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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 65/94  
of 14 January 1994  
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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1544/93 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 674/91 <sup>(4)</sup>, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2666/93 <sup>(5)</sup>, as last amended by Regulation (EC) No 25/94 <sup>(6)</sup>,

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 15 January 1994.

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

Done at Brussels, 14 January 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(2)</sup> OJ No L 154, 25. 6. 1993, p. 5.

<sup>(3)</sup> OJ No L 80, 24. 3. 1987, p. 20.

<sup>(4)</sup> OJ No L 75, 21. 3. 1991, p. 29.

<sup>(5)</sup> OJ No L 245, 1. 10. 1993, p. 4.

<sup>(6)</sup> OJ No L 6, 8. 1. 1994, p. 1.

## ANNEX

to the Commission Regulation of 14 January 1994 fixing the import levies on rice and broken rice

(ECU/tonne)

| CN code    | Levies <sup>(*)</sup>                                           |                                                                               |                                                       |
|------------|-----------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------|
|            | Arrangement<br>in Regulation (EEC)<br>No 3877/86 <sup>(2)</sup> | ACP<br>Bangladesh<br>( <sup>(1)</sup> ) ( <sup>(2)</sup> ) ( <sup>(3)</sup> ) | Third countries<br>(except ACP)<br>( <sup>(3)</sup> ) |
| 1006 10 21 | —                                                               | 141,29                                                                        | 289,78                                                |
| 1006 10 23 | —                                                               | 117,31                                                                        | 241,83                                                |
| 1006 10 25 | —                                                               | 117,31                                                                        | 241,83                                                |
| 1006 10 27 | 181,37                                                          | 117,31                                                                        | 241,83                                                |
| 1006 10 92 | —                                                               | 141,29                                                                        | 289,78                                                |
| 1006 10 94 | —                                                               | 117,31                                                                        | 241,83                                                |
| 1006 10 96 | —                                                               | 117,31                                                                        | 241,83                                                |
| 1006 10 98 | 181,37                                                          | 117,31                                                                        | 241,83                                                |
| 1006 20 11 | —                                                               | 177,51                                                                        | 362,22                                                |
| 1006 20 13 | —                                                               | 147,54                                                                        | 302,29                                                |
| 1006 20 15 | —                                                               | 147,54                                                                        | 302,29                                                |
| 1006 20 17 | 226,72                                                          | 147,54                                                                        | 302,29                                                |
| 1006 20 92 | —                                                               | 177,51                                                                        | 362,22                                                |
| 1006 20 94 | —                                                               | 147,54                                                                        | 302,29                                                |
| 1006 20 96 | —                                                               | 147,54                                                                        | 302,29                                                |
| 1006 20 98 | 226,72                                                          | 147,54                                                                        | 302,29                                                |
| 1006 30 21 | —                                                               | 219,87                                                                        | 463,59                                                |
| 1006 30 23 | —                                                               | 240,10                                                                        | 503,97                                                |
| 1006 30 25 | —                                                               | 240,10                                                                        | 503,97                                                |
| 1006 30 27 | 377,98                                                          | 240,10                                                                        | 503,97                                                |
| 1006 30 42 | —                                                               | 219,87                                                                        | 463,59                                                |
| 1006 30 44 | —                                                               | 240,10                                                                        | 503,97                                                |
| 1006 30 46 | —                                                               | 240,10                                                                        | 503,97                                                |
| 1006 30 48 | 377,98                                                          | 240,10                                                                        | 503,97                                                |
| 1006 30 61 | —                                                               | 234,51                                                                        | 493,73                                                |
| 1006 30 63 | —                                                               | 257,78                                                                        | 540,26                                                |
| 1006 30 65 | —                                                               | 257,78                                                                        | 540,26                                                |
| 1006 30 67 | 405,20                                                          | 257,78                                                                        | 540,26                                                |
| 1006 30 92 | —                                                               | 234,51                                                                        | 493,73                                                |
| 1006 30 94 | —                                                               | 257,78                                                                        | 540,26                                                |
| 1006 30 96 | —                                                               | 257,78                                                                        | 540,26                                                |
| 1006 30 98 | 405,20                                                          | 257,78                                                                        | 540,26                                                |
| 1006 40 00 | —                                                               | 49,78                                                                         | 105,57                                                |

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

<sup>(2)</sup> 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.

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

<sup>(4)</sup> 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.

<sup>(5)</sup> 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.

<sup>(6)</sup> 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 66/94****of 14 January 1994****fixing the premiums to be added to the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice <sup>(1)</sup>, as last amended by Regulation (EEC) No 1544/93 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EC) No 26/94 <sup>(4)</sup>;

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

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 15 January 1994.

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

Done at Brussels, 14 January 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(2)</sup> OJ No L 154, 25. 6. 1993, p. 5.

<sup>(3)</sup> OJ No L 245, 1. 10. 1993, p. 7.

<sup>(4)</sup> OJ No L 6, 8. 1. 1994, p. 3.

## ANNEX

to the Commission Regulation of 14 January 1994 fixing the premiums to be added to the import levies on rice and broken rice

| CN code    | (ECU/tonne)  |                 |                 |                 |
|------------|--------------|-----------------|-----------------|-----------------|
|            | Current<br>1 | 1st period<br>2 | 2nd period<br>3 | 3rd period<br>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 DECISION No 67/94/ECSC

of 12 January 1994

imposing a provisional anti-dumping duty on imports into the Community of hematite pig iron, originating in Brazil, Poland, Russia and Ukraine

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2424/88/ECSC of 29 July 1988 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community<sup>(1)</sup>, and in particular Article 11 thereof,

After consultations within the Advisory Committee as provided for by the abovementioned Decision,

Whereas :

## A. PROCEDURE

- (1) In June 1991 the Commission received a complaint lodged by 'Eurofontes' on behalf of producers whose collective output constitutes the majority of Community production of the product in question. The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding.
- (2) The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*<sup>(2)</sup>, the initiation of an anti-dumping proceeding concerning imports into the Community of pig iron, originating in Turkey and the then Soviet Union, falling within CN codes 7201 10 19 and 7201 10 90.
- (3) In July 1992, the Commission received a supplementary complaint, which again contained evidence of dumping and resultant material injury, and was considered sufficient to justify the extension of the proceeding to include imports of hematite pig iron, originating in Brazil and Poland.
- (4) The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*<sup>(3)</sup>, the extension of the anti-dumping proceeding to include imports of hematite pig iron, originating in Brazil and Poland.
- (5) The proceeding concerning imports of the product concerned originating in Turkey was terminated in

August 1992 following the withdrawal of the complaint. The Commission considered that there was no reason to continue the investigation with regard to this country.

- (6) By Decision 92/423/ECSC<sup>(4)</sup> the Commission therefore announced the termination of the proceeding with regard to Turkey.
- (7) The Commission officially advised the exporters and importers known to be concerned, representatives of the exporting countries and the complainants. Interested parties were given the opportunity to make known their views in writing and to request a hearing.
- (8) Most exporters, certain importers and the complainants made their views known in writing.
- (9) The Commission sought and verified all information it considered to be necessary for the purposes of a preliminary determination of dumping and injury and carried out investigations at the premises of the following :
  - (a) Community producers :
    - DK Recycling and Roheisen GmbH, Germany,
    - Halbergerhütte GmbH, Germany,
    - Preussag Stahl AG, Germany,
    - Thyssen Stahl AG, Germany,
    - Eko Stahl AG, Germany,
    - Maxhütte Unterwellenborn GmbH, Germany,
    - Cleveland Iron, United Kingdom,
    - Alti Forni e Ferriere di Servola SpA, Italy ;

## (b) Producers in Brazil :

- Siderpa Siderúrgica Paulino Ltda,
- Interlagos Siderúrgica Ltda,
- Siderúrgica União Bondespachense,
- Siderúrgica Alterosa Ltda,
- Siderúrgica Valinho SA,
- Viena Siderúrgica Do Maranhão SA ;

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 18. Corrigendum : OJ No L 273, 5. 10. 1988, p. 19.

<sup>(2)</sup> OJ No C 246, 21. 9. 1991, p. 9.

<sup>(3)</sup> OJ No C 322, 9. 12. 1992, p. 2.

<sup>(4)</sup> OJ NO L 230, 13. 8. 1992, p. 30.

## (c) Producers in Poland :

- Huta Szczecin,
- Huta Czystochowa,
- Huta Bobrek ;

## (d) Importers into the Community :

- Leopold Lazarus Ltda, United Kingdom,
- Eisen und Metall AG, Germany.

- (10) The investigation of dumping covered the period 1 November 1991 to 31 October 1992.

**B. PRODUCT UNDER INVESTIGATION, LIKE PRODUCT**

## Description of the product

- (11) The products which were the subject of the complaint were non-alloy pig iron containing by weight 0,5 % or less of phosphorus and falling within CN codes 7201 10 19 (containing by weight not less than 0,4 % of manganese and more than 1 % of silicon), called hematite pig iron, and 7201 10 90 (containing by weight less than 0,1 % of manganese) called spheroidal graphite (SG) pig iron.

However, it was established that, although products falling within both code numbers have certain similarities, they show significant differences in chemical properties and in end use and are for most purposes not interchangeable. Consequently, they were considered separate products and as the quantities of SG pig iron imported from the countries concerned were relatively small, this product was excluded from the investigation. After consultation the Community producers agreed.

Hematite pig iron is used for the production of cast iron with flake graphite (grey cast iron), in particular for high-quality machine and machine-tool castings as well as for castings with thermal and chemical stress.

This grade of pig iron provides a high reliability of the final analysis and, therefore, the observance of the desired mechanical properties of the castings, with the result that a higher yield of quality castings can be achieved.

The Commission found that hematite pig iron produced by the Community industry is like in all essential physical and technical characteristics to that imported from the countries concerned and all

such products can therefore be considered 'like' within the meaning of Article 2 (12) of Decision No 2424/88/ECSC.

**C. DUMPING**

## (a) Brazil

- (12) According to the complaint, 74 companies in Brazil were exporting the product concerned to the European Community during the investigation period.

Of these companies 21 replied to the questionnaires sent by the Commission, of which 17 showed exports to the Community during the investigation period. These 17 companies accounted for 76 % of the relevant exports to the Community on the basis of Eurostat figures.

In order to facilitate the investigation, the Commission and the companies concerned agreed to a procedure, by which the existence of dumping would be established on the basis of the data supplied by six representative companies.

