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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 369/94

of 14 February 1994

opening and providing for the administration of Community tariff quotas for certain agricultural and fishery products originating in Austria, Norway and Sweden

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 Community has concluded Agreements in the form of exchanges of letters in particular with Austria, Norway and Sweden, approved by Decisions 86/555/EEC ⁽¹⁾, 86/557/EEC ⁽²⁾ and 86/558/EEC ⁽³⁾;

Whereas the above Agreements have been amended or supplemented by the Agreement on the European Economic Area, and by the bilateral Agreements in the form of exchanges of letters with Austria, Norway and Sweden, and approved by Decisions 93/734/EC ⁽⁴⁾, 93/737/EC ⁽⁵⁾ and 93/738/EC ⁽⁶⁾;

Whereas under the above Agreements the Community has undertaken, subject to certain conditions, to open Community tariff quotas each year at a reduced or zero rate of duty for a number of agriculture and fishery products originating in those countries; whereas the tariff quotas should accordingly be opened for 1994, specifying where necessary any conditions of eligibility laid down; whereas in the interests of clarity the agricultural products subject to tariff quotas should be set out in Annex I to this Regulation by country of origin, specifying for each product the volume of the tariff quota, the rate of customs duty applicable and the period of validity;

Whereas all Community importers should be ensured equal and continuous access to the quotas and the duty rates laid down for the quotas should be applied without interruption to all imports of the products in question into all Member States until the quotas are exhausted;

Whereas it is the responsibility of the Community to open tariff quotas in performance of its international obligations; whereas in the interests of efficient common management of the quotas, however, there is nothing to prevent the Member States' being authorized to draw from the quotas the quantities necessary to cover actual imports; whereas 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, and any operation concerning the administration of these quota may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1994, or for the periods shown in Annex I, the customs duties applicable to the products referred to in this Regulation shall be suspended or reduced to the levels indicated for each product, within the limit of the Community tariff quota shown for each product.

2. Entitlement to the tariff quotas referred to in the Annex by Order Nos 09.0803 and 09.0805 is reserved for wines accompanied by the following document:

— an approved commercial document, completed in accordance with Commission Regulation (EEC) No 986/89, Article 9 (2) ⁽⁷⁾. In this case the document must include the following endorsement, certified by the competent Austrian organization:

⁽¹⁾ OJ No L 328, 22. 11. 1986, p. 57.

⁽²⁾ OJ No L 328, 22. 11. 1986, p. 76.

⁽³⁾ OJ No L 328, 22. 11. 1986, p. 89.

⁽⁴⁾ OJ No L 346, 31. 12. 1993, p. 14.

⁽⁵⁾ OJ No L 346, 31. 12. 1993, p. 17.

⁽⁶⁾ OJ No L 346, 31. 12. 1993, p. 18.

⁽⁷⁾ OJ No L 106, 18. 4. 1989, p. 7.

'This wine is a "quality wine/quality sparkling wine" (a) in conformity with the 1985 Wine Law of the Republic of Austria.

(a) Delete as appropriate.'

Imports of such wines must comply with the free-at-frontier reference price. The tariff quotas will apply only where Article 54 of Regulation (EEC) No 822/87⁽¹⁾ is observed.

3. Imports of products referred to in the Annex under Orders Nos 09.0605, 09.0607, 09.0611, 09.0615, 09.0703 and 09.0711 shall not qualify for the tariff quotas unless the free-at-frontier price established by the Member States in accordance with Article 22 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products⁽²⁾ is at least equal to any reference price which has been fixed by the Community for the products or categories of products in question. For the calculation of the reference price, the following coefficients shall be applicable:

- whole herring: 1,
- flaps of herring: 2,32,
- pieces of herring: 1,96.

4. The Protocols on the definition of the concept of originating products and on methods of administrative cooperation annexed to the agreements between the European Community and the Kingdom of Sweden, the Kingdom of Norway and the Republic of Austria shall apply.

Article 2

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

Article 3

Where an importer declares a product covered by the 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.

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

If the quantities requests 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 4

Each Member State shall guarantee importers of the products in question equal and continuous access to the quotas as long as the balance of the corresponding quota volume allows.

Article 5

Member States and the Commission shall cooperate closely in order to ensure compliance with this Regulation.

Article 6

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

It shall be apply as from 1 January 1994.

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

Done at Brussels, 14 February 1994.

For the Council

The President

Y. PAPANTONIOU

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 388, 31. 12. 1992, p. 1. Regulation as last amended by Regulation (EEC) No 1891/93 (OJ No L 172, 15. 7. 1993, p. 1).

ANNEX I

(a) Products originating in Austria

Order No	CN code	Description ⁽¹⁾	Amount of quotas	Quota duty (%)
09.0803	ex 2204 21 25 29 35 39 49 59 90	Quality wines produced in conformity with the 1985 Wine Law of the Republic of Austria, in containers holding two litres or less	150 000 hl	0
09.0805	ex 2204 10 19 99	Quality sparkling wines produced in conformity with the 1985 Wine Law of the Republic of Austria, in containers holding two litres or less	4 000 hl	0
09.0807	2009 70 80 11 80 19 80 50 80 61 80 63 80 69 90 11 90 19 90 31 90 39	Fruit juices (including grape must) or vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter including :	10 000 tonnes	0 ⁽²⁾
09.0808	2009 11 19 20 30 40 50 60 2009 80 32 80 34 80 39 80 81 80 82 80 83 80 85 80 93 80 95 80 96 80 98 2009 90 21 90 29 90 41 90 49 90 51 90 59 90 71 90 73 90 79 90 91 90 93 90 99	Juices other than apple or pear juice	500 tonnes	0

⁽¹⁾ Notwithstanding the rules of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated the preferential scheme is to be determined by application of the CN codes and corresponding description taken together.

⁽²⁾ The additional sugar duty remains applicable.

b) Products originating in Norway

Order No	CN code	Description (1)	Amount of quotas (tonnes)	Quota duty (%)
09.0701	ex 1504 20 10 ex 1504 30 19 ex 1516 10 90	Oils and fats of marine animals, other than whale oil and sperm oil, in packings of a net capacity of more than 1 kg	1 000	8,5
	0305	Fish, dried, salted, or in brine; smoked fish, whether or not cooked before or during the smoking process; fish meal fit for human consumption:		
		– Dried fish, whether or not salted but not smoked:		
	0305 51	– – Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>):		
09.0703	ex 0305 51 90	– – – Dried, salted:	13 250	0
		– Excluding cod of the species <i>Gadus macrocephalus</i>		
	0305 59	– – Other:		
		– – – Fish of the species <i>Boreogadus saida</i> :		
	0305 59 19	– – – – Dried, salted:		
		from 1 April to 31 December 1994		
		Prepared or preserved fish, including caviar and caviar substitutes prepared from fish eggs:		
	ex 1604 13 90	– – – Other:	400	7,2
		– – – – Sardinella; brisling or sprats excluding raw fillets merely coated with batter or bread-crumbs, whether or not prefried in oil, deep-frozen		
		– – – – Other:		
	1604 19 92	– – – – – Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>)		
09.0711	ex 1604 19 93	– – – – – Coalfish (<i>Pollachius virens</i>), excluding smoked coalfish		
	1604 19 94	– – – – – Hake (<i>Merluccius</i> spp., <i>Urophycis</i> spp.)		
	1604 19 95	– – – – – Alaska pollack (<i>Theragra chalcogramma</i>) and pollack (<i>Pollachius pollachius</i>)		
	1604 19 98	– – – – – Other		
	ex 1604 20 90	Fish other than herring and smoked saithe:		
		– Other than mackerel	10	
		– Mackerel (<i>scomber australasicus</i>)		
09.0751	ex 0704 10 10	Cauliflowers, fresh or chilled, from 1 August to 31 October 1994	2 000	0
09.0753	ex 0704 90 90	Broccoli, fresh or chilled, from 1 July to 31 October 1994	1 000	0
09.0755	ex 0704 90 90	China cabbages, fresh or chilled, from 1 July to end February 1995	3 000	0
09.0757	ex 0809 20 60 80	Cherries, fresh, from 16 July to 31 August 1994	600	0
09.0759	ex 0809 40 11 19 90	Plums, fresh, from 1 September to 15 October 1994	600	0
09.0761	ex 0810 10 10	Strawberries, fresh, from 15 July to 31 July 1994	750	0
09.0762	ex 0810 10 90	Strawberries, fresh, from 1 August to 15 September 1994	750	0

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

c) Products originating in Sweden

Order No	CN code	Description (1)	Amount of quotas (tonnes)	Quota duty (%)
09.0605	1604	Prepared or preserved fish ; caviar and caviar substitutes prepared from fish eggs :	250	0
		– Fish, whole or in pieces, but not minced :		
	1604 12	– – Herrings :		
		– – – Other :		
	1604 12 91	– – – – In airtight containers		
09.0607	1604 12 99	– – – – Other :	200	0
	1604 13	– – Sardines, sardinella and brisling :		
	1604 13 90	– – – Other		
	1604 19	– – Other :		
		– – – Other :		
		– – – – Other :		
	1604 19 92	– – – – – Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>)		
	1604 19 93	– – – – – Coalfish (<i>Pollachius virens</i>)		
	1604 19 94	– – – – – Hake (<i>Merluccius</i> spp., <i>Urophycis</i> spp.)		
	1604 19 95	– – – – – Alaska pollack (<i>Theragra chalcogramma</i>) and (<i>Pollachius pollachius</i>)		
	1604 19 98	– – – – – Other		
	1604 20	– Other prepared or preserved fish :		
	1604 20 90	– – Of other fish		
	1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved :		
09.0611	ex 1605 20	– Shrimps and prawns :	120	7,5
		– Shelled, whether or not frozen, excluding shrimps and prawns of the Crangon variety		
09.0613	0710 21 00 ex 0710 29 00	Peas, frozen	12 000	6
09.0615	ex 0302 40 90 ex 0304 10 93 ex 0304 10 98	Herrings and meat of herrings, fresh or chilled, from 1 August to 14 February 1995	20 000	0
09.0631	ex 0208 90 90 ex 0210 90 20	Reindeer meat, fresh, chilled, frozen, dried or smoked	200	0
09.0635	ex 0710 30 00	Spinach, frozen	500	0
09.0637	ex 0710 80 95	Dill and parsley, frozen	200	0
09.0639	ex 0811 90 10 ex 0811 90 30 0811 90 50 0811 90 70 ex 0811 90 99	<i>Rubus chamaemorus</i> V., <i>myrtillus</i> V. <i>myrtilloides</i> and <i>V. angustifolium</i> , frozen	4 000	0 (?)
09.0641	1517 10	Margarine	1 000	0 (?)
09.0643	ex 2004 90 99	Vegetable gratins and dietetic preparations	500	0
09.0645	ex 2005 10 00	Homogenized vegetables, infant food preparations	250	0
09.0647	2005 20 20	Potatoes, thinly sliced, fried or baked, whether or not salted or flavoured, in airtight packings, suitable for immediate consumption	200	0
09.0649	ex 2007 10 99	Jams, jellies, marmalades, (<i>vaccinium myrtillus</i> , <i>V. myrtilloides</i> and <i>V. angustifolium</i> , <i>Rubus chamaemorus</i>)	500	0 (?)

