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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1384/94

of 13 June 1994

imposing a definitive anti-dumping duty on imports of large aluminium electrolytic capacitors originating in the Republic of Korea and Taiwan

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal submitted by the Commission after consultation within the Advisory Committee,

Whereas :

A. Provisional measures

- (1) By Regulation (EC) No 371/94⁽²⁾, the Commission imposed a provisional anti-dumping duty on imports of large aluminium electrolytic capacitors (LAECs) originating in the Republic of Korea and Taiwan and falling within CN code ex 8532 22 00.

B. Subsequent procedure

- (2) Following the imposition of the provisional anti-dumping duty, no comments were submitted to the Commission's services by the non-cooperating parties concerned, except a memorandum by Taipei Economic and Cultural Office. No parties requested an opportunity to be heard by the Commission.
- (3) The Taiwanese cooperating producer was informed of the essential facts and considerations on the

basis of which it is intended to recommend the imposition of a definitive anti-dumping duty and the definitive collection of amounts secured by way of provisional duty. This company was also granted a period within which to make representations subsequent to the disclosure.

C. Product under investigation and like product

- (4) Regarding the product under consideration, the Taipei Economic and Cultural Office disputed the Commission's preliminary determination of dumping and injury in respect of LAECs originating in Taiwan. It was argued that the information on which this determination was made was doubtful because only a few Taiwanese companies manufactured the large capacitors subject to investigation and because it was not possible to distinguish between small and large capacitors from Community import statistics. However, no new evidence was submitted to put into question the basis on which the preliminary determination was made. In fact, the Commission's verification in Taiwan revealed the existence of several producers of large capacitors. As regard the like product, no new arguments have been presented. The findings of the Commission as set out in recitals 7 to 10 of Regulation (EC) No 371/94 are hereby confirmed.

D. Dumping

1. Normal value

- (5) No comments were received on the preliminary determination of the normal value. Therefore, for the purpose of definitive findings, normal value was established on the same basis and the same

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

⁽²⁾ OJ No L 48, 29. 2. 1994, p. 10.

methods as those used in the provisional determination of dumping. Recitals 11 to 15 of Regulation (EC) No 371/94 are therefore confirmed.

2. *Export price*

- (6) No arguments were presented on the preliminary determination of the export price. The method used to establish export price, as set out in recitals 16 and 17 of Regulation (EC) No 371/94, is hereby confirmed.

3. *Comparison*

- (7) The cooperating producer disputed some figures regarding freight costs and the rejection of an adjustment for salaries paid to salesmen, but no evidence was received to warrant a change in the Commission's provisional findings and conclusions. The findings and conclusions set out in recitals 18 and 19 of Regulation (EC) No 371/94 are therefore confirmed.

4. *Dumping margins*

- (8) No further arguments were submitted on the methodology used by the Commission in its preliminary determination. Therefore, the weighted average dumping margins definitively established and expressed as a percentage of the free-at-Community-frontier price, are as follows:

Korea : 70,6 %

Taiwan :

— Kaimei Electronic Corp.: 10,7 %

— Other companies : 75,8 %

E. Community industry

- (9) No arguments were presented regarding the definition of the Community industry. The findings of the Commission as set out in recitals 22 and 23 of Regulation (EC) No 371/94 are hereby confirmed.

F. Injury

- (10) No new arguments were put forward to modify the Commission's preliminary conclusion on injury. Therefore, the findings and conclusion, as set out in recitals 24 to 42 of Regulation (EC) No 371/94, are confirmed.

G. Causation of injury

- (11) No arguments were presented to dispute the Commission's preliminary conclusions on the effect of the dumped imports on the Community industry, as set out in recitals 44 to 47 of Regulation (EC) No 371/94. Therefore, the Commission's conclusions are confirmed.

H. Community interest

- (12) As set out in recitals 49 to 51 of Regulation (EC) No 371/94, the interests of the Community industry and of the end users were considered. As no new arguments were put forward in this connection, the findings of Regulation (EC) No 371/94 in this respect are confirmed.

I. Duty

- (13) Provisional measures took the form of an anti-dumping duty. The rates were set at the level of the dumping margins found since, as set out in recital 53 of Regulation (EC) No 371/94, the level necessary to remove injury was higher. As no new arguments were put forward in this respect, a definitive duty should be established at the levels of the dumping margins definitively determined in recital 8 of this Regulation.

J. Collection of the provisional duties

- (14) In view of the dumping margins established and the material injury caused to the Community industry, it is considered necessary that the amounts secured by way of the provisional anti-dumping duty should be definitively collected,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of large electrical capacitors, non-solid, aluminium electrolytic with a CV product (capacitance multiplied by rated voltage) between 8 000 and 550 000 µc (micro-coulombs) at a voltage of 160 V or more, falling within CN code ex 8532 22 00 (Taric codes: 8532 22 00 * 11, 8532 22 00 * 13, 8532 22 00 * 91 and 8532 22 00 * 93), and originating in the Republic of Korea and Taiwan.

2. The rate of duty applicable to the net free-at-Community-frontier price, before duty, shall be as follows :

Korea :

All companies : 70,6 %

Taiwan :

Kaimei Electronic Corp. : 10,7 % (additional Taric code 8773),

Other companies : 75,8 % (additional Taric code 8774).

3. The provisions in force concerning customs duties shall apply.

Article 2

The amounts secured by way of the provisional anti-dumping duty pursuant to Regulation (EC) No 371/94 shall be definitively collected in full.

Article 3

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 Luxembourg, 13 June 1994.

For the Council

The President

Th. PANGALOS

COUNCIL REGULATION (EC) No 1385/94

of 13 June 1994

opening and providing for the administration of Community tariff quotas for frozen hake fillets and for processing work in respect of certain textile products under Community outward processing arrangements

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Community has undertaken, within the framework of its external relations, to open each year for periods of, respectively, 1 July to 31 December and 1 September to 31 August of the following year, Community tariff quotas for 5 000 tonnes at 10 % duty for frozen fillets of hake presented in the form of industrial blocks with bones ('standard') and, after various adaptations, a duty-free Community tariff quota for ECU 1 870 000 of added value for various kinds of processing work in respect of certain textile products under outward processing arrangements; whereas the tariff quotas in question should accordingly be opened for the agreed periods and in accordance with the agreed elements;

Whereas provision should be made in particular to ensure equal and continuous access for those concerned to the quotas in question and consistent application, until the quotas are exhausted, of the rate prescribed for the said quotas to all goods which are imported or re-imported

into any of the Member States and which meet the prescribed conditions;

Whereas the decision for the opening, in the execution of its international obligations, of tariff quotas should be taken by the Community; whereas, to ensure the efficiency of a common administration of these quotas, there is no obstacle to authorizing the Member States to draw from the quota-volumes the necessary quantities corresponding to actual imports; whereas, however, this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 July to 31 December 1994 the customs duty applicable to the import of the products listed below shall be suspended at the levels and within the limit of the Community tariff quota shown herewith:

Order No	CN code (¹)	Description	Amount of quota (tonnes)	Quota duty (%)
09.0037	ex 0304 20 57	Frozen fillets of hake (<i>Merluccius</i> spp.) presented in the form of industrial blocks with bones ('standard')	5 000	10

(¹) Taric codes 0304 20 57 * 31 and 0304 20 57 * 39.

2. Where the Community has fixed a reference price for the products or categories of products concerned, imports of fillets of hake shall benefit from the relevant quota fixed in paragraph 1 only if the free-at-frontier price determined by the Member States in accordance with Article 22 of Regulation (EEC) No 3759/92 (¹), is at least equal to the reference price.

equal or lower customs duty under other preferential tariff treatment.

Article 2

3. Imports of these products shall not be charged against this tariff quota if they are already eligible for an

1. From 1 September 1994 to 31 August 1995 the customs duties applicable to re-imports of the following products shall be totally suspended within the limit of the Community tariff quota shown herewith:

(¹) OJ No L 388, 31. 12. 1992, p. 1. Regulation as last amended by Regulation (EEC) No 1891/93 (OJ No L 172, 15. 7. 1993, p. 1).