*Normal value*

- (13) The investigation showed that for the companies selected more than 90 % of sales on the domestic market were made at a loss. They were therefore not considered to have been made in the ordinary course of trade. Normal value was then established in accordance with the provisions of Article 2 (3) (b) (ii) and (4) of Decision No 2424/88/ECSC, that is, on the basis of a constructed value, determined by adding the cost of production and a reasonable margin of profit.

In view of the high inflation rate in Brazil and in order that a comparison with the export price could be made as nearly as possible at the same time, normal value was calculated on a monthly basis.

In the absence of another valid criterion for the determination of the reasonable level of profit, the percentage taken was 5 %, which according to the information available to the Commission concerning this industry corresponds to the minimum percentage considered necessary to carry out essential investment and to remain viable.

*Export price*

- (14) All exports were sold to independent importers on a fob basis. The export prices established are, therefore, those actually paid or payable for the product

sold for export to the Community, net of all taxes, discounts and rebates actually granted and directly related to the sales under consideration.

#### *Comparison*

- (15) Adjustments to the export prices were made to take account of the costs incurred from ex factory to fob. The comparison of the monthly normal value with adjusted export prices on a transaction-by-transaction basis was made at an ex factory level at the same level of trade.

#### *Dumping margin*

- (16) The weighted average dumping margin found for the Brazilian companies was 51,3 % of the cif export price.

#### *(b) Poland*

#### *Normal value*

- (17) The investigation showed that for the companies concerned most sales on the domestic market in Poland were made at a loss. They were therefore not considered to have been made in the ordinary course of trade. Normal value was thus established in accordance with the provisions of Article 2 (3) (b) (ii) and (4) of Decision No 2424/88/ECSC, that is, on the basis of a constructed value, determined by adding the cost of production and a reasonable margin of profit.

Cost calculations were based on the available accounting data. However, in view of the different stages of economic and commercial reform within Polish companies, the available accounting data at company level did not always reflect the costs normally borne by companies that produce in a market economy.

In order to arrive at a constructed value that adequately reflected full costs under market economy conditions, adjustments to the available accounting data should have been made, in particular with respect to financing and depreciation costs.

Given the difficulties in obtaining accurate information in the present economic circumstances in Poland and in particular since the dumping margins found when using the available data exceeded the level of injury caused by the dumped imports (see recital 68), the Commission has in this specific case, and without prejudice to future anti-

dumping proceedings, refrained from making such adjustments.

#### *Export price*

- (18) The export prices established were those actually paid or payable for the product sold for export to the Community, net of all taxes, discounts and rebates actually granted and directly related to the sales under consideration.

#### *Comparison*

- (19) Adjustments to the export prices were made to take account of the costs incurred from ex factory level to the Polish frontier. The comparison of the adjusted export prices with the normal value was made on a transaction by transaction basis at an ex factory level and at the same level of trade.

#### *Dumping margin*

- (20) The dumping margins were calculated as being the total amount by which the normal values exceeded the prices of the exports to the Community.

The weighted average dumping margins expressed as a percentage of the cif declared customs value established for each of the Polish companies are as follows :

|                   |          |
|-------------------|----------|
| — Huta Czysta     | 31,53 %, |
| — Huta Bobrek :   | 34,65 %, |
| — Huta Szczecin : | 50,2 %.  |

#### *(c) Russia and Ukraine*

- (21) The Commission established that the imports of the product concerned from the former Soviet Union effectively came from Russia and Ukraine and, with the agreement of the complainants, limited the investigation to these two States. Accordingly, the investigation should be terminated without the imposition of measures with regard to the remaining States of the Commonwealth of Independent States (CIS) which had been included in the opening notice.

- (22) The Commission approached the authorities of Russia with the aim of obtaining the necessary information with regard to the exports of hematite pig iron from that country. A set of questionnaires was sent to the authorities together with a request to forward these to the companies concerned. However, no reply to any questionnaire has been received from any interested party in Russia, other than Promsyrimport, a trader, which has apparently played a relatively minor role in the export of pig iron since the creation of the CIS.

- (23) The Commission approached the authorities of Ukraine with the aim of obtaining the necessary information with regard to the exports of hematite pig iron from that country. A set of questionnaires was sent to the authorities together with a request to forward these to the companies concerned. The Ukrainian Ministry of Foreign Economic Relations confirmed by letter the receipt of the questionnaires and stated its intention to distribute them to the relevant companies. However, no reply to any questionnaire has been received from any other interested party in that country.

#### *Normal value*

- (24) Russia and Ukraine being non-market economy countries, the normal value has been determined in accordance with Article 2 (5) (b) of Decision No 2424/88/ECSC, that is on the basis of sales or cost of production of a like product in a market-economy country.

In view of the comparability of Brazil to Russia and Ukraine, with regard to access to and the availability of the major inputs for the production of pig iron, i.e. iron ore and energy, and taking into account the present transitory state of the Polish economy towards a market economy, which is reflected in the available accounting data, the Commission considered it appropriate and not unreasonable to take Brazil as the market-economy third country for the determination of the normal value of hematite pig iron, originating in Russia and Ukraine.

The normal value of Russian and Ukrainian hematite pig iron was therefore calculated as the weighted average of the normal value established for Brazil.

#### *Export price*

- (25) The Commission, in accordance with Article 7 (7) (b) of Decision No 2424/88/ECSC, considered that the most reasonable facts available were those contained in the Eurostat statistics which were accordingly used as the basis for establishing the fob frontier price of the Russian and Ukrainian product. The statistical prices, which did not distinguish between imports from Russia and those from Ukraine (see also recital 29), were lowered by the estimated costs for sea freight in each case.

#### *Comparison*

- (26) The comparison of the export prices with the normal value was made on a transaction-by-transaction basis at the same level of trade.

#### *Dumping margin*

- (27) The weighted average dumping margin found for both Russia and Ukraine is 104,51 % of the cif export price.

### **D. INJURY**

#### **Volume of the dumped imports and market shares**

##### **(a) Cumulation**

- (28) The Commission is of the opinion that, for the determination of the impact on the Community industry, imports from all the countries in question must be taken into consideration. In analysing whether cumulation was appropriate, the Commission considered the comparability of the imported products and the extent to which each imported product competed in the Community with the like product of the Community industry. In addition, it was established that the behaviour on the Community market of all exporters was similar and that their market position as such was not negligible.

Claims by the Russian authorities that the quantity imported from Russia was not higher than 30 % of the total of imports from Russia and Ukraine during the investigation period have not been substantiated. Moreover, imports from those two countries together amounted to 66,795 tonnes; even if Russian exports did not exceed 30 % of this quantity, such an import volume cannot be considered negligible.

Accordingly, the Commission concluded that its findings should be based on the effect of the dumped imports cumulated from the four countries concerned.

##### **(b) Volume and market shares of the dumped imports**

- (29) The Eurostat data on which the Commission had to base its findings did not distinguish between the imports from Russia and those from Ukraine, or from any other country now belonging to the CIS. However, the Commission has further statistical information to suggest that the imports of the product concerned from the former Soviet Union came exclusively from Russia and Ukraine.
- (30) The evidence available to the Commission showed that the combined imports of the product concerned into the Community from Brazil,

Poland, Russia and Ukraine increased from 242 436 tonnes in 1987 to 370 685 tonnes in 1991 and to 414 041 tonnes during the investigation period, an increase of 70 %.

- (31) In terms of market shares based on total apparent Community consumption, the market penetration of the dumped imports increased from 30 % in 1987 to 44,33 % in 1991 and to 50,47 % during the investigation period.
- (32) The individual market shares developed from 21,8 % in 1987 to 25,39 % in 1991 and to 37 % in the investigation period in the case of Brazil and from 0 to 4,86 % and to 5,32 % over the same period in the case of Poland. The market shares of Russia and Ukraine showed a strong increase from 1987 until the end of 1990 from 8 to 16 %, and then declined to 1987 levels during the investigation period, which appears to have resulted from economic and administrative problems following the break-up of the former Soviet Union.

#### Prices of the dumped imports

- (33) The cif Community frontier prices of the imports under consideration declined on a weighted average basis from ECU 156,8 per tonne in 1987 to ECU 134,16 per tonne in 1991 and to ECU 126,15 per tonne during the investigation period.
- (34) Taken individually, the cif prices declined from ECU 162 per tonne in 1987 to ECU 144 per tonne in 1991 and to ECU 128 per tonne during the investigation period in the case of Brazil, from ECU 177 per tonne to ECU 127 per tonne and to ECU 138 per tonne in the case of Poland over the same period, and from ECU 143 per tonne to ECU 118 per tonne and to ECU 110 per tonne for Russia and Ukraine.

#### Undercutting

- (35) Sales of the dumped imports were to wholesalers in the Community who maintained substantial stocks during the reference period.
- (36) To establish whether there had been significant price undercutting by the dumped imports at the same level of trade, the Commission made adjustments to the price of the Community producers to take account of the costs of handling, financing, storage and general and administration expenses, plus a reasonable level of profit for a stockholding importer.
- (37) A comparison of the thus adjusted prices of the Community producers with those of the dumped imports revealed a price undercutting during the

investigation period of ECU 17,94 per tonne or 12,29 % in the case of Brazil, ECU 7,94 per tonne or 5,44 % in the case of Poland and ECU 29,94 per tonne or 20,52 % for both Russia and Ukraine.

- (38) On a cumulative basis the price undercutting amounted to ECU 18,82 per tonne or 12,9 %.

#### Situation of the Community industry

##### (a) Production

- (39) Overall Community production of hematite pig iron decreased from 591 436 tonnes in 1987 to 506 960 tonnes in 1991 and to 435 399 tonnes during the investigation period.

##### (b) Capacity utilization

- (40) Utilization of production capacity by the Community producers decreased from 39,58 % in 1987 to 33,09 % in 1991 and to 28,42 % during the investigation period.

##### (c) Sales

- (41) Sales by the Community industry on the Community market decreased from 506 707 tonnes in 1987 to 457 194 in 1991 and to 385 827 tonnes during the investigation period.

##### (d) Development of stocks

- (42) The level of stocks of hematite pig iron held by the Community industry increased significantly from 81 645 tonnes in 1987 to 159 088 tonnes in 1991 and to 178 277 tonnes at the end of the investigation period.

