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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1065/94
of 6 May 1994
on the supply of cereals as food aid**

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽¹⁾, as last amended by Regulation (EEC) No 1930/90⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain beneficiaries 52 293 tonnes of cereals;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽⁴⁾, as amended by Regulation (EEC) No 790/91⁽⁵⁾; whereas it

is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant cost,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilized in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 6 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOTS A and B

1. **Operation Nos** ⁽¹⁾: 1597/93 (A); 1598/93 (B 1); 1599/93 (B 2)
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma; telex 626675 WFP I
4. **Representative of the recipient** ⁽²⁾: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Eritrea (A); Bangladesh (B)
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: OJ No C 114, 29. 4. 1991, p. 1 (under II.A. (1) (a))
8. **Total quantity**: 33 081 tonnes
9. **Number of lots**: two (A: 15 000 tonnes; B (in two parts): B 1: 10 000 tonnes; B 2: 8 081 tonnes)
10. **Packaging and marking** ⁽⁸⁾: OJ No C 114, 29. 4. 1991, p. 1 (under II.A. (2) (a) and II.A. (3))
Markings in English;
— bulk + 315 000 (A) + 210 000 (B 1) + 170 000 (B 2) Bags and 150 (A) + 100 (B 1) + 80 (B 2) needles and necessary twine (2 m/bag) ⁽⁹⁾
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment — fob stowed and trimmed ⁽⁶⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available (fob stowed) at the port of shipment**: 13. 6 — 3. 7. 1994
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 24. 5. 1994
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 7. 6. 1994
 - (b) period for making the goods available (fob stowed) at the port of shipment: 27. 6 — 17. 7. 1994
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles (telex 22037/25670 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on request by the successful tenderer** ⁽¹⁾: refund applicable on 20. 5. 1994, fixed by Commission Regulation (EC) No 993/94 (OJ No L 111, 30. 4. 1994, p. 54)

LOT C

1. **Operation Nos⁽¹⁾**: 1600/93 (C 1); 1601/93 (C 2)
2. **Programme**: 1993
3. **Recipient⁽²⁾**: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma; telex 626675 WFP I
4. **Representative of the recipient**: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Jordan
6. **Product to be mobilized**: durum wheat
7. **Characteristics and quality of the goods⁽³⁾(7)**: OJ No C 114, 29. 4. 1991, p. 1 (under II.A. (1) (b))
8. **Total quantity**: 1 212 tonnes
9. **Number of lots**: one (in two parts) (C 1: 212 tonnes; C 2: 1 000 tonnes)
10. **Packaging and marking⁽⁸⁾(10)**: see OJ No C 114, 29. 4. 1991, p. 1 (under II.A. (2) (a) and II.A. (3))
 - markings in English
 - supplementary markings: 'crop year: ...'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 13. 6. — 3. 7. 1994
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 24. 5. 1994
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 7. 6. 1994
 - (b) period for making the goods available at the port of shipment: 27. 6. — 17. 7. 1994
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities⁽¹⁾**: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles; (telex 22037/25670 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on request by the successful tenderer⁽⁴⁾**: refund applicable on 20. 5. 1994, fixed by Commission Regulation (EC) No 993/94 (OJ No L 111, 30. 4. 1994, p. 54)

LOT D

1. **Operation No** ⁽¹⁾: 1604/93
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: Angola
4. **Representative of the recipient**: PAM (Programme Alimentaire Mondial), Rua Major Kanhangulo n° 197/R-C (Sr Filipe Borel, tel. (24 42) 239 35 43 ; telefax 239 35 42, telex 3426 UN WFP AN), Luanda
5. **Place or country of destination** ⁽³⁾: Angola
6. **Product to be mobilized**: milled rice (product code 1006 30 94 900 / 1006 30 96 900 / 1006 30 92 900)
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽¹¹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA. (1) (f))
8. **Total quantity**: 3 000 tonnes (6 000 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁸⁾ ⁽¹⁰⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA. (2) (a) and IIA. (3))
Markings in Portuguese
11. **Method of mobilization of product**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Luanda
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 13. 6 — 3. 7. 1994
18. **Deadline for the supply**: 31. 7. 1994
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for the submission of tenders**: 12 noon (Brussels time) on 24. 5. 1994
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 7. 6. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 27. 6 — 17. 7. 1994
 - (c) deadline for the supply: 14. 8. 1994
22. **Amount of tendering security**: ECU 5 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Mr T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200, rue de la Loi, B-1049 Bruxelles ; (telex 22037 / 25670 AGREC B ; telefax : (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: refund applicable on 20. 5. 1994, fixed by Commission Regulation (EC) No 993/94 (OJ No L 111, 30. 4. 1994, p. 54)

LOT E

1. **Operation No** ⁽¹⁾: 1605/93
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: Angola
4. **Representative of the recipient**: PAM (Programme alimentaire mondial), Rua Major Kanhangulo n° 197/R-C, Luanda (Sr. Filiphe Borel, tel. (24 42) 239 35 43; telefax 239 35 42; telex 3426 UN WFP AN)
5. **Place or country of destination** ⁽³⁾: Angola
6. **Product to be mobilized**: maize
7. **Characteristics and quality of the goods** ⁽³⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II. A. (1) (d))
8. **Total quantity**: 12 000 tonnes
9. **Number of lots**: one (in three parts) (E1: 3 000 tonnes; E2: 4 500 tonnes; E3: 4 500 tonnes)
10. **Packaging and marking** ⁽⁶⁾ ⁽¹⁰⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II. A. (2) (a) and II. A. (3))
Markings in Portuguese
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: E1: Luanda; E2: Lobito; E3: Namibe
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 13. 6 — 3. 7. 1994
18. **Deadline for the supply**: 31. 7. 1994
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 24. 5. 1994
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 7. 6. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 27. 6 — 17. 7. 1994
 - (c) deadline for the supply: 14. 8. 1994
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestegaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles; (telex 22037 / 25670 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on request by the successful tenderer** ⁽⁴⁾: refund applicable on 20. 5. 1994, fixed by Commission Regulation (EC) No 993/94 (OJ No L 111, 30. 4. 1994, p. 54)

Notes :

- (¹) The operation number should be mentioned in all correspondence.
 - (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
 - (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
 - (⁴) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.
The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106) shall not apply to this amount.
 - (⁵) Commission delegation to be contacted by the successful tenderer : see OJ No C 114, 29. 4. 1991, p. 33.
 - (⁶) Notwithstanding Articles 7 (3) (f) and 13 point 2 of Regulation (EEC) No 2200/87, the price tendered must include all loading, handling, stowage and trimming costs.
 - (⁷) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
 - phytosanitary certificate.
 - (⁸) Notwithstanding OJ No C 114, point II. A. (3). (c) is replaced by the following : 'the words "European Community"'.

(⁹) 60 % polyester, 40 % cotton, 20/4, knotted free yarn, 5 000 m/kg, on spools of 3 kg.
 - (¹⁰) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
 - (¹¹) Broken rice : 30 % maximum.
-

COMMISSION REGULATION (EC) No 1066/94

of 6 May 1994

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of boneless beef held by certain intervention agencies and intended for export, and repealing Regulation (EC) No 580/94

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 3611/93⁽²⁾, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies⁽³⁾, as last amended by Regulation (EEC) No 1759/93⁽⁴⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas Commission Regulation (EEC) No 2824/85 of 9 October 1985 laying down detailed rules for the sale of frozen boned beef from intervention stocks for export, either in the same state or after cutting and/or repackaging⁽⁵⁾, as amended by Regulation (EEC) No 251/93⁽⁶⁾, has provided for repackaging under certain conditions;

Whereas certain intervention agencies hold large stocks of boneless intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas, as there are outlets in certain third countries for the products concerned, part of the meat should be put up for sale in accordance with Regulations (EEC) No 2539/84 and (EEC) No 2824/85;

Whereas with a view to securing a regular and uniform tendering procedure, measures should be taken in addition to those laid down in Regulation (EEC) No 2173/79⁽⁷⁾, as last amended by Regulation (EEC) No 1759/93;

Whereas it is necessary to lay down a time limit for export of the said meat; whereas this time limit should be fixed by taking into account Article 5 (b) of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of

import and export licences in the beef and veal sector⁽⁸⁾, as last amended by Regulation (EEC) No 2867/93⁽⁹⁾;

Whereas, in order to ensure that beef sold is exported, lodging of security, as specified in Article 5 (2) (a) of Regulation (EEC) No 2539/84, should be required;

Whereas it is appropriate to specify that, in view of the prices which have been fixed in the context of this sale in order to permit the disposal of certain cuts, exports of such cuts should not be eligible for the refunds periodically fixed in the beef and veal sector;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 3002/92⁽¹⁰⁾, as last amended by Regulation (EEC) No 1938/93⁽¹¹⁾;

Whereas Commission Regulation (EC) No 580/94⁽¹²⁾ should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A sale shall be organized of approximately:

- 7 000 tonnes of boneless beef held by the Irish intervention agency and bought in before 1 April 1993,
- 8 000 tonnes of boneless beef held by the intervention agency of the United Kingdom and bought in before 1 June 1993,
- 1 000 tonnes of boneless beef held by the Danish intervention agency and bought in before 1 September 1993,
- 5 000 tonnes of boneless beef held by the French intervention agency and bought in before 1 August 1993.

