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Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund** 1
- ★ **Council Regulation (EC) No 1165/94 of 17 May 1994 laying down special provisions for imports of apples and pears** 14
- Commission Regulation (EC) No 1166/94 of 24 May 1994 opening an invitation to tender for the refund for the export of common wheat to all third countries ... 15
- ★ **Commission Regulation (EC) No 1167/94 of 24 May 1994 arrangements for imports into the Community of certain textile products (categories 28, 68 and 97) originating in the People's Republic of China** 18
- ★ **Commission Regulation (EC) No 1168/94 of 24 May 1994 fixing Community producer prices for carnations and roses for the application of the import arrangements for certain floricultural products originating in Cyprus, Israel, Jordan and Morocco** 21
- ★ **Commission Regulation (EC) No 1169/94 of 24 May 1994 on the adjustment of the entry price for table grapes originating in Cyprus** 23
- ★ **Commission Regulation (EC) No 1170/94 of 24 May 1994 amending Regulation (EEC) No 1962/92 establishing the forecast supply balance for glucose and Community aid for the supply to the Canary Islands of certain cereal products of Community origin** 25
- Commission Regulation (EC) No 1171/94 of 24 May 1994 amending Regulation (EC) No 614/94 authorizing the French and German intervention agencies to put up for sale by tender 225 000 tonnes of maize for export in the form of maize groats and meal 26
- ★ **Commission Regulation (EC) No 1172/94 of 20 May 1994 concerning the stopping of fishing for cod by vessels flying the flag of Germany** 27

Contents (continued)

Commission Regulation (EC) No 1173/94 of 24 May 1994 amending Regulation (EC) No 493/94 authorizing the German intervention agency to put up for sale by tender 100 000 tonnes of common wheat for export in the form of wheat flour	28
Commission Regulation (EC) No 1174/94 of 24 May 1994 amending Regulation (EC) No 494/94 authorizing the French intervention agency to put up for sale by tender 555 000 tonnes of common wheat for export in the form of wheat flour	29
Commission Regulation (EC) No 1175/94 of 24 May 1994 amending Regulation (EC) No 1119/94 introducing a countervailing charge on tomatoes originating in Morocco	30
Commission Regulation (EC) No 1176/94 of 24 May 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal	31
Commission Regulation (EC) No 1177/94 of 24 May 1994 fixing the premiums to be added to the import levies on cereals, flour and malt	33

II *Acts whose publication is not obligatory*

Council

94/294/EC :

- ★ **Council Decision of 17 May 1994 relating to the conclusion of an Agreement in the form of an exchange of letters between the European Community and the Republic of Chile on imports of apples and pears into the Community** 35
- Agreement in the form of an exchange of letters between the European Community and the Republic of Chile on imports of apples and pears into the Community 36

Commission

94/295/EC :

- ★ **Commission Decision of 21 March 1994 amending Decision 93/70/EEC on codification for the message Animo** 43

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1164/94
of 16 May 1994
establishing a Cohesion Fund**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Economic Community, and in particular the second subparagraph of Article 130d thereof,

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

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

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

Having regard to the opinion of the Committee of the Regions ⁽⁴⁾,

Whereas Article 2 of the Treaty includes the task of promoting economic and social cohesion and solidarity among Member States as objectives essential to the Community's development and success; whereas the strengthening of such cohesion is referred to in point (j) of Article 3 of the Treaty as one of the activities of the Community for the purposes set out in Article 2 of the Treaty;

Whereas Article 130a of the Treaty provides for the Community to develop and pursue its actions leading to the strengthening of its economic and social cohesion, and provides in particular that it shall aim at reducing disparities between the levels of development of the various regions and the backwardness of the least-favoured regions; whereas Community action through the Cohesion Fund should support the achievement of the objectives set out in Article 130a;

Whereas the conclusions of the European Councils held in Lisbon on 26 and 27 June 1992 and in Edinburgh on 11 and 12 December 1992 concerning the establishment of the Cohesion Fund set out the principles governing it;

Whereas the promotion of economic and social cohesion requires action by the Cohesion Fund in addition to that taken through the Structural Funds, the European Investment Bank and the other financial instruments in the fields of the environment and transport infrastructure of common interest;

Whereas the Protocol on economic and social cohesion annexed to the Treaty establishing the European Community reaffirms the Community's task of promoting economic and social cohesion and solidarity between Member States and specifies that a Cohesion Fund will provide a financial contribution to projects in the fields of the environment and trans-European networks in the Member States subject to two conditions: firstly that they have a per capita gross national product (GNP) of less than 90 % of the Community average and secondly that they have a programme leading to the fulfilment of the conditions of economic convergence as set out in Article 104c of the Treaty; whereas the relative prosperity of Member States is best assessed on the basis of per capita GNP, measured in purchasing power parities;

Whereas meeting the convergence criteria which are a precondition for moving to the third stage of economic and monetary union calls for a determined effort from the Member States concerned; whereas, in this context, all of the beneficiary Member States are to submit to the Council a convergence programme designed for that purpose and to avoid excessive government deficits;

Whereas the second subparagraph of Article 130d of the Treaty states that the Council is to set up a Cohesion Fund before 31 December 1993 to provide a financial contribution to projects in the fields of environment and trans-European networks in the area of transport infrastructure;

⁽¹⁾ OJ No C 39, 9. 2. 1994, p. 6.

⁽²⁾ Assent given on 5 May 1994 (not yet published in the Official Journal).

⁽³⁾ OJ No C 133, 16. 5. 1994.

⁽⁴⁾ Opinion delivered on 5 April 1994 (not yet published in the Official Journal).

Whereas Article 129c (1) of the Treaty provides that the Community may contribute through the Cohesion Fund to the financing of specific projects in the Member States in the area of transport infrastructure, whilst taking into account the potential economic viability of the projects; whereas projects financed by the Fund should form part of trans-European network guidelines which have been adopted by the Council including those covered by the plans for trans-European networks approved by the Council or proposed by the Commission before the entry into force of the Treaty on European Union; whereas, however, other transport infrastructure projects contributing to the attainment of the objectives of Article 129b of the Treaty may be financed until the Council has adopted the appropriate guidelines;

Whereas Article 130r of the Treaty defines the objectives and principles of the Community in the field of the environment; whereas the Community may contribute, through the Cohesion Fund, to actions designed to achieve those objectives; whereas, in accordance with Article 130s (5) of the Treaty and without prejudice to the principle that the polluter should pay, the Council may decide on financial assistance from the Cohesion Fund where a measure based on paragraph 1 of that Article involves costs deemed disproportionate for the public authorities of a Member State;

Whereas the principles and objectives of sustainable development are established in the Community's programme of policy and action in relation to the environment and sustainable development as set out in the Council Resolution of 1 February 1993⁽¹⁾;

Whereas a suitable balance must be struck between financing for transport infrastructure projects and financing for environmental projects;

Whereas the Commission's Green Paper on the Impact of Transport on the Environment reiterates the need to develop a more environment-friendly transport system which takes into account the sustainable development needs of the Member States;

Whereas any calculation of the cost of transport infrastructure projects must encompass environmental costs;

Whereas, in the light of the undertaking by the Member States concerned not to decrease their investment efforts in the fields of environmental protection and transport infrastructure, the principle of additionality within the meaning of Article 9 of Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the opera-

tions of the European Investment Bank and the other existing financial instruments⁽²⁾ will not apply to the Cohesion Fund;

Whereas, in accordance with Article 198e of the Treaty, the European Investment Bank (EIB) is to facilitate the financing of investments in conjunction with assistance from the other Community financial instruments;

Whereas it is necessary to coordinate action taken in the fields of the environment and of trans-European transport infrastructure networks through the Cohesion Fund, the Structural Funds, the EIB and the other financial instruments in order to enhance the effectiveness of Community assistance;

Whereas with a view, in particular, to helping Member States in the preparation of their projects, the Commission should be in a position to ensure that the necessary technical support is available to them, particularly in order to contribute to the preparation, implementation, monitoring and evaluation of projects;

Whereas, particularly in order to ensure value for money, a thorough appraisal should precede the commitment of Community resources in order to ensure that they yield socio-economic benefits in keeping with the resources deployed;

Whereas assistance from the Cohesion Fund must be consistent with Community policies, including environmental protection, transport, trans-European networks, competition and the award of public contracts; whereas environmental protection includes the assessment of environmental impact;

Whereas there should be provision for an indicative allocation of the global resources available for commitment between the Member States in order to facilitate the preparation of projects;

Whereas provision should be made, in conjunction with Article 104c (6) of the Treaty, for a form of conditionality in the granting of financial assistance;

Whereas it is necessary, given the requirements of economic and social cohesion, to provide a high rate of assistance;

Whereas, in order to facilitate the management of assistance from the Fund, there should be provision for identifying the stages of projects which may be considered technically and financially separate and for grouping the projects together, if necessary;

⁽¹⁾ OJ No C 138, 17. 5. 1993, p. 1.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1. Regulation as amended by Regulation (EEC) No 2082/93 (OJ No L 193, 31. 7. 1993, p. 20).

Whereas it should be possible to opt for assistance from the Fund either by annual instalments or for the whole of the project; and whereas, in accordance with the principle laid down by the European Council meeting at Edinburgh on 11 and 12 December 1992, payment instalments following an initial advance should be closely and transparently linked with progress towards the completion of projects;

Whereas the respective powers and responsibilities of the Member States and the Commission concerning financial control over the Fund's operations should be specified;

Whereas, in the interests of the proper management of the Cohesion Fund, provision should be made for effective methods of evaluating, monitoring and checking Community operations, specifying the principles governing the evaluation, defining the nature of and the rules governing the monitoring, and laying down the action to be taken in response to irregularities or failure to comply with one of the conditions laid down when assistance from that Fund was approved;

Whereas adequate information should be provided, *inter alia*, in the form of an annual report;

Whereas provision should be made to give adequate publicity to Community assistance from the Cohesion Fund;

Whereas publication in the *Official Journal of the European Communities* of calls for public tenders concerning projects receiving assistance from the Fund should mention the assistance;

Whereas in order to facilitate the application of this Regulation, the implementing provisions should be defined in Annex II; whereas to ensure the necessary flexibility in their application, the Council, acting by a qualified majority on a proposal from the Commission, should be able, if necessary, in the light of experience gained, to amend those provisions;

Whereas this Regulation should, without interruption, replace Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument⁽¹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Definition and objective

1. A Cohesion Fund, hereinafter referred to as 'the Fund', is hereby established.
2. The Fund shall contribute to the strengthening of the economic and social cohesion of the Community and shall operate according to the provisions set out in this Regulation.
3. The Fund may contribute to the financing of:
 - projects, or
 - stages of a project which are technically and financially independent, or
 - groups of projects linked to a visible strategy which form a coherent whole.

Article 2

Scope

1. The Fund shall provide financial contributions to projects, which contribute to achieving the objectives laid down in the Treaty on European Union, in the fields of the environment and trans-European transport infrastructure networks in Member States with a per capita gross national product (GNP), measured in purchasing power parities, of less than 90 % of the Community average which have a programme leading to the fulfilment of the conditions of economic convergence referred to in Article 104c of the Treaty.
2. Until the end of 1999, only the four Member States which currently meet the criterion regarding per capita GNP referred to in paragraph 1 shall be eligible for assistance from the Fund. Those Member States are Greece, Spain, Ireland and Portugal.
3. With regard to the GNP criterion referred to in paragraph 1, the Member States referred to in paragraph 2 shall continue to be eligible for assistance from the Fund provided that, after a mid-term review in 1996, their GNP remains below 90 % of the Community average. Any eligible Member State whose GNP exceeds the 90 % threshold at that time shall lose its entitlement to assistance from the Fund for new projects or, in the case of important projects split into several technically and financially separate stages, for new stages of a project.

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

Article 3

Eligible measures

1. The Fund may provide assistance for the following :

- environmental projects contributing to the achievement of the objectives of Article 130r of the Treaty, including projects resulting from measures adopted pursuant to Article 130s of the Treaty and, in particular, projects in line with the priorities conferred on Community environmental policy by the Fifth Programme of Policy and Action in relation to the Environment and Sustainable Development,
- transport infrastructure projects of common interest, financed by Member States, which are identified within the framework of the guidelines referred to in Article 129c of the Treaty; however, other transport infrastructure projects contributing to the achievement of the objectives of Article 129b of the Treaty may be financed until appropriate guidelines have been adopted by the Council.

2. Assistance may also be granted for :

- preliminary studies related to eligible projects, including those necessary for their implementation,
- technical support measures, particularly :
 - (a) horizontal measures such as comparative studies to assess the impact of Community assistance ;
 - (b) measures and studies which contribute to the appraisal, monitoring or evaluation, of projects, and to strengthening and ensuring the coordination and consistency of projects, particularly their consistency with other Community policies ;
 - (c) measures and studies helping to make the necessary adjustments to the implementation of projects.

Article 4

Financial resources

For the period 1993 to 1999, the total resources available for commitment for the Fund under this Regulation and Regulation (EEC) No 792/93, as set out in the Inter-institutional Agreement of 29 October 1993, shall be ECU 15 150 million at 1992 prices.

The financial perspectives established with regard to the commitment appropriations available for each year of the period under the Regulations referred to in the first paragraph are as follows :

- 1993 : ECU 1 500 million,
- 1994 : ECU 1 750 million,
- 1995 : ECU 2 000 million,
- 1996 : ECU 2 250 million,
- 1997 : ECU 2 500 million,
- 1998 : ECU 2 550 million,
- 1999 : ECU 2 600 million.

Article 5

Indicative allocation

An indicative allocation of the total resources of the Fund shall be made on the basis of precise and objective criteria, principally population, per capita GNP and surface area ; it shall also take account of other socio-economic factors such as deficiencies in transport infrastructure.

The indicative allocation of the total resources resulting from the application of those criteria is set out in Annex I.

Article 6

Conditional assistance

1. In the event of the Council deciding, in accordance with Article 104c (6) of the Treaty, that an excessive government deficit exists in a Member State, and if that decision is not abrogated in accordance with Article 104c (12) of the Treaty within one year or any other period specified for correcting the deficit in a recommendation under Article 104c (7), no new projects or, in the case of large multi-stage projects, no new stages of a project shall be financed from the Fund for that Member State.

2. Exceptionally, in the case of projects directly affecting more than one Member State, the Council, acting by a qualified majority on a recommendation from the Commission, may decide to defer suspension of financing.

3. Suspension of financing shall not take effect less than two years after the entry into force of the Treaty on European Union.

4. The suspension of financing shall cease when the Council, in accordance with Article 104c (12) of the Treaty, abrogates its decision adopted in accordance with Article 104c (6) of the Treaty.

Article 7

Rate of assistance

1. The rate of Community assistance granted by the Fund shall be 80 % to 85 % of public or equivalent expenditure, including expenditure by bodies whose acti-

vities are undertaken within an administrative or legal framework by virtue of which they may be deemed to be equivalent to public bodies.

The actual rate of assistance shall be fixed according to the type of operation to be carried out.

2. Where assistance is granted for a project which generates revenue, the amount of the expenditure on which the calculation of the assistance from the Fund is based shall be established by the Commission, taking account of revenue where it constitutes substantial net revenue for the promoters and in close collaboration with the beneficiary Member State.

'Project which generates revenue' means :

- infrastructures the use of which involves fees borne directly by users,
- productive investments in the environment sector.

