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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 702/94**of 29 March 1994****fixing for the 1994 marketing year the reference prices for aubergines**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 3669/93⁽²⁾, and in particular Article 27 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as amended by Regulation (EC) No 3528/93⁽⁴⁾, and in particular Article 9 (1) thereof,

Having regard to Commission Regulation (EEC) No 3824/92 of 28 December 1992 amending the prices and amounts fixed in ecus as a result of the monetary realignments⁽⁵⁾, as last amended by Regulation (EEC) No 1663/93⁽⁶⁾, and in particular Article 2 thereof,

Whereas, pursuant to Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed at the beginning of the marketing year;

Whereas aubergines are produced in such quantities in the Community that reference prices should be fixed for them;

Whereas aubergines harvested during a given crop year are marketed from January to December; whereas the

quantities harvested from 1 January to 31 March and in November and December are so small that there is no need to fix reference prices for these periods; whereas reference prices should be fixed only for the period 1 April to 31 October inclusive;

Whereas Article 23 (2) (b) of Regulation (EEC) No 1035/72 stipulates that reference prices are to be fixed at the same level as for the preceding marketing year, adjusted, after deducting the standard cost of transporting Community products between production areas and Community consumption centres in the preceding year, by:

- the increase in production costs for fruit and vegetables, less productivity growth, and
- the standard rate of transport costs in the current marketing year;

Whereas the resulting figure may nevertheless not exceed the arithmetic mean of producer prices in each Member State plus transport costs for the current year, after this amount has been increased by the rise in production costs less productivity growth; whereas the reference price may, however, not be lower than in the preceding marketing year;

Whereas, to take seasonal price variations into account, the marketing year should be divided into several periods and a reference price fixed for each of these periods;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest, during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics, being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 26.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 29.

⁽⁶⁾ OJ No L 158, 30. 6. 1993, p. 18.

preparation ; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded ;

this adjustment may not result in a reference price level below that of the preceding marketing year, in accordance with Article 23 (2) of Regulation (EEC) No 1035/72 ;

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

HAS ADOPTED THIS REGULATION :

Article 1

Whereas Regulation (EEC) No 3824/92 establishes a list of prices and amounts for the fruit and vegetables sector which are to be divided by a coefficient of 1,002583, fixing by Commission Regulation (EEC) No 537/93 ⁽¹⁾, as amended by Regulation (EEC) No 1331/93 ⁽²⁾, as from the beginning of the 1993/94 marketing year ;

For the 1994 marketing year, the reference prices for aubergines (CN code 0709 30 00), expressed in ecus per 100 kilograms net of packed products of class I, of all sizes, shall be as follows :

— April :	87,72,
— May :	82,00,
— June :	78,58,
— July :	69,85,
— August :	46,72,
— September :	50,09,
— October :	54,13.

Whereas Article 2 of Regulation (EEC) No 3824/92 lays down that the resulting reduction in the prices and amounts for each sector concerned shall be specified and the level of such reduced prices fixed ; whereas, however,

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, 29 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 57, 10. 3. 1993, p. 18.

⁽²⁾ OJ No L 132, 29. 5. 1993, p. 114.

COMMISSION REGULATION (EC) No 703/94**of 29 March 1994****fixing for the 1994 marketing year the reference prices for tomatoes**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 3669/93⁽²⁾, and in particular Article 27 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as amended by Regulation (EC) No 3528/93⁽⁴⁾, and in particular Article 9 (1) thereof,

Having regard to Commission Regulation (EEC) No 3824/92 of 28 December 1992 laying down the prices and amounts fixed in ecus as a result of the monetary realignments⁽⁵⁾, as last amended by Regulation (EEC) No 1663/93⁽⁶⁾, and in particular Article 2 thereof,

Whereas, pursuant to Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed at the beginning of the marketing year;

Whereas tomatoes are produced in such quantities in the Community that reference prices should be fixed for them;

Whereas tomatoes harvested during a given crop year are marketed from January to December; whereas the quantities harvested from January to March and during the last 10 days of December are so small that there is no need to fix reference prices for the whole year; whereas reference prices should therefore be fixed only for the period 1 April up to and including 20 December;

Whereas, Article 23 (2) (b) of Regulation (EEC) No 1035/72 stipulates that reference prices are to be fixed at the same level as for the preceding marketing year, adjusted, after deducting the standard cost of transporting

Community products between production areas and Community consumption centres in the preceding year, by:

- the increase in production costs for fruit and vegetables, less productivity growth, and
- the standard rate of transport costs in the current marketing year;

Whereas the resulting figure may nevertheless not exceed the arithmetic mean of producer prices in each Member State plus transport costs for the current year, after this amount has been increased by the rise in production costs less productivity growth; whereas the reference price may, however, not be lower than in the preceding marketing year;

Whereas, to take seasonal variations into account, the year should be divided into several periods and a reference price fixed for each of these periods;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics, being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

Whereas, up to 10 July, Community-produced tomatoes are grown mainly under glass; whereas the reference prices for this period of the marketing year must therefore be fixed for a product of that type; whereas tomatoes imported from certain third countries during the same period will have been grown in the open; whereas, although such tomatoes may be classed in class I, their quality and price are not comparable with those of products grown under glass; whereas the prices for tomatoes not grown under glass should therefore be adjusted by a conversion factor;

Whereas, from October to December inclusive, tomatoes imported from certain third countries are cultivated under glass; whereas a conversion factor should also be applied

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 26.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 29.

⁽⁶⁾ OJ No L 158, 30. 6. 1993, p. 18.

to the prices of these tomatoes to make them comparable with the reference prices which are during this period calculated on the basis of prices of Community products cultivated in the open ;

Whereas Regulation (EEC) No 3824/92 establishes a list of prices and amounts for the fruit and vegetables sector which are to be divided by a coefficient of 1,002583, fixing by Commission Regulation (EEC) No 537/93 ⁽¹⁾, as amended by Regulation (EEC) No 1331/93 ⁽²⁾, as from the beginning of the 1993/94 marketing year ;

Whereas Article 2 of Regulation (EEC) No 3824/92 lays down that the resulting reduction in the prices and amounts for each sector concerned shall be specified and the level of such reduced prices fixed ; whereas, however, this adjustment may not result in a reference price level below that of the preceding marketing year, in accordance with Article 23 (2) of Regulation (EEC) No 1035/72 ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. For the 1994 marketing year, the reference prices for tomatoes (CN code 0702 00), expressed in ecus per 100

kg net of packed products of class I, of all sizes, shall be as follows :

— April :	197,27,
— May :	136,75,
— 1 June to 10 July :	99,96,
— 11 July to 31 August :	41,90,
— September :	44,99,
— 1 October to 20 December :	46,47.

2. For the purpose of calculating the entry price :

(a) the prices for tomatoes not produced under glass, imported from third countries, shall, after deduction of customs duties, be multiplied :

- for April, by a conversion factor of 1,80,
- for May, by a conversion factor of 1,70,
- from 1 June to 10 July by a conversion factor of 1,65 ;

(b) the price for tomatoes produced under glass and imported from third countries shall, after deduction of customs duties, be multiplied by a conversion factor of 0,65 from 1 October to 20 December.

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, 29 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 57, 10. 3. 1993, p. 18.

⁽²⁾ OJ No L 132, 29. 5. 1993, p. 114.

COMMISSION REGULATION (EC) No 704/94
of 29 March 1994
amending Regulation (EEC) No 2137/93 fixing the export refunds in the wine
sector

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 56 (4) thereof,

Whereas Commission Regulation (EEC) No 2137/93 ⁽³⁾, as amended by Regulation (EC) No 213/94 ⁽⁴⁾, fixing the exports refunds on wine for certain destinations, including east European countries, should be amended;

Whereas certain disturbances on the world market and the necessity to continue control measures necessitate a prolongation of the temporary suspension of export refunds on export to Bosnia-Herzegovina, Croatia, Slovenia, the former Yugoslav Republic of Macedonia, Republics of Serbia and Montenegro, Bulgaria, the Czech Republic, the Slovak Republic, Hungary and Romania;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 2137/93 is hereby replaced by the Annex hereto.

No application for refunds for the countries mentioned in the Annex, note (1), point (09) (b) can be presented before 1 June 1994.

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, 29 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 39.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 91.

⁽⁴⁾ OJ No L 27, 1. 2. 1994, p. 44.

ANNEX

CN code	Product code	For export to ⁽¹⁾	Refund
2009 60 11 2009 60 19 2009 60 51 2009 60 71 2204 30 91 2204 30 99	100	01 ; 02 ; 04	ECU 1,04/%/vol/hl ⁽²⁾
2204 21 25 2204 21 35 2204 29 25 2204 29 35	110	02 ; 09	ECU 4,40/hl
2204 21 25 2204 21 29 2204 21 35 2204 21 39 2204 29 25 2204 29 29 2204 29 35 2204 29 39	190	02	ECU 1,44/%/vol/hl ⁽²⁾
		09	ECU 1,32/%/vol/hl ⁽²⁾
2204 21 25 2204 29 25	910	02 ; 09	ECU 4,40/hl
2204 21 49 2204 21 59 2204 29 49 2204 29 59	910	02 ; 09	ECU 13,80/hl

⁽¹⁾ The destinations are as follows :

- 01 Venezuela ;
- 02 All countries of the African continent with the exception of those explicitly excluded under 09 ;
- 04 All other destinations with the exception of Sweden and those explicitly excluded under 09 ;
- 09 All other destinations with the exception of the following third countries and territories :
 - (a) — all countries of the American continent within the meaning of Commission Regulation (EEC) No 208/93 (OJ No L 25, 2. 2. 1993, p. 11),
 - Algeria,
 - Australia,
 - Austria,
 - Cyprus,
 - Israel,
 - Morocco,
 - South Africa,
 - Switzerland,
 - Tunisia and
 - Turkey ;
 - (b) — and until 31 May 1994 :
 - Bulgaria,
 - the Czech Republic,
 - the Slovak Republic,
 - Hungary,
 - Romania,
 - Bosnia-Herzegovina, Croatia, Slovenia and the former Yugoslav Republic of Macedonia, the Republics of Serbia and Montenegro.

⁽²⁾ Potential alcoholic strength by volume as defined in Annex II to Regulation (EEC) No 822/87.

⁽³⁾ Total alcoholic strength by volume as defined in Annex II to Regulation (EEC) No 822/87.

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

COMMISSION REGULATION (EC) No 705/94**of 29 March 1994****amending Regulation (EEC) No 1858/93 laying down detailed rules for applying
Council Regulation (EEC) No 404/93 as regards the aid scheme to compensate
for loss of income for marketing in the banana sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas ⁽¹⁾, as amended by Commission Regulation (EC) No 3518/93 ⁽²⁾, and in particular Article 14 thereof,

Whereas Commission Regulation (EEC) No 1858/93 ⁽³⁾, as amended by Regulation (EC) No 526/94 ⁽⁴⁾, lays down that payment of the advance is subject to the lodging of a security together with the application;

Whereas in the interest of Community producers it is preferable to provide for the security to be lodged not at the moment of submission of the application but prior to the payment of the advance;

Whereas the measures provided for in this Regulation are in accordance with the Management Committee for Bananas,

HAS ADOPTED THIS REGULATION:

Article 1

Article 4 (3) of Regulation (EEC) No 1858/93 is hereby replaced by the following:

'3. Payment of the advance shall be subject to the lodging of a security. The amount of this security shall be fixed at 50 % of the advance.'

Article 2

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, 29 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 170, 13. 7. 1993, p. 5.

⁽⁴⁾ OJ No L 66, 10. 3. 1994, p. 19.

COMMISSION REGULATION (EC) No 706/94

of 29 March 1994

opening individual sales by invitation to tender for the export of vinous alcohol
held by intervention agencies

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⁾,

Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ⁽³⁾,

Whereas Commission Regulation (EEC) No 377/93 ⁽⁴⁾, as amended by Regulation (EEC) No 2192/93 ⁽⁵⁾, lays down detailed rules for the disposal of alcohol obtained from distillation as provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ;

Whereas, in view of the cost of storing alcohol, individual sales by invitation to tender should be opened for vinous alcohol obtained from distillation as provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Italian, French and Spanish intervention agencies ;

Whereas individual sales by invitation to tender should be organized for the export of alcohol to certain third countries for end use as motor fuel ; whereas these countries should be given an assurance of greater continuity of supply ;

Whereas the invitations to tender opened by this Regulation relate to certain third countries where there is some guarantee that exports of vinous alcohol will not disturb their markets in alcohol and spirituous beverages ; whereas the amount of and detailed rules for the release of the performance security may be adapted accordingly ;

Whereas sales should be organized separately for dispatch to certain countries in Central America and to Caribbean

countries covered by the Caribbean Basin Initiative, in particular to take account of certain extra costs resulting from the difference in distance and the possibilities of securing onward or return freight in the countries concerned by the Caribbean Basin Initiative ;

Whereas Regulation (EEC) No 2192/93 concerning the operative events for the agricultural conversion rates used in the wine sector and amending Regulation (EEC) No 377/93 specifies the agricultural conversion rates to be applied in order to convert the payments and securities provided for in connection with individual invitations to tender into national currency ;

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

1. Five individual sales by invitation to tender Nos 119/94 EC, 120/94 EC, 121/94 EC, 122/94 EC and 123/94 EC shall be held of a total quantity of 300 000 hl of alcohol obtained from distillation as provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Italian, French and Spanish intervention agencies. The individual invitation to tender No 119/94 EC shall cover 100 000 hl of alcohol at 100 % vol.

Each of the individual invitations to tender Nos 120/94 EC, 121/94 EC, 122/94 EC and 123/94 EC shall cover 50 000 hl of alcohol at 100 % vol.

2. The alcohol offered for sale :

- shall be for export to outside the European Community,
- must be imported into and dehydrated in one of the following third countries :
 - Guatemala,
 - Belize,
 - Honduras, including the Swan Islands,
 - El Salvador,
 - Costa Rica,
- must be used only as motor fuel.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 39.

⁽³⁾ OJ No L 346, 15. 12. 1988, p. 7.

⁽⁴⁾ OJ No L 43, 20. 2. 1993, p. 6.

⁽⁵⁾ OJ No L 196, 5. 8. 1993, p. 19.

Article 2

The location and reference numbers of the vats concerned, the quantity of alcohol contained in each vat, the alcoholic strength and the characteristics of the alcohol as well as certain specific conditions are given in the Annex hereto.

