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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 314/94

of 7 February 1994

opening and providing for the administration of Community tariff quotas and ceilings for certain agricultural and industrial products originating in Romania and Bulgaria (1994)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas the Europe Agreements between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, on the one hand, and Romania and Bulgaria, on the other hand, were signed on 1 February 1993 and 8 March 1993 respectively; whereas pending the entry into force of these Agreements, the Community has concluded Interim Agreements⁽¹⁾,⁽²⁾ on trade and trade-related measures with these countries, which were also signed on 1 February and 8 March 1993 and implemented on 1 May 1993 (Romania) and 31 December 1993 (Bulgaria);

Whereas Articles 4 and 15 of the Interim Agreements stipulate that certain products originating in the countries in question may attract a reduced or zero rate of duty on import into the Community, within the limits of tariff quotas or ceilings; whereas, pursuant to the provisions annexed to those Agreements, the volumes of the tariff quotas and ceilings established when the Europe Agreements were signed must be increased, from the date on which the Interim Agreements enter into force, by a percentage specific to each country and category of products;

Whereas the Interim Agreements have been amended by Additional Protocols initialled with the countries in question, the aim of which is to improve access to the Community market for products from those countries, in particular those listed in Annexes III, XII b (Romania) and XIII b (Bulgaria) to the Interim Agreements; whereas it is accordingly necessary to increase the tariff quotas and

ceilings for the industrial products listed in Annex I to this Regulation by 10 % of the basic volume shown in Annex III to the several Interim Agreements from 1 July 1994, and to provide for the application from 1 January to 30 June 1994 of the tariff quotas for the agricultural products listed in Annex II to this Regulation, the volumes of which are to be adjusted pro rata, it being necessary to bring forward by six months the concessions granted for the third year of the Interim Agreements; whereas the tariff quota and ceiling volumes should be increased on 1 July 1994 by 10 % of the basic volumes laid down in the Interim Agreements;

Whereas it seems advisable, in the interests of clarity, to divide the products subject to tariff ceilings and quotas into two groups, in Annexes I and II to this Regulation, one for industrial products and one for agricultural products, specifying for each product the volume of its quota or ceiling and the rate of customs duty applicable;

Whereas the decision for the opening of Community quotas should be taken by the Community, in the execution of its international obligations, in the case of the products listed in Annexes I and II to this Regulation; whereas particular care should be taken to ensure that all Community importers have equal and continuous access to those quotas and that the rates laid down for the quotas are applied uninterruptedly to all imports of the products in question into all Member States until the quotas are exhausted; whereas, to ensure the efficiency of a common administration of these quotas, there is no obstacle to authorizing the Member States to draw from the quota volumes the necessary quantities corresponding to actual imports; whereas, however, this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

Whereas, in the case of the products listed in Annex I to this Regulation which are subject to Community tariff ceilings, Community surveillance may be achieved by

⁽¹⁾ OJ No L 81, 2. 4. 1993, p. 2.

⁽²⁾ OJ No L 323, 23. 12. 1993, p. 2.

means of an administrative procedure based on charging imports of the products in question against the ceilings at Community level as and when products are entered with the customs authorities for free circulation;

Whereas this administrative procedure requires close and particularly rapid cooperation between the Member States and the Commission, and the latter must in particular be able to monitor quantities charged against the ceilings and inform the Member States accordingly; whereas this cooperation has to be particularly close, since the Commission must be able to take appropriate measures to re-establish customs duties once a ceiling is reached;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within, and jointly represented by, the Benelux Economic Union, any operation concerning the administration of these tariff measures may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1994 goods originating in Romania and from 31 December 1993 to 31 December 1994 goods originating in Bulgaria which are listed in Annex I to this Regulation shall be subject to Community tariff quotas or ceilings, according to the provisions contained within the said Annex.

2. From 1 January to 30 June 1994 for Romania, and from 31 December 1993 to 30 June 1994 for Bulgaria, goods which are listed in Annex II to this Regulation shall be subject to tariff quotas in accordance with the provisions contained within the said Annex.

Article 2

1. The tariff quotas referred to in Article 1 shall be administered by the Commission, which may take all appropriate administrative measures in order to ensure efficient administration thereof.

2. Where an importer declares a product covered by this Regulation for free circulation in a Member State and applies to take advantage of the preferential arrangements, and that declaration is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the quota volume.

Requests for drawings, indicating the date of acceptance of the said declarations, must be sent to the Commission without delay.

The drawings shall be granted by the Commission by reference to the date of acceptance of the declaration for free circulation by the customs authorities of the Member

State concerned, to the extent that the available balance so permits.

3. If a Member State does not use the quantities drawn, it shall return them to the corresponding quota volume as soon as possible.

4. If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated on a pro rata basis. The Commission shall inform the Member States of the drawings made.

Article 3

1. Quantities shall be charged against the ceilings as and when products are declared to the customs authorities for free circulation.

Goods may be charged against a ceiling only if the movement certificate is presented before the date on which levying of customs duties is re-established.

2. The level of utilization of the ceilings shall be determined at Community level on the basis of the imports charged against them in accordance with paragraph 1.

Member States shall send the Commission, not later than the 15th day of each month, statements of the quantities charged during the preceding month.

3. As soon as the ceilings have been reached, the Commission may adopt a regulation re-establishing the customs duties applicable to the third countries in question until the end of the calendar year.

When the adoption of such a regulation is requested by a Member State, the Commission shall examine the request within the following five days and shall inform the requesting Member State of the action it considers it should take as a result of the request, in the light in particular, of the statements sent as provided for in paragraph 2.

Article 4

The Protocol on the definition of the concept of originating products and methods of administrative cooperation, annexed to the Interim Agreements between the European Community and the European Coal and Steel Community, on the one hand, and Romania and Bulgaria, on the other hand, shall apply.

Article 5

In order to ensure compliance with this Regulation, the Commission shall take all appropriate measures, in close cooperation with the Member States.

Article 6

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

It shall apply with effect from 31 December 1993.

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

Done at Brussels, 7 February 1994.

For the Council

The President

Th. PANGALOS

ANNEX I

List of industrial products subject to ceilings or quotas fixed duty-free amounts ⁽¹⁾

Order No	CN code	Beneficiary country ⁽²⁾	Quota volume (ECU)	Ceiling (ECU)
(1)	(2)	(3)	(4)	(5)
09.6001	2523 10 00 2523 21 00 2523 29 00 2523 30 00 2523 90 10 2523 90 30 2523 90 90 2523	RO	21 943 600	
21.1001	2815 20	RO		324 800
09.6003	2836 20 00 2836 30 00	RO	5 402 600	
21.1061	2836 20 00 2836 30 00	BU		5 578 857
21.1003	2836 60 00	RO		1 450 400
09.6005	2841 30 00	RO	616 000	
21.1005	2902 50 00	RO		13 776 000
21.1007	2903 51	RO		551 600
09.6007	2905 11 00	RO	12 965 400	
09.6009	2905 14 90	RO	1 135 400	
09.6201	2905 31 00	BU	5 857 164	
21.1009	2914 11 00	RO		2 156 000
21.1011	2915 31 00	RO		744 800
21.1013	2917 12 10	RO		407 400
21.1063	2918 14 00	BU		542 163
21.1015	2918 21 00	RO		305 200
21.1017	2918 22 00	RO		275 800
21.1019	2921 19 30	RO		375 200
21.1021	2923 10 10	RO		421 400
21.1023	2926 10 00	RO		4 401 600
09.6011	2933 61 00	RO	1 800 000	
21.1065	2933 90 20	BU		296 582
21.1067	2936 27 00	BU		1 384 523
21.1025	2941 30 00	RO		7 267 400
09.6013	3102 10 10	RO	586 600	
09.6203	3102 10 10	BU	588 950	
21.1057	3102 10 91 3102 21 00 3102 29 00 3102 50 90 3102 60 00 3102 70 00 3102 90 00	RO		406 000

⁽¹⁾ The wording for the description of the products covered by this Annex is that of the combined nomenclature (OJ No L 241, 27. 9. 1993). For products having a Taric code, the description of the combined nomenclature is completed by the description of products shown in footnote (a).

⁽²⁾ RO = Romania;
BU = Bulgaria.

(1)	(2)	(3)	(4)	(5)
09.6205	3102 10 90 3102 21 00 3102 29 00 3102 50 90 3102 60 00 3102 70 00 3102 90 00	BU	815 000	
09.6015	3102 30 10 3102 30 90	RO	1 575 000	
09.6207	3102 30 10 3102 30 90	BU	1 581 308	
09.6017	3102 40 10 3102 40 90	RO	3 557 400	
21.1069	3102 40 10 3102 40 90	BU		3 571 647
09.6019	3102 80 00	RO	1 988 000	
09.6209	3102 80 00	BU	3 991 925	
09.6021	3105	RO	7 100 800	
21.1071	3105	BU		7 129 239
20.1029	3923 21 00	RO		6 760 600
21.1031	4011 10 00 4011 20 4011 30 90 4011 91 4011 99 4012 10 80 4012 20 90 4012 90 10 4012 90 90 4013 10 10 4013 10 90 4013 90 90	RO		9 261 000
21.1033	4202 11 10 4202 11 90 4202 12 91 4202 12 99 4202 19 91 4202 19 99 4202 21 00 4202 22 90 4202 29 00 4202 31 00 4202 32 90 4202 39 00 4202 91 10 4202 91 50 4202 91 90 4202 92 91 4202 92 95 4202 92 99 4202 99 10 4202 99 90	RO		9 261 000
21.1035	4203 10 00 4203 21 00 4203 29 91 4203 29 99 4203 30 00 4203 40 00	RO		9 724 000
21.1037	4302 30 10 4303	RO		3 550 400
09.6023	4411	RO	7 560 000	

(1)	(2)	(3)	(4)	(5)
21.1039	4418 10 00 4418 20 10 4418 20 90 4418 30 10 4418 30 91 4418 30 99 4418 40 00 4418 90 00	RO		15 072 400
09.6025	6403	RO	4 800 000	
21.1073	6403	BU		6 198 728
21.1041	6908	RO		5 635 000
09.6027	6911	RO	1 020 000	
21.1075	6911	BU		2 479 492
09.6029	7004	RO	2 640 000	
09.6031	7013	RO	5 760 000	
09.6033	7207 19 39 7207 20 79 7216 60 11 7216 60 19 7216 60 90 7216 90 50 7216 90 60 7216 90 91 7216 90 93 7216 90 95 7216 90 97 7216 90 98	RO	666 400	
09.6035	7217 11 10 7217 11 91 7217 11 99 7217 12 10 7217 12 90 7217 13 11 7217 13 19 7217 13 91 7217 13 99 7217 19 10 7217 19 90 7217 21 00 7217 22 00 7217 23 00 7217 29 00	RO	2 812 600	
09.6037	7304 10 10 7304 10 30 7304 10 90 7304 20 91 7304 20 99 7304 31 91 7304 31 99 7304 39 10 7304 39 51 7304 39 59 7304 39 91 7304 39 93 7304 39 99 7304 41 90 7304 49 10 7304 49 91 7304 49 99 7304 51 11 7304 51 19 7304 51 91 7304 51 99 7304 59 10 7304 59 31	RO	12 154 800	

(1)	(2)	(3)	(4)	(5)
09.6037 (cont'd)	7304 59 39			
	7304 59 91			
	7304 59 93			
	7304 59 99			
	7304 90 90			
	7305 11 00			
	7305 12 00			
	7305 19 00			
	7305 20 10			
	7305 20 90			
	7305 31 00			
	7305 39 00			
	7305 90 00			
	7306 10 11			
	7306 10 19			
	7306 10 90			
	7306 20 00			
	7306 30 21			
	7306 30 29			
	7306 30 51			
	7306 30 59			
	7306 30 71			
	7306 30 78			
	7306 30 90			
	7306 40 91			
	7306 40 99			
	7306 50 91			
	7306 50 99			
	7306 60 31			
	7306 60 39			
	7306 60 90			
	7306 90 00			
21.1043	7318 15 81	RO		1 560 000
21.1045	8203 20 10	RO		4 321 800
	8203 20 90			
21.1047	8482 10 10	RO		4 200 000
21.1049	8527 11 10	RO		6 483 400
	8527 11 90			
	8527 21 10			
	8527 21 90			
	8527 29 00			
	8527 31 10			
	8527 31 91			
	8527 31 99			
	8527 32 90			
	8527 39 10			
	8527 39 91			
	8527 39 99			
	8527 90 91			
	8527 90 99			
	8528 10 61			
	8528 10 69			
	8528 10 80			
	8528 10 91			
	8528 10 98			
	8528 20 20			
	8528 20 71			
	8528 20 73			
	8528 20 79			
	8528 20 91			
	8528 20 99			
	8529 10 20			
	8529 10 31			
	8529 10 39			
	8529 10 40			