3. The beneficiary Member States may submit proposals for preparatory studies and technical support measures.

4. Preliminary studies and technical support measures, including those undertaken at the Commission's initiative, may be financed exceptionally at 100 % of the total cost.

Total expenditure carried out pursuant to this paragraph may not exceed 0,5 % of the total allocation to the Fund.

Article 8

Coordination and compatibility with Community policies

1. Projects financed by the Fund shall be in keeping with the provisions of the Treaties, with the instruments adopted pursuant thereto and with Community policies, including those concerning environmental protection, transport, trans-European networks, competition and the award of public contracts.

2. The Commission shall ensure coordination and consistency between projects undertaken pursuant to this Regulation and measures undertaken with contributions from the Community budget, the European Investment Bank (EIB) and the other financial instruments of the Community.

Article 9

Cumulation and overlapping

1. No item of expenditure may benefit both from the Fund and from the European Agricultural Guidance and Guarantee Fund, the European Social Fund, the European Regional Development Fund or the financial instrument of fisheries guidance.

2. The combined assistance of the Fund and other Community aid for a project shall not exceed 90 % of the total expenditure relating to that project.

Article 10

Approval of projects

1. The projects to be financed by the Fund shall be adopted by the Commission in agreement with the beneficiary Member State.

2. A suitable balance shall be struck between projects in the field of the environment and projects relating to transport infrastructure. This balance shall take account of Article 130s (5) of the Treaty.

3. Applications for assistance for projects under Article 3 (1) shall be submitted by the beneficiary Member State. Projects, including groups of related projects, shall be of a sufficient scale to have a significant impact in the field of environmental protection or in the improvement of trans-European transport infrastructure networks. In any event, the total cost of projects or groups of projects may in principle not be less than ECU 10 million. Projects or groups of projects costing less than this may be approved in duly justified cases.

4. Applications shall contain the following information : the body responsible for implementation, the nature of the investment and a description thereof, its costs and location, including, where applicable, an indication of projects of common interest situated on the same transport axis, the timetable for implementation of the work, a cost-benefit analysis, including the direct and indirect effects on employment, information enabling possible impact on the environment to be assessed, information on public contracts, the financing plan including, where possible, information on the economic viability of the project, and the total financing the Member State is seeking from the Fund and any other Community source.

They shall also contain all relevant information providing the required proof that the projects comply with the Regulation and with the criteria set out in paragraph 5, and particularly that there are medium-term economic and social benefits commensurate with the resources deployed.

5. The following criteria shall be applied to ensure the high quality of projects :

- their medium-term economic and social benefits, which shall be commensurate with the resources deployed ; an assessment shall be made in the light of a cost-benefit analysis,
- the priorities established by the beneficiary Member States,
- the contribution which projects can make to the implementation of Community policies on the environment and trans-European networks,
- the compatibility of projects with Community policies and their consistency with other Community structural measures,
- the establishment of an appropriate balance between the fields of the environment and transport infrastructure.

6. Subject to Article 6 and to the availability of commitment appropriations, the Commission shall decide on the grant of assistance from the Fund provided that the requirements of this Article are fulfilled, as a general rule within three months of receipt of the application. Commission decisions approving projects, stages of projects or groups of related projects shall determine the amount of financial support and lay down a financing plan together with all the provisions and conditions necessary for the implementation of the projects.

7. The key details of the Commission's decisions shall be published in the *Official Journal of the European Communities*.

Article 11

Financial provisions

1. The commitment appropriations entered in the budget shall be granted on the basis of the decisions approving the measures concerned, in accordance with Article 10.

2. Assistance relating to the projects referred to in Article 3 (1) shall as a general rule be committed by annual instalments. However, in appropriate cases, the

Commission may commit the total amount of the assistance granted when it adopts the decision granting the assistance.

3. Expenditure within the meaning of Article 7 (1) shall not be deemed eligible for assistance from the Fund if incurred by the beneficiary Member State before the date on which the Commission receives the relevant application.

4. Payments made after an initial advance must be closely and transparently linked to progress made in the implementation of the projects.

5. Payments shall be made in ecus and shall be subject to the specific provisions set out in Annex II.

Article 12

Financial checks

1. In order to guarantee successful completion of the projects financed by the Fund, Member States shall take the necessary measures :

- to verify on a regular basis that operations financed by the Community have been properly carried out,
- to prevent irregularities and take action against them,
- to recover any amounts lost as a result of irregularity or negligence. Except where the Member State and/or the implementing authority provide proof that they were not responsible for the irregularity or negligence, the Member State shall be liable in the alternative for reimbursement of any sums unduly paid.

2. Member States shall inform the Commission of the measures taken for those purposes and, in particular, shall notify the Commission of the description of the management and control systems established to ensure the efficient implementation of operations. They shall regularly inform the Commission of the progress of administrative and judicial proceedings. In that context, the Member States and the Commission shall take the necessary steps to ensure that the information exchanged remains confidential.

3. Member States shall make available to the Commission any appropriate national control reports on the projects concerned.

4. Without prejudice to checks carried out by Member States in accordance with national laws, regulations and administrative provisions and without prejudice to Article 188a of the Treaty or to any inspection arranged on the basis of Article 209 (c) of the Treaty, the Commission may, through its officials or agents, carry out on-the-spot

checks, including sample checks, in respect of projects financed by the Fund, and may examine the control arrangements and measures established by the national authorities, which shall inform the Commission of measures taken to that end.

5. As soon as this Regulation enters into force, the Commission shall adopt detailed rules for the application of this Article and shall inform the European Parliament thereof.

Article 13

Appraisal, monitoring and evaluation

1. The Member States and the Commission shall ensure that the implementation of projects under this Regulation is effectively monitored and evaluated. Projects must be adjusted on the basis of the results of monitoring and evaluation.

2. In order to ensure the effectiveness of Community assistance, the Commission and the beneficiary Member States shall, in cooperation with the EIB where appropriate, carry out a systematic appraisal and evaluation of projects.

3. On receipt of a request for assistance and before approving a project, the Commission shall carry out a thorough appraisal in order to assess the project's consistency with the criteria laid down in Article 10 (5). The Commission shall invite the EIB to contribute to the assessment of projects as necessary.

4. During the implementation of projects and after their completion, the Commission and the beneficiary Member States shall evaluate the manner in which they have been carried out and the potential and actual impact of their implementation in order to assess whether the original objectives can be, or have been, achieved. This evaluation shall, *inter alia*, address the environmental impact of the projects, in compliance with the existing Community rules.

5. In vetting individual applications for assistance, the Commission shall take into account the findings of appraisals and evaluations made in accordance with this Article.

6. The detailed rules for monitoring and evaluation, as provided for in paragraph 4, shall be laid down in the decisions approving projects.

Article 14

Information and publicity

1. The Commission shall present an annual report on the activities of the Fund, for the purposes of examination

and their opinion, to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

The European Parliament shall deliver an opinion on the report as soon as possible. The Commission shall report on how it has applied the observations contained in the European Parliament's opinion.

The Commission shall ensure that Member States are informed of the activities of the Fund.

2. The Member States responsible for implementing a measure receiving a financial contribution from the Fund shall ensure that adequate publicity is given to the measure with a view to:

- making the general public aware of the role played by the Community in relation to the measure,
- making potential beneficiaries and professional organizations aware of the possibilities afforded by the measure.

Member States shall ensure, in particular, that directly visible display panels are erected showing the percentage of the total cost of a given project which is being financed by the Community, together with the Community logo, and that representatives of the Community institutions are duly involved in the most important public activities connected with the Fund.

They shall inform the Commission of the initiatives taken under this paragraph.

3. As soon as this Regulation enters into force, the Commission shall adopt detailed rules on information and publicity, shall inform the European Parliament thereof and shall publish them in the *Official Journal of the European Communities*.

Article 15

Implementation

The provisions for the implementation of this Regulation are set out in Annex II hereto.

Article 16

Final and transitional provisions

1. The Council, acting on a proposal from the Commission in accordance with the procedure laid down in Article 130d of the Treaty, shall re-examine this Regulation before the end of 1999.

2. As soon as it enters into force, this Regulation shall replace Regulation (EEC) No 792/93.

3. This Regulation shall not affect the continuation of measures approved by the Commission on the basis of the provisions of Regulation (EEC) No 792/93 applicable before the entry into force of this Regulation, which shall consequently apply thereafter to those measures.

4. Applications presented within the framework of Regulation (EEC) No 792/93 before the entry into force of this Regulation shall remain valid provided such appli-

cations are supplemented, where necessary, so as to comply with the requirements of this Regulation within not more than two months of the entry into force of this Regulation.

Article 17

Entry into force

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, 16 May 1994.

For the Council

The President

Th. PANGALOS

ANNEX I

INDICATIVE ALLOCATION OF THE TOTAL RESOURCES OF THE COHESION FUND AMONG THE BENEFICIARY MEMBER STATES

— Spain :	52 % to 58 % of the total,
— Greece :	16 % to 20 % of the total,
— Portugal :	16 % to 20 % of the total,
— Ireland :	7 % to 10 % of the total.

ANNEX II**IMPLEMENTING PROVISIONS***Article A***Designation of stages or groups of projects**

1. The Commission may, in agreement with the beneficiary Member State, group projects together and designate technically and financially separate stages of a project for the purpose of granting assistance.
2. A stage may also cover preliminary, feasibility and technical studies needed for carrying out a project.

*Article B***Ex-ante evaluation**

1. The Commission shall examine applications for assistance to verify in particular that the administrative and financial mechanisms are adequate for the effective implementation of the project.
2. Pursuant to Article 13 (3), the Commission shall appraise projects to determine their anticipated impact in terms of the objectives of the Fund, quantified using appropriate indicators. The beneficiary Member States shall provide all necessary information, as set out in Article 10 (4), including the results of feasibility studies and *ex-ante* appraisals, to make this appraisal as effective as possible.

*Article C***Commitments**

1. Budgetary commitments shall be made on the basis of the Commission decisions approving the measures concerned (project, stage of project, group of projects, study or technical support measure). Commitments shall be valid for a period determined by the nature of the measure and the specific conditions for its implementation.
2. Budgetary commitments in respect of assistance granted to projects, stages of projects or groups of projects shall be carried out in one of two ways :
 - (a) commitments in respect of the projects referred to in Article 3 (1) to be carried out over a period of two or more years shall, as a general rule and subject to the provisions of subparagraph (b), be effected in annual instalments.

The commitments in respect of the first annual instalment shall be made when the decision granting Community assistance is adopted by the Commission. Commitments in respect of subsequent annual instalments shall be based on the initial or revised financing plan for the project and on the progress made in its implementation ;
 - (b) for projects to be carried out over a period of less than two years or where Community assistance is less than ECU 40 million, the total amount of assistance may be committed when the Commission adopts the decision to grant Community assistance.
3. In the case of the studies and technical support measures referred to in Article 3 (2), the assistance shall be committed when the Commission approves the measure concerned.
4. The arrangements for commitments shall be specified in the Commission decisions approving the measures concerned.

*Article D***Payments**

1. Payments of financial assistance shall be made in accordance with the corresponding budget commitments, to the authority or body designated for the purpose in the application submitted by the beneficiary Member State concerned. Payments may take the form either of advances or in intermediate payments or payments of balances in respect of expenditure actually incurred.
2. Where Community assistance is committed in accordance with Article C (2) (a), payments shall be made as follows :

- (a) an advance of up to 50 % of the amount of the first annual instalment committed shall be paid when the decision granting Community assistance is adopted ;
 - (b) intermediate payments may be paid provided that the project is progressing satisfactorily towards completion and that at least two-thirds of the expenditure relating to the previous payment have been made.

Subject to (c), each such payment may not exceed 50 % of the amount of each annual instalment committed ;
 - (c) the total amount of the payments made under (a) and (b) for all the instalments may not exceed 80 % of the total assistance granted. This percentage may be increased to 90 % for important projects and in justified cases ;
 - (d) the balance of Community assistance shall be paid provided that :
 - the project, stage of the project, or group of projects, has been carried out according to its objectives ;
 - the designated authority or body referred to in paragraph 1 submits an application for payment to the Commission within six months of the physical completion of the project, stage of project or group of projects ;
 - the final report referred to in Article F (4) is submitted to the Commission ;
 - the Member State certifies to the Commission that the information given in the application for payment and in the report is correct.
3. Where the commitment is made in accordance with Article C (2) (b), payment shall be made as follows :
- (a) the advance paid following the decision may be up to 50 % of the assistance relating to planned expenditure in the first year as shown in the financing plan approved by the Commission ;
 - (b) further intermediate payments may be made provided that the project is progressing satisfactorily towards completion and that at least two-thirds of the expenditure relating to the previous payment, and all expenditure relating to earlier payments, have been made.

Subject to subparagraph (c), each of those payments may amount to up to 50 % of the assistance relating to expenditure planned for the year in question, as shown in the initial or revised financing plan approved by the Commission ;
 - (c) the total amount of the payments referred to under subparagraphs (a) and (b) may not exceed 80 % of the total assistance granted ;
 - (d) the balance of Community assistance shall be paid provided that :
 - the project, stage of the project, or group of projects, has been carried out according to its objectives ;
 - the designated authority or body referred to in paragraph 1 submits an application for payment to the Commission within six months of completion of the project, stage of project or group of projects ;
 - the final report referred to in Article F (4) is submitted to the Commission ;
 - the Member State certifies to the Commission that the information given in the application for payment and in the report is correct.
4. Member States shall designate the authorities empowered to issue the certificates referred to in paragraphs 2 (d) and 3 (d).
5. Payment shall be made to the authority or body designated by the Member State, as a general rule not later than two months after receipt of an admissible application for payment.
6. In the case of the studies and other measures referred to in Article 3 (2), the Commission shall determine the appropriate payment procedures.

Article E

Use of the ecu

- 1. Applications for assistance, together with the relevant financing plan, shall be submitted to the Commission in ecus or in national currency.
- 2. The amounts of assistance and the financing plans approved by the Commission shall be expressed in ecus.
- 3. Declarations of expenditure in support of the corresponding payment applications shall be expressed in ecus or in national currency.
- 4. Payments of financial assistance by the Commission shall be made in ecus to the authority designated by the Member State to receive such payments.

*Article F***Monitoring**

1. The Commission and the Member State shall ensure effective monitoring of implementation of Community projects part-financed by the Fund. Monitoring shall be carried out by way of jointly agreed reporting procedures, sample checks and the establishment of *ad hoc* committees.

2. Monitoring shall be carried out by reference to physical and financial indicators. The indicators shall relate to the specific character of the project and its objectives. They shall be arranged in such a way as to show :

- the stage reached in the receipt in relation to the plan and objectives originally laid down ;
- the progress achieved on the management side and any related problems.

3. Monitoring committees shall be set up by arrangement between the Member State concerned and the Commission.

The authorities or bodies designated by the Member State, the Commission and, where appropriate, the EIB shall be represented on the committees.

Where regional and local authorities are competent for the execution of a project and, where appropriate, where they are directly concerned by a project they shall also be represented on such committees.

4. For each project, the authority or body designated for the purpose by the Member State shall submit progress reports to the Commission within three months of the end of each full year of implementation. A final report shall be submitted to the Commission within six months of completion of the project or stage of project.

5. On the basis of the results of monitoring, and taking account of the comments of the monitoring committee, the Commission shall adjust the amounts and conditions for granting assistance as initially approved, as well as the financing plan envisaged, if necessary on a proposal by the Member States.