Order No	CN code	Description	Volume of tariff quota
09.2501		Goods resulting from processing work as provided for in the arrangement with Switzerland on processing traffic in textiles as follows : (a) processing work on woven fabrics falling within Chapters 50 to 55 and CN code 5809 00 00 (b) twisting or throwing, cabling and texturizing (whether or not combined with other processing work) of yarns falling within Chapters 50 to 55 and CN code 5605 00 00 (c) processing work on products falling within the following CN codes : 5606 00 Gimped yarn, and strip and the like of code 5404 or 5405, gimped (other than those of code 5605 and gimped horsehair yarn): chenille yarn (including flock chenille yarn); loop wale-yarn : — Other : 5606 00 91 — — Gimped yarn 5606 00 99 — — Other 5801 Woven pile fabrics and chenille fabrics, other than fabrics of code 5802 or 5806 : 5801 10 00 — Of wool or fine animal hair — Of cotton : 5801 22 00 — — Cut corduroy 5801 23 00 — — Other weft pile fabrics 5801 24 00 — — Warp pile fabrics, épinglé (uncut) 5801 25 00 — — Warp pile fabrics, cut 5801 26 00 — — Chenille fabrics — Of man-made fibres : 5801 32 00 — — Cut corduroy 5801 33 00 — — Other weft pile fabrics 5801 34 00 — — Warp pile fabrics, épinglé (uncut) 5801 35 00 — — Warp pile fabrics, cut 5801 36 00 — — Chenille fabrics 5801 90 — Of other textile materials : 5801 90 10 — — Of flax 5801 90 90 — — Other 5802 Terry towelling and similar woven terry fabrics, other than narrow fabrics of code 5806; tufted textile fabrics, other than products of code 5703 5804 Tulle and other net fabrics, not including woven, knitted or crocheted fabrics; lace in the piece, in strips or in motifs 5806 Narrow woven fabrics, other than goods of code 5807; narrow fabrics consisting of warp without weft assembled by means of an adhesive (bolducs) 5808 Braids in the piece; ornamental trimmings in the piece, without embroidery other than knitted or crocheted; tassels, pompoms and similar articles 6001 Pile fabrics, including 'long pile' fabrics and terry fabrics, knitted or crocheted 6002 Other knitted or crocheted fabrics	ECU 1 870 000 of value added

2. For the purposes of this Article :

(a) 'processing work' shall mean :

- for the purposes of paragraph 1 (a) and (c) appearing in the table : bleaching, dyeing, printing, flocking, impregnating, dressing and other work which changes the appearance or quality of the goods, without however changing their nature,

- for the purposes of paragraph 1 (b) appearing in the table : twisting or throwing, cabling and texturizing, whether or not combined with reeling, dyeing or other work which changes the appearance, quality or finish of the goods, without however changing their nature ;

(b) 'value added' shall mean the difference between the value for customs purposes as defined in Community

regulations on this subject at the time of re-importation and the value for customs purposes as it would be if the products were re-imported in the state in which they were exported.

3. Re-imports of products, resulting from this processing work may not be charged to the tariff quota if they are already free of customs duties under other preferential tariff arrangements.

Article 3

The tariff quota referred to in Articles 1 and 2 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

Article 4

If an importer presents in a Member State an entry for release for free circulation, including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The request for drawing, with the indication of the date of acceptance of the said declarations, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the entries for release for free

circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

If the quantities requested are greater than the available balance of the tariff quota, allocation shall be made on a pro rata basis with respect to the requests. Member States shall be informed thereof by the Commission.

Article 5

Each Member State shall ensure that importers of the products concerned have equal and continuous access to the quotas for such times as the balance of the tariff quota so permits.

Article 6

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 7

This Regulation shall enter into force on 1 July 1994.

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

Done at Luxembourg, 13 June 1994.

For the Council

The President

Th. PANGALOS

COMMISSION REGULATION (EC) No 1386/94

of 17 June 1994

on a special intervention measure for maize in Greece

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as amended by Commission Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 6 (2) thereof,

Whereas production of maize in Greece exceeds that country's requirements;

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

Whereas the Greek market can be relieved by the export of part of this surplus quantity of maize to the countries of zones I, II (a) (b) (c), III (a) (b), V, VI, VIII and to Cuba; whereas, in view of world market prices for maize, export is possible only with the aid of a refund;

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

Whereas, in the absence of adequate measures, significant quantities of maize may be expected to enter intervention storage in Greece during the marketing year in accordance with Article 4 of Regulation (EEC) No 1766/92, the only possibility of disposal being in any case export to the countries of zones I, II (a) (b) (c), III (a) (b), V, VI, VIII and to Cuba; whereas, to avoid the abovementioned intervention, a special intervention measure intended to relieve the Greek market should be taken urgently pursuant to Article 6 of the said Regulation; whereas, furthermore, such a measure should take the form of a direct export incentive, which would avoid the high cost to the Community budget of buying in and storing products which would in any case then have to be exported; whereas the granting of a refund, the amount of which would be determined by tendering and which would apply only to products exported from Greece, would be an appropriate measure for this purpose;

Whereas the purpose of the measure is such that refunds should be granted only on maize of the quality required

for acceptance for intervention, as defined in Commission Regulation (EEC) No 689/92⁽³⁾, as last amended by Regulation (EC) No 3134/93⁽⁴⁾; whereas the competent agency must make certain maize exported is of this standard;

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

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

Whereas, pursuant to the abovementioned Regulation (EEC) No 1533/93, the commitments on the part of the tenderer include the 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 the cereals in question should be actually exported from the Member State for which a particular intervention measure was implemented; whereas it is, therefore, necessary to restrict the use of export licences to exports from the Member State in which the licence was applied for;

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

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

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 74, 20. 3. 1992, p. 18.

⁽⁴⁾ OJ No L 280, 13. 11. 1993, p. 15.

⁽⁵⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁶⁾ OJ No L 21, 26. 1. 1994, p. 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A special intervention measure in the form of an export refund shall be applied in respect of 100 000 tonnes of maize produced in Greece.

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

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

Article 2

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

2. The invitation to tender shall relate to the quantity of maize referred to in Article 1 (1) for export to all the countries of zones I, II (a) (b) (c), III (a) (b), V, VI, VIII and to Cuba.

3. The invitation shall remain open until 27 July 1994. During the period of its validity weekly awards shall be made, for which the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

By way of derogation from Article 5 (4) of Regulation (EEC) No 1533/93, the time limit for submission of tenders under the first partial invitation to tender shall expire on 22 June 1994.

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

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

Article 3

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

Article 4

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

‘Κανονισμός (ΕΚ) αριθ. 1386/94, πιστοποιητικό ισχύος αποκλειστικά στην Ελλάδα’.

Article 5

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

Article 6

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

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until 30 September 1994.

However, licences issued before 1 July 1994 may be used only from that date.

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

Article 7

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

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

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

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

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

Sampling and analysis costs shall be met by the tenderer.

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

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

Article 8

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

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

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

Article 9

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

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

Done at Brussels, 17 June 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

**Weekly tender for the refund for the export of Greek maize to the countries of zones I, II
(a) (b) (c), III (a) (b), V, VI VIII and to Cuba**

(Regulation (EC) No 1386/94)

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

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

ANNEX II

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

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

COMMISSION REGULATION (EC) No 1387/94
of 16 June 1994
on the supply of sardines as food aid

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

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

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

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain recipients 715 tonnes of sardines;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

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

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

Done at Brussels, 16 June 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOTS A, B, C and D

1. **Operation Nos** ⁽¹⁾: 1012/93 (A), 1013/93 (B), 1014/93 (C) and 1015/93 (D)
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: UNRWA Headquarters, Supply Division, Vienna International Centre, PO Box 700, A-1400 Vienna (telex 135310 UNRWA A — fax (1) 230 75 29)
4. **Representative of the recipient**: UNRWA Field Supply and Transport Officer,
Ashdod: West Bank, PO Box 19149, Jerusalem (tel. 972 (2) 89 05 55; telex 26194 UNRWA IL; fax 972 (2) 81 65 64)
Latakia: PO Box 4313, Damascus, SAR (tel. 963 (11) 66 02 17; telex 412006 UNRWA SY; fax 963 (11) 24 75 13)
Beirut: PO Box 947, Beirut, Lebanon (tel. 86 31 32; telex 21430 UNRWA LE; fax 87 11 45 02 32 (via satellite))
Amman: PO Box 484, Amman, Jordan (tel. 962 (6) 74 19 14 — 77 22 26; telex 23402 UNRWA JFO JO; fax 962 (6) 68 54 76)
5. **Place or country of destination** ⁽³⁾:
 - lot A: Israel
 - lot B: Syria
 - lot C: Lebanon
 - lot D: Jordan
6. **Product to be mobilized**: Sardines (*sardina pilchardus Walbaum*)
7. **Characteristics and quality of the goods** ⁽⁴⁾ ⁽⁵⁾: Tinned headless sardines in vegetable oil (1993 or 1994 fishing, CN code 1604 13 19)
8. **Total quantity**: 715 tonnes
9. **Number of lots**: four (lot A: 375 tonnes; lot B: 84 tonnes; lot C: 100 tonnes; lot D: 156 tonnes)
10. **Packaging and marking** ⁽⁷⁾ ⁽⁸⁾: OJ No C 114, 29. 4. 1991, p. 1 (under VIII.A.2 and VIII.A.3)
Type of tins: 'easy open'
Markings in English: ('mackerel' must be replaced by 'sardine')
Supplementary markings:
 - on the cartons: 'UNRWA'
 - on the tins and the cartons: 'Expiry date: ' (date of manufacture plus four years)In case the required markings cannot be printed on the tins, they must be printed either on an outer packaging of each tin or on self-adhesive labels fixed on the tins.
The expiry date and the date of manufacture shall be printed on the tins and not on the self-adhesive labels.
11. **Method of mobilization**: the Community market
12. **Stage of supply**: lots A, B: free at port of landing — landed; lots C, D: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: lot A: Ashdod; lot B: Latakia
16. **Address of the warehouse and, if appropriate, port of landing**: Lot C: UNRWA depots in Beirut, Lebanon; lot D: UNRWA depots in Amman, Jordan
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 8— 21. 8. 1994
18. **Deadline for the supply**: lots A, B: 4. 9. 1994; lots C, D: 11. 9. 1994
19. **Procedure for determining the costs of supply**: tendering procedure
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 4. 7. 1994 (Brussels time)

