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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1075/94
of 10 May 1994**

**amending Regulation (EEC) No 1727/92 laying down detailed rules for
implementation of the specific arrangements for the supply of cereal products to
the Azores and Madeira and establishing the forecast supply balance**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products ⁽¹⁾, as last amended by Commission Regulation (EEC) No 1974/93 ⁽²⁾, and in particular Article 10 thereof,

Whereas Commission Regulation (EEC) No 1696/92 ⁽³⁾, as last amended by Regulation (EEC) No 2596/93 ⁽⁴⁾, lays down common detailed rules for the implementation of the specific arrangements for the supply of certain agricultural products to be Azores and Madeira;

Whereas Commission Regulation (EEC) No 1727/92 ⁽⁵⁾, as last amended by Regulation (EEC) No 2300/93 ⁽⁶⁾, establishes, pursuant to Article 2 of Regulation (EEC) No 1600/92, the forecast supply balance for cereal products for the Azores and Madeira; whereas the balance allows for interchange of the quantities determined for certain of the products concerned and, if necessary, for an increase during the year in the overall quantity determined;

whereas, in the light of experience and in order to meet requirements in the Azores and Madeira, it is necessary to adjust the forecast supply balance; whereas the Annex to Regulation (EEC) No 1727/92 should therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1727/92 is hereby replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 10 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.
⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.
⁽³⁾ OJ No L 179, 1. 7. 1992, p. 6.
⁽⁴⁾ OJ No L 238, 23. 9. 1993, p. 24.
⁽⁵⁾ OJ No L 179, 1. 7. 1992, p. 101.
⁽⁶⁾ OJ No L 208, 19. 8. 1993, p. 21.

*ANNEX***Azores and Madeira : Supply balance for cereals for 1993/94 marketing year**

<i>(in tonnes)</i>		
Product	Azores	Madeira
Common wheat	34 000	23 000
Feed wheat	—	4 000
Barley	46 000	5 000
Durum wheat	3 000	7 000
Maize	66 000	35 000
Malt	1 000	2 200
Total	150 000	76 200

COMMISSION REGULATION (EC) No 1076/94

of 6 May 1994

imposing a provisional anti-dumping duty on imports of certain watch movements originating in Malaysia and Thailand

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidised imports from countries not members of the European Economic Community⁽¹⁾, as last amended by Regulation (EC) No 522/94⁽²⁾, and in particular Article 11 thereof,

After consultations within the Advisory Committee,

WHEREAS:

A. PROCEDURE

- (1) In July 1993, the Commission announced, by a notice published in the *Official Journal of the European Communities*⁽³⁾, the initiation of an anti-dumping proceeding concerning imports of certain watch movements originating in Malaysia and Thailand.

The proceeding was initiated as a result of a complaint lodged by France Ebauches, the sole Community producer of the product in question.

The complaint contained evidence of dumping of the product originating in the countries mentioned above, and of material injury resulting therefrom; this evidence was considered sufficient to justify opening a proceeding.

- (2) The Commission officially advised the producers, exporters and importers known to be concerned, the representatives of the exporting countries, and the complainant, and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.
- (3) One producer in Thailand and its related selling company in Hong Kong, one importer and the

complainant Community producer made their views known in writing.

- (4) Although information was requested from all producers known to be concerned in Malaysia and Thailand, only one Thai producer agreed to co-operate in the proceeding. Therefore, for the remainder, findings were made on the basis of the facts available, in conformity with Article 7 (7) (b) of Regulation (EEC) No 2423/88 (hereinafter referred to as 'the Basic Article'). The Commission sought and verified all information it deemed necessary for the purposes of a preliminary determination of dumping and injury, and carried out investigations at the premises of the following:

(a) Complainant Community producer:

France Ebauches SA, Besançon, France.

(b) Thai producer:

Ronda (Thailand) Co., Ltd., Samutprakarn.

(c) Hong Kong exporter:

Sepro Ltd. (affiliated to Ronda (Thailand) Co. Ltd).

- (5) The investigation of dumping covered the period from 1 June 1992 to 31 May 1993 (hereinafter referred to as 'the investigation period').

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

(i) Description of the product concerned

- (6) The products covered by the complaint, and for which the proceeding was opened, are assembled watch movements, battery or accumulator powered, intended to be mounted on analogue watches. The product falling within CN code 9108 11 00.
- (7) The watch movements concerned are classified in various 'calibers' according to their size. However, no significant differences exist in the basic physical characteristics and technology of the various calibers of watch movement, all of which are largely interchangeable. In these circumstances, all watch movements should be considered as one product for the purpose of their proceeding.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 66, 10. 3. 1994, p. 10.

⁽³⁾ OJ No C 183, 6. 7. 1993, p. 9.

(ii) Like product

- (8) The Commission found that the watch movements produced by the Community industry and those produced in Thailand and Malaysia and exported to the Community were alike in their essential physical and technical characteristics, application and in their end uses. The Commission considered, therefore, that the product imported from Thailand and Malaysia is a like product to that produced and sold by the Community industry, within the meaning of Article 2 (12) of the Basic Regulation.

C. DUMPING**(i) Normal value**

- (9) For the cooperating Thai producer, given that its volume of domestic sales during the investigation period was insignificant and thus did not permit a proper comparison, normal value was constructed on the basis of the cost of manufacturing of the producer concerned plus an amount for selling, general and administrative expenses and a reasonable profit.

As far as the manufacturing costs are concerned, it was found that the materials used by this producer were to a large extent manufactured by its parent company. The prices charged for these components appeared not to be in the ordinary course of trade, and since the parent company refused to cooperate in the proceeding, recourse had to be made to Article 7 (7) (b) of the Basic Regulation, whereby these costs were determined on the basis of the facts available, in this case the costs for similar components as supplied in the complaint.

As far as selling, general and administrative expenses were concerned, since no information was available on such expenses given the lack of cooperation of the Thai and Malaysian producers, they were calculated, in accordance with Article 2 (3) (b) of the Basic Regulation, on a reasonable basis. The Commission provisionally calculated these expenses on the basis of the costs borne by the Thai producers' affiliated exporter in Hong Kong. On the same basis, a profit of 7,5 % was considered reasonable for this type of industry, which corresponded to the information contained in the complaint.

(ii) Export price

- (10) Since all export sales exported to the Commission in the context of this proceeding were made to

unrelated importers in the Community, export prices were established on the basis of the prices actually paid or payable for the products sold for export to the Community, in accordance with Article 2 (8) (a) of the Basic Regulation.

(iii) Comparison

- (11) Normal value, for each product type was compared with the export price for the corresponding type, transaction by transaction, at the same level of trade on an ex-works basis. For the purposes of a fair comparison, adjustments were made in accordance with Article 2 (9) and (10) of the Basic Regulation in respect of differences affecting price comparability, such as differences in physical characteristics and in selling expenses for which satisfactory evidence was submitted.

(iv) Dumping margins**(a) Cooperating exporters**

- (12) The comparison showed the existence of dumping, the dumping margin being equal to the amount by which the normal value, as established, exceeded the price for export to the Community.
- (13) The weighted average dumping margin for the cooperating Thai producer, Ronda (Thailand) Co., Ltd., expressed as a percentage of the free-Community-frontier price, was 10,6 %.

(b) Non-cooperating producers

- (14) For those producers in the countries concerned which neither replied to the Commission's questionnaire nor otherwise made themselves known, the dumping margin was determined on the basis of the facts available in accordance with Article 7 (7) (b) of the Basic Regulation.
- (15) Concerning imports from Thailand, the Commission considered that, given the low proportion of imports into the Community covered by the cooperating producer, the information obtained from this producer could not be held to be representative. Therefore, in view of the lack of reliable information from other sources, it was considered appropriate to establish the dumping margin for non-cooperating producers in Thailand on the basis of the best information available, being a comparison of export prices supplied by the complainant to normal values as established for the cooperating producer.

- (16) Concerning imports from Malaysia, the Commission considered that, in the absence of any cooperation on the part of Malaysian producers, it had to resort to the best information available. Since information contained in the complaint indicated that Malaysian and Thai production costs and export prices are similar, it was appropriate and reasonable that the dumping margin established for Thai producers should also apply to Malaysian producers.
- (17) On the basis of the above, the dumping margin, expressed as a percentage of the CIF Community frontier prices, for both Thailand and Malaysia is 36,2 %.

D. INJURY

(i) Cumulation of the effects of the dumped imports

- (18) In analysing whether cumulation of these imports was appropriate, the Commission examined whether all imports at dumped prices contributed to the material injury suffered by the Community industry. For that purpose, the Commission considered the comparability of the products imported from the countries concerned in terms of physical characteristics and interchangeability of end uses. It also examined the significance of the volumes imported, the similarity of their channels of distribution and prices, and the simultaneity of their presence on the Community market.
- (19) After examination of the facts, it was found that the watch movements imported from both countries concerned compete with each other and with the like product manufactured by the Community industry. In these circumstances, it is considered that there are sufficient grounds to cumulate the imports from both countries concerned.

(ii) Community consumption, volume and market share of the dumped imports

- (20) Community consumption of the product concerned was almost 13,5 million units in 1990, 12,8 million in 1991, 12,3 million in 1992 and 12,7 million during the investigation period. The volume of the dumped imports from the countries concerned increased from 155 258 units in 1990, to 1 234 864 in 1991, to 1 440 225 in 1992 and to 1 502 882 during the investigation period i.e. by 868 % over the period. The combined Community market share of these imports increased from

1,2 % in 1990, to 9,6 % in 1991, to 11,7 % in 1992 and to 11,8 % during the investigation period.

(iii) Prices of the dumped imports

- (21) Prices of the imported product concerned were, during the investigation period, below the prices practised by the Community industry. Price undercutting was established by comparing prices of the cooperating exporter concerned for sales to the first independent customer in the Community with weighted average prices of the Community industry at the same level of trade.

This comparison was made on a product-type basis for each of the types imported which were considered for the dumping determination. Adjustments were made, where appropriate, to ensure comparability in terms of transport costs, customs duty and importers' profit margin.

The results of the comparison showed margins of undercutting of up to 36,9 %.

(iv) Situation of the Community industry

(a) Production and capacity utilization

- (22) The volume of production of the product concerned by the Community industry increased gradually between 1990 and 1992 but fell back to the 1990 level during the investigation period.

Regarding capacity utilisation, it should be noted that the components (i.e. movement sets) manufactured by the Community industry and used in the production of the product concerned are also part of the product range marketed by this company. Because of this, it is difficult to determine the capacity utilisation rate which is specific to the product concerned. However, overall capacity utilisation of movement sets, not taking account of an increase in capacity installed resulting from the development in 1992 of new models requiring less machine time, decreased from 53 % in 1990 to 37 % during the investigation period.

(b) Sales and market share

- (23) The volume of sales in the Community by the Community industry decreased by more than 7 % between 1990 and the investigation period. This development of sales volume, compared to that of apparent Community consumption, shows a market share held by the Community industry which decreased by 2 % between 1990 and the investigation period.

(c) Price depression

- (24) Because of the downward pressure on prices resulting from the dumped imports, the Community industry was forced to continually decrease its prices between 1990 and the investigation period in an attempt to maintain its capacity utilisation and market share. Prices, on an indexed basis, decreased from 100 in 1990, to 90 in 1991 and to 81 during 1992 and the investigation period.

