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Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 435/94 of 28 February 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EC) No 436/94 of 28 February 1994 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EC) No 437/94 of 28 February 1994 fixing the rate of the aid for dried fodder	5
Commission Regulation (EC) No 438/94 of 28 February 1994 fixing the aid for cotton	8
Commission Regulation (EC) No 439/94 of 28 February 1994 fixing the import levies on products processed from cereals and rice	9
Commission Regulation (EC) No 440/94 of 28 February 1994 fixing the import levies on compound feedstuffs	13
Commission Regulation (EC) No 441/94 of 28 February 1994 altering the export refunds on white sugar and raw sugar exported in the natural state	15
Commission Regulation (EC) No 442/94 of 28 February 1994 fixing the export refunds on syrups and certain other sugar products exported in the natural state	17
Commission Regulation (EC) No 443/94 of 28 February 1994 fixing the import levies on syrups and certain other products in the sugar sector	20
Commission Regulation (EC) No 444/94 of 28 February 1994 fixing the export refunds on olive oil	22
Commission Regulation (EC) No 445/94 of 28 February 1994 fixing the maximum export refunds on olive oil for the sixth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 3142/93	25

Price : ECU 18

(Continued overleaf)

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

Contents (continued)

Commission Regulation (EC) No 446/94 of 28 February 1994 fixing the production refund for olive oil used in the manufacture of certain preserved foods	27
Commission Regulation (EC) No 447/94 of 28 February 1994 fixing the reduced levy on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries	28
Commission Regulation (EC) No 448/94 of 28 February 1994 altering the corrective amount applicable to the refund on cereals	29
Commission Regulation (EC) No 449/94 of 28 February 1994 altering the corrective amount applicable to the refund on malt	31
Commission Regulation (EC) No 450/94 of 28 February 1994 fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex II to the Treaty	33
Commission Regulation (EC) No 451/94 of 28 February 1994 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty	38
Commission Regulation (EC) No 452/94 of 28 February 1994 fixing the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty	41
Commission Regulation (EC) No 453/94 of 28 February 1994 fixing the import levies on rice and broken rice	44
Commission Regulation (EC) No 454/94 of 28 February 1994 fixing the premiums to be added to the import levies on rice and broken rice	46
★ Commission Regulation (EC) No 455/94 of 28 February 1994 determining for the period 1 March 1994 to 30 June 1994 the quantities of raw sugar produced in the French overseas departments benefiting from the refining aid referred to in Council Regulation (EEC) No 2225/86	48
★ Commission Regulation (EC) No 456/94 of 28 February 1994 determining certain prices fixed in ecus for beef and veal as a result of the monetary realignments in the 1992/93 marketing year	50
★ Commission Regulation (EC) No 457/94 of 28 February 1994 amending Regulation (EC) No 3409/93 introducing management measures for imports of certain bovine animals for 1994 and determining to what extent applications for import licences may be accepted	51
Commission Regulation (EC) No 458/94 of 28 February 1994 on the supply of cereals as food aid	53
Commission Regulation (EC) No 459/94 of 28 February 1994 on the supply of vegetable oil as food aid	64
Commission Regulation (EC) No 460/94 of 28 February 1994 on the supply of various consignments of rice as food aid	74
Commission Regulation (EC) No 461/94 of 28 February 1994 amending Regulation (EEC) No 1196/93 increasing to 2 250 000 tonnes the quantity of barley held by the German intervention agency for which a standing invitation to tender for export has been opened	81
Commission Regulation (EC) No 462/94 of 28 February 1994 on the opening of an invitation to tender for the sale of olive oil held by the Spanish intervention agency	83

(Continued on inside back cover)

Commission Regulation (EC) No 463/94 of 28 February 1994 fixing the import levies on white sugar and raw sugar	85
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II *Acts whose publication is not obligatory*

Commission

94/121/EC :

- ★ **Commission Decision of 28 February 1994 authorizing Portugal to import from third countries at a reduced levy certain quantities of raw sugar during the period 1 March to 30 June 1994** 87

94/122/EC :

- ★ **Commission Decision of 28 February 1994 amending for the second time Decision 93/602/EC concerning certain protection measures relating to African swine fever in Portugal** 89

94/123/EC :

- ★ **Commission Decision of 28 February 1994 amending for the second time Decision 92/571/EEC relating to new transitional measures which are necessary to facilitate the move to the system of veterinary checks provided for in Council Directive 90/675/EEC** 91

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 435/94**of 28 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 25 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 1 March 1994.

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

Done at Brussels, 28 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 28 February 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ⁽⁹⁾
0709 90 60	87,40 ⁽²⁾ ⁽³⁾
0712 90 19	87,40 ⁽²⁾ ⁽³⁾
1001 10 00	0 ⁽¹⁾ ⁽⁵⁾
1001 90 91	97,45
1001 90 99	97,45 ⁽⁷⁾
1002 00 00	118,12 ⁽⁶⁾
1003 00 10	121,79
1003 00 90	121,79 ⁽⁷⁾
1004 00 00	96,11
1005 10 90	87,40 ⁽²⁾ ⁽³⁾
1005 90 00	87,40 ⁽²⁾ ⁽³⁾
1007 00 90	96,84 ⁽⁴⁾
1008 10 00	30,21 ⁽⁷⁾
1008 20 00	44,76 ⁽⁴⁾
1008 30 00	0 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	0
1101 00 00	173,97 ⁽⁷⁾
1102 10 00	202,91
1103 11 10	34,72
1103 11 90	197,60
1107 10 11	184,34
1107 10 19	140,49
1107 10 91	227,67 ⁽¹⁰⁾
1107 10 99	172,86 ⁽⁷⁾
1107 20 00	199,65 ⁽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 436/94

of 28 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 25

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 1 March 1994.

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

Done at Brussels, 28 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 28 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
	3	4	5	6
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
	3	4	5	6	7
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 437/94

of 28 February 1994

fixing the rate of the aid for dried fodder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder⁽¹⁾, as last amended by Regulation (EC) No 3496/93⁽²⁾, and in particular Article 5 (3) thereof,

Whereas, under Article 5 (1) of Regulation (EEC) No 1117/78, when the guide price is higher than the average world market price, aid is granted for dried fodder as described under Article 1 (b) and (c) of that Regulation and obtained from fodder plants harvested in the Community; whereas that aid takes account of a percentage of the difference between these two prices;

Whereas the guide price in the dried fodder sector was fixed by Council Regulation (EEC) No 1288/93⁽³⁾;

Whereas Commission Regulation (EEC) No 3824/92⁽⁴⁾, as last amended by Regulation (EEC) No 1663/93⁽⁵⁾, lays down the list of prices and amounts fixed in ecus to be amended as a result of the monetary alignments and which are reduced from the beginning of the 1993/94 marketing year by a factor of fixed by Commission Regulation (EEC) No 537/93⁽⁶⁾, as amended by Regulation (EEC) No 1331/93⁽⁷⁾, as part of the automatic dismantling system of the negative monetary gaps; whereas this factor must be taken into account when calculating the aid from the beginning of the aforementioned marketing year;

Whereas Council Regulation (EEC) No 2065/92⁽⁸⁾, as amended by Regulation (EEC) No 1288/93, sets the percentage referred to in Article 5 of Regulation (EEC) No 1117/78 for the 1993/94 marketing year at 70 %;

Whereas the average world market price is determined for a bulk pelleted product, delivered to Rotterdam, of the standard quality for which the guide price has been fixed;

Whereas, under Council Regulation (EEC) No 1417/78 of 19 June 1978 on the aid system for dried fodder⁽⁹⁾, as last

amended by Regulation (EEC) No 1110/89⁽¹⁰⁾, the average world market price for the products described in the first and third indents of Article 1 (b) of Regulation (EEC) No 1117/78 is to be determined on the basis of the most favourable actual purchase possibilities excepting those which cannot be considered representative of the real market trend; whereas offers and quotations recorded during the first 25 days of the month in question for quantities that can be delivered during the following calendar month are to be used; whereas the average world market price thus determined is used to fix the aid rate applicable on the following month;

Whereas the necessary adjustments must be made in the case of offers and quotations not of the type referred to above; whereas these adjustments were defined in Article 3 of Commission Regulation (EEC) No 1528/78 of 30 June 1978 laying down detailed rules for the application of the system of aid for dried fodder⁽¹¹⁾, as last amended by Regulation (EEC) No 1069/93⁽¹²⁾;

Whereas, in accordance with Article 3 of Regulation (EEC) No 1417/78, when no offer or quotation can be used to determine the average world market price, that price is determined on the basis of the sum of the value of competing products; whereas those products are defined in Article 3 (3) of Regulation (EEC) No 1528/78;

Whereas, pursuant to Article 11 of Regulation (EEC) No 1417/78, when forward prices differ from that applying in the month when the application is lodged, the aid rate is adjusted by a correcting amount calculated from the trend of forward prices;

Whereas, where the average world market price is determined in accordance with Article 3 of Regulation (EEC) No 1417/78, the corrective amount must be equal to the difference between the average world market price and the average forward world market price determined by applying the criteria laid down in Article 3 (3) of Regulation (EEC) No 1528/78 and valid for delivery during a month other than that in which the aid is introduced, adjusted by the percentage fixed under Article 5 (2) of

(¹) OJ No L 142, 30. 5. 1978, p. 1.
 (²) OJ No L 319, 21. 12. 1993, p. 17.
 (³) OJ No L 132, 29. 5. 1993, p. 1.
 (⁴) OJ No L 387, 31. 12. 1992, p. 29.
 (⁵) OJ No L 158, 30. 6. 1993, p. 18.
 (⁶) OJ No L 57, 10. 3. 1993, p. 18.
 (⁷) OJ No L 132, 29. 5. 1993, p. 114.
 (⁸) OJ No L 215, 30. 7. 1992, p. 48.
 (⁹) OJ No L 171, 28. 6. 1978, p. 1.

(¹⁰) OJ No L 118, 29. 4. 1989, p. 1.
 (¹¹) OJ No L 179, 1. 7. 1978, p. 10.
 (¹²) OJ No L 108, 1. 5. 1993, p. 114.

Regulation (EEC) No 1117/78 ; whereas where the average forward world market price for one or more months cannot be determined by applying the criteria laid down in Article 3 (3) of Regulation (EEC) No 1528/78, the corrective amount must be fixed for the month or months in question at a level such that the aid is equal to zero ;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽¹⁾, as amended by Regulation (EC) No 3528/93 ⁽²⁾, 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 ⁽³⁾ ;

Whereas the rate of the additional aid must be fixed once per month so as to ensure application of the aid from the first day of the month following the date of its fixing ;

Whereas, as the result of the applications of all these provisions to the offers and quotations which the

Commission has recorded, the rate of the additional aid for dried fodder must be fixed as indicated in the table annexed to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The rate of the aid referred to in Article 5 (3) of Regulation (EEC) No 1117/78 is fixed in the Annex to this Regulation.

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, 28 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽³⁾ OJ No L 108, 1. 5. 1993, p. 106.

ANNEX

to the Commission Regulation of 28 February 1994 fixing the rate of the aid for dried fodder

Aid applicable from 1 March 1994 to dried fodder:

(ECU/tonne)

	Fodder dehydrated by artificial heat drying Protein concentrates	Fodder otherwise dried
March 1994	62,911	38,221

Aid in case of advance fixing for the month of:

(ECU/tonne)

April 1994	62,705	38,015
May 1994 ⁽¹⁾	00,000	00,000
June 1994 ⁽¹⁾	00,000	00,000
July 1994 ⁽¹⁾	00,000	00,000
August 1994 ⁽¹⁾	00,000	00,000
September 1994 ⁽¹⁾	00,000	00,000
October 1994 ⁽¹⁾	00,000	00,000

⁽¹⁾ Pursuant to Article 6 (b) of amended Regulation (EEC) No 1528/78.

COMMISSION REGULATION (EC) No 438/94
of 28 February 1994
fixing the aid for cotton

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

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

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

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 2419/93 ⁽⁴⁾, as last amended by Regulation (EC) No 326/94 ⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton provided for in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 48,645 per 100 kilograms.

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, 28 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 154, 25. 6. 1993, p. 23.

⁽⁴⁾ OJ No L 222, 1. 9. 1993, p. 35.

⁽⁵⁾ OJ No L 41, 12. 2. 1994, p. 48.

COMMISSION REGULATION (EC) No 439/94

of 28 February 1994

fixing 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 1993 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,

Whereas the rules to be applied in calculating the variable component of the import levy on products processed from cereals and rice are laid down in Article 11 (1) (A) of Regulation (EEC) No 1766/92 and Article 12 (1) (a) of Regulation (EEC) No 1418/76; whereas Article 2 of Commission Regulation (EEC) No 1620/93 of 25 June 1993 on the import and export system for products processed from cereals and rice⁽⁵⁾, provides that the incidence on the prime costs of these products of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable to these basic products for the first 25 days of the month preceding that of importation; whereas this average, adjusted on the basis of the threshold price valid for the basic products in question during the month of importation is calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the processed product or the competing product which serves as a reference for processed products not containing cereals;

Whereas Commission Regulation (EEC) No 1579/74 of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice and for the advance fixing of this levy for these products and for compound feedingstuffs manufactured from cereals⁽⁶⁾, as last amended by Regulation (EEC) No

1740/78⁽⁷⁾, provides that the levy thus determined, increased by the fixed component, is altered where the levy applicable to the basic product concerned differs by not less than ECU 3,02 per tonne from the average of the levies calculated as described above;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States⁽⁸⁾, as last amended by Regulation (EC) No 235/94⁽⁹⁾;

Whereas Article 3 (4) of Council Regulation (EEC) No 3763/91⁽¹⁰⁾, as amended by Regulation (EEC) No 3714/92⁽¹¹⁾, allows that within the limit of an annual quantity of 8 000 tonnes, the levy shall not be applied to imports into the French department of Réunion of wheat bran falling within CN code 2302 30 from the African, Caribbean and Pacific (ACP) States;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹²⁾ no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas Council Regulation (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries⁽¹³⁾, as last amended by Regulation (EC) No 3668/93⁽¹⁴⁾, reduces by 50 % the levy on importation into the Community of products of CN code 1108 13 00, within the limit of a fixed amount of 5 000 tonnes a year;

⁽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 155, 26. 6. 1993, p. 29.

⁽⁶⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁷⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁸⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁹⁾ OJ No L 30, 3. 2. 1994, p. 12.

⁽¹⁰⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽¹¹⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽¹²⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽¹³⁾ OJ No L 370, 31. 12. 1990, p. 121.

⁽¹⁴⁾ OJ No L 338, 31. 12. 1993, p. 22.

