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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 390/94**of 22 February 1994****establishing unit values for the determination of the customs value of certain perishable goods**

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

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾, as amended by Regulation (EC) No 3665/93 ⁽³⁾, and in particular Article 173 (1) thereof,

Whereas Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation;

Whereas the result of applying the rules and criteria laid down in the abovementioned Articles to the elements

communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173 (1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 February 1994.

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

Done at Brussels, 22 February 1994.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽³⁾ OJ No L 335, 31. 12. 1993, p. 1.

ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Idl	Lit	Fl	£
1.10	0701 90 51 0701 90 59	New potatoes	38,02	1 517	287,97	73,64	250,55	10 678	30,11	71 641	82,63	28,95
1.20	0702 00 10 0702 00 90	Tomatoes	68,74	2 742	520,65	133,14	452,99	19 306	54,44	129 524	149,39	52,35
1.30	0703 10 19	Onions (other than seed)	11,92	475	90,31	23,09	78,58	3 349	9,44	22 469	25,91	9,08
1.40	0703 20 00	Garlic	154,11	6 149	1 167,26	298,50	1 015,58	43 283	122,06	290 384	334,93	117,36
1.50	ex 0703 90 00	Leeks	28,17	1 137	212,55	54,34	186,21	7 768	22,50	53 592	60,85	21,40
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	57,81	2 331	438,81	113,34	385,48	15 133	43,14	104 614	127,38	45,06
1.70	0704 20 00	Brussels sprouts	53,71	2 172	405,33	104,22	354,64	14 950	41,74	101 870	116,85	40,02
1.80	0704 90 10	White cabbages and red cabbages	31,38	1 265	239,40	61,47	210,09	8 126	23,42	54 525	69,15	25,05
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>)	79,26	3 206	598,09	153,78	523,30	22 060	61,59	150 316	172,41	59,05
1.100	ex 0704 90 90	Chinese cabbage	43,28	1 726	327,81	83,83	285,21	12 155	34,28	81 551	94,06	32,96
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	56,87	2 269	430,78	110,16	374,80	15 974	45,04	107 168	123,60	43,31
1.120	ex 0705 29 00	Endives	21,82	877	162,70	42,58	143,89	5 690	17,51	39 262	47,92	17,72
1.130	ex 0706 10 00	Carrots	18,67	745	141,45	36,17	123,07	5 245	14,79	35 189	40,58	14,22
1.140	ex 0706 90 90	Radishes	102,82	4 102	778,78	199,15	677,58	28 878	81,43	193 741	223,46	78,30
1.150	0707 00 11 0707 00 19	Cucumbers	82,80	3 303	627,13	160,37	545,64	23 255	65,58	156 015	179,95	63,05
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	193,80	7 733	1 467,88	375,37	1 277,13	54 430	153,50	365 171	421,19	147,59
1.170		Beans :										
1.170.1	0708 20 10 0708 20 90	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)	226,61	9 042	1 716,39	438,92	1 493,35	63 645	179,48	426 992	492,49	172,58
1.170.2	0708 20 10 0708 20 90	Beans (<i>Phaseolus</i> ssp., <i>vulgaris</i> var. <i>Compressus Savi</i>)	215,53	8 642	1 627,78	419,26	1 422,79	60 327	168,11	406 388	469,80	161,34
1.180	ex 0708 90 00	Broad beans	92,83	3 894	734,40	189,09	645,42	21 793	71,04	142 837	212,96	66,61
1.190	0709 10 00	Globe artichokes	97,35	3 884	737,40	188,57	641,57	27 343	77,11	183 446	211,58	74,14
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	617,16	24 625	4 674,42	1 195,37	4 066,99	173 333	488,81	1 162 873	1 341,27	470,01
1.200.2	ex 0709 20 00	— other	176,40	7 185	1 343,87	339,07	1 171,98	48 656	140,62	335 619	380,68	133,56
1.210	0709 30 00	Aubergines (egg-plants)	119,41	4 764	904,48	231,30	786,94	33 539	94,58	225 010	259,52	90,94
1.220	ex 0709 40 00	Ribbed celery (<i>Apium graveolens</i> var. <i>dulce</i>)	45,07	1 798	341,36	87,29	297,00	12 658	35,69	84 923	97,95	34,32
1.230	0709 51 30	Chantarelles	597,24	24 693	4 608,56	1 140,32	3 976,20	164 183	486,99	1 109 159	1 280,76	465,59
1.240	0709 60 10	Sweet peppers	143,62	5 730	1 087,82	278,18	946,46	40 337	113,75	270 621	312,13	109,38
1.250	0709 90 50	Fennel	73,55	2 966	558,22	144,18	490,38	19 251	54,88	133 083	162,05	57,33
1.260	0709 90 70	Courgettes	40,51	1 616	306,83	78,46	266,95	11 377	32,08	76 331	88,04	30,85
1.270	ex 0714 20 10	Sweet potatoes, whole, fresh (intended for human consumption)	61,81	2 466	468,16	119,72	407,33	17 360	48,95	116 467	134,33	47,07
2.10	ex 0802 40 00	Chestnuts (<i>Castanea</i> spp.), fresh	83,78	3 378	639,04	164,08	560,82	21 691	62,54	145 547	184,60	66,87
2.20												
2.30	ex 0804 30 00	Pineapples, fresh	43,62	1 740	330,43	84,50	287,49	12 252	34,55	82 202	94,81	33,22
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	121,32	4 840	918,89	234,98	799,48	34 073	96,09	228 595	263,66	92,39