(1)	(2)	(3)	(4)	(5)
21.1049 (cont'd)	8529 10 50 8529 10 70 8529 10 90 8529 90 70 8529 90 98			
21.1051	8539 10 90 8539 21 30 8539 21 91 8539 21 99 8539 22 10 8539 22 90 8539 29 31 8539 29 39 8539 29 91 8539 29 99	RO		2 755 200
21.1053	8703 21 10 8703 22 11 8703 22 19 8703 23 11 8703 23 19 8703 31 10 8703 32 11 8703 32 19 8703 33 11 * 10 (a) 8703 33 19 * 10 (a) 8703 90 90 * 11 (a)	RO		118 309 800
09.6039	9401 20 00 9401 30 10 9401 30 90 9401 40 00 9401 50 00 9401 61 00 9401 69 00 9401 71 00 9401 79 00 9401 80 00 9401 90 30 9401 90 80	RO	27 600 000	
09.6041	9403 10 10 9403 10 51 9403 10 59 9403 10 91 9403 10 93 9403 10 99 9403 20 91 9403 20 99 9403 30 11 9403 30 19 9403 30 91 9403 30 99 9403 40 00 9403 50 00 9403 60 10 9403 60 30 9403 60 90 9403 70 90 9403 90 10 9403 90 30 9403 90 90	RO	78 000 000	
09.6043	9405 91 19	RO	1 544 200	

(a) The following products with a Taric code are defined as:

8703 33 11 * 10: Motor caravans, new, of a cylinder capacity exceeding a 2 500 cm³ but not exceeding 3 000 cm³,

8703 33 19 * 10: Other vehicles, new, with compression-ignition internal combustion piston engine (diesel or semi-diesel), of a cylinder capacity exceeding 2 500 cm³, but not exceeding 3 000 cm³,

8703 90 90 * 11: Vehicles other than with electric motors, new, of a cylinder capacity not exceeding 3 000 cm³.

ANNEX II

List of agricultural products subject to reduced duty tariff quotas⁽¹⁾

Order No	CN code	Description	Beneficiary country ⁽²⁾	Quota volume (tonnes)	Duty to be applied
(1)	(2)	(3)	(4)	(5)	(6)
09.6221	0603 10 13 0603 10 51 0603 10 53 0603 10 55	Cut flowers, fresh	BU	70,3	12 10,2 10,2 10,2
09.6223	0701 90 51 0701 90 59 0701 90 90	Potatoes	BU	984,9	9 12,6 10,8
09.6101	0702 00 10 0702 00 90	Tomatoes	RO	1 780	8,8 (min. ECU 2 /100 kg net) 14,2 (min. ECU 3,5/100 kg net)
09.6225	0702 00 10 0702 00 90	Tomatoes	BU	326,7	8,8 (min. ECU 2 /100 kg net) 14,4 (min. ECU 3,5/100 kg net)
09.6103	0703 10 19	Onions	RO	70	7,2
09.6227	0703 10 19	Onions	BU	120,6	7,2
09.6229	0703 20 00	Garlic	BU	271,4	7,2
09.6105	0704 10 10 0704 90 10 0704 90 90	Cabbages White/red cabbages Other	RO	825	10,2 (min. ECU 2 /100 kg net) 9 (min. ECU 0,5/100 kg net) 9
09.6107	0707 00 11	Cucumbers	RO	810	10,2
09.6231	0707 00 11 0707 00 90	Cucumbers Gherkins	BU	346,7	9,6 9,6
09.6109	0708 20 10 0708 20 90	Beans, fresh	RO	70	7,8 (min. ECU 2 /100 kg net) 10,2 (min. ECU 2 /100 kg net)
09.6111	0709 60 10	Sweet peppers	RO	935	5,4
09.6233	0709 60 10	Sweet peppers, fresh	BU	412	5,4
09.6113	0710 21 00 0710 22 00 0710 29 00	Peas, frozen Beans, frozen Other, frozen	RO	60	10,8 10,8 10,8
09.6235	0710 21 00 0710 22 00 0710 29 00	Peas, frozen Beans, frozen Other, frozen	BU	145,7	10,8 10,8 10,8
09.6237	0710 80 85 0710 80 95	Other vegetables, frozen	BU	226,1	10,8
09.6115	ex 0711 90 40 2003 10 20 2003 10 30	Mushrooms (b)	RO	170	9,6
09.6239	ex 0711 90 40 2003 10 20 2003 10 30	Mushrooms (b)	BU	593,1	9,6
09.6241	0713 40 90	Lentils, other	BU	120,6	1,2
09.6117	0802 31 00 0802 32 00	Walnuts in shell Shelled	RO	110	4,8 4,8
09.6243	0802 31 00 0802 32 00	Walnuts in shell Shelled	BU	180,9	4,8 4,8

(1) The wording for the description of the products covered by this Annex is that of the combined nomenclature (OJ No L 241, 27. 9. 1993).

(2) RO = Romania
BU = Bulgaria

(b) These CN codes are subject to the import regime laid down in Regulation (EEC) No 1796/81 (OJ No L 183, 4. 7. 1981, p. 1). Regulation as last amended by Regulation (EEC) No 1122/92 (OJ No L 117, 1. 5. 1993, p. 98).

(1)	(2)	(3)	(4)	(5)	(6)
09.6245	0806 10 19 0806 10 99	Grapes, from 15 July to 31 October Other grapes, from 15 July to 31 October	BU	160,8	13,2 13,2
09.6119	0808 10 31 0808 10 33 0808 10 39 0808 10 51 0808 10 53 0808 10 59	Apples, other than for cider	RO	55	8,4 (min. ECU 2,4 /100 kg net) 4,8 (min. ECU 2,3 /100 kg net)
09.6247	0808 10 10 0808 10 31 0808 10 33 0808 10 39	Apples Other apples	BU	346,7	5,4 (min. ECU 0,45/100 kg net) 8,4 (min. ECU 2,4 /100 kg net) 8,4 (min. ECU 2,4 /100 kg net) 8,4 (min. ECU 2,4 /100 kg net)
09.6249	0808 20 10 0808 20 39	Pears	BU	985	5,4 (min. ECU 0,45/100 kg net) 7,8 (min. ECU 2 /100 kg net)
09.6251	0808 20 90	Quinces	BU	80,4	5,4
09.6121	0809 10 00	Apricots	RO	450	15
09.6253	0809 10 00	Apricots	BU	60,3	15
09.6255	0809 30	Peaches	BU	219,1	13,2
09.6123	0809 40 11 0809 40 19	Plums	RO	980	9 (min. ECU 3 /100 kg net) 4,8
09.6257	0809 40 11	Plums	BU	2 346,6	9 (min. ECU 3 /100 kg net)
09.6259	0809 40 10	Plums	BU	542,7	4,8
09.6125	0811 10 10	Strawberries	RO	940	9,6 (min. ECU 3 /100 kg net)
09.6127	0811 10 90	Strawberries	RO	190	8,4
09.6261	0810 10 10 0810 10 90	Strawberries	BU	839,2	9,6 (min. ECU 3 /100 kg net) 8,4
09.6129	0812 10 00	Cherries	RO	41	6,6
09.6263	0812 10 00	Cherries	BU	363,8	6,6
09.6265	0812 90 00	Apricots, preserved	BU	42,2	9,6
09.6131	0813 10 00 0813 20 00 0813 30 00 0813 40 80	Apricots, dried Prunes, dried Apples, dried Other	RO	310	4,2 7,2 4,8 3,6
09.6267	0813 40 80	Other fruits, dried	BU	246,2	3,6
09.6133	1209 25 80 1209 29 80 1209 91 90 1209 99 91 1209 99 99	Seeds, fruit and spores	RO	165	2,4 3 4,2 3,6 4,2
09.6135	1212 99 10	Chicory roots	RO	185	1,2
09.6269	1210 10 00 1210 20	Hops	BU	120,6	5,4
09.6271	1209 21 00 1209 22 00 1209 25 90 1209 29 10 1209 29 80 1209 91 90 1209 99 99	Seeds, fruit and spores	BU	437,2	3 2,4 2,4 2,4 3 4,2 4,2
09.6273	1501 00 11	Lard for industrial use	BU	1 909,5	1,8
09.6137	1512 11 91 1512 19 91	Sunflower-seed oil Sunflower-seed oil, other	RO	1 475	6 9
09.6275	1512 11 91	Sun-flower seed oil	BU	135,6	6
09.6139	1602 31 11	Preserved meat of turkey	RO	165	10,2
09.6277	1602 31 11 1602 39 19	Preserved meat of turkey Other	BU	82,4	10,2 10,2

(1)	(2)	(3)	(4)	(5)	(6)
09.6141	2001 10 00 2001 90 90	Cucumbers preserved Other	RO	55	13,2 12
09.6279	2001 10 00	Cucumbers preserved	BU	959,8	13,2
09.6281	2002 10 10 2002 10 90	Tomatoes, preserved	BU	3 432,9	14,4 14,4
09.6283	2002 90 10 2002 90 30 2002 90 90	Tomatoes, preserved	BU	3 573,6	14,4 14,4 14,4
09.6143	2002 90 31 2002 90 39 2002 90 91 2002 90 99	Tomatoes, prepared	RO	295	14,4 14,4
09.6145	2005 40 00	Peas	RO	65	14,4
09.6285	2007 99 33	Jam of strawberries	BU	46,2	18 + AD S/Z
09.6287	2008 50 71 2008 50 79 2008 50 91	Apricots, preserved	BU	145,7	14,4 + AD S/Z 14,4 + AD S/Z 10,2 + AD S/Z
09.6289	2008 60 69	Cherries, preserved	BU	36,2	14,4 + AD S/Z
09.6291	2008 70 79	Peaches, preserved	BU	216,7	13,2
09.6293	2008 80 70	Strawberries, preserved	BU	208,4	14,4 + AD S/Z
09.6295	2008 99 55	Plums, preserved	BU	70,3	14,4 + AD S/Z
09.6147	2009 70 19	Apple juice	RO	570	25,2
09.6297	2009 70 19	Apple juice	BU	1 552,7	25,2
09.6149	2401 10 60 2401 10 70 2401 20 60 2401 20 70	Tobacco	RO	1 375	9 (min. ECU 17/100 kg net)
09.6299	2401 10 60 2401 10 70 2401 20 60 2401 20 70	Tobacco	BU	3 016	9 (min. ECU 17/100 kg net) 9 9 9

COUNCIL REGULATION (EC) No 315/94

of 7 February 1994

reducing the variable components applicable to certain goods originating in the Czech Republic resulting from the processing of agricultural products referred to in the Annex to Regulation (EC) No 3448/93

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾ establishes the method of calculation of variable components applicable to goods referred to in Table 1 of Annex B thereto;

Whereas, Article 1 of the Supplementary Protocol, between the European Community and the Czech Republic to the Interim Agreement between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part, on trade and trade-related matters⁽²⁾, provides that the latter shall apply to the Czech Republic with the amendments referred to therein;

Whereas Article 2 (2) of Protocol 3 to the Interim Agreement provides that account shall be taken of the measures, adopted pursuant to Article 14 of that Agreement; whereas such measures, as amended by the Additional Protocol⁽³⁾ to the abovementioned Interim Agreement, implemented since 1 July 1993 by Decision 93/421/EEC⁽⁴⁾ provide in particular for a 20 % levy reduction from 1 January 1993 and a 60 % reduction from 1 July 1993, applicable to skimmed-milk powder and butter and to barley within the limits of quantities established on the basis of traditional imports of these products increased by an average of 10 % for each year;

Whereas Regulation (EEC) No 2109/92⁽⁵⁾ reducing the variable components applicable to certain goods originating in the former Czech and Slovak Federal Republic, on the basis of a method equivalent to that for agricultural products used in the composition of the goods referred to in Protocol 3, has taken as a reference for the establishment of the quota reducing these variable components the value of the goods subject under the Interim Agreement to the collection of an agricultural

levy component imported from the Czech and Slovak Federal Republic during 1990 increased by 10 % for 1992; whereas, by virtue of the exchanges of letters between the Commission of the European Communities, of the one part, and the Czech Republic and the Slovak Republic, of the other part, these countries have stated that they have mutually agreed to share the quota in a ratio, respectively of 2 to 1;

Whereas, by virtue of Article 8 of the Supplementary Protocol, the sharing of the quotas referred to in Annex XIII b is applicable to skimmed-milk powder and butter and to barley from 1 January 1994; whereas, taking account of the measures adopted for the abovementioned agricultural products used in the composition of the goods listed in the Annex to Protocol 3, it is necessary to provide for a reduction of the variable components of the said goods and the quota concerned applicable from the same date and during the successive periods referred to in Table 1 of the Annex to Protocol 3,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January 1994, goods listed in the Annex to this Regulation originating in the Czech Republic shall be subject to a reduced variable component determined in accordance with Article 2 within the limits of an *ad valorem* quota of ECU 3 140 800 for 1994, ECU 3 382 400 for 1995 and ECU 3 624 000 for 1996 and successive years.