Whereas Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within CN codes 0714 10 and 0714 90 originating in certain third countries⁽¹⁾, as last amended by Regulation (EEC) No 3909/92⁽²⁾, lay down the terms on which the import levy is limited to 6 % *ad valorem*;

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose⁽³⁾, as amended by Regulation (EEC) No 222/88⁽⁴⁾, stipulates that the treatment provided for glucose and glucose syrup falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 by Regulation (EEC) No 1766/92 it is to be extended to glucose and glucose syrup falling within CN codes 1702 30 51 and 1702 30 59; whereas consequently the levy fixed for products falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 also applies to products falling within CN codes 1702 30 51 and 1702 30 59; whereas, to ensure that the provision in question is properly applied, these products and the levy thereon should be explicitly mentioned in the list of levies;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as amended by Regulation (EC) No 3528/93⁽⁶⁾, are used to

convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 1620/93 shall be as set out in the Annex hereto.

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, 28 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽²⁾ OJ No L 394, 31. 12. 1992, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽⁴⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

ANNEX

to the Commission Regulation of 28 February 1994 fixing the import levies on products
processed from cereals and rice

(ECU/tonne)			(ECU/tonne)		
CN code	Import levies (°)		CN code	Import levies (°)	
	ACP	Third countries (other than ACP)		ACP	Third countries (other than ACP)
0714 10 10 (1)	117,61	124,26	1104 22 90	96,96	99,98
0714 10 91	121,24 (2) (6)	121,24	1104 23 10	137,70	140,72
0714 10 99	119,43	124,26	1104 23 30	137,70	140,72
0714 90 11	121,24 (2) (6)	121,24	1104 23 90	87,78	90,80
0714 90 19	119,43 (2)	124,26	1104 29 11	125,78	128,80
1102 20 10	154,91	160,95	1104 29 15	156,33	159,35
1102 20 90	87,78	90,80	1104 29 19	154,48	157,50
1102 30 00	118,29	121,31	1104 29 31	151,31	154,33
1102 90 10	218,23	224,27	1104 29 35	188,06	191,08
1102 90 30	171,11	177,15	1104 29 39	154,48	157,50
1102 90 90	98,48	101,50	1104 29 91	96,46	99,48
1103 12 00	171,11	177,15	1104 29 95	119,89	122,91
1103 13 10	154,91	160,95	1104 29 99	98,48	101,50
1103 13 90	87,78	90,80	1104 30 10	70,93	76,97
1103 14 00	118,29	121,31	1104 30 90	64,55	70,59
1103 19 10	211,57	217,61	1106 20 10	117,61 (2)	124,26
1103 19 30	218,23	224,27	1106 20 90	134,93 (2)	159,11
1103 19 90	98,48	101,50	1108 11 00	208,05	228,60
1103 21 00	170,23	176,27	1108 12 00	138,56	159,11
1103 29 10	211,57	217,61	1108 13 00	138,56	159,11 (2)
1103 29 20	218,23	224,27	1108 14 00	69,27	159,11
1103 29 30	171,11	177,15	1108 19 10	169,62	200,45
1103 29 40	154,91	160,95	1108 19 90	69,27 (2)	159,11
1103 29 50	118,29	121,31	1109 00 00	378,28	559,62
1103 29 90	98,48	101,50	1702 30 51	180,73	277,45
1104 11 10	123,66	126,68	1702 30 59	138,56	205,05
1104 11 90	242,48	248,52	1702 30 91	180,73	277,45
1104 12 10	96,96	99,98	1702 30 99	138,56	205,05
1104 12 90	190,12	196,16	1702 40 90	138,56	205,05
1104 19 10	170,23	176,27	1702 90 50	138,56	205,05
1104 19 30	211,57	217,61	1702 90 75	189,33	286,05
1104 19 50	154,91	160,95	1702 90 79	131,67	198,16
1104 19 91	200,86	206,90	2106 90 55	138,56	205,05
1104 19 99	173,79	179,83	2302 10 10	41,84	47,84
1104 21 10	193,98	197,00	2302 10 90	89,66	95,66
1104 21 30	193,98	197,00	2302 20 10	41,84	47,84
1104 21 50	303,10	309,14	2302 20 90	89,66	95,66
1104 21 90	123,66	126,68	2302 30 10	41,84 (2)	47,84
1104 22 10 10 (2)	96,96	99,98	2302 30 90	89,66 (2)	95,66
1104 22 10 90 (2)	171,11	174,13	2302 40 10	41,84	47,84
1104 22 30	171,11	174,13	2302 40 90	89,66	95,66
1104 22 50	152,10	155,12	2303 10 11	172,12	353,46

-
- (¹) 6 % *ad valorem*, subject to certain conditions.
- (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.
- (³) Taric code: clipped oats.
- (⁴) Taric code: CN code 1104 22 10, other than 'clipped oats'.
- (⁵) 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.
- (⁶) 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.
- (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.
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COMMISSION REGULATION (EC) No 440/94
of 28 February 1994
fixing the import levies on compound feedingstuffs

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,

Whereas the rules to be applied in calculating the variable component of the import levy on compound feedingstuffs are laid down in Article 11 (1) (A) of Regulation (EEC) No 1766/92; whereas Article 4 of Commission Regulation (EEC) No 1619/93 of 25 June 1993 on the arrangements applicable to cereal-based compound feedingstuffs⁽³⁾ provides that the incidence on the prime costs of those feedingstuffs of the levies applicable to their basic products should be calculated on the basis of the sum of the amounts equal to the average levies applicable during the first 25 days of the month preceding the month of importation to the quantities of basic products, maize and milk powder, considered to have been used in the manufacture of such compound feedingstuffs, the averages being adjusted on the basis of the threshold price for the basic products in question applicable during the month of importation;

Whereas the fixed component is laid down in Article 6 of Regulation (EEC) No 1619/93;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽⁴⁾, as last amended by Regulation (EC) No 235/94⁽⁵⁾;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the

overseas countries and territories with the European Economic Community⁽⁶⁾, no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas, in addition, account must be taken of Council Decision 93/239/EEC of 15 March 1993 concerning the conclusion of the Agreements in the form of exchanges of letters between the European Economic Community, of the one part, and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway and the Kingdom of Sweden, of the other part, on the provisional application of the Agreements on certain arrangements in the field of agriculture, signed by the said parties in Oporto on 2 May 1992⁽⁷⁾; whereas Commission Regulation (EEC) No 1267/93⁽⁸⁾, lays down detailed rules for the application of the import arrangements for these products originating in Sweden;

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

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 1619/93 and subject to Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 March 1994.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 155, 26. 6. 1993, p. 24.

⁽⁴⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁵⁾ OJ No L 30, 3. 2. 1994, p. 12.

⁽⁶⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽⁷⁾ OJ No L 109, 1. 5. 1993, p. 1.

⁽⁸⁾ OJ No L 129, 27. 5. 1993, p. 14.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 1.

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

⁽¹¹⁾ OJ No L 108, 1. 5. 1993, p. 106.

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

Done at Brussels, 28 February 1994.

For the Commission
René STEICHEN
Member of the Commission

ANNEX

to the Commission Regulation of 28 February 1994 fixing the import levies on compound feedingstuffs

(ECU / tonne)

CN code	Levies ⁽¹⁾	
	ACP	Third countries (other than ACP)
2309 10 11	13,29	24,17 ⁽²⁾
2309 10 13	597,04	607,92 ⁽²⁾
2309 10 31	41,52	52,40 ⁽²⁾
2309 10 33	625,27	636,15 ⁽²⁾
2309 10 51	83,04	93,92 ⁽²⁾
2309 10 53	666,79	677,67 ⁽²⁾
2309 90 31	13,29	24,17
2309 90 33	597,04	607,92
2309 90 41	41,52	52,40
2309 90 43	625,27	636,15
2309 90 51	83,04	93,92
2309 90 53	666,79	677,67

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

⁽²⁾ The levy may be reduced in accordance with the Agreement between the Community and Sweden (OJ No L 109, 1. 5. 1993, p. 39) and Regulation (EEC) No 1267/93 (OJ No L 129, 27. 5. 1993, p. 14).

COMMISSION REGULATION (EC) No 441/94

of 28 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⁾, as amended by Regulation (EC) No 391/94 ⁽⁴⁾;

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 ⁽⁵⁾, as amended by Regulation (EC) No 3528/93 ⁽⁶⁾, are used to

convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁷⁾,

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 amended 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 1 March 1994.

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

Done at Brussels, 28 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 53, 24. 2. 1994, 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 108, 1. 5. 1993, p. 106.

ANNEX

to the Commission Regulation of 28 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	31,74 ⁽¹⁾
1701 11 90 910	30,85 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	31,74 ⁽¹⁾
1701 12 90 910	30,85 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3451
	— ECU/100 kg —
1701 99 10 100	34,51
1701 99 10 910	34,51
1701 99 10 950	34,51
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3451

⁽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 442/94

of 28 February 1994

fixing the export refunds on syrups and certain other sugar products exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

(EEC) No 1400/78 of 20 June 1978 laying down general rules for the production refund on sugar used in the chemical industry⁽⁷⁾, to the products listed in the Annex to the last mentioned Regulation ;

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 Article 19 (4) thereof,

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

Whereas Article 8 of Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose ; whereas the sucrose content of the product in question is determined in accordance with Article 13 of Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁵⁾, as last amended by Regulation (EEC) No 1684/92⁽⁶⁾ ;

Whereas Article 7 of Regulation (EEC) No 766/68 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements ;

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 ;

Whereas Article 19 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) of that Regulation ; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports ; whereas the refund is to be granted only for products complying with the conditions in Article 3 of Commission Regulation (EEC) No 1469/77 of 30 June 1977 laying down rules for applying the levy and the refund in respect of isoglucose and amending Regulation (EEC) No 192/75⁽⁸⁾, as amended by Regulation (EEC) No 1714/88⁽⁹⁾ ;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁶⁾ OJ No L 176, 30. 6. 1992, p. 31.

⁽⁷⁾ OJ No L 170, 27. 6. 1978, p. 9.

⁽⁸⁾ OJ No L 162, 1. 7. 1977, p. 9.

⁽⁹⁾ OJ No L 152, 18. 6. 1988, p. 23.

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽¹⁾, as amended by Regulation (EC) No 3528/93⁽²⁾, 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⁽³⁾;

Whereas the refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;

Whereas application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation;

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

The export refunds on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, shall be set out in the Annex hereto.

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, 28 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽³⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 28 February 1994 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg dry matter —
1702 40 10 100	34,51 ⁽²⁾ ⁽³⁾
1702 60 10 000	34,51 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
1702 60 90 000	0,3451 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
1702 90 30 000	34,51 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 000	0,3451 ⁽¹⁾ ⁽³⁾
1702 90 71 000	0,3451 ⁽¹⁾ ⁽³⁾
1702 90 90 900	0,3451 ⁽¹⁾ ⁽³⁾ ⁽⁴⁾
	— ECU/100 kg dry matter —
2106 90 30 000	34,51 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
2106 90 59 000	0,3451 ⁽¹⁾ ⁽³⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

⁽²⁾ Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

⁽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.

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as last amended by Regulation (EC) No 3567/93 (OJ No L 327, 28. 12. 1993, p. 1).

COMMISSION REGULATION (EC) No 443/94

of 28 February 1994

fixing the import levies on syrups and certain other products 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 Article 16 (8) thereof,

Whereas Article 16 (1) of Regulation (EEC) No 1785/81 provides for charging a levy on imports of the products listed in Article 1 (1) of that Regulation;

Whereas the levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 must be calculated, where appropriate, at a standard rate on the basis of the sucrose content (including other sugars expressed as sucrose) of the product concerned and of the levy on white sugar; whereas, however, the levies on maple sugar and maple syrup are limited to the amount resulting from application of the rate of duty bound within GATT;

Whereas Article 7 of Commission Regulation (EEC) No 837/68 of 28 June 1968 on detailed rules for the application of levies on sugar⁽³⁾, as last amended by Regulation (EEC) No 1428/78⁽⁴⁾, provides that the basic amount of the levy for 100 kilograms of product must be fixed per percentage point of sucrose content;

Whereas the basic amount of the levy must be equal to one-hundredth of the average of the levies applicable to 100 kilograms of white sugar during the first 20 days of the month preceding the month for which the basic amount of the levy is fixed; whereas, however, the levy applicable to white sugar on the day of the fixing of the basic amount must be substituted for the average of the levies, where that levy differs by at least ECU 0,73 from that average;

Whereas the basic amount must be fixed each month; whereas it must, however, be altered during the period between the day on which it is fixed and the first day of the month following the month for which the basic amount is applicable, if the levy on white sugar differs by

at least ECU 0,73 from the average referred to above or from the levy on white sugar used to fix the basic amount; whereas, in this case, the basic amount must be equal to one-hundredth of the levy on white sugar used to calculate the alteration;

Whereas the basic amount thus fixed must be adjusted on the basis of variations in the threshold price for white sugar occurring between the month in which the basic amount is fixed and the period of application; whereas this adjustment, equal to one-hundredth of the difference between these two threshold prices, must be deducted from or added to the basic amount in the circumstances provided for in Article 7 (6) of Regulation (EEC) No 837/68;

Whereas Commission Regulation (EEC) No 1724/93⁽⁵⁾ lays down the prices and amounts fixed in ecus applicable in the sugar sector for the 1993/94 marketing year as a result of the monetary realignments during the 1992/93 marketing year;

Whereas the levy on the products referred to in Article 1 (1) (f) and (g) of Regulation (EEC) No 1785/81 comprises, under Article 16 (6) of that Regulation, a variable element and a fixed element, with the latter, per 100 kilograms of dry matter, being equal to one-tenth of the fixed element established pursuant to point B of Article 11 (1) of Council Regulation (EEC) No 1766/92⁽⁶⁾, as amended by Regulation (EEC) No 2193/93⁽⁷⁾, for the fixing of the import levy on the products falling within CN codes 1702 30 91, 1702 30 99, 1702 40 90 and 1702 90 50, and the variable element, per 100 kilograms of dry matter, being equal to 100 times the basic import levy applicable as from the first of each month in the case of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81; whereas the levy must be fixed each month;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽⁸⁾, no levies shall apply on imports of products originating in the overseas countries and territories;

(1) OJ No L 177, 1. 7. 1981, p. 4.

(2) OJ No L 22, 27. 1. 1994, p. 7.

(3) OJ No L 151, 30. 6. 1968, p. 42.

(4) OJ No L 171, 28. 6. 1978, p. 34.

(5) OJ No L 159, 1. 7. 1993, p. 127.

(6) OJ No L 181, 1. 7. 1992, p. 21.

(7) OJ No L 196, 5. 8. 1993, p. 22.

(8) OJ No L 263, 19. 9. 1991, p. 1.

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽¹⁾, as amended by Regulation (EC) No 3528/93 ⁽²⁾, 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 ⁽³⁾;

Whereas it follows from the application of these provisions that the import levies on the products concerned should be as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81 shall be as indicated in the Annex hereto.

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, 28 February 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 28 February 1994 fixing the basic amount of the import levy on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of levy per 100 kg of dry matter ⁽¹⁾
1702 20 10	0,3915	—
1702 20 90	0,3915	—
1702 30 10	—	48,82
1702 40 10	—	48,82
1702 60 10	—	48,82
1702 60 90	0,3915	—
1702 90 30	—	48,82
1702 90 60	0,3915	—
1702 90 71	0,3915	—
1702 90 90	0,3915	—
2106 90 30	—	48,82
2106 90 59	0,3915	—

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

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽³⁾ OJ No L 108, 1. 5. 1993, p. 106.

