

Official Journal

of the European Communities

ISSN 0378-6978

L 80

Volume 37

24 March 1994

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EC) No 643/94 of 21 March 1994 amending Regulation (EEC) No 3068/92 in respect of definitive anti-dumping duties on imports of potassium chloride originating in Belarus, Russia and Ukraine** 1
- ★ **Commission Regulation (EC) No 644/94 of 22 March 1994 establishing unit values for the determination of the customs value of certain perishable goods** 8
- Commission Regulation (EC) No 645/94 of 23 March 1994 fixing the export refunds on white sugar and raw sugar exported in its unaltered state 12
- Commission Regulation (EC) No 646/94 of 23 March 1994 opening a standing invitation to tender for the export of 100 000 tonnes of durum wheat held by the Greek intervention agency 14
- ★ **Commission Regulation (EC) No 647/94 of 23 March 1994 adjusting the total quantities fixed in Article 3 of Council Regulation (EEC) No 3950/92 establishing an additional levy in the milk and milk products sector** 16
- Commission Regulation (EC) No 648/94 of 23 March 1994 amending Regulation (EEC) No 2169/93 on the application of a minimum price for certain soft fruits originating in Poland 18
- Commission Regulation (EC) No 649/94 of 23 March 1994 on the opening of an invitation to tender for the sale of olive oil held by the Spanish intervention agency 20
- Commission Regulation (EC) No 650/94 of 23 March 1994 fixing the maximum export refund for white sugar for the 42nd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1144/93 22

Contents (continued)	Commission Regulation (EC) No 651/94 of 23 March 1994 on the issue of import licences for frozen thin skirt of bovine animals	23
----------------------	---	----

II *Acts whose publication is not obligatory*

Commission

94/174/Euratom :

★ Commission opinion of 7 March 1994 concerning the plan for the disposal of radioactive waste from the Melox nuclear fuel fabrication plant at the Marcoule nuclear establishment (France) in accordance with Article 37 of the Euratom Treaty	24
---	----

94/175/EC :

★ Commission Recommendation of 11 March 1994 concerning a coordinated programme for the official control of foodstuffs for 1994	25
---	----

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 643/94

of 21 March 1994

amending Regulation (EEC) No 3068/92 in respect of definitive anti-dumping duties on imports of potassium chloride originating in Belarus, Russia and Ukraine

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⁾ (hereafter referred to as the Basic Regulation), and in particular Article 14 thereof,

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

Whereas :

tion (EEC) No 3068/92 (hereafter referred to as the Regulation subject to review). Information made available to the Commission indicated that, since the imposition of definitive measures in this case, important developments have taken place in Belarus, the Russian Federation and Ukraine, following decentralization from the former Soviet Union. These developments have apparently led, *inter alia*, to the introduction of autonomous marketing arrangements for potash, and the establishment of new export channels.

At the same time, the Commission had in its possession, conflicting data on the appropriateness of anti-dumping measures in the form of a variable duty.

I. PREVIOUS PROCEDURE

- (1) By Regulation (EEC) No 3068/92⁽²⁾, the Council imposed a definitive anti-dumping duty on imports of potassium chloride originating in Belarus, Russia or Ukraine, falling within CN codes 3104 20 10, 3104 20 50 and 3104 20 90 and consisting of the difference between a set minimum price and the net, free-at-Community-frontier price before customs clearance of the product concerned.

- (3) The Commission officially advised the producers, exporters and importers known to be concerned, the representatives of the exporting countries and the complainants, and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing. The representatives of the exporting countries, the Community industry and two importers in the Community made their views known. All parties who so requested were granted a hearing.

II. REVIEW

- (2) By a notice published on 26 June 1993⁽³⁾, the Commission, after consultation with the Advisory Committee and in accordance with Article 14 of the Basic Regulation, initiated a review of Regula-

The representative of Ukraine submitted that there was no production of potash in Ukraine and that the anti-dumping duty imposed should be repealed in respect of imports of potash originating in Ukraine. However, the official customs statistics based on the customs declarations at the Community frontier, showed that, in the period of investigation, a substantial quantity of potash originating in Ukraine was imported in the Community. In these circumstances and in order to avoid any potential discrimination of circumvention, imports of potash originating in Ukraine should not be excluded from the scope of the present review.

⁽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 308, 24. 10. 1992, p. 41.

⁽³⁾ OJ No C 175, 26. 6. 1993, p. 10.

(4) The Commission sent questionnaires to parties known to be concerned and received detailed information only from the Community industry and a number of importers in the Community. It should be noted that none of the producers or exporters in the countries concerned cooperated in the Commission's investigation and that a related importer, Ferchimex, and an exporter and several producers in Russia and Belarus, informed the Commission that they would not participate in the Commission's investigation.

(5) The Commission sought and verified all information it considered necessary for the determination of dumping and injury. It inspected the information submitted in the premises of the following companies:

(i) **Community producers**

- Société Commerciale des Potasses et de l'Azote (SCPA), France,
- Mines des Potasses d'Alsace (MDPA), France,
- Kali und Salz⁽¹⁾, Germany,
- Mitteldeutsche Kali⁽¹⁾, Germany,
- Comercial de Potasas (Coposal, Spain),
- Potasas del Llobregat, Spain,
- Suria K, Spain,
- Potasas de Subiza, Spain,
- Cleveland Potash Limited, United-Kingdom.

(ii) **Importers and traders**

Unrelated importers

FESA, Spain;

Related importers

Soquimes, Spain;

Traders

Potash Limited, United Kingdom,
Potash Continental, United Kingdom,
Ameropa, France.

(6) Upon request, parties were informed in writing of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties and the definitive collection of amounts secured by way of provisional duty. They were also granted a reasonable period within which to make representations subsequent to the disclosure.

The oral and written comments presented by the parties were considered and, where appropriate, the

Commission's findings were modified to take account of them.

(7) The investigation of dumping covered the period 1 June 1992 to 31 May 1993 (investigation period).

III. PRODUCT UNDER CONSIDERATION, LIKE PRODUCT AND COMMUNITY INDUSTRY

(a) Product description

(8) The product under consideration is the same as that described in the Regulation subject to review.

The product is potassium chloride or potash muriate (hereafter termed potash) and is usually used as an agricultural fertiliser. The potassium content is variable and is expressed as the percentage of the weight of the dry anhydrous product represented by K_2O . There are three basic specifications:

- potash with a K_2O content of 40 % or less, falling within CN code 3104 20 10,
- potash with a K_2O of over 40 % K_2O but less than or equal to 62 %, falling within CN code 3104 20 50,
- potash with a K_2O content of over 62 % falling within CN code 3104 20 90.