2. This meat shall be for export.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 328, 29. 12. 1993, p. 7.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 161, 2. 7. 1993, p. 59.

⁽⁵⁾ OJ No L 268, 10. 10. 1985, p. 14.

⁽⁶⁾ OJ No L 28, 5. 2. 1993, p. 47.

⁽⁷⁾ OJ No L 251, 5. 10. 1979, p. 12.

⁽⁸⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁹⁾ OJ No L 262, 21. 10. 1993, p. 26.

⁽¹⁰⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽¹¹⁾ OJ No L 176, 20. 7. 1993, p. 12.

⁽¹²⁾ OJ No L 74, 17. 3. 1994, p. 9.

3. Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulations (EEC) No 2539/84, (EEC) No 2824/85 and (EEC) No 3002/92.

The provisions of Commission Regulation (EEC) No 985/81⁽¹⁾ shall not apply to this sale.

4. By way of derogation from Article 8 (1) of Regulation (EEC) No 2173/79 a tender must be submitted to the intervention agency concerned in a closed envelope, bearing the reference to the Regulation concerned. The closed envelope must not be opened by the intervention agency before the expiry of the tender deadline referred to in paragraph 6.

5. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

6. Only those tenders shall be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 17 May 1994.

7. Particulars of the quantities and the places where the products are stored shall be available to interested parties at the addresses given in Annex II.

Article 2

The products referred to in Article 1 must be exported within five months from the date of conclusion of the contract of sale.

Article 3

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 30 per 100 kilograms.

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be ECU 450 per 100 kilo-

grams of boneless beef referred to under (a) in Annex I and ECU 230 per 100 kilograms of boneless beef referred to under (b) in Annex I.

Article 4

In the case of the meat referred to under 1 (b), and 2 (b) in Annex I no export refund shall be granted.

Article 5

1. In the removal order referred to in Article 3 (1) (b) of Regulation (EEC) No 3002/92, the export declaration, and, where appropriate, the T5 control copy shall be entered:

Productos de intervención [Reglamento (CE) nº 1066/94];
Interventionsprodukter [Forordning (EF) nr. 1066/94];
Interventionserzeugnisse [Verordnung (EG) Nr. 1066/94];
Προϊόντα παρεμβάσεως [κανονισμός (ΕΚ) αριθ. 1066/94];

Intervention products (Regulation (EC) No 1066/94);
Produits d'intervention [Règlement (CE) nº 1066/94];
Prodotti d'intervento [Regolamento (CE) n. 1066/94];
Produkten uit interventievoorraden [Verordening (EG) nr. 1066/94];

Produtos de intervenção [Regulamento (CE) nº 1066/94].

2. With regard to the security provided for in Article 3 (2), compliance with the provisions of paragraph 1 shall constitute a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽²⁾.

Article 6

Regulation (EC) No 580/94 is hereby repealed.

Article 7

This Regulation shall enter into force on 17 May 1994.

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

Done at Brussels, 6 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 99, 10. 4. 1981, p. 38.

⁽²⁾ OJ No L 205, 3. 8. 1985, p. 5.

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

Precio mínimo expresado en ecus por tonelada⁽¹⁾ — Mindestpreise in ECU/ton⁽¹⁾ — Mindestpreise, ausgedrückt in ECU/Tonne⁽¹⁾ — Ελάχιστες τιμές πώλησεως εκφραζόμενες σε Ecu ανά τόνο⁽¹⁾ — Minimum prices expressed in ECU per tonne⁽¹⁾ — Prix minimaux exprimés en écus par tonne⁽¹⁾ — Prezzi minimi espressi in ecu per tonnellata⁽¹⁾ — Minimumprijzen uitgedrukt in ecu per ton⁽¹⁾ — Preço mínimo expresso em ecus por tonelada⁽¹⁾

1. IRELAND

a) Striploins	2 700
Insides	2 650
Outsides	2 250
Knuckles	2 400
Rumps	2 250
Cube-rolls	3 000
b) Forequarters	900
Shins/shanks	900

2. UNITED KINGDOM

a) Fillets	4 400
Striploins	2 300
Topsides	2 250
Silversides	2 200
Thick flanks	2 150
Rumps	2 150
b) Shins and shanks	900
Clod and sticking	850
Ponies	900
Foreribs	750

3. DANMARK

a) Mørbrad med bimørbrad	4 950
Filet med entrecôte og tyndsteg	2 550
Inderlår med kappe	2 350
Tykstegsfilet med kappe	2 300
Klump med kappe	2 300
Yderlår med lårtunge	2 250

4. FRANCE

a) Filet	5 000
Faux filet	2 250
Tende de tranche	2 500
Tranche grasse	2 400
Rumsteak	2 350
Gîte à la noix	2 400
Entrecôte	2 350

⁽¹⁾ Estos precios se entenderán netos con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) n° 2173/79.

⁽¹⁾ Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

⁽¹⁾ Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

⁽¹⁾ Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

⁽¹⁾ These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

⁽¹⁾ Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.

⁽¹⁾ Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.

⁽¹⁾ Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

⁽¹⁾ Estes preços aplicam-se a peso líquido, conforme o disposto no n° 1 do artigo 17º do Regulamento (CEE) n° 2173/79.

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

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção**

IRELAND : Department of Agriculture, Food and Forestry
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 678 90 11, ext. 2278 and 3806
Telex 93292 and 93607, telefax (01) 6616263, (01) 6785214 and (01) 6620198

DANMARK : EF-Direktoratet
Nyropsgade 26
DK-1602 København K
Tlf. 33 92 70 00, telex 15137 EFDIR DK, telefax 33 92 69 48

UNITED KINGDOM : Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berkshire
Tel. (0734) 58 36 26
Telex 848 302, telefax (0734) 56 67 50

FRANCE : OFIVAL
Tour Montparnasse
33, avenue du Maine
F-75755 Paris Cedex 15
Tél. 45 38 84 00, télex 205476 F

COMMISSION REGULATION (EC) No 1067/94

of 6 May 1994

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for processing within the Community and repealing Regulation (EC) No 756/94

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 3611/93 ⁽²⁾, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies ⁽³⁾, as last amended by Regulation (EEC) No 1759/93 ⁽⁴⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas certain intervention agencies hold substantial stocks of intervention meat; whereas an extension of the period of storage should be avoided on account of the ensuing high costs; whereas, in the present market situation, there are outlets for such meat for processing in the Community;

Whereas with a view to securing a regular and uniform tendering procedure, measures should be taken in addition to those laid down in Regulation (EEC) No 2173/79 ⁽⁵⁾, as last amended by Regulation (EEC) No 1759/93;

Whereas such sales should be made in accordance with Commission Regulations (EEC) No 2539/84, (EEC) No 3002/92 ⁽⁶⁾, as last amended by Regulation (EEC) No 1938/93 ⁽⁷⁾, and (EEC) No 2182/77 ⁽⁸⁾, as last amended by Regulation (EEC) No 1759/93, subject to certain special exceptions on account of the particular use to which the products in question are to be put;

Whereas Commission Regulation (EC) No 756/94 ⁽⁹⁾ should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The following approximate quantities of beef shall be put up for sale for processing within the Community:

(a) bone-in hindquarters:

- 69 tonnes of bone-in beef held by the Irish intervention agency and bought in before 1 January 1992;

(b) bone-in forequarters:

- 10 tonnes of bone-in beef held by the Danish intervention agency and bought in before 1 January 1992;

(c) boneless beef:

- 4 835 tonnes of boneless beef held by the United Kingdom intervention agency and bought in before 1 June 1993,
- 1 000 tonnes of boneless beef held by the Italian intervention agency and bought in before 1 February 1993,
- 1 600 tonnes of boneless beef held by the Danish intervention agency and bought in before 1 September 1993,
- 8 000 tonnes of boneless beef held by the Irish intervention agency and bought in before 1 June 1993.

