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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 822/94
of 13 April 1994**

adjusting the CN codes for apples listed in the Annex to Council Regulation (EEC) No 2019/93 introducing specific measures for the smaller Aegean Islands concerning certain agricultural products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 234/79 of 5 February 1979 on the procedure for adjusting the Common Customs Tariff nomenclature used for agricultural products⁽¹⁾, as amended by Regulation (EEC) No 3209/89⁽²⁾, and in particular Article 2 (1) thereof,

Whereas Commission Regulation (EEC) No 2505/92 of 14 July 1992 amending Annexes I and II to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽³⁾ contains the combined nomenclature in force at the time of the entry into force of Council Regulation (EEC) No 2019/93 of 19 July 1993 introducing specific measures for the smaller Aegean islands concerning certain agricultural products⁽⁴⁾;

Whereas the combined nomenclature code used to designate apples in the Annex to Regulation (EEC) No 2019/93 is the code which was in force in 1992 and whereas that code does not correspond to the code in force since 1993; whereas the code in question should consequently be adjusted;

Whereas such adjustment must take effect on the date of entry into force of the Regulation (EEC) No 2019/93;

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

In the Annex to Regulation (EEC) No 2019/93, CN codes '0808 10 91 to 0808 10 99' designating apples are hereby replaced by CN codes '0808 10 31 to 0808 10 89'.

Article 2

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

It shall apply from 30 July 1993.

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

Done at Brussels, 13 April 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 34, 9. 2. 1979, p. 2.

⁽²⁾ OJ No L 312, 27. 10. 1989, p. 5.

⁽³⁾ OJ No L 267, 14. 9. 1992, p. 1.

⁽⁴⁾ OJ No L 184, 27. 7. 1993, p. 1.

COMMISSION REGULATION (EC) No 823/94

of 13 April 1994

opening a standing invitation to tender for the export of 100 000 tonnes of durum wheat held by the Italian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as amended by Commission Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 5 thereof,

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

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

Whereas special rules must be laid down to ensure that the operations are properly carried out and monitored;

Whereas to that end the Member States must provide for all additional measures compatible with the provisions in force to ensure that the operation takes place smoothly and that the Commission is kept informed;

Whereas the monitoring arrangements should accordingly be supplemented by the possibility of a sample being taken in the presence of both parties;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

1. The invitation to tender shall cover a maximum of 100 000 tonnes of durum wheat to be exported to all third countries.

2. The regions in which the 100 000 tonnes of durum wheat are stored are stated in Annex I to this Regulation.

Article 3

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

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

Article 4

1. Notwithstanding Article 7 (1) of Regulation (EEC) No 2131/93 the time limit for submission of tenders under the first partial invitation to tender shall expire on 20 April 1994 at 13 a.m. (Brussels time).

2. The time limit for submission of tenders under the subsequent partial invitations to tender shall expire each Wednesday at 13 a.m. (Brussels time).

3. The last partial invitation to tender shall expire on 25 May 1994.

4. The tenders shall be lodged with the Italian intervention agency.

Article 5

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

Article 6

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

2. Before the lot awarded is removed, the Italian intervention agency and the successful tenderer shall take a reference sample in accordance with the method laid down in Commission Regulation (EEC) No 689/92⁽⁶⁾.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁶⁾ OJ No L 74, 20. 3. 1992, p. 18.

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

A significant difference shall be a specific weight of less than 76 kg/hl, a level of broken grains of more than 9 % and a discrepancy of one percentage point for the moisture content, 10 points for the Hagberg falling index, one percentage point for the protein content, 10 percentage points for the grains which have lost their vitreous aspect, half a percentage point for the impurities referred to under B.2, B.3 and B.4 and half a percentage point for the impurities referred to under B.5, the percentage admissible for noxious grains, damaged grains and ergor, however, remaining as laid down in the Annex to Regulation (EEC) No 689/92.

3. Where the successful tenderer refuses the merchandise, as provided for in the second subparagraph of para-

graph 2 above, the Italian intervention agency shall supply him with another lot of intervention durum wheat of the requisite quality, at no extra charge, within eight days.

