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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 869/94
of 18 April 1994
concerning the classification of certain goods in the combined nomenclature

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Commission Regulation (EC) No 779/94⁽²⁾, and in particular Article 9 thereof,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present

Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Tariff and Statistical Nomenclature Section of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the combined nomenclature under the appropriate CN code indicated in column 2 of the said table.

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, 18 April 1994.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 91, 8. 4. 1994, p. 12.

ANNEX

Description of goods	Classification CN code	Reason
(1)	(2)	(3)
A pre-formatted magnetic floppy disk for use in automatic data processing machines	8523 20 90	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature and the wording of CN codes 8523, 8523 20 and 8523 20 90 The formatting of the disk (recording with initialization data only) is not to be considered as a recording on the media itself within the meaning of heading 8524

COMMISSION REGULATION (EC) No 870/94

of 19 April 1994

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The Spanish intervention agency, 'Servicio Nacional de Productos Agrarios', hereinafter referred to as 'Senpa' shall open an invitation to tender in accordance with this

Regulation and Regulation (EEC) No 2960/77 for the sale on the Community market of approximately 10 000 tonnes of olive oil of qualities other than extra virgin olive oil.

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

Article 2

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

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

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

Article 3

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

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

Article 4

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

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

— up to 3° acidity:

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

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

⁽²⁾ OJ No L 285, 20. 11. 1993, p. 9.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 5.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 20.

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

Article 5

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

Article 6

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

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

Article 7

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

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

Article 8

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

Article 9

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

Article 10

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

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

Done at Brussels, 19 April 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 871/94
of 19 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 857/94 ⁽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 18 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 20 April 1994.

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

Done at Brussels, 19 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 98, 16. 4. 1994, p. 32.

ANNEX

to the Commission Regulation of 19 April 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	34,12 ⁽¹⁾
1701 11 90	34,12 ⁽¹⁾
1701 12 10	34,12 ⁽¹⁾
1701 12 90	34,12 ⁽¹⁾
1701 91 00	39,68
1701 99 10	39,68
1701 99 90	39,68 ⁽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.

COUNCIL REGULATION (EC) No 872/94
of 19 April 1994

amending Regulations (EEC) No 2089/84 and (EEC) No 1739/85 concerning definitive anti-dumping duties on imports of certain ball bearings originating in Japan

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 14 thereof,

After consultations within the Advisory Committee,

Whereas :

A. Previous procedure

- (1) The Council, by Regulation (EEC) No 2685/90⁽²⁾, amended Regulation (EEC) No 2089/84⁽³⁾ concerning a definitive anti-dumping duty applicable to imports of single-row deep-groove ball bearings with a greatest external diameter not exceeding 30 mm originating in, *inter alia*, Japan.
- (2) The Council, by Regulation (EEC) No 2849/92⁽⁴⁾, amended Regulation (EEC) No 1739/85⁽⁵⁾ concerning a definitive anti-dumping duty applicable to imports of ball bearings with a greatest external diameter exceeding 30 mm originating in Japan.
- (3) In Regulations (EEC) No 2089/84 and (EEC) No 1739/85, an individual separate rate of duty was imposed in respect of a Japanese exporter called Nippon Seiko Kabushiki Kaisha which, in Roman characters, described itself respectively as Nippon Seiko KK or Nippon Seiko Co. Ltd.

B. Request for a review. Change of name

- (4) Nippon Seiko Kabushiki Kaisha has requested that the names by which it is referred to in the aforementioned Regulations be amended. This request for a review is based on the fact that, with effect from 24 September 1991, this Japanese legal entity has described itself as 'NSK Ltd' in Roman characters.
- (5) Information has been supplied to the Commission which satisfactorily demonstrates that the change of name of the company in Roman characters has entailed no change to the corporate status of the

company nor to its Japanese name, Nippon Seiko Kabushiki Kaisha.

C. Procedure

- (6) On the basis of the information supplied, the Commission took the view that there were sufficient grounds concerning changed circumstances to warrant a partial review under Article 14 of Regulation (EEC) No 2423/88 of the measures applying to this company. Having considered the matter further, the Commission considers that the measures in question should be amended to reflect the changed name in Roman characters of the company. This view is hereby confirmed.
- (7) No objections were raised when the findings of the review were disclosed to the Community industry.

D. Amendment

- (8) In view of the foregoing, Regulations (EEC) No 2089/84 and (EEC) No 1739/85 should be amended.
- (9) The duties imposed by Regulations (EEC) No 2089/84 and (EEC) No 1739/85 are not being modified or confirmed within the meaning of Article 15 (1) of Regulation (EEC) No 2423/88, and the date on which they are due to expire, pursuant to that provision, consequently remains unchanged,

HAS ADOPTED THIS REGULATION :

Article 1

In Article 1 (2) of Regulation (EEC) No 2089/84, the reference to 'Nippon Seiko KK' shall be replaced by 'NSK Ltd'.

Article 2

In Article 1 (2) of Regulation (EEC) No 1739/85, the reference to 'Nippon Seiko Co. Ltd, Tokyo' shall be replaced by 'NSK Ltd'.

Article 3

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

It shall apply with effect from 24 September 1991.

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

⁽²⁾ OJ No L 256, 20. 9. 1990, p. 1.

⁽³⁾ OJ No L 193, 21. 7. 1984, p. 1.

⁽⁴⁾ OJ No L 286, 1. 10. 1992, p. 2.

⁽⁵⁾ OJ No L 167, 27. 6. 1985, p. 3.

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

Done at Luxembourg, 19 April 1994.