Article 3

The sales shall take place in accordance with Regulation (EEC) No 377/93, and in particular Articles 10 to 18 and 30 to 38 thereof.

However:

- one half of the performance security shall be released by the intervention agency holding the alcohol on removal of the quantity concerned from the agency's stores when the successful tenderer furnishes proof that that quantity has been placed under customs

supervision in the territory of one of the third countries listed in Article 1 (2),

- the remainder of the performance security shall be released in accordance with Article 34 (3) (b) of Regulation (EEC) No 377/93.

In addition, to be admissible, tenders must indicate the place where end use of the alcohol awarded is to take place and must include an undertaking by the tenderer to the effect that the alcohol will be sent to that destination and used for that purpose. Tenders must also include a statement by the tenderer to the effect that he has binding commitments with an operator in the motor fuel sector in one of the third countries listed in Article 1 (2) who has undertaken to dehydrate the alcohol awarded in one of these countries and to export it for use solely in the motor fuel sector.

Article 4

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, 29 March 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

INDIVIDUAL INVITATION TO TENDER No 119/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
FRANCE	Miroline, Terre Plein Nord, 14600 Honfleur		13 199	35	Raw + 92°
			30 254	35	Raw + 92°
			43 297	35	Raw + 92°
	Longuefuye, 53200 — Longuefuye		13 250	35	Raw + 92°
	Total		100 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in French francs, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 1 (2) of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 100 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 119/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 19 April 1994.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 119/94/EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93 and the final destination of the alcohol awarded, and the statement referring to the engagement of an operator for dehydration and use solely in the motor fuel sector provided for in Article 3 of this Regulation.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

— SAV par délégation de l'Onivins, zone industrielle, avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (tél.: 57 51 03 03; télex: 572 025; télécopie: 57 25 07 25).

This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

At the same time as he provides evidence of the lodging of a performance security of ECU 20 per hectolitre of alcohol at 100 % vol, the successful tenderer will obtain a statement of award from the intervention agency concerned within 20 days of the date of receipt of the Commission's decision awarding the lot in question.

INDIVIDUAL INVITATION TO TENDER No 120/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
SPAIN	Tarancón		1 131	35 + 36	Neutral
	Tarancón		24 797	35 + 36	Neutral
	Tarancón		24 072	35 + 36	Neutral
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 1 (2) of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 120/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 19 April 1994.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 120/94/EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93 and the final destination of the alcohol awarded, and the statement referring to the engagement of an operator for dehydration and use solely in the motor fuel sector provided for in Article 3 of this Regulation.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency :

— SENPA, Beneficencia 8, E-28004 Madrid (tel. : 347 65 00 ; télex : 23427 SENPA ; fax : 521 98 32).

This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

At the same time as he provides evidence of the lodging of a performance security of ECU 20 per hectolitre of alcohol at 100 % vol, the successful tenderer will obtain a statement of award from the intervention agency concerned within 20 days of the date of receipt of the Commission's decision awarding the lot in question.

INDIVIDUAL INVITATION TO TENDER No 121/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
SPAIN	Villarrobledo		46 380	35 + 36	'Destilado'
	Villarrobledo		3 620	39	'Destilado'
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 1 (2) of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must :

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 121/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 19 April 1994.

5. Tenders must state the name and address of the tenderer and must :

- (a) include a reference to individual sale by tender No 121/94/EC ;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol ;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93 and the final destination of the alcohol awarded, and the statement referring to the engagement of an operator for dehydration and use solely in the motor fuel sector provided for in Article 3 of this Regulation.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

— SENPA, Beneficencia 8, E-28004 Madrid (tel.: 347 65 00; télex: 23427 SENPA; fax: 521 98 32).

This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

At the same time as he provides evidence of the lodging of a performance security of ECU 20 per hectolitre of alcohol at 100 % vol, the successful tenderer will obtain a statement of award from the intervention agency concerned within 20 days of the date of receipt of the Commission's decision awarding the lot in question.

INDIVIDUAL INVITATION TO TENDER No 122/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
ITALY	Mazzari SpA		8 000	39	Raw alcohol
	Bonollo SpA		10 000	39	Raw alcohol
	Di Trani SpA		8 500	35	Raw alcohol
	Di Trani SpA		7 000	36	Raw alcohol
	CA.VIRO srl		8 500	35	Raw alcohol
	Rodi srl		4 500	35	Raw alcohol
	Sapis SpA		2 500	39	Raw alcohol
	Bonollo SpA		1 000	35	Raw alcohol
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Italian lire, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 1 (2) of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must :

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 122/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 19 April 1994.

5. Tenders must state the name and address of the tenderer and must :

- (a) include a reference to individual sale by tender No 122/94 EC ;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol ;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93 and the final destination of the alcohol awarded, and the statement referring to the engagement of an operator for dehydration and use solely in the motor fuel sector provided for in Article 3 of this Regulation.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency :

— AIMA, Via Palestro 81, I-00185 Roma (tel.: 47 49 91 ; telex : 62 03 31, 62 02 52, 61 30 03 ; fax : 445 39 40, 495 39 40).

This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

At the same time as he provides evidence of the lodging of a performance security of ECU 20 per hectolitre of alcohol at 100 % vol, the successful tenderer will obtain a statement of award from the intervention agency concerned within 20 days of the date of receipt of the Commission's decision awarding the lot in question.

INDIVIDUAL INVITATION TO TENDER No 123/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
ITALY	Bonollo SpA		4 000	35	Raw alcohol
	Rodi SRL		1 500	36	Raw alcohol
	Di Trami SpA		2 500	39	Raw alcohol
	Bonollo SpA		3 000	36	Raw alcohol
	G. Di Lorenzo SpA		5 000	35	Raw alcohol
	G. De Luca SAS		9 000	35	Raw alcohol
	Meri SRL		15 500	39	Raw alcohol
	Del Salento SpA		5 000	35	Raw alcohol
	Del Sud SpA		2 500	36	Raw alcohol
	F.lli Balice SNC		2 000	36	Raw alcohol
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Italian lire, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 1 (2) of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must :

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 123/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 19 April 1994.
5. Tenders must state the name and address of the tenderer and must :
 - (a) include a reference to individual sale by tender No 123/94 EC ;
 - (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol ;
 - (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93 and the final destination of the alcohol awarded, and the statement referring to the engagement of an operator for dehydration and use solely in the motor fuel sector provided for in Article 3 of this Regulation.
6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency :
 - AIMA, Via Palestro 81, I-00185 Roma (tel. : 47 49 91 ; telex : 62 03 31, 62 02 52, 61 30 03 ; fax : 445 39 40, 495 39 40).

This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

At the same time as he provides evidence of the lodging of a performance security of ECU 20 per hectolitre of alcohol at 100 % vol, the successful tenderer will obtain a statement of award from the intervention agency concerned within 20 days of the date of receipt of the Commission's decision awarding the lot in question.

COMMISSION REGULATION (EC) No 707/94

of 29 March 1994

opening individual sales by invitation to tender for the export of vinous alcohol
held by intervention agencies

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⁾,

Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ⁽³⁾,

Whereas Commission Regulation (EEC) No 377/93 ⁽⁴⁾, as amended by Regulation (EEC) No 2192/93 ⁽⁵⁾, lays down detailed rules for the disposal of alcohol obtained from distillation as provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ;

Whereas, in view of the cost of storing alcohol, individual sales by invitation to tender should be opened for vinous alcohol obtained from distillation as provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Italian, Spanish and French intervention agencies ;

Whereas individual sales by invitation to tender should be organized for the export of alcohol to certain third countries for end use as motor fuel ; whereas these countries should be given an assurance of greater continuity of supply ;

Whereas the invitations to tender opened by this Regulation relate to certain third countries where there is some guarantee that exports of vinous alcohol will not disturb their markets in alcohol and spirituous beverages ; whereas the amount of and detailed rules for the release of the performance security may be adapted accordingly ;

Whereas sales should be organized separately for dispatch to certain countries in Central America and to Caribbean countries covered by the Caribbean Basin Initiative, in particular to take account of certain extra costs resulting from the difference in distance and the possibilities of

securing onward or return freight in the countries concerned by the Caribbean Basin Initiative ;

Whereas Regulation (EEC) No 2192/93 concerning the operative events for the agricultural conversion rates used in the wine sector and amending Regulation (EEC) No 377/93 specifies the agricultural conversion rates to be applied in order to convert the payments and securities provided for in connection with individual invitations to tender into national currency ;

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

1. Five individual sales by invitation to tender Nos 124/94 EC, 125/94 EC, 126/94 EC, 127/94 EC and 128/94 EC shall be held of a total quantity of 300 000 hl of alcohol obtained from distillation as provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Italian, Spanish and French intervention agencies.

The individual invitation to tender No 125/94 EC shall cover 100 000 hl of alcohol at 100 % vol.

Each of the individual invitations to tender Nos 124/94 EC, 126/94 EC, 127/94 EC and 128/94 EC shall cover 50 000 hl of alcohol at 100 % vol.

2. The alcohol offered for sale :

— shall be for export to outside the European Community,

— must be imported into and dehydrated in one of the following third countries :

- St Christopher and Nevis,
- Bahamas,
- Dominican Republic,
- Antigua and Barbuda,
- Dominica,
- British Virgin Islands and Montserrat,
- Jamaica,
- St Lucia,
- St Vincent including the Northern Grenadines,
- Barbados,
- Trinidad and Tobago,

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 39.

⁽³⁾ OJ No L 346, 15. 12. 1988, p. 7.

⁽⁴⁾ OJ No L 43, 20. 2. 1993, p. 6.

⁽⁵⁾ OJ No L 196, 5. 8. 1993, p. 19.

- Grenada, including the Southern Grenadines,
- Aruba,
- Netherlands Antilles: Curaçao, Bonaire, St Eustace, Saba and the southern part of St Martin,
- Guyana,
- Virgin Islands of the United States,
- must be used only as motor fuel.

Article 2

The location and reference numbers of the vats concerned, the quantity of alcohol contained in each vat, the alcoholic strength and the characteristics of the alcohol as well as certain specific conditions are given in the Annex hereto.

Article 3

The sales shall take place in accordance with Regulation (EEC) No 377/93, and in particular Articles 10 to 18 and 30 to 38 thereof.

However:

- one half of the performance security shall be released by the intervention agency holding the alcohol on

removal of the quantity concerned from the agency's stores when the successful tenderer furnishes proof that that quantity has been placed under customs supervision in the territory of one of the third countries listed in Article 1 (2),

- the remainder of the performance security shall be released in accordance with Article 34 (3) (b) of Regulation (EEC) No 377/93.

In addition, to be admissible, tenders must indicate the place where end use of the alcohol awarded is to take place and must include an undertaking by the tenderer to the effect that the alcohol will be sent to that destination and used for that purpose. Tenders must also include a statement by the tenderer to the effect that he has binding commitments with an operator in the motor fuel sector in one of the third countries listed in Article 1 (2) who has undertaken to dehydrate the alcohol awarded in one of these countries and to export it for use solely in the motor fuel sector.

Article 4

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, 29 March 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

INDIVIDUAL INVITATION TO TENDER No 124/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
SPAIN	Tarancon	B-1	24 945	35 and 36	Neutral alcohol
	Tarancon	B-2	25 055	35 and 36	Neutral alcohol
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 1 (2) of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 124/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 19 April 1994.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 124/94 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93 and the final destination of the alcohol awarded, and the statement referring to the engagement of an operator for dehydration and use solely in the motor fuel sector provided for in Article 3 of this Regulation.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency :

— SENPA, Beneficiencia 8, E-28004 Madrid (tel. : 347 65 00 ; telex : 23427 SENPA ; fax : 521 98 32).

This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

At the same time as he provides evidence of the lodging of a performance security of ECU 20 per hectolitre of alcohol at 100 % vol, the successful tenderer will obtain a statement of award from the intervention agency concerned within 20 days of the date of receipt of the Commission's decision awarding the lot in question.

INDIVIDUAL INVITATION TO TENDER No 125/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
ITALY	Bertolino SpA		8 000	35	Raw alcohol
	Bertolino SpA		5 000	36	Raw alcohol
	Bertolino SpA		10 000	39	Raw alcohol
	Enodistil SpA		12 500	39	Raw alcohol
	Gedis SpA		2 500	36	Raw alcohol
	Gedis SpA		7 500	39	Raw alcohol
	Vinum SpA		2 500	36	Raw alcohol
	Vinum SpA		2 500	39	Raw alcohol
	Kronion SRL		3 000	35	Raw alcohol
	Kronion SRL		3 000	39	Raw alcohol
	F. LLI Cipriani SpA		2 000	35	Raw alcohol
	Mazzari SpA		8 000	35	Raw alcohol
	Distercoop Scrl		7 500	39	Raw alcohol
	D'Auria SpA		10 000	39	Raw alcohol
	Villapana SpA		5 000	35	Raw alcohol
	Neri Srl		2 500	35	Raw alcohol
	Ca. Vi. Ro. Scrl		8 500	39	Raw alcohol
	Total		100 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Italian lire, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 1 (2) of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 100 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 125/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.
4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 19 April 1994.
5. Tenders must state the name and address of the tenderer and must :
 - (a) include a reference to individual sale by tender No 125/94 EC ;
 - (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol ;
 - (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93 and the final destination of the alcohol awarded, and the statement referring to the engagement of an operator for dehydration and use solely in the motor fuel sector provided for in Article 3 of this Regulation.
6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency :

— AIMA, Via Palestro 81, I-00185 Roma (tel.: 47 49 91 ; telex: 62 03 31, 62 02 52, 61 30 03 ; fax: 445 39 40, 495 39 40).

This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

At the same time as he provides evidence of the lodging of a performance security of ECU 20 per hectolitre of alcohol at 100 % vol, the successful tenderer will obtain a statement of award from the intervention agency concerned within 20 days of the date of receipt of the Commission's decision awarding the lot in question.

INDIVIDUAL INVITATION TO TENDER No 126/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
SPAIN	Tomelloso	2	9 409	39	Raw alcohol
	Tarancon	A-9	24 731	35 + 36	Neutral alcohol
	Tarancon	B-5	1 577	35 + 36	Neutral alcohol
	Tarancon	C-2	14 283	35 + 36	Neutral alcohol
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 1 (2) of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must :

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 126/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 19 April 1994.

