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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 603/94
of 18 March 1994
suspending the standing invitation to tender for the reduction in the levy on
maize imported into Spain from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 3640/93 of 17 December 1993 on special arrangements for imports of maize and sorghum into Spain for the year 1993 ⁽¹⁾, and in particular Article 3 (2) thereof,

The tender under Regulation (EC) No 10/94 is hereby suspended.

Whereas it is convenient to suspend the tender under Commission Regulation (EC) No 10/94 ⁽²⁾;

Article 2

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

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

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

Done at Brussels, 18 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 333, 31. 12. 1993, p. 13.

⁽²⁾ OJ No L 4, 6. 1. 1994, p. 3.

COMMISSION REGULATION (EC) No 604/94

of 18 March 1994

on the issuing of a standing invitation to tender for the resale on the internal market of 57 000 tonnes of barley held by the Italian intervention agency

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 amended by Regulation (EC) No 120/94⁽⁴⁾, lays down the procedure and conditions governing the offer for sale of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 57 000 tonnes of barley held by the Italian intervention agency should be issued;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Italian intervention agency shall issue a standing invitation to tender for the resale on the internal market of 57 000 tonnes of barley held by it in accordance with Regulation (EEC) No 2131/93.

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

Done at Brussels, 18 March 1994.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 24 March 1994.

2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 26 May 1994.

3. Tenders must be lodged with the Italian intervention agency:

Azienda di Stato per gli interventi nel mercato agricolo (AIMA),
Via Palestro 81,
I-00100 Rome,
(tel. 49 49 91 ; telex : 620331).

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the Italian intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

COMMISSION REGULATION (EC) No 605/94

of 18 March 1994

amending Regulation (EC) No 3389/93 opening a standing invitation to tender for the resale on the internal market of barley and increasing to 175 000 tonnes the amount of barley held by the Danish intervention agency

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 amended by Regulation (EC) No 120/94⁽⁴⁾, lays down the procedures and conditions governing the offer for sale of cereals held by intervention agencies;

Whereas Commission Regulation (EC) No 3389/93⁽⁵⁾ opened a standing invitation to tender for the resale on the internal market of 100 000 tonnes of barley held by the Danish intervention agency;

Whereas in the present situation on the market the quantity of barley held by the Danish intervention agency put up for sale on the internal market of the Community should be increased to 175 000 tonnes;

Whereas the last partial invitation to tender under Regulation (EC) No 3389/93 should be postponed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 3389/93 is amended as follows:

1. in Article 1 'of 100 000 tonnes' is replaced by 'of 175 000 tonnes';
2. Article 2 (2) is replaced by the following:
'2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 31 May 1994.'

Article 2

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

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

Done at Brussels, 18 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 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 306, 11. 12. 1993, p. 24.

COMMISSION REGULATION (EC) No 606/94

of 18 March 1994

on the issuing of licences for traditional imports of bananas originating in the ACP States 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⁾, amended by Regulation (EC) No 3518/93 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 1442/93 of 10 June 1993 laying down detailed rules for the application of the arrangements for importing bananas into the Community ⁽³⁾, as last amended by Regulation (EC) No 3297/93 ⁽⁴⁾, and in particular Article 16 (1) and (2) thereof,

Whereas Article 16 (2) of Regulation (EEC) No 1442/93 provides that where the quantities of bananas originating in one and the same ACP State listed in the Annex to Regulation (EEC) No 404/93 for which import licences are applied for exceed the indicative quantity fixed for the period in question, the Commission is to set a single reduction percentage to all licence applications mentioning that country of origin ;

Whereas Commission Regulation (EC) No 490/94 ⁽⁵⁾ fixes indicative quantities for imports of bananas into the Community for the second quarter of 1994 for imports originating in the ACP States under the traditional quantities imported ;

Whereas, for Cameroon, the quantities requested for traditional imports of ACP bananas during the second quarter

of 1994 are higher than the quantities fixed by Regulation (EC) No 490/94 ; whereas, as a result, a single reduction percentage should be fixed for each application indicating this country or origin pursuant to Article 16 (2) of Regulation (EEC) No 1442/93 ;

Whereas this Regulation should take effect without delay in order to allow licences to be issued as quickly as possible,

HAS ADOPTED THIS REGULATION :

Article 1

For the second quarter of 1994, as regards licence applications for traditional imports of bananas originating in the ACP States, import licences shall be issued :

- for the quantity indicated in the licence application, multiplied by a reduction coefficient of 0,870298 for applications indicating the origin Cameroon,
- in the case of applications indicating other origins, for the quantities indicated in the application.

Article 2

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

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

Done at Brussels, 18 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽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.

⁽⁵⁾ OJ No L 62, 5. 3. 1994, p. 10.

COMMISSION REGULATION (EC) No 607/94

of 18 March 1994

amending Regulations (EEC) No 1913/69 and (EEC) No 3846/87 as regards export
refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 last amended by Commission Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 13 (6) thereof,

Whereas for export refunds, the present break down of the nomenclature for cereal-based compound feedingstuffs, and particularly the distinction made between on the one hand maize and on the other hand other cereals could result in speculation;

Whereas this speculation can be prevented providing that the refund is granted according to the actual cereal content of the compound feedingstuff;

Whereas in order to implement the above change in granting and advance fixing the export refunds on cereal-based compound feedingstuffs, Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and advance fixing of export refunds on cereal-based compound feedingstuffs⁽³⁾, as last amended by Regulation (EEC) No 3630/91⁽⁴⁾, and Commission Regulation (EEC) No 3846/87 of 17 December 1987 establishing an agricultural product nomenclature for export refunds⁽⁵⁾, as last amended by Regulation (EC) No 3567/93⁽⁶⁾, should therefore be amended;

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

Article 1

Regulation (EEC) No 1913/69 is amended as follows:

1. Article 3 is replaced by the following:

Article 3

In accordance with Article 8 (2) of Regulation (EEC) No 2743/75, when the export refund is fixed in advance, it shall be adjusted in line with any change in the threshold price for the cereal or cereals for which the calculation of the export refund is being made, between the date of advance fixing and the date of export.';

2. Article 4 (3) is replaced by the following text:

'3. The particulars referred to in paragraphs 1 and 2 shall be broken down:

- in the case of import licences, by distinguishing between the cereal-based feedingstuffs falling under different subheadings of the combined nomenclature,
- in the case of export licences, by specifying the quantity of cereals incorporated in the feedingstuffs for which the request for a licence is being made.';

3. The Annex is deleted.

Article 2

Sector 5 of the Annex to Regulation (EEC) No 3846/87 is replaced by the Annex to this Regulation.

Article 3

This Regulation shall enter into force on 1 April 1994.

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

Done at Brussels, 18 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 246, 30. 9. 1969, p. 11.

⁽⁴⁾ OJ No L 344, 14. 12. 1991, p. 40.

⁽⁵⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁶⁾ OJ No L 327, 28. 12. 1993, p. 1.

ANNEX

5. Cereal-based compound feedingstuffs

CN code	Description of goods	Product code
2309	Preparations of a kind used in animal feeding ⁽¹⁾ :	
ex 2309 10	– Dog or cat food, put up for retail sale:	
	– – Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products:	
	– – – Containing starch, glucose, syrup, maltodextrine or maltodextrine syrup:	
	– – – – Containing no starch, or containing 10% or less by weight of starch ⁽²⁾ :	
2309 10 11	– – – – – Containing no milk products or containing less than 10 % by weight of such products	2309 10 11 000
2309 10 13	– – – – – Containing not less than 10 % but less than 50 % by weight of milk products	2309 10 13 000
	– – – – – Containing more than 10 % but not more than 30 % by weight of starch ⁽²⁾ :	
2309 10 31	– – – – – Containing no milk products or containing less than 10 % by weight of such products	2309 10 31 000
2309 10 33	– – – – – Containing not less than 10 % but less than 50 % by weight of milk products	2309 10 33 000
	– – – – – Containing more than 30 % by weight of starch ⁽²⁾ :	
2309 10 51	– – – – – Containing no milk products or containing less than 10 % by weight of such products	2309 10 51 000
2309 10 53	– – – – – Containing not less than 10 % but less than 50 % by weight of milk products	2309 10 53 000
ex 2309 90	– Other:	
	– – Other:	
	– – – Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products:	
	– – – – Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup:	
	– – – – – Containing no starch or containing 10 % or less by weight of starch ⁽²⁾ :	
2309 90 31	– – – – – Containing no milk products or containing less than 10 % by weight of such products	2309 90 31 000
2309 90 33	– – – – – Containing not less than 10 % but less than 50 % by weight of milk products	2309 90 33 000
	– – – – – Containing more than 10 % but not more than 30 % by weight of starch ⁽²⁾ :	
2309 90 41	– – – – – Containing no milk products or containing less than 10 % by weight of such products	2309 90 41 000
2309 90 43	– – – – – Containing not less than 10 % but less than 50 % by weight of milk products	2309 90 43 000
	– – – – – Containing more than 30 % by weight of starch ⁽²⁾ :	
2309 90 51	– – – – – Containing no milk products or containing less than 10 % by weight of such products	2309 90 51 000
2309 90 53	– – – – – Containing not less than 10 % but less than 50 % by weight of milk products	2309 90 53 000

⁽¹⁾ Covered by Regulation (EEC) No 1619/93 of the Commission (OJ No L 155, 25. 6. 1993, p. 24).

⁽²⁾ For the purposes of the refund only the starch coming from cereal products is taken into account.

Cereal products means the products falling within subheadings 0709 90 60 and 0712 90 19, Chapter 10, and heading Nos 1101, 1102, 1103 and 1104 (excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature is considered to be equal to the weight of this final product.

No refund is paid for cereals where the origin of the starch cannot be clearly established by analysis.

⁽³⁾ A refund will only be paid for products containing 5 % or more by weight of starch.

COMMISSION REGULATION (EC) No 608/94
of 18 March 1994

amending Regulation (EEC) No 334/93 laying down detailed implementing rules for the use of land set aside for the provision of materials for the manufacture within the Community of products not primarily intended for human or animal consumption

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops⁽¹⁾, as last amended by Regulation (EC) No 232/94⁽²⁾, and in particular Article 13 thereof,

Whereas Article 7 (4) of Regulation (EEC) No 1765/92 allows set-aside land to be used for the provision of materials for the manufacture within the Community of products not primarily intended for human or animal consumption, provided that effective control systems are applied;

Whereas Regulation (EEC) No 1765/92 enables the Commission to set conditions for the cultivation of crops without compensation on set-aside land; whereas it is desirable to allow the cultivation of sugar beet without compensation on set-aside land provided that this does not have a detrimental effect on the sugar market; whereas it is nevertheless necessary to ensure that such cultivation is in conformity with the rules relating to the use of set-aside land for the growing of non-food crops;

Whereas a security should be lodged notwithstanding the fact that no compensation is payable; whereas the requirement for contracts to be signed before the sowing of sugar beet would lead to practical difficulties in the first year of application;

Whereas it is necessary to clarify that no raw materials, intermediate products, end-products, co-products or by-products grown on set-aside land should be eligible for measures financed pursuant to Article 1 (2) of Council Regulation (EEC) No 729/70⁽³⁾, as last amended by Regulation (EEC) No 2048/88⁽⁴⁾;

Whereas experience has shown that it is necessary for the claimant to lose his right to compensation because of a delay by the collector or first processor, as the case may be, in depositing a copy of the contract with his competent authority;

Whereas it is necessary for the effective control of the scheme that a collector should inform his competent

authority of the details of the first processor within 20 working days of delivery of the raw material to that first processor;

Whereas it should be specified that the transport within the Community covered by a control copy T 5 should not be limited to end-products intended for export to third countries;

Whereas in the light of experience it is not necessary to require processors to keep records on a daily basis; whereas the frequency of record-keeping should be determined by the competent authority;

Whereas certain raw materials of a pluriannual nature are eligible for compensation pursuant to Commission Regulation (EEC) No 2595/93⁽⁵⁾; whereas it is therefore appropriate to delete these raw materials from the list of eligible raw materials in Annex I to Commission Regulation (EEC) No 334/93⁽⁶⁾;

Whereas it is desirable to amend the list of end-products which are to be considered as permissible uses for non-food crops grown on set-aside land;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Joint Management Committee for Cereals, Oils and Fats and Dried Fodder and Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 334/93 is amended as follows:

1. The following Article 2a is inserted:

'Article 2a

No compensation, within the meaning of Article 2 (5) of Regulation (EEC) No 1765/92, shall be payable in respect of land on which sugar beet is grown. All the provisions of this Regulation shall, however, apply where sugar beet is grown on set-aside land in the same way that they would apply if compensation were payable.'

