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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 486/94

of 4 March 1994

imposing definitive anti-dumping duties on imports of fluorspar originating in the People's Republic of China and collecting definitively the provisional anti-dumping duty

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, hereinafter referred to as the basic Regulation, and in particular Article 12 thereof,

Having regard to the proposal submitted by the Commission after consultation within the Advisory Committee as provided for by the above Regulation,

Whereas :

A. Provisional measures

- (1) By Regulation (EEC) No 2463/93⁽²⁾, hereinafter referred to as the Provisional Duty Regulation, the Commission imposed a provisional anti-dumping duty on imports of fluorspar, presented in filter cake or powder form, falling within CN code ex 2529 21 00 (Taric code 2529 21 00*10) or CN code ex 2529 22 00 (Taric code 2529 22 00*10), originating in the People's Republic of China.

The Council by Regulation (EC) No 3529/93⁽³⁾ extended the validity of this duty for a period not exceeding two months.

B. Subsequent procedure

- (2) Subsequent to the imposition of the provisional anti-dumping duty, the interested parties who so requested, were granted an opportunity to be heard by the Commission. Certain of these parties also presented written submissions making known their views on the findings.

- (3) Upon request, the parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping measures and the definitive collection of amounts secured by way of provisional duty.

They were also granted a period within which to make representations subsequent to the disclosure.

- (4) The parties' comments were considered and the Commission modified its conclusions where it was deemed to be justified.
- (5) Because of the complexity of the data examined and of the difficulties faced in selecting the reference country, the investigation could not be concluded within the time limit provided for in Article 7 (9) (a) of the basic Regulation.

C. Product under investigation and like product

- (6) Subsequent to the publication of the provisional duty Regulation, the definition of the product was amended by Regulation (EC) No 3421/93.

No comments were received by the Commission in respect of this amendment and therefore this product definition is confirmed by the Council for definitive determination.

- (7) As regards the definition of like product within the meaning of Article 2 (12) of the Basic Regulation, the Commission has established in recitals 10 and 11 of the provisional duty Regulation, that fluorspar originating in China, in South Africa — selected as a reference country — and in the European Community, has the same chemical and physical characteristics, the same final application and is fully interchangeable, irrespective of origin. In the absence of new arguments submitted by the parties, the Council confirms the conclusions of the Commission as set out in recitals 10 and 11 of the provisional duty Regulation.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 226, 7. 9. 1993, p. 3. Regulation as amended by Regulation (EC) No 3421/93 (OJ No L 312, 15. 12. 1993, p. 5).

⁽³⁾ OJ No L 321, 23. 12. 1993, p. 1.

D. Dumping

1. Normal value

- (8) In the provisional duty Regulation, the Commission concluded that South Africa was an appropriate reference country for the determination of the normal value of Chinese imports into the Community.

Therefore, normal value was established in accordance with Article 2 (5) (a) (i) of the basic Regulation on the basis of the prices of fluorspar sold by a South African producer on its domestic market, for the reasons explained in recitals 14 and 15 of the provisional duty Regulation.

As the parties concerned by the proceeding have raised no objection to this choice and to the method of the determination of the normal value, the Council confirms the Commission's findings as set out in recitals 14 and 15 of the provisional duty Regulation.

- (9) In recital 13 of the provisional duty Regulation the Commission had also considered that, in view of the fact that the South African producer has more difficult access to raw materials, a downward adjustment of the selling prices in South Africa was necessary for the establishment of the normal value in an appropriate and not unreasonable manner, in accordance with Article 2 (5) of the basic Regulation.
- (10) The complainants claimed that the abovementioned adjustment is not in line with the basic Regulation for the following legal and technical reasons:
- (i) The downward adjustment implies the fact that the Commission has taken costs related to the non-market economy country into consideration, which in accordance with Article 2 (5) of the basic Regulation should be avoided;
 - (ii) The Commission has taken into account only a selective choice of natural advantages and has not taken into consideration many other natural advantages and disadvantages, in addition to easier access in raw materials.

The Commission cannot accept these arguments. Indeed, the consideration of natural advantages, as described in the provisional duty Regulation, does not infer taking into account any costs in the non-market economy country. The downward adjustment is restricted to eliminating, in the determination of the normal value in the reference country, certain steps of the production process, which are necessary in South Africa and are not necessary in the People's Republic of China. The consequence of this elimination being that the relevant costs, as

established in the reference country, should not be included in the determination of the normal value.

In this respect, the Commission believes that the purpose of this adjustment based on the natural advantage in the exporting country, is that of establishing the normal value in the reference country in an appropriate and not unreasonable manner, in accordance with Article 2 (5) of the basic Regulation.

- (11) As to the technical arguments submitted by the complainants in this respect, the Commission considers that these elements are not related to the natural advantages enjoyed by the Chinese production. In addition, all the other advantages or disadvantages referred to by the complainants have only been supported by allegations without any evidence being supplied. In contrast to the above, it should be stressed that the adjustment made to the normal value was supported by data provided by the South African producer in the course of the verification visit showing that certain steps of the production process carried out in South Africa are not necessary in China, due to easier access to the main raw material as a result of a higher fluorspar content in the mined material.
- (12) The Commission considers that the arguments submitted are not duly substantiated and therefore confirms the findings set out in the provisional duty Regulation.

The Council confirms the above conclusions of the Commission.

2. Export price

- (13) Due to the insufficient cooperation of the Chinese producers, and as set out in recitals 16 to 18 of the provisional duty Regulation, the export price was determined on the best information available, in accordance with Article 7 (7) (b) of the basic Regulation. In the specific circumstances, this information was considered to be the data contained in Eurostat for Chinese exports under CN code ex 2529 22 00, which shows an average cif price at the Community frontier of ECU 82,5 per tonne.

As the parties have not contested this determination, the Council confirms this conclusion.

3. Comparison

- (14) For purposes of provisional determination, normal value on an ex-works basis in South Africa was compared with a fob Chinese port export price in China.
- (15) The complainants have objected to this methodology on the basis that this comparison is not at the same commercial stage and that as a consequence the transport costs which are necessary in South Africa to convey the product from the factory to the port have not been taken into account.

The exporters insisted on a comparison made on a fob level for the export price in the non-market economy country and on an ex-works basis for the normal value in the reference country, arguing that in case of a non-market economy country, the premises of the exporters correspond to the borders of the country.

The Commission, on considering all the arguments brought forward, accepts that, for purposes of comparison, the normal value and export price should normally be compared on an ex-factory level so that both can be compared at the same stage. In the case of a non-market economy country, Article 2 (5) of the basic Regulation precludes the investigation of the transport costs within the country. Because of this, the determination of a normal value at an ex-factory level is not possible unless the transport costs are calculated on the basis of the reference country. This requires, however, knowledge of the actual location of the production centres in the non-market economy country and in the case of there being several producers at different locations, the actual production of each one of them.

In this specific case and in view of the fact that the cooperating exporters represent only 21 % of the totality of the Chinese fluorspar imports into the Community in the investigation period, the Commission has not sufficient information concerning the actual distance of all the production centres to the ports. This lack of cooperation makes it impossible to evaluate the actual location of the production centres which export to the European Community.

In the circumstances, the Commission, in view of the fact that the comparison cannot be made at an ex-works stage, considers that the first equivalent stage at which reliable information is available is the fob level. Because of this, the Commission considers the comparison at the fob level to be the more reasonable and appropriate.

The Council confirms these conclusions.

- (16) As to the other adjustments made by the Commission, no observations have been made by the parties. The conclusions of the Commission are therefore by the Council.

4. Dumping margin

- (17) As a result of the modification to the export price calculation, the definitive dumping margin, expressed as a percentage of the cif value, is equal to 37,8 %. The Council confirms the above conclusions as well as all the other conclusions set out in recitals 21 and 22 of the provisional duty Regulation.

E. Injury

- (18) In its preliminary considerations, (recital 23 of the provisional duty Regulation), the Commission assessed injury on data referring to the free market and concluded that the Community fluorspar industry had suffered material injury because of the effects of the dumped imports from the country concerned.
- (19) The exporters have argued that the injury was not caused to the Community industry within the meaning of Article 4 (5) of the Basic Regulation and that the complainants do not qualify as such Community industry.

In respect of this argument, the Commission has established that the cooperating producers accounted for approximately 90 % of the total Community production of fluorspar (see recital 3 of the provisional duty Regulation), and therefore complied with the requirements of Article 4 (5) to be qualified as the Community industry.

As established in recital 23 of the provisional duty Regulation, the Commission considered that, because of the particular characteristics of the fluorspar market in the Community, the assessment of injury could be restricted to the free market. This separation only concerns the assessment of injury and does not infer a reduction of the size of the Community industry for purposes of its qualification under Article 4 (5).

- (20) Furthermore, the exporters contested the separation of the market into two different segments, which they considered wholly unwarranted and disputed that it was in compliance with the criteria indicated by the case law of the Court of Justice of the European Communities.

In this respect, however, no substantiated arguments were made concerning the non-compliance with these criteria and, accordingly, the Commission confirms its findings as indicated in recital 23 of the Provisional Duty Regulation.

