – Of other cereals	2 %

(*) The Taric codes are to be found on page 2 of this Annex.

(1) Entry under this CN code is subject to conditions laid down in the relevant Community provisions.

(a) Without prejudice to the levying of any additional duties applicable.

Taric codes

Order No	CN code	Taric code
15.0001	ex 0709 30 00	0709 30 00 * 10
15.0005	ex 0807 10 10	0807 10 10 * 10
15.0007	ex 1806 10 10	1806 10 10 * 11
		1806 10 10 * 91
	ex 1806 10 30	1806 10 30 * 10
	ex 1806 10 90	1806 10 90 * 10
15.0011	ex 1901 90 90	1901 90 90 * 12
		* 14
		* 16
		* 18
15.0013	ex 1903 00 00	1903 00 00 * 90

COUNCIL REGULATION (EC) No 3640/93

of 17 December 1993

on special arrangements for imports of maize and sorghum into Spain for the year 1993

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽¹⁾, and in particular Article 3 (2) thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Council Regulation (EEC) No 991/93 of 23 April 1993 extending the measures taken under the Agreement between the European Economic Community and the United States of America for the conclusion of the negotiations under GATT Article XXIV.6⁽²⁾, the Community undertook, in respect of the year 1993, to open a quota for imports into Spain of two million tonnes of maize and 300 000 tonnes of sorghum minus the quantities of certain grain substitutes imported into that country during the same year; whereas the quantities of maize and sorghum imported must be used or processed in Spain; whereas the Community has sole competence for the said Agreement;

Whereas, to ensure that this Agreement is implemented, the extended arrangements provide for direct purchase on the world market or application of a levy reduction system; whereas, however, imports of maize and sorghum into Spain effected on preferential terms may create difficulties for the Community market; whereas, to overcome that difficulty, provision should be made for the possibility of applying a countervailing duty to processed products exported either to third countries or to the rest of the Community;

Whereas the cumulation of the advantages provided for under the arrangements established by Regulation (EEC) No 715/90⁽³⁾ applicable to imports into the Community of sorghum and maize originating in the African, Caribbean and Pacific (ACP) States or in the overseas countries and territories or, on the other hand, pursuant to this Regulation is liable to create disturbances on the Spanish

cereals market; whereas that difficulty can be overcome by setting a special reduction of the levy on maize and sorghum imported under this Regulation;

Whereas provisions are required to cover the operations arising from this Regulation according to the mechanisms laid down by Regulation (EEC) No 729/70 and by Council Regulation (EEC) No 1883/78 of 2 August 1978 laying down general rules for the financing of interventions by the European Agricultural Guidance Guarantee Fund, Guarantee Section⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

For 1993 imports from third countries, for free circulation in Spain, of a maximum quantity of two million tonnes of maize and 300 000 tonnes of sorghum shall be effected as provided for in the following Articles.

Article 2

1. The quantities referred to in Article 1 shall be reduced in proportion to any quantities of maize gluten, brewers' grains and citrus pulp imported into Spain from third countries during the year 1993. Where it is ascertained that the quantities of such products imported into Spain under the cover of documents establishing their Community status develop abnormally, the necessary action shall be taken in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92⁽⁵⁾.

2. The quantities of maize and sorghum referred to in Article 1 shall be allocated to processing or use in Spain.

Article 3

1. Without prejudice to Article 4, in respect of imports of maize and sorghum into Spain, but within the quantitative limits set in Article 2, a reduction shall be applied to the levy fixed in accordance with Article 10 of Regulation (EEC) No 1766/92.

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 3. Regulation as last amended by Regulation (EEC) No 2048/88 (OJ No L 85, 15. 7. 1988, p. 1).

⁽²⁾ OJ No L 104, 29. 4. 1993, p. 1.

⁽³⁾ OJ No L 84, 30. 3. 1990, p. 85. Regulation as last amended by Commission Regulation (EEC) No 444/92 (OJ No L 52, 27. 2. 1992, p. 7).

⁽⁴⁾ OJ No L 216, 5. 8. 1978, p. 1. Regulation as last amended by Regulation (EEC) No 787/89 (OJ No L 85, 30. 3. 1989, p. 1).

⁽⁵⁾ OJ No L 181, 1. 7. 1992, p. 21.

2. The amount of the reduction shall be fixed, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, at a level enabling disturbance of the Spanish market to be avoided. The reduction may also be fixed by a tendering procedure.

The reduction may be differentiated for imports of maize and sorghum into Spain under Regulation (EEC) No 715/90.

3. The reduction shall be applied to imports of maize and sorghum into Spain effected on the basis of a licence valid only in that Member State.

Article 4

1. Which a view to effecting the imports referred to in Article 1, it may be decided, under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, that the Spanish intervention agency shall purchase directly on the world market quantities of maize and sorghum to be determined, and shall place them under customs warehousing procedure as provided for in Council Regulation (EEC) No 2503/88 on customs warehouses ⁽¹⁾, and Regulation (EEC) No 2561/90 ⁽²⁾, laying down provisions for the implementation thereof.

2. Quantities purchased pursuant to paragraph 1 shall be put up for sale on the Spanish domestic market, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, on terms enabling market disturbance to be avoided.

3. When the goods are placed in free circulation, an agricultural levy shall be charged, equal to the average of the levies applicable in Spain and fixed for the cereals concerned during the first 25 days of the month preceding the date of acceptance of the declaration of entry into free circulation, minus the difference between the threshold price and the intervention price for the same month.

Entry into free circulation shall be effected by the Spanish intervention agency.

When the purchasers of the goods make payment to the intervention agency, the selling price minus the levy shall correspond to revenue from sales within the meaning of Annex I to Regulation (EEC) No 3492/90 ⁽³⁾.

4. The purchasing operation provided for in paragraph 1 shall rank as intervention for the purpose of stabilizing the agricultural markets within the meaning of Article 1 (2) (b) of Regulation (EEC) No 729/70.

5. Payments by the intervention agency for buying as provided for in paragraph 1 shall be borne by the Community as they arise and shall be treated in the same

way as the expenditure referred to in Article 2 of Regulation (EEC) No 1883/78. The Spanish intervention agency shall record the value of the merchandise purchased at a price of 'zero' in the account referred to in Article 4 of Regulation (EEC) No 1883/78.

Article 5

At a frequency to be determined, the Commission shall record in accounts:

- the quantities of maize and sorghum imported into Spain from third countries,
- the quantities of maize gluten, brewers' grains and citrus pulp imported into Spain.

For this purpose, the Spanish authorities shall supply the Commission regularly with all necessary information.

Article 6

The imports referred to in Article 2 shall be effected not later than the end of February of the following year. In the event of technical difficulties duly noted by the Commission a period of importation exceeding that time limit may be laid down in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92.

Article 7

Where the markets for products derived from maize or sorghum are disturbed, a countervailing duty may be introduced in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 for exports of the relevant products from Spain or for their consignment to other Member States.

Article 8

The following shall be adopted in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92:

- any measures needed to ensure that the cereals, the levy for which has been reduced, are actually processed or used in Spain; such measures may in particular provide for the deposit of a security,
- the other detailed rules for the application of this Regulation, and in particular those relating to the issue of import licences; such rules may stipulate that the licences may be issued only in Spain, after Commission endorsement.

Article 9

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

⁽¹⁾ OJ No L 225, 15. 8. 1988, p. 1.

⁽²⁾ OJ No L 246, 10. 9. 1990, p. 1.

⁽³⁾ OJ No L 337, 4. 12. 1990, p. 3.

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

Done at Brussels, 17 December 1993.

For the Council

The President

A. BOURGEOIS

COUNCIL REGULATION (EC) No 3641/93

of 20 December 1993

on certain procedures for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community of the one part, and the Republic of Bulgaria of the other part

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas an Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Bulgaria of the other part (hereinafter referred to as 'the Agreement') was signed in Brussels on 8 March 1993, and entered into force on 31 December 1993;

Whereas it is necessary to lay down the procedures for applying certain provisions of the Agreement concerning agricultural products,

HAS ADOPTED THIS REGULATION:

Article 1

Provisions for the application of Article 15 (2) and (4) of the Agreement concerning agricultural products falling

within Annex II to the Treaty and subject in the framework of the common market organization to a system of levies and concerning products falling within CN codes 0711 90 40, 2003 10 20 and 2003 10 30 shall be adopted in accordance with the procedure provided for in Article 26 of Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, or in the corresponding provisions of other Regulations establishing a common organization of the agricultural markets. Where the application of the Agreement calls for close cooperation with Bulgaria, the Commission may take any measures necessary to ensure such cooperation.

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 from 1 January 1994.

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

Done at Brussels, 20 December 1993.

*For the Council**The President*

W. CLAES

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13; Regulation as last amended by Regulation (EEC) No 2071/92 (OJ No L 215, 30. 7. 1992, p. 64).

COUNCIL REGULATION (EC) No 3642/93

of 20 December 1993

on certain procedures for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community of the one part, and Romania of the other part

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas an Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and Romania of the other part (hereinafter referred to as 'the Agreement') was signed in Brussels on 1 February 1993, and entered into force on 1 May 1993⁽¹⁾;

Whereas it is necessary to lay down the procedures for applying certain provisions of the Agreement concerning agricultural products,

HAS ADOPTED THIS REGULATION:

Article 1

Provisions for the application of Article 15 (2) and (4) of the Agreement concerning agricultural products falling

within Annex II to the Treaty and subject in the framework of the common market organization to a system of levies and concerning products falling within CN codes 0711 90 40, 2003 10 20 and 2003 10 30 shall be adopted in accordance with the procedure provided for in Article 26 of Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽²⁾, or in the corresponding provisions of other Regulations establishing a common organization of the agricultural markets. Where the application of the Agreement calls for close cooperation with Romania, the Commission may take any measures necessary to ensure such cooperation.

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 from 1 January 1994.

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

Done at Brussels, 20 December 1993.

*For the Council**The President*

W. CLAES

⁽¹⁾ OJ No L 81, 2. 4. 1993, p. 1.

⁽²⁾ OJ No L 1481, 28. 6. 1968, p. 13; Regulation as last amended by Regulation (EEC) No 2071/92 (OJ No L 215, 30. 7. 1992, p. 64).

COMMISSION REGULATION (EC) No 3643/93**of 30 December 1993****fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon ⁽¹⁾,

Having regard to the Treaty establishing the European Community,

Whereas by Regulation (EEC) No 3131/78 ⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 3179/93 ⁽²⁾, and in particular Article 16 (2) thereof,Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender ⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria ⁽³⁾, as last amended by Regulation (EEC) No 1900/92 ⁽⁴⁾, and in particular Article 5 thereof,

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco ⁽⁵⁾, as last amended by Regulation (EEC) No 1901/92 ⁽⁶⁾, and in particular Article 5 thereof,Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community ⁽¹⁴⁾, no levies shall apply on imports of products originating in the overseas countries and territories;Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia ⁽⁷⁾, as last amended by Regulation (EEC) No 413/86 ⁽⁸⁾, and in particular Article 5 thereof,

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 27 and 28 December 1993 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey ⁽⁹⁾, as last amended by Regulation (EEC) No 1902/92 ⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.⁽²⁾ OJ No L 285, 20. 11. 1993, p. 9.⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.⁽⁴⁾ OJ No L 192, 11. 7. 1992, p. 1.⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.⁽⁶⁾ OJ No L 192, 11. 7. 1992, p. 2.⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.⁽¹⁰⁾ OJ No L 192, 11. 7. 1992, p. 3.⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.⁽¹⁴⁾ OJ No L 263, 19. 9. 1991, p. 1.

imported product, such amount to be fixed at a standard rate ; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

HAS ADOPTED THIS REGULATION :

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 3

This Regulation shall enter into force on 31 December 1993.