5. Tenders must state the name and address of the tenderer and must :

- (a) include a reference to individual sale by tender No 126/94 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93 and the final destination of the alcohol awarded, and the statement referring to the engagement of an operator for dehydration and use solely in the motor fuel sector provided for in Article 3 of this Regulation.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency :

— SENPA, Beneficiencia 8, E-28004 Madrid (tel. : 347 65 00 ; telex : 23427 SENPA ; fax : 521 98 32).

This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

At the same time as he provides evidence of the lodging of a performance security of ECU 20 per hectolitre of alcohol at 100 % vol, the successful tenderer will obtain a statement of award from the intervention agency concerned within 20 days of the date of receipt of the Commission's decision awarding the lot in question.

INDIVIDUAL INVITATION TO TENDER No 127/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
FRANCE	Longuefuye 53200-Longuefuye		9 011	35	Raw alcohol + 92°
			20 652	35	Raw alcohol + 92°
			9 972	35	Raw alcohol + 92°
			10 365	35	Raw alcohol + 92°
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in French francs, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 1 (2) of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must :

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 127/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 19 April 1994.

5. Tenders must state the name and address of the tenderer and must :

- (a) include a reference to individual sale by tender No 127/94/EC ;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol ;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93 and the final destination of the alcohol awarded, and the statement referring to the engagement of an operator for dehydration and use solely in the motor fuel sector provided for in Article 3 of this Regulation.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency :

- SAV, par délégation de l'Onivins, zone industrielle, avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (tél. : 57 51 03 03 ; télex : 572 025 ; télécopie : 57 25 07 25).

This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

At the same time as he provides evidence of the lodging of a performance security of ECU 20 per hectolitre of alcohol at 100 % vol, the successful tenderer will obtain a statement of award from the intervention agency concerned within 20 days of the date of receipt of the Commission's decision awarding the lot in question.

INDIVIDUAL INVITATION TO TENDER No 128/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
FRANCE	Provence Mazout 43, avenue Georges-Brassens 13230 Port-Saint-Louis-du-Rhône		16 800	35	Raw alcohol + 92°
	Provence Mazout 43, avenue Georges-Brassens 13230 Port-Saint-Louis-du-Rhône		30 630	35	Raw alcohol + 92°
	Verniers Route de Cuxac 11100 Narbonne		2 570	35	Raw alcohol + 92°
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in French francs, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 1 (2) of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 128/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 19 April 1994.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 128/94/EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93 and the final destination of the alcohol awarded, and the statement referring to the engagement of an operator for dehydration and use solely in the motor fuel sector provided for in Article 3 of this Regulation.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency :

— SAV par délégation de l'Onivins, zone industrielle, avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (tél. : 57 51 03 03 ; télex : 572 025 ; télécopie : 57 25 07 25).

This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

At the same time as he provides evidence of the lodging of a performance security of ECU 20 per hectolitre of alcohol at 100 % vol, the successful tenderer will obtain a statement of award from the intervention agency concerned within 20 days of the date of receipt of the Commission's decision awarding the lot in question.

COMMISSION REGULATION (EC) No 708/94

of 29 March 1994

amending Regulation (EEC) No 2444/93 opening a standing invitation to tender
for the sale of Grana padano cheese 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 804/68 of
27 June 1968 on the common organization of the market
in milk and milk products ⁽¹⁾, as last amended by Regula-
tion (EC) No 230/94 ⁽²⁾, and in particular Article 8 (5)
thereof,

Whereas Article 1 of Commission Regulation (EEC) No
2444/93 ⁽³⁾, as last amended by Regulation (EC) No
572/94 ⁽⁴⁾, provides for the sale by intervention to tender
of Grana padano cheese delivered into storage before 1
June 1992; whereas, given the development of stocks of
this cheese and the quantities available, this sale should
be extended to cheese delivered into storage before 1
June 1993; whereas, given the urgent nature of the said
sale as a result of the age of the cheese in question, this
amendment should be applied without delay;

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 June 1992' in Article 1 of Regulation (EEC) No
2444/93 is hereby replaced by '1 June 1993'.

Article 2

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, 29 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 1.

⁽³⁾ OJ No L 224, 3. 9. 1993, p. 9.

⁽⁴⁾ OJ No L 72, 16. 3. 1994, p. 7.

COMMISSION REGULATION (EC) No 709/94
of 29 March 1994
fixing the sluice-gate prices and levies for eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 1574/93⁽²⁾, and in particular Articles 3 and 7 (1) thereof,

Whereas sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2771/75 must be fixed quarterly in advance in accordance with the methods of calculation laid down in Council Regulation (EEC) No 2773/75 of 29 October 1975 laying down rules for calculating the levy and the sluice-gate price for eggs⁽³⁾, as last amended by Regulation (EEC) No 4155/87⁽⁴⁾;

Whereas, since sluice-gate prices and levies for eggs were, by Commission Regulation (EC) No 3587/93⁽⁵⁾, last fixed for the period 1 January to 31 March 1994, they must be fixed anew for the period 1 April to 30 June 1994; whereas such prices and levies should in principle be calculated by reference to feed-grain prices for the period 1 October 1993 to 28 February 1994;

Whereas, when the sluice-gate prices applicable from 1 October, 1 January and 1 April are being fixed, changes in world market prices for feed grain are to be taken into account only if the price of the quantity of feed grain required varies by at least a specified minimum in relation to that used to calculate the sluice-gate price for the preceding quarter; whereas, by Regulation (EEC) No 2773/75, the minimum was set at 3 %;

Whereas the price of the quantity of feed grain required varies by more than 3 % from that used for the preceding quarter; whereas this variation must accordingly be taken into account in fixing sluice-gate prices for the period 1 April to 30 June 1994;

Whereas, when the levies applicable from 1 October, 1 January and 1 April are being fixed, world market prices for feed grain are to be taken into account only if at the same time a new sluice-gate price is fixed;

Whereas, since a new sluice-gate price has been fixed, changes in world market prices for feed grain must be taken into account in fixing the levies;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽⁶⁾, no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas Council Regulations (EC) No 3491/93⁽⁷⁾ and (EC) No 3492/93⁽⁸⁾, on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republics of Hungary and Poland, of the other part, and Council Regulation (EEC) No 520/92 of 27 February 1992 on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part⁽⁹⁾, as amended by Regulation (EEC) No 2235/93⁽¹⁰⁾, and in particular Article 1 thereof, introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 2699/93⁽¹¹⁾, as last amended by Regulation (EC) No 3549/93⁽¹²⁾, lays down detailed rules for applying the arrangements provided for in these agreements as regards eggs;

Whereas the Interim Agreement on trade and trade-related matters between the Community and the Republic of Bulgaria⁽¹³⁾, signed in Brussels on 8 March 1993, entered into force on 31 December 1993; whereas the Interim Agreement on trade and trade-related matters between the Community and Romania⁽¹⁴⁾, signed in Brussels on 1 February 1993, entered into force on 1 May 1993; whereas the said Agreements provide for a reduction in the import levy for certain products in the eggs and poultrymeat sectors within certain quantity limits; whereas Commission Regulation (EC) No 374/94⁽¹⁵⁾ lays down detailed rules for applying the arrangements provided for in these agreements as regards eggs and poultrymeat;

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 152, 24. 6. 1993, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 64.

⁽⁴⁾ OJ No L 392, 31. 12. 1987, p. 29.

⁽⁵⁾ OJ No L 326, 28. 12. 1993, p. 47.

⁽⁶⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽⁷⁾ OJ No L 319, 21. 12. 1993, p. 1.

⁽⁸⁾ OJ No L 319, 21. 12. 1993, p. 4.

⁽⁹⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽¹⁰⁾ OJ No L 200, 10. 8. 1993, p. 5.

⁽¹¹⁾ OJ No L 245, 1. 10. 1993, p. 88.

⁽¹²⁾ OJ No L 324, 24. 12. 1993, p. 8.

⁽¹³⁾ OJ No L 323, 23. 12. 1993, p. 2.

⁽¹⁴⁾ OJ No L 81, 2. 4. 1993, p. 2.

⁽¹⁵⁾ OJ No L 48, 19. 2. 1994, p. 21.

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

HAS ADOPTED THIS REGULATION:

Article 1

The levies provided for in Article 3 of Regulation (EEC) No 2771/75, in respect of the products specified in Article 1 (1) thereof and the sluice-gate prices provided for in Article 7 thereof shall be as set out in the Annex hereto.

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, 29 March 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 29 March 1994 fixing the sluice-gate prices and levies for eggs ⁽¹⁾

CN code	Sluice-gate price	Levy
	ECU/100 units	ECU/100 units
0407 00 11	51,93	11,01 ⁽¹⁾
0407 00 19	11,07	3,30 ⁽¹⁾
	ECU/100 kg	ECU/100 kg
0407 00 30	84,29	28,19 ⁽¹⁾
0408 11 80	409,42	131,93 ⁽¹⁾
0408 19 81	185,10	57,51 ⁽¹⁾
0408 19 89	197,23	61,45 ⁽¹⁾
0408 91 80	343,59	127,42 ⁽¹⁾ ⁽²⁾
0408 99 80	91,01	32,70 ⁽¹⁾ ⁽²⁾

⁽¹⁾ Products falling within this code, imported from Poland, Hungary and the Czech Republic and the Slovak Republic under the Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 2699/93 have been presented, are subject to the levies set out in the Annex to that Regulation.

⁽²⁾ Products falling within this code, imported from the Czech Republic, the Slovak Republic, Romania and Bulgaria under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EC) No 374/94 have been presented, are subject to the levies set out in the Annex to that Regulation.

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

COMMISSION REGULATION (EC) No 710/94

of 29 March 1994

fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin

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

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽¹⁾, as amended by Regulation (EEC) No 4001/87 ⁽²⁾, and in particular Article 2 (2) and the second subparagraph of Article 5 (5) thereof,

Whereas the sluice-gate prices and import duties of the products specified in Article 1 of Regulation (EEC) No 2783/75 must be fixed quarterly in advance in accordance with the methods of calculation laid down in Commission Regulation (EEC) No 1679/90 of 28 June 1990 fixing sluice-gate prices and import duties for ovalbumin and lactalbumin ⁽³⁾;

Whereas, since sluice-gate prices and import duties for ovalbumin and lactalbumin were, by Commission Regulation (EC) No 3588/93 ⁽⁴⁾ last fixed for the period 1 January to 31 March 1994, they must be fixed anew for the period 1 April to 30 June 1994; whereas such prices and duties should be calculated by reference to the sluice-gate price and levy applicable to eggs in shell during the same period;

Whereas these have been fixed by Commission Regulation (EC) No 709/94 of 29 March 1994 fixing the sluice-gate prices and levies for eggs ⁽⁵⁾;

Whereas the sluice-gate price and levy applicable to eggs in shell were modified by the said Regulation; whereas it

is therefore necessary likewise to modify the sluice-gate prices and import duties for ovalbumin and lactalbumin fixed by Regulation (EC) No 3588/93;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community ⁽⁶⁾, no levies shall apply on imports of products originating in the overseas countries and territories;

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

HAS ADOPTED THIS REGULATION:

Article 1

The import duties provided for in Article 2 of Regulation (EEC) No 2783/75, in respect of the products specified in Article 1 thereof and the sluice-gate prices provided for in Article 5 thereof, in respect of the like products, shall be as set out in the Annex.

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, 29 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 104.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 44.

⁽³⁾ OJ No L 157, 22. 6. 1990, p. 16.

⁽⁴⁾ OJ No L 326, 28. 12. 1993, p. 50.

⁽⁵⁾ See page 32 of this Official Journal.

⁽⁶⁾ OJ No L 263, 19. 9. 1991, p. 1.

ANNEX

to the Commission Regulation of 29 March 1994 fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin ⁽¹⁾

CN code	Sluice-gate price	Import duty
	ECU/100 kg	ECU/100 kg
3502 10 91	392,98	114,45
3502 10 99	52,68	15,50
3502 90 51	392,98	114,45
3502 90 59	52,68	15,50

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

COMMISSION REGULATION (EC) No 711/94

of 29 March 1994

fixing the sluice-gate prices and levies for poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

account in fixing sluice-gate prices for the period 1 April to 30 June 1994;

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Regulation (EEC) No 1574/93⁽²⁾, and in particular Articles 3 and 7 (1) thereof,

Whereas the sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2777/75 must be fixed quarterly in advance in accordance with methods of calculation laid down in Council Regulation (EEC) No 2778/75 of 29 October 1975 laying down rules for calculating the levy and the sluice-gate price for poultrymeat⁽³⁾, as last amended by Regulation (EEC) No 3714/92⁽⁴⁾;

Whereas, since the sluice-gate prices and levies for poultrymeat were, by Commission Regulation (EC) No 3586/93⁽⁵⁾, last fixed for the period 1 January to 31 March 1994, they must be fixed anew for the period 1 April to 30 June 1994; whereas such prices and levies should in principle be calculated by reference to feed-grain prices for the period 1 October 1993 to 28 February 1994;

Whereas, when the sluice-gate prices applicable from 1 October, 1 January and 1 April are being fixed, trends in world market prices for feed grain are to be taken into account only if the price of the quantity of feed grain required varies by at least a specified minimum in relation to that used to calculate the sluice-gate price for the preceding quarter; whereas, by Regulation (EEC) No 2778/75, this minimum was set at 3 %;

Whereas the price of the quantity of feed grain required for the production of poultry other than fowls varies by more than 3 % from that used for the preceding quarter; whereas this variation must accordingly be taken into

Whereas, when the levies applicable from 1 October, 1 January and 1 April are being fixed, changes in world market prices for feed grain should be taken into account only if at the same time a new sluice-gate price is fixed;

Whereas, since a new sluice-gate price is to be fixed changes in world market prices for feed grain must be taken into account in fixing the levies;

Whereas, by Council Regulation (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries⁽⁶⁾, as last amended by Regulation (EEC) No 1028/93⁽⁷⁾, and (EEC) No 715/90⁽⁸⁾ on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States), as last amended by Regulation (EEC) No 444/92⁽⁹⁾, special import arrangements were introduced involving a reduction to 50 % in levies within the framework of fixed amounts or annual quotas, in particular for certain poultrymeat products;

Whereas Council Regulation (EEC) No 3833/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain agricultural products originating in developing countries⁽¹⁰⁾, as last amended by Regulation (EEC) No 1028/93, partially or totally suspends Common Tariff duties, in particular on certain poultrymeat products;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹¹⁾, no levies shall apply on imports of products originating in the overseas countries and territories;

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 152, 24. 6. 1993, p. 1.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 84.

