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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1613/94
of 4 July 1994
on the supply of vegetable oil 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 4 394 tonnes of vegetable oil;

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

Vegetable oil shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the Annexes, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. 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, 4 July 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 I

LOTS A, B and C

1. **Operation Nos⁽¹⁾**: see Annex II
2. **Programme**: 1993 and 1994
3. **Recipient⁽²⁾**: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland (tel. (31 70) 33 05 757; telefax 36 41 701; telex 30960 NL EURON)
4. **Representative of the recipient⁽³⁾**: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods⁽⁴⁾⁽⁷⁾**: see OJ No C 114, 29. 4. 1991, p. 1 (under IIIA (1)(a))
8. **Total quantity**: 2 118 tonnes net
9. **Number of lots**: three (see Annex II)
10. **Packaging and marking⁽⁶⁾⁽⁷⁾**: see OJ No C 114, 29. 4. 1991, p. 1 (under IIIA (2)(1), IIIA (2)(3) and IIIA (3))
 - Five litre metal canister without cardboard crosspieces,
 - markings in English (A 1 - A 9; B 6; C), Portuguese (B 5) and French (A 10; B 1 - B 4 + B 7 - B 17)
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 5 — 25. 9. 1994
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply⁽⁵⁾**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 19. 7. 1994
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 2. 8. 1994
 - (b) period for making the goods available at the port of shipment: 19. 9 — 9. 10. 1994
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities⁽¹⁾**: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles (telex 22037 AGREC B/25670 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on request by the successful tenderer**: —

LOT D

1. **Operation No** (1): 1612/93
2. **Programme**: 1993
3. **Recipient** (2): World Food Programme, Via Cristoforo Colombo 426, I-00145 Roma; tel. (39-6) 57 97; telex 626675 I WFP
4. **Representative of the recipient**: OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Sudan
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods** (3) (7): OJ No C 114, 29. 4. 1991, p. 1 (under IIIA.1 (a))
8. **Total quantity**: 426 tonnes net
9. **Number of lots**: one
10. **Packaging and marking** (6): OJ No C 114, 29. 4. 1991, p. 1 (under IIIA.2.1, IIIA.2.3 and IIIA.3)
 - five litre metal canister without cardboard cross-pieces
 - markings in English; supplementary markings: 'Date of expiry: ...'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 15 — 28. 8. 1994
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply** (4): tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 19. 7. 1994, (Brussels time)
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 2. 8. 1994
 - (b) period for making the goods available at the port of shipment: 29. 8 — 11. 9. 1993
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** (1): Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles; telex 22037 / 25670 AGREC B; telefax (32-2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04
25. **Refund payable on request by the successful tenderer**: —

LOTS E and F

1. **Operation Nos** ⁽¹⁾: 1635/93 (E); 1636/93 (F)
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: Peru
4. **Representative of the recipient**:
Programa Nacional de Asistencia Alimentaria (Pronaa), av. Argentina 3017, Callao; tel. 29 10 65, fax 33 76 35
5. **Place or country of destination** ⁽³⁾: Peru
6. **Product to be mobilized**: refined sunflower oil
7. **Characteristics and quality of the goods** ⁽³⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under III.A.1 (b))
8. **Total quantity**: 1 850 tonnes net
9. **Number of lots**: two (E: 925 tonnes; F: 925 tonnes)
10. **Packaging and marking** ⁽⁴⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under III.A.2 (1), III.A.2.3 and III.A.3) five-litre metal canister, without cardboard cross-pieces, placed in 20-foot containers
Markings in Spanish
Supplementary markings: 'DISTRIBUCIÓN GRATUITA'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: PRONAA, av. Argentina No 3017, Callao
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 2. 8. — 4. 9. 1994
18. **Deadline for the supply**: 16. 10. 1994
19. **Procedure for determining the costs of supply** ⁽⁵⁾: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 19. 7. 1994
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 2. 8. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 5 — 18. 9. 1994
 - (c) deadline for the supply: 30. 10. 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**: —

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.

Radiation certificate must be issued by official authorities and be legalized for the following countries : Sudan (Lot D).

- (4) Article 7 (3) (g) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
- (5) Commission delegation to be contacted by the successful tenderer : Av. Paseo de la República, 3755-5° Piso, San Isidro, Lima 27 [Tel : (51-14) 40 30 97 ; Fax : 40 97 63]
- (6) The supplier should send a duplicate of the original invoice to : Willis Corroon Scheuer, PO Box 1315, NL-1000 BH Amsterdam.
- (7) The successful tenderer shall supply to the beneficiary or its representative, on delivery, a sanitary certificate.
- (8) Shipment to take place in 20-foot containers, FLC/FCL. The supplier will be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient will be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.

The provisions of Article 13 (2), second subparagraph, of Regulation (EEC) No 2200/87 shall not apply.

The successful tenderer must submit to the recipient's agent a complete packing list of each container, specifying the number of metal canisters belonging to each shipping number as specified in the invitation to tender. The rows of cartons (each third tier) must be separated by a hardboard layer (minimum 2 300 × 610 × 3 mm).

The successful tenderer must seal each container with a numbered locktainer (sysko locktainer 180 seal), the number of which is to be provided to the recipient's forwarder.
- (9) Notwithstanding OJ No C 114, point III.A.3 (c) is replaced by the following : 'the words "European Community"'.

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

Lote	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción n°	Pais de destino
Parti	Totalmængde (i tons)	Delmængde (i tons)	Aktion nr.	Bestemmelsesland
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Bestimmungsland
Παρτίδα	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Χώρα προορισμού
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Country of destination
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action n°	Pays de destination
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Paese di destinazione
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Land van bestemming
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Acção n°	Pais de destino
A	930	A1 : 240	1642/93	Eritrea
		A2 : 90	1643/93	India
		A3 : 90	1644/93	India
		A4 : 30	1645/93	India
		A5 : 30	1646/93	India
		A6 : 15	1647/93	India
		A7 : 45	309/94	India
		A8 : 15	310/94	India
		A9 : 15	311/94	Lesotho
		A10 : 360	312/94	Rwanda
B	528	B1 : 30	313/94	Niger
		B2 : 15	314/94	Niger
		B3 : 30	315/94	Niger
		B4 : 15	316/94	Niger
		B5 : 108	439/94	Brasil
		B6 : 15	480/94	Sierra Leone
		B7 : 15	479/94	Burkina Faso
		B8 : 15	349/94	Burkina Faso
		B9 : 15	350/94	Burkina Faso

Lote	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción n°	País de destino
Parti	Totalmængde (i tons)	Delmængde (i tons)	Aktion nr.	Bestemmelsesland
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Bestimmungsland
Παρτίδα	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Χώρα προορισμού
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Country of destination
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action n°	Pays de destination
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Paese di destinazione
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Land van bestemming
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Acção n°	País de destino
		B10 : 15	351/94	Burkina Faso
		B11 : 15	352/94	Burkina Faso
		B12 : 30	353/94	Benin
		B13 : 30	354/94	Benin
		B14 : 45	355/94	Benin
		B15 : 45	356/94	Benin
		B16 : 30	357/94	Benin
		B17 : 60	358/94	Benin
C	660		438/94	Kenya

COMMISSION REGULATION (EC) No 1614/94**of 1 July 1994**

re-establishing the levying of the customs duties applicable to products falling within CN code 8509 originating in China, to which the preferential tariff arrangements of Council Regulation (EEC) No 3831/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3831/90 of 20 December 1990 ⁽¹⁾ applying generalized tariff preferences for 1991 in respect of certain industrial products originating in developing countries, extended for 1994 by Regulation (EC) No 3668/93 of 20 December 1993 ⁽²⁾, and in particular Article 9 thereof,

Whereas, pursuant to Article 1 of Regulation (EEC) No 3831/90, customs duties on certain products originating in each of the countries of territories listed in Annex III are totally suspended from 1 January 1994 to 30 June 1994, and the products as such are, as a general rule, subject to statistical surveillance every three months on the reference base referred to in Article 8;

Whereas, as provided for in Article 8, where the increase of preferential imports of these products, originating in one or more beneficiary country, threatens to cause economic difficulties in a region of the Community, the levying of customs duties may be reintroduced, once the Commission has had an appropriate exchange of information with the Member States; whereas for this purpose the reference base to be considered is equal, as a general rule, to 6,615 % of the total importations into the Community, originating from third countries in 1988;

Whereas, in the case of the products of the combined nomenclature code and origin indicated in the table below, the reference base is fixed at the levels indicated in that table:

CN code	Origin	Reference base (ECU)
8509	China	8 050 000

Whereas that reference base was reached on 30 April 1994 by charges of imports into the Community of the products in question originating in China; whereas the exchange of information organized by the Commission has demonstrated that continuance of the preference threatens to cause economic difficulties in a region of the Community; whereas, therefore, customs duties must be reintroduced for the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

As from 8 July 1994, the levying of customs duties, suspended from 1 January 1994 to 30 June 1994 in pursuance of Council Regulation (EEC) No 3831/90 shall be reintroduced on imports into the Community of the products indicated in the table below:

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 22.