2. For the purposes of this Regulation, goods meeting the conditions established by Protocol 4 to the Interim Agreement shall be considered to be 'originating goods'.

Article 2

The reduced variable components shall be calculated by reducing the difference, established in accordance with Article 3 (2) of Regulation (EC) No 3448/93, between the average threshold price and the average cif price or free-at-frontier price for each basic product by 30 %, except that the difference established for basic products falling within Chapter 4 of the combined nomenclature (dairy products) and for barley shall be reduced by 60 %.

⁽¹⁾ OJ No L 318, 20. 12. 1993, p. 18.

⁽²⁾ OJ No L 115, 30. 4. 1992, p. 2.

⁽³⁾ OJ No L 195, 4. 8. 1993, p. 47.

⁽⁴⁾ OJ No L 195, 4. 8. 1993, p. 42.

⁽⁵⁾ OJ No L 212, 28. 7. 1992, p. 4.

The amounts thus obtained shall apply to the quantities of basic products considered to have been used in the manufacture of the goods concerned in accordance with Article 13 (2) of Regulation (EC) No 3448/93.

Article 3

The variable components applicable to goods listed in the Annex to Regulation (EC) No 3448/93 but not listed in the Annex to this Regulation and to goods admitted once

the quota referred to in Article 1 has been exceeded shall be those established directly pursuant to Article 3 of Regulation (EC) No 3448/93.

Article 4

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

It shall apply with effect from 1 January 1994.

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

Done at Brussels, 7 February 1994.

For the Council

The President

Th. PANGALOS

ANNEX

CN code	Description
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added fruit, nuts or cocoa :
0403 10 51 to 0403 10 99	— Yoghurt, flavoured or containing added fruit, nuts or cocoa
0403 90 71 to 0403 90 99	— Other, flavoured or containing added fruit, nuts or cocoa
ex 1517	Margarine ; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of falling within CN code 1516 :
1517 10 10	— Margarine, excluding liquid margarine containing more than 10 % but not more than 15 % by weight of milk fats
1517 90 10	— Other, containing more than 10 % but not more than 15 % by weight of milk fats
ex 1704	Sugar confectionery (including white chocolate), not containing cocoa ; excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code 1704 90 10
1806	Chocolate and other food preparations containing cocoa
1901	Malt extract ; food preparations of flour, starch or malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 50 %, not elsewhere specified or included ; food preparations of goods falling within CN codes 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 %, not elsewhere specified or included
ex 1902	Pasta, whether or not cooked or otherwise prepared excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30, couscous, whether or not prepared
1903	Tapioca and substitutes therefor, prepared from starch in the form of flakes, grains, pearls, siftings or similar forms
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example corn flakes) ; cereals, other than maize (corn), in grain form, pre-cooked or otherwise prepared
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa, communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products
2101 10 99	Preparations with a basis of extracts, essences and concentrates of coffee or with a basis of coffee, other than those falling within CN code 2101 10 91
2101 20 90	Extracts, essences and concentrates of tea or maté and preparations with a basis of these extracts, or with a basis of tea or maté, other than those falling within CN code 2101 20 10
2101 30 19	Roasted coffee substitutes excluding roasted chicory
2101 30 99	Extracts, essences and concentrates of roasted coffee substitutes excluding those of roasted chicory
2102 10 31 2102 10 39	Bakers' yeast
2105	Ice-cream and other edible ice, whether or not containing cocoa
ex 2106	Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 10 and 2106 90 91 and other than flavoured or coloured sugar syrups
2202 90 91 2202 90 95 2202 90 99	Non-alcoholic beverages not including fruit or vegetable juices falling within CN code 2009, containing products falling within CN codes 0401, 0402 and 0404 or obtained from products falling within CN codes 0401, 0402 and 0404

COUNCIL REGULATION (EC) No 316/94

of 7 February 1994

reducing the variable components applicable to certain goods originating in the Slovak Republic resulting from the processing of agricultural products referred to in the Annex to Regulation (EC) No 3448/93

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾ establishes the method of calculation of variable components applicable to goods referred to in Table 1 of Annex B thereto;

Whereas, Article 1 of the Supplementary Protocol, between the European Community and the Slovak Republic to the Interim Agreement between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part, on trade and trade-related matters⁽²⁾, provides that the latter shall apply to the Slovak Republic with the amendments referred to therein;

Whereas Article 2 (2) of Protocol 3 to the Interim Agreement provides that account shall be taken of the measures, adopted pursuant to Article 14 of that Agreement; whereas such measures, as amended by the Additional Protocol⁽³⁾ to the abovementioned Interim Agreement, implemented since 1 July 1993 by Decision 93/421/EEC⁽⁴⁾ provide in particular for a 20 % levy reduction from 1 January 1993 and a 60 % reduction from 1 July 1993, applicable to skimmed-milk powder and butter and to barley within the limits of quantities established on the basis of traditional imports of these products increased by an average of 10 % for each year;

Whereas Regulation (EEC) No 2109/92⁽⁵⁾ reducing the variable components applicable to certain goods originating in the former Czech and Slovak Federal Republic, on the basis of a method equivalent to that for agricultural products used in the composition of the goods referred to in Protocol 3, has taken as a reference for the establishment of the quota reducing these variable components the value of the goods subject under the Interim Agreement to the collection of an agricultural

levy component imported from the Czech and Slovak Federal Republic during 1990 increased by 10 % for 1992; whereas, by virtue of the exchanges of letters between the Commission of the European Communities, of the one part, and the Czech Republic and the Slovak Republic, of the other part, these countries have stated that they have mutually agreed to share the quota in a ratio, respectively of 2 to 1;

Whereas, by virtue of Article 8 of the Supplementary Protocol, the sharing of the quotas referred to in Annex XIII b is applicable to skimmed-milk powder and butter and to barley from 1 January 1994; whereas, taking account of the measures adopted for the abovementioned agricultural products used in the composition of the goods listed in the Annex to Protocol 3, it is necessary to provide for a reduction of the variable components of the said goods and the quota concerned applicable from the same date and during the successive periods referred to in Table 1 of the Annex to Protocol 3,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January 1994, goods listed in the Annex to this Regulation originating in the Slovak Republic shall be subject to a reduced variable component determined in accordance with Article 2 within the limits of an *ad valorem* quota of ECU 1 570 400 for 1994, ECU 1 691 200 for 1995 and ECU 1 812 000 for 1996 and successive years.

2. For the purposes of this Regulation, goods meeting the conditions established by Protocol 4 to the Interim Agreement shall be considered to be 'originating goods'.

Article 2

The reduced variable components shall be calculated by reducing the difference, established in accordance with Article 3 (2) of Regulation (EC) No 3448/93, between the average threshold price and the average cif price or free-at-frontier price for each basic product by 30 %, except that the difference established for basic products falling within Chapter 4 of the combined nomenclature (dairy products) and for barley shall be reduced by 60 %.

⁽¹⁾ OJ No L 318, 20. 12. 1993, p. 18.

⁽²⁾ OJ No L 115, 30. 4. 1992, p. 2.

⁽³⁾ OJ No L 195, 4. 8. 1993, p. 47.

⁽⁴⁾ OJ No L 195, 4. 8. 1993, p. 42.

⁽⁵⁾ OJ No L 212, 28. 7. 1992, p. 4.

The amounts thus obtained shall apply to the quantities of basic products considered to have been used in the manufacture of the goods concerned in accordance with Article 13 (2) of Regulation (EC) No 3448/93.

Article 3

The variable components applicable to goods listed in the Annex to Regulation (EC) No 3448/93 but not listed in the Annex to this Regulation and to goods admitted once

the quota referred to in Article 1 has been exceeded shall be those established directly pursuant to Article 3 of Regulation (EC) No 3448/93.

Article 4

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

It shall apply with effect from 1 January 1994.

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

Done at Brussels, 7 February 1994.

For the Council

The President

Th. PANGALOS

ANNEX

CN code	Description
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added fruit, nuts or cocoa :
0403 10 51 to 0403 10 99	— Yoghurt, flavoured or containing added fruit, nuts or cocoa
0403 90 71 to 0403 90 99	— Other, flavoured or containing added fruit, nuts or cocoa
ex 1517	Margarine ; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions falling within CN code 1516 :
1517 10 10	— Margarine, excluding liquid margarine containing more than 10 % but not more than 15 % by weight of milk fats
1517 90 10	— Other, containing more than 10 % but not more than 15 % by weight of milk fats
ex 1704	Sugar confectionery (including white chocolate), not containing cocoa ; excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code 1704 90 10
1806	Chocolate and other food preparations containing cocoa
1901	Malt extract ; food preparations of flour, starch or malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 50 %, not elsewhere specified or included ; food preparations of goods falling within CN codes 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 %, not elsewhere specified or included
ex 1902	Pasta, whether or not cooked or otherwise prepared excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30, couscous, whether or not prepared
1903	Tapioca and substitutes therefor, prepared from starch in the form of flakes, grains, pearls, siftings or similar forms
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example corn flakes) ; cereals, other than maize (corn), in grain form, pre-cooked or otherwise prepared
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa, communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products
2101 10 99	Preparations with a basis of extracts, essences and concentrates of coffee or with a basis of coffee, other than those falling within CN code 2101 10 91
2101 20 90	Extracts, essences and concentrates of tea or maté and preparations with a basis of these extracts, or with a basis of tea or maté, other than those falling within CN code 2101 20 10
2101 30 19	Roasted coffee substitutes excluding roasted chicory
2101 30 99	Extracts, essences and concentrates of roasted coffee substitutes excluding those of roasted chicory
2102 10 31 2102 10 39	Bakers' yeast
2105	Ice-cream and other edible ice, whether or not containing cocoa
ex 2106	Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 10 and 2106 90 91 and other than flavoured or coloured sugar syrups
2202 90 91 2202 90 95 2202 90 99	Non-alcoholic beverages not including fruit or vegetable juices falling within CN code 2009, containing products falling within CN codes 0401, 0402 and 0404 or obtained from products falling within CN codes 0401, 0402 and 0404

COUNCIL REGULATION (EC) No 317/94

of 20 December 1993

withdrawing tariff concessions in accordance with Article 23 (2) and Article 27 (3)
(a) of the Free Trade Agreement between the Community and Austria (Grundig
Austria GmbH)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas a Free Trade Agreement between the European Economic Community and the Republic of Austria, hereinafter referred to as 'the Agreement', was signed at Brussels on 22 July 1972⁽¹⁾;

Whereas the Agreement eliminated customs duties in trade between the Community and Austria in respect of industrial products originating in the Contracting Parties within the meaning of Protocol 3 to the Agreement;

Whereas the Agreement requires the Contracting Parties to provide fair conditions of competition for trade;

Whereas Article 23 (1) (iii) of the said Agreement stipulates that any public aid affecting trade between the Community and Austria which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods is incompatible with the proper functioning of the Agreement;

Whereas, in a declaration published at the same time as the Agreement, the Community stated that it would assess any practices contrary to the abovementioned Article on the basis of criteria arising from the application of Article 92 of the Treaty;

Whereas in January 1993 the Commission learned that in May 1991 and June 1992 the City Council of Vienna had granted a subsidy of a maximum of 100 million Austrian schillings to Grundig Austria GmbH towards the costs of carrying out an investment programme of 1 000 million schillings at the Vienna plant of the Grundig group;

Whereas the aided investment programme was intended to rationalize production and expand output in the Vienna plant;

Whereas Council Regulation (EEC) No 2837/72 of 19 December 1972 on safeguard measures provided for in the Agreement between the European Economic

Community and the Republic of Austria⁽²⁾ provides that in such cases the Commission must assess the case, either on its own initiative or at the request of a Member State, and give its opinion on whether or not the practices in question are compatible with the Agreement;

Whereas the initial information requested by the Commission was sent by the Austrian authorities in February 1993;

Whereas after assessment of the case and further contacts with the Austrian authorities which took place in February 1993, the Grundig-Vienna case was officially referred to the Joint Committee on 25 February 1993, in accordance with Article 27 (2) and (3) (a) of the Agreement;

Whereas the Commission informed the Austrian authorities at the Joint Committee meeting that, on the basis of the information initially submitted, it considered the State aid in question to be incompatible with Article 23 of the Agreement, and that, in the light of the criteria incorporated in the method adopted by the Commission for the application of Article 92 (3) (a) and (c) of the EEC Treaty to regional aid, the investment programme by Grundig Austria GmbH at Vienna would not be eligible for regional aid;

Whereas at the Joint Committee meeting, both parties agreed to hold a meeting of experts with a view to clarifying certain elements of the case and to seeking a mutually acceptable solution;

Whereas further information requested by the Commission was sent by the Austrian authorities in March 1993;

Whereas on 23 April 1993 the Commission transmitted to the Austrian authorities an official note dated 16 April 1993 reiterating the view that the State aid in question was incompatible with Article 23 of the Agreement;

Whereas on 13 May 1993 a meeting of experts took place but no mutually acceptable solution was arrived at;

Whereas the further information subsequently sent by the Austrian authorities in May 1993 does not make it possible for the Commission to change its view that the aid in question is incompatible with Article 23 of the Agreement;

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 2.