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

Done at Brussels, 30 December 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Minimum import levies on olive oil⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	79,00 ⁽²⁾
1509 10 90	79,00 ⁽²⁾
1509 90 00	92,00 ⁽²⁾
1510 00 10	77,00 ⁽²⁾
1510 00 90	122,00 ⁽¹⁾

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

⁽²⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

⁽³⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽⁴⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	17,38
0711 20 90	17,38
1522 00 31	39,50
1522 00 39	63,20
2306 90 19	6,16

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

COMMISSION REGULATION (EC) No 3644/93
of 30 December 1993
fixing the aid for cotton

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

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Commission Regulation (EEC) No 4006/87⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton⁽²⁾, as last amended by Regulation (EEC) No 1554/93⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 2419/93⁽⁴⁾, as last amended by Regulation (EC) No 3505/93⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2419/93 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton provided for in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 60,116 per 100 kilograms.

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, 30 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 154, 25. 6. 1993, p. 23.

⁽⁴⁾ OJ No L 222, 1. 9. 1993, p. 35.

⁽⁵⁾ OJ No L 319, 21. 12. 1993, p. 32.

COMMISSION REGULATION (EC) No 3645/93
of 30 December 1993
fixing the rate of the aid for dried fodder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder⁽¹⁾, as last amended by Regulation (EEC) No 2275/89⁽²⁾, and in particular Article 5 (3) thereof,

Whereas, under Article 5 (1) of Regulation (EEC) No 1117/78, when the guide price is higher than the average world market price, aid is granted for dried fodder as described under Article 1 (b) and (c) of that Regulation and obtained from fodder plants harvested in the Community; whereas that aid takes account of a percentage of the difference between these two prices;

Whereas the guide price in the dried fodder sector was fixed by Council Regulation (EEC) No 1288/93⁽³⁾;

Whereas Commission Regulation (EEC) No 3824/92⁽⁴⁾, as last amended by Regulation (EEC) No 1663/93⁽⁵⁾, lays down the list of prices and amounts fixed in ecus to be amended as a result of the monetary alignments and which are reduced from the beginning of the 1993/94 marketing year by a factor of fixed by Commission Regulation (EEC) No 537/93⁽⁶⁾, as amended by Regulation (EEC) No 1331/93⁽⁷⁾, as part of the automatic dismantling system of the negative monetary gaps; whereas this factor must be taken into account when calculating the aid from the beginning of the aforementioned marketing year;

Whereas Council Regulation (EEC) No 2065/92⁽⁸⁾, as amended by Regulation (EEC) No 1288/93, sets the percentage referred to in Article 5 of Regulation (EEC) No 1117/78 for the 1993/94 marketing year at 70 %;

Whereas the average world market price is determined for a bulk pelleted product, delivered to Rotterdam, of the standard quality for which the guide price has been fixed;

Whereas, under Council Regulation (EEC) No 1417/78 of 19 June 1978 on the aid system for dried fodder⁽⁹⁾, as last amended by Regulation (EEC) No 1110/89⁽¹⁰⁾, the average world market price for the products described in the first and third indents of Article 1 (b) of Regulation (EEC) No 1117/78 is to be determined on the basis of the most favourable actual purchase possibilities excepting those which cannot be considered representative of the real market trend; whereas offers and quotations recorded during the first 25 days of the month in question for quantities that can be delivered during the following calendar month are to be used; whereas the average world market price thus determined is used to fix the aid rate applicable on the following month;

Whereas the necessary adjustments must be made in the case of offers and quotations not of the type referred to above; whereas these adjustments were defined in Article 3 of Commission Regulation (EEC) No 1528/78 of 30 June 1978 laying down detailed rules for the application of the system of aid for dried fodder⁽¹¹⁾, as last amended by Regulation (EEC) No 1069/93⁽¹²⁾;

Whereas, in accordance with Article 3 of Regulation (EEC) No 1417/78, when no offer or quotation can be used to determine the average world market price, that price is determined on the basis of the sum of the value of competing products; whereas those products are defined in Article 3 (3) of Regulation (EEC) No 1528/78;

Whereas, pursuant to Article 11 of Regulation (EEC) No 1417/78, when forward prices differ from that applying in the month when the application is lodged, the aid rate is adjusted by a correcting amount calculated from the trend of forward prices;

Whereas, where the average world market price is determined in accordance with Article 3 of Regulation (EEC) No 1417/78, the corrective amount must be equal to the difference between the average world market price and the average forward world market price determined by applying the criteria laid down in Article 3 (3) of Regulation (EEC) No 1528/78 and valid for delivery during a month other than that in which the aid is introduced, adjusted by the percentage fixed under Article 5 (2) of

⁽¹⁾ OJ No L 142, 30. 5. 1978, p. 1.

⁽²⁾ OJ No L 218, 28. 7. 1989, p. 1.

⁽³⁾ OJ No L 132, 29. 5. 1993, p. 1.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 29.

⁽⁵⁾ OJ No L 158, 30. 6. 1993, p. 18.

⁽⁶⁾ OJ No L 57, 10. 3. 1993, p. 18.

⁽⁷⁾ OJ No L 132, 29. 5. 1993, p. 114.

⁽⁸⁾ OJ No L 215, 30. 7. 1992, p. 48.

⁽⁹⁾ OJ No L 171, 28. 6. 1978, p. 1.

⁽¹⁰⁾ OJ No L 118, 29. 4. 1989, p. 1.

⁽¹¹⁾ OJ No L 179, 1. 7. 1978, p. 10.

⁽¹²⁾ OJ No L 108, 1. 5. 1993, p. 114.

Regulation (EEC) No 1117/78 ; whereas where the average forward world market price for one or more months cannot be determined by applying the criteria laid down in Article 3 (3) of Regulation (EEC) No 1528/78, the corrective amount must be fixed for the month or months in question at a level such that the aid is equal to zero ;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽¹⁾, as amended by Regulation (EC) No 3528/93 ⁽²⁾, 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 ⁽³⁾ ;

Whereas the rate of the additional aid must be fixed once per month so as to ensure application of the aid from the first day of the month following the date of its fixing ;

Whereas, as the result of the applications of all these provisions to the offers and quotations which the

Commission has recorded, the rate of the additional aid for dried fodder must be fixed as indicated in the table annexed to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The rate of the aid referred to in Article 5 (3) of Regulation (EEC) No 1117/78 is fixed in the Annex to this Regulation.

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, 30 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽³⁾ OJ No L 108, 1. 5. 1993, p. 106.

ANNEX

to the Commission Regulation of 30 December 1993 fixing the rate of the aid for dried fodder

Aid applicable from 1 January 1994 to dried fodder:

(ECU/tonne)

	Fodder dehydrated by artificial heat drying Protein concentrates	Fodder otherwise dried
January 1994	63,317	38,627

Aid in case of advance fixing for the month of:

(ECU/tonne)

February 1994	63,023	38,333
March 1994	63,023	38,333

COMMISSION REGULATION (EC) No 3646/93

of 30 December 1993

fixing the reduced levy on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries

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 (5) thereof,

Whereas Article 16 a (1) of Regulation (EEC) No 1785/81 provides for a reduced rate levy to apply during the period 1 January to 30 June 1993 to Portuguese imports of certain quantities of raw sugar originating in specified third countries and for use by Portuguese refineries;

Whereas Article 16 a (2) of Regulation (EEC) No 1785/81 stipulates that this reduced levy is to equal the intervention price for raw sugar as indicated in Article 3 (2) of that Regulation applicable when the sugar is imported, less an amount equal to the average of the spot prices, adjusted where necessary to the cif stage, quoted on the London market during the first 20 days of the month preceding that for which the reduced levy amount is set;

Whereas pursuant to Article 16 a (5) the reduced levy is to be set each month for the following month;

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 application of the abovementioned provisions gives a reduced rate import levy for the raw sugar concerned of the amount indicated in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The reduced levy on imports into Portugal of the quantities of raw sugar for refining (CN codes 1701 11 10 and 1701 12 10) indicated in Article 16 a of Regulation (EEC) No 1785/81 shall, for standard quality, be ECU 23,42 per 100 kg.

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, 30 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.

COMMISSION REGULATION (EC) No 3647/93**of 30 December 1993****altering the export refunds on white sugar and raw sugar exported in the natural state**

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 the second subparagraph of Article 19 ⁽⁴⁾ thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 3530/93 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 3530/93 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 3530/93, are hereby altered to the amounts shown 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, 30 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 321, 23. 12. 1993, p. 2.

⁽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 30 December 1993 altering the export refunds on white sugar and raw sugar exported in the natural state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	34,02 ⁽¹⁾
1701 11 90 910	31,94 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	34,02 ⁽¹⁾
1701 12 90 910	31,94 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3698
	— ECU/100 kg —
1701 99 10 100	36,98
1701 99 10 910	36,98
1701 99 10 950	36,98
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3698

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

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

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

COMMISSION REGULATION (EC) No 3648/93**of 30 December 1993****fixing the import levies on syrups and certain other products in the sugar sector**

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,

Whereas Article 16 (1) of Regulation (EEC) No 1785/81 provides for charging a levy on imports of the products listed in Article 1 (1) of that Regulation;

Whereas the levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 must be calculated, where appropriate, at a standard rate on the basis of the sucrose content (including other sugars expressed as sucrose) of the product concerned and of the levy on white sugar; whereas, however, the levies on maple sugar and maple syrup are limited to the amount resulting from application of the rate of duty bound within GATT;

Whereas Article 7 of Commission Regulation (EEC) No 837/68 of 28 June 1968 on detailed rules for the application of levies on sugar ⁽³⁾, as last amended by Regulation (EEC) No 1428/78 ⁽⁴⁾, provides that the basic amount of the levy for 100 kilograms of product must be fixed per percentage point of sucrose content;

Whereas the basic amount of the levy must be equal to one-hundredth of the average of the levies applicable to 100 kilograms of white sugar during the first 20 days of the month preceding the month for which the basic amount of the levy is fixed; whereas, however, the levy applicable to white sugar on the day of the fixing of the basic amount must be substituted for the average of the levies, where that levy differs by at least ECU 0,73 from that average;

Whereas the basic amount must be fixed each month; whereas it must, however, be altered during the period between the day on which it is fixed and the first day of the month following the month for which the basic amount is applicable, if the levy on white sugar differs by

at least ECU 0,73 from the average referred to above or from the levy on white sugar used to fix the basic amount; whereas, in this case, the basic amount must be equal to one-hundredth of the levy on white sugar used to calculate the alteration;

Whereas the basic amount thus fixed must be adjusted on the basis of variations in the threshold price for white sugar occurring between the month in which the basic amount is fixed and the period of application; whereas this adjustment, equal to one-hundredth of the difference between these two threshold prices, must be deducted from or added to the basic amount in the circumstances provided for in Article 7 (6) of Regulation (EEC) No 837/68;

Whereas Commission Regulation (EEC) No 1724/93 ⁽⁵⁾ lays down the prices and amounts fixed in ecus applicable in the sugar sector for the 1993/94 marketing year as a result of the monetary realignments during the 1992/93 marketing year;

Whereas the levy on the products referred to in Article 1 (1) (f) and (g) of Regulation (EEC) No 1785/81 comprises, under Article 16 (6) of that Regulation, a variable element and a fixed element, with the latter, per 100 kilograms of dry matter, being equal to one-tenth of the fixed element established pursuant to point B of Article 11 (1) of Council Regulation (EEC) No 1766/92 ⁽⁶⁾, as amended by Regulation (EEC) No 2193/93 ⁽⁷⁾, for the fixing of the import levy on the products falling within CN codes 1702 30 91, 1702 30 99, 1702 40 90 and 1702 90 50, and the variable element, per 100 kilograms of dry matter, being equal to 100 times the basic import levy applicable as from the first of each month in the case of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81; whereas the levy must be fixed each month;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community ⁽⁸⁾, no levies shall apply on imports of products originating in the overseas countries and territories;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.