(d) Profitability

- (25) The Community industry concerned made efforts to cut its costs in order to resist the effect of the dumped imports on prices and to restore its profitability. These cuts, which were made at the expense of reducing investments necessary to ensure its viability, have led to a certain reduction in the level of losses experienced by the industry between 1990 and the investigation period.

(v) Conclusion

- (26) The preliminary examination of the facts on injury shows that the Community industry, despite reducing its prices in an attempt to compete with the dumped imports from the countries concerned, experienced a decrease in sales volume and market share. Despite the cost savings made by the industry, the combined effect of the decrease in prices and sales volume has resulted in continued losses being experienced by the industry.

E. CAUSATION

- (27) The Commission examined whether the injury suffered by the Community industry had been caused by the dumped imports and whether other factors might have caused or contributed to that injury.

(a) Effect of dumped imports

- (28) In its examination, the Commission found that the increase in volume and market share of the dumped imports from the countries concerned coincided with the worsening situation of the Community industry. As a result of the low prices at which the imported products were sold on the Community market, the Community industry was forced to reduce its prices in a vain attempt to

maintain its capacity utilisation and market share. This suppression of prices led to a worsening of the financial situation of the Community industry. This situation corresponded closely in time with the substantial increase in the low-priced imports from the countries concerned.

(b) Effect of other factors

- (29) The Commission examined whether the injury suffered by the Community industry could have been caused by factors other than the dumped imports. In particular, the Commission looked at the evolution and impact of imports from third countries not included in this proceeding and the trend of consumption in the Community market.

- (30) The volume of imports from third countries not included in the proceeding decreased by 19 % between 1990 and the investigation period, with a corresponding fall in market share of 14 %. The Commission noted the wide variation in the level of prices of these imports as they appear in the Eurostat statistics. In this respect, the Commission considers that no conclusion can be drawn from the prices shown in these statistics as these mask the extremely important differences in price among different product types, only some of which are included in the product definition in this case.

- (31) Apparent Community consumption of the product concerned decreased by more than 5 % between 1990 and the investigation period. This decline in consumption explains, in part, the decrease in sales by the Community industry, but not the reduction in its market share. Between 1990 and the investigation period, the dumped imports from the countries concerned increased their market share from 1,2 % to 11,8 %. In contrast, sales by the Community industry in the Community market decreased faster (by 7 %) than Community consumption and, consequently, its corresponding market share fell by 2 %.

- (32) The Commission has concluded, therefore, that, although it could not be excluded that the above factors might have a certain adverse effect on the Community industry, the dumped products originating in Malaysia and Thailand, because of their prices, their penetration of the Community market, the resulting loss of market share and continuing poor financial situation of the Community industry, have, taken in isolation, caused material injury to that industry.

F. COMMUNITY INTEREST

- (33) The purpose of anti-dumping duties is, in general, to stop distortion of competition arising from unfair commercial practices and thus re-establish open and fair competition on the Community market, which is fundamentally in the Community interest.

The deterioration of the Community industry is especially noticeable from its loss of market share, despite making cost cuts and reductions in prices, and also from its continuing poor financial situation.

- (34) Although the Commission received no comments from importers or users of the product concerned about the possible effects of the imposition of anti-dumping measures on their business, it could conclude that, given the large availability of this product from various sources, no adverse consequence on the competitive situation on the Community market is to be expected from the imposition of anti-dumping measures.

- (35) The Commission considers, therefore, that it is in the Community interest to remove the effects of the injury on the Community industry and to restore fair competition by the imposition of provisional anti-dumping measures on imports of the product concerned originating in Malaysia and Thailand.

G. DUTY

- (36) For the purpose of establishing the level of the provisional duty, the Commission took account of the dumping margins found and of the amount of duty necessary to eliminate the injury sustained by the Community industry.
- (37) Since the injury consisted mainly of financial losses, the removal of such injury required that the industry be put in a position in which its prices could be increased to a profitable level. In order to achieve this, export prices should be increased accordingly.

For calculating the necessary price increase, the Commission considered that prices of the dumped imports had to be compared with the cost of production of the Community industry plus a

margin of profit sufficient to ensure the viability of that industry.

- (38) On this basis, the weighted average export prices for those product types used in the determination of dumping were compared, for the investigation period, on a free-at-Community-frontier level increased by customs duties and, where appropriate, a profit for the importer, with the cost of production of the Community producer concerned, for the corresponding product type, plus a margin of profit, provisionally set at 7,5 %.

These comparisons show injury margins which, expressed on a weighted average basis as a percentage of the free-at-Community-frontier price, ranged from 44,7 % to 62,5 %.

- (39) Since the margins of dumped found were below the corresponding increases in export prices necessary to remove the injury as calculated above, provisional duties to be imposed should therefore correspond to the dumping margins established.

H. FINAL PROVISION

- (40) In the interest of sound administration, a period should be fixed in which the parties concerned may make their views known and request a hearing. Furthermore, it should be stated that all findings made for the purpose of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive duty the Commission may propose,

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of watch movements, complete and assembled, battery or accumulator powered, and with mechanical display only or with a device to which a mechanical display can be incorporated, falling within CN code 9108 11 00 and originating in Malaysia and Thailand.
2. The rate of the duty applicable to the net free-at-Community-frontier price before duty shall be as follows :

	Rate of duty	Taric additional code
Malaysia	36,2 %	—
Thailand	36,2 %	8788

with the exception of imports which are manufactured and sold for export to the Community by the following company which shall be subject to the rate of duty mentioned hereunder:

	Rate of duty	Taric additional code
Ronda (Thailand) Co. Ltd Samutprakarn, Thailand	10,6 %	8787

3. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2423/88, the parties concerned may make known their views in writing and ask to be heard orally by the Commission within one month of the date of entry into force of this Regulation.

Article 3

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

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

Done at Brussels, 6 May 1994.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION REGULATION (EC) No 1077/94

of 10 May 1994

opening a standing invitation to tender for the export of 1 000 000 tonnes of bread-making wheat held by the French intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as amended by Regulation (EEC) No 2131/93 ⁽²⁾, and in particular Article 13 thereof,

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

Whereas, given the current market situation, a standing invitation to tender should be opened for the export at the beginning of the 1994/95 cereals marketing year of 1 000 000 tonnes of bread-making wheat held by the French intervention agency;

Whereas the proposed invitation to tender for the export of intervention stocks is special in that it will be opened at the end of the marketing year, from May 1994, but for deliveries which will not be possible until the new 1994/95 marketing year between 1 July and 30 September 1994; whereas there should therefore be a derogation from the first paragraph of Article 16 of Regulation (EEC) No 2131/93, which provides for a maximum delay of one month between acceptance of the tender and payment and also a derogation from the second paragraph of Article 16 of the said Regulation, application of which would have led to the price accepted already being increased by monthly increments for the removal of the cereals from the intervention store in July, whereas export was not scheduled previously;

Whereas the operative event for the conversion of tenders submitted for intervention stocks is the date of payment for cereals as fixed by Commission Regulation (EEC) No 1068/93 ⁽⁵⁾, as amended by Regulation (EC) No 547/94 ⁽⁶⁾; whereas this rule should be applied to the sales provided for in this Regulation without prejudice to the possibility of fixing the agricultural conversion rate in advance in accordance with Articles 13 to 17 of Regulation (EEC) No 1068/93;

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

HAS ADOPTED THIS REGULATION:

Article 1

The French intervention agency may, on the conditions laid down in Regulation (EEC) No 2131/93, open a standing invitation to tender for the export of 1 000 000 tonnes of bread-making wheat held by it.

Article 2

1. The invitation to tender shall cover a maximum of 1 000 000 tonnes of bread-making wheat to be exported to all third countries. Customs export formalities must be completed during the period 1 July to 30 September 1994.

2. The regions in which the 1 000 000 tonnes of bread-making wheat are stored are stated in Annex I to this Regulation.

Article 3

1. The export licences shall be valid from their date of issue, within the meaning of Article 9 of Regulation (EEC) No 2131/93, until 30 September 1994.

2. Tenders submitted in response to this invitation to tender shall be admissible only if they are accompanied by a written undertaking to export during the period 1 July to 30 September 1994. They may not be accompanied by applications for export licences pursuant to Article 44 of Commission Regulation (EEC) No 3719/88 ⁽⁷⁾.

Article 4

1. Notwithstanding Article 7 (1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders under the first partial invitation to tender shall expire on 19 May 1994 at 9 a.m. (Brussels time).

⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ No L 69, 12. 3. 1994, p. 1.

2. The time limit for submission of tenders under the subsequent partial invitations to tender shall expire each Thursday at 9 a.m. (Brussels time).

3. The last partial invitation to tender shall expire on 25 August 1994 at 9 a.m. (Brussels time).

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

Article 5

The following provisions shall apply to tenders submitted before 1 July 1994:

- notwithstanding the first subparagraph of Article 16 of Regulation (EEC) No 2131/93, the products must be removed not later than 31 July 1994,
- notwithstanding the second subparagraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for products for export shall be that indicated in the tender,
- without prejudice to the possibility of fixing the agricultural conversion rate in advance, tenders shall be

converted using the agricultural conversion rate applicable on the date on which the cereals are paid for.

Article 6

Notwithstanding Article 17 (3) of Regulation (EEC) No 2131/93, the security referred to in the second indent of Article 17 (2) of the said Regulation shall not be released until proof is furnished that the customs export formalities have taken place during the period 1 July to 30 September 1994.

Article 7

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

Article 8

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

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

Done at Brussels, 10 May 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Amiens	270 000
Bordeaux	3 000
Châlons-sur-Marne	75 000
Lille	270 000
Nancy	20 000
Nantes	15 000
Paris	15 000
Poitiers	4 000
Rennes	58 000
Rouen	270 000

ANNEX II

Standing invitation to tender for the export of 1 000 000 tonnes of bread-making wheat held by the French intervention agency

(Regulation (EC) No 1077/94)

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

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

ANNEX III

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

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

COMMISSION REGULATION (EC) No 1078/94

of 10 May 1994

opening a standing invitation to tender for the export of 1 000 000 tonnes of
bread-making wheat held by the German intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 1766/92
of 30 June 1992 on the common organization of the
market in cereals⁽¹⁾, as amended by Regulation (EEC) No
2193/92⁽²⁾, and in particular Article 13 thereof,

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

Whereas, given the current market situation, a standing
invitation to tender should be opened for the export at
the beginning of the 1994/95 cereals marketing year of
1 000 000 tonnes of bread-making wheat held by the
German intervention agency;

Whereas the proposed invitation to tender for the export
of intervention stocks is special in that it will be opened
at the end of the marketing year, from May 1993, but for
deliveries which will not be possible until the new
1994/95 marketing year between 1 July and 30
September 1994; whereas there should therefore be a
derogation from the first paragraph of Article 16 of Regu-
lation (EEC) No 2131/93, which provides for a maximum
delay of one month between acceptance of the tender and
payment and also a derogation from the second paragraph
of Article 16 of the said Regulation, application of which
would have led to the price accepted already being
increased by monthly increments for the removal of the
cereals from the intervention store in July, whereas export
was not scheduled previously;

Whereas the operative event for the conversion of tenders
submitted for intervention stocks is the date of payment
for cereals as fixed by Commission Regulation (EEC) No
1068/93⁽⁵⁾, as amended by Regulation (EC) No
547/94⁽⁶⁾; whereas this rule should be applied to the
sales provided for in this Regulation without prejudice to
the possibility of fixing the agricultural conversion rate in
advance in accordance with Articles 13 to 17 of Regula-
tion (EEC) No 1068/93;

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

HAS ADOPTED THIS REGULATION:

Article 1

The German intervention agency may, on the conditions
laid down in Regulation (EEC) No 2131/93, open a
standing invitation to tender for the export of 1 000 000
tonnes of bread-making wheat held by it.