CN code	Description	Origin
8509 00	Electro-mechanical domestic appliances, with self-contained electric motor :	China
8509 10	– Vacuum cleaners :	
8509 10 10	– – For a voltage of 110 volts or more	
8509 10 90	– – For a voltage of less than 110 volts	
8509 20 00	– Floor polishers	
8509 30 00	– Kitchen waste disposers	
8509 40 00	– Food grinders and mixers ; fruit or vegetable juice extractors	
8509 80 00	– Other appliances	
8509 90	– Parts :	
8509 90 10	– – Of vacuum cleaners or floor polishers	
8509 90 90	– – Other	

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, 1 July 1994.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EC) No 1615/94

of 1 July 1994

concerning the stopping of fishing for cod by vessels flying the flag of Belgium, Denmark, Greece, Ireland, Italy, Luxembourg and the Netherlands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, and in particular Article 21 (3) thereof,Whereas Council Regulation (EC) No 3676/93 of 21 December 1993 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1994 and certain conditions under which they may be fished⁽²⁾, provides for cod quotas for 1994;

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

Whereas, according to the information communicated to the Commission, catches of cod in the waters of ICES divisions I, II b by vessels flying the flag of Belgium, Denmark, Greece, Ireland, Italy, Luxembourg and the Netherlands or registered in Belgium, Denmark, Greece,

Ireland, Italy, Luxembourg and the Netherlands have reached the quota allocated for 1994,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES divisions I, II b by vessels flying the flag of Belgium, Denmark, Greece, Ireland, Italy, Luxembourg and the Netherlands or registered in Belgium, Denmark, Greece, Ireland, Italy, Luxembourg and the Netherlands are deemed to have exhausted the quota allocated to Belgium, Denmark, Greece, Ireland, Italy, Luxembourg and the Netherlands for 1994.

Fishing for cod in the waters of ICES divisions I, II b by vessels flying the flag of Belgium, Denmark, Greece, Ireland, Italy, Luxembourg and the Netherlands or registered in Belgium, Denmark, Greece, Ireland, Italy, Luxembourg and the Netherlands is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

Article 2

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, 1 July 1994.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 341, 31. 12. 1993, p. 1.

COMMISSION REGULATION (EC) No 1616/94

of 1 July 1994

concerning the stopping of fishing for cod by vessels flying the flag of Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, and in particular Article 21 (3) thereof,

Whereas Council Regulation (EC) No 3676/93 of 21 December 1993 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1994 and certain conditions under which they may be fished⁽²⁾, provides for cod quotas for 1994;

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

Whereas, according to the information communicated to the Commission, catches of cod in the waters of ICES division III a Skagerrak by vessels flying the flag of Germany or registered in Germany have reached the quota allocated for 1994; whereas Germany has prohi-

bited fishing for stock as from 23 June 1994; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES division III a Skagerrak by vessels flying the flag of Germany or registered in Germany are deemed to have exhausted the quota allocated to Germany for 1994.

Fishing for cod in the waters of ICES division III a Skagerrak by vessels flying the flag of Germany or registered in Germany is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 23 June 1994.

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

Done at Brussels, 1 July 1994.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 341, 31. 12. 1993, p. 1.

COMMISSION REGULATION (EC) No 1617/94

of 4 July 1994

amending Regulation (EEC) No 3652/81 laying down detailed rules for implementing the system of advance fixing certificates for refunds in the poultrymeat and eggs sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EEC) No 1574/93 ⁽²⁾, and in particular Article 9 ⁽³⁾ thereof,

Whereas Commission Regulation (EEC) No 3652/81 ⁽³⁾, as last amended by Regulation (EC) No 3501/93 ⁽⁴⁾, lays down special detailed rules for the application of the system of advance fixing certificates for poultrymeat and eggs; whereas the provision concerning the statement of the destination zone on the application for a certificate for poultrymeat products, given that Commission Regulation (EEC) No 1175/81 ⁽⁵⁾ determining the destinations zones in question has been repealed, should be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 3 of Regulation (EEC) No 3652/81 is replaced by the following:

Article 3

For products in the poultrymeat sector, the application for a certificate and the certificate itself shall bear, in section 13, a statement of the country of destination of the product.'

Article 2

This Regulation shall enter into force on 1 August 1994.

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

Done at Brussels, 4 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 152, 24. 6. 1993, p. 1.

⁽³⁾ OJ No L 364, 19. 12. 1981, p. 19.

⁽⁴⁾ OJ No L 319, 21. 12. 1993, p. 25.

⁽⁵⁾ OJ No L 120, 8. 4. 1981, p. 77.

COMMISSION REGULATION (EC) No 1618/94

of 4 July 1994

amending Regulation (EC) No 121/94 relating to the exemption from the import levy for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic and the Slovak Republic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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, of the other part⁽¹⁾, and in particular Article 1 thereof,

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 Communities and their Member States, of the one part, and the Republic of Hungary, of the other part⁽²⁾, and in particular Article 1 thereof,

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽⁵⁾, as last amended by Commission Regulation (EEC) No 2193/93⁽⁶⁾, and in particular Article 9 thereof,

Whereas Commission Regulation (EC) No 121/94 of 25 January 1994 relating to the exemption from the import levy for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic and the Slovak Republic⁽⁷⁾ specifies the quantities of barley, wheat flour and non-roasted malt

originating in the Czech and Slovak Republics which enjoy preferential access under the Interim Agreement concluded with those countries; whereas the volumes for each of the Republics concerned resulting from the Additional Protocols concluded following the dissolution of the Czech Federal Republic were subsequently discovered to have been calculated incorrectly and must therefore be amended for the 1994/95 and 1995/96 marketing years;

Whereas it is necessary also to amend the period of validity of the import licences in order to bring it into line with the marketing year and by so doing ensure that the rate of importation specified in the Agreements is observed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 121/94 is hereby amended as follows:

1. Article 3 is replaced by the following:

Article 3

Article 8 (1) of Regulation (EEC) No 891/89 notwithstanding, import licences shall be valid from their date of issue until the end of the third month following that in which they were issued. Nevertheless, the validity of licences shall be restricted to the end of July, where licences issued in respect of the previous year's quantity are concerned.

2. The Annex is replaced by the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ No L 319, 21. 12. 1993, p. 4.

⁽²⁾ OJ No L 319, 21. 12. 1993, p. 1.

⁽³⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁴⁾ OJ No L 200, 10. 8. 1993, p. 5.

⁽⁵⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽⁶⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽⁷⁾ OJ No L 21, 26. 1. 1994, p. 3.