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.50	ex 0804 50 00	Guavas and mangoes, fresh	157,29	6 276	1 191,33	304,65	1 036,52	44 176	124,58	296 372	341,83	119,78
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	35,73	1 425	270,63	69,20	235,46	10 035	28,30	67 327	77,65	27,21
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	27,23	1 086	206,29	52,75	179,48	7 649	21,57	51 319	59,19	20,74
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	33,52	1 356	252,99	65,04	221,35	9 331	26,05	63 583	72,93	24,97
2.70		Mandarins (including tangerines and satsumas), fresh ; clementines, wilkings and similar citrus hybrids, fresh :										
2.70.1	ex 0805 20 10	— Clementines	76,92	3 069	582,61	148,99	506,90	21 604	60,92	144 940	167,17	58,58
2.70.2	ex 0805 20 30	— Monreales and Satsumas	40,59	1 642	306,32	78,76	268,01	11 298	31,54	76 985	88,30	30,24
2.70.3	ex 0805 20 50	— Mandarins and wilkings	33,98	1 355	257,38	65,81	223,93	9 544	26,91	64 029	73,85	25,88
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	49,84	1 988	377,49	96,53	328,44	13 998	39,47	93 911	108,31	37,95
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	26,27	1 048	199,03	50,89	173,17	7 380	20,81	49 515	57,11	20,01
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	136,92	5 463	1 037,04	265,20	902,28	38 454	108,44	257 988	297,56	104,27
2.90		Grapefruit, fresh :										
2.90.1	ex 0805 40 00	— white	32,24	1 286	244,21	62,45	212,47	9 055	25,53	60 754	70,07	24,55
2.90.2	ex 0805 40 00	— pink	49,77	1 986	377,00	96,40	328,01	13 979	39,42	93 787	108,17	37,90
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	120,42	4 804	912,07	233,24	793,55	33 820	95,37	226 899	261,70	91,70
2.110	0807 10 10	Water-melons	57,44	2 291	435,06	111,25	378,53	16 132	45,49	108 232	124,83	43,74
2.120		Melons (other than water-melons) :										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey dew (including Cantalene), Onteniente, Piel de Sapo (including Verde Liso), Rochet, Tendral, Futuro	49,01	1 955	371,21	94,93	322,97	13 765	38,81	92 348	106,51	37,32
2.120.2	ex 0807 10 90	— other	116,70	4 656	883,90	226,03	769,04	32 776	92,43	219 891	253,62	88,87
2.130	0808 10 31 0808 10 33 0808 10 39 0808 10 51 0808 10 53 0808 10 59 0808 10 81 0808 10 83 0808 10 89	Apples	56,86	2 268	430,69	110,14	374,73	15 970	45,03	107 146	123,58	43,30
2.140		Pears										
2.140.1	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Pears — Nashi (<i>Pyrus pyrifolia</i>)	244,99	9 775	1 855,56	474,51	1 614,43	68 806	194,04	461 614	532,43	186,57
2.140.2	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Other	60,62	2 418	459,16	117,42	399,49	17 026	48,01	114 228	131,75	46,16

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.150	0809 10 00	Apricots	154,35	6 189	1 165,71	300,24	1 018,91	43 202	120,39	291 030	336,44	115,54
2.160	0809 20 20 0809 20 40 0809 20 60 0809 20 80	Cherries	105,23	4 219	794,77	204,70	694,68	29 455	82,08	198 422	229,38	78,77
2.170	ex 0809 30 90	Peaches	90,19	3 598	683,13	174,69	594,36	25 331	71,43	169 946	196,01	68,69
2.180	ex 0809 30 10	Nectarines	131,17	5 233	993,50	254,06	864,40	36 840	103,89	247 157	285,07	99,89
2.190	0809 40 11 0809 40 19	Plums	116,21	4 637	880,22	225,09	765,84	32 639	92,04	218 976	252,57	88,50
2.200	0810 10 10 0810 10 90	Strawberries	280,84	11 205	2 127,08	543,95	1 850,67	78 874	222,43	529 162	610,34	213,88
2.205	0810 20 10	Raspberries	1 232,1	49 408	9 305,36	2 396,74	8 133,50	344 866	961,01	2 323 153	2 685,64	922,33
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	102,94	4 142	776,64	201,08	684,00	27 469	82,98	185 034	226,07	78,92
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	93,82	3 762	708,59	182,50	619,35	26 261	73,18	176 905	204,50	70,23
2.230	ex 0810 90 80	Pomegranates	48,29	1 953	364,38	93,69	318,81	13 439	37,52	91 577	105,04	35,97
2.240	ex 0810 90 80	Khakis (including Sharon fruit)	55,63	2 219	421,38	107,75	366,62	15 625	44,06	104 828	120,91	42,37
2.250	ex 0810 90 30	Lychees	170,16	6 789	1 288,86	329,59	1 121,37	47 792	134,77	320 634	369,82	129,59

COMMISSION REGULATION (EC) No 391/94**of 23 February 1994****altering the export refunds on white sugar and raw sugar exported in the natural state**

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 133/94 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 348/94 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 348/94 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;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁴⁾, as amended by Regulation (EC) No 3528/93 ⁽⁵⁾, are used to convert amounts expressed in third country currencies

and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 348/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 February 1994.

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

Done at Brussels, 23 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 44, 17. 2. 1994, p. 20.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.