- (21) The Council confirms the conclusions of the Commission concerning the market to be assessed and all data concerning the determination of injury.

F. Causal link between injury and dumped imports

- (22) In recital 40 of the provisional duty Regulation, the Commission concluded that the dumped imports originating in the People's Republic of China, because of their increasingly strong presence on the Community market, their low prices and the resultant lack of profitability of the Community industry, caused material injury to the Community industry.

The exporters contested the causal link between the dumped imports from China and the material injury suffered by the Community industry, as established by the Commission.

The Commission has replied to these arguments and has received no further comments from the exporters.

Therefore, the Council confirms the conclusions of the Commission as set out in recitals 35 to 39 of the provisional duty Regulation.

G. Community interest

- (23) The Commission has received no observations from the interested parties concerning its provisional findings. Therefore, the considerations on the Community interest, as set out in recitals 41 to 44 of the provisional duty Regulation, are to be considered as final.

The Council confirms these conclusions.

H. Definitive duty

- (24) In order to determine whether a lower dumping duty should be imposed, the Commission compared the weighted average selling price of Chinese fluorspar (on a Community frontier customs cleared basis) with the corresponding average price of fluorspar produced and sold during the same period by the Community industry. Since this difference was higher than the dumping margin established, it is the latter which should be imposed.

As a result of the modification in the dumping margin, the minimum price referred to under recital 45 of the provisional duty Regulation should be ECU 113,5 per tonne. All the other conclusions

of recital 45 are confirmed for the purpose of definitive determinations.

The Council confirms the conclusions of the Commission.

I. Collection of provisional duties

- (25) In view of the dumping margin established and the seriousness of the injury caused to the Community industry, the Council considers it necessary that amounts secured by way of provisional anti-dumping duties should be definitively collected,

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of fluorspar presented in filter cake or powder form, falling within CN code ex 2529 21 00 (Taric code 2529 21 00*10) or CN code ex 2529 22 00 (Taric code 2529 22 00*10), originating in the People's Republic of China.

2. The duty shall be equal to the difference between a minimum price of ECU 113,50 per tonne (dry net weight) and the net, free-at-Community-frontier price, before customs clearance.

3. The provisions in force concerning customs duties shall apply.

Article 2

The amounts secured by way of provisional anti-dumping duty imposed by Regulation (EEC) No 2463/93 shall be definitively collected.

Article 3

This Regulation shall enter into force on the day following that 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, 4 March 1994.

For the Council

The President

C. SIMITIS

COMMISSION REGULATION (EC) No 487/94**of 4 March 1994****determining the extent to which applications lodged in February 1994 for import licences for fresh, chilled or frozen beef under the import arrangements provided for in the Interim Agreements concluded by the Community with Bulgaria and Romania can be accepted**

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

Having regard to Commission Regulation (EC) No 346/94 of 16 February 1994 laying down detailed rules for the period 1 January to 30 June 1994 for the application of the import arrangements for fresh, chilled or frozen beef provided for in the Interim Agreements on trade between the Community and Bulgaria and Romania⁽¹⁾, and in particular Article 3 (4) thereof,

Whereas Article 1 (1) of Regulation (EC) No 346/94 fixes the quantity of fresh, chilled and frozen beef originating in Bulgaria and Romania which may be imported under special conditions in respect of the period 1 January to 30 June 1994; whereas the quantities covered by import

licence applications are such that import licences may be granted for the full quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences shall be granted for the full quantities covered by applications submitted for the period 1 January to 30 June 1994 under the import arrangements referred to in Regulation (EC) No 346/94.

Article 2

This Regulation shall enter into force on 5 March 1994.

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

Done at Brussels, 4 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 44, 17. 2. 1994, p. 15.

COMMISSION REGULATION (EC) No 488/94

of 4 March 1994

adjusting the guarantee thresholds for tobacco from the 1993 harvest in Greece

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organization of the market in raw tobacco⁽¹⁾, and in particular Article 27 thereof,

Whereas Regulation (EEC) No 2075/92 provides for a system of premiums up to a maximum guarantee threshold fixed by each Member State for the various groups of tobacco varieties; whereas the guarantee thresholds for the 1993 harvest are listed in Council Regulation (EEC) No 2076/92 of 30 June 1992 fixing the premiums for lead-tobacco varieties and the processing quotas allocated by group of varieties and by Member State⁽²⁾, as amended by Regulation (EC) No 164/94⁽³⁾;

Whereas the guarantee thresholds were fixed by the Council on the basis of information and market forecasts available at the time; whereas, however, Greek production of flue-cured tobacco increased very rapidly under the provisions of the previous common market organization and reached about 71 500 tonnes at the time of the 1992 harvest;

Whereas reducing Greek production of flue-cured tobacco from its 1992 level to that corresponding to the 1993 guarantee threshold, namely 30 000 tonnes, would have required a 58 % reduction in the production of flue-cured tobacco; whereas actual production of such tobacco in 1993 significantly exceeded the guarantee threshold;

Whereas, on the other hand, estimated 1993 production of tobacco belonging to other variety groups was lower than the guarantee thresholds fixed by Regulation (EEC) No 2076/92; whereas the large discrepancy, either upward or downward, between actual production in Greece and the guarantee thresholds can be attributed to the problems of switching from the old premium system to the new one; whereas, therefore, transitional measures should be adopted pursuant to Article 27 of Regulation (EEC) No 2075/92;

Whereas Greece's switch from the old to the new market organization can be facilitated by the allocation of additional guarantee thresholds for the flue-cured group; whereas the increase in the guarantee threshold for that variety group must be offset by a corresponding decrease in the guarantee thresholds for other groups;

Whereas Greece has supplied estimates for the actual production of tobacco of the various groups; whereas the reallocation of guarantee thresholds and production quotas should not cause a reduction in the premiums to which producers were entitled by virtue of the quotas fixed initially; whereas Greece should accordingly be authorized to fix higher guarantee thresholds for variety groups VI, VII and VIII than are laid down in the Annex to Regulation (EEC) No 2076/92, and to reduce the guarantee threshold for group I by a corresponding amount; whereas such a measure should not, however, increase the EAGGF expenditure originally laid down;

Whereas the additional quantities allocated retroactively could not be covered by a cultivation contract in accordance with Articles 5 and 6 of Regulation (EEC) No 2075/92; whereas special conditions for the sale of those quantities should therefore be laid down, allowing producers to obtain the best prices;

Whereas this Regulation should apply as soon as possible to allow tobacco deliveries to be completed by the agreed dates;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The guarantee thresholds for the 1993 harvest in Greece shall be as set out in the Annex hereto.
2. Greece may increase the guarantee thresholds laid down in the Annex for variety groups VI, VII and VIII up to the quantities laid down for the 1993 harvest in Annex II to Regulation (EEC) No 2076/92. In that case, the guarantee threshold laid down for variety group I shall be reduced by a corresponding amount.

⁽¹⁾ OJ No L 215, 30. 7. 1992, p. 70.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 77.

⁽³⁾ OJ No L 24, 29. 1. 1994, p. 4.

If Greece avails itself of that option, the resulting expenditure to the EAGGF may not exceed the amount which would have resulted had Regulation (EEC) No 2076/92 been applied.

Article 2

1. The threshold quantity for variety group I (flue-cured) which becomes available pursuant to Article 1 shall be allocated to producers who apply therefor, up to the quantities applied for, in proportion to their quotas for variety group I (flue-cured) for the 1993 harvest.

2. Greece shall lay down the details which must appear in applications and the date by which they must be lodged.

Article 3

The reduction in the guarantee thresholds for variety groups VI (Basmas), VII (Katerini) and VIII (Kaba-Koulak

classic) shall be made across the board in the EAGGF financing of premiums. It may not result in a reduction in the premium which a producer may claim in accordance with the quota obtained by him.

Article 4

The additional tobacco quantities for group I (flue-cured) may be sold only :

- to the initial processing firm with which the producer has concluded a cultivation contract for the quantity which appears on his initial quota certificate and on the same conditions, or
- by auction to be organized by Greece for each production region.