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

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

Article 7

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, 13 April 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Place of storage	Quantity (tonnes)
Verona	7 687
Parma	5 864
Rovigo	4 941
Ravenna	1 289
Siena	2 851
Latina	992
Grosseto	1 105
Ancona	11 700
Napoli	1 070
Potenza	12 000
Catanzaro	50 501

ANNEX II

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

(Regulation (EC) No 823/94)

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

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

ANNEX III

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

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

COMMISSION REGULATION (EC) No 824/94
of 13 April 1994

fixing the minimum import prices for certain soft fruits originating in Hungary, Poland, the Czech Republic, Slovakia, Romania and Bulgaria for the 1994/95 marketing year

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

Having regard to Council Regulation (EEC) No 1988/93 of 19 July 1993 on the system of minimum import prices for certain soft fruits originating in Hungary, Poland, the Czech Republic, Slovakia, Romania and Bulgaria ⁽¹⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EEC) No 2140/93 of 28 July 1993, laying down detailed rules for the application of the minimum import price system for certain soft fruits originating in Hungary, Poland, the Czech Republic, Slovakia, Romania and Bulgaria and fixing the minimum import prices applicable until 30 April 1994 ⁽²⁾ lays down the criteria for fixing minimum prices; whereas the minimum import prices should be fixed for the 1994/95 marketing year with reference to those criteria;

Whereas the Management Committee for Fruit and Vegetables and products processed from fruit and vegetables

has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1994/95 marketing year, the minimum import prices for the products listed in the Annex to Regulation (EEC) No 1988/93 originating in Bulgaria, Hungary, Poland, the Czech Republic, Slovakia and Romania shall be as set out in the Annex to this Regulation.

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, 13 April 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 182, 24. 7. 1993, p. 4.

⁽²⁾ OJ No L 191, 31. 7. 1993, p. 98.

ANNEX

(Ecu/100 kg net)

CN code	Description of products	Country of origin					
		Poland	Hungary	Czech Republic	Slovakia	Romania	Bulgaria
ex 0810 10 10	Strawberries, from 1 May to 31 July, intended for processing	—	—	—	—	53,2	53,2
ex 0810 10 90	Strawberries, from 1 August to 30 April, intended for processing	—	—	—	—	53,2	53,2
ex 0810 20 10	Raspberries, intended for processing	65,3	65,3	65,3	65,3	65,3	65,3
ex 0810 30 10	Blackcurrant, intended for processing	39,9	39,9	39,9	39,9	39,9	39,9
ex 0810 30 30	Redcurrants, intended for processing	24,1	24,1	24,1	24,1	24,1	24,1
ex 0811 10 11	Frozen strawberries, containing added sugar or other sweetening matter, with a sugar content exceeding 13 % by weight: whole fruit	77,6	—	—	—	—	—
ex 0811 10 11	Frozen strawberries, containing added sugar or other sweetening matter, with a sugar content exceeding 13 % by weight: other	59,7	—	—	—	—	—
ex 0811 10 19	Frozen strawberries, containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight: whole fruit	77,6	—	—	—	—	—
ex 0811 10 19	Frozen strawberries, containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight: other	59,7	—	—	—	—	—
ex 0811 10 90	Frozen strawberries containing no added sugar or other sweetening matter: whole fruit	77,6	77,6	77,6	77,6	—	—
ex 0811 10 90	Frozen strawberries containing no added sugar or other sweetening matter: other	59,7	59,7	59,7	59,7	—	—
ex 0811 20 19	Frozen raspberries, containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight: whole fruit	103,0	103,0	103,0	103,0	—	—
ex 0811 20 19	Frozen raspberries, containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight: other	82,4	82,4	82,4	82,4	—	—
ex 0811 20 31	Frozen raspberries, containing no added sugar or other sweetening matter: whole fruit	103,0	103,0	103,0	103,0	103,0	103,0
ex 0811 20 31	Frozen raspberries, containing no added sugar or other sweetening matter: other	82,4	82,4	82,4	82,4	82,4	82,4
ex 0811 20 39	Frozen blackcurrants, containing no added sugar or other sweetening matter: without stalk	65,0	65,0	65,0	65,0	65,0	—
ex 0811 20 39	Frozen blackcurrants, containing no added sugar or other sweetening matter: other	46,3	46,3	46,3	46,3	46,3	—
ex 0811 20 51	Frozen redcurrants, containing no added sugar or other sweetening matter: without stalk	40,4	40,4	40,4	40,4	—	—
ex 0811 20 51	Frozen redcurrants, containing no added sugar or other sweetening matter: other	30,6	30,6	30,6	30,6	—	—