ANNEX

to the Commission Regulation of 23 February 1994 altering the export refunds on white sugar and raw sugar exported in the natural state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	32,99 ⁽¹⁾
1701 11 90 910	30,85 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	32,99 ⁽¹⁾
1701 12 90 910	30,85 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3586
	— ECU/100 kg —
1701 99 10 100	35,86
1701 99 10 910	34,51
1701 99 10 950	34,51
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3586

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

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

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

COMMISSION REGULATION (EC) No 392/94

of 23 February 1994

amending Regulation (EEC) No 1443/82 laying down detailed rules for the application of the quota system in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 133/94⁽²⁾, and in particular Articles 24b (6) and 39 thereof,

Whereas the common organization of the markets in the sugar sector covered by Regulation (EEC) No 1785/81 has been extended with effect from 1 July 1994 to include inulin syrup covered by CN codes ex 1702 60 90 and ex 1702 90 90; whereas the production quota arrangements provided therein apply to this product from the 1994/95 marketing year onwards; whereas for this purpose the necessary detailed rules should be established by amending Commission Regulation (EEC) No 1443/82⁽³⁾, as last amended by Regulation (EEC) No 886/91⁽⁴⁾;

Whereas Article 24b (1) of Regulation (EEC) No 1785/81 lays down that in principle the A quota of each undertaking producing inulin syrup shall be equal to its production volume, established by the Member State concerned on terms to be determined, obtained during the period 1 July 1992 to 30 June 1993 from a specific installation designed and reserved for the hydrolysis of inulin as part of a complete integrated conversion process stretching from reception of the basic agricultural product to final production of inulin syrup; whereas, having regard to this process definition, provision should be made for Member States to take into account when carrying out this exercise at all events the quantity of roots of the basic agricultural product purchased, accepted into the reception point and processed into inulin syrup during the period concerned, as well as the quantity of inulin syrup produced in the said installation at the end of a continuous and uninterrupted manufacturing process during the reference period;

Whereas Article 24b (3) of Regulation (EEC) No 1785/81 lays down that, when determining the undertaking's installed technical production capacity necessary for establishing the A and B quotas, reference must be made to the continuous industrial production in the relevant installation; whereas, in order to ensure the uniform application of this rule in the Community, it is necessary

to define its scope by reference in particular to the relationship between the actual production capacity and the potential market demand;

Whereas inulin syrup in product form generally appears as such from the moment that the inuline or its oligofructoses have undergone the process known as hydrolysis and first evaporation; whereas that factor, together with the need to eliminate any discretion in the choice of the moment at which future production should be established, means that, from the 1994/95 marketing year, production should be established immediately after the hydrolysis and first evaporation process has ended and before any operation to separate the glucose and fructose constituents or to produce mixtures;

Whereas the determination both of production capacities and of production itself must, by virtue in particular of the application of the coefficient of 1,9 fixed by Regulation (EEC) No 1785/81 for achieving equivalence between inulin syrup and sugar/isoglucose, proceed on the understanding that those operations are to be carried out by reference to an inulin syrup with an 80 % fructose content;

Whereas, in order to enable the Member States concerned to determine and allocate, in full knowledge of the facts, the quotas of all undertakings producing inulin syrup located on their territories, each of the said undertakings should be required to notify certain information as well as to grant the Member State concerned at all times the right to carry out all the controls and verifications of its installations which may be necessary;

Whereas the production year for inulin syrup coincides in general with the production year for sugar; whereas the establishment of inulin syrup production and the calculation of the production levies should accordingly take place by reference to the same dates as those applicable to the production of sugar;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1443/82 is hereby amended as follows:

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 158, 9. 6. 1982, p. 17.

⁽⁴⁾ OJ No L 90, 11. 4. 1991, p. 15.

1. The following Article 2a is inserted :

Article 2a

1. For the purposes of establishing the production referred to in Article 24b (1) of Regulation (EEC) No 1785/81, the Member State concerned must take into account, in particular, the quantity of roots of the basic agricultural product purchased, accepted into the reception point and processed into inulin syrup in the specific installations designed and reserved for that purpose by the inulin syrup-producing undertaking concerned during the reference period as defined in the said paragraph 1.

Account shall be taken only of the quantity of inulin syrup produced in those installations after a continuous manufacturing process which is not interrupted during the reference period and within the maximum period referred to in Article 24b (3) of Regulation (EEC) No 1785/81.

2. For the purposes of determining the technical production capacity referred to in Article 24b (3) of Regulation (EEC) No 1785/81, industrial production within the meaning of the said paragraph 3 shall be taken to be the production necessary to meet any order for the purchase of inulin syrup, within the quantitative limit of that capacity and after the exclusion of any production from pilot or test installations. The capacity shall be expressed as sugar/isoglucose equivalent by applying the coefficient 1,9 to an inulin syrup in the dry state for which the fructose content has been converted to 80 %.

3. The notification indicated in Article 24b (4) of Regulation (EEC) No 1785/81 must include the following, in addition to the information required under the said Article :

- (a) the corporate name and address of the undertaking, and the sites where the installations for manufacturing inulin syrup are located ;
- (b) the production diagram ;
- (c) the quantity of roots of the basic agricultural product purchased, accepted into the reception point and manufactured into inulin syrup in the specific installations designed and reserved for that purpose by the inulin syrup-producing undertaking concerned, during the period 1 July 1992 to 30 June 1993 ;
- (d) the inulin syrup production achieved by the undertaking concerned during the period 1 July 1992 to 30 June 1993 in the installations referred to in Article 24b (1) of Regulation (EEC) No 1785/81, after taking into account the conditions indicated in paragraph 1 of this Article ;
- (e) the daily technical capacity for industrial production installed at 1 October 1992, expressed as sugar/isoglucose equivalent by applying the coefficient 1,9 to an inulin syrup in the dry state for

which the fructose content has been restored to 80 % ;

- (f) the actual duration of the manufacture period in conformity with the process indicated in the second subparagraph of paragraph 1, expressed in work-days ;
- (g) the daily capacity for processing roots into inulin syrup over the duration of the manufacturing period ;
- (h) the root-washing capacity, expressed in tonnes per hour ;
- (i) the diffusion capacity, expressed in tonnes of sliced beet per hour, or root-crushing capacity when the process does not make use of diffusion ;
- (j) the elimination capacity for non-sugars and wastes through a purification cycle ;
- (k) the hydrolysis capacity, expressed in tonnes per hour for hydrolysis to the 80 % fructose stage ;
- (l) the level of product dry matter on entry to and emergence from the first concentration ;
- (m) installed storage capacity as at 1 October 1992.