For the Council

The President

Th. PANGALOS

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 12 April 1994

amending Decision 89/631/EEC on a Community financial contribution towards expenditure incurred by Member States for the purpose of ensuring compliance with the Community system for the conservation and management of fishery resources

(94/207/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the use of satellite and/or automatic data recorder systems for locating the position of fishing vessels can contribute to a significant improvement in the monitoring function which Member States are required to fulfil in the Community interest; whereas the Council is to decide before 1 January 1996 on the introduction of such systems, following the implementation by Member States, before 30 June 1995, of pilot projects for certain types of Community fishing vessels, as provided for in Article 3 of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽⁴⁾;

Whereas it is important to contribute at Community level to the implementation of the pilot projects of the Member States in accordance with the conditions laid

down in Article 3 of the said Regulation; whereas it is therefore necessary to provide, by way of exception, for an increased Community contribution to the eligible expenditure incurred by the Member States to carry out these projects during a limited period ending on the date provided for in that Article and also to lay down corresponding administrative deadlines;

Whereas, therefore, it is necessary to amend Council Decision 89/631/EEC of 27 November 1989 on a Community financial contribution towards expenditure incurred by Member States for the purpose of ensuring compliance with the Community system for the conservation and management of fishery resources ⁽⁵⁾,

HAS ADOPTED THIS DECISION:

Article 1

Decisión 89/631/EEC is hereby amended as follows:

1. The following Articles shall be added:

'Article 2a

1. However, the Community shall, by way of an exception, meet 100 % of the eligible expenditure incurred by Member States for the purpose of implementing pilot projects as referred to in Article 3 of Council Regulation (EEC) No 2847/93 of 12 October

⁽¹⁾ OJ No C 334, 9. 12. 1993, p. 2.

⁽²⁾ OJ No C 91, 28. 3. 1994.

⁽³⁾ Opinion delivered on 23 February 1994 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽⁵⁾ OJ No L 364, 14. 12. 1989, p. 64. Decision as last amended by Decision 92/393/EEC (OJ No L 213, 27. 7. 1992, p. 35).

1993 establishing a system of control applicable to the common fisheries policy (*) which relate to the use of position-logging systems using satellites and/or automatic data recorders.

2. The eligible expenditure of the Member States shall relate to the funding of the implementation of pilot projects within the meaning of paragraph 1 in the period 1 June 1994 to 1 June 1995 under the conditions set out in Annex A.

(*) OJ No L 261, 20. 10. 1993, p. 1.

Article 2b

1. Member States wishing to benefit from a Community contribution to the financing of their expenditure pursuant to Article 2a shall forward to the Commission, before 15 April 1994, a schedule containing the information specified in paragraph 2 of Annex A.

2. The Commission shall decide, before 15 June 1994, in accordance with the procedure laid down in

Article 18 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture (*), on the Community contribution to the expenditure incurred in 1994 and 1995 pursuant to Article 2a, the eligibility of expenditure and any conditions to which the contribution may be subject.

(*) OJ No L 389, 31. 12. 1992, p. 1.

2. The Annex which appears in the Annex to this Decision shall be added.

Article 2

This Decision is addressed to the Member States.

Done at Luxembourg, 12 April 1994.

For the Council

The President

F. CONSTANTINOU

ANNEX

ANNEX A

Funding conditions referred to in Article 2a

1. The eligible expenditure of Member States referred to in Article 2a (1) and (2) relates to the funding of :
 - pilot projects involving a system of position-monitoring using satellites,
 - pilot projects involving a system of position-logging using automatic data recorders.
2. The schedule referred to in Article 2b (1), shall list the expenditure referred to at 1, it shall specify in particular :
 - (a) a list of the vessels and their technical specifications to be equipped as part of the pilot projects referred to at 1 ;
 - (b) the technical specifications of the equipment :
 - to installed on vessels participating in a pilot project,
 - designed for the recording at a land-based centre and in computer-readable form of information transmitted or collected by fishing vessels in whatever waters they are operating or whatever port they are in,
 - designed to enable the flag Member State, under the cooperation arrangements between Member States and the Commission, to communicate information about its vessels immediately and automatically to the competent authorities of the Member States in whose waters these vessels are operating ;
 - (c) in the context of applying a system of automatic recording of a vessel's position, the assurances given by the Member State as to the introduction of a procedure for collecting catch data and storing them centrally on computer ;
 - (d) the cost of the equipment and the method of payment envisaged ;
 - (e) the operational costs associated with the implementation of the approved pilot projects ;
 - (f) the timetable for the planned expenditure.
3. The Commission shall consider each Member State's application by reference to the following criteria in particular :
 - the number of vessels,
 - complementary pilot projects which concentrate on fishing fleets the activities of which are subject to fishing restrictions,
 - pilot projects involving large vessels.
4. Member States shall submit their applications for reimbursement before 1 October 1995.

The reimbursement of expenditure and the payment of advances shall take place only where the provisions of the Directives coordinating procedures for the award of public works and supply contracts have been complied with, in the sense that certificates of payment must make reference to the notices of the award of public contracts as published in the *Official Journal of the European Communities*. Where notices have not been published in the *Official Journal of the European Communities*, the beneficiary shall certify that the public contracts have been awarded in conformity with Community legislation.

The Commission may request any information which it considers necessary for judging whether Community legislation on public contracts has been complied with.
5. Member States shall supply the Commission with any information which it may request for the performance of its duties under this Decision.

Each Member State shall, by 31 August 1995 at the latest, supply the Commission with a report evaluating the implementation of the pilot project or projects financed by the Community pursuant to this Decision.

This paragraph shall apply without prejudice to Article 29 of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy.'