COMMISSION REGULATION (EC) No 444/94

of 28 February 1994

fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 3179/93⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on export refunds and levies on olive oil⁽³⁾, and in particular the first sentence of Article 3 (1) thereof,

Whereas Article 20 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Regulation (EEC) No 1650/86 and Commission Regulation (EEC) No 616/72⁽⁴⁾, as last amended by Regulation (EEC) No 2962/77⁽⁵⁾;

Whereas the first indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 4 of Regulation (EEC) No 1650/86, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market;

Whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period;

Whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 5 of Regulation (EEC) No 1650/86, it may be decided that the refund shall be fixed by tender;

Whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 3 (1) of Regulation (EEC) No 1650/86 provides that the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

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 Council Regulation (EEC) No 990/93⁽⁹⁾ 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 Oils and Fats,

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 285, 20. 11. 1993, p. 9.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 78, 31. 3. 1972, p. 1.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽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.

⁽⁹⁾ OJ No L 102, 28. 4. 1993, p. 14.

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

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, 28 February 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 28 February 1994 fixing the export refunds on olive oil

(ECU/100 kg)	
Product code	Amount of refund ⁽¹⁾ ⁽²⁾
1509 10 90 100	35,00
1509 10 90 900	55,00
1509 90 00 100	42,00
1509 90 00 900	67,00
1510 00 90 100	8,00
1510 00 90 900	27,00

⁽¹⁾ For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 as well as for exports to third countries.

⁽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 445/94**of 28 February 1994****fixing the maximum export refunds on olive oil for the sixth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 3142/93**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 3179/93⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil⁽³⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EC) No 3142/93⁽⁴⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾ 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 Article 6 of Regulation (EC) No 3142/93 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Commu-

nity and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the sixth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 3142/93 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 February 1994.

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, 28 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 285, 20. 11. 1993, p. 9.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 281, 16. 11. 1993, p. 3.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 28 February 1994 fixing the maximum export refunds on olive oil for the sixth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 3142/93

(ECU/100 kg)	
Product code	Amount of refund (1)
1509 10 90 100	37,00
1509 10 90 900	—
1509 90 00 100	44,00
1509 90 00 900	71,00
1510 00 90 100	10,00
1510 00 90 900	—

(1) 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 (OJ No L 366, 24. 12. 1987, p. 1), as last amended by Regulation (EC) No 3567/93 (OJ No L 327, 28. 12. 1993, p. 1).

COMMISSION REGULATION (EC) No 446/94

of 28 February 1994

fixing the production refund for olive oil used in the manufacture of certain preserved foods

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 3179/93⁽²⁾,

Having regard to Council Regulation (EEC) No 591/79 of 26 March 1979 laying down general rules relating to the production refund for olive oil used in the manufacture of certain preserved foods⁽³⁾, as last amended by Regulation (EEC) No 2903/89⁽⁴⁾, and in particular Articles 3 and 5 thereof,

Whereas Article 2 of Council Regulation (EEC) No 591/79 provides for the granting of a production refund for olive oil used in the preserving industry;

Whereas under Article 3 of the abovementioned Regulation, without prejudice to the second subparagraph of Article 7 of the said Regulation, the Commission shall fix this refund every two months;

Whereas, by virtue of Article 5 of the Regulation cited above, where the tender system is employed for fixing the levy, the production refund shall be fixed on the basis of the minimum levies determined under the said system for

oils falling within subheading 1509 90 00 of the combined nomenclature and the export refunds valid for those same oils; whereas, however, if the oil employed for manufacture of the preserves was produced within the Community, the amount referred to above shall be increased by a sum equal to the consumption aid in force on the day the said refund is applied;

Whereas application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

Article 1

For the months of March and April 1994, the amount of the production refund referred to in Article 2 of Regulation (EEC) No 591/79 shall be:

- ECU 81,08 per 100 kilograms for olive oil produced in the Community,
- ECU 41,50 per 100 kilograms for olive oil other than that referred to in the preceding indent.

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, 28 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 285, 20. 11. 1993, p. 9.

⁽³⁾ OJ No L 78, 30. 3. 1979, p. 2.

⁽⁴⁾ OJ No L 280, 29. 9. 1989, p. 3.

COMMISSION REGULATION (EC) No 447/94

of 28 February 1994

fixing the reduced levy on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries

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 Article 16 (5) thereof,

Whereas Article 16 a (1) of Regulation (EEC) No 1785/81 provides for a reduced rate levy to apply during the period 1 January to 30 June 1993 to Portuguese imports of certain quantities of raw sugar originating in specified third countries and for use by Portuguese refineries;

Whereas Article 16 a (2) of Regulation (EEC) No 1785/81 stipulates that this reduced levy is to equal the intervention price for raw sugar as indicated in Article 3 (2) of that Regulation applicable when the sugar is imported, less an amount equal to the average of the spot prices, adjusted where necessary to the cif stage, quoted on the London market during the first 20 days of the month preceding that for which the reduced levy amount is set;

Whereas pursuant to Article 16 a (5) the reduced levy is to be set each month for the following month;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽³⁾, as

amended by Regulation (EC) No 3528/93 ⁽⁴⁾, 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 ⁽⁵⁾;

Whereas application of the abovementioned provisions gives a reduced rate import levy for the raw sugar concerned of the amount indicated in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The reduced levy on imports into Portugal of the quantities of raw sugar for refining (CN codes 1701 11 10 and 1701 12 10) indicated in Article 16 a of Regulation (EEC) No 1785/81 shall, for standard quality, be ECU 23,38 per 100 kg.

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, 28 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 108, 1. 5. 1993, p. 106.

COMMISSION REGULATION (EC) No 448/94
of 28 February 1994
altering the corrective amount applicable to the refund on cereals

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 13(4) thereof,

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 409/94⁽³⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(1), points (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

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, 28 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 54, 25. 2. 1994, p. 23.

ANNEX

to the Commission Regulation of 28 February 1994 altering the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current	1st period	2nd period	3rd period	4th period	5th period	6th period
		3	4	5	6	7	8	9
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 00 200	—	—	—	—	—	—	—	—
1001 10 00 400	03	0	- 1,425	- 2,85	- 4,275	—	—	—
	02	—	—	—	—	—	—	—
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	01	0	0	0	0	- 30,00	—	—
1002 00 00 000	01	0	0	0	0	- 30,00	—	—
1003 00 10 000	—	—	—	—	—	—	—	—
1003 00 90 000	01	0	0	0	- 30,00	- 30,00	—	—
1004 00 00 200	—	—	—	—	—	—	—	—
1004 00 00 400	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	0	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 100	01	0	0	0	0	- 30,00	—	—
	02	—	—	—	—	—	—	—
1101 00 00 130	01	0	0	0	0	- 30,00	—	—
1101 00 00 150	01	0	0	0	0	- 30,00	—	—
1101 00 00 170	01	0	0	0	0	- 30,00	—	—
1101 00 00 180	01	0	0	0	0	- 30,00	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 500	01	0	0	0	0	- 30,00	—	—
1102 10 00 700	—	—	—	—	—	—	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 200	—	—	—	—	—	—	—	—
1103 11 10 400	—	—	—	—	—	—	—	—
1103 11 10 900	—	—	—	—	—	—	—	—
1103 11 90 200	—	—	—	—	—	—	—	—
1103 11 90 800	—	—	—	—	—	—	—	—

(1) The destinations are identified as follows:

- 01 all third countries,
- 02 other third countries,
- 03 Algeria.

NB: The zones are those defined in Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EC) No 449/94
of 28 February 1994
altering the corrective amount applicable to the refund on 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 13 (4) thereof,

Whereas the corrective amount applicable to the refund on malt was fixed by Regulation (EC) No 171/94 ⁽³⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the

market into account, the corrective amount at present applicable to the refund on malt should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 13 (4) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of malt is hereby altered to the amount set out in the Annex hereto.

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, 28 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 24, 29. 1. 1994, p. 22.

ANNEX

to the Commission Regulation of 28 February 1994 altering the corrective amount applicable to the refund on malt

(ECU/tonne)

Product code	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8
1107 10 11 000	0	0	0	0	0	0
1107 10 19 000	0	0	0	0	0	0
1107 10 91 000	0	0	0	0	0	0
1107 10 99 000	0	0	0	0	0	0
1107 20 00 000	0	0	0	0	0	0

(ECU/tonne)

Product code	6th period 9	7th period 10	8th period 11	9th period 12	10th period 1	11th period 2
1107 10 11 000	0	0	0	0	0	0
1107 10 19 000	0	0	0	0	0	0
1107 10 91 000	0	0	0	0	0	0
1107 10 99 000	0	0	0	0	0	0
1107 20 00 000	0	0	0	0	0	0

COMMISSION REGULATION (EC) No 450/94

of 28 February 1994

fixing the rates of the refunds applicable to certain cereal and rice-products
exported in the form of goods not covered by Annex II to the Treaty

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 the third subparagraph of Article 13 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 the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Whereas Article 13 (1) of Regulation (EEC) No 1766/92 and Article 17 (1) of Regulation (EEC) No 1418/76 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EEC) No 3381/90⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EEC) No 1418/76 as appropriate;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EEC) No 3035/80, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, in accordance with paragraph 2 of that Article, that rate must be determined with particular reference to:

(a) the average costs incurred by processing industries in obtaining supplies of the basic products in question on the Community market and the prices ruling on the world markets;

(b) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions;

(c) the need to ensure equality of competition for the industries which use Community products and those which use third-country products under inward processing arrangements;

Whereas in the absence of evidence that no production refund was granted pursuant to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors⁽⁷⁾, the export refund should be reduced by the amount of the production refund applicable on the day of acceptance of the export declaration; whereas this system is the only one which avoids the risk of fraud;

Whereas Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products⁽⁸⁾, as amended by Regulation (EEC) No 2026/83⁽⁹⁾, and Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽¹⁰⁾, as last amended by Regulation (EEC) No 2805/93⁽¹¹⁾, lay down rules on the advance payment of export refunds that must be adhered to when these are adjusted;

Whereas, now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽¹²⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and

⁽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 323, 29. 11. 1980, p. 27.

⁽⁶⁾ OJ No L 327, 27. 11. 1990, p. 4.

⁽⁷⁾ OJ No L 159, 1. 7. 1993, p. 112.

⁽⁸⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁹⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽¹⁰⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽¹¹⁾ OJ No L 256, 14. 10. 1993, p. 7.

⁽¹²⁾ OJ No L 275, 29. 9. 1987, p. 36.

1902 19 according to their destination ;

Whereas, for the application of Article 4 (2) (b) of Regulation (EEC) No 3035/80, it is necessary to differentiate the refunds ;

Whereas Council Regulation (EEC) No 990/93⁽¹⁾ 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 in particular the export refund for unprocessed starches falling within CN code 1108 is granted only if the dry matter content is at least 77 % in the case of potato starch and at least 84 % in the case of cereal starches ;

Whereas with regard to potatoes, only potato starches are subject to common organization of the market, consequently steps should be taken to specify the terms that these potato starches should meet in order to qualify for refunds ;

Whereas, in respect of glucose syrup and maltodextrine syrup, the dry extract content for which the rate of refund is set should be specified ;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION :

Article 1

1. Without prejudice to paragraphs 2 and 3 the rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No 3035/80 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1 (1) of Regulation (EEC) No 1418/76, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EEC) No 1418/76 respectively, are hereby fixed as shown in the Annex to this Regulation.

2. For the products listed in the Annex I to Regulation (EEC) No 1722/93 the refunds given in the Annex to this Regulation shall be applied on presentation, at the acceptance of the export declaration and the request for obtaining the export refund, of proof that the basic products used in the manufacture of the products to be exported have not benefited from the production refund provided

for in that Regulation, and that such refund will not be applied for.

The proof referred to in the first subparagraph is provided by the presentation by the exporter of a declaration from the processor of the basic product in question attesting that the latter product has not benefited from a production refund as provided for in Regulation (EEC) No 1722/93, and that no application for such refund will be made.

3. When the proof referred to in paragraph 2 is not provided, the export refund :

(a) applicable on the date of acceptance of the export declaration for the goods, or on the day specified in Article 26 (2) of Regulation (EEC) No 3665/87, where the rate is not fixed in advance ;

(b) of which the rate is fixed in advance,

will be reduced by the amount of the production refund applicable pursuant to Regulation (EEC) No 1722/93 to the basic product in question on the day of acceptance of the export declaration for the goods, or on the day specified in Article 26 (2) of Regulation (EEC) No 3665/87, if the goods have been placed under the export refund advance payment arrangements.

Article 2

1. The refund for starches and potato starch falling within CN code 1108 or products falling within Annex A to Regulation (EEC) No 1766/92 resulting from the processing of these starches and potato starch is granted only on production of a declaration from the suppliers of those products attesting that they have been directly produced from cereals, potatoes or rice excluding all use of subproducts obtained in the production of other agricultural products or goods.

The above declaration can be considered valid, until revocation, for all supplies from the same producer ; it shall be verified in accordance with the provisions of Article 8 (1) and the first indent of paragraph 2 of Regulation (EEC) No 3035/80.

2. Where the dry-extract content of potato starch assimilated to maize starch pursuant to Article 1 (2) (a) of Regulation (EEC) No 3035/80 is 80 % or higher, the rate of the export refund shall be as laid down in the Annex ; where the dry-extract content is less than 80 % the rate of the refund shall be the amount laid down in the Annex multiplied by 1/80th of the actual dry-extract percentage.

For all other starches with a dry-extract content of 87 % or more, the rate of the export refund shall be as laid down in the Annex ; where the dry-extract content is less than 87 % the amount of the refund shall be the rate laid down in the Annex multiplied by 1/87th of the actual dry-extract percentage.

⁽¹⁾ OJ No L 102, 28. 4. 1993, p. 14.

3. For the purposes of paragraph 1 above, the dryextract content of starches shall be determined using the method applied to flour in Annex II to Commission Regulation (EEC) No 1908/84 ⁽¹⁾, as last amended by Regulation (EEC) No 2507/87 ⁽²⁾.

4. At the time of application for the export refund for the goods the applicant must declare the dry-extract content of the starches concerned, unless this information has been recorded by the competent authorities referred to in Article 3 (2) of Regulation (EEC) No 3035/80, in accordance with the provisions of that paragraph.

Article 3

1. If the dry extract content of glucose syrup or maltodextrine syrup falling within CN code 1702 30 59, 1702 30 99, 1702 40 90, 1702 90 50 or 2106 90 55 is greater than or equal to 78 %, the rate of refund shall be that set in accordance with the Annex; if the dry extract

content of the said syrups is less than 78 %, the rate applied shall be equal to the rate of refund set in accordance with the Annex multiplied by the actual percentage of dry extract and divided by 78.

2. For the purposes of the preceding paragraph, the dry matter content of glucose syrup or maltodextrine syrup shall be determined in accordance with Method 2 described in Annex II to Council Directive 79/796/EEC ⁽³⁾, or in accordance with any other appropriate method of analysis which offer at least the same guarantees.