Article 5

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, 4 March 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

I Flue-cured	II Light air-cured	III Dark air-cured	IV Fire-cured	V Sun-cured	Others			Total (tonnes)
					VI Basmas	VII Katerini	VIII Kaba-Koulak	
39 300	12 400			20 650	22 800	20 800	18 000	133 950

COMMISSION REGULATION (EC) No 489/94

of 4 March 1994

amending Regulation (EEC) No 3886/92 concerning the detailed rules for the application of the premium schemes provided for in the beef and veal sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 3611/93 ⁽²⁾, and in particular Article 4d (8) and Article 4e (5) thereof,

Whereas, under Article 34 (2) of Commission Regulation (EEC) No 3886/92 ⁽³⁾, as last amended by Regulation (EC) No 29/94 ⁽⁴⁾ transfers of rights to the suckler-cow premium and temporary leasing of such rights will, as from 1994, be effective only after they have been notified to the competent authorities not less than two months before the first day of the period laid down for the submission of applications; whereas, on account of administrative difficulties arising from implementation of the rules on management of the individual ceilings, certain Member States have been unable to comply with that provision; whereas, in order not to penalize the producers concerned, it is accordingly, necessary to authorize the Member States, for the 1994 calendar year, to set a shorter period;

Whereas in 1993 similar administrative difficulties led to substantial delays in the setting of such individual ceilings; whereas, consequently, certain producers were not able to make transfers of rights or temporary leases within the time limit specified; whereas the Member States should therefore be authorized, subject to certain conditions, to set for 1993 a second period for notification by the producers concerned of such transfers or temporary leasing of rights; whereas similar difficulties can be expected in 1994; whereas this second time limit should therefore be allowed for 1994 as well;

Whereas Article 38 (6) of Regulation (EEC) No 3886/92 provides that any applications submitted in respect of 1993 for a number of animals in excess of the individual ceiling fixed by the authorities of the Member State are to be reduced to the number corresponding to the said ceiling; whereas, given the administrative problems in certain Member States entailing delays in the allocation of individual ceilings, this provision should be made to apply also for the years subsequent to 1993;

Whereas Article 58 (1) of Regulation (EEC) No 3886/92 provides for a temporary derogation in certain circum-

stances from the definition of suckler cow for producers who received the premium for 1990 and 1991; whereas 1991 was the first year of application of the suckler cow premium to producers in the Azores; whereas, consequently, by virtue of the particular situation of the Azores, certain Azorean producers did not apply for the premium, or were excluded from the premium arrangements, or had the premium amounts they had applied for reduced; whereas the 1990 deadline should therefore be replaced by 1992; whereas since the abovementioned derogation concerns applications already submitted for 1993 it should be made to apply from 1 January 1993;

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 (EEC) No 3886/92 is hereby amended as follows:

1. The final sentence of the second subparagraph of Article 34 (2) is replaced by the following subparagraphs:

'However, such notification shall be made;

- in respect of 1993, before a date to be fixed by the Member State,
- in respect of 1994, at the latest one month before the first day specified by each Member State for the submission of applications.

For 1993 and 1994, Member States may specify a second period for producers fulfilling one of the following conditions:

1993

- (a) producers offering rights: the total quantity of rights to the premium at their disposal must, at the time of the transfer or leasing operation, exceed the quantity for which the premium was requested in respect of 1993. In addition, the transfer or leasing operation may, at the very most, relate only to the difference between the total quantity of rights and the quantity applied for in respect of 1993;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 328, 29. 12. 1993, p. 7.

⁽³⁾ OJ No L 391, 31. 12. 1992, p. 20.

⁽⁴⁾ OJ No L 6, 8. 1. 1994, p. 12.

(b) producers receiving rights :

- either, may not have obtained from the competent authority, 10 working days before the deadline fixed by the Member State for the notification of transfers and temporary leasings in respect of 1993, notification of the initial figure for the individual ceiling,
- or, may not have obtained from the national reserve the entire quantity of rights applied for in respect of 1993,

1994

(a) producers offering rights : the total quantity of rights to the premium at their disposal must, at the time of the transfer or leasing operation, exceed the quantity for which the premium was requested/will be requested in respect of 1994. In addition, the transfer or leasing operation may, at the very most, relate only to the difference between the total quantity of rights and the quantity applied for in respect of 1994 ;

(b) producers receiving rights :

- either, may not have obtained from the competent authority, 10 working days before the deadline fixed by the Member State for the notification of transfers and temporary leasings in respect of 1994, notification of the individual ceiling,

— or, may not have obtained from the national reserve the entire quantity of rights applied for in respect of 1994.'

2. The following paragraph is added to Article 35 :

'However, with regard to 1993 and 1994, where notification of transfer or temporary leasing of rights has been made before the expiry of a second period laid down by the Member State pursuant to Article 34 (2), such notification shall be made before a date to be determined by the Member State.'

3. Article 38 (6) is replaced by the following :

'6. Any application submitted for a number of animals in excess of the individual ceiling determined in accordance with Article 27 (1) shall be reduced to the number corresponding to the said ceiling.'

4. The following subparagraph is added to Article 58 (1) :

'However, in the case of producers in the Azores, the reference years referred to in this paragraph shall be 1991 or 1992.'

Article 2

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

However, point 4 of Article 1 shall apply with effect from 1 January 1993.

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

Done at Brussels, 4 March 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 490/94

of 4 March 1994

fixing indicative quantities for imports of bananas into the Community for the second quarter of 1994

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 3515/93 ⁽²⁾, and in particular Article 20 thereof,

Whereas Commission Regulation (EEC) No 1442/93 ⁽³⁾, as last amended by Regulation (EC) No 3297/93 ⁽⁴⁾, provides in Article 9 (1) for the fixing of indicative quantities for the purposes of issuing import licences for each quarter using the data and forecasts relating to the Community market on the basis of the forecast supply balance for production and consumption in the Community and of imports and exports as referred to in Article 16 of Regulation (EEC) No 404/93;

Whereas, only a few months after the introduction of the new common organization of the market in bananas, it is not possible to establish a forecast supply balance in accordance with the aforementioned Article 16 in the absence of economic data sufficiently precise to assess the trend in the Community market; whereas, in particular, the forecasts relating to consumption demand differ appreciably, depending on the Community region concerned, in an unstable market situation and where the fluidity of intra-Community trade is not as yet secured; whereas, furthermore, the data relating to the quantities of bananas marketed in the Community during 1993 and in particular the actual imports during the second half are not available;

Whereas, Article 9 (1) of Regulation (EEC) No 1442/93 notwithstanding, an indicative quantity for the second quarter of 1994 should therefore be established not on the basis of a forecast supply balance but on the basis of the analysis which may currently be made of the market; whereas this indicative quantity should be fixed on the basis of the average volume of bananas marketed in the Community in this same period in the years 1988 to 1992, while at the same time providing for some progressive increase so as to bring about a harmonious and gradual opening of the market and better trade fluidity within the Community;

Whereas to these same ends, the quantity authorized as laid down in Article 9 (1) of Regulation (EEC) No 1442/93 which each category A and B operator may request for the second quarter of 1994 and the indicative quantities provided for in Article 14 (1) of the same Regulation for the purposes of issuing the licences for imports of traditional ACP bananas should be fixed;

Whereas the provisions of this Regulation must enter into force immediately before the period in which licence applications for the second quarter of 1994 are submitted;

Whereas the Management Committee for Bananas has not delivered its opinion within the time limit laid down by the chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The indicative quantities referred to in Article 9 (1) of Regulation (EEC) No 1442/93 for imports of bananas into the Community under the tariff quota laid down in Articles 18 and 19 of Regulation (EEC) No 404/93 are hereby fixed for the second quarter of 1994 at 550 000 tonnes.

Article 2

The quantity authorized for each category A and B operator for the second quarter of 1994 as provided for in Article 9 (2) of Regulation (EEC) No 1442/93 is hereby fixed at 30 % of the total annual quantity which has been allocated to him pursuant to the second subparagraph of Article 6 of the aforementioned Regulation.

Article 3

The indicative quantities referred to in Article 14 (1) of Regulation (EEC) No 1442/93 for imports of traditional ACP bananas for the second quarter of 1994 are hereby fixed at 30 % of the traditional quantities laid down for each country of origin in the Annex to Regulation (EEC) No 404/93.

Article 4

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

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 15.

⁽³⁾ OJ No L 142, 12. 6. 1993, p. 6.

⁽⁴⁾ OJ No L 296, 1. 12. 1993, p. 46.

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

Done at Brussels, 4 March 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 491/94
of 4 March 1994
on the supply of milk products 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 2 925 tonnes of milk powder;

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

HAS ADOPTED THIS REGULATION:

Article 1

Milk products 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, 4 March 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

LOTS A, B, C and D

1. **Operation Nos** ⁽¹⁾: see Annex II
2. **Programme**: 1993
3. **Recipient** ⁽²⁾ ⁽³⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland (tel. (31-70) 33 05 757; fax 36 41 701; telex 30960 euron nl)
4. **Representative of the recipient**: see OJ No C 103, 16. 4. 1987
5. **Place or countries of destination**: see Annex II
6. **Product to be mobilized**: vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾ ⁽⁷⁾:
(see OJ No C 114, 29. 4. 1991, p. 1 (under I.B.1))
8. **Total quantity**: 2 925 tonnes
9. **Number of lots**: 4 (see Annex II)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁸⁾: 25 kg
see OJ No C 114, 29. 4. 1991, p. 1 (under I.A.2, I.A.2.3 and I.B.3)
markings in English (A1-A4, B4), Spanish (C), French (A5-A8, B1-B3, B5-B12, D) and Portuguese (A9)
A1-A4: Supplementary markings: 'Expiry date: ...'
11. **Method of mobilization**: the Community market
manufacture of skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the tender
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**: 18. 4. — 8. 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 21. 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 5. 4. 1994
 - (b) period for making the goods available at the port of shipment: 2. 5 — 22. 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 18. 4. 1994
 - (b) period for making the goods available at the port of shipment: 16. 5 — 5. 6. 1994
 - (c) deadline for the supply: —
22. **Amount of tendering security**: ECU 20 per tonne
23. **Amount of delivery security**: 10 % 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 / 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** ⁽⁴⁾: refund applicable on 24. 2. 1994, fixed by Commission Regulation (EC) No 305/94 (OJ No L 40, 11. 2. 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.