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

Done at Brussels, 4 July 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

I. Products originating in the Republic of Hungary

(tonnes)

Period	1. 7. 1993 to 30. 6. 1994	1. 7. 1994 to 30. 6. 1995	1. 7. 1995 to 30. 6. 1996
Levy reduction (%)	60	60	60
CN code 1001 90 99	200 000	216 000	232 000

II.A. Products originating in the Czech Republic

(tonnes)

Period	1. 1 to 30. 6. 1994	1. 7. 1994 to 30. 6. 1995	1. 7. 1995 to 30. 6. 1996
Levy reduction (%)	60	60	60
CN code 1003 00 90	23 667	25 400	27 400
CN code 1101 00 00	15 667	12 750	13 500
CN code 1107 10 99	24 371	31 800	33 900

II.B. Products originating in the Slovak Republic

(tonnes)

Period	1. 1 to 30. 6. 1994	1. 7. 1994 to 30. 6. 1995	1. 7. 1995 to 30. 6. 1996
Levy reduction (%)	60	60	60
CN code 1003 00 90	12 600	12 600	13 600
CN code 1101 00 00	7 833	12 750	13 500
CN code 1107 10 99	12 186	12 700	13 600

III. Products originating in the Republic of Poland

(tonnes)

Period	1. 7. 1993 to 30. 6. 1994	1. 7. 1994 to 30. 6. 1995	1. 7. 1995 to 30. 6. 1996
Levy reduction (%)	60	60	60
CN code 1008 10 00	3 800	4 100	4 350

COMMISSION REGULATION (EC) No 1619/94

of 4 July 1994

amending and correcting Regulations (EEC) No 1912/92 and (EEC) No 2254/92
laying down detailed implementing rules for the specific measures for supplying
the Canary Islands with products from the beef and veal sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Community,

Having regard to Council Regulation (EEC) No 1601/92
of 15 June 1992 introducing specific measures for the
Canary Islands concerning certain agricultural products ⁽¹⁾,
as last amended by Commission Regulation (EEC)
No 1974/93 ⁽²⁾, and in particular Articles 3 (4), 4 (4) and 5
(2) thereof,

Whereas Regulation (EEC) No 1601/92 provides for the
establishment, for the beef and veal sector and for the
period 1 July 1994 to 30 June 1995, of the quantities of
the specific supply balances for the Canary Islands with
beef and veal, male bovines for fattening and pure-bred
breeding animals;

Whereas the quantities of the forecast supply balances for
those products were fixed by Commission Regulation
(EEC) No 1912/92 ⁽³⁾, as last amended by Regulation (EC)
No 577/94 ⁽⁴⁾, and Commission Regulation (EEC) No
2254/92 ⁽⁵⁾, as last amended by Regulation (EEC)
No 2138/93 ⁽⁶⁾;

Whereas, pending further information to be supplied by
the competent authorities, and in order to guarantee
continuity of the specific supply arrangements, the balance
laid down in Article 2 of Regulation (EEC) No 1601/92
should be adopted for a period limited to three months
on the basis of the quantities determined for the 1993/94
marketing year;

Whereas, for the quantities made available for the first
three months of the period from 1 July 1994 to 30 June

1995, a derogation should be provided from the condi-
tions under which the licences and certificates provided
for in Article 6 of Regulation (EEC) No 1912/92 are
requested and issued;

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. Annex I to Regulation (EEC) No 1912/92 is hereby
replaced by Annex I to this Regulation.
2. Annex I to Commission Regulation (EEC)
No 2254/92 is hereby replaced by Annex II to this Regu-
lation.
3. Annex III to Regulation (EEC) No 1912/92 is
hereby replaced by Annex III to this Regulation.

Article 2

By derogation from Article 6 (1) and (2) of Regulation
(EEC) No 1912/92, for the forecast supply balance quanti-
ties fixed for the first three months of the period from
1 July 1994 to 30 June 1995:

- applications for licences and certificates shall be
submitted in the first five days of each month,
- licences and certificates shall be issued on the 10th
day of each month.

Article 3

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.

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 192, 11. 7. 1992, p. 31.

⁽⁴⁾ OJ No L 74, 17. 3. 1994, p. 1.

⁽⁵⁾ OJ No L 219, 4. 8. 1992, p. 34.

⁽⁶⁾ OJ No L 191, 31. 7. 1993, p. 94.

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

Done at Brussels, 4 July 1994.

For the Commission
René STEICHEN
Member of the Commission

ANNEX I

ANNEX I

Canary Islands : forecast supply balance for beef and veal sector products for period 1 July to 30 September 1994

<i>(tonnes)</i>		
CN code	Description	Quantity
0201	Meat of bovine animals, fresh or chilled	2 750
0202	Meat of bovine animals, frozen	7 000
1602 50	Other preparations or preserves containing meat or offal of domestic bovine species	625'

ANNEX II

ANNEX I

Supply balance for the Canary Islands for male bovine animals for fattening for the period 1 July to 30 September 1994

CN code	Description	Number of animals (head)
ex 0102 90	Bovine animals for fattening	3 000'

ANNEX III

ANNEX III

Canary Islands : supply of pure-bred breeding bovines originating in the Community for the period 1 July 1993 to 30 June 1994

CN code	Description	Number of animals to be supplied	Aid (ECU/head)
0102 10 00	Pure-bred breeding bovines ⁽¹⁾	1 075	750

⁽¹⁾ Entry under this subheading is subject to conditions laid down in the relevant Community provisions.'

COMMISSION REGULATION (EC) No 1620/94
of 4 July 1994

**amending and correcting Regulations (EEC) No 1913/92 and (EEC) No 2255/92
laying down detailed implementing rules for the specific measures for supplying
the Azores and Madeira with products from the beef and veal sector**

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

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

Whereas Regulation (EEC) No 1600/92 provides for the establishment, for the beef and veal sector and for the period 1 July 1994 to 30 June 1995, of the quantities of the specific supply balances for the Azores and Madeira with beef and veal, male bovines for fattening and purebred breeding animals;

Whereas the quantities of the forecast supply balances for those products were fixed by Commission Regulation (EEC) No 1913/92 ⁽³⁾, as last amended by Regulation (EC) No 577/94 ⁽⁴⁾, and by Commission Regulation (EEC) No 2255/92 ⁽⁵⁾, as last amended by Regulation (EEC) No 2139/93 ⁽⁶⁾;

Whereas, pending further information to be supplied by the competent authorities, and in order to guarantee continuity of the specific supply arrangements, the balance laid down in Article 2 of Regulation (EEC)

No 1601/92 should be adopted for a period limited to three months on the basis of the quantities determined for the 1993/94 marketing year;

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. Annex I to Regulation (EEC) No 1913/92 is hereby replaced by Annex I to this Regulation.
2. Annex I to Regulation (EEC) No 2255/92 is hereby replaced by Annex II to this Regulation.
3. Annex III to Regulation (EEC) No 1913/92 is hereby replaced by Annex III to this Regulation.

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 1 July 1994.

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

Done at Brussels, 4 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.
⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.
⁽³⁾ OJ No L 192, 11. 7. 1992, p. 35.
⁽⁴⁾ OJ No L 74, 17. 3. 1994, p. 1.
⁽⁵⁾ OJ No L 219, 4. 8. 1992, p. 37.
⁽⁶⁾ OJ No L 191, 31. 7. 1993, p. 96.

*ANNEX I**'ANNEX I*

**Madeira : forecast supply balance for beef and veal sector products for the period
1 July to 30 September 1994**

(tonnes)

CN code	Description of goods	Quantity
0201	Meat of bovine animals, fresh or chilled	750
0202	Meat of bovine animals, frozen	500'

*ANNEX II**'ANNEX I*

**Supply balance for Madeira for male bovine animals for fattening for the period from 1
July to 30 September 1994**

CN code	Description	Number of animals (head)
ex 0102 90	Bovine animals for fattening	725'

*ANNEX III**'ANNEX III***PART 1**

**Azores : Supply of pure-bred breeding bovines originating in the Community for the
period from 1 July to 30 September 1994**

CN code	Description	Number of animals to be supplied	Aid (ECU/head)
0102 10 00	Pure-bred breeding bovines ('):	40	750

PART 2

**Madeira : Supply of pure-bred bovines originating in the Community for the period from 1
July to 30 September 1994**

CN code	Description	Number of animals to be supplied	Aid (ECU/head)
0102 10 00	Pure-bred breeding bovines ('):	50	750

(') Entry under this subheading is subject to the conditions laid down in the relevant Community provisions.'

COMMISSION REGULATION (EC) No 1621/94

of 4 July 1994

amending Regulation (EEC) No 2312/92 and (EEC) No 1148/93 laying down detailed rules for implementing the specific measures for supplying the French overseas departments with live bovine animals and breeding horses

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

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as amended by Commission Regulation (EEC) No 3714/92⁽²⁾, and in particular Articles 4 (5) and 9 thereof,

Whereas, for the purposes of Articles 4 and 7 of Regulation (EEC) No 3763/91, the number of bovine animals and pure-bred breeding horses originating in the Community eligible for aid with a view to developing the potential for production in the French overseas departments (FOD) and the number of male bovine animals eligible for exemption from duties on direct imports from third countries or for aid for deliveries originating in the rest of the Community for the 1994/95 marketing year should be determined;

Whereas the quantities of the forecast supply balances for those products were fixed by Regulation (EEC) No 2312/93⁽³⁾ and (EEC) No 1148/93⁽⁴⁾, as last amended by Regulation (EEC) No 2789/93⁽⁵⁾;

Whereas, pending further information to be supplied by the competent authorities, and in order to guarantee continuity of the specific supply arrangements, the balance laid down in Article 2 of Regulation (EEC) No 1601/92 should be adopted for a period limited to

three months on the basis of the quantities determined for the 1993/94 marketing year;

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

Annex I to Regulation (EEC) No 2312/92 is hereby replaced by Annex I to this Regulation.