⁽²⁾ OJ No L 300, 31. 12. 1972, p. 94. Regulation as last amended by Regulation (EEC) No 638/90 (OJ No L 74, 20. 3. 1990, p. 1).

Whereas the aid in question covered part of the costs that Grundig Austria GmbH should have borne by itself in order to rationalize production and expand output at its factory at Vienna and, consequently, reinforced its competitive position as regards other competitors;

Whereas 85 % of the TV sets produced by Grundig at its factory at Vienna are exported to the Community, benefiting from tariff preferences under the Agreement;

Whereas in the highly competitive market for TV sets, in which Community producers are active, an unjustified State aid to Grundig Austria GmbH distorts competition and trade between the Community and Austria and favours Grundig's exports from its Vienna plant;

Whereas State aids also have effects on decisions concerning the localization of industrial activities between alternative possible sites and the aid in question is the latest in an on-going series of aids granted, at least since 1983, by the Austrian authorities to Grundig Austria GmbH in order to rationalize production and attract manufacturing activities from other sites;

Whereas in view of the prospect of declining demand and increased competition in the market for TV sets, aid for rationalization and expansion of output, in circumstances where no other Community manufacturer can benefit from such aid in similar circumstances, causes serious difficulties;

Whereas Article 27 (3) of the Agreement stipulates that if a Contracting Party fails to put an end to practices objected to within the period fixed by the Joint Committee or, in the absence of agreement in the Joint Committee, within three months of the matter being referred to it, the other Contracting Party may adopt any safeguard measures it considers necessary to deal with serious difficulties resulting from the practices in question; in particular it may withdraw tariff concessions;

Whereas the safeguard measure which appears the best adapted to remedy the distortion of competition and the

effect on trade which arise out of the existence of the aid is the introduction of duties at a level equal to the level of customs duties which would have prevailed if the Agreement had not entered into force and for as long as the aid has such distorting effects;

Whereas the foreseeable period during which the aid can have those effects is the average fiscal depreciation period of the aided investments;

Whereas therefore a duty of 14 % should be applied on the abovementioned period or until such earlier time as the Council concludes that the aids in question are no longer having a distortive effect on competition and trade,

HAS ADOPTED THIS REGULATION:

Article 1

A 14 % duty is hereby reintroduced for TV sets produced by Grundig Austria GmbH (Taric additional code 8998; others: Taric additional code 8999) falling within ex CN code 8528 10 and ex CN code 8528 20 and originating in Austria within the meaning of Protocol 3 to the Free Trade Agreement between the Community and Austria.

This 14 % duty shall apply for a period equivalent to the average fiscal depreciation period or until such earlier time as the Council, on the basis of a Commission proposal, concludes that the aids in question are no longer having a distortive effect on competition and trade.

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, 20 December 1993.

For the Council

The President

W. CLAES

COUNCIL REGULATION (EC) No 318/94**of 7 February 1994****repealing Regulation (EC) No 317/94 of withdrawing tariff concessions in accordance with the provisions of Articles 23 (2) and 27 (3) (a) of the Free Trade Agreement concluded between the Community and Austria (Grundig Austria GmbH)**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas the Free Trade Agreement between the European Economic Community and the Republic of Austria, signed in Brussels on 22 July 1972⁽¹⁾, stipulates, in Article 23 (1) (iii), that any public aid affecting trade between the Community and Austria which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods is incompatible with its proper functioning and, in Article 27, that in the absence of agreement in the Joint Committee within three months of the matter being referred to it, the Contracting Party concerned may adopt any safeguard measures it considers necessary to deal with the serious difficulties resulting from the practices in question, including the withdrawal of tariff concessions;

Whereas, by Regulation (EC) No 317/94⁽²⁾ the Council reimposed a 14 % duty on television sets produced by Grundig Austria GmbH, so as to deal with the distortion of competition and the impact on trade between the Community and Austria created by the aid granted by the Vienna Municipal Council in May 1991 and June 1992 for investment in the factory producing such sets;

Whereas, on 21 December, the Commission was informed of the repayment of part (67 million schillings) of the aid by Grundig Austria GmbH to the City of Vienna, the sum repaid being the amount of aid deemed incompatible with Article 23 of the Free Trade Agreement;

Whereas such repayment means that the aid no longer entails any distortion of competition or any impact on trade that are incompatible with the Agreement,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 317/94 is hereby repealed, with effect from the date of its publication.

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, 7 February 1994.

For the Council

The President

Th. PANGALOS

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 2.

⁽²⁾ See page 18 of this Official Journal.

COMMISSION REGULATION (EC) No 319/94

of 7 February 1994

providing for the determination and the administration of the variable component for certain goods originating in Poland, Hungary, Romania, the Czech Republic and the Slovak Republic resulting from the processing of agricultural products referred to in the Annexes of Regulation (EC) No 3448/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993, laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, and in particular the second paragraph of Article 7,

Whereas Protocol 3 to the Interim Agreement between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, of the other part⁽²⁾, on trade and related matters provides for reductions in the variable components for certain goods referred to in Annex II to the said Protocol within the limit of quotas fixed in Annex I to the same Protocol;

Whereas Protocol 3 to the Interim Agreement between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Hungary, of the other part⁽³⁾, on trade and related matters provides for reductions in the variable components for certain goods referred to in Annex II to the said Protocol within the limit of quotas fixed in Annex I to the same Protocol;

Whereas Protocol 3 to the Interim Agreement between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Romania, of the other part⁽⁴⁾, on trade and related matters provides for reductions in the variable components for certain goods referred to in Annex A to the said Protocol within the limit of quotas fixed in Annex B to the same Protocol;

Whereas Protocol 3 to the Interim Agreement between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech Republic, of the other part⁽⁵⁾, on trade and related matters provides that account shall be taken of the measures adopted pursuant to Article 14 of the Interim Agreement; whereas the said measures provide in par-

ticular for a levy reduction applicable to milk powder and butter and to barley; whereas in consequence reductions in the variable components are provided for certain goods referred to in Table I of the Annex to the said Protocol within the limit of quotas fixed in Article 1 to Council Regulation (EC) No 315/94⁽⁶⁾;

Whereas Protocol 3 to the Interim Agreement between the European Economic Community and the European Coal and Steel Community, of the one part, and the Slovak Republic, of the other part⁽⁷⁾, on trade and related matters provides that account shall be taken of the measures adopted pursuant to Article 14 of the Interim Agreement; whereas the said measures provide in particular for a levy reduction applicable to milk powder and butter and to barley; whereas in consequence reductions in the variable components are provided for certain goods referred to in Table I of the Annex to the said Protocol within the limit of quotas fixed in Article 1 to whereas Council Regulation (EC) No 316/94⁽⁸⁾;

Whereas the decision for the opening of Community quotas should be taken by the Community, in the execution of its international obligations, in the case of the goods listed in Annexes I, II, III, IV and V to this Regulation; whereas particular care should be taken to ensure that all Community importers have equal and continuous access to those quotas and that the charges laid down for the quotas are applied to all imports of the goods in question into all Member States until the quotas are exhausted; whereas, to ensure the efficient common administration of these quotas, there are no obstacles to authorizing the Member States to draw from the quota-volumes the necessary quantities corresponding to actual imports; whereas, however, this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within, and jointly represented by, the Benelux Economic Union, any operation concerning the administration of these tariff measures may be carried out by any one of its members;

⁽¹⁾ OJ No L 318, 20. 12. 1993, p. 18.

⁽²⁾ OJ No L 114, 30. 4. 1992, p. 2.

⁽³⁾ OJ No L 116, 30. 4. 1992, p. 2.

⁽⁴⁾ OJ No L 81, 2. 4. 1993, p. 2.

⁽⁵⁾ OJ No L 115, 30. 4. 1992, p. 2.

⁽⁶⁾ See page 12 of this Official Journal.

⁽⁷⁾ OJ No L 115, 30. 4. 1992, p. 2.

⁽⁸⁾ See page 15 of this Official Journal.

Whereas the measures laid down by the present Regulation conform to the opinion of the Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex II,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1994, goods originating in Poland, Hungary, Romania, the Czech Republic and the Slovak Republic which are listed in Annexes I, II, III, IV and V to this Regulation shall be subject to a reduced variable component determined in accordance with Article 2, within the limits of the quotas and under the conditions set out in those Annexes.

2. For the purposes of this Regulation, 'originating goods' means goods meeting the conditions established by Protocol 4 to the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and respectively whereas Poland, Hungary, Romania, the Czech Republic and the Slovak Republic, of the other part.

Article 2

The reduced variable components applicable from 1 January to 31 December 1994 shall be calculated as follows:

(a) the difference, established in accordance with Article 3 (2) of Regulation (EC) No 3448/93 between the average threshold price and the average cif price or free-at-frontier price for each basic product shall be reduced by 30 % except for Romania which shall be reduced by 20 %; however, the differences established, for common wheat, as far as Hungary is concerned, for the basic products falling within Chapter 4 of the combined nomenclature, as far as Poland, the Czech Republic and the Slovak Republic are concerned, and for barley, as far as the Czech and Slovak Republics are concerned, shall be reduced by 60 %. The differences established, for common wheat, as far as Romania is concerned, shall be reduced by 40 %;

(b) the amounts thus obtained shall apply to the quantities of basic products considered to have been used in the manufacture of the goods concerned in accord-

ance with Article 13 (2) of Regulation (EC) No 3448/93.

Article 3

The variable components to be applied to those goods which are mentioned in the Annex to Regulation (EC) No 3448/93 but not mentioned in, respectively, Annexes I, II, III, IV and V to this Regulation, and to those goods which are mentioned in the said Annexes in amounts exceeding the quotas laid down in them, shall be those which are established by direct application of Article 3 of Regulation (EC) No 3448/93.

Article 4

1. The tariff quota referred to in Article 1 shall be administered by the Commission, which may take all appropriate measures in order to ensure efficient administration thereof.

2. Where an importer declares a product covered by this Regulation for free circulation in a Member State and applies to take advantage of the preferential arrangements, and that declaration is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the quota volume.

Requests for drawings, indicating the date of acceptance of the said declarations, must be sent to the Commission without delay.

The drawing shall be granted by the Commission by reference to the date of acceptance of the declaration for free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

3. If a Member State does not use the quantities drawn, it shall return them to the corresponding quota volume as soon as possible.

4. If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated on a pro rata basis. The Commission shall inform the Member States of the drawings made.

Article 5

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

It shall apply from 1 January 1994.