##### (e) Prices

- (43) On a weighted average basis the ex works selling prices of the Community producers decreased from ECU 179,53 per tonne in 1987 to ECU 179,19 per tonne in 1991 and to ECU 174,69 per tonne during the investigation period despite an increase in production costs over the same period.

##### (f) Profitability

- (44) Profitability of the Community industry improved from a loss of 10,98 % in 1987 to losses of 4,77 % in 1989 and thereafter declined sharply to a loss of 24,98 % during the investigation period.

#### Conclusion on injury

- (45) The examination of the facts on injury has shown that the Community industry suffered a significant loss of market share, the prevention of price increases to offset the rise in the cost of production, the deterioration of financial results and the closure of production facilities.

- (46) In these circumstances the Commission concludes that the Community industry has suffered material injury within the meaning of Article 4 (1) of Decision No 2424/88/ECSC.

## E. CAUSE OF INJURY

### (a) Effects of the dumped imports

- (47) In its examination of whether and the extent to which the material injury suffered by the Community industry was caused by the effects of the dumped imports, the Commission has found that the increase in volume and market share, and the decrease in prices of the dumped imports coincided with the fall in the Community industry's sales, loss of market share and serious loss of profitability.

- (48) The Commission found more particularly, that as a result of the persistent undercutting of its prices by these imports, the Community industry was forced to reduce its prices, despite increasing costs, in an attempt to maintain reasonable capacity utilization and market share. This depression in prices led in turn to unsustainable financial losses and some Community producers, already confronted by other adverse conditions such as diminishing demand, were not able to counter the effects of the dumped imports and were forced to close definitively their production facilities.

- (49) Under these circumstances, the Commission therefore considers that the material injury suffered by the Community industry has been caused by the dumped imports from Brazil, Poland, Russia and Ukraine.

### (b) Other factors

- (50) The Commission has examined whether the injury suffered by the Community industry could have been caused by factors other than the dumped imports, in particular the evolution and impact of imports from third countries not covered by this proceeding.
- (51) Imports from other third countries had some effect on the situation of the Community industry during 1989 and 1990, but decreased substantially in the following years so that they did not have any significant effect after that.
- (52) Some of the production facilities that were closed were also used for the production of ferro-

manganese. The negative developments on the manganese market in the Community have contributed to the decision of the companies involved to close down their production facilities.

- (53) Since the activity of the hematite pig iron industry is, to a large extent, determined by the level of activity of the car industry, the decrease in car sales during the investigation period may partly explain the lowering of the consumption of the product concerned.

- (54) This development alone cannot, however, explain the significant loss of market share of the Community industry. Therefore, even if some injury may have been caused by other factors, the dumped imports taken in isolation have caused material injury to the Community industry.

## F. COMMUNITY INTEREST

- (55) Hematite pig iron is used by foundries for casting a wide variety of iron products, used mostly in the automotive industry. Because of its chemical and physical characteristics, there is only a limited possibility for substitution by other types of pig iron or by high-quality scrap. Foundries therefore prefer a steady and sufficient supply of hematite pig iron.

- (56) Existing world-wide production capacity for hematite pig iron is rapidly diminishing. This reduction of capacity is partly a correction of existing overcapacity, but a further reduction of productive capacity has to be expected particularly in the exporting countries concerned as a result of environmental and economic policy changes.

- (57) In this context, the cost of charcoal in Brazil is rising significantly as a result of the legal obligation for pig iron producers to guarantee a sustainable source of charcoal by reforestation. Privatization plans in Poland and the CIS have fundamentally changed the economics of their iron and steel plants, and have already resulted in the permanent closure of plants and the destruction of production facilities.

- (58) In the face of such a reduction of sources of supply, it is in the interest of the Community to maintain a viable Community foundry pig iron industry. The absence of measures against the dumped imports from the countries concerned would threaten the continued existence of the remaining Community producers and thus the long-term supply requirements of purchasers of pig iron in the Community.

- (59) The trade practices of the exporting countries concerned distort the functioning of the world, and therefore the Community, market for hematite pig iron. The absence of measures to correct these distortions could lead to a further erosion of the Community production capacity, an erosion which would not take place in a situation of fair competition.
- (60) As regards prices, the Commission is aware that anti-dumping measures may have an effect on the prices to end users of the product concerned. However, the effect on the cost of products for which pig iron is a necessary element would be minimal.
- (61) On the other hand, a further weakening of the Community industry would be to the detriment of the end users of pig iron, as the resulting shortage of capacity would undoubtedly lead to higher prices and therefore higher costs for these end users.
- (62) In these circumstances the Commission considers that the interests of the Community call for protective measures against the dumped imports of hematite pig iron from Brazil, Poland, Russia and Ukraine.

#### G. PROVISIONAL DUTY

- (63) Having established that the dumped imports under consideration have caused material injury to the Community industry and that it is in the Community's interest to take action, the measures envisaged should only be sufficient to eliminate the injury caused.
- (64) A calculation was made in order to establish the price level at which the imports concerned cease to cause material injury to the Community industry. In this respect the Commission has based its calculation on the cost of production data supplied by the Community industry excluding certain of the least efficient companies. Added to the production cost is a profit margin of 5 % on turnover, a margin that can be considered reasonable under present market conditions.
- (65) The Commission considers that in addition to restoring fair competition on the hematite pig-iron market, the measures should at the same time enable the exporting countries to secure a better return on their exports of the product concerned.
- (66) The Commission considers the introduction of a minimum price more appropriate in this particular case than any other type of measure in order to achieve these aims.
- (67) The Commission has found that since the minimum import price considered necessary to

remove the injurious effects of the dumping is, in each case, lower than the normal value established for the companies concerned, the provisional anti-dumping duty as provided for in Article 13 (3) of Decision No 2424/88/ECSC does not exceed the dumping margins established.

- (68) Taking into account the costs normally incurred by importers of the product concerned and their need for a reasonable rate of profit, together with the calculation on injury as outlined in recital 64, the Commission considers it appropriate to establish, by way of a provisional measure, a variable duty equal to the difference between the minimum price (cif duty unpaid) of ECU 149 per tonne and the declared customs value of the product concerned originating in Brazil, Poland, Russia and Ukraine in all cases where the declared customs value is less than the minimum import price.
- (69) A period should be fixed within which the parties known to be concerned may make their views known and request a hearing. A one-month period is considered appropriate for this purpose. Furthermore, it should be stated that all findings made for the purpose of this Decision are provisional and may have to be reconsidered for the purpose of any definitive duty which the Commission may propose,

HAS ADOPTED THIS DECISION :

#### *Article 1*

1. A provisional anti-dumping duty is hereby imposed on imports of hematite pig iron falling within CN code 7201 10 19, originating in Brazil, Poland, Russia and Ukraine.
2. The amount of the duty shall be the difference between the price of ECU 149 per tonne (cif duty unpaid) and the declared customs value in all cases where the declared customs value is less than the minimum import price.
3. The provisions in force concerning customs duties shall apply.
4. The release for free circulation of the product referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

#### *Article 2*

Without prejudice to Article 7 (4) (b) and (c) of Decision No 2424/88/ECSC, the parties concerned may make known their views in writing and apply to be heard orally

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

*Article 3*

The anti-dumping proceeding with regard to the successor States to the former Soviet Union, with the exception of Russia and Ukraine, is hereby terminated.

*Article 4*

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

Subject to Articles 11, 12 and 13 of Decision No 2424/88/ECSC, Article 1 of this Decision shall apply for a period of four months, unless the Commission adopts definitive measures before the expiry of that period.

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

Done at Brussels, 12 January 1994.

*For the Commission*

Leon BRITTAN

*Member of the Commission*

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## COMMISSION REGULATION (EC) No 68/94

of 14 January 1994

on the supply of common wheat to the People's Republic of Bangladesh 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1930/90 <sup>(2)</sup>, 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 <sup>(3)</sup> 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, by its Decision of 22 October 1992 on the supply of food aid to Bangladesh, the Commission allocated to this country 70 000 tonnes of cereals to be supplied free at port of landing — undischarged;

Whereas it is necessary to provide for the carrying-out of this measure 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 <sup>(4)</sup>, as amended by Regulation (EEC) No 790/91 <sup>(5)</sup>; 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*

A tendering procedure is hereby initiated for the award of a contract for the supply of common wheat to Bangladesh in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in Annex I hereto.

The offer submitted shall be deemed to have been drawn up taking account of the charges and constraints resulting from specific clauses set out in the exchange of letters between the Commission and the recipient, published in part in Annex II. In particular, the laydays should be assessed on the basis of an average daily discharge rate of 2 400 tonnes in such a way that dispatch to be paid to the recipient by the EC will be for the account of the successful tenderer.

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, 14 January 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1.

<sup>(2)</sup> OJ No L 174, 7. 7. 1990, p. 6.

<sup>(3)</sup> OJ No L 136, 26. 5. 1987, p. 1.

<sup>(4)</sup> OJ No L 204, 25. 7. 1987, p. 1.

<sup>(5)</sup> OJ No L 81, 28. 3. 1991, p. 108.

*ANNEX I*

## LOTS A and B

1. **Operation Nos** (1): 1686/92 (lot A), 1687/92 (lot B)
2. **Programme**: 1992
3. **Recipient** (2): Bangladesh
4. **Representative of the recipient**: The Secretary, Ministry of Food, Bangladesh Secretariat, Dhaka, Bangladesh
5. **Place or country of destination** (3): Bangladesh
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** (3): see OJ No C 114, 29. 4. 1991, p. 1 (under IIA.1 (a))
8. **Total quantity**: 70 000 tonnes
9. **Number of lots**: two (lot A: 35 000 tonnes; lot B: 35 000 tonnes)
10. **Packaging and marking**: in bulk
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — undischarged
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Chittagong
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**: 14 — 27. 2. 1994
18. **Deadline for the supply**: 27. 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 on 1. 2. 1994, (Brussels time)
21. **A. In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon on 15. 2. 1994, (Brussels time)
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 28. 2 — 13. 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 on 1. 3. 1994, (Brussels time)
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 14 — 27. 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 Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles, telex AGREC 22037 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** (4): refund applicable on 31. 1. 1994, fixed by Regulation (EC) No 3486/93 (OJ No L 317, 18. 12. 1993, p. 49)

*Notes :*

- (1) The operation 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.
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## ANNEX II

## ALLOCATION OF FOOD AID TO BANGLADESH

**1. Discharging conditions**

The recipient shall unload the 70 000 tonnes of wheat as per the following conditions.