2. The intervention agencies referred to in paragraph 1 shall sell first the meat which has been stored the longest.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 328, 29. 12. 1993, p. 7.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 161, 2. 7. 1993, p. 59.

⁽⁵⁾ OJ No L 251, 5. 10. 1979, p. 12.

⁽⁶⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽⁷⁾ OJ No L 176, 20. 7. 1993, p. 12.

⁽⁸⁾ OJ No L 251, 1. 10. 1977, p. 60.

⁽⁹⁾ OJ No L 89, 6. 4. 1994, p. 8.

3. The sales shall be conducted in accordance with the provisions of Regulations (EEC) No 2539/84, (EEC) No 3002/92, (EEC) No 2182/77 and this Regulation.

4. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

5. Only those tenders shall be taken into consideration which reach the intervention agencies concerned no later than 12 noon on 16 May 1994.

6. Particulars relating to the quantities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex II.

7. By way of derogation from Article 8 (1) of Regulation (EEC) No 2173/79 a tender must be submitted to the intervention agency concerned in a closed envelope, bearing the reference to the Regulation concerned. The closed envelope must not be opened by the intervention agency before the expiry of the tender deadline referred to in paragraph 5.

Article 2

1. Notwithstanding Article 3 (1) and (2) of Regulation (EEC) No 2182/77, the tender or application to purchase :

(a) shall be valid only if presented by a natural or legal person who, for at least 12 months, has been engaged in the processing of products containing beef and who is entered in a public register of a Member State ;

(b) must be accompanied by :

- a written undertaking by the applicant to process the meat purchased into products specified in Article 1 (1) of Regulation (EEC) No 2182/77 within the period referred to in Article 5 (1) of the abovementioned Regulation,
- a precise indication of the establishment or establishments where the meat which has been purchased will be processed.

2. The applicants referred to in paragraph 1 may instruct an agent to take delivery, on their behalf, of the products which they purchase. In this case the agent shall submit the tenders or applications to purchase of the purchasers whom he represents.

3. The purchasers and agents referred to in the foregoing paragraphs shall maintain and keep up to date an accounting system which permits the destination and use of the products to be ascertained with a view particularly to checking to ensure that the quantities of products purchased and manufactured tally.

Article 3

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 10 per 100 kilograms.

2. The security provided for in Article 5 (3) (a) of Regulation (EEC) No 2539/84 shall be :

- ECU 150 per 100 kilograms for bone-in hindquarters,
- ECU 100 per 100 kilograms for bone-in forequarters,
- ECU 140 per 100 kilograms for boneless meat.

Article 4

For the purpose of this Regulation, 100 kilograms of bone-in hindquarters equals 64 kilograms of boneless meat after removal of the fillet and the striploin.

Article 5

Regulation (EC) No 756/94 is hereby repealed.

Article 6

This Regulation shall enter into force on 16 May 1994.

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

Done at Brussels, 6 May 1994.

For the Commission

René STEICHEN

Member of the Commission

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

Estado miembro	Productos	Cantidad aproximada (toneladas)	Precio mínimo expresado en ecus por tonelada (1)
Medlemsstat	Produkter	Tilnærmet mængde (tons)	Mindstepriser i ECU/ton (1)
Mitgliedstaat	Erzeugnisse	Ungefähre Mengen (Tonnen)	Mindestpreise, ausgedrückt in ECU/Tonne (1)
Κράτος μέλος	Προϊόντα	Κατά προσέγγιση ποσότητα (τόνοι)	Ελάχιστες τιμές πώλησεως εκφραζόμενες σε Ecu τόνο (1)
Member State	Products	Approximate quantity (tonnes)	Minimum prices expressed in ecus per tonne (1)
État membre	Produits	Quantité approximative (tonnes)	Prix minimaux exprimés en écus par tonne (1)
Stato membro	Prodotti	Quantità approssimativa (tonnellate)	Prezzi minimi espressi in ecu per tonnellata (1)
Lid-Staat	Produkten	Hoeveelheid bij benadering (ton)	Minimumprijzen uitgedrukt in ecu per ton (1)
Estado-membro	Produtos	Quantidade aproximada (toneladas)	Preço mínimo expresso em ecus por tonelada (1)

a) i) Cuartos traseros con hueso — Bagfjerdinger, ikke udbenet — Hinterviertel mit Knochen — Οπίσθια τέταρτα με κόκαλα — Bone-in hindquarters — Quartiers arrière avec os — Quarti posteriori non disossati — Achtervoeten met been — Quartos traseiros com osso

Ireland	— <i>Hindquarters</i> , from : category C, classes U, R and O	69	1 500
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b) Cuartos delanteros con hueso — Forfjerdinger, ikke udbenet — Vorderviertel mit Knochen — Εμπρόσθια τέταρτα με κόκαλα — Bone-in forequarters — Quartiers avant avec os — Quarti anteriori non disossati — Voorvoeten met been — Quartos dianteiros com osso

Danmark	— <i>Forfjerdinger af</i> : kategori A/C, klasse R og O	10	700
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c) Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Αποστεωμένο κρέας — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada

Ireland	— <i>Category C:</i>		
	Shins and shanks	500	1 550
	Plates and flanks	3 000	1 150
	Forequarters	2 000	1 600
	Briskets	1 000	1 500
	Outsides	500	2 750
	Knuckles	500	2 400
	Rumps	500	2 150
United Kingdom	— <i>Category C:</i>		
	Briskets	500	1 500
	Rumps	500	2 000
	Thick flanks	500	2 200
	Topsides	1 000	3 100
	Silversides	500	3 050
	Pony	500	2 000
	Foreribs	200	1 600
	Shins and shanks	300	1 500
	Clod and sticking	500	1 750
	Forequarter flanks	155	1 100
	Thin flanks	180	1 100
Italia	— <i>Categoria A:</i>		
	Scamone	234	2 100
	Fesa esterne	250	2 600
	Fesa interna	250	2 700
	Noce	200	2 200
	Girello	66	3 000

Estado miembro	Productos	Cantidad aproximada (toneladas)	Precio mínimo expresado en ecus por tonelada ⁽¹⁾
Medlemsstat	Produkter	Tilnærmet mængde (tons)	Mindestpriser i ECU/ton ⁽¹⁾
Mitgliedstaat	Erzeugnisse	Ungefähre Mengen (Tonnen)	Mindestpreise, ausgedrückt in ECU/Tonne ⁽¹⁾
Κράτος μέλος	Προϊόντα	Κατά προσέγγιση ποσότητα (τόνοι)	Ελάχιστες τιμές πώλησεως εκφραζόμενες σε Ecu τόνο ⁽¹⁾
Member State	Products	Approximate quantity (tonnes)	Minimum prices expressed in ecus per tonne ⁽¹⁾
État membre	Produits	Quantité approximative (tonnes)	Prix minimaux exprimés en écus par tonne ⁽¹⁾
Stato membro	Prodotti	Quantità approssimativa (tonnellate)	Prezzi minimi espressi in ecu per tonnellata ⁽¹⁾
Lid-Staat	Produkten	Hoeveelheid bij benadering (ton)	Minimumprijzen uitgedrukt in ecu per ton ⁽¹⁾
Estado-membro	Produtos	Quantidade aproximada (toneladas)	Preço mínimo expresso em ecus por tonelada ⁽¹⁾
Danmark	— Kategori A/C: Bryst og slag Øvrigt kød af forfjerding Skank og muskel Yderlår med lårtunge Klump med kappe	500 800 100 100 100	1 300 1 900 1 600 2 750 2 800

⁽¹⁾ Estos precios se entenderán con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) n° 2173/79.

⁽¹⁾ Disse priser gælder i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

⁽¹⁾ Diese Preise gelten gemäß Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

⁽¹⁾ Οι τιμές αυτές εφαρμόζονται σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

⁽¹⁾ These prices shall apply in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

⁽¹⁾ Ces prix s'entendent conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.

⁽¹⁾ Il prezzo si intende in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.

⁽¹⁾ Deze prijzen gelden overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

⁽¹⁾ Estes preços aplicam-se conforme o disposto no n° 1 do artigo 17º do Regulamento (CEE) n° 2173/79.