21. **In the case of a second invitation to tender :**
 - (a) deadline for the submission of tenders : 12 noon on 18. 7. 1994 (Brussels time)
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 22. 8 — 4. 9. 1994
 - (c) deadline for the supply : Lots A, B : 18. 9. 1994 ; lots C, D : 25. 9. 1994
22. **Amount of tendering security :** ECU 15 per tonne
23. **Amount of delivery security :** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities⁽¹⁾ :** Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles ; (telex 22037 / 25670 AGREC B ; telefax : (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on application by the successful tenderer⁽²⁾ :** —

Notes :

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.

The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following document :

— sanitary certificate.

- (⁴) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
- (⁵) Commission delegation to be contacted by the successful tenderer : see OJ No C 114, 29. 4. 1991, p. 33.
- (⁶) The sanitary certificate and the certificate of origin must be signed and stamped by a Syrian consulate, including a statement that consular fees and charges have been paid (action 1013/93, lot B).
- (⁷) Lots A, C, D : Shipment to take place in 20-foot containers.

Lot A : the contracted shipping terms shall be considered full liner terms (liner in/liner out) free at port of landing container yard and are understood to cover 15 days — Saturdays, Sundays and official public and religious holidays excluded — free of container detention charges at the port of discharge taken from the day/time of the arrival of the vessel. The 15 days free of container detention charges should be clearly marked on the bill of landing. Bona fide detention charges levied in respect of container detention(s) in excess of the said 15 days as detailed above will be borne by UNRWA. UNRWA shall not pay/not be charged any container deposit fees.

After take over of the goods at the delivery stage, the recipient will bear all costs of shifting the containers for destuffing outside the port area and of returning them to the container yard.

Ashod : consignment to be stowed in 20-foot containers not more than 17 tonnes each, net.

- (⁸) Notwithstanding OJ No C 114, point VIII.A.3.(c) is replaced by the following : 'the words "European Community".'

COMMISSION REGULATION (EC) No 1388/94

of 17 June 1994

exempting certain Member States from the obligation to buy in certain fruit and vegetables

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 3669/93⁽²⁾, and in particular Article 19a (4) thereof,

Whereas Commission Regulation (EEC) No 1852/85 of 2 July 1985 laying down detailed rules of application with a view to exempt Member States from the obligation to buy in certain types of fruit and vegetables⁽³⁾ specified what information the Member States were to provide to the Commission with a view to their being exempted if they so requested, as provided for in Article 19a (4) of Regulation (EEC) No 1035/72, from intervention purchasing;

Whereas this information must concern either the proportion of each of the products indicated in Article 19a of Regulation (EEC) No 1035/72 marketed through recognized producer organizations or the proportion harvested in the Member State concerned during the last three marketing years;

Whereas the Member States have supplied this information; whereas the conditions for exemption laid down in Regulation (EEC) No 1852/85 are met by certain Member States for certain products for the 1994/95 marketing year; whereas those Member States which have so applied

should therefore be exempted from the obligation to make intervention purchases,

HAS ADOPTED THIS REGULATION:

Article 1

The following Member States are hereby exempted from the obligations to make intervention purchases, as provided for in Article 19a of Regulation (EEC) No 1035/72, of pears from 1 July to 31 August 1994, and peaches, apricots, tomatoes and aubergines during the 1994/95 marketing year:

Belgium,
Denmark,
Germany,
Ireland,
Luxembourg,
Netherlands,
United Kingdom.

This exemption shall apply in respect of Greece only to the pears during the summer period referred to above.

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, 17 June 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 174, 4. 7. 1985, p. 24.

COMMISSION REGULATION (EC) No 1389/94

of 17 June 1994

laying down detailed rules for the period 1 July 1994 to 30 June 1995 for the application of the import arrangements for fresh, chilled or frozen beef provided for in the Interim Agreements on trade between the Community and Bulgaria and Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3641/93 of 20 December 1993 on certain procedures for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community of the one part, and the Republic of Bulgaria of the other part⁽¹⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3642/93 of 20 December 1993 on certain procedures for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community of the one part, and Romania of the other part⁽²⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽³⁾, as last amended by Regulation (EC) No 1096/94⁽⁴⁾,

Whereas the Interim Agreement on trade and trade-related matters between the Community and the Republic of Bulgaria⁽⁵⁾, signed in Brussels on 8 March 1993, entered into force on 31 December 1993; whereas the Interim Agreement on trade and trade-related matters between the Community and Romania⁽⁶⁾, signed in Brussels on 1 February 1993, entered into force on 1 May 1993; whereas the said Agreements provide for a reduction in the levy and the Common Customs Tariff (CCT) duty on imports of fresh, chilled or frozen beef falling within CN codes 0201 and 0202 within certain quantity limits;

Whereas the Additional Protocols to the said Agreements lay down that the quantities of fresh, chilled or frozen beef falling within CN codes 0201 and 0202 specified in Annexes XIII a and XII a respectively to the Interim Agreements are to be subject to a reduction of 60 % in the levy and in the Common Customs Tariff (CCT) duty

from 1 July 1994 and that the quantities fixed in tonnes for the year 1995 are applicable from 1 July 1994 to 30 June 1995;

Whereas to ensure the regularity of imports of the quantities fixed for year 3, those quantities should be spread over the period 1 July 1994 to 30 June 1995;

Whereas provision is also made in the Annexes to the said Agreements for the quantities of meat exported from one of the two beneficiary countries in the context of triangular operations receiving Community financial assistance to be deducted from the available quantities; whereas, therefore, provision should be made for calculation mechanisms to take account of those operations;

Whereas, while recalling the provisions of the Interim Agreements intended to guarantee the origin of the product, the system should be managed on the basis of import licences; whereas, to that end, detailed rules should be laid down concerning, in particular, the submission of applications and the information which must be included on the applications and licences, notwithstanding certain provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁷⁾, as last amended by Regulation (EC) No 3519/93⁽⁸⁾, and of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽⁹⁾, as last amended by Regulation (EC) No 1084/94⁽¹⁰⁾; whereas it should also be laid down that the licences are to be issued after a delay for consideration and, where necessary, with the application of a single percentage reduction;

Whereas, in order to ensure efficient management of the system, provision should be made for the security in respect of the import licences under the said system to be fixed at ECU 10 per 100 kilograms; whereas the risk of speculation inherent in the system in question in the beef and veal sector requires that access to the system should be subject to precise conditions;

⁽¹⁾ OJ No L 333, 31. 12. 1993, p. 16.

⁽²⁾ OJ No L 333, 31. 12. 1993, p. 17.

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽⁴⁾ OJ No L 121, 12. 5. 1994, p. 9.

⁽⁵⁾ OJ No L 323, 23. 12. 1993, p. 2.

⁽⁶⁾ OJ No L 81, 2. 4. 1993, p. 2.

⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁸⁾ OJ No L 320, 22. 12. 1993, p. 16.

⁽⁹⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽¹⁰⁾ OJ No L 120, 11. 5. 1994, p. 30.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantities of fresh, chilled or frozen beef from 1 July 1994 to 30 June 1995 falling within CN codes 0201 and 0202 which may be imported within the framework of the import arrangements established by Article 15 (2) of the Interim Agreements shall be:

- 160 tonnes for meat originating in Bulgaria,
- 1 170 tonnes for meat originating in Romania.

2. The abovementioned quantities shall be staggered over the year as follows:

- 50 % during the period 1 July to 31 December 1994,
- 50 % during the period 1 January to 30 June 1995.

From the quantities available during the last period shall be deducted the quantities which are the subject of the triangular operations referred to in Annexes XII a to the Agreements with Bulgaria and Romania. However, the total quantities available for year 3 may not be less than the minimum quantities indicated therein.

3. If, during, year 3 the quantity for which applications for import licences have been submitted for the first period specified in the previous paragraph is less than the available quantity, the quantity remaining shall be added to the quantity available for the following period.

