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Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2225/94
of 14 September 1994
altering the export refunds on white sugar and raw sugar exported in the natural state

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 the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 2185/94⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2185/94 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁴⁾, as amended by Regulation (EC) No 3528/93⁽⁵⁾, are used to convert amounts expressed in third country currencies

and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁶⁾, as amended by Regulation (EC) No 547/94⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 2185/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 September 1994.

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

Done at Brussels, 14 September 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 234, 8. 9. 1994, p. 5.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ No L 69, 12. 3. 1994, p. 1.

ANNEX

to the Commission Regulation of 14 September 1994 altering the export refunds on white sugar and raw sugar exported in the natural state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	32,08 ⁽¹⁾
1701 11 90 910	29,72 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	32,08 ⁽¹⁾
1701 12 90 910	29,72 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3487
	— ECU/100 kg —
1701 99 10 100	34,87
1701 99 10 910	34,96
1701 99 10 950	34,96
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3487

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of amended Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

⁽³⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

COMMISSION REGULATION (EC) No 2226/94**of 13 September 1994**

re-establishing the levying of customs duties on certain industrial products originating in India and Thailand, to which the preferential tariff arrangements set out in 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 applying generalized tariff preferences for 1991 in respect of certain industrial products originating in developing countries⁽¹⁾, extended for 1994 by Regulation (EC) No 3668/93⁽²⁾, and in particular Article 9 thereof,

Whereas, pursuant to Articles 1 and 6 of Regulation (EEC) No 3831/90, suspension of customs duties shall be accorded from 1 July to 31 December 1994 to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceilings fixed in column 6 of Annex I;

Whereas, as provided for in Article 7 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of the products of the order Nos and origins indicated in the table below, the individual ceiling is fixed at the levels indicated in that table; whereas that ceiling was reached, on the date indicated below, by charges of imports into the Community of the products in question:

Order No	Origin	Ceiling (ECU)	Date
10.0670	India	2 205 000	27. 7. 1994
	Thailand	2 205 000	27. 7. 1994

Whereas, it is appropriate to re-establish the levying of customs duties for the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

As from 18 September 1994, the levying of customs duties, suspended from 1 July to 31 December 1994, pursuant to Regulation (EEC) No 3831/90, shall be re-established on imports into the Community of the products indicated in the table below:

Order No	CN code	Description	Origin
10.0670	6403	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather	India Thailand

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 22.

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, 13 September 1994.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EC) No 2227/94

of 13 September 1994

re-establishing the levying of customs duties on certain textile products originating in India, Pakistan, Indonesia, Belarus and China, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries ⁽¹⁾, extended for 1994 by Regulation (EC) No 3668/93 ⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/90 provides that preferential tariff treatment shall be accorded from 1 July to 31 December 1994 for each category of products subjected in Annexes I and II thereto to individual ceilings within the limits of the quantities specified in column 8 of its Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes ;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level ;

Whereas, in respect of products of the order Nos and origins indicated in the table below, the relevant ceilings were fixed at the levels indicated in that table ; whereas that ceiling was reached on the date indicated below, by charges of the imports into the Community of the products in question ;

Order No	Origin	Ceiling	Date
40.0060	Pakistan	875 000 pieces	31. 7. 1994
40.0080	India	958 500 pieces	28. 7. 1994
40.0360	Indonesia	29 tonnes	27. 7. 1994
40.0360	China	6 tonnes	27. 7. 1994
40.0390	Pakistan	50,5 tonnes	10. 8. 1994
40.0390	India	50,5 tonnes	27. 7. 1994
40.0760	Pakistan	84,5 tonnes	31. 7. 1994
40.0780	India	79,5 tonnes	27. 7. 1994
40.0840	India	7,5 tonnes	27. 7. 1994
40.0980	India	7 tonnes	27. 7. 1994
42.1240	Belarus	1 019 tonnes	27. 7. 1994

Whereas it is appropriate to re-establish the levying of customs duties for the products in question,

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 39.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 22.

HAS ADOPTED THIS REGULATION :

Article 1

As from 18 September 1994, the levying of customs duties, suspended from 1 July to 31 December 1994, pursuant to Regulation (EEC) No 3832/90, shall be re-established on imports into the Community of the products indicated in the table below :

Order No	Category (Unit)	CN code	Description	Origin
40.0060	6	6203 41 10 6203 41 90 6203 42 31 6203 42 33 6203 42 35 6203 42 90 6203 43 19 6203 43 90 6203 49 19 6203 49 50 6204 61 10 6204 62 31 6204 62 33 6204 62 39 6204 63 18 6204 69 18 6211 32 42 6211 33 42 6211 42 42 6211 43 42	Men's or boys' woven breeches, shorts (other than swimwear) and trousers (including slacks), women's or girls' woven trousers and slacks, of wool, of cotton or of man-made fibres; lower parts of tracksuits with lining, other than of category 16 or 29, of cotton or of man-made fibres	Pakistan
40.0080	8	6205 10 00 6205 20 00 6205 30 00	Men's or boys' shirts, other than knitted or crocheted, of wool, cotton or man-made fibres	India
40.0360	36	5408 10 00 5408 21 00 5408 22 10 5408 22 90 5408 23 10 5408 23 90 5408 24 00 5408 31 00 5408 32 00 5408 33 00 5408 34 00 ex 5811 00 00 ex 5905 00 70	Woven fabrics of continuous artificial fibres, other than those for tyres of category 114	Indonesia China
40.0390	39	6302 51 10 6302 51 90 6302 53 90 ex 6302 51 00 6302 91 10 6302 91 90 6302 93 90 ex 6302 99 00	Table linen, toilet and kitchen linen, other than knitted or crocheted, other than of terry towelling or similar terry fabrics of cotton	Pakistan India