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) 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.
- (⁶) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
 - health certificate,
 - veterinary certificate issued by an official entity stating that the product was processed with pasteurized milk, coming from healthy animals, processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 12 months prior to the processing.
- (⁷) Lot C : Documents (health certificate) must be legalized by the diplomatic representation in the country of origin of the goods.
- (⁸) Notwithstanding OJ No C 114, point I.A(3)(c) is replaced by the following : 'the words "European Community"'.
(⁹) Shipment to take place in 20-foot containers, condition FCL/FCL. The supplier shall be responsible for the cost of making the containers in the stack position to 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 paragraph, of Regulation (EEC) No 2200/87 shall not apply.

The successful tenderer has to submit to 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 loctainer, number of which to be provided to the beneficiary's forwarder.

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°	País de destino
Parti	Totalmængde (i tons)	Delmængde (i tons)	Aktion nr.	Bestemmelsesland
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Bestimmungsland
Παρτίδα	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Χώρα προορισμού
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Country of destination
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action n°	Pays de destination
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Paese di destinazione
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Land van bestemming
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Acção n°	País de destino
A	855	A 1: 15	1260/93	Uganda
		A 2: 300	1261/93	Uganda
		A 3: 150	1262/93	Uganda
		A 4: 195	1263/93	Uganda
		A 5: 15	1264/93	Madagascar
		A 6: 15	1265/93	Madagascar
		A 7: 45	1266/93	Madagascar
		A 8: 60	1267/93	Madagascar
		A 9: 60	1268/93	Mozambique
B	510	B 1: 150	1269/93	Algérie
		B 2: 15	1270/93	Algérie
		B 3: 150	1271/93	Algérie
		B 4: 15	1272/93	Sierra Leone
		B 5: 15	1275/93	Mali
		B 6: 15	1351/93	Benin
		B 7: 15	1352/93	Benin
		B 8: 15	1353/93	Burkina Faso
		B 9: 45	1354/93	Burkina Faso
		B 10: 45	1355/93	Burkina Faso
		B 11: 15	1466/93	Burkina Faso
		B 12: 15	1467/93	Congo

Lote	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción n°	País de destino
Parti	Totalmængde (i tons)	Delmængde (i tons)	Aktion nr.	Bestemmelsesland
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Bestimmungsland
Παρτίδα	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Χώρα προορισμού
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Country of destination
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action n°	Pays de destination
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Paese di destinazione
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Land van bestemming
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Ação n°	País de destino
C	345	C 1 : 45	1468/93	Chile
		C 2 : 45	1469/93	Chile
		C 3 : 30	1470/93	Chile
		C 4 : 225	1471/93	Chile
D	1 215	D 1 : 345	1273/93	Haïti
		D 2 : 600	1387/93	Haïti
		D 3 : 270	1388/93	Haïti

COMMISSION REGULATION (EC) No 492/94
of 4 March 1994
on the supply of white sugar 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⁽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 536 tonnes of sugar;

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 order to ensure that the supplies are carried out, provision should be made for tenderers to be able to mobilize either A or B quota sugar or C sugar in accordance with the regulations governing the market; whereas the contract for the supply of each lot is to be awarded to the tenderer submitting the lowest tender having regard

to the conditions applicable to the categories of sugar in question;

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

White sugar 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.

Tenders relating to the lots specified in the Annex shall cover either sugar produced under the A or B quotas or C sugar within the meaning of points (a), (b) and (c) of the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81⁽⁶⁾. Tenders shall be rejected unless they specify the category of sugar to which they relate.

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, 4 March 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 177, 1. 7. 1981, p. 4.

ANNEX I

LOTS A and B

1. **Operation Nos** ⁽¹⁾: see Annex II
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, (tel. (31 70) 33 05 757; fax 36 41 701; telex 30960 NL EURON)
4. **Representative of the recipient** ⁽³⁾: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** ⁽⁴⁾ ⁽⁷⁾ ⁽⁸⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under V.A.1)
8. **Total quantity**: 486 tonnes
9. **Number of lots**: two (lot A: 198 tonnes; lot B: 288 tonnes)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁹⁾ ⁽¹¹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under V.A.2 and V.A.3)
Markings in Portuguese (A 4 + A 5), French (A 1 + A 3 + B 1), English (A 2 + A 6 - A 7) and Spanish (B 2)
11. **Method of mobilization**: sugar produced in the Community in accordance with the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 as follows:
 - A or B sugar (points (a) and (b)) or
 - C sugar (point (c))
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**: 25. 4 — 15. 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**: 21. 3. 1994 at 12 noon (Brussels time)
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: at 12 noon (Brussels time) on 11. 4. 1994
 - (b) period for making the goods available at the port of shipment: 9. 5 — 29. 5. 1994
 - (c) deadline for the supply: —**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: at 12 noon (Brussels time) on 25. 4. 1994
 - (b) period for making the goods available at the port of shipment: 23. 5 — 12. 6. 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 / 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⁾: In the case of A and B sugar: periodic refund applicable to white sugar on 24. 2. 1994, fixed by Commission Regulation (EC) No 391/94 (OJ No L 53, 24. 2. 1994, p. 5).

LOT C

1. **Operation No** (1): 1188/93
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 (4122) 730 42 22; telefax 733 03 95; telex 412133 LRC CH)
4. **Representative of the recipient**: Croix-Rouge Burkinabé, BP 340, Ouagadougou. Tel: 00226—30 08 77, Fax.: 00226—36 31 21, Tlx: LSCR 5438 BF Ouagadougou
5. **Place or country of destination** (3): Burkina Faso
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** (3) (7) (8) (12): see OJ No C 114, 29. 4. 1991, p. 1 (under V.A.1)
8. **Total quantity**: 50 tonnes
9. **Number of lots**: one
10. **Packaging and marking** (6) (9) (10): see OJ No C 114, 29. 4. 1991, p. 1 (under V.A.2 and V.A.3)
Markings in French
11. **Method of mobilization**: sugar produced in the Community in accordance with the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 (OJ No L 177, 1. 7. 1981, p. 4) as follows:
 - A or B sugar (points (a) and (b))
 - C sugar (point (c))
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
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 — 8. 5. 1994
18. **Deadline for the supply**: 5. 6. 1994
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 21. 3. 1994 (Brussels time)
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 11. 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: 2 — 22. 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 on 25. 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: 16. 5 — 5. 6. 1994
 - (c) deadline for the supply: 3. 7. 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** (1): in the case of A and B sugar: periodic refund applicable to white sugar on 24. 2. 1994, fixed by Commission Regulation (EC) No 391/94 (OJ No L 53, 24. 2. 1994, p. 5).

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) For A and B sugar:

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 abovementioned 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.

For C sugar:

Commission Regulation (EEC) No 2330/87 is not applicable. The rules given in Commission Regulation (EEC) No 2630/81 (OJ No L 258, 11. 9. 1981, p. 16) apply to exportation of sugar supplied under this Regulation.

- (⁵) Commission delegation to be contacted by the successful tenderer: see OJ No C 114, 29. 4. 1991, p. 33.
- (⁶) 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'.
- (⁷) The rule provided at the second indent of Article 18 (2) (a) of Regulation (EEC) No 2103/77 (OJ No L 246, 27. 9. 1977, p. 12) is binding for determination of the sugar category.
- (⁸) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following document:
 - phytosanitary certificate.
- (⁹) Notwithstanding OJ No C 114, point V.A.3(c) is replaced by the following: 'the words "European Community"'.
 - (¹⁰) Placed in 20-foot containers. The free holding period for containers must be at least 15 days.
 - (¹¹) Shipment to take place in 20-foot containers, condition FCL/FCL. The supplier shall be responsible for the cost of making the containers in the stack position to 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 paragraph, of Regulation (EEC) No 2200/87 shall not apply.

The successful tenderer has to submit to 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 locktainer, number of which to be provided to the beneficiary's forwarder.
 - (¹²) The documents must be sent to the beneficiary's representative immediately after loading to enable him to obtain an import licence.
 - (¹³) 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.