Order No	CN code	Description ⁽¹⁾	Amount of quotas (tonnes)	Quota duty (%)
09.0651	ex 2009 80 90	Fruit juices and mixtures (raspberries, <i>V. myrtillus</i> , <i>V. myrtilloides</i> and <i>V. angustifolium</i> , <i>Rubus chamaemorus</i> , redcurrants, blackcurrants)	250	0 ⁽²⁾

⁽¹⁾ Notwithstanding the rules of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated the preferential scheme is to be determined by application of the CN codes and corresponding description taken together.

⁽²⁾ The additional sugar duty remains applicable.

⁽³⁾ The variable component remains applicable.

ANNEX II

TARIC CODES

a) Produits originating in Austria

Order No	CN codes	Taric codes
09.0803	ex 2204 21 25	2204 21 25*95
	ex 2204 21 29	2204 21 29*96
	ex 2204 21 35	2204 21 35*97
	ex 2204 21 39	2204 21 39*97
	ex 2204 21 49	2204 21 49*20
	ex 2204 21 59	2204 21 59*20
09.0805	ex 2204 21 90	2204 21 90*10
	ex 2204 10 19	2204 10 19*91
	ex 2204 10 90	2204 10 99*91

b) Produits originating in Norway

Order No	CN codes	Taric codes
09.0701	ex 1504 20 10	1504 20 10*90
	ex 1504 30 19	1504 30 19*90
	ex 1516 10 90	1516 10 90*11
09.0703	ex 0305 51 90	0305 51 90*10
		*20
09.0711	ex 1604 13 90	1604 13 90*91
		*99
09.0751	ex 1604 19 93	1604 19 93*90
	ex 1604 20 90	1604 20 90*30
09.0753		*40
		*90
09.0755	ex 0704 10 10	0704 10 10*30
	ex 0704 90 90	0704 90 90*13
09.0757	ex 0704 90 90	0704 90 90*92
		*94
09.0759		*97
	ex 0809 20 60	0809 20 60*10
09.0761	ex 0809 20 80	0809 20 80*11
		*19
09.0762	ex 0809 40 11	0809 40 11*60
	ex 0809 40 19	0809 40 19*10
09.0763	ex 0809 40 90	0809 40 90*50
	ex 0809 10 10	0810 10 10*60
09.0764		*80
	ex 0810 10 90	0810 10 90*12
09.0765		*14

c) Produits originating in Sweden

Order No	CN codes	Taric codes
09.0611	ex 1605 20 00	1605 20 10*91
		*96
		1605 20 91*91
		*96
		1605 20 99*91
		*96
09.0613	ex 0710 29 00	0710 29 00*10
09.0615	ex 0302 40 90	0302 40 90*20
	ex 0304 10 93	0304 10 93*20
	ex 0304 10 98	0304 10 98*16
09.0631	ex 0208 90 90	0208 90 90*10
	ex 0210 90 20	0210 90 20*10
09.0635	ex 0710 30 00	0710 30 00*10
09.0637	ex 0710 80 95	0710 80 95*20
09.0639	ex 0811 90 10	0811 90 10*13
		90 10*50
	ex 0811 90 30	0811 90 30*13
09.0643	ex 0811 90 99	90 30*50
		0811 90 99*68
09.0645	ex 2004 90 99	2004 90 99*13
		*21
		*31
		*41
		*51
09.0649	ex 2005 10 00	*61
		*91
		2005 10 00*11
		*21
09.0651	ex 2007 10 10	*31
		*91
09.0653	ex 2007 10 10	2007 10 10*11
		10 10*40
09.0655	ex 2007 10 90	2007 10 90*11
		90*40
09.0657	ex 2007 99 39	2007 99 39*11
		39*20
09.0659	ex 2007 99 59	2007 99 58*11
		58*40
09.0661	ex 2007 99 90	2007 99 99*11
		99*40
09.0663	ex 2009 80	2009 80 34*21
		34*50
09.0665		34*60
		39*11
09.0667		39*50
		39*60
09.0669		82*11
		82*30
09.0671		82*40
		85*31

Order No	CN codes	Taric codes
09.0651 (cont'd)		85*50 85*60 93*11 93*50 93*60 98*11 98*30 98*40

Order No	CN codes	Taric codes
	ex 2009 90	2009 90 21*21 21*30 29*10 51*20 59*20 91*92 93*20 99*20

COUNCIL REGULATION (EC) No 370/94

of 14 February 1994

amending Regulation (EEC) No 4007/87 extending the period referred to in Articles 90 (1) and 257 (1) of the Act of Accession of Spain and Portugal

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 90 (2) and 257 (2) thereof,

Having regard to the proposal from the Commission,

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

Whereas Articles 90 (1) and 257 (1) of the Act of Accession provide for a period during which transitional measures may be adopted to facilitate the passage from the arrangements existing in Spain and Portugal before accession to those resulting from the application of the common organization of the markets under the conditions laid down in the Act of Accession and in particular to cope with appreciable difficulties in implementing the new arrangements at the date laid down; whereas the date of expiry of that period, set at 31 December 1987 in the Act of Accession, was extended by Regulation (EEC) No 4007/87⁽²⁾ to 31 December 1993 for Spain and Portugal;

Whereas specific difficulties exist in the application of the rules in the wine sector in those Member States; whereas the period in question should therefore be extended by one year for Spain and for Portugal,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EEC) No 4007/87 is hereby amended as follows:

1. in the first subparagraph, '31 December 1993' for Spain shall be replaced by '31 December 1994';
2. in the second subparagraph, '31 December 1993' for Portugal shall be replaced by '31 December 1994.'

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 from 1 January 1994.

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

Done at Brussels, 14 February 1994.

*For the Council**The President*

Y. PAPANTONIOU

⁽¹⁾ Opinion delivered on 11 February 1994 (not yet published in the Official Journal).

⁽²⁾ OJ No L 378, 31. 12. 1987, p. 1. Regulation as amended by Regulation (EEC) No 3876/92 (OJ No L 391, 31. 12. 1992, p. 2).

COMMISSION REGULATION (EC) No 371/94

of 17 February 1994

imposing a provisional anti-dumping duty on imports into the Community of large aluminium electrolytic capacitors originating in the Republic of Korea and Taiwan

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 11 thereof,

After consultation within the Advisory Committee,

Whereas :

A. PROCEDURE

- (1) By Regulation (EEC) No 3482/92⁽²⁾, the Council imposed a definitive anti-dumping duty at the rate of 75 % on imports of certain large aluminium electrolytic capacitors (hereinafter referred to as 'LAECs', originating in Japan, with the exception of some companies for which the rate of duty ranged from 11,6 to 35,8 %.
- (2) In December 1992, the Commission received a complaint lodged by the Federation for Appropriate Remedial Anti-dumping (FARAD), on behalf of producers whose collective output of LAECs allegedly represented a major proportion of the Community production, in which it was requested to extend the proceeding to include imports of LAECs originating in the Republic of Korea and Taiwan.

The complaint contained evidence of dumping of the said product originating in the countries indicated above and of material injury resulting therefrom. This evidence was considered sufficient to justify the initiation of a proceeding.

The Commission, accordingly, announced, by a notice published in the *Official Journal of the European Communities*⁽³⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of LAECs originating in the Republic of Korea and Taiwan, falling within CN code ex 85 32 22 00, and commenced an investigation.

- (3) The Commission officially advised the producers, exporters and importers known to be concerned, the representatives of the Republic of Korea, and

the complainant, and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.

- (4) The Commission sent questionnaires to parties known to be concerned and received responses from two of the three complainant producers, together with one Taiwanese producer and a Taiwanese trader. None of the six alleged Korean producers nor the importer known to the Commission replied to the Commission's questionnaire.

One company named as a related importer replied stating that it had not imported LAECs during the investigation period.

- (5) The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following :

(a) Complainant Community producers :

- Nederlandse Philips Bedrijven BV, Zwolle, Netherlands,
- Roederstein GmbH, Kirchzarten, Germany ;

(b) Exporters and producers in Taiwan :

- Kaimei Electronic Corp., Taipei,
- Lelon Electronics Corp., Taichung.

- (6) The investigation of dumping covered the period 1 January to 31 December 1992 ('the investigation period').

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

(i) Description of the product concerned

- (7) The products under investigation are large electrical capacitors, non-solid, aluminium electrolytic, with a CV product (capacitance multiplied by rated voltage) between 8 000 and 550 000 µc (microcoulombs) at a voltage of 160 V or more, falling within CN code ex 8532 22 00.
- (8) When compared to the previous proceeding concerning Japan, this product description covers a larger range of capacitors, namely those of lower and higher capacitance in order to take account of new technical and market development. The types of capacitors subject to this investigation are, nevertheless, as in the previous proceeding, generally

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 353, 3. 12. 1992, p. 1.

⁽³⁾ OJ No C 67, 10. 3. 1993, p. 7.

incorporated in consumer electronic goods and used in the telecommunications sector. Despite minor differences in size, lifespan, voltage or design, the various types of capacitors have the same essential physical and technical characteristics and form one single category of product.

