

Official Journal

of the European Communities

English edition

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2271/94

of 19 September 1994

amending Regulation (EEC) No 1781/93 imposing a definitive countervailing duty on imports of ball bearings with a greatest external diameter not exceeding 30 mm, originating in Thailand but exported to the Community from another country

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Articles 12 and 14 thereof,

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

Whereas :

A. Background

- (1) In July 1993, the Council, by Regulation (EEC) No 1781/93⁽²⁾, imposed a definitive countervailing duty of 6,7 % on imports of ball bearings with a greatest external diameter not exceeding 30 mm, originating in Thailand but exported to the Community from another country.
- (2) This duty was imposed following a review of Commission Decision 90/266/EEC⁽³⁾ accepting an undertaking offered by the Royal Thai Government, in connection with the countervailing duty proceeding concerning imports of the abovementioned ball bearings. This involved the Royal Thai Government levying an export tax to offset the subsidies granted. No countervailing duty was imposed at the time of adoption of this Decision. The review investigation revealed, however, that a duty was necessary in order to prevent indirect imports into the Community avoiding the export

tax levied by the Royal Thai Government on direct imports and to safeguard the effectiveness of the undertaking.

- (3) The definitive duty rate of 6,7 % was based on the revised rate of export tax of 0,91 baht per piece, as determined by Decision 93/381/EEC⁽⁴⁾ following the above review.

B. Reopening of investigation

- (4) In October 1993, the Commission initiated a review of Decision 93/381/EEC and Regulation (EEC) No 1781/93, by a notice published in the *Official Journal of the European Communities*⁽⁵⁾.
- (5) The purpose of this review was to examine the amount of subsidy granted by the Royal Thai Government, with a view to allowing a modification of the rate of export tax established by Decision 93/381/EEC, and to determine whether the subsidies granted were still countervailable. Since the rate of countervailing duty on indirect imports directly reflects the export tax rate, the review also covers Regulation (EEC) No 1781/93 imposing the definitive duty.
- (6) The Commission officially advised the Royal Thai Government, the exporters and importers known to be concerned, as well as the complainant in the original investigation (Febma) and gave the parties directly concerned the opportunity to make their views known in writing and request a hearing. The Royal Thai Government, the exporters located in Thailand and the Community producers, represented by Febma, made their views known in writing.

⁽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 163, 6. 7. 1993, p. 1.

⁽³⁾ OJ No L 152, 16. 6. 1990, p. 59.

⁽⁴⁾ OJ No L 163, 6. 7. 1993, p. 35.

⁽⁵⁾ OJ No C 286, 22. 10. 1993, p. 6.

- (7) The Commission sought and verified all information it deemed to be necessary for the purposes of a determination and carried out an investigation at the premises of the following:

(a) Royal Thai Government:

Departement of Foreign Trade, Bangkok,
Board of Investment, Bangkok,
Department of Revenue, Bangkok.

(b) Thai exporters:

NBM Thai Ltd, Ayutthaya, Thailand,
Pelmech Thai Ltd, Bang Pa-In, Thailand,
NMB Hi-Tech Ltd, Bang Pa-In, Thailand.

All these exporting companies are wholly-owned subsidiaries of Minebea Co. Ltd, Japan.

- (8) Upon request, parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the amendment to the rate of definitive countervailing duty. They were also granted a period within which to make representations subsequent to the disclosure.

The written comments submitted by the parties were, where appropriate, taken into consideration.

C. Countervailability of subsidies and recalculation of subsidy amount

- (9) The Commission has determined that the subsidies granted to the exporters in Thailand are still countervailable, and that the subsidy granted in the period 1 October 1992 to 30 September 1993 amounts to 0,72 baht per piece. The Council confirms these findings. The Royal Thai Government has accordingly amended the export tax rate on ball bearings exported directly to the Community to 0,72 baht per piece, and has offered a modified version of the undertaking to this effect. This has been accepted by Commission Decision 94/639/EC⁽¹⁾, which also explains in detail the reasoning with regard to the countervailability and the calculation of the amount of subsidy.

D. Injury and Community interest

- (10) No new evidence was supplied with regard to injury or Community interest. The Council there-

fore maintains its conclusions set out in Regulation (EEC) No 1781/93 concerning these matters.

E. Amendements to definitive duty

- (11) In view of the change in the export tax rate from 0,91 to 0,72 baht per piece, the rate of definitive countervailing duty on indirect imports should be amended according to an amount equivalent to the new export tax rate. When expressed as a percentage of the net, free-at-Community-frontier, price of product, the new rate of countervailing duty amounts to 5,3 %.

F. Collection of anti-dumping and countervailing duties

- (12) As explained in recital (10) of Regulation (EEC) No 1781/93, the countervailing duty should continue to be collected in addition to the anti-dumping duty imposed by Regulation (EEC) No 2934/90⁽²⁾.