6. For the greater effectiveness of the Fund, the Commission shall ensure that when the Fund is administered particular attention is paid to transparency of management.

7. The monitoring arrangements shall be laid down in the Commission decisions approving the projects.

*Article G***Checks**

1. Before carrying out an on-the-spot check, the Commission shall give notice to the Member State concerned with a view to obtaining all the assistance necessary. On-the-spot checks by the Commission without notice shall be subject to agreements reached in accordance with the Financial Regulation. Officials or agents of the Member State concerned may take part in checks.

The Commission may require the Member State concerned to carry out an on-the-spot check to verify the correctness of payment applications. Officials or agents of the Commission may take part in such checks, and must do so if the Member State concerned so requests.

The Commission shall ensure that any checks that it carries out are performed in a coordinated manner so as to avoid repeating checks in respect of the same subject matter during the same period. The Member State concerned and the Commission shall immediately exchange any relevant information concerning the results of the checks carried out.

2. The responsible body and authorities shall keep available for the Commission all the supporting documents regarding expenditure on any project for a period of three years following the last payment in respect of a project.

*Article H***Reduction, suspension and cancellation of assistance**

1. If the implementation of a measure appears not to justify either a part, or the whole, of the assistance allocated, the Commission shall conduct an appropriate examination of the case, in particular requesting the Member State or authorities or bodies designated by it to implement the measure to submit their comments within a specified period of time.

2. Following the examination referred to in paragraph 1, the Commission may reduce, suspend or cancel assistance in respect of the measures concerned if the examination reveals an irregularity or a failure to comply with one of the conditions in the decision to grant assistance, and in particular any significant change affecting the nature or conditions of implementation of the measure for which the Commission's approval has not been sought.

Any undue cumulation shall give rise to the recovery of sums unduly paid.

3. Any sum to be recovered for want of due entitlement shall be repaid to the Commission. Interest on account of late repayment shall be charged in accordance with the rules to be adopted by the Commission.

Article I

Public contracts

In the context of the application of Community rules on the award of public contracts, notices sent for publication in the *Official Journal of the European Communities* shall specify those projects for which Community assistance has been applied for or granted.

Article J

Information

The information to be given in the annual report provided for in Article 14 shall be as set out in the Annex to this Annex.

The Commission shall be responsible for organizing an information meeting with the Member States every six months.

Article K

Review

If necessary, in the light of experience gained, the Council may, acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament, amend the provisions of this Annex.

Annex to ANNEX II

The annual report shall provide information on the following :

1. financial assistance committed and paid by the Fund, with an annual breakdown by Member State and by type of project (environment or transport);
 2. the economic and social impact of the Fund in the Member States and on economic and social cohesion in the Union ;
 3. summary of information on the programmes implemented in the beneficiary Member States to fulfil the conditions of economic convergence referred to in Article 104c of the Treaty and on the application of Article 6 of the Regulation ;
 4. information on the conclusions drawn by the Commission, with regard to the suspension of financing, from decisions taken by the Commission, such as those mentioned in Article 6 (1) and (2) ;
 5. the contribution which the Fund has made to the efforts of the beneficiary Member States to implement Community environment policy and to strengthen trans-European transport infrastructure networks ; the balance between projects in the field of the environment and projects relating to transport infrastructure ;
 6. assessment of the compatibility of operations of the Fund with Community policies, including those concerning environmental protection, transport, competition and the award of public contracts ;
 7. the measures taken to ensure coordination and consistency between projects financed by the Fund and measures financed with contributions from the Community budget, the European Investment Bank and the other financial instruments of the Community ;
 8. the investment efforts of the beneficiary Member States in the fields of environmental protection and transport infrastructure ;
 9. the preparatory studies and technical support measures financed, including a specification of the types of such studies and measures ;
 10. the results of appraisal, monitoring and evaluation of projects, including information on any adjustment of projects to accord with the results of appraisal, monitoring and evaluation ;
 11. the contribution of the EIB to the evaluation of projects ;
 12. summary of information on the results of checks carried out, irregularities found and administrative and judicial proceedings in progress.
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COUNCIL REGULATION (EC) No 1165/94

of 17 May 1994

laying down special provisions for imports of apples and pears

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

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⁾, and in particular Article 28 (2) thereof,

Having regard to the proposal from the Commission,

Whereas the Council has approved an Agreement in the form of an exchange of letters between the European Community and the Republic of Chile on imports of apples and pears into the Community;

Whereas that Agreement provides for special provisions for imports of apples and pears under the reference-price arrangements provided for in Council Regulation (EEC) No 1035/72, namely, (1) the taking into account of representative prices for at least 60 % of the quantities and the calculation of a weighted average for the establishment of the entry price, (2) the abolition of the countervailing charge after four consecutive working days without a price, and (3) the provision that, in anticipation of the abolition of the countervailing charge, the representative prices for a product of given origin should be ignored if they relate to negligible quantities;

Whereas these special arrangements are to apply pending implementation of the outcome of the Uruguay Round with regard to imports of apples and pears;

Whereas the commitments thus undertaken by the Community *vis-à-vis* the Republic of Chile regarding imports of apples and pears into the Community therefore need to be honoured,

By way of derogation, the Commission shall apply the following rules to imports of apples and pears:

- (a) the entry price, within the meaning of Article 24 (3) of Regulation (EEC) No 1035/72, for a given exporting country, shall be equal to the lowest representative price or to the weighted average of the lowest representative prices recorded for at least 60 % of the quantities from the exporting country in question marketed on all representative markets for which prices are available;
- (b) the countervailing charge provided for in Article 26 (1) of that Regulation shall be abolished where, for a given exporting country, the entry prices do not remain below the reference price for four consecutive working days;
- (c) as regards the abolition of the countervailing charge mentioned in (b), if only insignificant sales take place on a day, it shall be deemed that no sales have taken place on that day.

Article 2

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

It shall apply until the date on which the outcome of the Uruguay Round is implemented with regard to imports of apples and pears.

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

Done at Brussels, 17 May 1994.

For the Council

The President

Th. PANGALOS

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1. Regulation as last amended by Regulation (EC) No 3669/93 (OJ No L 338, 31. 12. 1993, p. 26).

COMMISSION REGULATION (EC) No 1166/94

of 24 May 1994

opening an invitation to tender for the refund for the export of common wheat
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 last 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 for granting export rules under Council Regulation (EEC) No 1766/92 on the granting of exports 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 common wheat 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) 1533/93.
2. The tendering procedure shall concern common wheat 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 relates 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 1994, however, may only be used from that date.

⁽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 5

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

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 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.

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, 24 May 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Weekly tender for the refund for the export of common wheat to all third countries

(Regulation (EC) No 1166/94)

(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 1167/94

of 24 May 1994

arrangements for imports into the Community of certain textile products
(categories 28, 68 and 97) originating in the People's Republic of China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries⁽¹⁾, as last amended by Commission Regulation (EC) No 195/94⁽²⁾, and in particular Article 10 thereof,

Whereas Article 10 of Regulation (EEC) No 3030/93 lays down the conditions under which quantitative limits may be established;

Whereas imports into the Community of certain textile products of categories 28, 68 and 97 specified in the Annex hereto and originating in the People's Republic of China (hereinafter referred to as 'China') have exceeded the level referred to in Article 10 (1) in conjunction with Annex IX of Regulation (EEC) No 3030/93;

Whereas, in accordance with paragraph 3 of the said Article 10 of Regulation (EEC) No 3030/93, China was notified on 8 February 1994 of a request for consultations concerning imports into the Community of textile products of category 97;

Whereas, in accordance with paragraph 3 of the said Article 10 of Regulation (EEC) No 3030/93, China was notified on 25 March 1994 of a request for consultations concerning imports into the Community of textile products of categories 28 and 68;

Whereas, pending a mutually satisfactory solution, imports into the Community of products falling within category 97 were submitted to a provisional quantitative restriction for the period 8 February to 7 May 1994 by Commission Regulation (EC) No 469/94⁽³⁾;

Whereas, pending a mutually satisfactory solution, imports into the Community of products falling within category 28 were submitted to a provisional quantitative restriction for the period 25 March to 24 June 1994 by Commission Regulation (EC) No 1135/94⁽⁴⁾;

Whereas, pending a mutually satisfactory solution, imports into the Community of products falling within

category 68 were submitted to a provisional quantitative restriction for the period 25 March to 24 June 1994 by Commission Regulation (EC) No 1136/94⁽⁵⁾;

Whereas, as a result of these consultations, it was agreed to make the imports of the textiles products in question subject to definitive Community quantitative restrictions;

Whereas it is appropriate to apply to imports to the Community of products for which quantitative limits are introduced the provisions of Regulation (EEC) No 3030/93 which are applicable to imports of products subject to the quantitative limits set out in Annex V of the said Regulation;

Whereas paragraph 4 of the said Article 10 of Regulation (EEC) No 3030/93 provides for compliance with the quantitative limits to be ensured by means of a double-checking system in accordance with Annex III of the said Regulation;

Whereas the products falling within category 97 exported from China between 8 February 1994 and the date of entry into force of this Regulation must be set off against the quantitative limit for the period 8 February to 31 December 1994;

Whereas the products falling within categories 28 and 68 exported from China between 25 March 1994 and the date of entry into force of this Regulation must be set off against the quantitative limit for the period 25 March to 31 December 1994;

Whereas the quantitative limits for imports of products within category 97 should not prevent the importation of products covered by it shipped from China before the entry into force of Commission Regulation (EC) No 469/94 of 2 March 1994;

Whereas the quantitative limits for imports of products within category 28 should not prevent the importation of products covered by it shipped from China before the entry into force of Commission Regulation (EC) No 1135/94;

Whereas the quantitative limits for imports of products within category 68 should not prevent the importation of products covered by it shipped from China before the entry into force of Commission Regulation (EC) No 1136/94;

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

⁽¹⁾ OJ No L 275, 8. 11. 1993, p. 1.

⁽²⁾ OJ No L 29, 2. 2. 1994, p. 1.

⁽³⁾ OJ No L 59, 3. 3. 1994, p. 3.

⁽⁴⁾ OJ No L 127, 19. 5. 1994, p. 10.

⁽⁵⁾ OJ No L 127, 19. 5. 1994, p. 12.

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to the provisions of Article 2, imports into the Community of the categories of products originating in China and specified in the Annex hereto shall be subject to the quantitative limits set out in that Annex.

Article 2

Imports of the products referred to in Article 1 and shipped from China after the entry into force of this Regulation shall remain subject to the provisions of Council Regulation (EEC) No 3030/93, which apply to imports into the Community of products subject to the quantitative limits set out in Annex V of the said Regulation, in particular to the double-checking system described in Annex III to the said Regulation.

All quantities of products falling within categories 28 and 68 shipped to the Community from China on or after 25 March 1994 and released for free circulation shall be deducted from the respective quantities laid down in the Annex hereto.

All quantities of products falling within category 97 shipped to the Community from China on or after 8 February 1994 and released for free circulation shall be

deducted from the respective quantities laid down in the Annex hereto.

Article 3

The limits laid down in the Annex shall not prevent the importation of products falling within category 28 but shipped from China before the date of entry into force of Regulation (EC) No 1135/94.

The limits laid down in the Annex shall not prevent the importation of products falling within category 68 but shipped from China before the date of entry into force of Regulation (EC) No 1136/94.

The limits laid down in the Annex shall not prevent the importation of products falling within category 97 shipped from China before the date of entry into force of Regulation (EC) No 469/94.

Article 4

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

It shall apply until 31 December 1995.

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

Done at Brussels, 24 May 1994.

For the Commission

Leon BRITTAN

Member of the Commission

ANNEX

Category	CN code	Description	Third country	Unit	Quantitative limits	Quantitative limits 1 January 1995 to 31 December 1995
28	6103 41 10 6103 41 90 6103 42 10 6103 42 90 6103 43 10 6103 43 90 6103 49 10 6103 49 91 6104 61 10 6104 61 90 6104 62 10 6104 62 90 6104 63 10 6104 63 90 6104 69 10 6104 69 91	Trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted, of wool, of cotton or of man-made fibres	China	1 000 pieces	from 25. 3. 1994 to 31. 12. 1994 40 948	54 590
68	6111 10 90 6111 20 90 6111 30 90 ex 6111 90 00 ex 6209 10 00 ex 6209 20 00 ex 6209 30 00 ex 6209 90 00	Babies' garments and clothing accessories, excluding babies' gloves, mittens and mitts of categories 10 and 87, and babies' stockings, socks and sockettes, other than knitted or crocheted, of category 88	China	tonnes	from 25. 3. 1994 to 31. 12. 1994 11 589	15 525
97	5608 11 11 5608 11 19 5608 11 91 5608 11 99 5608 19 11 5608 19 19 5608 19 31 5608 19 39 5608 19 91 5608 19 99 5608 99 00	Nets and netting made of twine, cordage or rope and made up fishing nets of yarn, twine, cordage or rope	China	tonnes	from 8. 2. 1994 to 31. 12. 1994 1 433	1 656

COMMISSION REGULATION (EC) No 1168/94

of 24 May 1994

fixing Community producer prices for carnations and roses for the application of the import arrangements for certain floricultural products originating in Cyprus, Israel, Jordan and Morocco

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

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

Whereas, pursuant to Article 3 of the abovementioned Regulation (EEC) No 4088/87, Community producer prices applicable for fortnightly periods are fixed twice a year before 15 May and 15 October for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down certain detailed rules for the application of the arrangements for the import into the Community of certain flowers originating in Cyprus, Israel and Jordan⁽³⁾, as last amended by Regulation (EEC) No 2917/93⁽⁴⁾, prices for roses are determined on the basis of the average daily prices recorded on the representative producer markets for the pilot varieties of quality grade 1 in the three preceding years; whereas for carnations those prices are fixed under the same conditions of the bloom and spray types; whereas, for the determination of the average, prices which differ by 40 % and more

from the average price recorded on the same market during the same period during the three preceding years are excluded;

Whereas the Community producer prices for the fortnightly periods to 6 November 1994 should be determined on the basis of data provided by the Member States;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer prices for large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations provided for in Article 3 of Regulation (EEC) No 4088/87 for the fortnightly periods 6 June 1994 to 6 November 1994 shall be as set out in the Annex hereto.

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, 24 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁴⁾ OJ No L 264, 23. 10. 1993, p. 33.