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 7.

⁽³⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁴⁾ OJ No L 185, 15. 7. 1988, p. 1.

⁽⁵⁾ OJ No L 238, 23. 9. 1993, p. 21.

⁽⁶⁾ OJ No L 38, 16. 2. 1993, p. 12.

2. Article 5 is replaced by the following:

Article 5

No raw material grown on set-aside land, intermediate product, end-product, co-product or by-product to which a contract pursuant to Article 6 relates, shall be eligible for any measures financed pursuant to Article 1 (2) of Council Regulation (EEC) No 729/70^(*).

^(*) OJ No L 94, 28. 4. 1970, p. 13.;

3. In Article 6 (1) the following sentence is inserted after the first sentence:

'However, in the case of contracts made in respect of sugar beet falling within CN code 1212 91 for harvest in the 1994/95 marketing year, such contracts may be signed after sowing, provided that they are signed before 15 May 1994.');

4. In the second subparagraph of Article 7 (4), (b) is replaced by the following:

'(b) a copy of the contract has been deposited with the competent authority of the collector or first processor, as the case may be, the conditions referred to in Article 8 (2) have been fulfilled, and the information specified in Article 8 (4) (a) has been transmitted by either the collector or the first processor.;

5. Article 8 is amended as follows:

(a) In paragraph 1, the second subparagraph is deleted.

(b) In paragraph 4, point (b) is replaced by the following:

'(b) The collector shall inform his competent authority of the name and address of the first processor of the raw material which he has received, within 20 working days of its delivery to that first processor.;

6. Article 9 is amended as follows:

(a) In paragraph 1, the second subparagraph is deleted.

(b) Paragraph 2 is replaced by the following:

'2. The security shall be equal to 120 % of the value of the compensation for each parcel of land covered by the contract, so as to guarantee its proper performance. However, where sugar beet is grown on set-aside land, the security shall be equal to 120 % of the value of the compensation that would be payable if each parcel of land covered by the contract and cultivated with sugar beet had been cultivated with any other raw material listed in Annex I. The security shall be released pro rata, according to the quantities processed into the end-product considered to be the primary non-food use, on condition that the competent authority of the collector or the first

processor has evidence that the quantity of raw materials under contract has been processed in conformity with the conditions set out in point (g) of Article 6 (1). Where the contract has been adjusted or annulled on the conditions set out in Article 7 (2), the security lodged shall be reduced in accordance with the reduction in area.');

7. Article 10 (6) is amended as follows:

(a) The first subparagraph is replaced by the following:

'Where one or more end-products, intermediate products, co-products or by-products to which a contract pursuant to Article 6 relates are intended for export to third countries, their transport within the Community shall be covered by a control copy T5 issued by the competent authority of the Member State in which those products were obtained.');

(b) The third subparagraph is replaced by the following:

'This requirement shall apply only in the case where the end-product, referred to in Annex II, intermediate product, co-product or by-product to which a contract pursuant to Article 6 relates would enjoy export refunds if obtained from any of the raw materials listed in Annex I, cultivated outside this scheme.');

8. In the introductory words of point (b) of Article 11 (1), 'on a daily basis' is replaced by 'on a regular basis to be determined by the competent authority';

9. Article 14 is deleted;

10. The second paragraph of Article 17 is deleted;

11. Annex I is amended as follows:

(a) The following is deleted:

CN code	Brief description
'ex 0602 99 41	Short rotation forest trees having a maximum cultivation period of 10 years inclusive
0602 99 51	Outdoor perennial plants (e.g. <i>Miscanthus sinensis</i>)'

(b) The following is inserted:

CN code	Brief description
'1212 91	Sugar beet (provided that sugar, as defined by Commission Regulation (EEC) No 1443/82 ^(*) , is not produced from it, either as an intermediate product, co-product or by-product)

^(*) OJ No L 158, 9. 6. 1982, p. 17.;

12. Annex II is amended as follows :

(a) In point (a), the following sub-indent is added :

‘— packaging material falling within CN codes ex 1904 10 and ex 1905 90 90 on condition that proof has been obtained that the products have been used for non-food purposes according to the provisions of Article 9 (2) of this Regulation.’;

(b) In point (b), the second indent is replaced by the following :

‘— all products referred to in Commission Regulation (EEC) No 1722/93 (“) on condition that they are not obtained from cereals, or potatoes cultivated on set-aside land, and that they do not contain products derived from cereals or potatoes cultivated on set-aside land.

(“) OJ No L 159, 1. 7. 1993, p. 112.’;

(c) In point (b), the following indent is added :

‘— all products referred to in Council Regulation (EEC) No 1010/86 (“”) on condition that they

are not obtained from sugarbeet cultivated on set-aside land and that they do not contain products derived from sugarbeet cultivated on set-aside land.

(“”) OJ No L 94, 9. 4. 1986, p. 9.’

Article 2

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

Point 4 of Article 1 shall apply to all claims for compensation pursuant to Article 7 (4) of Regulation (EEC) No 1765/92 made in respect of raw materials for harvest in the 1993/94 marketing year onwards.

Point 11 (b) of Article 1 shall apply forthwith to set aside carried out with a view to the 1994/95 marketing year.

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

Done at Brussels, 18 March 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 609/94

of 18 March 1994

supplementing Regulation (EEC) No 2385/91 as regards the geographical areas of the new German Länder where producers practising transhumance are regarded as producers in less-favoured areas

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EC) No 233/94⁽²⁾, and in particular Article 5 (9) thereof,

Point IV. FEDERAL REPUBLIC OF GERMANY of the Annex to Regulation (EEC) No 2385/91 is hereby supplemented *in fine* as follows:

Mecklenburg-Western Pomerania (in the following urban and rural districts)

Having regard to Council Regulation (EEC) No 3493/90 of 27 November 1990 laying down general rules for the grant of premiums to shipmeat and goatmeat producers⁽³⁾, as last amended by Regulation (EC) No 233/94, and in particular Articles 1 and 2 (4) thereof,

Güstrow
Teterow
Hagenow
Schwerin
Lübz
Rostock
Bad Doberan

Ribnitz-Damgarten
Greifswald
Demmin
Malchin
Neubrandenburg
Parchim

Whereas Regulation (EEC) No 3493/90 lays down the conditions under which farmers practising transhumance are to be regarded as producers in less-favoured areas; whereas, to that end, the said Regulation lays down in particular that only those farmers are to be taken into account whose holdings are located in geographical areas to be determined in accordance with certain criteria and in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 3013/89; whereas Commission Regulation (EEC) No 2385/91 of 6 August 1991 laying down detailed rules for certain special cases regarding the definition of sheepmeat and goatmeat producers and producer groups⁽⁴⁾, as amended by Regulation (EEC) No 2564/92⁽⁵⁾, establishes the list of those geographical areas with the exception of those of the new German Länder and of the Saarland pending a more in-depth examination of the situation in those regions; whereas that examination having now been carried out, the list of the geographical areas established by Regulation (EEC) No 2385/91 should be supplemented with effect from the beginning of the 1994 marketing year;

Saxony-Anhalt (in the following urban and rural districts)

Wernigerode
Quedlinburg
Sangerhausen
Osterburg
Stendal
Wolmirstedt
Schönebeck
Roßlau

Gräfenhainichen
Wittenberg
Jessen
Klötze
Zeitz
Naumburg
Nebrath

Brandenburg (in the following urban and rural districts)

Prignitz
Uckermark
Märkisch-Oderland
Elbe-Elster
Dahme-Spreewald
Teltow-Fläming

Oder-Spree
Oberhavel
Ostprignitz
Spree-Neiße
Potsdam-Mittelmark
Oberspreewald-Lausitz

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

Thuringia (in the following urban and rural districts)

Nordhausen
Erfurt
Eisenach
Mühlhausen
Gotha
Jena
Schmölln

Sondershausen
Bad Langensalza
Weimar
Bad Salzungen
Arnstadt
Artern

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 9.

⁽³⁾ OJ No L 337, 4. 12. 1990, p. 7.

⁽⁴⁾ OJ No L 219, 7. 8. 1991, p. 15.

⁽⁵⁾ OJ No L 257, 3. 9. 1992, p. 12.

Saxony (in the following urban and rural districts)

Article 2

Torgau	Bautzen
Ellenburg	Zittau
Delitzsch	Görlitz
Wurzen	Niesky
Riesa	Kamenz
Großenhain	Freiberg
Meißen	Glauchau
Dresden-Land	Zwickau-Land
Pirna	Brand-Erbisdorf
Sebnitz	

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

It shall apply from the beginning of the 1994 marketing year.

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

Done at Brussels, 18 March 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 610/94

of 18 March 1994

amending Regulation (EC) No 465/94 fixing for the 1993/94 wine year the percentages of table wine production to be delivered for compulsory distillation as provided for in Article 39 of Council Regulation (EEC) No 822/87

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1566/93 ⁽²⁾, and in particular Article 39 (9) and (11),

Whereas Commission Regulation (EEC) No 441/88 ⁽³⁾, as last amended by Regulation (EEC) No 3699/92 ⁽⁴⁾, lays down detailed rules for the application of compulsory distillation as provided for in Article 39 of Regulation (EEC) No 822/87;

Whereas Commission Regulation (EC) No 343/94 ⁽⁵⁾ opens for the 1993/94 wine year the above compulsory distillation and fixes the total quantity to be distilled in the Community and the quantities to be distilled in the various regions;

Whereas Article 39 (4) of Regulation (EEC) No 822/87 provides that, in the case of producers who are required to distil, the quantity to be distilled must equal a percentage to be fixed of their table wine production, such percentage being obtained from a graduated scale based on yield per hectare; whereas the percentages of the production of each such producer which must be delivered for distillation should therefore be fixed; whereas, while being

based on objective criteria, those percentages must be adapted to the situation of each region; whereas the scale used must allow a quantity of table wine corresponding to the obligation provided for in Article 1 (3) of Regulation (EC) No 343/94 to be deducted from a region's quantity; whereas the yield classes should accordingly set out only the quantities covered by the production declarations, on which the scale is based;

Whereas Commission Regulation (EC) No 465/94 ⁽⁶⁾ fixes the percentage of table wine production which each producer must deliver for compulsory distillation in Regions 3 and 6; whereas, on the basis of the communication by Italy of the table wine production figures broken down by yield class, the percentages of the production of each producer which must be delivered for distillation should be fixed for Region 4; whereas the scale in question must be incremental, thus penalizing the highest yields; whereas Regulation (EC) No 465/94 should be amended to include the provisions applicable in Region 4;

Whereas the provisions of this Regulation must enter into force immediately;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 465/94 is hereby amended as follows:

1. in the title, the words 'in Regions 3 and 6' are deleted;

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 39.