The notification must be accompanied by all factual evidence in support of the points mentioned therein, and by a declaration in writing by the manufacturer under which he undertakes to grant the competent authorities of the Member State concerned the means for carrying out in his installations the controls and verifications which they deem necessary.

The Member States concerned may, where required, have recourse to information other than that supplied by the undertaking concerned in order to establish the accuracy of notifications.

Notifications must reach the competent authorities of the Member State concerned by 15 March 1994 at the latest.

The undertakings producing inulin syrup which fulfil the required conditions shall be notified of their A and B production quotas, as defined in Article 24b of Regulation (EEC) No 1785/81, by the Member State concerned at the latest by 15 April 1994. In special cases the Member State concerned may, where control considerations are involved, extend the deadline for notification until 30 April 1994.

2. The following Article 2b is inserted :

Article 2b

1. With effect from the 1994/95 marketing year, for the purposes of Article 24b and Articles 26 to 29 of Regulation (EEC) No 1785/81, 'inulin syrup production' shall mean the quantity of the product obtained after the hydrolysis of inulin or oligofructoses with a content by weight in the dry state of at least 10 % fructose in free form or as sucrose, irrespective of its fructose content in excess of that limit, expressed as dry matter equivalent sugar/isoglucose, and established for each undertaking producing inulin syrup in accordance with paragraph 2.

2. The quantity of the product referred to in paragraph 1 shall be recorded by :

- (a) physical metering of the total volume of the product immediately after leaving the first evaporator after each hydrolysis and before any operation to separate the glucose and fructose constituents or to produce mixtures ; and
- (b) determination of the dry matter content by refractometry and measurement of the fructose content by weight in the dry state, on the basis of daily representative sampling ; and
- (c) conversion of the fructose content to 80 % by weight in the dry state by multiplying the quantity determined in dry matter by the coefficient representing the ratio between the measured fructose content of the said quantity of syrup and 80 % ; and
- (d) expression as sugar/isoglucose equivalent by applying the coefficient 1,9.'

3. Article 3 is amended as follows :

- (a) The first subparagraph of paragraph 1 is replaced by the following :

'Before 15 February of each year Member States shall establish provisional sugar and inulin syrup production figures for the current marketing year for each undertaking situated on their territories.'

- (b) Paragraph 3 is replaced by the following :

'3. Before 1 October of each year Member States shall establish final figures for sugar, isoglucose and inulin syrup production by each undertaking in the preceding marketing year.'

4. Article 5 is amended as follows :

- (a) Indent (b) of paragraph 1 is replaced by the following :

'(b) the unit amounts, determined in accordance with Article 6, to be paid by sugar manufacturers, isoglucose manufacturers and inulin syrup manufacturers as advance payments in respect of the levy shall be fixed in accordance with the procedure laid down in Article 41 of Regulation EEC No 1785/81.'

- (b) The first and second subparagraphs of paragraph 2 are replaced by the following :

'2. Before 15 April of the current marketing year Member States shall establish the advance payments to be made by each sugar-producing undertaking, each isoglucose-producing undertaking and each inulin syrup-producing undertaking.

In the case of sugar and inulin syrup, the advance payment shall be determined :

- (a) by applying to the provisional production of A sugar and A inulin syrup and B sugar and B inulin syrup, determined pursuant to Article 3 (1), the unit amount fixed for the advance payment in respect of the basic production levy ; and
- (b) by applying to the provisional production of B sugar and B inulin syrup, determined pursuant to Article 3 (1), the unit amount fixed for the advance payment in respect of the B levy.'

(c) Paragraph 5 is replaced by the following :

'5. For the purposes of determining the quantity referred to in Article 28 (1) (b) of Regulation (EEC) No 1785/81, there shall be subtracted from the sum of :

- (a) the quantities of sugar, isoglucose and inulin syrup disposed of for consumption within the Community either directly or after processing by the user industries ; and
- (b) the quantities of denatured sugar ; and
- (c) the quantities of sugar, isoglucose and inulin syrup imported from non-member countries as processed products ;

the sum of the quantities of sugar, isoglucose and inulin syrup exported to non-member countries as processed products and the quantities of basic products exceeding in total 60 000 tonnes of white sugar equivalent for which certificates for the production refunds referred to in Article 1 of Council Regulation (EEC) No 1010/86 (*) have been issued.

The following shall be regarded within the meaning of Article 28 (1) (d) of Regulation (EEC) No 1785/81 as export obligations to be fulfilled during the current marketing year :

- (a) all quantities of sugar to be exported in the natural state with export levies or refunds fixed by means of tenders opened in respect of the said marketing year ;
- (b) all quantities of sugar, isoglucose and inulin syrup to be exported in the natural state with export refunds or levies fixed periodically on the basis of export licences issued during the said marketing year ;
- (c) all foreseeable exports of sugar, isoglucose and inulin syrup in the form of processed products with refunds or levies fixed for that purpose during the said marketing year, such quantities being spread evenly over the marketing year.