COMMISSION REGULATION (EC) No 825/94

of 13 April 1994

adjusting the CN codes for apples listed in Annexes to Regulation (EC) No 3254/93 laying down detailed rules for the application of Council Regulation (EEC) No 2019/93

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

Having regard to Council Regulation (EEC) No 234/79 of 5 February 1979 on the procedure for adjusting the Common Customs Tariff nomenclature used for agricultural products ⁽¹⁾, as amended by Regulation (EEC) No 3209/89 ⁽²⁾, and in particular Article 2 (1) thereof,

Whereas Commission Regulation (EEC) No 2505/92 of 14 July 1992 amending Annexes I and II to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽³⁾ contains the combined nomenclature in force at the time of the entry into force of Commission Regulation (EC) No 3254/93 of 26 November 1993 laying down detailed rules for the application of Council Regulation (EEC) No 2019/93 as regards the specific supply arrangements for certain fruits and vegetables for the benefit of the smaller Aegean islands ⁽⁴⁾;

Whereas the combined nomenclature code used to designate apples in the Annex to Regulation (EC) No 3254/93 is the code which was in force in 1992 and whereas that code does not correspond to the code in force since

1993; whereas the code in question should consequently be adjusted;

Whereas such adjustment must take effect on the date of entry into force of Regulation (EC) No 3254/93;

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

In the Annexes to Regulation (EC) No 3254/93, CN codes '0808 10 91 to 0808 10 99' designating apples are hereby replaced by CN codes '0808 10 31 to 0808 10 89'.

Article 2

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

It shall apply from 28 November 1993.

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

Done at Brussels, 13 April 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 34, 9. 2. 1979, p. 2.

⁽²⁾ OJ No L 312, 27. 10. 1989, p. 5.

⁽³⁾ OJ No L 267, 14. 9. 1992, p. 1.

⁽⁴⁾ OJ No L 293, 27. 11. 1993, p. 34.

COMMISSION REGULATION (EC) No 826/94

of 13 April 1994

amending Regulations (EEC) No 2385/91 and (EEC) No 3567/92 and laying down certain detailed rules for the application of Council Regulation (EEC) No 3013/89 as regards the incorporation of rights exceeding the limits of 500 and 1 000 animals into individual limits

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EC) No 233/94⁽²⁾, and in particular Article 5 (9) and Article 5b (4) thereof,

Whereas Regulation (EEC) No 3013/89 was amended by Regulation (EC) No 233/94 to the effect that the limits of 500 and 1 000 animals laid down in Article 5 (7) are incorporated into the individual limits of producers with effect from the beginning of the 1995 marketing year ;

Whereas that amendment requires the abolition or adjustment of certain provisions relating to the aforementioned limits laid down in Commission Regulation (EEC) No 2385/91 of 6 August 1991 laying down detailed rules for certain special cases regarding the definition of sheepmeat and goatmeat producers and producer groups⁽³⁾, as last amended by Regulation (EC) No 609/94⁽⁴⁾ and in Commission Regulation (EEC) No 3567/92 of 10 December 1992 laying down detailed rules for the application of the individual limits, national reserves and transfer of rights provided for in Articles 5a to 5c of Council Regulation (EEC) No 3013/89 on the common organization of the market in sheepmeat and goatmeat⁽⁵⁾, as last amended by Regulation (EC) No 3534/93⁽⁶⁾; whereas the abolition or adjustment of those provisions must take effect at the beginning of the 1995 marketing year ;