(ii) Like product

- (9) The Commission has examined whether LAECs of Korean and Taiwanese origin can be regarded as alike, for the purposes of Article 2 (12) of Regulation (EEC) No 2423/88, to those produced and sold in the Community.

On the basis of information available, it was found that the various types of Taiwanese and Korean LAECs are similar to those produced and sold in the Community. Furthermore, on a type-by-type basis, they are essentially alike in all respects to those of the complainant Community industry, given that they are normally produced according to industrial standards.

- (10) Therefore, the Commission concludes that all LAECs covered by the investigation as defined in recital 7, produced and sold in the Community, Korea and Taiwan have to be considered a 'like product'.

C. DUMPING

1. Normal value

1.1. Korea

- (11) In the complete absence of information from any Korean producers on prices and costs on the domestic market normal value was established on the basis of the facts available, in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88. In this respect, the most reasonable basis was considered to be that set out in the complaint.
- (12) The complaint established normal value on the basis of the constructed value of a representative type, one of those most sold on the Community market, but without the addition of any profit. For the purpose of a provisional determination, normal value was calculated by taking this constructed value and adding a profit margin of 10 % as suggested by the complainant. This profit margin was considered to be the most reasonable for this type of product on the Korean market.

1.2. Taiwan

- (13) Of the two Taiwanese companies that replied to the Commission's questionnaire, one is a producing exporter and the other a trading company. Consi-

dering that a trading company is normally free to purchase from any source, and may change its source of supply whenever convenient, a trading company cannot be treated in the same way as a producer. Therefore, as a rule, individual dumping margins are not established, nor are duties imposed on exporters who do not manufacture the product. Accordingly, an individual dumping margin was calculated for the cooperating producer and exporter, Kaimel Electronic Corp., only.

- (14) Normal value was, provisionally, established on the basis of the price actually paid in the ordinary course of trade for domestic sales of those models within the like product which were made in sufficient quantities to afford a proper comparison.
- (15) For those models which were exported but not sold on the domestic market or sold at a loss, constructed value was used in accordance with Article 2 (3) (b) of Regulation (EEC) No 2423/88. Constructed value was based on the cost of production of the model in question plus the selling, general and administrative expenses incurred by the company for sales of the product concerned on the domestic market and a profit margin representing the average profit realized on the sales of profitable models on the domestic market.

2. Export price

2.1 Korea

- (16) In the complete absence of information from the Korean producing exporters, the export price, as for normal value, was established in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88 on the basis of the facts available — in this case the export price of a representative model given in the complaint. Information provided by EUROSTAT was not considered appropriate, since the product under consideration is covered by a CN code which includes other aluminium electrolytic capacitors and which does not allow, in this case, for differentiation between the prices of the models of capacitors covered by the proceeding and those other models.

2.2 Taiwan

- (17) Exports were made to independent Community buyers. Export prices were provisionally determined on the basis of the prices actually paid or payable for the product sold for export to the Community.

3. Comparison

3.1 Korea

- (18) The constructed normal value, as determined under recital 12, was compared at an ex factory level with the export price as determined under recital 16.

3.2 Taiwan

- (19) The normal value, by model, was provisionally compared with the export price for the corresponding type, transaction by transaction, at the same level of trade and on an ex works basis. For the purposes of a fair comparison, adjustments were made in accordance with Article 2 (9) and (10) of Regulation (EEC) No 2423/88 to take account of differences affecting price comparability, such as transport, insurance, credit terms, indirect taxes.

4. Dumping margins

- (20) The comparison showed the existence of dumping, the dumping margins being equal to the amount by which the normal value, as established, exceeds the price for export to the Community. The dumping margins, when expressed as a percentage of the free-at-Community-frontier price, are as follows:

Korea : 70,6 %

Taiwan

— Kaimei Electronic Corp.: 10,7 %,

— Other companies : 75,8 %.

- (21) In the case of Taiwanese firms which did not cooperate or were known to the Commission in the investigation, the dumping margin was established on the basis of the facts available in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88. It was considered that the most reasonable facts were those established during the investigation. It was further considered that it would constitute a bonus for non-cooperation and could lead to circumvention of the anti-dumping measures should such firms be assigned a dumping margin lower than the highest dumping margin found for a particular model of the cooperating company.

D. COMMUNITY INDUSTRY

- (22) The Commission found that four large producers of LAECs, and some small producers, are established in the Community. Of the three complainant producers, one of them, B.H. Components Ltd, Weymouth, United Kingdom, was taken over by a United States company in March 1993 to form BHC Aerovox Ltd, and was not prepared to complete the Commission's questionnaire.

The fourth producer, Siemens-Matsushita Components GmbH & Co. KG, München, Germany is a joint venture formed by a Community producer and a Japanese company. It did not cooperate with the Commission's investigation in the previous

proceeding concerning imports of LAECs originating in Japan and did not support this complaint.

- (23) Notwithstanding the above, the output of the two cooperating complainant producers accounted for a major proportion of the total Community production, within the meaning of Article 4 (5) of Regulation (EEC) No 2423/88.

E. INJURY

1. General

- (24) In its examination of injury, the Commission has borne in mind that it was established in an earlier proceeding that the Community industry had suffered material injury with regard to imports of certain LAECs originating in Japan. This determination was based on the period covering the years 1988 to 1990. However, it is estimated that the complainant producers' production volume of capacitors covered by the proceeding concerning Japanese imports represents around 90 % of their production volume covered by this proceeding. In this case therefore, in view of the larger range of capacitors covered by the proceeding, a new injury investigation has to be conducted for the period 1989 to 1992.

2. Cumulation of the effects of the dumped imports

- (25) In establishing the impact of the dumped imports on the Community industry, the Commission has considered the effect of all Korean and Taiwanese dumped imports.

In analysing whether cumulation of these imports is appropriate, the Commission has assessed the comparability of the product imported from the countries concerned by the investigation in terms of the following criteria: similarity in physical characteristics, interchangeability of end uses, scale of the volumes imported, simultaneous competition in the Community with each other and with the like product manufactured by the Community industry, and similarity of channels of distribution and price behaviour on the Community market of the producers in each country.

- (26) On the basis of information available, it was found that the Korean and Taiwanese LAECs considered on a type-by-type basis, are alike in all respects, interchangeable and marketed in the Community within a comparable period and under similar commercial conditions. Moreover, they compete with each other and the like product manufactured by the Community industry. In addition, the volume of the dumped imports from each of the countries concerned could not be considered negligible.

- (27) In those circumstances and in accordance with the practice of the Community institutions, it is considered that there are sufficient grounds for cumulating the imports from the countries concerned.

3. Volume and market share of the dumped imports

- (28) Since the CN code within which LAECs fall embraces other aluminium electrolytic capacitors not covered by this proceeding, no precise figures concerning total imports and total consumption of the product concerned were available. However, the information obtained during the investigation does not cast doubt on the estimates made by the complainant with regard to the proportion of LAECs out of total imports covered by the said CN code from the countries concerned. Moreover, the paucity of the non-complainant Community industry's information obtained during the investigation does not allow the Commission to use the estimates relating to its sales. In those circumstances, the Community consumption was calculated on the basis of the complainant Community industry's sales on the Community market plus the imports of LAECs into the Community as estimated by the complainant.

- (29) On this basis, the consumption shows a steady increase of 32,3 % over the period 1989 to 1992.

- (30) No information has been submitted that would suggest that the trends of the relevant economic indicators provided below would be significantly different after inclusion of the EC sales of the non-complainant producers.

- (31) The volume of the cumulated dumped imports into the Community of the product originating in the exporting countries steadily increased by 91 % from 1989 to 1992. Assessed in the light of the Community consumption as defined in recital 28, the development of these imports led to a rise in the combined market share in the Community held by the exporting countries concerned, from 11,3 % in 1989 to 16,3 % during the investigation period.

4. Prices of dumped imports

- (32) Prices of the imported product from the countries concerned were significantly below the prices charged by the Community producers during the investigation period.

As regards the cooperating Taiwanese producer, price undercutting has provisionally been calculated as the average difference between its cif prices duty-paid to independent customers and the prices of the Community producers, adjusted to a comparable level of trade on the Community market. The comparison was made on a per model basis for each of the models imported which were consi-

dered for the dumping determination. On this basis, the average undercutting margins range from 0 to 54,2 % according to the model involved. The weighted average for all models involved is 13 %.

- (33) For the non-cooperating Korean and Taiwanese producers, prices of dumped imports were based on the best information available, namely the complaint, in accordance with Article 7 (7) of Regulation (EEC) No 2423/88. The undercutting margin based on the same representative model amounts to 8,6 % for Korea and 17,2 % for Taiwan.

5. Situation of the Community industry concerned

(a) *Production, capacity and utilization of capacity*

- (34) The volume of production increased by 9,4 % between 1989 and 1990 but dropped by 29,3 % between 1990 and the investigation period.

- (35) Production capacity increased by 12,8 % between 1989 and 1990 and remained constant from 1990 to 1992. It has to be noted that this increase is much less than that of apparent consumption.

- (36) The utilization rate decreased from 61,8 % in 1989 to 42,4 % in 1992, indicating that the Community producers were not in a position to take advantage of the increasing demand.

(b) *Sales, stocks and market share*

- (37) The sales of the Community industry concerned decreased from 11,4 million units in 1989 to 9 million units in the investigation period — a decrease of 21 % over the whole period — while the apparent consumption showed an increase of 32,3 %. As a result, its market share fell from 29,4 % in 1989 to 17,6 % in 1992.

- (38) The stocks held by the complainant Community producers increased by 16,6 % between 1989 and 1990, but dropped by 9,5 % between 1990 and 1991 and by a further 42 % between 1991 and the investigation period. This latter decrease results from the Community producers' decision to exhaust their stocks.

(c) *Prices*

- (39) The continuing practice of price undercutting has prevented the Community producers from increasing their prices.

(d) *Profitability*

- (40) The Commission found that, overall, the Community industry had recorded losses which, when expressed as a percentage of the Community industry's sales turnover, increased from 2,4 % in 1989 to 32,4 % in the investigation period.

(41) (e) *Investments*

The financial losses have had negative effects on the complainant Community producer's ability to carry out investments to increase their productivity and R&D for new components and new technology. Investments decreased by 84,8 % between 1989 and 1992.