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°	Pais de destino
Parti	Totalmængde (i tons)	Delmængde (i tons)	Aktion nr.	Bestemmelsesland
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Bestimmungsland
Παρτίδα	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Χώρα προορισμού
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Country of destination
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action n°	Pays de destination
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Paese di destinazione
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Land van bestemming
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Ação n°	País de destino
A	198	A 1 : 18	1484/93	Madagascar
		A 2 : 54	1485/93	Uganda
		A 3 : 36	1486/93	Algérie
		A 4 : 18	1487/93	Mozambique
		A 5 : 36	1488/93	Mozambique
		A 6 : 18	1489/93	India
		A 7 : 18	1490/93	India
B	288	B 1 : 252	1511/93	Haïti
		B 2 : 36	1512/93	Nicaragua

COMMISSION REGULATION (EC) No 493/94

of 4 March 1994

authorizing the German intervention agency to put up for sale by tender 100 000 tonnes of common wheat for export in the form of wheat flour

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,

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

Whereas the German intervention agency has large stocks of breadmaking common wheat; whereas there is a heavy demand for wheat flour on the world market; whereas the resale of part of the wheat from German intervention stocks, for export on world market terms in the form of wheat flour after processing, should therefore be permitted; whereas provision should be made for intervention stocks to be used to supply the Community export milling industry during the period 10 March to 27 April 1994 at competitive prices;

Whereas, to avoid interference with the economic effects of the following market year, the flour must be exported by 30 June 1994 at the latest;

Whereas the conclusion of new contracts requires the measure to be implemented as a matter of urgency;

Whereas a conversion rate should be set to determine the quantity of wheat flour to be exported on the basis of the common wheat used;

Whereas the operation requires greater flexibility in the mechanisms and obligations governing the resale of intervention stocks and the exclusion of any refund or monthly increase; whereas special procedures must be laid down to ensure that the operations are properly carried out and monitored; whereas to that end provision should be made for a system of securities to ensure that the aims of the measure are achieved without placing excessive burdens on operators; whereas derogations should accordingly be made from certain rules, in particular those laid down in Regulation (EEC) No 2131/93;

Whereas to ensure that the operation is carried out smoothly and to avoid any disturbance of the internal market, it should be stipulated that securities may be released only after presentation of proof of the flour's exit from the Community's customs territory;

Whereas, where removal of the common wheat is delayed by more than five days or the release of one of the required securities is delayed for reasons imputable to the intervention agency, Germany should pay compensation;

Whereas the Member States are to take all additional measures compatible with the provisions in force to ensure that the scheme operates smoothly and that the Commission is kept informed;

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. The German intervention agency is hereby authorized to issue a standing invitation to tender for the sale on the Community market of 100 000 tonnes of common wheat.

2. A maximum of 73 000 tonnes of wheat flour for human consumption must be exported to third countries, equal to the quantity of common wheat awarded divided by the coefficient referred to in Article 6.

3. The regions in which the 100 000 tonnes of common wheat are stored are listed in Annex I.

4. The German intervention agency shall prepare a notice of invitation to tender indicating for each lot or, where appropriate, each part lot:

- the location, and
- at least the following:
 - the specific weight,
 - the moisture content,
 - the Hagberg falling number,
 - the impurity and sprouted grain contents,
 - the protein content.

5. It shall publish the notice of invitation to tender at least three days before the date set for the first partial invitation to tender.

⁽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.

Article 2

Subject to the provisions of this Regulation, the sales of common wheat referred to in Article 1 shall take place in accordance with the procedure and conditions laid down in Regulation (EEC) No 2131/93.

Article 3

1. The time limit for submitting tenders for the first partial invitation to tender shall be 10 a.m. (Brussels time) on Thursday 10 March 1994.

2. The time limit for submitting tenders for the subsequent partial invitations to tender shall be 1 p.m. (Brussels time) each Wednesday.

The time limit for the last partial invitation to tender shall be 27 April 1994.

3. Tenders must be submitted to the German intervention agency.

Article 4

1. Interested parties shall submit a tender to the competent German authorities either in writing against an acknowledgment of receipt or by telex, telegram or fax.

2. The tender shall indicate :

- the reference of the invitation to tender,
- the name, full address and telex or fax number of the tenderer,
- the quantity of common wheat to be exported in the form of flour,
- the proposed purchasing price per tonne in ecus.

3. Tenders must be accompanied by :

- an application for an export licence for wheat flour falling within product code 1101 00 00 100,
- proof that the tenderer has lodged a security of ECU 5 per tonne.

4. Tenders may not be for more than the maximum quantity available for each time limit for submitting tenders.

5. Tenders not submitted in accordance with paragraphs 1, 2 and 3 or which contain conditions other than those laid down in the invitation to tender shall be invalid.

6. Tenders may not be withdrawn.

Article 5

1. No export refund shall be granted for exports carried out pursuant to this Regulation.

2. Customs export formalities for wheat flour equivalent to that which would be obtained from the cereals

awarded must be completed within 90 days of the date of the award and not later than 30 June 1994.

3. Export licences issued under this invitation to tender must bear the following entry in Section 22 :

'Invitation to tender opened by Regulation (EC) No 493/94 — Tender dated ...'

4. Notwithstanding Article 9 of Commission Regulation (EEC) No 3719/88 ⁽¹⁾, the rights deriving from the licence referred to in this Article shall not be transferable.

Article 6

For the determination of the quantity of wheat flour to be exported, the quantity of common wheat awarded shall be divided by a coefficient of 1,37.

Article 7

1. The German intervention agency shall inform the Commission of the tenders received within two hours of the expiry of the time limit for the submission of tenders. The information must be sent in the form laid down in Annex II to one of the telex or fax numbers listed in Annex III.

Where no tenders are received, the agency shall inform the Commission within the time limit laid down in the preceding subparagraph.

2. It shall inform the Commission on a monthly basis of the quantities of common wheat removed pursuant to this Regulation.

Article 8

1. On the basis of the tenders submitted and notified, the Commission shall decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 :

- either to fix a minimum selling price,
- or not to proceed with the invitation to tender.

2. Where a minimum selling price is fixed, the contract shall be awarded to the tenderer submitting offers at or above that minimum price.

3. The competent German authority shall inform all tenderers in writing of the result of their tender as soon as the award referred to in paragraph 2 has been made.

Article 9

1. The successful tenderer shall notify the storer and the intervention agency in writing at least 10 days in advance of his intention to remove the merchandise.

2. Before the lot awarded is removed, the intervention agency and the successful tenderer shall take a reference sample in accordance with the method laid down in Commission Regulation (EEC) No 689/92 ⁽²⁾. Where the

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽²⁾ OJ No L 74, 20. 3. 1992, p. 18.

final results of the analysis of the sample indicate a significant difference between the quality of the common wheat to be removed and the quality as described in the notice of invitation to tender referred to in Article 1 of this Regulation, the successful tenderer may refuse the merchandise.

A significant difference shall be a discrepancy of more than a kilogram for the specific weight, one percentage point for the moisture content, 10 points for the Hagberg falling index, one percentage point for the protein content, one percentage point for the impurities referred to under B.2 and B.4 one percentage point for the impurities referred to under B.5, the percentage admissible for noxious grains and ergot, however, remaining as laid down in the Annex to Regulation (EEC) No 689/92.

3. Where the successful tenderer refuses the merchandise, as provided for in the second subparagraph of paragraph 2 above, the German intervention agency shall supply him with another lot of intervention common wheat of the requisite quality, at no extra charge, within eight days.

4. If removal of the common wheat is delayed by more than five days with relation to the date of acceptance of the lot to be removed by the successful tenderer for reasons imputable to the intervention agency, the Member State shall be responsible for the payment of compensation.

5. All risks and storage costs shall be borne by the successful tenderer from the time of removal.

Article 10

The successful tenderer shall pay for the common wheat before removing it at the price indicated in the tender. The payment due for each of the lots to be removed shall be indivisible.

Article 11

1. The security lodged pursuant to Article 13 (4) of Regulation (EEC) No 2131/93 must be released for the corresponding quantities of common wheat once the licences for the export of flour have been issued to the successful tenderers and for the quantities for which the tender has not been accepted.

2. The obligation to export from the Community shall be covered by a security amounting to ECU 50 per tonne of common wheat, of which ECU 25 per tonne shall be lodged upon issue of the licence for the export of flour, for the corresponding quantity of common wheat and the balance of ECU 25 per tonne before removal of the cereals.

Notwithstanding Article 15 (2) of Commission Regulation (EEC) No 3002/92 ⁽¹⁾, the amount of ECU 50 per tonne of common wheat corresponding to the processed flour must be released within 15 working days of the date on

which the successful tenderer submits proof that the wheat flour has left the Community's customs territory.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the time limits specified herein shall confer an entitlement to compensation from France amounting to ECU 0,015 per tonnes of flour for each day's delay. Such compensation shall not be charged to the European Agricultural Guidance and Guarantee Fund (EAGGF).

4. The primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 ⁽²⁾ shall be payment of the purchase price for the common wheat and export of the wheat flour within the time limit laid down under cover of the export licence referred to in Article 4 (3).

Article 12

1. Notwithstanding Article 12 of Regulation (EEC) No 3002/92, the export licence for the wheat flour must bear the words:

- Harina de trigo blando sin derecho a restitución — Reglamento (CE) n° 493/94,
- Mel af blød hvede uden restitutionsydelse — Forordning (EG) nr. 493/94,
- Weichweizenmehl ohne Ausfuhrerstattung — Verordnung (EG) Nr. 493/94,
- Άλευρα σίτου που δεν παρέχουν δικαίωμα επιστροφής — Κανονισμός (ΕΚ) αριθ. 493/94,
- Common wheat flour not eligible for refund — Regulation (EC) No 493/94,
- Farine de froment ne donnant pas droit à restitution — Règlement (CE) n° 493/94,
- Farina di frumento tenero non dante diritto a restituzione — Regolamento (CE) n. 493/94,
- Meel van zachte tarwe zonder recht op restitutie — Verordening (EG) nr. 493/94,
- Farinha de trigo mole que não dá direito a uma restituição — Regulamento (CE) n° 493/94.