**2. Type of vessels to be fixed**

It is envisaged that two vessels (self-trimming bulk carriers) will be fixed, each carrying 35 000 tonnes of wheat. The vessels must have at least four hatches. Vessels to be geared and each crane/derrick to serve one or two hatches. The vessels must be capable of entering the Chittagong outer anchorage and, after necessary lighterage, be able to shift and berth, at recipient's option, at Chittagong jetties.

Charterers/shipowners must ensure that all certificated officers carry with them on board the original valid certificate of competency and that all vessels are manned strictly according to the *STCW* Convention 1978, failing which any delay to the vessel will be on owner's account.

**3. Discharging facilities**

Vessels will furnish at the discharge port, free of expenses to the recipient, winches and/or cranes and the power to drive them, gins and falls in good working condition and will also supply sufficient lights for night work, as on board, on deck and in the holds, if required. Vessels will provide winchmen at load and discharge ports at their own expense.

**4. Vessels' ETA information**

Master to wireless/cable nominees of the recipient, namely Movements Chittagong — telex 642237 CMS C BJ — (simultaneously informing Bengalship Chittagong — telex 66277 BSC BJ — and Movestore Dhaka — telex 642230 CMS BJ) for orders regarding discharge 10 days prior to their arrival at the discharge port, i.e. Chittagong, and state ETA and draft. Orders for discharging will be transmitted to the vessel within five days of the receipt of master's request.

Master to give following notice to the recipient's nominees, i.e. Movements Chittagong, Bengalship Chittagong and Movestore Dhaka :

(a) upon sailing from load port vessels must state :

- (i) quantity loaded ;
- (ii) arrival draft ;
- (iii) TPI (tonnes per inch).

(b) 10 days ETA Chittagong port,

5 days ETA Chittagong port,

72 hours, 48 hours and 24 hours ETA Chittagong port.

**5. Places of discharging**

It is envisaged that, at recipient's option, up to a maximum of 40 % of the Bill of Lading quantity may be discharged by lighter vessel at Chittagong outer anchorage. All lighterage at Chittagong outer anchorage will be carried out by the recipient at their own cost and time (including freight or lighter vessels from Chittagong outer anchorage to Mongla).

**6. Discharging rate and discharging port time counting**

The cargo is to be discharged by the recipient free of risk and expense to the vessel at the rate of 2 400 tonnes at Chittagong per weather working day of 24 consecutive hours. Time from 12 noon on Thursday or 5 p.m. on a day preceding a holiday until 9 a.m. on Saturday or next working day not to count as laytime even if used. The rate of discharge is based on the abovementioned minimum number or more workable hatches. If, however, the number of workable hatches is less than the specified minimum number of hatches, discharging rate will be reduced proportionately.

Notice of readiness is to be tendered and accepted after vessel arrives at the Chittagong outer anchorage and laytime to commence 24 hours after NOR tendered during office hours, whether the vessel is in berth or not. At discharge port, cost of shifting from anchorage to anchorage, anchorage to berth and berth to berth on owner's/charterer's account and time used for such shifting not to count as laytime.

Although stevedores appointed by recipients, all discharging operations to be carried out under masters' direction/approval. All necessary trimming will be at owner's time and expense.

At Chittagong anchorage, if a lighter vessel is required to cast off from the mother ship, due to heavy swell and/or bad weather, all time lost will not count as laytime. The time will stop counting from the time the lighter vessel casts off and will start counting again from the time the lighter ship is re-tied alongside the mother ship.

#### **7. Lighterage at discharge port**

All necessary lighterage at Chittagong outer anchorage will be carried out by the recipients at their own cost and time. For vessels unable to enter the Chittagong outer anchorage, due to excessive draft, lighterage may be carried out at Kutubdia anchorage by the charterer's/owners at their expense and such lighterage to be treated as transshipment and lighters engaged to be discharged on identical terms as the mother vessel, and time used for lighterage at Kutubdia not to count as laytime. Collision damage, if any, during lighterage to be settled directly between the owners of the mother and the lighter vessels (notwithstanding whether engaged by both owners/charterer's for Kutubdia lighterage, or by the recipients for outer anchorage lighterage). In case of unsafe anchorage at Chittagong anchorage, any lighterage at Kutubdia is not for charterer's/owner's account.

Master of the vessel(s) at all times to extend full cooperation to the recipients and/or their nominees/agents/stevedores/lighterage contractors in order to expedite discharge. Lighter vessels to supply suitable fenders to avoid damage.

#### **8. Demurrage/Despatch**

Should the vessel(s) not be discharged at the rate herein stipulated demurrage shall be paid by the recipient at the rate stipulated in the charter party subject to a maximum of US\$ 8 000 per day or part thereof.

For working time saved at the port of discharge, despatch money shall be paid to the recipient at the rate of 50 % of the rate of demurrage stipulated in the charter party, subject to a maximum of US\$ 4 000 per day saved.

Demurrage of despatch at the discharge port, if any, at the amounts specified above, shall be paid, as the case may be, by the recipient to the Commission or by the Commission to the recipient. Afterwards settlement of despatch/demurrage, if any, between supplier and the Commission will take place.

Laytime to be non-reversible.

#### **9. Miscellaneous**

Overtime expenses, if any, on account of port and customs personnel, will be for the account of the party (owner/their agents or receiver/their agents) ordering the same, but if ordered by the Port Authorities, to be on the receiver's account on 50 : 50 basis. Overtime expenses for vessel's crew and officers always to be on the owner's account.

At the port of discharge opening/closing of hatches on all occasions to be for owner's account and time not to count as laytime. First opening and last closing of hatches at port of discharge to be done by vessel's crew at all times.

Whatever the respective destination of the goods found damaged, they must be disposed of/destroyed as per port rules prior to sailing out of the vessels.

Dock worker management board's levy is not for charterer's account.

In case of lack of coordination or of facilities between the supplier and the recipient through no fault of either part, the Commission will take special and adequate measures for financing the operations.

In the case where some extra costs requested by the supplier are to be pre-financed by the recipient, they may be directly paid by the Commission on the recipient's behalf to the said supplier.

**COMMISSION REGULATION (EC) No 69/94**  
**of 14 January 1994**  
**on the supply of various consignments of rice 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1930/90 <sup>(2)</sup>, 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 <sup>(3)</sup> 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 2 784 tonnes of cereals;

Whereas it is necessary to provide for the carrying out of this measure 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 <sup>(4)</sup>, as amended by Regulation (EEC) No 790/91 <sup>(5)</sup>; 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, in view of the situation on the Community market, the economic conditions laid down for recourse to the inward processing arrangements should be considered to be fulfilled; whereas provision should be made for the milled rice to be supplied as food aid to be obtained from rice placed under the inward processing

arrangements in accordance with one of the suspension and/or anticipated exportation systems provided for in Articles 114 (1) and 115 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code <sup>(6)</sup>;

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*

Rice 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.

Mobilization shall cover milled rice obtained from rice placed under the inward processing arrangements in accordance with the procedures provided for in Article 114 (1) and 115 of Regulation (EEC) No 2913/92.

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, 14 January 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1.

<sup>(2)</sup> OJ No L 174, 7. 7. 1990, p. 6.

<sup>(3)</sup> OJ No L 136, 26. 5. 1987, p. 1.

<sup>(4)</sup> OJ No L 204, 25. 7. 1987, p. 1.

<sup>(5)</sup> OJ No L 81, 28. 3. 1991, p. 108.

<sup>(6)</sup> OJ No L 302, 19. 10. 1992, p. 1.

## ANNEX

## LOTS A, B, C, and D

1. **Operation Nos** <sup>(1)</sup>: 988/93 (lot A); 989/93 (lot B); 990/93 (lot C); 991/93 (lot D)
2. **Programme**: 1993
3. **Recipient** <sup>(2)</sup>: UNRWA Headquarters, Supply Division, Vienna International Centre, PO Box 700, A-1400 Vienna, Austria (telex 135310 UNRWA A, telefax (1) 230 75 29)
4. **Representative of the recipient**: UNRWA Field Supply and Transport Officer,
  - Ashdod: West Bank, P.O. Box 19149, Jerusalem, Israel tel. (9722) 89 05 55; telefax 81 65 64; telex (0606) 26194 UNRWA IL
  - Lattakia: P.O. Box 4313, Damascus, Syrian Arab Republic tel. (96311) 66 02 17; telefax 24 75 13; telex (0492) 412006 UNRWA SY
  - Beirut: P.O. Box 947, Beirut, Lebanon tel. (9619) 86 31 32; telefax 871-145 02 32; telex (0494) 21430 UNRWA LE
  - Amman: P.O. Box 484, Amman, Jordan tel. (9626) 74 19 14/77 22 26; telefax: 68 54 76; telex: (0493) 23402 UNRWA JO
5. **Place or country of destination** <sup>(3)</sup>: Lot A: Israel; Lot B: Syria; Lot C: Lebanon; Lot D: Jordan
6. **Product to be mobilized**: milled rice (product code 1006 30 92 900 / 1006 30 94 900 / 1006 30 96 900)
7. **Characteristics and quality of the goods** <sup>(3)</sup> <sup>(4)</sup>: see OJ No C 114, 29. 4. 1991, p. 1, (under IIA.1 (f))
8. **Total quantity**: 1 160 tonnes (2 784 tonnes of cereals)
9. **Number of lots**: four (Lot A: 580 tonnes; Lot B: 130 tonnes; Lot C: 250 tonnes; Lot D: 200 tonnes)
10. **Packaging and marking** <sup>(7)</sup> <sup>(8)</sup> <sup>(9)</sup> <sup>(4)</sup>: see OJ No C 114, 29. 4. 1991 p. 1 (under IIA.2 (a) and IIA.3)
  - Markings in English
  - Supplementary markings: 'UNRWA'
11. **Method of mobilization**: Exclusively: milled rice obtained under the inward processing arrangements (Article 114 (1) and Article 115 of Regulation (EEC) No 2913/92)
12. **Stage of Supply**: free at port of landing — landed (Lots A and B)  
free at destination (Lots C and D)
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Lot A: Ashdod; Lot B; Latakia;
16. **Address of the warehouse and, if appropriate, port of landing**: Lot C: UNRWA Warehouse, Beirut, Lebanon; Lot D: UNRWA Warehouse, Amman, Jordan
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 21. 2 — 6. 3. 1994
18. **Deadline for the supply**: lots A, B: 20. 3. 1994; lots C, D: 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 on 1. 2. 1994, (Brussels time)
21. **A. In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon on 15. 2. 1994, (Brussels time)
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 7 — 20. 3. 1994
  - (c) deadline for the supply: lots A, B: 3. 4. 1994; lots C, D: 10. 4. 1994

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

- (a) deadline for the submission of tenders : 12 noon on 1. 3. 1994, (Brussels time)
- (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 21. 3 — 3. 4. 1994.
- (c) deadline for the supply : lots A, B : 17. 4. 1994 ; lots C, D : 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, rue de la Loi, 200, B-1049 Bruxelles ; telex 22037 / 25670 AGREC B telefax : (322) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04

**25. Refund payable on request by the successful tenderer : —***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) Shipment to take place in 20-foot containers : Lot A : The contracted shipping terms shall be considered full liner terms (liner in/liner out) free port of landing container yard and is understood to cover 15 days — Saturdays, Sundays and official public and religious holidays excluded — free of container detention charges at the port of discharge taken from the day/time of the arrival of the vessel. The 15 day period should be clearly marked on the bill of lading. Bona fide detention charges levied in respect of container detention(s) in excess of the said 15 days as detailed above will be born by UNRWA. UNRWA shall not pay/not be charged any container deposit fees.