Whereas the said incorporation of the limits of 500 and 1 000 animals also means that it would be necessary for Member States to recalculate the individual limits for producers in such a way that the quantities above the limits of 500 and 1 000 animals are reduced by 50 % ; whereas Article 5a (6) of Regulation (EEC) No 3013/89 lays down that the recalculation shall be carried out during the 1994 marketing year so as to ensure that the incorporation takes effect at the beginning of the 1995 marketing year ; whereas, therefore, a precise date for

communication to producers of their recalculated limits should be fixed in order to allow them to transfer or temporarily lease their premium rights prior to the time limits laid down in Community rules ; whereas, to that end, provision should be made for that communication to take place by 31 July 1994 at the latest ;

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

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 2385/91 is amended as follows :

1. In Article 1 (1), the second subparagraph is deleted ;
2. In Article 1 (3), subparagraphs 2, 3 and 4 are deleted ;
3. In Article 1, paragraph 4 is replaced by the following :

'4. Where the shepherd of a flock of sheep and/or goats is an employee of a producer within the meaning of point 1 of Article 1 (1) of Regulation (EEC) No 3493/90 and at the same time is himself a producer within the meaning of the same Article with regard to a part of the flock, the shepherd shall be jointly and severally liable with the other producer where the penalties provided for in Commission Regulation (EEC) No 3887/92^(*) are applied in the event of the two parts of the flock not being identified separately.

The premium application submitted by each producer must specify the employer-employee relationship and identify the other producer.

(*) OJ No L 391, 31. 12. 1992, p. 36.';

4. In Article 2 (1), the second subparagraph is replaced by the following :

'The rules on penalties referred to in Article 10 of Regulation (EEC) No 3887/92 shall apply to the group as such. However, the penalty provided for in that Article in the event of a false declaration intentionally made shall apply to those members who, while remaining producers in the following year, no longer form part of the group.';

5. In Article 2, paragraphs 3 and 4 are deleted ;
6. Article 4 is deleted.

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 9.

⁽³⁾ OJ No L 219, 7. 8. 1991, p. 15.

⁽⁴⁾ OJ No L 77, 19. 3. 1994, p. 10.

⁽⁵⁾ OJ No L 362, 11. 12. 1992, p. 41.

⁽⁶⁾ OJ No L 321, 23. 12. 1993, p. 13.

Article 2

Regulation (EEC) No 3567/92 is amended as follows :

1. In Article 2 (3), the second subparagraph is deleted ;
2. Articles 5a, 7a and 8 are deleted ;
3. In the first subparagraph of Article 9, the words 'full' and 'and reduced premium rights (50 %)' are deleted.

Article 3

Member States shall inform producers by 31 July 1994 at the latest of their recalculated individual limits following the incorporation of the limits of 500 and 1 000 animals

provided for in Article 5a (6) of Regulation (EEC) No 3013/89.

Article 4

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

Articles 1 and 2 shall apply from the beginning of the 1995 marketing year.

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

Done at Brussels, 13 April 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 827/94

of 13 April 1994

amending Commission Regulation (EC) No 343/94 opening compulsory distillation as provided for in Article 39 of Council Regulation (EEC) No 822/87 and derogating for the 1993/94 wine year from certain detailed rules for the application thereof

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

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

Whereas Article 2 (2) of Commission Regulation (EEC) No 2093/93 of 28 July 1993 fixing the buying-in prices, aids and certain other amounts applicable for the 1993/94 wine year to intervention measures in the wine sector ⁽³⁾ lays down that, in accordance with the second subparagraph of Article 35 (6), the second subparagraph of Article 36 (4) and the second subparagraph of Article 39 (7) of Regulation (EEC) No 822/87, the intervention agency must pay the raw alcohol price for the alcohol delivered to it;

Whereas the Annex to Regulation (EEC) No 2093/93 only mentions a single buying-in price for alcohol obtained from the distillations as provided for in Articles 35 and 36; whereas the buying-in price applicable to the alcohol obtained from the compulsory distillation opened by virtue of Commission Regulation (EC) No 343/94 ⁽⁴⁾,

should be specified and Article 6 of that Regulation should be amended accordingly;

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

Article 6 of Regulation (EC) No 343/94 is hereby replaced by the following:

'The intervention agency shall pay the raw alcohol price for all alcohol delivered to it in accordance with Article 39 (7) of Regulation (EEC) No 822/87. That price, as against the price laid down in Article 4, shall be ECU 1,16 per % vol alcohol per hectolitre.'

