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I

(Acts whose publication is obligatory)

COMMISSION RECOMMENDATION No 85/94/ECSC

of 19 January 1994

on prior Community surveillance of imports of certain iron and steel products covered by the ECSC Treaty originating in non-member countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 74 thereof,

Whereas by Recommendation No 3772/92/ECSC⁽¹⁾, the Commission made imports into the Community of certain iron and steel products covered by the Treaty establishing the European Coal and Steel Community subject to Community surveillance;

Whereas the completion of the internal market requires that the formalities to be accompanied by Community importers be the same wherever the goods may be cleared;

Whereas the import documents issued for the purposes of Community surveillance must be valid throughout the Community, regardless of the Member State of issue;

Whereas the issue of import documents, while subject to standard conditions at Community level, is to be the responsibility of the national authorities,

MAKES THE FOLLOWING RECOMMENDATION:

Article 1

1. The release for free circulation in the Community of iron and steel products covered by the ECSC Treaty listed in Annex I, originating in non-member countries other than the countries of the European Free Trade Association (EFTA), shall be subject to the issue of an import document.

2. The import document or licence (import authorization) shall be issued by the competent authority in the Member States, free of charge and for any quantities

requested, upon receipt of the application and in any case within not more than 10 working days of the submission by a Community importer of the completed application, regardless of the importer's place of establishment in the Community.

3. Paragraph 2 shall apply without prejudice to the applicability of Community quantitative limits.

4. An import document or licence issued by one of the authorities listed in Annex II shall be valid throughout the Community.

5. The importer's application shall include the particulars provided for in Article 2 (1). Where the goods are to clear customs in a Member State other than that which issued the import document or licence, the form provided for in Annex III must be used.

6. The period of validity of the import document or licence is hereby fixed at three months, without prejudice to possible changes in the import regulations in force or decisions taken in the frame of the management of a quota or an arrangement.

7. Unused or partly used import documents or licences may be renewed.

Article 2

1. The importer's application must state:

- (a) the third-country consignor's name and address;
- (b) the full name and address of the importer (consignee);
- (c) the exact description of the goods and the EEC nomenclature code(s);
- (d) the country of origin;
- (e) the country of consignment;
- (f) the net weight, by EEC nomenclature heading;

⁽¹⁾ OJ No L 383, 29. 12. 1992, p. 39.

- (g) the cif value at Community frontier by EEC nomenclature heading;
- (h) whether the products concerned are seconds or of substandard quality⁽¹⁾;
- (i) the proposed period and place(s) of customs clearance.

2. The importer shall state whether his application is a repeat of a previous applications concerning the same contract.

3. The importer shall certify that his application is accurate and shall submit a copy either of the purchase contract(s) or of the vendor's order confirmation(s); confirmations shall be accompanied by the *pro forma* invoice.

Article 3

1. Without prejudice to Article 1 (3), Article 2 (1) (g) shall not prevent release for free circulation in cases where the unit price for the transaction exceeds that indicated in the import document.

2. Without prejudice to Article 1 (3), Article 2 (1) (f) shall not prevent release for free circulation where the quantity of products presented on import does not exceed that stipulated in the import document or licence by more than 5 % on aggregate.

3. Where the goods are to clear customs in a Member State other than the one in which the import document or licence was issued, the authority which issued the authorization shall send it, together with the application referred to in Article 1 (5), to the licensing authority in the Member State of importation. The latter authority

shall if necessary automatically endorse or confirm the authorization issued by the first authority, which shall then be forwarded immediately to customs at the intended place of importation.

4. Applications for import documents or licences and the licences themselves shall be confidential. They shall be restricted to the competent authorities and the applicant.

Article 4

1. Within the first ten days of each month, the Member States shall notify the Commission of the tonnage and values (calculated in ECU) for which import documents or licences were issued during the preceding month, giving the particulars entered in the importers' applications under Article 2 (1) (c) to (h).

2. The Member States shall give notification of any anomalies or cases of fraud which they discover.

Article 5

This recommendation shall be applicable from 1 January 1994.

It shall apply until 31 December 1994.

Done at Brussels, 19 January 1994.

For the Commission

Leon BRITTAN

Member of the Commission

⁽¹⁾ Under the criteria given in OJ No C 180, 11. 7. 1991, p. 4.

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7201 10 11	7208 32 59	7210 60 19	7216 31 19	7222 10 39
7201 10 19	7208 32 91	7210 70 31	7216 31 91	7222 10 81
7201 10 30	7208 32 99	7210 70 39	7216 31 99	7222 10 89
7201 10 90	7208 33 10	7210 90 31	7216 32 11	7222 30 10
7201 20 00	7208 33 91	7210 90 33	7216 32 19	7222 40 11
7201 30 10	7208 33 99	7210 90 35	7216 32 91	7222 40 19
7201 30 90	7208 34 10	7210 90 39	7216 32 99	7222 40 30
7201 40 00	7208 34 90		7216 33 10	
	7208 35 10	7211 11 00	7216 33 90	7224 10 00
7202 11 20	7208 35 90	7211 12 10	7216 40 10	7224 90 01
7202 11 80	7208 41 00	7211 12 90	7216 40 90	7224 90 05
7202 99 11	7208 42 10	7211 19 10	7216 50 10	7224 90 08
	7208 42 30	7211 19 91	7216 50 91	7224 90 15
7203 90 00	7208 42 51	7211 19 99	7216 50 99	7224 90 31
	7208 42 59	7211 21 00	7216 90 10	7224 90 39
7204 50 10	7208 42 91	7211 22 10		
7204 50 90	7208 42 99	7211 22 90	7218 10 00	7225 10 10
	7208 43 10	7211 29 10	7218 90 11	7225 10 91
7206 10 00	7208 43 91	7211 29 91	7218 90 13	7225 10 99
7206 90 00	7208 43 99	7211 29 99	7218 90 15	7225 20 20
	7208 44 10	7211 30 10	7218 90 19	7225 30 00
7207 11 11	7208 44 90	7211 41 10	7218 90 50	7225 40 10
7207 11 14	7208 45 10	7211 41 91		7225 40 30
7207 11 16	7208 45 90	7211 49 10	7219 11 10	7225 40 50
7207 12 10	7208 90 10	7211 90 11	7219 11 90	7225 40 70
7207 19 11			7219 12 10	7225 40 90
7207 19 14	7209 11 00	7212 10 10	7219 12 90	7225 50 10
7207 19 16	7209 12 10	7212 10 91	7219 13 10	7225 50 90
7207 19 31	7209 12 90	7212 21 11	7219 13 90	7225 90 10
7207 20 11	7209 13 10	7212 29 11	7219 14 10	
7207 20 15	7209 13 90	7212 30 11	7219 14 90	7226 10 10
7207 20 17	7209 14 10	7212 40 10	7219 21 11	7226 10 30
7207 20 32	7209 14 90	7212 40 91	7219 21 19	7226 20 20
7207 20 51	7209 21 00	7212 50 31	7219 21 90	
7207 20 55	7209 22 10	7212 50 51	7219 22 10	7226 91 10
7207 20 57	7209 22 90	7212 60 11	7219 22 90	7226 91 90
7207 20 71	7209 23 10	7212 60 91	7219 23 10	7226 92 10
	7209 23 90		7219 23 90	7226 99 20
7208 11 00	7209 24 10	7213 10 00	7219 24 10	
7208 12 10	7209 24 91	7213 20 00	7219 24 90	7227 10 00
7208 12 91	7209 24 99	7213 31 10	7219 31 10	7227 20 00
7208 12 95	7209 31 00	7213 31 90	7219 31 90	7227 90 10
7208 12 98	7209 32 10	7213 39 10	7219 32 10	7227 90 30
7208 13 10	7209 32 90	7213 39 90	7219 32 90	7227 90 50
7208 13 91	7209 33 10	7213 41 00	7219 33 10	7227 90 70
7208 13 95	7209 33 90	7213 49 00	7219 33 90	
7208 13 98	7209 34 10	7213 50 10	7219 34 10	7228 10 10
7208 14 10	7209 34 90	7213 50 90	7219 34 90	7228 10 30
7208 14 91	7209 41 00		7219 35 10	7228 20 11
7208 14 99	7209 42 10	7214 20 00	7219 35 90	7228 20 19
7208 21 10	7209 42 90	7214 30 00	7219 90 11	7228 20 30
7208 21 90	7209 43 10	7214 40 10	7219 90 19	7228 30 20
7208 22 10	7209 43 90	7214 40 31		7228 30 40
7208 22 91	7209 44 10	7214 40 39	7220 11 00	7228 30 61
7208 22 95	7209 44 90	7214 40 90	7220 12 00	7228 30 69
7208 22 98	7209 90 10	7214 50 10	7220 20 10	7228 30 70
7208 23 10		7214 50 31	7220 90 11	7228 30 89
7208 23 91	7210 11 10	7214 50 39	7220 90 31	7228 60 10
7208 23 95	7210 12 11	7214 50 90		7228 70 10
7208 23 98	7210 12 19	7214 60 00	7221 00 10	7228 70 31
7208 24 10	7210 20 10		7221 00 90	7228 80 10
7208 24 91	7210 31 10	7215 90 10		7228 80 90
7208 24 99	7210 39 10		7222 10 11	
7208 31 00	7210 41 10	7216 10 00	7222 10 19	7301 10 00
7208 32 10	7210 49 10	7216 21 00	7222 10 21	
7208 32 30	7210 50 10	7216 22 00	7222 10 29	
7208 32 51	7210 60 11	7216 31 11	7222 10 31	