The above specifications cover three grades of a single product which is available either as a powder or in a granulated form, with no significant difference in basic physical characteristics, application or use.

(b) Like product

(9) The Commission found that the conclusions of the Regulation subject to review are still valid and that potash produced in the Community and Canada is a like product to that export from Belarus, Russia and Ukraine to the Community.

IV. DUMPING

(a) Normal value

1. Analogous country

(10) Since Belarus, Russia and Ukraine are non market economy countries, normal value had to be determined on the basis of information obtained in a market economy third country, i.e. an analogous country, in accordance with Article 2 (5) of the Basic Regulation. For this purpose, the complainant Community industry suggested establishing normal value on the basis of information obtained in Canada.

(11) After examination of the suggestion made by the complainant, the Commission concluded that Canada was an appropriate and reasonable choice for the following reasons:

⁽¹⁾ The Commission notes that these companies merged after the investigation period and now trade as Kali und Salz GmbH, Germany.

- Canada is known to be the largest producer world-wide of this product and there is, to a large extent, similarity to the manufacturing process and access to raw materials between Canada and the non-market economy countries considered,
- domestic prices in Canada are governed by normal market forces given the level of demand in the market and the number of producers in competition,
- a comparison between the volumes exported to by Canada and the volume on which normal value was based showed that potash was sold in sufficient quantities on the domestic market to allow an adequate calculation of normal value.

2. Normal value

- (12) Only one producer finally agreed to cooperate, the Toronto-based Potash Company of Canada Limited. The carried out checks on the data supplied by this producer and its mining subsidiary.
- (13) In order to determine whether normal value could be based, in accordance with Article 2 (5) (a) (i) of the Basic Regulation, on the prices at which potash was actually sold for consumption on the domestic market in Canada, the Commission compared them with production costs to ensure that these prices generated a reasonable profit in normal trading. When examining the costs of production of the producer concerned, the found that they were increased by notional amounts corresponding to exceptional depreciation resulting from its recent change of ownership and financial expenses which should have been borne by this producer. However, since these additional costs were not incurred in the ordinary course of trade, it was concluded that it would not be appropriate to make the Belarus, Russian and Ukraine producers bear the burden of such exceptional costs without any adjustment being made and that they should be deducted to establish the actual costs of production of Canadian potash sold on the domestic market. After such deduction it was found that prices practised by this producer for sales on the domestic market in the ordinary course of trade permitted the recovery of all costs reasonably allocated in the ordinary course of trade and the generation of a normal profit margin.
- (14) In these circumstances, normal value was established on the basis of the net weighted average price for the like product sold for consumption in Canada since, for the types considered, domestic sales were made in sufficient quantities as

compared with export sales to be considered representative.

(b) Export price

- (15) In spite of the Commission's attempts to obtain information, the exporters thought to be concerned in Belarus, Russia and Ukraine refused to cooperate in the investigation. Further, the information received from importers was inadequate to establish a reliable export price since, either the quantities invoiced were too small to be regarded as representative, or the product was purchased through traders who failed to cooperate, or the importer was related to a non-cooperating producer in the countries concerned.

In addition, when seeking the information necessary to establish the export price, the Commission received strong indications from several sources that discrepancies existed between the prices practised on the Community market and the minimum price imposed by the Regulation subject to review. The possibility of circumvention of the minimum prices could not be overlooked. For these reasons, the Commission could not rely on the statistical information available on either the values or the quantities of imports of the product concerned.

- (16) However, in view of the nature of this review, which is, *inter alia*, to examine the appropriateness of the level and type of anti-dumping duty for the purpose of preventing dumped imports from causing injury, and the fact that the duty which applies at present is a minimum price duty, it was not necessary to establish the current level of export prices. It was merely necessary to estimate what the level of export prices would be if there were no protective duties. For this purpose, it was considered in the absence of cooperation on the part of producers in the exporting countries concerned, that export prices would bear the same relationship to other prices on the Community market as found during the original investigation. Since prices on the Community market would not be lower in the absence of the measures now in force, this method cannot lead to an underestimate of the export prices which would prevail in the absence of duties. It has to be noted that, since the information on available did not allow a differentiation of the export price according to the countries concerned, the export price has been established on the same basis, at the ex-national frontier level for Belarus, Russia and Ukraine.

(c) Comparison

- (17) Normal value was compared with export prices at the ex-national frontier stage, transaction by transaction. For the purpose of ensuring a fair comparison, due allowances in the form of adjustments

were made for the differences affecting price comparability, such as differences in selling expenses, in particular in respect of credit terms, transport, insurance and handling costs and packing.

(d) Dumping margin

- (18) The comparison showed the existence of dumping, the dumping margins being equal to the amount by which the normal value, as established above, exceeded the price for export to the Community. For the reasons stated in recitals 10 and 16, the information available to the Commission to establish the export price did not allow a differentiation to be made according to the countries concerned. Therefore, a single dumping margin was established for each of the free countries in question.

The weighted average dumping margin for the countries concerned expressed as a percentage of the net, free-at-Community-frontier price, before customs clearance is 46 %. The Council confirms this conclusion and the findings of the Commission underlying the establishment of this dumping margin.

V. INJURY

- (19) In accordance with Article 14 of the Basic Regulation, the investigation sought to determine the extent of any changes in the circumstances established by the Regulation subject to review (1986 to 1990) with regard to the behaviour of the exporters on the Community market or the situation of the Community industry during the subsequent period, independently of the anti-dumping measures in force.

(a) Community industry

- (20) In examining whether the complainant Community producers constituted a major proportion of the total Community production of the like product, the Commission noted that a German producer located in the eastern part of Germany has become a party to the complaint following the unification of Germany. As a result, the complainant Community producers represent the totality of the Community production of the like product.
- (21) It was also that two of the Community producers had, through affiliated companies, imported the dumped product. The Commission had, therefore, to decide whether these producers should be excluded from the term Community industry, as provided for in Article 4 (5) of the Basic Regulation.

- (22) In this respect, the consistent practice of the Community Institutions has been that the exclusion of such producers must be decided on a case-by-case basis, on reasonable and equitable grounds and by taking into consideration all the legal and economic aspects involved. The Institutions have, on several occasions, concluded that an exclusion is justified where the producers in the Community either participated in the dumping practices, are shielded from their effects, or where they benefit unduly from them.