⁽³⁾ OJ No L 151, 30. 6. 1968, p. 42.

⁽⁴⁾ OJ No L 171, 28. 6. 1978, p. 34.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 127.

⁽⁶⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽⁷⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽⁸⁾ OJ No L 263, 19. 9. 1991, p. 1.

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽¹⁾, as amended by Regulation (EC) No 3528/93⁽²⁾, 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⁽³⁾;

Whereas it follows from the application of these provisions that the import levies on the products concerned should be as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81 shall be as indicated 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, 30 December 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 30 December 1993 fixing the basic amount of the import levy on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of levy per 100 kg of dry matter ⁽¹⁾
1702 20 10	0,4191	—
1702 20 90	0,4191	—
1702 30 10	—	51,58
1702 40 10	—	51,58
1702 60 10	—	51,58
1702 60 90	0,4191	—
1702 90 30	—	51,58
1702 90 60	0,4191	—
1702 90 71	0,4191	—
1702 90 90	0,4191	—
2106 90 30	—	51,58
2106 90 59	0,4191	—

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

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽³⁾ OJ No L 108, 1. 5. 1993, p. 106.

COMMISSION REGULATION (EC) No 3649/93**of 30 December 1993****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

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 19 (4) thereof,

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

Whereas Article 8 of Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; whereas the sucrose content of the product in question is determined in accordance with Article 13 of Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁵⁾, as last amended by Regulation (EEC) No 1684/92⁽⁶⁾;

Whereas Article 7 of Regulation (EEC) No 766/68 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation

(EEC) No 1400/78 of 20 June 1978 laying down general rules for the production refund on sugar used in the chemical industry⁽⁷⁾, to the products listed in the Annex to the last mentioned Regulation;

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81;

Whereas Article 19 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) of that Regulation; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports; whereas the refund is to be granted only for products complying with the conditions in Article 3 of Commission Regulation (EEC) No 1469/77 of 30 June 1977 laying down rules for applying the levy and the refund in respect of isoglucose and amending Regulation (EEC) No 192/75⁽⁸⁾, as amended by Regulation (EEC) No 1714/88⁽⁹⁾;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁶⁾ OJ No L 176, 30. 6. 1992, p. 31.

⁽⁷⁾ OJ No L 170, 27. 6. 1978, p. 9.

⁽⁸⁾ OJ No L 25, 31. 1. 1975, p. 1.

⁽⁹⁾ OJ No L 152, 18. 6. 1988, p. 23.

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽¹⁾, as amended by Regulation (EC) No 3528/93⁽²⁾, 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⁽³⁾;

Whereas the refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;

Whereas application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation;

Whereas Council Regulation (EEC) No 990/93⁽⁴⁾ 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 Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, shall be 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, 30 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽³⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 30 December 1993 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg dry matter —
1702 40 10 100	36,98 ⁽²⁾ ⁽³⁾
1702 60 10 000	36,98 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
1702 60 90 000	0,3698 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
1702 90 30 000	36,98 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 000	0,3698 ⁽¹⁾ ⁽³⁾
1702 90 71 000	0,3698 ⁽¹⁾ ⁽³⁾
1702 90 90 900	0,3698 ⁽¹⁾ ⁽³⁾ ⁽⁴⁾
	— ECU/100 kg dry matter —
2106 90 30 000	36,98 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
2106 90 59 000	0,3698 ⁽¹⁾ ⁽³⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

⁽²⁾ Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

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

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

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 3650/93**of 30 December 1993****fixing the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EEC) No 833/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports of rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20

and 1006 30⁽³⁾, as last amended by Regulation (EEC) No 674/91⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2666/93⁽⁵⁾, as last amended by Regulation (EC) No 3561/93⁽⁶⁾,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 1 January 1994.

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

Done at Brussels, 30 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.
⁽²⁾ OJ No L 154, 25. 6. 1993, p. 5.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.
⁽⁴⁾ OJ No L 75, 21. 3. 1991, p. 29.
⁽⁵⁾ OJ No L 245, 1. 10. 1993, p. 4.
⁽⁶⁾ OJ No L 324, 24. 12. 1993, p. 45.

ANNEX

to the Commission Regulation of 30 December 1993 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies ^(*)		
	Arrangement in Regulation (EEC) No 3877/86 ^(*)	ACP Bangladesh ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾	Third countries (except ACP) ⁽⁵⁾
1006 10 21	—	142,01	291,23
1006 10 23	—	127,47	262,14
1006 10 25	—	127,47	262,14
1006 10 27	196,61	127,47	262,14
1006 10 92	—	142,01	291,23
1006 10 94	—	127,47	262,14
1006 10 96	—	127,47	262,14
1006 10 98	196,61	127,47	262,14
1006 20 11	—	178,42	364,04
1006 20 13	—	160,24	327,68
1006 20 15	—	160,24	327,68
1006 20 17	245,76	160,24	327,68
1006 20 92	—	178,42	364,04
1006 20 94	—	160,24	327,68
1006 20 96	—	160,24	327,68
1006 20 98	245,76	160,24	327,68
1006 30 21	—	221,04	465,93
1006 30 23	—	245,85	515,48
1006 30 25	—	245,85	515,48
1006 30 27	386,61	245,85	515,48
1006 30 42	—	221,04	465,93
1006 30 44	—	245,85	515,48
1006 30 46	—	245,85	515,48
1006 30 48	386,61	245,85	515,48
1006 30 61	—	235,76	496,22
1006 30 63	—	263,95	552,60
1006 30 65	—	263,95	552,60
1006 30 67	414,45	263,95	552,60
1006 30 92	—	235,76	496,22
1006 30 94	—	263,95	552,60
1006 30 96	—	263,95	552,60
1006 30 98	414,45	263,95	552,60
1006 40 00	—	47,92	101,84

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

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

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

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

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

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

COMMISSION REGULATION (EC) No 3651/93**of 30 December 1993****fixing the premiums to be added to the import levies on rice and broken rice**

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

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

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2667/93 ⁽³⁾, as last amended by Regulation (EC) No 3562/93 ⁽⁴⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which

are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 January 1994.

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

Done at Brussels, 30 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 5.

⁽³⁾ OJ No L 245, 1. 10. 1993, p. 7.

⁽⁴⁾ OJ No L 324, 24. 12. 1993, p. 47.

ANNEX

to the Commission Regulation of 30 December 1993 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 1	1st period 2	2nd period 3	3rd period 4
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EC) No 3652/93

of 22 December 1993

on the application of Article 85 (3) of the Treaty to certain categories of agreements between undertakings relating to computerized reservation systems for air transport services

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3976/87 of 14 December 1987 on the application of Article 85 (3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector⁽¹⁾, as last amended by Regulation (EEC) No 2411/92⁽²⁾, and in particular Article 2 thereof,

Having published a draft of this Regulation⁽³⁾,

Having consulted the Advisory Committee on Agreements and Dominant Positions in Air Transport,

Whereas :

(1) Regulation (EEC) No 3976/87 empowers the Commission to apply Article 85 (3) of the Treaty by regulation to certain categories of agreements, decisions and concerted practices relating directly or indirectly to the provision of air transport services.

(2) Commission Regulation (EEC) No 83/91⁽⁴⁾, as last amended by Regulation (EEC) No 1618/93⁽⁵⁾, grants a block exemption to certain agreements establishing computerized reservation systems, providing they satisfy the conditions imposed by that Regulation. The block exemption expires on 31 December 1993.

(3) Agreements for the common purchase, development and operation of computerized reservation systems relating to timetabling, reservations and

ticketing are liable to restrict competition and affect trade between Member States.

(4) Computerized reservation systems (CRS) can render useful services to air carriers, travel agents and air travellers alike by giving ready access to up-to-date and detailed information in particular about flight possibilities, fare options and seat availability. They can also be used to make reservations and in some cases to print tickets and issue boarding passes. They thus help the air traveller to exercise choice on the basis of fuller information in order to meet his travel needs in the optimal manner. However, in order for these benefits to be obtained, flight schedules and fares displays must be as complete and unbiased as possible.

(5) The CRS market is such that few individual European undertakings could on their own make the investment and achieve the economies of scale required to compete with the more advanced existing systems.

Cooperation in this field should therefore be permitted. A block exemption should therefore be granted for such cooperation.

(6) In accordance with Council Regulation (EEC) No 2299/89⁽⁶⁾, as amended by Regulation (EEC) No 3089/93⁽⁷⁾, concerning the code of conduct for computerized reservation systems, the cooperation should not allow the parent carriers to create undue advantages for themselves and thereby distort competition. It is therefore necessary to ensure that no discrimination exists between parent carriers and participating carriers with regard in particular to access and neutrality of display. The block exemption should be subject to conditions which will ensure that all air carriers can participate in the systems on a non-discriminatory basis as regards access, display, information loading and fees. Moreover, in order to maintain competition in an oligopolistic market subscribers must be able to switch from one system to another at short notice and

⁽¹⁾ OJ No L 374, 31. 12. 1987, p. 9.

⁽²⁾ OJ No L 240, 24. 8. 1992, p. 19.

⁽³⁾ OJ No C 253, 30. 9. 1992, p. 11.

⁽⁴⁾ OJ No L 10, 15. 1. 1991, p. 9.

⁽⁵⁾ OJ No L 155, 26. 6. 1993, p. 23.

⁽⁶⁾ OJ No L 220, 29. 7. 1989, p. 1.

⁽⁷⁾ OJ No L 278, 11. 11. 1993, p. 1.

without penalty, and system vendors and air carriers must not act in ways which would restrict competition between systems.

HAS ADOPTED THIS REGULATION :

Article 1

Exemptions

Pursuant to Article 82 (3) of the Treaty and subject to the conditions set out in Articles 2 to 14 of this Regulation, it is hereby declared that Article 85 (1) of the Treaty shall not apply to agreements between undertakings the purpose of which is one or more of the following :

- (a) to purchase or develop a CRS in common ;
- (b) to create a system vendor to market and operate the CRS ;
or
- (c) to regulate the provision of distribution facilities by the system vendor or by distributors.