Article 2

1. The reduction in the import levy and in the CCT duties shall amount to 60 % of the full rates applying on the day of acceptance of the declaration of release for free circulation.

2. In order to qualify under the import arrangements referred to in Article 1:

- (a) applicants for import licences must be natural or legal persons who, at the time applications are submitted, can prove to the satisfaction of the competent authorities of the Member State concerned that they have been active in trade in beef and veal with third countries during the last 12 months and are entered in the official register of a Member State;
- (b) licence applications may be presented only in the Member State in which the applicant is registered;
- (c) licence applications must cover at least 15 tonnes of meat by product weight and at most the quantity available for the period in question;
- (d) Section 7 of licence applications and licences shall show the country of provenance and Section 8 shall

show the country of origin; licences shall carry with them an obligation to import from the country indicated;

(e) Section 20 of licence applications and licences shall show one of the following:

- Reglamento (CE) n° 1389/94,
- Forordning (EF) nr. 1389/94,
- Verordnung (EG) Nr. 1389/94,
- Κανονισμός (ΕΚ) αριθ. 1389/94,
- Regulation (EC) No 1389/94,
- Règlement (CE) n° 1389/94,
- Regolamento (CE) n. 1389/94,
- Verordening (EG) nr. 1389/94,
- Regulamento (CE) n° 1389/94.

(f) Section 24 of licences shall show one of the following:

- Exacción reguladora y derecho del AAC tal como establece el Reglamento (CE) n° 1389/94,
- Importafgift og FTT-told i henhold til forordning (EF) nr. 1389/94,
- Abschöpfung und Zoll des GZT gemäß Verordnung (EG) Nr. 1389/94,
- Εισφορά και δασμός του ΚΔ όπως προβλέπεται από τον κανονισμό (ΕΚ) αριθ. 1389/94,
- Levy and CCT duty as provided for in Regulation (EC) No 1389/94,
- Prélèvement et droit du TDC comme prévus par le règlement (CE) n° 1389/94,
- Prelievo e dazio della TDC a norma del regolamento (CE) n. 1389/94,
- Heffing en recht van het GDT overeenkomstig Verordening (EG) nr. 1389/94,
- Direito nivelador e direito da pac previstos no Regulamento (CE) n° 1389/94.

3. Notwithstanding Article 8 (2) of Regulation (EEC) No 2377/80, Section 16 of licence applications and licences may include one or more subheadings of CN codes 0201 and 0202.

Article 3

1. Licence applications may be lodged only:

- from 1 to 15 July 1994,
- from 3 to 13 January 1995.

2. Where the same applicant lodges more than one application relating to the same country of origin, all applications from that person shall be inadmissible.

3. The Member States shall notify the Commission of the applications lodged not later than the fifth working day following the end of the period for submission of applications. Such notification shall comprise a list of applicants and quantities applied for as well as countries of origin of the products.

All notifications, including notifications of invalid applications, shall be made by telex or fax, using the model in the Annex to this Regulation, where applications have been made.

4. The Commission shall decide to what extent quantities may be awarded in respect of licence applications.

If the quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage reduction in quantities applied for per country concerned.

5. Subject to a decision to accept applications by the Commission, licences shall be issued on :

- 8 August 1994,
- 6 February 1995.

6. Licences issued shall be valid throughout the Community.

Article 4

1. The full levy and the normal CCT duties shall be collected on quantities in excess of those stated on the import licence.

2. Import licences issued pursuant to this Regulation shall not be transferable.

3. The security for import licences shall be ECU 10 per 100 kilograms by weight of product and the term of validity of licences issued pursuant to Article 1 (2) shall expire on 30 June 1995.

4. Without prejudice to this Regulation, Regulations (EEC) Nos 3719/88 and 2377/80 shall apply.

Article 5

The products shall be released for free circulation on presentation of an EUR. 1 movement certificate issued by the exporting country in accordance with Protocol 4 annexed to the Interim Agreements.

Article 6

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

It shall apply with effect from 1 July 1994.

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

Done at Brussels, 17 June 1994.

For the Commission

René STEICHEN

Member of the Commission

(Application of Regulation (EC) No 1389/94)

Date _____ period _____

APPLICATION FOR IMPORT LICENCES AT REDUCED LEVY AND COMMON CUSTOMS TARIFF
(CTT) DUTY

Country of origin	Serial number	Applicant (name and address)	Quantity (tonnes)
Bulgaria			
		Total quantity applied for :	
Romania			
		Total quantity applied for :	
Total for the two countries			

Tel. :

COMMISSION REGULATION (EC) No 1390/94

of 17 June 1994

laying down detailed rules for the period 1 July 1994 to 30 June 1995 for the application of the import arrangements for fresh, chilled or frozen beef provided by the Europe Agreements between the Community and the Republic of Poland and the Republic of Hungary and by the Interim Agreement with the former Czech and Slovak Federal Republic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3491/93 of 13 December 1993 on certain procedures for applying the Europe Agreement establishing an association between the European Economic Communities and their Member States, of the one part, and the Republic of Hungary ⁽¹⁾ of the other part, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3492/93 of 13 December 1993 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland ⁽²⁾, of the other part, and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 520/92 of 27 February 1992 on certain procedures for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic ⁽³⁾, of the other part, as amended by Regulation (EEC) No 2235/93 ⁽⁴⁾, and in particular Article 1 thereof,

Whereas the Association Agreements between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Hungary and the Republic of Poland, of the other part, entered into force on 1 February 1994; whereas, pending the entry into force of the Association Agreement concluded with the former Czech and Slovak Federal Republic, the Community has decided to apply with effect from 1 March 1992 an interim agreement concluded with the aforesaid country, hereinafter referred to as 'Interim Agreement';

Whereas the Czech and Slovak Federal Republic was dissolved with effect from 1 January 1993; whereas, as successor States to the Czech and Slovak Federal Republic, the Czech Republic and the Slovak Republic will

continue to assume all obligations arising from all agreements between the Czech and Slovak Federal Republic and the European Communities, and in particular from the Interim Agreement; whereas the said Interim Agreement was amended by additional protocols and by Supplementary Protocols concluded with the Czech Republic and the Slovak Republic;

Whereas the protocols respective to the said Agreements lay down that the quantities of fresh, chilled or frozen beef falling within CN codes 0201 and 0202 specified in Annexes Xb and XIIIb respectively to the Agreements are to be subject to a reduction of 60 % in the levy and in the Common Customs Tariff (CCT) duty from 1 July 1993 and that the quantities fixed in tonnes for the year 1995 are applicable from 1 July 1994 to 30 June 1995;

Whereas to ensure the regularity of imports of the quantities fixed for year 4, those quantities should be spread over the period 1 July 1994 to 30 June 1995;

Whereas provision is also made for the quantities of meat exported from one of the four beneficiary countries in the context of triangular operations receiving Community financial assistance to be deducted from the available quantities; whereas, therefore, provision should be made for calculation mechanisms to take account of those operations;

Whereas, while recalling the provisions of the Agreements intended to guarantee the origin of the product, the system should be managed on the basis of import licences; whereas, to that end, detailed rules should be laid down concerning, in particular, the submission of applications and the information which must be included on the applications and licences, notwithstanding certain provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁵⁾, as last amended by Regulation (EEC) No 3519/93 ⁽⁶⁾, and of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export

⁽¹⁾ OJ No L 319, 21. 12. 1993, p. 1.

⁽²⁾ OJ No L 319, 21. 12. 1993, p. 4.

⁽³⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁴⁾ OJ No L 200, 10. 8. 1993, p. 5.

⁽⁵⁾ OJ No L 331, 2. 2. 1988, p. 1.

⁽⁶⁾ OJ No L 320, 22. 12. 1993, p. 16.

licences in the beef and veal sector⁽¹⁾, as last amended by Regulation (EEC) No 1084/94⁽²⁾; whereas it should also be laid down that the licences are to be issued after a delay for consideration and, where necessary, with the application of a single percentage reduction;

Whereas, in order to ensure efficient management of the system, provision should be made for the security in respect of the import licences under the said system to be fixed at ECU 10 per 100 kilograms; whereas the risk of speculation inherent in the system in question in the beef and veal sector requires that access to the system should be subject to precise conditions;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantity of beef which may be imported from 1 July 1994 to 30 June 1995 within the framework of the import arrangements established in Agreement shall be fixed at:

- 5 200 tonnes for meat originating in Poland,
- 6 200 tonnes for meat originating in Hungary,
- 2 500 tonnes for meat originating in the Czech Republic,
- 1 250 tonnes for meat originating in the Slovak Republic.

2. The abovementioned quantities shall be staggered over the year as follows:

- 25 % during the period 1 July to 30 September 1994,
- 25 % during the period 1 October to 31 December 1994,
- 25 % during the period 1 January to 31 March 1995,
- 25 % during the period 1 April to 30 June 1995.