Order No	Category (Unit)	CN code	Description	Origin
40.0760	76	6203 22 10 6203 23 10 6203 29 11 6203 32 10 6203 33 10 6203 39 11 6203 42 11 6203 42 51 6203 43 11 6203 43 31 6203 49 11 6203 49 31 6204 22 10 6204 23 10 6204 29 11 6204 32 10 6204 33 10 6204 39 11 6204 62 11 6204 62 51 6204 63 11 6204 63 31 6204 69 11 6204 69 31 6211 32 10 6211 33 10 6211 42 10 6211 43 10	Men's or boys' industrial or occupational clothing, other than knitted or crocheted; women's or girls' aprons, smock-overalls and other industrial or occupational clothing, other than knitted or crocheted	Pakistan
40.0780	78	6203 41 30 6203 42 59 6203 43 39 6203 49 39 6204 61 80 6204 61 90 6204 62 59 6204 62 90 6204 63 39 6204 63 90 6204 69 39 6204 69 50 6210 40 00 6210 50 00 6211 31 00 6211 32 90 6211 33 90 6211 41 00 6211 42 90 6211 43 90	Garments, other than knitted or crocheted excluding garments of categories 6, 7, 8, 14, 15, 16, 17, 18, 21, 26, 27, 29, 68, 72, 76 and 77	India
40.0840	84	6214 20 00 6214 30 00 6214 40 00 6214 90 10	Shawls, scarves, mufflers, mantillas, veils and the like other than knitted or crocheted, of wool, of cotton or man-made fibres	India
40.0980	98	5609 00 00 5905 00 10	Other articles made from yarn, twine, cordage, rope or cables, other than textile fabrics, articles made from such fabrics and articles of category 97	India

Order No	Category (Unit)	CN code	Description	Origin
42.1240	124	5501 10 00	Synthetic staple fibres	Belarus
		5501 20 00		
		5501 30 00		
		5501 90 00		
		5503 10 11		
		5503 10 19		
		5503 10 90		
		5503 20 00		
		5503 30 00		
		5503 40 00		
		5503 90 10		
		5503 90 90		
		5505 10 10		
		5505 10 30		
		5505 10 50		
		5505 10 70		
		5505 10 90		

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, 13 September 1994.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EC) No 2228/94
of 14 September 1994
amending Regulation (EC) No 2163/94 on the supply of fishery products as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 Commission Regulation (EC) No 2163/94⁽³⁾ issued an invitation to tender for the supply, as food-aid, of ECU 1 533 000 of fishery products; whereas some of the conditions specified in the Annex to the Regulation should be altered,

Article 1

For lots A, B and C of Regulation (EC) No 2163/94, points 22 and 23 of the Annex are replaced by the following:

- '22. Amount of the tendering security: lot A: ECU 20 000; lot B: ECU 1 900; lot C: ECU 8 760.
- 23. Amount of delivery security: lot A: ECU 100 000; lot B: ECU 9 500; lot C: ECU 43 800.'

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, 14 September 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 230, 3. 9. 1994, p. 7.

COMMISSION REGULATION (EC) No 2229/94

of 14 September 1994

amending Regulation (EC) No 1077/94 increasing to 1 400 000 tonnes the quantity of bread-making wheat held by the French intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 1866/94⁽²⁾, and in particular Article 5 thereof,

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

Whereas Commission Regulation (EC) No 1077/94⁽⁵⁾, as last amended by Regulation (EC) No 1689/94⁽⁶⁾, opened a standing invitation to tender for the export of 1 000 000 tonnes of bread-making wheat held by the French intervention agency; whereas, in the communication of 8 September 1994, France informed the Commission of the intention of its intervention agency to increase by 400 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of bread-making wheat held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 1 400 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EC) No 1077/94 must therefore be amended;

Whereas special rules must be laid down to ensure that the operations are properly carried out and monitored;

Whereas to that end the Member States must provide for all additional measures compatible with the provisions in force to ensure that the operation takes place smoothly and that the Commission is kept informed;

Whereas the monitoring arrangements should accordingly be supplemented by the possibility of a sample being taken in the presence of both parties;

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

Article 1 of Regulation (EC) No 1077/94 is replaced by the following:

'Article 1

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

Article 2

Article 2 of Regulation (EC) No 1077/94 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 1 400 000 tonnes of bread-making wheat to be exported to all third countries.
2. The regions in which the 1 400 000 tonnes of bread-making wheat are stored are stated in Annex I to this Regulation.'

Article 3

The following Article 5 is inserted:

'Article 5

1. Before the lot awarded is removed, the intervention agency and the successful tenderer shall take a reference sample in accordance with the method laid down in Commission Regulation (EEC) No 689/92⁽⁷⁾ and shall analyse that sample.
 - (a) Where the final results of the analysis of the sample indicate a difference between the quality of the bread-making wheat to be removed and the quality as described in the notice of invitation to tender, which nevertheless remains within a limit of up to:
 - 2 kg/hl for the specific weight, which must not however be less than 72 kg/hl,
 - one percentage point for the moisture content,
 - 10 points for the Hagberg falling index,

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 120, 11. 5. 1994, p. 9.

⁽⁶⁾ OJ No L 179, 13. 7. 1994, p. 2.

- one percentage point for the protein content,
- half a percentage point for the impurities referred to in points B.2 and B.4 of the Annex to Regulation (EEC) No 689/92,
- half a percentage point for the impurities referred to in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentages admissible for noxious grains and ergot however remaining unchanged,

the following provisions shall apply :

(i) the intervention agency shall, that same day, inform the Commission thereof in accordance with Annex III, as well as the storer and the successful tenderer ;

(ii) the successful tenderer may :

- either agree to take over the lot with its characteristics as established,
- or refuse to take over the lot in question. In that case the successful tenderer shall, that same day, inform the intervention agency and the Commission thereof in accordance with Annex IV.

Once these formalities have been completed, he shall be immediately released from all his obligations relating to the lot in question, including the securities.

The lot in question shall then be put up for sale again under a future invitation to tender at the quality established.

(b) Where the final results of the analysis of the sample indicate that the quality is below the limits laid down in (a) :

- the intervention agency shall, that same day, inform the Commission thereof in accordance with Annex III, as well as the storer and the successful tenderer,
- the successful tenderer shall give official notice, that same day, to the intervention agency of the impossibility of taking over the lot in question and shall inform the Commission thereof, that same day, in accordance with Annex IV. Once these formalities have been completed, he shall be immediately released from all his obligations relating to the lot in question, including the securities.