Article 2

1. The invitation to tender shall cover a maximum of
1 000 000 tonnes of bread-making wheat to be exported
to all third countries. Customs export formalities must be
completed during the period 1 July to 30 September
1994.

2. The regions in which the 1 000 000 tonnes of
bread-making wheat are stored are stated in Annex I to
this Regulation.

Article 3

1. The export licences shall be valid from their date of
issue, within the meaning of Article 9 of Regulation
(EEC) No 2131/93, until 30 September 1994.

2. Tenders submitted in response to this invitation to
tender shall be admissible only if they are accompanied
by a written undertaking to export during the period 1
July to 30 September 1994. They may not be accompa-
nied by applications for export licences pursuant to
Article 44 of Commission Regulation (EEC) No
3719/88⁽⁷⁾.

Article 4

1. Notwithstanding Article 7 (1) of Regulation (EEC)
No 2131/93, the time limit for submission of tenders
under the first partial invitation to tender shall expire on
19 May 1994 at 9 a.m. (Brussels time).

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ No L 69, 12. 3. 1994, p. 1.

⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.

2. The time limit for submission of tenders under the subsequent partial invitations to tender shall expire each Thursday at 9 a.m. (Brussels time).

3. The last partial invitation to tender shall expire on 25 August 1994 at 9 a.m. (Brussels time).

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

Article 5

The following provisions shall apply to tenders submitted before 1 July 1993:

- notwithstanding the first subparagraph of Article 16 of Regulation (EEC) No 2131/93, the products must be removed not later than 31 July 1994,
- notwithstanding the second subparagraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for products for export shall be that indicated in the tender,
- without prejudice to the possibility of fixing the agricultural conversion rate in advance, tenders shall be

converted using the agricultural conversion rate applicable on the date on which the cereals are paid for.

Article 6

Notwithstanding Article 17 (3) of Regulation (EEC) No 2131/93, the security referred to in the second indent of Article 17 (2) of the said Regulation shall not be released until proof is furnished that the customs export formalities have taken place during the period 1 July to 30 September 1994.

Article 7

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

Article 8

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

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

Done at Brussels, 10 May 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	626 295
Hessen/Rheinland-Pfalz/ Baden-Württemberg/Saarland/Bayern	195 276
Berlin/Brandenburg/ Mecklenburg-Vorpommern	75 944
Sachsen/Sachsen-Anhalt/Thüringen	102 325

ANNEX II

Standing invitation to tender for the export of 1 000 000 tonnes of bread-making wheat held by the German intervention agency

(Regulation (EC) No 1078/94)

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

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

ANNEX III

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

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

COMMISSION REGULATION (EC) No 1079/94

of 10 May 1994

opening a standing invitation to tender for the export of 250 000 tonnes of
bread-making wheat held by the Danish intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 13 thereof,

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

Whereas, given the current market situation, a standing invitation to tender should be opened for the export at the beginning of the 1994/95 cereals marketing year of 250 000 tonnes of bread-making wheat held by the Danish intervention agency;

Whereas the proposed invitation to tender for the export of intervention stocks is special in that it will be opened at the end of the marketing year, from May 1994, but for deliveries which will not be possible until the new 1994/95 marketing year between 1 July and 30 September 1994; whereas there should therefore be a derogation from the first paragraph of Article 16 of Regulation (EEC) No 2131/93, which provides for a maximum delay of one month between acceptance of the tender and payment and also a derogation from the second paragraph of Article 16 of the said Regulation, application of which would have led to the price accepted already being increased by monthly increments for the removal of the cereals from the intervention store in July, whereas export was not scheduled previously;

Whereas the operative event for the conversion of tenders submitted for intervention stocks is the date of payment for cereals as fixed by Commission Regulation (EEC) No 1068/93⁽⁵⁾, as amended by Regulation (EC) No 547/94⁽⁶⁾; whereas this rule should be applied to the sales provided for in this Regulation without prejudice to the possibility of fixing the agricultural conversion rate in advance in accordance with Articles 13 to 17 of Regulation (EEC) No 1068/93;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Danish intervention agency may, on the conditions laid down in Regulation (EEC) No 2131/93, open a standing invitation to tender for the export of 250 000 tonnes of bread-making wheat held by it.

Article 2

1. The invitation to tender shall cover a maximum of 250 000 tonnes of bread-making wheat to be exported to all third countries. Customs export formalities must be completed during the period 1 July to 30 September 1994.
2. The regions in which the 250 000 tonnes of bread-making wheat are stored are stated in Annex I to this Regulation.

Article 3

1. The export licences shall be valid from their date of issue, within the meaning of Article 9 of Regulation (EEC) No 2131/93, until 30 September 1994.
2. Tenders submitted in response to this invitation to tender shall be admissible only if they are accompanied by a written undertaking to export during the period 1 July to 30 September 1994. They may not be accompanied by applications for export licences pursuant to Article 44 of Commission Regulation (EEC) No 3719/88⁽⁷⁾.

Article 4

1. Notwithstanding Article 7 (1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders under the first partial invitation to tender shall expire on 19 May 1994 at 9 a.m. (Brussels time).

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ No L 69, 12. 3. 1994, p. 1.

⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.

2. The time limit for submission of tenders under the subsequent partial invitations to tender shall expire each Thursday at 9 a.m. (Brussels time).

3. The last partial invitation to tender shall expire on 25 August 1993 at 9 a.m. (Brussels time).

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

Article 5

The following provisions shall apply to tenders submitted before 1 July 1994:

- notwithstanding the first subparagraph of Article 16 of Regulation (EEC) No 2131/93, the products must be removed not later than 31 July 1994,
- notwithstanding the second subparagraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for products for export shall be that indicated in the tender,
- without prejudice to the possibility of fixing the agricultural conversion rate in advance, tenders shall be

converted using the agricultural conversion rate applicable on the date on which the cereals are paid for.

Article 6

Notwithstanding Article 17 (3) of Regulation (EEC) No 2131/93, the security referred to in the second indent of Article 17 (2) of the said Regulation shall not be released until proof is furnished that the customs export formalities have taken place during the period 1 July to 30 September 1994.

Article 7

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

Article 8

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

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

Done at Brussels, 10 May 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Jylland	130 000
Fyn	20 000
Sjælland	100 000

ANNEX II

Standing invitation to tender for the export of 250 000 tonnes of bread-making wheat held by the Danish intervention agency

(Regulation (EC) No 1079/94)

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

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

ANNEX III

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

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

**COMMISSION REGULATION (EC) No 1080/94
of 10 May 1994**

**opening a standing invitation to tender for the export of 500 000 tonnes of rye
held by the German intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 2193/93 ⁽²⁾, and in particular Article 13 thereof,

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

Whereas, given the current market situation, a standing invitation to tender should be opened for the export at the beginning of the 1994/95 cereals marketing year of 500 000 tonnes of barley held by the German intervention agency;

Whereas the proposed invitation to tender for the export of intervention stocks is special in that it will be opened at the end of the marketing year, from May 1994, but for deliveries which will not be possible until the new 1994/95 marketing year between 1 July and 30 September 1994; whereas there should therefore be a derogation from the first paragraph of Article 16 of Regulation (EEC) No 2131/93, which provides for a maximum delay of one month between acceptance of the tender and payment and also a derogation from the second paragraph of Article 16 of the said Regulation, application of which would have led to the price accepted already being increased by monthly increments for the removal of the cereals from the intervention store in July, whereas export was not scheduled previously;

Whereas the operative event for the conversion of tenders submitted for intervention stocks is the date of payment for cereals as fixed by Commission Regulation (EEC) No 1068/93 ⁽⁵⁾, as amended by Regulation (EC) No 547/94 ⁽⁶⁾; whereas this rule should be applied to the sales provided for in this Regulation without prejudice to the possibility of fixing the agricultural conversion rate in

advance in accordance with Articles 13 to 17 of Regulation (EEC) No 1068/93;

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

HAS ADOPTED THIS REGULATION:

Article 1

The German intervention agency may, on the conditions laid down in Regulation (EEC) No 2131/93, open a standing invitation to tender for the export of 500 000 tonnes of rye held by it.

Article 2

1. The invitation to tender shall cover a maximum of 500 000 tonnes of rye to be exported to all third countries. Customs export formalities must be completed during the period 1 July to 30 September 1994.

2. The regions in which the 500 000 tonnes of rye are stored are stated in Annex I to this Regulation.

Article 3

1. The export licences shall be valid from their date of issue, within the meaning of Article 9 of Regulation (EEC) No 2131/93, until 30 September 1994.

2. Tenders submitted in response to this invitation to tender shall be admissible only if they are accompanied by a written undertaking to export during the period 1 July to 30 September 1994. They may not be accompanied by applications for export licences pursuant to Article 44 of Commission Regulation (EEC) No 3719/88 ⁽⁷⁾.

Article 4

1. Notwithstanding Article 7 (1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders under the first partial invitation to tender shall expire on 19 May 1994 at 9 a.m. (Brussels time).

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ No L 69, 12. 3. 1994, p. 1.

⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.

2. The time limit for submission of tenders under the subsequent partial invitations to tender shall expire each Thursday at 9 a.m. (Brussels time).

3. The last partial invitation to tender shall expire on 25 August 1993 at 9 a.m. (Brussels time).

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

Article 5

The following provisions shall apply to tenders submitted before 1 July 1994:

- notwithstanding the first subparagraph of Article 16 of Regulation (EEC) No 2131/93, the products must be removed not later than 31 July 1994,
- notwithstanding the second subparagraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for products for export shall be that indicated in the tender,
- without prejudice to the possibility of fixing the agricultural conversion rate in advance, tenders shall be

converted using the agricultural conversion rate applicable on the date on which the cereals are paid for.

Article 6

Notwithstanding Article 17 (3) of Regulation (EEC) No 2131/93, the security referred to in the second indent of Article 17 (2) of the said Regulation shall not be released until proof is furnished that the customs export formalities have taken place during the period 1 July to 30 September 1994.