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

Done at Brussels, 7 February 1994.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX I

Poland

Order No	CN code	Description	Quota (ECU)	Preference
09.5401	ex 0403 0403 10 51 to 0403 10 99 0403 90 71 to 0403 90 99	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa : – Yoghurt, flavoured or contained added fruit or cocoa – Other, flavoured or containing added fruit or cocoa	13	MOBR
09.5403	ex 1704 1704 10 1704 90 30 1704 90 55	Sugar confectionery (including white chocolate), not containing cocoa : – Chewing gum, whether or not sugar-coated – White chocolate – Throat pastilles and cough drops	3 570	MOBR
09.5405	ex 1902	Pasta, whether or not cooked or otherwise prepared excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30, couscous, whether or not prepared	310	MOBR
09.5407	1903	Tapioca and substitutes therefor, prepared from starch in the form of flakes, grains, pearls, sittings or similar forms	34	MOBR
09.5409	2001 90 40 2008 99 91 2004 10 92 2005 20 10	Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch, prepared or preserved by vinegar or acetic acid or otherwise prepared or preserved, not containing added sugar or added spirit Potatoes in the form of flour, meal or flakes, prepared or preserved otherwise than by vinegar or acetic acid	21	MOBR
09.5411	2101 10 99 2101 20 90	Preparations with a basis of extracts, essences and concentrates of coffee or with a basis of coffee, other than those of CN code 2101 10 91 Extracts, essences and concentrates of tea or maté and preparations with a basis of these extracts, or with a basis of tea or maté, other than those of CN code 2101 20 10	13	MOBR
09.5413	2101 30 19 2101 30 99	Roasted coffee substitutes excluding roasted chicory Extracts, essences and concentrates of roasted coffee substitutes excluding those of roasted chicory	260	MOBR
09.5415	2106 90 10	Cheese fondues	470	MOBR

ANNEX II

HUNGARY

Order No	CN code	Description (Extracts of CN codes)	Quota volume (tonnes)	Duty to be applied
09.5209	0710 40 0711 90 30		5 850	0 + MOBR 0 + MOBR
09.5211	1519 12 00 1519 20 00		350	0 3,3
09.5213	1704 10 11 1704 10 19 1704 10 91 1704 10 99 1704 90 30 1704 90 51*11 1704 90 51*19 1704 90 51*90 1704 90 55 1704 90 61 1704 90 65 1704 90 71 1704 90 75 1704 90 81 1704 90 99*10 1704 90 99*90	--- Pastes, including marzipan, in immediate packing of a net content of 1 kg or more : --- Sugar fondant : --- Containing less than 70 % by weight (including invert sugar expressed as sucrose) --- Containing 70 % or more by weight (including invert sugar expressed as sucrose) --- Other --- Other : --- Containing less than 70 % by weight (including invert sugar expressed as sucrose) --- Containing 70 % or more by weight (including invert sugar expressed as sucrose)	2 930	0 + MOBR MAX 23 0 + MOBR MAX 18 0 + MOBR MAX 27 + AD S/Z 0 + MOBR MAX 27 + AD S/Z 0 + MOBR MAX 27 + AD S/Z 0 + MOBR MAX 27 + AD S/Z
09.5215	1803		660	4,4
09.5217	1804 00 00		1 060	3,2
09.5219	1805 00 00		30	3,6
09.5221		Chocolate and other food preparations containing cocoa : - cocoa powder, containing added sugar or other sweetening matter : - - Containing no sucrose or containing less than 65 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose - - Containing no sucrose or containing less than 5 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose :	1 460	

Order No	CN code	Description (Extracts of CN codes)	Quota volume (tonnes)	Duty to be applied
09.5221 (cont')	1806 10 10*11	- - - - Not otherwise sweetened than by the addition of sucrose		0
	1806 10 10*19	- - - - Other		4
		- - - Other :		
	1806 10 10*91	- - - - Not otherwise sweetened than by the addition of sucrose		0 + MOBR
	1806 10 10*99	- - - - Other		0 + MOBR
		- - Containing 65 % or more but less than 80 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose :		
	1806 10 30*10	- - - Not otherwise sweetened than by the addition of sucrose		0 + MOBR
	1806 10 30*90	- - - Other		0 + MOBR
		- - Containing 80 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose :		
	1806 10 90*10	- - - Not otherwise sweetened than by the addition of sucrose		0 + MOBR
	1806 10 90*90	- - - Other		0 + MOBR
	1806 20 10			0 + MOBR MAX 27 + AD S/Z
	1806 20 30			0 + MOBR MAX 27 + AD S/Z
	1806 20 50			0 + MOBR MAX 27 + AD S/Z
	1806 20 70			0 + MOBR
	1806 20 80*10			0 + MOBR MAX 27 + AD S/Z
	1806 20 80*90			0 + MOB MAX 27 + AD S/Z
	1806 20 95*10			0 + MOBR MAX 27 + AD S/Z
	1806 20 95*90			0 + MOBR MAX 27 + AD S/Z
	1806 31			0 + MOBR
	1806 32			MAX 27 + AD S/Z
	1806 90 11			} 0 + MOBR MAX 27 + AD S/Z
	1806 90 19			
	1806 90 31			
	1806 90 39			
	1806 90 50			
		- Other :		
		- - Spreads containing cocoa :		
	1806 90 60*10	- - - In immediate packings of a net capacity of 1 kg or less		} 0 + MOBR MAX 27 + AD S/Z
	1806 90 60*90	- - - Other :		
	1806 90 70			
		- - - - Other :		
	1806 90 90*11	- - - - Containing less than 70 % by weight of sucrose		0 + MOBR MAX 27 + AD S/Z
	1806 90 90*91			
	1806 90 90*19			0 + MOB
	1806 90 90*99			MAX 27 + AD S/Z

Order No	CN code	Description (Extracts of CN codes)	Quota volume (tonnes)	Duty to be applied
09.5223	1901 10 10		13	0 + MOBR
09.5225	1901 20		720	0 + MOBR
09.5227	1901 90 11 1901 90 19	- - - Other	1 390	0 + MOBR
		- - Other :		
		- - - Preparations based on flour of leguminous vegetables in the form of sun-dried discs of dough, known as 'papad' :		
	1901 90 90*12	- - - - Containing cocoa :		0 + MOBR
		- - - - - Whether or not containing less than 1,5 % by weight of milk with a starch or flour content of 50 % or more, but less than 75 % by weight		0 + MOBR
	1901 90 90*14	- - - - - Other		0 + MOBR
		- - - - - Other :		
	1901 90 90*16	- - - - - Whether or not containing less than 1,5 % by weight of milk with a starch or flour content of 50 % or more, but less than 75 % by weight		0 + MOBR
	1901 90 90*18	- - - - - Other		0 + MOBR
		- - - Crushed maize, grains, pressure cooked in water, containing a salt, intended for use as intermediary products in the manufacture of cornflakes and similar preparations :		
		- - - - - Containing cocoa :		
	1901 90 90*21	- - - - - Whether or not containing less than 1,5 % by weight of milk with a starch or flour content of 50 % or more, but less than 75 % by weight :		0 + MOBR
	1901 90 90*23	- - - - - Other		0 + MOBR
		- - - Other :		
	1901 90 90*27	- - - - - Whether or not containing less than 1,5 % by weight of milk with a starch or flour content of 50 % or more, but less than 75 % by weight		0 + MOBR
	1901 90 90*29	- - - - - Other		0 + MOBR
		- - - Preparations for dietetic or culinary purposes :		
		- - - - - Containing cocoa :		
	1901 90 90*61	- - - - - Whether or not containing less than 1,5 % by weight of milk with a starch or flour content of 50 % or more, but less than 75 % by weight :		0 + MOBR
	1901 90 90*63	- - - - - Other		0 + MOBR
		- - - - - Other :		
	1901 90 90*65	- - - - - Whether or not containing less than 1,5 % by weight of milk with a starch or flour content of 50 % or more, but less than 75 % by weight		0 + MOBR

Order No	CN code	Description (Extracts of CN codes)	Quota volume (tonnes)	Duty to be applied
09.5227 (cont)	1901 90 90*67	- - - - - Other		0 + MOBR
	1901 90 90*71 to 1901 90 90*77			0 + MOBR
	1901 90 90*93	- - - - - Containing cocoa :		0 + MOBR
		- - - - - Whether or not containing less than 1,5 % by weight of milk with a starch or flour content of 50 % or more, but less than 75 % by weight :		0 + MOBR
	1901 90 90*95	- - - - - Other		0 + MOBR
	1901 90 90*97	- - - - - Other :		0 + MOBR
		- - - - - Whether or not containing less than 1,5 % by weight of milk with a starch or flour content of 50 % or more, but less than 75 % by weight		0 + MOBR
	1901 90 90*99	- - - - - Other : Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or in similar forms		0 + MOBR
09.5228	1902 11 1902 19 1902 20 91 1902 20 99 1902 30 1902 40 10 1902 40 90		310	0 + MOBR
09.5229	1903 00 00*10 1903 00 00*90	- Tapioca and sago substitutes from potato starches - Other	34	0 + MOBR
09.5231	1904 10 1904 90 10 1904 90 90		110	0 + MOBR 0 + MOBR 0 + MOBR
09.5233	1905 10 1905 20 1905 30 11 1905 30 19 1905 30 30 1905 30 51 1905 30 59 1905 30 91 1905 30 99 1905 40 1905 90 10 1905 90 20 1905 90 30 1905 90 40 1905 90 45 1905 90 55 1905 90 60 1905 90 90		1 020	0 + MOBR MAX 24 + AD F/M 0 + MOBR 0 + MOBR MAX 35 + AD S/Z 0 + MOBR MAX 30 + AD S/Z 0 + MOBR MAX 35 + AD F/M 0 + MOBR 0 + MOBR MAX 20 + AD F/M 0 + MOBR 0 + MOBR MAX 30 + AD F/M 0 + MOBR MAX 35 + AD F/M 0 + MOBR MAX 30 + AD F/M

Order No	CN code	Description (Extracts of CN codes)	Quota volume (tonnes)	Duty to be applied
09.5235	2001 90 30 2004 90 10 2005 80		10 280	0 + MOBR
09.5237	2101 10 99 2101 20 10*10 2101 20 10*90 2101 20 90	– Extracts, essences and concentrates of tea or maté, and preparations with a basis of these extracts, essences or concentrates or with a basis of tea or maté : – – Containing no milkfats, milk proteins, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milkfat, 2,5 % milk proteins, 5 % sucrose or isoglucose, 5 % glucose or starch : – – – Preparations with a basis of tea or maté – – – Other	13	0 + MOBR 0 4,4 0 + MOBR
09.5239	2101 30 11 2101 30 19 2101 30 91 2101 30 99		570	7,7 0 + MOBR 8,6 0 + MOBR
09.5241	2103 10 00*10 2103 10 00*90 2103 20 00*10 2103 20 00*90 2103 30 90 2103 90 90*11 2103 90 90*19 2103 90 90*91 2103 90 90*99	– Soya sauce : – – With a vegetable oil basis – – Other – Tomato ketchup and other tomato sauces : – – Sauces with a basis of tomato purée – – Other – Other : – – – Containing tomato : – – – – With a vegetable oil basis – – – – Other – – – Other : – – – – With a vegetable oil basis – – – – Other	2 330	4,4 4,4 6 7 6,5 5,9 5,9 5,9 5
09.5243	2104 10 00*10 2104 10 00*90 2104 20	– Soups and broths and preparations therefor : – – Containing tomato – – Other	660	7 7 8,6
09.5245	2105		55	0 + MOBR MAX 27 + AD S/Z
09.5247	2106 10 10 2106 10 90		160	8,2 0 + MOBR

Order No	CN code	Description (Extracts of CN codes)	Quota volume (tonnes)	Duty to be applied
09.5249	2106 90 10	-- Other :	1 000	0 + MOBR
		-- -- Containing no milkfats, milk proteins, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milkfat, 2,5 % milk proteins, 5 % sucrose or isoglucose, 5 % glucose or starch :		MAX 25 Ecu/100 kg/net
	2106 90 91*10	-- -- -- Hydrolysates of proteins, autolysates of yeast		4,4
	2106 90 91*90	-- -- -- Other		
		-- -- -- Food preparations consisting of natural honey enriched with royal jelly :		4,4
	2106 90 99*12	-- -- -- -- Containing less than 70 % by weight of sucrose (including invert sugar expressed as sucrose)		0 + MOBR
	2106 90 99*14	-- -- -- -- Containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose)		0 + MOBR
		-- -- -- -- Other :		
		-- -- -- -- Containing 26 % or more by weight of milkfat :		
		-- -- -- -- In immediate packings of a net capacity of 1 kg or less :		
	2106 90 99*22	-- -- -- -- -- Containing less than 70 % by weight of sucrose (including invert sugar expressed as sucrose)		0 + MOBR
	2106 90 99*24	-- -- -- -- -- Containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose)		0 + MOBR
		-- -- -- -- -- Other :		
	2106 90 99*30	-- -- -- -- -- Containing less than 70 % by weight of sucrose (including invert sugar expressed as sucrose)		0 + MOBR
	2106 90 99*32	-- -- -- -- -- Containing 70 % or more by weight of sucrose including invert sugar expressed as sucrose)		0 + MOB
		-- -- -- -- -- Other :		
	2106 90 99*92	-- -- -- -- -- Containing less than 70 % by weight of sucrose (including invert sugar expressed as sucrose)		0 + MOBR
	2106 90 99*94	-- -- -- -- -- Containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose)		0 + MOB

Order No	CN code	Description (Extracts of CN codes)	Quota volume (tonnes)	Duty to be applied
09.5251	2202 10 00 2202 90 10*10 2202 90 91 2202 90 95 2202 90 99	– Other : – – Not containing products of heading Nos 0401 to 0404 or fat obtained from products of heading Nos 0401 to 0404 : – – – containing sugar (sucrose or invert sugar)	1 630	0 4,4 0 + MOBR
09.5253	2203		1 320	7
09.5255	2205 10 10 2205 10 90 2205 90 10 2205 90 90		380	6,8 Ecu/hl 0,6 Ecu/% vol/hl + 4 Ecu/hl 5,6 Ecu/hl 0,6 Ecu/% vol/hl

ANNEX III

ROMANIA

Order No	CN Code	Description	Quotas (tonnes)	Preference
09.5431	1704	Sugar confectionery (including white chocolate), not containing cocoa ; excluding liquorice extract containing more than 10 % weight of sucrose but not containing other added substances, falling within CN code 1704 90 10 ⁽¹⁾	1 320	MOBR
09.5433	1806	Chocolate and other food preparations containing cocoa ⁽¹⁾	715	MOBR
09.5435	ex 1902	Pasta, whether or not cooked or otherwise prepared excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30 ; couscous, whether or not prepared	314	MOBR
09.5437	1904	Prepared food obtained by the swelling or roasting of cereals products (for example, corn flakes) ; cereals, other than maize (corn), in grain form, pre-cooked or otherwise prepared	198	MOBR
09.5439	1905	Bread, pastry, cakes, biscuits and other baker's wares, whether or not containing cocoa ; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	935	MOBR
09.5441	2101 30	Roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof	110	MOBR
	2101 30 19	Roasted coffee substitutes excluding roasted chicory		
	2101 30 99	Extracts, essences and concentrates of roasted coffee substitutes excluding those of roasted chicory		
09.5443	2105	Ice-cream and other edible ice, whether or not containing cocoa	77	MOBR
09.5445	ex 2106	Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 10 and 2106 90 91 and other than flavoured or coloured sugar syrups ⁽¹⁾	660	MOBR
09.5447	2202	Waters, including mineral waters and aerated, waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of CN code 2209	11	MOBR
	2209 90 91	Non-alcoholic beverages, not including fruit or vegetable juices of CN code 2009, containing products of CN codes 0401 to 0404 or obtained from products of CN codes 0401 to 0404 products		
	2202 90 95			
	2202 90 99			

⁽¹⁾ Other than goods of CN codes 1704 90 51, 1704 90 99, 1806 20 70, 1806 20 80, 1806 20 95, 1806 90 90 and 2106 90 99 containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose).