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

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organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção**

- IRELAND :** Department of Agriculture, Food and Forestry
Agriculture House
Kildare Street
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Tel. (01) 678 90 11, ext. 2278 and 3806
Telex 93292 and 93607, telefax (01) 6616263, (01) 6785214 and (01) 6620198
- DANMARK :** EF-Direktoratet
Nyropsgade 26
DK-1602 København K
Tlf. (33) 92 70 00, telex 15137 EFDIR DK, telefax (33) 92 69 48
- ITALIA :** Azienda di Stato per gli interventi nel mercato agricolo (AIMA)
Via Palestro 81
I-00185 Roma
Tel. 49 49 91
Telex 61 30 03
- UNITED KINGDOM :** Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berkshire
Tel. (0734) 58 36 26
Telex 848 302, telefax (0734) 56 67 50
- FRANCE :** OFIVAL
Tour Montparnasse
33, avenue du Maine
F-75755 Paris Cedex 15
Tél. : 45 38 84 00, télex 205476 F
-

COMMISSION REGULATION (EC) No 1068/94

of 6 May 1994

re-establishing the preferential customs duty on imports of small-flowered roses
originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community;

Whereas Council Regulation (EEC) No 2604/93⁽³⁾ opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel;

Whereas Article 2 (3) of Regulation (EEC) No 4088/87 stipulates that the preferential customs duty shall be re-established for a given product of a given origin if the prices of the imported product (full rate customs duty not deducted) are, for at least 70 % of the quantities for which prices are available on representative Community import markets, not less than 85 % of the Community producer price for a period, calculated from the actual date of suspension of the actual preferential customs duty,

- of two successive market days, after suspension pursuant to Article 2 (2) (a) of that Regulation,
- of three successive market days, after suspension pursuant to Article 2 (2) (b) of that Regulation;

Whereas Commission Regulation (EEC) No 2890/93⁽⁴⁾ fixed Community producer prices for carnations and roses for application of the arrangements for importation from the countries in question;

Whereas Commission Regulation (EEC) No 700/88⁽⁵⁾, as last amended by Regulation (EEC) No 2917/93⁽⁶⁾, laid

down detailed rules for the application of these arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁷⁾, as amended by Regulation (EC) No 3528/93⁽⁸⁾, 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⁽⁹⁾, as amended by Regulation (EC) No 547/94⁽¹⁰⁾;

Whereas the preferential customs duty fixed for small-flowered roses originating in Israel by Regulation (EEC) No 2604/93 was suspended by Commission Regulation (EC) No 383/94⁽¹¹⁾;

Whereas on the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in the last subparagraph of Article 2 (3) of Regulation (EEC) No 4088/87 is met for small-flowered roses originating in Israel; whereas the preferential customs duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of small-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel the preferential customs duty set by Regulation (EEC) No 2604/93 is re-established.

Article 2

This Regulation shall enter into force on 7 May 1994.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 239, 24. 9. 1993, p. 1.

⁽⁴⁾ OJ No L 263, 22. 10. 1993, p. 10.

⁽⁵⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁶⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁸⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹⁰⁾ OJ No L 69, 12. 3. 1994, p. 1.

⁽¹¹⁾ OJ No L 50, 22. 2. 1994, p. 1.

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

Done at Brussels, 6 May 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 1069/94

of 6 May 1994

opening invitations to tender for the fixing of aid for the private storage of
carcasses and half-carcasses of lamb

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 7 (3) thereof,

Whereas Commission Regulation (EEC) No 3446/90 of 27 November 1990 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat⁽³⁾, as last amended by Regulation (EC) No 3533/93⁽⁴⁾, provides in particular for detailed rules on the invitation to tender;

Whereas Commission Regulation (EEC) No 3447/90 of 28 November 1990 on special conditions for the granting of private storage aid for sheepmeat and goatmeat⁽⁵⁾, as last amended by Regulation (EEC) No 1258/91⁽⁶⁾, provides in particular the minimum quantities in respect of which a tender may be submitted;

Whereas the application of Article 7 (3) of Regulation (EEC) No 3013/89 results in the opening of invitations to tender for private storage aid;

Whereas that Article provides for the application of these measures on the basis of the situation of each quotation

zone; whereas it is appropriate consequently to open tenders separately for each of the zones where the conditions are fulfilled,

HAS ADOPTED THIS REGULATION:

Article 1

Invitations to tender are opened in Ireland and Italy for aid to private storage for carcasses and half-carcasses of lamb.

Subject to the provisions of Regulation (EEC) No 3447/90 tenders may be submitted to the intervention agencies of the Member States concerned.

Article 2

Tenders must be submitted not later than 2 p.m. on 16 May 1994 to the relevant intervention agency.

Article 3

This Regulation shall enter into force on 7 May 1994.

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

Done at Brussels, 6 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 9.

⁽³⁾ OJ No L 333, 30. 11. 1990, p. 39.

⁽⁴⁾ OJ No L 321, 23. 12. 1993, p. 9.

⁽⁵⁾ OJ No L 333, 30. 11. 1990, p. 46.

⁽⁶⁾ OJ No L 120, 15. 5. 1991, p. 15.

COMMISSION REGULATION (EC) No 1070/94

of 6 May 1994

amending Regulation (EEC) No 1627/89 on the buying-in of beef by invitation to tender

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 3611/93 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽³⁾, as last amended by Regulation (EC) No 898/94 ⁽⁴⁾, opens buying-in by invitation to tender in certain Member States or regions of a Member State for certain quality groups ;

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

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 16 May 1994.

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

Done at Brussels, 6 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 328, 29. 12. 1993, p. 7.

⁽³⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁴⁾ OJ No L 104, 23. 4. 1994, p. 22.

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

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

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

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EC) No 1071/94**of 6 May 1994****fixing the minimum import price applicable to certain types of processed cherries during 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 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 549/94 ⁽²⁾, and in particular Article 9 (6) thereof,

Whereas Council Regulation (EEC) No 3225/88 ⁽³⁾ fixes general rules for the system of minimum import prices for certain processed cherries;

Whereas, pursuant to Article 9 (2) of Regulation (EEC) No 426/86, minimum import prices are to be determined having regard in particular to:

- the free-at-frontier prices on import into the Community,
- the prices obtained on world markets,
- the situation on the internal Community market,
- the trend of trade with non-member countries;

Whereas a minimum import price should be fixed on the basis of the abovementioned criteria for the 1994/95

marketing year for certain types of processed cherries listed in Annex I (B) to Regulation (EEC) No 426/86;

Whereas the Management Committee for 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 each of the products listed in the Annex to this Regulation, the minimum import price applicable during the 1994/95 marketing year shall be as set out in that Annex.

Article 2

This Regulation shall enter into force on 10 May 1994.

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

Done at Brussels, 6 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 69, 12. 3. 1994, p. 5.

⁽³⁾ OJ No L 288, 21. 10. 1988, p. 11.

ANNEX

(ECU/100 kg net weight)

CN code	Description	Minimum import price
ex 0811	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter:	
ex 0811 90	— Other:	
	— — Containing added sugar or other sweetening matter:	
ex 0811 90 10	— — — With a sugar content exceeding 13% by weight:	
	— — — — Sour cherries (<i>Prunus cerasus</i>):	
ex 0811 90 10	— — — — — Unstoned	48,20
ex 0811 90 10	— — — — — Other	54,50
	— — — — Other cherries:	
ex 0811 90 10	— — — — — Unstoned	48,20
ex 0811 90 10	— — — — — Other	54,50
ex 0811 90 30	— — — Other:	
	— — — — Sour cherries (<i>Prunus cerasus</i>):	
ex 0811 90 30	— — — — — Unstoned	48,20
ex 0811 90 30	— — — — — Other	54,50
	— — — — Other cherries:	
ex 0811 90 30	— — — — — Unstoned	48,20
ex 0811 90 30	— — — — — Other	54,50
	— — Other:	
	— — — Cherries:	
	— — — — Sour cherries (<i>Prunus cerasus</i>):	
ex 0811 90 75	— — — — — Unstoned	48,20
ex 0811 90 75	— — — — — Other	54,50
	— — — — Other:	
ex 0811 90 80	— — — — — Unstoned	48,20
ex 0811 90 80	— — — — — Other	54,50
ex 0812	Fruit and nuts, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:	
0812 10 00	— Cherries:	
ex 0812 10 00	— — Sour cherries (<i>Prunus cerasus</i>)	—
ex 0812 10 00	— — Other	—
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:	
2008 60	— Cherries:	
	— — Not containing added spirit:	
	— — — Containing added sugar, in immediate packings of a net content exceeding 1 kg:	
2008 60 51	— — — — Sour cherries (<i>Prunus cerasus</i>)	60,80
2008 60 59	— — — — Other	60,80
	— — — Containing added sugar, in immediate packings of a net content not exceeding 1 kg:	
2008 60 61	— — — — Sour cherries (<i>Prunus cerasus</i>)	67,10
2008 60 69	— — — — Other	67,10
	— — — Not containing added sugar, in immediate packings of a net content:	
	— — — — Of 4,5 kg or more:	
2008 60 71	— — — — — Sour cherries (<i>Prunus cerasus</i>)	53,70
2008 60 79	— — — — — Other	53,70
	— — — — Of less than 4,5 kg:	
2008 60 91	— — — — — Sour cherries (<i>Prunus cerasus</i>)	58,70
2008 60 99	— — — — — Other	58,70

COMMISSION REGULATION (EC) No 1072/94**of 6 May 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 Commission Regulation (EEC) No 2193/93 ⁽²⁾, and in particular Article 10 (5) and Article 11 (3) thereof,

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

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EC) No 819/94 ⁽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 5 May 1994, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 819/94 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 May 1994.