ANNEX II

MEMBER STATES' LICENSING OFFICES

BELGIUM

Ministère des affaires économiques
Office central des contingents et licences
rue J. A. De Mot 24-26
B-1040 Bruxelles
Fax : 02/230 83 22

Ministerie van Economische Zaken
Centrale Dienst voor Contingenten en Vergunningen
J.-A. De Motstraat 24-26
B-1040 Brussel
Fax : 02/230 83 22

SPAIN

Ministerio de Comercio y Turismo
Dirección General de Comercio Exterior
Paseo de la Castellana 162
E-28046 Madrid
Fax : 34/15 63 18 23

GREECE

Υπουργείο Εθνικής Οικονομίας
Διεύθυνση Ρυθμιστικών Θεμάτων
Εξωτερικού Εμπορίου
Μητροπόλεως 1, Πλατεία Συντάγματος
GR-105 57 Αθήνα
Fax : 00301/3234393

UNITED KINGDOM

Department of Trade and Industry, North East
Import Licensing Branch
Queensway House — West Precinct
UK-Billingham, Cleveland
TS23 2NF
Fax : 0642 533 557

IRELAND

Department of Trade and Industry
Trade Regulation Branch
Frederick Building, Setanta Centre
South Frederick Street
IRL-Dublin 2
Fax : 67 95 710

DENMARK

Erhvervsfremme Styrelsen
Søndergade 25
DK-8600 Silkeborg
Fax : 45/87 20 40 77

GERMANY

Bundesamt für Wirtschaft, Dienst 01
Postfach 5171
D-6235 Eschborn 1
Fax : 49/61 96 40 42 12

FRANCE

SAFICO
42, rue de Clichy
F-75436 Paris Cedex 09
Fax : 40 23 06 51

THE NETHERLANDS

Centrale Dienst voor In- en Uitvoer
Postbus 30.003, Engelse Kamp 2
NL-9722 AX Groningen
Fax : 050/26 06 98

PORTUGAL

Direcção-Geral do Comércio Externo
Av. da Republica, 79
P-1000 Lisboa
Fax : 79 32 2 10

ITALY

Ministero per il Commercio estero
D.G. Import-export, Division V
Via Boston
I-00144 Roma EUR
Fax : 59 93 26 36 ; 59 93 26 37

LUXEMBOURG

Ministère des affaires étrangères
Office des licences
BP 113
L-2011 Luxembourg
Telefax : 352/46 61 38

Application for import document/licence
ECSC arrangements

Application registration No

- | | |
|--|---|
| 1. National issuing authority | 2. Reference to surveillance recommendation,
notice of quota, etc. |
| 3. Importer (applicant)
— name, profession, address, telephone
number, country | 4. Number of firm |
| 5. Exporter
— name and address | |
| 6. Description of the goods in accordance with
the customs tariff | 7. CN code |
| 8. Total net weight | 9. Unit price |
| 10. Cif value | |
| 11. Country of origin (code) | 12. Country of consignment (code) |
| 13. Proposed date or period of importation | 14. Remarks |
| 15. Has a previous application been submitted? | 16. Has an application been submitted in another
Member State? |

Enclosures : Contract Invoice Export licence

Date : stamp and signature of applicant

FOR OFFICIAL USE ONLY

- Number of licence ('):
- Country of origin :
- Commodity code :
- Quantity :
- Price :
- Final day of validity :

Date, stamp and
signature

(¹) May be drawn up on a separate sheet.

FOR USE BY CUSTOMS

Total quantity authorized		Final date for importation			
Date	Customs document	Statistical number (external trade statistics)	Quantity charged	Quantity available	Customs office and signature

Wholly or partly used licences or licences unused at the expiry date must be returned to the licensing authority.

COMMISSION REGULATION (EC) No 86/94

of 19 January 1994

establishing a reference method for the determination of sitosterol and stigmasterol in butter

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 2071/92 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas butter may be traced and the traced products have to be controlled according to Articles 3 and 6 of Commission Regulation (EEC) No 570/88 ⁽³⁾, as last amended by Regulation (EC) No 3049/93 ⁽⁴⁾;

Whereas strict compliance with the conditions relating to the tracing of butter is essential in order to prevent the risk of unauthorized use of subsidized butter;

Whereas taking account of the importance of tracing in the proper functioning of this scheme it is necessary to establish common methods for detection of all tracers required by this scheme applicable in the same way throughout the Community; this would in particular ensure equal treatment of all operators having access to this scheme and eliminate unequal conditions of competition which may result at present, as a consequence of different national methods of analysis;

Whereas a reference method for the determination of stigmasterol and sitosterol in butteroil has been established by Commission Regulation (EEC) No 3942/92 ⁽⁵⁾;

whereas this method can be applied in a slightly modified form for the determination of sterol tracers in butter;

Whereas the accuracy of the method and the tolerance limits had to be determined;

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

HAS ADOPTED THIS REGULATION:

Article 1

The reference method of analysis to determine the stigmasterol or β -sitosterol content of butter according to Article 6 of Regulation (EEC) No 570/88 is specified in the Annex.

Butter has been traced correctly if the results obtained are in accordance with the requirements specified in paragraph 8 of this Annex.

Article 2

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

It shall apply from 1 April 1994.

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

Done at Brussels, 19 January 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁴⁾ OJ No L 273, 5. 11. 1993, p. 7.

⁽⁵⁾ OJ No L 399, 31. 12. 1992, p. 29.

ANNEX

DETERMINATION OF SITOSTEROL OR STIGMASTEROL IN BUTTER BY CAPILLARY-COLUMN GAS CHROMATOGRAPHY

1. SCOPE AND FIELD OF APPLICATION

The method describes a procedure for the quantitative determination of sitosterol or stigmasterol in butter. Sitosterol is taken to be the sum of B-sitosterol and 22 dihydro B sitosterol, other sitosterols are assumed to be insignificant. It is applicable to samples received under Regulation (EEC) No 570/88.

2. PRINCIPLE

The butter is saponified with potassium hydroxide in ethanolic solution and the unsaponifiables are extracted with diethyl ether.

The sterols are transformed into trimethyl-silyl ethers and are analysed by capillary-column gas chromatography with reference to an internal standard betulin.

3. APPARATUS

- 3.1. 150 ml saponification flask fitted with a reflux condenser having ground-glass joints.
- 3.2. 500 ml separating funnels.
- 3.3. 250 ml flasks.
- 3.4. Pressure equalizing funnels, 250 ml or similar, to collect waste diethyl ether.
- 3.5. Glass column, 350 mm × 20 mm fitted with sintered glass plug.
- 3.6. Waterbath or isomantle.
- 3.7. Reaction vials, 2 ml.
- 3.8. Gas chromatograph suitable for use with a capillary column, provided with a splitting system consisting of:
 - 3.8.1. a thermostatic chamber for columns capable of maintaining the desired temperature with an accuracy of $\pm 1^{\circ}\text{C}$;
 - 3.8.2. a temperature-adjustable vaporization unit;
 - 3.8.3. a flame ionization detector and converter amplifier;
 - 3.8.4. an integrator-recorder suitable for use with the converter-amplifier (3.8.3).
- 3.9. A fused-silica capillary column entirely coated with BP1 or equivalent in a uniform thickness $0,25\text{ }\mu\text{m}$; the column must be capable of resolving trimethyl silyl derivatives of lanosterol and sitosterol, a BP1, length 12 m, internal diameter 0,2 mm is suitable.
- 3.10. A 1 μl gas chromatography microsyringe with hardened needle.

4. REAGENTS

All reagents must be of recognized analytical grade. The water used must be distilled water or water of at least equivalent purity.

- 4.1. Ethanol, at least 95 % pure.
- 4.2. Potassium hydroxide, 60 % solution, dissolve 600 g potassium hydroxide (minimum 85 %) in water and make up to one litre with water.
- 4.3. Betulin of at least 99 % purity.
- 4.3.1. Internal standard solutions. Betulin in diethyl ether (4.4).

- 4.3.1.1. The concentration of betulin solution used for sitosterol determination should be 1,0 mg/ml.
- 4.3.1.2. The concentration of betulin solution used for stigmasterol determination should be 0,4 mg/ml.
- 4.4. Diethyl ether, analytical purity (free from peroxides or residue).
- 4.5. Sodium sulphate, anhydrous, granular previously dried at 102 °C for two hours.
- 4.6. Silylating reagent, for example TRI-SIL (available from Pierce Chemical Co, Cat No 49001) or equivalent. (WARNING: TRI-SIL is flammable toxic, corrosive and a possible carcinogen. Laboratory personnel must be familiar with TRI-SIL safety data and take the appropriate precautions.)
- 4.7. Lanosterol.
- 4.8. Sitosterol, of known purity not less than 90 % pure (P).

Note 1: The purity of standard materials used for calibration must be determined using the method of normalization. Assume that all sterols present in the sample are represented on the chromatogram the total area of the peaks represents 100 % of the sterol constituents and that the sterols give the same detector response. Linearity of the system must be validated over the concentration ranges of interest.