- (23) In the present case, the Commission considered that, since these importing producers were independent of the exporters concerned, they did not participate in the dumping practices. Moreover, the level of imports in the investigation period by these producers did not, on an individual basis, represent a significant part of their total sales in the Community in the same period. Such a low level of imports cannot, therefore, have shielded the producers concerned from the effects of dumping nor have substantially benefited them. Indeed, the small advantages which these producers may have obtained from these importers are by far offset by the disadvantages from the dumping.

- (24) In the light of the above circumstances, it is considered that there are no reasons for the exclusion of any of the complainant producers from the definition of the Community industry.

(b) Cumulation

- (25) To measure the impact of dumped imports on the Community industry, it must first be ascertained whether the approach adopted in determining the measures under review, namely cumulation of all imports originating in the countries covered by the investigation should be continued.

In analysing whether cumulation of the imports from the three countries concerned is appropriate, it was found that potash imported from each of them was alike in all respects, and interchangeable. These imports complete with each other and with the like product manufactured by the Community industry. In addition, the pricing in the Community of the products from each of the countries concerned could not be distinguished and the volume of the dumped imports from each of them could not be considered negligible.

It is thus considered that there are sufficient grounds to cumulate the dumped imports from the countries concerned.

(c) Injury

- (26) The Commission's findings, based on an examination of the facts between 1990, which is the latest year taken into account in the Regulation subject to review and may 1993 are as follows:

1. *Community consumption, volume and price of the dumped imports*

- (27) Community consumption declined from 4,5 million tonnes to 3,9 million tonnes, i. e. by 14 %, and the dumped imports showed a similar decrease, thus maintaining their market share at almost the same level, i. e. approximately 12 %.
- (28) In the absence of any cooperation on the part of the exporters and, given the inadequate and non-representative information provided by importers, the Commission was unable to make an appropriate price undercutting determination. However, it received strong indications from several reliable sources that the selling prices of the dumped imports in the Community were significantly below the prices of potash sold by the Community industry, and actually far below the minimum price set by the Regulation subject to review.

2. *Situation of the Community industry*

(a) *Production, capacity, utilization rate*

- (29) Community production fell from 5,5 million tonnes to 4,5 million tonnes, i. e. a decrease of 18 %. Production capacity remained almost the same at approximately 6,5 million tonnes, the utilization rate therefore decreased from 84 % to 70 %.

(b) *Sales and market share*

- (30) The quantity of potash sold in the Community industry fell from 3,4 million tonnes to 2,8 million tonnes, i. e. a decrease of 18 %, while its market share declined from 74,9 % to 73,5 %.

(c) *Prices*

- (31) The Community industry has been unable to raise its prices, even after the imposition of protective measures by the Regulation subject to review, and has suffered, on the contrary, a further decline of its selling prices.

(d) *Profitability*

- (32) The Community industry could not recover from the losses it incurred previously. These losses, which are clearly related to the above decline of its selling price and the negative impact of the decreasing utilization rate on the allocation of fixed costs, remained at a high level and attained 26 % at the end of the period examined.

(e) *Employment*

- (33) It should be noted that the potash industry involves underground mining and is thus labour intensive.

A sharp and steady curtailment of the workforce has been observed over the period examined.

3. *Conclusion*

- (34) In the light of the above, it is apparent that, while material injury has been established by the Regulation subject to review for the period 1986 to 1990, the examination of the facts demonstrates that material injury has persisted in the subsequent period from 1990 to May 1993. In fact, the situation of the Community industry has further deteriorated in spite of the imposition of the protective measures in 1992. This is indicated in particular by the further decrease of its prices and recent aggravation of its losses.

The Council confirms these views and concludes that the level of injury established by the Regulation subject to review has not been removed but merely been aggravated.

(f) *Causality*

- (35) When determining whether any changes had occurred in the causal link established by the Regulation subject to review between the dumped imports from Belarus, Russia and Ukraine and the material injury, the Commission has examined the developments since the prior period of investigation which ended in 1990. Since the latter year, the situation has remained the same as that described in the Regulation subject to review, in so far as the poor performance of the Community industry has continued to coincide with the dumped imports maintaining the same level of market share and the persistence of price undercutting behaviour on their part.

(g) *Effect of other factors*

- (36) It has also been examined whether the existence and subsequent aggravation of the material injury could be attributed to the effect of other factors, such as the effect of other imports, contraction in demand or internal management problems in the Community industry.

As to the effect of other imports, it was found that their market share remained relatively stable over the period examined, while no conclusion could be drawn from the information available to the Commission about the level of their prices. Concerning contraction in demand, and the management of the Community industry, the Commission found no evidence to suggest that the material injury suffered by the Community industry could be attributed to any of these factors.

The Commission therefore concludes that, although it cannot be ruled out that some of the above factors might have had an adverse effect on the situation of the Community industry, the dumped imports from Belarus, Russia and Ukraine have, taken in isolation, caused material injury to the Community industry.

- (37) The Council confirms this conclusion.

VI. COMMUNITY INTEREST

- (38) The Commission found that the conclusion on Community interest set out in the Regulation subject to review should remain unchanged, since the development of the facts underlying these conclusions in the subsequent period have only strengthened the case of the imposition of protective measures.
- (39) Indeed, not only is it in the fundamental interests of the Community to put an end to distortions of commercial practices, but, in this specific case, the endangering of thousands of jobs in all ailing sector and the precariousness of the financial situation of the Community industry have recently become even more acute.
- (40) In these circumstances, it is in the Community interest that protective measures are maintained and adapted to the findings made in the present review. Since these findings show increased dumping and a further aggravation of injury, the Community interest calls for an amendment of the measures in force.

VII. DUTY

- (41) In order to adopt the existing measures to the changed circumstances and to prevent the recurrence of further injury, the Commission took account of the fact that injury consisted, in particular, of price depression and suppression, lack of profitability and losses. The removal of such injury requires therefore that the industry should be put in the position where prices can be increased to profitable levels without loss of sales volume. In order to calculate the necessary price increase, the Commission considered that the export prices of the dumped imports, as determined in recital 16, should be compared to the selling prices that reflect the costs of production of the Community industry plus a reasonable amount of profit.

To this end, the Commission has used the actual average cost of production of the Community

industry and a profit margin of 9 % necessary to ensure the viability of this industry.

The difference between these two prices expressed on a weighted average basis and as a percentage of the net, free-at-Community-frontier price, before customs clearance represents the injury threshold, which was found to exceed the margin of dumping established. In these circumstances, the duty to be imposed should be limited to the dumping margin.