2. All risks and storage costs shall be borne by the successful tenderer from the time of removal.

(*) OJ No L 74, 20. 3. 1992, p. 18.

Article 4

Annex I to Regulation (EC) No 1077/94 is replaced by the Annex hereto.

Article 5

The following Annex IV is hereby added to Regulation (EC) No 1077/94 :

ANNEX IV

Communication of refusal of lots under the standing invitation to tender for the export of 1 400 000 tonnes of bread-making wheat held by the French intervention agency

Article 5 (1) of Regulation (EC) No 1077/94

- Name of successful tenderer :
- Date of award of contract :
- Date of refusal of lot by successful tenderer :

Lot No	Quantity in tonnes	Address of silo	Reason for refusal to take over
			— Specific weight (kg/hl) — % sprouted grains — % miscellaneous impurities (Schwarzbesatz) — % of matter which is not barley of unimpaired quality — Other'

Article 6

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, 14 September 1994.

For the Commission

René STEICHEN

Member of the Commission

*ANNEX**ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
Amiens	300 000
Bordeaux	3 000
Châlons-sur-Marne	75 000
Lille	320 000
Nancy	20 000
Nantes	57 000
Paris	15 000
Poitiers	34 000
Rennes	58 000
Rouen	395 000
Gand	103 000'

COMMISSION REGULATION (EC) No 2230/94
of 14 September 1994
fixing additional amounts for in the eggs sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 1574/93⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries⁽³⁾, as last amended by Regulation (EEC) No 3821/92⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Commission Regulation No 54/65/EEC⁽⁵⁾, No 183/66/EEC⁽⁶⁾, No 765/67/EEC⁽⁷⁾, (EEC) No 59/70⁽⁸⁾, as amended by Regulation (EEC) No 4155/87⁽⁹⁾ and (EEC) No 2164/72⁽¹⁰⁾, as amended by Regulation (EEC) No 3987/87⁽¹¹⁾, the levies on imports of poultry eggs in shell originating in and coming from

Poland, South Africa, Australia, Romania or Bulgaria are not increased by an additional amount, in so far as concerns products imported in accordance with Article 4 (a) of Regulation No 163/67/EEC;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 990/69⁽¹²⁾, as amended by Regulation (EC) No 3501/93⁽¹³⁾, the levies on imports of eggs not in shell and egg yolks originating in and coming from Austria are not increased by an additional amount;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for the products listed in Article 1 (1) (b) of Regulation (EEC) No 2771/75 indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

The additional amounts provided for in Article 8 of Regulation (EEC) No 2771/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 15 September 1994.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 152, 24. 6. 1993, p. 1.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 24.

⁽⁵⁾ OJ No 59, 8. 4. 1965, p. 848/65.

⁽⁶⁾ OJ No 211, 19. 11. 1966, p. 3602/66.

⁽⁷⁾ OJ No 260, 27. 10. 1967, p. 24.

⁽⁸⁾ OJ No L 11, 16. 1. 1970, p. 1.

⁽⁹⁾ OJ No L 392, 31. 12. 1987, p. 29.

⁽¹⁰⁾ OJ No L 232, 12. 10. 1972, p. 3.

⁽¹¹⁾ OJ No L 376, 31. 12. 1987, p. 20.

⁽¹²⁾ OJ No L 130, 31. 5. 1969, p. 4.

⁽¹³⁾ OJ No L 319, 21. 12. 1993, p. 25.

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

Done at Brussels, 14 September 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 14 September 1994 fixing additional amounts for products in the eggs sector

CN code	Origin of imports (1)	Additional amount
		ECU/100 kg
0408 11 80	01	165,00
0408 91 80	02	180,00

(1) Origin :

- 01 United States of America and Canada,
 - 02 United States of America.
-

COMMISSION REGULATION (EC) No 2231/94
of 14 September 1994
fixing additional amounts for poultrymeat products

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 the Regulation (EEC) No 1574/93⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries⁽³⁾, as last amended by Regulation (EEC) No 3821/92⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Commission Regulation (EEC) No 565/68⁽⁵⁾, as last amended by Regulation (EEC) No 3986/87⁽⁶⁾, the import levies on slaughtered fowls, ducks and geese originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Commission Regulation (EEC) No 2261/69⁽⁷⁾, as last amended by Regulation (EEC) No 3986/87, the import levies on slaughtered ducks and geese originating in and coming from Romania are not increased by an additional amount;

Whereas, pursuant to Commission Regulation (EEC) No 2474/70⁽⁸⁾, as amended by Regulation (EEC) No 3986/87,

the import levies on slaughtered turkeys originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Commission Regulation (EEC) No 2164/72⁽⁹⁾, as amended by Regulation (EEC) No 3987/87⁽¹⁰⁾, the import levies on slaughtered fowls and geese originating in and coming from Bulgaria are not increased by an additional amount;

Whereas Council Regulation (EC) No 774/94⁽¹¹⁾ has opened Community tariff quotas for certain agricultural products and fixed the levies to be applied on imports of those products; whereas Commission Regulation (EC) No 1431/94⁽¹²⁾ has established the detailed rules of the import regime for poultrymeat laid down in Regulation (EC) No 774/94;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for poultrymeat products indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

The additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 15 September 1994.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 152, 24. 6. 1993, p. 1.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 24.

⁽⁵⁾ OJ No L 107, 8. 5. 1968, p. 7.

⁽⁶⁾ OJ No L 376, 31. 12. 1987, p. 7.

⁽⁷⁾ OJ No L 286, 14. 11. 1969, p. 24.

⁽⁸⁾ OJ No L 265, 8. 12. 1970, p. 13.

⁽⁹⁾ OJ No L 232, 12. 10. 1972, p. 3.

⁽¹⁰⁾ OJ No L 376, 31. 12. 1987, p. 20.

⁽¹¹⁾ OJ No L 91, 8. 4. 1994, p. 1.

⁽¹²⁾ OJ No L 156, 23. 6. 1994, p. 9.