2. The use of one of the customs warehousing or free zone schemes is prohibited.

Article 13

The German intervention agency shall take all necessary steps to ensure compliance with the provisions of this Regulation. It shall inform the Commission weekly, within the Management Committee for Cereals, of the progress of the invitation to tender.

Article 14

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

⁽¹⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽²⁾ OJ No L 205, 3. 8. 1985, p. 5.

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

Done at Brussels, 4 March 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Regions of storage in Germany

Region of storage	Quantities (tonnes)
— Schleswig-Holstein/Hamburg/Niedersachsen/ Bremen/Nordrhein-Westfalen	64 167
— Hessen/Rheinland-Pfalz/Baden-Württemberg/ Saarland/Bayern	26 993
— Berlin/Brandenburg/Mecklenburg-Vorpommern	6 573
— Sachsen/Sachsen-Anhalt/Thüringen	2 062

ANNEX II

Standing invitation to tender for 100 000 tonnes of common wheat held by the German intervention agency for export in the form of durum wheat flour

1	2	3	4	5
Registration number of the tender	Lot No	Quantity in tonnes	Offer price (ECU/tonne) (¹)	Increases (+) and reductions (—) (ECU/tonne) p.m.
1				
2				
3				
etc.				

(¹) This price includes the increases and reductions applicable to the lot for which the tender is submitted.

ANNEX III

The only telex and fax numbers in Brussels to be used are :

DG IV/C/1 (for the attention of Mr Thibault/Mr Brus) :

— telex : 22037 AGREC B
22070 AGREC B (Greek characters)

— fax : 295 25 15
296 10 97
296 20 05

COMMISSION REGULATION (EC) No 494/94

of 4 March 1994

authorizing the French intervention agency to put up for sale by tender 500 000 tonnes of common wheat for export in the form of wheat flour

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,

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

Whereas the French intervention agency has large stocks of breadmaking common wheat; whereas there is a heavy demand for wheat flour on the world market; whereas the resale of part of the wheat from French intervention stocks, for export on world market terms in the form of wheat flour after processing, should therefore be permitted; whereas provision should be made for intervention stocks to be used to supply the Community export milling industry during the period 10 March to 27 April 1994 at competitive prices;

Whereas, to avoid interference with the economic effects of the following market year, the flour must be exported by 30 June 1994 at the latest;

Whereas the conclusion of new contracts requires the measure to be implemented as a matter of urgency;

Whereas a conversion rate should be set to determine the quantity of wheat flour to be exported on the basis of the common wheat used;

Whereas the operation requires greater flexibility in the mechanisms and obligations governing the resale of intervention stocks and the exclusion of any refund or monthly increase; whereas special procedures must be laid down to ensure that the operations are properly carried out and monitored; whereas to that end provision should be made for a system of securities to ensure that the aims of the measure are achieved without placing excessive burdens on operators; whereas derogations should accordingly be made from certain rules, in particular those laid down in Regulation (EEC) No 2131/93;

Whereas to ensure that the operation is carried out smoothly and to avoid any disturbance of the internal market, it should be stipulated that securities may be released only after presentation of proof of the flour's exit from the Community's customs territory;

Whereas, where removal of the common wheat is delayed by more than five days or the release of one of the required securities is delayed for reasons imputable to the intervention agency, France should pay compensation;

Whereas the Member States are to take all additional measures compatible with the provisions in force to ensure that the scheme operates smoothly and that the Commission is kept informed;

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. The French intervention agency is hereby authorized to issue a standing invitation to tender for the sale on the Community market of 500 000 tonnes of common wheat.
2. A maximum of 365 000 tonnes of wheat flour for human consumption must be exported to third countries, equal to the quantity of common wheat awarded divided by the coefficient referred to in Article 6.
3. The regions in which the 500 000 tonnes of common wheat are stored are listed in Annex I.
4. The French intervention agency shall prepare a notice of invitation to tender indicating for each lot or, where appropriate, each part lot:
 - the location, and
 - at least the following:
 - the specific weight,
 - the moisture content,
 - the Hagberg falling number,
 - the impurity and sprouted grain contents,
 - the protein content.
5. It shall publish the notice of invitation to tender at least three days before the date set for the first partial invitation to tender.

⁽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.

Article 2

Subject to the provisions of this Regulation, the sales of common wheat referred to in Article 1 shall take place in accordance with the procedure and conditions laid down in Regulation (EEC) No 2131/93.

Article 3

1. The time limit for submitting tenders for the first partial invitation to tender shall be 10 a.m. (Brussels time) on Thursday 10 March 1994.

2. The time limit for submitting tenders for the subsequent partial invitations to tender shall be 1 p.m. (Brussels time) each Wednesday.

The time limit for the last partial invitation to tender shall be 27 April 1994.

3. Tenders must be submitted to the French intervention agency.

Article 4

1. Interested parties shall submit a tender to the competent French authorities either in writing against an acknowledgment of receipt or by telex, telegram or fax.

2. The tender shall indicate :

- the reference of the invitation to tender,
- the name, full address and telex or fax number of the tenderer,
- the quantity of common wheat to be exported in the form of flour,
- the proposed purchasing price per tonne in ecus.

3. Tenders must be accompanied by :

- an application for an export licence for wheat flour falling within product code 1101 00 00 100,
- proof that the tenderer has lodged a security of ECU 5 per tonne.

4. Tenders may not be for more than the maximum quantity available for each time limit for submitting tenders.

5. Tenders not submitted in accordance with paragraphs 1, 2 and 3 or which contain conditions other than those laid down in the invitation to tender shall be invalid.

6. Tenders may not be withdrawn.

Article 5

1. No export refund shall be granted for exports carried out pursuant to this Regulation.

2. Customs export formalities for wheat flour equivalent to that which would be obtained from the cereals

awarded must be completed within 90 days of the date of the award and not later than 30 June 1994.

3. Export licences issued under this invitation to tender must bear the following entry in Section 22 :

'Invitation to tender opened by Regulation (EC) No 494/94 — Tender dated ...'

4. Notwithstanding Article 9 of Commission Regulation (EEC) No 3719/88 ⁽¹⁾, the rights deriving from the licence referred to in this Article shall not be transferable.

Article 6

For the determination of the quantity of wheat flour to be exported, the quantity of common wheat awarded shall be divided by a coefficient of 1,37.

Article 7

1. The French intervention agency shall inform the Commission of the tenders received within two hours of the expiry of the time limit for the submission of tenders. The information must be sent in the form laid down in Annex II to one of the telex or fax numbers listed in Annex III.

Where no tenders are received, the agency shall inform the Commission within the time limit laid down in the preceding subparagraph.

2. It shall inform the Commission on a monthly basis of the quantities of common wheat removed pursuant to this Regulation.

Article 8

1. On the basis of the tenders submitted and notified, the Commission shall decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 :

- either to fix a minimum selling price,
- or not to proceed with the invitation to tender.

2. Where a minimum selling price is fixed, the contract shall be awarded to the tenderer submitting offers at or above that minimum price.

3. The competent French authority shall inform all tenderers in writing of the result of their tender as soon as the award referred to in paragraph 2 has been made.

Article 9

1. The successful tenderer shall notify the storer and the intervention agency in writing at least 10 days in advance of his intention to remove the merchandise.

2. Before the lot awarded is removed, the intervention agency and the successful tenderer shall take a reference sample in accordance with the method laid down in Commission Regulation (EEC) No 689/92 ⁽²⁾. Where the

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽²⁾ OJ No L 74, 20. 3. 1992, p. 18.

final results of the analysis of the sample indicate a significant difference between the quality of the common wheat to be removed and the quality as described in the notice of invitation to tender referred to in Article 1 of this Regulation, the successful tenderer may refuse the merchandise.

A significant difference shall be a discrepancy of more than a kilogram for the specific weight, one percentage point for the moisture content, 10 points for the Hagberg falling index, one percentage point for the protein content, one percentage point for the impurities referred to under B.2 and B.4 one percentage point for the impurities referred to under B.5, the percentage admissible for noxious grains and ergot, however, remaining as laid down in the Annex to Regulation (EEC) No 689/92.

3. Where the successful tenderer refuses the merchandise, as provided for in the second subparagraph of paragraph 2 above, the French intervention agency shall supply him with another lot of intervention common wheat of the requisite quality, at no extra charge, within eight days.

4. If removal of the common wheat is delayed by more than five days with relation to the date of acceptance of the lot to be removed by the successful tenderer for reasons imputable to the intervention agency, the Member State shall be responsible for the payment of compensation.

5. All risks and storage costs shall be borne by the successful tenderer from the time of removal.

Article 10

The successful tenderer shall pay for the common wheat before removing it at the price indicated in the tender. The payment due for each of the lots to be removed shall be indivisible.

Article 11

1. The security lodged pursuant to Article 13 (4) of Regulation (EEC) No 2131/93 must be released for the corresponding quantities of common wheat once the licences for the export of flour have been issued to the successful tenderers and for the quantities for which the tender has not been accepted.