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

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

- (5) Commission delegation to be contacted by the successful tenderer : see OJ No C 114, 29. 4. 1991, p. 33.
- (6) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
  - phytosanitary certificate.

Lot B : The phytosanitary certificate and the certificate of origin must be signed and stamped by a Syrian Consulate, including a statement that consular fees and charges have been paid.

- (7) Bagging must be carried out before shipment.
- (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) Notwithstanding OJ No C 114, point IIA.3 (c) is replaced by the following : 'the words "European Community".'

**COMMISSION REGULATION (EC) No 70/94**

of 14 January 1994

**amending for the third time Regulation (EC) No 3337/93 adopting exceptional support measures for the market in pigmeat in Belgium**

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

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

Whereas because of the outbreak of classical swine fever in one production region in Belgium, exceptional support measures for the market in pigmeat were adopted for that Member State in Commission Regulation (EC) No 3337/93<sup>(3)</sup>, as last amended by Regulation (EC) No 3504/93<sup>(4)</sup>;

Whereas it is necessary to adjust the buying-in price for heavy pigs to the present market situation taking into account the decrease in market prices;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 4 (1) of Regulation (EC) No 3337/93, 'ECU 116' is replaced by 'ECU 105' and 'ECU 99' by 'ECU 89'.

*Article 2*

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

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

Done at Brussels, 14 January 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 129, 11. 5. 1989, p. 12.

<sup>(3)</sup> OJ No L 299, 4. 12. 1993, p. 23.

<sup>(4)</sup> OJ No L 319, 21. 12. 1993, p. 31.

**COMMISSION REGULATION (EC) No 71/94**  
**of 14 January 1994**  
**fixing the import levies on milk and milk products**

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

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

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EC) No 3626/93 <sup>(3)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 3626/93 to the prices 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 referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 16 January 1994.

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

Done at Brussels, 14 January 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 215, 30. 7. 1992, p. 64.

<sup>(3)</sup> OJ No L 328, 29. 12. 1993, p. 48.

## ANNEX

## to the Commission Regulation of 14 January 1994 fixing the import levies on milk and milk products

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

| CN code    | Note (*)                                           | Import levy       | CN code    | Note (*)         | Import levy       |
|------------|----------------------------------------------------|-------------------|------------|------------------|-------------------|
| 0401 10 10 |                                                    | 17,35             | 0403 10 16 | ( <sup>1</sup> ) | 2,0677/kg + 28,21 |
| 0401 10 90 |                                                    | 16,14             | 0403 10 22 |                  | 25,89             |
| 0401 20 11 |                                                    | 23,48             | 0403 10 24 |                  | 30,52             |
| 0401 20 19 |                                                    | 22,27             | 0403 10 26 |                  | 72,98             |
| 0401 20 91 |                                                    | 28,11             | 0403 10 32 | ( <sup>1</sup> ) | 0,1985/kg + 27,00 |
| 0401 20 99 |                                                    | 26,90             | 0403 10 34 | ( <sup>1</sup> ) | 0,2448/kg + 27,00 |
| 0401 30 11 |                                                    | 70,57             | 0403 10 36 | ( <sup>1</sup> ) | 0,6694/kg + 27,00 |
| 0401 30 19 |                                                    | 69,36             | 0403 90 11 |                  | 124,25            |
| 0401 30 31 |                                                    | 134,44            | 0403 90 13 |                  | 173,95            |
| 0401 30 39 |                                                    | 133,23            | 0403 90 19 |                  | 214,02            |
| 0401 30 91 |                                                    | 224,27            | 0403 90 31 | ( <sup>1</sup> ) | 1,1700/kg + 28,21 |
| 0401 30 99 |                                                    | 223,06            | 0403 90 33 | ( <sup>1</sup> ) | 1,6670/kg + 28,21 |
| 0402 10 11 | ( <sup>4</sup> )                                   | 124,25            | 0403 90 39 | ( <sup>1</sup> ) | 2,0677/kg + 28,21 |
| 0402 10 19 | ( <sup>3</sup> ) ( <sup>4</sup> )                  | 117,00            | 0403 90 51 |                  | 25,89             |
| 0402 10 91 | ( <sup>1</sup> ) ( <sup>4</sup> )                  | 1,1700/kg + 28,21 | 0403 90 53 |                  | 30,52             |
| 0402 10 99 | ( <sup>1</sup> ) ( <sup>4</sup> )                  | 1,1700/kg + 20,96 | 0403 90 59 |                  | 72,98             |
| 0402 21 11 | ( <sup>4</sup> )                                   | 173,95            | 0403 90 61 | ( <sup>1</sup> ) | 0,1985/kg + 27,00 |
| 0402 21 17 | ( <sup>4</sup> )                                   | 166,70            | 0403 90 63 | ( <sup>1</sup> ) | 0,2448/kg + 27,00 |
| 0402 21 19 | ( <sup>3</sup> ) ( <sup>4</sup> )                  | 166,70            | 0403 90 69 | ( <sup>1</sup> ) | 0,6694/kg + 27,00 |
| 0402 21 91 | ( <sup>3</sup> ) ( <sup>4</sup> )                  | 214,02            | 0404 10 02 |                  | 30,16             |
| 0402 21 99 | ( <sup>3</sup> ) ( <sup>4</sup> )                  | 206,77            | 0404 10 04 |                  | 173,95            |
| 0402 29 11 | ( <sup>1</sup> ) ( <sup>3</sup> ) ( <sup>4</sup> ) | 1,6670/kg + 28,21 | 0404 10 06 |                  | 214,02            |
| 0402 29 15 | ( <sup>1</sup> ) ( <sup>4</sup> )                  | 1,6670/kg + 28,21 | 0404 10 12 |                  | 124,25            |
| 0402 29 19 | ( <sup>1</sup> ) ( <sup>4</sup> )                  | 1,6670/kg + 20,96 | 0404 10 14 |                  | 173,95            |
| 0402 29 91 | ( <sup>1</sup> ) ( <sup>4</sup> )                  | 2,0677/kg + 28,21 | 0404 10 16 |                  | 214,02            |
| 0402 29 99 | ( <sup>1</sup> ) ( <sup>4</sup> )                  | 2,0677/kg + 20,96 | 0404 10 26 | ( <sup>1</sup> ) | 0,3016/kg + 20,96 |
| 0402 91 11 | ( <sup>4</sup> )                                   | 35,38             | 0404 10 28 | ( <sup>1</sup> ) | 1,6670/kg + 28,21 |
| 0402 91 19 | ( <sup>4</sup> )                                   | 35,38             | 0404 10 32 | ( <sup>1</sup> ) | 2,0677/kg + 28,21 |
| 0402 91 31 | ( <sup>4</sup> )                                   | 44,23             | 0404 10 34 | ( <sup>1</sup> ) | 1,1700/kg + 28,21 |
| 0402 91 39 | ( <sup>4</sup> )                                   | 44,23             | 0404 10 36 | ( <sup>1</sup> ) | 1,6670/kg + 28,21 |
| 0402 91 51 | ( <sup>4</sup> )                                   | 134,44            | 0404 10 38 | ( <sup>1</sup> ) | 2,0677/kg + 28,21 |
| 0402 91 59 | ( <sup>4</sup> )                                   | 133,23            | 0404 10 48 | ( <sup>2</sup> ) | 0,3016/kg         |
| 0402 91 91 | ( <sup>4</sup> )                                   | 224,27            | 0404 10 52 | ( <sup>2</sup> ) | 1,6670/kg + 6,04  |
| 0402 91 99 | ( <sup>4</sup> )                                   | 223,06            | 0404 10 54 | ( <sup>2</sup> ) | 2,0677/kg + 6,04  |
| 0402 99 11 | ( <sup>4</sup> )                                   | 48,41             | 0404 10 56 | ( <sup>2</sup> ) | 1,1700/kg + 6,04  |
| 0402 99 19 | ( <sup>4</sup> )                                   | 48,41             | 0404 10 58 | ( <sup>2</sup> ) | 1,6670/kg + 6,04  |
| 0402 99 31 | ( <sup>1</sup> ) ( <sup>4</sup> )                  | 1,3081/kg + 24,59 | 0404 10 62 | ( <sup>2</sup> ) | 2,0677/kg + 6,04  |
| 0402 99 39 | ( <sup>1</sup> ) ( <sup>4</sup> )                  | 1,3081/kg + 23,38 | 0404 10 72 | ( <sup>2</sup> ) | 0,3016/kg + 20,96 |
| 0402 99 91 | ( <sup>1</sup> ) ( <sup>4</sup> )                  | 2,2064/kg + 24,59 | 0404 10 74 | ( <sup>2</sup> ) | 1,6670/kg + 27,00 |
| 0402 99 99 | ( <sup>1</sup> ) ( <sup>4</sup> )                  | 2,2064/kg + 23,38 | 0404 10 76 | ( <sup>2</sup> ) | 2,0677/kg + 27,00 |
| 0403 10 02 |                                                    | 124,25            | 0404 10 78 | ( <sup>2</sup> ) | 1,1700/kg + 27,00 |
| 0403 10 04 |                                                    | 173,95            | 0404 10 82 | ( <sup>2</sup> ) | 1,6670/kg + 27,00 |
| 0403 10 06 |                                                    | 214,02            | 0404 10 84 | ( <sup>2</sup> ) | 2,0677/kg + 27,00 |
| 0403 10 12 | ( <sup>1</sup> )                                   | 1,1700/kg + 28,21 | 0404 90 11 |                  | 124,25            |
| 0403 10 14 | ( <sup>1</sup> )                                   | 1,6670/kg + 28,21 | 0404 90 13 |                  | 173,95            |