From the quantities available during the last period shall be deducted the quantities which are the subject of the triangular operations referred to in Annexes Xb to the Agreements with Poland and Hungary and in Annexes XIIIb to the Supplementary Protocols to the Agreement with the former CSFR. However, the total quantities available for year 4 may not be less than the minimum quantities indicated therein.

3. If, during year 4, the quantity for which applications for import licences have been submitted for the first,

second or third period specified in the previous paragraph is less than the available quantity, the quantity remaining shall be added to the quantity available for the following period.

Article 2

1. The reduced import levy applicable to beef and veal shall amount to 60 % of the full rates applying on the day of acceptance of the declaration of release for free circulation.

2. In order to qualify under the import arrangements:

- (a) applicants for import licences must be natural or legal persons who, at the time applications are submitted, can prove to the satisfaction of the competent authorities of the Member State concerned that they have been active in trade in beef and veal with third countries during the last 12 months and are entered in the official register of a Member State;
- (b) licence applications may be presented only in the Member State in which the applicant is registered;
- (c) licence applications must cover at least 15 tonnes of meat by product with and at most the quantity available for the period in question;
- (d) Section 7 of licence applications and licences shall show the country of provenance and Section 8 shall show the country of origin; licences shall carry with them an obligation to import from the country indicated;
- (e) Section 20 of licence applications and licences shall show one of the following:

Reglamento (CE) n° 1390/94,
 Forordning (EF) nr. 1390/94,
 Verordnung (EG) Nr. 1390/94,
 Κανονισμός (ΕΚ) αριθ. 1390/94,
 Regulation (EC) No 1390/94,
 Règlement (CE) n° 1390/94,
 Regolamento (CE) n. 1390/94,
 Verordening (EG) nr. 1390/94,
 Regulamento (CE) n° 1390/94;

- (f) Section 24 of licences shall show one of the following:

Exacción reguladora, y derecho del AAC tal como establece el Reglamento (CE) n° 1390/94,
 Importafgift og FTT-told i henhold til til forordning (EF) nr. 1390/94,
 Abschöpfung und Zoll des GZT gemäß Verordnung (EG) Nr. 1390/94,
 Εισφορά και δασμός του ΚΔ όπως προβλέπεται από τον κανονισμό (ΕΚ) αριθ. 1390/94,

⁽¹⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽²⁾ OJ No L 120, 11. 5. 1994, p. 30.

Levy and CCT duty as provided for in Regulation (EC) No 1390/94,

Prélèvement et droit du TDC comme prévus par le règlement (CE) n° 1390/94,

Prelievo e dazio della TDC a norma del regolamento (CE) n. 1390/94,

Heffing en recht van het GDT overeenkomstig Verordening (EG) nr. 1390/94,

Direito nivelador e direito da PAC previstos no Regulamento (CE) n° 1390/94.

3. Notwithstanding Article 8 (2) of Regulation (EEC) No 2377/80, Section 16 of licence applications and licences may include one or more subheadings of CN codes 0201 and 0202.

Article 3

1. Licence applications may be lodged only:

- from 1 to 11 July 1994,
- from 1 to 10 October 1994,
- from 4 to 10 January 1995,
- from 1 to 10 April 1995.

2. Where the same applicant lodges more than one application relating to the same country of origin, all applications from that person shall be inadmissible.

3. The Member States shall notify the Commission of the applications lodged not later than the fifth working day following the end of the period for submission of applications. Such notification shall comprise a list of applicants and quantities applied for as well as countries of origin of the products.

All notifications, including notifications of invalid applications, shall be made by telex or fax, using the model in Annex I to this Regulation, where applications have been made.

4. The Commission shall decide to what extent quantities may be awarded in respect of licence applications.

If the quantities in respect of which licences have been applied for exceed the quantities available, the Commis-

sion shall fix a single percentage reduction in quantities applied for.

5. Subject to a decision to accept applications by the Commission, licences shall be issued on:

- 26 July 1994,
- 26 October 1994,
- 26 January 1995,
- 26 April 1995.

6. Licences issued shall be valid throughout the Community.

Article 4

1. Regulations (EEC) No 3719/88 and (EEC) No 2377/80 shall apply.

2. However, in the case of quantities imported pursuant to Article 8 (4) of Regulation (EEC) No 3719/88, the full levy and the normal CCT duties shall be collected on quantities in excess of those stated on the import licence.

3. Notwithstanding Article 9 (1) of Regulation (EEC) No 3719/88, import licences issued pursuant to this Regulation shall not be transferable.

4. Notwithstanding Articles 4 and 6 of Regulation (EEC) No 2377/80, the security or import licences shall be ECU 10 per 100 kilograms by weight of product and the term of validity of licences issued in respect of the latest period specified in Article 1 (2) shall expire on 30 June 1995.

Article 5

The products shall be released for free circulation on presentation of an EUR. 1 movement certificate issued by the exporting country in accordance with Protocol 4 annexed to the Interim Agreements.

Article 6

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

It shall apply with effect from 1 July 1994.

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

Done at Brussels, 17 June 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

(Application of Regulation (EC) No 1390/94)

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI/D/2 — BEEF AND VEAL SECTOR

Fax (32-2) 296 60 27

Date _____ period _____

APPLICATION FOR IMPORT LICENCES AT REDUCED LEVY AND COMMON CUSTOMS TARIFF
(CCT) DUTY

Member State :

Country of origin	Serial number	Applicant (name and address)	Quantity (tonnes)
Poland			
		Total quantity applied for :	
Hungary			
		Total quantity applied for :	
Czech Republic			
		Total quantity applied for :	
Slovak Republic			
		Total quantity applied for :	
Total for the four countries			

Member State : Fax No

Tel.

COMMISSION REGULATION (EC) No 1391/94

of 17 June 1994

amending for the eighth time Regulation (EC) No 3337/93 adopting exceptional support measures for the market in pigmeat in Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Commission Regulation (EEC) No 1249/89⁽²⁾, and in particular Article 20 thereof,

Whereas, because of the outbreak of classical swine fever in one production regions in Belgium, exceptional support measures for the market in pigmeat were adopted for that Member State in Commission Regulation (EC) No 3337/93⁽³⁾, as last amended by Regulation (EC) No 1300/94⁽⁴⁾;

Whereas, because of the length of the restrictions on the free movement of goods, the number of live pigs, piglets and young piglets laid down in Article 1 (2), and (3) of Regulation (EC) No 3337/93 which may be bought in by the Belgian intervention agency, is exhausted; whereas the restrictions on the free movement of goods continue and it is therefore necessary to increase the number of eligible animals as from 6 June 1994;

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

Done at Brussels, 17 June 1994.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 3337/93 is hereby amended as follows:

1. The following paragraph 4 and 5 are added to Article 1:

'4. If the numbers in paragraph 2 and 3 relating to live pigs are reached, the following 79 380 live pigs may be bought in on the terms laid down in paragraph 2 and the following 34 020 live pigs on the terms laid down in paragraph 3.

5. If the numbers in paragraph 2 and 3 relating to piglets and young piglets are reached, the following 46 200 piglets and young piglets may be bought in on the terms laid down in paragraph 2 and the following 19 800 piglets and young piglets on the terms laid down in paragraph 3.'

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 from 6 June 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 299, 4. 12. 1993, p. 23.

⁽⁴⁾ OJ No L 141, 4. 6. 1994, p. 40.

COMMISSION REGULATION (EC) No 1392/94

of 17 June 1994

amending for the seventh time Regulation (EC) No 3088/93 adopting exceptional support measures for the market in pigmeat in Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Commission Regulation (EEC) No 1249/89⁽²⁾, and in particular Article 20 thereof,

Whereas, because of the outbreak of classical swine fever in certain production regions in Germany, exceptional support measures for the market in pigmeat were adopted for that Member State in Commission Regulation (EC) No 3088/93⁽³⁾, as last amended by Regulation (EC) No 767/94⁽⁴⁾;

Whereas, because of the length of the restrictions on the free movement of goods, the number of live pigs laid down in Article 1 (2), (3) and (5) of Regulation (EC) No 3088/93 for which an aid may be granted for the delivery to the German authorities, is exhausted since 2 May 1994; whereas the restrictions on the free movement of goods continue and it is therefore necessary to increase the number of eligible live pigs as from this date;

Whereas the trade restrictions caused by the application of the veterinary measures disturb seriously the marketing of piglets raised in certain areas of the district of Weser-Ems; whereas it is therefore appropriate to include these areas in the exceptional market support measures;

Whereas the aid granted on the delivery of heavy pigs should be adjusted in line with the situation on the markets, taking account of the rise in market prices in the month of May 1994;

Whereas Community financing of the aid is dependent on more effective checks by the German authorities;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 3088/93 is hereby amended as follows:

1. The following paragraph 6 is added to Article 1:

'6. If the numbers in paragraphs 2, 3 and 5 relating to live pigs are reached, aid may be granted for the following 255 500 live pigs on the terms laid down in paragraph 2 and for the following 109 500 live pigs on the terms laid down in paragraph 3.'