- 4.8.1. Sitosterol standard solution — prepare a solution containing, to the nearest 0,001 mg/ml, approximately 0,5 mg/ml (W_1) sitosterol (4.8) in diethyl ether (4.4).
- 4.9. Stigmasterol, of known purity not less than 90 % pure (P).
- 4.9.1. Stigmasterol standard solution — prepare a solution containing, to the nearest 0,001 mg/ml, approximately 0,2 mg/ml (W_1) stigmasterol (4.9) in diethyl ether (4.4).
- 4.10. Resolution test mixture. Prepare a solution containing 0,05 mg/ml lanosterol (4.7) and 0,5 mg/ml sitosterol (4.8) in diethyl ether (4.4).

5. PROCEDURE

- 5.1. Preparation of standard solutions for chromatography. The internal standard solution (4.3.1) must be added to the appropriate sterol standard solution at the same time as it is added to the saponified sample (see 5.2.2).
- 5.1.1. Sitosterol standard chromatographic solution; transfer 1 ml of sitosterol standard solution (4.8.1) to each of two reaction vials (3.7) and remove the diethyl ether with a stream of nitrogen. Add 1 ml of internal standard solution (4.3.1.1) and remove the diethyl ether with a stream of nitrogen.
- 5.1.2. Stigmasterol standard chromatographic solution; transfer 1 ml of stigmasterol standard solution (4.9.1) to each of two reaction vials (3.7) and remove the diethyl ether with a stream of nitrogen. Add 1 ml of internal standard solution (4.3.1.2) and remove the diethyl ether with a stream of nitrogen.
- 5.2. Preparation of the unsaponifiables.
- 5.2.1. Melt the butter sample at a temperature not exceeding 35 °C, mix the sample thoroughly by stirring, weigh, to the nearest 1 mg, approximately 1 g of butter (W_2) into a 150 ml flask (3.1). Add 50 ml ethanol (4.1) and 10 ml potassium hydroxide solution (4.2). Fit the reflux condenser and heat at approximately 75 °C for 30 minutes. Detach the condenser and cool the flask to approximately ambient temperature.
- 5.2.2. Add 1,0 ml of internal standard solution (4.3.1.1) to the flask if sitosterol is to be determined, or (4.3.1.2) if stigmasterol is to be determined. Mix thoroughly. Transfer the contents of the flask quantitatively into a 500 ml separating funnel (3.2) washing the flask in turn with 50 ml water and 250 ml diethyl ether (4.4). Shake the separating funnel vigorously for two minutes and allow the phases to separate. Run off the lower aqueous layer and wash the ether layer by shaking with four successive 100 ml aliquots of water.

Note 2: To avoid formation of an emulsion, it is essential that the first two water washes are carried out gently (10 inversions). The third wash can be shaken vigorously for 30 seconds. If an emulsion is formed it can be destroyed by the addition of 5-10 ml of ethanol. If ethanol is added it is essential to carry out a further two vigorous water washes.

- 5.2.3. Pass the clear, soap free ether layer through a glass column (3.5) containing 30 g anhydrous sodium sulphate (4.5). Collect the ether in a 250 ml flask (3.3). Add one anti-bumping granual and evaporate to near dryness in a water or isomantle, taking care to collect the waste solvents.

Note 3: If sample extracts are taken to complete dryness at too high a temperature sterol losses may occur.

- 5.3. Preparation of trimethyl silyl ethers.

- 5.3.1. Transfer the ether solution remaining in the flask to a 2 ml reaction vial (3.7) with 2 ml diethyl ether and remove the ether using a stream of nitrogen. Wash the flask with two further 2 ml aliquots of diethyl ether, transferring to the vial and removing the ether with nitrogen each time.

- 5.3.2. Silylate the sample by addition of 1 ml TRI-SIL (4.6). Close the vial and shake vigorously to dissolve. If dissolution is incomplete, warm to 65-70 °C. Allow to stand for at least five minutes before injecting into the gas-chromatograph. Silylate standards in the same way as samples. Silylate the resolution test mixture (4.10) in the same way as samples.

Note 4: Silylation must be affected in a water free environment. Incomplete silylation of betulin is indicated by a second peak close to that of betulin.

The presence of ethanol at the silylation stage will interfere with silylation. This may result from inadequate washing at the extraction stage. If this problem persists a fifth wash, shaken vigorously for 30 seconds, may be introduced at the extraction stage.

- 5.4. Gas-Chromatographic analysis.

- 5.4.1. Choice of operating conditions.

Set up the gas-chromatograph according to the manufacturers instructions.

The guideline operating conditions are as follows:

- column temperature 265 °C
- injector temperature 280 °C
- detector temperature 300 °C
- carrier gas flow rate 0,6 ml/minute
- hydrogen pressure 84 kPa
- air pressure 155 kPa
- sample split 10 : 1 to 50 : 1, the split ratio must be optimized in accordance with the manufacturers instructions and linearity of detector response then validated over the concentration range of interest.

Note 5: It is especially important that the injection liner is regularly cleared.

- amount of substance injected 1 µl of TMSE solution.

Allow the system to equilibrate and obtain a satisfactory stable response before commencing any analysis.

These conditions must be varied in the light of column and gas-chromatograph characteristics so as to obtain chromatograms which meet the following requirements:

- the sitosterol peak must be adequately resolved from lanosterol. Figure 1 shows a typical chromatogram which should be obtained from a silylated resolution test mixture (4.10),

- the relative retention times of the following sterols should be approximately:

Cholesterol	1,0
Stigmasterol	1,3
Sitosterol	1,5
Betulin	2,5,

- the retention time for betulin should be approximately 24 minutes.

5.4.2. Analytical procedure.

Inject μl of silylated solution (stigmasterol or sitosterol) and adjust the integrator calibration parameters.

Inject a further 1 μl of silylated standard solution to determine the response factors with reference to betulin.

Inject 1 μl of silylated sample solution and measure peak areas. Each chromatographic run must be bracketed by an injection of standards. As a guide, six injections of sample should be included in each bracketed run.

Note 6: Integration of the stigmasterol peak should include any tailing as defined by points 1, 2 and 3 in Figure 2 b.

Integration of the sitosterol peak should include the area of the 22 dihydro B sitosterol (stigmastanol) peak which elutes immediately after sitosterol, see Figure 3b, when evaluating total sitosterol.

6. CALCULATION OF RESULTS

6.1. Determine the area of the sterol peaks and betulin peaks in both standards bracketing a batch, and calculate R_1 :

$$R_1 = \frac{\text{Average peak area of sterol in standard}}{\text{Average peak area of betulin in standard}}$$

Determine the area of the sterol peak (stigmasterol or sitosterol) and betulin peak in the sample and calculate R_2 :

$$R_2 = \frac{\text{Peak area of sterol in sample}}{\text{Peak area of betulin in sample}}$$

W_1 = sterol content of the standard (mg) contained in 1 ml of standard solution (4.8.1 or 4.9.1).

W_2 = weight of sample (g) (5.2.1)

P = purity of standard sterol (4.8 or 4.9)

$$\text{Sterol content of the sample (mg/kg)} = \frac{R_2}{R_1} \times \frac{W_1}{W_2} \times P \times 10.$$

7. ACCURACY OF THE METHOD

7.1. Repeatability.

7.1.1. Stigmasterol.

The difference between the results of two determinations carried out within the shortest feasible time interval, by one operator using the same apparatus on identical test material shall not exceed 19,3 mg/kg.

7.1.2. Sitosterol

The difference between the results of two determinations carried out within the shortest feasible time interval, by one operator using the same apparatus on identical test material shall not exceed 23,0 mg/kg.

7.2. Reproducibility.

7.2.1. Stigmasterol.

The difference between the results of two determinations carried out by operators in different laboratories, using different apparatus on identical test material shall not exceed 31,9 mg/kg.

7.2.2. Sitosterol.

The difference between the results of two determinations carried out by operators in different laboratories, using different apparatus on identical test material shall not exceed 8,7 % relative of the mean of the determination.

7.3. Source of precision data.

The precision data were determined from an experiment conducted in 1992 involving eight laboratories and six samples (three blind duplicates) for stigmasterol ; six samples (three blind duplicates) for sitosterol.

8. TOLERANCE LIMITS

8.1. Three samples must be taken from the traced product in order to check on homogeneity.

8.2. Stigmasterol

8.2.1. The incorporation for stigmasterol is 150 grams of at least 95 % pure stigmasterol per tonne of butter, i.e. 142,5 mg/kg ; or 170 grams of at least 85 % pure stigmasterol per tonne of butter, i.e. 144,5 mg/kg.

8.2.2. Taking the Critical Difference for a 95 % probability level (CrD_{95}) into consideration, the mean of the three results shall not be less than
in the case of incorporation of 95 % pure stigmasterol, 126,0 mg/kg,
in the case of incorporation of 85 % pure stigmasterol, 128,0 mg/kg.

8.2.3. In addition to the criteria given above, the lowest result obtained from analysis of the product is used to check homogeneity of tracer distribution. This is done by a comparison with the following limits :

- 116,4 mg/kg (95 % of the minimum incorporation rate for 95 % pure stigmasterol, single sample CrD_{95} taken into consideration)
- 118,3 mg/kg (95 % of the minimum incorporation rate for 85 % pure stigmasterol, single sample CrD_{95} taken into consideration)
- 95,1 mg/kg (80 % of the minimum incorporation rate for 95 % pure stigmasterol, single sample CrD_{95} taken into consideration)
- 96,7 mg/kg (80 % of the minimum incorporation rate for 85 % pure stigmasterol, single sample CrD_{95} taken into consideration).