⁽⁴⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽⁵⁾ OJ No L 326, 28. 12. 1993, p. 42.

⁽⁶⁾ OJ No L 370, 31. 12. 1990, p. 121.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 1.

⁽⁸⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁹⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽¹⁰⁾ OJ No L 370, 31. 12. 1990, p. 86.

⁽¹¹⁾ OJ No L 263, 19. 9. 1991, p. 1.

Whereas Council Regulations (EC) No 3491/93⁽¹⁾ and (EC) No 3492/93⁽²⁾, on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republics of Hungary and Poland, of the other part, and Council Regulation (EEC) No 520/92 of 27 February 1992 on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part⁽³⁾, as amended by Regulation (EEC) No 2235/93⁽⁴⁾, and in particular Article 1 thereof introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 2699/93⁽⁵⁾, as amended by Regulation (EC) No 3549/93⁽⁶⁾, lays down detailed rules for applying the arrangements provided for in these agreements as regards poultrymeat;

Whereas the Interim Agreement on trade and trade-related matters between the Community and the Republic of Bulgaria⁽⁷⁾, signed in Brussels on 8 March 1993, entered into force on 31 December 1993; whereas the Interim Agreement on trade and trade-related matters between the Community and Romania⁽⁸⁾, signed in Brussels on 1 February 1993, entered into force on 1 May 1993; whereas the said Agreements provide for a reduction in the import levy for certain products in the eggs

and poultrymeat sectors within certain quantity limits; whereas Commission Regulation (EC) No 374/94⁽⁹⁾ lays down detailed rules for applying the arrangements provided for in these agreements as regards eggs and poultrymeat;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The levies provided for in Article 3 of Regulation (EEC) No 2777/75 in respect of the products specified in Article 1 (1) of that Regulation and the sluice-gate prices provided for in Article 7 of that Regulation in respect of the like products shall be fixed in the Annex.

2. However, for products falling within CN codes 0207 31, 0207 39 90, 0207 50, 0210 90 71, 0210 90 79, 1501 00 90, 1602 31, 1602 39 19, 1602 39 30 and 1602 39 90, for which the rate of duty has been bound under GATT, the levies shall be limited to the amount resulting from that binding.

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, 29 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 319, 21. 12. 1993, p. 1.

⁽²⁾ OJ No L 319, 21. 12. 1993, p. 4.

⁽³⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁴⁾ OJ No L 200, 10. 8. 1993, p. 5.

⁽⁵⁾ OJ No L 245, 1. 10. 1993, p. 88.

⁽⁶⁾ OJ No L 324, 24. 12. 1993, p. 8.

⁽⁷⁾ OJ No L 323, 23. 12. 1993, p. 2.

⁽⁸⁾ OJ No L 81, 2. 4. 1993, p. 2.

⁽⁹⁾ OJ No L 48, 19. 2. 1994, p. 21.

ANNEX

to the Commission Regulation of 29 March 1994 fixing the sluice-gate prices and levies for poultrymeat ⁽¹⁾ ⁽²⁾

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 units	ECU/100 units	%
0105 11 11	22,56	5,11	—
0105 11 19	22,56	5,11	—
0105 11 91	22,56	5,11	—
0105 11 99	22,56	5,11	—
0105 19 10	99,70	17,31	—
0105 19 90	22,56	5,11	—
	ECU/100 kg	ECU/100 kg	
0105 91 00	78,61	20,29 (*)	—
0105 99 10	88,74	31,24	—
0105 99 20	114,49	31,75 (*)	—
0105 99 30	103,68	24,18 (*)	—
0105 99 50	120,25	33,16	—
0207 10 11	98,76	25,49 (*)	—
0207 10 15	112,30	28,98 (*)	—
0207 10 19	122,36	31,58 (*) ⁽³⁾	—
0207 10 31	148,12	34,54 (*)	—
0207 10 39	162,37	37,86 (*)	—
0207 10 51	104,40	36,76 (*) ⁽³⁾	—
0207 10 55	126,77	44,63 (*) ⁽³⁾	—
0207 10 59	140,86	49,60 ⁽³⁾ (*) ⁽³⁾	—
0207 10 71	163,56	45,35 (*) ⁽³⁾	—
0207 10 79	154,64	47,90 ⁽³⁾ (*) ⁽³⁾	—
0207 10 90	171,79	47,37	—
0207 21 10	112,30	28,98 (*) ⁽³⁾	—
0207 21 90	122,36	31,58 (*) ⁽³⁾	—
0207 22 10	148,12	34,54 (*)	—
0207 22 90	162,37	37,86 (*)	—
0207 23 11	126,77	44,63 (*) ⁽³⁾	—
0207 23 19	140,86	49,60 ⁽³⁾ (*) ⁽³⁾	—
0207 23 51	163,56	45,35 (*) ⁽³⁾	—
0207 23 59	154,64	47,90 ⁽³⁾ (*) ⁽³⁾	—
0207 23 90	171,79	47,37	—
0207 31 10	1 635,60	453,50	3 ⁽³⁾
0207 31 90	1 635,60	453,50	3 ⁽³⁾
0207 39 11	287,59	84,69 (*)	—
0207 39 13	134,60	34,74 (*)	—
0207 39 15	92,77	26,44 (*)	—
0207 39 17	64,22	18,31 (*)	—
0207 39 21	185,30	47,82 (*)	—
0207 39 23	174,07	44,92 (*)	—

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 kg	ECU/100 kg	%
0207 39 25	285,44	81,36	—
0207 39 27	64,22	18,31 (*)	—
0207 39 31	311,05	72,53 (*)	—
0207 39 33	178,61	41,65 (*)	—
0207 39 35	92,77	26,44 (*)	—
0207 39 37	64,22	18,31 (*)	—
0207 39 41	236,99	55,26 (*)	—
0207 39 43	111,09	25,91 (*)	—
0207 39 45	199,96	46,63 (*)	—
0207 39 47	285,44	81,36 (*)	—
0207 39 51	64,22	18,31 (*)	—
0207 39 53	324,74	100,59 (?) (*) (?)	—
0207 39 55	287,59	84,69 (?) (*) (?)	—
0207 39 57	154,95	54,56	—
0207 39 61	170,10	52,69 (?) (*) (?)	—
0207 39 63	188,97	52,11	—
0207 39 65	92,77	26,44 (?) (*) (?)	—
0207 39 67	64,22	18,31 (?) (*) (?)	—
0207 39 71	231,96	71,85 (?) (*) (?)	—
0207 39 73	185,30	47,82 (?) (*) (?)	—
0207 39 75	224,23	69,46 (?) (*) (?)	—
0207 39 77	174,07	44,92 (?) (*) (?)	—
0207 39 81	196,99	64,78 (?) (*) (?)	—
0207 39 83	285,44	81,36	—
0207 39 85	64,22	18,31 (*) (?)	—
0207 39 90	164,13	46,78	10
0207 41 10	287,59	84,69 (*)	—
0207 41 11	134,60	34,74 (*)	—
0207 41 21	92,77	26,44 (*)	—
0207 41 31	62,22	18,31 (*)	—
0207 41 41	185,30	47,82 (*)	—
0207 41 51	174,07	44,92 (*) (?)	—
0207 41 71	285,44	81,36 (*) (?)	—
0207 41 90	64,22	18,31 (*) (?)	—
0207 42 10	311,05	72,53 (*)	—
0207 42 11	178,61	41,65 (*)	—
0207 42 21	92,77	26,44 (*)	—
0207 42 31	64,22	18,31 (*)	—
0207 42 41	236,99	55,26 (*)	—
0207 42 51	111,09	25,91 (*)	—
0207 42 59	199,96	46,63 (*)	—
0207 42 71	285,44	81,36 (*)	—
0207 42 90	64,22	18,31	—
0207 43 11	324,74	100,59 (?) (*) (?)	—

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 kg	ECU/100 kg	%
0207 43 15	287,59	84,69 ⁽²⁾ ⁽⁴⁾ ⁽⁵⁾	—
0207 43 21	154,95	54,56	—
0207 43 23	170,10	52,69 ⁽²⁾ ⁽⁴⁾ ⁽⁵⁾	—
0207 43 25	188,97	52,11	—
0207 43 31	92,77	26,44 ⁽²⁾ ⁽⁴⁾ ⁽⁵⁾	—
0207 43 41	64,22	18,31 ⁽²⁾ ⁽⁴⁾ ⁽⁵⁾	—
0207 43 51	231,96	71,85 ⁽²⁾ ⁽⁴⁾ ⁽⁵⁾	—
0207 43 53	185,30	47,82 ⁽²⁾ ⁽⁴⁾ ⁽⁵⁾	—
0207 43 61	224,23	69,46 ⁽²⁾ ⁽⁴⁾ ⁽⁵⁾	—
0207 43 63	174,07	44,92 ⁽²⁾ ⁽⁴⁾ ⁽⁵⁾	—
0207 43 71	196,99	64,78 ⁽²⁾ ⁽⁴⁾ ⁽⁵⁾	—
0207 43 81	285,44	81,36	—
0207 43 90	64,22	18,31 ⁽⁴⁾ ⁽⁵⁾	—
0207 50 10	1 635,60	453,50	3 ⁽³⁾
0207 50 90	164,13	46,78	10
0209 00 90	142,72	40,68	—
0210 90 71	1 635,60	453,50	3
0210 90 79	164,13	46,78	10
1501 00 90	171,26	48,82	18
1602 31 11	296,24	69,08	17
1602 31 19	313,98	89,50	17
1602 31 30	171,26	48,82	17
1602 31 90	99,90	28,48	17
1602 39 11	282,76	84,44	—
1602 39 19	313,98	89,50	17
1602 39 30	171,26	48,82	17
1602 39 90	99,90	28,48	17

⁽¹⁾ The levy on products covered by CN codes 0207, 1602 31 and 1602 39 originating in the ACP countries and listed in Article 6 of Regulation (EEC) No 715/90 is reduced by 50 % within the limits of the quotas referred to in that Regulation.

⁽²⁾ The levy on such products originating in the developing countries and listed in the Annex to Regulation (EEC) No 3834/90 is reduced by 50 % within the limits of the fixed amounts referred to in that Annex.

⁽³⁾ The Common Customs Tariff duties on these products originating in the developing countries and listed in Regulation (EEC) No 3833/90 are suspended and no levy is to be collected.

⁽⁴⁾ Products falling within this code, imported from Poland and Hungary under the Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 2699/93 have been presented, are subject to the levies set out in the Annex to that Regulation.

⁽⁵⁾ Products falling within this code, imported from the Czech Republic, the Slovak Republic, Bulgaria and Romania under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR. 1 certificates issued in accordance with Regulation (EC) No 374/94 have been presented, are subject to the levies set out in the Annex to that Regulation.

⁽⁶⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EC) No 712/94

of 29 March 1994

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 327, 27. 11. 1990, p. 4.

⁽⁵⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁶⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽⁷⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁸⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽⁹⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽¹⁰⁾ OJ No L 256, 14. 10. 1993, p. 7.

Whereas Council Regulation (EEC) No 990/93⁽¹⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds,

HAS ADOPTED THIS REGULATION:

Article 1

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

2. For the chemical products listed in the Annex to Regulation (EEC) No 1010/86, the refunds given in the Annex to this Regulation shall be applied on presentation, at the acceptance of the export declaration and the request for obtaining the export refund, of proof that the basic products used in the manufacture of the chemical products to be exported have not benefited from the

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

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

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

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

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

Article 2

This Regulation shall enter into force on 1 April 1994.

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

Done at Brussels, 29 March 1994.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 29 March 1994 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

	— Rate of refund in ECU/100 kg ^(*) —
White sugar :	33,00
Raw sugar :	30,36
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose) :	$33,00^{(*)} \times \frac{S^{(1)}}{100}$ or
	the rate fixed above for 100 kg of white or raw sugar used for the dissolution
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion :	
Molasses :	—
Isoglucose ⁽²⁾ :	33,00 ⁽³⁾

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

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

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

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

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

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

COMMISSION REGULATION (EC) No 713/94

of 29 March 1994

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 1.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 327, 27. 11. 1990, p. 4.

⁽⁵⁾ OJ No L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ No L 138, 31. 5. 1990, p. 8.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁸⁾ OJ No L 273, 5. 11. 1993, p. 7.

⁽⁹⁾ OJ No L 102, 28. 4. 1993, p. 14.

Whereas the Management Committee has fixed the same rates for refunds applicable during the previous month ; whereas a publication mistake occurred for that same month, and that it is therefore necessary to modify the rate of refund of the point a) of CN code 0402 21 19.

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 rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No 3035/80 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex

to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

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

Article 2

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

Article 3

This Regulation shall enter into force on 1 April 1994.

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

Done at Brussels, 29 March 1994.

For the Commission

Martin BANGEMANN

Vice-President

ANNEX

to the Commission Regulation of 29 March 1994 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

(ECU/100 kg)		
CN code	Description	Rate of refund (*)
ex 0402 10 19	Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2):	
	a) On exportation of goods of CN code 3501	—
	b) On exportation of other goods	60,00
ex 0402 21 19	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3):	
	a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported	54,23
	b) On exportation of other goods	110,00
ex 0405 00	Butter, with a fat content by weight of 82 % (PG 6):	
	a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported	31,00
	b) On exportation of goods of CN code 2106 90 99 containing 40 % or more by weight of milk fat	166,00
	c) On exportation of other goods	160,00

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

COMMISSION REGULATION (EC) No 714/94
of 29 March 1994
fixing the export refunds on eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 1574/93⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Whereas Article 9 of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 2774/75⁽³⁾ lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas the present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the egg sector;

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

convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾, as amended by Regulation (EC) No 547/94⁽⁸⁾;

Whereas it follows from applying these rules and criteria to the present situation on the market in eggs that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

Whereas Commission Regulation (EEC) No 3846/87 of 17 December 1987, establishing an agricultural product nomenclature for export refunds on eggs⁽⁹⁾ as last amended by Regulation (EC) No 3567/93⁽¹⁰⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of codes of products for which, when they are exported, the export refund referred to in Article 9 of Regulation (EEC) No 2771/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1994.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 152, 24. 6. 1993, p. 1.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 68.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 69, 12. 3. 1994, p. 1.

⁽⁹⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽¹⁰⁾ OJ No L 327, 28. 12. 1993, p. 1.