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

Done at Brussels, 6 May 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 94, 13. 4. 1994, p. 16.

ANNEX

to the Commission Regulation of 6 May 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ⁽⁹⁾
0709 90 60	99,55 ⁽²⁾ ⁽³⁾
0712 90 19	99,55 ⁽²⁾ ⁽³⁾
1001 10 00	9,11 ⁽¹⁾ ⁽²⁾
1001 90 91	89,55
1001 90 99	89,55 ⁽²⁾
1002 00 00	122,37 ⁽⁶⁾
1003 00 10	125,96
1003 00 90	125,96 ⁽²⁾
1004 00 00	100,83
1005 10 90	99,55 ⁽²⁾ ⁽³⁾
1005 90 00	99,55 ⁽²⁾ ⁽³⁾
1007 00 90	105,85 ⁽⁴⁾
1008 10 00	32,63 ⁽²⁾
1008 20 00	50,69 ⁽⁴⁾ ⁽²⁾
1008 30 00	0 ⁽²⁾
1008 90 10	⁽⁷⁾
1008 90 90	0
1101 00 00	162,92 ⁽²⁾
1102 10 00	208,87
1103 11 10	45,31
1103 11 90	186,87
1107 10 11	170,28
1107 10 19	129,98
1107 10 91	235,09 ⁽¹⁰⁾
1107 10 99	178,41 ⁽²⁾
1107 20 00	206,12 ⁽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 1073/94

of 6 May 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 Commission 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 5 May 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 7 May 1994.

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

Done at Brussels, 6 May 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 6 May 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 5	1st period 6	2nd period 7	3rd period 8
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	1,44	1,26
1001 90 99	0	0	1,44	1,26
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	2,01	1,75
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 5	1st period 6	2nd period 7	3rd period 8	4th period 9
1107 10 11	0	0	2,56	2,24	2,24
1107 10 19	0	0	1,92	1,68	1,68
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 1074/94**of 6 May 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 1060/94 ⁽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 5 May 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 7 May 1994.

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

Done at Brussels, 6 May 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 115, 6. 5. 1994, p. 21.

ANNEX

to the Commission Regulation of 6 May 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	33,85 ⁽¹⁾
1701 11 90	33,85 ⁽¹⁾
1701 12 10	33,85 ⁽¹⁾
1701 12 90	33,85 ⁽¹⁾
1701 91 00	38,73
1701 99 10	38,73
1701 99 90	38,73 ⁽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.

II

(Acts whose publication is not obligatory)

CONFERENCE OF THE REPRESENTATIVES OF THE
GOVERNMENTS OF THE MEMBER STATES

DECISION
OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER
STATES

of 24 March 1994

on the consultation and disclosure of archive documents concerning the
negotiations for the Treaties of Rome, the negotiations for the European
Political Community and the Interim Committee for the Common Market and
Euratom

(94/271/EC, Euratom)

Article 1

The consultation and disclosure of archive documents concerning the negotiations for the Treaties of Rome, the negotiations for the European Political Community and the Interim Committee for the Common Market and Euratom which have been lodged in the Community archives by Member States shall be permitted under the conditions laid down in Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 ⁽¹⁾.

Article 2

This Decision shall enter into force as of today's date.

Done at Brussels, 24 March 1994.

The President

A. ZAPHRIOU

⁽¹⁾ OJ No L 43, 15. 2. 1983, p. 1.

COMMISSION

COMMISSION DECISION

of 13 April 1994

relating to a proceeding pursuant to Article 85 of the EC Treaty

(IV/B-2/34.179 — *Stichting Certificatie Kraanverhuurbedrijf and the Federatie van Nederlandse Kraanverhuurbedrijven*)

(Only the Dutch text is authentic)

(94/272/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 17 of 6 February 1962, First Regulation implementing Articles 85 and 86 of the Treaty ⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal and in particular Article 15 (6) thereof,

Having regard to the complaint submitted on 13 January 1992 by Van Marwijk and others, together with an application for interim measures, and having regard to the statutes and rules notified on 15 January 1992 by the *Stichting Certificatie Kraanverhuurbedrijf* and on 6 February 1992 by the *Federatie van Nederlandse Kraanverhuurbedrijven*,

Having given the undertakings concerned, pursuant to Article 19 (1) of Regulation No 17, the opportunity of being heard on the matters to which the Commission has taken objection,

Whereas :

I. THE FACTS

The complaint

- (1) On 13 January 1992 a complaint, together with an application for interim measures, was submitted by M. W. C. M. van Marwijk and 10 other firms alleging that the *Federatie van Nederlandse Kraanverhuurbedrijven* (hereinafter referred to as 'FNK') and the *Stichting Certificatie Kraanverhuurbedrijf* (hereinafter referred to as 'SCK') had infringed

Articles 85 (1) and 86 of the Treaty by excluding non-member firms from the mobile crane-hire trade and by imposing fixed price rates under their statutes and rules.

The notified agreements

- (2) SCK's statutes and its rules on the certification of the crane-hire trade (hereinafter referred to as 'the rules') were notified to the Commission on 15 January 1992, and FNK's statutes and internal rules were similarly notified on 6 February 1992. In both cases, an application was made for negative clearance or, alternatively, exemption pursuant to Article 85 (3). Central to the notified agreements is the so-called 'inhuurverbod' (ban on the hire of extra cranes from non-affiliated firms) laid down in the second indent of Article 7 of the rules, which states 'in addition to his other obligations under these rules, the certificate-holder is required (...) to use or allow to be used only cranes which are provided with valid certification plates.'

The parties

- (3) The complainants are firms which hire out mobile cranes. Nine of them are established in the Netherlands, the other two being established in Belgium. They are not members of FNK, nor do they participate in SCK.
- (4) FNK is an association of firms that hire out mobile cranes. It was established on 13 March 1971 and has its registered office in Culemborg. As at 31 December 1991 it had 186 members.
- (5) SCK, which has its registered office at the same address in Culemborg, was established on 15 December 1987. Under its statutes, its object is to provide a guarantee, through a system of super-

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

vision sion and registration of firms in the crane-hire business, of the quality and competence of the affiliated firms and of their staff and the quality of their machinery. As at 31 December 1992, 187 firms were affiliated, mostly firms which are also members of FNK. In its pre-operational phase (from 1985 to 1987), SCK received a subsidy from the Netherlands authorities.

The market

- (6) The relevant cranes are employed, above all, in the construction, petrochemical and transport industries in the Netherlands. In the crane-hire business, the hiring of extra cranes from other crane-hirers occurs on a large scale. In 1991 there were, according to FNK's figures, 350 crane-hire firms in the Netherlands with a total turnover of some ECU 450 million. FNK's members accounted for at least 75 % of this total. Because of transport difficulties, according to FNK, most cranes operate within a radius of about 50 km, which would limit the market in the Netherlands for firms from other Member States to areas near the Belgian and German borders.

Government supervision

- (7) Under the Law on conditions at the workplace, employers must ensure that the tools and equipment they use are appropriately and reliably constructed. They are also required to have such equipment inspected periodically. In various safety decrees based on the Law on conditions at the workplace, these rules are stipulated in greater detail. Particular mention may be made here of the Decree on safety in factories and at work sites and the Decree on safety at other types of workplace, in which provisions are laid down relating to the safe construction and safe use of cranes and lifting equipment. These provisions are spelt out in detail, as regards the various types of crane and the various types of lifting equipment, in ministerial regulations, with due regard to the requirements laid down in Council Directive 89/392/EEC⁽¹⁾ relating to machinery.

Under the Decree on safety in factories and at work sites, the Ministry of Social Affairs designated KeBoMa as the only body officially responsible for carrying out inspections of cranes and lifting

equipment. If any serious shortcomings are found, KeBoMa has to inform the Labour Inspectorate.