- (42) In view of the strong indications that circumvention of the previous minimum price duty occurred and the potential which exists for consequently arrangements in this sector, it is necessary to impose a duty in the form of a fixed amount per tonne of imported potash corresponding to the dumping margin calculated as described above. Further, it is considered that in view, on the one hand, of high overcapacity for the production of potash in the exporting countries concerned, the lack of domestic purchasers and the corresponding availability of large quantities for export and, on the other hand, the relative attractiveness of the Community market compared with other export markets due to the high level of prices and spending power of users, its proximity and the availability of a high developed transport infrastructure, there is a possibility that the exporters will respond to the imposition of this duty by further lowering their export prices. This danger is further exacerbated by the fact that exports could be made available at very low prices due to currency problems in the exporting countries concerned and the fact of that the prevalence of long term supply contracts in the Community can make the offering of potash to users in the Community at very low prices attractive to exporters. To guard against such an increase in dumping, it is considered necessary to provide also that if the price of the imported product should fall below a minimum price established on the basis of the normal value, the duty to be imposed should be the difference between the import price and the minimum price. Such a system is justified in view of the clear risk of an increase in the dumping margin,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EEC) No 3068/92 is hereby replaced by the following:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of potassium chloride (KCl) falling within CN codes 3104 20 10, 3104 20 50, 3104 20 90, originating in Belarus, Russia and Ukraine.

2. The amount of duty shall be equal to the fixed amount per tonne of KCl shown below per type and grade, or the difference between the prices shown below and the net, free-at-Community-frontier price per tonne KCl, before customs clearance for the corresponding type and grade, whichever is the higher :

Potassium chloride with a K ₂ O content	Fixed amount of duty per tonne KCl	Price CIF cif Community frontier per tonne KCl	Taric code
40 % or less :			
— standard grade (powder)	ECU 24,19	ECU 76,79	3104 20 10*10
— granulated grade (granules)	ECU 27,37	ECU 86,91	3104 20 10*20
Over 40 % but less than or equal to 62 % :			
— standard grade (powder)	ECU 36,28	ECU 115,19	3104 20 50*10
— granulated grade (granules)	ECU 41,06	ECU 130,36	3104 20 50*20
over 62 % :			
— standard grade (powder)	ECU 44,13	ECU 137,28	

3. The provisions in force with regard to customs duties shall apply'.

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, 21 March 1994.

For the Council
The President
Y. PAPANTONIOU

COMMISSION REGULATION (EC) No 644/94**of 22 March 1994****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 25 March 1994.

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

Done at Brussels, 22 March 1994.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽³⁾ OJ No L 335, 31. 12. 1993, p. 1.

ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	0701 90 51 0701 90 59	New potatoes	38,92	1 547	294,37	75,12	256,01	10 962	31,00	74 405	84,45	29,80
1.20	0702 00 10 0702 00 90	Tomatoes	74,58	2 965	564,08	143,95	490,57	21 006	59,40	142 575	161,82	57,12
1.30	0703 10 19	Onions (other than seed)	34,72	1 380	262,61	67,02	228,38	9 779	27,65	66 376	75,33	26,59
1.40	0703 20 00	Garlic	159,18	6 330	1 203,94	307,25	1 047,04	44 834	126,79	304 304	345,39	121,91
1.50	ex 0703 90 00	Leeks	55,11	2 191	416,83	106,38	362,51	15 522	43,90	105 358	119,58	42,20
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	57,81	2 331	438,81	113,34	385,48	15 133	43,14	104 614	127,38	45,06
1.70	0704 20 00	Brussels sprouts	53,71	2 172	405,33	104,22	354,64	14 950	41,74	101 870	116,85	40,02
1.80	0704 90 10	White cabbages and red cabbages	21,56	857	163,12	41,63	141,86	6 074	17,17	41 230	46,79	16,51
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>)	79,26	3 206	598,09	153,78	523,30	22 060	61,59	150 316	172,41	59,05
1.100	ex 0704 90 90	Chinese cabbage	36,84	1 465	278,64	71,11	242,33	10 376	29,34	70 430	79,93	28,21
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	40,96	1 632	310,06	79,27	269,67	11 511	32,39	78 153	88,99	31,08
1.120	ex 0705 29 00	Endives	21,82	877	162,70	42,58	143,89	5 690	17,51	39 262	47,92	17,72
1.130	ex 0706 10 00	Carrots	18,22	724	137,80	35,16	119,85	5 131	14,51	34 832	39,53	13,95
1.140	ex 0706 90 90	Radishes	90,33	3 592	683,24	174,36	594,20	25 443	71,95	172 694	196,01	69,18
1.150	0707 00 11 0707 00 19	Cucumbers	68,85	2 738	520,76	132,90	452,89	19 393	54,84	131 626	149,40	52,73
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	229,69	9 134	1 737,20	443,34	1 510,81	64 692	182,95	439 089	498,37	175,91
1.170		Beans :										
1.170.1	0708 20 10 0708 20 90	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)	191,82	7 628	1 450,76	370,24	1 261,70	54 026	152,79	366 690	416,20	146,90
1.170.2	0708 20 10 0708 20 90	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>)	245,23	9 752	1 854,71	473,33	1 613,00	69 068	195,33	468 790	532,08	187,81
1.180	ex 0708 90 00	Broad beans	92,83	3 894	734,40	189,09	645,42	21 793	71,04	142 837	212,96	66,61
1.190	0709 10 00	Globe artichokes	73,43	2 920	555,41	141,74	483,03	20 683	58,49	140 385	159,34	56,24
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	620,87	24 690	4 695,70	1 198,37	4 083,76	174 866	494,54	1 186 870	1 347,13	475,49
1.200.2	ex 0709 20 00	— other	176,40	7 185	1 343,87	339,07	1 171,98	48 656	140,62	335 619	380,68	133,56
1.210	0709 30 00	Aubergines (egg-plants)	69,60	2 767	526,41	134,34	457,81	19 603	55,44	133 054	151,01	53,30
1.220	ex 0709 40 00	Ribbed celery (<i>Apium graveolens</i> var. <i>dulce</i>)	50,31	2 000	380,50	97,10	330,91	14 169	40,07	96 173	109,16	38,53
1.230	0709 51 30	Chantarelles	597,24	24 693	4 608,56	1 140,32	3 976,20	164 183	486,99	1 109 159	1 280,76	465,59
1.240	0709 60 10	Sweet peppers	204,45	8 130	1 546,28	394,62	1 344,77	57 583	162,85	390 834	443,60	156,57
1.250	0709 90 50	Fennel	73,55	2 966	558,22	144,18	490,38	19 251	54,88	133 083	162,05	57,33
1.260	0709 90 70	Courgettes	28,49	1 133	215,51	55,00	187,43	8 025	22,69	54 473	61,82	21,82
1.270	ex 0714 20 10	Sweet potatoes, whole, fresh (intended for human consumption)	47,36	1 883	358,25	91,42	311,57	13 341	37,73	90 552	102,77	36,27
2.10	ex 0802 40 00	Chestnuts (<i>Castanea</i> spp.), fresh	83,78	3 378	639,04	164,08	560,82	21 691	62,54	145 547	184,60	66,87
2.20												
2.30	ex 0804 30 00	Pineapples, fresh	38,26	1 521	289,37	73,85	251,66	10 776	30,47	73 141	83,01	29,30
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	123,81	4 923	936,45	238,99	814,41	34 873	98,62	236 696	268,65	94,82