ANNEX

Community producer prices

(ECU/100 pieces)

Weeks	Period	Uniflorous carnations (bloom)	Multiflorous carnations (spray)	Large-flowered roses	Small-flowered roses
23/24	6. 6 – 19. 6. 1994	9,56	9,74	17,53	11,06
25/26	20. 6 – 3. 7. 1994	11,08	11,95	17,99	10,44
27/28	4. 7 – 17. 7. 1994	9,75	11,60	16,18	8,90
29/30	18. 7 – 31. 7. 1994	9,65	12,07	15,47	9,10
31/32	1. 8 – 14. 8. 1994	8,81	10,29	13,90	7,84
33/34	15. 8 – 28. 8. 1994	10,22	9,98	15,25	8,65
35/36	29. 8 – 11. 9. 1994	11,73	10,55	17,86	9,70
37/38	12. 9 – 25. 9. 1994	11,98	11,13	20,43	10,09
39/40	26. 9 – 9. 10. 1994	11,20	10,69	20,68	10,58
41/42	10. 10 – 23. 10. 1994	12,25	11,63	22,87	11,73
43/44	24. 10 – 6. 11. 1994	20,14	13,26	27,67	14,12

COMMISSION REGULATION (EC) No 1169/94

of 24 May 1994

on the adjustment of the entry price for table grapes originating in Cyprus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3488/89 of 21 November 1989 laying down the method of decision for certain provisions laid down for agricultural products in the framework of Mediterranean agreements⁽¹⁾, and in particular Article 2 thereof,

Whereas, in accordance with the agreements concluded with various Mediterranean third countries, the Commission may decide to adjust the entry price of certain fruit and vegetables originating in those countries taking account of the annual reviews of trade flows by product and country pursuant to Council Regulation (EEC) No 451/89 of 20 February 1989 concerning the procedure to be applied to certain agricultural products originating in various Mediterranean third countries⁽²⁾;

Whereas an examination of the outlook for export flows of table grapes originating in Cyprus in the light of the overall trend on the Community market effectively results in the entry price for those products being adjusted;

Whereas the adjustment of the entry price must relate to the amount to be deducted for customs duties from the representative prices recorded in the Community for the calculation of the entry price for table grapes referred to in Article 24 of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽³⁾, as last amended by Regulation (EC) No 3669/93⁽⁴⁾; whereas a reduction of five-sixths is likely to meet the desired objective; whereas that reduction for the period 8 June to 4 August within the limit of given quantities pursuant to the Mediterranean agreements must only apply, however, from 21 July, the date of entry into force of the reference price for table grapes;

Whereas, in order to ensure that this system is effective, the trend in imports of such products must be monitored; whereas, in this respect, quantities of table grapes imported within the 1994 tariff quota are to be the subject of statistical monitoring under the administration of the latter pursuant to Council Regulation (EC) No 298/94⁽⁵⁾; whereas quantities imported outside that quota and up to 10 500 tonnes should be made subject to Community surveillance;

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 purposes of calculating the entry price referred to in Article 24 (3) of Regulation (EEC) No 1035/72 for table grapes originating in Cyprus and covered by CN codes 0806 10 15 ad 0806 10 19 (serial number 09 1407), the amount to be deducted for customs duties from the representative prices recorded shall be reduced by five-sixths during the period 21 July to 4 August 1994. That reduction shall apply to up to 10 500 tonnes.

Article 2

1. Imports of table grapes originating in Cyprus outside the tariff quota of 10 100 tonnes fixed by Regulation (EC) No 298/94 and up to the maximum of 10 500 tonnes referred to in Article 1 shall be subject to Community surveillance.

2. As and when the products are presented to customs under cover of declarations of release for free circulation together with a movement certificate for the goods, they shall be charged against the quantities concerned.

Goods may only be charged against that quantity if the goods movement certificate is presented before the date from which those preferential arrangements cease to apply.

The extent to which a quantity is used up shall be determined at Community level on the basis of imports charged against it under the conditions laid down in the preceding subparagraphs.

Member States shall inform the Commission of imports effected, at the intervals and within the time limits indicated in paragraph 4.

3. Once the quantities in question are attained, the Commission shall inform the Member States of the date from which those preferential arrangements cease to apply.

4. Member States shall forward to the Commission statements of quantities charged for periods of 10 days, to be forwarded within five days from the end of each 10-day period.

Article 3

This Regulation shall enter into force on 8 June 1994.

⁽¹⁾ OJ No L 340, 23. 11. 1989, p. 2.

⁽²⁾ OJ No L 52, 24. 2. 1989, p. 7.

⁽³⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁴⁾ OJ No L 338, 31. 12. 1993, p. 26.

⁽⁵⁾ OJ No L 40, 11. 2. 1994, p. 10.

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

Done at Brussels, 24 May 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 1170/94

of 24 May 1994

amending Regulation (EEC) No 1962/92 establishing the forecast supply balance for glucose and Community aid for the supply to the Canary Islands of certain cereal products of Community origin

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands ⁽¹⁾, as last amended by Commission Regulation (EEC) No 1974/93 ⁽²⁾, and in particular Article 3 (4) thereof,

Whereas, pursuant to Article 2 of Regulation (EEC) No 1601/92, Commission Regulation (EEC) No 1962/92 ⁽³⁾, as last amended by Regulation (EEC) No 1770/93 ⁽⁴⁾ fixes the amount of aid for the supply to the Canary Islands of glucose of Community origin; whereas this aid is fixed at an amount equal to the export refunds for the products in question plus a fixed component to take account of deliveries of relatively small quantities; whereas the same criteria must be applied when fixing the amount of aid for the supply of groats and cereal meals other than of durum wheat; whereas Regulation (EEC) No 1962/92 should be amended accordingly;

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 following text is hereby added to Article 2 of Regulation (EEC) No 1962/92:

'4. The amount of the aid for supplying the Canary Islands with groats and meals falling within CN codes ex 1103 12, ex 1103 13, ex 1103 19, 1103 21 and ex 1103 29 and manufactured from cereals processed in the rest of the Community shall be equal to the export refunds for those products in force on the day the application for an aid certificate was lodged, plus ECU 3 per tonne.'

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, 24 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 197, 16. 7. 1992, p. 45.

⁽⁴⁾ OJ No L 162, 3. 7. 1993, p. 12.

COMMISSION REGULATION (EC) No 1171/94
of 24 May 1994

amending Regulation (EC) No 614/94 authorizing the French and German intervention agencies to put up for sale by tender 225 000 tonnes of maize for export in the form of maize 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 5 thereof,

Whereas Commission Regulation (EC) No 614/94⁽³⁾ opens an invitation to tender for 225 000 tonnes of maize for export in the form of maize groats and meal; whereas in their communications of 5 May 1994, Germany and France informed the Commission of the intention of their intervention agencies to increase by 125 000 tonnes the quantity of maize for which an invitation to tender for export has been opened; whereas the total quantity of maize for which a standing invitation to tender for export in the form of maize groats and meal has been opened should therefore be increased to 350 000 tonnes;

Whereas the time limit for submitting tenders for the last partial invitation to tender laid down by Regulation (EC) No 614/94 must be extended so as to take account in particular of the additional quantity to be exported;

Whereas, as a result of trends in the world market, the security covering the obligation to export from the Community should be increased;

Whereas the Management Committee for Cereals has not issued an opinion within the time limit laid down by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 614/94 is hereby amended as follows:

1. Article 1 (1) is replaced by the following:

‘1. The French and German intervention agencies are authorized to issue a standing invitation to tender

for the sale on the Community market of 350 000 tonnes of maize.’;

2. The final sentence of Article 3 (2) is replaced by the following:

‘The time limit for the last partial invitation to tender shall be 29 June 1994.’;

3. Article 11 (2) is replaced by the following:

‘2. The obligation to export from the Community shall be covered by a security amounting to ECU 90 per tonne of maize, of which ECU 45 per tonne shall be lodged upon issue of the licence for the export of maize groats and meal for the corresponding quantity of maize and the balance of ECU 45 per tonne before removal of the cereals.

Notwithstanding Article 15 (2) of Commission Regulation (EEC) No 3002/92⁽⁴⁾, the amount of ECU 90 per tonne of maize processed into groats and meal must be released within 15 working days of the date on which the successful tenderer submits proof that the maize groats and meal have left the Community’s customs territory.

(⁽⁴⁾) OJ No L 301, 17. 10. 1992, p. 17.’

Article 2

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

It shall apply to tenders submitted for the intervention to tender of 25 May 1994.

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

Done at Brussels, 24 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 77, 19. 3. 1994, p. 31.

COMMISSION REGULATION (EC) No 1172/94
of 20 May 1994
concerning the stopping of fishing for cod by vessels flying the flag of Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, and in particular Article 2 (3) thereof,

Whereas Council Regulation (EC) No 3692/93 of 21 December 1993 allocating, for 1994, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen ⁽²⁾, provided for cod quotas for 1994;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of cod in the waters of ICES divisions I, IIa, b (Norwegian waters north of 62 °N) by vessels flying the flag of Germany or registered in Germany have reached the quota allocated for 1994; whereas Germany has prohibited fishing for this stock as

from 4 May 1994; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES divisions I, IIa, b (Norwegian waters north of 62 °N) by vessels flying the flag of Germany or registered in Germany are deemed to have exhausted the quota allocated to Germany for 1994.

Fishing for cod in the waters of ICES divisions I, IIa, b (Norwegian waters north of 62 °N) by vessels flying the flag of Germany or registered in Germany is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 4 May 1994.

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

Done at Brussels, 20 May 1994.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 341, 31. 12. 1993, p. 104.

COMMISSION REGULATION (EC) No 1173/94

of 24 May 1994

amending Regulation (EC) No 493/94 authorizing the German intervention agency to put up for sale by tender 100 000 tonnes of common wheat for export in the form of wheat flour

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EC) No 493/94⁽³⁾, as last amended by Regulation (EC) No 928/94⁽⁴⁾, opens an invitation to tender for common wheat with a view to its export in the form of wheat flour; whereas, as a result of trends in the world market, the security covering the obligation to export from the Community should be increased;

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

Regulation (EC) No 493/94 is hereby amended as follows:

Article 11 (2) is replaced by the following:

'2. The obligation to export from the Community shall be covered by a security amounting to ECU 80 per tonne of common wheat of which ECU 40 per tonne shall be lodged upon issue of the licence for the export of flour, for the corresponding quantity of common wheat and the balance of ECU 40 per tonne before removal of the cereals.

Notwithstanding Article 15 (2) of Commission Regulation (EEC) No 3002/92⁽⁵⁾, the amount of ECU 80 per tonne of common wheat corresponding to the processed flour must be released within 15 working days of the date on which the successful tenderer submits proof that the wheat flour has left the Community's customs territory.

(⁵) OJ No L 301, 17. 10. 1992, p. 17.'

Article 2

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

It shall apply to tenders submitted for the invitation to tender of 25 May 1994.

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

Done at Brussels, 24 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 62, 5. 3. 1994, p. 22.

⁽⁴⁾ OJ No L 107, 28. 4. 1994, p. 1.

COMMISSION REGULATION (EC) No 1174/94

of 24 May 1994

amending Regulation (EC) No 494/94 authorizing the French intervention agency to put up for sale by tender 555 000 tonnes of common wheat for export in the form of wheat flour

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EC) No 494/94⁽³⁾, as last amended by Regulation (EC) No 1047/94⁽⁴⁾, opens an invitation to tender for common wheat with a view to its export in the form of wheat flour; whereas, as a result of trends in the world market, the security covering the obligation to export from the Community should be increased;

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

Regulation (EC) No 494/94 is hereby amended as follows:

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

Done at Brussels, 24 May 1994.

Article 11 (2) is replaced by the following:

'2. The obligation to export from the Community shall be covered by a security amounting to ECU 80 per tonne of common wheat of which ECU 40 per tonne shall be lodged upon issue of the licence for the export of flour, for the corresponding quantity of common wheat and the balance of ECU 40 per tonne before removal of the cereals.

Notwithstanding Article 15 (2) of Commission Regulation (EEC) No 3002/92^(*), the amount of ECU 80 per tonne of common wheat corresponding to the processed flour must be released within 15 working days of the date on which the successful tenderer submits proof that the wheat flour has left the Community's customs territory.

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

Article 2

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

It shall apply to tenders submitted for the invitation to tender of 25 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 62, 5. 3. 1994, p. 27.

⁽⁴⁾ OJ No L 114, 5. 5. 1994, p. 11.

COMMISSION REGULATION (EC) No 1175/94**of 24 May 1994****amending Regulation (EC) No 1119/94 introducing a countervailing charge on tomatoes originating in Morocco**

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

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

Whereas Commission Regulation (EC) No 1119/94⁽³⁾, introduced a countervailing charge on tomatoes originating in Morocco;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EC) No 1119/94, 'ECU 9,87' is hereby replaced by 'ECU 83,11'.

Article 2

This Regulation shall enter into force on 25 May 1994.

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

Done at Brussels, 24 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 26.

⁽³⁾ OJ No L 122, 17. 5. 1994, p. 18.

COMMISSION REGULATION (EC) No 1176/94

of 24 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 20 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 25 May 1994.

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

Done at Brussels, 24 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 24 May 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ^(*)
0709 90 60	99,82 ⁽²⁾ ⁽³⁾
0712 90 19	99,82 ⁽²⁾ ⁽³⁾
1001 10 00	29,89 ⁽¹⁾ ⁽²⁾
1001 90 91	91,98
1001 90 99	91,98 ⁽²⁾
1002 00 00	122,37 ⁽⁶⁾
1003 00 10	125,96
1003 00 90	125,96 ⁽²⁾
1004 00 00	100,83
1005 10 90	99,82 ⁽²⁾ ⁽³⁾
1005 90 00	99,82 ⁽²⁾ ⁽³⁾
1007 00 90	105,85 ⁽⁴⁾
1008 10 00	34,26 ⁽²⁾
1008 20 00	50,69 ⁽⁴⁾ ⁽⁵⁾
1008 30 00	0 ⁽²⁾
1008 90 10	(7)
1008 90 90	0
1101 00 00	166,33 ⁽²⁾
1102 10 00	208,87
1103 11 10	79,78
1103 11 90	190,28
1107 10 11	174,60
1107 10 19	133,21
1107 10 91	235,09 ⁽¹⁰⁾
1107 10 99	178,41 ⁽²⁾
1107 20 00	206,12 ⁽¹⁰⁾

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.

⁽³⁾ Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 1,81/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

⁽⁸⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽⁹⁾ Products falling within this code, imported from Poland or Hungary under the Agreements concluded between those countries and the Community and under the Interim Agreement between the Czech Republic, the Slovak Republic, Bulgaria and Romania and the Community and in respect of which EUR.1 certificates issued in accordance with Regulation (EC) No 121/94 or (EC) No 335/94 have been presented, are subject to the levies set out in the Annex to that Regulation.

⁽¹⁰⁾ In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.

COMMISSION REGULATION (EC) No 1177/94

of 24 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 20 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 25 May 1994.

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

Done at Brussels, 24 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 24 May 1994 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	5	6	7	8
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
1001 90 91	0	0	2,13	1,21
1001 90 99	0	0	2,13	1,21
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	2,98	0
1102 10 00	0	0	0	0
1103 11 10	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	5	6	7	8	9
1107 10 11	0	0	3,79	2,15	2,15
1107 10 19	0	0	2,83	1,61	1,61
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 17 May 1994

relating to the conclusion of an Agreement in the form of an exchange of letters
between the European Community and the Republic of Chile on imports of
apples and pears into the Community

(94/294/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof in conjunction with the first sentence of Article 228 (2), and Article 28 of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾,

Having regard to the recommendation from the Commission,

Whereas the Republic of Chile has taken action within GATT further to the application by the European Community of tariff measures in the form of countervailing charges on imports of apples, in application of Articles 24, 25 and 26 of Council Regulation (EEC) No 1035/72;

Whereas the Community and Chile have entered into discussions with the aim of solving this and other issues in relation with the conclusion of the GATT Uruguay Round;

Whereas those discussions have resulted in an Agreement in the form of an exchange of letters; whereas it is in the interest of the Community to approve the said Agreement,

Article 1

The Agreement in the form of an exchange of letters between the European Community and the Republic of Chile on imports of apples and pears into the Community is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in order to bind the Community.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 17 May 1994.