Structure of FNK and SCK

- (8) SCK is recognized by the Certification Council as a certification institution, which means amongst other things that, in the Certification Council's view, it meets the requirements of independence. This does not take away from the fact that, in practice, the links between FNK and SCK are so close that it is inconceivable that either could take any action without the full knowledge and agreement of the other.
- (9) The statutes of SCK show that half of its management committee is appointed by FNK and that decisions are taken by simple majority vote. It follows from this that no decision can be taken without the approval of FNK. The other members of the management committee are drawn from outside the crane-hire industry (Article 5.1). They include representatives of large firms which award contracts to crane-hire firms on a large scale and on a regular basis. This means that SCK participants are well placed to obtain the largest contracts. This is apparent, for example, from the internal operating rules of Nederlandse Spoorwegen (Dutch Railways), under which only crane-hire firms certified by SCK may be used.

The management committee is assisted by an advisory body composed of members appointed by the management committee, in consultation with FNK, which can itself nominate candidates. The advisory body consists of eight members, including two drawn from FNK itself and four from affiliated organizations and associations of undertakings which place contracts with crane-hire firms. The task of the advisory body includes advising the SCK management committee on the nature and content of the certification system and the establishment of requirements and methods of inspection underlying the certification system. The advice given by the advisory body is binding in nature (Article 2 of the rules of the advisory body).

Although FNK claims that SCK was set up on the initiative of the firms awarding contracts, the impetus seems to have come more from FNK itself; the firms awarding contracts were themselves scarcely organized.

The two organizations have the same address, telephone number and secretariat. The statutes and rules of both organizations were notified by the same representative and in the same form.

⁽¹⁾ OJ No L 183, 29. 6. 1989, p. 9. Directive as last amended by Directive 93/68/EEC (OJ No L 220, 30. 8. 1993, p. 1). In an earlier amendment (Directive 91/368/EEC (OJ No L 198, 22. 7. 1991, p. 16)), cranes were included within the scope of the Directive.

Behaviour of FNK and SCK

- (10) Under its statutes, FNK's object is to promote the interests of the crane-hire business in general and of its members in particular, and to encourage contacts and cooperation in the broadest sense between members. These objectives and the manner in which they are to be achieved are set out in the statutes and internal rules. Firms established outside the Netherlands cannot be members of FNK.

Its statutes included provisions requiring FNK's members who needed additional cranes to hire them wherever possible from other members, and to quote reasonable hire prices. These provisions were annulled by FNK following the interlocutory judgment of the Utrecht District Court on 11 February 1992.

Until 1991 FNK published price-lists; an independent survey of the industry found two sets of price rates, one for clients and one for other members hiring extra cranes.

- (11) Under its statutes, SCK's object is to promote and maintain the quality of crane-hire firms. The objective is to be attained through the establishment of a code of conduct, through a certification system and through monitoring arrangements to ensure compliance with the code of conduct. Certification involves the monitoring of a number of aspects of the crane-hire firm itself: compliance with legal requirements concerning tax and social security payments; evidence of insurance cover, creditworthiness and liquidity; the skills and conditions of employment of the staff. It also involves checking that the firm is on the trade register of the Chamber of Commerce, which excludes or at least seriously impedes access for firms from outside the Netherlands. Certification also covers technical aspects of the cranes themselves, although SCK does not itself inspect any cranes. The cranes are provided with certification plates by SCK to show that the statutory conditions have been complied with. Finally, certified firms are obliged to apply FNK's general conditions. These include conditions concerning prices.

Certification is carried out by members of the advisory body and the certification committee. Members drawn from the sector that awards contracts to crane-hire firms are prominently represented on these SCK bodies. For example, AKZO, DSM and Shell have representatives on the SCK

bodies. Firms placing such contracts are thus encouraged to award them to certified firms. The system is made watertight by the abovementioned 'inhuurverbod' which entered into force on 1 January 1991, under which the certified firm is not allowed to hire extra cranes from firms that are not affiliated to SCK. Since a lot of work in the sector is carried out on a subcontracting basis, the likely effect has been a significant decrease in the turnover of non-affiliated firms; this has already placed a number of such firms in difficulties.

The course of the proceeding

- (12) Following preliminary examination of the case, the Commission issued its statement of objections on 16 December 1992. The Commission considered withdrawing, pursuant to Article 15 (6) of Regulation No 17, the immunity against fines provided for in Article 15 (5) of the Regulation, since it is of the opinion that Article 85 (1) of the Treaty has clearly been infringed and that application of Article 85 (3) is not justified, principally because SCK prohibits its participants from hiring cranes from non-affiliated firms and excludes the affiliation of foreign firms. This ban on hiring extra cranes from non-affiliated firms has far-reaching consequences, particularly in view of the clear involvement in FNK and SCK of large firms that regularly and frequently award contracts to crane-hire firms, which places SCK participants in an extremely favourable position.

The facts and arguments adduced by FNK and SCK in their reply of 3 February 1993 to the statement of objections did not provide any grounds for the Commission to change its views on SCK's certification system, and in particular the ban on the hiring of extra cranes from non-affiliated firms.

In its letter of 4 June 1993 the Commission informed FNK and SCK of this. The Commission indicated that the procedure pursuant to Article 15 (6) of Regulation No 17 could be terminated only if FNK and SCK decided to withdraw the ban.

- (13) In response, FNK and SCK proposed, in their letter of 12 July 1993, that the ban on the hire of extra cranes from non-affiliated firms, as set out in the second indent of Article 7 of the rules, should be amended in such a way that only cranes could be employed which were provided with valid proof of certification granted either by SCK 'or by another certification institution which is qualified under EN 45011 to certify crane-hire firms and in so doing applies demonstrably equivalent criteria.'

The Commission considers that this proposal does not meet its objections, since it has not been established that a private-law certification system such as that introduced by SCK adds anything essential to the already existing statutory requirements applying to cranes and lifting equipment. All such machines and parts thereof are, moreover, covered by the abovementioned Directive 89/392/EEC. In addition, KeBoMA, the crane inspection body recognized by the Dutch Government, does not rank as a certification institution qualified under EN 45011, with the result that cranes which have only KeBoMa approval and which thus satisfy all statutory requirements are still caught by the ban. The amendment proposed by FNK and SCK will consequently have little or no effect in practice.

The Commission thereupon proposed, in a letter dated 2 August 1993, that the second indent of Article 7 of the rules should be amended in such a way as to allow the use only of cranes which can be shown to comply with the statutory provisions in force in the place where the user has his registered office. FNK and SCK did not accept this proposal. The Commission thereupon decided to continue the proceeding pursuant to Article 15 (6).

The course of the proceeding before the national court

(14) In an interlocutory judgment delivered on 11 February 1992 the President of the Utrecht District Court, in proceedings brought by Van Marwijk and others, ordered SCK to suspend application of the ban. This judgment was overturned, similarly in interlocutory proceedings, on 9 July 1992 by the Amsterdam Court of Appeal. The Court of Appeal took the view that it was not for the time being evident and beyond all doubt that the arrangements in question did not have any chance of being exempted by the Commission. In the view of the Court of Appeal, a national court had to be careful in delivering any judgment in the matter, especially since the arrangements were now subject to the decision to be taken by the Commission.

(15) Following the issuing of the statement of objections on 16 December 1992, Van Marwijk and others once again applied to the President of the Utrecht District Court. The latter ruled, in an interlocutory judgment delivered on 6 July 1993, that the ban on the hire of cranes from non-affiliated firms should be suspended, since the circumstances which prompted the Court of Appeal to overturn the earlier judgment of the District Court no longer applied. The President of the District Court took account of the fact that the Commission had in the

meantime, both in the statement of objections and in the abovementioned letter of 4 June 1993, made known its point of view on the arrangements in question and that it was accordingly clear that the ban did not have any chance of being exempted by the Commission. However, in view of the fact that the judgment was to a considerable extent based on an interpretation of the Amsterdam Court of Appeal's earlier judgment of 9 July 1992, the President of the District Court postponed the entry into effect of the judgment for four months (until 8 November) so as to give parties the opportunity of obtaining a new ruling from the Amsterdam Court of Appeal.

That appeal has meanwhile been rejected by the judgment of the Amsterdam Court of Appeal of 28 October 1993. FNK and SCK accordingly prepared and distributed on 4 November, in order to comply with the Court order, a statement to the effect that the 'inhuurverbod' is withdrawn until the Commission has adopted a definitive position on the matter.

II. ARTICLE 85 (1)

(16) As is evident from the facts described above, the FNK rules and the SCK rules form an indissoluble whole and should be assessed together as regards the applicability of Article 85 (1) of the Treaty.

(17) FNK is an association. The members of the association are undertakings engaged in the crane-hire trade. This is clear from Articles 1 and 2 of FNK's statutes and from the explanatory memorandum attached to the notification.