⁽³⁾ OJ No L 45, 18. 2. 1988, p. 15.

⁽⁴⁾ OJ No L 374, 22. 12. 1992, p. 54.

⁽⁵⁾ OJ No L 44, 17. 2. 1994, p. 9.

⁽⁶⁾ OJ No L 58, 2. 3. 1994, p. 2.

2. in Article 1 (1), the following point (c) is inserted:

(c) Region 4:

Production obtained with a yield, expressed in hectolitres per hectare:

— not exceeding 45:	1 887 143 hectolitres
— of more than 45, but not more than 70:	8 394 081 hectolitres
— of more than 70, but not more than 90:	11 843 922 hectolitres
— of more than 90, but not more than 110:	10 209 474 hectolitres
— of more than 110, but not more than 125:	4 853 825 hectolitres
— of more than 125, but not more than 140:	2 002 827 hectolitres
— of more than 140, but not more than 170:	1 261 827 hectolitres
— of more than 170, but not more than 200:	195 041 hectolitres
— exceeding 200:	228 774 hectolitres.';

3. in Article 1 (2), the following subparagraph is added:

'The average yield in Region 4 shall be 77 hectolitres per hectare.';

4. the Annex is replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 18 March 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

ANNEX

Percentage of the quantity referred to in Article 2

Yield (hectolitres per hectare)	%			Yield (hectolitres per hectare)	%		
	Region 3	Region 4	Region 6 Part B		Region 3	Region 4	Region 6 Part B
not more than				52	0	7,8	23,0
7	0	0	3,7	53	0	8,7	23,1
8	0	0	6,5	54	0	9,7	23,1
9	0	0	8,7	55	0	10,6	23,2
10	0	0	10,4	56	0	11,6	23,3
11	0	0	11,8	57	0	12,5	23,4
12	0	0	13,0	58	0	13,5	23,4
13	0	0	14,0	59	0	14,5	23,5
14	0	0	14,9	60	0	15,4	23,5
15	0	0	15,7	61	0	16,4	23,6
16	0	0	16,4	62	0	17,3	23,6
17	0	0	17,0	63	0	18,3	23,7
18	0	0	17,6	64	0	19,3	23,8
19	0	0	18,1	65	0	20,2	23,8
20	0	0	18,5	66	0	21,2	23,8
21	0	0	18,8	67	0	22,1	23,9
22	0	0	19,1	68	0	23,1	23,9
23	0	0	19,3	69	0	24,0	24,0
24	0	0	19,5	70	0	25,0	24,0
25	0	0	19,8	71	0	25,5	24,1
26	0	0	20,0	72	0	26,0	24,1
27	0	0	20,2	73	0	26,5	24,2
28	0	0	20,4	74	0	27,0	24,2
29	0	0	20,5	75	0	27,5	24,2
30	0	0	20,7	76	0	28,0	24,3
31	0	0	20,9	77	0	28,5	24,3
32	0	0	21,0	78	0	29,0	24,3
33	0	0	21,2	79	2,63	29,5	24,4
34	0	0	21,3	80	2,75	30,0	24,4
35	0	0	21,5	81	2,88	30,5	24,5
36	0	0	21,5	82	3,00	31,0	24,6
37	0	0	21,7	83	3,28	31,5	24,6
38	0	0	21,8	84	3,55	32,0	24,7
39	0	0	21,9	85	3,83	32,5	24,8
40	0	0	22,0	86	4,10	33,0	24,8
41	0	0	22,1	87	4,88	33,5	24,9
42	0	0	22,2	88	5,65	34,0	24,9
43	0	0	22,3	89	6,43	34,5	25,0
44	0	0	22,4	90	7,20	35,0	25,1
45	0	0	22,5	91	12,0	35,5	25,1
46	0	2,0	22,5	92	13,0	36,0	25,2
47	0	3,0	22,6	93	14,0	36,5	25,2
48	0	3,9	22,7	94	16,0	37,0	25,3
49	0	4,9	22,8	95	18,0	37,5	25,3
50	0	5,8	22,8	96	19,8	38,0	25,4
51	0	6,8	22,9				

Yield (hectolitres per hectare)	%			Yield (hectolitres per hectare)	%		
	Region 3	Region 4	Region 6 Part B		Region 3	Region 4	Region 6 Part B
97	21,6	38,5	25,4	151	93,5	64,1	
98	23,4	39,0	25,5	152	94,5	64,6	
99	25,2	39,6	25,5	153	95,5	65,1	
100	27,0	40,1	25,6	154	96,5	65,5	
101	28,8	40,6	25,6	155	97,5	66,0	
102	30,6	41,1	25,6	156	98,5	66,5	
103	32,4	41,6	25,7	157	99,5	66,9	
104	34,2	42,1	25,7	158	100,0	67,4	
105	36,0	42,6	25,8	159	100,0	67,9	
106	37,8	43,1	25,8	160		68,3	
107	39,6	43,6	25,8	161		68,8	
108	41,4	44,1	25,9	162		69,3	
109	43,2	44,6	25,9	163		69,7	
110	45,0	45,1	26,0	164		70,2	
111	46,3	45,5		165		70,7	
112	47,5	45,9		166		71,1	
113	48,8	46,3		167		71,6	
114	50,0	46,7		168		72,1	
115	51,3	47,1		169		72,5	
116	52,5	47,5		170		73,0	
117	53,8	47,9		171		73,5	
118	55,0	48,3		172		73,9	
119	56,3	48,6		173		74,4	
120	57,5	49,0		174		74,9	
121	58,8	49,4		175		75,3	
122	60,0	49,8		176		75,8	
123	61,3	50,2		177		76,3	
124	62,5	50,6		178		76,7	
125	63,8	51,0		179		77,2	
126	65,0	51,5		180		77,7	
127	66,3	52,1		181		78,1	
128	67,5	52,6		182		78,6	
129	68,8	53,1		183		79,1	
130	70,0	53,7		184		79,5	
131	71,3	54,2		185		80,0	
132	72,5	54,7		186		80,5	
133	73,8	55,3		187		80,9	
134	75,0	55,8		188		81,4	
135	76,3	56,3		189		81,9	
136	77,5	56,9		190		82,3	
137	78,8	57,4		191		82,8	
138	80,0	57,9		192		83,3	
139	81,3	58,5		193		83,7	
140	82,5	59,0		194		84,2	
141	83,5	59,5		195		84,7	
142	84,5	59,9		196		85,1	
143	85,5	60,4		197		85,6	
144	86,5	60,9		198		86,1	
145	87,5	61,3		199		86,5	
146	88,5	61,8		200		87,0	
147	89,5	62,3		201		87,0	
148	90,5	62,7		202		87,0	
149	91,5	63,2		203		87,1	
150	92,5	63,7					

Yield (hectolitres per hectare)	%			Yield (hectolitres per hectare)	%		
	Region 3	Region 4	Region 6 Part B		Region 3	Region 4	Region 6 Part B
204		87,1		253		88,1	
205		87,1		254		88,1	
206		87,1		255		88,1	
207		87,1		256		88,1	
208		87,2		257		88,1	
209		87,2		258		88,2	
210		87,2		259		88,2	
211		87,2		260		88,2	
212		87,2		261		88,2	
213		87,3		262		88,2	
214		87,3		263		88,3	
215		87,3		264		88,3	
216		87,3		265		88,3	
217		87,3		266		88,3	
218		87,4		267		88,3	
219		87,4		268		88,4	
220		87,4		269		88,4	
221		87,4		270		88,4	
222		87,4		271		88,4	
223		87,5		272		88,4	
224		87,5		273		88,5	
225		87,5		274		88,5	
226		87,5		275		88,5	
227		87,5		276		88,5	
228		87,6		277		88,5	
229		87,6		278		88,6	
230		87,6		279		88,6	
231		87,6		280		88,6	
232		87,6		281		88,6	
233		87,7		282		88,6	
234		87,7		283		88,7	
235		87,7		284		88,7	
236		87,7		285		88,7	
237		87,7		286		88,7	
238		87,8		287		88,7	
239		87,8		288		88,8	
240		87,8		289		88,8	
241		87,8		290		88,8	
242		87,8		291		88,8	
243		87,9		292		88,8	
244		87,9		293		88,9	
245		87,9		294		88,9	
246		87,9		295		88,9	
247		87,9		296		88,9	
248		88,0		297		88,9	
249		88,0		298		89,0	
250		88,0		299		89,0	
251		88,0		300		89,0	
252		88,0					

For higher yields :

- in Region 3 : the percentage of the volume produced to be distilled amounts to 100 %,
- in Region 4 : the percentage of the volume produced to be distilled is obtained by the formula : $\text{Yield} \times 0,020 + 83$,
- in Region 6 : the percentage of the volume produced to be distilled is obtained by the formula : $(1925 + 30 (R - 79)) / R$.

COMMISSION REGULATION (EC) No 611/94

of 18 March 1994

specifying the extent to which applications lodged in February 1994 for import licences in respect of young male bovine animals for fattening may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 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 13 (4) (a) thereof,

Whereas Commission Regulation (EC) No 336/94 ⁽³⁾, as amended by Regulation (EC) No 579/94 ⁽⁴⁾, lays down the number of young male bovine animals which may be imported on special terms during the first quarter of 1994; whereas import licence applications result in the issuing of licences in accordance with the provisions of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences for young male bovine animals for fattening for which applications were lodged in the period 16 to 25 February 1994 shall be issued as follows:

1. The quantities applied for in Italy by the applicants referred to in Article 1 (7) (b) of Regulation (EC) No 336/94:

- (a) for animals of 160 to 300 kilograms *per capita* live weight coming from Hungary, Poland, the Czech

Republic, the Slovak Republic, Romania, Slovenia or Bulgaria with a reduction of 75 % in the levy shall be reduced by 96,360 %;

- (b) for animals of up to 300 kilograms *per capita* live weight with a reduction of 65 % in the levy shall be reduced by 96,330 %;

2. The quantities applied for in Greece by the applicants referred to in Article 1 (7) (b) of Regulation (EC) No 336/94:

- (a) for animals of 160 to 300 kilograms *per capita* live weight coming from Hungary, Poland, the Czech Republic, the Slovak Republic, Romania, Slovenia or Bulgaria with a reduction of 75 % in the levy shall be reduced by 26,316 %;

- (b) for animals of up to 300 kilograms *per capita* live weight with a reduction of 65 % in the levy shall be reduced by 80,353 %;

3. The quantities applied for in the other Member States:

- (a) for animals of 160 to 300 kilograms *per capita* live weight coming from Hungary, Poland, the Czech Republic, the Slovak Republic, Romania, Slovenia or Bulgaria with a reduction of 75 % in the levy shall be reduced by 99,240 %;

- (b) for animals of up to 300 kilograms *per capita* live weight with a reduction of 65 % in the levy shall be reduced by 99,237 %.

Article 2

This Regulation shall enter into force on 21 March 1994.

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

Done at Brussels, 18 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 328, 29. 12. 1993, p. 7.

⁽³⁾ OJ No L 43, 16. 2. 1994, p. 7.

⁽⁴⁾ OJ No L 74, 17. 3. 1994, p. 7.

COMMISSION REGULATION (EC) No 612/94
of 18 March 1994
amending Regulation (EEC) No 1627/89 on the buying-in of beef by invitation to
tender

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 6 (7) thereof,

Whereas Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽³⁾, as last amended by Regulation (EC) No 365/94 ⁽⁴⁾, opens buying-in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;

Whereas the application of Article 6 (2), (3) and (4) of Regulation (EEC) No 805/68 and the need to limit intervention to the buying-in of the quantities necessary

to ensure reasonable support for the market result, on the basis of the prices of which the Commission is aware, in an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying-in is open by invitation to tender, and the list of the quality groups which may be bought in,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 21 March 1994.