Article 7

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

Article 8

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

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

Done at Brussels, 10 May 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	474 329
Hessen/Rheinland-Pfalz/ Baden-Württemberg/Saarland/Bayern	19 103
Berlin/Brandenburg/ Mecklenburg-Vorpommern	4 816
Sachsen/Sachsen-Anhalt/Thüringen	1 797

ANNEX II

Standing invitation to tender for the export of 500 000 tonnes of rye held by the German intervention agency

(Regulation (EC) No 1080/94)

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

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

ANNEX III

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

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

COMMISSION REGULATION (EC) No 1081/94

of 10 May 1994

opening an invitation to tender for the refund for the export of barley to all third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EEC) No 1533/93 of 22 June 1993 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as amended by Commission Regulation (EC) No 120/94⁽⁴⁾, and in particular Article 5 (2) thereof,

Whereas, in view of the current situation on the cereals market, an invitation should be opened in respect of barley to tender for the export refund provided for in Article 5 of Regulation (EEC) No 1533/93;

Whereas the detailed procedural rules governing invitations to tender are, as regards the fixing of the export refund, in Commission Regulation (EEC) No 1533/93; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of ECU 12 per tonne when they submit their tenders;

Whereas it is necessary to specify the exact duration of validity of the licences issued under this tendering procedure; whereas the period of validity must correspond to the current requirements of the world market;

Whereas, in order to ensure that all those concerned are treated equally, it is necessary to lay down that the period of validity of the licences issued should be identical;

Whereas, in order to ensure the smooth operation of the tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders shall be invited for the export refund provided for in Article 5 of Regulation (EEC) No 1533/93.
2. The tendering procedure shall concern barley for export to all third countries.
3. The invitation shall remain open until 18 May 1995. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

Article 2

A tender shall be valid only if it related to an amount of not less than 1 000 tonnes.

Article 3

The security referred to in Article 6 of Regulation (EEC) No 1533/93 shall be ECU 12 per tonne.

Article 4

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3719/88⁽⁵⁾, export licences issued under Article 9 (1) of Regulation (EEC) No 1533/93 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

Licences issued before 1 July 1993, however, may only be used from that date.

Article 5

1. The Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 1766/92:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Article 2 of Regulation (EEC) No 1533/93, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 331, 2. 12. 1988, p. 1.

Article 6

Tenders submitted must reach the Commission through the intermediary Member States, at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in Annex I, to the telex or telefax numbers in Annex II.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 7

The time limits fixed for the submission of tenders shall correspond to Belgian time.

Article 8

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, 10 May 1994.

For the Commission

René STEICHEN

Member of the Commission

*ANNEX I***Weekly tender for the refund for the export of barley to all third countries**

(Regulation (EC) No 1081/94)

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tenderer	Quantity in tonnes	Amount of export refund in ECU per tonne
1		
2		
3		
etc.		

ANNEX II

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

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

COMMISSION REGULATION (EC) No 1082/94
of 10 May 1994
on a special intervention measure for barley in Spain

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 6 (2) thereof,

Whereas production of barley in Spain exceeds that country's requirements;

Whereas the possibility of that surplus being absorbed by the Community market is slight;

Whereas the Spanish market can be relieved by the export of part of this surplus quantity of barley to non-member countries; whereas, in view of world market prices for barley, export is possible only with the aid of a refund;

Whereas, however, the refund arrangements laid down in Article 13 of Regulation (EEC) No 1766/92 apply to export from any Member State; whereas such arrangements, therefore, are not only unsuitable for solving the problem in question but may also favour the export of barley from Member States where the market situation is different from that in Spain;

Whereas, in the absence of adequate measures, massive quantities of barley may be expected to enter intervention storage in Spain during the marketing year in accordance with Article 4 of Regulation (EEC) No 1766/92, the only possibility of disposal being in any case export to non-member countries; whereas, to avoid the abovementioned intervention, a special intervention measure intended to relieve the Spanish market should be taken pursuant to Article 6 of the said Regulation; whereas, furthermore, such a measure should take the form of a direct export incentive, which would avoid the high cost to the Community budget of buying in and storing products which would in any case then have to be exported; whereas the granting of a refund, the amount of which would be determined by tendering and which would apply only to products exported from Spain, would be an appropriate measure for this purpose;

Whereas the purpose of the measure is such that refunds should be granted only on barley of the quality required for acceptance for intervention, as defined in Commission Regulation (EEC) No 689/92 ⁽³⁾, as last amended by Regulation (EC) No 3134/93 ⁽⁴⁾; whereas the competent

agency must make certain barley exported is of this standard;

Whereas the nature and objectives of the said measures make it appropriate to apply in respect of it *mutatis mutandis* Article 13 of Regulation (EEC) No 1766/92 and the Regulations adopted for the application thereof, in particular Commission Regulation (EEC) No 1533/93 of 22 June 1993 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽⁵⁾, as amended by Regulation (EC) No 120/94 ⁽⁶⁾;

Whereas, since the interested parties are already aware of the terms of the invitation, a derogation may be made from the provisions of Regulation (EEC) No 1533/93 on the period that must elapse between the date of publication and the first closing date for the submission of tenders;

Whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of ECU 12 per tonne when they submit their tenders;

Whereas the cereals in question should be actually exported from the Member State for which a particular intervention measure was implemented; whereas it is, therefore, necessary to restrict the use of export licences to exports from the Member State in which the licence was applied for;

Whereas, in order to ensure equal treatment of all concerned, it is necessary to make provision for the licences issued to have an identical period of validity;

Whereas, in order to ensure the smooth operation of the export tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A special intervention measure in the form of an export refund shall be applied in respect of 300 000 tonnes of barley produced in Spain.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 74, 20. 3. 1992, p. 18.

⁽⁴⁾ OJ No L 280, 13. 11. 1993, p. 15.

⁽⁵⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁶⁾ OJ No L 21, 26. 1. 1994, p. 1.

Article 13 of Regulation (EEC) No 1766/92 and the provisions adopted for the application of that Article shall apply *mutatis mutandis* to the said refund.

2. The Spanish intervention agency shall be responsible for implementing the measure referred to in paragraph 1.

Article 2

1. Tenders shall be invited in order to determine the amount of the refund referred to in Article 1.

2. The invitation to tender shall relate to the quantity of barley referred to in Article 1 (1) for export to all third countries.

3. The invitation shall remain open until 18 May 1995. During the period of its validity weekly awards shall be made, for which the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

4. Tenders must be submitted to the Spanish intervention agency named in the notice of invitation.

5. The tendering procedure shall take place in accordance with this Regulation and Regulation (EEC) No 1533/93.

Article 3

A tender shall be valid only if it relates to not less than 1 000 tonnes.

Article 4

Under the tendering procedure referred to in Article 2, box 20 of applications and the export licences shall indicate the following:

'Reglamento (CE) n° 1082/94 certificado válido exclusivamente en España.'

Article 5

The security referred to in Article 6 of Regulation (EEC) No 1533/93 shall be ECU 12 per tonne.

Article 6

1. By way of derogation from Article 21 (1) of Commission Regulation (EEC) No 3719/88⁽¹⁾, export licences issued in accordance with Article 9 (1) of Regulation (EEC) No 1533/93 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of the issue.

3. Notwithstanding Article 11 of Regulation (EEC) No 3719/88, export licences under this tendering procedure shall be valid in Spain only.

Article 7

1. The Commission shall decide, under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, either:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Article 2 of Regulation (EEC) No 1533/93, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

3. A refund awarded shall not be paid unless the barley exported is of at least intervention quality in Spain as defined in Article 2 (2) of Regulation (EEC) No 689/92.

The competent agency shall have an analysis made, by an approved body or company, of the landed goods and shall hold at the Commission's disposal an additional sample from each consignment taken and sealed in the presence of the tenderer or his representative.

Sampling and analysis costs shall be met by the tenderer.

4. Where the quality does not correspond to that defined in paragraph 3, the refund shall be reduced by ECU 15 per tonne.

Article 8

Tenders submitted must reach the Commission through the intervention of the Spanish intervention agency at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in Annex I, to the telex or telefax numbers in Annex II.

If no tenders are received, the Spanish intervention agency shall inform the Commission of this within the period indicated in the first paragraph.

The times fixed for the submission of tenders shall correspond to Belgian time.

Article 9

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

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

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

Done at Brussels, 10 May 1994.

For the Commission
René STEICHEN
Member of the Commission

ANNEX I

Weekly tender for the refund for the export of Spanish barley to all third countries

(Regulation (EC) No 1082/94)

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tender	Quantity in tonnes	Amount of export refund in ecu per tonne
1		
2		
3		
etc.		

ANNEX II

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

- telex : 22037 AGREC B
22070 AGREC B (Greek characters)
 - telefax : — 295 01 32, 296 10 97, 236 25 15.
-

COMMISSION REGULATION (EC) No 1083/94

of 10 May 1994

on the sale on the Portuguese domestic market of 250 000 tonnes of maize held
by the Portuguese intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 3670/93 of 22 December 1993 on special arrangements for imports of maize into Portugal⁽³⁾, and in particular Article 3 (2) thereof,

Whereas the Portuguese intervention agency (INGA) is to buy 250 000 tonnes of maize on the world market in accordance with the Commission Decision of 7 April 1994 on the purchase of the said maize⁽⁴⁾; whereas the INGA should sell this maize on the Portuguese domestic market; whereas, in accordance with Article 3 (2) of Regulation (EC) No 3670/93, these sales should be effected in such a way as to avoid disturbances on the Portuguese market;

Whereas provision should be made for these sales to be staggered over May, June, August and December 1994 in order to avoid disturbing the harvest in Portugal; whereas any maize still remaining at 31 December 1994 should be sold in the following months;

Whereas Regulation (EC) No 3670/93 provides that the purchase of this maize shall rank as an intervention to stabilize the agricultural markets; whereas Commission Regulation (EEC) No 2131/93⁽⁵⁾, as amended by Regulation (EC) No 120/94⁽⁶⁾, lays down the procedure and conditions for the sale of cereals held by intervention agencies; whereas the sales of maize should, however, be carried out at a fixed price, namely the intervention price applicable in May, increased by a monthly increase for sales in June and by two monthly increases for sales in August; whereas it is therefore necessary to derogate from Regulation (EEC) No 2131/93; whereas additional rules are needed for the sale of the imported maize;

Whereas, in view of the price advantage enjoyed by purchasers of the maize held by the INGA, provision

should be made for strict control measures and it should be stipulated, in particular, who is authorized to purchase such imported maize;

Whereas, in order to ensure that the sale of maize imported into Portugal does not create difficulties on the Community market, a system of tendering securities and performance guarantees should be introduced and provision should be made whereby the performance guarantee is not to be released until proof has been furnished that the maize in question has been processed or used in Portugal;

Whereas it is essential that Portugal take all the necessary measures which are compatible with Community rules, on the one hand to ensure that this Regulation is properly applied and, on the other hand, to ensure, by introducing effective control arrangements, that the Community market is not disturbed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding Regulation (EEC) No 2131/93, the Portuguese intervention agency (INGA) shall put up for sale on the Portuguese market 250 000 tonnes of maize purchased in pursuance of the Commission Decision of 7 April 1994.

The sale shall take place in three instalments: the first, of 80 000 tonnes, being staggered over May and June 1994, the second, of 50 000 tonnes, during August 1994 and the third, of 120 000 tonnes, in December 1994 and, where necessary, during the following months, in accordance with the provisions laid down by the INGA.

Article 2

1. INGA shall draw up a notice indicating, for each lot or, where applicable, part of a lot:

- (a) the location;
- and
- (b) at least the following information:
 - the specific weight,
 - the moisture content,
 - the percentage of broken grains and extraneous matter.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 338, 31. 12. 1993, p. 35.