The combined amount of anti-dumping and countervailing duty to be collected in this case is, therefore, 12 % (6,7 % anti-dumping duty plus 5,3 % countervailing duty).

The basis for calculating the amount of both anti-dumping and countervailing duty should be the same net, free-at-Community-frontier, price of the product,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (2) of Regulation (EEC) No 1781/93 shall be replaced by the following:

- '2. The countervailing duty expressed as a percentage of the net, free-at-Community-frontier, price of product, shall be 5,3 %'.

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, 19 September 1994.

For the Council

The President

Th. WAIGEL

⁽¹⁾ See page 29 of this Official Journal.

⁽²⁾ OJ No L 281, 12. 10. 1990, p. 1.

COMMISSION REGULATION (EC) No 2272/94**of 20 September 1994****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾, as last amended by Regulation (EC) No 2193/94 ⁽³⁾, and in particular Article 173 (1) thereof,

Whereas Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation;

Whereas the result of applying the rules and criteria laid down in the abovementioned Articles to the elements

communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173 (1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 September 1994.

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

Done at Brussels, 20 September 1994.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽³⁾ OJ No L 235, 9. 9. 1994, p. 6.

ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	0701 90 51 0701 90 59	New potatoes	31,55	1 247	238,43	60,58	207,43	9 150	25,01	60 478	68,06	24,80
1.20	0702 00 10 0702 00 90	Tomatoes	40,82	1 614	307,41	78,42	268,10	11 854	32,57	77 776	87,96	32,19
1.30	0703 10 19	Onions (other than seed)	48,44	1 911	366,25	92,85	317,49	14 141	38,80	93 735	104,09	38,28
1.40	0703 20 00	Garlic	73,22	2 888	553,52	140,34	479,84	21 373	58,65	141 666	157,33	57,85
1.50	ex 0703 90 00	Leeks	55,11	2 191	416,83	106,38	362,51	15 522	43,90	105 358	119,58	42,20
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	57,81	2 331	438,81	113,34	385,48	15 133	43,14	104 614	127,38	45,06
1.70	0704 20 00	Brussels sprouts	53,71	2 172	405,33	104,22	354,64	14 950	41,74	101 870	116,85	40,02
1.80	0704 90 10	White cabbages and red cabbages	17,14	681	129,98	33,09	113,00	4 877	13,79	31 888	37,18	13,32
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>)	79,26	3 206	598,09	153,78	523,30	22 060	61,59	150 316	172,41	59,05
1.100	ex 0704 90 90	Chinese cabbage	36,78	1 463	279,14	71,12	243,78	10 454	29,10	68 223	79,83	28,31
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	173,67	6 851	1 312,87	332,86	1 138,10	50 693	139,11	336 008	373,15	137,22
1.120	ex 0705 29 00	Endives	21,82	877	162,70	42,58	143,89	5 690	17,51	39 262	47,92	17,72
1.130	ex 0706 10 00	Carrots	16,90	673	128,33	32,72	111,98	4 793	13,36	31 281	36,73	12,98
1.140	ex 0706 90 90	Radishes	60,46	2 405	458,53	116,76	398,62	17 204	48,65	112 485	131,17	47,01
1.150	0707 00 11 0707 00 19	Cucumbers	55,21	2 193	417,12	106,57	364,08	15 879	43,67	103 026	119,50	42,86
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	251,47	9 920	1 901,01	481,98	1 647,94	73 402	201,43	486 531	540,32	198,69
1.170		Beans :										
1.170.1	0708 20 10 0708 20 90	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)	249,63	9 848	1 887,16	478,47	1 635,94	72 867	199,96	482 987	536,38	197,25
1.170.2	0708 20 10 0708 20 90	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>)	91,26	3 616	687,78	174,91	600,77	26 404	72,93	174 000	196,24	72,04
1.180	ex 0708 90 00	Broad beans	92,83	3 894	734,40	189,09	645,42	21 793	71,04	142 837	212,96	66,61
1.190	0709 10 00	Globe artichokes	61,64	2 453	467,78	119,18	408,52	17 518	48,77	114 325	133,77	47,45
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	497,65	19 633	3 762,04	953,83	3 261,23	145 261	398,63	962 829	1 069,28	393,22
1.200.2	ex 0709 20 00	— other	217,11	8 646	1 639,96	420,00	1 429,46	63 062	171,19	406 332	470,91	167,19
1.210	0709 30 00	Aubergines (egg-plants)	73,62	2 904	556,59	141,12	482,49	21 491	58,97	142 450	158,20	58,17
1.220	ex 0709 40 00	Ribbed celery (<i>Apium graveolens</i> var. <i>dulce</i>)	80,83	3 211	610,71	156,02	533,05	23 248	63,94	150 841	174,96	62,75
1.230	0709 51 30	Chantarelles	821,98	32 428	6 213,86	1 575,47	5 386,66	239 931	658,44	1 590 333	1 766,17	649,49
1.240	0709 60 10	Sweet peppers	71,20	2 808	538,25	136,46	466,59	20 783	57,03	137 756	152,98	56,25
1.250	0709 90 50	Fennel	73,55	2 966	558,22	144,18	490,38	19 251	54,88	133 083	162,05	57,33
1.260	0709 90 70	Courgettes	29,03	1 156	220,33	56,18	192,26	8 230	22,94	53 707	63,06	22,28
1.270	ex 0714 20 10	Sweet potatoes, whole, fresh (intended for human consumption)	72,73	2 869	549,81	139,40	476,62	21 229	58,25	140 714	156,27	57,46
2.10	ex 0802 40 00	Chestnuts (<i>Castanea</i> spp.), fresh	83,78	3 378	639,04	164,08	560,82	21 691	62,54	145 547	184,60	66,87
2.20												
2.30	ex 0804 30 00	Pineapples, fresh	43,47	1 715	328,66	83,32	284,91	12 690	34,82	84 115	93,41	34,35
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	105,06	4 144	794,23	201,37	688,50	30 667	84,15	203 269	225,74	83,01