| CN code    | Note (1) | Import levy       | CN code    | Note (1) | Import levy |
|------------|----------|-------------------|------------|----------|-------------|
| 0404 90 19 |          | 214,02            | 0406 90 31 | (3) (*)  | 154,90      |
| 0404 90 31 |          | 124,25            | 0406 90 33 | (3) (*)  | 154,90      |
| 0404 90 33 |          | 173,95            | 0406 90 35 | (3) (*)  | 154,90      |
| 0404 90 39 |          | 214,02            | 0406 90 37 | (3) (*)  | 154,90      |
| 0404 90 51 | (1)      | 1,1700/kg + 28,21 | 0406 90 39 | (3) (*)  | 154,90      |
| 0404 90 53 | (1) (3)  | 1,6670/kg + 28,21 | 0406 90 50 | (3) (*)  | 154,90      |
| 0404 90 59 | (1)      | 2,0677/kg + 28,21 | 0406 90 61 | (3) (*)  | 366,90      |
| 0404 90 91 | (1)      | 1,1700/kg + 28,21 | 0406 90 63 | (3) (*)  | 366,90      |
| 0404 90 93 | (1) (3)  | 1,6670/kg + 28,21 | 0406 90 69 | (3) (*)  | 366,90      |
| 0404 90 99 | (1)      | 2,0677/kg + 28,21 | 0406 90 73 | (3) (*)  | 154,90      |
| 0405 00 11 | (3)      | 230,94            | 0406 90 75 | (3) (*)  | 154,90      |
| 0405 00 19 | (3)      | 230,94            | 0406 90 76 | (3) (*)  | 154,90      |
| 0405 00 90 |          | 281,75            | 0406 90 78 | (3) (*)  | 154,90      |
| 0406 10 20 | (3) (*)  | 196,47            | 0406 90 79 | (3) (*)  | 154,90      |
| 0406 10 80 | (3) (*)  | 251,62            | 0406 90 81 | (3) (*)  | 154,90      |
| 0406 20 10 | (3) (*)  | 366,90            | 0406 90 82 | (3) (*)  | 154,90      |
| 0406 20 90 | (3) (*)  | 366,90            | 0406 90 84 | (3) (*)  | 154,90      |
| 0406 30 10 | (3) (*)  | 160,46            | 0406 90 85 | (3) (*)  | 154,90      |
| 0406 30 31 | (3) (*)  | 147,56            | 0406 90 86 | (3) (*)  | 154,90      |
| 0406 30 39 | (3) (*)  | 160,46            | 0406 90 87 | (3) (*)  | 154,90      |
| 0406 30 90 | (3) (*)  | 257,18            | 0406 90 88 | (3) (*)  | 154,90      |
| 0406 40 10 | (3) (*)  | 133,56            | 0406 90 93 | (3) (*)  | 196,47      |
| 0406 40 50 | (3) (*)  | 133,56            | 0406 90 99 | (3) (*)  | 251,62      |
| 0406 40 90 | (3) (*)  | 133,56            | 1702 10 10 |          | 39,62       |
| 0406 90 11 | (3) (*)  | 209,10            | 1702 10 90 |          | 39,62       |
| 0406 90 13 | (3) (*)  | 153,58            | 2106 90 51 |          | 39,62       |
| 0406 90 15 | (3) (*)  | 153,58            | 2309 10 15 |          | 90,17       |
| 0406 90 17 | (3) (*)  | 153,58            | 2309 10 19 |          | 117,08      |
| 0406 90 19 | (3) (*)  | 366,90            | 2309 10 39 |          | 109,05      |
| 0406 90 21 | (3) (*)  | 209,10            | 2309 10 59 |          | 88,47       |
| 0406 90 23 | (3) (*)  | 154,90            | 2309 10 70 |          | 117,08      |
| 0406 90 25 | (3) (*)  | 154,90            | 2309 90 35 |          | 90,17       |
| 0406 90 27 | (3) (*)  | 154,90            | 2309 90 39 |          | 117,08      |
| 0406 90 29 | (3) (*)  | 154,90            | 2309 90 49 |          | 109,05      |
|            |          |                   | 2309 90 59 |          | 88,47       |
|            |          |                   | 2309 90 70 |          | 117,08      |

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

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

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

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

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

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

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

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

**COMMISSION REGULATION (EC) No 72/94****of 14 January 1994****abolishing the countervailing charge on fresh clementines originating in Morocco**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EC) No 3669/93<sup>(2)</sup>, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EC) No 32/94<sup>(3)</sup>, introduced a countervailing charge on fresh clementines originating in Morocco;

Whereas the present trend of prices for products originating in Morocco on the representative markets referred to in Commission Regulation (EEC) No 2118/74<sup>(4)</sup>, as last amended by Regulation (EEC) No 249/93<sup>(5)</sup>, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicated that entry prices have been

at least equal to the reference price for three consecutive market days; whereas the conditions specified in the second indent of Article 26 (2) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Morocco can be abolished,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 32/94 is hereby repealed.

*Article 2*

This Regulation shall enter into force on 15 January 1994.

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

Done at Brussels, 14 January 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 338, 31. 12. 1993, p. 26.

<sup>(3)</sup> OJ No L 6, 8. 1. 1994, p. 76.

<sup>(4)</sup> OJ No L 220, 10. 8. 1974, p. 20.

<sup>(5)</sup> OJ No L 28, 5. 2. 1993, p. 45.

**COMMISSION REGULATION (EC) No 73/94****of 14 January 1994****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<sup>(1)</sup>, as amended by Regulation (EEC) No 2193/93<sup>(2)</sup>, 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<sup>(3)</sup>, as amended by Regulation (EC) No 3528/93<sup>(4)</sup>,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2703/93<sup>(5)</sup> 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 13

January 1994, 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 15 January 1994.

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

Done at Brussels, 14 January 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 196, 5. 8. 1993, p. 22.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 320, 22. 12. 1993, p. 32.

<sup>(5)</sup> OJ No L 245, 1. 10. 1993, p. 108.

## ANNEX

to the Commission Regulation of 14 January 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

| CN code    | Third countries <sup>(*)</sup>      |
|------------|-------------------------------------|
| 0709 90 60 | 76,92 <sup>(2)</sup> <sup>(3)</sup> |
| 0712 90 19 | 76,92 <sup>(2)</sup> <sup>(3)</sup> |
| 1001 10 00 | 0 <sup>(1)</sup> <sup>(4)</sup>     |
| 1001 90 91 | 90,33                               |
| 1001 90 99 | 90,33 <sup>(5)</sup>                |
| 1002 00 00 | 115,20 <sup>(6)</sup>               |
| 1003 00 10 | 118,87                              |
| 1003 00 90 | 118,87 <sup>(5)</sup>               |
| 1004 00 00 | 92,22                               |
| 1005 10 90 | 76,92 <sup>(2)</sup> <sup>(3)</sup> |
| 1005 90 00 | 76,92 <sup>(2)</sup> <sup>(3)</sup> |
| 1007 00 90 | 92,78 <sup>(4)</sup>                |
| 1008 10 00 | 25,53 <sup>(5)</sup>                |
| 1008 20 00 | 40,05 <sup>(4)</sup>                |
| 1008 30 00 | 0 <sup>(3)</sup>                    |
| 1008 90 10 | 0 <sup>(7)</sup>                    |
| 1008 90 90 | 0                                   |
| 1101 00 00 | 164,00 <sup>(5)</sup>               |
| 1102 10 00 | 197,72                              |
| 1103 11 10 | 20,75                               |
| 1103 11 90 | 187,31                              |
| 1107 10 11 | 171,67                              |
| 1107 10 19 | 131,02                              |
| 1107 10 91 | 222,47 <sup>(10)</sup>              |
| 1107 10 99 | 168,98 <sup>(5)</sup>               |
| 1107 20 00 | 195,13 <sup>(10)</sup>              |

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

<sup>(2)</sup> 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.

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

<sup>(4)</sup> 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.

<sup>(5)</sup> 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.

<sup>(6)</sup> 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).

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

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

<sup>(9)</sup> 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.

<sup>(10)</sup> 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 74/94****of 14 January 1994****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 <sup>(1)</sup>, as amended by Regulation (EEC) No 2193/93 <sup>(2)</sup>, 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 <sup>(3)</sup>, as amended by Regulation (EC) No 3528/93 <sup>(4)</sup>,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1681/93 <sup>(5)</sup> 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 13

January 1994, 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 15 January 1994.

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

Done at Brussels, 14 January 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 196, 5. 8. 1993, p. 22.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 320, 22. 12. 1993, p. 32.

<sup>(5)</sup> OJ No L 159, 1. 7. 1993, p. 11.

## ANNEX

to the Commission Regulation of 14 January 1994 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

(ECU/tonne)

| CN code    | Current<br>1 | 1st period<br>2 | 2nd period<br>3 | 3rd period<br>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 90 | 0            | 0               | 0               | 0               |
| 1004 00 00 | 0            | 0               | 0               | 0               |
| 1005 10 90 | 0            | 0               | 0               | 0               |
| 1005 90 00 | 0            | 0               | 0               | 0               |
| 1007 00 90 | 0            | 0               | 0               | 0               |
| 1008 10 00 | 0            | 0               | 0               | 0               |
| 1008 20 00 | 0            | 0               | 0               | 0               |
| 1008 30 00 | 0            | 0               | 0               | 0               |
| 1008 90 90 | 0            | 0               | 0               | 0               |
| 1101 00 00 | 0            | 0               | 0               | 0               |
| 1102 10 00 | 0            | 0               | 0               | 0               |
| 1103 11 10 | 0            | 0               | 0               | 0               |
| 1103 11 90 | 0            | 0               | 0               | 0               |

## B. Malt

(ECU/tonne)

| CN code    | Current<br>1 | 1st period<br>2 | 2nd period<br>3 | 3rd period<br>4 | 4th period<br>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               |

## COMMISSION REGULATION (EC) No 75/94

of 14 January 1994

altering the import levies on products processed from cereals and rice

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<sup>(1)</sup>, as amended by Regulation (EEC) No 2193/93<sup>(2)</sup>, and in particular Article 11 (3) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice<sup>(3)</sup>, as last amended by Regulation (EEC) No 1544/93<sup>(4)</sup>, 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<sup>(5)</sup>, as amended by Regulation (EC) No 3528/93<sup>(6)</sup>,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EC) No 3619/93<sup>(7)</sup>;

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne

of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74<sup>(8)</sup>, as last amended by Regulation (EEC) No 1740/78<sup>(9)</sup>, the levies at present in force must therefore 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 processed from cereals and rice covered by Commission Regulation (EEC) No 1620/93<sup>(10)</sup> as fixed in the Annex to Regulation (EC) No 3619/93 are hereby altered to the amounts set out in the Annex.