The tracer concentration in the sample giving the lowest result is used in conjunction with interpolation respectively between 116,4 mg/kg and 95,1 mg/kg or 118,3 mg/kg and 96,7 mg/kg.

8.3. Sitosterol

8.3.1. The incorporation rate for sitosterol is 600 grams of at least 90 % pure sitosterol per tonne of butter, i.e. 540 mg/kg.

8.3.2. Taking the CrD_{95} into consideration the mean of the three results shall not be less than 514,4 mg/kg.

8.3.3. In addition to the criterion given above, the lowest result obtained from analysis of the product is used to check homogeneity of tracer distribution. This is done by comparison with the following limits.

- 485,1 mg/kg (95 % of the minimum incorporation rate for 90 % pure sitosterol, single sample CrD_{95} taken into consideration)
- 404,1 mg/kg (80 % of the minimum incorporation rate for 90 % pure sitosterol, single sample CrD_{95} taken into consideration).

The tracer concentration in the sample giving the lowest result is used in conjunction with interpolation between 485,1 mg/kg and 404,1 mg/kg.

Figure 1 Chromatogram of resolution test mixture.

Complete resolution is preferable, i.e. the peak trace for lanosterol should return to baseline before leaving for the sitosterol peak although incomplete resolution is tolerable.

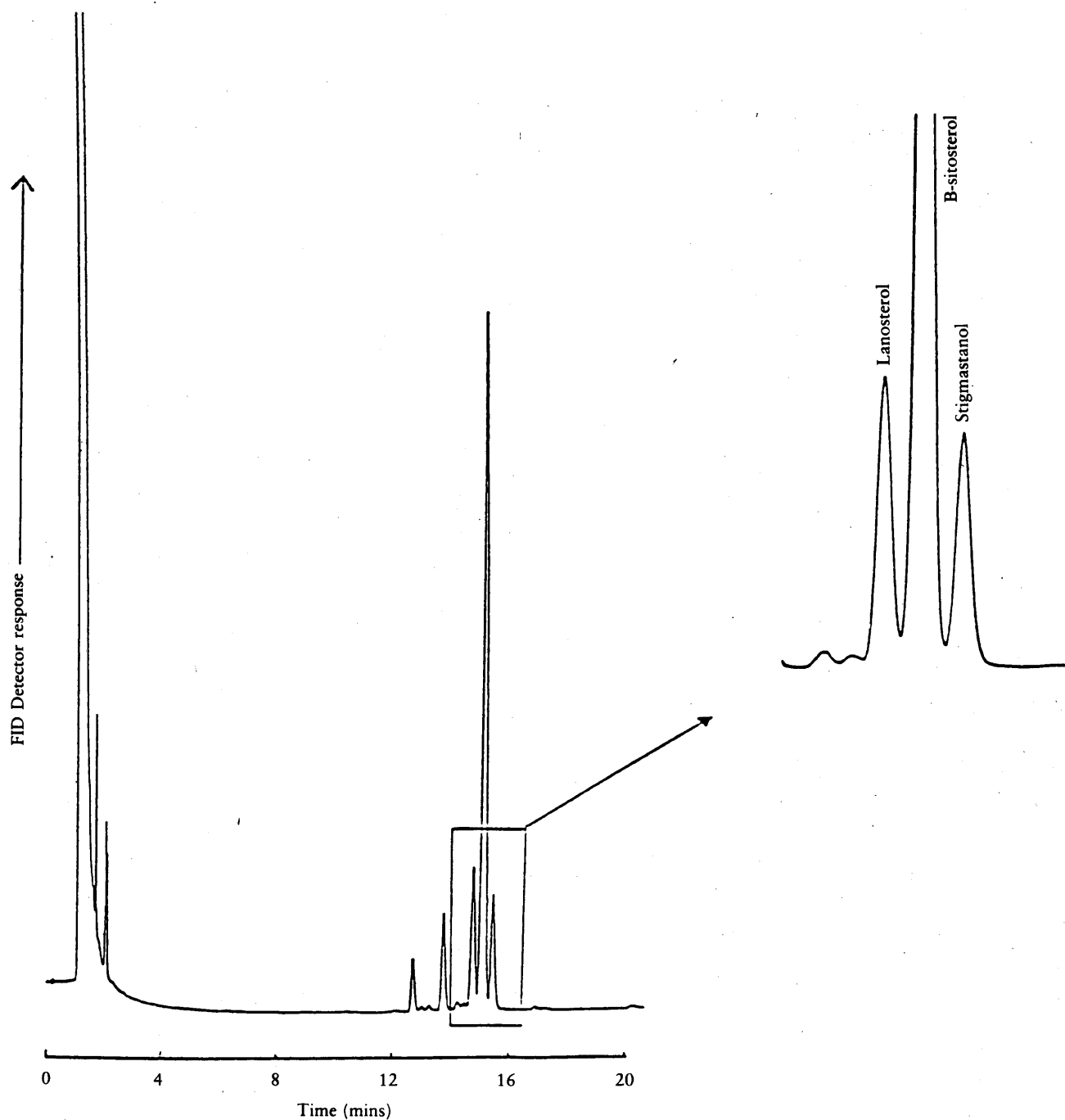


Figure 2a
Stigmasterol standard

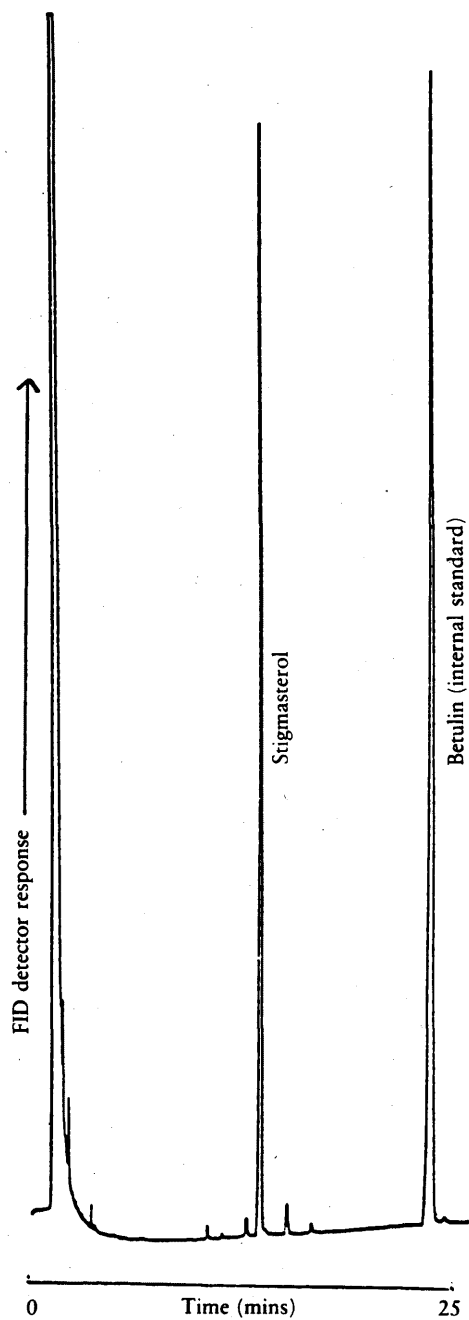
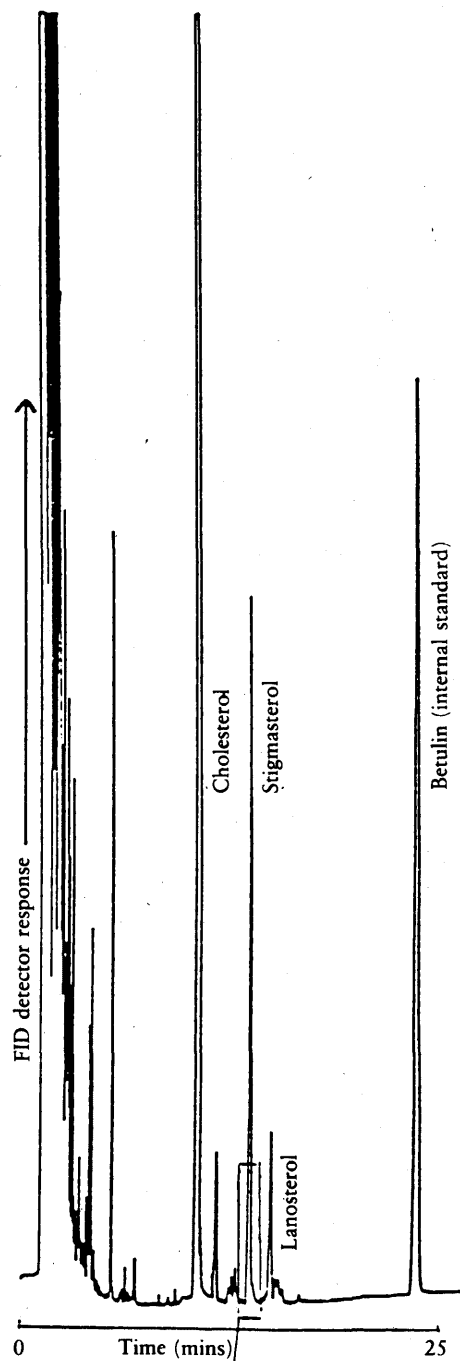


Figure 2b
Butter sample denatured with
stigmasterol



Note: Integration of the stigmasterol peak should include any tailing as defined by points 1, 2 and 3.