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

Done at Brussels, 18 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 328, 29. 12. 1993, p. 7.

⁽³⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁴⁾ OJ No L 46, 18. 2. 1994, p. 49.

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

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1

Member States or regions of a Member State and quality groups referred to in Article 1 (1)

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er}, paragraphe 1

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1

In artikel 1, lid 1 bedoelde Lid-Staten of gebieden van een Lid-Staat en kwaliteitsgroepen

Estados-membros ou regiões de Estados-membros e grupos de qualidades referidos no n.º 1 do artigo 1.º

Estados miembros o regiones de Estados miembros	Categoría A			Categoría C		
Medlemsstat eller region	Kategori A			Kategori C		
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A			Kategorie C		
Κράτος μέλος ή περιοχή κράτους μέλους	Κατηγορία Α			Κατηγορία Γ		
Member States or regions of a Member State	Category A			Category C		
États membres ou régions d'États membres	Catégorie A			Catégorie C		
Stati membri o regioni di Stati membri	Categoria A			Categoria C		
Lid-Staat of gebied van een Lid-Staat	Categorie A			Categorie C		
Estados-membros ou regiões de Estados-membros	Categoria A			Categoria C		
	U	R	O	U	R	O
Denmark						
Great Britain					×	
Ireland					×	×
Northern Ireland					×	

COMMISSION REGULATION (EC) No 613/94

of 18 March 1994

fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 230/94 ⁽²⁾, and in particular Article 17 (4) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 1344/86 ⁽⁴⁾, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 3(1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5(1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products ⁽⁵⁾, as last amended by Regulation (EEC) No 2767/90 ⁽⁶⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 1.

⁽³⁾ OJ No L 153, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 267, 29. 9. 1990, p. 14.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of 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⁾;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽³⁾, as amended by Regulation (EC) No 3528/93 ⁽⁴⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁵⁾, as amended by Regulation (EC) No 547/94 ⁽⁶⁾;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 150 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84 ⁽⁷⁾, as last amended by Regulation (EEC) No 222/88 ⁽⁸⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

Whereas Council Regulation (EEC) No 990/93 ⁽⁹⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.

2. There shall be no refunds for exports to Zone E for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.

Article 2

This Regulation shall enter into force on 19 March 1994.

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

Done at Brussels, 18 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 30, 3. 2. 1994, p. 44.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ No L 69, 12. 3. 1994, p. 1.

⁽⁷⁾ OJ No L 91, 1. 4. 1984, p. 71.

⁽⁸⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁹⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 18 March 1994 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0401 10 10 000		5,45	0402 21 91 500		124,32
0401 10 90 000		5,45	0402 21 91 600		135,31
0401 20 11 100		5,45	0402 21 91 700		141,84
0401 20 11 500		8,42	0402 21 91 900		149,14
0401 20 19 100		5,45	0402 21 99 100		110,85
0401 20 19 500		8,42	0402 21 99 200		111,66
0401 20 91 100		11,21	0402 21 99 300		113,12
0401 20 91 500		13,06	0402 21 99 400		121,46
0401 20 99 100		11,21	0402 21 99 500		124,32
0401 20 99 500		13,06	0402 21 99 600		135,31
0401 30 11 100		16,78	0402 21 99 700		141,84
0401 30 11 400		25,87	0402 21 99 900		149,14
0401 30 11 700		38,87	0402 29 15 200		0,6000
0401 30 19 100		16,78	0402 29 15 300		0,9640
0401 30 19 400		25,87	0402 29 15 500		1,0192
0401 30 19 700		38,87	0402 29 15 900		1,1000
0401 30 31 100		46,29	0402 29 19 200		0,6000
0401 30 31 400		72,28	0402 29 19 300		0,9640
0401 30 31 700		79,70	0402 29 19 500		1,0192
0401 30 39 100		46,29	0402 29 19 900		1,1000
0401 30 39 400		72,28	0402 29 91 100		1,1085
0401 30 39 700		79,70	0402 29 91 500		1,2146
0401 30 91 100		90,84	0402 29 99 100		1,1085
0401 30 91 400		133,53	0402 29 99 500		1,2146
0401 30 91 700		155,81	0402 91 11 110		5,45
0401 30 99 100		90,84	0402 91 11 120		11,21
0401 30 99 400		133,53	0402 91 11 310		19,10
0401 30 99 700		155,81	0402 91 11 350		23,60
0402 10 11 000		60,00	0402 91 11 370		28,92
0402 10 19 000		60,00	0402 91 19 110		5,45
0402 10 91 000		0,6000	0402 91 19 120		11,21
0402 10 99 000		0,6000	0402 91 19 310		19,10
0402 21 11 200		60,00	0402 91 19 350		23,60
0402 21 11 300		96,40	0402 91 19 370		28,92
0402 21 11 500		101,92	0402 91 31 100		22,16
0402 21 11 900		110,00	0402 91 31 300		34,18
0402 21 17 000		60,00	0402 91 39 100		22,16
0402 21 19 300		96,40	0402 91 39 300		34,18
0402 21 19 500		101,92	0402 91 51 000		25,87
0402 21 19 900		110,00	0402 91 59 000		25,87
0402 21 91 100		110,85	0402 91 91 000		90,84
0402 21 91 200		111,66	0402 91 99 000		90,84
0402 21 91 300		113,12	0402 99 11 110		0,0545
0402 21 91 400		121,46	0402 99 11 130		0,1121

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0402 99 11 150		0,1862	0403 90 61 100		0,0545
0402 99 11 310		22,04	0403 90 61 300		0,0842
0402 99 11 330		26,63	0403 90 63 000		0,1121
0402 99 11 350		35,68	0403 90 69 000		0,1678
0402 99 19 110		0,0545	0404 90 11 100		60,00
0402 99 19 130		0,1121	0404 90 11 910		5,45
0402 99 19 150		0,1862	0404 90 11 950		19,10
0402 99 19 310		22,04	0404 90 13 120		60,00
0402 99 19 330		26,63	0404 90 13 130		96,40
0402 99 19 350		35,68	0404 90 13 140		101,92
0402 99 31 110		0,2402	0404 90 13 150		110,00
0402 99 31 150		37,17	0404 90 13 911		5,45
0402 99 31 300		0,4629	0404 90 13 913		11,21
0402 99 31 500		0,7970	0404 90 13 915		16,78
0402 99 39 110		0,2402	0404 90 13 917		25,87
0402 99 39 150		37,17	0404 90 13 919		38,87
0402 99 39 300		0,4629	0404 90 13 931		19,10
0402 99 39 500		0,7970	0404 90 13 933		23,60
0402 99 91 000		0,9084	0404 90 13 935		28,92
0402 99 99 000		0,9084	0404 90 13 937		34,18
0403 10 22 100		5,45	0404 90 13 939		35,74
0403 10 22 300		8,42	0404 90 19 110		110,85
0403 10 24 000		11,21	0404 90 19 115		111,66
0403 10 26 000		16,78	0404 90 19 120		113,12
0403 10 32 100		0,0545	0404 90 19 130		121,46
0403 10 32 300		0,0842	0404 90 19 135		124,32
0403 10 34 000		0,1121	0404 90 19 150		135,31
0403 10 36 000		0,1678	0404 90 19 160		141,84
0403 90 11 000		60,00	0404 90 19 180		149,14
0403 90 13 200		60,00	0404 90 31 100		60,00
0403 90 13 300		96,40	0404 90 31 910		5,45
0403 90 13 500		101,92	0404 90 31 950		19,10
0403 90 13 900		110,00	0404 90 33 120		60,00
0403 90 19 000		110,85	0404 90 33 130		96,40
0403 90 31 000		0,6000	0404 90 33 140		101,92
0403 90 33 200		0,6000	0404 90 33 150		110,00
0403 90 33 300		0,9640	0404 90 33 911		5,45
0403 90 33 500		1,0192	0404 90 33 913		11,21
0403 90 33 900		1,1000	0404 90 33 915		16,78
0403 90 39 000		1,1085	0404 90 33 917		25,87
0403 90 51 100		5,45	0404 90 33 919		38,87
0403 90 51 300		8,42	0404 90 33 931		19,10
0403 90 53 000		11,21	0404 90 33 933		23,60
0403 90 59 110		16,78	0404 90 33 935		28,92
0403 90 59 140		25,87	0404 90 33 937		34,18
0403 90 59 170		38,87	0404 90 33 939		35,74
0403 90 59 310		46,29	0404 90 39 110		110,85
0403 90 59 340		72,28	0404 90 39 115		111,66
0403 90 59 370		79,70	0404 90 39 120		113,12
0403 90 59 510		90,84	0404 90 39 130		121,46
0403 90 59 540		133,53			
0403 90 59 570		155,81			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0404 90 39 150		124,32	0405 00 19 500		156,10
0404 90 51 100		0,6000	0405 00 19 700		160,00
0404 90 51 910		0,0545	0405 00 90 100		160,00
0404 90 51 950		22,04	0405 00 90 900		206,00
0404 90 53 110		0,6000	0406 10 20 100		—
0404 90 53 130		0,9640	0406 10 20 230	028	—
0404 90 53 150		1,0192		032	—
0404 90 53 170		1,1000		400	35,23
0404 90 53 911		0,0545		404	—
0404 90 53 913		0,1121		...	43,29
0404 90 53 915		0,1678	0406 10 20 290	028	—
0404 90 53 917		0,2587		032	—
0404 90 53 919		0,3887		400	35,23
0404 90 53 931		22,04		404	—
0404 90 53 933		26,63		...	43,29
0404 90 53 935		35,68	0406 10 20 610	028	12,19
0404 90 53 937		37,17		032	12,19
0404 90 59 130		1,1085		036	—
0404 90 59 150		1,2146		038	—
0404 90 59 930		0,5557		400	78,73
0404 90 59 950		0,7970		404	—
0404 90 59 990		0,9084		...	80,77
0404 90 91 100		0,6000	0406 10 20 620	028	18,05
0404 90 91 910		0,0545		032	18,05
0404 90 91 950		22,04		036	—
0404 90 93 110		0,6000		038	—
0404 90 93 130		0,9640		400	86,80
0404 90 93 150		1,0192		404	—
0404 90 93 170		1,1000		...	88,56
0404 90 93 911		0,0545	0406 10 20 630	028	21,66
0404 90 93 913		0,1121		032	21,66
0404 90 93 915		0,1678		036	—
0404 90 93 917		0,2587		038	—
0404 90 93 919		0,3887		400	98,65
0404 90 93 931		22,04		404	—
0404 90 93 933		26,63		...	99,99
0404 90 93 935		35,68	0406 10 20 640	028	—
0404 90 93 937		37,17		032	—
0404 90 99 130		1,1085		036	—
0404 90 99 150		1,2146		038	—
0404 90 99 930		0,5557		400	117,33
0404 90 99 950		0,7970		404	—
0404 90 99 990		0,9084		...	117,33
0405 00 11 200		120,98	0406 10 20 650	028	24,82
0405 00 11 300		152,20		032	24,82
0405 00 11 500		156,10		036	—
0405 00 11 700		160,00		038	—
0405 00 19 200		120,98		400	58,66
0405 00 19 300		152,20		404	—
				...	122,15