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.50	ex 0804 50 00	Guavas and mangoes, fresh	166,24	6 611	1 257,35	320,88	1 093,50	46 823	132,42	317 805	360,71	127,32
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	40,60	1 614	307,08	78,37	267,06	11 435	32,34	77 618	88,09	31,09
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	28,26	1 123	213,75	54,55	185,90	7 960	22,51	54 028	61,32	21,64
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	33,52	1 356	252,99	65,04	221,35	9 331	26,05	63 583	72,93	24,97
2.70		Mandarins (including tangerines and satsumas), fresh ; clementines, wilkings and similar citrus hybrids, fresh :										
2.70.1	ex 0805 20 10	— Clementines	78,91	3 138	596,86	152,32	519,07	22 226	62,86	150 860	171,23	60,43
2.70.2	ex 0805 20 30	— Monreales and Satsumas	40,59	1 642	306,32	78,76	268,01	11 298	31,54	76 985	88,30	30,24
2.70.3	ex 0805 20 50	— Mandarins and wilkings	33,98	1 355	257,38	65,81	223,93	9 544	26,91	64 029	73,85	25,88
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	56,56	2 249	427,82	109,18	372,07	15 932	45,05	108 135	122,73	43,32
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	45,64	1 814	345,17	88,09	300,19	12 854	36,35	87 246	99,02	34,95
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	115,62	4 598	874,48	223,17	760,52	32 565	92,09	221 031	250,87	88,55
2.90		Grapefruit, fresh :										
2.90.1	ex 0805 40 00	— white	28,21	1 121	213,36	54,45	185,56	7 945	22,47	53 929	61,21	21,60
2.90.2	ex 0805 40 00	— pink	47,90	1 905	362,34	92,47	315,12	13 493	38,16	91 585	103,95	36,69
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	126,34	5 024	955,52	243,85	831,00	35 583	100,63	241 515	274,12	96,75
2.110	0807 10 10	Water-melons	80,78	3 212	610,96	155,92	531,34	22 752	64,34	154 424	175,27	61,86
2.120		Melons (other than water-melons) :										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey dew (including Cantalene), Onteniente, Piel de Sapo (including Verde Liso), Rochet, Tendral, Futuro	55,89	2 222	422,73	107,88	367,64	15 742	44,52	106 848	121,27	42,80
2.120.2	ex 0807 10 90	— other	143,44	5 704	1 084,86	276,86	943,48	40 399	114,25	274 205	311,23	109,85
2.130	0808 10 31 0808 10 33 0808 10 39 0808 10 51 0808 10 53 0808 10 59 0808 10 81 0808 10 83 0808 10 89	Apples	68,84	2 737	520,64	132,87	452,79	19 388	54,83	131 596	149,36	52,72
2.140		Pears										
2.140.1	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Pears — Nashi (<i>Pyrus pyrifolia</i>)	152,09	6 048	1 150,30	293,56	1 000,39	42 837	121,14	290 747	330,00	116,48
2.140.2	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Other	55,66	2 213	421,00	107,44	366,14	15 678	44,33	106 412	120,78	42,63

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.150	0809 10 00	Apricots	154,35	6189	1165,71	300,24	1018,91	43202	120,39	291030	336,44	115,54
2.160	0809 20 20 0809 20 40 0809 20 60 0809 20 80	Cherries	105,23	4219	794,77	204,70	694,68	29455	82,08	198422	229,38	78,77
2.170	ex 0809 30 90	Peaches	108,09	4298	817,54	208,64	710,99	30444	86,10	206638	234,54	82,78
2.180	ex 0809 30 10	Nectarines	130,90	5205	990,03	252,66	861,01	36868	104,26	250238	284,02	100,25
2.190	0809 40 11 0809 40 19	Plums	134,71	5357	1018,83	260,01	886,05	37941	107,30	257516	292,28	103,16
2.200	0810 10 10 0810 10 90	Strawberries	189,06	7518	1429,87	364,91	1243,53	53248	150,59	361411	410,21	144,79
2.205	0810 20 10	Raspberries	1232,1	49408	9305,36	2396,74	8133,50	344866	961,01	2323153	2685,64	922,33
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	102,94	4142	776,64	201,08	684,00	27469	82,98	185034	226,07	78,92
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	93,82	3762	708,59	182,50	619,35	26261	73,18	176905	204,50	70,23
2.230	ex 0810 90 80	Pomegranates	48,29	1953	364,38	93,69	318,81	13439	37,52	91577	105,04	35,97
2.240	ex 0810 90 80	Khakis (including Sharon fruit)	75,58	3005	571,65	145,89	497,15	21288	60,20	144489	164,00	57,88
2.250	ex 0810 90 30	Lychees	245,20	9751	1854,50	473,28	1612,82	69061	195,31	468737	532,03	187,79

COMMISSION REGULATION (EC) No 645/94

of 23 March 1994

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as last amended by Regulation (EEC) No 1684/92⁽⁷⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination;

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas Council Regulation (EEC) No 990/93⁽⁸⁾ 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 representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁹⁾, as amended by Regulation (EC) No 3528/93⁽¹⁰⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹¹⁾, as amended by Regulation (EC) No 547/94⁽¹²⁾;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 24 March 1994.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 176, 30. 6. 1992, p. 31.

⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 1.

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

⁽¹¹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹²⁾ OJ No L 69, 12. 3. 1994, p. 1.