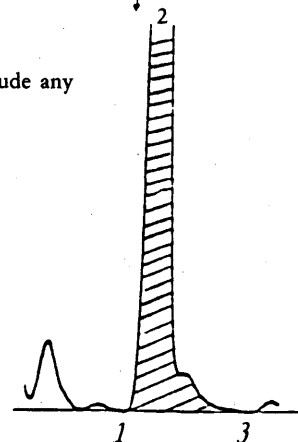


Figure 3a
Sitosterol standard

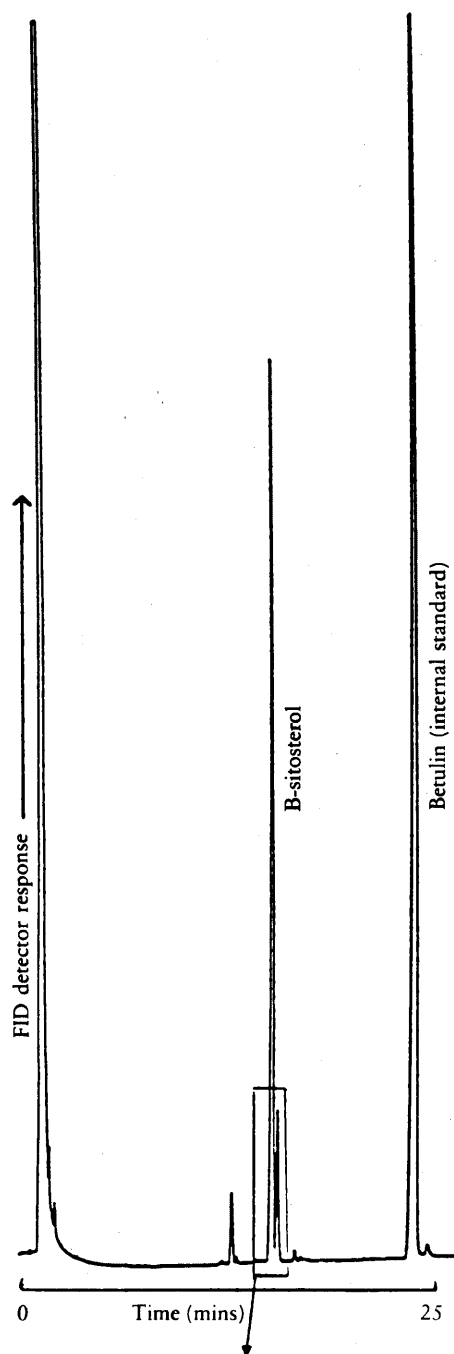
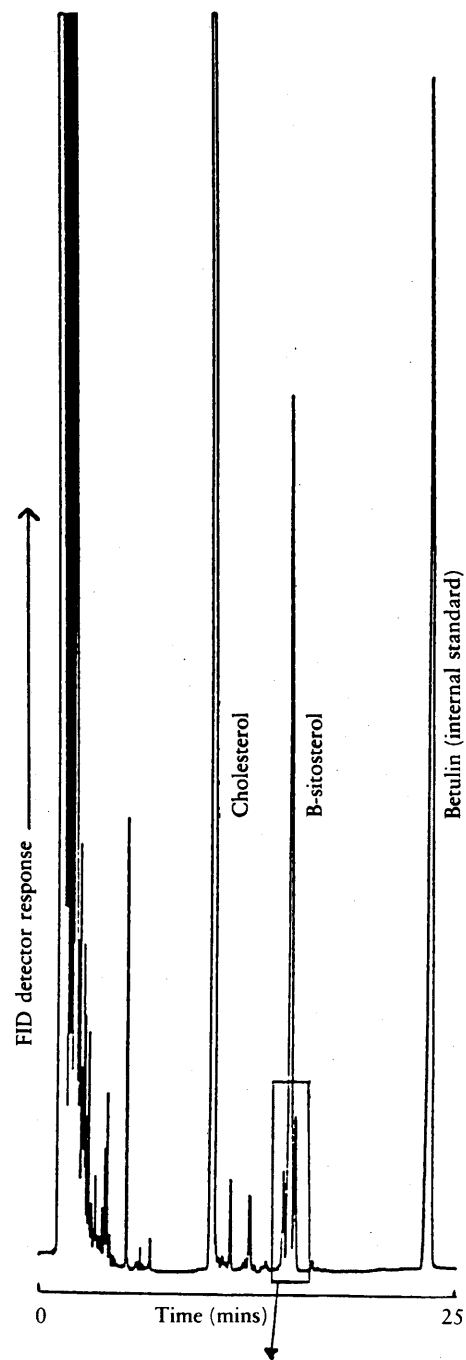
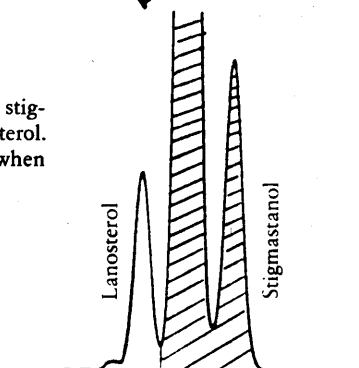
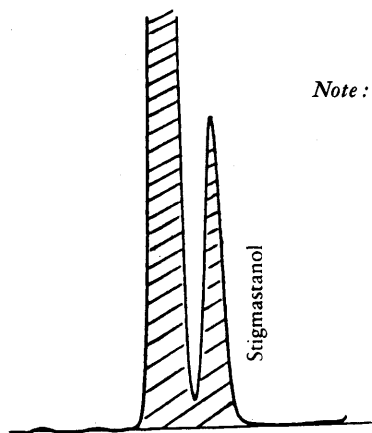


Figure 3b
Butter sample
denatured with β -Sitosterol



Note: B-sitosterol often contains an impurity (identified as stigmasterol) which elutes immediately after B-sitosterol. The areas of these two peaks should be summed when evaluating the total B-sitosterol present.



COMMISSION REGULATION (EC) No 87/94

of 19 January 1994

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1548/93⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

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

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as last amended by Regulation (EEC) No 1684/92⁽⁷⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁹⁾, as amended by Regulation (EC) No 3528/93⁽¹⁰⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹¹⁾;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 January 1994.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 176, 30. 6. 1992, p. 31.

⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽¹⁰⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽¹¹⁾ OJ No L 108, 1. 5. 1993, p. 106.

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

Done at Brussels, 19 January 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 19 January 1994 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	34,02 ⁽¹⁾
1701 11 90 910	31,59 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	34,02 ⁽¹⁾
1701 12 90 910	31,59 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3698
	— ECU/100 kg —
1701 99 10 100	36,98
1701 99 10 910	35,95
1701 99 10 950	35,95
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3698

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

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

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

COMMISSION REGULATION (EC) No 88/94

of 19 January 1994

on import licences for milk and milk products originating in the African,
Caribbean and Pacific States (ACP States)

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

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural goods originating in the ACP States or in the overseas countries and territories (OCT) ⁽¹⁾, as amended by Regulation (EEC) No 297/91 ⁽²⁾, and in particular Article 27 thereof,

Whereas Article 4 (4) of Commission Regulation (EEC) No 1150/90 ⁽³⁾, as amended by Regulation (EEC) No 2975/90 ⁽⁴⁾, provides that the Commission is to decide to what extent quantities may be awarded in respect of applications for import licences; whereas, however, imports must not exceed the quotas;

Whereas Article 4 (4) of Regulation (EEC) No 1150/90 provides that if the total quantity for which applications have been submitted is less than that available the Commission is to calculate the quantity remaining, which is to be added to that available for the following half;

whereas under these circumstances the quantity available for the second half of 1994 of the products referred to in Article 7 of Regulation (EEC) No 715/90 should be determined,

HAS ADOPTED THIS REGULATION:

Article 1

1. Licence applications lodged pursuant to Article 4 of Regulation (EEC) No 1150/90 from 1 to 10 January 1994 are hereby accepted.
2. Further licence applications may be lodged during the first 10 days of July 1994 for the following quantities:
 - 250 tonnes of products falling within CN code 0402,
 - 486 tonnes of products falling within CN code 0406.

Article 2

This Regulation shall enter into force on 20 January 1994.

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

Done at Brussels, 19 January 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 36, 8. 2. 1991, p. 9.

⁽³⁾ OJ No L 114, 5. 5. 1990, p. 21.

⁽⁴⁾ OJ No L 283, 16. 10. 1990, p. 16.

COMMISSION REGULATION (EC) No 89/94**of 19 January 1994****determining the extent to which applications for import licences introduced under the annual cheese quota opened by the Community to Sweden may be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EEC) No 1316/93 of 28 May 1993 laying down detailed rules of application for the management of an annual quota of 1 000 tonnes of cheese and curds opened by the Community to Sweden⁽¹⁾, as amended by Regulation (EEC) No 2762/93⁽²⁾, and in particular Article 4 (4) thereof,

Whereas applications for import licences introduced for the cheeses referred to in Regulation (EEC) No 1316/93 cover quantities in excess of those available; whereas a single percentage reduction should therefore be fixed for the quantities applied for in respect of the first period of 1 January to 31 March 1994,

Article 1

1. Applications for import licences for cheeses falling within CN code 0406 introduced in respect of the period 1 January to 31 March 1994 pursuant to Regulation (EEC) No 1316/93 shall be accepted up to a percentage of 10,50 %.
2. During the first 10 days of the period 1 April to 30 June 1994 applications for import licences may be introduced in respect of the quantity referred to in Article 1 of Regulation (EEC) No 1316/93.