3. When applying for the export refund, the applicant must state the dry extract content of the glucose syrup and maltodextrine syrup used, unless this information has been recorded by the competent body referred to in Article 3 (2) of Regulation (EEC) No 3035/80, as provided for in that paragraph.

Article 4

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, 28 February 1994.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 178, 5. 7. 1984, p. 22.

⁽²⁾ OJ No L 235, 20. 8. 1987, p. 10.

⁽³⁾ OJ No L 239, 22. 9. 1979, p. 24.

ANNEX

to the Commission Regulation of 28 February 1994 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products (1)	Rate of refund per 100 kg of basic product (2)
1001 10 00	Durum wheat : — used unprocessed : — — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — — in all other cases — used in the form of : — — pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 — — hulled grains of CN code 1104 and starch of CN code 1108 — — germ of CN code 1104 — — gluten of CN code 1109 — — other (except flours of CN code 1101 and groats and meal of CN code 1103)	— — — — — — —
1001 90 99	Common wheat and meslin : — used unprocessed : — — on exports of goods falling within CN code 1902 11 and 1902 19 to the United States of America — — in all other cases — used in the form of : — — pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 — — hulled grains of CN code 1104 and starch of CN code 1108 — — germ of CN code 1104 — — gluten of CN code 1109 — — other (except flours of CN code 1101, and groats and meal of CN code 1103)	2,080 3,467 2,080 3,120 1,213 — 3,467
1002 00 00	Rye : — used unprocessed — used in the form of : — — pellets of CN code 1103, or pearled grains of CN code 1104 — — rolled or flaked grains and hulled grains of CN code 1104 — — germ of CN code 1104 — — starch of CN code 1108 19 90 — — gluten of CN code 2303 10 90 — — other (except flours of CN code 1102)	3,467 2,080 3,120 1,245 3,557 — 3,467
1003 00 90	Barley : — used unprocessed — used in the form of : — — flours of CN code 1102, groats and meal of CN code 1103, or rolled, flaked or pearled grains of CN code 1104 — — pellets of CN code 1103 — — germs of CN code 1104 — — starch of CN code 1108 19 90 — — gluten of CN code 2303 10 90 — — other	6,823 4,776 4,094 1,245 3,557 — 6,823

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾
1004 00 00	Oats : — used unprocessed — used in the form of : — — pellets of CN code 1103, and pearled grains of CN code 1104 — — rolled or flaked grains and hulled grains of CN code 1104 — — germs of CN code 1104 — — starch of CN code 1108 19 90 — — gluten of CN code 2303 10 90 — — other	6,440 3,864 5,796 1,245 3,557 — 6,440
1005 90 00	Maize (Corn) : — used unprocessed — used in the form of : — — flours of CN codes 1102 20 10 and 1102 20 90 — — groats and meal of CN code 1003 and rolled or flaked grains of CN code 1104 — — pellets of CN code 1103 — — hulled or perled grains of CN code 1104 — — germs of CN code 1104 — — starch of CN code 1108 12 00 — — gluten of CN code 2303 10 11 — — other ⁽³⁾	3,557 2,490 2,846 2,134 3,201 1,245 3,557 1,423 3,557
1006 20	Round grain husked rice Medium grains husked rice Long grain husked rice	18,290 16,284 16,284
ex 1006 30	Round grain wholly-milled rice Medium grain wholly-milled rice Long grain wholly-milled rice	23,600 23,600 23,600
1006 40 00	Broken rice : — used unprocessed — used in the form of : — — flour of CN code 1102 30, groats and meal or pellets of CN code 1103 — — flaked grains of CN 1104 19 91 — — starch of CN code 1108 19 10 — — other	5,400 5,400 3,240 5,400 —
1007 00 90	Sorghum	6,440
1101 00 00	Wheat or meslin flour : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases	2,559 4,264
1102 10 00	Rye flour	4,750
1103 11 10	Groats and durum wheat meal : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases	— —
1103 11 90	Common wheat groats and spelt : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases	2,559 4,264

⁽¹⁾ The quantities of semi-processed products used must be multiplied, as the case may be, by the coefficients shown in Annex I to Commission Regulation (EEC) No 1620/93 (OJ No L 155, 26. 6. 1993, p. 29).

⁽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.

⁽³⁾ For syrups of CN codes 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 451/94

of 28 February 1994

fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

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 17 (4) thereof,

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c) and (e) of that Regulation and prices within the Community may be covered by an export refund; whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 3381/90 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EEC) No 3035/80, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, in accordance with paragraph 2 of that Article, that rate must be determined with particular reference to:

- (a) the average costs incurred by processing industries in obtaining supplies of the basic products in question on the Community market and the prices ruling on the world markets;
- (b) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions;

- (c) the need to ensure equality of competition for the industries which use Community products and those which use third-country products under inward-processing arrangements;

Whereas Article 4 (3) of Regulation (EEC) No 3035/80 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates ⁽⁵⁾, as last amended by Regulation (EEC) No 1435/90 ⁽⁶⁾;

Whereas Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁷⁾, as last amended by Regulation (EC) No 3049/93 ⁽⁸⁾, lay down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

Whereas Council Regulation (EEC) No 990/93 ⁽⁹⁾ 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;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 1.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 327, 27. 11. 1990, p. 4.

⁽⁵⁾ OJ No L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ No L 138, 31. 5. 1990, p. 8.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁸⁾ OJ No L 273, 5. 11. 1993, p. 7.

⁽⁹⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No 3035/80 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

Where Article 8 (2) of Regulation (EEC) No 3035/80 is applied to exports of one of the goods referred to in Article 4 (1), (2) or (3) of Regulation (EEC) No 570/88, the rate of the refund on milk products shall be that applicable to the use of reduced price butter, unless the exporter provides proof that the product does not contain reduced-price butter.

Article 3

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, 28 February 1994.

For the Commission

Martin BANGEMANN

Vice-President

ANNEX

to the Commission Regulation of 28 February 1994 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description	(ECU/100 kg) Rate of refund (*)
ex 0402 10 19	Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2): a) On exportation of goods of CN code 3501 b) On exportation of other goods	— 60,00
ex 0402 21 19	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3): a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported b) On exportation of other goods	54,54 110,00
ex 0405 00	Butter, with a fat content by weight of 82 % (PG 6): a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported b) On exportation of goods of CN code 2106 90 99 containing 40 % or more by weight of milk fat c) On exportation of other goods	31,00 166,00 160,00

(*) 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 452/94

of 28 February 1994

fixing the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EC) No 133/94⁽²⁾, and in particular Article 19 (4) (a) and (7) thereof,

Whereas Article 19 (1) and (2) of Regulation (EEC) No 1785/81 provides that, for the products listed in Article 1 (1) (a), (c), (d), (f) and (g) of that Regulation, an export refund may be granted when these goods are exported in the form of goods listed in Annex I to that same Regulation; whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds for certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EEC) No 3381/90⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EEC) No 3035/80, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month; and whereas, in accordance with paragraph 2 of that Article, that rate must be determined with particular reference to:

- (a) the average costs incurred by processing industries in obtaining supplies of the basic products on the Community market and the prices ruling on the world market;
- (b) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions;
- (c) the need to ensure equality of competition for the industries which use Community products and those which use third-country products under inward processing arrangements;

Whereas Article 4 (3) of Regulation (EEC) No 3035/80 provides that, when the rate of the refund is being fixed, account should be taken, where appropriate, of refunds, aids or other measures having equivalent effect, applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question, to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Council Regulation (EEC) No 1010/86 of 26 March 1986 laying down general rules for production refunds on certain products of the chemical industry⁽⁵⁾, as last amended by Regulation (EEC) 464/91⁽⁶⁾, provides for the granting of production refunds of white sugar, raw sugar, certain sucrose syrups falling within CN codes ex 1702 60 90 and ex 1702 90 90 having a certain purity, and unprocessed isoglucose falling within CN codes 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30, which are used in the manufacture of the chemical products listed in the Annex thereto; whereas this production refunds' scheme has been established in particular to bring the conditions under which Community processors operate progressively into line with those of processors employing sugar at world market prices; whereas, therefore, in the absence of proof that the basic product has not benefited from the production refund, the amount of the export refund must be reduced by the amount of the production refund applicable to the basic product on the day of acceptance of the export declaration; whereas this system is the only one which discards the risk of fraud;

Whereas Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products⁽⁷⁾, as amended by Regulation (EEC) No 2026/83⁽⁸⁾, and Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁹⁾, as last amended by Regulation (EEC) No 2805/93⁽¹⁰⁾, lay down rules on the advance payment of export refunds that must be adhered to when these are adjusted;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 327, 27. 11. 1990, p. 4.

⁽⁵⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁶⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽⁷⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁸⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽⁹⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽¹⁰⁾ OJ No L 256, 14. 10. 1993, p. 7.

Whereas Council Regulation (EEC) No 990/93 ⁽¹⁾ 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. Without prejudice to paragraphs 2 and 3, the rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No 3035/80 and listed in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

2. For the chemical products listed in the Annex to Regulation (EEC) No 1010/86, the refunds given in the Annex to this Regulation shall be applied on presentation, at the acceptance of the export declaration and the request for obtaining the export refund, of proof that the

basic products used in the manufacture of the chemical products to be exported have not benefited from the production refund provided for in that Regulation, and that such refund will not be applied for.

The proof referred to in the first subparagraph is provided by the presentation by the exporter of a declaration from the processor of the basic product in question attesting that the latter product has not benefited from a production refund as provided for in Regulation (EEC) No 1010/86, and that no application for such refund will be made.

3. When the proof referred to in paragraph 2 is not provided, the export refund:

- (a) applicable on the date of export of the goods, when the rate is not fixed in advance; or
- (b) of which the rate is fixed in advance,

will be reduced by the amount of the production refund applicable under Regulation (EEC) No 1010/86 to the basic product in question on the day of acceptance of the export declaration for the goods, or on the day specified in Article 3 (2) of Regulation (EEC) No 3665/87, if the goods have been placed under the export refund advance payment arrangements.

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, 28 February 1994.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 28 February 1994 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

	— Rate of refund in ECU/100 kg ^(*) —
White sugar :	34,51
Raw sugar :	31,74
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose) :	$34,51 (^*) \times \frac{S(^*)}{100}$ or
	the rate fixed above for 100 kg of white or raw sugar used for the dissolution
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion :	
Molasses :	—
Isoglucose ⁽²⁾ :	34,51 ⁽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.

(1) 'S' represents in 100 kilograms of syrup

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

(2) Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

(3) Amount of refund per 100 kilograms of dry matter.

(4) The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

COMMISSION REGULATION (EC) No 453/94
of 28 February 1994
fixing the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1544/93 ⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 833/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports of rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20

and 1006 30 ⁽³⁾, as last amended by Regulation (EEC) No 674/91 ⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2666/93 ⁽⁵⁾, as last amended by Regulation (EC) No 411/94 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 March 1994.

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

Done at Brussels, 28 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 5.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 75, 21. 3. 1991, p. 29.

⁽⁵⁾ OJ No L 245, 1. 10. 1993, p. 4.

⁽⁶⁾ OJ No L 55, 26. 2. 1994, p. 1.

ANNEX

to the Commission Regulation of 28 February 1994 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies ^(*)		
	Arrangement in Regulation (EEC) No 3877/86 ^(*)	ACP Bangladesh ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾	Third countries (except ACP) ⁽⁵⁾
1006 10 21	—	144,15	295,50
1006 10 23	—	113,37	233,94
1006 10 25	—	113,37	233,94
1006 10 27	175,46	113,37	233,94
1006 10 92	—	144,15	295,50
1006 10 94	—	113,37	233,94
1006 10 96	—	113,37	233,94
1006 10 98	175,46	113,37	233,94
1006 20 11	—	181,08	369,37
1006 20 13	—	142,61	292,43
1006 20 15	—	142,61	292,43
1006 20 17	219,32	142,61	292,43
1006 20 92	—	181,08	369,37
1006 20 94	—	142,61	292,43
1006 20 96	—	142,61	292,43
1006 20 98	219,32	142,61	292,43
1006 30 21	—	224,27	472,40
1006 30 23	—	234,99	493,75
1006 30 25	—	234,99	493,75
1006 30 27	370,31	234,99	493,75
1006 30 42	—	224,27	472,40
1006 30 44	—	234,99	493,75
1006 30 46	—	234,99	493,75
1006 30 48	370,31	234,99	493,75
1006 30 61	—	239,20	503,11
1006 30 63	—	252,30	529,30
1006 30 65	—	252,30	529,30
1006 30 67	396,98	252,30	529,30
1006 30 92	—	239,20	503,11
1006 30 94	—	252,30	529,30
1006 30 96	—	252,30	529,30
1006 30 98	396,98	252,30	529,30
1006 40 00	—	52,16	110,32

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

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

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

(⁴) The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulations (EEC) No 3491/90 and (EEC) No 862/91.

(⁵) The levy on imports of rice of the long-grain aromatic Basmati variety is applicable under the arrangements laid down in amended Regulation (EEC) No 3877/86.

(⁶) No import levy applies to products originating in the OCT pursuant to Article 101 (1) of Decision 91/482/EEC, subject to the provisions of Decision 93/127/EEC.

COMMISSION REGULATION (EC) No 454/94**of 28 February 1994****fixing the premiums to be added to the import levies on rice and broken rice**

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1544/93 ⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2667/93 ⁽³⁾, as last amended by Regulation (EC) No 412/94 ⁽⁴⁾;

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

Article 2

This Regulation shall enter into force on 1 March 1994.

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

Done at Brussels, 28 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 5.

⁽³⁾ OJ No L 245, 1. 10. 1993, p. 7.

⁽⁴⁾ OJ No L 55, 26. 2. 1994, p. 3.

ANNEX

to the Commission Regulation of 28 February 1994 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 3	1st period 4	2nd period 5	3rd period 6
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EC) No 455/94

of 28 February 1994

determining for the period 1 March 1994 to 30 June 1994 the quantities of raw sugar produced in the French overseas departments benefiting from the refining aid referred to in Council Regulation (EEC) No 2225/86

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 Article 9 (6) thereof,

Having regard to Council Regulation (EEC) No 2225/86 of 15 July 1986 laying down measures for the marketing of sugar produced in the French overseas departments and for the equalization of the price conditions with preferential raw sugar⁽³⁾, and in particular the second subparagraph of Article 3 (2) thereof,

Whereas Article 3 of Regulation (EEC) No 2225/86 provides for the granting of an aid for raw sugar produced in the French overseas departments and refined in a refinery situated in the European regions of the Community within the limits of the quantities to be determined according to the regions of destination in question and separately according to origin; whereas those quantities must be determined on the basis of a Community supply balance sheet for raw sugar; whereas in a first stage quantities were fixed by Commission Regulation (EEC) No 1786/93⁽⁴⁾, as amended by Regulation (EEC) No 2930/93⁽⁵⁾, on the basis of a forward estimate covering the period 1 July 1993 to 28 February 1994;

Whereas the final production of the French overseas department of Réunion and the quantities available for refining are now known; whereas the latter quantities which may qualify for this refining aid are accordingly to be determined for the remainder of the 1993/94 marketing year;

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

HAS ADOPTED THIS REGULATION:

Article 1

The quantities of sugar referred to in Article 3 (2) of Regulation (EEC) No 2225/86 shall be fixed for the period 1 March to 30 June 1994 in accordance with Annex I hereto.