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.50	ex 0804 50 00	Guavas and mangoes, fresh	108,83	4 293	822,75	208,60	713,22	31 768	87,18	210 570	233,85	85,99
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	25,96	1 024	196,32	49,77	170,18	7 580	20,80	50 244	55,80	20,52
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	38,82	1 531	293,46	74,40	254,39	11 331	31,09	75 107	83,41	30,67
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	29,92	1 180	226,22	57,35	196,10	8 734	23,97	57 897	64,29	23,64
2.70		Mandarins (including tangerines and satsumas), fresh ; clementines, wilkings and similar citrus hybrids, fresh :										
2.70.1	ex 0805 20 10	— Clementines	42,82	1 689	323,71	82,07	280,61	12 499	34,30	82 848	92,00	33,83
2.70.2	ex 0805 20 30	— Monreales and Satsumas	37,95	1 497	286,92	72,74	248,72	11 078	30,40	73 432	81,55	29,98
2.70.3	ex 0805 20 50	— Mandarins and wilkings	50,74	2 005	383,46	97,43	333,59	14 715	40,22	97 263	109,46	39,89
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	50,46	1 990	381,50	96,72	330,71	14 730	40,42	97 639	108,43	39,87
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	64,52	2 545	487,78	123,67	422,84	18 834	51,68	124 840	138,64	50,98
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	99,20	3 913	749,96	190,14	650,12	28 957	79,46	191 939	213,16	78,38
2.90		Grapefruit, fresh :										
2.90.1	ex 0805 40 00	— white	48,03	1 895	363,15	92,07	314,80	14 022	38,48	92 942	103,21	37,95
2.90.2	ex 0805 40 00	— pink	66,23	2 612	500,66	126,94	434,01	19 332	53,05	128 137	142,30	52,33
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	98,13	3 871	741,82	188,08	643,07	28 643	78,60	189 857	210,84	77,53
2.110	0807 10 10	Water-melons	14,10	556	106,66	27,04	92,46	4 118	11,30	27 298	30,31	11,14
2.120		Melons (other than water-melons) :										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey dew (including Cantalene), Onteniente, Piel de Sapo (including Verde Liso), Rochet, Tendral, Futuro	62,51	2 466	472,60	119,82	409,68	18 248	50,07	120 954	134,32	49,39
2.120.2	ex 0807 10 90	— other	83,70	3 302	632,77	160,43	548,53	24 432	67,05	161 947	179,85	66,13
2.130	0808 10 31 0808 10 33 0808 10 39 0808 10 51 0808 10 53 0808 10 59 0808 10 81 0808 10 83 0808 10 89	Apples	59,65	2 353	450,96	114,33	390,93	17 412	47,78	115 417	128,17	47,13
2.140		Pears										
2.140.1	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Pears — Nashi (<i>Pyrus pyrifolia</i>)	168,93	6 664	1 277,03	323,78	1 107,03	49 309	135,31	326 835	362,97	133,48
2.140.2	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Other	74,48	2 938	563,06	142,75	488,10	21 741	59,66	144 105	160,03	58,85