Article 2

This Regulation shall enter into force on 20 January 1994.

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

Done at Brussels, 19 January 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 132, 29. 5. 1993, p. 73.

⁽²⁾ OJ No L 251, 8. 10. 1993, p. 7.

COMMISSION REGULATION (EC) No 90/94**of 19 January 1994**

determining the extent to which applications lodged in January 1994 for import licences for certain milk products and products covered by the arrangements provided for in the Interim Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic can be accepted

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

Having regard to Commission Regulation (EEC) No 584/92 of 6 March 1992 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Interim Agreements between the Community and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic⁽¹⁾, as last amended by Regulation (EC) No 3550/93⁽²⁾, and in particular Article 4 (5) thereof,

Whereas applications for import licences lodged for the products referred to in Regulation (EEC) No 584/92 concern quantities greater than those available for certain products and quantities less than those available for others; whereas, therefore, in accordance with the new rules applicable from 1 July 1993, reduction percentages

should be fixed for certain of the quantities applied for the period 1 January to 31 March 1994,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences for products falling within the CN codes listed in the Annex hereto, lodged under Regulation (EEC) No 584/92 for the period 1 January to 31 March 1994, shall be accepted, per country of origin, up to the percentages indicated.

Article 2

This Regulation shall enter into force on 20 January 1994.

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

Done at Brussels, 19 January 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 62, 7. 3. 1992, p. 34.

⁽²⁾ OJ No L 324, 24. 12. 1993, p. 15.

ANNEX

Country	Poland			Hungary
CN code and product	0402 10 19 0402 21 19 0402 21 99	0405 00 10 butter	0406 cheese	ex 0406 90 89 Balaton (')
in %	5,4	8,2	10,4	47,0

(') Cream-white, Hajdu, Marvany, Ovari, Pannonia, Trappista.

Country	Czech Republic			Slovak Republic		
CN code and product	0402 10 19 0402 21 19 0402 21 91	0405 00 10 butter	ex 0406 40-Niva ex 0406 90- Moravsky blok (')	0402 10 19 0402 21 19 0402 21 91	0405 00 10 butter	ex 0406 40-Niva ex 0406 90- Moravsky blok (')
in %	5,5	7,2	13,8	6,3	9,1	19,0

(') Primator, Otava, Javor, Uzeny blok, Kaskhaval, Akawi, Istambul, Jadel Hermelin, Ostepek, Koliba, Inovec.

COMMISSION REGULATION (EC) No 91/94
of 19 January 1994
fixing the import levy on molasses

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

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

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

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 1693/93 ⁽⁵⁾, as last amended by Regulation (EC) No 55/94 ⁽⁶⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1693/93 to the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this Regulation;

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

rate established during the reference period from 18 January 1994 as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

1. The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be fixed, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, to ECU 0,00 per 100 kilograms.

2. However, no import levy applies to OCT originating products according to Article 101 (1) of Council Decision 91/482/EEC ⁽⁷⁾.

Article 2

This Regulation shall enter into force on 20 January 1994.

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

Done at Brussels, 19 January 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 36.

⁽⁶⁾ OJ No L 9, 13. 1. 1994, p. 7.

⁽⁷⁾ OJ No L 263, 19. 9. 1991, p. 1.

COMMISSION REGULATION (EC) No 92/94

of 19 January 1994

fixing the maximum export refund for white sugar for the 33rd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1144/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1548/93⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1144/93 of 10 May 1993 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1144/93, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 33rd partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 990/93⁽⁴⁾ prohibits trade between the European Community and the

Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 33rd partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1144/93 the maximum amount of the export refund is fixed at ECU 38,469 per 100 kilograms.

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

Article 2

This Regulation shall enter into force on 20 January 1994.

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

Done at Brussels, 19 January 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.

⁽³⁾ OJ No L 116, 12. 5. 1993, p. 5.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

COMMISSION REGULATION (EC) No 93/94

of 19 January 1994

fixing additional amounts for in the eggs sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 1574/93⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries⁽³⁾, as last amended by Regulation (EEC) No 3821/92⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Commission Regulation No 54/65/EEC⁽⁵⁾, No 183/66/EEC⁽⁶⁾, No 765/67/EEC⁽⁷⁾, (EEC) No 59/70⁽⁸⁾, as amended by Regulation (EEC) No 4155/87⁽⁹⁾ and (EEC) No 2164/72⁽¹⁰⁾, as amended by Regulation (EEC) No 3987/87⁽¹¹⁾, the levies on imports of poultry eggs in shell originating in and coming from Poland, South Africa, Australia, Romania or Bulgaria are

not increased by an additional amount, in so far as concerns products imported in accordance with Article 4 (a) of Regulation No 163/67/EEC;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 990/69⁽¹²⁾, as amended by Regulation (EC) No 3501/93⁽¹³⁾, the levies on imports of eggs not in shell and egg yolks originating in and coming from Austria are not increased by an additional amount;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for the products listed in Article 1 (1) (b) of Regulation (EEC) No 2771/75 indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

Whereas Council Regulation (EEC) No 1574/93⁽¹⁴⁾ amends CN code 0408 with effect from 1 January 1994; whereas this should be taken into account when the additional amounts are fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2771/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 20 January 1994.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 152, 24. 6. 1993, p. 1.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 24.

⁽⁵⁾ OJ No 59, 8. 4. 1965, p. 848/65.

⁽⁶⁾ OJ No 211, 19. 11. 1966, p. 3602/66.

⁽⁷⁾ OJ No 260, 27. 10. 1967, p. 24.

⁽⁸⁾ OJ No L 11, 16. 1. 1970, p. 1.

⁽⁹⁾ OJ No L 392, 31. 12. 1987, p. 29.

⁽¹⁰⁾ OJ No L 232, 12. 10. 1972, p. 3.

⁽¹¹⁾ OJ No L 376, 31. 12. 1987, p. 20.

⁽¹²⁾ OJ No L 130, 31. 5. 1969, p. 4.

⁽¹³⁾ OJ No L 319, 21. 12. 1993, p. 25.

⁽¹⁴⁾ OJ No L 152, 24. 6. 1993, p. 1.

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

Done at Brussels, 19 January 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 19 January 1994 fixing additional amounts for products in the eggs sector

CN code	Origin of imports (¹)	Additional amount
		ECU/100 kg
0408 11 80	01	150,00
0408 91 80	02	160,00

(¹) Origin :

01 United States of America,

02 Estonia and Lithuania.

COMMISSION REGULATION (EC) No 94/94
of 19 January 1994
fixing the export refunds on poultrymeat

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

Having regard to Regulation (EEC) No 2777/75 of the Council of 29 October 1975 on the common organization of the market in poultrymeat ⁽¹⁾, as last amended by Regulation (EEC) No 1574/93 ⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Whereas Article 9 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 2779/75 of the Council ⁽³⁾, lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas it follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

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

thereof; whereas account should be taken of this fact when fixing the refunds;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁵⁾, as amended by Regulation (EC) No 3528/93 ⁽⁶⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁷⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of products for which, when they are exported, the export refund referred to in Article 9 of Regulation (EEC) No 2777/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 January 1994.

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

Done at Brussels, 19 January 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 152, 24. 6. 1993, p. 1.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 90.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

ANNEX

to the Commission Regulation of 19 January 1994 fixing the export refunds on poultrymeat

Product code	Destination of refund (°)	Amount of refund (°)	Product code	Destination of refund (°)	Amount of refund (°)
		ECU/100 units			ECU/100 kg
0105 11 11 000	09	4,00	0207 39 11 110	01	4,00
	10	3,00	0207 39 11 190	—	—
0105 11 19 000	09	4,00	0207 39 11 910	—	—
	10	3,00	0207 39 11 990	01	34,00
0105 11 91 000	09	4,00	0207 39 13 000	02	34,00
	10	3,00		03	15,00
0105 11 99 000	09	4,00	0207 39 15 000	01	5,00
	10	3,00	0207 39 21 000	01	22,00
0105 19 10 000	01	4,00	0207 39 23 000	02	40,00
0105 19 90 000	01	3,00		03	21,00
		ECU/100 kg	0207 39 25 100	02	34,00
0105 91 00 000	01	10,00		03	15,00
0207 10 11 000	01	8,00	0207 39 25 200	02	34,00
0207 10 15 000	04	33,00		03	15,00
	05	23,00	0207 39 25 300	02	34,00
	06	15,00		03	15,00
0207 10 19 100	04	37,00	0207 39 25 400	01	2,50
	05	27,00	0207 39 25 900	—	—
	06	15,00	0207 39 31 110	01	5,00
0207 10 19 900	11	23,00	0207 39 31 190	—	—
	12	15,00	0207 39 31 910	—	—
0207 10 31 000	01	21,00	0207 39 31 990	01	39,00
0207 10 39 000	01	21,00	0207 39 33 000	01	21,00
0207 10 51 000	07	17,00	0207 39 35 000	01	7,00
	08	23,00	0207 39 41 000	01	26,00
0207 10 55 000	07	17,00	0207 39 43 000	01	12,00
	08	27,00	0207 39 45 000	01	25,00
0207 10 59 000	07	17,00	0207 39 47 100	01	7,00
	08	27,00	0207 39 47 900	—	—
0207 21 10 000	04	33,00	0207 39 55 110	01	4,00
	05	23,00	0207 39 55 190	—	—
	06	15,00	0207 39 55 910	—	—
0207 21 90 100	04	37,00	0207 39 55 990	01	38,00
	05	27,00	0207 39 57 000	01	27,00
	06	15,00	0207 39 65 000	01	7,00
0207 21 90 900	11	23,00	0207 39 73 000	07	17,00
	12	15,00		08	29,00
0207 22 10 000	01	21,00	0207 39 77 000	07	16,00
0207 22 90 000	01	21,00		08	27,00
0207 23 11 000	07	17,00	0207 41 10 110	01	4,00
	08	27,00	0207 41 10 190	—	—
0207 23 19 000	07	17,00	0207 41 10 910	—	—
	08	27,00	0207 41 10 990	01	34,00
			0207 41 11 000	02	34,00
				03	15,00
			0207 41 21 000	01	5,00