Article 2

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

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

Done at Brussels, 13 April 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 190, 30. 7. 1993, p. 14.

⁽⁴⁾ OJ No L 44, 17. 2. 1994, p. 9.

COMMISSION REGULATION (EC) No 828/94

of 13 April 1994

altering the export refunds on white sugar and raw sugar exported in the natural state

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

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 760/94 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 760/94 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁴⁾, as amended by Regulation (EC) No 3528/93 ⁽⁵⁾, 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 ⁽⁶⁾, as amended by Regulation (EC) No 547/94 ⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 760/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 April 1994.

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

Done at Brussels, 13 April 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 90, 7. 4. 1994, p. 5.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ No L 69, 12. 3. 1994, p. 1.

ANNEX

to the Commission Regulation of 13 April 1994 altering the export refunds on white sugar and raw sugar exported in the natural state

Product code	Amount of refund ⁽³⁾
	— ECU/100 kg —
1701 11 90 100	30,36 ⁽¹⁾
1701 11 90 910	31,51 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	30,36 ⁽¹⁾
1701 12 90 910	31,51 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3300
	— ECU/100 kg —
1701 99 10 100	33,00
1701 99 10 910	34,39
1701 99 10 950	34,39
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3300

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

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

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

**COMMISSION REGULATION (EC) No 829/94
of 13 April 1994**

**fixing the maximum export refund for white sugar for the 44th partial invitation
to tender issued within the framework of the standing invitation to tender
provided for in Regulation (EEC) No 1144/93**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas, following an examination of the tenders submitted in response to the 44th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 44th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1144/93 the maximum amount of the export refund is fixed at ECU 37,087 per 100 kilograms.

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

Article 2

This Regulation shall enter into force on 14 April 1994.

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

Done at Brussels, 13 April 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 116, 12. 5. 1993, p. 5.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

COMMISSION REGULATION (EC) No 830/94

of 13 April 1994

fixing the maximum export refunds on olive oil for the ninth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 3142/93

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the ninth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 3142/93 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 April 1994.

Article 2

This Regulation shall enter into force on 14 April 1994.

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

Done at Brussels, 13 April 1994.

For the Commission

René STEICHEN

Member of the Commission

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

⁽²⁾ OJ No L 285, 20. 11. 1993, p. 9.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 281, 16. 11. 1993, p. 3.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 13 April 1994 fixing the maximum export refunds on olive oil for the ninth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 3142/93

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

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

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EC) No 831/94
of 13 April 1994
amending Regulation (EC) No 769/94 introducing a countervailing charge on
tomatoes originating in Morocco

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 the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EC) No 769/94⁽³⁾, introduced a countervailing charge on tomatoes originating in Morocco;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that Regulation is

amended; whereas, if those conditions are taken into consideration, the countervailing charge on the import of tomatoes originating in Morocco must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EC) No 769/94, 'ECU 32,74' is hereby replaced by 'ECU 61,65'.

Article 2

This Regulation shall enter into force on 14 April 1994.

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

Done at Brussels, 13 April 1994.

For the Commission
René STEICHEN
Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 26.

⁽³⁾ OJ No L 90, 7. 4. 1994, p. 23.

COMMISSION REGULATION (EC) No 832/94
of 13 April 1994
fixing the aid for cotton

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

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

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

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 2419/93⁽⁴⁾, as last amended by Regulation (EC) No 800/94⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton provided for in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 48,879 per 100 kilograms.

Article 2

This Regulation shall enter into force on 14 April 1994.

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

Done at Brussels, 13 April 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.
⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.
⁽³⁾ OJ No L 154, 25. 6. 1993, p. 23.
⁽⁴⁾ OJ No L 222, 1. 9. 1993, p. 35.
⁽⁵⁾ OJ No L 92, 9. 4. 1994, p. 25.