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

Done at Brussels, 23 March 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 23 March 1994 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	29,66 ⁽¹⁾
1701 11 90 910	29,18 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	29,66 ⁽¹⁾
1701 12 90 910	29,18 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3224
	— ECU/100 kg —
1701 99 10 100	32,24
1701 99 10 910	33,00
1701 99 10 950	33,00
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3224

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

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

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

COMMISSION REGULATION (EC) No 646/94

of 23 March 1994

opening a standing invitation to tender for the export of 100 000 tonnes of durum wheat held by the Greek 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 for the disposal of cereals held by the intervention agencies;

Whereas 100 000 tonnes of durum wheat, held by the Greek intervention agency, should be put up for sale for export;

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 Greek intervention agency may, on the conditions laid down in Regulation (EEC) No 2131/93, open a standing invitation to tender for the export of 100 000 tonnes of durum wheat held by it.

Article 2

1. The invitation to tender shall cover a maximum of 100 000 tonnes of durum wheat to be exported to Algeria.
2. The regions in which the 100 000 tonnes of durum wheat are stored are stated in Annex I to this Regulation.

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

Done at Brussels, 23 March 1994.

For the Commission

René STEICHEN

Member of the Commission

Article 3

The export licences shall be valid from their date of issue, within the meaning of Article 9 of Regulation (EEC) No 2131/93, until the end of the third month following.

Tenders submitted in response to this invitation to tender may not be accompanied by applications for export certificates pursuant to Article 44 of Commission Regulation (EEC) No 3719/88 ⁽⁵⁾.

Article 4

1. Notwithstanding Article 7 (1) of Regulation (EEC) No 2131/93 the time limit for submission of tenders under the first partial invitation to tender shall expire on 6 April 1994 at 13 a.m. (Brussels time).
2. The time limit for submission of tenders under the subsequent partial invitations to tender shall expire each Wednesday at 13 a.m. (Brussels time).
3. The last partial invitation to tender shall expire on 25 May 1994.
4. The tenders shall be lodged with the Greek intervention agency.

Article 5

The Greek intervention agency shall notify the Commission of the tenders received not later than two hours after expiry of the time limit for the submission thereof. Notification shall be made as specified in the table in Annex II to this Regulation, to the telex or telefax numbers in Annex III.

Article 6

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

⁽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 331, 2. 12. 1988, p. 1.

ANNEX I

(tonnes)	
Place of storage	Quantity
Magnisia	20 316
Chalkidiki	1 890
Kavala	2 090
Serres	8 563
Evrou	1 203
Rodopi	904
Kilkis	452
Thessaloniki	3 635
Larisa	25 878
Xanthi	10 080
Kastoria	2 056
Giannitsa	4 500
Pieria	8 621
Trikala	420
Imathia	751
Kozani	640
Fthiodida	8 005

ANNEX II

Standing invitation to tender for the export of 100 000 tonnes of durum wheat held by the Greek intervention agency

(Regulation (EC) No 646/94)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne) ⁽¹⁾	Price increases (+) or reductions (-) (ECU/tonne) p.m.	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

⁽¹⁾ This price includes the increases or reductions relating to the lot to which the tender refers.

ANNEX III

The only numbers to use to call Brussels are (DG VI-C-1 (Attention : Messrs Thibault and Brus)) :

- telex : 22037 AGREC B
22070 AGREC B (Greek characters)
- telefax : — 295 01 32
— 296 10 97
— 295 25 15.

COMMISSION REGULATION (EC) No 647/94

of 23 March 1994

adjusting the total quantities fixed in Article 3 of Council Regulation (EEC) No 3950/92 establishing an additional levy in the milk and milk products sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3950/92 of 28 December 1992 establishing an additional levy in the milk and milk products sector ⁽¹⁾, as last amended by Regulation (EEC) No 1560/93 ⁽²⁾, and in particular the second subparagraph of Article 4 (2) thereof,

Whereas Article 4 (2) of Regulation (EEC) No 3950/92 provides that the individual reference quantity is to be increased or established at the duly justified request of producers to take account of changes affecting their deliveries and/or direct sales; whereas the increase or establishment of a reference quantity is subject to a corresponding reduction or cancellation of the other reference quantity which the producer owns;

Whereas such adjustments may not lead to an increase in the sum of the deliveries and direct sales referred to in Article 3 of Regulation (EEC) No 3950/92 for the Member State concerned; whereas, where the individual reference quantities undergo a definitive change, the quantities referred to in the abovementioned Article 3 must be adjusted in accordance with the procedure laid down in Article 30 of Council Regulation (EEC) No 804/68 ⁽³⁾, as last amended by Regulation (EC) No 230/94 ⁽⁴⁾;

Whereas, in accordance with the third indent of Article 8 of Commission Regulation (EEC) No 536/93 ⁽⁵⁾, as last amended by Regulation (EC) No 470/94 ⁽⁶⁾, Belgium, Denmark, France, Ireland, the Netherlands and the United Kingdom have notified the quantities definitively transferred by virtue of the second subparagraph of Article 4 (2) of Regulation (EEC) No 3950/92; whereas, therefore, the total quantities for those Member States fixed in Article 3 of Regulation (EEC) No 3950/92 should be adjusted accordingly;

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

In the first subparagraph of Article 3 (2) of Regulation (EEC) No 3950/92, the table is replaced by the following:

Member State	Deliveries	(tonnes)
		Direct sales
Belgium	3 066 337	244 094
Denmark	4 454 459	889
Germany ⁽¹⁾	27 764 778	100 038
Greece	625 985	4 528
Spain	5 200 000	366 950
France	23 637 283	598 515
Ireland	5 233 805	11 959
Italy	9 212 190	717 870
Luxembourg	268 098	951
The Netherlands	10 983 195	91 497
Portugal	1 804 881	67 580
United Kingdom	14 247 283	342 764

⁽¹⁾ 6 244 566 tonnes of which for deliveries to purchasers established on the territory of the new *Länder* and 8 801 tonnes of which for direct sales in the *Länder*.

Article 2

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

It shall apply with effect from 1 April 1993.

⁽¹⁾ OJ No L 405, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 30.

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽⁴⁾ OJ No L 30, 3. 2. 1994, p. 1.

⁽⁵⁾ OJ No L 57, 10. 3. 1993, p. 12.

⁽⁶⁾ OJ No L 59, 3. 3. 1994, p. 5.