ANNEX IV

CZECH REPUBLIC

Order No	CN code	Description	Quota (ECU)	Preference
09.5417	ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented of acidified milk and cream, whether or not concentrated or containing added fruit, nuts or cocoa :	3 140 800	MOBR
	0403 10 51 to 0403 10 99	— Yoghurt, flavoured or containing added fruit, nuts or cocoa		
	0403 90 71 to 0403 90 99	— Other, flavoured or containing added freuit, nuts or cocoa		
	ex 1517	Margarinea; edible mixture or preparations of animal or vegetable fats or oils or of fractions of differents fats or oils of this chapter, other than edible fats or oils or their fractions of CN code 1516 :		
	1517 10 10	— Margarine, excluding liquid margarine containing more than 10 % but not more than 15 % by weight of milk fats		
	1517 90 10	— Other, containing more than 10 % but not more than 15 % weight of milk fats		
	ex 1704	Sugar confectionery (including white chocolate), not containing cocoa; excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code 1704 90 10		
	1806	Chocolate and other food preparations containing cocoa		
	1901	Malt extract; food preparations of flour, starch or malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 50 %, not elsewhere specified or included; food preparations of goods of CN codes 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 %, not elsewhere specified or included		
	ex 1902	Pasta, whether or not cooked or otherwise prepared excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30, couscous, whether or not prepared		
	1903	Tapioca and substitutes therefor, prepared from starch in the form of flakes, grains, stiftings or similar forms		
	1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example corn flakes); cereals, other than maize (corn), in grain form, pre-cooked or otherwise prepared		
	1905	Bread, pastry, cakes biscuits and other bakers' wares, whether or not containing cocoa communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafes, rice paper and similar products		
	2101 10 99	Preparations with a basis of extracts, essences and concentrates of coffee or with a basis of coffee, other than those of CN codes 2101 10 91		

Order No	CN code	Description	Quota (ECU)	Preference
09.5417 (cont'd)	2101 20 90	Extracts, essences and concentrates of tea or maté and preparations with a basis of these extracts, or with a basis of tea or maté, other than of CN code 2101 20 10		
	2101 30 19	Roasted coffee substitutes excluding roasted chicory		
	2101 30 99	Extracts essences and concentrates of roasted coffee substitutes excluding those of roasted chicory		
	2102 10 31 2102 10 39	Baker's yeast		
	2105	Ice cream and other edible ice, whether or not containing cocoa		
	ex 2106	Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 10 and 2106 90 91 and other than flavoured or coloured sugar syrups		
	2202 90 91 2202 90 95 2202 90 99	Non-alcoholic beverages not including fruit or vegetable juices of CN code 2009 containing products of CN codes 0401, 0402 and 0404 or obtained from products of CN codes 0401, 0402 and 0404		

ANNEX V

SLOVAK REPUBLIC

Order No	CN code	Description	Quota (ECU)	Preference
09.5417	ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented of acidified milk and cream, whether or not concentrated or containing added fruit, nuts or cocoa :	1 570 400	MOBR
	0403 10 51 to 0403 10 99	— Yoghurt, flavoured or containing added fruit, nuts or cocoa		
	0403 90 71 to 0403 90 99	— Other, flavoured or containing added fruit, nuts or cocoa		
	ex 1517	Margarine ; edible mixture or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of CN code 1516 :		
	1517 10 10	— Margarine, excluding liquid margarine containing more than 10 % but not more than 15 % by weight of milk fats		
	1517 90 10	— Other, containing more than 10 % but not more than 15 % weight of milk fats		
	ex 1704	Sugar confectionery (including white chocolate), not containing cocoa ; excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code 1704 90 10		
	1806	Chocolate and other food preparations containing cocoa		
	1901	Malt extract ; food preparations of flour, starch or malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 50 %, not elsewhere specified or included ; food preparations of goods of CN codes 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 %, not elsewhere specified or included		
	ex 1902	Pasta, whether or not cooked or otherwise prepared excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30, couscous, whether or not prepared		
	1903	Tapioca and substitutes therefor, prepared from starch in the form of flakes, grains, stiftings or similar forms		
	1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example corn flakes) ; cereals, other than maize (corn), in grain form, pre-cooked or otherwise prepared		
	1905	Bread, pastry, cakes biscuits and other bakers' wares, whether or not containing cocoa communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products		
	2101 10 99	Preparations with a basis of extracts, essences and concentrates of coffee or with a basis of coffee, other than those of CN codes 2101 10 91		

Order No	CN code	Description	Quota (ECU)	Preference
09.5417 (cont'd)	2101 20 90	Extracts, essences and concentrates of tea or maté and preparations with a basis of these extracts, or with a basis of tea or maté, other than of CN code 2101 20 10		
	2101 30 19	Roasted coffee substitutes excluding roasted chicory		
	2101 30 99	Extracts essences and concentrates of roasted coffee substitutes excluding those of roasted chicory		
	2102 10 31 2102 10 39	Bakers' yeast		
	2105	Ice cream and other edible ice, whether or not containing cocoa		
	ex 2106	Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 10 and 2106 90 91 and other than flavoured or coloured sugar syrups		
	2202 90 91 2202 90 95 2202 90 99	Non-alcoholic beverages not including fruit or vegetable juices of CN code 2009 containing products of CN codes 0401, 0402 and 0404 or obtained from products of CN codes 0401, 0402 and 0404		

COMMISSION REGULATION (EC) No 320/94

of 10 February 1994

implementing Regulation (EC) No 3257/93 allocating the Community quantitative import quota for unwrought aluminium originating in Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Estonia, Latvia and Lithuania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 1023/70 of 25 May 1970 establishing a common procedure for administering quantitative quotas⁽¹⁾, and in particular Articles 2 and 11 thereof,

Whereas Commission Regulation (EC) No 3257/93⁽²⁾ amending and extending Commission Regulation (EEC) No 2227/93⁽³⁾ which imposes quantitative restrictions on imports of unwrought aluminium falling within CN codes 7601 10 00 and 7601 20 10 originating in Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Estonia, Latvia and Lithuania, established a global quantitative Community quota of 45 000 tonnes;

Whereas, in Regulation (EC) No 3531/93⁽⁴⁾, the Commission distributed this quota among the Member States on the basis of traditional trade flows by subdividing it into two allocations, one of 38 250 tonnes (distributed on the adoption of the abovementioned Regulation) and the other of 6 750 tonnes which is the Community reserve to be allocated at a later date, to meet demand from those who are not traditional importers;

Whereas following the transfer by some Member States of unused quantities from the first allocation, the Community reserve stands at 12 947 tonnes;

Whereas the Community reserve should be allocated among Member States pursuant to Article 1 (2) of Regulation (EC) No 3531/93;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Quota Administration Committee established by Article 10 of Regulation (EEC) No 1023/70,

HAS ADOPTED THIS REGULATION:

Article 1

The Community reserve shall be allocated among Member States according to the method set out in the Annex.

Article 2

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

It shall apply until 28 February 1994.

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

Done at Brussels, 10 February 1994.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

⁽¹⁾ OJ No L 124, 8. 6. 1970, p. 1.

⁽²⁾ OJ No L 293, 27. 11. 1993, p. 40.

⁽³⁾ OJ No L 198, 7. 8. 1993, p. 21.

⁽⁴⁾ OJ No L 321, 23. 12. 1993, p. 4.

*ANNEX***Distribution among the Member States of unwrought aluminium (12 974 tonnes)**

<i>(tonnes)</i>	
Member State	Quota
France	0
Belgium/Luxembourg	246
Netherlands	4 780
Germany	4 910
Italy	1 558
United Kingdom	581
Ireland	0
Denmark	0
Greece	537
Portugal	60
Spain	302

COMMISSION REGULATION (EC) No 321/94

of 11 February 1994

laying down exceptional measures in relation to the set-aside rules in order to
alleviate the effects of severe flooding in certain areas of the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Community,

Having regard to Council Regulation (EEC) No 1765/92
of 30 June 1992 establishing a support system for produ-
cers of certain arable crops ⁽¹⁾, as last amended by Regula-
tion (EC) No 232/94 ⁽²⁾, and in particular Article 12
thereof,

Whereas eligibility for the compensatory payment under
the general scheme referred to Article 2 (5) of Regulation
(EEC) No 1765/92 is subject to an obligation to set-aside
land; whereas the detailed rules of application laid down
in Commission Regulation (EEC) No 2293/92 ⁽³⁾, as last
amended by Regulation (EEC) No 2594/93 ⁽⁴⁾, specify that
the set-aside period shall commence on 15 January at the
latest and that no agricultural production is allowed on
set-aside land;

Whereas, as a result of severe flooding, it is impossible
for producers in certain areas within certain Member
States to harvest existing crops, in particular of potatoes,
sugar beet, fodder beet, carrots or parsnips prior to 15
January 1994 on land destined to be set aside; whereas
exceptionally the harvest of those crops prior to 28
February 1994 should, on an application by a producer,
be allowed without this prohibiting the land from being
validly set aside, provided that a producer provides proof
that the relevant conditions are satisfied;

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

HAS ADOPTED THIS REGULATION:

Article 1

On application to the competent authority of the Member
State concerned, and notwithstanding Article 3 (2) of
Regulation (EEC) No 2293/92 prohibiting agricultural
production on set-aside land, where a producer can
prove:

- that, as a result of severe flooding of land it was
impossible to harvest an existing crop prior to 15
January 1994,
- that the crop, if harvested, was harvested prior to 28
February 1994,
- that all other relevant conditions in relation to set-
aside land have been respected,

that land may be considered to be validly set aside in
respect of the 1994 harvest.

Article 2

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

It shall apply with effect from 15 January 1994.

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

Done at Brussels, 11 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 7.

⁽³⁾ OJ No L 221, 6. 8. 1992, p. 19.

⁽⁴⁾ OJ No L 238, 23. 9. 1993, p. 19.

COMMISSION REGULATION (EC) No 322/94

of 11 February 1994

amending Regulation (EEC) No 1481/86 on the determination of prices of fresh or chilled sheep carcasses on representative Community markets and the survey of prices of certain other qualities of sheep carcasses in the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, as amended by Regulation (EEC) No 363/93 ⁽²⁾, and in particular Article 4 (5) thereof,

Whereas Commission Regulation (EEC) No 1481/86 ⁽³⁾, as last amended by Regulation (EC) No 76/93 ⁽⁴⁾, lays down the rules for the determination of prices of fresh or chilled sheep carcasses on representative Community markets as well as the survey of prices of certain other qualities of sheep carcasses in the Community;

Whereas the coefficients used for calculating the price of sheep carcasses on representative Community markets should be adjusted in the light of the figures available with regard to sheep production;

Whereas in Denmark, Germany and Northern Ireland the places of quotation and the coefficients fixed should be altered to take account of the trend in quantities coming into those markets;

Whereas in Germany the category 'Mastlammfleisch' should be replaced by the category 'lammfleisch' which is more representative of production;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1481/86 is hereby amended as follows:

1. Annex I is replaced by Annex I to this Regulation.
2. In Annex II points B 1, C and L 1 are replaced by those in Annex II to this Regulation.