⁽⁴⁾ Unpublished decision.

⁽⁵⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁶⁾ OJ No L 21, 26. 1. 1994, p. 1.

2. INGA shall publish the said notice at least three days before the date fixed for the first submission of applications for the first instalment.

Article 3

1. For the first instalment of 80 000 tonnes the time limit for the first submission of applications shall expire at 10.00 (Brussels time) on 20 May 1994 and, for the last submission, on 8 June 1994.

2. For the second instalment of 50 000 tonnes the time limit for the first submission of applications shall expire at 10.00 (Brussels time) on 1 August 1994 and, for the last submission, on 22 August 1994.

3. For the third instalment of 120 000 tonnes the time limit for the first submission of applications shall expire at 10.00 (Brussels time) on 2 December 1994. The dates for any subsequent submissions shall be fixed by the INGA until the full quantity has been sold.

4. The decision to award the quantities applied for shall be taken by the INGA by not later than 17.00 (Brussels time) on the seventh day after the time limits fixed in paragraphs 1, 2 and 3.

5. Applications must be submitted to INGA:

INGA — Instituto Nacional de Garantia Agrícola,
Rua Camilo Castelo Branco, n° 45-1, 2° e 3J° Dt°,
1000 LISBOA.

Tel.: 355 88 12

Telex: 66209

Fax: 353 32 51

Article 4

1. Interested parties shall participate in the sale either by lodging a written application against proof of receipt with INGA or by sending an application to the agency by telex, telegram or fax.

2. Applications shall indicate the name and exact address of the purchaser, and his telephone, telex or fax number.

For the purposes of this Regulation, 'purchaser' means a single natural or legal person per holding or per undertaking whose business is purchasing in the cereals sector. Purchasers may be represented by an authorized representative.

3. Applications shall be accompanied by:

- proof that a tendering security of ECU 5 per tonne has been lodged,
- the purchaser's written undertaking to lodge a performance guarantee of ECU 30 per tonne not later than the time of removal of the purchased lot,

— proof that the purchaser is engaged in a business involving purchasing in the cereals sector,

— the purchaser's written undertaking to process or use in Portugal the quantities of maize purchased.

4. Applications not submitted in accordance with paragraphs 1, 2 and 3 or which contain conditions other than those provided for in the notice shall not be valid.

5. Applications may not be withdrawn.

Article 5

Where the quantity available for any instalment is exceeded, the quantity applied for in the context of the sale in question shall be reduced by applying a reduction coefficient fixed by INGA.

Where the full quantity is not sold, the remaining quantity available shall be carried over to the sale of the following instalment.

Article 6

1. The selling price shall be equal to the intervention price valid in May 1994 for goods ex silo loaded onto a means of transport, plus a monthly increase of ECU 1,425 per tonne for sales carried out in June 1994 and two monthly increases of ECU 1,425 per tonne for sales carried out in August 1994.

For sales from December 1994 onwards, the selling price shall be equal to the intervention price valid in the month of sale.

2. Purchasers shall pay for the maize before removing it and not later than one month after the date on which the contract has been awarded.

3. If the purchaser fails to pay for the maize awarded to him within the deadline laid down in paragraph 2, the contract shall be cancelled by INGA.

Article 7

1. The tendering security shall be released for quantities in respect of which:

- the application was not accepted,
- a performance guarantee of ECU 30 per tonne has been lodged.

2. The performance guarantee shall be released for quantities in respect of which the purchaser has furnished proof that the maize has been processed or used in Portugal. Such proof shall be furnished not later than 18 months after the date of award.

The performance guarantee shall also be released for quantities in respect of which proof has been furnished that the maize has become unfit for human or animal consumption.

Article 8

1. Portugal

- shall adopt, where necessary, additional conditions compatible with Community rules, particularly those to be met by applicants in order to be able to participate in the sales in question, including the minimum and maximum quantities for each instalment and the sales schedule,
- shall take all the necessary measures to ensure the monitoring of all marketing operations up to final consumption in order to prevent possible disturbances on the Community market.

2. INGA shall inform the Commission of the progress of the sale. In addition it shall forward to the Commission without delay the data on the quantities sold and marketed, up to final consumption.

It shall closely monitor and keep the Commission informed of the impact of the maize sales on the prices of other cereals in Portugal.

Article 9

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

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

Done at Brussels, 10 May 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 1084/94
of 10 May 1994

amending Regulation (EEC) No 2377/80 on special detailed rules for the application of the system of import and export licences in the beef and veal sector and repealing Regulation (EC) No 854/94

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 Articles 15 (2) and 25 thereof,

Whereas Commission Regulation (EEC) No 2377/80⁽³⁾, as last amended by Regulation (EEC) No 2867/93⁽⁴⁾, lays down special detailed rules for the application of the system of import and export licences in the beef and veal sector;

Whereas recent trends on the market for beef and veal indicate that the Commission needs to be better informed of the quantities and the destinations of live bovine animals other than pure-bred breeding animals for which export licences have been applied for; whereas, moreover, it is necessary to provide for the issue of export licences with advance fixing of refunds after a period of five working days, in order to enable the Commission to assess the market situation and, if necessary, to take appropriate measures with regard to the applications concerned, including the possible rejection of such applications; whereas the above measures cannot be effective unless the Commission is informed quickly of the quantities and destinations of those animals; whereas, therefore, Articles 8a and 16 of Regulation (EEC) No 2377/80 should be amended;

Whereas Commission Regulation (EC) No 854/94⁽⁵⁾ extending the suspension of the advance fixing of export refunds in the beef and veal sector 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

Regulation (EEC) No 2377/80 is hereby amended as follows:

1. Article 8a (1) and (2) are hereby replaced by the following:

'1. For products falling within CN codes 0201 and 0202 and subheadings 0102 90, 0206 10 95 and 0206 29 91, the application for an export licence and the licence itself shall contain, in Section 13, the name of the country of destination of the product.

2. For products falling within CN codes 0201 and 0202 and subheadings 0102 90, 0206 10 95 and 0206 29 91, the export licence with advance fixing of the refund, as referred to in Article 3 (a), shall be issued on the fifth working day following the day on which the application is lodged, unless special measures are taken during that period.'

2. Article 16 (1) (i) is replaced by the following:

'(i) for products falling within CN codes 0201 and 0202 and subheadings 0102 90, 0206 10 95 and 0206 29 91, specifying, by product, the quantities and countries of destination:

- a list of export licences with advance fixing of refunds applied for since the previous communication,
- and
- a list of export licences issued since the previous communication'.

Article 2

Regulation (EC) No 854/94 is hereby repealed.

Article 3

This Regulation shall enter into force on 23 May 1994.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 328, 29. 12. 1993, p. 7.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 262, 21. 10. 1993, p. 26.

⁽⁵⁾ OJ No L 98, 16. 4. 1994, p. 28.

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

Done at Brussels, 10 May 1994.

For the Commission
René STEICHEN
Member of the Commission

COMMISSION REGULATION (EC) No 1085/94

of 10 May 1994

fixing for the 1994 marketing year the reference prices for peaches including nectarines

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

Whereas peaches are produced in such quantities in the Community that reference prices should be fixed for them and be operative also for nectarines;

Whereas, however, both on the Community market and for imports, prices for both types of nectarine run parallel at different levels to those for peaches; whereas, moreover, quotations for nectarines are not regularly recorded on these markets; whereas there is no need, therefore, to take producer prices for nectarines into consideration for the application of Article 23 (2) of Regulation (EEC) No 1035/72;

Whereas peaches harvested during a given crop year are marketed from May to October; whereas the quantities harvested in May, during the first 10 days of June and

in October are so small that there is no need to fix reference prices for these periods; whereas reference prices should be fixed only for the period 11 June to 30 September inclusive;

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

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

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

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

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

Whereas Regulation (EEC) No 3824/92 establishes a list of prices and amounts for the fruit and vegetables sector which are to be divided by a coefficient of 1,000426, fixed

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 26.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 29.

⁽⁶⁾ OJ No L 158, 30. 6. 1993, p. 18.

by Commission Regulation (EEC) No 537/93⁽¹⁾, as amended by Regulation (EEC) No 1331/93⁽²⁾; whereas Article 2 of Regulation (EEC) No 3824/92 lays down that the resulting reduction in the prices and amounts for each sector concerned shall be specified and the level of such reduced prices fixed; whereas, however, this adjustment may not result in a reference price level below that of the preceding marketing year, in accordance with Article 23 (2) of Regulation (EEC) No 1035/72;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1994 marketing year, the reference prices for peaches including nectarines, falling within CN code

Article 2

This Regulation shall enter into force on 11 June 1994.

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

Done at Brussels, 10 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 57, 10. 3. 1993, p. 18.

⁽²⁾ OJ No L 132, 29. 5. 1993, p. 114.

COMMISSION REGULATION (EC) No 1086/94

of 10 May 1994

fixing for the 1994 marketing year the reference prices for apricots

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

Whereas apricots harvested during a given crop year are marketed from May to August; whereas the quantities harvested in May and in August are so small that there is no need to fix reference prices for these months; whereas reference prices should be fixed only for the period 1 June up to and including 31 July;

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

— the increase in production costs for fruit and vegetables, less productivity growth, and

— the standard rate of transport costs in the current marketing year;

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

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

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

Whereas Regulation (EEC) No 3824/92 establishes a list of prices and amounts for the fruit and vegetables sector which are to be divided by a coefficient of 1,000426, fixed by Commission Regulation (EEC) No 537/93⁽⁷⁾, as amended by Regulation (EEC) No 1331/93⁽⁸⁾;

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

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

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 26.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 29.

⁽⁶⁾ OJ No L 158, 30. 6. 1993, p. 18.

⁽⁷⁾ OJ No L 57, 10. 3. 1993, p. 18.

⁽⁸⁾ OJ No L 132, 29. 5. 1993, p. 114.

HAS ADOPTED THIS REGULATION :

Article 1

For the 1994 marketing year, the reference prices for apricots falling within CN code 0809 10 00, expressed in ecus per 100 kilograms net of packed products of Class I, of all sizes, shall be as follows :

June (1 to 10) :	106,26,
(11 to 20) :	93,94,
(21 to 30) :	82,07,
July :	73,15.

Article 2

This Regulation shall enter into force on 1 June 1994.

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

Done at Brussels, 10 May 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 1087/94
of 10 May 1994
fixing the aid for cotton

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

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

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

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 2419/93⁽⁴⁾, as last amended by Regulation (EC) No 986/94⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton provided for in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 48,746 per 100 kilograms.

Article 2

This Regulation shall enter into force on 11 May 1994.

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

Done at Brussels, 10 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 154, 25. 6. 1993, p. 23.

⁽⁴⁾ OJ No L 222, 1. 9. 1993, p. 35.

⁽⁵⁾ OJ No L 111, 30. 4. 1994, p. 36.

COMMISSION REGULATION (EC) No 1088/94**of 10 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 9 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 11 May 1994.