For the Council

The President

Th. PANGALOS

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1. Regulation as last amended by Regulation (EC) No 3669/93 (OJ No L 338, 31. 12. 1993, p. 26).

AGREEMENT

in the form of an exchange of letters between the European Community and the Republic of Chile on imports of apples and pears into the Community

Letter from the Community

Brussels,

Sir,

Further to the discussions held between the European Community (hereinafter referred to as the 'Community') and the Republic of Chile (hereinafter referred to as 'Chile') concerning the access of apples and pears from Chile to the Community market, the two parties have agreed upon the following :

1. The Community shall apply the following provisions with regard to the import of apples and pears :

- (a) the entry price for a given exporting country shall be equal to the lowest representative price, or to the weighted average of the lowest representative prices, recorded for at least 60 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available ;
- (b) the countervailing charge will be withdrawn if there are no prices below the reference price for four consecutive working days in respect of the exporting country concerned ;
- (c) as regards the abolition of a countervailing charge, if only insignificant sales take place for a day, it shall be deemed that no sales have taken place on that day.

2. The Community also commits itself to the following :

- (a) the Community will reduce by 50 % the *ad valorem* base rate of duties indicated in its final Uruguay Round schedule for imported apples and pears, respecting the entry price, during the period 1 April to 31 July. This reduction will be made in the instalments provided for in the schedule ;
- (b) the Community shall reduce autonomously by 50 %, for the period 1 April to 30 June, the *ad valorem* customs duties for imports of apples and pears imported below the entry price ;
- (c) when implementing the results of the Uruguay Round, the Community shall add the following lines to subheading 0808.10.99 for the period 1 April to 30 June in respect of its attached Annex on Apples :

— not less than ECU 56,4, but less than 57,7 :	6 % + ECU 6,3
— not less than ECU 55,2 but less than 56,4 :	6 % + ECU 7,5
— equal to or lower than ECU 55,2 :	6 % + ECU 29,7

and shall add the following lines to subheading 0808.20.33 for the period 1 April to 30 June in respect of its attached Annex on Pears :

— not less than ECU 51,2 but less than 52,3 :	5 % + ECU 5,7
— not less than ECU 50,1, but less than 51,2 :	5 % + ECU 6,8
— equal to or lower than ECU 50,1 :	5 % + ECU 29,7

These figures shall be adjusted in line with the implementation of the Community's Uruguay Round commitments.

3. Chile shall withdraw its GATT complaint on Community restrictions on imports of apples from Chile, upon the adoption of the Community legislation referred to in paragraph 1, and the Community's notification to the GATT of the provisions in paragraph 2 (a).

4. Chile shall not initiate GATT dispute settlement procedures against the Community's system of countervailing charges which was the subject of the GATT panel on Community restrictions on imports of apples from Chile, established by the GATT Council on 22 September 1993.

I should be obliged if you would confirm that your Government is in agreement with the above.

I have the honour to propose that, if the above is acceptable to your Government, this letter and your confirmation shall together constitute an Agreement between the European Community and the Republic of Chile.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council
of the European Union*

Letter from Chile

Brussels,

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows :

'Further to the discussions held between the European Community (hereinafter referred to as the "Community") and the Republic of Chile (hereinafter referred to as "Chile") concerning the access of apples and pears from Chile to the Community market, the two parties have agreed upon the following :

1. The Community shall apply the following provisions with regard to the import of apples and pears :

- (a) the entry price for a given exporting country shall be equal to the lowest representative price, or to the weighted average of the lowest representative prices, recorded for at least 60 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available ;
- (b) the countervailing charge will be withdrawn if there are no prices below the reference price for four consecutive working days in respect of the exporting country concerned ;
- (c) as regards the abolition of a countervailing charge, if only insignificant sales take place for a day, it shall be deemed that no sales have taken place on that day.

2. The Community also commits itself to the following :

- (a) the Community will reduce by 50 % the *ad valorem* base rate of duties indicated in its final Uruguay Round schedule for imported apples and pears, respecting the entry price, during the period 1 April to 31 July. This reduction will be made in the instalments provided for in the schedule ;
- (b) the Community shall reduce autonomously by 50 %, for the period 1 April to 30 June, the *ad valorem* customs duties for imports of apples and pears imported below the entry price ;
- (c) when implementing the results of the Uruguay Round, the Community shall add the following lines to subheading 0808.10.99 for the period 1 April to 30 June in respect of its attached Annex on Apples :

— not less than ECU 56,4, but less than 57,7 :	6 % + ECU 6,3
— not less than ECU 55,2 but less than 56,4 :	6 % + ECU 7,5
— equal to or lower than ECU 55,2 :	6 % + ECU 29,7

and shall add the following lines to subheading 0808.20.33 for the period 1 April to 30 June in respect of its attached Annex on Pears :

— not less than ECU 51,2 but less than 52,3 :	5 % + ECU 5,7
— not less than ECU 50,1, but less than 51,2 :	5 % + ECU 6,8
— equal to or lower than ECU 50,1 :	5 % + ECU 29,7

These figures shall be adjusted in line with the implementation of the Community's Uruguay Round commitments.

3. Chile shall withdraw its GATT complaint on Community restrictions on imports of apples from Chile, upon the adoption of the Community legislation referred to in paragraph 1, and the Community's notification to the GATT of the provisions in paragraph 2 (a).

4. Chile shall not initiate GATT dispute settlement procedures against the Community's system of countervailing charges which was the subject of the GATT panel on Community restrictions on imports of apples from Chile, established by the GATT Council on 22 September 1993.

I should be obliged if you would confirm that your Government is in agreement with the above.

I have the honour to propose that, if the above is acceptable to your Government, this letter and your confirmation shall together constitute an Agreement between the European Community and the Republic of Chile.'

I am able to confirm to you that the foregoing is acceptable to my Government in order to let you know also that, in accordance with your proposal, my Government agrees that your letter and this confirmation thereof constitute an agreement between the European Community and the Republic of Chile.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Government of the
Republic of Chile*

ANNEX

APPLES

CN Code	Description	Rate of duty
0808	Apples, pears and quinces, fresh :	
0808 10	— Apples :	
0808 10 10	— — Cider apples, in bulk, from 16 September to 15 December	9 % MIN 0,45 ECU/100 kg net
	— — Other :	
0808 10 91	— — — From 1 August to 31 December :	
	— — — — With an entry price per 100 kg net of :	
	— — — — — not less than 51,6 ECU	14 %
	— — — — — not less than 50,6 ECU but less than 51,6 ECU	14 % + 1,0 ECU/100 kg net
	— — — — — not less than 49,5 ECU but less than 50,6 ECU	14 % + 2,1 ECU/100 kg net
	— — — — — not less than 48,5 ECU but less than 49,5 ECU	14 % + 3,1 ECU/100 kg net
	— — — — — not less than 47,5 ECU but less than 48,5 ECU	14 % + 4,1 ECU/100 kg net
	— — — — — less than 47,5 ECU	14 % + 29,7 ECU/100 kg net
0808 10 93	— — — From 1 January to 31 March :	
	— — — — With an entry price per 100 kg net of :	
	— — — — — not less than 62,7 ECU	8 %
	— — — — — not less than 61,4 ECU but less than 62,7 ECU	8 % + 1,3 ECU/100 kg net
	— — — — — not less than 60,2 ECU but less than 61,4 ECU	8 % + 2,5 ECU/100 kg net
	— — — — — not less than 58,9 ECU but less than 60,2 ECU	8 % + 3,8 ECU/100 kg net
	— — — — — not less than 57,7 ECU but less than 58,9 ECU	8 % + 5,0 ECU/100 kg net
	— — — — — less than 57,7 ECU	8 % + 29,7 ECU/100 kg net
0808 10 99	(a) — — — From 1 April to 30 June :	
	— — — — With an entry price per 100 kg net of :	
	— — — — — not less than 62,7 ECU	6 %
	— — — — — not less than 61,4 ECU but less than 62,7 ECU	6 % + 1,3 ECU/100 kg net
	— — — — — not less than 60,2 ECU but less than 61,4 ECU	6 % + 2,5 ECU/100 kg net
	— — — — — not less than 58,9 ECU but less than 60,2 ECU	6 % + 3,8 ECU/100 kg net
	— — — — — not less than 57,7 ECU but less than 58,9 ECU	6 % + 5,0 ECU/100 kg net
	— — — — — less than 57,7 ECU	6 % + 29,7 ECU/100 kg net
	(b) — — — From 1 July to 31 July :	
	— — — — With an entry price per 100 kg net of :	
	— — — — — not less than 51,6 ECU	6 %
	— — — — — not less than 50,6 ECU but less than 51,6 ECU	6 % + 1,0 ECU/100 kg net
	— — — — — not less than 49,5 ECU but less than 50,6 ECU	6 % + 2,1 ECU/100 kg net
	— — — — — not less than 48,5 ECU but less than 49,5 ECU	6 % + 3,1 ECU/100 kg net
	— — — — — not less than 47,5 ECU but less than 48,5 ECU	6 % + 4,1 ECU/100 kg net
	— — — — — less than 47,5 ECU	6 % + 29,7 ECU/100 kg net

ANNEX

PEARS

CN Code	Description	Rate of duty
0808 20	— Pears and quinces :	
	— — Pears :	
0808 20 10	— — — Perry pears, in bulk, from 1 August to 31 December	9 % MIN 0,45 ECU/100 kg net
	— — — Other :	
0808 20 31	— — — — From 1 January to 31 March :	
	— — — — — With an entry price per 100 kg net of :	
	— — — — — not less than 56,9 ECU	10 %
	— — — — — not less than 55,8 ECU but less than 56,9 ECU	10 % + 1,1 ECU/100 kg net
	— — — — — not less than 54,6 ECU but less than 55,8 ECU	10 % + 2,3 ECU/100 kg net
	— — — — — not less than 53,5 ECU but less than 54,6 ECU	10 % + 3,4 ECU/100 kg net
	— — — — — not less than 52,3 ECU but less than 53,5 ECU	10 % + 4,6 ECU/100 kg net
	— — — — — less than 52,3 ECU	10 % + 29,7 ECU/100 kg net
0808 20 33	— — — — From 1 April to 30 April :	
	— — — — — With an entry price per 100 kg net of :	
	— — — — — not less than 56,9 ECU	5 %
	— — — — — not less than 55,8 ECU but less than 56,9 ECU	5 % + 1,1 ECU/100 kg net
	— — — — — not less than 54,6 ECU but less than 55,8 ECU	5 % + 2,3 ECU/100 kg net
	— — — — — not less than 53,5 ECU but less than 54,6 ECU	5 % + 3,4 ECU/100 kg net
	— — — — — not less than 52,3 ECU but less than 53,5 ECU	5 % + 4,6 ECU/100 kg net
	— — — — — less than 52,3 ECU	5 % + 29,7 ECU/100 kg net
0808 20 34	— — — — From 1 May to 30 June	5 % MIN 2,00 ECU/100 kg net
0808 20 35	— — — — From 1 July to 15 July :	
	— — — — — With an entry price per 100 kg net of :	
	— — — — — not less than 52,4 ECU	5 %
	— — — — — not less than 51,4 ECU but less than 52,4 ECU	5 % + 1,0 ECU/100 kg net
	— — — — — not less than 50,3 ECU but less than 51,4 ECU	5 % + 2,1 ECU/100 kg net
	— — — — — not less than 49,3 ECU but less than 50,3 ECU	5 % + 3,1 ECU/100 kg net
	— — — — — not less than 48,2 ECU but less than 49,3 ECU	5 % + 4,2 ECU/100 kg net
	— — — — — less than 48,2 ECU	5 % + 29,7 ECU/100 kg net
0808 20 36	— — — — From 16 July to 31 July :	
	— — — — — With an entry price per 100 kg net of :	
	— — — — — not less than 52,4 ECU	10 %
	— — — — — not less than 51,4 ECU but less than 52,4 ECU	10 % + 1,0 ECU/100 kg net
	— — — — — not less than 50,3 ECU but less than 51,4 ECU	10 % + 2,1 ECU/100 kg net
	— — — — — not less than 49,3 ECU but less than 50,3 ECU	10 % + 3,1 ECU/100 kg net
	— — — — — not less than 48,2 ECU but less than 49,3 ECU	10 % + 4,2 ECU/100 kg net
	— — — — — less than 48,2 ECU	10 % + 29,7 ECU/100 kg net
0808 20 39	— — — — From 1 August to 31 October :	
	— — — — — With an entry price per 100 kg net of :	
	— — — — — not less than 44,7 ECU	13 %
	— — — — — not less than 43,8 ECU but less than 44,7 ECU	13 % + 0,9 ECU/100 kg net
	— — — — — not less than 42,9 ECU but less than 43,8 ECU	13 % + 1,8 ECU/100 kg net
	— — — — — not less than 42,0 ECU but less than 42,9 ECU	13 % + 2,7 ECU/100 kg net
	— — — — — not less than 41,1 ECU but less than 42,0 ECU	13 % + 3,6 ECU/100 kg net
	— — — — — less than 41,1 ECU	13 % + 29,7 ECU/100 kg net

CN Code	Description	Rate of duty
0808 20 40	- - - - From 1 November to 31 December :	
	- - - - - With an entry price per 100 kg net of :	
	- - - - - - not less than 56,9 ECU	13 %
	- - - - - - not less than 55,8 ECU but less than 56,9 ECU	13 % + 1,1 ECU/100 kg net
	- - - - - - not less than 54,6 ECU but less than 55,8 ECU	13 % + 2,3 ECU/100 kg net
	- - - - - - not less than 53,5 ECU but less than 54,6 ECU	13 % + 3,4 ECU/100 kg net
	- - - - - - not less than 52,3 ECU but less than 53,5 ECU	13 % + 4,6 ECU/100 kg net
	- - - - - - less than 52,3 ECU	13 % + 29,7 ECU/100 kg net

COMMISSION

COMMISSION DECISION

of 21 March 1994

amending Decision 93/70/EEC on codification for the message Animo

(94/295/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning the veterinary and zootechnical checks applicable to intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, as last amended by Directive 92/118/EEC⁽²⁾, and in particular Article 20 (3) thereof,

Whereas, to ensure that the Animo message is immediately understood, the Commission specified the codes to be used for a number of animals and products in Decision 93/70/EEC⁽³⁾;

Whereas in the light of point (b) of Article 11 (4) of Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries⁽⁴⁾, as last amended by Directive 92/118/EEC, and of Article 4 (3) of Commission Decision 93/13/EEC of 22 December 1992 laying down the procedures for veterinary checks at Community border inspection posts on products from third countries⁽⁵⁾, as amended by Decision 94/43/EC⁽⁶⁾, and of point (b) of Article 1 (3) and the fourth indent of point (d) of Article 3 of Commission Decision 93/14/EEC of 23 December 1992 laying down the methods of veterinary checks for products from third countries in free zones and free warehouses, in customs warehouses, as well as during the time of transport from one third country to another via the

Community⁽⁷⁾, Decision 93/70/EEC should be completed by codes for certain products;

Whereas the fact that certain products are included in the codification does not mean that a message has to be sent by means of the computerized Animo network;

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

Decision 93/70/EEC is amended in accordance with the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ No L 25, 2. 2. 1993, p. 34.

⁽⁴⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽⁵⁾ OJ No L 9, 15. 1. 1993, p. 33.