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 14 February 1994.

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

Done at Brussels, 11 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 42, 19. 2. 1993, p. 1.

⁽³⁾ OJ No L 130, 16. 5. 1986, p. 12.

⁽⁴⁾ OJ No L 11, 19. 1. 1993, p. 6.

*ANNEX I**ANNEX I*

COEFFICIENTS TO BE USED IN CALCULATING THE PRICE RECORDED ON THE REPRESENTATIVE COMMUNITY MARKETS

Belgium	0,30 %
Denmark	0,18 %
Germany	4,94 %
Spain	19,30 %
France	14,12 %
Greece	7,23 %
Ireland	8,38 %
Italy	4,95 %
Luxembourg	—
Netherlands	2,65 %
Portugal	2,42 %
Great Britain	32,96 %
Northern Ireland	2,57 %

ANNEX II

B. DENMARK

1. Representative market : Denmark

The price recorded on this market is the weighted average of the prices recorded at the following places of quotation.

	<i>Weighting coefficient</i>
Dane Beef	67,5 %
Nørager	27,5 %
DKL, Århus	2,0 %
SYD, Bylderup Bov	3,0 %

C. FEDERAL REPUBLIC OF GERMANY

1. Representative market : Federal Republic of Germany

The prices recorded on this market are the weighted average of the prices recorded in the following regions :

	<i>Weighting coefficient</i>
Bayern	10 %
Niedersachsen	9 %
Nordrhein-Westfalen	40 %
Baden-Württemberg	11 %
Schleswig-Holstein	20 %
Rheinland-Pfalz	10 %

2. Category

Lammfleisch	100 %
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L. NORTHERN IRELAND

1. Representative markets

	<i>Weighting coefficient</i>
(a) Slaughterhouses :	
Lurgan	9 %
Foyle	16 %
WD Meats, Coleraine	25 %
(b) Live markets :	
Ballymoney	14 %
Allams, Belfast	11 %
Markethill	12 %
Omagh	13 %

COMMISSION REGULATION (EC) No 323/94

of 11 February 1994

fixing, for January 1994, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 133/94 ⁽²⁾,

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⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽⁵⁾, as amended by Regulation (EEC) No 2627/93 ⁽⁶⁾, and in particular Article 1 (3) thereof,

Whereas Article 1 (2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural conversion rates applicable during the month of storage ;

whereas that specific rate must be fixed each month for the previous month ;

Whereas application of these provisions will lead to the fixing, for January 1994, of the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The specific agricultural conversion rate to be used to convert the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 into each of the national currencies for January 1994 shall be as indicated in the Annex hereto.

Article 2

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

It shall apply with effect from 1 January 1994.

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

Done at Brussels, 11 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽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. 94.

⁽⁶⁾ OJ No L 240, 25. 9. 1993, p. 19.

ANNEX

fixing, for January 1994, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector

Agricultural conversion rates		
ECU 1 =	49,3070	Belgian and Luxembourg francs
	9,34812	Danish kroner
	2,35418	German marks
	7,98191	French francs
	0,976426	Irish punt
	2,65256	Dutch guilders
	332,719	Greek drachmas
	191,694	Spanish pesetas
	2 268,00	Italian lire
	236,933	Portuguese escudos
	0,920969	Pound sterling

COMMISSION REGULATION (EC) No 324/94

of 11 February 1994

amending Regulation (EEC) No 2175/92 laying down detailed rules for the application of specific measures for the supply of processed fruit and vegetable products to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 July 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽¹⁾, as last amended by Commission Regulation (EEC) No 1974/93 ⁽²⁾ and in particular Article 3 ⁽⁴⁾ thereof,

Whereas Regulation (EEC) No 2175/92 ⁽³⁾, as amended by Commission Regulation (EEC) No 2023/93 ⁽⁴⁾, lays down detailed rules for the application of the specific measures for the supply of processed fruit and vegetable products to the Canary Islands, in particular the forecast supply balance fixing the quantities qualifying for the specific measure during the period from July 1993 to June 1994; whereas the quantities fixed for a certain number of products are on the verge of being totally used; whereas it is therefore necessary to increase the quantities of certain

products for the current marketing year on the basis of the observed needs of the market in the Canary Islands;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 2175/92 is hereby replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third day of 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, 11 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 217, 31. 7. 1992, p. 67.

⁽⁴⁾ OJ No L 184, 27. 7. 1993, p. 13.

ANNEX

ANNEX I

Forecast supply balance covering processed fruit and vegetable products for the Canary Islands over the period 1 July 1993 to 30 June 1994

<i>(tonnes)</i>		
CN code	Description	Quantity
Part I		
2007 99	Preparations other than homogenized, containing fruit other than citrus fruit	1 750
Part II		
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included :	
2008 20	— Pineapples	2 400
2008 30	— Citrus fruit	500
2008 40	— Pears	1 600
2008 50	— Apricots	220
2008 70	— Peaches	7 600
2008 80	— Strawberries	100
	— Other, including mixtures other than those of subheading 2008 19 :	
2008 92	— — Mixtures	1 650
2008 99	— — Other than palm hearts and mixtures	650
		<u>14 720</u>

COMMISSION REGULATION (EC) No 325/94

of 11 February 1994

amending Regulations (EEC) No 1192/93, (EEC) No 1193/93, (EEC) No 1194/93, (EEC) No 1195/93, (EEC) No 1196/93, (EEC) No 1197/93, (EEC) No 1198/93, (EEC) No 1513/93, (EEC) No 1514/93, (EEC) No 1515/93, (EEC) No 1516/93 and (EEC) No 1517/93 opening standing invitations to tender for the export of cereals held by the intervention agencies

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 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as amended by Regulation (EC) No 120/94⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies;

Whereas the last partial invitation to tender under Commission Regulations (EEC) No 1192/93⁽⁵⁾, (EEC) No 1193/93⁽⁶⁾, as last amended by Regulation (EC) No 3430/93⁽⁷⁾, (EEC) No 1194/93⁽⁸⁾, as last amended by Regulation (EC) No 3654/93⁽⁹⁾, (EEC) No 1195/93⁽¹⁰⁾, as last amended by Regulation (EC) No 3653/93⁽¹¹⁾, (EEC) No 1196/93⁽¹²⁾, as last amended by Regulation (EC) No 3655/93⁽¹³⁾, (EEC) No 1197/93⁽¹⁴⁾, (EEC) No 1198/93⁽¹⁵⁾, (EEC) No 1513/93⁽¹⁶⁾, (EEC) No 1514/93⁽¹⁷⁾, (EEC) No 1515/93⁽¹⁸⁾, (EEC) No 1516/93⁽¹⁹⁾ and (EEC) No 1517/

93⁽²⁰⁾ as last amended by Regulation (EC) No 3430/93 should be postponed;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 4 (3) of Regulations (EEC) No 1192/93, (EEC) No 1193/93, (EEC) No 1194/93, (EEC) No 1195/93, (EEC) No 1196/93, (EEC) No 1197/93, (EEC) No 1198/93, (EEC) No 1513/93, (EEC) No 1514/93, (EEC) No 1515/93, (EEC) No 1516/93 and (EEC) No 1517/93, the date '24 February 1994' is replaced by '24 March 1994'.

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, 11 February 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 191, 31. 7. 1993, p. 76.
⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.
⁽⁵⁾ OJ No L 122, 18. 5. 1993, p. 5.
⁽⁶⁾ OJ No L 122, 18. 5. 1993, p. 8.
⁽⁷⁾ OJ No L 314, 16. 12. 1993, p. 1.
⁽⁸⁾ OJ No L 122, 18. 5. 1993, p. 11.
⁽⁹⁾ OJ No L 333, 31. 12. 1993, p. 47.
⁽¹⁰⁾ OJ No L 122, 18. 5. 1993, p. 14.
⁽¹¹⁾ OJ No L 333, 31. 12. 1993, p. 45.
⁽¹²⁾ OJ No L 122, 18. 5. 1993, p. 17.
⁽¹³⁾ OJ No L 333, 31. 12. 1993, p. 49.
⁽¹⁴⁾ OJ No L 122, 18. 5. 1993, p. 20.
⁽¹⁵⁾ OJ No L 122, 18. 5. 1993, p. 23.
⁽¹⁶⁾ OJ No L 150, 22. 6. 1993, p. 15.
⁽¹⁷⁾ OJ No L 150, 22. 6. 1993, p. 18.
⁽¹⁸⁾ OJ No L 150, 22. 6. 1993, p. 21.
⁽¹⁹⁾ OJ No L 150, 22. 6. 1993, p. 24.

⁽²⁰⁾ OJ No L 150, 22. 6. 1993, p. 27.

COMMISSION REGULATION (EC) No 326/94
of 11 February 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 278/94⁽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 49,266 per 100 kilograms.

Article 2

This Regulation shall enter into force on 12 February 1994.

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

Done at Brussels, 11 February 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 36, 8. 2. 1994, p. 4.

II

(Acts whose publication is not obligatory)

COUNCIL

**Information regarding the Agreements ⁽¹⁾ between the European Community
and Rumania on wine**

The necessary ratification procedures having been completed and duly notified, the Agreement on the reciprocal establishment of tariff quotas for certain wines come into force on 1 February 1994 and the Agreement on the reciprocal protection and control of wine names will come into force on 1 March 1994.

⁽¹⁾ OJ No L 337, 31. 12. 1993.

COMMISSION

COMMISSION DECISION

of 10 January 1994

terminating the anti-dumping proceeding concerning imports of gum rosin
originating in the People's Republic of China

(94/82/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 9 thereof,

After consultation within the Advisory Committee,

Whereas :

A. PROCEEDING

- (1) In May 1992, the Commission received a complaint lodged by the 'Associação dos Industriais Exportadores de Produtos Resinosos' (AIEPR) (hereinafter referred to as 'the complainant') on behalf of its member companies whose collective output of gum rosin apparently constituted a major proportion of the total Community production of the product in question.
- (2) The complaint contained evidence of the existence of dumping on imports of the product concerned originating in the People's Republic of China (PRC) and of material injury resulting therefrom, which was considered sufficient to justify the opening of a proceeding.

The Commission therefore announced, in a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of the product in question, which falls within CN code 3806 10 10.

- (3) The Commission officially advised the exporters and importers known to be concerned, the representatives of the exporting country and the complainant. It also gave the interested parties the opportunity to make their views known in writing and to request a hearing.
- (4) The Commission requested and received detailed written comments from the Community producers, the Chinese exporters and a number of importers.
- (5) The Commission sought and verified all the information it considered necessary for the purposes of a preliminary determination of dumping and carried out investigations at the premises of the following :

(a) Community producers :

- Socer — Sociedade Central de Resinas SA, Lisbon, Portugal,
- Lagoa, Henriques & Pedroso Lda, Pedrógão Grande, Portugal,
- Resipez — Industria & Comércio de Resinas Lda, Leiria, Portugal,
- Mariano Lopes Morgado & Companhia Lda, Arganil, Portugal,
- Manuel Inácio Pimpão & Filhos Lda, Maceira Lis, Portugal.

These Community producers are all members of the complainant.

(b) Importers in the Community :

- Abieta Chemie GmbH, Augsburg, Germany,
- Hermann Ter Hell & Co. Hamburg, Germany,
- Hercules BV, Rijswijk, Netherlands,
- Integrated Chemicals BV, Lisse, Netherlands.

- (6) The Commission's questionnaire was sent to the seven Chinese exporters known on the initiation of the proceeding. Those exporters all replied to the questionnaire.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 195, 1. 8. 1992, p. 5.

These companies are :

- Hunan Provincial Native Produce & Animal By-products Import & Export Corp., Chang Sha City, Hunan Province, PRC,
- Fujian Provincial Native Produce & Animal By-products Import & Export Corp., Beijing, PRC,
- China (Tuhsu) Forest Chemical Products Import & Export Corp., Beijing, PRC,
- Guangdong Native Produce Import & Export Corp., Guangzhou, PRC,
- Jiangxi Native Produce Import & Export Corp. Nanchang, PRC,
- Yunnan Native Produce Import & Export Corp., Kunming, PRC,
- Guangxi Zhuang Autonomous Region Native Produce Import & Export Corp., Nanning, PRC.

Since the People's Republic of China is a non-market economy country and, consequently, normal value could not be determined on the basis of Article 2 (3) of Regulation (EEC) No 2423/88, no investigation concerning normal value was carried out at the premises of these exporters.