2. The following subparagraph is added to Article 2 (1):

'However, young piglets and piglets raised in the zones of the district of Weser-Ems which are part of Annex I of the said Decision, can also be delivered.'

3. In Article 4 (1), 'ECU 105' is replaced by 'ECU 115'.

4. The following Article is inserted:

Article 5a

Community financing shall be subject to the introduction of the necessary checks by the German authorities.'

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 from 6 June 1994; however, the provisions of Article 1 (1) and (3) shall apply from 2 May 1994.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 277, 10. 11. 1993, p. 30.

⁽⁴⁾ OJ No L 90, 7. 4. 1994, p. 21.

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

Done at Brussels, 17 June 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 1393/94

of 17 June 1994

adopting exceptional support measures for the market in pigmeat in the Netherlands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Article 20 and the second paragraph of Article 22 thereof,

Whereas, because of the outbreak of classical swine fever in certain production regions in Belgium, which are located in the border area to the Netherlands, surveillance zones have been established by the Dutch authorities pursuant to Article 9 of Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever⁽³⁾, as last amended by Directive 93/384/EEC⁽⁴⁾; whereas, consequently, in these zones the trade in live pigs, fresh pigmeat and pigmeat products which have not been subjected to heat treatment is temporarily prohibited;

Whereas restrictions on the free movement of goods resulting from the application of veterinary measures are likely to bring about a serious disturbance of the market for pigmeat in the Netherlands; whereas exceptional market support measures, to apply for no longer than is strictly necessary, must accordingly be adopted with respect solely to live animals from the affected areas;

Whereas, with the aim of preventing a further spread of the disease, the pigs produced in the protection zones should be separated from normal trade in products intended for human consumption and processed into products intended for uses other than human consumption;

Whereas a buying-in price should be fixed at which piglets and live pigs in the surveillance zones are to be taken over by the intervention agency; whereas with the aim of preventing misuse, the buying-in of piglets which are fattened on closed-circuit holdings should be excluded;

Whereas provision should be made for the Dutch authorities to adopt all necessary control and surveillance measures and to inform the Commission accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 6 June 1994 the Dutch intervention agency shall buy live pigs weighing not less than 110 kg on average per batch and piglets weighing not less than 25 kg on average per batch.
2. The purchase of the first 2 800 live pigs and the first 4 200 piglets shall be financed from the Community budget.
3. The Netherlands are hereby authorized to purchase, in addition, at its own expense and on the terms laid down in this Regulation, a further 1 200 live pigs and 1 800 piglets.

Article 2

1. Only live pigs and piglets raised in the zones listed in the Annex to this Regulation can be bought in, provided that the veterinary provisions laid down by the Dutch authorities still apply in the areas on the day the animals are bought in.
2. Only piglets can be bought in which are not fattened in a closed-circuit holding or which cannot be used by a closed circuit holding for its own purposes.

Article 3

On the day they are bought in, the animals shall be weighed and killed in such a way as to prevent the disease from spreading.

They shall be transported without delay to a rendering plant and processed into products falling with CN codes 1501 00 11, 1506 00 00 and 2301 10 00.

These operations shall be carried out under permanent supervision of the competent Dutch authorities.

Article 4

1. The farm-gate buying-in price of live pigs weighing not less than 110 kilograms on average per batch shall be ECU 115 per 100 kilograms slaughtered weight.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 47, 21. 2. 1980, p. 11.

⁽⁴⁾ OJ No L 166, 8. 7. 1993, p. 34.

Where the average weight per batch is less than 110 kilograms but more than 106 kilograms, the buying-in price shall be ECU 98/100 kg.

In both cases, a coefficient of 0,83 is applied on the buying-in price.

2. The farm-gate buying-in price for piglets shall be ECU 36 per head. Where the average weight per batch is less than 25 kilograms but more than 24 kilograms, the buying-in price shall be ECU 31 per head.

Article 5

The competent Dutch authorities shall adopt all measures necessary to ensure compliance with the provisions of this Regulation and in particular with Article 2 hereof. They

shall inform the Commission accordingly as soon as possible.

Article 6

The competent Dutch authorities shall send the Commission each Wednesday the following information concerning the previous week:

- the number and total weight of the pigs bought in,
- the number and total weight of young piglets bought in.

Article 7

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

It shall apply from 6 June 1994.

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

Done at Brussels, 17 June 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

The area located in the province of Zeeland is delimited as follows :

From the border post 352, follow 'de Tol' towards the north-east to the crossroads with the 'Heilweg', follow this towards the south-east and continue into the 'Nieuwe Weg', follow this to the crossroads with the 'Krakeelweg', follow this towards the north-east to the crossroads with the 'Edeweg', follow this towards the north to the crossroads with the 'Kaai', follow this and continue into the 'Haven', follow this and continue into the 'Draaibrugseweg' (N 251), follow this towards the north-west to the crossroads with road N 58, follow this towards the north-east to the crossroads with road N 61 in the commune of Schoondijk, follow road N 61 towards the south-east to the crossroads with 'Statendijk 1', follow this to the crossroads with the 'Molentje', follow this to the crossroads with the 'Oranjedijk', follow this to the crossroads with the 'Mauritsweg', follow this to the crossroads with the 'Zachari-asweg', follow this to the crossroads with the 'Driewegenweg', follow this and continue into 'Scho-rerweg', follow this to the crossroads with the 'Hoofdplaatseweg' and the 'Driewegenweg', follow this towards the south east to the crossroads with road N 61, follow this towards the east to the crossroads with the 'Isabella' canal, follow this canal to the State border, follow the border towards the south-east to border post 352.

COMMISSION REGULATION (EC) No 1394/94

of 17 June 1994

amending Regulation (EC) No 1118/94 fixing for the 1994 marketing year the reference price for cherries

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

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

Whereas Commission Regulation (EC) No 1118/94⁽³⁾ fixes for the 1994 marketing year the reference prices for cherries falling within CN code 0809 20 ; whereas that code is subdivided into 'sour cherries' and 'other' in order to take account of the existence of two distinct products ;

Whereas it appears taking into account the situation on the market this year that application of the reference price may lead to market distortion in the case of sour cherries ; whereas, therefore, that product should be excluded from the reference prices for the 1994 marketing year ;

Whereas this Regulation is part of a set of measures to be adopted with regard to imports of sour cherries ; whereas,

therefore, it should be made applicable from the day following its publication ;

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

HAS ADOPTED THIS REGULATION :

Article 1

In Article 1 of Regulation (EC) No 1118/94, 'CN code 0809 20' is hereby replaced by 'CN codes 0809 20 40 and 0809 20 80'.

Article 2

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

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

Done at Brussels, 17 June 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. 16.

COMMISSION REGULATION (EC) No 1395/94
of 17 June 1994
establishing a minimum import price for sour cherries

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 3669/93⁽²⁾, and in particular Article 29 (2) thereof,

Whereas Commission Regulation (EC) No 1394/94 of 17 June 1994 amending Regulation (EC) No 1118/94 fixing for the 1994 marketing year the reference prices for cherries⁽³⁾ removes sour cherries from the scope of the reference prices for cherries; whereas, given the situation on the market this year, application of the reference price is no longer appropriate for that product; whereas, in the absence of a system of protection at the border, the marketing of Community production could be influenced by competition from third countries offering prices substantially lower than the prices at which Community products can be marketed; whereas, in such circumstances and in view of the experience of previous marketing years, the Community market would be at risk of serious disturbance, likely to jeopardize the objectives of Article 39 of the Treaty; whereas the existence of this threat is confirmed by requests for the adoption of safeguard measures by Germany and France;

Whereas, given the short marketing period for the products concerned, measures should be adopted forthwith in order to prevent low-price imports; whereas a system of minimum import prices and countervailing charges for products which do not comply with that price is the most appropriate system for that purpose;

Whereas Regulation (EEC) No 2707/72 of the Council laying down the conditions for applying protective measures for fruit and vegetables⁽⁴⁾ does not rule out the adoption of a minimum import price system;

Whereas two minimum price levels should be fixed, taking account of the prevailing import prices and the trend of imports; whereas consultations have been held with the principal supplier countries of sour cherries under the relevant provisions of the agreements concluded with such third countries,

HAS ADOPTED THIS REGULATION:

Article 1

1. The minimum price to be observed for imports into the Community of sour cherries shall be ECU 40 per 100

kilograms net for the product falling within CN code 0809 20 20 and ECU 36 per 100 kilograms net for the product falling within CN code 0809 20 60.

2. If the import price is lower than the minimum price referred to in paragraph 1, a countervailing charge equal to the difference between the two prices shall be levied.