Article 2

Annex III to Regulation (EEC) No 2312/92 is hereby replaced by Annex II to this Regulation.

Article 3

The Annex to Regulation (EEC) No 1148/93 is hereby replaced by Annex III to this Regulation.

Article 4

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

It shall apply with effect from 1 July 1994.

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

Done at Brussels, 4 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No L 222, 7. 8. 1992, p. 32.

⁽⁴⁾ OJ No L 116, 12. 5. 1993, p. 15.

⁽⁵⁾ OJ No L 254, 12. 10. 1993, p. 1.

*ANNEX I**ANNEX I***PART 1**

Supply balance for Réunion for male bovine animals for fattening for the period 1 July to 30 September 1994

CN code	Description	Number of animals
ex 0102 90	Bovine animals for fattening	225

PART 2

Supply balance for Guyana for male bovine animals for fattening for the period 1 July to 30 September 1994

CN code	Description	Number of animals
ex 0102 90	Bovine animals for fattening	190'

*ANNEX II**ANNEX III***PART 1**

Supply to Réunion of pure-bred breeding bovines originating in the Community for the period 1 July to 30 September 1994

CN code	Description	Number of animals to be supplied	Aid (ECU/head)
0102 10 00	Pure-bred breeding bovines (¹)	45	1 000

PART 2

Supply to Guyana of pure-bred breeding bovines originating in the Community for the period 1 July to 30 September 1994

CN code	Description	Number of animals to be supplied	Aid (ECU/head)
0102 10 00	Pure-bred breeding bovines (¹)	45	1 000

PART 3

Supply to Martinique of pure-bred breeding bovines originating in the Community for the period 1 July to 30 September 1994

CN code	Description	Number of animals to be supplied	Aid (ECU/head)
0102 10 00	Pure-bred breeding bovines (¹)	10	1 000

PART 4

Supply to Guadeloupe of pure-bred breeding bovines originating in the Community for the period 1 July to 30 September 1994

CN code	Description	Number of animals to be supplied	Aid (ECU/head)
0102 10 00	Pure-bred breeding bovines (¹)	10	1 000

(¹) Entry under this subheading is subject to the conditions laid down in the relevant Community provisions.

ANNEX III**ANNEX****PART 1**

Supply to French Guiana of pure-bred breeding horses originating in the Community for the period 1 July to 30 September 1994

(ECU/head)

CN code	Description of the goods	Number of animals to be supplied	Aid
0101 11 00	Pure-bred breeding horses ⁽¹⁾	4	1 000

PART 2

Supply to Martinique of pure-bred breeding horses originating in the Community for the period 1 July to 30 September 1994

(ECU/head)

CN code	Description of the goods	Number of animals to be supplied	Aid
0101 11 00	Pure-bred breeding horses ⁽¹⁾	3	1 000

⁽¹⁾ Inclusion in this subheading is subject to the conditions provided for by Council Directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae (OJ No L 224, 18. 8. 1990, p. 55).

COMMISSION REGULATION (EC) No 1622/94

of 4 July 1994

amending Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds

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

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Commission Regulation (EEC) No 1574/93⁽²⁾, and in particular Article 9 (3) thereof,

Whereas until now whole chickens as well as cuts thereof have been classified without distinction of age under the same subheadings of the agricultural product nomenclature for export refunds; whereas account must be taken of the particular situation of the markets, and in particular of their respective values by virtue of the age of the chickens when the export refunds are set; whereas it is therefore necessary to make a distinction between the meat of chickens raised for breeding and egg laying on the one hand and the meat of chicken raised of fattening on the other;

Whereas Commission Regulation (EEC) No 3846/87⁽³⁾, as last amended by Regulation (EC) No 607/94⁽⁴⁾, estab-

lished on the basis of the combined nomenclature an agricultural product nomenclature for refunds; whereas that Regulation must be amended to provide for the abovementioned distinction;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Sector 8 of the Annex to Regulation (EEC) No 3846/87, the data concerning CN codes 0207 10 11, 0207 10 15, 0207 10 19, 0207 21, 0207 39 13, 0207 39 21, 0207 39 23, ex 0207 39 25, 0207 41 11, 0207 41 41, 0207 41 51 and ex 0207 41 71 shall be replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 August 1994.

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

Done at Brussels, 4 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 152, 24. 6. 1993, p. 1.

⁽³⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 77, 19. 3. 1994, p. 5.

ANNEX

CN code	Description of goods	Product code
0207 10 11	-- Fowls of the species <i>Gallus domesticus</i> : -- -- Plucked and gutted, with heads and feet, known as '83 % chickens' -- -- -- With completely ossified sternum tips, femurs and tibias -- -- -- Other	0207 10 11 100 0207 10 11 900
0207 10 15	-- -- Plucked and drawn, without heads and feet but with necks, hearts, livers and gizzards, known as '70 % chickens' -- -- -- With completely ossified sternum tips, femurs and tibias -- -- -- Other	0207 10 15 100 0207 10 15 900
0207 10 19	-- -- Plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as '65 % chickens', or otherwise presented : -- -- -- 'chickens 65 %' -- -- -- -- With completely ossified sternum tips, femurs and tibias -- -- -- -- Other -- -- -- Otherwise presented : -- -- -- -- With completely ossified sternum tips, femurs and tibias -- -- -- -- Other	0207 10 19 110 0207 10 19 190 0207 10 19 910 0207 10 19 990
0207 21	-- Fowls of the species <i>Gallus domesticus</i> :	
0207 21 10	-- -- Plucked and drawn, without heads and feet but with necks, hearts, livers and gizzards, known as '70 % chickens' -- -- -- With completely ossified sternum tips, femurs and tibias -- -- -- Other	0207 21 10 100 0207 21 10 900
0207 21 90	-- -- Plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as '65 % chickens', or otherwise presented : -- -- -- 'chickens 65 %': -- -- -- -- With completely ossified sternum tips, femurs and tibias -- -- -- -- Other -- -- -- Otherwise presented : -- -- -- -- With completely ossified sternum tips, femurs and tibias -- -- -- -- Other	0207 21 90 110 0207 21 90 190 0207 21 90 910 0207 21 90 990

CN code	Description of goods	Product code
0207 39 13	----- Halves and quarters :	
	----- Of birds with completely ossified sternum tips, femurs and tibias	0207 39 13 100
	----- Other	0207 39 13 900
0207 39 21	----- Breasts and cuts thereof :	
	----- Of birds with completely ossified sternum tips (1)	0207 39 21 100
	----- Other (1)	0207 39 21 900
0207 39 23	----- Legs and cuts thereof	
	----- Of birds with completely ossified femurs and tibias	0207 39 23 100
	----- Other	0207 39 23 900
ex 0207 39 25	----- Others :	
	----- Halves or quarters without rumps :	
	----- Of birds with completely ossified sternum tips, femurs and tibias	0207 39 25 110
	----- Other	0207 39 25 190
	----- Cuts consisting of a whole leg or part of a leg and part of the back where the weight of the part of the back does not exceed 25 % of the total weight	
	----- Of birds with completely ossified femurs	0207 39 25 210
	----- Other	0207 39 25 290
	----- Cuts consisting of both unseparated hind quarters with or without the rump :	
	----- Of birds with completely ossified femurs	0207 39 25 310
	----- Other	0207 39 25 390
	----- Cuts consisting of the two wings and a part of the back where the weight of the part of the back does not exceed 45 % of the total weight	0207 39 25 400
0207 41 11	----- Halves and quarters :	
	----- Of birds with completely ossified sternum tips, femurs and tibias	0207 41 11 100
	----- Other	0207 41 11 900
0207 41 41	----- Breasts and cuts thereof :	
	----- Of birds with completely ossified sternum tips (1)	0207 41 41 100
	----- Other (1)	0207 41 41 900
0207 41 51	----- Legs and cuts thereof :	
	----- Of birds with completely ossified femurs and tibias	0207 41 51 100
	----- Other	0207 41 51 900

CN code	Description of goods	Product code
ex 0207 41 71	----- Other :	
	----- Halves or quarters without the rump :	
	----- Of birds with completely ossified sternum tips, femurs and tibias	0207 41 71 110
	----- Other	0207 41 71 190
	----- Cuts consisting of a whole leg or part of the back where the weight of the part of the back does not exceed 25 % of the total weight	
	----- Of birds with completely ossified femurs	0207 41 71 210
	----- Other	0207 41 71 290
	----- Cuts consisting of both unseparated hind quarters with or without the rump :	
	----- Of birds with completely ossified femurs	0207 41 71 310
	----- Other	0207 41 71 390
	----- Cuts consisting of the two wings and a part of the back where the weight of the part of the back does not exceed 45 % of the total weight	0207 41 71 400

(¹) The refund is paid only if the sternum is present.