Article 2

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

It shall apply with effect from 1 March 1994.

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

Done at Brussels, 28 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 194, 17. 7. 1986, p. 7.

⁽⁴⁾ OJ No L 163, 6. 7. 1993, p. 11.

⁽⁵⁾ OJ No L 265, 26. 10. 1993, p. 8.

ANNEX

Quantities of raw cane sugar, expressed in 1 000 tonnes of white sugar :

(Period from 1 March to 30 June 1994)

Originating from the French overseas departments	For refining			
	in metropolitan France	in Portugal	in the United Kingdom	in the other regions of the Community
1. Réunion	0	0	0	0
2. Guadeloupe and Martinique	31	0	0	0

COMMISSION REGULATION (EC) No 456/94**of 28 February 1994****determining certain prices fixed in ecus for beef and veal as a result of the monetary realignments in the 1992/93 marketing year**

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

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⁽¹⁾, as amended by Regulation (EEC) No 3528/93⁽²⁾, and in particular Article 9 (1) thereof,

Having regard to Council Regulation (EEC) No 3824/92 of 28 December 1992 laying down the prices and amount fixed in ecus as a result of monetary realignments⁽³⁾, as last amended by Regulation (EEC) No 1663/93⁽⁴⁾, and in particular Article 2 thereof,

Whereas Regulation (EEC) No 3824/92 establishes the list of prices for beef and veal which are multiplied by the coefficient 1,013088 fixed in Commission Regulation (EEC) No 537/93 of 9 March 1993⁽⁵⁾, as amended by Regulation (EEC) No 1331/93⁽⁶⁾, from 1 July 1993 under the arrangements for automatically dismantling negative monetary gaps; whereas Article 2 of Regulation (EEC) No 3824/92 provides that the resulting reduction in prices and amounts should be specified for the product groups concerned and the reduced prices should be fixed;

Whereas the intervention price for adult bovine animals for the periods 1 July 1994 to 30 June 1995 and 1 July

1995 to 30 June 1996 was fixed in Council Regulation (EEC) No 2068/92 of 30 June 1992⁽⁷⁾;

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

The intervention price fixed in ecus by the Council for carcasses of male animals in category R3 and reduced pursuant to Article 1 of Regulation (EEC) No 3824/92 shall be:

- ECU 304,71 per 100 kg carcase weight for the period 1 July 1994 to 30 June 1995,
- ECU 287,78 per 100 kg carcase weight for the period 1 July 1995 to 30 June 1996.

Article 2

This Regulation shall enter into force on the seventh 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, 28 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.
⁽²⁾ OJ No L 320, 22. 12. 1993, p. 32.
⁽³⁾ OJ No L 387, 31. 12. 1992, p. 29.
⁽⁴⁾ OJ No L 158, 30. 6. 1993, p. 18.
⁽⁵⁾ OJ No L 57, 10. 3. 1993, p. 18.
⁽⁶⁾ OJ No L 132, 29. 5. 1993, p. 114.

⁽⁷⁾ OJ No L 215, 30. 7. 1992, p. 58.

COMMISSION REGULATION (EC) No 457/94

of 28 February 1994

amending Regulation (EC) No 3409/93 introducing management measures for imports of certain bovine animals for 1994 and determining to what extent applications for import licences may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1157/92 of 28 April 1992 authorizing the implementation of management measures relating to imports of live bovine animals⁽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,

Having regard to Commission Regulation (EC) No 3409/93 of 13 December 1993 introducing management measures for imports of certain bovine animals for 1994⁽⁴⁾, and in particular Article 5 (1) thereof,

Whereas pursuant to Article 5 (2) of Regulation (EC) No 3409/93 if the quantity is less than 200 head per application, it is to be allocated by drawing lots by batches of 200 head; whereas, in order to facilitate and speed up the drawing of lots as far as possible, that task should be given to the Member States concerned;

Whereas, on account of certain delays which have occurred, the first period laid down for the issuing of import licences must be deferred;

Whereas Article 2 (3) of Regulation (EC) No 3409/93 provides that the quantities set aside for so-called 'traditional' importers are to be granted in proportion to their imports at the full levy during 1991, 1992 and 1993;

Whereas, when notifying the Commission of the reference quantities for 1993 for traditional importers, the French authorities did not forward the quantities imported in 1990 by one operator, who was accordingly excluded from the import arrangements for that year; whereas, with a view to ensuring proper management of these arrangements, the quantities which that importer could have imported in respect of 1993 had his reference quantities been notified correctly, should, by way of derogation from Article 4 of Regulation (EC) No 3409/93, be considered as having actually been imported in 1993 and they should be taken into account as a reference quantity when the quantities available in respect of 1994 are allocated;

Whereas the quantities available to the operators referred to in Article 2 (2) (b) of that Regulation should be allocated to them in proportion to the quantities applied for; whereas, since the quantities applied for exceed the quantities available, a uniform percentage should be fixed to reduce them; whereas the application of that percentage leads to a maximum of 109 head being allocated per application;

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

Regulation (EC) No 3409/93 is hereby amended as follows:

1. The second subparagraph of Article 5 (2) is replaced by the following:

'If the reduction provided for in the first subparagraph results in a quantity of less than 200 head per application, the quantity shall be allocated by the Member States concerned by drawing lots for batches of 200 head. The number of batches to be allocated in a given Member State shall be calculated by multiplying the total quantity applied for under Article 4 (3) in that Member State by the reducing coefficient laid down and by dividing the result thus obtained by 200.'

2. The first indent of Article 6 (4) is replaced by the following:

'— from 7 to 18 March 1994 for up to 25 % of the quantities allocated.'

Article 2

Applications for import licences for live animals of the bovine species weighing not more than 80 kilograms shall be accepted for up to the following quantities:

- (a) 18,224 % of quantities imported in 1991, 1992 and 1993 by the importers referred to in Article 2 (2) (a) of Regulation (EC) No 3409/93;
- (b) 0,217 % of quantities applied for by the operators referred to in Article 2 (2) (b) of Regulation (EC) No 3409/93.

Article 3

This Regulation shall enter into force on 7 March 1994.

⁽¹⁾ OJ No L 122, 7. 5. 1992, p. 4.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽³⁾ OJ No L 328, 29. 12. 1993, p. 7.

⁽⁴⁾ OJ No L 310, 14. 12. 1993, p. 22.

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

Done at Brussels, 28 February 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 458/94
of 28 February 1994
on the supply of cereals as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽¹⁾, as last amended by Regulation (EEC) No 1930/90⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain beneficiaries 3 208 tonnes of cereals;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽⁴⁾, as amended by Regulation (EEC) No 790/91⁽⁵⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, notably for logistical reasons, certain supplies are not awarded within the first and second deadlines for submission of tenders; whereas, in order to avoid republication of the notice of invitation to tender, a third deadline for submission of tenders should be opened,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the Annexes, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 28 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX I

LOT A

1. **Operation No** (1): 1234/93
2. **Programme**: 1993
3. **Recipient** (2): Fédération Internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge (IFRC), département approvisionnements et logistique, Case Postale 372, CH-1211 Genève 19 (tel. (41 22) 730 42 22; telefax 733 03 95; telex 412133 LRC CH)
4. **Representative of the recipient**: Société Nationale de la Croix-Rouge haïtienne, Place des Nations Unies (Bicentenaire), BP 1337, Port-au-Prince, Haïti (W I) (tel. (509) 22 23 1035; telefax 22 23 1054; telex 2030001 (cabine publique))
5. **Place or country of destination** (3): Haiti
6. **Product to be mobilized**: maize meal (product code 1103 13 10 100)
7. **Characteristics and quality of the goods** (4) (5) (7): see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (1) (d))
8. **Total quantity**: 100 tonnes (192 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking** (8) (10) (11): see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (2) (c) and II.B (3)) markings in French
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: Entrepôt Croix-Rouge haïtienne, Immeuble n° 18, Parc industriel Shodecosa, Port-au-Prince
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 11 — 24. 4. 1994
18. **Deadline for the supply**: 29. 5. 1994
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 15. 3. 1994
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 29. 3. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 25. 4 — 8. 5. 1994
 - (c) deadline for the supply: 12. 6. 1994**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 4. 1994 (Brussels time)
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 9 — 22. 5. 1994
 - (c) deadline for the supply: 26. 6. 1994
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** (1): Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles (telex 22037 AGREC B / 25670 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on request by the successful tenderer** (6): refund applicable 28. 2. 1994, fixed by Commission Regulation (EC) No 175/94 (OJ No L 24, 29. 1. 1994, p. 30)

LOTS B and C

1. **Operation Nos** ⁽¹⁾: 1198/93 (lot B) and 1194/93 (Lot C)
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: Fédération Internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge (IFRC) département approvisionnement et logistique, Case Postale 372, CH-1211 Genève 19 (tel. (41-22) 730 42 22; telefax 733 03 95; telex 412133 LRC CH)
4. **Representative of the recipient**:
Lot B: Croissant-Rouge tunésien, 19, rue d'Angleterre, Tunis 1000 (tel. (216-1) 24 06 30, 24 55 72; telefax 34 01 51; telex 14524 HILAL TN)
Lot C: Croissant-Rouge marocain, Palais Mokri B P 189 Takaddoum Rabat (tel. (212-7) 65 08 98, 65 14 95; telefax 65 32 80 telex ALHILAL 31940 M Rabat)
5. **Place or country of destination**: Tunisia (lot B); Morocco (lot C)
6. **Product to be mobilized**: durum wheat
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA (1) (b))
8. **Total quantity**: 500 tonnes
9. **Number of lots**: two (Lot B: 200 tonnes; lot C: 300 tonnes)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁷⁾ ⁽⁸⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA (2) (b) (B), IIA (2) (a) C) and IIA (3))
— markings in French
— supplementary markings: 'FICR'
11. **Method of mobilization**: the Community market
12. **Stage of supply**:
— lot B: free at port of landing — landed
— lot C: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Lot B: La Goulette
Lot C: Casablanca
16. **Address of the warehouse and, if appropriate, port of landing**: Lot C: entrepôt Croix Rouge Skhirat
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 11 — 24. 4. 1994
18. **Deadline for the supply**: 8. 5. 1994
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 15. 3. 1994
21. **A. In the case of a second invitation to tender**:
(a) deadline for the submission of tenders: 12 noon (Brussels time) on 29. 3. 1994
(b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 25. 4 — 8. 5. 1994
(c) deadline for the supply: 22. 5. 1994
B. In the case of a third invitation to tender:
(a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 4. 1994
(b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 9 — 22. 5. 1994
(c) deadline for the supply: 5. 6. 1994

22. **Amount of the tendering security:** ECU 5 per tonne
23. **Amount of the delivery security:** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities⁽¹⁾:** Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles (telex 22037 AGREC B/25670 AGREC B; telefax (32-2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on request by the successful tenderer⁽²⁾:** refund applicable on 28. 2. 1994, fixed by Commission Regulation (EC) No 175/94 (OJ No L 24, 29. 1. 1994, p. 30)

LOT D

1. **Operation No⁽¹⁾**: 1238/93
2. **Programme**: 1993
3. **Recipient⁽²⁾**: Fédération Internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge (IFRC) département approvisionnement et logistique, Case Postale 372, CH-1211 Genève 19 (tel. (41 22) 730 42 22; telefax 733 03 95; telex 412133 LRC CH)
4. **Representative of the recipient**: The Guyana Red Cross Society, Eve Leary, PO Box 10524, Georgetown, Guyana (tel. 651 74; telefax 675 82; telex FERNA 2226 GY 'For Guyana Red Cross')
5. **Place or country of destination⁽³⁾**: Guyana
6. **Product to be mobilized**: oat flakes
7. **Characteristics and quality of the goods⁽³⁾**: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (1) (e))
8. **Total quantity**: 50 tonnes (86 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking⁽⁸⁾ ⁽¹⁰⁾ ⁽¹¹⁾ ⁽¹³⁾**: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (2) (f) and II.B (3)) markings in English
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: Red Cross warehouse, Georgetown (Eve Leary)
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 11 — 24. 4. 1994
18. **Deadline for the supply**: 29. 5. 1994
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 15. 3. 1994
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 29. 3. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 25. 4 — 8. 5. 1994
 - (c) deadline for the supply: 12. 6. 1994**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 4. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 9 — 22. 5. 1994
 - (c) deadline for the supply: 26. 6. 1994
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities⁽¹⁾**: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles (telex 22037 AGREC B / 25670 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on request by the successful tenderer⁽⁴⁾**: refund applicable on 28. 2. 1994, fixed by Commission Regulation (EC) No 175/94 (OJ No L 24, 29. 1. 1994, p. 30)

LOT E

1. **Operation No⁽¹⁾**: 1241/93
2. **Programme**: 1993
3. **Recipient⁽²⁾**: Fédération Internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge (IFRC) département approvisionnement et logistique, Case Postale 372, CH-1211 Genève 19 (tel. (41 22) 730 42 22; telefax 733 03 95; telex 412133 LRC CH)
4. **Representative of the recipient**:
Cruz Roja Boliviana Av. Simon Bolivar n° 1515 Casilla n° 741, La Paz, Bolivia (tel. 34 09 48/32 65 68; 37 68 75; telex 3318 BOLCRUZ)
5. **Place or country of destination⁽³⁾**: Bolivia
6. **Product to be mobilized**: oat flakes
7. **Characteristics and quality of the goods⁽⁴⁾(⁵)**: See OJ No C 114, 29. 4. 1991, p. 1 (under II.B(1) (e))
8. **Total quantity**: 160 tonnes (275 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking⁽⁶⁾(¹⁰)(¹¹)(¹³)**: see OJ No C 114, 29. 4. 1991, p. 1 (under II B (2) (f) and II.B (3))
Markings in Spanish
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Arica(¹²)(¹⁷)
16. **Address of the warehouse and, if appropriate, port of landing**:
Almacenes Cruz Roja Boliviana, Calle Cuba N° 1155, La Paz
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 11 — 24. 4. 1994
18. **Deadline for the supply**: 19. 6. 1993
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 15. 3. 1994
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 29. 3. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 25. 4 — 8. 5. 1994
 - (c) deadline for the supply: 3. 7. 1994**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 4. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 9 — 22. 5. 1994
 - (c) deadline for the supply: 17. 7. 1994
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities⁽¹⁾**: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles (telex 22037 AGREC B / 25670 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on request by the successful tenderer⁽¹⁾**: refund applicable on 28. 2. 1994, fixed by Commission Regulation (EC) No 175/94 (OJ No L 24, 29. 1. 1994, p. 30)