The exemption shall apply only to the following obligations :

- (i) an obligation not to engage directly or indirectly in the development, marketing or operation of another CRS ;
- (ii) an obligation on the system vendor to appoint parent carriers or participating carriers as distributors in respect of all or certain subscribers in a defined area of the common market ;
- (iii) an obligation on the system vendor to grant a distributor exclusive rights to solicit all or certain subscribers in a defined area of the common market ;
or
- (iv) an obligation on the system vendor not to allow distributors to sell distribution facilities provided by other system vendors.

Article 2

Definitions

For the purpose of this Regulation :

- (a) 'air transport product' means the carriage by air of a passenger between two airports, including any related ancillary services and additional benefits offered for sale and/or sold as an integral part of that product ;

(7) In order to maintain effective competition between CRSs, it is necessary to ensure that system vendors do not refrain from competing with each other.

(8) Refusal on the part of parent carriers to provide the same information on schedules, fares and availability to competing CRSs and to accept bookings made by those systems can seriously distort competition between CRSs. Parent carriers should not be obliged to incur costs in this connection except for reproduction of the information to be provided and for accepted bookings ; parent carriers must not seek reimbursement of costs that cannot be fully justified.

(9) Billing information should be sufficiently detailed to allow participating carriers and subscribers to control their costs. A parent carrier should accept or reject any bookings/transactions made through a competing CRS on the same terms or conditions as it applies for bookings/transactions made through its own CRS.

(10) In accordance with Article 4 of Regulation (EEC) No 3976/87, this Regulation should apply with retroactive effect to agreements in existence on the date of entry into force of this Regulation provided that they meet the conditions for exemption set out in this Regulation.

(11) For the purposes of Article 7 of Regulation (EEC) No 3976/87, this Regulation should also specify the circumstances in which the Commission may withdraw the block exemption in individual cases.

(12) The agreements which are exempted automatically by this Regulation need not be notified under Council Regulation No 17⁽¹⁾ as last amended by the Act of Accession of Spain and Portugal. However when real doubt exists, undertakings may request the Commission to declare whether their agreements comply with this Regulation,

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

(b) 'scheduled air service' means a series of flights each possessing all the following characteristics :

— it is performed by aircraft for the transport of passengers or passengers and cargo and/or mail for remuneration, in such a manner that on each flight seats are available for individual purchase by consumers (either directly from the air carrier or from its authorized agents),

— it is operated so as to serve traffic between the same two or more points, either :

1. according to a published timetable ; or
2. with flights so regular or frequent that they constitute a recognizably systematic series ;

(c) 'fare' means the price to be paid for air transport products and the conditions under which this priced applies ;

(d) 'computerized reservation system' (CRS) means a computerized system containing information about, *inter alia*, air carriers' :

- schedules,
- availability,
- fares, and
- related services,

with or without facilities through which

- reservations can be made or
- tickets may be issued,

to the extent that some or all of these services are made available to subscribers ;

(e) 'distribution facilities' means facilities provided by a system vendor for the provision of information about air carriers' schedules, availability, fares and related services and for making reservations and/or issuing tickets, and for any other related services ;

(f) 'system vendor' means any entity and its affiliated which is or are responsible for the operation or marketing of a CRS ;

(g) 'parent carrier' means any air carrier which directly or indirectly, jointly with others, owns or effectively controls a system vendor, as well as any air carrier which it owns or effectively controls ;

(h) 'effective control' means a relationship constituted by rights, contracts or any other means which, either separately or jointly and having regard to the considerations of fact or law involved, confer the possibility of directly or indirectly exercising a decisive influence on an undertaking, in particular by :

— the right to use all or part of the assets of an undertaking,

— rights or contracts which confer a decisive influence on the composition, voting or decisions of the bodies of an undertaking or otherwise confer a decisive influence on the running of the business of the undertaking ;

(i) 'participating carrier' means an air carrier which has an agreement with a system vendor for the distribution of air transport products through a CRS. To the extent that a parent carrier uses the facilities of its own CRS which are covered by this Regulation it shall be considered a participating carrier ;

(j) 'subscriber' means a person or an undertaking, other than a participating carrier, using the distribution facilities for air transport products of a CRS under contract or other arrangement with a system vendor ;

(k) 'consumer' means any person seeking information about and/or intending to purchase an air transport product ;

(l) 'principal display' means a comprehensive neutral display of data concerning air services between city-pairs, within a specified time period ;

(m) 'elapsed journey time' means the time difference between scheduled departure and arrival time ;

(n) 'service enhancement' means any product or service offered by a system vendor on its own behalf to subscribers in conjunction with a CRS, other than distribution facilities ;

(o) 'distributor' means an undertaking which is authorized by the system vendor to provide distribution facilities to subscribers.

Article 3

Access

1. A system vendor shall allow any air carrier the opportunity to participate, on an equal and non-discriminatory basis, in its distribution facilities within the available capacity of the system concerned and subject to any technical constraints outside the control of the system vendor.

2. (a) A system vendor shall not :

- attach unreasonable conditions to any contract with a participating carrier,
- require the acceptance of supplementary conditions which, by their nature or according to commercial usage, have no connection with participation in its CRS and shall apply the same conditions for the same level of service.

(b) A system vendor shall not make it a condition of participation in its CRS that a participating carrier may not at the same time be a participant in another system.

(c) A participating carrier may terminate its contract with a system vendor on giving notice which need not exceed six months, to expire no earlier than the end of the first year.

In such a case a system vendor shall not be entitled to recover more than the costs directly related to the termination of the contract.

3. If a system vendor has decided to add any improvement to the distribution facilities provided or the equipment used in the provision of the facilities, it shall provide information on these improvements and offer them to all participating carriers, including parent carriers, with equal timeliness and on the same terms and conditions, subject to any technical constraints outside the control of the system vendor and in such a way that there will be no difference in leadtime for the implementation of the new improvements between parent and participating carriers.

Article 4

Participation

1. (a) A parent carrier may not discriminate against a competing CRS by refusing to provide the latter, on request and with equal timeliness, the same information on schedules, fares and availability relating to its own air services as that which it provides to its own CRS or to distribute its air transport products through another CRS, or by refusing to accept or to confirm with equal timeliness a reservation made through a competing CRS or any of its air transport products which are distributed

through its own CRS. The parent carrier shall be obliged to accept and to confirm only those bookings which are in conformity with its fares and conditions.

(b) The parent carrier shall not be obliged to accept any costs in this connection except for reproduction of the information to be provided and for accepted bookings.

(c) The parent carrier shall be entitled to carry out checks to ensure that Article 7 (1) is complied with by the competing CRS.

2. The obligation imposed by paragraph 1 shall not apply in favour of a competing CRS when, in accordance with the procedures of Article 6 (5), Article 7 (3) or Article 7 (4) of Regulation (EEC) No 2299/89, it has been decided that the CRS is in breach of Article 4a of that Regulation or that a system vendor cannot give sufficient guarantees that obligations under Article 6 of that Regulation concerning unauthorized access of parent carriers to information are complied with.

Article 5

Information loading

1. Participating carriers and other providers of air transport products shall ensure that the data they decide to submit to a CRS are accurate, nonmisleading, transparent and no less comprehensive than for any other CRS.

The data shall, *inter alia*, enable a system vendor to meet the requirements of the ranking criteria as set out in the Annex to Regulation (EEC) No 2299/89.

Data submitted via intermediaries shall not be manipulated by them in a manner that would lead to inaccurate, misleading or discriminatory information.

2. A system vendor shall not manipulate the material referred to in paragraph 1 in a manner that would lead to the provision of inaccurate, misleading or discriminatory information.

3. A system vendor shall load and process data provided by participating carriers with equal care and timeliness, subject only to the constraints of the loading method selected by individual participating carriers and to the standard formats used by the said vendor.

*Article 6***Loading, processing and distribution**

1. Loading and/or processing facilities provided by a system vendor shall be offered to all parent and participating carriers without discrimination. Where relevant and generally accepted air transport industry standards are available, system vendors shall offer facilities compatible with them.

2. A system vendor shall not reserve any specific loading and/or processing procedure or any other distribution facility for one or more of its parent carrier(s).

3. A system vendor shall ensure that its distribution facilities are separated, in a clear and verifiable manner, from any carrier's private inventory and management and marketing facilities. Separation may be established either logically by means of software or physically in such a way that any connection between the distribution facilities and the private facilities may be achieved only by means of an application-to-application interface. Irrespective of the method of separation adopted, any such interface shall be made available to all parent and participating carriers on a non-discriminatory basis and shall provide equality of treatment in respect of procedures, protocols, inputs and outputs. Where relevant and generally accepted air transport industry standards are available, system vendors shall offer interfaces compatible with them.

particular as regards the order in which information is presented.

(b) A consumer shall be entitled to have, on request, a principal display limited to scheduled or non-scheduled services only.

(c) No discrimination on the basis of airports serving the same city shall be exercised in constructing and selecting flights for a given citypair for inclusion in a principal display.

(d) Ranking of flight options in a principal display shall be as set out in the Annex to Regulation (EEC) No 2299/89.

(e) The criteria to be used for ranking shall not be based on any factor directly or indirectly relating to carrier identity and shall be applied on a non-discriminatory basis to all participating carriers.

3. Where a system vendor provides information on fares the display shall be neutral and non-discriminatory and shall contain at least the fares provided for all flights of participating carriers shown in the principal display. The source of such information shall be acceptable to the participating carrier(s) concerned and the system vendor concerned.

4. A CRS shall not be considered in breach of this to the extent that it changes a display in order to meet the specific request(s) of a consumer.

*Article 7***Displays**

1. (a) Displays generated by a CRS shall be clear and non-discriminatory.

(b) A system vendor shall not intentionally or negligently display in its CRS inaccurate or misleading information.

2. (a) A vendor shall provide through its CRS a principal display or displays for each individual transaction and shall include therein the data provided by participating carriers on flight schedules, fare types and seat availability in a clear and comprehensive manner and without discrimination or bias, in

*Article 8***Provision of information**

1. The following provisions shall govern the availability of information, statistical or otherwise, from a system vendor's CRS:

(a) information concerning individual bookings shall be provided on an equal basis and only to the air carrier(s) participating in the service covered by the booking and to the subscriber(s) involved in the booking;

(b) any marketing, booking and sales data made available shall be on the basis that:

(i) such data are offered with equal timeliness and on a non-discriminatory basis to all participating carriers, including parent carriers;

(ii) such data may, and, on request, shall cover all participating carriers and/or subscribers, but shall not include any identification or personal information on a passenger or a corporate user;

(iii) all requests for such data are treated with equal care and timeliness subject to the transmission method selected by the individual carrier.

2. A system vendor shall not make available personal information concerning a passenger to others not involved in the transaction without the consent of the passenger.

3. A system vendor shall ensure that the provisions in paragraphs 1 and 2 are complied with, by technical means and/or appropriate safeguards regarding at least software, in such a way that information provided by or created for air carriers cannot be accessed by any means by one or more of the parent carriers except as permitted by paragraphs 1 and 2.

Article 9

Reciprocity

1. The obligations of a system vendor under Articles 3 and 5 to 8 shall not apply in respect of an air carrier of a third country, which controls a CRS either alone or jointly, to the extent that its CRS outside the territory of the Community does not offer Community air carriers equivalent treatment to that provided under this Regulation and under Regulation (EEC) No 2299/89.