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

Done at Brussels, 23 March 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 648/94

of 23 March 1994

amending Regulation (EEC) No 2169/93 on the application of a minimum price
for certain soft fruits originating in Poland

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1988/93 of 19 July 1993 on the system of minimum import prices for certain soft fruits originating in Hungary, Poland, the Czech Republic, Slovakia, Romania and Bulgaria⁽¹⁾, and in particular Article 2 thereof,Whereas Article 4 of Commission Regulation (EEC) No 2140/93 of 28 July 1993 laying down detailed rules for the application of the minimum import price system for certain soft fruits originating in Hungary, Poland, the Czech Republic, Slovakia, Romania and Bulgaria and the minimum prices applicable until 30 April 1994⁽²⁾ provides that the Commission is to adopt any necessary measures if certain criteria are not complied with;Whereas, by Commission Regulation (EEC) No 2169/93⁽³⁾, as last amended by Regulation (EEC) No 2731/93⁽⁴⁾, the Commission decided to ensure that each consignment of certain soft fruits originating in

Poland complied with the minimum price by levying countervailing charges; whereas, on the basis of recent information received by the Commission relating to the third three months of the marketing year, it is clear that, bearing in mind the import price, one of the criteria is not being complied with in respect of certain soft fruit originating in Poland; whereas, countervailing charges should therefore be reintroduced for these products,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of Regulation (EEC) No 2169/93 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, 23 March 1994.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 182, 24. 7. 1993, p. 4.⁽²⁾ OJ No L 191, 31. 7. 1993, p. 98.⁽³⁾ OJ No L 194, 3. 8. 1993, p. 24.⁽⁴⁾ OJ No L 247, 5. 10. 1993, p. 6.

ANNEX

CN code	Description	Taric code	Period of application
ex 0811 20 39	Frozen blackcurrants not containing added sugar or other sweetening matter, without stalks	0811 20 39*10	From 24 March to 30 April 1994
ex 0811 20 39	Frozen blackcurrants not containing added sugar or other sweetening matter, other	0811 20 39*90	From 24 March to 30 April 1994

COMMISSION REGULATION (EC) No 649/94

of 23 March 1994

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

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

Article 2

The notice of invitation to tender shall be published on 29 March 1994.

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

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

Article 3

The tenders must reach Senpa, calle Beneficencia 8, Madrid 28004, Spain, not later than 2 p.m. (local time) on 11 April 1994. Tenders shall be admissible only if they are submitted by a natural or legal person engaged in activity in olive oil and entered in that status as at 31 December 1993 in a public register of a Member State.

No tenderer may submit a tender for a quantity in excess of 1 000 tonnes.

Article 4

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

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

— up to 3° acidity:

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

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

⁽²⁾ OJ No L 285, 20. 11. 1993, p. 9.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 5.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 20.

- above 3° up to 5° acidity :
reduction of ECU 0,32 for each tenth of a degree of acidity above 3°,
- above 5° acidity :
additional reduction of ECU 0,35 for each tenth of a degree of acidity above 5°.

Article 5

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

Article 6

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

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

Article 7

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

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

Article 8

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

Article 9

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

Article 10

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

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

Done at Brussels, 23 March 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 650/94
of 23 March 1994

fixing the maximum export refund for white sugar for the 42nd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1144/93

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

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

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

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

Whereas, following an examination of the tenders submitted in response to the 42nd partial invitation to tender, the provisions set out in Article 1 should be adopted ;

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

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

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

HAS ADOPTED THIS REGULATION :

Article 1

1. For the 42nd partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1144/93 the maximum amount of the export refund is fixed at ECU 35,820 per 100 kilograms.
2. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

Article 2

This Regulation shall enter into force on 24 March 1994.

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

Done at Brussels, 23 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 116, 12. 5. 1993, p. 5.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

COMMISSION REGULATION (EC) No 651/94**of 23 March 1994****on the issue of import licences for frozen thin skirt of bovine animals**

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

Having regard to Council Regulation (EC) No 132/94 of 24 January 1994 opening a Community tariff quota for frozen thin skirt of bovine animals falling within CN code 0206 29 91 (1994)⁽¹⁾, and in particular Article 2 thereof,

Whereas Commission Regulation (EEC) No 139/94⁽²⁾ lays down detailed rules for the application of import arrangements provided for by Regulation (EC) No 132/94 for frozen thin skirt of bovine animals;

Whereas Article 1 (1) (b) of Regulation (EC) No 139/94 fixes the amount of frozen thin skirt which may be imported on special terms in 1994 at 800 tonnes;

Whereas Article 8 (4) of Regulation (EC) No 139/94 lays down that the quantities applied for may be reduced;

whereas the applications lodged relate to total quantities which exceed the quantities available; whereas, under these circumstances and taking care to ensure an equitable distribution of the available quantities, it is appropriate to reduce proportionally the quantities applied for,

HAS ADOPTED THIS REGULATION :

Article 1

All applications for import licences made pursuant to Article 6 of Regulation (EC) No 139/94 are hereby met to the extent of 0,052358 % of the quantity requested.

Article 2

This Regulation shall enter into force on 24 March 1994.

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

Done at Brussels, 23 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 22, 27. 1. 1994, p. 6.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 21.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION OPINION

of 7 March 1994

concerning the plan for the disposal of radioactive waste from the Melox nuclear fuel fabrication plant at the Marcoule nuclear establishment (France) in accordance with Article 37 of the Euratom Treaty

(Only the French text is authentic)

(94/174/Euratom)

On 10 September 1993 the Commission of the European Communities received, in accordance with Article 37 of the Euratom Treaty, the General Data concerning the plan for the disposal of radioactive waste from the operation of the Melox plant at Marcoule.

On the basis of the data thus obtained and having consulted the Group of Experts referred to in Article 37, the Commission drew up the following opinion :

1. The distance from the installation to the closest point on the territory of another Member State, Italy, is 180 kilometres ; Spain and Germany are at a distance of 230 and 435 kilometres respectively.
2. Solid waste resulting from the operation of the Melox plant will be stored in an appropriate nuclear facility on French territory.
3. Under normal operating conditions, the gaseous and liquid effluent discharges will give rise to negligible exposure of the population of other Member States from the point of view of health.
4. In the case of an unplanned discharge of radioactive effluents which could be occasioned by an accident of the magnitude considered in the General Data, doses liable to be received in other Member States would not be significant from the point of view of health.

In conclusion, the Commission is of the opinion that the implementation of the plan for the disposal of radioactive waste from the operation of the Melox plant is not liable, either in normal operation or in the case of an accident of the magnitude considered, to result in the radioactive contamination, significant from the point of view of health, of the water, soil or airspace of another Member State.