⁽⁶⁾ OJ No L 23, 28. 1. 1994, p. 33.

⁽⁷⁾ OJ No L 9, 15. 1. 1993, p. 42.

ANNEX

The Annex to Decision 93/70/EEC is amended as follows:

1. In the title, the words, 'NAMES AND NUMBERS OF THE GOODS TO BE USED FOR THE ANIMO MESSAGE' are replaced by: 'PART ONE: NAMES AND NUMBERS OF THE LIVE ANIMALS TO BE USED FOR THE ANIMO MESSAGE'.
2. In the second footnote, the words 'quails, pigeons, pheasants and partridges' are deleted.
3. The headings in the Annex 'ANIMAL WASTE ⁽²⁾ (CN code 0511)' and 'GLANDS AND ORGANS ⁽³⁾ (CN code 0510)', and the associated footnotes ⁽²⁾ and ⁽³⁾, are deleted.
4. The following Part Two is added:

'PART TWO: NAMES AND NUMBERS OF THE PRODUCTS TO BE USED FOR THE ANIMO MESSAGE'

*TITLE I**MAIN PRODUCT CATEGORIES*

- I. Fresh meat of domestic species and game, including offal and blood for human consumption.
- II. Meat products and other products of animal origin for human consumption.
- III. Liquid milk.
- IV. Milk products.
- V. Fishery products for human consumption.
- VI. Eggs for consumption — egg products — products produced by bees.
- VII. Snails and frogs' legs.
- VIII. Hides or skins of hoofed animals, wool, hair, bristles, feathers, down, or parts of feathers, game trophies.
- IX. Bones, horns, hooves and their by-products (gelatins) other than meals.
- X. Blood, blood products, amniotic fluid for use in the pharmaceutical industry or for technical use other than in animal feedingstuffs — pathogenic agents.
- XI. Other animal waste: high-risk untreated matter — low-risk raw materials for the pharmaceutical industry, or technical use or for use in feedingstuffs.
- XII. Petfoods — processed animal protein for use in feedingstuffs (meals and greaves).
- XIII. Liquid manure for use as fertilizer.
- XIV. Small consignments of products for private individuals — products in the possession of the travelling public — commercial samples.
- XV. Fresh meat for exhibition purposes, specific study or analysis.
- XVI. Fresh meat and meat products supplied exclusively to international organizations.

*TITLE II**PRODUCT CLASSIFICATION*

CHAPTER I

FRESH MEAT OF DOMESTIC SPECIES AND GAME, INCLUDING OFFAL AND BLOOD FOR HUMAN CONSUMPTION

1. **Distribution of the fresh meats according to the species:**
 - (a) fresh meat of solipeds
 - (b) fresh meat of bovine animals

- (c) fresh pigmeat
- (d) fresh sheepmeat
- (e) fresh goatmeat
- (f) meat of farmed game
- (g) meat of wild game
- (h) fresh poultrymeat
- (i) farmed rabbit meat
- (j) other meat

2. Codes for fresh meats :

(a) *Fresh meat of solipeds*

(i) Carcasses (CN code 0205)

— whole carcasses	31.01.01.01
— half carcasses	31.01.01.02
— quarters	31.01.01.03

(ii) Cuts of meat (CN code 0205)

— half carcasses cut into no more than three pieces	31.01.03.01
— cuts	31.01.03.02
— boned meat	31.01.03.03
— meat in pieces of less than 100 g	31.01.03.04
— minced meat	31.01.03.05
— meat preparations	31.01.03.06
— mechanically separated meat	31.01.03.07
— edible raw fats	31.01.03.08

(iii) Offal (CN code 0206)

— hearts	31.01.02.01
— diaphragmatic muscles	31.01.02.02
— masseter muscles	31.01.02.03
— tongues	31.01.02.04
— minced offal	31.01.02.05
— preparations containing offal	31.01.02.06
— whole livers	31.01.02.07
— sliced livers	31.01.02.08
— brains and other nervous tissue (spinal cord)	31.01.02.10
— blood	31.01.02.12
— other offal	31.01.02.99

(b) *Fresh meat of bovine animals*

(i) Carcasses (CN codes 0201 and 0202)

— whole carcasses	31.02.01.01
— half carcasses	31.02.01.02
— quarters	31.02.01.03

(ii) Cuts of meat (CN codes 0201 and 0202)

— half carcasses cut into no more than three pieces	31.02.03.01
— cuts	31.02.03.02
— boned meat	31.02.03.03
— meat in pieces of less than 100 g	31.02.03.04
— minced meat	31.02.03.05
— meat preparations	31.02.03.06
— mechanically separated meat	31.02.03.07
— edible raw fats (CN code 1502)	31.02.03.08

(iii) Offal (CN code 0206)

— hearts	31.02.02.01
— diaphragmatic muscles	31.02.02.02
— masseter muscles	31.02.02.03
— minced offal	31.02.02.04
— preparations containing offal	31.02.02.05
— tongues	31.02.02.06
— whole livers	31.02.02.07
— sliced livers	31.02.02.08
— thymus	31.02.02.09
— brains and other nervous tissue (spinal cord)	31.02.02.10
— blood	31.02.02.12
— other offal	31.02.02.99

(c) *Fresh pigmeat*

(i) Carcasses (CN code 0203)

— whole carcasses	31.03.01.01
— half carcasses	31.03.01.02
— quarters	31.03.01.03

(ii) Cuts of meat (CN code 0203)

— half carcasses cut into no more than three pieces	31.03.03.01
— cuts	31.03.03.02
— boned meat	31.03.03.03
— meat in pieces of less than 100 g	31.03.03.04
— minced meat	31.03.03.05
— meat preparations	31.03.03.06
— mechanically separated meat	31.03.03.07
— edible raw fats (CN code 1502)	31.03.03.08

(iii) Offal (CN code 0206)

— hearts	31.03.02.01
— diaphragmatic muscles	31.03.02.02
— masseter muscles	31.03.02.03
— minced offal	31.03.02.04
— preparations containing offal	31.03.02.05
— tongues	31.03.02.06
— whole livers	31.03.02.07
— sliced livers	31.03.02.08
— brains and other nervous tissue (spinal cord)	31.03.02.10
— blood	31.03.02.12
— other offal	31.03.02.99

(d) *Fresh sheepmeat*

(i) Carcasses (CN code 0204)

— whole carcasses	31.04.01.01
— half carcasses	31.04.01.02
— quarters	31.04.01.03

(ii) Cuts of meat (CN code 0204)

— half carcasses cut into no more than three pieces	31.04.03.01
— cuts	31.04.03.02
— boned meat	31.04.03.03
— meat in pieces of less than 100 g	31.04.03.04
— minced meat	31.04.03.05
— meat preparations	31.04.03.06
— mechanically separated meat	31.04.03.07
— edible raw fats (CN code 1502)	31.04.03.08

(iii) Offal (CN code 0206)	
— hearts	31.04.02.01
— diaphragmatic muscles	31.04.02.02
— masseter muscles	31.04.02.03
— minced offal	31.04.02.04
— preparations containing offal	31.04.02.05
— tongues	31.04.02.06
— whole livers	31.04.02.07
— sliced livers	31.04.02.08
— thymus	31.04.02.09
— brains and other nervous tissue (spinal cord)	31.04.02.10
— blood	31.04.02.12
— other offal	31.04.02.99
(e) <i>Fresh goatmeat</i>	
(i) Carcasses (CN code 0204)	
— whole carcasses	31.05.01.01
— half carcasses	31.05.01.02
— quarters	31.05.01.03
(ii) Cuts of meat (CN code 0204)	
— half carcasses cut into no more than three pieces	31.05.03.01
— cuts	31.05.03.02
— boned meat	31.05.03.03
— meat in pieces of less than 100 g	31.05.03.04
— minced meat	31.05.03.05
— meat preparations	31.05.03.06
— mechanically separated meat	31.05.03.07
— edible raw fats (CN code 1502)	31.05.03.08
(iii) Offal (CN code 0206)	
— hearts	31.05.02.01
— diaphragmatic muscles	31.05.02.02
— masseter muscles	31.05.02.03
— minced offal	31.05.02.04
— preparations containing offal	31.05.02.05
— tongues	31.05.02.06
— whole livers	31.05.02.07
— sliced livers	31.05.02.08
— brain and other nervous tissue (spinal cord)	31.05.02.10
— blood	31.05.02.12
— other offal	31.05.02.99
(f) <i>Meat of farmed game</i> (CN code 0208)	
(i) Small feathered game (farmed)	
— quails	31.10.01.01
— pheasants	31.10.01.02
— partridges	31.10.01.03
— flightless birds (ratites)	31.10.01.04
— other small feathered game (farmed)	31.10.01.99
(ii) Large game and <i>leporidae</i> (farmed)	
— wild boars	31.11.01.01
— deer	31.11.01.02
— antelopes	31.11.01.03
— other large game (farmed)	31.11.01.99
— <i>leporidae</i>	31.11.01.04
(g) <i>Meat of wild game</i> (CN code 0208)	
(i) Small feathered game (wild)	
— quails	31.10.02.01
— pheasants	31.10.02.02
— partridges	31.10.02.03
— flightless birds (ratites)	31.10.02.04
— other small feathered game (wild)	31.10.02.99

(ii) Large game and <i>leporidae</i> (wild)	
— wild boars	31.11.02.01
— deer	31.11.02.02
— antelopes	31.11.02.03
— other large game (wild)	31.11.02.99
— <i>leporidae</i>	31.11.02.04
(h) <i>Fresh poultrymeat</i> (CN code 0207)	
(i) Hens and chickens	
— completely eviscerated carcasses	31.12.01.01
— partially eviscerated carcasses	31.12.01.02
— carcasses where evisceration was deferred	31.12.01.03
— cuts	31.12.01.04
— boned	31.12.01.05
— meat preparations	31.12.01.06
— mechanically separated meat	31.12.01.07
— livers	31.12.01.08
— other offal	31.12.01.99
(ii) Turkeys	
— completely eviscerated carcasses	31.12.02.01
— partially eviscerated carcasses	31.12.02.02
— carcasses where evisceration was deferred	31.12.02.03
— cuts	31.12.02.04
— boned	31.12.02.05
— meat preparations	31.12.02.06
— mechanically separated meat	31.12.02.07
— livers	31.12.02.08
— other offal	31.12.02.99
(iii) Guinea fowl	
— completely eviscerated carcasses	31.12.03.01
— partially eviscerated carcasses	31.12.03.02
— carcasses where evisceration was deferred	31.12.03.03
— cuts	31.12.03.04
— boned	31.12.03.05
— meat preparations	31.12.03.06
— mechanically separated meat	31.12.03.07
— livers	31.12.03.08
— other offal	31.12.03.99
(iv) Ducks and geese	
— completely eviscerated carcasses	31.12.04.01
— partially eviscerated carcasses	31.12.04.02
— carcasses where evisceration was deferred	31.12.04.03
— cuts	31.12.04.04
— boned	31.12.04.05
— meat preparations	31.12.04.06
— mechanically separated meat	31.12.04.07
— livers	31.12.04.08
— foie gras	31.12.04.09
— gizzards	31.12.04.10
— other offal	31.12.04.99
(i) <i>Farmed rabbit meat</i> (CN code 0208 10)	31.13.
(j) <i>Other meat</i> (CN code 0208 90)	
— of marine mammals	31.19.01
— of reptiles	31.19.02
— of insects	31.19.03
— other	31.19.99

CHAPTER II

MEAT PRODUCTS AND OTHER PRODUCTS OF ANIMAL ORIGIN FOR HUMAN CONSUMPTION

1. Breakdown of the various categories of meat products

- (a) Raw cured pigmeat (smoked or otherwise)
- (b) Other raw cured meats (smoked or otherwise)
- (c) Stomachs, bladders and intestines, cleaned, salted, dried or heated
- (d) Other products, dried, salted or marinated (smoked or otherwise)
- (e) Preserved meat: FO $\geq$ 3 (with or without vegetables)
- (f) Preserved meat: FO < 3, pasteurized (at least 70 °C at centre)
- (g) Semi-preserved meat: FO < 3, unpasteurized
- (h) Semi-preserved meat subjected to the treatment referred to in Article 4 (a) (ii) of Council Directive 80/215/EEC
- (i) Other culinary preparations and wrapped meat products, cooked or precooked and preserved by cold
- (j) Meat extracts
- (k) Rendered animal fats (bones included)
- (l) Processed animal protein

2. Codes of meat products

- (a) *Raw cured pigmeat (smoked or otherwise)* (CN codes 0201 and 1601)
 - (i) short maturation (< 9 months)
 - boned hams 31.17.01.03
 - hams with bone-in 31.17.02.03
 - shoulders 31.17.03.03
 - sausages (including mixtures) (CN code 1601) 31.17.04.03
 - (ii) long maturation ($\geq$ 9 months)
 - boned hams 31.17.11.03
 - hams with bone in 31.17.12.03
 - shoulders 31.17.13.03
 - sausages (including mixtures) (CN code 1601) 31.17.14.03
- (b) *Other cured raw meats (smoked or otherwise)* (CN codes 0210 and 1601) of:
 - solipeds 31.17.05.01
 - bovine animals 31.17.05.02
 - sheep 31.17.05.04
 - goats 31.17.05.05
 - feathered farmed game 31.17.05.06
 - farmed wild boar 31.17.05.07
 - other farmed game 31.17.05.08
 - feathered wild game 31.17.05.10
 - wild boar 31.17.05.11
 - other wild game 31.17.05.12
 - poultry 31.17.05.13
 - rabbit 31.17.05.14
 - other species 31.17.05.15
- (c) *Stomachs, bladders and intestines, cleaned, salted, dried or heated*
 - bovine animals 31.17.15.02
 - pigs 31.17.15.03
 - sheep 31.17.15.04
 - goats 31.17.15.05
 - other species 31.17.15.09

(d) *Other products, dried, salted or marinated (smoked or otherwise)* (CN codes 0210 and 1601) of :

— solipeds	31.17.06.01
— bovine animals	31.17.06.02
— pigs	31.17.06.03
— sheep	31.17.06.04
— goats	31.17.06.05
— feathered farmed game	31.17.06.06
— farmed wild boar	31.17.06.07
— other farmed game	31.17.06.08
— feathered wild game	31.17.06.10
— wild boar	31.17.06.11
— other farmed game	31.17.06.12
— poultry	31.17.06.13
— rabbit	31.17.06.14
— other species	31.17.06.15

(e) *Preserved meat FO $\geq$ 3 (with or without vegetables)* (CN code 1602)

— corned beef	31.15.07.01
— other culinary preparations containing only beef or veal	31.15.07.02
— ham (pork)	31.15.07.03
— shoulder of pork	31.15.07.04
— patés made only with pigmeat	31.15.07.05
— patés made only with pigmeat and beef or veal	31.15.07.06
— patés made with pigmeat and poultrymeat	31.15.07.07
— patés made with pigmeat and rabbit meat	31.15.07.08
— patés and pies made with pigmeat and game	31.15.07.09
— other patés made with pigmeat	31.15.07.10
— other culinary preparations containing pigmeat	31.15.07.11
— foie gras (poultry)	31.15.07.12
— culinary preparations containing only poultrymeat	31.15.07.13
— other preserves containing only poultrymeat	31.15.07.14
— culinary preparations containing only rabbit meat	31.15.07.15
— culinary preparations containing only game	31.15.07.16
— other preserved meat FO $\geq$ 3	31.15.07.99