2. The obligations of parent or participating carriers under Articles 4, 5 and 10 shall not apply in respect of a CRS controlled by (an) air carrier(s) of one or more third country (countries) to the extent that the parent or participating carrier(s) is (are) not accorded equivalent treatment outside the territory of the Community to that provided under this Regulation and under Regulation (EEC) No 2299/89.

3. A system vendor or an air carrier proposing to avail itself of the provisions of paragraphs 1 or 2 must notify the Commission of its intentions and the reasons therefor at least 14 days in advance of such action. In exceptional circumstances, the Commission may, at the request of the

vendor or the air carrier concerned, grant a waiver from the 14-day rule.

4. Upon receipt of a notification, the Commission shall without delay determine whether discrimination within the meaning of paragraphs 1 and 2 exists. If this is found to be the case, the Commission shall so inform all systems vendors or the air carriers concerned in the Community as well as Member States. If discrimination within the meaning of paragraph 1 or 2 does not exist, the Commission shall so inform the system vendor or air carriers concerned.

Article 10

Relations with subscribers

1. A parent carrier shall not, directly or indirectly, link the use of any specific CRS by a subscriber with the receipt of any commission or other incentive or disincentive for the sale of air transport products available on its flights.

2. A parent carrier shall not, directly or indirectly, require use of any specific CRS by a subscriber for any sale or issue of tickets for any air transport products provided either directly or indirectly by itself.

3. Any condition which an air carrier may require of a travel agent when authorizing it to sell and issue tickets for its air transport products shall be without prejudice to paragraphs 1 and 2.

Article 11

Contracts with subscribers

1. A system vendor shall make any of the distribution facilities of a CRS available to any subscriber on a non-discriminatory basis.

2. A system vendor shall not require a subscriber to sign an exclusive contract, nor directly or indirectly prevent a subscriber from subscribing to, or using, any other system or systems.

3. A service enhancement offered to any other subscriber shall be offered by the system vendor to all subscribers on a non-discriminatory basis.

4. (a) A system vendor shall not attach unreasonable conditions to any subscriber contract allowing for the use of its CRS and, in particular, a subscriber may terminate its contract with a system vendor by giving notice which need not exceed three months to expire no earlier than the end of the first year.

In such a case a system vendor shall not be entitled to recover more than the costs directly related to the termination of the contract.

- (b) Subject to paragraph 2, the supply of technical equipment is not subject to the conditions set out in (a).

5. A system vendor shall provide in each subscriber contract that :

- (a) the principal display, conforming to Article 7, is accessed for each individual transaction except where a consumer requests information for only one air carrier ;
- (b) the subscriber does not manipulate material supplied by CRSs in a manner that would lead to inaccurate, misleading or discriminatory presentation of information to consumers.

6. A system vendor shall not impose any obligation on a subscriber to accept an offer of technical equipment or software, but may require that equipment and software used are compatible with its own system.

Article 12

Fees

1. Any fee charged by a system vendor shall be non-discriminatory, reasonably structured and reasonably related to the cost of the service provided and used, and shall, in particular, be the same for the same level of service.

The billing for the services of a CRS shall be sufficiently detailed to allow the participating carriers and subscribers to see exactly which services have been used and the fees therefor.

As a minimum, booking fee bills must include the following information for each segment :

- type of CRS booking,
- passenger name,
- country,
- IATA/ARC agency identification code,
- city code,
- city pair or segment,

- booking date (transaction date),
- flight date,
- flight number,
- status code (booking status),
- service type (class of service),
- PNR record locator,
- booking/cancellation indicator.

The billing information shall be offered on magnetic media.

A participating air carrier shall be offered the facility of being informed at the time that any booking/transaction is made for which a booking fee will be charged. Where a carrier elects to be so informed it shall be offered the option to disallow such bookings/transactions, unless the booking/transaction has already been accepted.

2. A system vendor shall, on request, provide to interested parties details of current procedures, fees and system facilities, including interfaces, editing and display criteria used. However, this provision does not oblige a system vendor to disclose proprietary information such as software programmes.

3. Any changes to fee levels, conditions or facilities offered and the basis therefor shall be communicated to all participating carriers and subscribers on a non-discriminatory basis.

Article 13

Competition between system vendors

The system vendor shall not enter into any agreement or engage in a concerted practice with other system vendors with the object or effect of partitioning the market.

Article 14

Pursuant to Article 7 of Regulation (EEC) No 3976/87, the benefit of this Regulation may be withdrawn where it is found in a particular case that an agreement exempted by this Regulation nevertheless has certain effects which are incompatible with the conditions laid down by Article 85 (3) or which are prohibited by Article 86 of the Treaty, and in particular where :

- (i) the agreement hinders the maintenance of effective competition in the market for CRSs ;

- (ii) the agreement has the effect of restricting competition in the air transport or travel related markets ;
- (iii) the system vendor directly or indirectly imposes unfair prices, fees or charges on subscribers or on participating carriers ;
- (iv) the system vendor refuses to enter into a contract for the use of a CRS without an objective and non-discriminatory reason of a technical or commercial nature ;
- (v) the system vendor denies participating carriers access to any facilities other than distribution facilities

without an objective and non-discriminatory reason of a technical or commercial nature.

Article 15

This Regulation shall enter into force on 1 January 1994 and expire on 30 June 1998.

It shall apply with retroactive effect to agreements which were in existence at the date of its entry into force, from the time when the conditions of application of this Regulation were fulfilled.

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

Done at Brussels, 22 December 1993.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION REGULATION (EC) No 3653/93

of 29 December 1993

amending Regulation (EEC) No 1195/93 increasing to 2 650 000 tonnes the quantity of bread-making wheat held by the German intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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 Commission Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 5 thereof,

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

Whereas Commission Regulation (EEC) No 1195/93⁽⁴⁾, as last amended by Regulation (EC) No 3430/93⁽⁵⁾, opened a standing invitation to tender for the export of 2 350 000 tonnes of bread-making wheat held by the German intervention agency; whereas, in communications of 9 and 16 December 1993, Germany informed the Commission of the intention of its intervention agency to increase by 300 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of bread-making wheat held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 2 650 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 1195/93 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 1195/93 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 2 650 000 tonnes of bread-making wheat to be exported to all third countries.
2. The regions in which the 2 650 000 tonnes of bread-making wheat are stored are stated in Annex I to this Regulation.

Article 2

Annex I to Regulation (EEC) No 1195/93 is replaced by the Annex hereto.

Article 3

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

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

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

⁽⁴⁾ OJ No L 122, 18. 5. 1993, p. 14.

⁽⁵⁾ OJ No L 314, 16. 12. 1993, p. 1.

ANNEX

ANNEX I

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein/Hamburg	436 217
Niedersachsen/Bremen	323 640
Nordrhein-Westfalen	261 930
Hessen	43 618
Rheinland-Pfalz	40 263
Baden-Württemberg	4 508
Bayern	471 104
Berlin/Brandenburg	63 732
Mecklenburg-Vorpommern	388 967
Sachsen	156 843
Sachsen-Anhalt	262 939
Thüringen	193 889
Saarland	1 951'

COMMISSION REGULATION (EC) No 3654/93

of 29 December 1993

amending Regulation (EEC) No 1194/93 increasing to 1 400 000 tonnes the quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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 Commission Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 5 thereof,

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

Whereas Commission Regulation (EEC) No 1194/93⁽⁴⁾, as last amended by Regulation (EC) No 3430/93⁽⁵⁾, opened a standing invitation to tender for the export of 1 300 000 tonnes of barley held by the French intervention agency; whereas, in a communication of 9 December 1993, France informed the Commission of the intention of its intervention agency to increase by 100 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 1 400 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 1194/93 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 1194/93 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 1 400 000 tonnes of barley to be exported to all third countries, except the United States of America and Canada.

2. The regions in which the 1 400 000 tonnes of barley are stored, are stated in Annex I to this Regulation.

Article 2

Annex I to Regulation (EEC) No 1194/93 is replaced by the Annex hereto.

Article 3

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

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

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

⁽⁴⁾ OJ No L 122, 18. 5. 1993, p. 11.

⁽⁵⁾ OJ No L 314, 16. 12. 1993, p. 1.

ANNEX

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Amiens	60 500
Bordeaux	33 000
Clermont-Ferrand	1 000
Châlons-sur-Marne	191 000
Dijon	109 000
Lille	145 000
Montpellier	2 000
Nancy	110 000
Orléans	310 000
Paris	43 000
Poitiers	146 500
Rennes	14 000
Rouen	135 000
Toulouse	17 000
Marseille	1 000
Gand (Belgique)	82 000'

COMMISSION REGULATION (EC) No 3655/93**of 29 December 1993****amending Regulation (EEC) No 1196/93 increasing to 1 850 000 tonnes the quantity of barley held by the German intervention agency for which a standing invitation to tender for export has been opened**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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 Commission Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 5 thereof,

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

Whereas Commission Regulation (EEC) No 1196/93⁽⁴⁾, as last amended by Regulation (EC) No 3430/93⁽⁵⁾, opened a standing invitation to tender for the export of 1 750 000 tonnes of barley held by the German intervention agency; whereas, in a communication of 9 December 1993, Germany informed the Commission of the intention of its intervention agency to increase by 100 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 1 850 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quanti-

ties in store; whereas Annex I to Regulation (EEC) No 1196/93 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

'Article 2

1. The invitation to tender shall cover a maximum of 1 850 000 tonnes of barley to be exported to all third countries except the United States of America and Canada.

2. The regions in which the 1 850 000 tonnes of barley are stored are stated in Annex I to this Regulation.'

Article 2

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

Article 3

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

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

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

⁽⁴⁾ OJ No L 122, 18. 5. 1993, p. 17.

⁽⁵⁾ OJ No L 314, 16. 12. 1993, p. 1.

ANNEX

ANNEX I

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein/Hamburg	141 873
Niedersachsen/Bremen	218 368
Nordrhein-Westfalen	259 398
Hessen	75 404
Rheinland-Pfalz	56 302
Baden-Württemberg	58 542
Bayern	269 666
Berlin/Brandenburg	145 500
Mecklenburg-Vorpommern	97 259
Sachsen	118 549
Sachsen-Anhalt	215 370
Thüringen	188 383
Saarland	5 362'

COMMISSION REGULATION (EC) No 3656/93

of 29 December 1993

amending Regulation (EEC) No 2444/93 opening a standing invitation to tender for the sale of Grana padano cheese held by the Italian intervention agency

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 8 (5) thereof,

Whereas Article 1 of Commission Regulation (EEC) No 2444/93 ⁽³⁾, as amended by Regulation (EC) No 3067/93 ⁽⁴⁾, provides for the sale by intervention to tender of Grana padano cheese delivered into storage before 1 February 1992; whereas, given the development of stocks of this cheese and the quantities available, this sale should be extended to cheese delivered into storage before 1 March 1992; whereas, given the urgent nature of the said sale as a result of the age of the cheese in question, this amendment should be applied without delay;

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 February 1992' in Article 1 of Regulation (EEC) No 2444/93 is hereby replaced by '1 March 1992'.

Article 2

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

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

Done at Brussels, 29 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 224, 3. 9. 1993, p. 9.

⁽⁴⁾ OJ No L 274, 6. 11. 1993, p. 14.