(f) *Conclusion on injury*

- (42) The complainant Community producers have experienced a considerable drop in production, sales and market shares at a time when Community consumption has risen by more than 32 %. Financial losses have increased considerably and capital investment has been severely cut back.

In the light of the above, the Commission provisionally determined that the Community industry concerned had suffered material injury, within the meaning of Article 4 (1) of Regulation (EEC) No 2423/88.

F. CAUSATION OF INJURY

- (43) The Commission examined whether the material injury suffered by the Community industry had been caused by the dumped imports and whether other factors might have caused or contributed to that injury.

(a) *Effect of dumped imports*

- (44) In its examination the Commission has found that the volume of imports concerned is significant both in absolute terms and in relation to consumption on the Community market. Furthermore, the marked increase in volume and market share of those low-priced dumped imports coincided in time with the deterioration of the state of the Community industry. This deterioration is witnessed by the Community producers' loss of sales volume and market share, price erosion and increased financial losses. It is therefore considered that dumped imports from Korea and Taiwan have caused injury to the Community industry concerned.

(b) *Effects of other factors*

- (45) In assessing the effects of other factors, the Commission has taken account of the fact that dumped imports from Japan have already caused material injury to the Community industry concerned.
- (46) The Commission has also considered whether imports from countries other than Japan, Korea and Taiwan might have contributed to the injury suffered by the Community industry. In this respect, it has to be noted that the market share of

imports from other third countries remained stable at around 12 % between 1989 and 1992.

Moreover, to judge by the information available to the Commission, the price of those imports appears to be higher overall than that of imports originating in Japan, Korea and Taiwan.

- (47) The Commission also examined whether the marketing activity of the non-complainant Community industry might have contributed to the injury suffered by the complainant Community producers. Judging by the information available, there is no evidence suggesting that the trend of their sales and prices charged on the Community market is different from that of the complainant Community industry.

(c) *Conclusion*

- (48) After taking account of the above factors, and given the finding of material injury already caused by dumped imports from Japan, it is concluded that, even if the imports from third countries other than Japan, Korea and Taiwan and the sales by non-complainant Community producers have contributed to the injury suffered by the Community industry, the low-priced dumped imports from Korea and Taiwan, taken in isolation, have also, through their increased market penetration and price undercutting, caused injury which has to be regarded as material.

G. COMMUNITY INTEREST

- (49) In assessing whether the interests of the Community call for intervention to prevent further injury during the proceeding, the Commission considered that the purpose of anti-dumping duties is, in general, to stop distortion of competition due to unfair commercial practices and thus to re-establish open and fair competition on the Community market, which is fundamentally in the general Community interest.
- (50) Furthermore, it was considered to be in the Community interest to take measures against dumped imports of certain LAECs originating in Japan. There is nothing to warrant any revision of the position adopted at the time, which was based, in particular, on the low impact of the duty on the prices of the consumer end-products and the possible disappearance of the Community industry in the absence of measures; those arrangements now apply equally to dumped imports originating in Korea and Taiwan.

In addition, not to take action against the Korean and Taiwanese imports of LAECs would discriminate against imports from Japan, weaken the effect of measures against Japanese imports and distort competition on the Community market.

- (51) Therefore, the Commission concludes that the adoption of measures aimed at re-establishing fair competitive conditions in the Community market for the product concerned and at eliminating the injurious effects of the dumped imports originating in Korea and Taiwan, is in the interest of the Community and that the measures should take the form of a provisional anti-dumping duty.

H. PROVISIONAL DUTY

- (52) For the purpose of establishing the level of the provisional duty, the Commission examined the dumping margins recorded and the amount of duty necessary to eliminate the injury sustained by the Community industry. Since the injury consisted principally of price undercutting, price depression, suppression of capacity utilization and loss of market share and, as a consequence, increased financial losses, the removal of such injury required that the industry be enabled to increase its prices to profitable levels without loss of sales volume. In order to achieve this, the prices of the imports from Korea and Taiwan should be increased accordingly.
- (53) In order to calculate the necessary price increase and determine whether a lower duty than the dumping margin should be imposed, in accordance with Article 13 (3) of Regulation (EEC) No 2423/88, the Commission compared, for each of the models considered for the dumping determination, the average free-at-Community-frontier import price of the dumped product, duty-paid, with the corresponding average cost of production of the complainant Community producers, to which was added a profit margin of 10 %. This profit margin was considered, for the purpose of this preliminary determination, the minimum required to ensure the viability of the Community industry. The difference between the two prices has then been expressed as a percentage of the free-at-Community-frontier price, duty unpaid. As the resulting percentage is higher than the dumping margins, the anti-dumping duties should be based on these margins according to Article 13 (3) of Regulation (EEC) No 2423/88.

I. FINAL PROVISION

- (54) In the interest of sound administration, a period should be fixed within which the parties concerned

may make their views known in writing and request a hearing. Furthermore, it should be stated that all findings made for the purpose of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive duty which the Commission may propose,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of large electrical capacitors, non-solid, aluminium electrolytic with a CV product (capacitance multiplied by rated voltage) of between 8 000 and 550 000 µc (micro-coulombs) at a voltage of 160 V or more, falling within CN code ex 8532 22 00 (Taric codes: 8532 22 00*13, 8532 22 00*17, 8532 22 00*93 and 8532 22 00*97), and originating in the Republic of Korea and Taiwan.

2. The rate of duty applicable to the net free-at-Community-frontier price, before duty, shall be as follows:

Country	Products manufactured by	Rate of duty (%)	Taric additional code
Korea	All companies	70,6	
Taiwan	Kaimei Electronic Corp.	10,7	8773
	Other companies	75,8	8774

3. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2423/88, the parties concerned may make known their views in writing and apply to be heard orally by the Commission within one month of the date of entry into force of this Regulation.

Article 3

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

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

Done at Brussels, 17 February 1994.

For the Commission

Leon BRITTAN

Member of the Commission

COMMISSION REGULATION (EC) No 372/94

of 18 February 1994

amending Regulation (EEC) No 1194/93 increasing to 1 520 000 tonnes the quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies⁽³⁾, as amended by Commission Regulation (EC) No 120/94⁽⁴⁾,

Whereas Commission Regulation (EEC) No 1194/93⁽⁵⁾, as last amended by Regulation (EC) No 325/94⁽⁶⁾, opened a standing invitation to tender for the export of 1 400 000 tonnes of barley held by the French intervention agency; whereas, in a communication of 3 February 1994, France informed the Commission of the intention of its intervention agency to increase by 120 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 1 520 000 tonnes;

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

ties in store; whereas Annex I to Regulation (EEC) No 1194/93 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

1. The invitation to tender shall cover a maximum of 1 520 000 tonnes of barley to be exported to all third countries, except the United States of America and Canada.

2. The regions in which the 1 520 000 tonnes of barley are stored, are stated in Annex I to this Regulation.

Article 2

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

Article 3

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

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

Done at Brussels, 18 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. 11.
⁽⁶⁾ OJ No L 41, 12. 2. 1994, p. 47.

*ANNEX**ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
Amiens	60 500
Bordeaux	33 000
Clermont-Ferrand	1 000
Châlons-sur-Marne	191 000
Dijon	117 000
Lille	185 000
Montpellier	2 000
Nancy	119 000
Nantes	3 500
Orléans	331 000
Paris	43 000
Poitiers	155 000
Rennes	14 000
Rouen	165 000
Toulouse	17 000
Marseille	1 000
Ghent (Belgium)	82 000'

COMMISSION REGULATION (EC) No 373/94

of 18 February 1994

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of bone-in beef held by certain intervention agencies and intended for export, and repealing Regulation (EC) No 3317/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 3611/93⁽²⁾, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies⁽³⁾, as last amended by Regulation (EEC) No 1759/93⁽⁴⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas certain intervention agencies hold stocks of bone-in intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas outlets exist in certain third countries for the products in question; whereas it is appropriate therefore to offer this meat for sale in accordance with Regulation (EEC) No 2539/84;

Whereas with a view to securing a regular and uniform tendering procedure, measures should be taken in addition to those laid down in Regulation (EEC) No 2173/79⁽⁵⁾, as last amended by Regulation (EEC) No 1759/93;

Whereas quarters from intervention stocks may in certain cases have been handled a number of times; whereas, in order to help with the presentation and marketing of such meat, its repackaging should be authorized, subject to the observance of precise conditions;

Whereas it is necessary to lay down a time limit for export of the said meat; whereas this time limit should be fixed by taking into account Article 5 (b) of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on

special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽⁶⁾, as last amended by Regulation (EEC) No 2867/93⁽⁷⁾;

Whereas in order to ensure that beef sold is exported, the lodging of security, as specified at (a) of Article 5 (2) of Regulation (EEC) No 2539/84, should be required;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 3002/92 of 16 October 1992 laying down common detailed rules for verifying the use and/or destination of products from intervention⁽⁸⁾, as last amended by Regulation (EEC) No 1938/93⁽⁹⁾;

Whereas Commission Regulation (EC) No 3317/93⁽¹⁰⁾ should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A sale shall be organized of approximately:
 - (a) 4 000 tonnes of bone-in beef held by the Italian intervention agency,
1 330 tonnes of bone-in beef held by the Irish intervention agency,
 - (b) 10 000 tonnes of bone-in beef, to be sold as 'compensated' quarters, held by the German intervention agency.

This meat shall be for export to the destinations indicated at 02 and 03 in footnote 7 to the Annex to Commission Regulation (EC) No 3261/93⁽¹¹⁾.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 328, 29. 12. 1993, p. 7.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 161, 2. 7. 1993, p. 59.

⁽⁵⁾ OJ No L 251, 5. 10. 1979, p. 12.

⁽⁶⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁷⁾ OJ No L 262, 21. 10. 1993, p. 26.

⁽⁸⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽⁹⁾ OJ No L 176, 20. 7. 1993, p. 12.

⁽¹⁰⁾ OJ No L 298, 3. 12. 1993, p. 12.

⁽¹¹⁾ OJ No L 293, 27. 11. 1993, p. 48.

Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulations (EEC) No 2539/84 and (EEC) No 3002/92.