For the calculation of the estimated average loss referred to in Article 28 (1) (d) of Regulation (EEC) No 1785/81 there shall also be taken into account the production refunds for quantities of basic products exceeding in total 60 000 tonnes of white sugar equivalent for which certificates for the production refunds referred to in Article 1 of Regulation (EEC) No 1010/86 have been issued during the course of the marketing year in question.

(*) OJ No L 94, 9. 4. 1986, p. 9.

5. Article 6 is amended as follows:

- (a) The opening phase of paragraph 1 is replaced by the following:

'1. Where the estimate of the basic production levy on sugar and inulin syrup is:'

- (b) Paragraph 2 is replaced by the following:

'2. The rule laid down in paragraph 1 shall also apply for determining the unit amount of the advance payment in respect of the B levy on sugar and inulin syrup, taking into account the maximum amount referred to in Article 28 (4) or (5) of Regulation (EEC) No 1785/81.'

6. Article 7 is replaced by the following:

Article 7

1. There shall be fixed for sugar, isoglucose and inulin syrup before 15 October, in respect of the preceding marketing year:

- (a) the amounts of the basic production levy and B levy;

- (b) if required, the coefficient referred to in Article 28a (2) of Regulation (EEC) No 1785/81.

2. Before 1 November in respect of the preceding marketing year and taking into account the advance payments collected pursuant to Article 5, Member States shall determine the balance of the levies outstanding in the case of each sugar-producing undertaking, each isoglucose-producing undertaking and each inulin syrup-producing undertaking.

Balances due from the undertaking or from the Member State shall be paid before 15 December following.

3. If a coefficient is adopted pursuant to Article 28a (2) of Regulation (EEC) No 1785/81 the Member States shall, in accordance with the provisions of that paragraph, determine for each sugar producing undertaking, for each isoglucose-producing undertaking and for each inulin syrup-producing undertaking, before 1 November and in respect of the preceding marketing year, the additional levy to be paid by the manufacturers in question. This levy shall be collected at the same time as the balance of the production levies for the said marketing year.'

Article 2

This Regulation shall enter into force on 1 March 1994.

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

Done at Brussels, 23 February 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 393/94

of 23 February 1994

amending Regulation (EEC) No 685/69 on detailed rules of application for intervention on the market in butter and cream

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 230/94 ⁽²⁾, and in particular Article 6 (7), the first subparagraph of Article 7a (1) and (3) thereof,

Whereas Articles 23, 24 and 25 of Commission Regulation (EEC) No 685/69 of 14 April 1969 ⁽³⁾, as last amended by Regulation (EEC) No 1756/93 ⁽⁴⁾, contain references to the period of contractual storage of butter and cream; whereas there is a lack of uniformity in the terms used to define the first day and the last day of the period of contractual storage and as a consequence those Articles should be clarified;

Whereas Title III of that Regulation lays down detailed rules for granting aid for private storage of butter and cream and Article 24 (3) (c) thereof fixes compensation per day of contractual storage calculated by reference to the buying-in price and interest rates; whereas, given the trend on the money market and in interest rates, that rate should be reduced; whereas paragraph 4 of that Article provides for the possibility of paying an advance on the aid account being taken, where appropriate, of any change in the aid following a change in the buying-in price pursuant to Article 29 of that Regulation; whereas the latter Article should be amended to take account of the fact that butter is now bought in by invitation to tender; whereas amending Article 29 makes it unnecessary for the purposes of advances to take account of any changes in the buying-in price;

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit laid down by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 685/69 is hereby amended as follows:

1. Article 23 is amended as follows:

- in the first subparagraph of paragraph 1, 'the day of commencement of storage under the contract' is replaced by 'the day of commencement of contractual storage';
- in the first subparagraph of paragraph 6, 'The date of commencement of contractual storage' is replaced by 'The day of commencement of contractual storage';
- in the second subparagraph of paragraph 7, 'The last day of the period of contractual storage' is replaced by 'The last day of contractual storage';

2. Article 24 is amended as follows:

- in paragraph 3 (c), the rate of interest '10 %' is replaced by '7 %';
- the third subparagraph of paragraph 4 is replaced by the following:
'The advance payment, calculated on the basis of a storage period of 120 days, shall include all the aid components referred to in paragraph 3 (a), (b) and (c).';

3. Article 25 is amended as follows:

- in paragraph 2 (a), 'the date of commencement of storage' is replaced by 'the day of commencement of contractual storage';

4. Article 29 is replaced by the following:

'Article 29

Where the maximum buying-in price fixed by invitation to tender in accordance with Commission Regulation (EEC) No 1589/87 of 5 June 1987 on the sale by tender of butter to intervention agencies ⁽⁵⁾, expressed in national currency and applying on the day of commencement of contractual storage:

- (a) is higher than that applying on the last day of contractual storage, the aid laid down in Article 24 (3) shall be increased by an amount equal to any reduction in the maximum buying-in price in excess of 2 % of the price applying on the day of commencement of contractual storage;
- (b) is lower than that applying on the last day of contractual storage, the aid laid down in Article 24

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 1.

⁽³⁾ OJ No L 90, 15. 4. 1969, p. 12.

⁽⁴⁾ OJ No L 161, 2. 7. 1993, p. 48.

(3) shall be reduced by an amount equal to any increase in the maximum buying-in price in excess of 2 % of the price applying on the day of commencement of contractual storage. However, the reduction in the aid may not exceed the total aid.

(*) OJ No L 146, 6. 6. 1987, p. 27.

Article 2

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

It shall apply to contracts concluded after its entry into force.