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

Done at Brussels, 29 March 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 29 March 1994 fixing the export refunds on eggs

Product code	Destination ⁽¹⁾	Amount of refund ⁽²⁾
		ECU/100 units
0407 00 11 000	02	4,00
0407 00 19 000	05	3,00
	06	2,00
		ECU/100 kg
0407 00 30 000	03	21,00
	04	12,00
0408 11 80 100	01	60,00
0408 19 81 100	01	26,00
0408 19 89 100	01	28,00
0408 91 80 100	01	58,00
0408 99 80 100	01	10,00

⁽¹⁾ The destinations are as follows :

- 01 All destinations,
- 02 All destinations except the United States of America,
- 03 Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, the Republic of Yemen, and Hong Kong,
- 04 All destinations except those of 03,
- 05 Saudi Arabia, Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, the Republic of Yemen and Iran,
- 06 All destinations except the United States of America and those of 05 above.

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

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

COMMISSION REGULATION (EC) No 715/94

of 29 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⁾, amended by Regulation (EC) No 3528/93⁽⁴⁾,

Whereas the first subparagraph of Article 10(1) of Regulation (EEC) No 1766/92 provides that a levy must be charged on imports of the products listed in Article 1(1)(a)(b) and (c) of that Regulation and that, except for malt, the levy is equal to the threshold price less the cif price; whereas the levy applying to rye is charged in the case of triticale;

Whereas, the threshold prices for cereals, wheat and rye flours, and wheat groats and meal, are fixed for the 1993/94, marketing year by Council Regulations (EEC) No 1766/92, (EEC) No 1542/93⁽⁵⁾, and Commission Regulations (EEC) No 1580/93⁽⁶⁾, (EEC) No 1581/93⁽⁷⁾ and (EEC) No 1709/93⁽⁸⁾;

Whereas, for the purpose of calculating the cif prices used to determine the levies, the Commission must take into account the factors indicated in Commission Regulation No 1621/93⁽⁹⁾ and in particular the most favourable purchasing opportunities on the world market which are sufficiently representative of the real market trend account being taken in particular of both the need to prevent sudden variations likely to cause abnormal disturbances on the Community market and of the quality of the goods offered, whether this quality corresponds to the standard quality laid down by Regulation (EEC) No 1580/93, or whether adjustments need to be made by

applying the coefficients of equivalence provided for in Regulation (EEC) No 1621/93;

Whereas, where information or quotations are unavailable, the cif price for certain flours may be determined by applying a coefficient to the cif price of the basic cereal; whereas this coefficient is fixed in Article 2 of Regulation (EEC) No 1621/93;

Whereas the cif price is calculated for Rotterdam on the basis of the abovementioned elements, offers for other ports being adjusted, account being taken of the corrections necessitated by the differences in transport charges in relation to Rotterdam;

Whereas the cif price remains unchanged where data are lacking or under the conditions laid down in Article 1(3) of Regulation (EEC) No 1621/93;

Whereas in the case of malt the levy is made up of a variable component and a fixed component; whereas the fixed component is determined in the second subparagraph of Article 3 of Regulation (EEC) No 1621/93; whereas the variable component is fixed, in accordance with Article 11(1) A of Regulation (EEC) No 1766/92, account being taken of the quantity of basic cereal required to manufacture malt; whereas to this end Article 3 of Regulation (EEC) No 1621/93 fixes the coefficients applying to the levies for basic cereals;

Whereas Council Regulations (EC) No 3491/93⁽¹⁰⁾ and (EC) No 3492/93⁽¹¹⁾, on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republics of Hungary and Poland, of the other part, and Council Regulation (EEC) No 520/92 of 27 February 1992 on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part⁽¹²⁾, as amended by Regulation (EEC) No 2235/93⁽¹³⁾, and in particular Article 1 thereof introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EC) No 121/94⁽¹⁴⁾, lays down detailed rules for applying the arrangements provided for in these agreements as regards cereals;

⁽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 154, 25. 6. 1993, p. 3.

⁽⁶⁾ OJ No L 152, 24. 6. 1993, p. 14.

⁽⁷⁾ OJ No L 152, 24. 6. 1993, p. 16.

⁽⁸⁾ OJ No L 159, 1. 7. 1993, p. 80.

⁽⁹⁾ OJ No L 155, 26. 6. 1993, p. 36.

⁽¹⁰⁾ OJ No L 319, 21. 12. 1993, p. 1.

⁽¹¹⁾ OJ No L 319, 21. 12. 1993, p. 4.

⁽¹²⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽¹³⁾ OJ No L 200, 10. 8. 1993, p. 5.

⁽¹⁴⁾ OJ No L 21, 26. 1. 1994, p. 3.

Whereas the Interim Agreement on trade and trade-related matters between the Community and the Republic of Bulgaria ⁽¹⁾, signed in Brussels on 8 March 1993, entered into force on 31 December 1993; whereas the Interim Agreement on trade and trade-related matters between the Community and Romania ⁽²⁾, signed in Brussels on 1 February 1993, entered into force on 1 May 1993; whereas the said Agreements provide for a reduction in the import levy for certain products; whereas Commission Regulation (EC) No 335/94 ⁽³⁾ lays down detailed rules for applying the arrangements provided for in these agreements as regards cereals;

Whereas Council Regulation (EEC) No 715/90 ⁽⁴⁾, as last amended by Regulation (EC) No 235/94 ⁽⁵⁾, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community ⁽⁶⁾, no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas the representative market rates defined in Article 1 of Regulation (EEC) No 3813/92 are used for converting the amount expressed in the currency of third countries and are the basis for calculating the agricultural conversion rates of the Member States' currencies; whereas the

detailed rules for determining and applying the said conversions are laid down in Commission Regulation (EEC) No 1068/93 ⁽⁷⁾, as amended by Regulation (EC) No 547/94 ⁽⁸⁾;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 28 March 1994 as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying all the provisions of the abovementioned Regulations that the levies should be fixed in accordance with the Annex to this Regulation; whereas the levy is altered only where the calculation results in a variation of ECU 1,00 or more per tonne compared to the levy previously set,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on 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 30 March 1994.

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

Done at Brussels, 29 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 323, 23. 12. 1993, p. 2.

⁽²⁾ OJ No L 81, 2. 4. 1993, p. 2.

⁽³⁾ OJ No L 43, 16. 2. 1994, p. 4.

⁽⁴⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁵⁾ OJ No L 30, 3. 2. 1994, p. 12.

⁽⁶⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 69, 12. 3. 1994, p. 1.

ANNEX

to the Commission Regulation of 29 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	95,10 ⁽²⁾ ⁽³⁾
0712 90 19	95,10 ⁽²⁾ ⁽³⁾
1001 10 00	5,07 ⁽¹⁾ ⁽⁴⁾
1001 90 91	97,37
1001 90 99	97,37 ⁽⁵⁾
1002 00 00	119,20 ⁽⁶⁾
1003 00 10	122,80
1003 00 90	122,80 ⁽⁷⁾
1004 00 00	98,19
1005 10 90	95,10 ⁽²⁾ ⁽³⁾
1005 90 00	95,10 ⁽²⁾ ⁽³⁾
1007 00 90	102,93 ⁽⁴⁾
1008 10 00	33,59 ⁽⁸⁾
1008 20 00	48,05 ⁽⁴⁾ ⁽⁹⁾
1008 30 00	0 ⁽²⁾
1008 90 10	(7)
1008 90 90	0
1101 00 00	175,19 ⁽²⁾
1102 10 00	205,10
1103 11 10	41,41
1103 11 90	198,82
1107 10 11	184,20
1107 10 19	140,38
1107 10 91	229,46 ⁽¹⁰⁾
1107 10 99	174,20 ⁽²⁾
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 or Hungary under the Agreements concluded between those countries and the Community and under the Interim Agreement between the Czech Republic, the Slovak Republic, Bulgaria and Romania and the Community and in respect of which EUR.1 certificates issued in accordance with Regulation (EC) No 121/94 or (EC) No 335/94 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 716/94**of 29 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 28

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 30 March 1994.

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

Done at Brussels, 29 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 29 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	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0
1102 10 00	0	0	0	0
1103 11 10	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

(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 717/94

of 29 March 1994

fixing the import levies on compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as amended by Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 11 (3) thereof,

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

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

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

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽⁶⁾, no levies shall apply on imports of products originating in the overseas countries and territories;

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

Whereas equally account must be taken of Council Regulation (EC) No 3641/93 of 20 December 1993, on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and Bulgaria, of the other part⁽⁹⁾; whereas Commission Regulation (EC) No 623/94⁽¹⁰⁾, for the importation of products falling within CN codes 2309 90 31 and 2309 90 41 originating in Bulgaria;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽¹¹⁾, as amended by Regulation (EC) No 3528/93⁽¹²⁾, 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⁽¹³⁾, as amended by Regulation (EC) No 547/94⁽¹⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 April 1994.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 155, 26. 6. 1993, p. 24.

⁽⁴⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁵⁾ OJ No L 30, 3. 2. 1994, p. 12.

⁽⁶⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽⁷⁾ OJ No L 109, 1. 5. 1993, p. 1.

⁽⁸⁾ OJ No L 129, 27. 5. 1993, p. 14.

⁽⁹⁾ OJ No L 333, 31. 12. 1993, p. 16.

⁽¹⁰⁾ OJ No L 78, 22. 3. 1994, p. 7.

⁽¹¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

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

⁽¹³⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹⁴⁾ 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, 29 March 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 29 March 1994 fixing the import levies on compound feedingstuffs

(ECU / tonne)

CN code	Levies (1)	
	ACP	Third countries (other than ACP)
2309 10 11	14,73	25,61 ⁽²⁾
2309 10 13	587,83	598,71 ⁽²⁾
2309 10 31	46,04	56,92 ^{(2) (3)}
2309 10 33	619,14	630,02 ⁽²⁾
2309 10 51	92,07	102,95 ⁽²⁾
2309 10 53	665,17	676,05 ⁽²⁾
2309 90 31	14,73	25,61
2309 90 33	587,83	598,71
2309 90 41	46,04	56,92 ⁽³⁾
2309 90 43	619,14	630,02
2309 90 51	92,07	102,95
2309 90 53	665,17	676,05

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

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

(3) The levy may be reduced in accordance with the Agreement between the Community and Bulgaria (OJ No L 333, 31. 12. 1993, p. 16) and Regulation (EC) No 623/94 (OJ No L 78, 22. 3. 1994, p. 7).

COMMISSION REGULATION (EC) No 718/94

of 29 March 1994

fixing the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 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,

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

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

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

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

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

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

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

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 154, 25. 6. 1993, p. 5.

⁽⁵⁾ OJ No L 155, 26. 6. 1993, p. 29.

⁽⁶⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁷⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁸⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁹⁾ OJ No L 30, 3. 2. 1994, p. 12.

⁽¹⁰⁾ OJ No L 356, 24. 12. 1991, p. 1.

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

⁽¹²⁾ OJ No L 263, 19. 9. 1991, p. 1.

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

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

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

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as

amended by Regulation (EC) No 3528/93⁽⁶⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾, as amended by Regulation (EC) No 547/94⁽⁸⁾,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 April 1994.

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

Done at Brussels, 29 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽²⁾ OJ No L 394, 31. 12. 1992, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽⁴⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 69, 12. 3. 1994, p. 1.

ANNEX

to the Commission Regulation of 29 March 1994 fixing the import levies on products
processed from cereals and rice

(ECU/tonne)			(ECU/tonne)		
CN code	Import levies (°)		CN code	Import levies (°)	
	ACP	Third countries (other than ACP)		ACP	Third countries (other than ACP)
0714 10 10 (1)	120,03	126,68	1104 22 90	100,08	103,10
0714 10 91	123,66 (2) (°)	123,66	1104 23 10	147,31	150,33
0714 10 99	121,85	126,68	1104 23 30	147,31	150,33
0714 90 11	123,66 (2) (°)	123,66	1104 23 90	93,91	96,93
0714 90 19	121,85 (2)	126,68	1104 29 11	132,18	135,20
1102 20 10	165,73	171,77	1104 29 15	159,64	162,66
1102 20 90	93,91	96,93	1104 29 19	163,34	166,36
1102 30 00	118,18	121,20	1104 29 31	159,01	162,03
1102 90 10	222,59	228,63	1104 29 35	192,05	195,07
1102 90 30	176,62	182,66	1104 29 39	163,34	166,36
1102 90 90	104,13	107,15	1104 29 91	101,37	104,39
1103 12 00	176,62	182,66	1104 29 95	122,43	125,45
1103 13 10	165,73	171,77	1104 29 99	104,13	107,15
1103 13 90	93,91	96,93	1104 30 10	74,54	80,58
1103 14 00	118,18	121,20	1104 30 90	69,05	75,09
1103 19 10	216,05	222,09	1106 20 10	120,03 (2)	126,68
1103 19 30	222,59	228,63	1106 20 90	144,60 (2)	168,78
1103 19 90	104,13	107,15	1108 11 00	218,64	239,19
1103 21 00	178,88	184,92	1108 12 00	148,23	168,78
1103 29 10	216,05	222,09	1108 13 00	148,23	168,78 (2)
1103 29 20	222,59	228,63	1108 14 00	74,11	168,78
1103 29 30	176,62	182,66	1108 19 10	169,46	200,29
1103 29 40	165,73	171,77	1108 19 90	74,11 (2)	168,78
1103 29 50	118,18	121,20	1109 00 00	397,52	578,86
1103 29 90	104,13	107,15	1702 30 51	193,35	290,07
1104 11 10	126,13	129,15	1702 30 59	148,23	214,72
1104 11 90	247,32	253,36	1702 30 91	193,35	290,07
1104 12 10	100,08	103,10	1702 30 99	148,23	214,72
1104 12 90	196,24	202,28	1702 40 90	148,23	214,72
1104 19 10	178,88	184,92	1702 90 50	148,23	214,72
1104 19 30	216,05	222,09	1702 90 75	202,55	299,27
1104 19 50	165,73	171,77	1702 90 79	140,87	207,36
1104 19 91	200,68	206,72	2106 90 55	148,23	214,72
1104 19 99	183,76	189,80	2302 10 10	44,12	50,12
1104 21 10	197,86	200,88	2302 10 90	94,53	100,53
1104 21 30	197,86	200,88	2302 20 10	44,12	50,12
1104 21 50	309,15	315,19	2302 20 90	94,53	100,53
1104 21 90	126,13	129,15	2302 30 10	44,12 (°)	50,12
1104 22 10 10 (3)	100,08	103,10	2302 30 90	94,53 (°)	100,53
1104 22 10 90 (4)	176,62	179,64	2302 40 10	44,12	50,12
1104 22 30	176,62	179,64	2302 40 90	94,53	100,53
1104 22 50	156,99	160,01	2303 10 11	184,14	365,48