(f) *Semi-preserved meat FO < 3 pasteurized (at least 70 °C at centre)* (CN code 1602)

— ham (pork)	31.15.08.03
— shoulder of pork	31.15.08.04
— other semi-preserved pigmeat	31.15.08.11
— Semi-preserved beef and veal	31.15.08.01
— foie gras (poultry)	31.15.08.12
— other semi-preserved poultrymeat	31.15.08.14
— other semi-preserved meat of other species or more than one species	31.15.08.99

(g) *Semi-preserved meat FO < 3 unpasteurized (less than 70 °C at centre)* (CN code 1602)

— beef or veal	31.15.09.02
— pigmeat	31.15.09.03
— poultrymeat	31.15.09.12
— other	31.15.09.99

(h) *Semi-preserved meat having undergone the treatment referred to in Article 4 (a) (ii) of Council Directive 80/215/EEC* (CN code 1602)

— pigmeat only	31.15.10.03
— pigmeat with other meat	31.15.10.99

(i) <i>Culinary preparations and other wrapped meat products, cooked or precooked and preserved by cold</i> (CN code 1602)	
(ii) having undergone a heat treatment of at least 70 °C at centre	
— cooked dishes containing meat	31.18.01.01
— other cooked dishes	31.18.01.02
— sausages	31.18.01.03
— other cooked or precooked meat products	31.18.01.99
(ii) having undergone a heat treatment below 70 °C at centre	
— cooked dishes containing meat	31.18.02.01
— other cooked dishes	31.18.02.02
— sausages	31.18.02.03
— other cooked or precooked meat products	31.18.02.99
(j) <i>Meat extracts</i> (CN code 1603)	31.15.12.00
(k) <i>Rendered animal fats (bones included)</i>	
— edible tallow ⁽¹⁾ (CN code 1502)	31.16.02.01
— refinable tallow ⁽¹⁾ (CN code 1502)	31.16.02.02
— edible lard ⁽²⁾ (CN code 1501)	31.16.01.01
— refinable lard ⁽²⁾ (CN code 1501)	31.16.01.02
— other edible animal fats (CN code 1506)	31.16.99.01
— other refinable animal fats (CN code 1506)	31.16.99.02
(l) <i>Processed animal protein</i> (CN code 0210 90)	
— powdered backfat	31.15.13.01
— flours of meat	31.15.13.02
— greaves	31.15.13.03

CHAPTER III

LIQUID MILK

1. The various categories of milk :

- (a) Raw milk for direct consumption
- (b) Raw milk for the dairy industry
- (c) Thermized milk
- (d) Heat-treated milk
- (e) Liquid milk not for human consumption

2. Codes for milks

(a) <i>Raw milk for direct consumption</i> (CN code 0401)	
— cow's	33.01.01.01
— buffalo	33.01.01.02
— sheep's	33.01.01.03
— goat's	33.01.01.04
(b) <i>Raw milk for the dairy industry</i> (CN code 0401)	
— cow's	33.01.02.01
— buffalo	33.01.02.02
— sheep's	33.01.02.03
— goat's	33.01.02.04
(c) <i>Thermized milk</i> (CN code 0401)	
— cow's	33.01.03.01
— buffalo	33.01.03.02
— sheep's	33.01.03.03
— goat's	33.01.03.04

⁽¹⁾ of equine, ovine and caprine species⁽²⁾ of pigs

(d) <i>Heat-treated milk</i> (CN code 0401)	
— pasteurized cow's milk	33.01.04.01
— other pasteurized milk	33.01.04.09
— UHT milk	33.01.04.10
— sterilized milk	33.01.04.11
— concentrated milk	33.01.04.12
(e) <i>Liquid milk not for human consumption</i> (CN code 0401)	
— colostrum	33.01.09.01
— other liquid milk	33.01.09.99

CHAPTER IV

MILK PRODUCTS

1. Breakdown of the various categories of milk products

- (a) Heat-treated milk products
- (b) Raw milk products
- (c) Other milk products
- (d) Products from milk not for human consumption

2. Codes for products containing milk

(a) <i>Heat-treated milk products (for human consumption)</i>	
(i) Cream, butter, flavoured, jellied, frozen and fermented milk, (CN codes 0401, 0402, 0403 and 0405)	
— creams (pasteurized) UHT (sterilized)	33.02.01.00
— butters (pasteurized)	33.03.04.01
— yoghurts	33.03.01.01
— other fermented milk	33.03.09.01
— flavoured milk	33.03.05.01
— jellied or acidified milks or milk desserts	33.03.10.01
— ices and dairy ice-creams	33.03.11.01
(ii) Other liquid products (CN codes 0403 and 0404)	
— whey from bovine animals or buffalo	33.03.03.01
— whey from sheep or goats	33.03.13.01
— buttermilk from bovine animals or buffalo	33.03.14.01
— buttermilk from sheep or goats	33.03.24.01
(iii) Powdered products (CN codes 0402, 0403 and 0404 and 1702, 3502 and 3504)	
— milk powder or powdered milk	33.03.02.01
— milk-based powdered compounds	33.03.02.02
— powdered whey and derivatives	33.03.02.03
— powdered buttermilk and derivatives	33.03.02.04
— casein, caseinates and other protein fractions	33.03.02.05
— other powdered milk products	33.03.02.09
(iv) Cheeses (CN code 0406)	
— fresh cheese of cow's milk	33.04.01.01
— fresh cheese of buffalo milk	33.04.01.02
— fresh cheese of sheep's milk	33.04.01.03
— fresh cheese of goat's milk (and mixtures)	33.04.01.04
— soft cheese of cow's milk	33.04.02.01
— soft (or pasta filata) cheese of buffalo milk	33.04.02.02
— soft cheese of sheep's milk	33.04.02.03
— soft cheese of goat's milk (and mixtures)	33.04.02.04
— hard cheese of cow's milk	33.04.03.01
— hard cheese of buffalo milk	33.04.03.02

— hard cheese of sheep's milk	33.04.03.03
— hard cheese of goat's milk (and mixtures)	33.04.03.04
— cheese of milk of other species	33.04.09
— long-maturing cheese	33.04.04
— processed cheese	33.04.05
(v) Dairy spreads	33.04.06.00
(b) <i>Products containing raw milk (for human consumption)</i>	
(i) Cream, butter, aromatized, jellied, frozen or fermented milk (CN codes 0401, 0402, 0403 and 0405)	
— cream	33.02.02.00
— butter	33.03.04.02
— yoghurt	33.03.01.02
— other fermented milk	33.03.09.02
— flavoured milk	33.03.05.02
— acidified milk, junket or milk desserts	33.03.10.02
— ices and dairy ice-creams	33.03.11.02
(ii) Other liquid products (CN codes 0403 and 0404)	
— whey	33.03.03.02
— buttermilk	33.03.14.02
(iii) Cheese (CN code 0406)	
— fresh cheese of cow's milk	33.04.11.01
— fresh cheese of buffalo milk	33.04.11.02
— fresh cheese of sheep's milk	33.04.11.03
— fresh cheese of goat's milk (and mixtures)	33.04.11.04
— soft cheese of cow's milk	33.04.12.01
— soft (or pasta filata) cheese of buffalo milk	33.04.12.02
— soft cheese of sheep's milk	33.04.12.03
— soft cheese of goat's milk (and mixtures)	33.04.12.04
— hard cheese of cow's milk	33.04.13.01
— hard cheese of buffalo milk	33.04.13.02
— hard cheese of sheep's milk	33.04.13.03
— hard cheese of goat's milk (and mixtures)	33.04.13.04
— cheese of milk of other species	33.04.19
— long-maturing cheeses	33.04.14
(iv) Dairy spreads	33.04.16
(c) <i>Other milk products (for human consumption)</i>	
— ricotta	33.09.01
— milk flakes	33.09.02
— other milk products	33.09.99
(d) <i>Products containing milk not for human consumption (Council Directive 92/118/EEC)</i>	
(i) Liquids (CN codes 0403 and 0404)	
— liquid whey	33.10.01.01
— liquid buttermilk	33.10.01.02
— other liquid products	33.10.01.99
(ii) powdered (CN codes 0402, 0403 and 0404 — 1702 — 3502 and 3504)	
— milk powder or powdered milk	33.10.02.01
— milk-based powdered compounds	33.10.02.02
— powdered whey and derivatives	33.10.02.03
— powdered buttermilk and derivatives	33.10.02.04
— csein, caseinates and other protein fractions	33.10.02.05
— other powdered milk products	33.10.02.99

CHAPTER V

FISHERY PRODUCTS FOR HUMAN CONSUMPTION

1. Breakdown of fishery products

- A. Fish, livers and roe
- B. Crustaceans
- C. Molluscs
- D. Other aquatic invertebrates
- E. Other fishery products

2. Codes for fishery products

A. *Fish, livers and roe*

- (a) Live fish for immediate human consumption
(CN codes 0301 91 00 to 0301 91 99)
 - sensitive fish species⁽¹⁾ 32.01.11
 - non-sensitive fish species⁽¹⁾ 32.01.12
- (b) Whole or gutted fish, heads off or on, fresh, chilled or frozen (CN codes 0302 11 00 to 0302 69 97 and 0303 10 00 to 0303 79 97)
 - chilled 32.01.21
 - frozen 32.01.31
- (c) Fillets, slices or pulp of fresh, chilled or frozen fish
(CN code 0304 10 11 to 0304 90 97)
 - chilled 32.01.22
 - frozen 32.01.32
- (d) Raw fillets of fish, breaded or in sauce, and frozen
(CN codes 1604 12 10 and 1604 19 91) 32.01.35
- (e) Fish and fillets of dried fish, whether or not salted
(CN codes 0305 51 to 0305 59 90) 32.01.40
- (f) Fish and fillets thereof not dried, salted or in brine
(CN codes 0305 30 and 0305 61 00 to 0305 69 90) 32.01.50
- (g) Smoked fish and fillets thereof
(CN code 0305 41 00 to 0305 49 90) 32.01.60
- (h) Canned fish (FO $\geq$ 3,00)
(CN code 1604 11 00 to 1604 20 90) 32.01.80
- (i) Fish, livers and roe
 - fresh or chilled (CN code 0302 70 00) 32.02.21
 - frozen (CN code 0303 80 00) 32.02.31
 - dried, whether or not smoked (CN code 0305 20 00) 32.02.40
 - salted or in brine, whether or not smoked (CN code 0305 20 00) 32.02.50
 - caviare (in airtight containers) (CN code 1604 30 10) 32.02.95
 - caviare substitutes (in airtight containers) (CN code 1604 30 90) 32.02.96
 - other preserved or semi-preserved fish livers and roe 32.02.97

B. *Crustaceans* (CN codes 0306 and 1605)

- (a) Live crustaceans for immediate human consumption
 - sensitive crustacean species⁽¹⁾ 32.10.11
 - non-sensitive crustacean species⁽¹⁾ 32.10.12
- (b) Raw crustaceans, whole or in pieces
 - chilled 32.10.21
 - frozen 32.10.31

⁽¹⁾ As regards the diseases set out in lists I and II of Annex A of Council Directive 91/67/EEC.

(c) Cooked crustaceans, in shell	
— chilled	32.10.23
— frozen	32.10.33
(d) Cooked crustaceans, not in shell	
— chilled	32.10.24
— frozen	32.10.34
(e) Canned crustaceans	32.10.80
C. <i>Molluscs</i> (CN codes 0307 and 1605)	
(a) Live molluscs for immediate human consumption	
— sensitive species of molluscs ⁽¹⁾	32.20.11
— non-sensitive species of molluscs ⁽¹⁾	32.20.12
(b) Raw molluscs, whole	
— chilled	32.20.21
— frozen	32.20.31
(c) Raw molluscs, not in shell	
— chilled	32.20.22
— frozen	32.20.32
(d) Cooked molluscs, whole	
— chilled	32.20.23
— frozen	32.20.33
(e) Cooked molluscs, not in shell	
— chilled	32.20.24
— frozen	32.20.34
(f) Dried molluscs, whether or not smoked	32.20.40
(g) Salted or marinated molluscs, whether or not smoked	32.20.50
(h) Canned molluscs	32.20.80
D. <i>Other aquatic invertebrates</i> (CN codes 0307 99 90 and 1605)	
(a) Other live aquatic invertebrates for immediate human consumption	32.30.11
(b) Other raw aquatic invertebrates, whole or in pieces	
— chilled	32.30.21
— frozen	32.30.31
(c) Other dried aquatic invertebrates, whether or not smoked	32.30.40
(d) Other aquatic invertebrates, salted or pickled, whether or not smoked ..	32.30.50
(e) Other canned aquatic invertebrates (FO ≥ 3)	
(CN code 1605 90 90)	32.30.80
E. <i>Other fishery products</i>	
(a) Flours, meals and pellets fit for human consumption	
— of fish (CN code: 0305 10 00)	32.01.70
— of crustaceans (CN code 0306 19-0306 29)	32.10.70
— of molluscs and other aquatic invertebrates (CN code 0307 60 00)	32.40.70
(b) Fish protein in gel form (Surimi) (CN code 1604 20 05)	
— chilled	32.01.92
— frozen	32.01.93

⁽¹⁾ As regards the diseases set out in lists I and II of Annex A of Council Directive 91/67/EEC.