COMMISSION REGULATION (EC) No 833/94
of 13 April 1994
fixing the import levies on white sugar and raw sugar

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 133/94 ⁽²⁾, and in particular Article 16 (8) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as amended by Regulation (EC) No 3528/93 ⁽⁴⁾, and in particular Article 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1695/93 ⁽⁵⁾, as last amended by Regulation (EC) No 818/94 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1695/93 to the information known to the Commission that the

levies at present in force should be altered to the amounts set out in the Annex hereto;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 12 April 1994, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 April 1994.

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

Done at Brussels, 13 April 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 40.

⁽⁶⁾ OJ No L 94, 13. 4. 1994, p. 14.

ANNEX

to the Commission Regulation of 13 April 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽³⁾
1701 11 10	34,86 ⁽¹⁾
1701 11 90	34,86 ⁽¹⁾
1701 12 10	34,86 ⁽¹⁾
1701 12 90	34,86 ⁽¹⁾
1701 91 00	40,25
1701 99 10	40,25
1701 99 90	40,25 ⁽²⁾

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

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

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

COMMISSION REGULATION (EC) No 834/94

of 13 April 1994

altering the basic amount of the import levies on syrups and certain other products in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 133/94⁽²⁾, and in particular Article 16 (8) thereof,Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as amended by Regulation (EC) No 3528/93⁽⁴⁾, and in particular Article 5 thereof,Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 735/94⁽⁵⁾, as amended by Regulation (EC) No 817/94⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 735/94 to the information known to the Commission that the basic amount of

the levy on syrups and certain other sugar products at present in force should be altered;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 12 April 1994, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EC) No 735/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 April 1994.

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

Done at Brussels, 13 April 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 87, 31. 3. 1994, p. 40.

⁽⁶⁾ OJ No L 94, 13. 4. 1994, p. 12.

ANNEX

to the Commission Regulation of 13 April 1994 altering the basic amount of the import
levy on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of levy per 100 kg of dry matter ⁽¹⁾
1702 20 10	0,4025	—
1702 20 90	0,4025	—
1702 30 10	—	48,10
1702 40 10	—	48,10
1702 60 10	—	48,10
1702 60 90	0,4025	—
1702 90 30	—	48,10
1702 90 60	0,4025	—
1702 90 71	0,4025	—
1702 90 90	0,4025	—
2106 90 30	—	48,10
2106 90 59	0,4025	—

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

II

(Acts whose publication is not obligatory)

EUROPEAN ECONOMIC AREA

THE EEA JOINT COMMITTEE

DECISION OF THE EEA JOINT COMMITTEE

No 6/94

of 8 March 1994

amending Protocol 4 to the EEA Agreement, on rules of origin

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 it is necessary to take account of the fact that Switzerland is not participating in this Agreement, whereas maintaining the present degree of liberalization in preferential trade between the Contracting Parties to this Agreement and Switzerland is of common economic and administrative interest to all parties; whereas certain provisions of Protocol 4 to the said Agreement concerning the definition of origin criteria, the principles of territoriality and direct transport and the rules concerning the prohibition of drawback of, or exemption from, customs duties, need therefore to be amended;

Whereas the rules of origin applicable to semi-manufactures and articles of plastics of headings ex 3916 to 3921 of the Harmonized Commodity Description and Coding System HS resulting from addition homopolymerization provide either for a value limit of 50 % for all the non-originating materials used and of 20 % for all the non-originating materials of HS Chapter 39 used, or as an alternative a value limit of 25 % for all the non-originating materials used; whereas these rules cannot be satisfied for a number of specific types of metallized plastic foils because the semi-finished products required in their manufacture are not available in the EC-EFTA zone; whereas it appears appropriate to amend the rules of

origin for the said products in order to authorize the use of certain specific types of non-originating plastic foils;

Whereas the footnote contained in Appendix II to Protocol 4 derogating in respect of nuclear fuel elements from the origin rule applicable to HS Chapter 84 was valid only until 31 December 1993; whereas nuclear fuel elements of HS heading No 8401 manufactured from non-originating uranium enriched in the territory of the Contracting Parties do not yet satisfy the basic requirements of the rules of origin applicable to HS Chapter 84 and will probably not do so in the foreseeable future; whereas in the nuclear fuel industry contracts are concluded for long periods and well in advance of the date when supplies are commenced; whereas it is advisable to provide for legal certainty in this connection; whereas it appears appropriate to extend the derogation for another five years;

Whereas, amendments to the rules of origin on liqueurs of HS heading No ex 2208, 'Mischmetall' of HS heading No ex 2805 and furskins of HS heading No 4303 have been agreed between the Contracting Parties in the context of the Free Trade Agreements between the Community and the EFTA States and also between the EFTA States themselves; whereas Appendix II to Protocol 4 should be amended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

Articles 4, 10, 13 and 15 to Protocol 4 shall be amended as set out in Annex I to this Decision.