The provisions of Commission Regulation (EEC) No 985/81 ⁽¹⁾ shall not apply to this sale. However, the competent authorities may allow bone-in forequarters and hindquarters, the packaging material of which is torn or soiled, to be placed in new packaging of the same type under their supervision before presentation for consignment at the customs office of departure.

2. By way of derogation from Article 8 (1) of Regulation (EEC) No 2173/79 a tender must be submitted to the intervention agency concerned in a closed envelope, bearing the reference to the Regulation concerned. The closed envelope must not be opened by the intervention agency before the expiry of the tender deadline referred to in paragraph 5.

3. Tenders submitted under paragraph 1 (b) must relate to an equal number of forequarters and hindquarters and must quote a single price per tonne for the whole quantity of bone-in meat covered by the tender.

4. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

5. Only those tenders shall be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 23 February 1994.

6. Particulars of the quantities and the places where the products are stored shall be available to interested parties at the addresses given in Annex II.

Article 2

The products referred to in Article 1 must be exported within five months from the date of conclusion of the contract of sale.

Article 3

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 30 per 100 kilograms.

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be ECU 300 per 100 kilograms.

Article 4

1. In respect of meat sold under this Regulation no export refund shall be granted.

On the removal order referred to in Article 3 (1) (b) of Regulation (EEC) No 3002/92, the export declaration, and, where appropriate, the T 5 control copy shall be entered:

Productos de intervención sin restitución [Reglamento (CE) n° 373/94];

Interventionsvarer uden restitution [Forordning (EF) nr. 373/94];

Interventionserzeugnisse ohne Erstattung [Verordnung (EG) Nr. 373/94];

Προϊόντα παρεμβάσεως χωρίς επιστροφή [Κανονισμός (ΕΚ) αριθ. 373/94];

Intervention products without refund [Regulation (EC) No 373/94];

Produits d'intervention sans restitution [Règlement (CE) n° 373/94];

Prodotti d'intervento senza restituzione [Regolamento (CE) n. 373/94];

Produkten uit interventievoorraden zonder restitutie [Verordening (EG) nr. 373/94];

Produtos de intervenção sem restituição [Reglamento (CE) n° 373/94].

2. With regard to the security provided for in Article 3 (2), compliance with the provisions of paragraph 1 shall constitute a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 ⁽²⁾.

Article 5

Regulation (EC) No 3317/93 is hereby repealed.

Article 6

This Regulation shall enter into force on 23 February 1994.

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

Done at Brussels, 18 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 99, 10. 4. 1981, p. 38.

⁽²⁾ OJ No L 205, 3. 8. 1985, p. 5.

ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I — ANEXO I

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkte Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio mínimo expresado en ecus por tonelada Mindstepriser i ECU/ton Mindestpreise, ausgedrückt in ECU/Tonne Ελάχιστες τιμές πωλήσεως εκφραζόμενες σε Ecu τόνο Minimum prices expressed in ecus per tonne Prix minimaux exprimés en écus par tonne Prezzi minimi espressi in ecu per tonnellata Minimumprijzen uitgedrukt in ecu per ton Preço mínimo expresso em ecus por tonelada
a) Italia	— Quarti posteriori, provenienti da : categoria A, classi U, R e O	4 000	600
Ireland	— Hindquarters, from : Category C, classes U, R and O	1 330	600
b) Deutschland	Kompensierte Viertel ⁽¹⁾ mit Knochen, stammend von : Kategorien A/C, Klassen U, R und O	10 000	650

(1) Nombre égal de quartiers avant et de quartiers arrière.

(1) Equal number of forequarters and hindquarters.

(1) Gleiche Anzahl Vorder- und Hinterviertel.

(1) Numero uguale di quarti anteriori e posteriori.

(1) Een gelijk aantal voor- en achtervoeten.

(1) Lige stort antal forfjerdinger og bagfjerdinger.

(1) Τσος αριθμός μπροστινών και πισινών τετάρτων.

(1) Número igual de cuartos delanteros y traseros.

(1) Número igual de quartos dianteiros e de quartos traseiros.

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II

Direcciones de los organismos de intervención — Interventionsorganernes adresser —
 Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
 of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
 organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
 intervenção

IRELAND : Department of Agriculture, Food and Forestry
 Agriculture House
 Kildare Street
 Dublin 2
 Tel. (01) 678 90 11, ext. 2278 and 3806
 Telex 93292 and 93607, telefax (01) 6616263, (01) 6785214 and (01) 6620198

ITALIA : Azienda di Stato per gli interventi nel mercato agricolo (AIMA)
 Via Palestro 81
 I-00185 Roma
 Tel. 49 49 91
 Telex 61 30 03

DEUTSCHLAND : Bundesanstalt für landwirtschaftliche Marktordnung (BALM)
 Geschäftsbereich 3 (Fleisch und Fleischerzeugnisse)
 Postfach 180 107 — Adickesallee 40
 D-60322 Frankfurt am Main
 Tel. : (069) 1 56 47 72/3
 Telex : 411727, Telefax : (069) 15 64 791

COMMISSION REGULATION (EC) No 374/94

of 18 February 1994

laying down detailed rules for the application in the poultrymeat and egg sectors of the arrangements provided for the Interim Agreements between the Community, of the one part and Bulgaria and Romania, of the other part

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3642/93 of 20 December 1993 on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community of the one part, and the Republic of Bulgaria of the other part⁽¹⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3642/93 of 20 December 1993 on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community of the one part, and Romania, of the other part⁽²⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽³⁾, as last amended by Regulation (EEC) No 1574/93⁽⁴⁾, and in particular Article 15 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽⁵⁾, as last amended by Regulation (EEC) No 1574/93, and in particular Article 15 thereof,

Whereas the Interim Agreement on trade and trade-related matters between the Community and the Republic of Bulgaria⁽⁶⁾, signed in Brussels on 8 March 1993, entered into force on 31 December 1993; whereas the Interim Agreement on trade and trade-related matters between the Community and Romania⁽⁷⁾, signed in Brussels on 1 February 1993, entered into force on 1 May 1993; whereas the said Agreements provide for a reduction in the import levy for some products of the poultrymeat and egg sectors within certain quantity limits;

whereas it is necessary therefore to lay down certain detailed rules of application in this respect;

Whereas the measures to be adopted for applying the Interim Agreements laid down in this Regulation should take effect on 1 January 1994; whereas they should however, be limited initially to the first two quarters of 1994 in order to take account of the Additional Protocols to the Interim Agreements which have been signed between the Community and the two abovementioned countries and pending clarification of certain other factors relating to the exact timing of the introduction of the Community concessions;

Whereas, while bearing in mind the provisions of the Interim Agreements intended to guarantee the origin of the product, provision should be made for the administration of the said arrangements to be guaranteed by import licences for the majority of the products; whereas, to that end, the detailed rules for submission of the applications and the information which must appear on the applications and licences, by derogation from Article 8 of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agriculture products⁽⁸⁾, as last amended by Regulation (EC) No 3519/93⁽⁹⁾, should be laid down; whereas, in addition, provision should be made for the certificates and licences to be issued after a period of consideration, applying, where necessary, a single percentage reduction;

Whereas, in order to ensure proper administration of the system, the guarantee for import licences under the said system should be fixed at ECU 90 per 100 kg; whereas, in view of the likelihood of speculation inherent in the system in the egg and poultrymeat sectors, precise conditions governing access by operators to the said system should be laid down;

Whereas, for live geese, whole geese or geese cut in pieces, it is possible to replace the system of import licences with a system for monitoring quantities actually imported which is less restrictive for importers;

Whereas, in the case of those products, equal and continuous access to the quantities subject to a reduced levy should be ensured for all Community importers, and the levy should be applied consistently until the quantities are exhausted; whereas the necessary measures should be

⁽¹⁾ OJ No L 333, 31. 12. 1993, p. 16.

⁽²⁾ OJ No L 333, 31. 12. 1993, p. 17.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽⁴⁾ OJ No L 152, 24. 6. 1993, p. 1.

⁽⁵⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽⁶⁾ OJ No L 323, 23. 12. 1993, p. 2.

⁽⁷⁾ OJ No L 81, 2. 4. 1993, p. 2.

⁽⁸⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁹⁾ OJ No L 320, 22. 12. 1993, p. 16.

taken to ensure efficient Community administration of those quantities by providing the opportunity to draw from the volume of those quantities on the basis of actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission;

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

HAS ADOPTED THIS REGULATION:

Article 1

All imports into the Community under the arrangements provided for in Article 15 (2) and (4) of the Interim Agreements of products in groups 37, 38, 39, 40, 41, 43 and 44 referred to in Annex I to this Regulation, shall be subject to the presentation of an import licence.

The quantities of products to which those arrangements apply and the rates of reduction in the levies on the rate of customs duty shall be those listed by group in Annex I.

Subject to the provisions of Article 2, the rate of reduction in the levy, or the rate of customs duty shall be that in force during the period in which applications for import licences are submitted.

Article 2

For the period from 1 January to 30 June 1994, the quantities fixed for the groups referred to in Article 1 shall be allocated in two equal tranches of 50 % during the two quarters commencing on 1 January and 1 April respectively.

Article 3

The import licences referred to in Article 1 shall be subject to the following provisions:

- (a) applicants for import licences must be natural or legal persons who, at the time at which applications are submitted, can prove to the satisfaction of the competent authorities in the Member States that they have imported or exported not less than 25 tonnes (product weight) in the case of products falling within the scope of Regulation (EEC) No 2777/75 and five tonnes (egg in shell equivalent) in the case of products falling within the scope of Council Regulations (EEC) No 2771/75 and (EEC) No 2783/75⁽¹⁾ in 1992 and between 1 January and 30 November 1993; however, retail establishments and restaurants selling these products to final consumers shall not be eligible for this scheme;
- (b) the licence application may involve only one of groups 37, 38, 39, 40, 41, 43 and 44 referred to in Annex I to this Regulation. The application may involve several products covered by different CN codes and originating in one of the countries covered by this Regulation. In such cases, all the CN codes

shall be indicated in section 16 and their designation in section 15;

A licence application must relate to at least one tonne and to a maximum of 25 % of the quantity available for the group concerned and the quarter specified in Article 2;

- (c) section 8 of licence applications and licences shall state the country of origin; licences shall carry with them an obligation to import from the country indicated;
- (d) section 20 of licence applications and licences shall show one of the following:
Reglamento (CE) n° 374/94,
Forordning (EF) nr. 374/94,
Verordnung (EG) Nr. 374/94,
Κανονισμός (ΕΚ) αριθ. 374/94,
Regulation (EC) No 374/94,
Règlement (CE) n° 374/94,
Regolamento (CE) n. 374/94,
Verordening (EG) nr. 374/94,
Regulamento (CE) n° 374/94;
- (e) section 24 of licences shall contain one of the following:
Levy reduced in accordance with:
Reglamento (CE) n° 374/94,
Forordning (EF) nr. 374/94,
Verordnung (EG) Nr. 374/94,
Κανονισμός (ΕΚ) αριθ. 374/94,
Regulation (EC) No 374/94,
Règlement (CE) n° 374/94,
Regolamento (CE) n. 374/94,
Verordening (EG) nr. 374/94,
Regulamento (CE) n° 374/94.