Product code	Destination of refund (1)	Amount of refund (2)	Product code	Destination of refund (1)	Amount of refund (2)
		ECU/100 kg			ECU/100 kg
0207 41 41 000	01	22,00	0207 42 41 000	01	26,00
0207 41 51 000	02	40,00	0207 42 51 000	01	12,00
	03	21,00	0207 42 59 000	01	25,00
0207 41 71 100	02	34,00	0207 42 71 100	01	7,00
	03	15,00	0207 42 71 900	—	—
0207 41 71 200	02	34,00	0207 43 15 110	01	4,00
	03	15,00	0207 43 15 190	—	—
0207 41 71 300	02	34,00	0207 43 15 910	—	—
	03	15,00	0207 43 15 990	01	38,00
0207 41 71 400	01	2,50	0207 43 21 000	01	27,00
0207 41 71 900	—	—	0207 43 31 000	01	7,00
0207 42 10 110	01	5,00	0207 43 53 000	07	17,00
0207 42 10 190	—	—		08	29,00
0207 42 10 910	—	—	0207 43 63 000	07	16,00
0207 42 10 990	01	39,00		08	27,00
0207 42 11 000	01	21,00	1602 39 11 100	01	10,00
0207 42 21 000	01	7,00	1602 39 11 900	—	—

(1) The destinations are as follows :

- 01 All destinations except the United States of America,
- 02 Egypt, Ceuta and Melilla, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, the Republic of Yemen, Iraq, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Lithuania, Estonia, Latvia, Iran, Singapore, Angola, Lebanon and Syria,
- 03 All destinations except the United States of America and those of 02 above,
- 04 Egypt, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, Jordan, Singapore, the Republic of Yemen, Iraq, Iran, Angola, Lebanon and Syria,
- 05 Ceuta and Melilla, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Lithuania, Estonia and Latvia,
- 06 All destinations except the United States of America and those of 04 and 05 above,
- 07 Hungary, Poland, Romania, the Republics of Croatia, Slovenia, Bosnia-Herzegovina, the Federal Republic of Yugoslavia (Serbia and Montenegro), the former Yugoslav Republic of Macedonia, the Czech Republic, the Slovak Republic and Bulgaria,
- 08 All destinations except the United States of America and those of 07 above,
- 09 Saudi Arabia, Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, the Republic of Yemen and Iran,
- 10 All destinations except the United States of America and those of 09 above,
- 11 Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Lithuania, Estonia and Latvia,
- 12 All destinations except the United States of America and that of 11 above.

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

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 95/94
of 19 January 1994
fixing the aid for cotton

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

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

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

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 2419/93⁽⁴⁾, as last amended by Regulation (EC) No 78/94⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton provided for in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 55,375 per 100 kilograms.

Article 2

This Regulation shall enter into force on 20 January 1994.

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

Done at Brussels, 19 January 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 154, 25. 6. 1993, p. 23.

⁽⁴⁾ OJ No L 222, 1. 9. 1993, p. 35.

⁽⁵⁾ OJ No L 15, 18. 1. 1994, p. 5.

COMMISSION REGULATION (EC) No 96/94**of 19 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 ⁽¹⁾, as amended by Regulation (EEC) No 2193/93 ⁽²⁾, and in particular Articles 10 (5) and 11 (3) thereof,

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

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 18

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 20 January 1994.

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

Done at Brussels, 19 January 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 245, 1. 10. 1993, p. 108.

ANNEX

to the Commission Regulation of 19 January 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ⁽²⁾
0709 90 60	77,01 ⁽³⁾ ⁽³⁾
0712 90 19	77,01 ⁽³⁾ ⁽³⁾
1001 10 00	0 ⁽¹⁾ ⁽³⁾
1001 90 91	89,10
1001 90 99	89,10 ⁽²⁾
1002 00 00	114,00 ⁽²⁾
1003 00 10	117,74
1003 00 90	117,74 ⁽²⁾
1004 00 00	92,22
1005 10 90	77,01 ⁽³⁾ ⁽³⁾
1005 90 00	77,01 ⁽³⁾ ⁽³⁾
1007 00 90	92,78 ⁽²⁾
1008 10 00	25,53 ⁽²⁾
1008 20 00	40,05 ⁽²⁾
1008 30 00	0 ⁽²⁾
1008 90 10	⁽⁷⁾
1008 90 90	0
1101 00 00	162,27 ⁽²⁾
1102 10 00	197,72
1103 11 10	19,16
1103 11 90	185,58
1107 10 11	169,48
1107 10 19	129,38
1107 10 91	220,46 ⁽¹⁰⁾
1107 10 99	167,47 ⁽²⁾
1107 20 00	193,38 ⁽¹⁰⁾

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

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

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EC) No 97/94

of 19 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 ⁽¹⁾, as amended by Regulation (EEC) No 2193/93 ⁽²⁾, and in particular Article 12 (4) thereof,

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

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 18

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 20 January 1994.

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

Done at Brussels, 19 January 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 11.

ANNEX

to the Commission Regulation of 19 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 1	1st period 2	2nd period 3	3rd period 4
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 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 1	1st period 2	2nd period 3	3rd period 4	4th period 5
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 January 1994

on common procedural rules for European technical approval

(94/23/EC)

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

Having regard to the Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products ⁽¹⁾, and in particular Annex II thereto,

Whereas Article 8 of the abovementioned Directive provides that European technical approval may be granted to certain products, particularly to products for which there is neither a harmonized standard nor a national standard and to products which differ significantly from the harmonized or recognized national standards;

Whereas provision has been made for the introduction of common procedural rules for requesting, preparing and granting such approval; whereas Annex II to the abovementioned Directive also stipulates that these common procedural rules are to be adopted by the Commission on the basis of the opinion of the committee in accordance with Article 20 of the Directive;

Whereas these common procedural rules were endorsed by the committee provided for by the Directive at its

meeting on 22 April 1993, in accordance with the procedures laid down by the Directive,

HAS DECIDED AS FOLLOWS:

Sole Article

Pursuant to Directive 89/106/EEC, requests for European technical approval shall be made and such approval shall be prepared and granted in accordance with the common procedural rules provided for in the Annex to this Decision.

Done at Brussels, 17 January 1994.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 40, 11. 2. 1989, p. 12.

ANNEX**COMMON PROCEDURAL RULES FOR REQUESTING, PREPARING AND THE GRANTING OF EUROPEAN TECHNICAL APPROVALS****0. Introduction**

- 0.1. These common rules define the procedures to be adopted for the requesting, preparing and the granting of European technical approvals as expressed in Annex II.3 of the Council Directive 89/106/EEC⁽¹⁾ of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products, hereafter referred to as the Directive (CPD).
- 0.2. EOTA is an organization established under the provisions of the Directive bringing together the bodies nominated by the Member States of the European Community for the granting of the European technical approvals (ETA) as provided for within its scope.

1. General rules

- 1.1. The Secretariat of EOTA holds the updated list of the issued ETAs. A list is published at least once a year.
- 1.2. The Technical Board of EOTA is responsible for creating such committees as are required to arrange and coordinate the production of ETAs.
- 1.3. The approval bodies publish the ETAs issued by them in their respective official language(s).
- 1.4. Difficulties arising in relation to the Directive which cannot be resolved by the Executive Commission of EOTA will be sent to the Commission of the European Communities (hereinafter called 'the Commission of the EC') for resolution.

2. Rules relating to the application for an ETA

- 2.1. An application for a European technical approval may be made by a manufacturer, or an agent established in the Community, hereafter referred to as the applicant. The agent must be specifically nominated by the manufacturer to act on his behalf.
- 2.2. The application must be made to anyone of the EOTA bodies, which are responsible for the relevant area; however, it is not allowed to direct an application for the same construction product to more than one body.
- 2.3. By his application according to this rule the applicant authorizes the approval body to whom he has directed his application to inform the EC Commission, the other EOTA bodies and the Secretariat of EOTA of the content of the application.
- 2.4. Before submitting his application the applicant shall — on his request — receive, after supplying such information as is required by the approval body, information concerning:
 - the approval procedure,
 - the estimate of the time schedule necessary for the approval body to complete the approval procedure for the specific product,
 - an estimate of the cost for the handling of the approval procedure and the payment modalities.

In the event that the subject area has not already been approved as suitable for ETAs, or in the case of a product which differs significantly from harmonized standards or recognized national standards, the above information will only be given to the applicant after a decision on the possibility of issuing an ETA taken according to the procedure described in 3.2.

The applicant will be informed of the decision.