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

Done at Brussels, 14 September 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 14 September 1994 fixing additional amounts for poultry meat products

<i>(ECU/100 kg)</i>		
CN code	Origin of imports ⁽¹⁾	Additional amount
0207 39 11	01	50,00
0207 41 10	01	50,00 ⁽²⁾
0207 10 11	02	40,00
0207 10 15	02	40,00
0207 21 10	02	40,00
0207 10 19	02	40,00
0207 21 90	02	40,00
0207 39 13	02	40,00
0207 41 11	02	40,00
0207 39 41	03	15,00
0207 42 41	03	15,00

⁽¹⁾ Origin :

- 01 Brazil, Thailand and China,
- 02 Slovenia,
- 03 Croatia.

⁽²⁾ The additional amounts are not applicable to imported products pursuant to Council Regulation (EC) No 774/94 (OJ No L 91, 8. 4. 1994, p. 1) and Commission Regulation (EC) No 1431/94 (OJ No L 156, 23. 6. 1994, p. 9).

COMMISSION REGULATION (EC) No 2232/94**of 14 September 1994****amending Regulation (EC) No 2176/94 on the free supply to Georgia, Armenia and Azerbaijan of intervention wheat pursuant to Council Regulation (EC) No 1999/94**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1999/94 of 27 July 1994 on actions for the free supply of agricultural products to the people of Georgia, Armenia, Azerbaijan, Kyrgyzstan and Tajikistan ⁽¹⁾, and in particular Article 4 thereof,

Whereas Commission Regulation (EC) No 2176/94 ⁽²⁾, provides for the opening of a tender for the free supply of wheat to Georgia, Armenia and Azerbaijan; whereas, in view of the present difficulties in these Republics and the specific problems of forwarding aid to these regions it transpires that the deadlines fixed for the delivery of the goods are too short; whereas in consequence it is necessary to amend these dates and the date fixed for the lodgement of offers;

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

Article 1

Regulation (EC) No 2176/94 is hereby amended as follows:

1. In Article 2 (1) the deadline fixed for the lodgement of offers is replaced by '21 September 1994 at 12.00 hours (Brussels time)'.
2. In Annex I the final date for delivery in Armenia is replaced by '10 November 1994'.
3. In Annex I the final date for delivery in Georgia is replaced by '29 October 1994'.
4. In Annex I the final date for delivery in Azerbaijan is replaced by '30 November 1994'.

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, 14 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 201, 4. 8. 1994, p. 1.

⁽²⁾ OJ No L 233, 7. 9. 1994, p. 1.

COMMISSION REGULATION (EC) No 2233/94

of 14 September 1994

fixing the maximum export refund for white sugar for the 16th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1021/94

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 the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EC) No 1021/94 of 29 April 1994 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1021/94, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 16th partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 990/93⁽⁴⁾ prohibits trade between the European Community and the

Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 16th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1021/94 the maximum amount of the export refund is fixed at ECU 37,650 per 100 kilograms.

2. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

Article 2

This Regulation shall enter into force on 15 September 1994.

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

Done at Brussels, 14 September 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 112, 3. 5. 1994, p. 13.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

COMMISSION REGULATION (EC) No 2234/94
of 14 September 1994
fixing the import levies on milk and milk products

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1880/94 ⁽²⁾, and in particular Article 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EC) No 1924/94 ⁽³⁾, as last amended by Regulation (EC) No 2151/94 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1924/94 to the prices

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 referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 September 1994.

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

Done at Brussels, 14 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 21.

⁽³⁾ OJ No L 198, 30. 7. 1994, p. 6.

⁽⁴⁾ OJ No L 228, 1. 9. 1994, p. 33.

ANNEX

to the Commission Regulation of 14 September 1994 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note (*)	Import levy	CN code	Note (*)	Import levy
0401 10 10		16,86	0403 10 16	(1)	2,0757/kg + 27,18
0401 10 90		15,65	0403 10 22		25,31
0401 20 11		22,90	0403 10 24		30,01
0401 20 19		21,69	0403 10 26		72,01
0401 20 91		27,60	0403 10 32	(1)	0,1927/kg + 25,97
0401 20 99		26,39	0403 10 34	(1)	0,2397/kg + 25,97
0401 30 11		69,60	0403 10 36	(1)	0,6597/kg + 25,97
0401 30 19		68,39	0403 90 11		119,25
0401 30 31		132,90	0403 90 13		178,37
0401 30 39		131,69	0403 90 19		214,82
0401 30 91		222,03	0403 90 31	(1)	1,1200/kg + 27,18
0401 30 99		220,82	0403 90 33	(1)	1,7112/kg + 27,18
0402 10 11	(1)	119,25	0403 90 39	(1)	2,0757/kg + 27,18
0402 10 19	(1)(*)	112,00	0403 90 51		25,31
0402 10 91	(1)(*)	1,1200/kg + 27,18	0403 90 53		30,01
0402 10 99	(1)(*)	1,1200/kg + 19,93	0403 90 59		72,01
0402 21 11	(1)	178,37	0403 90 61	(1)	0,1927/kg + 25,97
0402 21 17	(1)	171,12	0403 90 63	(1)	0,2397/kg + 25,97
0402 21 19	(1)(*)	171,12	0403 90 69	(1)	0,6597/kg + 25,97
0402 21 91	(1)(*)	214,82	0404 10 02		28,08
0402 21 99	(1)(*)	207,57	0404 10 04		178,37
0402 29 11	(1)(*)(*)	1,7112/kg + 27,18	0404 10 06		214,82
0402 29 15	(1)(*)	1,7112/kg + 27,18	0404 10 12		119,25
0402 29 19	(1)(*)	1,7112/kg + 19,93	0404 10 14		178,37
0402 29 91	(1)(*)	2,0757/kg + 27,18	0404 10 16		214,82
0402 29 99	(1)(*)	2,0757/kg + 19,93	0404 10 26	(1)	0,2808/kg + 19,93
0402 91 11	(1)	36,05	0404 10 28	(1)	1,7112/kg + 27,18
0402 91 19	(1)	36,05	0404 10 32	(1)	2,0757/kg + 27,18
0402 91 31	(1)	45,06	0404 10 34	(1)	1,1200/kg + 27,18
0402 91 39	(1)	45,06	0404 10 36	(1)	1,7112/kg + 27,18
0402 91 51	(1)	132,90	0404 10 38	(1)	2,0757/kg + 27,18
0402 91 59	(1)	131,69	0404 10 48	(1)	0,2808/kg
0402 91 91	(1)	222,03	0404 10 52	(1)	1,7112/kg + 6,04
0402 91 99	(1)	220,82	0404 10 54	(1)	2,0757/kg + 6,04
0402 99 11	(1)	53,07	0404 10 56	(1)	1,1200/kg + 6,04
0402 99 19	(1)	53,07	0404 10 58	(1)	1,7112/kg + 6,04
0402 99 31	(1)(*)	1,2927/kg + 23,56	0404 10 62	(1)	2,0757/kg + 6,04
0402 99 39	(1)(*)	1,2927/kg + 22,35	0404 10 72	(1)	0,2808/kg + 19,93
0402 99 91	(1)(*)	2,1840/kg + 23,56	0404 10 74	(1)	1,7112/kg + 25,97
0402 99 99	(1)(*)	2,1840/kg + 22,35	0404 10 76	(1)	2,0757/kg + 25,97
0403 10 02		119,25	0404 10 78	(1)	1,1200/kg + 25,97
0403 10 04		178,37	0404 10 82	(1)	1,7112/kg + 25,97
0403 10 06		214,82	0404 10 84	(1)	2,0757/kg + 25,97
0403 10 12	(1)	1,1200/kg + 27,18	0404 90 11		119,25
0403 10 14	(1)	1,7112/kg + 27,18	0404 90 13		178,37