Article 4

1. Licence applications may only be lodged during the first 10 days only of each quarter as specified in Article 2.

For the period from 1 January to 31 March 1994, licence applications shall be lodged during the period from 21 February to 2 March 1994.

2. Licence applications shall only be admissible where the applicant declares in writing that he has not submitted and undertakes not to submit any applications, in respect of the current quarter, concerning products in the same group in the Member State in which his application is lodged or in other Member States; where an applicant submits more than one application relating to products in the same group, all applications from that person shall be inadmissible.

3. The Member State shall notify the Commission, on the fifth working day following the end of the application submission period, of applications lodged for each of the products in the groups. Such notification shall include a list of applicants and a statement of a quantities applied for in each group.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 104.

All notifications, including notifications that there have been no applications, shall be made by telex or fax on the working day stipulated, drawn up on the model shown in Annex II to this Regulation in cases where no application is made and on the models shown in Annexes II and III in cases where applications have been made.

4. The Commission shall decide as quickly as possible to what extent quantities may be awarded in respect of applications as referred to in Article 3.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage reduction in quantities applied for.

If the overall quantity for which applications have been submitted is less than the quantity available, the Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following quarter.

5. Licences shall be issued as quickly as possible after the Commission has taken its decision.

6. Licences issued shall be valid throughout the Community.

Article 5

For the purposes of Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 150 days from the date of actual issue.

Import licences issued pursuant to this Regulation shall not be transferable.

Article 6

A security of ECU 20 per 100 kilograms shall be lodged for import licence applications for all products referred to in Article 1.

Article 7

Without prejudice to the provisions of this Regulation, Regulation (EEC) No 3719/88 shall apply.

However, Article 8 (4) of that Regulation notwithstanding, the quantity imported under this Regulation may not exceed that shown in sections 17 and 18 of the import licence. The figure '0' shall accordingly be entered in section 19 of licences.

Article 8

The imported products shall be placed in free circulation on presentation of a movement certificate EUR 1 issued by the exporting country in accordance with Protocol 4 annexed to the Interim Agreement.

Article 9

The quantities for the products in group 42 referred to in Annex I shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

Article 10

1. In order to qualify under the import arrangements provided for in Article 14 (2) and (4) of the Interim Agreement for products in group 42 referred to in Annex I, the importer must present the competent authorities of the importing Member State with a declaration of entry into free circulation comprising an application to this effect for the products in question accompanied by the certificate referred to in Article 8. If this declaration is accepted by the competent authorities of the Member State, those authorities shall communicate to the Commission the requests for drawing from the quantities set out in Annex I.

2. The requests for drawing, bearing the date of acceptance of the declaration of entry into free circulation, shall be communicated to the Commission without delay. The requests for drawing shall bear the following particulars: Order No 09 5301.

3. The drawings shall be granted by the Commission on the basis of the date of acceptance of the declarations of entry into free circulation by the competent authorities of the importing Member State, to the extent that the available balance so permits.

Any drawing not used shall be returned as soon as possible to the quantity corresponding to the period referred to in Annex I for which it was allocated.

When the quantities requested are greater than the available balance of the quantities set out in Annex I, allocation shall be made on a *pro rata* basis with respect to the requests. The Commission shall inform Member States of the drawings made as quickly as possible.

Article 11

Each Member State shall ensure that importers of the products in group 42 referred to in Annex I have equal and continuous access to the quantities set out in Annex I for such time as the residual balance of the quantity volume so permits.

Article 12

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 13

This Regulation shall enter into force on 21 February 1994.

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, 18 February 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

A. Products originating in Bulgaria

I. Levy reduced by 50 %

(in tonnes)

Group No	CN code	1 January to 30 June 1994
37	0207 10 51 0207 10 55 0207 10 59 0207 23 11 0207 23 19 ex 0207 39 55 ex 0207 43 15 ex 0207 39 73 ex 0207 43 53 ex 0207 39 77 ex 0207 43 63	60
38	0207 10 71 0207 10 79 0207 23 51 0207 23 59 0207 39 53 0207 43 11 0207 39 61 0207 43 23 ex 0207 39 65 ex 0207 43 31 ex 0207 39 67 ex 0207 43 41 0207 39 71 0207 43 51 0207 39 75 0207 43 61 ex 0207 39 81 ex 0207 43 71 ex 0207 39 85 ex 0207 43 90	245,5

II. Levy reduced by 40 %

(in tonnes)

Group No	CN code	1 January to 30 June 1994
39	0207 21 10 0207 21 90	625
40	ex 0408 91 80 0408 99 80	115

III. Rate of customs duty reduced to 10,2 %

(in tonnes)

Group No	CN code	1 January to 30 June 1994
41	1602 31 11 1602 39 19	82

B. Products originating in Romania

I. Levy reduced by 50 %

(in tonnes)

Group No	CN code	1 January to 30 June 1994
42	0207 10 79	55
	0207 23 51	
	0207 23 59	
	0207 39 53	
	0207 43 11	
	0207 39 61	
	0207 43 23	
	ex 0207 39 65	
	ex 0207 43 31	
	ex 0207 39 67	
	ex 0207 43 41	
	0207 39 71	
	0207 43 51	
	0207 39 75	
	0207 43 61	
	ex 0207 39 81	
	ex 0207 43 71	
	ex 0207 39 85	
	ex 0207 43 90	

II. Levy reduced by 40 %

(in tonnes)

Group No	CN code	1 January to 30 June 1994
43	0207 10 19	400
	0207 21 90	
	0207 41 51	
	0207 41 71	
	0207 41 90	

III. Rate of customs duty reduced to 10,2 %

(in tonnes)

Group No	CN code	1 January to 30 June 1994
44	1602 31 11	165

*ANNEX II***Application of Regulation (EC) No 374/94**

COMMISSION OF THE EUROPEAN COMMUNITIES

DG VI/D/3 - Eggs and poultry

Applications for import licences at reduced levies	Date	Period
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Member State :

Consigner :

Person to contact :

Telephone :

Fax :

Group No	Quantity requested

*ANNEX III***Application of Regulation (EC) No 374/94**

COMMISSION OF THE EUROPEAN COMMUNITIES		DG VI/D/3-Eggs and poultry sector	
Applications for import licences at reduced levies		Date	Period
Group No	Member State		
CN code	Applicant (name and address)		Quantity (tonnes)
	Total tonnes of group number		

COMMISSION REGULATION (EC) No 375/94

of 18 February 1994

amending Regulation (EEC) No 2999/92 laying down detailed rules for the application of the specific measures for the supply of processed fruit and vegetables to Madeira in particular to determine the forecast supply balance for the period 1 July 1993 to 30 June 1994

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

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira with regard to certain agricultural products ⁽¹⁾, as amended by Regulation (EEC) No 1974/93 ⁽²⁾, and in particular Article 10 thereof,

Whereas Regulation (EEC) No 2999/92 ⁽³⁾, as amended by Commission Regulation (EEC) No 2027/93 ⁽⁴⁾, lays down detailed rules for the application of the specific measures for the supply of processed fruit and vegetable products to Madeira, 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;

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 2999/92 is hereby replaced by the Annex 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*.

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

Done at Brussels, 18 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 301, 17. 10. 1992, p. 7.

⁽⁴⁾ OJ No L 184, 27. 7. 1993, p. 21.

ANNEX

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

(tonnes)		
CN code	Description	Quantity
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	300
2008 30	— Citrus fruit	40
2008 40	— Pears	80
2008 60	— Cherries	60
2008 70	— Peaches	250
	— Other, including mixtures other than those of subheading 2008 19	
2008 92	— — Mixtures	50
2008 99	— — Other than palm hearts and mixtures	30
Total		810

COMMISSION REGULATION (EEC) No 376/94

of 18 February 1994

amending the export refunds on pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EEC) No 2759/75 of the Council of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EEC) No 1249/89 ⁽²⁾, and in particular the second sentence of Article 15 (5) thereof,

Whereas the export refunds on pigmeat were fixed by Commission Regulation (EC) No 293/94 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EC) No 293/94 to the information known to the Commission that the

export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 paragraph 1 of Regulation (EEC) No 2759/75, exported in the natural state, as fixed in the Annex to Regulation (EC) No 293/94 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 19 February 1994.

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

Done at Brussels, 18 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 39, 10. 2. 1994, p. 13.