Normal value was thus established by reference to a market economy third country, for the reasons set out in recitals (12) to (16), i.e. Brazil. Therefore, information was requested, received from, and subsequently verified at the premises of the following Brazilian producers :

- Resinas Yser Ltda, Campo Largo (PR), Brazil,
- Resinas Brazil Indústria & Comércio Ltda, Avaré (SP), Brazil.

- (7) The investigation period set by the Commission for determining dumping was from 1 July 1991 to 30 June 1992.

B. PRODUCT UNDER CONSIDERATION, LIKE PRODUCT, COMMUNITY INDUSTRY AND INDIVIDUAL TREATMENT

1. Product under consideration and like product

- (8) The product covered by the notice of initiation of this proceeding is gum rosin, a natural product obtained from fresh oleoresins falling within CN code 3806 10 10.

Gum rosin is used in various sectors of the chemical industry, in particular for the production of glue for paper, paints and varnishes, resinoides, base gum for chewing gum and units of rosin.

There exists only one type of gum rosin. This product is not subject to significant differences in quality, basic physical characteristics, or use.

However, the Chinese exporters submitted that gum rosin originating in China should not be considered as a like product to that manufactured in the Community owing to alleged differences in chemical characteristics such as crystallization time or volatile part, in the manufacturing process which was more basic in China and in certain applications where Chinese gum rosin would be preferred to Community gum rosin.

The Commission rejects this contention. Indeed, the alleged differences in chemical characteristics are only minor and result from a manufacturing process which, while being largely similar, is based on older equipment. This could not render the products different, since they have the same applications and are therefore interchangeable, as shown by the rapid penetration of the Chinese gum rosin on the Community market which partly took the place of the Community product (see recital (20)).

The Commission found therefore that gum rosin produced and sold by the Community producers constitutes a like product to the product imported from China within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88. In addition, it was considered for the same reasons that Brazilian gum rosin was a like product to the Chinese and the Community gum rosin.

2. Community industry

- (9) The Commission found that during the investigation period the Community producers, on behalf of which the complaint was lodged, manufactured about 61 % of the total Community output of the like product, i.e. a major proportion of the total Community production.
- (10) Accordingly, the Commission concludes that they constitute the Community industry, within the meaning of Article 4 (5) of Regulation (EEC) No 2423/88.

3. Individual treatment

- (11) The Chinese exporters requested that individual dumping margins be established in their regard.

The Commission recalls in this respect that the grant of individual treatment to some of these exporters may affect or even distort the outcome of the calculation of the countrywide anti-dumping duty thus undermining the proportionality and effectiveness of the measures. In addition, it is in practice extremely difficult to establish, in the case

of a country such as the People's Republic of China, whether a company really enjoys, both legally and in fact, independence from the State and, in particular, whether a company has permanent independence even if it appears to enjoy independence at a certain point in time.

Finally, the Commission cannot, at present, carry out a meaningful verification of the declarations of exporters in China concerning costs and prices due to the continued existence of a centrally planned economy. Therefore, the Commission has come to the conclusion that, in the present case, a departure from the general rule whereby a single anti-dumping duty is established for State trading countries should not be made and that to avoid arbitrary results and the likelihood of circumvention, a single margin should be established.

C. DUMPING

1. Normal value

(a) *Analogue country*

- (12) Since the People's Republic of China is a non-market economy country, normal value had to be determined on the basis of information obtained in a market economy third country, i.e. an analogue country, in accordance with Article 2 (5) of Regulation (EEC) No 2423/88.

For this purpose, the complainant suggested the domestic price of gum rosin in Brazil as a basis for establishing normal value.

- (13) The Chinese exporters and a number of importers objected to the choice of Brazil on the following grounds:
- the market prices charged by Brazilian producers for domestic sales were unsuitable for establishing normal value because of high inflation in Brazil, and
 - the manufacturing process in Brazil was particularly costly and, therefore, not comparable to that existing in China.

As an alternative choice, they proposed Indonesia.

- (14) The Commission contacted several Indonesian companies but the Indonesian gum rosin industry indicated that they did not intend to cooperate.
- (15) After examination of the suggestion made by the complainant, the Commission concluded, moreover, that Brazil was an appropriate and reasonable choice.

Domestic prices in Brazil were governed by normal market forces given the level of demand in the Brazilian market and the number of competing producers.

Indeed, Brazil was known to be the second largest producer world-wide of this product, and there was, to a large extent, similarity of the manufacturing process and access to raw materials between Brazil and the People's Republic of China.

As far as inflation was concerned, this did not affect the reliability of the domestic prices. Furthermore, the necessary adjustments were made in order to eliminate its effects on the comparison of the value with export prices (see recital (16)).

Finally, a comparison between the volumes exported to the Community by Brazil and the volume on which normal value was based showed that gum rosin was sold in sufficient quantities on the domestic market to allow an adequate calculation of normal value.

(b) *Normal value*

- (16) Normal value was established on the basis of the weighted average net selling price for the like product sold by a representative Brazilian producer for consumption in Brazil, as those domestic sales were made at prices permitting the recovery of all costs reasonably allocated in the ordinary course of trade during the investigation period. The effect of inflation in Brazil on this price was corrected by the establishment of a monthly normal value.

2. Export price

- (17) All export sales were made to independent customers in the Community.

Export prices were therefore calculated on the basis of the actual price paid or payable by independent importers for the product sold for export to the Community in accordance with Article 2 (8) (a) of Regulation (EEC) No 2423/88.

3. Comparison

- (18) Normal value was compared with the export prices on a transaction by transaction basis at the same level of trade.

For the purposes of a fair comparison, adjustments were made in accordance with Article 2 (9) and (10) of Regulation (EEC) No 2423/88 in respect of differences affecting price comparability for which satisfactory evidence was submitted. As to the allowances in respect of differences in selling expenses, adjustments were made, as appropriate, to both normal value and export price in respect of transport, insurance, packing, payment terms and sales personnel's salaries.

4. Dumping margin

- (19) The comparison showed the existence of dumping, the dumping margin being equal to the amount by which the normal value, as established, exceeded the price for export to the Community.

The weighted average dumping margin expressed on a percentage of free-at-Community-frontier price is 17,4 %.

D. INJURY

1. Dumped imports

(a) Volume

- (20) Community consumption of gum rosin rose from 133 549 tonnes in 1989 to 169 091 tonnes during the investigation period, i.e. an increase of 24 %.

Imports of gum rosin from the People's Republic of China increased from 66 460 tonnes in 1989 to 107 730 tonnes during the investigation period. This represents an increase of 62 %. Their market share therefore rose from 48,26 % in 1989 to 61,75 % during the investigation period.

(b) Prices

- (21) In order to assess the degree of price undercutting, the Commission compared the average price of the imports from China (at the free-at-Community frontier duty paid stage) and the selling price, calculated at the ex-works level, of the product sold by the Community producers.
- (22) On this basis, the prices of the product imported from the People's Republic of China were found to be, during the investigation period, significantly below the prices of gum rosin sold by the Community producers. The average price undercutting margin found during the investigation period was 20,7 %.

2. Situation of the Community industry

- (23) Production by the Community industry declined from 31,400 tonnes in 1989 to 29 400 tonnes in 1990, to 26 240 tonnes in 1991 and to 25 528 tonnes during the investigation period. This represents a fall in production of 18 % between 1989 and the investigation period.
- (24) The capacity utilization for the product concerned by the Community producers fell from 59 % in 1989 to 55 % in 1990, to 49 % in 1991 and to 48 % during the investigation period.
- (25) Sales by the Community industry on the Community market were 29 000 tonnes in 1989, 33 000

tonnes in 1990, 29 000 tonnes in 1991 and 24 000 tonnes during the investigation period, i.e. a decrease of 17,2 % between 1989 and the investigation period, while the size of the market increased during the same period by 24 %.

- (26) This development represents a change in the market share held by the Community producers from 19,2 % in 1989 to 21,10 % in 1990, to 16,20 % in 1991 and to 13,14 % during the investigation period.
- (27) The Community industry's selling prices, expressed in constant values, remained stable between 1989 and the investigation period.
- (28) The development in prices and costs of production resulted in losses being incurred from 1989 to the investigation period by most of the Community producers concerned.

During the investigation period this trend was confirmed as all the Community producers were incurring losses on most sales. On average the losses amounted to 7 % of turnover.

- (29) Employment in the Community industry fell throughout the period, by ± 9 % in 1990, by ± 12 % in 1991, by ± 17 % during the investigation period. This resulted in an overall fall of ± 34 % between 1989 and the investigation period.

3. Conclusion

- (30) While the Community market has expanded by 24 % over the last four years which should have allowed the Community industry to benefit from increased sales, leading to reduced costs and increased profits, its situation has, on the contrary, deteriorated by experiencing falling production and sales, declining capacity utilization, loss of market share to the Chinese exporters, and financial losses.

All the above factors have affected negatively the economic and financial situation of the Community industry which accordingly is considered to have suffered material injury within the meaning of Article 4 (1) of Regulation (EEC) No 2423/88.

E. CAUSAL LINK BETWEEN THE DUMPED IMPORTS AND THE INJURY

1. Effects of the dumped imports

- (31) The Commission found that the fall in market share and sales volume by the Community industry, and the deterioration of its financial results leading to losses, coincided with the significant increase in the volume of imports of Chinese gum rosin.

Moreover, since the market for this product is transparent and since price is the most important factor in marketing this product the low prices of the dumped gum rosin could not fail to have a negative impact on the performances of the Community industry.

2. Effect of other factors

- (32) The Commission examined whether the injury to the Community industry could be attributed to other factors such as in particular the volume and prices of imports originating in other countries.
- (33) Imports from China represented 86 % of all imports of gum rosin into the Community during the investigation period. The other imports originated mainly in Indonesia. Given the only very recent penetration of imports from Indonesia and their relatively small market share as compared with the imports from China, the Commission has no reason to conclude that the material injury could be attributed to their effects.
- (34) The Commission concludes, therefore, that dumped imports of gum rosin originating in the People's Republic of China, because of their low prices and their large presence in the Community market, have, taken in isolation, caused material injury to the Community industry.

F. COMMUNITY INTEREST

- (35) When carrying out the consultations provided for under Article 6 of Regulation (EEC) No 2423/88, the Commission received representations from a large majority of Member States claiming that it was not in the interests of the Community to impose anti-dumping measures in the present case.

These representations pointed out, in particular, that the negative effects of anti-dumping measures on the users of gum rosin would be overwhelmingly disproportionate to the benefits arising from anti-dumping measures in favour of the Community industry. As far as the latter is concerned, it consists of medium-sized firms, solely in one Member State, which make use of a limited natural resource. Should anti-dumping measures be imposed, the Community market would continue to be largely dependent on imports, since the Community industry's capacity of production can cover only a minority share.

In contrast, gum rosin is a primary product used in numerous industries (e.g. tyres, paper manufac-

turing, painting, adhesive and varnish), based in most of the Member States, where they represent a high added value and support a large number of jobs. The imposition of anti-dumping measures would result, for these companies, in a substantial increase in the respective costs of production of the above products as they have to maintain a steady and abundant supply of gum rosin. It would, therefore, potentially jeopardize the situation of these industries.

In addition, it was argued that the imposition of anti-dumping measures would not be adequate to remove the injury, since it would provoke a significant increase in the price of gum rosin and result in a quick penetration of the Community market by substitute products which, for the time being, are not a viable alternative because of their high prices.

- (36) In the light of the above, the Commission concludes that protective measures would not be appropriate and that it would not be in the Community interest to continue the proceeding.

G. ADVISORY COMMITTEE

- (37) Objections to the termination of this anti-dumping proceeding were raised in the Advisory Committee. Consequently, in accordance with Article 9 of Regulation (EEC) No 2423/88, the proceeding shall stand terminated if, within one month, the Council, acting by a qualified majority, has not decided otherwise. This Decision shall then be published in the *Official Journal of the European Communities*,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding concerning imports of gum rosin originating in the People's Republic of China falling within CN code 3806 10 10 is hereby terminated.

Done at Brussels, 10 January 1994.

For the Commission

Leon BRITTAN

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 219/94 of 1 February 1994 on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for processing within the Community and repealing Regulation (EC) No 3315/93

(Official Journal of the European Communities No L 28 of 2 February 1994)

On page 10 in Annex I, under 'Italia', in the column 'Minimum prices expressed in ecus per tonne (*)', for the product 'Fesa interna':

for: '2 500',

read: '2 900'.

Corrigendum to Commission Regulation (EC) No 276/94 of 7 February 1994 amending Regulations (EEC) No 266/93 and (EEC) No 936/93 concerning applications for the granting and payment of special temporary compensation in respect of certain consignments of fresh fruit and vegetables originating in Greece

(Official Journal of the European Communities No L 36 of 8 February 1994)

On page 1 in Article 2, second-last and last lines:

for: '...the date of entry into force of this Regulation',

read: '... 11 February 1994'.