Article 2

1. The minimum import price shall be deemed not to be complied with when the import price expressed in the currency of the Member State in which the product is released for free circulation is less than the minimum import price applicable on the day on which the declaration of release for free circulation is accepted.

2. The following factors shall constitute the import price:

- (a) the fob price in the country of origin;
- (b) transport and insurance costs to the point of entry into the customs territory of the Community.

3. For the purposes of paragraph 2, 'fob price' means the price paid or to be paid for the quantity of products contained in a consignment, including the costs of loading a consignment onto a means of transport at the place of shipment in the country of origin and other costs incurred in that country. The fob price shall not include the cost of any services to be borne by the seller from the time that the products are placed on board the means of transport.

4. Payment of the price to the seller shall be effected not later than three months after the day on which the declaration of release for free circulation is accepted by the customs authorities.

5. Where the factors referred to in paragraph 2 are expressed in a currency other than that of the importing Member State, the provisions on the valuation of goods for customs purposes shall be applied when converting such currency into the currency of the importing Member State.

Article 3

1. At the time of completion of the customs import formalities for release for free circulation, the customs authorities shall compare the import price of each consignment with the minimum import price.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 26.

⁽³⁾ See page 30 of this Official Journal.

⁽⁴⁾ OJ No L 291, 28. 12. 1972, p. 3.

2. The import price shall be indicated on the declaration of release for free circulation and the declaration shall be accompanied by all the documents required to verify the price.

3. In cases where :

- (a) the invoice presented to the customs authorities has not been drawn up by the exporter in the country in which the products originated,
or,
- (b) the authorities are not satisfied that the price declared in the declaration reflects the actual import price,
or,
- (c) payment has not been effected within the time limit provided for in Article 2 (4);

the competent authorities shall take the necessary measures to determine the actual import price, in particular by reference to the importer's resale price.

Article 4

The importer shall retain evidence of payment to the seller. That evidence and all commercial documents, in particular invoices, contracts and correspondence concerning the purchase and sale of the products, shall be kept available for examination by the customs authorities for a period of three years.

Article 5

Licences issued but not wholly or partially used prior to the date of entry into force of this Regulation may be surrendered on request. In that case, the security relating to the quantities concerned shall be released.

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

Done at Brussels, 17 June 1994.

Article 6

1. This Regulation shall not apply to products for which it can be shown that they have left the supplier country before the day of publication of this Regulation.

2. The parties concerned shall provide proof, to the satisfaction of the competent authorities, that the conditions set out in paragraph 1 have been complied with.

However, the competent authorities may regard the products as having left the supplier country before the day of publication of this Regulation if one of the following documents is submitted :

- in the case of transport by sea or waterway, the bill of loading showing that loading took place before that day,
- in the case of transport by rail, the consignment note accepted by the railways of the expediting country before that day,
- in the case of transport by road, the TIR (international road transport) carnet presented to the first customs office before that day,
- in the case of transport by air, the air consignment note showing that the airline received the products before that day.

3. Paragraphs 1 and 2 shall apply only insofar as the declaration of release for free circulation has been accepted by the customs authorities before 1 August 1993.

Article 7

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

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 1396/94

of 17 June 1994

amending Regulation (EC) No 1071/94 fixing the minimum import price
applicable to certain types of processed cherries during the 1994/95 marketing
year

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

Having regard to Council Regulation (EEC) No 426/86 of
24 February 1986 on the common organization of the
market in products processed from fruit and vegetables ⁽¹⁾,
as last amended by Regulation (EC) No 549/94 ⁽²⁾, and in
particular Article 9 (6) thereof,

Whereas Commission Regulation (EC) No 1071/94 of 6
May 1994 ⁽³⁾ fixes a minimum import price in respect of
the marketing year for processed cherries as listed in Part
B of Annex I to Regulation (EEC) No 426/86; whereas it
is appropriate, in view of the recent development in trade
in provisionally preserved cherries, to fix a minimum
import price for this product also; whereas the level of
the minimum price to be fixed must take into account
the criteria set out in Article 9 (2) of Regulation (EEC) No
426/86;

Whereas the Management Committee for Products
processed from Fruit and Vegetables has not reached an
opinion within the time-limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1071/94 is replaced by
the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the seventh 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, 17 June 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 69, 12. 3. 1994, p. 5.

⁽³⁾ OJ No L 117, 7. 5. 1994, p. 21.

ANNEX

(ECU/100 kg net weight)

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

COMMISSION REGULATION (EC) No 1397/94

of 17 June 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 16 June 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 18 June 1994.

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

Done at Brussels, 17 June 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 17 June 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	95,72 ^(*) ⁽³⁾
0712 90 19	95,72 ^(*) ⁽³⁾
1001 10 00	44,65 ⁽¹⁾ ⁽³⁾
1001 90 91	90,15
1001 90 99	90,15 ^(*)
1002 00 00	123,94 ^(*)
1003 00 10	125,96
1003 00 90	125,96 ^(*)
1004 00 00	102,45
1005 10 90	95,72 ^(*) ⁽³⁾
1005 90 00	95,72 ^(*) ⁽³⁾
1007 00 90	103,96 ^(*)
1008 10 00	36,00 ^(*)
1008 20 00	52,23 ^(*) ⁽³⁾
1008 30 00	0 ^(*)
1008 90 10	^(*)
1008 90 90	0
1101 00 00	165,39 ^(*)
1102 10 00	210,43
1103 11 10	102,66
1103 11 90	189,34
1107 10 11	171,35
1107 10 19	130,78
1107 10 91	235,09 ⁽¹⁰⁾
1107 10 99	178,41 ^(*)
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 1398/94

of 17 June 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 16 June 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 18 June 1994.

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

Done at Brussels, 17 June 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 17 June 1994 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 6	1st period 7	2nd period 8	3rd period 9
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	1,02	0	0
1001 90 99	0	1,02	0	0
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	2,49	0	0
1102 10 00	0	0	0	0
1103 11 10	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10
1107 10 11	0	1,82	0	0	0
1107 10 19	0	1,36	0	0	0
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)

COMMISSION

COMMISSION DECISION

of 31 May 1994

concerning information and publicity measures to be carried out by the Member States concerning assistance from the Structural Funds and the Financial Instrument for Fisheries Guidance (FIFG)

(94/342/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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 operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 32 (2) thereof,

Whereas the first subparagraph of Article 32 (2) of Regulation (EEC) No 4253/88 provides that the body responsible for implementing a measure carried out with financial assistance from the Community shall ensure that adequate publicity is given to the measure with a view to making potential beneficiaries and trade organizations aware of the opportunities afforded by the measure and making the general public aware of the role played by the Community in relation to the measure;

Whereas, pursuant to the second subparagraph of Article 32 (2) of that Regulation, Member States shall consult the Commission on, and inform it of, the initiatives taken for these purposes;

Whereas, in accordance with the third subparagraph of Article 32 (2), the Commission shall draw up detailed

arrangements for information and publicity concerning assistance from the Funds and the FIFG;

Whereas the Committees referred to in Articles 27 to 29 of Regulation (EEC) No 4253/88 have been informed by the Commission of the measures envisaged,

HAS ADOPTED THIS DECISION:

Article 1

The detailed provisions applicable to information and publicity concerning assistance from the Structural Funds and the FIFG shall be as defined in the Annex.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 31 May 1994.

For the Commission

Bruce MILLAN

Member of the Commission

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

ANNEX

DETAILED ARRANGEMENTS FOR INFORMATION AND PUBLICITY CONCERNING ASSISTANCE FROM THE STRUCTURAL FUNDS AND THE FIG**1. Objective and scope**

Information and publicity measures concerning assistance from the Structural Funds and the FIG are intended to increase public awareness and transparency of Community action and to create a consistent image of the measures concerned in all Member States. Information and publicity shall concern measures receiving a contribution from the European Regional Development Fund, the European Social Fund, the European Agricultural Guidance and Guarantee Fund, Guidance Section or the Financial Instrument for Fisheries Guidance.

The information and publicity measures described below shall refer to the Community support frameworks (CSFs) and to assistance from the Structural Funds and the FIG, particularly in the form of operational programmes, part-financing of aid schemes, global grants or large projects.

2. General principles

The national, regional and local authorities responsible for implementing CSFs, Community initiatives, operational programmes and other forms of assistance shall be responsible for publicity on the spot. Publicity shall be carried out in cooperation with the Commission's departments, which shall be informed of measures taken for this purpose.

The competent national and regional authorities shall take all the appropriate administrative steps to ensure the effective application of these arrangements and to collaborate with the Commission's departments.

3. Information and publicity concerning CSFs and Community initiatives, operational programmes and other forms of assistance

Information and publicity shall be the subject of a coherent set of measures defined by the competent national, regional and local authorities in collaboration with the Commission's departments for the duration of the CSF and shall concern both operational programmes and other forms of assistance.