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.150	0809 10 00	Apricots	85,68	3 388	645,25	164,61	562,73	24 882	68,38	163 247	184,64	67,57
2.160	0809 20 20 0809 20 40 0809 20 60 0809 20 80	Cherries	155,38	6 144	1 170,13	298,51	1 020,50	45 123	124,00	296 043	334,84	122,54
2.170	ex 0809 30 90	Peaches	73,54	2 928	555,49	142,26	484,19	21 360	57,98	137 634	159,51	56,63
2.180	ex 0809 30 10	Nectarines	207,11	8 235	1 565,19	400,15	1 372,35	59 102	163,75	382 787	449,15	159,80
2.190	0809 40 11 0809 40 19	Plums	44,24	1 745	334,48	84,80	289,95	12 915	35,44	85 605	95,07	34,96
2.200	0810 10 10 0810 10 90	Strawberries	276,20	10 896	2 087,97	529,39	1 810,01	80 621	221,24	534 381	593,46	218,24
2.205	0810 20 10	Raspberries	1 232,1	49 408	9 305,36	2 396,74	8 133,50	344 866	961,01	2 323 153	2 685,64	922,33
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	194,02	7 673	1 461,18	372,77	1 274,33	56 347	154,85	369 677	418,12	153,02
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	166,60	6 572	1 259,44	319,32	1 091,78	48 629	133,45	322 332	357,97	131,64
2.230	ex 0810 90 80	Pomegranates	138,09	5 447	1 043,92	264,68	904,95	40 308	110,61	267 175	296,71	109,11
2.240	ex 0810 90 80	Khakis (including Sharon fruit)	155,52	6 135	1 175,73	298,09	1 019,21	45 397	124,58	300 909	334,18	122,89
2.250	ex 0810 90 30	Lychees	472,21	18 629	3 569,77	905,08	3 094,56	137 837	378,26	913 622	1 014,64	373,12

COMMISSION REGULATION (EC) No 2273/94

of 21 September 1994

fixing the export refunds on white sugar and raw sugar exported in its unaltered 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 point (a) of the first subparagraph of Article 19 (4) thereof,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as last amended by Regulation (EC) No 1555/94⁽⁷⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination;

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas Council Regulation (EEC) No 990/93⁽⁸⁾ 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 representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁹⁾, as amended by Regulation (EC) No 3528/93⁽¹⁰⁾, 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⁽¹¹⁾, as amended by Regulation (EC) No 547/94⁽¹²⁾;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto;

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

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, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 September 1994.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 166, 1. 7. 1994, p. 52.

⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽¹⁰⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽¹¹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹²⁾ OJ No L 69, 12. 3. 1994, p. 1.

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

Done at Brussels, 21 September 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 21 September 1994 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	32,08 ⁽¹⁾
1701 11 90 910	29,32 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	32,08 ⁽¹⁾
1701 12 90 910	29,32 ⁽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	34,62
1701 99 10 950	34,62
	— 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 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 2274/94**of 21 September 1994****fixing the maximum export refund for white sugar for the 17th 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 17th 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 17th 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 37,193 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 22 September 1994.

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

Done at Brussels, 21 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 2275/94**of 21 September 1994****introducing a countervailing charge on certain varieties of plum originating in Romania**

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

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

Whereas Commission Regulation (EC) No 2174/94⁽³⁾, amended by Regulation (EC) No 2215/94⁽⁴⁾, introduced a countervailing charge on certain varieties of plum originating in Romania;

Whereas for these varieties of plum originating in Romania there were no prices for six consecutive working

days; whereas the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of certain varieties of plum originating in Romania can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2174/94 is hereby repealed.

Article 2

This Regulation shall enter into force on 22 September 1994.

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

Done at Brussels, 21 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 26.

⁽³⁾ OJ No L 232, 6. 9. 1994, p. 6.

⁽⁴⁾ OJ No L 238, 13. 9. 1994, p. 20.

COMMISSION REGULATION (EC) No 2276/94

of 21 September 1994

fixing the export refunds 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 17 (4) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 776/94 ⁽⁴⁾, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 3(1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5(1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products ⁽⁵⁾, as last amended by Regulation (EEC) No 2767/90 ⁽⁶⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 21.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 91, 8. 4. 1994, p. 6.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 267, 29. 9. 1990, p. 14.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of 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⁾;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽³⁾, as amended by Regulation (EC) No 3528/93⁽⁴⁾, 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⁽⁵⁾, as amended by Regulation (EC) No 547/94⁽⁶⁾;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 150 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽⁷⁾, as last amended by Regulation (EEC) No 222/88⁽⁸⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

Whereas Council Regulation (EEC) No 990/93⁽⁹⁾ 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 Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.

Article 2

This Regulation shall enter into force on 22 September 1994.

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

Done at Brussels, 21 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 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ No L 69, 12. 3. 1994, p. 1.

⁽⁷⁾ OJ No L 91, 1. 4. 1984, p. 71.