Article 2

Appendix II to Protocol 4 shall be amended as set out in Annex II to this Decision.

Article 3

This Decision shall enter into force on the day all the notifications under Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

It shall apply from 1 January 1994.

Article 4

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 March 1994.

For the EEA Joint Committee

The President

N. VAN DER PAS

ANNEX I

Protocol 4 shall be amended as follows :

1. In Article 4 the following paragraph shall be inserted :

'1a. Notwithstanding paragraph 1, materials originating in Switzerland within the meaning of Protocol 3 to the EEC-Switzerland Free Trade Agreement or Annex B to the Convention establishing the European Free Trade Association shall be considered as originating materials.';

2. Article 4 (3) shall be replaced by the following :

'3. Paragraphs 1, 1a and 2 shall apply except as provided in Article 5.';

3. Article 10 shall be replaced by the following :

'Article 10

Principle of territoriality

1. The conditions set out in Title II relative to the acquisition of originating status must be fulfilled without interruption in the EEA. For this purpose, the acquisition of originating status shall be considered as interrupted when goods which have undergone working or processing in the EEA have left the EEA whether or not operations have been carried out outside this territory, except as provided in Articles 11 and 12.

2. Notwithstanding paragraph 1 ; the acquisition of originating status shall not be considered as interrupted if EEA originating products have been exported from one Contracting Party to Switzerland and re-exported from there to a Contracting Party provided that the products have not undergone in Switzerland working or processing going beyond the insufficient operations listed in Article 5.';

4. Article 13 (1) shall be replaced by the following :

'1. The preferential treatment provided for under the Agreement applies only to products, satisfying the requirements of this Protocol, which are transported within the EEA or Switzerland. However, products constituting one single consignment may be transported, through territories other than that of the EEA or Switzerland with, should the occasion arise, trans-shipment or temporary warehousing in such territories, provided that the products have remained under the surveillance of the customs authorities in the country of transit or of warehousing and that they have not undergone operations other than unloading, reloading or any operation designed to preserve them in good condition.';

5. Article 15 (1) shall be replaced by the following :

'1. Non-originating materials or materials originating in Switzerland within the meaning of the EEC-Switzerland Free Trade Agreement or the Convention establishing the European Free Trade Association used in the manufacture of products originating in EEA within the meaning of this Protocol for which a proof of origin is issued or made out in accordance with the provisions of Title V shall not be subject in any of the Contracting Parties to drawback of, or exemption from, customs duties of whatever kind.'

ANNEX II

In Appendix II the text of the headings set out hereafter shall read as follows :

HS heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
'ex 2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % volume ; spirits ; liqueurs and other spirituous beverages : — Ouzo — Liqueurs and other spirituous beverages, containing added sucrose, invert sugar, eggs or egg yolk — Other	Manufacture from : — materials not classified within heading No 2207 or 2208 and — in which all the grapes or any material derived from grapes used must be wholly obtained Manufacturing in which : — all materials used are classified within a heading other than that of the product. However, arrack may be used up to a limit of 5 % by volume and — all the grapes or any material derived from grapes used must be wholly obtained Manufacture from : — materials not classified within heading Nos 2207 or 2208, and — in which all the grapes or any material derived from grapes used must be wholly obtained or — if all the other materials used are already originating, arrack may be used up to a limit of 5 % by volume
ex Ch. 28	Inorganic chemicals ; organic or inorganic compounds of precious metals, of rare-earth metals, of radioactive elements or of isotopes ; except for heading Nos ex 2805, ex 2811, ex 2833 and ex 2840 for which the rules are set out below	manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product