COMMISSION REGULATION (EC) No 3657/93
of 29 December 1993
on the supply of cereals 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 beneficiaries 11 314 tonnes of cereals;

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 republication of the notice of invitation to tender, a third deadline for submission of tenders should be opened,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the 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, 29 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

LOT A

1. **Operation No** ⁽¹⁾: 818/93
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: Mozambique
4. **Representative of the recipient**: Ministry of Health, Av. Salvador Allende, Maputo; contact Mr Jorge Xhlonge, (tel. 423 822/430 814, télex 6-239 Misau MO)
5. **Place or country of destination** ⁽³⁾: Mozambique
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B.1 (a))
8. **Total quantity**: 920 tonnes (1 260 tonnes of cereals)
9. **Number of lots**: one (three parts: lot A 1: 260 tonnes, lot A 2: 520 tonnes, lot A 3: 140 tonnes)
10. **Packaging and marking** ⁽⁸⁾ ⁽¹⁰⁾ ⁽¹¹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (2 d) and II.B (3))
Markings in Portuguese
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: lot A 1: Maputo; lot A 2: Beira; lot A 3: Nacala
16. **Address of the warehouse and, if appropriate, port of landing**:
 - lot A 1: Centro de abastecimentos, Av. das FPLM No 264
Distance Port-Warehouse: 13 km; Contact: Valeriano de Brito
 - lot A 2: Direcção provincial de Saúde, Bairro da Manga
Distance Port-Warehouse: 20 km; Contact: José Gundana
 - lot A 3: Hospital psiquiátrico, Nampula
Distance Port-Warehouse: 240 km; Contact: Américo dos Anjos Viagem
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 7. 2 to 20. 2. 1994
18. **Deadline for the supply**: 20. 3. 1994
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 18. 1. 1994
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 1. 2. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 21. 2. to 6. 3. 1994
 - (c) deadline for the supply: 3. 4. 1994**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 15. 2. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 7. 3. to 20. 3. 1994
 - (c) deadline for the supply: 17. 4. 1994
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles (telex 22037 AGREC B / 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 request by the successful tenderer** ⁽¹⁾: refund applicable on 31. 12. 1993, fixed by Commission Regulation (EC) No 3244/93 (OJ No L 293, 23. 11. 1993, p. 15)

LOT B

1. **Operation No** ⁽¹⁾: 1227/93
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: Fédération internationale des sociétés de la Croix-Rouge et du Croissant-Rouge (IFRC), Département approvisionnements et logistique, Case postale 372, CH-1211 Genève 19 (tel. (41-22) 730 42 22; fax 733 03 95; telex 412133 LRC CH)
4. **Representative of the recipient**: Yemenite Red Crescent Society, Head Office, Building No 10. 26 September Street, PO Box 1257, Sanáa, Republic of Yemen (tel. 20 31 31/32/33; télex 3124 Hilal Ye; téléfax: 20 31 31)
5. **Place or country of destination** ⁽³⁾: Yemen
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾ ⁽⁷⁾:
see OJ No C 114, 29. 4. 1991, p. 1 (under II.B.1.a)
8. **Total quantity**: 200 tonnes (274 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁸⁾ ⁽¹⁰⁾:
OJ No C 114, 29. 4. 1991, p. 1 (under II.B.2.C and II.B.3)
Markings in English
11. **Method of mobilization of product**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Hodeida
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 7 to 20. 2. 1994
18. **Deadline for the supply**: 27. 3. 1994
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 18. 1. 1994
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 1. 2. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 21. 2 to 6. 3. 1994
 - (c) deadline for the supply: 10. 4. 1994**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 15. 2. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 7 to 20. 3. 1994
 - (c) deadline for the supply: 24. 4. 1994
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles (telex 22037 AGREC B/25670 AGREC B; fax (32 2) 296 20 05/295 01 32/296 10 97/295 01 30/296 33 04)
25. **Refund payable on request by the successful tenderer** ^(*): refund applicable on 31. 12. 1993, fixed by Commission Regulation (EC) No 3244/93 (OJ No L 293, 27. 11. 1993, p. 15)

LOTS C and D

1. **Operation No** (1): 1186/93 (lot C); 1187/93 (lot D)
2. **Programme**: 1993
3. **Recipient** (2): Fédération Internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge (IFRC) département approvisionnements et logistique, Case Postale 372, CH-1211 Genève 19; (tel (41-22) 730 42 22; fax 733 03 95; telex 412133 LRC CH)
4. **Representative of the recipient**:
 - lot C: Kenya Red Cross Society through IFRC, Kenya Delegation, Nairobi South « C » (Belle Vue) off Mombasa Road PO Box 39673, Nairobi, Kenya, tel (254-2) 60 24 65/66; telefax 60 24 67; telex (0987) 25 436 lrsc ke
 - lot D: Ethiopian Red Cross Society, Ras Desta Damtew Avenue PO Box 195 Addis Abeba, Ethiopia, tel (251-1) 99 93 64/15 90 74; telefax 51 26 43; telex 21338 ercs et
5. **Place or country of destination** (3): Kenya (lot C); Ethiopia (lot D)
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** (3) (4): See OJ No C 114, 29. 4. 1991, p. 1 (IIA.1.a)
8. **Total quantity**: 9 780 tonnes
9. **Number of lots**: two (lot C: 4 890 tonnes; lot D: 4 890 tonnes)
10. **Packaging and marking** (5) (6): See OJ No C 114, 29. 4. 1991, p. 1 (IIA.2.a and IIA.3)
Markings in English
Supplementary markings: lot C: 'IFRC-Mombasa'; lot D: 'IFRC-Assab'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 7 to 27. 2. 1994
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 18. 1. 1994
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 1. 2. 1994
 - (b) period for making the goods available at the port of shipment: 21. 2 to 13. 3. 1994
 - (c) deadline for the supply: —**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 15. 2. 1994
 - (b) period for making the goods available at the port of shipment: 7 to 27. 3. 1994
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** (7): Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles (telex 22037 AGREC B / 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 request by the successful tenderer** (8): refund applicable on 31. 12. 1993, fixed by Commission Regulation (EC) No 3244/93 (OJ No L 293, 27. 11. 1993, p. 15)

Notes :

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.
- The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106) shall not apply to this amount.
- (⁵) Commission delegation to be contacted by the successful tenderer : see OJ No C 114, 29. 4. 1991, p. 33 (lot B : Jordan).
- (⁶) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
- phytosanitary certificate.
 - fumigation certificate (lots C and D)
- (⁷) Documents must be legalized by the diplomatic representation in the country of origin of the goods.
- (⁸) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁹) The following documents must be sent to the beneficiary's representative immediately after loading to enable him to obtain an import licence :
- original pro forma invoice indicating :
 - type of goods, quantity,
 - FOB price,
 - insurance costs,
 - freight costs,
 - packing list,
 - health certificate,
 - radiation certificate,
 - bill of lading (1/3 original).
- (¹⁰) Notwithstanding OJ No C 114, point II.A.3 (c) and II.B.3 (c) etc. are replaced by the following : 'the words "European Community"'.
- (¹¹) The bags must be placed in 20-foot containers. The free holding period for containers must be at least 15 days.
-

COMMISSION REGULATION (EC) No 3658/93

of 29 December 1993

amending Regulation (EEC) No 1609/88 as regards the latest date by which butter must have been taken into storage in order to be sold under Regulations (EEC) No 3143/85 and (EEC) No 570/88

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 6 ⁽⁷⁾ thereof,

Having regard to Council Regulation (EEC) No 985/68 of 15 July 1968 laying down general rules for intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EEC) No 2045/91 ⁽⁴⁾, and in particular Article 7a thereof,

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 3143/85 of 11 November 1985 on the sale at reduced prices of intervention butter intended for direct consumption in the form of concentrated butter ⁽⁵⁾, as last amended by Regulation (EEC) No 1756/93 ⁽⁶⁾, the butter put up for sale must have been taken into storage before a date to be determined; whereas the same applies to butter sold under the arrangements laid down in Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other food stuffs ⁽⁷⁾, as last amended by Regulation (EEC) No 3049/93 ⁽⁸⁾;

Whereas, in view of butter stocks and quantities available, the dates in Article 1 of Commission Regulation (EEC)

No 1609/88 of 9 June 1988 setting the latest time of entry into storage for butter sold under Regulations (EEC) No 3143/85 and (EEC) No 570/88 ⁽⁹⁾, as last amended by Regulation (EEC) No 2028/93 ⁽¹⁰⁾, should be amended;

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

In Article 1 of Regulation (EEC) No 1609/88, the first and second subparagraphs are hereby replaced by the following:

'The butter referred to in Article 1 (1) of Regulation (EEC) No 3143/85 must have been taken into storage before 1 March 1991.

The butter referred to in Article 1 of Regulation (EEC) No 570/88 must have been taken into storage before 1 March 1991'.

Article 2

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

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

Done at Brussels, 29 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 187, 13. 7. 1991, p. 1.

⁽⁵⁾ OJ No L 298, 12. 11. 1985, p. 9.

⁽⁶⁾ OJ No L 161, 2. 7. 1993, p. 48.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁸⁾ OJ No L 273, 5. 11. 1993, p. 7.

⁽⁹⁾ OJ No L 143, 10. 6. 1988, p. 23.

⁽¹⁰⁾ OJ No L 184, 27. 7. 1993, p. 23.

COMMISSION REGULATION (EC) No 3659/93**of 29 December 1993****amending Regulation (EEC) No 3378/91 laying down detailed rules for the sale of
butter from intervention stocks for export**

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 Regula-
tion (EEC) No 2071/92 ⁽²⁾, and in particular Article 6 ⁽⁷⁾
thereof,

Whereas Commission Regulation (EEC) No 3378/91 ⁽³⁾,
as last amended by Regulation (EEC) No 1762/93 ⁽⁴⁾,
provides for quantities of butter in public storage to be
made available to operators and invitations to tender to be
organized in order, *inter alia*, to determine the minimum
selling prices for butter intended for export either in the
unaltered state or after processing; whereas Article 1 of
the said Regulation stipulates that butter placed on sale
must have entered into storage before 1 February 1991;

Whereas, in view of the development of butter stocks and
of the quantities available, sales should be extended to
butter entering into storage before 1 March 1991;

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

In Article 1 (1) of Regulation (EEC) No 3378/91, the date
'1 February 1991' is hereby replaced by '1 March 1991'.

Article 2

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

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

Done at Brussels, 29 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 319, 21. 11. 1991, p. 40.

⁽⁴⁾ OJ No L 161, 2. 7. 1993, p. 64.

COMMISSION REGULATION (EC) No 3660/93
of 30 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 3635/93 ⁽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 29 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 31 December 1993.

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

Done at Brussels, 30 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 329, 30. 12. 1993, p. 32.

ANNEX

to the Commission Regulation of 30 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	41,99
1701 99 10	41,99
1701 99 90	41,99 ⁽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.

COMMISSION REGULATION (EC) No 3661/93
of 30 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 (EC) No 3634/93⁽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, 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 21 to 30 December 1993, it is

necessary to fix a new agricultural conversion rate for the Greek drachma;

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 (EC) No 3634/93 is hereby repealed.

Article 4

This Regulation shall enter into force on 1 January 1994.

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽³⁾ OJ No L 329, 30. 12. 1993, p. 30.