*Article 2*

This Regulation shall enter into force on 15 January 1994.

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

Done at Brussels, 14 January 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 196, 5. 8. 1993, p. 22.

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(4)</sup> OJ No L 154, 25. 6. 1993, p. 5.

<sup>(5)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(6)</sup> OJ No L 320, 22. 12. 1993, p. 32.

<sup>(7)</sup> OJ No L 328, 29. 12. 1993, p. 25.

<sup>(8)</sup> OJ No L 168, 25. 6. 1974, p. 7.

<sup>(9)</sup> OJ No L 202, 26. 7. 1978, p. 8.

<sup>(10)</sup> OJ No L 155, 26. 6. 1993, p. 29.

## ANNEX

to the Commission Regulation of 14 January 1994 altering the import levies on products  
processed from cereals and rice

(ECU/tonne)

| CN code    | Import levies (7) |                                     |
|------------|-------------------|-------------------------------------|
|            | ACP               | Third countries<br>(other than ACP) |
| 1102 30 00 | 110,62            | 113,64                              |
| 1103 14 00 | 110,62            | 113,64                              |
| 1103 29 50 | 110,62            | 113,64                              |
| 1104 19 91 | 187,85            | 193,89                              |
| 1108 19 10 | 158,63            | 189,46                              |

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

## II

(Acts whose publication is not obligatory)

## COMMISSION

## DECISION NO 1/93 OF THE EEC-EFTA JOINT COMMITTEE ON COMMON TRANSIT

of 23 September 1993

amending Appendix III to the Convention of 20 May 1987 on a common transit procedure

(94/16/EEC)

THE JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on a common transit procedure<sup>(1)</sup>, and in particular Article 15 (3) (a) thereof,

Whereas Appendix II of the Convention contains, *inter alia*, specific provisions concerning the document certifying proof of Community status;

Whereas the text of Appendix II has recently been replaced in its entirety; whereas Appendix III of the Convention should therefore be adapted accordingly,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. Annex VII to Appendix III 'Explanatory Note on the use of forms for making out T 1 and T 2 declarations' is amended as follows:

In Title II 'Particulars to be entered in the different boxes', in the descriptive notes concerning:

- box 51: Intended offices of transit (and countries): in the first sentence 'country' shall be replaced by 'Contracting Party' and
- box 52: Guarantee: 'country(ies)' shall be replaced by 'Contracting Party(ies)'

2. Point A, 'General description' of Annex VIII to Appendix III 'Explanatory note on the use of forms drawing up documents certifying the Community status of goods not carried under the T 2 procedure (T 2L document)' is amended as follows:

1. The text of note 1 is replaced by:

'1. The T 2L document, certifying the Community status of the goods to which it refers shall be drawn up in accordance with Articles 7 and 8 of Appendix II'.

2. The text of note 7 is replaced by:

'7. The T 2L documents shall be used in accordance with Title III of Appendix II.'

*Article 2*

This Decision shall enter into force on 1 January 1994.

Done at Oslo, 23 September 1993.

*By the Joint Committee*

*The chairman*

Jan SOLBERG

<sup>(1)</sup> OJ No L 226, 13. 8. 1987, p. 2.

**DECISION No 2/93 OF THE EEC/EFTA JOINT COMMITTEE ON COMMON TRANSIT****of 23 September 1993****amending Appendix II of the Convention of 20 May 1987 on common transit**

(94/17/EEC)

THE JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on common transit<sup>(1)</sup>, and in particular Article 15 (3) (a) thereof,

Whereas Appendix II of the Convention contains, *inter alia*, specific provisions relating to guarantees;

Whereas, in view of recent developments in the transport of certain categories of goods presenting increased risks, the provisions governing guarantees in the European Economic Community have recently been amended in order to reinforce their effectiveness;

Whereas certain amendments have been made to the provisions concerning the simplified procedure for air and sea transport; whereas it is appropriate therefore to adapt Appendix II of the Convention,

HAS DECIDED AS FOLLOWS:

*Article 1*

Appendix II of the Convention is amended as follows:

1. In Chapter II 'GUARANTEES' of Title IV 'PROVISIONS APPLYING TO THE T1 AND T2 PROCEDURES', after 'Section 2 Comprehensive guarantee', the following text is inserted:

**'Use of the comprehensive guarantee***Article 34 A*

When T1 operations comprising goods listed in Annex VIII A to this Appendix and imported into the countries from third countries, present increased risks of fraud, on request of one or more Contracting Parties, the use of the comprehensive guarantee may be temporarily forbidden with regard to such goods by a decision of the Joint Committee.

The decision of the Joint Committee to forbid the use of the comprehensive guarantee shall be taken by means of an accelerated written procedure to be concluded no later than five working days commencing from the date of receipt by the countries of the draft decision if no objection has been received from one of the Contracting Parties.

The Contracting Parties shall take, from the introduction of the written procedure, the necessary measures to take account of the subject of the proposed decision.

The exclusion of goods from the comprehensive guarantee system shall be limited to a period of six months unless the Joint Committee decides to extend it.

**Amount of the guarantee***Article 34 B*

Without prejudice to the provisions of Article 34 A of this Appendix the level of the comprehensive guarantee shall be determined as follows:

1. The amount of the guarantee shall be set at least at 30 % of the duties and other charges payable according to the procedures laid down in paragraph 4 below or on the basis of any other method of calculation that achieves the same result.

<sup>(1)</sup> OJ No L 226, 13. 8. 1987, p. 2.

2. The comprehensive guarantee shall be fixed at a level equal to the full amount of duties and other charges payable, under the provisions of paragraph 4 below or on the basis of any other method of calculation that achieves the same result, when it is intended to cover T1 operations concerning goods :

- imported into the countries,
- listed in Annex VIII A of this Appendix
- and
- having been the subject of a decision of the Joint Committee adopted by means of an accelerated written procedure by which the Contracting Parties have agreed that the transit procedure presents increased risks of fraud.

The Contracting Parties shall take, from the introduction of the written procedure, the necessary measures to take account of the subject of the proposed decision.

However, the competent authorities of the countries concerned may set the amount of the guarantee at 50 % of the duties and other charges payable :

for persons :

- who are established in the country where the guarantee is furnished,
- who are regular users of the common transit system,
- whose financial situation is such that they can meet their commitments,
- and
- who have not committed any serious infringement of customs or tax laws.

If this subparagraph is applied, the office of guarantee shall enter in box 7 of the certificate of guarantee provided for in Article 35 of this Appendix one of the following statements :

- aplicación del párrafo segundo del apartado 2 del artículo 34 *ter* del apéndice II del Convenio de 20 de mayo de 1987
  - anvendelse af artikel 34b, stk. 2, andet afsnit af tillæg II til konventionen af 20. maj 1987
  - Anwendung von Artikel 34b Absatz 2 zweiter Unterabsatz der Anlage II des Übereinkommens vom 20. Mai 1987
  - εφαρμογή του άρθρου 34b παράγραφος 2 δεύτερο εδάφιο του προσαρτήματος II της σύμβασης της 20ής Μαΐου 1987
  - application of the second subparagraph of Article 34B (2) of Appendix II of the Convention of 20 May 1987
  - application de l'article 34 *ter* paragraphe 2 deuxième alinéa de l'appendice II de la convention du 20 mai 1987
  - applicazione dell'articolo 34 *ter*, paragrafo 2, secondo comma dell'appendice II della Convenzione del 20 maggio 1987
  - toepassing van artikel 34 *ter*, lid 2, tweede alinea, van aanhangsel II bij de Overeenkomst van 20 mei 1987
  - aplicação do ponto 2, segundo parágrafo, do artigo 34ºB do apêndice II da convenção de 20 de Maio de 1987
  - 20. äivänä toukokuuta 1987 tehdyn yleissopimuksen II liiteen 34 b artiklan 2 kohdan toista alakohtaa sovellettu
  - Beiting b-lídar 2. mgr. 2. tölul. 34. gr. II viðbætis við samninginn frá 20. maí 1987
  - anvendelse av Artikkel 34 b, paragraf 2, andre avsnitt av vedlegg II til konvensjonen av 20. mai 1987
  - tillämpning av artikel 34 b, punkten 2, andra stycket, i bilaga II til konventionen av 20. mai 1987.
3. Where the common transit declaration includes other goods besides those covered by paragraph 2 of this Article the provisions relating to the amount of the comprehensive guarantee shall be applied as if the two categories of goods were covered by separate declarations.

However, account shall not be taken of the presence of goods of either category if the quantity or value thereof is relatively insignificant.

4. In order to apply this Article the office of guarantee shall make an evaluation over a period of one week of :

- consignments made,
- the duties and other charges payable taking account of the highest level of taxation applicable in one of the countries concerned.

This evaluation shall be made on the basis of the commercial and accounting documentation of the person concerned in respect of goods transported during the past year, the amount obtained then being divided by 52.

In the case of new operators the office of guarantee shall in collaboration with the person concerned estimate the quantity, value and taxes applicable to the goods being transported over a given period based on data already available. The office of guarantee shall by extrapolation determine the likely value of and taxes on the goods to be transported during a period of one week.

Where the principal uses the comprehensive guarantee for the goods covered by Annex VIII A, the office of guarantee shall carry out an annual review of the amount of the comprehensive guarantee, in particular on the basis of information from the offices of departure, and shall if appropriate adjust the amount.'

2. Article 41 (2) is replaced by the following text :

'2. Where, owing to circumstances peculiar to it, a transport operation involves increased risks and the guarantee of ECU 7 000 is therefore insufficient, the office of departure shall ask for a guarantee of a greater amount in multiples of ECU 7 000 in order to guarantee the duties relating to the total quantity of goods to be dispatched.'