The amounts provided for information and publicity shall be included in the provisional financing plans of the CSFs, operational programmes and other forms of assistance under the heading of technical assistance.

The Monitoring Committees shall examine the implementation of such measures and shall inform the Commission thereof.

When CSFs, operational programmes and other forms of assistance are implemented, the measures set out at (a), (b) and (c) below shall apply:

- (a) The competent authorities of the Member States shall publish the content of operational programmes and other forms of assistance in the most appropriate form, indicating the participation of the Structural Funds and, where applicable, the FIG. They shall ensure that such documents are appropriately disseminated and shall hold them available for interested parties. They shall ensure the consistent presentation throughout the territory of the Member State of information and publicity material produced, in accordance with point 4.
- (b) The abovementioned measures shall also apply where Community assistance is the subject of a single decision within the meaning of Article 10 (1) of Regulation (EEC) No 4253/88.
- (c) Information and publicity measures on the spot shall include the following:
 - (i) In the case of infrastructure investments with a cost exceeding ECU 500 000 for FIG and ECU 1 million for all other cases:
 - billboards erected on the sites,
 - permanent commemorative plaques for infrastructures accessible to the general public, to be installed in accordance with point 6.
 - (ii) In the case of productive investments, measures to develop local potential and all other measures receiving financial assistance from the Community:
 - measures to make potential beneficiaries and the general public aware of Community assistance;
 - measures targeting applicants for public aids part-financed by the Community, in the form of an indication on the forms to be filled out by such applicants, that part of the aid comes from the Community.

(iii) In the case of part-financed training and employment measures :

- measures making potential beneficiaries and trade organizations aware of the opportunities afforded by the measure ;
- measures making the general public aware of the role played by the Community in relation to measures financed in the field of vocational training, employment and the development of human resources.

4. Visibility of Community assistance in business circles and among potential beneficiaries and the general public

4.1. *Business circles*

Business circles must be involved as closely as possible with the assistance which concerns them most directly.

The authorities responsible for implementing assistance shall ensure the existence of appropriate channels for disseminating information to potential beneficiaries, particularly SMEs. These should include an indication of the administrative procedures to be followed. In the case of global grants, such information must, in particular, be channelled through the managing bodies and through organizations representing industry.

4.2. *Other potential beneficiaries*

The authorities responsible for implementing assistance shall ensure the existence of appropriate channels for disseminating information to all persons who benefit or could benefit from measures concerning training, employment or the development of human resources. To this end, they shall secure the cooperation of vocational training bodies, bodies involved in employment, business and groups of businesses, training centres and non-governmental organizations.

Forms

Forms issued by national, regional or local authorities concerning the announcement of, application for and grant of assistance intended for final beneficiaries or any other person eligible for such assistance shall indicate the part-financing by the Community and the Structural Fund(s) concerned or, where applicable, the FIFG. The notification of aid sent to beneficiaries shall mention the amount or percentage of the assistance financed by the instrument concerned. If such documents bear the national or regional emblem, they shall also bear the European emblem of the same size.

4.3. *The general public*

The media

The competent authorities shall inform the media in the most appropriate manner about structural actions co-financed by the Community. Community participation shall be fairly reflected in this information.

To this end, the launch of operations (once they have been adopted by the Commission) and important phases in their implementation shall be the subject of information measures, particularly in respect of regional media (press, radio and television). Appropriate collaboration must be ensured with the Commission's office in the Member State concerned.

The principles laid down in the two preceding paragraphs shall apply to advertisements such as press releases or publicity communiqués.

Information events

The organizers of information events such as conferences, seminars, fairs and exhibitions in connection with the implementation of operations part-financed by a Structural Fund or the FIFG shall undertake to make explicit the participation of the Community. The opportunity could be taken of displaying the European flag in meeting rooms and the emblem upon documents depending on the circumstances. The Commission's offices in the Member States shall assist, as necessary, in the preparation and implementation of such events.

Information material

Publications (such as brochures and pamphlets) about programmes or similar measures should, on the title page, contain a clear indication of the Community's participation as well as the European emblem where the national or regional emblem is used.

Where publications include a preface, it should be signed by both the person responsible in the Member State and, for the Commission, the Member of the Commission or Director-General concerned, to ensure that the Community's participation is made clear.

Such publications shall refer to the national and regional bodies responsible for informing interested parties.

The abovementioned principles shall also apply to audiovisual material.

5. The work of the Monitoring Committees

- 5.1. The Monitoring Committees shall ensure that there is adequate information concerning their work. To this end, each Monitoring Committee shall inform the media, as often as they consider it necessary, of the progress of the programme(s) or the CSF, as applicable, for which it is responsible. The chairman shall be responsible for contacts with the press. He shall be assisted by the Commission's representative(s).

Appropriate arrangements shall also be made, in collaboration with the Commission's departments and offices in the Member States, when important events are held in connection with the Monitoring Committee's meetings, such as high-level meetings or inaugurations.

- 5.2. The Commission's representatives in the Monitoring Committees, in collaboration with the national and regional authorities responsible for implementing operational programmes, shall ensure compliance with the provisions adopted concerning publicity, particularly those concerning billboards and commemorative plaques.

Information on publicity measures and suitable evidence such as photographs shall be submitted to the Monitoring Committees by the authorities responsible for implementing programmes. The Committees shall forward to the Commission all the information which it needs to take into account for the annual report provided for in Article 31 of Regulation (EEC) No 4253/88.

Such information must enable the Commission to ascertain that the provisions of this Decision have been complied with.

6. Special arrangements concerning billboards, commemorative plaques and posters

In order to ensure the visibility of measures part-financed by one of the Structural Funds or the FIFG, Member States shall ensure that the following information and publicity measures are complied with :

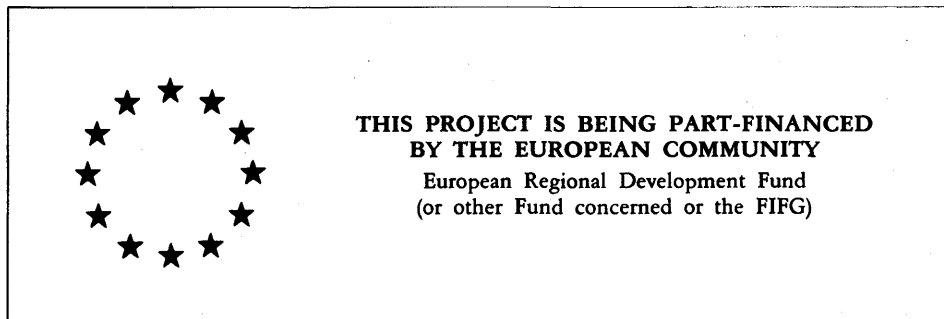
Billboards

In accordance with point 3, billboards shall be erected on the sites of projects concerning part-financed investments and infrastructures with a cost exceeding the amounts mentioned at point 3 (c) (i). Such billboards shall include a space reserved for the indication of the Community's participation.

Billboards must be of a size which is appropriate to the scale of the operation.

The section of the billboard reserved for the Community must meet the following criteria :

- it shall take up at least 25 % of the total area of the billboard ;
- it shall bear the standardized European emblem and the following text, to be presented as below :



- the letters used to mention Community assistance must be at least the same size as the letters used to indicate national participation.

Where the competent national or regional authorities do not erect a billboard announcing their own involvement in the financing of a project, the Community's assistance must be announced on a special billboard. In such cases, the above provisions concerning the Community part shall apply by analogy.

Billboards shall be removed not later than six months after completion of the work and replaced, wherever possible, by a commemorative plaque in accordance with the following provisions.

Commemorative plaques

Permanent commemorative plaques shall be placed at sites accessible to the general public (congress centres, airports, stations, etc.). In addition to the European emblem, such plaques must mention the Community's part-financing together with an indication of the Structural Fund(s) concerned or the FIFG.

Posters

In order to make beneficiaries and the general public aware of the role played by the Community in the development of human resources, vocational training and employment, the competent authorities shall display posters about the European Social Fund and the development of human resources, particularly in employment agencies, large vocational training centres and the premises of bodies implementing vocational training and employment measures which have received assistance from the said Fund.

Where a national, regional or local authority or another final beneficiary decides to erect a billboard, place a commemorative plaque, display a poster or take any other step to provide information about projects with a cost of less than ECU 1 million, the Community's participation must also be indicated.

7. Final provisions

The national, regional or local authorities concerned may, in any event, carry out additional measures if they deem this appropriate.

They shall consult the Commission and inform it of the initiatives they take so that the Commission may participate appropriately in their realization.

In order to facilitate the implementation of these provisions, the Commission shall provide technical assistance where necessary, and shall make a practical manual available to the authorities concerned.