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 10 20 660		—	0406 30 10 200	028	—
0406 10 20 810	028	—		032	—
	032	—		036	—
	036	—		038	—
	038	—		400	39,27
	400	19,01		404	—
	404	—		...	43,94
	...	19,01	0406 30 10 250	028	—
0406 10 20 830	028	—		032	—
	032	—		036	—
	036	—		038	—
	038	—		400	39,27
	400	32,46		404	—
	404	—		...	43,94
	...	32,46	0406 30 10 300	028	—
0406 10 20 850	028	—		032	—
	032	—		036	—
	036	—		038	—
	038	—		400	57,66
	400	39,37		404	—
	404	—		...	64,46
	...	39,37	0406 30 10 350	028	—
0406 10 20 870		—		032	—
0406 10 20 900		—		036	—
0406 20 90 100		—		038	—
0406 20 90 913	028	—		400	39,27
	032	—		404	—
	400	76,66		...	43,94
	404	—	0406 30 10 400	028	—
	...	76,66		032	—
0406 20 90 915	028	—		036	—
	032	—		038	—
	400	102,21		400	57,66
	404	—		404	—
	...	102,21		...	64,46
0406 20 90 917	028	—	0406 30 10 450	028	—
	032	—		032	—
	400	108,59		036	—
	404	—		038	—
	...	108,59		400	83,96
0406 20 90 919	028	—		404	—
	032	—		...	93,81
	400	121,38	0406 30 10 500	028	—
	404	—	0406 30 10 550	032	—
	...	121,38		036	—
0406 20 90 990		—		038	—
0406 30 10 100		—		400	39,27
0406 30 10 150	028	—		404	18,05
	032	—		...	43,94
	036	—	0406 30 10 600	028	—
	038	—		032	—
	400	18,08		036	—
	404	—		038	—
	...	20,61		400	57,66
				404	25,27
				...	64,46

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 30 10 650	028	—	0406 30 31 730	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	83,96		400	57,66
	404	—		404	—
	...	93,81		...	64,46
0406 30 10 700	028	—	0406 30 31 910	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	83,96		400	39,27
	404	—		404	—
	...	93,81		...	43,94
0406 30 10 750	028	—	0406 30 31 930	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	102,47		400	57,66
	404	—		404	—
	...	114,50		...	64,46
0406 30 10 800	028	—	0406 30 31 950	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	102,47		400	83,96
	404	—		404	—
	...	114,50		...	93,81
0406 30 31 100		—	0406 30 39 100		—
0406 30 31 300	028	—	0406 30 39 300	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	18,08		400	39,27
	404	—		404	18,05
	...	20,61		...	43,94
0406 30 31 500	028	—	0406 30 39 500	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	39,27		400	57,66
	404	—		404	25,27
	...	43,94		...	64,46
0406 30 31 710	028	—	0406 30 39 700	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	39,27		400	83,96
	404	—		404	—
	...	43,94		...	93,81
			0406 30 39 930	028	—
				032	—
				036	—
				038	—
				400	83,96
				404	—
				...	93,81

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 30 39 950	028	—	0406 90 21 900	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	102,47		400	117,33
	404	—		404	—
	...	114,50		...	136,90
0406 30 90 000	028	—	0406 90 23 900	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	102,47		400	58,66
	404	—		404	—
	...	114,50		...	122,15
0406 40 50 000	028	—	0406 90 25 900	028	—
	032	—		032	—
	038	—		036	—
	400	108,30		038	—
	404	—		400	58,66
	...	114,17		404	—
				...	122,15
0406 40 90 000	028	—	0406 90 27 900	028	—
	032	—		032	—
	038	—		036	—
	400	108,30		038	—
	404	—		400	50,66
	...	114,17		404	—
				...	103,52
0406 90 13 000	028	—	0406 90 31 119	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	13,54
	400	117,33		400	56,39
	404	—		404	14,44
	...	143,80		...	81,19
0406 90 15 100	028	—	0406 90 31 151	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	117,33		400	52,71
	404	—		404	13,50
	...	143,80		...	75,66
0406 90 15 900		—			—
0406 90 17 100	028	—	0406 90 31 159	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	13,54
	400	117,33		400	56,39
	404	—		404	14,44
	...	143,80		...	81,19
0406 90 17 900		—			—

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 90 33 151	028	—	0406 90 69 910	028	—
	032	—		032	—
	036	—		036	63,18
	038	—		400	135,38
	400	52,71		404	72,20
	404	13,50		...	148,91
	...	75,66	0406 90 73 900	028	—
0406 90 33 919	028	—		032	—
	032	—		036	38,50
	036	—		400	136,28
	038	13,54		404	108,30
	400	56,39		...	136,28
	404	14,44	0406 90 75 900	028	—
	...	81,19		032	—
0406 90 33 951	028	—		036	—
	032	—		400	58,66
	036	—		404	—
	038	—		...	113,68
	400	52,71	0406 90 76 100	028	21,66
	404	13,50		032	21,66
	...	75,66		036	—
0406 90 35 190	028	—		038	—
	032	—		400	53,04
	036	38,50		404	—
	400	143,08		...	99,99
	404	81,23	0406 90 76 300	028	—
	...	143,08		032	—
0406 90 35 990	028	—		036	—
	032	—		038	—
	036	—		400	58,66
	038	—		404	—
	400	117,33		...	122,15
	404	—	0406 90 76 500	028	—
	...	117,33		032	—
0406 90 61 000	028	—		036	—
	032	—		038	—
	036	81,23		400	67,69
	400	166,96		404	—
	404	126,35		...	122,15
	...	166,96	0406 90 78 100	028	21,66
0406 90 63 100	028	—		032	21,66
	032	—		036	—
	036	94,79		038	—
	400	191,43		400	53,04
	404	144,40		404	—
	...	191,43		...	99,99
0406 90 63 900	028	—	0406 90 78 300	028	—
	032	—		032	—
	036	63,18		036	—
	400	135,38		038	—
	404	72,20		400	58,66
	...	148,91		404	—
0406 90 69 100	—	—		...	122,15

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 90 78 500	028	—	0406 90 86 300	028	18,05
	032	—		032	18,05
	036	—		036	—
	038	—		038	—
	400	67,69		400	86,80
	404	—		404	—
	...	122,15		...	88,56
0406 90 79 900	028	—	0406 90 86 400	028	21,66
	032	—		032	21,66
	036	—		036	—
	038	—		038	—
	400	50,66		400	98,65
	404	—		404	—
	...	103,52		...	99,99
0406 90 81 900	028	—	0406 90 86 900	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	117,33		400	117,33
	404	—		404	—
	...	117,33		...	117,33
0406 90 85 910	028	—	0406 90 87 100		—
	032	—			—
	036	38,51	0406 90 87 200	028	12,19
	400	143,08		032	12,19
	404	81,23		036	—
	...	143,08		038	—
				400	80,77
0406 90 85 991	028	—	0406 90 87 300	404	—
	032	—		...	80,77
	036	—		028	18,05
	038	—		032	18,05
	400	117,33		036	—
	404	—		038	—
	...	117,33		400	86,80
0406 90 85 995	028	24,82	0406 90 87 400	404	—
	032	24,82		...	88,56
	036	—		028	21,66
	038	—		032	21,66
	400	58,66		036	—
	404	—		038	—
	...	122,15		400	98,65
0406 90 85 999		—	0406 90 87 951	404	—
0406 90 86 100		—		...	99,99
0406 90 86 200	028	12,19		028	—
	032	12,19		032	—
	036	—		036	38,50
	038	—		400	136,28
	400	80,77		404	81,23
	404	—		...	136,28
	...	80,77			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 90 87 971	028	24,82	2309 10 19 010		—
	032	24,82	2309 10 19 100		—
	036	—	2309 10 19 200		0,23
	038	—	2309 10 19 300		0,31
	400	66,79	2309 10 19 400		0,39
	404	—	2309 10 19 500		0,47
	...	122,15	2309 10 19 600		0,55
0406 90 87 972	028	—	2309 10 19 700		0,58
	032	—	2309 10 19 800		0,62
	400	35,23	2309 10 70 010		—
	404	—	2309 10 70 100		18,00
0406 90 87 979	...	43,29	2309 10 70 200		24,00
	028	24,82	2309 10 70 300		30,00
	032	24,82	2309 10 70 500		36,00
	036	—	2309 10 70 600		42,00
	038	—	2309 10 70 700		48,00
	400	66,79	2309 10 70 800		52,80
	404	—	2309 90 35 010		—
0406 90 88 100	...	122,15	2309 90 35 100		—
		—	2309 90 35 200		0,23
		—	2309 90 35 300		0,31
0406 90 88 200	028	12,19	2309 90 35 400		0,39
	032	12,19	2309 90 35 500		0,47
	036	—	2309 90 35 700		0,55
	038	—	2309 90 39 010		—
	400	80,77	2309 90 39 100		—
	404	—	2309 90 39 200		0,23
	...	80,77	2309 90 39 300		0,31
0406 90 88 300	028	18,05	2309 90 39 400		0,39
	032	18,05	2309 90 39 500		0,47
	036	—	2309 90 39 600		0,55
	038	—	2309 90 39 700		0,58
	400	86,80	2309 90 39 800		0,62
	404	—	2309 90 70 010		—
	...	88,56	2309 90 70 100		18,00
2309 10 15 010		—	2309 90 70 200		24,00
2309 10 15 100		—	2309 90 70 300		30,00
2309 10 15 200		0,23	2309 90 70 500		36,00
2309 10 15 300		0,31	2309 90 70 600		42,00
2309 10 15 400		0,39	2309 90 70 700		48,00
2309 10 15 500		0,47	2309 90 70 800		52,80
2309 10 15 700		0,55			

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 3478/93 (OJ No L 317, 18. 12. 1993, p. 32). For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by '—'.

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2).

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

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

COMMISSION REGULATION (EC) No 614/94

of 18 March 1994

authorizing the French and German intervention agencies to put up for sale by tender 225 000 tonnes of maize for export in the form of maize 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 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 on the one hand the French and German intervention agencies have large stocks of maize and on the other hand there is a heavy demand for maize groats and meal on the world market; whereas the resale of part of the maize from French and German intervention stocks, for export on world market terms in the form of maize groats and meal after processing, should therefore be permitted; whereas provision should be made for intervention stocks to be used to supply the Community processing industry during the period 23 March to 25 May 1994 at competitive prices;

Whereas, to avoid interference with the economic effects of the following market year, the maize groats and meal must be exported by 31 August 1994 at the latest;

Whereas conversion rate should be set to determine the quantity of maize groats and meal to be exported on the basis of the maize used;

Whereas the specific nature of 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 that the maize groats and meal have left the Community's customs territory;

Whereas, where removal of the maize 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, the Member State concerned should pay compensation;

Whereas the French and German intervention agencies should 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 conclusion of new contracts requires the measure to be implemented as a matter of urgency,

HAS ADOPTED THIS REGULATION:

Article 1

1. The French and German intervention agencies are authorized to issue a standing invitation to tender for the sale on the Community market of 225 000 tonnes of maize.
2. A corresponding quantity of maize groats and meal must be exported to third countries, in accordance with the coefficients referred to in Article 6.
3. The regions in which the maize is stored are listed in Annex I.
4. The intervention agencies shall publish the notice of invitation to tender referred to in Article 12 of Regulation (EEC) No 2131/93 at least three days before the date set for the first partial invitation to tender.

Article 2

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

⁽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 3

1. The time limit for submitting tenders for the first partial invitation to tender shall be 10 a.m. (Brussels time) on Wednesday 23 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 25 May 1994.

3. Tenders must be submitted to the French and German intervention agencies.

Article 4

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

2. The tender shall indicate :

- the reference of the invitation to tender,
- the name and full address of the tenderer and, where appropriate, his telex or fax number,
- the quantity of maize to be exported in the form of groats and meal,
- the proposed purchasing price per tonne in ecus.

3. Tenders must be accompanied by an application for an export licence for maize groats and meal falling within product codes: 1103 13 10 100, 1103 13 10 300 or 1103 13 10 500.