COMMISSION REGULATION (EC) No 1623/94

of 4 July 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 1561/94 ⁽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 1 July 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 1561/94 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 5 July 1994.

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

Done at Brussels, 4 July 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 166, 1. 7. 1994, p. 74.

ANNEX

to the Commission Regulation of 4 July 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	107,50 ⁽²⁾ ⁽³⁾
0712 90 19	107,50 ⁽²⁾ ⁽³⁾
1001 10 00	30,49 ⁽¹⁾ ⁽⁵⁾
1001 90 91	77,04
1001 90 99	77,04 ⁽²⁾
1002 00 00	101,58 ⁽⁶⁾
1003 00 10	101,49
1003 00 90	101,49 ⁽²⁾
1004 00 00	90,18
1005 10 90	107,50 ⁽²⁾ ⁽³⁾
1005 90 00	107,50 ⁽²⁾ ⁽³⁾
1007 00 90	110,89 ⁽⁴⁾
1008 10 00	14,06 ⁽⁷⁾
1008 20 00	30,80 ⁽⁴⁾ ⁽⁸⁾
1008 30 00	0 ⁽⁷⁾
1008 90 10	⁽⁷⁾
1008 90 90	0
1101 00 00	145,97 ⁽²⁾
1102 10 00	180,32
1103 11 10	82,79
1103 11 90	167,26
1107 10 11	148,01
1107 10 19	113,34
1107 10 91	191,53 ⁽¹⁰⁾
1107 10 99	145,86 ⁽²⁾
1107 20 00	168,19 ⁽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 1624/94

of 4 July 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 (EC) No 1562/94⁽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 1 July 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 5 July 1994.

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

Done at Brussels, 4 July 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 166, 1. 7. 1994, p. 77.

ANNEX

to the Commission Regulation of 4 July 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 7	1st period 8	2nd period 9	3rd period 10
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	8,78	8,78	8,78
1001 90 91	0	0	0	0
1001 90 99	0	0	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	0	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 7	1st period 8	2nd period 9	3rd period 10	4th period 11
1107 10 11	0	0	0	0	0
1107 10 19	0	0	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

COMMISSION REGULATION (EC) No 1625/94
of 4 July 1994
fixing the import levies on white sugar and raw sugar

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 133/94⁽²⁾, and in particular Article 16 (8) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as amended by Regulation (EC) No 3528/93⁽⁴⁾, and in particular Article 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EC) No 1573/94⁽⁵⁾, as amended by Regulation (EC) No 1603/94⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EC) No 1573/94 to the information known to the Commission that the levies

at present in force should be altered to the amounts set out in the Annex hereto;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 1 July 1994, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 July 1994.

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

Done at Brussels, 4 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 166, 1. 7. 1994, p. 99.

⁽⁶⁾ OJ No L 168, 2. 7. 1994, p. 1.

ANNEX

to the Commission Regulation of 4 July 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽²⁾
1701 11 10	33,40 ⁽¹⁾
1701 11 90	33,40 ⁽¹⁾
1701 12 10	33,40 ⁽¹⁾
1701 12 90	33,40 ⁽¹⁾
1701 91 00	39,12
1701 99 10	39,12
1701 99 90	39,12 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42), as last amended by Regulation (EEC) No 1428/78 (OJ No L 171, 28. 6. 1978, p. 34).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

⁽³⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 27 June 1994

on the extension of the legal protection of topographies of semiconductor products to persons from the United States of America

(94/373/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 87/54/EEC of 16 December on the legal protection of topographies of semiconductor products⁽¹⁾, and in particular Article 3 (7) thereof,

Having regard to the proposal from the Commission,

Whereas the right to the legal protection of topographies of semiconductor products in the Community applies to persons qualifying for protection pursuant to Article 3 (1) to (5) of Directive 87/54/EEC;

Whereas this right can be extended by Council Decision to persons who do not benefit from protection under the said provisions;

Whereas extension of the protection in question should, as far as possible, be decided by the Community as a whole;

Whereas such protection has been extended to the United States of America since 7 November 1987 by successive Council Decisions taken on an interim basis⁽²⁾, the last being Decision 94/4/EC;

Whereas that Decision is applicable until 1 July 1994;

Whereas protection has been extended to companies and other legal persons from the United States of America since 26 October 1990, the Commission having repeatedly determined since that date that the United States of America fulfils the condition of reciprocity laid down in Article 1 (2) of the Council Decisions extending protection to it⁽³⁾;

Whereas the last Commission Decision making such a determination is Decision 94/142/EC applicable until 1 July 1994;

Whereas the United States of America has appropriate legislation and is expected to continue to protect topographies of semiconductor products under its national law and to make this protection available to natural persons, companies and other legal persons from the Member States of the Community benefiting from the right to protection pursuant to Directive 87/54/EEC;

Whereas all Member States of the European Community have adopted national measures implementing Directive 87/54/EEC;

Whereas it is appropriate to continue to extend the protection in question to the United States of America to 1 July 1995, pending implementation of the Agreement on trade-related aspects of intellectual property rights, which forms part of the results of the Uruguay Round of multilateral trade negotiations embodied in the Marrakesh Final Act of 15 April 1994,

⁽¹⁾ OJ No L 24, 27. 1. 1987, p. 36.

⁽²⁾ Decision 87/532/EEC (OJ No L 313, 4. 11. 1987, p. 22), 90/511/EEC (OJ No L 285, 17. 10. 1990, p. 31), 93/16/EEC (OJ No L 11, 19. 1. 1993, p. 20), 94/4/EC (OJ No L 6, 8. 1. 1994, p. 23).

⁽³⁾ Commission Decision 90/541/EEC (OJ No L 307, 7. 11. 1990, p. 21), 93/217/EEC (OJ No L 94, 20. 4. 1993, p. 30), 94/142/EC (OJ No L 61, 4. 3. 1994, p. 30).

HAS ADOPTED THIS DECISION:

Article 1

Member States shall extend the legal protection provided for pursuant to Directive 87/54/EEC as follows:

- (a) natural persons who are nationals of the United States of America or who have their habitual residence in the territory of the United States of America shall be treated as if they were nationals of a Member State;
- (b) companies and other legal persons of the United States of America which have a real and effective industrial or commercial establishment in that country shall be treated as if they had a real and effective industrial or commercial establishment in the territory of a Member State.

Article 2

This Decision shall apply from 2 July 1994.

Member States shall extend legal protection under this Decision to the persons referred to in Article 1 until 1 July 1995.

Any exclusive rights acquired pursuant to Decisions 87/532/EEC, 90/511/EEC, 93/16/EEC, 94/4/EC or this Decision shall continue to produce their effects for the period laid down by Directive 87/54/EEC.

Article 3

This Decision is addressed to the Member States.

Done at Luxembourg, 27 June 1994.