⁽⁸⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁹⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 21 September 1994 fixing the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0401 10 10 000		5,18	0402 21 91 500		118,10
0401 10 90 000		5,18	0402 21 91 600		128,54
0401 20 11 100		5,18	0402 21 91 700		134,75
0401 20 11 500		8,00	0402 21 91 900		141,68
0401 20 19 100		5,18	0402 21 99 100		105,31
0401 20 19 500		8,00	0402 21 99 200		106,08
0401 20 91 100		10,65	0402 21 99 300		107,46
0401 20 91 500		12,41	0402 21 99 400		115,39
0401 20 99 100		10,65	0402 21 99 500		118,10
0401 20 99 500		12,41	0402 21 99 600		128,54
0401 30 11 100		15,94	0402 21 99 700		134,75
0401 30 11 400		24,58	0402 21 99 900		141,68
0401 30 11 700		36,93	0402 29 15 200		0,6000
0401 30 19 100		15,94	0402 29 15 300		0,9158
0401 30 19 400		24,58	0402 29 15 500		0,9682
0401 30 19 700		36,93	0402 29 15 900		1,0450
0401 30 31 100		43,98	0402 29 19 200		0,6000
0401 30 31 400		68,67	0402 29 19 300		0,9158
0401 30 31 700		75,72	0402 29 19 500		0,9682
0401 30 39 100		43,98	0402 29 19 900		1,0450
0401 30 39 400		68,67	0402 29 91 100		1,0531
0401 30 39 700		75,72	0402 29 91 500		1,1539
0401 30 91 100		86,30	0402 29 99 100		1,0531
0401 30 91 400		126,85	0402 29 99 500		1,1539
0401 30 91 700		148,02	0402 91 11 110		5,18
0401 30 99 100		86,30	0402 91 11 120		10,65
0401 30 99 400		126,85	0402 91 11 310		18,15
0401 30 99 700		148,02	0402 91 11 350		22,42
0402 10 11 000		60,00	0402 91 11 370		27,47
0402 10 19 000		60,00	0402 91 19 110		5,18
0402 10 91 000		0,6000	0402 91 19 120		10,65
0402 10 99 000		0,6000	0402 91 19 310		18,15
0402 21 11 200		60,00	0402 91 19 350		22,42
0402 21 11 300		91,58	0402 91 19 370		27,47
0402 21 11 500		96,82	0402 91 31 100		21,05
0402 21 11 900		104,50	0402 91 31 300		32,47
0402 21 17 000		60,00	0402 91 39 100		21,05
0402 21 19 300		91,58	0402 91 39 300		32,47
0402 21 19 500		96,82	0402 91 51 000		24,58
0402 21 19 900		104,50	0402 91 59 000		24,58
0402 21 91 100		105,31	0402 91 91 000		86,30
0402 21 91 200		106,08	0402 91 99 000		86,30
0402 21 91 300		107,46	0402 99 11 110		0,0518
0402 21 91 400		115,39	0402 99 11 130		0,1065