-
- (¹) 6 % *ad valorem*, subject to certain conditions.
- (²) In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States :
- products falling within CN code ex 0714 10 91,
 - products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
 - flours and meal of arrow-root falling within CN code 1106 20,
 - arrow-root starch falling within CN code 1108 19 90.
- (³) Taric code : clipped oats.
- (⁴) Taric code : CN code 1104 22 10, other than 'clipped oats'.
- (⁵) Pursuant to Regulation (EEC) No 3834/90, the levy on importation into the Community of products of CN code 1108 13 00 is reduced by 50 % within the limit of a fixed quantity of 5 000 tonnes.
- (⁶) In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments originating in the African, Caribbean and Pacific States.
- (⁷) No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.
- (⁸) Under the terms of Regulation (EEC) No 3763/91 the levy does not apply to wheat bran originating in the African, Caribbean and Pacific States (ACP) and directly imported into the French department of Réunion.
-

II

(Acts whose publication is not obligatory)

EUROPEAN ECONOMIC AREA

THE EEA JOINT COMMITTEE

DECISION OF THE EEA JOINT COMMITTEE

No 1/94

of 8 February 1994

adopting the rules of procedure of the EEA Joint Committee

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as the Agreement, and in particular Article 92 (3) thereof,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Contracting Parties shall designate their representatives in the EEA Joint Committee. A member of the EEA Joint Committee who is prevented from attending a meeting may arrange to be represented.
2. The representatives of the Contracting Parties may be accompanied by officials who assist them. The number of such officials may be decided upon by the EEA Joint Committee.
3. A representatives of the EFTA Surveillance Authority shall be invited to take part in meetings of the EEA Joint Committee as an observer. The EEA Joint Committee may, however, decide to deliberate without the presence of the representative of the EFTA Surveillance Authority.

A representative of the European Investment Bank shall be invited to attend meetings of the EEA Joint Committee as an observer in accordance with Article 6 of Protocol 38 to the Agreement.

The EEA Joint Committee can decide to admit other persons to its meetings as observers.

4. Meetings of the EEA Joint Committee shall not be public unless the Committee decides otherwise.

Article 2

A request by a Contracting Party for a meeting shall be addressed to the President. The President shall convene a meeting of the EEA Joint Committee without delay, in urgent circumstances within five days of receipt of a request for a meeting, unless otherwise agreed with the requesting Contracting Party.

Article 3

1. The President shall draw up a provisional agenda for each meeting. The invitation for the meeting and the provisional agenda shall be forwarded to the addressees referred to in Article 12 not later than seven days before the meeting. The provisional agenda shall be accompanied by all necessary working documents.
2. The time limit laid down in paragraph 1 shall not apply with regard to urgency meetings convened in accordance with Article 2.
3. The agenda shall be adopted by the EEA Joint Committee at the beginning of each meeting. The EEA Joint Committee may decide to include in the agenda an item which does not appear on the provisional agenda. An item for which a meeting has been requested in accordance with Article 2 shall be put on the agenda.

Article 4

In respect of urgent matters and subject to the agreement of the Contracting Parties decisions may be taken by written procedure.

Article 5

1. Draft minutes of each meeting of the EEA Joint Committee shall be drawn up within three days under the responsibility of the President.

2. The minutes shall, as a general rule, indicate in respect of each item on the agenda:

- the documents submitted to the EEA Joint Committee,
- statements, the entry of which has been requested by a Contracting Party,
- the decisions taken, the statements agreed upon or the conclusions reached by the EEA Joint Committee.

3. The texts of the decisions adopted by the EEA Joint Committee shall be annexed to the minutes.

4. The draft minutes shall be submitted to the EEA Joint Committee for approval.

5. The approved minutes shall be signed by the President-in-Office at the time of the approval and by the two Secretaries and shall be forwarded to the addresses referred to in Article 12.

Article 6

1. Decisions of the EEA Joint Committee amending Annexes or Protocols to the Agreement shall be adopted in the languages of the Agreement. These decisions are equally authentic in all those languages.

2. The texts of the Community acts to be integrated into Annexes to the Agreement in accordance with Article 102 (1) are equally authentic in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages as published in the *Official Journal of the European Communities*. They shall be drawn up in the Finnish, Icelandic, Norwegian and Swedish languages and shall be authenticated by the EEA Joint Committee together with the relevant decisions referred to in paragraph 1.

Article 7

Decisions adopted by the EEA Joint Committee shall be signed by the President-in-Office at the time of their adoption and by the two Secretaries of the EEA Joint Committee.

Article 8

1. Decisions of the EEA Joint Committee shall be entitled 'Decision' followed by a serial number, by the

date of their adoption and by a reference to their subject matter.

2. Decisions shall be divided into articles.

3. Each decision shall commence with a preamble and shall end with the words 'Done at ... (date)', the date being that on which it is adopted by the EEA Joint Committee.

4. Without prejudice to the procedures provided for in Article 103 of the Agreement, Decisions shall contain the date of their entry into force.

Article 9

Decisions of the EEA Joint Committee amending an Annex or Protocol 47 to the Agreement shall be taken separately in relation to each individual Community act to be introduced into the Agreement unless otherwise agreed.

Article 10

Copies of all decisions shall be transmitted by the President to the addressees referred to in Article 12.

Article 11

1. Decisions of the EEA Joint Committee amending Annexes or Protocols to the Agreement shall be published in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages in the EEA Section of the *Official Journal of the European Communities* and in the Finnish, Icelandic, Norwegian and Swedish languages in the EEA Supplement thereto.

2. The EEA Joint Committee shall decide whether other decisions shall be published.

Article 12

1. All communications from the President in accordance with these rules shall be addressed to the EC Commission, the Permanent Representations of the Member States to the European Communities.

2. Correspondance for the EEA Joint Committee shall be addressed to its President.

Article 13

1. During the information and consultation process the EC Commission shall transmit the relevant information to the EFTA States.

2. The EFTA States concerned shall inform the other Contracting Parties in the EEA Joint Committee as soon as possible after the receipt of any proposal as referred to in Article 99 (2) of the Agreement if the procedure pursuant to Article 103 thereof is likely to apply to a new legislative act.

Article 14

Once a legislative act on an issue which is governed by the Agreement has been adopted by the Community, the Community shall immediately transmit to the EFTA States the definitive versions of the act and shall request the President to put this act on the agenda of the following meeting of the EEA Joint Committee with a view to its integration into the Agreement. The date of this meeting shall be considered the date of referral to the EEA Joint Committee within the meeting of Article 102 (4) of the Agreement.

Article 15

1. The EEA Joint Committee shall be assisted by five permanent subcommittees which shall be responsible for the following subjects matters :

- (a) free movement of goods, competition, State aid, State monopolies of a commercial character, intellectual property and procurement ;
- (b) free movement of capital and services ;
- (c) free movement of persons ;
- (d) flanking and horizontal policies such as research and development, social policy, environment, statistics, education, consumer protection, small and medium-sized enterprises, tourism, audiovisual sector and civil protection ;
- (e) legal and institutional matters.

2. The subcommittees referred to in paragraph 1 shall prepare the decisions to be adopted by the EEA Joint Committee. They shall carry out any other task delegated to them by the EEA Joint Committee.

3. Consultations shall take place within these subcommittees unless a Contracting Party requests consultations within the EEA Joint Committee.

4. The subcommittees shall report to the EEA Joint Committee.

Article 16

1. The subcommittees shall consist of the representatives of the Contracting Parties.

2. The subcommittees shall be chaired alternately every six months by a representative of the EC Commission and by a representative of one of the EFTA States.

Article 17

1. The EEA Joint Committee may decide to establish working groups for individual tasks. A working group shall report to the subcommittee referred to in Article 15

(1) to which it has been designated by the EEA Joint Committee.

2. Article 16 shall apply *mutatis mutandis*.

Article 18

All secretarial functions for the EEA Joint Committee, the subcommittees and the working groups shall fall within the responsibility of the President-in-Office.

Article 19

An official of the EC Commission and an official nominated by the EFTA States shall act jointly as the Secretaries of the EEA Joint Committee. They shall be appointed by Decision of the EEA Joint Committee.

Article 20

Without prejudice to other applicable provisions, the deliberations of the EEA Joint Committee, its subcommittees and working groups shall be covered by the obligation of professional secrecy, except in so far as the EEA Joint Committee decides otherwise.

Article 21

1. The EEA Joint Committee shall approve the annual report provided for in Article 94 (4) of the Agreement before 1 July of each year.

2. The annual report shall be drafted alternately by the EC Commission and by the EFTA States. It shall be submitted to the EEA Joint Committee before 1 April.

3. The annual report shall be published.

Article 22

A list of judgments of the Court of Justice of the European Communities and of the EFTA Court which have been transmitted to the EEA Joint Committee in accordance with Article 105 (2) of the Agreement shall be sent to the addressees referred to in Article 12 together with the invitation and the provisional agenda for the following meeting of the EEA Joint Committee. This list shall be annexed to the minutes of the meeting, for information purposes.

Article 23

In case of a dispute concerning the interpretation or application of the Agreement, the date of referral to the EEA Joint Committee, as provided for in Article 111 (3) first sentence and Article 111 (4) first sentence, shall be the date of the meeting of the EEA Joint Committee when the dispute was put for the first time on its agenda on the initiative of the Community or of an EFTA State.

Article 24

1. The EEA Joint Committee shall, before the end of 1994, decide upon seven persons to be included in the list of umpires as provided for in Protocol 33 to the Agreement.

2. The list of umpires shall be subject to review every third year.

Article 25

This Decision shall take effect on the date of its adoption.

Article 26

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 8 February 1994

By the EEA Joint Committee

The President

N. VAN DER PAS

DECISION OF THE EEA JOINT COMMITTEE

No 2/94

of 8 February 1994

amending Protocol 1 to the EEA Agreement, on horizontal adaptations

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as the Agreement, and in particular Article 98 thereof,

Whereas the EFTA arrangements concerned with the passing on of information from the EFTA States to the EFTA Surveillance Authority and the EFTA Standing Committee, as laid down in paragraph 4 (a) of Protocol 1 to the Agreement, should be simplified,

HAS DECIDED AS FOLLOWS:

Article 1

Paragraph 4 (a) of Protocol 1 to the Agreement shall be replaced by the following:

- (a) Where an EC Member State is to submit information to the EC Commission, an EFTA State shall submit such information to the EFTA Surveillance Authority which shall pass it on to the Standing Committee on the EFTA States. The same shall apply when the transmission of information is to

be carried out by the competent authorities. The EC Commission and the EFTA Surveillance Authority shall exchange information they have received from the EC Member States or from the EFTA States or from the competent authorities.'

Article 2

This Decision shall enter into force on 1 July 1994, provided that all the notifications required under Article 103 (1) of the Agreement have been made on the EEA Joint Committee.

Article 3

This Decision shall be published in the EEA Section of, and the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 8 February 1994

By the EEA Joint Committee

The President

N. VAN DER PAS

DECISION OF THE EEA JOINT COMMITTEE

No 3/94

of 8 February 1994

amending Protocol 21 to the EEA Agreement, on the implementation of competition rules applicable to undertakings

THE EEA JOINT COMMITTEE,

Having regard to the Agreement of the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as the Agreement, and in particular Article 98 thereof,

Whereas the list contained in Article 3 (1) of Protocol 21 to the Agreement reflects the general state of Community law in this field; whereas Council Regulation (EEC) No 2410/92 of 23 July 1992 amending Regulation (EEC) No 3975/87 laying down the procedure for the application of the rules on competition to undertakings in the air transport sector⁽¹⁾, should therefore be included in that list,

HAS DECIDED AS FOLLOWS:

Article 1

In Article 3 (1) of Protocol 21 to the Agreement the following shall be inserted in point 13 (Council Regulation (EEC) No 3975/87) after the indent referring to Council Regulation (EEC) No 1284/91:

— 392 R 2410: Council Regulation (EEC) No 2410/92 of 23 July 1992 (OJ No L 240, 24. 8. 1992, p. 18).'

Article 2

This Decision shall enter into force on 1 July 1994, provided that all the notifications required under Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 3

This Decision shall be published in the EEA Section of, and the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 8 February 1994

*By the EEC Joint Committee**The President*

N. VAN DER PAS

⁽¹⁾ OJ No L 240, 24. 8. 1992, p. 18.

DECISION OF THE EEA JOINT COMMITTEE

No 4/94

of 8 February 1994

amending Protocol 30 to the EEA Agreement, on cooperation in the field of statistics

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as the Agreement, and in particular Article 98 thereof,

Whereas in order to ensure the feasibility, consistency and comparability of all the statistical information required, Protocol 30 to the Agreement provides for participation by the EFTA States in Community actions in the field of statistics ;

Whereas the financial and administrative provisions of Protocol 30 should be updated to provide for a joint EEA Statistical Programme ;

Whereas the EEA Statistical Programme should be based on the European Communities' Framework Programme for priority actions in the field of statistical information 1993 to 1997 and should include those programme elements which are necessary for describing and monitoring all relevant economic, social and environmental aspects of the EEA ;

Whereas the specific actions of the EEA Statistical Programme should be carried out with particular attention to minimising the burden on respondents in answering statistical questionnaires, to the cost of data gathering and with strict adherence to the principle of statistical confidentiality,

HAS DECIDED AS FOLLOWS :

Article 1

Protocol 30 to the Agreement shall be amended as set out in Articles 2 to 7 hereof.

Article 2

Paragraph 2 shall be replaced by the following :

'2. The EFTA States shall, from 1 January 1994, participate within the framework of plans for priority actions in the field of statistical information. In particular, an EEA Statistical Programme shall be established as a subset of the EC Statistical Programme set up under the Council Decision to which reference is made in paragraph 9. The EEA Statistical Programme shall be the framework within which all the EEA

statistical activities are carried out. The elements of the EEA Statistical Programme are listed in the Appendix.