CN code	Note ⁽¹⁾	Import levy	CN code	Note ⁽²⁾	Import levy
0404 90 19		214,82	0406 90 31	⁽³⁾ (*)	161,63
0404 90 31		119,25	0406 90 33	⁽³⁾ (*)	161,63
0404 90 33		178,37	0406 90 35	⁽³⁾ (*)	161,63
0404 90 39		214,82	0406 90 37	⁽³⁾ (*)	161,63
0404 90 51	⁽¹⁾	1,1200 / kg + 27,18	0406 90 39	⁽³⁾ (*)	161,63
0404 90 53	⁽¹⁾ ⁽³⁾	1,7112 / kg + 27,18	0406 90 50	⁽³⁾ (*)	161,63
0404 90 59	⁽¹⁾	2,0757 / kg + 27,18	0406 90 61	⁽³⁾ (*)	371,99
0404 90 91	⁽¹⁾	1,1200 / kg + 27,18	0406 90 63	⁽³⁾ (*)	371,99
0404 90 93	⁽¹⁾ ⁽³⁾	1,7112 / kg + 27,18	0406 90 69	⁽³⁾ (*)	371,99
0404 90 99	⁽¹⁾	2,0757 / kg + 27,18	0406 90 73	⁽³⁾ (*)	161,63
0405 00 11	⁽³⁾	228,60	0406 90 75	⁽³⁾ (*)	161,63
0405 00 19	⁽³⁾	228,60	0406 90 76	⁽³⁾ (*)	161,63
0405 00 90		278,89	0406 90 78	⁽³⁾ (*)	161,63
0406 10 20	⁽³⁾ (*)	202,78	0406 90 79	⁽³⁾ (*)	161,63
0406 10 80	⁽³⁾ (*)	258,35	0406 90 81	⁽³⁾ (*)	161,63
0406 20 10	⁽³⁾ (*)	371,99	0406 90 82	⁽³⁾ (*)	161,63
0406 20 90	⁽³⁾ (*)	371,99	0406 90 84	⁽³⁾ (*)	161,63
0406 30 10	⁽³⁾ (*)	163,93	0406 90 85	⁽³⁾ (*)	161,63
0406 30 31	⁽³⁾ (*)	152,82	0406 90 86	⁽³⁾ (*)	161,63
0406 30 39	⁽³⁾ (*)	163,93	0406 90 87	⁽³⁾ (*)	161,63
0406 30 90	⁽³⁾ (*)	260,65	0406 90 88	⁽³⁾ (*)	161,63
0406 40 10	⁽³⁾ (*)	145,15	0406 90 93	⁽³⁾ (*)	202,78
0406 40 50	⁽³⁾ (*)	145,15	0406 90 99	⁽³⁾ (*)	258,35
0406 40 90	⁽³⁾ (*)	145,15	1702 10 10		62,93
0406 90 11	⁽³⁾ (*)	210,16	1702 10 90		62,93
0406 90 13	⁽³⁾ (*)	147,76	2106 90 51		62,93
0406 90 15	⁽³⁾ (*)	147,76	2309 10 15		86,42
0406 90 17	⁽³⁾ (*)	147,76	2309 10 19		112,18
0406 90 19	⁽³⁾ (*)	371,99	2309 10 39		105,03
0406 90 21	⁽³⁾ (*)	210,16	2309 10 59		86,48
0406 90 23	⁽³⁾ (*)	161,63	2309 10 70		112,18
0406 90 25	⁽³⁾ (*)	161,63	2309 90 35		86,42
0406 90 27	⁽³⁾ (*)	161,63	2309 90 39		112,18
0406 90 29	⁽³⁾ (*)	161,63	2309 90 49		105,03
			2309 90 59		86,48
			2309 90 70		112,18

⁽¹⁾ The levy on 100 kg of product falling within this code is equal to the sum of the following:

- (a) the amount per kilogram shown, multiplied by the weight of lactic matter contained in 100 kg of product; and
- (b) the other amount indicated.

⁽²⁾ The levy on 100 kg of product falling within this code is equal to:

- (a) the amount per kilogram shown, multiplied by the weight of the dry lactic matter contained in 100 kg of product plus, where appropriate,
- (b) the other amount indicated.

⁽³⁾ Products falling within this code and imported from a third country

- for which an IMA 1 certificate, issued in accordance with Regulation (EEC) No 1767/82, is presented,
 - for which an EUR 1 certificate, issued in accordance with amended Regulation (EEC) No 1316/93 for Sweden, amended Regulation (EEC) No 584/92 for Poland, the Czech and Slovak Republics and Hungary and Commission Regulation (EC) No 385/94 (OJ No L 50, 22. 2. 1994, p. 7) for Bulgaria and Romania, is presented,
- shall be subject to the levies defined in the said Regulations, respectively.