LOT F

1. **Operation No** ⁽¹⁾: 1274/93
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: Fédération Internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge (IFRC), département approvisionnement et logistique, Case postale 372, CH-1211 Genève 19 (tel. (41 22) 730 42 22; telefax 733 03 95; telex 412133 LRC CH)
4. **Representative of the recipient**: Cruz Roja Hondureña, 7a Calle, entre 1a y 2a, Avenidas-Comayaguela, DC, Honduras, Centroamerica (tel. 37 45 58; telefax 22 88 76; telex 1437 CRUZ R HO)
5. **Place or country of destination** ⁽³⁾: Honduras
6. **Product to be mobilized**: oat flakes
7. **Characteristics and quality of the goods** ⁽⁴⁾ ⁽⁷⁾:
see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (1)(e))
8. **Total quantity**: 100 tonnes (173 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁸⁾ ⁽¹⁰⁾ ⁽¹³⁾ ⁽¹⁵⁾:
see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (2)(f) and II.B (3))
markings in Spanish
11. **Method of mobilization of product**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Puerto Cortes
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 11 — 24. 4. 1994
18. **Deadline for the supply**: 5. 6. 1994
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 15. 3. 1994
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 29. 3. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 25. 4 — 8. 5. 1994
 - (c) deadline for the supply: 19. 6. 1994**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 4. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 9 — 22. 5. 1994
 - (c) deadline for the supply: 3. 7. 1994
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles (telex 22037 AGREC B / 25670 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on request by the successful tenderer** ⁽⁴⁾: refund applicable on 28. 2. 1994, fixed by Commission Regulation (EC) No 175/94 (OJ No L 24, 29. 1. 1994, p. 30)

LOT G

1. **Operation No** ⁽¹⁾: 1278/93
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: Ecuador
4. **Representative of the recipient**: Ambassade de l'Équateur, Chaussée de Charleroi 70, B-1060 Bruxelles (tel. 537 91 30; telex 632 92 B); in Ecuador: SENAPS, Avenue America 1805 y la Gasca, AP. 1701, Quito (telex 2427; tel. 52 45 68/55 34 67; telefax 50 14 29)
5. **Place or country of destination** ⁽³⁾: Ecuador
6. **Product to be mobilized**: oat flakes
7. **Characteristics and quality of the goods** ⁽³⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (1) (e))
8. **Total quantity**: 430 tonnes (741 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁸⁾ ⁽¹⁰⁾ ⁽¹³⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (2) (f) or II.B (2) (g) and II.B (3))
sacks: 25 kg
markings in Spanish; supplementary markings: 'Distribución gratuita'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Guayaquil
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 11 — 24. 4. 1994
18. **Deadline for the supply**: 22. 5. 1994
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 15. 3. 1994
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 29. 3. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 25. 4 — 8. 5. 1994
 - (c) deadline for the supply: 5. 6. 1994**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 4. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 9 — 22. 5. 1994
 - (c) deadline for the supply: 19. 6. 1994
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles (telex 22037 AGREC B 25670 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on request by the successful tenderer** ^(*): refund applicable on 28. 2. 1994, fixed by Commission Regulation (EC) No 175/94 (OJ No L 24, 29. 1. 1994, p. 30)

LOTS H and I

1. **Operation Nos** ⁽¹⁾: see Annex II
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland (tel. (31 70) 33 05 757; telefax 36 41 701; telex 30960 NL EURON)
4. **Representative of the recipient** ⁽⁴⁾: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: oat flakes
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁶⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (1) (e))
8. **Total quantity**: 720 tonnes (1 241 tonnes of cereals)
9. **Number of lots**: two (see Annex II)
10. **Packaging and marking** ⁽⁸⁾ ⁽¹⁰⁾ ⁽¹³⁾ ⁽¹⁶⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (2) (f) and II.B (3))
Markings in Spanish (lots I3 and I4); French (lots H2, I1 and I2) and English (lots H1 and H3)
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 11. 4 — 1. 5. 1994
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 15. 3. 1994
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 29. 3. 1994
 - (b) period for making the goods available at the port of shipment: 25. 4 — 15. 5. 1994
 - (c) deadline for the supply: —**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 4. 1994
 - (b) period for making the goods available at the port of shipment: 9 to 29. 5. 1994
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles (telex 22037 AGREC B / 25670 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on request by the successful tenderer** ⁽⁹⁾: refund applicable on 28. 2. 1994, fixed by Commission Regulation (EC) No 175/94 (OJ No L 24, 29. 1. 1994, p. 30)

Notes :

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.

- (⁴) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.

The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106) shall not apply to this amount.

- (⁵) Commission delegation to be contacted by the successful tenderer : see OJ No C 114, 29. 4. 1991, p. 33 (lot G : José Luis Benito Prior, Torre B, Piso 11, Santafé de Bogota (Colombia)) (telefax (571) 218 30 20).

- (⁶) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :

- phytosanitary certificate,
- fumigation certificate (lots B and C).

- (⁷) Documents must be legalized by the diplomatic representation in the country of origin of the goods (Lots A, B, E, F, I 3 and I 4).

- (⁸) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.

- (⁹) The documents must be sent to the beneficiary's representative immediately after loading.

- (¹⁰) Notwithstanding OJ No C 114, points IIA (3) (c) and IIB (3) (c) are replaced by the following : 'the words "European Community"'.

- (¹¹) Lots A, C, D and E : the bags must be placed in 20-foot containers. The free holding period for containers must be at least 15 days.

- (¹²) The transport beyond the port of landing must be done by road.

- (¹³) See amendment to OJ No C 114 published in OJ No C 272, 21. 10. 1992, p. 6.

- (¹⁴) The supplier should send a duplicate of the original invoice to : M. De Keyzer and Schütz BV, Postbus 1438, Blaak 16, NL-3000 Rotterdam.

- (¹⁵) The bags shall be stacked, maximum 40, on wooden pallets (made of pine, fir, or poplar wood) measuring not more than 1 200 × 1 400 mm, and with the the following features :

- four-way entry, non reversible, with wings,
- a top deck consisting of a minimum of seven planks (^(*)),
- a bottom deck consisting of three planks (^(*)),
- three bearers (^(*)),
- nine dowels : 100 × 170 × 78 mm minimum.

(^(*)) width : 100 mm ; thickness : 22 mm.

The palletized bags shall be covered by a shrink film of a thickness of at least 150 microns. The whole of the above must be bound, in each direction, by two nylon straps of a width of not less than 15 mm with plastic buckles.

The bags are further protected by board or wood placed between the bags and the straps.

- (¹⁶) Shipment to take place in 20-foot (Lot H2 : 40-foot) containers, condition FCL-FCL. The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.

The provisions of Article 13 (2), second subparagraph, of Regulation (EEC) No 2200/87 shall not apply.

The successful tenderer has to submit the recipient's agent a complete packing list of each container, specifying number of bags belonging to each shipping number as specified in the invitation to tender.

The successful tenderer has to seal each container with a numbered octainer, the number of which is to be provided to the beneficiary's forwarder.

- (¹⁷) The proof of payment of expenses 'planilla de gastos' arising at the port of Arica must be submitted with the payment application.

Office for the payment of the 'planilla de gastos':

AADAA (Administración Autónoma de Almacenes Aduaneros), Casilla 5259 (telefax (02) 39 20 62; tel. 35 99 21 up to 31), La Paz, Bolivia;

AADAA (Administración Autónoma de Almacenes Aduaneros), Casilla 1437 (telex 22 10 43; tel. 25 27 80 of 25 29 81), Arica, Chile.

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

Lote	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción n°	Inscripciones complementarias
Parti	Totalmængde (i tons)	Delmængde (i tons)	Aktion nr.	Yderligere påskrifter
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Ergänzende Aufschriften
Παρίδια	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Συμπληρωματικές ενδείξεις
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Supplementary markings
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action n°	Marquage complémentaire
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Iscrizioni supplementari
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Bijkomende vermeldingen
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Acção n°	Inscrições complementares
H	540	H 1 : 84	1435/93	Ethiopia
		H 2 : 444	1436/93	Haïti
		H 3 : 12	1437/93	Tanzania
I	180	I 1 : 12	1480/93	Madagascar
		I 2 : 48	1481/93	Madagascar
		I 3 : 72	1482/93	Perú
		I 4 : 48	1483/93	Perú

COMMISSION REGULATION (EC) No 459/94
of 28 February 1994
on the supply of vegetable oil as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1930/90 ⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management ⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain recipients 5 092 tonnes of vegetable oil;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾, as amended by Regulation (EEC) No 790/91 ⁽⁵⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, notably for logistical reasons, certain supplies are not awarded within the first and second deadlines for submission of tenders; whereas, in order to avoid republication of the notice of invitation to tender, a third deadline for submission of tenders should be opened,

HAS ADOPTED THIS REGULATION:

Article 1

Vegetable oil shall be mobilized in the Community, as Community food aid for supply to the recipient listed in the Annexes, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 28 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX I

LOT A

1. **Operation Nos** ⁽¹⁾: see Annex II
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: World Food Programme, Via Cristoforo Colombo 426, I-00145 Roma (tel. (396) 57 971 ; telex 626675 I WFP)
4. **Representative of the recipient**: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽¹⁰⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under III.A(1)(a))
8. **Total quantity**: 1 372 tonnes net
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁶⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under III.A(2)(1), III.A(2)(3) and III.A(3));
 - five litre metal canister without cardboard cross
 - markings in English (Lots A1, A5 and A6) and in Spanish (Lots A2 to A4)
 - supplementary markings: 'PAM' (Lots A2 to A4) 'WFP' (Lots A1, A5 and A6)
 - additional information: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 11. 4 — 1. 5. 1994
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply** ⁽⁴⁾: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 15. 3. 1994
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 29. 3. 1994
 - (b) period for making the goods available at the port of shipment: 23. 4 — 15. 5. 1994
 - (c) deadline for the supply: —**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 4. 1994
 - (b) period for making the goods available at the port of shipment: 9 — 29. 5. 1994
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles (telex 22037 AGREC B/25670 AGREC B; telefax (32-2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on request by the successful tenderer**: —

LOTS B, C and D

1. **Operation Nos** ⁽¹⁾: see Annex II
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland (tel. (31 70) 33 05 757; telefax 36 41 701; telex 30960 NL EURON)
4. **Representative of the recipient** ⁽¹¹⁾: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽¹⁰⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under III.A (1) (a))
8. **Total quantity**: 2 400 tonnes net
9. **Number of lots**: three (see Annex II)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under III.A (2) (1), III.A (2) (3) and III.A (3))
 - Five litre metal canister without cardboard crosspieces,
 - markings in English (Lots B, C and D 2); Spanish (Lots D 3 to D 6) and Portuguese (Lot D 1)
 - additional information: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 11. 4 — 1. 5. 1994
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply** ⁽⁴⁾: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 15. 3. 1994
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 29. 3. 1994
 - (b) period for making the goods available at the port of shipment: 23. 4 — 15. 5. 1994
 - (c) deadline for the supply: —**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 4. 1994
 - (b) period for making the goods available at the port of shipment: 9 — 29. 5. 1994
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles (telex 22037 AGREC B/25670 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on request by the successful tenderer** ⁽⁴⁾: —

LOT E

1. **Operation No** (1): 1350/93
2. **Programme**: 1993
3. **Recipient** (2): CICR, 19, avenue de la Paix, CH-1202 Genève [tél. (41 22) 734 60 01 ; télex 22269 CH CICR]
4. **Representative of the recipient**: Délégation régionale du CICR, immeuble Les Arcades (7^e étage), av. Franchet d'Esperey, Le Plateau 01, BP 459, Abidjan, Côte d'Ivoire (tél. (225) 22 24 59/60/61 ; telefax 22 24 56)
5. **Place or country of destination** (3): Ivory Coast
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods**: (3) (10): see OJ No C 114, 29. 4. 1991, p. 1 (under IIIA(1)(a))
8. **Total quantity**: 400 tonnes net
9. **Number of lots**: one
10. **Packaging and marking** (6) (7): see OJ No C 114, 29. 4. 1991, p. 1 (under IIIA(2)(2), IIIA(2)(3) and IIIA(3)):
 - one litre PET bottles, without cardboard crosspieces
 - Markings in French
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: entrepôt CICR, Man
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 11. 4 — 1. 5. 1994
18. **Deadline for the supply**: 29. 5. 1994
19. **Procedure for determining the costs of supply** (4): tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 15. 3. 1994
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 29. 3. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 24. 1 — 6. 2. 1994
 - (c) deadline for the supply: 23. 4 — 15. 5. 1994**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 4. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 9 — 29. 5. 1994
 - (c) deadline for the supply: 26. 6. 1994
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** (1): Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles ; (telex 22037 AGREC B ; B/25670 AGREC B telefax (32-2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on request by the successful tenderer**: —

LOTS F, G and H

1. **Operation Nos** ⁽¹⁾: 1232/93 (Lot F), 1242/93 (Lot G) and 1229/93 (Lot H)
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: Fédération internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge, (IFRC), département Approvisionnement et logistique, Case Postale 372, CH-1211 Genève 19 (tel. 730 42 22; telex 41 21 33 LRC CH; telefax 733 03 95)
4. **Representative of the recipient**:
 - Lot F: Cruz Roja Hondureña, 7a Calle, entre 1a y 2a Avenidas-Camayagüela, DC Honduras, Centroamerica, (tel. 37 45 58; telefax: 22 88 76; telex: 1437/cruzrho)
 - Lot G: Ethiopian Red Cross Society, Ras Desta Damtew av., PO Box 195, Addis Ababa, (tel. (25 11) 44 93 64/15 90 74; telefax: 51 26 43; telex: 21338 ecrs et)
 - Lot H: Yemenite Red Crescent Society, Head Office, Building n° 10, 26 September Street, PO Box 1257 SAN'A Republic of Yemen, (tel. 20 31 31/32/33; telefax 20 31 31, telex: 3124 hilal ye)
5. **Place or country of destination** ⁽³⁾: Honduras (Lot F); Ethiopia (Lot G); Yemen (Lot H); Morocco (lot I)
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽¹⁰⁾ ⁽¹²⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIIA (1)(a))
8. **Total quantity**: 825 tonnes net
9. **Number of lots**: three (lot F: 100 tonnes; lot G: 625 tonnes; lot H: 100 tonnes)
10. **Packaging and marking** ⁽⁴⁾ ⁽⁷⁾ ⁽⁸⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIIA (2)(2)(b), IIIA(2)(3) and IIIA (3)):
 - five-litre plastic drums, without cardboard crosspieces
 - markings in English (Lots G and H) and Spanish (Lot F)
 - Supplementary markings: 'FICR'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Puerto Cortés (Lot F); Assab (Lot G); Hodeida (Lot H)
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 11. 4 — 11. 5. 1994
18. **Deadline for the supply**: 22. 5. 1994
19. **Procedure for determining the costs of supply** ⁽⁹⁾: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 15. 3. 1994
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 29. 3. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 23. 4 — 15. 5. 1994
 - (c) deadline for the supply: 5. 5. 1994**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 4. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 9 — 29. 5. 1994
 - (c) deadline for the supply: 19. 6. 1994