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 to 4 or which contain conditions other than those laid down in the invitation to tender shall be invalid.

Article 5

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

2. Customs export formalities for maize groats and meal 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 31 August 1994.

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

Licitación abierta en virtud del Reglamento (CE) n° 614/94 — Oferta de

Licitation, der er åbnet i henhold til forordning (EF) nr. 614/94 — Bud af

Ausschreibung gemäß Verordnung (EG) Nr. 614/94 — Gebot vom

Δημοπρασία που πραγματοποιείται βάσει του κανονισμού (ΕΚ) αριθ. 614/94 — προσφορά της

Invitation to tender opened by Regulation (EC) No 614/94 — Tender dated

Adjudication ouverte par le règlement (CE) n° 614/94 — offre du

Gara bandita dal regolamento (CE) n. 614/94 — offerta del

Inschrijving geopend bij Verordening (EG) nr. 614/94 — Offerte van

Concurso aberto pelo Regulamento (CE) n° 614/94 — Proposta de

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 maize groats and meal to be exported, the quantity of maize awarded shall be divided by the following :

1,8 where the product falls within code 1103 13 10 100

1,4 where the product falls within code 1103 13 10 300

1,2 where the product falls within code 1103 13 10 500.

Article 7

1. The French and German intervention agencies 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 concerned shall inform the Commission within the same time limit.

2. The French and German intervention agencies shall inform the Commission on a monthly basis of the quantities of maize 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(s) submitting offers at or above that minimum price.

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. Removal must take place by 30 June 1994 at the latest.

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

2. Before the lot awarded is removed, the intervention agencies and the successful tenderer shall take a reference sample in accordance with the method laid down in Commission Regulation (EEC) No 689/92⁽¹⁾.

Where the final results of the analysis of the sample indicate a significant difference between the quality of the maize 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, one percentage point for the impurities referred to under B.2 and B.4 and one percentage point for the impurities referred to under B.5, the percentage admissible for noxious grains, 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, the intervention agency concerned shall supply him with another lot of intervention maize of the requisite quality, at no extra charge, within eight days.

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

Article 10

The successful tenderer shall pay for the maize 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 maize once the licences for the export of maize groats and meal 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 maize, of which ECU 25 per tonne shall be lodged upon issue of the licence for the export of maize groats and meal, for the corresponding quantity of maize and the balance of ECU 25 per tonne before removal of the cereals.

Notwithstanding Article 15 (2) of Commission Regulation (EEC) No 3002/92⁽²⁾, the amount of ECU 50 per tonne of maize processed into groats and meal must be released

within 15 working days of the date on which the successful tenderer submits proof that the maize groats and meal have 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 the Member State amounting to ECU 0,015 per 10 tonnes of groats and meal for each day's delay. Such compensation shall not be charged to the European Agriculture Guidance and Guarantee Fund.

4. The primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 shall be payment of the purchase price for the maize and export of the groats and meal within the time limit laid down under cover of the export licence referred to in Article 1 (3).

Article 12

1. Notwithstanding Article 12 of Regulation (EEC) No 3002/92, the export licence for the maize groats and meal must bear the words:

Grañones y sémola de maíz sin derecho a restitución — Reglamento (CE) n° 614/94,

Gryn og groft mel af majs uden restitutionsydelse — Forordning (EF) nr. 614/94,

Grob- und Feingrieß von Mais ohne Ausfuhrerstattung — Verordnung (EG) Nr. 614/94,

Πλιγούρια και σιμιγδάλια αραβοσίτου που δεν παρέχουν δικαίωμα επιστροφής — Κανονισμός (ΕΚ) αριθ. 614/94,

Maize groats and meal not eligible for refund — Regulation (EC) No 614/94,

Gruaux et semoule de maïs ne donnant pas droit à restitution — Règlement (CE) n° 614/94,

Semole e semolini di granturco che non danno diritto a restituzione — Regolamento (CE) n. 614/94,

Gries en griesmeel van maïs zonder recht op restitutie — Verordening (EG) nr. 614/94,

Grumos e sêmolos de milho sem direito a restituição — Regulamento (CE) n° 614/94.

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

Article 13

The French and German intervention agencies 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 74, 20. 3. 1992, p. 18.

⁽²⁾ OJ No L 301, 17. 10. 1992, p. 17.

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

Done at Brussels, 18 March 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Regions of storage

Region of storage	Quantities
FRANCE :	
— Amiens	10 000
— Bordeaux	15 000
— Clermont-Ferrand	6 000
— Dijon	10 000
— Lille	7 000
— Lyon	20 000
— Nancy	15 000
— Nantes	10 000
— Orléans	15 000
— Paris	10 000
— Poitiers	10 000
— Rouen	7 000
— Toulouse	15 000
GERMANY :	
— Hessen/Rheinland-Pfalz/Baden-Württemberg/ Saarland/Bayern	74 577

ANNEX II

Standing invitation to tender for 225 000 tonnes of maize held by the the French and German intervention agencies for export in the form of maize groats and meal

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 615/94
of 18 March 1994

amending Regulation (EEC) No 1729/92 laying down detailed implementing rules for the specific measures for supplying the Canary Islands with products from the eggs and poultrymeat sectors, regarding the amounts of aid

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

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

Whereas Commission Regulation (EEC) No 1729/92 ⁽³⁾, as last amended by Regulation (EC) No 3501/93 ⁽⁴⁾, fixed the amounts of the aid for the supply to the archipelago, on the one hand, of meat and eggs, and on the other hand, of chicks and hatching eggs originating in the rest of the Community; whereas such aid must be fixed taking into account in particular the costs of supply from the world market, conditions due to the geographical situation of the archipelago and the basis of the current prices on export to third countries for the animals or products concerned;

Whereas it follows from applying these rules and criteria to the present situation on the market in poultrymeat that the amounts of aid for such deliveries should be adjusted, taking account of their current volume and ensuring that the share of supplies from the Community is maintained;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EEC) No 1729/92 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 April 1994.

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

Done at Brussels, 18 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 107.

⁽⁴⁾ OJ No L 319, 21. 12. 1993, p. 25.

ANNEX

ANNEX II

Amounts of aid granted for products referred to in Annex I and coming from the Community market

Product code	Amount of aid (ECU/100 kg net)
0207 21 10 000	33
0207 21 90 100	37
0207 21 90 900	20
0207 22 10 000	18
0207 22 90 000	18
0207 41 10 110	4
0207 41 10 990	34
0207 41 11 000	29
0207 41 21 000	5
0207 41 41 000	22
0207 41 51 000	34
0207 41 71 100	29
0207 41 71 200	29
0207 41 71 300	29
0207 41 71 400	2,5
0207 41 10 110	5
0207 42 10 990	34
0207 42 11 000	18
0207 42 21 000	7
0207 42 41 000	24
0207 42 51 000	12
0207 42 59 000	22
0207 42 71 100	7
0207 43 15 110	4
0207 43 15 990	34
0207 43 21 000	23
0207 43 31 000	7
0207 43 53 000	29
0207 43 63 000	27
0408 11 80 100	60
0408 91 80 100	58

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

COMMISSION REGULATION (EC) No 616/94

of 18 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⁾, as last amended by Regulation (EC) No 553/94⁽⁸⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Commission Regulation (EEC) No 1620/93⁽¹¹⁾ as fixed in the Annex to amended Regulation (EC) No 439/94 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 19 March 1994.

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

Done at Brussels, 18 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 69, 12. 3. 1994, p. 13.⁽⁹⁾ OJ No L 168, 25. 6. 1974, p. 7.⁽¹⁰⁾ OJ No L 202, 26. 7. 1978, p. 8.⁽¹¹⁾ OJ No L 155, 26. 6. 1993, p. 29.

ANNEX

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

(ECU/tonne)

CN code	Import levies (7)	
	ACP	Third countries (other than ACP)
1102 90 90	107,72	110,74
1103 19 90	107,72	110,74
1103 29 90	107,72	110,74
1104 19 99	190,10	196,14
1104 29 19	168,98	172,00
1104 29 39	168,98	172,00
1104 29 99	107,72	110,74

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

COMMISSION REGULATION (EC) No 617/94

of 18 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 17 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 19 March 1994.

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

Done at Brussels, 18 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 18 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	91,07 ⁽²⁾ ⁽³⁾
0712 90 19	91,07 ⁽²⁾ ⁽³⁾
1001 10 00	0 ⁽¹⁾ ⁽⁷⁾
1001 90 91	98,60
1001 90 99	98,60 ⁽⁸⁾
1002 00 00	119,20 ⁽⁶⁾
1003 00 10	122,80
1003 00 90	122,80 ⁽⁸⁾
1004 00 00	97,15
1005 10 90	91,07 ⁽²⁾ ⁽³⁾
1005 90 00	91,07 ⁽²⁾ ⁽³⁾
1007 00 90	104,11 ⁽⁴⁾
1008 10 00	31,89 ⁽⁸⁾
1008 20 00	46,40 ⁽⁴⁾
1008 30 00	0 ⁽⁷⁾
1008 90 10	⁽⁷⁾
1008 90 90	0
1101 00 00	175,30 ⁽⁸⁾
1102 10 00	203,99
1103 11 10	33,99
1103 11 90	198,93
1107 10 11	186,39
1107 10 19	142,02
1107 10 91	229,46 ⁽¹⁰⁾
1107 10 99	174,20 ⁽⁸⁾
1107 20 00	201,22 ⁽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 618/94

of 18 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 17

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 19 March 1994.

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

Done at Brussels, 18 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 18 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	4,93	4,93	4,93
0712 90 19	0	4,93	4,93	4,93
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	4,93	4,93	4,93
1005 90 00	0	4,93	4,93	4,93
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 619/94
of 18 March 1994
fixing the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2666/93⁽⁵⁾, as last amended by Regulation (EC) No 540/94⁽⁶⁾,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 19 March 1994.

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

Done at Brussels, 18 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.
⁽²⁾ OJ No L 154, 25. 6. 1993, p. 5.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.
⁽⁴⁾ OJ No L 75, 21. 3. 1991, p. 29.
⁽⁵⁾ OJ No L 245, 1. 10. 1993, p. 4.
⁽⁶⁾ OJ No L 68, 11. 3. 1994, p. 22.

ANNEX

to the Commission Regulation of 18 March 1994 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies ⁽¹⁾		
	Arrangement in Regulation (EEC) No 3877/86 ⁽²⁾	ACP Bangladesh (⁽¹⁾)(⁽³⁾)(⁽⁴⁾)	Third countries (except ACP) (⁽⁵⁾)
1006 10 21	—	145,31	297,82
1006 10 23	—	130,67	268,54
1006 10 25	—	130,67	268,54
1006 10 27	201,41	130,67	268,54
1006 10 92	—	145,31	297,82
1006 10 94	—	130,67	268,54
1006 10 96	—	130,67	268,54
1006 10 98	201,41	130,67	268,54
1006 20 11	—	182,54	372,28
1006 20 13	—	164,23	335,67
1006 20 15	—	164,23	335,67
1006 20 17	251,75	164,23	335,67
1006 20 92	—	182,54	372,28
1006 20 94	—	164,23	335,67
1006 20 96	—	164,23	335,67
1006 20 98	251,75	164,23	335,67
1006 30 21	—	226,14	476,14
1006 30 23	—	249,27	522,31
1006 30 25	—	249,27	522,31
1006 30 27	391,73	249,27	522,31
1006 30 42	—	226,14	476,14
1006 30 44	—	249,27	522,31
1006 30 46	—	249,27	522,31
1006 30 48	391,73	249,27	522,31
1006 30 61	—	241,19	507,09
1006 30 63	—	267,61	559,92
1006 30 65	—	267,61	559,92
1006 30 67	419,94	267,61	559,92
1006 30 92	—	241,19	507,09
1006 30 94	—	267,61	559,92
1006 30 96	—	267,61	559,92
1006 30 98	419,94	267,61	559,92
1006 40 00	—	53,75	113,51

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

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

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

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

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

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

COMMISSION REGULATION (EC) No 620/94**of 18 March 1994****fixing the premiums to be added to the import levies on rice and broken rice**

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

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

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2667/93 ⁽³⁾, as last amended by Regulation (EC) No 541/94 ⁽⁴⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which

are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 19 March 1994.