FNK is accordingly an association of undertakings within the meaning of Article 85 (1).

(18) The internal rules of FNK constitute a decision by an association of undertakings, in that they were adopted under the FNK statutes, and in particular Article 4 thereof.

(19) SCK is a foundation under Dutch law set up on the initiative of FNK for the purpose of certifying crane-hire firms against payment. SCK is, however, an independent legal person, as may be seen from Article 6 of its statutes and from the notification. SCK does not have any public-law basis.

SCK, which carries out commercial or economic activities, is accordingly an undertaking within the meaning of Article 85 (1).

(20) The fact that SCK is a certification institution recognized by the Certification Council as complying with the pertinent European standards (the EN 45 000 series) does not prevent Article 85 (1) from being applicable. The fact that the SCK rules are recognized by the Certification Council does not in any case mean that SCK can act in breach of competition law.

(21) The crane-hire firms certified by SCK are also undertakings within the meaning of Article 85 (1).

Participation in the SCK system, which involves acceptance of the statutes and rules, therefore constitutes an agreement or decision by an association of undertakings within the meaning of Article 85 (1), for the reasons set out below.

(22) A feature of the SCK system, set up on FNK's initiative, is that it is a closed circuit. The 'inhuurverbod' under Article 7 of the rules is largely the cause of this. This ban, spelt out in Articles 8, 9 and 10 of the rules, prevents affiliated firms from calling on non-affiliated firms as subcontractors. This not only limits the freedom of action of affiliated firms, thereby restricting competition among them, but also substantially restricts access by other firms, particularly those from other Member States, to the Dutch market. This also results from the certification requirements, which are arranged to suit to the situation in the Netherlands (see recital 25). The FNK and SCK arrangement, seen as a whole, is tantamount to an attempt to control the entire Dutch crane-hire market. In these circumstances the conclusion must be that competition is restricted within the meaning of Article 85 (1) of the Treaty. FNK and SCK have not demonstrated that their certification system cannot function without the 'inhuurverbod'.

(23) The arrangements are based in practice on two essential elements: the market share of the undertakings affiliated to FNK or SCK (see recital 6) and the fact that the largest firms using hired cranes, for example Esso, Shell, DSM and the Dutch Railways, make use only of the services of firms affiliated to SCK. It is significant in this context that such large firms are heavily represented in SCK's bodies and that the FNK representatives have a blocking majority within those same bodies. This procedure results in the best markets being reserved. The ban on the hire of cranes from non-affiliated firms ensures that, if there is a need for any extra hired cranes, only firms affiliated to SCK can provide them.

(24) The arrangements are made watertight by means of the monitoring system set up by SCK.

Articles 9 and 10 of the rules provide for the suspension and decertification of affiliated firms if they fail to comply with the various requirements, including the ban on hiring extra cranes from non-affiliated firms. Appeals against any such decisions are heard by a panel whose appointment is indirectly in the hands of FNK (Article 14 of the rules). Suspension or decertification of an affiliated firm is announced by means of an advertisement in the specialized press, which thus, first, poses a threat of decertification of other affiliated firms if they continue to do business with the firm in question and, secondly, creates the suggestion that it is better to avoid doing business with the firm in question. Such advertisements are extremely damaging to the firms concerned.

(25) The FNK and SCK systems require members and participants to be established in the Netherlands (Article 4 (a) of the FNK statutes; SCK certification requirements, which are entirely and exclusively based on and geared to the situation in the Netherlands), which excludes undertakings from other Member States, particularly Belgium and Germany (see recital 6). Germany and Belgium have a comparable system to that in the Netherlands for the statutory inspection of cranes.

(26) The abovementioned arrangements may significantly restrict competition, in view of total turnover in the crane-hire business, the market share of the participants and the involvement in SCK of the firms that award contracts.

(27) When notifying its statutes and internal rules, FNK initially conceded that the system could have the effect of restricting trade within the common market, but subsequently reversed its position and claimed that there was no such effect. This latter claim was based on the limited extent of cross-frontier trade in this branch of industry, since 'mobile cranes are by their nature not meant to be transported'. However, it is evident from the FNK handbook that Krupp cranes can travel at maximum speeds of between 63 and 78 kph (1991 handbook, page 10). An advertisement on page 124 of the FNK handbook offers for hire cranes with a lifting capacity of 12 to 400 tonnes which 'can be set up rapidly anywhere'. This means (as indeed the word 'mobile' implies) that it is in fact possible to move mobile cranes and that the system therefore constitutes a potential restriction of intra-

Community trade. This remains true even if the participants do not at present engage in intra-Community trade, as the Court held in Case 107/82, AEG v. Commission⁽¹⁾. The fact that two of the complainants are from Belgium shows that intra-Community trade is in fact possible and that trade between Member States can be adversely affected. Furthermore, the competition rules cover the whole of the Netherlands. For the reasons set out in recital 26, the (potential) effect on trade is appreciable.

III. ARTICLE 85 (3)

(28) The statutes and internal rules of FNK and the statutes and rules of SCK were notified to the Commission with a view to obtaining negative clearance or, alternatively, exemption pursuant to Article 85 (3). As already stated in recital 16, the FNK and SCK arrangements should be examined jointly.

(29) In order to qualify for exemption, FNK and SCK must, *inter alia*, show that the agreements or decisions by associations of undertakings contribute to improving the crane-hire business while allowing consumers a fair share of the resulting benefit. The improvement must entail objective and appreciable advantages such as to compensate for any disadvantages they cause in the field of competition⁽²⁾.

The requirements imposed on members and affiliated firms are virtually identical to the statutory requirements applicable, particularly as regards tax and social security provisions on the one hand and compliance with safety rules on the other (see recital 11).

It is the responsibility of the authorities to ensure compliance with such statutory provisions by all undertakings, whether or not they participate in the system⁽³⁾. It is therefore hard to see how any measurable benefits can result from the system. The conclusion must therefore be that the restrictions imposed on affiliated firms and the resulting disadvantages for non-affiliated firms are merely designed to coerce crane-hire firms to join a cartel. The disadvantages thus clearly outweigh any benefits claimed by FNK and SCK. Furthermore, the

restrictions imposed by FNK and SCK are not indispensable to the attainment of their objectives as set out in their statutes, since they merely duplicate the monitoring of compliance with Dutch statutory provisions.

Most of the safety requirements which SCK imposes for certifying a crane-hire firm are also imposed by the safety decrees based on the Law on conditions at the workplace and by the various ministerial regulations. Official supervision of compliance with such provisions is carried out by KeBoMa in particular. Similarly, most of the non-safety-related requirements which SCK imposes, such as those relating to the payment of tax and social security contributions, registration with the Chamber of Commerce, third-party insurance, creditworthiness and application of the collective labour agreement, are already covered by statutory provisions. SCK goes beyond the statutory requirements by imposing requirements regarding the manner of conducting business, but that alone is insufficient reason to regard the restrictions of competition imposed as indispensable.

Rather, it would seem that the restrictions imposed by FNK and SCK are aimed at excluding other undertakings and at sharing markets in the Netherlands, thereby eliminating competition in respect of a substantial part of the crane-hire market. In particular competition from firms in other Member States is in effect eliminated (see recital 25).

(30) The fact that the Commission's policy on certification allows scope for private-law certification systems that are designed to provide supplementary monitoring of compliance with statutory provisions is without prejudice to the need for the details of such systems to be in accordance with the competition rules laid down in the Treaty. Restrictions of competition that are caught by Article 85 (1) cannot therefore be justified solely on the grounds that the introduction of a certification system as such fits in with the Commission's certification policy.

(31) It is therefore not possible, for the reasons set out above, to grant exemption pursuant to Article 85 (3) of the EC Treaty.

IV. ARTICLE 15 (6) OF REGULATION No 17

(32) Article 15 (5) of Regulation No 17 stipulates that fines are not to be imposed in respect of activities relating to decisions after notification to the Commission and before the latter's decision.

⁽¹⁾ [1983] ECR, paragraph 60, p. 3151.

⁽²⁾ Joined Cases 56 and 58/64, Consten and Grundig v. Commission, [1966] ECR, p. 299.

⁽³⁾ Case T-30/89, Hilti v. Commission, [1991] ECR II, paragraph 118, p. 1439.

Article 15 (6) provides that immunity from fines may be withdrawn where the Commission has indicated that after preliminary examination it is of the opinion that Article 85 (1) of the Treaty applies and that application of Article 85 (3) is not justified.