22. Amount of the tendering security: ECU 15 per tonne
23. Amount of the delivery security: 10 % of the amount of the tender in ecus
24. Address for submission of tenders and tendering securities⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles; (telex 22037 AGREC B/25670 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. Refund payable on request by the successful tenderer: —

LOTS I and K

1. **Operation Nos** ⁽¹⁾: 1189/93 (Lot I) and 1239/93 (Lot K);
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: Fédération internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge, (IFRC), département approvisionnement et logistique, Case Postale 372, CH-1211 Genève 19 (tel. 730 42 22; telex 41 21 33 LRC CH; telefax 733 03 95)
4. **Representative of the recipient**:
 - Lot I: Croix-Rouge burkinabée, BP 340, Ouagadougou (tel. (226) 30 08 77; telefax 36 31 21; telex LSCR 5436 BF Ouagadougou)
 - Lot K: The Guyana Red Cross Society, Eve Leary, PO Box 10524 Georgetown, Guyana (tel. (592-2) 651 74; telefax 675 82; telex FERNA 2226 GY 'For Guyana Red Cross')
5. **Place or country of destination** ⁽³⁾: Burkina-Faso (lot I); Guyana (Lot K); Morocco (lot I)
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽¹⁰⁾ ⁽¹²⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under III.A (1) (a))
8. **Total quantity**: 95 tonnes net
9. **Number of lots**: two (Lot I: 45 tonnes; Lot K: 50 tonnes)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁷⁾ ⁽⁸⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under III.A (2) (2) (b), III.A (2) (3) and III.A (3)):
 - five-litre plastic drums, without cardboard crosspieces
 - markings in English (Lot K) and French (Lot I)
 - supplementary markings: 'FICR' (Lot I) and 'IFRC' (Lot K)
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: entrepôt Croix-Rouge Ouagadougou Zone du Bois, secteur 13 (Lot I) entrepôt Croix-Rouge, Eve Leary, Georgetown (Lot K)
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 11. 4 — 1. 5. 1994
18. **Deadline for the supply**: 29. 5. 1994
19. **Procedure for determining the costs of supply** ⁽⁴⁾: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 15. 3. 1994
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 29. 3. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 23. 4 — 15. 5. 1994
 - (c) deadline for the supply: 12. 6. 1994**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 4. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 9 — 29. 5. 1994
 - (c) deadline for the supply: 26. 6. 1994

22. Amount of the tendering security: ECU 15 per tonne
23. Amount of the delivery security: 10 % of the amount of the tender in ecus
24. Address for submission of tenders and tendering securities⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles; telex 22037 AGREC B/25670 AGREC B; fax (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. Refund payable on request by the successful tenderer: —

Notes :

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
- (⁵) Commission delegation to be contacted by the successful tenderer : OJ No C 114, 29. 4. 1991, p. 33.
- (⁶) Notwithstanding OJ No C 114, point IIIA (3) (c) is replaced by the following : 'the words "European Community".'
- (⁷) Lots E, G, I and K :
Placed in 20-foot containers. The free holding period for containers must be at least 15 days.
- (⁸) Lot F and H :
The cartons shall be stacked on wooden pallets (made of pine, fir or poplar wood) measuring not more than 1 200 × 1 400 mm, and with the following features :
four-way entry, non-reversible, with wings ;
a top deck consisting of a minimum of seven planks measuring 100 mm in width and of a thickness of 22 mm ;
a bottom deck consisting of three planks measuring 100 mm in width and of a thickness of 22 mm ;
three bearers measuring 100 mm in width and of a thickness of 22 mm ;
nine dowels : 100 × 100 × 78 mm minimum ;
the palletized cartons shall be covered by shrink film of a thickness of at least 150 microns ;
the cartons must have reinforced protection consisting of four angles (35 × 35 mm) made of cardboard at least 3 mm thick placed on the four upper edges ;
the whole of the above must be bound, in each direction, by two nylon straps of a width of not less than 15 mm with plastic buckles.
- (⁹) Shipment to take place in 20-foot containers, FCL.FCL. The supplier will be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient will be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.
The provisions of Article 13 (2), second subparagraph, of Regulation (EEC) No 2200/87 shall not apply.
The successful tenderer must submit to the recipient's agent a complete packing list of each container, specifying the number as specified in the invitation to tender.
The successful tenderer must seal each container with a numbered locktainer, the number of which is to be provided to the recipient's forwarder.
- (¹⁰) The successful tenderer shall supply to the beneficiary or its representative, on delivery, a sanitary certificate.
- (¹¹) The supplier should send a duplicate of the original invoice to : M. De Keyzer and Schütz BV, Postbus 1438, Blaak 16, NL-3000 BK Rotterdam.
- (¹²) Lots F ; H and D3 to D6 :
The shipping documents must be authenticated by the diplomatic representative in the exporting country.
Lot I :
They must be sent to the beneficiary's representative immediately after loading.
Lot G :
The following should be included in the charter party :
'Food-aid consignment from the European Community : since the freight charges do not include coordination or supervision costs, the US \$ 1,50 tax normally paid must not be applied in the case of this ship.'

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

Lote	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción n°	Inscripciones complementarias
Parti	Totalmængde (i tons)	Delmængde (i tons)	Aktion nr.	Yderligere påskrifter
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Ergänzende Aufschriften
Παρτίδα	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Συμπληρωματικές ενδείξεις
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Supplementary markings
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action n°	Marquage complémentaire
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Iscrizioni supplementari
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Bijkomende vermeldingen
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Ação n°	Inscrições complementares
A	1 372	A 1 : 361	1335/93	Botswana
		A 2 : 215	1336/93	Guatemala
		A 3 : 150	1337/93	Guatemala
		A 4 : 100	1338/93	Nicaragua
		A 5 : 100	1339/93	Nepal
		A 6 : 446	1341/93	Ouganda
B	990	B 1 : 435	1356/93	Eritrea / 93DIA036 / Massawa
		B 2 : 120	1357/93	Eritrea / 94LWF003 / Asmara via Massawa
		B 3 : 435	1358/93	Eritrea / 93OXB054 / Massawa
C	1 170	C 1 : 75	1359/93	Ethiopia / 94CHA001 / Goro Gutu via Assab
		C 2 : 75	1360/93	Ethiopia / 94CHA002 / Dire Dawa via Djibouti
		C 3 : 30	1361/93	Ethiopia / 94CHA003 / Meetta Chalango via Djibouti
		C 4 : 105	1362/93	Ethiopia / 94CON004 / Dessie via Assab
		C 5 : 75	1363/93	Ethiopia / 94CON005 / Sike via Assab
		C 6 : 810	1364/93	Ethiopia / 93DIA038 / Massawa
D	240	D 1 : 45	1365/93	Moçambique / 93DIA031 / Mukumbura via Beira
		D 2 : 15	1366/93	Sierra Leone / 93ADI003 / Freetown
		D 3 : 15	1367/93	Chile / 93CAG027 / La Serena vía Coquimbo
		D 4 : 15	1368/93	Chile / 93CAG028 / Antofagasta
		D 5 : 105	1369/93	Chile / 93CAG029 / Concepcion vía Talcahuano
		D 6 : 45	1370/93	Chile / 93CAG030 / Santiago vía Valparaíso

COMMISSION REGULATION (EC) No 460/94

of 28 February 1994

on the supply of various consignments of rice as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1930/90 ⁽²⁾, and in particular Article 6 (1)(c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management ⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain beneficiaries 1 700 tonnes of cereals;

Whereas it is necessary to provide for the carrying out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾, as amended by Regulation (EEC) No 790/91 ⁽⁵⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, in view of the situation on the Community market, the economic conditions laid down for recourse to the inward processing arrangements should be considered to be fulfilled; whereas provision should be made for the milled rice to be supplied as food aid to be obtained from rice placed under the inward processing

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

Whereas, notably for logistical reasons, certain supplies are not awarded within the first and second deadlines for submission of tenders; whereas, in order to avoid republication of the notice of invitation to tender, a third deadline for submission of tenders should be opened,

HAS ADOPTED THIS REGULATION:

Article 1

Rice shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the Annex in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

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

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 28 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

⁽⁶⁾ OJ No L 302, 19. 10. 1992, p. 1.

ANNEX

LOTS A and B

1. **Operations Nos** ⁽¹⁾: 1197/93 (Lot A) and 1228/93 (Lot B)
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: Fédération internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge (IFRC), Département approvisionnement et logistique, Case postale 372, CH-1211 Geneva 19; (tel. 730 42 22, telex 412133 LRC CH, telefax 733 03 95)
4. **Representative of the recipient**:
Lot A: Croissant rouge tunisien, 19 rue d'Angleterre, Tunis 1000 (tel. (21 6 24 06 30, 24 55 72, telefax : 34 01 51, telex : 14524 HILAL TN)
Lot B: Yemenite Red Crescent Society Head Office, Building No 10, 26 September Street, PO Box 1257, Sanaa République Yemen; (tel. 20 31 31 32 33, telex 3124 Hilal Ye; telefax 20 31 31)
5. **Place or country of destination** ⁽³⁾: Tunisia (Lot A); Yemen (Lot B)
6. **Product to be mobilized**: milled rice (product code 1006 30 92 900, 1006 30 94 900 or 1006 30 96 900)
7. **Characteristics and quality of the goods** ⁽⁴⁾ ⁽⁵⁾ ⁽⁶⁾: see OJ No C 114, 29. 4. 1991, p. 1 [under II.A (1) (f)]
8. **Total quantity**: 600 tonnes (1 440 tonnes of cereals)
9. **Number of lots**: two (Lot A: 100 tonnes; Lot B: 500 tonnes)
10. **Packaging and marking** ⁽⁷⁾ ⁽⁸⁾: see OJ No C 114, 29. 4. 1991, p. 1 [under II. A (2) (a) (b) II.A (2) (b) (A) and II.A (3)]
Markings in English (lot B), and French (lot A)
Supplementary markings:
Lot A: 'FICR'
11. **Method of mobilization**: Exclusively: milled rice obtained under the inward processing arrangements [Article 114 (1) and Article 115 of Regulation (EEC) No 2913/92]
12. **Stage of supply**: free at port of landing — landed
free at destination (Lot A)
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Lot A: La Goulette; Lot B: Hodeida
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 18. 4 — 1. 5. 1994
18. **Deadline for the supply**: A: 8. 5. 1994; B: 22. 5. 1994
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 15. 3. 1994
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 29. 3. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 2 — 15. 5. 1994
 - (c) deadline for the supply: A: 22. 5. 1994, B: 5. 6. 1994

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

- (a) deadline for the submission of tenders : 12 noon (Brussels time) on 12. 4. 1994
- (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 16 — 29. 5. 1994
- (c) deadline for the supply : A : 5. 6. 1994 ; B : 19. 6. 1994

22. **Amount of the tendering security :** ECU 5 per tonne

23. **Amount of the delivery security :** 10 % of the amount of the tender in ecus

24. **Address for submission of tenders and tendering securities⁽¹⁾ :** Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, Bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles (telex 22037 AGREC B/25670 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)

25. **Refund payable on request by the successful tenderer —**

LOTS C, D and E

1. **Operations Nos** ⁽¹⁾: 1192/93 (Lot C), 1190/93 (lot D) and 1235/93 (Lot E)
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: Fédération internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge (IFRC), Département approvisionnement et logistique, Case postale 372, CH-1211 Geneva 19; (tel. 730 42 22; telex 412133 LRC CH; telefax 733 03 95)
4. **Representative of the recipient**:
 - Lot C: Croissant-Rouge marocain, Palais Mokri, B.P. 189, Takaddoum, Rabat, Maroc (tel. 50 898/51 495; telex 31940 ALHILAL M Rabat; telefax: 75 97 90)
 - Lot D: Croix-Rouge Burkinabée, B.P. 340, Ougadougou, Burkina Faso (tel. (226) 30 08 77; telefax 36 31 21; telex 5438 LSCR BF Ougadougou)
 - Lot E: Société Nationale de la Croix-Rouge haïtienne, Place des Nations-Unies (Bicentenaire), BP 1337, Port-au-Prince, Haïti (W.I.) (tel. (22-23) 1035; telefax 10 54; telex 2 03 00 01 (cabine publique))
5. **Place or country of destination** ⁽³⁾: Morocco Lot C; Burkina Faso Lot D; Haiti Lot E
6. **Product to be mobilized**: milled rice (product code 1006 30 92 900, 1006 30 94 900 or 1006 30 96 900)
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA 1 (f))
8. **Total quantity**: 700 tonnes (1 680 tonnes of cereals)
9. **Number of lots**: three (Lot C: 200 tonnes; Lot D: 300 tonnes; lot E: 200 tonnes)
10. **Packaging and marking** ⁽⁴⁾ ⁽⁷⁾ ⁽⁸⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II. A (2) (a) (A, C, D), IIA (2) (b) (E) and IIA (3))
Markings in French
Supplementary markings: lots C and D 'FICR'
11. **Method of mobilization**: Exclusively: milled rice obtained under the inward processing arrangements (Article 114 (1) and Article 115 of Regulation (EEC) No 2913/92)
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Lot C: Casablanca;
16. **Address of the warehouse and, if appropriate, port of landing**:
 - Lot C: entrepôt Croissant-Rouge, Skhirat
 - Lot D: Croix-Rouge Ougadougou, Zone du Bois, secteur 13
 - Lot E: Croix-Rouge haïtienne, immeuble n° 18, Parc industriel Shodecosa, Port-au-Prince
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 18. 4 — 1. 5. 1994
18. **Deadline for the supply**: C: 15. 5. 1994; D, E: 29. 5. 1994
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 15. 3. 1994
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 29. 3. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 2 — 15. 5. 1994
 - (c) deadline for the supply: C: 29. 5. 1994; D, E: 12. 6. 1994

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

- (a) deadline for the submission of tenders : 12 noon (Brussels time) on 12. 4. 1994
- (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 16 — 29. 5. 1994
- (c) deadline for the supply : C : 12. 6. 1994 ; D, E : 26. 6. 1994

22. **Amount of the tendering security :** ECU 5 per tonne

23. **Amount of the delivery security :** 10 % of the amount of the tender in ecus

24. **Address for submission of tenders and tendering securities (*) :** Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, Bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles (telex 22037 AGREC B/25670 AGREC B telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)