⁽⁴⁾ The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.

⁽⁵⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EC) No 2235/94

of 14 September 1994

fixing the maximum export refunds on olive oil for the 18th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 3142/93

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 3179/93⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil⁽³⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EC) No 3142/93⁽⁴⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

Whereas Article 6 of Regulation (EC) No 3142/93 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Commu-

nity and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the 18th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 3142/93 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 September 1994.

Article 2

This Regulation shall enter into force on 15 September 1994.

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

Done at Brussels, 14 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 285, 20. 11. 1993, p. 9.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 281, 16. 11. 1993, p. 3.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 14 September 1994 fixing the maximum export refunds on olive oil for the 18th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 3142/93

(ECU/100 kg)

Product code	Amount of refund (1)
1509 10 90 100	38,00
1509 10 90 900	—
1509 90 00 100	45,00
1509 90 00 900	71,00
1510 00 90 100	10,00
1510 00 90 900	—

(1) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 2236/94
of 14 September 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 1957/94 ⁽⁵⁾, as last amended by Regulation (EC) No 2223/94 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EC) No 1957/94 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 13 September 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 15 September 1994.

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

Done at Brussels, 14 September 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 198, 30. 7. 1994, p. 88.

⁽⁶⁾ OJ No L 239, 14. 9. 1994, p. 10.

ANNEX

to the Commission Regulation of 14 September 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽²⁾
1701 11 10	33,57 ⁽¹⁾
1701 11 90	33,57 ⁽¹⁾
1701 12 10	33,57 ⁽¹⁾
1701 12 90	33,57 ⁽¹⁾
1701 91 00	41,52
1701 99 10	41,52'
1701 99 90	41,52 ⁽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.

COMMISSION REGULATION (EC) No 2237/94**of 14 September 1994****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

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 syrups and certain other sugar products were fixed by Commission Regulation (EC) No 2138/94 ⁽⁵⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2138/94 to the information known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 13 September 1994, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to Regulation (EC) No 2138/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 September 1994.

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

Done at Brussels, 14 September 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 228, 1. 9. 1994, p. 4.

ANNEX

to the Commission Regulation of 14 September 1994 altering the basic amount of the import levy on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of levy per 100 kg of dry matter ⁽¹⁾
1702 20 10	0,4152	—
1702 20 90	0,4152	—
1702 30 10	—	49,52
1702 40 10	—	49,52
1702 60 10	—	49,52
1702 60 90 10 ⁽²⁾	—	94,09
1702 60 90 90 ⁽³⁾	0,4152	—
1702 90 30	—	49,52
1702 90 60	0,4152	—
1702 90 71	0,4152	—
1702 90 90 10 ⁽⁴⁾	—	94,09
1702 90 90 90 ⁽⁵⁾	0,4152	—
2106 90 30	—	49,52
2106 90 59	0,4152	—

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

⁽²⁾ Taric code : Inulin syrup. For the purposes of classification under this subheading, 'Inulin syrup' means the immediate product obtained by hydrolysis of inulin or oligofructoses.

⁽³⁾ Taric code : CN code 1702 60 90, other than inulin syrup.

⁽⁴⁾ Taric code : Inulin syrup. For the purposes of classification under this subheading, 'Inulin syrup' means the immediate product, other than that falling within subheading 1702 60 90, obtained by hydrolysis of inulin or oligofructoses, containing by weight in the dry state at least 10 % fructose in free form or as sucrose.

⁽⁵⁾ Taric code : CN code 1702 90 90, other than inulin syrup.

COUNCIL REGULATION (EC) No 2238/94

of 14 September 1994

amending Regulation (EC) No 3359/93 in so far as it imposes an anti-dumping duty on imports of ferro-silicon originating in Brazil and produced by the Brazilian company Rima Electrometalurgia SA

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

Having regard to the proposal submitted by the Commission after consultation within the Advisory Committee as provided for under the above Regulation,

Whereas :

- (1) By Article 1 (3) of Regulation (EEC) No 1115/91⁽²⁾, the Council imposed a definitive anti-dumping duty of 12,2 % on imports of ferro-silicon falling within CN codes 7202 21 10, 7202 21 90 and ex 7202 29 00 originating in Brazil and manufactured and exported direct to the Community by the Brazilian company Rima Electrometalurgia SA, Belo Horizonte, Brazil (hereinafter referred to as 'Rima').
- (2) Article 1 (3) of Regulation (EEC) No 1115/91 was declared void by the judgment of the Court of Justice of 7 December 1993 in Case C-216/91 following an application for annulment presented by Rima.
- (3) By a notice published on 6 May 1992⁽³⁾, the Commission after consultation within the Advisory Committee, and in accordance with Article 14 of Regulation (EEC) No 2423/88, initiated a review of *inter alia* Regulation (EEC) No 1115/91.
- (4) As a result of this review, the Council, by Regulation (EC) No 3359/93⁽⁴⁾, imposed an amended anti-dumping duty of 20,5 % on imports of ferro-silicon originating in Brazil and produced by Rima.
- (5) Rima has requested that this amended duty be repealed pursuant to Article 176 of the EC Treaty which requires an institution whose act has been

declared void by the Court to take the necessary measures to comply with the judgment of the Court.

- (6) The Commission has examined the implications of the judgment for the presently applicable duty and has established that the situation of Rima has not changed in any relevant manner from that prevailing at the time of the first review and which led the Court to declare that the duty on Rima should be annulled. As a consequence of the annulment of the duty, Rima was not subject to any anti-dumping duty at the time the review was opened.
- (7) The Council is therefore of the opinion that Rima should not be subject to any duty higher than the one imposed before the first review as, given that it did not export to the Community during the investigation period for the second review, it had no reason to believe that circumstances concerning Rima had changed during the second review. The anti-dumping duty of 20,5 % imposed on Rima by Regulation (EC) No 3359/93 should therefore be repealed with effect from the date that Regulation entered into force.
- (8) Since this Regulation does not modify or confirm the measures contained in Regulation (EC) No 3359/93 within the meaning of Article 15 (1) of Regulation (EEC) No 2423/88, the date on which they were due to expire pursuant to that provision remains unchanged,

HAS ADOPTED THIS REGULATION :

Article 1

The anti-dumping duty of 20,5 % imposed by Article 1 (2) of Regulation (EC) No 3359/93 on imports of ferro-silicon originating in Brazil and produced by Cia Rima Electrometalurgia SA, Belo Horizonte, Brazil is hereby repealed.