(c) Cooked or precooked culinary preparations (CN codes 1604 and 1605)

(i) of fish	
— chilled	32.01.26
— frozen	32.01.36
(ii) of crustaceans	
— chilled	32.10.26
— frozen	32.10.36
(iii) of molluscs	
— chilled	32.20.26
— frozen	32.20.36
(iv) mixed	
— chilled	32.40.26
— frozen	32.40.36

(d) Extracts and juices (CN code 1603 00)

— of fish	32.01.94
— of crustaceans	32.10.94
— of molluscs	32.20.94
— of other aquatic invertebrates	32.30.94

3. Codes for species of fish, crustaceans, molluscs and other aquatic invertebrates.

A. Fish

Trout (<i>Salmo gairdneri</i>)	01
Salmon (<i>Salmo salar</i>)	02
Other salmonids	03
Carp (<i>Cyprinus carpio</i>)	04
Pike (<i>Esox lucius</i>)	05
Other fresh water fish	09
Halibut (<i>Reinhardtius</i> spp. — <i>Hippoglossus</i> spp.)	10
Plaice carrellets (<i>Pleuronectes platessa</i>)	11
Sole (<i>Solea</i> spp.)	12
Other flat fish	19
White tuna or albacore (<i>Thunnus alalunga</i>)	20
Yellow-finned tuna (<i>Thunnus albacares</i>)	21
Skipjack or striped-belly tuna (<i>Euthynnus pelamis</i>)	22
Other fish of the genus <i>Thunnus</i> and <i>Euthynnus</i>	29
Herring (<i>Clypea</i> spp.)	30
Cod (<i>Gadus</i> spp.)	31
Sardine, sardinellas, sprats (<i>Sardina</i> spp. — <i>Sardinella</i> spp. — <i>Sprattus</i>)	32
Haddock (<i>Melanogrammus aeglefinus</i>)	33
Saithe (<i>Pollachius virens</i>)	34
Mackerel (<i>Scomber</i> spp.)	35
Shark (all species)	36
Ray (<i>Raja</i> spp.)	37
Sturgeon (<i>Acipenser</i> spp.)	40
Eel (<i>Anguilla</i> spp.)	41
Atlantic catfish (<i>Anarhichas lupus</i>)	42
Seabass (<i>Dicentrarchus</i> spp.)	43
Whiting (<i>Merlangus merlangus</i>)	44
Blue whiting (<i>Gadus poutassou</i>)	45
Ling (<i>Molva</i> spp.)	46
Alaska pollack and green pollack (<i>Theragra chalcogramma</i> — <i>Pollachius</i>)	47
Marlin (<i>Makaira</i> spp.)	48
Portuguese dogfish (<i>Centroscyrnus coelolepis</i>)	50
Anchovy (<i>Engraulis</i> spp.)	51

Sea-bream (<i>Dentex dentex</i> — <i>Pagellus</i> spp.)	52
Hake (<i>Merluccius</i> spp.)	53
Pomfret (<i>Brama</i> spp.)	54
Anglerfish (<i>Lophius</i> spp.)	55
Fish of the species ' <i>Orcynopsis unicolor</i> '	56
Norway haddock or redfish (<i>Sebastes</i> spp.)	57
Fish of the species ' <i>Boreogadus Saida</i> '	58
Scabbardfish (<i>Lepidopus caudatus</i> — <i>Aphanopus carbo</i>)	60
Swordfish (<i>Xipbias gladius</i>)	61
Horse mackerel (<i>Caranx trachurus</i> — <i>Trachurus</i>)	62
Poisonous fish (Directive 91/493/EEC, Article 5)	63
Other fish	69
B. Crustaceans	
Crayfish	70
American/European lobster	71
Edible crabs	72
Other crabs	73
Freshwater crayfish	74
Norway lobster	75
Shrimps	76
Other crustaceans	79
C. Molluscs	
Oysters of the genus <i>Ostrea</i>	80
Other oysters	81
Scallops or variegated scallops	82
Other <i>pectinidae</i>	83
Mussels	84
Cuttlefish	85
Squid	86
Octopus	87
Marine gastropods	88
Other molluscs	89
D. Other aquatic invertebrates	
Sea urchins	90
Other echinoderms	91
Tunicates	92
Other aquatic invertebrates	99

CHAPTER VI

EGGS FOR CONSUMPTION — EGG PRODUCTS — PRODUCTS PRODUCED BY BEES

1. Breakdown of eggs for consumption — egg products — products produced by bees

- (a) Eggs for consumption
- (b) Heat-treated egg products
- (c) Not heat-treated egg products
- (d) Products produced by bees

2. Codes for eggs for consumption, egg products and products produced by bees

- (a) Eggs for consumption (CN code 0407)
 - of chickens 34.01.01
 - of other species 34.01.09

(b) <i>Heat-treated egg products</i> (CN code 0408)	
— in liquid form	34.02.01
— dried	34.02.02
— coagulated	34.02.03
— crystallized	34.02.04
(c) <i>Not heat-treated egg products</i>	34.03.01
(d) <i>Products produced by bees</i> (CN codes 0409 and 0410)	
(i) For human consumption	
— honey	39.01.01.01
— wax	39.01.02.01
— royal jelly	39.01.03.01
— pollen	39.01.04.01
— honey products	39.01.05.01
— other	39.01.99.01
(ii) For use exclusively in bee-keeping	
— honey	39.01.01.02
— wax	39.01.02.02
— royal jelly	39.01.03.02
— pollen	39.01.04.02
— honey products	39.01.05.02
— propolis	39.01.06.02
— other	39.01.99.02
(iii) For industrial use	
— honey	39.01.01.03
— wax (and also CN code 1521)	39.01.02.03
— royal jelly	39.01.03.03
— pollen	39.01.04.03
— honey products	39.01.05.03
— propolis	39.01.06.03
— other	39.01.99.03

CHAPTER VII

SNAILS AND FROGS' LEGS

(a) <i>Snails</i> (CN code 0307 60)	
— live	39.22.01.01
— chilled or frozen	39.22.01.02
— preserved (heat treatment FO $\geq$ 3,00)	39.22.01.03
(b) <i>Other land gastropods</i> (CN code 0307 99)	
— live	39.22.99.01
— chilled or frozen	39.22.99.02
— preserved (heat treatment FO $\geq$ 3,00)	39.22.99.03
(c) <i>Frogs' legs</i> (CN code 0208 20)	
— chilled or frozen	39.21.02
— preserved (heat treatment FO $\geq$ 3,00)	39.21.03

CHAPTER VIII

HIDES OR SKINS OF HOOFED ANIMALS, WOOL, HAIR, BRISTLES, FEATHERS, DOWN OR PARTS OF FEATHERS, GAME TROPHIES

1. Breakdown of hides or skins of hoofed animals, wool, hairs, bristles, feathers, down or parts of feathers, game trophies

- (a) Raw hides or skins (Directive 64/433/EEC — Directive 72/462/EEC)
- (b) Treated hides or skins (Directive 92/118/EEC)

- (c) Wool, hair, horsehair and bristles
- (d) Feathers, down or parts of feathers
- (e) Hunting trophies

2. Codes for hides or skins of hoofed animals, wool, hair, bristle, feathers, down or parts of feathers, game trophies

(a) *Raw hides or skins* (Directive 64/433/EEC — Directive 72/462/EEC) (CN codes 4101, 4102 and 4103)

— raw hides of bovine animals	43.01.01
— raw sheep skins	43.01.02
— raw goat skins	43.01.03
— raw pig skins	43.01.04
— raw hides of solipeds	43.01.05
— raw hides of other ungulates	43.01.09

(b) *Treated hides or skins* (Directive 92/118/EEC) (CN codes 4101, 4102 and 4103)

— hides of bovine animals	43.02.01
— sheepskins	43.02.02
— goatskins	43.02.03
— pigskins	43.02.04
— hides of solipeds	43.02.05
— hides of others ungulates	43.02.09

(c) *Wool, hair, horsehair, bristles* (CN codes 0502, 0503 and 5101 to 5105)

(i) raw and dry

— sheep's wool	44.01.01
— hair of bovine animals	44.01.02
— badger hair	44.01.03
— horsehair	44.01.04
— pig bristles	44.01.05
— bristles of wild boars	44.01.06
— hair of rodents and other animals	44.01.09

(ii) coloured, heated, boiled or treated

— sheep's wool	44.02.01
— hair of bovine animals	44.02.02
— badger hair	44.02.03
— horsehair	44.02.04
— pig bristles	44.02.05
— bristles of wild boars	44.02.06
— hair of rodents and other animals	44.02.09

(d) *feathers, down or parts of feathers* (CN code 0505)

(i) raw and dry	45.01
(ii) coloured, heated, boiled or treated	45.02

(e) *game trophies*

— untreated	46.01
— treated	46.02

CHAPTER IX

BONES, HORNS, HOOVES AND THEIR BY-PRODUCTS (GELATINS) OTHER THAN MEALS

1. Breakdown of bones, horns, hooves and their by-products

- (a) Bones/horns/hooves for human or animal consumption
- (b) Products containing bones/horns/hooves for human or animal consumption
- (c) Bones/horns/hooves and their by-products for industrial use

2. Codes for bones, horns, hooves and their by-products

- (a) *Bones, horns, hooves and other epidermal growths for human or animal consumption* (CN codes 0506 and 0507)
- of bovine animals 48.01.01
 - of sheep and goats 48.01.02
 - of pigs 48.01.03
 - of other species 48.01.09
- (b) *Products containing bones/horn/hooves and other epidermal growths for human or animal consumption* (CN codes 1602)
- gelatins for use in the food industry 48.01.11
 - other products 48.01.19
- (c) *Bones/horns/hooves or their by-products for industrial use* (CN code 3504)
- industrial gelatins 48.01.21
 - other products 48.01.29

CHAPTER X

BLOOD, BLOOD PRODUCTS, AMNIOTIC FLUID FOR USE IN THE PHARMACEUTICAL INDUSTRY OR FOR TECHNICAL USE OTHER THAN IN ANIMAL FEEDINGSTUFFS — PATHOGENIC AGENTS

1. Breakdown of blood and blood products of animal origin

- (a) Blood and blood products of equine animals
- (b) Blood and blood products of species other than equine animals
- (c) Pathogenic agents

2. Codes for blood and blood products of animal origin

- (a) *Blood and blood products of equine animals*
- (i) For use in the pharmaceutical industry (CN code 3002)
 - whole fresh blood 49.01.01.01
 - serum 49.01.01.02
 - globular purée 49.01.01.03
 - amniotic fluid 49.01.01.04
 - other products 49.01.01.99
 - (ii) For technical use in other industries (CN code 511)
 - whole fresh blood 49.01.02.01
 - serum 49.01.02.02
 - globular purée 49.01.02.03
 - amniotic fluid 49.01.02.04
 - other products 49.01.02.99
- (b) *Blood and blood products of species other than equine animals*
- (i) For use in the pharmaceutical industry (CN code 3002)
 - whole fresh blood 49.01.03.01
 - serum 49.01.03.02
 - globular purée 49.01.03.03
 - amniotic fluid 49.01.03.04
 - other products 49.01.03.99
 - (ii) For technical use in other industries (CN code 511)
 - whole fresh blood 49.01.04.01
 - serum 49.01.04.02
 - globular purée 49.01.04.03
 - amniotic fluid 49.01.04.04
 - other products 49.01.04.99
- (c) Pathogenic agents 49.02.

CHAPTER XI

OTHER ANIMAL WASTE : HIGH-RISK UNTREATED MATERIAL — LOW-RISK RAW MATERIALS FOR THE PHARMACEUTICAL INDUSTRY, OR TECHNICAL USE OR FOR USE IN FEEDINGSTUFFS

1. Breakdown of other livestock waste

- (a) High-risk untreated material
- (b) Low-risk raw materials for the manufacture of pharmaceutical products (other than blood, blood products or amniotic fluid)
- (c) Raw materials for technical use (other than blood, blood products or amniotic fluid)
- (d) Low-risk raw materials for use in the manufacture of petfoods

2. Codes for other animal waste

(a) *High-risk untreated material* (CN code 0511)

— corpses of dead or still-born animals' foetuses, placentas	48.02.10.01
— corpses of animals that died during transport	48.02.10.02
— other animal corpses	48.02.10.99
— animals slaughtered as part of disease prevention measures	48.02.20.01
— waste of animals presenting signs of transmissible diseases when slaughtered	48.02.20.02
— parts of slaughtered animals not usually submitted for inspection (except: skins, horns, hooves, wool, feathers, blood)	48.02.30.01
— bad meat, fish, food products of animal origin	48.02.30.02
— meat and fish products which are imported from third countries and do not conform to Community legislation	48.02.30.03
— animal waste and products containing residues	48.02.30.04
— fish presenting signs of transmissible diseases	48.02.30.05

(b) *Low-risk raw materials for use in the manufacture of pharmaceutical products, other than blood, blood products and amniotic fluid* (CN code 3001)

— fresh fish offals	50.01.06.01
— hearts of bovine animals	50.01.01.02
— hearts of solipeds	50.01.02.02
— other hearts	50.01.99.02
— intestines of bovine animals	50.01.01.03
— intestines of solipeds	50.01.02.03
— intestines of sheep and goats	50.01.03.03
— intestines of pigs	50.01.04.03
— other intestines	50.01.99.03
— pancreas of bovine animals	50.01.01.04
— pancreas of sheep/goats	50.01.03.04
— pancreas of pigs	50.01.04.04
— spleen of bovine animals	50.01.01.05
— spleen of solipeds	50.01.02.05
— spleen of sheep/goats	50.01.03.05
— spleen of pigs	50.01.04.05
— adrenal glands of bovine animals	50.01.01.06
— adrenal glands of pigs	50.01.04.06
— tonsils of bovine animals	50.01.01.07
— tonsils of sheep and goats	50.01.03.07
— tonsils of pigs	50.01.04.07
— genitals of bovine animals	50.01.01.08
— genitals of sheep/goats	50.01.03.08
— genitals of pigs	50.01.04.08

— thyroid of bovine animals	50.01.01.09
— brains/pituitary gland of pigs	50.01.04.10
— synovial fluid	50.01.10.11
— bovine bile	50.01.01.12
— intestinal mucous membranes or intestinal juices	50.01.10.13
— other lymphoid tissue :	
— of bovine animals	50.01.01.14
— of sheep and goats	50.01.03.14
— of pigs	50.01.04.14
— other	50.01.10.99
(c) <i>Low-risk raw materials for the manufacture of technical products, with the exception of blood, blood products and amniotic fluid (CN code 0410)</i>	
— of bovine origin	50.02.01
— from solipeds	50.02.02
— of ovine/caprine origin	50.02.03
— of porcine origin	50.02.04
— from poultry	50.02.05
— from fish	50.02.06
— other	50.02.99
(d) <i>Low-risk raw materials used in the manufacture of pet foods (CN code 0410)</i>	
(i) <i>Animal waste resulting from fresh meat production</i>	
— of bovine animals	50.03.01
— of solipeds	50.03.02
— of sheep/goats	50.03.03
— of pigs	50.03.04
— of poultry	50.03.06
— others	50.03.99
(ii) <i>Of aquatic origin</i>	
— fish caught for flour/meal production	50.03.06.15
— fresh fish waste and offal	50.03.06.01

CHAPTER XII

PETFOODS — PROCESSED ANIMAL PROTEIN FOR USE IN FEEDINGSTUFFS (MEALS AND GREAVES)

(a) <i>Petfoods (CN code 2309)</i>	
— frozen, not heat treated	47.01.02.01
— canned (heat treatment $F^{\circ} \geq 3,00$)	47.01.02.02
— partly wet	47.01.02.03
— dried	47.01.02.04
— from processed skins	47.01.02.05
(b) <i>Processed animal protein for use in feedingstuffs (CN code 2301)</i>	
— meat meal	47.01.01.01
— fish meal	47.01.01.02
— blood meal	47.01.01.03
— bonemeal	47.01.01.04
— horn meal	47.01.01.05
— hoof meal	47.01.01.06
— feather meal	47.01.01.07
— dried greaves	47.01.01.08
— mixtures of these and other meals	47.01.01.99

CHAPTER XIII

LIQUID MANURE FOR USE AS FERTILIZER

(a) <i>Processed products containing liquid manure</i> (CN code 3101)	48.15.01
(b) <i>Unprocessed liquid manure</i> (CN code: 3101)	
— from poultry	48.15.02.01
— from equidae	48.15.02.02
— from other species	48.15.02.09

CHAPTER XIV

SMALL CONSIGNMENTS OF PRODUCTS FOR PRIVATE INDIVIDUALS — PRODUCTS IN THE POSSESSION OF THE TRAVELLING PUBLIC — COMMERCIAL SAMPLES

(a) <i>Small consignments of products for private individuals</i>	51
(b) <i>Products in the possession of the travelling public</i>	52
(c) <i>Commercial samples</i>	53

CHAPTER XV

FRESH MEAT FOR EXHIBITION PURPOSES, SPECIFIC STUDY OR ANALYSIS

(a) <i>Fresh meat for exhibition purposes</i>	54
(b) <i>Fresh meat for specific study or analysis</i>	55

CHAPTER XVI

FRESH MEAT AND MEAT PRODUCTS SUPPLIED EXCLUSIVELY TO INTERNATIONAL ORGANIZATIONS

(a) <i>Fresh meat</i>	61
(b) <i>Meat products</i>	71'