For the Council

The President

C. SIMITIS

COMMISSION

COMMISSION DECISION

of 2 February 1994

on Sicilian Regional Law No 23/1991 concerning extraordinary assistance for industry and Article 5 of Sicilian Regional Law No 8/1991 concerning, in particular, financing for Sitas

(Only the Italian text is authentic)

(Text with EEA relevance)

(94/374/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Communities and, in particular, the first subparagraph of Article 93 (2) thereof,

Having, in accordance with the abovementioned Article, given the interested parties notice to submit their comments,

Whereas :

I

When, by letter of 9 February 1993, the Italian Government was notified that the procedure initiated under Article 93 (2) of the EC Treaty, in respect of aid to the alkaline salts industry (C 35/91) was being terminated⁽¹⁾, the Commission reserved the right to decide on Article 5 of Sicilian Regional Law No 8/1991 concerning an allocation of Lit 20 billion to Sitas.

The Commission also informed the Italian Government, by letter of 6 May 1992, that it had decided to initiate the Article 93 (2) procedure in respect of Sicilian Regional Law No 23/1991 granting extraordinary assistance to industry.

As part of that procedure, the Commission gave the Italian Government notice to present its comments and, as it possessed very little information on the Law in question, to provide the information it needed to determine

whether the provisions in question were compatible with Community law.

A notice published in the *Official Journal of the European Communities*⁽²⁾ informed the other Member States and interested parties of the procedure. No comments were received from them.

II

The information requested was sent by the Office of the Italian Permanent Representative in letters dated 5 August 1992, 14 September 1992, 15 January 1993 and 2 February 1993. Further details were obtained at two meetings held in Brussels on 15 June 1992 and 19 February 1993 between the Commission departments and a delegation from the Italian administration.

III

Regional Law No 23/1991 comprises a package of various measures aimed at public-sector enterprises, private companies, regional public bodies and individuals. The measures may be summarized as follows :

Article 1 : The Law allocates a further Lit 125 billion (or some ECU 67,57 million) to a special fund managed by Resais, a service company which manages the redundant employees of the enterprises controlled by the regional holding company ESPI and by the two other regional holding companies Az.A.S. and EMS.

The Italian authorities state that Resais is not engaged in production. Its task is to manage workers made redundant by the regional holding companies with a view to integrating them, as far as possible and on a case-by-case basis,

⁽¹⁾ OJ No C 59, 2. 3. 1993, p. 4.

⁽²⁾ OJ No C 137, 27. 5. 1992, p. 4.

into regional public-sector bodies. In practice, this means that their unemployed status is prolonged under special circumstances and subject to specific arrangements. The amounts allocated to Resais are intended to cover its operating costs.

Article 2: This Article allows Resais, under certain conditions, to take over responsibility for workers made redundant by Imesi and IMEA, companies controlled by ESPI, under the scheme provided for in Article 1.

Article 3: This Article concerns the transfer of redundant workers from an ESPI-controlled company to Resais.

Article 4: Provision is made here for the allocation to ESPL of Lit 4 billion (some ECU 2,16 million) to make good losses incurred by Sirap, an engineering firm controlled by ESPI.

Article 5: This Article provides for the allocation of Lit 65 billion (some ECU 35,14 million to EMS).

According to the information provided by the Italian authorities, this sum is earmarked to assist Sitas, which is controlled by EMS and another public body. Sitas owns four hotels in Sicily, two of which are managed under franchise by private individuals. Of the allocation, an amount of Lit 17 billion (some ECU 9,19 million) is earmarked for repurchasing the shares held by private partners, while the remaining Lit 48 billion (some ECU 25,95 million) is intended to cover a capital increase and to make good losses.

EMS had already been allocated Lit 20 billion (some ECU 10,8 million) under Article 5 of Regional Law No 8/1991 for the purpose of buying back enough shares to increase its holding to 95 %. When it adopted its aid decision concerning alkaline salts (C 35/91), the Commission reserved its position on the Article 5 aid in order to take account of the results of its examination of the present case. Sitas is not engaged in any activity other than its hotel business.

Article 6: This Article provides for cost-of-living adjustments in respect of early-retirement benefit for former sulphur miners managed by EMS, in the form of a contribution of Lit 2,5 billion (some ECU 1,35 million) for both 1992 and 1993 to a wage guarantee fund administered by EMS.

Article 7: An amount of Lit 5 billion (some ECU 2,7 million) is earmarked for Az.A.S. for the restructuring of the cement company IMAC, to be achieved through the early retirement of redundant workers.

Article 8: An amount of Lit 25 billion (some ECU 13,5 million) is intended to cover remuneration not benefiting from State assistance under arrangements such as the wage guarantee fund, for employees of Vetem (chemicals). This appropriation is managed directly by the regional administration.

Article 9: This Article increases to Lit 1 billion (some ECU 0,54 million) the regional contribution to the costs of managing the 'Ente autonomo per il porto di Messina', a public body responsible for port administration.

Article 10: This Article provides for the 'ente autonomo per il porto di Messina' to receive Lit 1,5 billion (some ECU 0,81 million) for 1991 and Lit 1 billion (some ECU 0,54 million) for both 1992 and 1993 in connection with extraordinary maintenance work on the dry dock.

Article 11: This Article adjusts the contribution provided for by Law No 27/1987 to the Syracuse port company San Sebastiano to compensate for the fact that delays in the payment of the sum earmarked for it resulted in additional costs of Lit 500 million (some ECU 0,27 million). Law No 27/1987 was approved by the Commission in 1988.

Article 12: This Article amends the miners' early retirement scheme (see Article 6 above) and extends early retirement to other redundant workers managed by Az.A.S., EMS and ESPI as well as to blind switchboard operators employed by EMS. The amounts allocated to EMS are Lit 3,5 billion (some ECU 1,9 million) for 1992 and Lit 5 billion (some ECU 2,7 million) for 1993.

Article 13: This Article amends an existing scheme of subsidized loans to industrial enterprises with up to 400 workers or fixed investments not exceeding Lit 50 billion (some ECU 27,03 million) (net of depreciation and revaluation) in respect of the contract value of orders received by them. The conditions and detailed rules for applying this scheme were amended by Sicilian Regional Law No 25/1993, which is currently being examined by the Commission in connection with aid No NN 113/93.

The Italian authorities have stated orally that the petrochemical, electricity, cement, agricultural and textiles industries are not eligible under the scheme.

The conditions and detailed rules for applying the scheme are set out in Articles 30 and 31 of Regional Law No 25/1993.

Article 14: This Article amends an existing scheme providing aid to small and medium-sized enterprises offering factoring services and satisfying the definition given in the Community guidelines on State aid for small and medium-sized enterprises (hereinafter referred to as 'the Community guidelines' ⁽¹⁾). Under the scheme, 30 % of the interest charged on factoring contracts are borne by the region.

Article 15: This Article amends an aid scheme in respect of stockbuilding by firms with up to 300 employees or a capital of not more than Lit 500 million (some ECU 0,27 million).

The aid amounts to no more than 40 % of fixed investments after deduction of any aid already received for the same purpose over a five-year period.

The scheme was examined by the Commission and given temporary approval in 1982, all further approval being subject to compliance with certain conditions.

Article 16: This Article concerns possible utilization of appropriations already entered in the regional budget with a view to the advance payment of 85 % of the amount of financing granted by the Cassa del Mezzogiorno to firms with up to Lit 10 billion (some ECU 5,4 million) of fixed investments, net of depreciation and revaluation, with a ceiling of Lit 800 million (some ECU 0,43 million).

Article 17: This Article provides for the allocation of Lit 25 billion (some ECU 13,5 million) for 1991 and Lit 17 billion (some ECU 9,19 million) for 1992 to the Ragusa industrial development consortium, a public non-profit-making body, for the setting up of a logistic supply base for oil exploration rigs in the Pozzallo Sea.

This is a regional development measure aimed at promoting the search for hydrocarbons at sea by fee-paying licence-holders. Fees will be charged for use of the supply base.

Article 18: Provision is made for several measures reorganizing the region's budget.

Article 19: This Article amends a scheme of regional advances to Sicilian enterprises undertaking repair and maintenance work, and providing services or supplies, for major petrochemical companies under administrative supervision.

The recipients are creditors of Liquichimica, which suspended payment of debts when placed under extraordinary administration.

Earlier regional laws had authorized the payment of advances to be repaid by March 1993. Article 19 provides for refinancing of Lit 3 billion (some ECU 1,62 million) in this respect and repeals the deadline for repayment.

The original scheme was twice approved by the Commission in connection with aid for industry, commerce, crafts, fisheries and cooperation and industrial development in Sicily.

Articles 20 and 21: These Articles relate to the entry in the regional budget of the new expenditure introduced by the Law and to publication of the Law in the *Official Gazette* of the region.