Each year, the Conference to which reference is made in paragraph 1 shall draw up the guidelines for the implementation of the EEA Statistical Programme in the following year. These guidelines shall be established in parallel with the annual guidelines for implementing the Community Statistical Programme according to Article 3 of the Council Decision referred to in paragraph 9.

The Conference shall, as necessary, propose the EEA Joint Committee items to be added or deleted from the list contained in the Appendix.'

Article 3

The following shall be added as a new paragraph 3 :

'3. The EFTA States shall participate fully in the EC Committees which assist the EC Commission in the management or development of the actions referred to in paragraph 2 in so far as the subjects dealt with are covered by the Agreement.'

Article 4

Former paragraphs 3, 4 and 6 shall be combined to become three subparagraphs of a new paragraph 4.

Article 5

Paragraph 5 shall be replaced by the following :

'5. From 1 January 1994, the EFTA States shall contribute financially to actions included in the EEA Statistical Programme in accordance with Article 82 (1) (a) of the Agreement and the financial regulations thereto.

The EFTA States shall defray the additional cost incurred by Eurostat for storing, processing and disseminating data from their countries according to the provisions of the Agreement. The amounts involved shall be fixed periodically by the EEA Joint Committee.

The EFTA States shall contribute financially to the Community's overhead costs other than those incurred for storing, disseminating or processing data in accordance with Article 82 (1) (b) of the Agreement.'

Article 6

The following shall be added as new paragraphs 6, 7, 8 and 9 :

'6. The EFTA States shall be included in the statistical activities covered by the EEA Statistical Programme to the same extent as EC Member States in accordance with the provisions of the Agreement.

7. Responsibility for implementing the specific statistical actions in the EFTA States shall lie with the national statistical authorities ; implementing procedures shall take account of the organization of each EFTA State's official statistics.

Where implementation measures for EC Member States, based on Article 4 (c) of the Council Decision referred to in paragraph 9, imply the transmission of available data or other available information concerning activities covered by the EEA Statistical Programme to the Commission, they shall also apply to EFTA States in accordance with paragraph 4.

8. At the request of the EEA Joint Committee, and at all events in the third year of cooperation and again at the end of the period covered by the EEA Statistical Programme, the Conference to which reference is made in paragraph 1 shall examine the progress made. In particular, it shall assess whether the objectives, priorities and actions planned during the period have been achieved and shall submit a report for the approval of the EEA Joint Committee.

9. The following Community act is the object of this Protocol :

393 D 0464 : Council Decision 93/464/EEC of 22 July 1993 on the framework programme for priority actions in the field of statistical information 1993 to 1997 (OJ No L 219, 28. 8. 1993, p. 1).'

Article 7

An Appendix shall be added as set out in the Annex hereto.

Article 8

This Decision shall enter into force on 1 May 1994, provided that all the notifications required under Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 9

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 8 February 1994

By the EEA Joint Committee

The President

N. VAN DER PAS

*ANNEX**Appendix***List of programme elements of the EEA statistical programme**

Standardization and new EDP methods
Architecture of the European statistical information system
NSI network
General digests
Gross national product
European system of integrated economic accounts (ESA)
Current methodological questions in national accounts
Development of balance sheets
Green national accounts

National accounts aggregates
Quarterly national accounts
Accounts of general government
Accounts of other institutional sectors
Accounts of branch — structural database
Input-output tables
Capital stocks

Methodology of purchasing power parities
Price surveys of capital goods
Methodology and harmonization of consumer price indices
Production of consumer price indices
Surveys of final consumption prices

Coordination of monetary, financial and balance of payments statistics
Ecu and EMS Statistics
General government financial balance sheets
Financial accounts
Financial balance sheets
Financial and monetary indicators — short term indicators
Financial and monetary indicators — structural indicators

Balance of payments methodology
EFTA collection system for balance of payments data
Short-term on statistics on the balance of payments
Statistics on international movements of capital
Statistics on international trade in services and geographical breakdown of the current-account balance

Nomenclature of economic activities
Classification of products by activities (CPA)
Nomenclature server
Functional and derived classifications
Coordination of statistics and accounts — general
Coordination of statistics and accounts — macro-economic
Coordination of statistics and accounts — micro-macro
Relations with the Member States
Institutional matters and statistical systems
Analysis of external trade
Statistics relating to the trading of goods EC/EFTA and EEA with third countries: methodology
Nomenclature of goods for extra EEA and intra-EEA trade
Country nomenclature
Foreign trade statistics — production
Foreign trade statistics — dissemination

Statistical confidentiality

Methodology of energy statistics
Surveys on energy consumption
Survey on the combined production of electricity and heat
Structure, balance sheets and input-output tables
Renewable energy source

Energy prices
Special actions in support of the new Community policies
Raw materials (balance sheets and recovery of raw materials)

Adaptation of industrial statistics to the needs of the Single Market after 1992

Links with business
Industrial statistics : methodology
Industrial statistics : analysis
Annual European survey of business — industry
Industrial short-term indicators
Prodcom
SMEs
Special and priority actions
Production and dissemination of iron and steel statistics

Statistics on research and development (R&D) and innovation

Statistical research
Statistical techniques for measuring and processing data (registers, panels, measures of competitiveness and cohesion)

Services — methodology, methodological coordination of statistics on enterprises

Services : production and dissemination

Services products

Services — short term trends

Financial services including insurance

Business services

Communications and audio-visual services

Services for individuals and institutions

Public sector companies and government : micro-economics aspects of the public sector

Distributive trade

Tourism : methodology

Tourism : production and dissemination

Horeca and travel agencies

Transport — methodology

Transport — production and dissemination

Inland transport of goods

Sea transport

Air transport

Passenger transport

Activities of transport enterprises

European statistics on road traffic accidents

Community labour force survey (LFS)

The labour force, employment and unemployment

Working time and volume of work

Definitions and methods for employment statistics

Current demographic statistics

EEA census programme

Migration and migrants

Demographic projections in EEA

European forum for population studies

Social protection — Esspros financial flows (receipts and expenditure) and numbers of beneficiaries

Social protection : analysis of functions

Social protection : micro-economic studies

Poverty indicators

Household panel

Harmonization of family budget surveys

Household incomes

Statistics on household living conditions

Social and regional databank

Social statistics observatory

General time budget survey

Social situation of "target groups" and "target situations"

Education

Vocational training

Definitions and methods of education and training statistics

European statistics on accidents at work

European statistics on home and leisure accidents (Ehlass)

Harmonization of data on occupational diseases
Short-term wage indicators
Harmonized statistics of earnings in industry and services
Survey on labour costs
Survey on the structure of wages

Regional accounts
Social statistics at regional level
Agricultural statistics at regional level
Other regional statistics (transport, energy, environment, R&D, etc...)
Nuts nomenclature
Regio data bank and publications
Local data

Community surveys on the structure of agricultural holdings
Eurofarm
Forestry statistics
Community typology of agricultural holdings
Economic accounts for agriculture (EAA)

Agricultural land use
Agricultural land use — cereals
Crop products — cereal production
Crop products — cereal balance sheets
Production and balance sheets — fishery products

Publication of environment statistics
Water statistics
Atmospheric emission statistics
Waste statistics
Collection of economic information on the environment (Seriee)
Environmental expenditure statistics industry and services
Statistics of government expenditure
Household expenditure statistics
Statistics concerning economic and financial instruments of environmental policy
Transport, tourism and the environment
Enterprises and the environment, eco-industries
Energy and the environment
Agriculture, forestry and the environment
Material flows of selected products and substances that are harmful to the environment of health
Frameworks, accounts and indicators
Development of official Community and EEA environment statistics
Spatial statistics
Envstat Database

DECISION OF THE EEA JOINT COMMITTEE

No 5/94

of 8 February 1994

amending Protocol 37 and Annex VII to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as the Agreement, and in particular Articles 98 and 101 thereof,

Whereas the second Agreed Minute and Protocol 37 to the Agreement provides that the Coordinating Group on Mutual Recognition of Higher-Education Diplomas (Council Directive 89/48/EEC) shall be added to the list contained in Protocol 37;

Whereas it is necessary to amend Annex VII of the Agreement in order to specify the modalities of association,

HAS DECIDED AS FOLLOWS:

Article 1

The following shall be inserted after point 8 in Protocol 37 to the Agreement:

- '9. Coordinating Group on Mutual Recognition of Higher-Education Diplomas (Council Directive 89/48/EEC).'

Article 2

Annex VII (Mutual recognition of professional qualifications) shall be amended as follows:

Under the heading A. General system, the following provision shall be inserted after point 1 (Council Directive 89/48/EEC):

'Modalities for the association of Austria, Finland, Iceland, Norway and Sweden in accordance with Article 101 of this Agreement:

Austria, Finland, Iceland, Norway and Sweden may each designate one observer to participate in the tasks of the Coordinating Group on Mutual Recognition of Higher-Education Diplomas to which reference is made in Article 9 (2) of Directive 89/48/EEC.

The Commission shall in due time inform the participants of the dates of the meetings of the Group and shall transmit to them the relevant documentation.'

Article 3

This Decision shall enter into force on 1 May 1994, provided that all the notifications required under Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 8 February 1994

*By the EEA Joint Committee**The President*

N. VAN DER PAS

STANDING COMMITTEE OF THE EFTA STATES

DECISION OF THE STANDING COMMITTEE OF THE EFTA STATES

No 1/94/SC

of 10 January 1994

adopting the Rules of Procedure of the Standing Committee of the EFTA States

THE STANDING COMMITTEE OF THE EFTA STATES,

Having regard to the Agreement on a Standing Committee of the EFTA States as adjusted by the Protocol adjusting the Agreement on a Standing Committee of the EFTA States, hereinafter referred to as the Agreement, and in particular Article 7 thereof,

HAS DECIDED AS FOLLOWS:

Article 1

(Representatives of the EFTA States)

1. Each EFTA State shall notify to the chairman of the Standing Committee the name and function of its representatives which are empowered to take decisions and make recommendations under the Agreement.
2. Should the representatives of one of the EFTA States be prevented from being present during a meeting that State may empower a representative of another EFTA State to speak and to vote on its behalf. A representative of an EFTA State may only represent one other EFTA State.
3. The powers to represent another EFTA State shall be presented to the chairman before a decision is taken or a recommendation is made. The representation shall be taken note of in the minutes from the meeting.

Article 2

(Chairman and vice-chairman)

1. Unless otherwise agree, each EFTA State, in the alphabetical order of the English names, shall designate the chairman of the Standing Committee who shall exercise his office for a period of six months beginning on 1 January or 1 July.

2. The vice-chairman shall be designated by the EFTA State which is to designate the chairman for the next period. He shall remain in office for the same period as the Chairman with whom he is concurrently serving.

3. The EFTA State which has designate the chairman or vice-chairman may, for the unexpired term of his office, designate another person in his place.

4. The conduct of the business of the Committee shall be in the hands of the chairman.

5. If the chairman is absent from a meeting the vice-chairman shall take his place.

Article 3

(Officials)

The representatives of the EFTA States may be accompanied by officials who assist them. The number of such officials may be decided upon by the Standing Committee.

Article 4

(Observers)

1. The Standing Committee may invite observers to be present at one or more meetings of the Committee.
2. The EFTA Surveillance Authority may be invited to take part in meetings of the Committee as an observer.

Article 5

(Attendance by the Secretary-General)

The Secretary-General of the EFTA Secretariat or, in his absence, his representative, shall attend all meetings of the Standing Committee and have the right to take part in its deliberations in his advisory capacity.

*Article 6***(Secrecy of meetings)**

Meetings of the Standing Committee shall not be public, unless otherwise decided by unanimous vote.

*Article 7***(Convening of meetings)**

1. Meetings of the Standing Committee shall be convened, whenever necessary, by its chairman, on his own initiative or at the request of one of the EFTA States.

2. A request by an EFTA State for a meeting shall be addressed to the chairman. The chairman shall convene a meeting of the Committee without delay, in urgent circumstances within four days of receipt of a request for a meeting, unless otherwise agreed with the requesting EFTA State.

*Article 8***(Agenda)**

1. The chairman shall draw up a provisional agenda for each meeting. The invitation for the meeting and the provisional agenda shall be forwarded by the EFTA Secretariat to the EFTA States normally at least three days before the meeting. The provisional agenda shall be accompanied by all necessary working documents.

2. The agenda shall be adopted by the Standing Committee at the beginning of each meeting. The Standing Committee may decide to include in the agenda an item which does not appear on the provisional agenda.

*Article 9***(Written procedure)**

In respect of urgent matters decisions may be taken by written procedure if all the EFTA States are in agreement thereon.

*Article 10***(Minutes)**

1. Draft minutes of each meeting of the Standing Committee shall be drawn up within three days, unless otherwise decided, by the EFTA Secretariat.

2. The minutes shall, as a general rule, indicate in respect of each item on the agenda:

- the documents submitted to the Committee,
- the decisions taken, the recommendations made or the conclusions reached by the Committee,

— statements made by the Committee and statements the entry of which has been requested by a representative of an EFTA State or by the EFTA Surveillance Authority.

3. The text of the decisions adopted or the recommendations made by the Committee shall be annexed to the minutes.

4. The draft minutes shall be submitted to the Committee for approval.

5. The approved minutes shall be signed by the chairman-in-office at the time of approval and by the Secretary-General of the EFTA Secretariat and shall be forwarded to the EFTA States.

*Article 11***(Quorum and voting)**

1. Representatives of four EFTA States shall constitute a quorum.

2. If a decision or recommendation which requires a unanimous vote is put to the vote at a meeting where not all EFTA States are represented, and if no EFTA State present casts a negative vote, the Secretary-General of the EFTA Secretariat shall immediately notify the text of the decision or recommendation to all EFTA States not represented at that meeting. The decision or recommendation shall be regarded as having been taken or made 10 days from the date of the meeting unless in the meantime any EFTA State which was not represented at the meeting casts a negative vote by a communication to the Secretary-General.

3. Decisions on procedural questions shall be taken by majority vote.

*Article 12***(Signature of decisions)**

Decisions adopted by the Standing Committee shall be signed by the chairman-in-office at the time of their adoption and by the Secretary-General of the EFTA Secretariat.

*Article 13***(Languages)**

1. Decisions and recommendations of the Standing Committee which shall be published in the EEA Section of, and the EEA Supplement to, the *Official Journal of the European Communities* shall, save in urgent circumstances, be adopted in the Danish, Dutch, English, Finnish, French, German, Greek, Icelandic, Italian, Norwegian, Portuguese, Spanish and Swedish languages, each of these being equally authentic.