⁽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, 30 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
	331,890	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
	319,125	Greek drachmas		345,719	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 3662/93**of 30 December 1993****fixing the import levies on cereals and on wheat or rye flour, groats and meal**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as amended by Regulation (EEC) No 2193/93 ⁽²⁾, and in particular Articles 10 (5) and 11 (3) thereof,

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

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2703/93 ⁽⁵⁾ and subsequent amending Regulations;

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

rate established during the reference period from 29 December 1993, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2703/93 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1994.

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

Done at Brussels, 30 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 245, 1. 10. 1993, p. 108.

ANNEX

to the Commission Regulation of 30 December 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ^(*)
0709 90 60	79,84 ^(?) ^(?)
0712 90 19	79,84 ^(?) ^(?)
1001 10 00	0 ⁽¹⁾ ^(?)
1001 90 91	88,48
1001 90 99	88,48 ^(?)
1002 00 00	115,20 ^(?)
1003 00 10	118,87
1003 00 20	118,87
1003 00 80	118,87 ^(?)
1004 00 00	92,22
1005 10 90	79,84 ^(?) ^(?)
1005 90 00	79,84 ^(?) ^(?)
1007 00 90	92,44 ^(?)
1008 10 00	26,55 ^(?)
1008 20 00	56,29 ^(?)
1008 30 00	0 ^(?)
1008 90 10	^(?)
1008 90 90	0
1101 00 00	161,39 ^(?)
1102 10 00	198,81
1103 11 10	24,16
1103 11 90	184,54
1107 10 11	168,37
1107 10 19	128,55
1107 10 91	222,46 ⁽¹⁰⁾
1107 10 99	168,97 ^(?)
1107 20 00	195,12 ⁽¹⁰⁾

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

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

⁽³⁾ Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 1,81/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

⁽⁸⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽⁹⁾ Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

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

COMMISSION REGULATION (EC) No 3663/93**of 30 December 1993****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as amended by Regulation (EEC) No 2193/93 ⁽²⁾, and in particular Article 12 (4) thereof,

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

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1681/93 ⁽⁵⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 29

December 1993, as regards floating currencies, should be used to calculate the levies;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums to be added to the levies fixed in advance for the import in respect of the products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1994.

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

Done at Brussels, 30 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 11.

ANNEX

to the Commission Regulation of 30 December 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 1	1st period 2	2nd period 3	3rd period 4
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	3,67
1008 90 90	0	0	0	3,67
1101 00 00	0	0	0	0
1102 10 00	0	0	0	0
1103 11 10	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COUNCIL REGULATION (EC) No 3664/93

of 22 December 1993

imposing a definitive anti-dumping duty on imports into the Community of photo albums in bookbound form originating in the People's Republic of China and collecting definitively the provisional anti-dumping duty

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal presented by the Commission after consultation within the Advisory Committee as provided for by the above Regulation,

Whereas :

A. Provisional measures

- (1) By Regulation (EEC) No 2477/93⁽²⁾, the Commission imposed a provisional anti-dumping duty on imports into the Community of photo albums in bookbound form originating in the People's Republic of China and falling within CN code ex 4820 50 00.

B. Subsequent procedure

- (2) Following the imposition of the provisional anti-dumping duty the following parties submitted comments in writing :

Exporter of bookbound photo albums originating in the People's Republic of China.

— Climax Paper Converters Ltd, Hong Kong.

Community producers :

Germany :

— Walter Aulfes, München.

— Ludwig Fleischmann GmbH & Co. KG, Fulda.

— Karl Walter GmbH & Co. KG, Nettetal.

— Holson GmbH, Alsdorf.

Netherlands :

— Henzo BV, Roermond.

Independent importer :

— WAHA, Gebrauchsgüter import Handelsgesellschaft mbH, Germany.

- (3) Parties who so requested were granted an opportunity to be heard by the Commission. The parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping measures and the definitive collection of amounts secured by way of provisional duty. They were also granted a period within which to make representations subsequent to the disclosure.

- (4) The parties' comments were considered, and, where appropriate, the Commission's findings were modified to take account of them.

- (5) The investigation exceeded the normal duration of one year provided for in Article 7 (9) (a) of Regulation (EEC) No 2423/88 due to the time expended in finding an appropriate reference country for the establishment of normal value.

C. Product under investigation and like product

- (6) As no new arguments have been presented regarding the product under consideration and the like product, the Council confirms the findings of the Commission as set out in recitals 7 to 10 of the provisional Regulation.

D. Community industry

- (7) No arguments have been presented regarding the Community industry. The Council therefore, confirms the findings of the Commission as set out in recital 26 of the provisional Regulation.

E. Individual treatment

- (8) In recitals 13 to 18 of Regulation (EEC) No 2477/93, the Commission outlined the general and specific reasons why it was not appropriate to grant individual treatment in this case.

Climax Paper Converters Ltd, (hereinafter Climax), the Hong Kong based exporter of Chinese bookbound photo albums, contested the Commission's decision not to grant individual treatment to its exports on the basis of its dumping margin. The exporter stressed that it is a profit oriented company, based in Hong Kong and operating under open market principles. The manufacturing operation in the People's Republic of China, it

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 228, 9. 9. 1993, p. 16.

alleged, is governed by these same market principles. The exporter further alleged that as it was the sole cooperating exporter it was doubly penalized since it suffered the impact of the dumping margin calculated for non-cooperating exporters.

- (9) In its preliminary determination the Commission outlined in detail at recital 18 the specific reasons why Climax was not entitled to individual treatment. Since then no new arguments have been put forward establishing that Climax is free to act autonomously in its business decisions in the People's Republic of China. The exclusion of individual treatment and consequently the establishment of a single dumping margin has an impact on the cooperating exporter. However no other solution is practicable since the overriding consideration must remain that all exports from countries referred to in Article 2 (5) of the Basic Regulation must be subject to a single country-wide duty for the reasons set out in recitals 13 to 17 of the provisional Regulation and since, in the present case, it is not established that Climax is free to act independently from the State in the conduct of its business affairs.

The Commission has, therefore, come to the conclusion that it is appropriate in this case to establish a single anti-dumping duty for all exports of the product under consideration from the People's Republic of China.

The Council confirms this conclusion.

F. Dumping

1. Normal value

- (10) In the provisional duty determination the Commission concluded that South Korea was an appropriate analogue country for the establishment of the normal value of Chinese exports to the Community and normal value was consequently established on the basis of Article 2 (5) (b) of the Basic Regulation, i.e. the constructed value of the like product in a market economy country, South Korea.
- (11) The complainant Community producers argued that South Korea was not an appropriate and reasonable reference country for the determination of the normal value and reiterated that the normal value should have been established under Article 2 (5) (c) of the Basic Regulation on the basis of prices payable in the Community for the like product. It

was contended that, although a comparable product is manufactured in South Korea, the existence of anti-dumping measures against South Korean producers established by Commission Decision No 90/241/EEC⁽¹⁾ may have influenced the competitive situation of South Korean exporters and affected the level of selling, general and administrative expenses and profit margin obtaining in the South Korean market.

- (12) The Commission rejected this argument since all of the elements on which the normal value was based as set out in recitals 21 and 22 of the provisional Regulation were subject to normal market forces and there is no reason to consider that they were affected by existing anti-dumping measures i.e. price undertakings. Moreover reference to Article 2 (5) (c) is only appropriate if either domestic prices or constructed value does not provide an adequate basis. Since such a basis was found this excludes the application of Article 2 (5) (c).

The Council confirms this approach.

2. Export price

- (13) Climax contested the methodology used to establish the export price of bookbound photo albums from the People's Republic of China. It argued that the 5 % profit margin deducted from the Hong Kong export price, estimated by the Commission to be a normal profit realized on sales of photo albums of Chinese origin occurring via Hong Kong, was excessive. It alleged that a 1 % or 2 % profit margin was more appropriate for the transshipment of goods from the People's Republic of China to Hong Kong Harbour.
- (14) The Commission rejected the exporter's argument since the resale of bookbound albums in Hong Kong is an extensive commercial operation requiring an appropriate infrastructure. Therefore a profit margin of 5 % is considered reasonable to remunerate the effort involved and therefore an appropriate deduction in order to determine the export price ex-China.
- (15) The Commission set out, in recital 23 of the provisional Regulation, the methodology used to determine the export prices of the remaining exports where no information was available. These export prices were determined on the basis of the facts available, in accordance with Article 7 (7) of the Basic Regulation.

⁽¹⁾ OJ No L 138, 31. 5. 1990, p. 48.

(16) Climax contested the methodology used to determine these prices and argued that, since the Euro-statistics for CN code 4820 50 00 embrace other types of albums, the Commission's estimate of the volume of bookbound albums imported under this CN code was arbitrary.

(17) In estimating the volume of bookbound albums imported under CN code 4820 50 00 the Commission knew the precise volume of bookbound albums exported by Climax and thus ascertained the volume of albums of whatever type, which made up the balance imported under the CN code. It was conservatively estimated that 50 % of the remaining balance under the CN code were bookbound photo albums since it was alleged that several manufacturers of bookbound albums in Hong Kong relocated their production to the People's Republic of China during 1989 or 1990. Since publication of the provisional findings it has been confirmed by an importer that, indeed, three manufacturers relocated and commenced production in the People's Republic of China which confirms that the attribution of 50 % of the balance to bookbound photo albums was a conservative estimate. Furthermore, as Climax is apparently the main exporter of this product to the Community, the attribution of 50 % of the balance under the CN code to other bookbound album exporters remains the most reasonable and accurate approach.

(18) Climax also argued that the export prices of the non-cooperating producers should have been established on a model by model basis.

(19) In establishing the export prices of the non-cooperating producers, the Commission took account of the sub-categories of bookbound photo albums sold be Climax. The two elements which delineate a sub-category are the size of the inner sheet and outer cover and the number of sheets contained in the albums. Indeed, these criteria are used by Climax to identify their albums and are the key factors used to compare albums of different producers.

(20) Models within a sub-category are merely variations arising due to the colour of the outside cover, the design of the outside cover or other incidental features peculiar to an individual producer.

(21) In determining export prices for the non-cooperating producers the objective was to base these prices on the lowest prices at which Climax sold bookbound albums within a sub-category always ensuring that sales within the sub-category concerned could be considered representative. While the Commission rejected the argument that

prices should have been established on a model by model basis, it reconsidered the representativeness of the sub-categories included in the exercise. In order to ensure that models were included from as many sub-categories as possible, further export transactions have been included thus ensuring that all sub-categories where sales exceeded 5 % of total sales and which were, therefore, sufficiently representative, were included in the sample.

The Council confirms this approach.

3. Comparison

(22) As far as recital 24 of Regulation (EEC) No 2477/93 is concerned, no evidence was received to alter the Commission's provisional conclusion.

The Council therefore confirms the conclusion.

4. Dumping margin

(23) No further arguments were adduced on the methodology used by the Commission in its preliminary determination of a single dumping margin for all Chinese exports. Therefore one dumping margin has been established for the People's Republic of China on the basis of a weighted average of the dumping margin for which information was available and the dumping margin determined on the basis of the facts available in accordance with Article 7 (7) (b) of the Basic Regulation (see recital 15) for the remaining exports for which no information was received.

On the basis of the modification made to the determination of export prices for the non-cooperating producers, the dumping margin for exports from the People's Republic of China has been established on a weighted average basis at 18,6 %.

The Council confirms the conclusion.