IV

The first step is to determine whether each of the measures described under III constitutes State aid within the meaning of Article 92 (1) of the EC Treaty.

As stated under III, Resais, the company referred to in Articles 1, 2 and 3 of Regional Law No 23/1991, is not engaged in production and concerns persons who are no longer employed in production. The measures to assist former miners provided for in Articles 6 and 12 of that Law do not involve production activities either. Consequently, the measures do not constitute State aid within the meaning of Article 92 (1) of the Treaty as they do not favour certain undertakings or the production of certain goods.

The measure to assist Sirap, provided for in Article 4 of Regional Law No 23/1991, is intended to cover the firm's operating losses in so far as it finances management costs not covered by revenue (Article 4 (2) of Regional Law No 23/1991). The recipient company competes on the engineering market against domestic and Community private operators that cannot count on State aid to cover any losses.

As regards Article 5 of Regional Law No 23/1991 and Article 5 of Regional Law No 8/1991, it transpires from the information in the Commission's possession that Sitas is continuing to incur losses despite considerable investment by the region totalling some Lit 270 billion (about ECU 146 million). The most recent data provided by the region indicate that losses amounted to Lit 2,536 billion in 1987, Lit 4,49 billion in 1988, Lit 38,645 billion in 1989, Lit 2,300 billion in 1990 and Lit 25,716 billion in 1991. Excluding any losses for 1992 and 1993, these figures add up to some ECU 40 million. There are no

⁽¹⁾ OJ No C 213, 19. 8. 1992, p. 2.

prospects of a turnaround, as evidenced by the fact that the management of EMS is seeking to negotiate with the creditor banks and that liquidation proceedings were commenced but not completed, chiefly because of a lack of buyers.

No investor operating in a market economy would inject capital under such circumstances or take on the losses of a company without a future. In view of the Commission's position concerning the application of Articles 92 and 93 to holdings by public authorities in company capital⁽¹⁾, the sums in question must be regarded as State aid within the meaning of Article 92 (1) in so far as they allow a firm with no economic bases to remain artificially in operation.

It would also seem clear that Sitas, a company owning several hotels, could remain in business only with a steady flow of non-repayable State aid, thereby preventing competitors in Italy and in the other Member States from gaining access to the segment of the tourism market occupied by Sitas.

The measures concerning early-retirement benefit for redundant employees of IMAC provided for in Article 7 of Regional Law No 23/1991 and the financing of unemployment benefit for employees of the chemical company Vetem under Article 8 of that Law differ from the other employment-assistance measures provided for in Articles 1, 2, 3, 6 and 12 since, in the case of IMAC, the regional assistance forms part of a restructuring plan and, in the case of Vetem, the workers are still engaged in production activities. It follows that the measures benefit not only the workers as such but also the firms that employ them. The measures must accordingly be regarded as State aid within the meaning of Article 92 (1) of the Treaty.

The measure provided for in Article 9 relates to the management of regional infrastructures and does not therefore constitute State aid within the meaning of Article 92 (1).

Article 10 concerns the financing of extraordinary maintenance work on the dry dock at the port of Messina. The measures to assist ship-repair facilities at the Messina dry

dock must be regarded as State aid within the meaning of Article 92 (1).

Article 11 of the Regional Law No 23/1991 concerns the financing of extra costs incurred as a result of the delays in payment by the regional authorities of aid for the Syracuse-based port company San Sebastiano, previously authorized by the Commission. The measure does not therefore contain any new aid elements in relation to the aid originally approved by the Commission.

Article 13 establishes a scheme of subsidized loans in respect of orders received by firms engaged almost exclusively in manufacturing. The scheme consists in the part-financing of interest charges and is based on available budgetary resources, determined by the competent authorities, amounting to Lit 50 billion (some ECU 27 million). The measure constitutes State aid. The same is true of the measure provided for in Article 14 concerning the reorganization of a scheme of aid for small and medium-sized Sicilian enterprises exercising factoring activities. The aid intensity is around 4,25 % gross. The scheme has already formed the subject-matter of a Commission decision.

Article 15 amends a scheme to assist stockbuilding in general which was approved by the Commission in 1982, subject to certain conditions.

Those conditions are no longer fulfilled by new Article 15 of Regional Law No 23/1991 as the aid is no longer tied solely to the initial investment.

Article 16 concerns the possible use of resources in the regional budget to grant advances of up to 85 % of the amount of financing granted within the framework of the extraordinary assistance for the Mezzogiorno approved by the Commission on 2 March 1988 and 9 December 1992.

Like Article 11 of Regional Law No 23/1991, this measure does not comprise any new aid elements in relation to the scheme for the Mezzogiorno and is not, therefore, covered by Article 92 (1).

Article 17 concerns the financing of infrastructures to be set up by a public body. Consequently, the measures cannot be regarded as State aid within the meaning of Article 92 (1).

The measures provided for in Articles 18, 20 and 21, which contain technical provisions relating to the regional budget and to publication of the Law, cannot be regarded either as State aid within the meaning of Article 92 (1).

⁽¹⁾ EC Bulletin 9-1984, p. 98 and Commission communication published in OJ No C 273, 18. 3. 1991, p. 2.

Finally, Article 19 repeals the deadline laid down in earlier legal provisions for the repayment of advances granted by the region to creditors of Liquichimica.

This scheme, approved by the Commission in connection with aid for industry, commerce, crafts, fisheries and cooperation and industrial development in Sicily would, as amended by Regional Law No 23/1991, entail the definitive payment to each of the recipients of a maximum amount of Lit 25 million (about ECU 13 500), any overlapping with other aid being prohibited.

The measure in question cannot be regarded as constituting State aid under either Article 92 (1) of the Treaty or point 3.2 of the Community guidelines.

The Commission therefore considers that the measures provided for in Articles 4, 5, 7, 8, 14 and 15 of Regional Law No 23/1991 and in Article 5 of Regional Law No 8/1991 are to be regarded as constituting State aid within the meaning of Article 92 (1).

V

The measures to be regarded as constituting State aid constitute assistance to firms operating in Sicily. They benefit those firms inasmuch as the assistance is not provided outside the region.

The aid has the effect of distorting competition since it improves the economic position of the recipients in relation to their competitors who do not receive such assistance.

The aid in question also affects trade between Member States. Although it is not possible to assess the full impact of the aid as not all the recipients are known, import and export statistics (Level III region of the nomenclature of territorial statistical units — NUTS) reveal that a significant proportion of Sicilian products and services is exported to other Member States. In addition, trade between Member States is also affected in cases where the aid favours domestic output and services to the detriment of imports and the provision of services from other Member States.

VI

It must be concluded that the aid in question is unlawful since the Italian authorities did not notify it to the Commission beforehand, as required by Article 93 (3) of the Treaty.

The situation resulting from this infringement of the Treaty is particularly serious since the aid in question has already been paid to the recipients. In view of the mandatory nature of the rules of procedure laid down in Article 93 (3), which are also important from the standpoint of public policy and the direct effect of which was recognized by the Court of Justice in its judgments in *Capolongo v Maya*,⁽¹⁾ *Lorenz v Germany*⁽²⁾ and *Steinike und Weinlig v Germany*⁽³⁾, the unlawful nature of the aid at issue cannot be rectified retrospectively.

None the less, the Commission is required to continue the procedure initial under Article 93 (2), in accordance with the Court of Justice's judgment of 14 February 1990⁽⁴⁾.

In view of the foregoing, the aid in question is liable to affect trade between Member States and to distort competition since, with the exception of Article 19, it satisfies the conditions of Article 92 (1) of the Treaty, in the light of point 3.2 of the Community guidelines.

VII

Article 92 (1) of the Treaty provides that aid meeting the criteria laid down therein is, in principle, incompatible with the common market.

In the case at issue, the exceptions provided for in Article 92 (2) of the Treaty are not applicable because the aid is not directed towards the attainment of the objectives set out in that paragraph. Nor has such exemption been requested by the Italian authorities.

Article 92 (3) lists aid which may be considered compatible with the common market. Compatibility with the Treaty must be determined in the context of the Community as a whole and not in the context of a single Member State. In order to ensure the proper functioning of the common market, and having regard to the principle embodied in Article 3 (g) of the Treaty, the exceptions provided for in Article 92 (3) must be construed narrowly when any aid scheme or individual aid award is scrutinized. In particular, they may be invoked only when the Commission is satisfied that, without the aid, market forces alone would be insufficient to guide the recipients towards partners of behaviour that would serve one of the objectives of the said exceptions.