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

Done at Brussels, 18 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 5.

⁽³⁾ OJ No L 245, 1. 10. 1993, p. 7.

⁽⁴⁾ OJ No L 68, 11. 3. 1994, p. 24.

ANNEX

to the Commission Regulation of 18 March 1994 fixing the premiums to be added to the import levies on rice and broken rice

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

COUNCIL REGULATION (EC) No 621/94

of 17 March 1994

imposing a definitive anti-dumping duty on imports of ferro-silicon originating in South Africa and in the People's Republic of China

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⁾, and in particular Article 12 thereof,

Having regard to the proposal submitted by the Commission after consultation within the Advisory Committee,

Whereas :

A. PROVISIONAL MEASURES

- (1) By Regulation (EEC) No 2581/93⁽²⁾, the Commission imposed provisional anti-dumping duties into the community of ferro-silicon on imports originating in South Africa and the People's Republic of China and falling within CN codes 7202 21 10, 7201 21 90 and ex 7202 29 00.

By Regulation (EC) No 3371/93⁽³⁾, the Council extended the validity of these duties for a period not exceeding two months.

B. SUBSEQUENT PROCEDURE

- (2) Following the imposition of the provisional anti-dumping duty, one South African company requested and was granted an opportunity to be heard by the Commission and made its views known in writing.
- (3) The Commission continued to seek and verify all information it deemed necessary for its definitive findings. 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 duties and the definitive collection of the amounts secured by way of a provisional duty. They were also granted a period

within which to make representations subsequent to these disclosures.

C. DUMPING

1. Normal value

- (4) For the purpose of definitive findings, normal value was established on the basis of the same methods as those used in the provisional determination of dumping. No new calculation adjustment was presented by the interested parties.

2. Export prices

- (5) The method used to establish export prices, as set out in recitals 18 to 20 of Regulation (EEC) No 2581/93, is hereby confirmed, as no comments in this respect were made by interested parties.

3. Comparison

- (6) The findings and conclusions set out in recital 21 of Regulation (EEC) No 2581/93 are hereby confirmed.

4. Dumping margins

- (7) The definitive examination of the facts showed the existence of dumping in respect of imports of the product concerned originating in South Africa and the People's Republic of China.
- (8) The weighted average dumping margins definitively established for each South African producer concerned and expressed as a percentage of the net, free-at-Community-frontier price of imports, not cleared through customs were as follows :
- | | |
|---------------------------|---------|
| — Highveld-Rand Carbide : | 34,7 %, |
| — Samancor : | 47,4 %. |
- (9) The weighted average dumping margin definitively established for the People's Republic of China and expressed as a percentage of the net, free-at-Community frontier price of imports, not cleared through customs was 49,7 %.

D. INJURY

- (10) Two South African producers questioned the Commission's decision to cumulate imports from their companies with the other imports from South Africa and the People's Republic of China.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1. Regulation as last amended by Regulation (EC) No 522/94 (OJ No L 66, 10. 3. 1994, p. 10).

⁽²⁾ OJ No L 237, 22. 9. 1993, p. 2.

⁽³⁾ OJ No L 303, 10. 12. 1993, p. 1.

It is hereby confirmed that the effects of the imports should be analysed cumulatively, since the exports originating in each of these countries amounted to significant quantities of the like product, since they competed with the Community production and with each other, and since the exporters' market behaviour was similar.

- (11) The Commission concluded in its provisional findings, as set out in recitals 26 to 40 of Regulation (EEC) No 2581/93, that the Community industry had suffered material injury. No new facts concerning these findings were subsequently put forward in this connection.

This conclusion is therefore confirmed.

E. COMMUNITY INTEREST

- (12) In the Commission's provisional findings on imports of ferro-silicon originating in South Africa and the People's Republic of China, as set out in recitals 41 to 48 of Regulation (EEC) No 2581/93, the interests of the Community industry, of the consumers and of other industries and activities concerned have been considered.

No new arguments were put forward in this connection.

- (13) Therefore, the findings of Regulation (EEC) No 2581/93 in this respect are confirmed.

F. UNDERTAKINGS

- (14) One South African exporter proposed that any measures should take the form of either an undertaking or a minimum price duty. The monitoring of such a price undertaking has been shown in previous cases to be very complex and difficult for a product like ferro-silicon which is imported into the Community in forms containing different percentages of silicon which should be reflected in distinct price levels. The differences are, however, not discernible without technical analysis thus making any such undertaking potentially ineffective.

Therefore, undertakings, or indeed minimum price duties which give rise to the same problems, can no longer be considered as an appropriate remedy for a product like ferro-silicon, as set out in recital 88 of Council Regulation (EC) No 3359/93⁽¹⁾. Furthermore, imports from other countries

concerned by this product, namely Norway, Sweden, Iceland, Kazakhstan, Russia, Ukraine, Brazil, Venezuela and China, as well as from the other South African producers, are subject to *ad valorem* duties.

- (15) Given the above, it is concluded that measures should be imposed in the form of definitive *ad valorem* anti-dumping duties.

G. DUTY

- (16) Provisional measures took the form of anti-dumping duties; these were imposed for both South Africa and China at the level of the dumping margins found, since the level necessary to remove injury was higher, as set out in recital 50 of Regulation (EEC) No 2581/93.

No new arguments were put forward to contradict this approach. Therefore, duties should be established at the level of the dumping margins definitively determined in recitals 8 and 9 of this Regulation.

- (17) In the case of South African firms which failed to cooperate in the investigation, the Commission considered in recital 52 of Regulation (EEC) No 2581/93 that the duty should be established on the basis of the facts available, in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88. In order not to reward non-cooperation, it was considered that the most reasonable facts were those established during the investigation and that there was no reason to believe that any duty lower than that corresponding to the highest margin of dumping found would be appropriate to take account of the effect of dumping by non-cooperating companies in South Africa.

- (18) Accordingly, the following duties should be imposed:

— People's Republic of China:	49,7 %,
— South Africa, except Highveld-Rand Carbide:	47,4 %,
— Highveld-Rand Carbide:	34,7 %.

H. COLLECTION OF THE PROVISIONAL DUTIES

- (19) In view of the dumping margins established, the injury caused to the Community industry and of the latter's precarious situation, it is considered necessary that the amounts secured by way of the provisional anti-dumping duty for all companies and the People's Republic of China should be definitively collected,

⁽¹⁾ OJ No L 302, 9. 12. 1993, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of ferro-silicon containing between 20 and 96 % of silicon by weight falling within CN codes 7202 21 10, 7202 21 90 and ex 7202 29 00 (Taric code 7202 29 00*11) and originating in South Africa and in the People's Republic of China.

2. The rate of duty applicable to the net, free-at-Community-frontier price, not cleared through customs, shall be as follows;

- 49,7 % for ferro-silicon originating in the People's Republic of China,
- 47,4 % for ferro-silicon originating in South Africa (additional Taric code 8733) with the exception of that

produced by the company referred to in the third indent,

- 34,7 % for ferro-silicon originating in South Africa and produced by Rand Carbide, Division of Highveld Steel and Vanadium Corp. Ltd, Witbank (additional Taric code 8732).

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

Article 2

The amounts secured by way of the provisional anti-dumping duty pursuant to Regulation (EEC) No 2581/93 shall be definitively collected in full.

Article 3

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

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

Done at Brussels, 17 March 1994.

For the Council

The President

Th. PANGALOS

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 22 February 1994

on measures to be taken for the implementation of Council Directive 89/130/EEC, Euratom on the harmonization of the compilation of gross national product at market prices

(94/168/EC, Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Directive 89/130/EEC, Euratom of 13 February 1989 on the harmonization of the compilation of gross national product at market prices⁽¹⁾,

Whereas Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax⁽²⁾ stipulates that:

- the VAT own resources base shall be calculated by using national accounts figures (Article 4),
- the Commission shall ascertain that the data used and calculations made are appropriate (Article 11),
- Member States shall provide the Commission with the necessary information (Article 12);

Whereas Council Regulation (EEC, Euratom) No 1552/89 of 29 May 1989 implementing Decision 88/376/EEC, Euratom on the system of the Communities' own resources⁽³⁾ stipulates that the Commission shall each year inspect the aggregates provided for errors in compilation and that Member States shall take all steps required to facilitate inspection measures;

Whereas the declaration by the Council and the Commission, recorded in the minutes of the Council, on the occasion of the adoption of Directive 89/130/EEC, Euratom, has indicated that the committee set up by Article 6 of the said Directive, hereinafter called the 'GNP Committee', should concentrate its work on improving the degree of coverage of the so-called parallel economy in the national accounts;

Whereas the coverage of economic activity carried on in contravention of tax and social security legislation in Member States' estimates of gross national product at market prices, hereinafter called 'GNPmp', is at present non-uniform;

Whereas the notion of the population of production units is relevant for the calculation of GNPmp, irrespective of which of the three approaches to gross domestic product at market prices, hereinafter called 'GDPmp', is applied;

Whereas the notion of the employment underlying GDPmp is pertinent to GDPmp compilations from the output and the income side; whereas all the Member States apply at least one of these two approaches to GDPmp;

Whereas demographic sources (population censuses, the Community labour force survey) constitute an efficient means of validating the employment underlying GDPmp;

Whereas nine Member States have conducted population censuses in 1990/91 and the other Member States were able to submit comparable data based on registers and/or sample surveys;

⁽¹⁾ OJ No L 49, 21. 2. 1989, p. 26.

⁽²⁾ OJ No L 155, 7. 6. 1989, p. 9.

⁽³⁾ OJ No L 155, 7. 6. 1989, p. 1.

Whereas the labour force survey has been conducted in a consistent manner in the 12 Member States since 1987 ;

Whereas the direct interviewing applied in the labour force survey may lead, and in some cases has been shown to lead, to the disclosure of employment in excess of that recorded by population censuses ;

Whereas personal and corporate income tax and value added tax systems, together with corresponding fiscal audit mechanisms, exist in all the Member States ;

Whereas information from fiscal audits may be used to make adjustments for evasion in tax data and misreporting in surveys ;

Whereas in some Member States information from fiscal audits is already used to this end ;

Whereas in accordance with the principle of subsidiarity the measures to improve the exhaustiveness of GNPmp are programmes that can only be undertaken efficiently at Community level ; whereas those measures will be applied in each Member State under the authority of the bodies and institutions in charge of compiling official statistics ;

Whereas the GNP Committee has been consulted and has not rejected the measure provided for in this Decision,

HAS ADOPTED THIS DECISION :

TITLE I

Purpose and scope

Article 1

1. The purpose of this Decision is to improve the exhaustiveness of GDPmp as a major component of the GNPmp of the Member States as regards economic activity within the production boundary of the European system of integrated economic accounts ('ESA'). This includes economic activity which is legal in itself but which is not carried on in conformity with tax and social security regulations.

2. Economic activity which is illegal as such according to national legislation is outside the scope of the measures provided for by this Decision.

3. The first results of the programmes stipulated under Titles III, IV, V and VI shall be integrated in the Member States' GNP estimates not later than 30 September 1995.