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

Done at Brussels, 23 February 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 394/94

of 23 February 1994

amending Regulation (EC) No 266/94 laying down detailed rules for the application in 1994 of the import arrangements for beef and veal provided for in the bilateral Agreement between the Community and Sweden

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1108/93 of 4 May 1993 laying down certain provisions for the application of the bilateral Agreements on agriculture between the Community, of the one part, and Austria, Finland, Iceland, Norway and Sweden, of the other part⁽¹⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽²⁾, as last amended by Regulation (EC) No 3611/93⁽³⁾, and in particular Article 15 (2) thereof,

Whereas Article 5 (4) of Commission Regulation (EC) No 266/94 of 4 February 1994⁽⁴⁾ mistakenly refers to inexistent provisions; whereas that reference should be corrected;

Whereas licence applications may be submitted as from 15 February 1994; whereas this Regulation should accordingly come into force as soon as possible;

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

Article 5 (4) of Regulation (EC) No 266/94 is hereby replaced by the following:

'4. Notwithstanding Articles 4 and 6 of Regulation (EEC) No 2377/80, the security for import licences shall be ECU 10 per 100 kilograms by weight of product and the term of validity of licences issued under the fourth indent of Article 4 (5) of this Regulation shall expire on 31 December 1994.'

Article 2

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

It shall apply with effect from 15 February 1994.

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

Done at Brussels, 23 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 113, 7. 5. 1993, p. 1.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽³⁾ OJ No L 328, 29. 12. 1993, p. 7.

⁽⁴⁾ OJ No L 32, 5. 2. 1994, p. 9.

COMMISSION REGULATION (EC) No 395/94
of 23 February 1994

fixing the maximum export refund for white sugar for the 38th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1144/93

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 133/94⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

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

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

Whereas, following an examination of the tenders submitted in response to the 38th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 38th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1144/93 the maximum amount of the export refund is fixed at ECU 37,035 per 100 kilograms.

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

Article 2

This Regulation shall enter into force on 24 February 1994.

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

Done at Brussels, 23 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 116, 12. 5. 1993, p. 5.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

COMMISSION REGULATION (EC) No 396/94**of 23 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 22

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 24 February 1994.

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

Done at Brussels, 23 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 23 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⁾ ⁽³⁾
1001 90 91	96,08
1001 90 99	96,08 ⁽³⁾
1002 00 00	116,11 ⁽⁶⁾
1003 00 10	119,81
1003 00 90	119,81 ⁽⁷⁾
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	27,98 ⁽⁵⁾
1008 20 00	42,31 ⁽⁴⁾
1008 30 00	0 ⁽³⁾
1008 90 10	⁽⁷⁾
1008 90 90	0
1101 00 00	170,85 ⁽⁷⁾
1102 10 00	200,23
1103 11 10	30,93
1103 11 90	194,32
1107 10 11	181,90
1107 10 19	138,67
1107 10 91	224,14 ⁽¹⁰⁾
1107 10 99	170,23 ⁽⁹⁾
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 397/94

of 23 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 22

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 24 February 1994.

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

Done at Brussels, 23 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 23 February 1994 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

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

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	2	3	4	5	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

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 1/94 OF THE EC-CYPRUS ASSOCIATION COUNCIL

of 14 February 1994

derogating from the provisions concerning the definition of the concept of originating products laid down in the Agreement establishing an association between the European Economic Community and the Republic of Cyprus

(94/112/EC)

THE EC-CYPRUS ASSOCIATION COUNCIL,

Having regard to the Agreement establishing an association between the European Economic Community and the Republic of Cyprus⁽¹⁾, signed at Brussels on 19 December 1972, hereinafter referred to as 'the Agreement',

Having regard to the Protocol concerning the definition of the concept of originating products and methods of administrative cooperation annexed to the Additional Protocol to the said Agreement⁽²⁾, and in particular Article 25 thereof,

Whereas it was agreed, in the Joint Declaration by the Contracting Parties concerning the rules of origin, attached to the Final Act of the Protocol laying down the conditions and procedures for the implementation of the second stage of the Agreement establishing an association between the European Economic Community and the Republic of Cyprus and adapting certain provisions of the Agreement⁽³⁾, which was signed at Luxembourg on 19 October 1987 and entered into force on 1 January 1988, that the Community and the EC-Cyprus Association Council would, once the said Protocol had entered into force, take a decision on additional Cypriot requests for derogations from the rules of origin applicable to products under heading Nos 6102 and 6103 of the Common Customs Tariff;

Whereas a derogation from the relevant provisions concerning the definition of the concept of originating products for the goods in question was granted to Cyprus

for a period of two years by Decision No 1/89 of 28 July 1989 of the EEC-Cyprus Association Council; whereas the said derogation was prolonged for a further period of two years by Decision No 1/91 of 19 December 1991 of the EEC-Cyprus Association Council;

Whereas the reasons for the said decision remain valid; whereas it is consequently desirable to prolong the said derogation for a further period of two years,

HAS DECIDED AS FOLLOWS:

Article 1

By way of derogation from Article 3 (1) of the Protocol concerning the definition of the concept of originating products and methods of administrative cooperation, products listed in Annex I to this Decision and manufactured in Cyprus shall, within the limits of the quantities indicated and under the conditions set out below, be considered as originating products for the purposes of the Agreement.

Article 2

1. For the purposes of Article 1, products listed in Annex I shall be considered as originating in Cyprus provided that, as a result of working or processing carried out in Cyprus, the products obtained are classified under a tariff heading other than that covering each of the materials worked or processed.