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

Done at Brussels, 10 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 10 May 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Third countries ^(*)
0709 90 60	99,55 ⁽²⁾ ⁽³⁾
0712 90 19	99,55 ⁽²⁾ ⁽³⁾
1001 10 00	9,11 ⁽¹⁾ ⁽³⁾
1001 90 91	89,55
1001 90 99	89,55 ⁽⁹⁾
1002 00 00	122,37 ⁽⁹⁾
1003 00 10	125,96
1003 00 90	125,96 ⁽⁹⁾
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 ⁽⁹⁾
1008 20 00	50,69 ⁽⁴⁾ ⁽⁹⁾
1008 30 00	0 ⁽³⁾
1008 90 10	0 ⁽⁷⁾
1008 90 90	0
1101 00 00	162,92 ⁽⁹⁾
1102 10 00	208,87
1103 11 10	47,47
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 ⁽⁹⁾
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 1089/94

of 10 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 9 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 11 May 1994.

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

Done at Brussels, 10 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 10 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	2,21	3,52	3,06
1001 90 99	0	2,21	3,52	3,06
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	3,09	4,92	4,28
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	3,93	6,27	5,45	5,45
1107 10 19	0	2,94	4,68	4,07	4,07
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 1090/94
of 10 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 1074/94 ⁽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 6 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 11 May 1994.

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

Done at Brussels, 10 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 117, 7. 5. 1994, p. 27.

ANNEX

to the Commission Regulation of 10 May 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	33,54 ⁽¹⁾
1701 11 90	33,54 ⁽¹⁾
1701 12 10	33,54 ⁽¹⁾
1701 12 90	33,54 ⁽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.

**Information on the date of entry into force of the Agreement on fisheries
between the European Community and the Republic of Estonia ⁽¹⁾**

The procedures for ratification of the Agreement on fisheries between the European Community and the Republic of Estonia were completed on 5 July 1993. In accordance with Article 13 of that Agreement, it accordingly entered into force on 5 July 1993.

**Information on the date of entry into force of the Agreement on fisheries
between the European Community and the Republic of Latvia ⁽²⁾**

The procedures for ratification of the Agreement on fisheries between the European Community and the Republic of Latvia were completed on 5 August 1993. In accordance with Article 13 of that Agreement, it accordingly entered into force on 5 August 1993.

**Information on the date of entry into force of the Agreement on fisheries
between the European Community and the Republic of Lithuania ⁽³⁾**

The procedures for ratification of the Agreement on fisheries between the European Community and the Republic of Lithuania were completed on 13 April 1994. In accordance with Article 13 of that Agreement, it accordingly entered into force on 13 April 1994.

⁽¹⁾ OJ No L 56, 9. 3. 1993, p. 2.

⁽²⁾ OJ No L 56, 9. 3. 1993, p. 6.

⁽³⁾ OJ No L 56, 9. 3. 1993, p. 10.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 March 1994

drawing up a list of third countries from which Member States authorize imports of certain products subject to Council Directive 92/118/EEC

(Text with EEA relevance)

(94/278/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A Chapter 1 to Directive 89/662/EEC and as regards pathogens, to Directive 90/425/EEC⁽¹⁾ and in particular Article 10 thereof,

Whereas certain products subject to Directive 92/118/EEC must come from a third country or part of a third country fulfilling the requirements laid down by the Directive itself; whereas it is the case for gelatines not intended for human consumption animal casings, bones and certain bone products, horns and certain horn products, hooves and certain hoof products intended for human or animal consumption, serum from equidae, lard and rendered fats, furred farm game and feather farmed game meat and poultry and wild game meat products;

Whereas other products subject to Directive 92/118/EEC must come from a third country or part of a third country appearing on lists to be laid down;

Whereas in view of establishing these lists, an evaluation of the real risk of the spread of serious transmissible

diseases or of the diseases transmissible to man must be carried out; whereas this evaluation has been carried out and it is therefore possible to draw up the different lists of third countries necessary for the imports of the products in question which could be based, in particular, on Council Decision 79/542/EEC⁽²⁾ as last amended by Commission Decision 94/59/EC⁽³⁾;

Whereas certain products do not show any risk for animal or public health; whereas it is therefore possible to authorize imports of these products from any third country;

Whereas, considering the adaptation to the new regime which will follow the adoption of those lists, it is justified to foresee a period of time for their application;

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

Member States shall authorize from any third country imports of:

- bones and bone products (excluding bone meal),
horns and horn products (excluding horn meal),

⁽¹⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽²⁾ OJ No L 146, 14. 9. 1979, p. 15.

⁽³⁾ OJ No L 27, 1. 2. 1994, p. 53.

hooves and hoof products (excluding hoof meal) intended for other purposes than human or animal consumption,

- wool, ruminant hair, unprocessed feathers and parts of feathers,
- agriculture products and honey,
- game trophies in conformity with Chapter XIII of Annex I of Directive 92/118/EEC.

Article 2

Without prejudice to provisions of Annexes I and II of Directive 92/118/EEC and those of Article 1, Member States shall authorize imports of certain products subject

to Directive 92/118/EEC from third countries appearing on the lists in the Annex respectively.

Article 3

This Decision shall apply from 1 July 1994.

Article 4

This Decision is addressed to Member States.

Done at Brussels, 18 March 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

The following lists are lists in principle and importation shall fulfil the relevant animal health and public health requirements.

PART I

List of third countries from which Member States authorize imports of liquid milk, dried milk and dried milk products not intended for human consumption

Third countries appearing on lists of Parts 2 and 3 of the Annex of Commission Decision 94/70/EC ⁽¹⁾.

PART II

A. List of third countries from which Member States authorize imports of processed animal proteins (excluding fish meal and other meal derived from sea animals except mammals) not intended for human consumption

Third countries listed in Part I of the Annex to Decision 79/542/EEC.

B. List of third countries from which Member States authorize imports of fish meal and other meal derived from sea animals except mammals

(AR) Argentina	(LV) Latvia
(BR) Brazil	(MA) Morocco
(CA) Canada	(NO) Norway
(CL) Chile	(PE) Peru
(CN) People's Republic of China	(PL) Poland
(CI) Ivory Coast	(PR) Puerto Rico
(EC) Ecuador	(RU) Russia
(EE) Estonia	(SN) Senegal
(FO) Faroe Islands	(SE) Sweden
(FI) Finland	(UA) Ukraine
(GL) Greenland	(US) United States of America
(IS) Iceland	(UY) Uruguay
(LI) Lithuania	

PART III

List of third countries from which Member States authorize imports of blood products (with the exception of equidae) and of raw material intended for pharmaceutical purposes

A. Blood products and raw material from ungulates

Third countries covered by Commission Decisions 92/183/EEC ⁽²⁾ and 92/187/EEC ⁽³⁾.

B. Blood products and raw material from other species

Third countries listed in Part 1 of the Annex of Decision 79/542/EEC.

⁽¹⁾ OJ No L 36, 8. 3. 1994, p. 5.

⁽²⁾ OJ No L 84, 31. 3. 1992, p. 23.

⁽³⁾ OJ No L 87, 2. 4. 1992, p. 20.

PART IV

List of third countries from which Member States authorize imports of blood products (with the exception of equidae) and of raw material intended for the manufacture of technical products

A. *Blood products and raw material from ungulates*

Third countries or parts of third countries appearing on the list in the Annex of Decision 79/542/EEC from which imports of all categories of fresh meat of the respective species are authorized irrespective of any restrictions due to the absence of an agreed residue plan.

B. *Blood products and raw material from other species*

Third countries listed in Part I of the Annex to Decision 79/542/EEC.

PART V

List of third countries from which Member States authorize imports of raw material for the manufacture of pet food

A. *Raw material from animals of the bovine, ovine, caprine, porcine and equine species and of the wild corresponding species*

Third countries provided for in Part I of the Annex of Council Decision 79/542/EEC for the fresh meat of the corresponding species.

B. *Raw material from poultry*

The lists of third countries from which Member States authorize imports of fresh poultry meat appearing in Commission Decision 94/85/EC⁽¹⁾ but excluding those third countries permitted to export fresh poultry meat to the Community by virtue of the exercise of the derogations in Article 4, paragraphs 3 and 4 of Commission Decision 93/342/EEC⁽²⁾.

C. *Raw material from other species*

Third countries listed in Part 1 of the Annex of Decision 79/542/EEC.

PART VI

A. *List of third countries from which Member States authorize imports of rabbit meat and rabbit meat products*

Third countries listed in Part 1 of the Annex of Decision 79/542/EEC.

B. *List of third countries from which Member States shall authorize imports of furred farm game meat products*

Third countries from which Member States authorize imports of fresh meat of the corresponding species.

C. *List of third countries from which Member States authorize imports of feathered farm game meat products*

The list of third countries from which Member States authorize imports of fresh poultry meat appearing in Commission Decision 94/85/EC but excluding those third countries permitted to export fresh poultry meat to the Community by virtue of the exercise of the derogations in Article 4, paragraphs 3 and 4 of Commission Decision 93/342/EEC.

PART VII

List of third countries from which Member States authorize imports of untreated pig bristles

Third countries listed in Annex I of Decision 79/542/EEC.

⁽¹⁾ OJ No L 44, 17. 2. 1994, p. 31.

⁽²⁾ OJ No L 137, 8. 6. 1993, p. 24.

PART VIII**List of third countries from which Member States authorize imports of eggs and egg products intended for human consumption**

The list of third countries from which Member States authorize imports of fresh poultry meat appearing in Decision 94/85/EC but excluding those third countries permitted to export fresh poultry meat to the Community by virtue of the exercise of the derogations in Article 4, paragraphs 3 and 4 of Commission Decision 93/342/EEC.

PART IX**List of third countries from which Member States authorize imports of manure for treatment of the soil****A. *Processed manure products***

Third countries listed in Part I of the Annex of Decision 79/542/EEC.

B. *Unprocessed manure from equidae*

Third countries listed in Part I of the Annex of Decision 79/542/EEC for live equidae.

C. *Unprocessed manure from poultry*

The list of third countries from which Member States authorize imports of fresh poultry meat appearing in Commission Decision 94/85/EC but excluding those third countries permitted to export fresh poultry meat to the Community by virtue of the exercise of the derogations in Article 4, paragraphs 3 and 4 of Commission Decision 93/342/EEC.

PART X**List of third countries from which Member States authorize imports of pet food containing low-risk materials within the meaning of Council Directive 90/667/EEC⁽¹⁾**

Third countries listed in Part I of the Annex of Council Decision 79/542/EEC and the list of third countries from which Member States authorize imports of fresh poultry meat appearing in Commission Decision 94/85/EC but excluding those third countries permitted to export fresh poultry meat to the Community by virtue of the exercise of the derogations in Article 4, paragraphs 3 and 4 of Commission Decision 93/342/EEC.

PART XI**List of third countries from which Member States authorize imports of snails intended for human consumption**

(AL) Albania	(MD) Moldavia
(BG) Bulgaria	(MK) Former Yugoslav Republic of Macedonia
(BX) Bosnia-Herzegovina	(PL) Poland
(CH) Switzerland	(RO) Romania
(CN) People's Republic of China	(RU) Russia
(CZ) Czech Republic	(SI) Slovenia
(DZ) Algeria	(SK) Slovak Republic
(HR) Croatia	(SY) Syria
(HU) Hungary	(TN) Tunisia
(ID) Indonesia	(TR) Turkey
(LI) Lithuania	(UA) Ukraine
(MA) Morocco	(VN) Vietnam

⁽¹⁾ OJ No L 363, 27. 12. 1990, p. 51.