HS heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
ex 2805	"Mischmetall"	Manufacture by electrolytic or thermic treatment in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
ex 3916 to 3921	Semi-manufactures and articles of plastics; except for headings Nos ex 3916, ex 3917, ex 3920 and ex 3921, for which the rules are set out below: — Flat products, further worked than only surface-worked or cut into forms other than rectangular (including square), other products, further worked than only surface-worked — Other: — — Addition homopolymerization products — — Other	Manufacture in which the value of any materials of Chapter 39 used does not exceed 50 % of the ex-works price of the product Manufacture in which: — the value of all the materials used does not exceed 50 % of the ex-works price of the product and — the value of any materials of Chapter 39 used does not exceed 20 % of the ex-works price of the product (1) Manufacture in which the value of any materials of Chapter 39 used does not exceed 20 % of the ex-works price of the product (1)	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
ex 3916 and ex 3917	Profile shapes and tubes	Manufacture in which: — the value of all the materials used does not exceed 50 % of the ex-works price of the product, and — the value of any materials classified within the same heading as the product does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
ex 3920	Ionomer sheet or film	Manufacture from a thermoplastic partial salt which is a copolymer of ethylene and methacrylic acid partly neutralized with metal ions, mainly zinc and sodium	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product

HS heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
ex 3921	Foils of plastic, metallized	Manufacture from highly transparent polyester foils with a thickness of less than 23 micron ⁽²⁾	Manufacture in which the value of all materials used does not exceed 25 % of the ex-works price of the product
4303	Articles of apparel, clothing accessories and other articles of furskin	Manufacture from non-assembled tanned or dressed furskins of heading No 4302 ⁽³⁾	
ex 8401	Nuclear fuel elements	Manufacture in which all the materials used are classified within a heading other than that of the product ⁽⁴⁾	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product

(1) In the case of the products composed of materials classified within both on the other heading Nos 3901 to 3906, on the one hand, and within heading Nos 3907 to 3911, on the other hand, this restriction only applies to that group of materials which predominates by weight in the product.

(2) The following foils shall be considered as highly transparent; foils, the optical dimming of which — measured according to ASTM-D 1003-16 by Gardner Hazemeter (i.e. Hazefactor) — is less than 2 %.

(3) Until 31 October 1994 assembled skins of suzuki, grey Siberian squirrel, hamster, burunduki, pechaniky, pahmi, Chinese lamb and Chinese kid of HS heading No 4302 may be used.

(4) This rule shall apply until 31 December 1998.

Joint Statement concerning the origin rules following the entry into force of the EEA Agreement

- A. Goods which were exported before the entry into force of the EEA Agreement from one Contracting Party to another, on the basis of the EFTA Convention or the respective bilateral Free Trade Agreement between the Community and Austria, Finland, Iceland, Norway and Sweden, shall be considered as originating in the EEA. This does not apply to goods for which price compensation measures in accordance with Protocol 2 to the Free Trade Agreements between the Community and the individual EFTA States concerned and Annex D to the EFTA Convention, have been applied.
 - B. The provisions of Titles V and VI of Protocol 4 to the EEA Agreement shall apply to proofs of origin issued within the context of that Protocol which, alongside the reference to EEA origin, include a reference to Community, Austrian, Finnish, Icelandic, Norwegian or Swedish origin within the meaning of Protocol 3 to the EEC-Switzerland Free Trade Agreement or Annex B to the EFTA Convention.
 - C. The relevant non-published rulings concerning the applications of Protocol 3 to the Free Trade Agreements between the Community and Austria, Finland, Iceland, Norway and Sweden shall apply *mutatis mutandis* to Protocol 4 to the EEA Agreement.
 - D. As a result of Switzerland's non-participation in the EEA, it is noted that Titles V and VI of Protocol 3 to the Free Trade Agreement between the Community and the EFTA States and Titles V and VI of Annex B to the EFTA Convention shall continue to apply to products originating in Switzerland within the meaning of those Agreements.
 - E. This Joint Statement shall be published in the EEA section of, and the EEA supplement to, the *Official Journal of the European Communities* together with the decision regarding Protocol 4 to the EEA Agreement.
-