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0402 99 11 150		0,1769	0403 90 61 100		0,0518
0402 99 11 310		20,94	0403 90 61 300		0,0800
0402 99 11 330		25,30	0403 90 63 000		0,1065
0402 99 11 350		33,90	0403 90 69 000		0,1594
0402 99 19 110		0,0518	0404 90 11 100		60,00
0402 99 19 130		0,1065	0404 90 11 910		5,18
0402 99 19 150		0,1769	0404 90 11 950		18,15
0402 99 19 310		20,94	0404 90 13 120		60,00
0402 99 19 330		25,30	0404 90 13 130		91,58
0402 99 19 350		33,90	0404 90 13 140		96,82
0402 99 31 110		0,2282	0404 90 13 150		104,50
0402 99 31 150		35,31	0404 90 13 911		5,18
0402 99 31 300		0,4398	0404 90 13 913		10,65
0402 99 31 500		0,7572	0404 90 13 915		15,94
0402 99 39 110		0,2282	0404 90 13 917		24,58
0402 99 39 150		35,31	0404 90 13 919		36,93
0402 99 39 300		0,4398	0404 90 13 931		18,15
0402 99 39 500		0,7572	0404 90 13 933		22,42
0402 99 91 000		0,8630	0404 90 13 935		27,47
0402 99 99 000		0,8630	0404 90 13 937		32,47
0403 10 22 100		5,18	0404 90 13 939		33,95
0403 10 22 300		8,00	0404 90 19 110		105,31
0403 10 24 000		10,65	0404 90 19 115		106,08
0403 10 26 000		15,94	0404 90 19 120		107,46
0403 10 32 100		0,0518	0404 90 19 130		115,39
0403 10 32 300		0,0800	0404 90 19 135		118,10
0403 10 34 000		0,1065	0404 90 19 150		128,54
0403 10 36 000		0,1594	0404 90 19 160		134,75
0403 90 11 000		60,00	0404 90 19 180		141,68
0403 90 13 200		60,00	0404 90 31 100		60,00
0403 90 13 300		91,58	0404 90 31 910		5,18
0403 90 13 500		96,82	0404 90 31 950		18,15
0403 90 13 900		104,50	0404 90 33 120		60,00
0403 90 19 000		105,31	0404 90 33 130		91,58
0403 90 31 000		0,6000	0404 90 33 140		96,82
0403 90 33 200		0,6000	0404 90 33 150		104,50
0403 90 33 300		0,9158	0404 90 33 911		5,18
0403 90 33 500		0,9682	0404 90 33 913		10,65
0403 90 33 900		1,0450	0404 90 33 915		15,94
0403 90 39 000		1,0531	0404 90 33 917		24,58
0403 90 51 100		5,18	0404 90 33 919		36,93
0403 90 51 300		8,00	0404 90 33 931		18,15
0403 90 53 000		10,65	0404 90 33 933		22,42
0403 90 59 110		15,94	0404 90 33 935		27,47
0403 90 59 140		24,58	0404 90 33 937		32,47
0403 90 59 170		36,93	0404 90 33 939		33,95
0403 90 59 310		43,98	0404 90 39 110		105,31
0403 90 59 340		68,67	0404 90 39 115		106,08
0403 90 59 370		75,72	0404 90 39 120		107,46
0403 90 59 510		86,30	0404 90 39 130		115,39
0403 90 59 540		126,85			
0403 90 59 570		148,02			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0404 90 39 150		118,10	0405 00 19 500		156,10
0404 90 51 100		0,6000	0405 00 19 700		160,00
0404 90 51 910		0,0518	0405 00 90 100		160,00
0404 90 51 950		20,94	0405 00 90 900		206,00
0404 90 53 110		0,6000	0406 10 20 100		—
0404 90 53 130		0,9158	0406 10 20 230	028	—
0404 90 53 150		0,9682		032	—
0404 90 53 170		1,0450		400	31,80
0404 90 53 911		0,0518		404	—
0404 90 53 913		0,1065		...	39,07
0404 90 53 915		0,1594	0406 10 20 290	028	—
0404 90 53 917		0,2458		032	—
0404 90 53 919		0,3693		400	31,80
0404 90 53 931		20,94		404	—
0404 90 53 933		25,30		...	39,07
0404 90 53 935		33,90	0406 10 20 610	028	11,00
0404 90 53 937		35,31		032	11,00
0404 90 59 130		1,0531		036	—
0404 90 59 150		1,1539		038	—
0404 90 59 930		0,5279		400	71,05
0404 90 59 950		0,7572		404	—
0404 90 59 990		0,8630		...	72,89
0404 90 91 100		0,6000	0406 10 20 620	028	16,29
0404 90 91 910		0,0518		032	16,29
0404 90 91 950		20,94		036	—
0404 90 93 110		0,6000		038	—
0404 90 93 130		0,9158		400	78,34
0404 90 93 150		0,9682		404	—
0404 90 93 170		1,0450		...	79,92
0404 90 93 911		0,0518	0406 10 20 630	028	19,55
0404 90 93 913		0,1065		032	19,55
0404 90 93 915		0,1594		036	—
0404 90 93 917		0,2458		038	—
0404 90 93 919		0,3693		400	89,03
0404 90 93 931		20,94		404	—
0404 90 93 933		25,30		...	90,24
0404 90 93 935		33,90	0406 10 20 640	028	—
0404 90 93 937		35,31		032	—
0404 90 99 130		1,0531		036	—
0404 90 99 150		1,1539		038	—
0404 90 99 930		0,5279		400	105,89
0404 90 99 950		0,7572		404	—
0404 90 99 990		0,8630		...	105,89
0405 00 11 200		120,98	0406 10 20 650	028	22,40
0405 00 11 300		152,20		032	22,40
0405 00 11 500		156,10		036	—
0405 00 11 700		160,00		038	—
0405 00 19 200		120,98		400	52,94
0405 00 19 300		152,20		404	—
				...	110,24