2. The obligation to export from the Community shall be covered by a security amounting to ECU 50 per tonne of common wheat, of which ECU 25 per tonne shall be lodged upon issue of the licence for the export of flour, for the corresponding quantity of common wheat and the balance of ECU 25 per tonne before removal of the cereals.

Notwithstanding Article 15 (2) of Commission Regulation (EEC) No 3002/92⁽¹⁾, the amount of ECU 50 per tonne of common wheat corresponding to the processed flour must be released within 15 working days of the date on

which the successful tenderer submits proof that the wheat flour has left the Community's customs territory.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the time limits specified herein shall confer an entitlement to compensation from France amounting to ECU 0,015 per tonnes of flour for each day's delay. Such compensation shall not be charged to the European Agricultural Guidance and Guarantee Fund (EAGGF).

4. The primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽²⁾ shall be payment of the purchase price for the common wheat and export of the wheat flour within the time limit laid down under cover of the export licence referred to in Article 4 (3).

Article 12

1. Notwithstanding Article 12 of Regulation (EEC) No 3002/92, the export licence for the wheat flour must bear the words :

- Harina de trigo blando sin derecho a restitución — Reglamento (CE) n° 494/94,
- Mel af blød hvede uden restitutionsydelse — Forordning (EG) nr. 494/94,
- Weichweizenmehl ohne Ausfuhrerstattung — Verordnung (EG) Nr. 494/94,
- Άλευρα σίτου που δεν παρέχουν δικαίωμα επιστροφής — Κανονισμός (ΕΚ) αριθ. 494/94,
- Common wheat flour not eligible for refund — Regulation (EC) No 494/94,
- Farine de froment ne donnant pas droit à restitution — Règlement (CE) n° 494/94,
- Farina di frumento tenero non dante diritto a restituzione — Regolamento (CE) n. 494/94,
- Meel van zachte tarwe zonder recht op restitutie — Verordening (EG) nr. 494/94,
- Farinha de trigo mole que não dá direito a uma restituição — Regulamento (CE) n° 494/94.

2. The use of one of the customs warehousing or free zone schemes is prohibited.

Article 13

The French intervention agency shall take all necessary steps to ensure compliance with the provisions of this Regulation. It shall inform the Commission weekly, within the Management Committee for Cereals, of the progress of the invitation to tender.

Article 14

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

⁽¹⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽²⁾ OJ No L 205, 3. 8. 1985, p. 5.

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

Done at Brussels, 4 March 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Regions of storage in France

(tonnes)	
Region of storage	Quantities
Bordeaux	15 000
Dijon	10 300
Nantes	20 000
Nancy	30 000
Orléans	15 000
Paris	98 000
Poitiers	14 000
Rouen	197 000
Gent (Belgium)	100 000

ANNEX II

Standing invitation to tender for 500 000 tonnes of common wheat held by the French intervention agency for export in the form of durum wheat flour

1	2	3	4	5
Registration number of the tender	Lot No	Quantity in tonnes	Offer price (ECU/tonne) ⁽¹⁾	Increases (+) and reductions (–) (ECU/tonne) p.m.
1				
2				
3				
etc.				

⁽¹⁾ This price includes the increases and reductions applicable to the lot for which the tender is submitted.

ANNEX III

The only telex and fax numbers in Brussels to be used are :

DG IV/C/1 (for the attention of Mr Thibault/Mr Brus) :

— telex : 22037 AGREC B
22070 AGREC B (Greek characters)

— fax : 295 25 15
296 10 97
296 20 05

COMMISSION REGULATION (EC) No 495/94
of 4 March 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 (EC) 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 467/94⁽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 3 March 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 5 March 1994.

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

Done at Brussels, 4 March 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 58, 2. 3. 1994, p. 7.

ANNEX

to the Commission Regulation of 4 March 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	33,03 ⁽¹⁾
1701 11 90	33,03 ⁽¹⁾
1701 12 10	33,03 ⁽¹⁾
1701 12 90	33,03 ⁽¹⁾
1701 91 00	38,34
1701 99 10	38,34
1701 99 90	38,34 ⁽²⁾

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

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

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

COMMISSION REGULATION (EC) No 496/94
of 4 March 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 438/94⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton provided for in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 49,671 per 100 kilograms.

Article 2

This Regulation shall enter into force on 5 March 1994.

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

Done at Brussels, 4 March 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 57, 1. 3. 1994, p. 8.

COMMISSION REGULATION (EC) No 497/94

of 4 March 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 3 March 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 5 March 1994.

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

Done at Brussels, 4 March 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 4 March 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ^(*)
0709 90 60	89,24 ⁽²⁾ ⁽³⁾
0712 90 19	89,24 ⁽²⁾ ⁽³⁾
1001 10 00	0 ⁽¹⁾ ⁽²⁾
1001 90 91	97,45
1001 90 99	97,45 ⁽²⁾
1002 00 00	118,12 ⁽⁴⁾
1003 00 10	121,79
1003 00 90	121,79 ⁽²⁾
1004 00 00	96,11
1005 10 90	89,24 ⁽²⁾ ⁽³⁾
1005 90 00	89,24 ⁽²⁾ ⁽³⁾
1007 00 90	96,84 ⁽⁴⁾
1008 10 00	31,40 ⁽²⁾
1008 20 00	45,92 ⁽⁴⁾
1008 30 00	0 ⁽²⁾
1008 90 10	⁽⁷⁾
1008 90 90	0
1101 00 00	175,12 ⁽²⁾
1102 10 00	202,91
1103 11 10	29,82
1103 11 90	198,75
1107 10 11	184,34
1107 10 19	140,49
1107 10 91	227,67 ⁽¹⁰⁾
1107 10 99	172,86 ⁽²⁾
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 498/94**of 4 March 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 3 March

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 5 March 1994.

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

Done at Brussels, 4 March 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 4 March 1994 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	1,23	1,23	1,23
0712 90 19	0	1,23	1,23	1,23
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	1,23	1,23	1,23
1005 90 00	0	1,23	1,23	1,23
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0
1102 10 00	0	0	0	0
1103 11 10	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 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 499/94

of 4 March 1994

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as amended by Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 11 (3) thereof,Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1544/93⁽⁴⁾, and in particular Article 12 (4) thereof,Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽⁵⁾, as amended by Regulation (EC) No 3528/93⁽⁶⁾,Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EC) No 439/94⁽⁷⁾;

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne

of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽⁸⁾, as last amended by Regulation (EEC) No 1740/78⁽⁹⁾, the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*The import levies to be charged on products processed from cereals and rice covered by Commission Regulation (EEC) No 1620/93⁽¹⁰⁾ as fixed in the Annex to Regulation (EC) No 439/94 are hereby altered to the amounts set out in the Annex.*Article 2*

This Regulation shall enter into force on 5 March 1994.

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

Done at Brussels, 4 March 1994.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽⁴⁾ OJ No L 154, 25. 6. 1993, p. 5.⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.⁽⁶⁾ OJ No L 320, 22. 12. 1993, p. 32.⁽⁷⁾ OJ No L 57, 1. 3. 1994, p. 9.⁽⁸⁾ OJ No L 168, 25. 6. 1974, p. 7.⁽⁹⁾ OJ No L 202, 26. 7. 1978, p. 8.⁽¹⁰⁾ OJ No L 155, 26. 6. 1993, p. 29.

ANNEX

to the Commission Regulation of 4 March 1994 altering the import levies on products processed from cereals and rice

(ECU/tonne)			(ECU/tonne)		
CN code	Import levies (7)		CN code	Import levies (7)	
	ACP	Third countries (other than ACP)		ACP	Third countries (other than ACP)
1102 20 10	160,34	166,38	1702 30 91	187,07	283,79
1102 20 90	90,86	93,88	1702 30 99	143,42	209,91
1103 13 10	160,34	166,38	1702 40 90	143,42	209,91
1103 13 90	90,86	93,88	1702 90 50	143,42	209,91
1103 29 40	160,34	166,38	1702 90 75	195,98	292,70
1104 19 50	160,34	166,38	1702 90 79	136,29	202,78
1104 23 10	142,53	145,55	2106 90 55	143,42	209,91
1104 23 30	142,53	145,55	2302 10 10	43,11	49,11
1104 23 90	90,86	93,88	2302 10 90	92,38	98,38
1104 30 90	66,81	72,85	2302 20 10	43,11	49,11
1106 20 90	139,79 (2)	163,97	2302 20 90	92,38	98,38
1108 12 00	143,42	163,97	2302 30 10	43,11 (6)	49,11
1108 13 00	143,42	163,97 (2)	2302 30 90	92,38 (6)	98,38
1108 14 00	71,70	163,97	2302 40 10	43,11	49,11
1108 19 90	71,70 (2)	163,97	2302 40 90	92,38	98,38
1702 30 51	187,07	283,79	2303 10 11	178,16	359,50
1702 30 59	143,42	209,91			

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

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

(6) 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.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 1 March 1994

laying down the animal health requirements and the veterinary certification for
the importation of serum from equidae from third countries

(Text with EEA relevance)

(94/143/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 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC⁽¹⁾, and in particular Article 10 paragraph 2 (a) and (c) thereof,

1. Member States shall authorize the importation of serum from equidae from third countries or parts of third countries, from where the import of live equidae for slaughter is allowed, if it is accompanied by a health certificate as laid down in the Annex to this Decision.