This Decision is addressed to the French Republic.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

COMMISSION RECOMMENDATION**of 11 March 1994****concerning a coordinated programme for the official control of foodstuffs for 1994**

(94/175/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the second indent of Article 155 thereof,

Having regard to Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs⁽¹⁾, and in particular Article 14 (3) thereof,

After consultation with the Standing Committee for Foodstuffs,

Whereas it is necessary, with a view to the sound operation of the internal market, to arrange for coordinated food inspection programmes at Community level;

Whereas such programmes should not only establish compliance with the Community legislation but also serve for checking that the food is fit for consumption;

Whereas simultaneous implementation of national programmes and coordinated programmes can provide experience which is still widely lacking at present,

HEREBY RECOMMENDS THAT THE MEMBER STATES TAKE SAMPLES OF THE FOLLOWING PRODUCTS AND ANALYSE THE SPECIFIED PARAMETERS IN 1994:

1. Aflatoxine B 1 in products liable to contain aflatoxin B 1, especially those intended for children.
2. *Lysteria monocytogenes* in meat-based patés, sold in the retail sector.
3. Adulteration of frozen, fish-based products.
4. Adulteration of goat's and sheep's cheese.

Explanatory memorandum of the coordinated programme of inspections for 1994

In 1994 the coordinated programme of inspections provided for by Article 14 (3) of Directive 89/397/EEC will be carried out for the second time. At the request of the Member States, the Commission has spent ample

time discussing the 1994 programme with the technical experts of the Member States.

Like last year, the subjects chosen cover existing Community problems relating to the protection of public health and consumer interests, as well as fair trade.

In order not to overburden the budget for laboratory costs in certain Member States, the Commission decided to limit the number of subjects this year to four.

Each subject is accompanied by a suggested method of analysis. As far as sampling is concerned, no uniform rates have been set. The number of samples taken should be extensive enough to provide an overview of the market in the foodstuffs concerned in each Member State.

The number of samples and the methods of analysis used should be mentioned or described briefly on the answer sheets annexed hereto.

I. Aflatoxine B 1 in products liable to contain aflatoxin B 1, especially those intended for children

Aflatoxine B 1 is a carcinogenic toxin, formed by the fungi *Aspergillus flavus* and *Aspergillus parasiticus*. The objective of this analysis is to determine the content of this toxin in products liable to contain aflatoxin B 1, especially those intended for children.

II. *Lysteria monocytogenes* in meat-based patés, sold in the retail sector

Lysteria monocytogenes has become established as a food-borne pathogen and may be transmitted to human beings through a variety of foodstuffs. Surveys suggest that the incidence of listeriosi is increasing. This involves a risk of infection, particularly with infants, elderly people, pregnant women and immuno-compromised individuals.

III. Adulteration of frozen, fish-based products

Most frozen fish-based products such as fish fingers, nuggets, bites, fish fillets and seafood specialities such as prawns, scampis and crab are made from frozen fish-blocks. Now that popular types of fish such as cod and haddock have become expensive, there are indications that block producers are replacing more expensive fish

⁽¹⁾ OJ No L 186, 30. 6. 1989, p. 23.

with cheaper varieties. The survey should examine specification in a wide range of frozen fish products for which label declarations of named fish species are made. In order to limit this survey, it should specifically target cod, haddock and scampi products.

cheese. Those products should be examined for which label declarations are made. In addition to sampling and analysis, inspections of food businesses may be useful.

Done at Brussels, 11 March 1994.

IV. Adulteration of goat's and sheep's cheese

This analysis is specifically aimed at detecting the illicit use of cow's milk in the production of sheep's and goat's

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

Coordinated programme of inspections, as provided for by Article 14 (3) of Council Directive 89/397/EEC of 14 June 1989 on the official control of food-stuffs

Member State :

I. Aflatoxine B1 in product liable to contain aflatoxine B1, especially those intended for children

	No of samples analysed	Not detectable - < 10	$10^{-1} < 10^2$	$10^2 - 2 \times 10^2$	$2 \times 10^2 - 4 \times 10^2$	$4 \times 10^2 - < 10^3$	Limit or guide value for rejection	Legal basis
Products								

Method of analysis used (if different from the suggested one)

Coordinated programme of inspections, as provided for by Article 14 (3) of Council Directive 89/397/EEC of 14 June 1989 on the official control of food-stuffs

Member State :

II. *Listeria monocytogenes* in meat based pâtés, sold in the retail sector

	No of samples analysed	Not detectable - < 10	$10^{-1} < 10^2$	$10^2 - 10^3$	$10^3 - < 10^4$	$10^4 - < 10^5$	$10^5 - < 10^6$	$10^6 - 10^7$	Limit or guide value for rejection	Legal basis
<i>Listeria monocytogenes</i> in 25 g										

Method of analysis used (if different from the suggested one)

Coordinated programme of inspections, as provided for by Article 14 (3) of Council Directive 89/397/EEC of 14 June 1989 on the official control of food-stuffs

Member State :

III. Adulteration of frozen fish based products in 1994

	Number of samples analysed	Number of samples rejected	Legal basis for rejection
I.1. Analysis for cod products, labelled as such			
I.2. Analysis for haddock products, labelled as such			
I.3. Analysis for scampi products, labelled as such			

Method of analysis used (if different from the suggested one)

Coordinated programme of inspections, as provided for by Article 14 (3) of Council Directive 89/397/EEC of 14 June 1989 on the official control of food-stuffs

Member State :

IV A. Adulteration of goat's and sheep's cheese in 1994

	Number of samples analysed	Number of samples rejected	Legal basis for rejection
I. Sheep's cheese analysed for adulteration			
I.1. Analysis for cow's milk protein			
II. Goat's cheese analysed for adulteration			
II.1. Analysis for cow's milk protein			
I.2. Method of analysis used (if different from the suggested one)			

Coordinated programme of inspections, as provided for by Article 14 (3) of Council Directive 89/397/EEC of 14 June 1989 on the official control of food-stuffs

Member State :

IV B. Adulteration of goat's and sheep's cheese in 1994

On-the-spot inspection

	Number of undertakings inspected	Number of cases of adulteration detected	Legal basis for rejection
I. On-the-spot inspection — sheep's cheese producers			
I.1. Inspection on the use of cow's milk			
II. On-the-spot inspection — goat's cheese producers			
II.1. Inspection on the use of cow's milk			
III. Statutory stock accounts available (delete as appropriate)	Yes / No		