⁽¹⁾ Case 77/72 [1973] ECR 611.

⁽²⁾ Case 120/73 [1973] ECR 1471.

⁽³⁾ Case 78/76 [1977] ECR 595.

⁽⁴⁾ Case C-301/87, *France v. Commission* [1990] ECR I-307.

Applying the exceptions to aid which does not contribute to such an objective or in cases where the aid is not necessary for that purpose would be tantamount to conferring advantages on industries or firms of certain Member States whose financial position would be artificially strengthened and to affecting trade between Member States and distorting competition without any justification based on the common interest as required by Article 92 (3).

As regards the aid to Sirap, it has already been stated under point IV that this company is in competition with operators in Italy and in other Member States in the engineering sector.

The amount of the proposed aid (some ECU 2,16 million) is such that, taking account of the generally small size of engineering firms (there were 5 636 of them in the Community in 1988 employing on average some 29 persons each), it would have the effect either of impeding market access or of eliminating Sirap's competitors by unduly restoring its financial viability.

Article 93 (2) (a) exempts aid that promotes the development of areas where the standard of living is abnormally low or where there is serious underemployment. Although Sicily is eligible for regional aid under Article 92 (3) (a), the aid in question was not granted under a regional aid scheme but on the basis of discretionary *ad hoc* decisions by the competent authorities.

Even if the aid in question were to be regarded as regional aid, it could not qualify for exemption under Article 92 (3) (a) for that reason since such aid must contribute to the long-term development of the region; that is not the case here as the aid is aimed only at covering the firm's losses, without any structural improvements.

With regard to the exceptions provided for in Article 92 (3) (b), the aid at issue is not intended to promote the execution of an important project of common interest or to remedy a serious disturbance in the Italian economy, nor does it have any of the features of such projects. Furthermore, the Italian authorities have not requested exemption on these grounds in the comments sent to the Commission.

With regard to the exceptions provided for in Article 92 (3) (c) in respect of aid to facilitate the development of

certain economic activities where such aid does not adversely affect trading conditions to an extent contrary to the common interest, the aid is not tied to any restructuring plan ensuring restoration of the firm's viability. It is therefore an operating aid which preserves the *status quo* by preventing normal market forces from taking effect.

The aid cannot, therefore, be considered compatible with the common market.

The same conclusion applies to the two amounts of aid granted to Sitas, particularly since, as stated under III, Sitas has been financial difficulties for many years.

With regard to the aid provided for in Article 7, in the form of unemployment benefit for IMAC employees, the Italian authorities have stated orally that the aid forms part of a restructuring plan intended to restore the firm's viability. Neither the restructuring plan nor any further details have been supplied on this point by the Italian authorities.

According to an oral statement by the Italian authorities, the measure set out in Article 8 consists of the part-financing by the region of the wages paid to Vetem employees following the termination of the payment of State aid to the wage guarantee fund.

The measures provided for in Articles 7 and 8 amount to aid for the recipients since the region assumes some of their operating costs. They therefore constitute operating aid prohibited under Community law and can be authorized only exceptionally and in cases where proper justification has been presented.

No other information was, in fact, supplied by the Italian authorities concerning the aims of the IMAC restructuring plan or of the partial relief for wage costs normally payable by Vetem. It follows that this aid too cannot be considered compatible with the common market.

The measure provided for in Article 10 of Regional Law No 23/1991 concerns the refinancing of an aid scheme for the Trapani and Messina dry docks already approved by the Commission under Article 6 (1) of Council Directive 87/167/EEC on aid to shipbuilding⁽¹⁾.

⁽¹⁾ OJ No L 69, 12. 3. 1987, p. 55.

As the circumstances of the original scheme have not changed, the Commission can but confirm its original approval.

As regards the measures referred to in Article 13, the Commission reserves its position in view of the fact that the scheme is covered in part by provisions it is currently examining; it will take an overall decision once its examination is completed.

Article 14 establishes a factoring aid scheme designed to reduce the cost of commercial invoice discounting by SMEs conforming to the definition given in the Community guidelines. While the scheme comprises operating aid, its effect on recipients' operating costs is only partial, amounting to 4,25 % gross of the amount benefiting from the aid.

Therefore, taking account of the socio-economic situation in Sicily and the fact that, under the Community guidelines in force, aid to productive investment by SMEs may amount to 65 % in Sicily and that aid for other purposes may be authorized in circumstances which justify it, the scheme in question qualifies for exemption under Article 92 (3) since the aid is intended to facilitate the development of certain activities without adversely affecting trading conditions to an extent contrary to the common interest.

Lastly, as regards the amendment, provided for in Article 15, of a general aid scheme for stockbuilding authorized by the Commission in 1982, certain conditions were, however, attached to the approval.

The Commission stated at the time that it would approve any future refinancing of the aid only on condition that the method of calculation was altered so that stocks were adjusted to the firm's initial productive investments. The new measure, however, adjusts the aid to investments already made and carried forward to the latest balance sheet, thereby increasing the amounts of aid and the lack of transparency which the condition imposed by the Commission was designed to rectify.

Since Article 15 cannot be approved in its present form, the Commission must conclude that it is incompatible with the common market.

VIII

In conclusion, the aid granted under Articles 4, 5, 7, 8 and 15 of Regional Law No 23/1991 and under Article 5 of Regional Law No 8/1991 is incompatible with the

common market. It must therefore be abolished and any aid already paid recovered.

Where aid is incompatible with the common market, the Commission may, pursuant to the judgments given by the Court of Justice in Case 70/72, *Commission v. Germany*⁽¹⁾ and in Case 310/85, *Deufil v. Commission*⁽²⁾, order Member States to repay any aid granted unlawfully.

The aid must be repaid in accordance with the procedures and provisions of Italian law, in particular those relating to interest on arrears on amounts owed to the State, with interest starting to run on the date on which the unlawful aid was granted. This measure is necessary in order to restore the *status quo* by removing all the financial benefits which the firms receiving the unlawful aid have improperly enjoyed since the date on which the aid was paid (see the Court of Justice's judgment in Case C-142/87, *Belgium v. Commission*⁽³⁾).

The Commission would also point out that the procedures and provisions of national law 'must be applied in such a way that the recovery required by Community law is not rendered practically impossible' (paragraph 12 of the Court's judgment in Case 94/87, *Commission v. Germany*⁽⁴⁾).

HAS ADOPTED THIS DECISION :

Article 1

1. The aid provided for in Article 4, 5, 7, 8, 14 and 15 of Regional Law No 23/1991 of the Region of Sicily and in Article 5 of Regional Law No 8/1991 of the Region of Sicily is unlawful since it was not notified in advance to the Commission by the Italian authorities in accordance with Article 93 (3) of the EC Treaty.

2. The aid provided for in Article 14 of Regional Law No 23/1991 is compatible with the common market within the meaning of Article 92 (3) (c) of the EC Treaty in so far as the recipients conform to the definition of small and medium-sized enterprises given in the relevant Community guidelines.

3. The aid granted under Articles 4, 5, 7, 8 and 15 of Regional Law No 23/1991 and under Article 5 of Regional Law No 8/1991 establishing, respectively, extraordinary measures for industry and aid to the alkaline salts industry, is incompatible with the common market pursuant to Article 92 (1) of the EC Treaty.

⁽¹⁾ [1973] ECR 813.

⁽²⁾ [1987] ECR 901.

⁽³⁾ [1990] ECR I-959.

⁽⁴⁾ [1989] ECR 175, 192.

Article 2

Italy is hereby required to suspend implementation of the aid measures referred to in Article 1 (3) and to ensure that any aid already paid is recovered.

The aid shall be recovered in accordance with the procedures and provisions of national law, in particular those relating to interest on arrears on amounts owed to the State, with interest starting to run on the date on which the unlawful aid was granted.

Article 3

Italy shall inform the Commission, within two months of the date of notification of this Decision, of the measures taken to comply herewith.

Article 4

This Decision is addressed to the Italian Republic.

Done at Brussels, 2 February 1994.

For the Commission

Karel VAN MIERT

Member of the Commission