- 2.5. The application must be submitted in a standard format (see Appendix 1) in the language of the Member State where the approval body is located unless agreed otherwise by the approval body.
- 2.6. The application shall be accompanied by a description of the construction product, specifications, drawings and test reports, explaining in detail the subject under application and its intended use.
- 2.7. In the application from the applicant shall announce all the places of manufacture. He has to ensure that these places can be visited by the approval body or its representative during working hours, in view of the issuing of the ETA.
- 2.8. The approval body has to, within two months, acknowledge receipt of the application and confirm that it will initiate the procedures (see standard format Appendix 2).

If the application is not accepted, the approval body must give the reasons. The applicant may then apply to another approval body.

⁽¹⁾ OJ No L 40, 11. 2. 1989, p. 12.

- 2.9. The approval body has to inform the applicant which documents, test results, calculations, etc he has to deliver to enable the approval body to assess the fitness for use of the product for the intended use.

It is the duty of the applicant to supply the approval body with the necessary documents and to support the approval body in its assessment task.

- 2.10. The EOTA bodies shall take the necessary measures to ensure confidentiality of all critical information which, in the course of their activities, comes to their knowledge.
- 2.11. The applicant has to declare, in a legally binding way, that he will pay all the costs arising from the approval procedure and the establishment of the supporting documents in accordance with national rules.
- 2.12. If the applicant does not meet his obligations as defined in this document, the approval body may, after a reasonable period of time, cancel the application.

3. Rules relating to the granting of an ETA

- 3.0. The ETA only concerns aspects of the product which relate to the essential requirements as defined in Annex I of the CPD and in the Interpretative Documents according to Article 3.3 of the CPD. Only these aspects are related to the CE marking.

Should other aspects be taken into account, the relevant assessment shall be clearly differentiated from those related to the essential requirements, after an agreement between the members of EOTA. Such assessments would be voluntary.

The format of the ETA must correspond to the 'general format' as agreed by the Commission of the EC.

3.1. *Granting of an ETA on the basis of ETA guideline (according to the Directive — Article 9.1)*

- 3.1.1. The content and format of the ETA must correspond to the relevant ETA guideline.
- 3.1.2. The approval body which issues the ETA sends it to :
- all other EOTA bodies,
 - the General Secretariat who will send a copy to the Commission of the EC.
- 3.1.3. During a transitional period determined individually for each ETA guideline by EOTA, in order to ensure the comparability of the ETAs issued by the approval bodies, the draft ETA with the accompanying documents (test results) are submitted for prior consultation to the relevant EOTA bodies ⁽¹⁾ and the General Secretariat asking for their comments within two months.
- 3.1.4. Should the Commission of the EC establish, under provisions of Article 5. 1 of the CPD and after the advice of the Standing Committee, a shortcoming in a given ETA due to a shortcoming of an ETA guideline, the approval bodies shall not issue any more ETAs on the basis of the above ETA guideline.

3.2. *Granting of an ETA without an ETA guideline (according to the Directive, Article 9.2)*

- 3.2.1. The content and format of the ETA must correspond to the 'general format' agreed by the Commission of the EC.
- 3.2.2. The approval body receiving a request according to point 2.4 or an application for an ETA introduced for the first time for a product of the family concerned must have preliminary consultation with the Technical Board in order that it can agree in principle on the granting of an ETA to that product and on the principle of the proposed attestation of conformity procedure.

If consensus is achieved in the Technical Board on applications according to Article 8.2a of the CPD, then the appropriate information as asked by the EC Commission is sent with the approval of the President of EOTA to the Commission of the EC to obtain authority to issue ETAs. If consensus cannot be achieved in the Technical Board it will be passed to the Executive Commission for decision, as to whether it should be submitted to the Commission of the EC.

In the case of applications for ETAs according to Article 8.2 b of the Directive, the Commission of the EC will confirm on the basis of the EOTA assessment and of the relevant information, whether a product of a family covered by harmonized standards or recognized national standards differs significantly from them and therefore if a European technical approval can be granted.

⁽¹⁾ Relevant EOTA bodies : bodies nominated by the Member States to operate in the subject area.

- 3.2.3. If agreement is achieved under 3.2.2 the approval body to whom an application is directed must have a preliminary discussion with the other relevant EOTA bodies in which is explained the manner it is intended to use to progress the application including the test programme, the performance requirements and the manner of fulfillment of the attestation of conformity foreseen.

The approval body takes into account the remarks formulated by the other EOTA bodies.

- 3.2.4. When the application for an ETA is for a product of a family for which the procedure laid down in 3.2.3 has already been established the ETA must be based on that established procedure.

- 3.2.5. Before issuing the ETA, the approval body sends the ETA draft to the relevant EOTA bodies and to the General Secretariat with the justifications provided by the applicant asking for their comments within two months.

The ETA is issued by the approval body when all the relevant EOTA bodies have given consent in writing taking account of the Directive, Annex II, paragraph 2, sentence 3.

Circulation of the ETA is in accordance with 3.1.2.

If there are objections which cannot be solved then the question is put on the Agenda of the Technical Board.

If in the Technical Board consensus is achieved the ETA is issued by the approval body.

If consensus cannot be achieved the subject is put on the Agenda of the Executive Commission who decides on any subsequent action.

If the Executive Commission cannot reach consensus, the matter shall be referred to the Standing Committee on Construction (the Directive, Article 9.2) via the Commission of the EC.

4. Withdrawal of an ETA

- 4.1. The approval body shall withdraw the ETA if the Commission of the EC has informed the Member States according to Article 5 paragraph 1 of the Directive.
- 4.2. The approval body has to inform the other EOTA bodies and the General Secretariat of the withdrawal. The General Secretariat will inform the Commission of the EC.

5. Modification of an ETA

- 5.1. For modification of an ETA the procedure of a new application applies accordingly. The application must be addressed to the approval body having issued the approval being subject to modification.
- 5.2. The provisions stated under 3.1 and 3.2 have to be applied accordingly: the approval procedure shall only relate to the items directly concerned by the modification.
- 5.3. A new ETA is issued replacing the previous ETA.

6. Extension of validity

- 6.1. In accordance with Article 8 (4) of the Directive, the period of validity of an ETA can be extended for a further period of (in general) five years provided that the EC Commission has not notified the concerned approval bodies and/or EOTA that conditions on which the original ETA were issued have changed. Applications shall be submitted in writing and should be received by the approval body at least six months before the expiry date.

As far as the procedure is concerned, the provisions stated under 3.1 and 3.2 apply accordingly.

- 6.2. The application for extension must be accompanied by the relevant technical documents required in the ETA guidelines for the extension of an ETA. If such ETA guidelines do not exist, the approval body after consultation with the EOTA bodies, will inform the applicant which technical documents have to be presented.
- 6.3. Such extensions become the responsibility of the body issuing them and should be as complete as the original assessment.
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*Appendix 1***APPLICATION FOR A EUROPEAN TECHNICAL APPROVAL REFERRED TO IN CHAPTER III OF THE COUNCIL DIRECTIVE 89/106/EEC****1. The application is made to :**

(Name of the designated approval body according to Chapter III Article 10 of the Directive 89/106/EEC)

2. Applicant :

(Manufacturer or his authorized agent established in the Community; where the application is made by the agent established in the Community, it has to be accompanied by the authorization given by the manufacturer).

3. Generic type of the construction product :**4. Trade name(s) of the product, as will be given in the approval :****5. Definition of the construction product and its intended use :**

(Additional documents are to be forwarded with the application, see item 2.6 of the common procedural rules for requesting, preparing and the granting of European technical approvals).

6. Manufacturing plants, where the construction product is to be produced :**7. Declaration of the applicant :**

Herewith I declare

☐ (°) — that I have not made another application for a European technical approval for the construction product referred to in items 3 and 4 to any other EOTA body,

☐ (°) — that I have made an application for a European technical approval for the construction product referred to in items 3 and 4 to

.....
(name of the other EOTA body).

That application was not accepted,

(°) Tick appropriate box.

- that I agree to other EOTA bodies and the Commission of the EC being notified of the application,
- that I will pay the costs arising from the approval procedure in accordance with the national rules of the approval body referred to in item 1 (cf. Directive 89/106/EEC, Annex II paragraph 6),
- that I will support the approval procedure as required,
- that I will ensure that the places of manufacture can be visited at any time by the approval body or its representative during working hours in view of the issuing of the ETA.

.....
(Place and date)

.....
(Authorized signature)

Appendix 2

(Name and address of the designated approval body)

CONFIRMATION OF THE RECEIPT OF THE APPLICATION FOR GRANTING A EUROPEAN TECHNICAL APPROVAL REFERRED TO IN THE COUNCIL DIRECTIVE 89/106/EEC

1. The application made by,

.....
.....
.....

dated

(date of application for approval)

for a European technical approval for the construction product,

.....
according to items 3 and 4 of the above application is herewith accepted and the procedure has been initiated.

2. The approval procedure is given the following reference number :

.....

3. The approval procedure is based on :

— the following legal provisions :

.....
(legal provisions, by means of which the Council Directive 89/106/EEC has been implemented in national law),

— the common procedural rules for requesting, preparing and the granting of European technical approvals,

— (provisions, statutes, contract texts, or the like, of the approval body concerned, where required)

4. The costs for the approval procedure are determined on the basis of :

.....
.....
.....
.....

[schedule of fees, legal provisions, or any other provisions in force for the approval body (with reference)].

.....
(Place and date)

.....
(Authorized signature)