PART XII

List of third countries from which Member States authorize imports of frogs' legs intended for human consumption

(AL) Albania	(MK) Former Yugoslav Republic of Macedonia
(BD) Bangladesh	(MY) Malaysia
(BG) Bulgaria	(PH) Philippines
(BX) Bosnia-Herzegovina	(RO) Romania
(CN) People's Republic of China	(SI) Slovenia
(HR) Croatia	(TH) Thailand
(HU) Hungary	(TR) Turkey
(ID) Indonesia	(VN) Vietnam
(IN) India	

PART XIII

List of third countries from which Member States authorize imports of gelatines intended for human consumption

Third countries appearing on the list of the first part of the Annex of Decision 79/542/EEC.

COMMISSION DECISION

of 26 April 1994

establishing the indicative allocation by Member State of the commitment appropriations from the Structural Funds for the agricultural part of Objective 5a except for those fields covered by Objective 1 as defined in Council Regulation (EEC) No 2052/88 for the period 1994 to 1999

(94/279/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽¹⁾, as amended by Regulation (EEC) No 2081/93 ⁽²⁾, and in particular Article 12 (4) thereof,

Whereas, pursuant to Article 12 (4) of Regulation (EEC) No 2052/88, the Commission is to make indicative allocations for Objective 5a except for those fields covered by Objective 1, based principally on continuity related to the degree of utilization of resources during the preceding programming period and on the specific structural needs of agriculture as they are perceived;

Whereas, after the appropriations to be used for financing the measures undertaken on the initiative of the Commission are deducted, the resources available for commitment from the Structural Funds, expressed in 1994 prices, amount to ECU 5 149 million for the period 1994 to 1999 for the agricultural part of Objective 5a except for those fields covered by Objective 1; whereas, having regard to Article 15 of Regulation (EEC) No 2052/88, ECU 518 million should be set aside from that amount to ensure in particular that measures implemented before

the entry into force of Regulation (EEC) No 2081/93 are funded; whereas the remaining sum to be allocated amounts to ECU 4 631 million;

Whereas the indicative allocation set out in the Annex hereto satisfies the criteria laid down in Article 12 (4) of Regulation (EEC) No 2052/88,

HAS ADOPTED THIS DECISION:

Article 1

For the period 1994 to 1999, the indicative breakdown between the Member States of the commitment appropriations for the agricultural part of Objective 5a, except for those fields covered by Objective 1 as defined in Regulation (EEC) No 2052/88, shall be as set out in the Annex.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 April 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 5.

ANNEX

Commitment appropriations for the agricultural part of Objective 5 a except for those fields covered by Objective 1 for the period 1994 to 1999

<i>(ECU million at 1994 prices)</i>	
Belgium	170
Denmark	127
Germany	1 068
Spain	326
France	1 742
Italy	680
Luxembourg	39
Netherlands	118
United Kingdom	361
Total	4 631

COMMISSION DECISION

of 28 April 1994

amending Commission Decision 92/471/EEC concerning animal health conditions and veterinary certification for importation of bovine embryos from third countries

(Text with EEA relevance)

(94/280/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra Community trade in and importation from third countries of embryos of domestic animals of the bovine species⁽¹⁾, as last amended by Directive 93/52/EEC⁽²⁾, and in particular Article 9 thereof,

Whereas Directive 89/556/EEC excluded embryos derived by certain techniques from the scope of the said Directive;

Whereas, by Directive 93/52/EEC, the scope of Directive 89/556/EEC has been enlarged to include all bovine embryos except those derived by transfer of nuclei; whereas embryos which are to be subjected to techniques which involve the penetration of the zona pellucida and those derived by *in vitro* fertilization may be introduced into trade or be imported as long as they meet the requirements of Directive 89/556/EEC, with certain additional safeguards;

Whereas Commission Decision 94/113/EC⁽³⁾ amends the Annexes to the Directive to lay down the necessary additional safeguards;

Whereas it is necessary to amend Commission Decision 92/471/EEC of 2 September 1992 concerning animal

health conditions and veterinary certification for importation of bovine embryos from third countries⁽⁴⁾ to take into account the additional safeguards;

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 Annexes to Decision 92/471/EEC are hereby replaced by the Annexes to this Decision.

Article 2

This Decision shall apply from the thirtieth day following its notification.

Article 3

This Decision is addressed to Member States.

Done at Brussels, 28 April 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 302, 19. 10. 1989, p. 1.

⁽²⁾ OJ No L 175, 19. 7. 1993, p. 21.

⁽³⁾ OJ No L 53, 24. 2. 1994, p. 23.

⁽⁴⁾ OJ No L 270, 15. 9. 1992, p. 27.

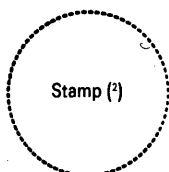
ANNEX A

PART I

1. Consignor (name and full address)	ANIMAL HEALTH CERTIFICATE No _____ ORIGINAL	
3. Consignee (name and full address)		
NOTES (a) A separate certificate must be issued for each consignment of embryos (b) The original of this certificate must accompany the consignment	2. Third country of collection 4. COMPETENT AUTHORITY	
6. Place and date of loading	5. COMPETENT LOCAL AUTHORITY	
8. Means of transport	7. Name and address of embryo collection team or embryo production team ⁽¹⁾	
9. Place and Member State of destination	10. Registration number of embryo collection team or embryo production team ⁽¹⁾	
11. Number and codemark of embryo containers	12. Identification of consignment: Embryos (a) derived by <i>in vitro</i> fertilization (b) subjected to penetration of zona pellucida	
(a) Number of embryos	(b) Date(s) of collection	(c) Breed
13. I, the undersigned official veterinarian of the Government of certify that: (name of exporting country) 1. the embryo collection/production team identified above: — is approved in accordance with Chapter I of Annex A to Directive 89/556/EEC, — carried out the collection, processing, or production and storing and transport of the embryos described above in accordance with Chapter II of Annex A to Directive 89/556/EEC, — is subjected at least twice per year to inspection by an official veterinarian; 2. according to official findings has: (name of exporting country)		
⁽¹⁾ Delete as appropriate.		

- (a) been free during 12 months immediately prior to collection of the embryos to be exported from rinderpest;
- (b) either ⁽¹⁾:
- (i) has been free from foot-and-mouth disease during the 12 months immediately prior to collection of the embryos to be exported and does not practise vaccination against it
 - or
 - (ii) has not been free from foot-and-mouth disease for the 12 months immediately prior to the collection of the embryos and/or practises vaccination against it and
 - the donor females and the donors of ovaries, oocytes and other tissues used in the production of embryos come from a holding in which no animal has been vaccinated against foot-and-mouth disease during the 30 days prior to collection, and
 - the embryos have been stored in approved conditions for a minimum period of 30 days immediately after collection;
- (c) either ⁽¹⁾:
- (i) has been free from bluetongue and epizootic haemorrhagic disease (EHD) for the 12 months immediately prior to collection of the embryos to be exported and does not practise vaccination against them
 - or
 - (ii) has not been free from bluetongue and epizootic haemorrhagic disease (EHD) for the 12 months immediately prior to collection of the embryos to be exported and/or practises vaccination against them and
 - the embryos have been stored in approved conditions for a minimum period of 30 days immediately after collection, and
 - the donor females and the donors of ovaries, oocytes or other tissues used in the production of embryos were subjected with negative results to an agar gel immuno diffusion test and a serum neutralization test for epizootic haemorrhagic disease antibodies on a blood sample taken not less than 21 days following collection;
3. (a) the premises on which the embryos to be exported or the ovaries, oocytes or other tissues used in the production of embryos to be exported were collected and processed was at the time of collection situated in the centre of an area of 20 km diameter in which according to official findings there had been no incidence of foot-and-mouth disease, bluetongue, epizootic haemorrhagic disease, contagious vesicular stomatitis, Rift Valley fever or contagious bovine pleuropneumonia for 30 days immediately prior to collection and in the case of embryos certified under 2 (b) (ii) and (c) (ii) for 30 days after collection;
- (b) between the time of collection or production of the embryos to be exported and their dispatch, they were stored continuously in approved premises which were situated in the centre of an area of 20 km in diameter in which according to official findings there was no incidence of foot-and-mouth disease, contagious vesicular stomatitis or Rift Valley fever;
4. the donor females and the donors of ovaries, oocytes or other tissues used in production of embryos:
- (a) during the 30 days immediately prior to collection of the embryos to be exported, were located in premises situated in the centre of an area of 20 km in diameter in which according to official findings there was no incidence of foot-and-mouth disease, bluetongue, epizootic haemorrhagic disease, contagious vesicular stomatitis, Rift Valley fever or contagious bovine pleuropneumonia;
 - (b) showed no clinical sign of disease on the day of collection;
 - (c) have spent the six months immediately prior to collection in the territory of in a maximum of two herds which are:
 - (name of exporting country)
 - according to official findings free from tuberculosis,
 - according to official findings free from brucellosis,
 - free from enzootic bovine leukosis or a herd or herds which has/have shown no clinical signs of enzootic bovine leukosis during the previous three years,
 - a herd or herds which has/have shown no clinical sign of infectious bovine rhinotracheitis/infectious pustular vulvo-vaginitis during the previous 12 months;
5. the embryos to be exported were conceived as a result of artificial insemination or *in vitro* fertilization with semen from a donor sire standing at a semen collection centre approved by the competent authority for the collection, processing and storage of semen or with semen imported from the European Community.

Done at



Signature ⁽²⁾

Name and qualification (in block letters):

.....

.....

⁽¹⁾ Delete as appropriate.

⁽²⁾ The signature and the stamp must be in a colour different to that of printing.

Note: This certificate must:

- (a) be drawn up in at least the official language of the Member State of destination and the Member State where the embryos will enter Community territory;
- (b) be made out to a single consignee;
- (c) accompany the embryos in the original.

PART II

List of countries approved to use the model animal health certificate at Part I of Annex A

Austria
Bosnia-Herzegovina
Canada
Croatia
Czech Republic
Finland
Hungary
Israel
New Zealand
Norway
Poland
Romania
Slovak Republic
Slovenia
Sweden
Switzerland
United States of America
Former Yugoslav Republic of Macedonia

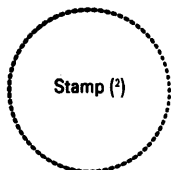
ANNEX B

PART I

1. Consignor (name and full address)		ANIMAL HEALTH CERTIFICATE	
		No	ORIGINAL
		2. Third country of collection	
3. Consignee (name and full address)		4. COMPETENT AUTHORITY	
NOTES (a) A separate certificate must be issued for each consignment of embryos (b) The original of this certificate must accompany the consignment		5. COMPETENT LOCAL AUTHORITY	
6. Place and date of loading			
8. Means of transport		7. Name and address of embryo collection team or embryo production team (¹)	
9. Place and Member State of destination			
11. Number and codemark of embryo containers		10. Registration number of embryo collection team or embryo production team (¹)	
12. Identification of consignment: Embryos (a) derived by <i>in vitro</i> fertilization (b) subjected to penetration of zona pellucida			
(a) Number of embryos		(b) Date(s) of collection	(c) Breed
13. I, the undersigned official veterinarian of the Government of certify that: (name of exporting country)			
1. the embryo collection/production team identified above : — is approved in accordance with Chapter I of Annex A to Directive 89/556/EEC, — carried out the collection, processing, or production and storing and transport of the embryos described above in accordance with Chapter II of Annex A to Directive 89/556/EEC, — is subjected at least twice per year to inspection by an official veterinarian ;			
2. according to official findings has : (name of exporting country)			
(¹) Delete as appropriate.			