2. Where, in urgent circumstances, a decision or a recommendation is not adopted in all the abovementioned languages, the Committee shall by decision authenticate the text(s) of the remaining language(s) without delay.

Article 14

(Format of decisions and recommendations under Article 3 of the Agreement)

1. Decisions taken and recommendations made by the Standing Committee under Article 3 of the Agreement shall be entitled 'Decision' or 'Recommendation', as the case may be, followed by a serial number, by the date of their adoption and by a reference to their subject matter.

2. The acts referred to in paragraph 1 shall commence with a preamble and shall end with the words 'Done at ... (date)', the date being that on which they are adopted by the Standing Committee.

3. The decisions referred to in paragraph 1 shall contain a provision fixing the date of their entry into force.

Article 15

(Transmission of decisions)

Copies of all decisions shall be transmitted by the EFTA Secretariat to the EFTA States.

Article 16

(Publication)

1. Where so provided in the Agreement on the European Economic Area, decisions and recommendations of the Standing Committee shall be published in the EEA Section of, and the EEA Supplement to, the *Official Journal of the European Communities*.

2. The Standing Committee shall decide unanimously whether other decisions and recommendations than those referred to in paragraph 1 shall be published in the EEA Section of, and the EEA Supplement to, the *Official Journal of the European Communities*.

Article 17

(Correspondence from and for the Standing Committee)

1. All communications from the chairman in accordance with these Rules of Procedure shall be addressed to the EFTA States.

2. Correspondence for the Standing Committee shall be addressed to the EFTA Secretariat.

Article 18

1. The Standing Committee shall be assisted by five permanent subcommittees to assist it in accomplishing its tasks. The subcommittees shall be in charge of the following subject matters:

- (a) free movement of goods, competition, State aid, State monopolies of a commercial character, intellectual property and public procurement;
- (b) free movement of capital and services;
- (c) free movement of persons;
- (d) flanking and horizontal policies such as research and development, social policy, environment, statistics, education, consumer protection, small and medium-sized enterprises, tourism, audiovisual sector, civil protection;
- (e) legal and institutional matters.

2. The subcommittees referred to in paragraph 1 shall prepare the consultations to be held in the Committee in accordance with Article 2 of the Agreement. They shall carry out any other task delegated to them by the Committee.

3. The subcommittees shall report to the Committee.

4. Proposals for reports, assessments or the like, to be prepared by the Standing Committee according to Article 3 (2) of the Agreement, shall be submitted to the Committee by the subcommittee which is responsible for the subject matter in question.

Article 19

(Representatives of the EFTA States in, and chairmanship of, subcommittees)

1. The subcommittees shall consist of representatives of the EFTA States.

2. The chairman of each subcommittee shall be appointed by the Standing Committee.

Article 20

(Working groups)

The subcommittees may, subject to approval of the Standing Committee, decide to establish working groups for individual tasks. Such a decision shall lay down the necessary mandate. A working group shall report to the subcommittee which has established it.

Article 21

(Expert groups)

A working group may, when so required and subject to approval of the subcommittee which has established it, decide to set up expert groups for individual tasks. Such a decision shall lay down the necessary mandate. An expert group shall report to the working group which has established it.

*Article 22***(Secretariat services)**

The secretariat services for the Standing Committee, the subcommittees, the working groups and the expert groups shall be provided by the EFTA Secretariat.

*Article 23***(Professional secrecy)**

Without prejudice to other applicable provisions, the deliberations of the Standing Committee, its subcommittees, working groups and expert groups shall be covered by the obligation of professional secrecy, except in so far as the Standing Committee decides otherwise.

This as well as the obligation under Article 122 of the EEA Agreement shall also apply to any observer who participates in the Standing Committee, its subcommittees, working groups and expert groups.

*Article 24***(Entry into force)**

This Decision shall take immediate effect.

*Article 25***(Publication of this Decision)**

This Decision shall be published in the EEA section of, and the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 10 January 1994

For the Standing Committee

The Chairman

Antti SATULI

DECISION OF THE STANDING COMMITTEE OF THE EFTA STATES**No 2/94/SC****of 10 January 1994****amending Article 3 (2) of the Agreement on a Standing Committee of the EFTA States**

THE STANDING COMMITTEE OF THE EFTA STATES,

Having regard to the Agreement on a Standing Committee of the EFTA States adjusted by the Protocol adjusting the Agreement on a Standing Committee of the EFTA States, hereinafter referred to as the Standing Committee Agreement, and in particular Article 11 thereof,

HAS DECIDED AS FOLLOWS:

Article 1

Article 3 (2) of the Standing Committee Agreement shall be replaced by the following:

'2. The Standing Committee shall, unless otherwise agreed with the EC Commission, concurrently with the EC Commission prepare, as appropriate, reports, assessments or the like with regard to the EFTA States, in the cases which are directly related to the functions of the Standing Committee set out in Protocol 1 to this Agreement and which through the application of paragraph 5 of Protocol 1 to the EEA Agreement following from the acts referred to in the Annexes to that Agreement. Likewise, the Standing Committee shall prepare reports referred to in the said paragraph 5 in cases where these reports cover aspects relevant for the improvement of existing legislation or the development of new legislation. The Standing

Committee shall consult, and exchange views with, the EC Commission during the preparation of their respective reports, copies of which are to be sent to the EEA Joint Committee.'

Article 2

The amendment to the Standing Committee Agreement as hereby approved is submitted to the EFTA States for acceptance in accordance with Article 11 of the Standing Committee Agreement. It shall enter into force on 1 July 1994 or on the day all instruments of acceptance have been deposited by the EFTA States whichever day is the later.

Article 3

This Decision shall be published in the EEA Section of, and the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 10 January 1994

For the Standing Committee

The Chairman

Antti SATULI

DECISION OF THE STANDING COMMITTEE OF THE EFTA STATES**No 3/94/SC****of 10 January 1994****laying down procedures for committees assisting the EFTA Surveillance Authority in carrying out its functions under Article 1 of Protocol 1 to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice**

THE STANDING COMMITTEE OF THE EFTA STATES,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice as adjusted by the Protocol adjusting the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, hereinafter referred to as the Surveillance and Court Agreement, and in particular Article 3 of Protocol 1 thereto,

Whereas the EC Council in certain legal acts confers on the EC Commission powers for the implementation of the rules contained therein; whereas the Council may impose certain requirements in respect of the exercise of these powers; whereas the Council in Decision 87/373/EEC, of 13 July 1987⁽¹⁾, for acts which it adopts after the entry into force of that Decision, has laid down procedures specifying these requirements;

Whereas Article 1 of Protocol 1 to the Surveillance and Court Agreement entrusts the EFTA Surveillance Authority with certain functions which within the Community are carried out by the EC Commission; whereas the EC Commission when carrying out certain of these functions has to follow procedures in respect of the exercise of its implementing powers; whereas according to these procedures the EC Commission has to submit a draft measure to be taken to, or otherwise consult, an EC committee;

Whereas Article 3 of Protocol 1 to the Surveillance and Court Agreement provides that the Standing Committee shall lay down the procedures to be followed when the EFTA Surveillance Authority carries out the functions entrusted to it under Article 1 of that Protocol;

Whereas these procedures shall correspond to those which the EC Commission, according to the acts referred to in the Annex to the EEA Agreement, shall follow when carrying out corresponding functions;

Whereas it is further necessary to lay down certain rules deciding the procedure to be followed by the EFTA Surveillance Authority in each specific case;

Noting that the question of setting up or designating committees, corresponding to the relevant EC committees, among the EFTA States is subject to separate decisions by the Standing Committee under Article 5 (2) of

the Agreement on a Standing Committee of the EFTA States,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Standing Committee shall, in the decisions in which it sets up new committees, or designates already existing committees, to assist the EFTA Surveillance Authority in carrying out its functions under Article 1 of Protocol 1 to the Surveillance and Court Agreement, specify the procedures to be applied.

2. The Standing Committee shall in respect of each committee specify, in accordance with the functions in which the committee is to assist, the applicable procedure out of the ones set out in Article 2, 3 or 4 which is identical or corresponds most closely to the procedure laid down in the relevant act referred to in an Annex to the EEA Agreement.

*Article 2***PROCEDURE I****(Advisory Committee procedure)**

1. The EFTA Surveillance Authority shall be assisted by a committee of an advisory nature composed of representatives of the EFTA States and chaired by the representative of the EFTA Surveillance Authority.

2. The representative of the EFTA Surveillance Authority shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down, according to the urgency of the matter, if necessary by taking a vote.

3. The opinion shall be recorded in the minutes; in addition, each EFTA State shall have the right to ask to have its position recorded in the minutes.

4. The EFTA Surveillance Authority shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

⁽¹⁾ OJ No L 197, 18. 7. 1987, p. 33.

*Article 3***PROCEDURE II****(Management Committee procedure)**

1. The EFTA Surveillance Authority shall be assisted by a committee composed of representatives of the EFTA States and chaired by the representative of the EFTA Surveillance Authority.

2. The representative of the EFTA Surveillance Authority shall submit to the committee a draft of measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 6 (2) of the Agreement on a Standing Committee of the EFTA States. The chairman shall not vote.

3. The EFTA Surveillance Authority shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the EFTA Surveillance Authority to the Standing Committee forthwith. In that event:

Variant (a)

4. The EFTA Surveillance Authority may defer application of the measures which it has decided, for a period of not more than one month from the date of such communication.

5. The Standing Committee may, by majority vote as set out in Article 6 (2) of the Agreement on a Standing Committee of the EFTA States, take a different decision within the time limit referred to in the previous paragraph.

Variant (b)

6. The EFTA Surveillance Authority shall defer application of the measures which it has decided, for a period laid down in the relevant act, which may in no case exceed three months from the date of such communication.

7. The Standing Committee may, by majority vote as set out in Article 6 (2) of the Agreement on a Standing Committee of the EFTA States, take a different decision within the time limit referred to in the previous paragraph.

*Article 4***PROCEDURE III****(Regulatory Committee procedure)**

1. The EFTA Surveillance Authority shall be assisted by a committee composed of representatives of the EFTA

States and chaired by the representative of the EFTA Surveillance Authority.

2. The representative of the EFTA Surveillance Authority shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 6 (2) of the Agreement on a Standing Committee of the EFTA States. The chairman shall not vote.

3. The EFTA Surveillance Authority shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

4. If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the EFTA Surveillance Authority shall, without delay, submit to the Standing Committee a proposal relating to the measures to be taken. The Standing Committee shall act by majority vote as set out in Article 6 (2) of the Agreement on a Standing Committee of the EFTA States.

5. If, on the expiry of a period laid down in the relevant act, which may in no case exceed three months from the date of referred to the Standing Committee, the Standing Committee has not acted, the proposed measures shall be adopted by the EFTA Surveillance Authority.

Article 5

This Decision shall take immediate effect.

Article 6

This Decision shall be published in the EEA section of, and in the EEA supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 10 January 1994

For the Standing Committee

The Chairman

Antti SATULI

DECISION OF THE STANDING COMMITTEE OF THE EFTA STATES

No 4/94/SC

of 10 January 1994

establishing a financial mechanism committee

THE STANDING COMMITTEE OF THE EFTA STATES,

Having regard to the Agreement on the European Economic Area as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as the EEA Agreement, and in particular Part VIII thereof and Article 1 (2) of Protocol 38 thereto,

Having regard to the Cooperation Agreement between the EFTA States and the European Investment Bank (EIB) as adjusted by the Protocol adjusting the Cooperation Agreement, hereinafter referred to as the Cooperation Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

For the management of the financial mechanism, established under Article 116 of the EEA Agreement, a financial mechanism committee, hereinafter referred to as the Committee, is hereby established.

Article 2

1. Each EFTA State, for which the Agreement on a Standing Committee of the EFTA States has entered into force, shall be represented in the Committee and shall have one vote.

2. Before the Agreement on a Standing Committee of the EFTA States enters into force for the Principality of Liechtenstein, Liechtenstein may participate in the work of the Committee without, however, having the right to vote.

Article 3

The Committee shall appoint a liaison officer who shall at the same time serve as the secretary of the Committee. The liaison officer shall ensure close and continuous cooperation between the Committee, the EIB and the EC Commission pertaining to the execution of the Cooperation Agreement.

Article 4

Decisions by the Committee shall be taken by unanimity unless otherwise provided in its Rules of Procedure.

Article 5

The Committee shall take the decisions necessary for the proper functioning of the financial mechanism and keep its operation under review. It shall, in particular, give to the EIB guidelines on the operations to be carried out under the Cooperation Agreement and decide on proposals for interest rebates and grants under Article 2 (4) and 3 (2) of Protocol 38 to the EEA Agreement, respectively, when such proposals have been submitted by the EIB to the Committee for approval and after having been informed of the opinion of the EC Commission,

Article 6

The Committee shall, subject to approval by the Standing Committee, determine, on the basis of the Cooperation Agreement, the amount of the instalments to be paid to the EFTA States' account at the EIB and calculate the share of, and the amount to be paid by, each EFTA State. Calls for payment shall be issued by the liaison officer.

Article 7

The Committee shall adopt its Rules of Procedure to be approved by the Standing Committee.

Article 8

The Committee shall semi-annually submit a report on its activities and on the operation of the financial mechanism to the Standing Committee.

Article 9

This Decision shall take immediate effect.

Article 10

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 10 January 1994

For the Standing Committee

The Chairman

Antti SATULI

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 259/94 of 3 February 1994 determining the quantities of certain categories of milk and milk products available for the second quarter of 1994 under the arrangements provided for in the European Agreement concluded by the Community with the Republic of Poland and the Republic of Hungary and the Interim Agreement concluded with the Czech Republic and Slovak Republic

(Official Journal of the European Communities No L 31 of 4 February 1994)

On page 27 in the title of the Annex:

for: 'Total quantities available for the period 1 January to 31 March 1994',

read: 'Total quantities available for the period 1 April to 30 June 1994'.

Corrigendum to Commission Regulation (EC) No 328/94 of 14 February 1994 amending Regulation (EEC) No 2294/92 on detailed rules for the application of the support system for producers of the oil seeds referred to in Council Regulation (EEC) No 1765/92

(Official Journal of the European Communities No L 42 of 15 February 1994)

On page 2 in Article 1:

for: '... Orlong, ...',

read: '... Orion, ...'.