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 10 20 660		—	0406 30 10 200	028	—
0406 10 20 810	028	—		032	—
	032	—		036	—
	036	—		038	—
	038	—		400	35,44
	400	17,16		404	—
	404	—		...	39,65
	...	17,16	0406 30 10 250	028	—
0406 10 20 830	028	—		032	—
	032	—		036	—
	036	—		038	—
	038	—		400	35,44
	400	29,30		404	—
	404	—		...	39,65
	...	29,30	0406 30 10 300	028	—
0406 10 20 850	028	—		032	—
	032	—		036	—
	036	—		038	—
	038	—		400	52,04
	400	35,53		404	—
	404	—		...	58,18
	...	35,53	0406 30 10 350	028	—
0406 10 20 870		—		032	—
0406 10 20 900		—		036	—
0406 20 90 100		—		038	—
0406 20 90 913	028	—		400	35,44
	032	—		404	—
	400	69,19		...	39,65
	404	—	0406 30 10 400	028	—
	...	69,19		032	—
0406 20 90 915	028	—		036	—
	032	—		038	—
	400	92,25		400	52,04
	404	—		404	—
	...	92,25		...	58,18
0406 20 90 917	028	—	0406 30 10 450	028	—
	032	—		032	—
	400	98,00		036	—
	404	—		038	—
	...	98,00		400	75,77
0406 20 90 919	028	—		404	—
	032	—		...	84,66
	400	109,54	0406 30 10 500		—
	404	—	0406 30 10 550	028	—
	...	109,54		032	—
0406 20 90 990		—		036	—
0406 30 10 100		—		038	—
0406 30 10 150	028	—		400	35,44
	032	—		404	16,29
	036	—		...	39,65
	038	—	0406 30 10 600	028	—
	400	16,32		032	—
	404	—		036	—
	...	18,60		038	—
				400	52,04
				404	22,81
				...	58,18

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 30 10 650	028	—	0406 30 31 730	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	75,77		400	52,04
	404	—		404	—
	...	84,66		...	58,18
0406 30 10 700	028	—	0406 30 31 910	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	75,77		400	35,44
	404	—		404	—
	...	84,66		...	39,65
0406 30 10 750	028	—	0406 30 31 930	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	92,48		400	52,04
	404	—		404	—
	...	103,34		...	58,18
0406 30 10 800	028	—	0406 30 31 950	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	92,48		400	75,77
	404	—		404	—
	...	103,34		...	84,66
0406 30 10 800	028	—	0406 30 39 100	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	92,48		400	35,44
	404	—		404	16,29
	...	103,34		...	39,65
0406 30 31 100	028	—	0406 30 39 300	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	16,32		400	52,04
	404	—		404	22,81
	...	18,60		...	58,18
0406 30 31 300	028	—	0406 30 39 500	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	16,32		400	52,04
	404	—		404	22,81
	...	18,60		...	58,18
0406 30 31 500	028	—	0406 30 39 700	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	35,44		400	75,77
	404	—		404	—
	...	39,65		...	84,66
0406 30 31 710	028	—	0406 30 39 930	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	35,44		400	75,77
	404	—		404	—
	...	39,65		...	84,66

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 30 39 950	028	—	0406 90 21 900	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	92,48		400	105,89
	404	—		404	—
	...	103,34		...	123,56
0406 30 90 000	028	—	0406 90 23 900	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	92,48		400	52,94
	404	—		404	—
	...	103,34		...	110,24
0406 40 50 000	028	—	0406 90 25 900	028	—
	032	—		032	—
	038	—		036	—
	400	97,75		038	—
	404	—		400	52,94
	...	103,04		404	—
				...	110,24
0406 40 90 000	028	—	0406 90 27 900	028	—
	032	—		032	—
	038	—		036	—
	400	97,75		038	—
	404	—		400	45,72
	...	103,04		404	—
				...	93,42
0406 90 13 000	028	—	0406 90 31 119	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	12,22
	400	105,89		400	50,89
	404	—		404	13,03
	...	129,78		...	73,27
0406 90 15 100	028	—	0406 90 31 151	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	105,89		400	47,57
	404	—		404	12,19
	...	129,78		...	68,29
0406 90 15 900		—	0406 90 31 159	028	—
0406 90 17 100	028	—		032	—
	032	—		036	—
	036	—		038	—
	038	—		400	12,22
	400	105,89		400	50,89
	404	—		404	13,03
	...	129,78		...	73,27
0406 90 17 900		—			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 90 33 151	028	—	0406 90 69 910	028	—
	032	—		032	—
	036	—		036	57,02
	038	—		400	122,18
	400	47,57		404	65,16
	404	12,19		...	134,39
	...	68,29	0406 90 73 900	028	—
0406 90 33 919	028	—		032	—
	032	—		036	34,75
	036	—		400	123,00
	038	12,22		404	97,75
	400	50,89		...	123,00
	404	13,03	0406 90 75 900	028	—
	...	73,27		032	—
0406 90 33 951	028	—		036	—
	032	—		400	52,94
	036	—		404	—
	038	—		...	102,60
	400	47,57	0406 90 76 100	028	19,55
	404	12,19		032	19,55
	...	68,29		036	—
0406 90 35 190	028	—		038	—
	032	—		400	47,87
	036	34,75		404	—
	400	129,13		...	90,24
	404	73,31	0406 90 76 300	028	—
	...	129,13		032	—
0406 90 35 990	028	—		036	—
	032	—		038	—
	036	—		400	52,94
	038	—		404	—
	400	105,89		...	110,24
	404	—	0406 90 76 500	028	—
	...	105,89		032	—
0406 90 61 000	028	—		036	—
	032	—		038	—
	036	73,31		400	61,09
	400	150,68		404	—
	404	114,03		...	110,24
	...	150,68	0406 90 78 100	028	19,55
0406 90 63 100	028	—		032	19,55
	032	—		036	—
	036	85,55		038	—
	400	172,77		400	47,87
	404	130,32		404	—
	...	172,77		...	90,24
0406 90 63 900	028	—	0406 90 78 300	028	—
	032	—		032	—
	036	57,02		036	—
	400	122,18		038	—
	404	65,16		400	52,94
	...	134,39		404	—
	...	—		...	110,24