3. After Article 45 a new section 4 is inserted as follows :

'Section 4

**Individual guarantee**

**AMOUNT OF THE GUARANTEE**

*Article 45 A*

The amount of the individual guarantee intended to cover T1 operations concerning goods excluded from the comprehensive guarantee pursuant to the provisions of Article 34 A and listed in Annex VIII of this Appendix shall be calculated on the basis of Annex VIII.'

4. In Article 52 (11) (a) third subparagraph, Article 56 (2) second subparagraph and Article 56 (11) (a) third subparagraph, the term 'within two months' shall be replaced by the term 'within 60 days'.

#### *Article 2*

Annex VIII of Appendix II of the Convention is replaced by the text of Annex I of this Decision.

Annex VIII A conforming to the text of Annex II of this Decision, shall be added to Appendix II of the Convention.

#### *Article 3*

This Decision shall enter into force on 1 January 1984.

Done at Oslo, 23 September 1993.

*For the Joint Committee*

*The chairman*

Jan SOLBERG

## ANNEX I

## ANNEX VIII

LIST OF GOODS WHICH WHEN TRANSPORTED GIVE RISE TO AN INCREASE IN THE  
FLAT RATE GUARANTEE

| 1                                     | 2                                                                                                    | 3                                                                      |
|---------------------------------------|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Harmonized<br>system<br>heading<br>No | Description                                                                                          | Quantity<br>corresponding to<br>the standard<br>amount of<br>ECU 7 000 |
| ex 01.02                              | Live bovine animals, other than pure-bred breeding animals                                           | 4 000 kg                                                               |
| ex 01.03                              | Live pigs, other than pure-bred breeding animals                                                     | 5 000 kg                                                               |
| ex 01.04                              | Live sheep or goats, other than pure-bred breeding animals                                           | 6 000 kg                                                               |
| 02.01                                 | Meat of bovine animals, fresh or chilled                                                             | 2 000 kg                                                               |
| 02.02                                 | Meat of bovine animals, frozen                                                                       | 3 000 kg                                                               |
| 02.03                                 | Meat of pigs, fresh chilled or frozen                                                                | 4 000 kg                                                               |
| 02.04                                 | Meat of sheep or goats, fresh, chilled or frozen                                                     | 3 000 kg                                                               |
| ex 02.10                              | Meat of bovine animals, salted, in brine, dried or smoked                                            | 3 000 kg                                                               |
| 04.02                                 | Milk and cream, concentrated or containing added sugar or other sweetening matter                    | 5 000 kg                                                               |
| 04.05                                 | Butter and other fats and oils derived from milk                                                     | 3 000 kg                                                               |
| 04.06                                 | Cheese and curd                                                                                      | 3 500 kg                                                               |
| ex 09.01                              | Coffee, not roasted, whether or not decaffeinated                                                    | 3 000 kg                                                               |
| ex 09.01                              | Coffee, roasted, whether or not decaffeinated                                                        | 2 000 kg                                                               |
| 09.02                                 | Tea                                                                                                  | 3 000 kg                                                               |
| 10.01                                 | Cereals (wheat) and (meslin)                                                                         | 900 kg                                                                 |
| 10.02                                 | Rye                                                                                                  | 1 000 kg                                                               |
| 10.03                                 | Barley                                                                                               | 1 000 kg                                                               |
| 10.04                                 | Oats                                                                                                 | 850 kg                                                                 |
| ex 16.01                              | Sausages and similar products of meat, meat offal or blood, of domestic swine                        | 4 000 kg                                                               |
| ex 16.02                              | Other prepared or preserved meat, meat offal or blood, of domestic swine                             | 4 000 kg                                                               |
| ex 16.02                              | Other prepared or preserved meat, meat offal or blood of bovine animals                              | 3 000 kg                                                               |
| ex 21.01                              | Extracts, essence and concentrates, of coffee                                                        | 1 000 kg                                                               |
| ex 21.01                              | Extracts, essences and concentrates, of tea                                                          | 1 000 kg                                                               |
| ex 21.06                              | Food preparations not elsewhere specified or included, containing 18 % or more by weight of milkfats | 3 000 kg                                                               |
| 22.04                                 | Wine of fresh grapes, including fortified wines, grape must other than that of heading No 2009       | 15 hl                                                                  |

| 1                                     | 2                                                                                    | 3                                                                      |
|---------------------------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Harmonized<br>system<br>heading<br>No | Description                                                                          | Quantity<br>corresponding to<br>the standard<br>amount of<br>ECU 7 000 |
| 22.05                                 | Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances | 15 hl                                                                  |
| ex 22.07                              | Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher   | 3 hl                                                                   |
| ex 22.08                              | Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol   | 3 hl                                                                   |
| ex 22.08                              | Spirits, liqueurs and other spirituous beverages                                     | 5 hl                                                                   |
| ex 24.02                              | Cigarettes                                                                           | 70 000 items                                                           |
| ex 24.02                              | Cigarillos                                                                           | 60 000 items                                                           |
| ex 24.02                              | Cigars                                                                               | 25 000 items                                                           |
| ex 24.03                              | Smoking tobacco                                                                      | 100 kg                                                                 |
| ex 27.10                              | Light and medium petroleum oils and gas oils                                         | 200 hl                                                                 |
| 33.03                                 | Perfumes and toilet waters                                                           | 5 hl'                                                                  |

*ANNEX II**ANNEX VIII A***LIST OF GOODS FOR WHICH THE USE OF THE COMPREHENSIVE GUARANTEE MAY BE TEMPORARILY FORBIDDEN OR GIVE RISE TO AN INCREASE IN THE AMOUNT OF THE GUARANTEE**

|          |                                                                                    |
|----------|------------------------------------------------------------------------------------|
| ex 01.02 | Live bovine animals, other than pure-bred breeding animals                         |
| ex 01.03 | Live swine, other than pure-bred breeding animals                                  |
| ex 01.04 | Live sheep or goats, other than pure-bred breeding animals                         |
| 02.01    | Meat of bovine animals, fresh or chilled                                           |
| 02.02    | Meat of bovine animals, frozen                                                     |
| 02.03    | Meat of swine, fresh, chilled or frozen                                            |
| 02.04    | Meat of sheep or goats, fresh, chilled or frozen                                   |
| 04.02    | Milk and cream, concentrated or containing added sugar or other sweetening matter  |
| 04.05    | Butter and other fats and oils derived from milk                                   |
| 04.06    | Cheese and curd                                                                    |
| 10.01    | Wheat and meslin                                                                   |
| 10.02    | Rye                                                                                |
| 10.03    | Barley                                                                             |
| 10.04    | Oats                                                                               |
| ex 22.07 | Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher |
| ex 22.08 | Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol |
| ex 22.08 | Spirits, liqueurs and other spirituous beverages                                   |
| ex 24.02 | Cigarettes                                                                         |
| ex 24.02 | Cigarillos                                                                         |
| ex 24.02 | Cigars                                                                             |
| ex 24.03 | Smoking tobacco'                                                                   |

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**DECISION No 4/93 OF THE ACP-EEC CUSTOMS COOPERATION COMMITTEE****of 17 December 1993****derogating from the definition of the concept of 'originating products' to take account of the special situation of the Republic of the Seychelles with regard to its production of canned tuna**

(94/18/EC)

THE ACP-EEC CUSTOMS COOPERATION COMMITTEE,

Having regard to the fourth ACP-EEC Convention, signed at Lomé on 15 December 1989, and in particular Article 31 (9) of Protocol 1 thereto,

Whereas Article 31 of Protocol 1 to the Convention on the definition of the concept of 'originating products' and on administrative cooperation methods provides that derogations from this Protocol may be granted by the Customs Cooperation Committee when warranted by the development of existing industries or the creation of new industries;

Whereas the African, Caribbean and Pacific (ACP) States have submitted a request from the Government of the Republic of the Seychelles for a derogation from the definition set out in Protocol 1 in respect of canned tuna;

Whereas there are grounds for the requested derogation under the relevant provisions of Protocol 1; whereas the derogation cannot do any serious damage to an industry established in the Community, subject to compliance with certain conditions regarding quantities, monitoring and duration,

HAS DECIDED AS FOLLOWS:

*Article 1*

By way of derogation from the special provisions of the list in Annex II to Protocol 1, canned tuna falling within heading No 16.04 of the Common Customs Tariff and manufactured in the Republic of the Seychelles shall be considered as originating in the ACP States under the conditions set out in this Decision.

*Article 2*

The derogation provided for in Article 1 shall relate to an annual quantity of 1 800 tonnes of canned tuna falling within heading No 16.04 of the Common Customs Tariff

produced in and exported to the Community from the Republic of the Seychelles between 1 May 1993 and 30 April 1998.

*Article 3*

The competent authorities of the Republic of the Seychelles shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 2.

For this purpose, all certificates issued under this derogation shall make reference to this Decision. The competent authorities of the Republic of the Seychelles shall forward to the Commission every three months a statement of the quantities in respect of which EUR.1 movement certificates have been issued on the basis of this Decision, indicating the numbers of the certificates issued.

*Article 4*

The ACP States and the Member States of the Community shall be bound, each to the extent to which it is concerned, to take the measures necessary to implement this Decision.

*Article 5*

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 17 December 1993.

*For the ACP-EEC Customs  
Cooperation Committee*

*The chairman*

P. WILMOTT

Marcel Eugène IBINGA MAGWANGU

**CORRIGENDA**

**Corrigendum to Commission Regulation (EC) No 3673/93 of 20 December 1993 laying down detailed rules for the application in the poultrymeat sector of Council Regulation (EEC) No 3834/90 reducing for the period 1 January to 30 June 1994 the levies on certain agricultural products originating in developing countries**

*(Official Journal of the European Communities No L 338 of 31 December 1993)*

On page 46, in Article 3 (a):

*for:* '... 50 tonnes ...',

*read:* '... 25 tonnes ...'.

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**Corrigendum to Commission Decision 93/573/EEC of 20 October 1993 authorizing Member States to permit temporarily the marketing of forest reproductive material not satisfying the requirements of Council Directive 66/404/EEC**

*(Official Journal of the European Communities No L 276 of 9 November 1993)*

On page 19, in Article 6:

*for:* '... 1 January 1997 ...',

*read:* '... 1 January 1995 ...'.

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