G. Injury

1. Total consumption, volume and market shares of dumped imports.

(24) All figures are confirmed except the data relating to Community consumption. During the preliminary investigation, it was estimated that 30 % of the volume of albums exported by Indonesian producers were of the bookbound category. However, it was subsequently established that Indonesian exports of albums are mainly of the spiral and pocket type category and that bookbound exports are negligible. Therefore the data on Indonesian bookbound albums was overestimated and consequently Community consumption considered to be in the order of 15 500 tonnes during the investigation period.

2. Prices of dumped imports.

- (25) In recital 10 of Regulation (EEC) No 2477/93 it was acknowledged that there were some physical differences between the imported product and Community production. A 10 % adjustment was estimated to be appropriate to account for such differences and was taken into account in establishing the price undercutting margin referred to in recital 29 of the provisional Regulation.
- (26) The Community industry challenged the 10 % adjustment granted for apparent differences of the imported product *vis-à-vis* Community production in the determination of the undercutting margin. It argued that a 5 % reduction in price was more reasonable to account for material differences.
- (27) The Commission has considered this argument but finds no reason to deviate from the original figure based on a visual comparison of export models and Community production.

3. State of the Community industry

- (28) No new arguments were put forward on the state of the Community industry. The Council therefore confirms the findings of the Commission as set out in recitals 30 to 35 of the provisional Regulation.

4. Conclusion as to injury

- (29) Climax requested that its original submission on injury made prior to the adoption of provisional measures be again considered before a definitive determination was made.

The Commission re-examined the exporter's submission but found that it had already replied in full to the arguments put forward therein and since there were no fresh grounds to modify the provisional determination confirms that the Community industry suffered material injury.

The Council confirms this conclusion.

H. Cause of injury

(a) Effect of dumped imports

- (30) The Commission has, in its preliminary conclusions, set out in detail the effect of the dumped imports on the Community industry (recitals 37 and 38 of Regulation (EEC) No 2477/93). No new arguments were put forward in this connection and, accordingly the Council confirms these conclusions.

(b) Other factors.

- (31) As far as recitals 39 to 40 of Regulation (EEC) No 2477/93 are concerned no new evidence was received to change the Commission's provisional findings. The Council consequently confirms these findings.

I. Community interest

- (32) As stated in recital 48 of Regulation (EEC) No 2477/93, the Commission concluded that it was in the interests of the Community that measures be taken. Climax requested that its original submission on Community interest be again considered before a definitive determination is made.
- (33) The Commission points out that the argument put forward by Climax at the provisional stage, i.e. that the only result of the imposition of measures on Chinese exports would be to grant an advantage to its competitors, particularly Indonesian producers, has been addressed in recital 46 of the provisional Regulation. No new arguments have been presented which would cause the Commission to alter the conclusions set out in the recital.

The Council confirms this conclusion.

J. Definitive duty

- (34) Given that the injury level exceeded the dumping margin, the duty should be based on the latter in accordance with Article 13 (3) of the Basic Regulation.

K. Collection of definitive duties

- (35) In view of the dumping margin established, and the seriousness of the injury caused to the Community industry, the Council considers it necessary that amounts secured by way of provisional anti-dumping duty should be definitively collected at the rate corresponding to the definitive rate of duty,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of photo albums in bookbound form falling within CN code ex 4820 50 00, (Taric code 4820 50 00 10) originating in the People's Republic of China.
2. The rate of the anti-dumping duty applicable to the net free-at-Community-frontier price, before duty, shall be 18,6 %.
3. The provisions in force concerning customs duties shall apply.

Article 2

The amounts secured by way of provisional anti-dumping duty imposed by Regulation (EEC) No 2477/93 shall be definitively collected at the rate corresponding to the definitive duty.

Article 3

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

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

Done at Brussels, 22 December 1993.

For the Council

The President

J.-M. DEHOUSSE

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 December 1993

amending Decision 90/218/EEC concerning the placing on the market and administration of bovine somatotropin (BST)

(93/718/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

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

Whereas, in accordance with Decision 90/218/EEC⁽²⁾, Member States must ensure that, until 31 December 1993, the administration of bovine somatotropin is not authorized on their territory by any means whatsoever to dairy cows;

Whereas the Commission has submitted a report on the situation, accompanied by proposals concerning future arrangements; whereas, however, it has not been possible to examine all the implications of the proposals by 31 December 1993; whereas it is therefore necessary to provide for an extension of the period set for that examination,

HAS ADOPTED THIS DECISION:

Article 1

In Article 1 of Decision 90/218/EEC the date of 31 December 1993 shall be replaced by that of 31 December 1994.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 22 December 1993.

For the Council

The President

J.-M. DEHOUSSE

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

⁽²⁾ OJ No L 116, 8. 5. 1990, p. 27. Decision last amended by Decision 92/98/EEC (OJ No L 39, 15. 2. 1992, p. 41).

COMMISSION

COMMISSION DECISION

of 21 December 1993

suspending the buying-in of butter in certain Member States

(Only the Danish, German, English, French and Dutch texts are authentic)

(93/719/EC)

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 the first subparagraph of Article 7a (1) and Article 7a (3) thereof,

Whereas Council Regulation (EEC) No 777/87 ⁽³⁾, as last amended by Regulation (EEC) No 1634/91 ⁽⁴⁾, sets out the circumstances under which the buying-in of butter and skimmed-milk powder may be suspended and subsequently resumed and, where suspension takes place, the alternative measures that may be taken;

Whereas Commission Regulation (EEC) No 1547/87 ⁽⁵⁾, as last amended by Regulation (EEC) No 2011/91 ⁽⁶⁾, lays down the criteria on the basis of which the buying-in of butter by invitation to tender is to be opened and suspended in a Member State or, as regards the United Kingdom and the Federal Republic of Germany, in a region;

Whereas Commission Decision 93/661/EC ⁽⁷⁾ suspends buying-in in certain Member States; whereas information on market prices shows that the condition laid down in Article 1 (3) of Regulation (EEC) No 1547/87 is currently met in Belgium, Denmark, Germany, France, Luxembourg, the Netherlands, Great Britain and Northern Ireland; whereas the list of Member States where that suspension applies must be adapted accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

The buying-in of butter by invitation to tender as provided for in Article 1 (3) of Regulation (EEC) No 777/87 is hereby suspended in Belgium, Denmark, Germany, France, Luxembourg, the Netherlands Great Britain and Northern Ireland.

Article 2

Decision 93/661/EC is hereby repealed.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the United Kingdom.

Done at Brussels, 21 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 78, 20. 3. 1987, p. 10.

⁽⁴⁾ OJ No L 150, 15. 6. 1991, p. 26.

⁽⁵⁾ OJ No L 144, 4. 6. 1987, p. 12.

⁽⁶⁾ OJ No L 185, 11. 7. 1991, p. 5.

⁽⁷⁾ OJ No L 302, 9. 12. 1993, p. 31.

COMMISSION DECISION**of 30 December 1993****amending for the third time Decision 93/566/EC concerning certain protection measures relating to classical swine fever in Germany and replacing Decision 93/539/EEC****(93/720/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, as last amended by Council Directive 92/118/EEC⁽²⁾ and, in particular, Article 10 (4) thereof,Whereas as a result of outbreaks of classical swine fever in different parts of Germany, the Commission adopted Decision 93/566/EC of 4 November 1993 concerning certain protection measures relating to classical swine fever in Germany and repealing Decision 93/539/EEC⁽³⁾, as last amended by Decision 93/671/EC⁽⁴⁾;

Whereas because of insufficient slaughter capacity in areas subjected to special protection measures it is necessary to bring pigs for slaughter to abattoirs situated outside those areas;

Whereas in the light of an improved health situation it is necessary to adjust the measures adopted by Decision 93/566/EC;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 93/566/EC is hereby amended as follows:

1. In Article 1, add after paragraph 1, the following:

'1(a) The restrictions given in paragraph 1 shall not apply to pigs referred to in Article 2, paragraph 2 (a) (i) and being transported for slaughter in an abattoir situated outside the area described in Annex I'.

2. In Article 4, paragraphs 1, 2 and 3, '93/671/EC' is replaced by '93/720/EC'.

3. Annex I is replaced by the following:

'ANNEX I

1. In Bundesland Niedersachsen, in the

- Kreis Vechta, the Gemeinden: Damme, Neuenkirchen, Holdorf, Steinfeld, Dinklage and Lohne,
- Kreis Diepholz, the Gemeinden: Diepholz, Samtgemeinde, Altes Amt Lemförde, Hemsloh, Rehden, Dickel, Wetschen and Drebber,
- Kreis Osnabrück, the Gemeinden: Bramsche, Rieste, Altshausen, Stadt Bersenbrück, Gehrde, Badbergen, Bohmte and Osterkappeln.

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

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ No L 273, 5. 11. 1993, p. 60.

⁽⁴⁾ OJ No L 306, 11. 12. 1993, p. 59.

3. In Bundesland Schleswig-Holstein, in the :

- Kreis Herzogtum Lauenburg, the Gemeinden : Bliestorf, Grinau, Groß-Boden, Groß-Schenkenberg and Schurensöhlen.
 - Kreis Ostholstein, the Gemeinden : Ahrensböök, Bad Schwartau, Bosau, Eutin, Malente, Ratekau, Schabeutz, Stockelsdorf and Süsel.
 - Kreis Plön, the Gemeinden : Ascheberg, Barmissen, Belau, Bönebüttel, Bösdorf, Bothkamp, Dersau, Dörnick, Groß-Harrie, Kalübbe, Kühren, Lebrade, Lehmkuhlen, Löptin, Nehnten, Nettelsee, Plön, Postfeld, Pretz, Rathjensdorf, Rendswühren, Ruhwinkel, Schellhorn, Schillsdorf, Stolpe, Tasdorf, Wahlstorf, Wankendorf, Warnau and Wittmold.
 - Kreis Segeberg, the Gemeinden : Bad Segeberg, Bahrenhof, Bark, Bebensee, Blunk, Bornhöved, Buchholz, Bühnsdorf, Daldorf, Damsdorf, Fahrenkrug, Fredesdorf, Geschendorf, Glasau, Gönnebek, Groß-Gladebrügge, Groß-Kummerfeld, Groß-Niendorf, Groß-Rönnau, Heidmühlen, Högersdorf, Itzstedt, Klein-Rönnau, Krems II, Kükels, Latendorf, Leezen, Mözen, Negernbötel, Nehms, Neuengörs, Neversdorf, Oering, Pronsdorf, Rickling, Rohlsdorf, Schakendorf, Schieren, Schmalensee, Schwissel, Seedorf, Seth, Stipsdorf, Stocksee, Strukdorf, Sülfeld, Tarbek, Tensfeld, Todesfelde, Trappenkamp, Travenhorst, Wahlstedt, Wakendorf I, Weede, Wensin, Westerrade and Wittenborn.
 - Kreis Stormarn, the Gemeinden : Bad Oldesloe, Barnitz, Elmenhorst, Grabau, Klein-Wesenberg, Meddewarde, Neritz, Nienwohld, Pölitz, Rethwisch, Rümpel, Travenbrück, Westerau, Badendorf, Feldhorst, Hamberge, Heidekamp, Heilshof, Mönkhagen, Rehhorst, Reinfeld, Wesenberg and Zarpfen.
- and
- Hansestadt Lübeck.'

Article 2

Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 30 December 1993.

For the Commission

René STEICHEN

Member of the Commission