2. Notwithstanding paragraph 1, the manufacture of garments from parts of garments falling within CN code 6217 90 00 shall not be considered as sufficient working or processing, unless the parts have been obtained in the

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 2.

⁽²⁾ OJ No L 339, 28. 12. 1977, p. 2.

⁽³⁾ OJ No L 393, 31. 12. 1987, p. 2.

Community from fabric cut to size and are covered by a supplier's declaration made out on an invoice or other accompanying document, of which a specimen is given in Annex III.

Article 3

Materials not originating in Cyprus or in the Community and used for the manufacture of the products referred to in Article 1 shall not be eligible for any form of drawback, exemption from customs duties or charges having equivalent effect to customs duties, with the exception of any amounts exceeding the corresponding duties of the Common Customs Tariff.

Article 4

Movement certificates EUR 1 issued pursuant to this Decision shall be endorsed:

**'DEROGATION — DECISION No 1/94
DEDUCTION COMMUNITY QUOTA'**

in the box marked 'remarks', in one of the languages in which the Agreement is drawn up.

Article 5

The competent authorities of Cyprus shall send the Commission monthly statements of Cypriot imports and exports of fabrics listed in Annex II.

Article 6

This Decision shall enter into force the day on which it is adopted.

This Decision shall apply for a period of two years, starting on 28 July 1993.

Done at Brussels, 14 February 1994.

For the Association Council

The President

Y. PAPANTONIOU

*ANNEX I***LIST PROVIDED FOR IN ARTICLE 1****(products benefiting from the derogation)**

CN code	Description	Amount quantities (1 000 pieces)
6204 43 00	Dresses of synthetic fibres	90
6204 53 00 6204 59 10	Skirts and divided skirts of synthetic or artificial fibres	47
6205 30 00	Men's or boys' shirts, of man-made fibres	105
6206 40 00	Women's or girls' blouses and shirt-blouses, of man-made fibres	390

*ANNEX II***LIST PROVIDED FOR IN ARTICLE 5****(products subject to statistical notification)**

CN code	Description
5407 5408	Woven fabrics of synthetic or artificial filament yarn
5512 to 5516	Woven fabrics of synthetic or artificial staple fibres

ANNEX III

DECLARATION FOR PRODUCTS NOT HAVING PREFERENTIAL ORIGIN STATUS

I, the undersigned, declare that the goods listed on this invoice⁽¹⁾

were produced in⁽²⁾

and incorporate the following components or materials which do not have Community origin for preferential trade:

.....⁽³⁾⁽⁴⁾⁽⁵⁾

.....

.....

.....⁽⁶⁾

I undertake to make available to the customs authorities any additional evidence they may require.

.....⁽⁷⁾⁽⁸⁾

.....⁽⁹⁾

Note:

The text inside the box suitably completed in conformity with the footnotes below, constitutes a suppliers' declaration. The footnoters do not have to be reproduced.

-
- (¹) — If only some of the goods listed in the invoice are concerned, they should be clearly indicated or marked and this mark entered on the declaration as follows: 'Listed on this invoice and marked were produced'
- If a document other than the invoice or an Annex to the invoice is used, the name of the document concerned shall be mentioned instead of the word 'invoice'.
- (²) The Community or Member State.
- (³) Description is to be given in all cases. The description must be adequate and should be sufficiently detailed to allow the tariff classification of the goods concerned to be determined.
- (⁴) Customs values to be given only if required.
- (⁵) Country of origin to be given only if required. The origin to be given must be a preferential origin, all other origins to be given as 'third country'.
- (⁶) 'And have undergone the following processing in (the Community) (Member State) to be added with a description of the processing carried out if this information is required.
- (⁷) Place and date.
- (⁸) Name and function in company.
- (⁹) Signature.

COMMISSION

COMMISSION DECISION

of 8 February 1994

amending Council Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species

(Text with EEA relevance)

(94/113/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/556/EEC of 25 September 1989 laying down the animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species⁽¹⁾, as last amended by Directive 93/52/EEC⁽²⁾, and in particular Article 16 thereof,

Whereas Article 1 of Directive 89/556/EEC excluded embryos derived by certain techniques from the scope of the said Directive; whereas embryos which are to be subjected to techniques which involve the penetration of the *zona pellucida* and those derived by *in vitro* fertilization may be introduced into trade or be imported, provided that they meet the requirements of Directive 89/556/EEC, with certain additional safeguards;

Whereas the scope of Directive 89/556/EEC has been enlarged by Directive 93/52/EEC to include all bovine embryos except those derived by transfer of nuclei;

Whereas it is necessary to amend the Annexes to the Directive in order to lay down the necessary additional safeguards for such embryos;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annexes to Directive 89/556/EEC are hereby amended as shown in the Annex hereto.

Article 2

This Decision shall apply from 1 March 1994.

It shall not apply to embryos collected, processed and stored before 1 March 1994.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 8 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 302, 19. 10. 1989, p. 1.

⁽²⁾ OJ No L 175, 19. 7. 1993, p. 21.