ANNEX

to the Commission Regulation of 18 February 1994 altering the export refunds on pigmeat

(ECU/100 kg net weight)			(ECU/100 kg net weight)		
Product code	Destination of refund ⁽¹⁾	Amount of refund ⁽²⁾	Product code	Destination of refund ⁽¹⁾	Amount of refund ⁽²⁾
0103 91 10 000	01	17,00	0210 12 19 100	01	20,00
0103 92 19 000	01	17,00	0210 19 40 100	01	15,00
0203 11 10 000	01	25,00	0210 19 51 100	01	15,00
0203 12 11 100	01	25,00	0210 19 51 310	01	10,00
0203 12 19 100	01	25,00	0210 19 81 100	01	60,00
0203 19 11 100	01	25,00	0210 19 81 300	01	45,00
0203 19 13 100	01	25,00	1601 00 10 100	01	18,00
0203 19 15 100	01	17,00	1601 00 91 100	01	32,00
0203 19 55 120	01	15,00	1601 00 99 100	01	20,00
0203 19 55 190	01	15,00	1602 10 00 000	01	10,00
0203 19 55 311	01	10,00	1602 20 90 100	01	18,00
0203 19 55 391	01	10,00	1602 41 10 100	01	18,00
0203 21 10 000	01	25,00	1602 41 10 210	01	35,00
0203 22 11 100	01	25,00	1602 41 10 290	01	16,00
0203 22 19 100	01	25,00	1602 42 10 100	01	18,00
0203 29 11 100	01	25,00	1602 42 10 210	01	25,00
0203 29 13 100	01	25,00	1602 42 10 290	01	16,00
0203 29 15 100	01	17,00	1602 49 11 110	01	18,00
0203 29 55 120	01	15,00	1602 49 11 190	01	30,00
0203 29 55 190	01	15,00	1602 49 13 110	01	18,00
0203 29 55 311	01	10,00	1602 49 13 190	01	25,00
0203 29 55 391	01	10,00	1602 49 15 110	01	18,00
0210 11 11 100	01	15,00	1602 49 15 190	01	25,00
0210 11 31 110	01	60,00	1602 49 19 110	01	12,00
0210 11 31 910	01	45,00	1602 49 19 190	01	20,00
0210 12 11 100	01	10,00	1602 49 30 100	01	16,00
			1602 49 50 100	01	10,00
			1602 90 10 100	01	16,00
			1902 20 30 100	01	10,00

⁽¹⁾ The destinations are as follows:

01 all destinations.

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

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

COMMISSION REGULATION (EC) No 377/94
of 18 February 1994
fixing the export refunds on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 3669/93⁽²⁾, and in particular Article 30 (4) thereof,

Whereas Article 30 of Regulation (EEC) No 1035/72 provides that, to the extent necessary to allow economically significant quantities to be exported, the difference between prices in international trade for the products referred to in that Article and prices for the products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2518/69 of 9 December 1969 laying down general rules for the granting of refunds on exports of fruit and vegetables and criteria for fixing their amounts⁽³⁾, as amended by Regulation (EEC) No 2455/72⁽⁴⁾, provides that when refunds are being fixed, account must be taken of the existing situation and future trends with regard to prices and availabilities of fruit and vegetables on the Community market on the one hand and prices in international trade on the other; whereas account must also be taken of the costs indicated in (b) of that Article and of the economic aspects of the proposed exports;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2518/69, when prices on the Community market are being determined account must be taken of the prices which are most favourable from the exportation point of view; whereas, when prices in international trade are being determined, the quotations and prices referred to in paragraph 2 of that Article must be taken into account;

Whereas the situation with regard to international trade or the specific requirements of certain markets may make it necessary to vary the refund for a given product according to the destination of that product;

Whereas tomatoes, fresh lemons, fresh sweet oranges, apples, peaches and nectarines of the common quality

standards 'Extra' Class, Class I and Class II, almonds and hazelnuts, and unshelled walnuts may at present be exported in economically significant quantities;

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁶⁾, as amended by Regulation (EC) No 3528/93⁽⁷⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁸⁾;

Whereas it follows from applying these detailed rules to the present market situation and to its future trends, and in particular to quotations and prices for fruit and vegetables in the Community and in international trade that the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds in the fruit and vegetables sector shall be fixed at the amounts specified in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 March 1994.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 26.

⁽³⁾ OJ No L 318, 18. 12. 1969, p. 17.

⁽⁴⁾ OJ No L 266, 25. 11. 1972, p. 7.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁸⁾ OJ No L 108, 1. 5. 1993, p. 106.

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

Done at Brussels, 18 February 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 18 February 1994 fixing the export refunds on fruit and vegetables

(ECU/100 kg net)			(ECU/100 kg net)		
Product code	Destination of refund (1)	Amounts of refunds (2)	Product code	Destination of refund (1)	Amounts of refunds (2)
0702 00 10 100	04	4,50	0805 10 49 200	01	11,00
0702 00 90 100	04	4,50	0805 30 10 100	04	13,50
0802 12 90 000	04	9,67	0806 10 11 200	04	—
0802 21 00 000	04	11,30	0806 10 15 200	04	—
0802 22 00 000	04	21,80	0806 10 19 200	04	—
0802 31 00 000	04	14,00	0808 10 31 910	02	8,00
0805 10 11 200	01	11,00	0808 10 33 910	02	8,00
0805 10 15 200	01	11,00	0808 10 39 910	02	8,00
0805 10 19 200	01	11,00	0808 10 51 910	02	8,00
0805 10 21 200	01	11,00	0808 10 53 910	02	8,00
0805 10 25 200	01	11,00	0808 10 59 910	02	8,00
0805 10 29 200	01	11,00	0808 10 81 910	02	8,00
0805 10 31 200	01	11,00	0808 10 83 910	02	8,00
0805 10 35 200	01	11,00	0808 10 89 910	02	8,00
0805 10 39 200	01	11,00	0809 30 10 100	03	—
0805 10 41 200	01	11,00	0809 30 90 100	03	—
0805 10 45 200	01	11,00			

(1) The destinations are as follows:

01 Austria, Switzerland, Finland, Sweden, Greenland, Norway, Iceland, Malta, Poland, the Czech Republic, the Slovak Republic, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Bosnia-Herzegovina, Croatia, Slovenia, the former Yugoslav Republic of Macedonia,

02 Sweden, Norway, Iceland, Austria, the Faroe Islands, Finland, Greenland, Malta, Syria, Poland, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Bosnia-Herzegovina, Croatia, Slovenia, the former Yugoslav Republic of Macedonia, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia, the countries and territories of Africa other than South Africa, countries of the Arabian peninsula (Saudi Arabia, Bahrain, Qatar, Oman, the United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm, al Qaiwain, Fujairah and Ras al Khaimah), Kuwait, Yemen), Iran, Jordan,

03 all destinations excluding Switzerland and Austria,

04 all destinations.

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

COMMISSION REGULATION (EC) No 378/94**of 18 February 1994****fixing the import levies on cereals and on wheat or rye flour, groats and meal**

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

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

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

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 17

February 1994, as regards floating currencies, should be used to calculate the levies;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 February 1994.

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

Done at Brussels, 18 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 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 245, 1. 10. 1993, p. 108.

ANNEX

to the Commission Regulation of 18 February 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Third countries ^(*)
0709 90 60	83,60 ^{(2) (3)}
0712 90 19	83,60 ^{(2) (3)}
1001 10 00	0 ^{(1) (2)}
1001 90 91	96,08
1001 90 99	96,08 ⁽²⁾
1002 00 00	116,11 ⁽⁶⁾
1003 00 10	119,81
1003 00 90	119,81 ⁽²⁾
1004 00 00	94,04
1005 10 90	83,60 ^{(2) (3)}
1005 90 00	83,60 ^{(2) (3)}
1007 00 90	95,52 ⁽⁴⁾
1008 10 00	24,04 ⁽²⁾
1008 20 00	42,31 ⁽⁴⁾
1008 30 00	0 ⁽²⁾
1008 90 10	⁽⁷⁾
1008 90 90	0
1101 00 00	172,04 ⁽²⁾
1102 10 00	200,23
1103 11 10	30,45
1103 11 90	195,51
1107 10 11	181,90
1107 10 19	138,67
1107 10 91	224,14 ⁽¹⁰⁾
1107 10 99	170,23 ⁽²⁾
1107 20 00	196,59 ⁽¹⁰⁾

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

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

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EC) No 379/94**of 18 February 1994****fixing the premiums to be added to the import levies on cereals, flour and malt**

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

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

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

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 17

February 1994, as regards floating currencies, should be used to calculate the levies;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 February 1994.

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

Done at Brussels, 18 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 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 11.

ANNEX

to the Commission Regulation of 18 February 1994 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 2	1st period 3	2nd period 4	3rd period 5
0709 90 60	0	0	1,63	1,63
0712 90 19	0	0	1,63	1,63
1001 10 00	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	1,63	1,63
1005 90 00	0	0	1,63	1,63
1007 00 90	0	0	0	0
1008 10 00	0	3,69	3,69	3,69
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0
1102 10 00	0	0	0	0
1103 11 10	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EC) No 380/94

of 18 February 1994

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1544/93⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽⁵⁾, as amended by Regulation (EC) No 3528/93⁽⁶⁾,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation

(EC) No 191/94⁽⁷⁾, as last amended by Regulation (EC) No 352/94⁽⁸⁾;

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽⁹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹⁰⁾, the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Commission Regulation (EEC) No 1620/93⁽¹¹⁾ as fixed in the Annex to amended Regulation (EC) No 191/94 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 19 February 1994.

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

Done at Brussels, 18 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 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 154, 25. 6. 1993, p. 5.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁷⁾ OJ No L 24, 29. 1. 1994, p. 76.

⁽⁸⁾ OJ No L 44, 17. 2. 1994, p. 27.

⁽⁹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹⁰⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽¹¹⁾ OJ No L 155, 26. 6. 1993, p. 29.

ANNEX

to the Commission Regulation of 18 February 1994 altering the import levies on products processed from cereals and rice

(ECU/tonne)			(ECU/tonne)		
CN code	Import levies (7)		CN code	Import levies (7)	
	ACP	Third countries (other than ACP)		ACP	Third countries (other than ACP)
1102 20 10	148,23	154,27	1108 19 90	66,28 (2)	153,13
1102 20 90	84,00	87,02	1702 30 51	172,94	269,66
1102 30 00	112,29	115,31	1702 30 59	132,58	199,07
1103 13 10	148,23	154,27	1702 30 91	172,94	269,66
1103 14 00	112,29	115,31	1702 30 99	132,58	199,07
1103 13 90	84,00	87,02	1702 40 90	132,58	199,07
1103 29 40	148,23	154,27	1702 90 50	132,58	199,07
1103 29 50	112,29	115,31	1702 90 75	181,17	277,89
1104 19 50	148,23	154,27	1702 90 79	126,00	192,49
1104 19 91	190,67	196,71	2106 90 55	132,58	199,07
1104 23 10	131,76	134,78	2302 10 10	41,87	47,87
1104 23 30	131,76	134,78	2302 10 90	89,72	95,72
1104 23 90	84,00	87,02	2302 20 10	41,87	47,87
1104 30 90	61,76	67,80	2302 20 90	89,72	95,72
1106 20 90	128,95 (2)	153,13	2302 30 10	41,87 (8)	47,87
1108 12 00	132,58	153,13	2302 30 90	89,72 (8)	95,72
1108 13 00	132,58	153,13 (7)	2302 40 10	41,87	47,87
1108 14 00	66,28	153,13	2302 40 90	89,72	95,72
1108 19 10	161,01	191,84	2303 10 11	164,70	346,04

(2) In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States :

- products falling within CN code ex 0714 10 91,
- products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
- flours and meal of arrow-root falling within CN code 1106 20,
- arrow-root starch falling within CN code 1108 19 90.