Article 2

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

It shall apply with effect from 10 December 1993.

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

⁽²⁾ OJ No L 111, 3. 5. 1991, p. 1.

⁽³⁾ OJ No C 115, 6. 5. 1992, p. 2.

⁽⁴⁾ OJ No L 302, 9. 12. 1993, p. 1.

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

Done at Brussels, 14 September 1994.

For the Council

The President

Th. WAIGEL

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 14 September 1994

amending Decision 94/462/EC concerning certain protection measures relating to classical swine fever in Germany and repealing Decision 94/178/EC

(Text with EEA relevance)

(94/600/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, as last amended by Directive 92/118/EEC⁽²⁾, and in particular Article 10 (4) thereof,

Whereas as a result of outbreaks of classical swine fever in different parts of Germany, the Commission adopted Decision 94/462/EC of 22 July 1994 concerning certain protection measures relating to classical swine fever in Germany and repealing Decision 94/178/EC⁽³⁾;

Whereas a number of outbreaks of classical swine fever have occurred in Germany; whereas some of the outbreaks have occurred in areas where the disease is present in the wild boar population;

Whereas in view of the trade in live pigs, fresh pigmeat and certain meat-based products, these outbreaks are liable to endanger the herds of other Member States;

Whereas Germany has taken measures in accordance with Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever⁽⁴⁾ and, furthermore, has introduced further measures;

Whereas in the light of the evolution of the situation it is necessary to amend the present measures;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 94/462/EC is hereby amended as follows:

1. In Article 1 (1) is replaced by:

'(b) the second indent of (a) shall apply only to pigs originating from Mecklenburg-Western Pomerania, Rhineland-Palatinate and Lower Saxony, with the exception of Kreis Grafschaft Bentheim and Kreis Emsland'.

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ No L 189, 27. 7. 1994, p. 89.

⁽⁴⁾ OJ No L 47, 21. 2. 1980, p. 11.

2. In Article 2, the certificate must be completed with the following :

'as amended by Decision 94/600/EC'.

3. In Article 8, '20 September' is replaced by '20 November'.

Article 2

The Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 14 September 1994.

For the Commission

René STEICHEN

Member of the Commission

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

DECISION OF THE EFTA SURVEILLANCE AUTHORITY

No 37/94/COL

of 11 May 1994

on the amendment of paragraph 3 (f) of Chapter 27 of the Procedural and Substantive Rules in the Field of State Aid

THE EFTA SURVEILLANCE AUTHORITY

has amended paragraph 3 (f) of Chapter 27 of the Procedural and Substantive Rules in the Field of State Aid (⁽¹⁾), adopted on 19 January 1994, by replacing it by the following :

'A reference rate of interest is used to adjust aid to current values and to calculate aid elements of loans. The reference rate shall reflect the average rate of interest in the market concerned. The reference rate of interest is fixed by the EFTA Surveillance Authority on proposal from the EFTA State at the beginning of each year on the basis of the average of the relevant indicative rate of the preceding quarter (for technical reasons September, October and November). However, the reference rate will be adjusted again in the course of the year if the difference between the current reference rate and the average of the indicative rate recorded over the last three months should exceed 15 % of the prevailing reference rate.

The reference/discount rates for each EFTA State is for the present fixed as follows :

- Austria* : Secondary market yields on circulating federal government bonds (Sekundärmark-trendite) plus 0,5 percentage point.
- Finland* : Five-year market yields (secondary market) on government bonds plus 1 percentage point.
- Iceland* : Average interest rates (prime) on bank loans plus 1,5 percentage points on :
(a) general loans (not indexed) ; Almenn skuldabréf, kjörvextir ;
(b) indexed loans ; Visitölubundin lán, kjörvextir.
- Norway* : Average interest rate of secured loans (categories 1 and 2) by the Norwegian Industrial and Regional Development Fund.
- Sweden* : Business banks' comparison interest rate for industrial loans (Jämförelseräntan).'

Done at Brussels, 11 May 1994.

For the EFTA Surveillance Authority

Heinz ZOUREK

College Member

(¹) OJ No L 231, 3. 9. 1994, p. 1.

DECISION OF THE EFTA SURVEILLANCE AUTHORITY**No 88/94/COL****of 20 July 1994****on the second amendment of the Procedural and Substantive Rules in the Field of State Aid****THE EFTA SURVEILLANCE AUTHORITY**

has amended the Procedural and Substantive Rules in the Field of State Aid ⁽¹⁾, adopted on 19 January 1994 ⁽²⁾, for the first time amended on 11 May 1994 ⁽³⁾, as follows :

1. Paragraph 28 (1) of Chapter 28 of the State Aid Guidelines shall be replaced by the following :

‘In accordance with the basic principles on regional aid, as set out above, and in applying the Joint Declaration on Article 61 (3) (c) of the EEA Agreement, the EFTA Surveillance Authority has adopted methods for the application of Article 61 (3) (a) and (c) of the EEA Agreement. These methods for assessment are described below.’

2. Paragraph 28 (2) of Chapter 28 of the State Aid Guidelines shall be deleted.

3. The second indent of section 28.2.1 (2) of the State Aid Guidelines shall be replaced by the following :

‘— in the first stage of the analysis, the socio-economic situation of a region is assessed on the basis of three alternative criteria : per capita gross domestic product (GDP) or gross value added at factor cost (GVA), structural unemployment and low population density.’