ANNEX

1. In Annex A, Chapter I, the title is changed to 'Conditions for the approval of embryo collection and embryo production teams.'
2. In Annex A, Chapter I, paragraph (d), the following is added :
 - '— where micromanipulation of the embryo which involves penetration of the *zona pellucida* is to be carried out, this shall be done in suitable laminar-flow facilities which shall be properly cleaned and disinfected between batches.'
3. In Annex A, Chapter I, the following is added after paragraph (e) :

'Furthermore, to be approved as a team for the production and processing of embryos derived by *in vitro* fertilization and/or *in vitro* culture, an embryo production team must fulfil the following additional requirements :

 - (f) the personnel must be trained in appropriate disease control and laboratory techniques, particularly in procedures for working in sterile conditions ;
 - (g) it must have at its disposal a permanently-sited processing laboratory which must :
 - have adequate equipment and facilities, including a separate room for recovering oocytes from ovaries, and separate rooms or areas for processing oocytes and embryos, and storing embryos,
 - have laminar-flow facilities under which all oocytes, semen and embryos must be processed ; however, the centrifugation of semen may be carried out outside the laminar-flow facility, as long as full hygienic precautions are taken ;
 - (h) where oocytes and other tissues are to be collected in an abattoir, it must have at its disposal suitable equipment for the collection and transport of the ovaries and other tissues to the processing laboratory in a hygienic and safe manner.'
4. In Annex A, Chapter II, 'or production' is added after 'collection' in the title.
5. In Annex A, Chapter II, paragraph 1, the following is added to subparagraph (e) :

'All media and solutions shall be sterilized by approved methods according to the recommendations of the manual of the International Embryo Transfer Society (IETS). Antibiotics may be added to the media in accordance with the IETS manual.'
6. In Annex A, Chapter II, paragraph 1, 'at a magnification of at least $\times 50$ ' is added after 'microscopic examination' in subparagraph (j).
7. In Annex A, Chapter II, paragraph 1, the following is added to subparagraph (j) :

'Any micromanipulation which involves penetration of the *zona pellucida* must be carried out in the facilities approved for the purpose, and after the last wash and examination. Such micromanipulation may only be carried out on an embryo having an intact *zona pellucida*.'
8. In Annex A, Chapter II, paragraph 1, the following indent is added to subparagraph (o) :
 - '— details of micromanipulation techniques which involve penetration of the *zona pellucida* or other techniques such as *in vitro* fertilization and/or *in vitro* culture which have been performed on the embryos. In the case of embryos derived by *in vitro* fertilization, the identification may be done on the basis of a batch, but must contain details of the date and place of collection of ovaries and/or oocytes. It must also be possible to identify the herd of origin of the donor animals.'
9. In Annex A, Chapter II, paragraph 1, the following is added after subparagraph (o) :

'The conditions laid down in subparagraphs (a) to (o) shall apply as appropriate to the collection, processing, storage and transport of ovaries, oocytes and other tissues for use in *in vitro* fertilization and/or *in vitro* culture. Furthermore, the following additional conditions shall apply :

 - (p) when ovaries and other tissues are to be collected at an abattoir, the abattoir should be officially approved and under the control of an official veterinarian whose responsibility it is to carry out ante- and post-mortem inspection of donors ;
 - (q) materials and equipment coming into direct contact with ovaries and other tissues shall be sterilized before use and after sterilization, used exclusively for those purposes. Separate equipment shall be used to handle oocytes and embryos from different batches of donor animals ;

- (r) ovaries and other tissues shall not be allowed to enter the processing laboratory until completion of the post-mortem inspection of the batch. If relevant disease is found in the batch of donors, or in any animals slaughtered in that abattoir on that day, all tissues from that batch must be traced and discarded;
- (s) the washing and examination procedure laid down in subparagraphs (i) and (j) shall be carried out after the culture procedure has been completed;
- (t) any micromanipulation which involves penetration of the *zona pellucida* shall be carried out in accordance with the provisions of subparagraph (j), after the procedures laid down in subparagraph (s) have been completed;
- (u) only embryos from the same batch of donors should be stored in the same ampoule/straw.

10. In Annex A, Chapter II, paragraph 2, 'or production' is added after the word 'collection'.

11. Annex B is replaced by the following:

ANNEX B

CONDITIONS APPLYING TO DONOR ANIMALS

1. For the purposes of embryo collection, donor animals must meet the following requirements:
 - (a) they must have spent at least the previous six months within Community territory or in the third country of collection;
 - (b) they must have been present in the herd of origin for at least 30 days prior to collection;
 - (c) they must come from herds which are:
 - officially tuberculosis free,
 - officially brucellosis free or brucellosis free,
 - enzootic bovine leucosis freein derogation from the third indent, they may come from a herd (or herds) which is/are not leucosis-free but for which certification has been obtained that there has not been any clinical case of enzootic bovine leucosis during the past three years;
 - (d) during the previous year, they must not have been present in a herd (or herds) which have shown any clinical sign of infectious bovine rhinotracheitis/infectious pustular vulvovaginitis.
 2. On the day of embryo collection the donor cow:
 - (a) shall be kept in a holding which is not subject to veterinary prohibition or quarantine measures;
 - (b) shall show no clinical signs of disease.
 3. Furthermore, the above conditions shall apply to live animals intended as donors of oocytes by ovum pickup or ovariectomy.
 4. In the case of donors of ovaries and other tissues to be collected after slaughter in an abattoir, they should not have been designated for slaughter as part of a national disease eradication programme, nor should they have come from a holding subject to restrictions because of animal disease.
 5. The abattoir where the ovaries and other tissues are collected must not be situated in a zone subject to prohibition or quarantine measures.
12. The following is inserted into the certificate in Annex C, Section 12:
- "⁽¹⁾ (d) Embryos derived by natural/*in vitro*⁽²⁾ fertilization and subjected to/not subjected to ⁽²⁾ penetration of the *zona pellucida*."
13. In the certificate in Annex C, the words after "89/556/EEC" in paragraph 13 (a) are deleted.
14. The following are added as footnotes to Annex C:
- "⁽¹⁾ This need not be completed for embryos collected, processed and stored before 1 March 1994.
- "⁽²⁾ Delete as appropriate."
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