2. The health certificate shall consist of one sheet and shall be completed in at least one official language of the Member State carrying out the import control.

Whereas Annex I Chapter 8 of the abovementioned Directive allows the import of serum from equidae from third countries, from which the import of slaughter equidae is allowed;

Article 2

This Decision shall apply from 1 July 1994.

Whereas the animal health conditions and veterinary certification must be laid down in order to guarantee the disease status of the serum;

Article 3

This Decision is addressed to the Member States.

Whereas considering that a new certification regime is established, a period of time should be provided for its implementation;

Done at Brussels, 1 March 1994.

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

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 62, 15. 3. 1993, p. 49.

ANNEX

HEALTH CERTIFICATE

for the import of serum from equidae from third countries or parts of third countries from which the import of live equidae for slaughter is allowed intended for dispatch to the European Community

Note to the importer

This certificate is for veterinary purposes only and must accompany the consignment until it reaches the border inspection post.

Country of destination :

Reference No of the health certificate :

Exporting country :

Responsible ministry :

Certifying department :

I. Identification of serum

.....
(species)

Nature of packaging :

Number of packages :

Net weight :

II. Origin of serum

Address and veterinary control number of the registered establishment of collection

.....

.....

III. Destination of serum

The serum will be sent from

(place of loading)

to

(country and place of destination)

by the following means of transport

No of the seal (¹) :

Name and address of consignor :

.....

Name and address of consignee :

.....

(¹) Optional.

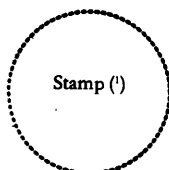
IV. Attestation

The undersigned official veterinarian certifies that :
the serum from equidae described above

- (a) comes from a country where the following diseases are compulsorily notifiable ; African horse sickness, dourine, glanders, equine encephalomyelitis (of all types including VEE), equine infectious anaemia, vesicular stomatitis, rabies, anthrax ;
- (b) was obtained, under the supervision of a veterinarian, from equidae which at the time of collection were free from clinical signs of infectious disease ;
- (c) was obtained from equidae, which have remained since birth in the territory or, in cases of official regionalization according to Community legislation, in parts of the territory of a third country in which :
 - i) Venezuelan equine encephalomyelitis has not occurred during the last two years ;
 - ii) dourine has not occurred during the last six months ;
 - iii) glanders has not occurred during the last six months ;
- (d) was obtained from equidae, which at the moment of collection did not come from a holding and have not been present on a holding which was subject to prohibition for animal health reasons :
 - i) within the previous six months in the case of equine encephalomyelitis, beginning on the date on which the equidae suffering from the disease are slaughtered ;
 - ii) in the case of infectious anaemia, until the date on which, the infected animals having been slaughtered, the remaining animals have shown a negative reaction to two Coggins tests carried out three months apart ;
 - iii) within the previous six months in the case of vesicular stomatitis ;
 - iv) within the previous month of the last recorded case, in the case of rabies ;
 - v) within the previous 15 days of the last recorded case, in the case of anthrax.

If all the animals of species susceptible to the disease located on the holding have been slaughtered and the premises disinfected, the period of prohibition shall be 30 days, beginning on the day on which the animals were destroyed and the premises disinfected, except in the case of anthrax, where the period of prohibition is 15 days ;
- (e) has undergone all precautions to avoid contamination with pathogenic agents during production, handling and packaging ;
- (f) was packed in sealed impermeable containers clearly labelled 'serum from equidae' and bearing the registration number of the establishment of collection.

Done at on
(place) (date)



.....
(signature of the official veterinarian) (!)

.....
(name in capital letters)

(!) The signature and the stamp must be in a colour different to that of the printing.

COMMISSION DECISION

of 2 March 1994

approving the additional varietal conversion programme for hops submitted by
the Kingdom of Belgium under Council Regulation (EEC) No 2997/87

(Only the French and Dutch texts are authentic)

(94/144/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2997/87 of 22 September 1987 laying down, in respect of hops, the amount of aid to producers for the 1986 harvest and providing for special measures for certain regions of production⁽¹⁾, as last amended by Regulation (EEC) No 3338/92⁽²⁾, and in particular Article 2 (5) thereof,

Having regard to Regulation (EEC) No 3889/87 of 22 December 1987 laying down detailed rules for the application of the special measures for certain regions of hops production⁽³⁾, as last amended by Regulation (EEC) No 718/93⁽⁴⁾, and in particular Article 3 thereof,

Whereas the Kingdom of Belgium transmitted to the Commission on 10 March 1988 a varietal conversion programme for the hops sector in accordance with Article 2 (5) of Regulation (EEC) No 2997/87; whereas this programme, as amended on 26 July 1988, was approved in Commission Decision 88/606/EEC⁽⁵⁾; whereas this programme after being amended three times by Decisions 89/480/EEC⁽⁶⁾, 91/94/EEC⁽⁷⁾ and 92/149/EEC⁽⁸⁾ respectively, was closed on 31 December 1992;

Whereas on 29 December 1992 the Kingdom of Belgium transmitted to the Commission an additional varietal conversion programme which differs from the previous programme in that it includes a new, recently recognized, producer group, the inclusion of new areas and a more market orientation towards super-alpha varieties which are better suited to market requirements, pursuant to Article 1 (2) of Regulation (EEC) No 3889/87; whereas that additional programme was approved by Commission Decision 93/251/EEC⁽⁹⁾;

Whereas the Kingdom of Belgium forwarded to the Commission on 21 December 1993 further amendments to that programme;

Whereas the proposed amendments relate principally to the even more marked increase in Super-alpha varieties in the range of varieties covered by the conversion operation and to the increase in the areas involved in that operation;

Whereas this additional programme, as amended, is in line with the objectives pursued by that Regulation and contains the information required under Article 2 of Regulation (EEC) No 3889/87;

Whereas the special aid for varietal conversion may also be granted for areas under other varieties where these are present on land essentially given over to bitter varieties under a conversion plan;

Whereas the financial contribution charged to the national budget complies with the ceiling specified in Article 2 (2) of Regulation (EEC) No 2997/87; whereas the actual costs referred to in Article 2 (2) of Regulation (EEC) No 2997/87 may include factors for assessing the net loss of income resulting from the implementation of the conversion plan; whereas, however, only factors relating to the net loss of income suffered from the date of adoption of Regulation (EEC) No 2997/87 may be introduced into the calculation of the actual costs; whereas, as a result, the financial contribution by the Member State to the varietal conversion programme will have to be adjusted;

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

HAS ADOPTED THIS DECISION:

Article 1

The varietal conversion programme for the hop sector submitted under Regulation (EEC) No 2997/87 by the Kingdom of Belgium on 21 December 1993 is hereby approved. The main features of that programme are set out in the Annex.

⁽¹⁾ OJ No L 284, 7. 10. 1987, p. 19.

⁽²⁾ OJ No L 336, 20. 11. 1992, p. 3.

⁽³⁾ OJ No L 365, 24. 12. 1987, p. 41.

⁽⁴⁾ OJ No L 74, 27. 3. 1993, p. 46.

⁽⁵⁾ OJ No L 334, 6. 12. 1988, p. 26.

⁽⁶⁾ OJ No L 234, 11. 8. 1989, p. 52.

⁽⁷⁾ OJ No L 50, 23. 2. 1991, p. 28.

⁽⁸⁾ OJ No L 61, 6. 3. 1992, p. 31.

⁽⁹⁾ OJ No L 115, 11. 5. 1993, p. 28.

Article 2

The Kingdom of Belgium shall inform the Commission of the progress of the programme every six months.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 2 March 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

1. *List of producer groups covered by the programme*

- Pacohop SV,
- De Poperingse Hopproducenten Vereniging,
- De Nieuwe Hoptelersbelangengroep (NHBG).

The first two groups are represented by Febelhop (Association of producer groups).

2. *Duration of the programme*

From 1993 to 1994. The last plantings must be made before 31 December 1994.

3. *Area covered by the programme*

— Pacohop SV :	17,6906 ha
— De Poperingse Hopproducenten Vereniging :	87,0953 ha
— De Nieuwe Hoptelersbelangengroep :	40,6115 ha
Total :	145,3974 ha

4. *Varieties to be converted to and the areas involved**Aromatic varieties*

Hallertauer :	5,8801 ha
Hersbrucker Spät :	0,7337 ha
Goldings :	3,6385 ha
Challenger :	3,1056 ha
Total :	13,3579 ha

'Super-alpha' varieties⁽¹⁾

Yeoman :	1,9694 ha
Target :	115,8343 ha
Nugget :	3,5173 ha
Magnum :	10,7180 ha
Total :	132,0395 ha

⁽¹⁾ Within the meaning of Article 2 of Regulation (EEC) No 2997/87 and Article 1 (3) of Regulation (EEC) No 3889/87.