- (a) been free during 12 months immediately prior to collection of the embryos to be exported from rinderpest ;
- (b) either ⁽¹⁾ :
- (i) has been free from foot-and-mouth disease during the 12 months immediately prior to collection of the embryos to be exported and does not practise vaccination against it
or
 - (ii) has not been free from foot-and-mouth disease for the 12 months immediately prior to the collection of the embryos and/or practises vaccination against it and
 - the donor females and the donors of ovaries, oocytes or other tissues used in the production of embryos come from a holding in which no animal has been vaccinated against foot-and-mouth disease during the 30 days prior to collection, and
 - the embryos have been stored in approved conditions for a minimum period of 30 days immediately after collection ;
- (c) either ⁽¹⁾ :
- (i) been free from bluetongue and epizootic haemorrhagic disease (EHD) for the 12 months immediately prior to collection of the embryos to be exported and does not practise vaccination against them
or
 - (ii) has not been free from bluetongue and epizootic haemorrhagic disease (EHD) for the 12 months immediately prior to collection of the embryos to be exported and/or practises vaccination against them and
 - the embryos have been stored in approved conditions for a minimum period of 30 days immediately after collection, and
 - the donor females and the donors of ovaries, oocytes or other tissues used in the production of embryos were subjected with negative results to an agar gel immuno diffusion test and a serum neutralization test for epizootic haemorrhagic disease antibodies on a blood sample taken not less than 21 days following collection ;
3. (a) the premises on which the embryos to be exported or the ovaries, oocytes or other tissues in the production of embryos to be exported were collected and processed was at the time of collection situated in the centre of an area of 20 km diameter in which according to official findings there had been no incidence of foot-and-mouth disease, bluetongue, epizootic haemorrhagic disease, contagious vesicular stomatitis, Rift Valley fever or contagious bovine pleuropneumonia for 30 days immediately prior to collection and in the case of embryos certified under 2 (b) (ii) and (c) (ii) for 30 days after collection ;
- (b) between the time of collection or production of the embryos to be exported and their dispatch, they were stored continuously in approved premises which were situated in the centre of an area of 20 km in diameter in which according to official findings there was no incidence of foot-and-mouth disease, contagious vesicular stomatitis or Rift Valley fever ;
4. the donor females and the donors of ovaries, oocytes or other tissues used in production of embryos :
- (a) during the 30 days immediately prior to collection of the embryos to be exported, were located in premises situated in the centre of an area of 20 km in diameter in which according to official findings there was no incidence of foot-and-mouth disease, blue tongue, epizootic haemorrhagic disease, contagious vesicular stomatitis, Rift Valley fever or contagious bovine pleuropneumonia ;
 - (b) showed no clinical sign of disease on the day of collection ;
 - (c) have spent the six months immediately prior to collection in the territory of
..... in a maximum of two herds which are :
(name of exporting country)
 - according to official findings free from tuberculosis,
 - according to official findings free from brucellosis,
 - free from enzootic bovine leukosis or a herd or herds which has/have shown no clinical signs of enzootic bovine leukosis during the previous three years,
 - a herd or herds which has/have shown no clinical sign of infectious bovine rhinotracheitis/infectious pustular vulvo-vaginitis during the previous 12 months ;
 - (d) were subjected to a serum neutralization test for Akabane on a blood sample taken not less than 21 days following collection.
5. The embryos to be exported were conceived as a result of artificial insemination or *in vitro* fertilization with semen from a donor sire standing at a semen collection centre approved by the competent authority for the collection, processing and storage of semen or with semen imported from the European Community.

Done at



Signature ⁽²⁾

Name and qualification (in block letters) :
.....
.....

⁽¹⁾ Delete as appropriate.

⁽²⁾ The signature and the stamp must be in a colour different to that of printing.

Note: This certificate must:

- (a) be drawn up in at least the official language of the Member State of destination and the Member State where the embryos will enter Community territory ;
- (b) be made out to a single consignee ;
- (c) accompany the embryos in the original.

PART II

List of countries approved to use the model animal health certificate at Part I of Annex B

Australia

COMMISSION DECISION

of 29 April 1994

**on the clearance of accounts of Italy for certain expenditure financed by
European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee
Section, for the financial year 1991**

(Only the Italian text is authentic)

(94/281/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, as last amended by Regulation (EEC) No 2048/88 ⁽²⁾, and in particular Article 5 (2) thereof,

Following consultation of the Fund Committee,

Whereas, in accordance with Article 5 (2) (b) of Regulation (EEC) No 729/70, the Commission, on the basis of the annual accounts presented by the Member States, clears the accounts relating to the expenditure paid by the authorities and bodies referred to at Article 4 of the said Regulation;

Whereas, in accordance with Articles 2 and 3 of Regulation (EEC) No 729/70, only expenditure effected in accordance with Community rules within the framework of the common organization of the agricultural markets, may be financed;

Whereas Italy has transmitted to the Commission the documents necessary for the clearance of accounts relating to the financial year 1991 in so far as expenditure covered by the present decision is concerned; whereas the Commission has carried out the necessary verifications in accordance with Article 9 (2) of Regulation (EEC) No 729/70;

Whereas Commission Regulation (EEC) No 1582/91 ⁽³⁾, provided for the supply of canned beef to the people of the ex-Soviet Union in the framework of Council Regulation (EEC) No 598/91 of 5 March 1991 on an emergency action for the Soviet Union ⁽⁴⁾; whereas the processing and canning of the meat was awarded by tendering procedures; whereas the meat to be processed came from the intervention stocks of Germany;

Whereas a considerable part of the canned beef produced by certain Italian firms and supplied to the ex-USSR proved to be unfit for human consumption; whereas additionally, it was found that in certain cases the meat

content of the cans did not correspond to the specifications laid down in the Annex to Regulation (EEC) No 1582/91; whereas the affected canned beef not being identifiable by lot, the totality of the produce supplied had to be retrieved and will have to be destroyed; whereas the deterioration of the produce was found to be due to the insufficiency of the sterilization operation for the meat to be processed and this is attributable to the producing firm; whereas the permanent physical controls which had to be effected in accordance with Article 9 of the said Regulation did not allow the detection of the abovementioned processing faults; whereas, in consequence, the Italian intervention agency incorrectly paid the processing costs to the successful tenderers and did not acquire the securities constituted in accordance with Article 6 (3) of the aforementioned Regulation; whereas the associated positive and negative expenditure which was supported by the Fund in 1991 may no longer be taken in charge by the Community budget;

Whereas the Member State in question has been informed in detail of the corrections provided for by this decision and has been able to make known its position on this subject;

Whereas Article 8 of Commission Regulation (EEC) No 1723/72 of 26 July 1972 on making up accounts for the European Agricultural Guidance and Guarantee Fund, Guarantee Section ⁽⁵⁾, as last amended by Regulation (EEC) No 295/88 ⁽⁶⁾, provides that the decision to clear accounts shall include the determination of the amount of expenditure incurred in each Member State during the financial year in question recognized as chargeable to the Guarantee Section of the Fund; whereas this provision does not exclude the Commission from clearing, before and outside of the global decision on the clearance of accounts, certain parts of the annual accounts concerning expenditure relevant to specific measures; whereas in this particular case, having regard to the gravity of the control weaknesses found and the pressing political necessity to replace the canned beef which is unfit for consumption, the Commission is led to avail itself of this facility; whereas this decision does not prejudice the clearance of accounts decision for the 1991 financial year for the Member State concerned with regard to expenditure not covered by this decision;

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 185, 15. 7. 1988, p. 1.

⁽³⁾ OJ No L 147, 12. 6. 1991, p. 20.

⁽⁴⁾ OJ No L 67, 14. 3. 1991, p. 19.

⁽⁵⁾ OJ No L 186, 16. 8. 1972, p. 1.

⁽⁶⁾ OJ No L 30, 2. 2. 1988, p. 7.

Whereas the Commission reserves the possibility to proceed, within the appropriate legal framework, to the recovery of the expenses it has incurred which also result from the insufficient application by the Member State in question of the control provisions in this particular case, in addition to those expenses which are the subject of this decision ; whereas this concerns in particular the expenses linked to the loss of the intervention meat used, in so far as these expenses exceed the amount of the securities released, as well as the costs of storage, re-transport and destruction of the canned beef ;

Whereas, in accordance with Article 102 of the Financial Regulation, of 21 December 1977 ⁽¹⁾, as last amended by Regulation (Euratom, ECSC, EEC) No 610/90 ⁽²⁾, the result of the clearance of accounts decision, constituting the difference between the total of the expenditure booked for the financial year in question in application of Articles 100 and 101 and the total expenditure recognized by the Commission at the clearance, is booked under a single article as additional expenditure or a reduction in expenditure,

HAS ADOPTED THIS DECISION :

Article 1

The amount recognized as chargeable to the European Agricultural Guidance and Guarantee Fund, Guarantee

Section, relative to the expenditure declared by Italy for the 1991 financial year for the execution of the operations provided for in Regulation (EEC) No 1582/91, as identified in the Annex, amount, in accordance with the same Annex :

— for Italy to Lit 15 772 655 660.

Article 2

The amounts set out at point 3 of the Annex are to be booked with the expenditure referred to at Article 3 of Commission Regulation (EEC) No 2776/88 ⁽³⁾ for the month of April 1994.

Article 3

This Decision is addressed to Italy.

Done at Brussels, 29 April 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽²⁾ OJ No L 70, 16. 3. 1990, p. 1.

⁽³⁾ OJ No L 249, 8. 9. 1988, p. 9.

ANNEX

ITALY

EAGGF Guarantee Section expenditure — Regulation (EEC) No 1582/91 — operations relating to the firm Beca	Lit
1. <i>Expenditure recognized</i>	
(a) Expenditure declared by the Member State for this operation in 1991	
— Beca Sarda	251 087 652
— Beca SpA	227 070 281
— Delicatering	1 300 772 697
— Spi	1 383 271 969
Total	3 162 202 599
(b) Expenditure disallowed	— 18 934 858 259
(c) Total expenditure recognized	— 15 772 655 660
2. <i>Expenditure charged in respect of the 1991 financial year</i>	3 162 202 599
3. <i>Expenditure chargeable to the Member State (1c — 2)</i>	18 934 858 259

CORRIGENDA

Corrigendum to Commission Decision 94/205/EC of 8 April 1994 laying down special conditions for the import of frozen or processed scallops and other Pectinidae originating in Japan

(Official Journal of the European Communities No L 99 of 19 April 1994)

On page 43 in Annex C, last entry in the table:

for: 'MARUICHI YOKOHMAM CO., LTD'

read: 'MARUICHI YOKOHAMA CO., LTD'.