(7) Pursuant to Regulation (EEC) No 3834/90, the levy on importation into the Community of products of CN code 1108 13 00 is reduced by 50 % within the limit of a fixed quantity of 5 000 tonnes.

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

(8) Under the terms of Regulation (EEC) No 3763/91 the levy does not apply to wheat bran originating in the African, Caribbean and Pacific States (ACP) and directly imported into the French department of Réunion.

COMMISSION REGULATION (EC) No 381/94**of 18 February 1994****fixing the import levies on white sugar and raw sugar**

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 133/94 ⁽²⁾, and in particular Article 16 (8) thereof,

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1695/93 ⁽⁵⁾, as last amended by Regulation (EC) No 353/94 ⁽⁶⁾;

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

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 17 February 1994, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 February 1994.

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

Done at Brussels, 18 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. 40.

⁽⁶⁾ OJ No L 44, 17. 2. 1994, p. 29.

ANNEX

to the Commission Regulation of 18 February 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽²⁾
1701 11 10	33,90 ⁽¹⁾
1701 11 90	33,90 ⁽¹⁾
1701 12 10	33,90 ⁽¹⁾
1701 12 90	33,90 ⁽¹⁾
1701 91 00	39,76
1701 99 10	39,76
1701 99 90	39,76 ⁽²⁾

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

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

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

COMMISSION REGULATION (EC) No 382/94

of 18 February 1994

terminating the lodging of applications for the advance-fixing certificates for the refund for the export of certain pigmeat products and setting a single percentage of reduction

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

Having regard to Council Regulation (EC) No 258/94 of 3 February 1994 laying down detailed rules for granting a special refund for exports of pigmeat sector products to certain third countries⁽¹⁾, and in particular Article 4 thereof,

Whereas the export refunds for pigmeat are laid down by Commission Regulation (EC) No 293/94⁽²⁾;

Whereas Regulation (EC) No 258/94 lays down that refunds must be fixed in advance for control purposes;

Whereas, pursuant to Article 4 of Regulation (EC) No 258/94, it may be decided to terminate the lodging of applications for the advance-fixing certificates and to reduce the quantities applied for when the total quantity exceeds 40 000 tonnes; whereas the total quantities of products referred to in Regulation (EC) No 258/94 for which advance-fixing certificates have been applied for far exceed the quantities available; whereas, therefore, in order to ensure an equitable allocation of the quantities

available, quantities applied for should be reduced pro rata, and the lodging of applications should be stopped from 21 February 1994,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for certificates for the advance-fixing of the refund for products falling within CN codes 0203 11 10 and 0203 21 10 referred to in the Annex to Regulation (EC) No 293/94 and which must be exported under the conditions laid down under Regulation (EC) No 258/94, submitted between 14 and 15 February 1994, shall be granted at the rate of 0,8 %.

2. From 21 February 1994, no further applications may be lodged.

Article 2

This Regulation shall enter into force on 19 February 1994.

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

Done at Brussels, 18 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 31, 4. 2. 1994, p. 24.

⁽²⁾ OJ No L 39, 10. 2. 1994, p. 13.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 4 February 1994

relating to a procedure in application of the second paragraph of Article 53 of the Euratom Treaty

(Only the German text is authentic)

(94/95/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 53 thereof,

Having regard to the letter of 29 December 1993 from Kernkraftwerke Lippe-Ems GmbH,

Whereas as follows :

I. THE FACTS

(1) The German Kernkraftwerke Lippe-Ems GmbH, hereinafter referred to as KLE, operates a nuclear power station and is, in this connection, a user of uranium. By letter of 25 November 1993, KLE submitted to the Euratom Supply Agency, hereinafter the Agency, under Article 52 of the Euratom Treaty, a supply contract for 400 tonnes of natural uranium UF₆ between it and British Nuclear Fuels plc, hereinafter referred to as BNFL. The letter was received by the Agency on 29 November.

(2) Before taking a decision under the Agency Rules of 5 May 1960 determining the manner in which demand is to be balanced against the supply of ores, source materials and special fissile materials⁽¹⁾ as

amended by the Regulation of 15 July 1975⁽²⁾, hereinafter referred to as the Agency Rules, the Agency asked the contracting parties by letter of 10 December 1993 to let it know the origin of the nuclear materials concerned. The request was done in the framework of a common supply policy regarding supplies from the republics of the Commonwealth of Independent States, hereinafter referred to as CIS, and aimed at ensuring security of supply for users in the Community.

(3) BNFL replied, by letter of 14 December 1993, that the uranium to be supplied under the contract would be from the CIS probably from Russia.

(4) By letter of 20 December 1993, the Agency — reiterating the reasons given in its letter of 10 December — expressed reservations, ensuing from the common supply policy, about the proposed contract and asked the parties to let it know their views before it took a final decision.

(5) By letter of 29 December 1993, received by the Commission on 3 January 1994, KLE referred the matter to the Commission, under the terms of the second paragraph of Article 53 of the Treaty, requesting that the Commission :

1. order the Euratom Supply Agency to conclude the contract of 10/22 November 1993 between KLE and BNFL for the supply of 400 tonnes of uranium ;

⁽¹⁾ OJ No 32, 11. 5. 1960, p. 777/60.

⁽²⁾ OJ No L 193, 25. 7. 1975, p. 37.

2. declare, in the event that the supply contract mentioned under 1, cannot enter into force because of the Agency's failure to act, that the Euratom Supply Agency must compensate KLE by paying it the higher purchase price and all the additional costs arising from the conclusion of a replacement contract,
 3. declare, in the event that its request under point 1 is refused, that the Euratom Supply Agency must pay damages to KLE in the form of a higher purchase price, in view of the fact that KLE can proceed with a replacement contract only after the Agency has notified its decision under Article 5 bis (g) of the Agency Rules or after the Commission has refused the request made under point 1.;
 4. oblige the Agency to pay the costs of the procedure.
- (6) These requests were based on the assertion that the Agency had failed to comply with Article 5 bis (f) of its rules by not giving its decision on its conclusion of the contract within ten working days from the date of receipt thereof, i.e. 29 November 1993.
 - (7) In accordance with its Decision No. 1/94 of 6 January 1994, the Agency has signed the contract that same day, on condition that the uranium to be supplied under the contract would not have its origin, either directly or indirectly, in any of the republics of the CIS.

II. LEGAL ASSESSMENT

- (8) Under Article 52 (2) of the Treaty, the Agency has a right of option on ores, source materials and special fissile materials produced in the territories of the Member States and an exclusive right to conclude contracts relating to the supply of such materials from countries inside or outside the Community. The Agency Rules determine the manner in which demand is to be balanced against supply.
- (9) Article 5 bis of these Rules provides in particular that:
 - (c) The supply contract shall include at least the following information:
 1.
 2.
 3.
 4.
 5. country of origin of the materials to be supplied. If the supplier is unable to provide this information at the time of entering into the contract, he shall give the user and the

Agency an undertaking that he will subsequently inform them in writing of the country of origin of each part delivery.'

(....)

'(f) the Agency shall act, either by concluding or refusing to conclude the contract, within 10 working days from the date of receipt thereof'.

- (10) Thus the origin of the materials constitutes an important piece of information for the Agency in the exercise of its right to conclude a contract. This knowledge is particularly important in the present situation where natural uranium from the republics of the CIS is being sold on the world market in considerably greater quantities and at prices which bear no relation to production costs in a market economy. This has serious implications for the Community market because such supplies are a threat to the diversification of sources of supply and, as a result, to the objective of regular and equitable supply laid down in Article 2 (d) of the Treaty. Consequently, the Agency, in exercising its right to conclude contracts, ensures that the Community does not become unreasonably over-dependent on any one source of supply and that nuclear materials from the CIS are purchased at market-related prices.
- (11) In view of the foregoing, and given the large quantities of natural uranium from the CIS for which KLE has already concluded contracts, it was essential for the agency to ascertain the origin of the uranium concerned in this case, before it could make its decision on the conclusion of the contract. Since the items of information listed in Article 5 bis (c) of the Agency Rules are minimum requirements only, the Agency was justified to complete its information on the basis of which it took its decision as it did with the letter of 10 December 1993 to BNFL and KLE.
- (12) In its letters of 14 December 1993, BNL provided the information requested. Once it had received this information the Agency was in a position to give its ruling.
- (13) The period must be calculated in accordance with Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits⁽¹⁾. The public holidays for 1993 have been published⁽²⁾. Accordingly, the abovementioned period of ten working days thus began on 15 December and the last day was 6 January 1994, the day on which the Agency took its decision.

⁽¹⁾ OJ No L 124, 8. 6. 1971, p. 1.

⁽²⁾ OJ No C 2, 6. 1. 1993, p. 8.

- (14) The requests made to the Commission by KLE are based on the Agency's alleged failure to act. The above considerations show that there was no such failure on the part of the Agency. Accordingly, the requests made by KLE cannot be accepted,

Article 2

This Decision is addressed to Kernkraftwerke Lippe-Ems GmbH, Rheinlanddamm 24, D-44139 Dortmund, Federal Republic of Germany.

HAS ADOPTED THIS DECISION:

Done at Brussels, 4 February 1994.

Article 1

The requests made by Kernkraftwerke Lippe-Ems GmbH in its letter of 29 December 1993 are hereby rejected.

For the Commission

Abel MATUTES

Member of the Commission