4. A new section 28.2.3 shall be inserted as follows :

‘28.2.3. First stage of analysis with regard to regions with a very low population density ⁽¹⁾

28.2.3.1. *Population density threshold*

1. In order to take account of special regional development problems arising out of demography, regions corresponding to NUTS Level III regions with a population density of less than 12,5 per square kilometre may also be considered eligible for regional aid under the exemption set out in Article 61 (3) (c).
2. The introduction of this threshold for the interpretation and application of Article 61 (3) (c) of the EEA Agreement with regard to regional aid may be based on the grounds set out below.
3. The Joint Declaration on Article 61 (3) (c) of the EEA Agreement acknowledges the fact that the indicators used in the first stage of the method do not properly reflect the regional problems specific to certain Contracting Parties, particularly the Nordic countries (Norway, Sweden, Finland and Iceland). In these countries there are important aspects of the regional situation which the indicators are supposed to describe and which fall outside the scope of the method of analysis of eligibility as described in section 28.2.2 of these guidelines.
4. These shortcomings are in a large part due to a number of special features shared by the Nordic countries : they derive from geography — the remote northern location of some areas, harsh weather conditions and very long distances inside the national borders of the country concerned — and from the very low population density in some parts. These are specific factors which are not reflected in the statistical indicators used in section 28.2.2.

⁽¹⁾ Hereinafter referred to as ‘the State Aid Guidelines’.

⁽²⁾ OJ No L 231, 3. 9. 1994, p. 1.

⁽³⁾ See page 32 of this Official Journal.

5. A test of eligibility must therefore be used which reflects these problems. Such a test should be of general application, i.e. potentially applicable to any country. It should also be integrated into the method for the application of Article 61 (3) (c) of the EEA Agreement in order not to disrupt the method of assessing regional aid. If it is to be an objective test which is valid *erga omnes*, it must be an alternative to the unemployment and GDP tests used in the first stage of the method. This would mean that any region corresponding to a NUTS Level III region presenting the required level of unemployment or GDP or satisfying the new test could be accepted as qualifying for regional aid in the appropriate circumstances and subject to approval by the EFTA Surveillance Authority.
6. On those grounds, it could be held that a population density threshold of less than 12,5 per square kilometre reflects the addressed regional problems in an appropriate manner. All regions corresponding to NUTS Level III regions with a population density below that figure may then qualify for the exemption for regional aid laid down in Article 61 (3) (c) of the EEA Agreement, subject to assessment and decision by the EFTA Surveillance Authority.

28.2.3.2. *Criteria for transport aid*

1. The population density test may provide a satisfactory response to the problem of underpopulation in certain regions, but it does not address another regional handicap specific to the Nordic countries, namely the extra costs to firms caused by very long distances and harsh weather conditions. These factors affect regional development in two ways : they may induce firms in such regions to relocate to less remote areas which hold out better prospects for economic activity and they might dissuade firms from locating in such outlying areas.
2. The EFTA Surveillance Authority could therefore decide to authorize aid to firms aimed at providing partial compensation for the additional cost of transport, on a limited basis and at its discretion, in order to safeguard the common interest. Such compensation must however comply with the following conditions :
 - Aid may be given only to firms located in areas qualifying for regional aid on the basis of the population density test.
 - Aid must serve only to compensate for the additional cost of transport. The EFTA State concerned will have to show that compensation is needed on objective grounds. There must never be overcompensation. Account will have to be taken here of other schemes of assistance to transport, notably pursuant to Articles 49 and 51 of the EEA Agreement.
 - Aid may be given only in respect of the extra cost of transport of goods inside the national borders of the country concerned. It must not be allowed to become export aid.
 - Aid must be objectively quantifiable in advance, on the basis of an aid-per-kilometre ratio or the basis of an aid-per-kilometre and an aid-per-unit-weight ratio, and there must be an annual report drawn up which, among other things, shows the operation of the ratio or ratios.
 - The estimate of additional cost must be based on the most economical form of transport and the shortest route between the place of production or processing and commercial outlets.
 - No aid may be given towards the transport or transmission of the products of enterprises without an alternative location (products of the extractive industries, hydroelectric power stations, etc.).

- Transport aid given to firms in industries which the EFTA Surveillance Authority considers sensitive (motor vehicles, textiles, synthetic fibres, ECSC products and non-ECSC steel) are subject to the sectoral rules for the industry concerned and must in particular respect the specific notification obligations stipulated in the relevant chapters of these guidelines or in the Act referred to in point 1a of Annex XV to the EEA Agreement ⁽²⁾.
 - Agricultural products within the scope of Annex II to the EC Treaty, and falling within the scope of the EEA Agreement are not covered by this measure ⁽³⁾.
 - Any plans to put into effect new schemes or to amend existing schemes of assistance to transport should contain a limitation in time and should never be more favourable than existing schemes in the relevant EFTA State.
3. The EFTA Surveillance Authority aims at reviewing the existing schemes of assistance to transport on the basis of these criteria within three years from the entry into force of the EEA Agreement.

⁽¹⁾ This section corresponds to the Commission notice on changes to the method for the application of Article 92 (3) (c) of the EC Treaty to regional aid, adopted by the European Commission on 1 June 1994.

⁽²⁾ Commission Decision No 3855/91/ECSC of 27 November 1991 establishing Community rules for aid to the steel industry (OJ No L 362, 31. 12. 1991, p. 57).

⁽³⁾ The corresponding condition in the Commission notice referred to in footnote 1 reads as follows: "les produits agricoles relevant de l'Annexe II du Traité CE, autres que les produits de la pêche, ne sont pas couverts par les présentes dispositions". The different condition in the present State Aid Guidelines is due to the fact that the EFTA Surveillance Authority lacks competence in respect of State aid in the fisheries sector.'

5. Section 28.2.3 shall be renumbered into section 28.2.4.

The first sentence of paragraph 1 of this section shall be replaced by the following:

- '1. The first stage of analysis outlined above permits a basic examination of the socio-economic situation of a region in its national and EEA context in terms of unemployment, income levels and low population density.'

Paragraph 3 of this section shall be replaced by the following:

- '3. It is possible that these other relevant indicators may reveal an adequate justification for regional aid even in regions which do not satisfy totally the thresholds established in the course of the first stage.'

6. Section 28.2.4 shall be renumbered into section 28.2.5.

Done in Brussels, 20 July 1994.

For the EFTA Surveillance Authority

Heinz ZOUREK

College Member