25. **Refund payable on request by the successful tenderer : —**

LOT F

1. **Operation No** (1): 1279/93
2. **Programme**: 1993
3. **Recipient** (2): Ecuador
4. **Representative of the recipient**: Ambassade de l'Équateur, chaussée de Charleroi 70, B-1060 Bruxelles (tel. 537 91 30 ; telex 63292 B). In Ecuador: SENAPS, Av. América 1805 y la Gasca, AP 1701, Quito (telex 2427 ; tel. 52 45 68, 55 34 67 ; telefax 50 14 29)
5. **Place or country of destination** (3): Ecuador
6. **Product to be mobilized**: milled rice (product code 1006 30 94 900, 1006 30 96 900, 1006 30 92 900)
7. **Characteristics and quality of the goods** (3): see OJ No C 114, 29. 4. 1991, p. 1 (under IIA 1 (f))
8. **Total quantity**: 400 tonnes (960 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking** (4) (4): see OJ No C 114, 29. 4. 1991, p. 1 (under IIA 2 (b) and IIA 3)
Markings in Spanish ; Supplementary markings: 'DISTRIBUCIÓN GRATUITA'
11. **Method of mobilization of product**: Exclusively: milled rice obtained under inward processing arrangements (Article 114 (1) and Article 115 of Regulation (EEC) No 2913/92)
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Guayaquil
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 18. 4 — 1. 5. 1994
18. **Deadline for the supply**: 5. 6. 1994
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for the submission of tenders**: 12 noon (Brussels time) on 15. 3. 1994
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 22. 3. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 2 — 15. 5. 1994
 - (c) deadline for the supply: 19. 6. 1994**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 4. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 16 — 29. 5. 1994
 - (c) deadline for the supply: 3. 7. 1994
22. **Amount of tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** (1): Bureau de l'aide alimentaire, à l'attention de Mr T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles ; (telex 22037 AGREC B / 25670 AGREC B ; telefax (32-2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on application by the successful tenderer**: —

Notes :

- (¹) The operation number should be mentioned in all correspondence.
 - (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
 - (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
 - (⁴) Notwithstanding OJ No C 114, point II. A (3)(c) is replaced by the following : the words 'European Community'.
 - (⁵) Commission delegation to be contacted by the successful tenderer : see OJ No C 114, 29. 4. 1991, p. 33 (Lot F : José Benito Prior, Torre B, Piso 11, Santo Fé de Bogota (Colombia) (telefax (571) 218 30 20).
 - (⁶) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
 - health certificate,
 - fumigation certificate.
 - (⁷) Lots C and E : placed in 20 foot-containers. The free holding period for containers must be at least 15 days.
 - (⁸) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
 - (⁹) Lots A, B and E : The shipping documents must be authenticated by the diplomatic representative in the exporting country. They must be sent to the beneficiary's representative immediately after loading.
-

COMMISSION REGULATION (EC) No 461/94

of 28 February 1994

amending Regulation (EEC) No 1196/93 increasing to 2 250 000 tonnes the quantity of barley held by the German 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 Regulation (EC) No 120/94⁽⁴⁾,

Whereas Commission Regulation (EEC) No 1196/93⁽⁵⁾, as last amended by Regulation (EC) No 325/94⁽⁶⁾, opened a standing invitation to tender for the export of 1 950 000 tonnes of barley held by the German intervention agency; whereas, in a communication of 17 February 1994, Germany informed the Commission of the intention of its intervention agency to increase by 300 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 2 250 000 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 1196/93 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 1196/93 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 2 250 000 tonnes of barley to be exported to all third countries except the United States of America and Canada.

2. The regions in which the 2 250 000 tonnes of barley are stored are stated in Annex I to this Regulation.

Article 2

Annex I to Regulation (EEC) No 1196/93 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, 28 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. 17.
⁽⁶⁾ OJ No L 41, 12. 2. 1994, p. 47.

ANNEX

ANNEX I

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	781 362
Hessen/Rheinland-Pfalz/ Baden-Württemberg/Saarland/ Bayern	503 879
Berlin/Brandenburg/ Mecklenburg-Vorpommern	295 134
Sachsen/Sachsen-Anhalt/ Thüringen	654 813
Gent (Belgium)	14 789'

COMMISSION REGULATION (EC) No 462/94

of 28 February 1994

on the opening of an invitation to tender for the sale of olive oil held by the
Spanish intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 3179/93⁽²⁾, and in particular Article 12 (4) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2754/78⁽³⁾, as amended by Regulation (EEC) No 2203/90⁽⁴⁾, provides that olive oil held by the intervention agencies is to be put up for sale by tender;

Whereas, pursuant to Article 12 (1) of Regulation (EEC) No 136/66/EEC, the Spanish intervention agency holds certain quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77⁽⁵⁾, as last amended by Regulation (EEC) No 3818/85⁽⁶⁾, lays down the conditions for the sale by tender on the Community market and for export of olive oil; whereas the situation on the market in olive oil is at present favourable for the sale of part of the said oil;

Whereas in the present situation of the market in virgin olive oil where supply is low compared with demand and in order to provide the greatest possible number of operators with minimum supplies for their immediate needs, it should be stipulated that an operator may only submit tenders up to a given quantity;

Whereas the Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The Spanish intervention agency, 'Servicio Nacional de Productos Agrarios', hereinafter referred to as 'Senpa' shall

open an invitation to tender in accordance with this Regulation and Regulation (EEC) No 2960/77 for the sale on the Community market of approximately 9 000 tonnes of olive oil of qualities other than extra virgin olive oil.

Notwithstanding Article 5 (2) of Regulation (EEC) No 2960/77, Senpa shall, where the quantity of oil in a container exceeds 500 tonnes, be authorized to establish several lots with part only of that oil.

Article 2

The notice of invitation to tender shall be published on 3 March 1994.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the central office of Senpa, calle Beneficencia 8, Madrid 28004, Spain.

A copy of the notice of invitation to tender shall be sent without delay to the Commission.

Article 3

The tenders must reach Senpa, calle Beneficencia 8, Madrid 28004, Spain, not later than 2 p.m. (local time) on 14 March 1994. Tenders shall be admissible only if they are submitted by a natural or legal person engaged in activity in olive oil and entered in that status as at 31 December 1993 in a public register of a Member State.

No tenderer may submit a tender for a quantity in excess of 500 tonnes.

Article 4

1. In the case of lampante virgin olive oil, tenders shall be submitted for an oil of 3° acidity.

2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, increased or reduced in accordance with the scale below:

— up to 3° acidity:

increase of ECU 0,32 for each tenth of a degree of acidity below 3°,

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 285, 20. 11. 1993, p. 9.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 5.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 20.

— above 3° up to 5° acidity :
reduction of ECU 0,32 for each tenth of a degree of acidity above 3°,

— above 5° acidity :
additional reduction of ECU 0,35 for each tenth of a degree of acidity above 5°.

Article 5

Not later than three days after the expiry of the time limit laid down for the submission of tenders, Senpa shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

Article 6

The minimum selling price per 100 kilograms of oil shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, on the basis of the tenders received, not later than the 10th working day after the expiry of each final date laid down for the submission of tenders. The decision fixing the minimum

selling price shall be notified forthwith to the Member State concerned.

Article 7

The olive oil shall be sold by Senpa not later than the fifth working day after the date of notification of the decision referred to in Article 6.

Senpa shall supply the agencies responsible for storage with a list of the lots remaining unsold.

Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be ECU 18 per 100 kilograms.

Article 9

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be ECU 3 per 100 kilograms.

Article 10

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, 28 February 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 463/94

of 28 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 405/94 ⁽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 25 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 1 March 1994.

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

Done at Brussels, 28 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 54, 25. 2. 1994, p. 14.

ANNEX

to the Commission Regulation of 28 February 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	33,30 ⁽¹⁾
1701 11 90	33,30 ⁽¹⁾
1701 12 10	33,30 ⁽¹⁾
1701 12 90	33,30 ⁽¹⁾
1701 91 00	38,89
1701 99 10	38,89
1701 99 90	38,89 ⁽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.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 28 February 1994

authorizing Portugal to import from third countries at a reduced levy certain quantities of raw sugar during the period 1 March to 30 June 1994

(Only the Portuguese text is authentic)

(94/121/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

third countries in respect of the period 1 July 1993 to 28 February 1994 ;

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/91 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 13 (2), 16 (7) and 16a (11) thereof,

Whereas Article 16a (1) of Regulation (EEC) No 1785/81 has fixed the maximum quantity of raw sugar to be imported at a reduced levy from certain ACP States in order to supply the Portuguese refineries for the period of one marketing year ;

Whereas Article 16a (2) of the said Regulation provides in particular that, where, during the specified period, the Community forward estimate for raw sugar shows that the availability of raw sugar is insufficient to ensure adequate supply of Portuguese refineries, Portugal may be authorized to import from third countries under that period the quantities which it is estimated are lacking ; whereas the 1993/94 forward estimate showed that the foreseeable shortfall could be fixed in a first stage by Commission Decision 93/378/EEC⁽³⁾, as last amended by Decision 93/545/EEC⁽⁴⁾, at 196 000 tonnes to be imported from

Whereas the actual quantities of raw sugar available in the Community, and in particular production in the French department of Reunion, and quantities available for refining are now known ; whereas the remainder of the shortfall in respect of the period 1 March to 30 June 1994 should accordingly be fixed ; whereas a risk exists however that all or part of the quantity to be imported from certain ACP States by virtue of Article 16a (1) of Regulation (EEC) No 1785/81, will not be available ; whereas account should accordingly be taken of this risk when fixing the shortfall to be imported at a reduced rate of levy ;

Whereas, in order to ensure sound management of the markets in the sector and, in particular, effective control of operations, it is necessary to apply to the sugar concerned the normal rules for performance of the customs formalities for import ;

Whereas under Decision 93/378/EEC the term of validity of the licences for the import into Portugal of the raw sugar under preferential arrangements is limited to 28 February 1994 ; whereas it is not possible for all the authorized quantity to be imported within the period foreseen, whereas the period should consequently be extended until 30 June 1994 ;

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

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 159, 1. 7. 1993, p. 137.

⁽⁴⁾ OJ No L 265, 26. 10. 1993, p. 47.

HAS ADOPTED THIS DECISION:

Article 1

1. Portugal is hereby authorized to import from third countries during the period 1 March to 30 June 1994 a quantity of raw sugar not exceeding 79 000 tonnes expressed as white sugar, at the reduced levy determined in accordance with Article 16a (3) of Regulation (EEC) No 1785/81.

2. The quantities imported from third countries under Article 16a (1) of Regulation (EEC) No 1785/81 shall be set against the quantity referred to in paragraph 1.

Article 2

1. The import licences for the raw sugar referred to in Article 1 shall be valid from the date of issue until 30 June 1994.

2. The application for the licence referred to in paragraph 1 must be made to the competent authority in Portugal, during the 1993/94 marketing year, and must be accompanied by a declaration from a refiner in which he undertakes to refine the quantities of raw sugar concerned in Portugal within six months following the month in which the customs import formalities take place.

Except in cases of *force majeure* if the sugar in question is not refined within the prescribed time limit the importer must pay an amount equal to the difference between the threshold price and the intervention price for raw sugar applicable on the day of acceptance of the import declaration concerned.

In cases of *force majeure*, the competent authority in Portugal shall adopt the measures that it considers necessary, in the light of the circumstances worked by the interested party.

3. The application for the import licence and the licence itself shall include in box 12 the following:

'import of raw sugar at reduced levy in accordance with Decision 94/121/EC'.

4. The rate of deposit applicable to the licence referred to in paragraph 1 is hereby fixed at ECU 0,25 for each 100 kilograms of sugar net.

Article 3

If the volume of applications for licences exceeds the quantity provided for in Article 1. Portugal shall proceed with a fair apportionment of this quantity among the applicants concerned.

Article 4

In Article 2 (1) of Decision 93/378/EEC the date '28 February 1994' shall be replaced by '30 June 1994'.

Article 5

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 28 February 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION DECISION

of 28 February 1994

amending for the second time Decision 93/602/EC concerning certain protection measures relating to African swine fever in Portugal

(94/122/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, as last amended by Directive 92/118/EEC⁽²⁾, and in particular Article 10 (4) thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market⁽³⁾, as last amended by Directive 92/118/EEC, and in particular Article 9 (4) thereof,

Whereas as a result of outbreaks of African swine fever in the Alentejo region of Portugal, the Commission adopted Decision 93/602/EC of 19 November 1993 concerning certain protection measures relating to African swine fever in Portugal⁽⁴⁾, as amended by Decision 94/35/EC⁽⁵⁾;

Whereas the occurrence of African swine fever is liable to present a serious threat to the herds of other Member States in view of the trade in live pigs, fresh pigmeat and certain meat-based products;

Whereas information provided by Portugal on the African swine fever situation makes it possible to reduce the protection measures established by Decision 93/602/EC;

Whereas in the light of the new situation it is necessary to adjust the measures adopted by Decision 93/602/EC;

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

Decision 93/602/EC is hereby amended as follows:

1. In Article 3, paragraphs 1, 2 and 3, '94/35/EC' is replaced by '94/122/EC'.

2. In Article 4, paragraph 3 is replaced by the following:

'3. In derogation to the provisions of paragraph 1, pigs for breeding and production may be sent from holdings situated in the area described in Annex I to a designated holding situated outside this area on the following conditions:

— the pigs have remained on the holding of origin for at least 30 days prior to consignment and no other pigs have been introduced during the same period,

— all pigs to be consigned have been subjected to an individual serological test for African swine fever with negative results within 10 days prior to consignment, or

the herd has been sampled in accordance with the provisions of Annex II within 14 days prior to consignment,

— all the pigs to be consigned have been identified with an eartag or tattoo prior to sampling,

— all pigs in the holding of origin are subjected to a clinical examination by an authorized veterinarian within 24 hours prior to consignment,

— the pigs shall be transported in a sealed means of transport from the holding of origin to the designated holding situated in Portugal; the means of transport utilized shall be cleaned and disinfected before and after each journey,

— the pigs must be accompanied during transport to the holding of destination by a health document (Guia Sanitária de Trânsito de Suínos) issued by an official veterinarian,

— upon arrival at the holding of destination, all the pigs on the holding must remain at the said

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ No L 395, 30. 12. 1989, p. 13.

⁽⁴⁾ OJ No L 285, 20. 11. 1993, p. 38.

⁽⁵⁾ OJ No L 21, 26. 1. 1994, p. 23.

holding for at least 60 days. The holding shall be kept under the supervision of an official veterinarian and pigs kept on the holding cannot enter into intra-Community trade.'

Article 2

Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 28 February 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION DECISION

of 28 February 1994

amending for the second time Decision 92/571/EEC relating to new transitional measures which are necessary to facilitate the move to the system of veterinary checks provided for in Council Directive 90/675/EEC

(94/123/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 30 thereof,

Whereas Directive 90/675/EEC makes arrangements for a new system of veterinary checks for products entering the Community from third countries;

Whereas the Commission, in Decision 92/399/EEC ⁽³⁾, 92/571/EEC ⁽⁴⁾ and 93/695/EC ⁽⁵⁾ adopted certain transitional measures to facilitate the move to the new system of veterinary checks provided for in Directive 90/675/EEC; whereas these measures expire on 28 February 1994;

Whereas it is necessary to extend for a short period the new transitional measures which facilitate the gradual implementation of the system established by Directive 90/675/EEC;

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

In Article 8 of Decision 92/571/EEC the date 28 February 1994 is replaced by 31 March 1994.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ No L 221, 6. 8. 1992, p. 54.

⁽⁴⁾ OJ No L 367, 16. 12. 1992, p. 36.

⁽⁵⁾ OJ No L 320, 22. 12. 1993, p. 41.