- (33) As may be seen recitals 17 to 27, the Commission is of the opinion that the decisions fall within the scope of Article 85 (1). The decisions constitute a clear and serious infringement of Article 85 (1), particularly in view of the ban on hiring extra cranes from non-affiliated firms.

As may be seen from recitals 28, 29 and 30, application of Article 85 (3) is not at first sight justified. It should also be pointed out here that the anti-competitive nature of the arrangements was examined in detail in the proceedings before the Utrecht District Court, whose findings on this point were not contradicted on appeal.

- (34) It is therefore appropriate that the Commission should inform the undertakings accordingly pursuant to Article 15 (6) of Regulation No 17. Under this Decision, the immunity from the imposition of fines that normally results from the notification of an agreement is withdrawn in respect of the ban on the hire of certain extra cranes as notified by FNK and SCK and as laid down in the second indent of Article 7 of the rules and spelt out

in greater detail in Articles 8, 9 and 10 of those rules,

HAS ADOPTED THIS DECISION :

Article 1

After a preliminary examination pursuant to Article 15 (6) of Regulation No 17, the Commission is of the opinion that the arrangements notified by FNK and SCK in respect of certification of crane-hire businesses meet the conditions of Article 85 (1) of the EC Treaty and that application of Article 85 (3) is not justified.

Article 2

This Decision is addressed to :

1. Stichting Certificate Kraanverhuurbedrijf
Postbus 312
NL-4100 AH Culemborg ;
2. Federatie van Nederlandse Kraanverhuurbedrijven
Postbus 312
NL-4100 AH Culemborg.

Done at Brussels, 13 April 1994.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION

of 18 April 1994

concerning veterinary certification for placing on the market in the United Kingdom and Ireland of dogs and cats not originating in those countries

(94/273/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/65/EEC of 13 July 1992 concerning laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC⁽¹⁾, and in particular Article 10 (3) (a) (vii) thereof,

Whereas it is necessary to establish a veterinary certificate for dogs and cats that are placed on the market in the United Kingdom and Ireland and not originating in those countries ;

Whereas the animals concerned must fulfil the relevant necessary health conditions, as reflected in the certificate and duly attested to by an authorized veterinarian ;

Whereas conforming to Article 10 (3) (a) (vii) dogs and cats must be accompanied by an individual vaccination record ;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION :

Article 1

The model of the certificate provided for in Article 10 (3) (a) (vii) of Directive 92/65/EEC is established in the Annex.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 April 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 268, 14. 9. 1992, p. 54.

ANNEX

MODEL

HEALTH CERTIFICATE ⁽¹⁾

for placing on the market in the United Kingdom and Ireland of dogs and cats not originating in those countries

DOGS/CATS ⁽²⁾ ⁽³⁾

Consignor Member State :

I. Number of animals :

II. Identification of animals :

Number of animals	Species/breed	Age or date of birth	Sex	Colour	Type and markings of coat	Number encoded in implanted transponder

III. Origin of the animals

The address of the registered holding :
.....

IV. Destination of the animals

The animals will be sent

from :
(place)

to :
(place of destination)

by ⁽⁴⁾ rail, road, aircraft, boat/ship ⁽²⁾.

Name and address of consignor :
.....

Name and address of consignee :
.....

V. Health information

I, the undersigned, certify that the animals described above meet the following requirements:

- (a) they have been examined today and show no clinical sign of disease;
- (b) they have been vaccinated against rabies for at least six months and, additionally, in the case of dogs against canine distemper;
- (c) they have undergone, between the first and third month after a primary vaccination or a re-vaccination against rabies, a serological test showing a protective antibody titre of at least 0,5 international units. This serological test was carried out in accordance with the World Health Organization specifications;

⁽¹⁾ Health certificates may be drawn up only for animals which are to be transported in the same mode of transport and which come from the same holding and which are being sent to the same consignee.

⁽²⁾ Delete where not applicable.

⁽³⁾ The certificate is valid for only one species at a time.

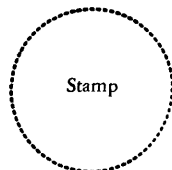
⁽⁴⁾ Give the registration number in the case of lorries, trucks, vans or cars, the flight number in the case of aircraft, the name in the case of boat/ship, and in the case of rail travel, the estimated date and time of arrival.

(d) the owner or person responsible for the registered holding has provided me with a signed statement to the effect that :

'the animal/s ⁽¹⁾ was/were ⁽¹⁾ born on the registered holding and has/have ⁽¹⁾ remained there since birth, with no contact with any wild animal susceptible to rabies'.

VI. This certificate is valid for 10 days from the date of examination.

Done at, on
(Date of examination)



.....
(Signature of official veterinarian or veterinarian responsible
for the holding of origin and empowered for this purpose
by the competente authority)

.....
⁽¹⁾ Delete where not applicable.

COMMISSION DECISION

of 18 April 1994

laying down the system of identification for dogs and cats that are placed on the market in the United Kingdom and Ireland and not originating in those countries

(94/274/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/65/EEC of 13 July 1992 concerning laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC⁽¹⁾, and in particular Article 10 (3) (a) (iii) thereof,

Whereas it is necessary to establish a system for the identification of dogs and cats that are placed on the market in the United Kingdom and Ireland and not originating in those countries;

Whereas the technology of electronic identification of dogs and cats offers a cheap, fraud-proof and relatively painless system; whereas in these conditions it is appropriate to use an electronic system for identification of dogs and cats;

Whereas, due to the multiplicity of the electronic systems in use, the owner or trader shall be responsible for demonstrating to the satisfaction of the official veterinarian that the dog or cat is correctly identified;

Whereas, as an interim measure, whilst awaiting the development of an international standard, it is appropriate to foresee that the electronic systems that are used are those used in the Member States where the animals originate; whereas this situation will be reviewed in the light of the progress of the harmonization of a standard for electronic identification of dogs and cats;

Whereas this Decision is without prejudice to any future Decision which may be taken in respect of the movement of pet animals within the Community, as the problems

posed by the identification of pet animals are of a different nature;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The method of identification used on dogs and cats which are placed on the market in the United Kingdom and Ireland and which do not originate in those countries shall be an electronic system.

Article 2

1. The electronic system referred to in Article 1 shall consist of an implantable transponder and must be one of those used in the Member State of origin of the dogs and cats.
2. Member States shall inform the Commission and each other of the electronic systems in use in their territory for the identification of dogs and cats.
3. The owner or trader shall be responsible for demonstrating to the satisfaction of the official veterinarian that the dog or cat is correctly identified.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 18 April 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 268, 14. 9. 1992, p. 54.

COMMISSION DECISION
of 18 April 1994
on recognizing rabies vaccines

(94/275/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/65/EEC of 13 July 1992 on laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex 4 (I) to Directive 90/425/EEC⁽¹⁾, and in particular Article 10 (2) (a), third indent, and (3) (b) (i) thereof,

Whereas it is necessary to recognize the anti-rabies vaccines that are permitted to be used on dogs and cats that are traded between the Member States, to be used on dogs and cats more than three months of age intended to be traded between Member States, and in the case of dogs and cats intended to be put on the market in Ireland and the United Kingdom and not originating in those two countries;

Whereas, in conformity with Article 10 (2) (a), third indent, and (3) (b) (i), vaccines must be inactivated vaccines of at least one international antigenic unit (WHO standard) measured in accordance with the activity test by the method described by the *European Pharmacopoeia*;

Whereas for vaccines to be recognized at Community level it is additionally necessary to lay down rules for the

manufacture of the vaccines; in this regard it is convenient to refer to the protocols described in the relevant monograph of the *European Pharmacopoeia*;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The vaccines recognized at Community level are those manufactured according to the protocols laid down in the monograph of the *European Pharmacopoeia* on *vaccinum rabiei inactivatum ad usum veterinarium* (rabies vaccine (inactivated) for veterinary use).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 April 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 268, 14. 9. 1992, p. 54.

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 1008/94 of 29 April 1994 fixing the export refunds on cereal-based compound feedingstuffs**

(Official Journal of the European Communities No L 111 of 30 April 1994)

On page 92, in the Annex, Column: 'Amount of refund⁽³⁾':

after: 'Maize and maize products: CN Codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10',

read: '44,11';

after: 'Cereal products⁽²⁾ excluding maize and maize products',

read: '60,87'.

Corrigendum to Commission Decision 94/140/EC of 23 February 1994 setting up an Advisory Committee for the coordination of fraud prevention

(Official Journal of the European Communities No L 61 of 4 March 1994)

On page 27, in Article 3 (1):

for: '... for each Member State who may be assisted by two officials of the services concerned',

read: '... for each Member State. They may be assisted by two members of the staff of the services concerned.'