TITLE II

Definition of terms

Article 2

GNP and GDP estimates are exhaustive when they cover not only production, primary income and expenditure which are directly observed in statistical surveys or administrative files, but include production, primary income and expenditure which are not directly observed. The latter relate, *inter alia*, to one or more of the following phenomena :

- absence of registered and economically active units from statistical files,
- evasion of the payment of taxes and/or social security premiums,
- exemption from the obligation to submit information to the tax and social security authorities.

Absence from statistical files includes the non-recording in statistical files of economically active units registered with the fiscal or social security authorities, and has a counterpart in the recording in statistical files of units which are no longer economically active.

Evasion of the payment of taxes and social security premiums includes the submission of figures to tax or social security authorities which contain omissions or are falsified and includes the non-submission of compulsory tax or social security returns, for example on the part of clandestine production units.

Exemption from the obligation to submit information to the tax and social security authorities is related, *inter alia*, to minimum thresholds for the compulsory registration of certain activities or transactions. It includes exemption for specific groups of persons or enterprises and the submission of partial returns which do not infringe the regulations governing tax and social security systems.

Employment shall be understood as that of the domestic occupied population according to ESA paragraphs 808 to 814.

TITLE III

Descriptions of calculations and adjustments ensuring exhaustiveness of present GNP estimates

Article 3

Member States shall draw up a description of all the calculations and adjustments which are considered to capture the production, primary income and expenditure which are not directly observable in accordance with Article 2. The calculations and adjustments are either explicit or implicit. Examples of implicit adjustments are

quantity-price calculations and estimates derived from the demand side using surveys of purchasers of goods and services. As far as possible the descriptions shall provide a breakdown of the adjustments and calculations concerned into those for:

1. absence of registered and economically active units from statistical files;
2. evasion of the payment of taxes and/or social security premiums:
 - 2.1. clandestine production units;
 - 2.2. other evasion, in particular misreporting and non-reporting by registered enterprises;
3. exemption of registration at the fiscal or social security authorities:
 - 3.1. due to bottom thresholds for registration;
 - 3.2. other reasons for exemption of registration.

The description shall refer to a recent year for which final estimates are available.

Article 4

Member States applying the output approach to GDP shall draw up a table of all such adjustments and calculations by branch following NACE-CLIO R44 or, if this is not possible, at the level of aggregation used for their calculations and at least at the level of NACE-CLIO R25 (see ESA, section on classifications and coding). The table shall:

- describe the type of adjustment (for example, the reason for the adjustment, whether it is an implicit or explicit adjustment, the size of the registration, threshold, etc.),
- describe the data source(s) used for the adjustment (type, year, relation to scope of activity in NACE-CLIO-class),
- describe the method of calculation (variables used, assumptions, giving a concrete example of the calculation method),
- for explicit adjustments: show the value of the adjustment in absolute terms and as a percentage of gross value added (for which the final estimate after all modifications and integration should be used),
- for implicit adjustments: explain why they are to be regarded as such and if possible provide proof of the validity of the assumptions made.

The format of this table is set out in Annex I.

Article 5

Member States applying the income approach to GDP shall establish a description of all such adjustments and

calculations in respect of compensation of employees, gross operating surplus of unincorporated enterprises and gross operating surplus of incorporated enterprises. The table used for this description shall, proceeding by sector or by branch, show:

- the type of adjustment (as set out in Article 4),
- the data sources for the adjustment (as set out in Article 4),
- the methods of calculation (as set out in Article 4),
- for explicit adjustments: the absolute and relative size (as set out in Article 4),
- for implicit adjustments: the rationale (as set out in Article 4).

The format of this table is set out in Annex II.

Article 6

Member States applying the expenditure approach to GDP shall, in all cases where the expenditure figures are based on the sales or purchases of producer units (for instance, retail sales or purchases of capital goods by producers), prepare a description of all such adjustments and calculations. The table used for this description shall show at the level of aggregation used for the calculations:

- the type of adjustment (as set out in Article 4),
- the data sources for the adjustment (as set out in Article 4),
- the method of calculation (as set out in Article 4),
- for explicit adjustments: the absolute and relative size of the adjustment, the size being expressed as a percentage of the expenditure (for which the final estimate after all modifications shall be used),
- for implicit adjustments: the rationale (as set out in Article 4).

The format of the table for this description is set out in Annex III.

Article 7

If in estimating GNP no adjustments or only partial adjustments are made for absence, evasion or exemption, Member States shall put forward proposals for a programme of action to remedy those deficiencies.

Article 8

All the information referred to in Articles 3 to 7 shall be sent to the Statistical Office of the European Communities no later than 30 June 1994. They shall be discussed by the GNP Committee during the second half of 1994.

TITLE IV

Validation of employment underlying present GNP estimates*Article 9*

Member States shall compare employment data according to demographic sources with the employment underlying present GNP estimates. The concept of employment to be applied is that of the domestic occupied population. If a demographic data source does not comply with this concept of employment, first a table shall be drawn up which shows the modifications to be made to attain such compliance. The table shall show, as far as possible and according to national practice :

- the reason for the modification,
- the data source used for the modification and their main features,
- the method of calculation (variables, assumptions and a concrete example of a calculation),
- the size of the modification (absolute and as a percentage of the volume of labour).

The format for the table is set out in Annex IV. For the labour force survey figures, modifications have to be made, for example, for people living in institutional households and cross-border workers. As the labour force survey is a sample survey, the procedure for grossing up to the national total shall also be described (data sources and method of calculation). Member States are asked to provide information on margins of error in the population census and the labour force survey. Tables shall also be drawn up to show the modifications by branch. The classification to be used is NACE-CLIO R44 for services and NACE-CLIO R25 for the other branches. The format for this table is set out in Annex V.

Article 10

For the year 1990 or 1991, Member States shall draw up a branch-by-branch table of the total number of employees and self-employed persons according to the population census, the labour force survey and the national accounts. The classification to be used is NACE-CLIO R44 for services and NACE-CLIO R25 for the other branches. The source for the employment figures underlying the national accounts and the way in which they are related to figures for value added and factor incomes shall be described. The data from the labour force survey shall specify :

- the full-time and part-time jobs for employees,
- the number of first jobs,
- the average number of hours worked in first jobs,
- the number of second jobs,
- the average number of hours worked in second jobs,
- and the full-time equivalents for first and second jobs.

The format for this table is set out in Annex VI. Moreover, any available official estimates of the number of clandestine immigrants and their activity shall be provided.

The conversion from number of jobs to full-time equivalents shall be described. The description shall include the data sources, the variables, the assumptions and a concrete example of the calculation of full-time equivalents. The conversion shall take account of phenomena like temporary jobs, seasonal work, apprentices and clandestine immigrants.

When for some economic activities significant differences manifest themselves, the Member States shall furnish the required information at the most detailed level of the national classification of economic activities.

Article 11

Member States having at their disposal work-place censuses, enhanced labour-force surveys, time-budget surveys, specially targeted household-expenditure surveys or any other data shedding light on employment in general and secondary activities in particular may provide supplementary tables including this information. In particular :

- Member States for which a work-place census (a job-count based on a register) is available may prepare a table by branch of the number of jobs carried out by employees and self-employed persons according to the work-place census,
- Member States holding enhanced labour-force surveys asking supplementary questions, time-budget surveys or specially targeted household-expenditure surveys may draw up tables showing the number of second jobs implied by these sources.

Article 12

The information indicated in Articles 9, 10 and 11 shall be sent to the Statistical Office of the European Communities no later than 30 June 1994. It shall be discussed by the GNP Committee during the second half of 1994.

TITLE V

Description of regulations and statistical adjustments pertaining to income in kind and tips or gratuities*Article 13*

1. Member States shall draw up a survey of tax rules in force concerning each of the following items:

- business cars used for private purposes,
- employers' contributions to the running costs of canteens, including the cost of the food served, and the remuneration of canteen staff but excluding rents, cleaning, heating, electricity and other costs connected with running the premises,
- meal vouchers provided by employers to employees,
- food and accommodation provided free of charge or at reduced prices to employees in hotels, catering establishments and agriculture,
- rent-free dwellings and dwellings let to employees at below-market rents,
- the value of the interest forgone by employers when they provide loans to employees at reduced, or even zero, rates of interest,
- travel tickets supplied free of charge or at reduced prices to employees,
- electricity and coal supplied free of charge or at reduced prices to employees,
- free telephone (at home),
- traders' consumption from their own traded goods and services,
- all other items that are quantitatively important.

Member States shall describe for each of these items the procedures used to ensure that both the part which is taxable income and the part which is tax-exempt are treated as remuneration of employees or gross operating surplus of unincorporated enterprises (and not as intermediate consumption). If adjustments for specific items are made, the data sources, method of calculation and the size of the adjustment shall be described.

2. Member States shall compare their estimates of income in kind with the results of the four-yearly Community labour cost survey as the latter include also information on income in kind. This comparison shall be described by the Member States.

Article 14

The calculations applied in respect of tips or gratuities shall be described. This shall include the main features of the data source used (type, year, etc.).

Article 15

If the descriptions referred to in Articles 13 and 14 make clear that any of the said components of income in kind or tips and gratuities are not adequately treated in the compilation of GNP, Member States shall put forward proposals for the inclusion of this part of income.

Article 16

The descriptions and proposals shall be submitted to the Statistical Office of the European Communities not later than 30 June 1994. They shall be discussed by the GNP Committee during the second half of 1994.

TITLE VI

Investigating the use of information from fiscal audits for improving the exhaustiveness of GNP estimates*Article 17*

Member States shall submit a report not later than 30 June 1994 to the Statistical Office of the European Communities on the feasibility of the use of fiscal audits to improve the exhaustiveness of GNP estimates. The report shall cover in particular:

- the type of information which is available (whether the audits are casual or regular, the years concerned, the criteria for selecting the audited units and the variables used),
- the accessibility of this information. This includes the calculations which could be carried out by statistical offices obtaining access to anonymized data from fiscal records. It also covers the calculations which would have to be performed by the fiscal authorities themselves, owing to data-protection regulations,
- the usefulness of this information for improving the exhaustiveness of the Member States' GNP estimates.

The reports shall be discussed by the GNP Committee during the second half of 1994.

Article 18

This Decision is addressed to the Member States.

Done at Brussels, 22 February 1994.

For the Commission

Henning CHRISTOPHERSEN
Vice-President

ANNEX I

Table supplementing Article 4 : the description of calculations and adjustments that capture absence, evasion or exemption for the output approach.

NACE-CLIO code	Type of adjustment	Data sources for the adjustment	Method of calculation	Absolute size of the adjustment in 19..	Relative size of the adjustment in 19..

ANNEX II

Table supplementing Article 5 : description of calculations and adjustments that capture absence, evasion or exemption for the income approach.

Type of income	NACE-CLIO code/sector	Type of adjustment	Data sources for the adjustment	Method of calculation	Absolute size of the adjustment in 19..	Relative size of the adjustment in 19..
Compensation of employees						
Gross operating surplus of unincorporated enterprises						
Gross operating surplus of incorporated enterprises						

ANNEX III

Table supplementing Article 6 : the description of calculations and adjustments that capture absence, evasion or exemption for the expenditure approach.

Type of expenditure	NACE-CLIO code/sector	Type of adjustment	Data sources for the adjustment	Method of calculation	Absolute size of the adjustment in 19..	Relative size of the adjustment in 19..

[illegible]

ANNEX VI

Table supplementing Article 10 : the volume of labour according to the population census, the labour force survey and the national accounts (*NB* : after the necessary modifications have been made to comply with the concept of domestic occupied population, see tables supplementing Article 9).

[illegible]