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 78 500	028	—	0406 90 86 300	028	16,29
	032	—		032	16,29
	036	—		036	—
	038	—		038	—
	400	61,09		400	78,34
	404	—		404	—
	...	110,24		...	79,92
0406 90 79 900	028	—	0406 90 86 400	028	19,55
	032	—		032	19,55
	036	—		036	—
	038	—		038	—
	400	45,72		400	89,03
	404	—		404	—
	...	93,42		...	90,24
0406 90 81 900	028	—	0406 90 86 900	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	105,89		400	105,89
	404	—		404	—
	...	105,89		...	105,89
0406 90 85 910	028	—	0406 90 87 100		—
	032	—			—
	036	34,75	0406 90 87 200	028	11,00
	400	129,13		032	11,00
	404	73,31		036	—
	...	129,13		038	—
				400	72,89
0406 90 85 991	028	—		404	—
	032	—		...	72,89
	036	—	0406 90 87 300	028	16,29
	038	—		032	16,29
	400	105,89		036	—
	404	—		038	—
	...	105,89		400	78,34
0406 90 85 995	028	22,40		404	—
	032	22,40	0406 90 87 400	...	79,92
	036	—		028	19,55
	038	—		032	19,55
	400	52,94		036	—
	404	—		038	—
	...	110,24		400	89,03
0406 90 85 999		—	0406 90 87 951	404	—
0406 90 86 100		—		...	90,24
0406 90 86 200	028	11,00		028	—
	032	11,00		032	—
	036	—		036	34,75
	038	—		400	123,00
	400	72,89		404	73,31
	404	—		...	123,00
	...	72,89			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 87 971	028	22,40	2309 10 19 010		—
	032	22,40	2309 10 19 100		—
	036	—	2309 10 19 200		0,22
	038	—	2309 10 19 300		0,29
	400	60,28	2309 10 19 400		0,37
	404	—	2309 10 19 500		0,45
	...	110,24	2309 10 19 600		0,52
0406 90 87 972	028	—	2309 10 19 700		0,55
	032	—	2309 10 19 800		0,59
	400	31,80	2309 10 70 010		—
	404	—	2309 10 70 100		17,10
	...	39,07	2309 10 70 200		22,80
0406 90 87 979	028	22,40	2309 10 70 300		28,50
	032	22,40	2309 10 70 500		34,20
	036	—	2309 10 70 600		39,90
	038	—	2309 10 70 700		45,60
	400	60,28	2309 10 70 800		50,16
	404	—	2309 90 35 010		—
	...	110,24	2309 90 35 100		—
0406 90 88 100		—	2309 90 35 200		0,22
0406 90 88 200	028	11,00	2309 90 35 300		0,29
	032	11,00	2309 90 35 400		0,37
	036	—	2309 90 35 500		0,45
	038	—	2309 90 35 700		0,52
	400	72,89	2309 90 39 010		—
	404	—	2309 90 39 100		—
	...	72,89	2309 90 39 200		0,22
0406 90 88 300	028	16,29	2309 90 39 300		0,29
	032	16,29	2309 90 39 400		0,37
	036	—	2309 90 39 500		0,45
	038	—	2309 90 39 600		0,52
	400	78,34	2309 90 39 700		0,55
	404	—	2309 90 39 800		0,59
	...	79,92	2309 90 70 010		—
2309 10 15 010		—	2309 90 70 100		17,10
2309 10 15 100		—	2309 90 70 200		22,80
2309 10 15 200		0,22	2309 90 70 300		28,50
2309 10 15 300		0,29	2309 90 70 500		34,20
2309 10 15 400		0,37	2309 90 70 600		39,90
2309 10 15 500		0,45	2309 90 70 700		45,60
2309 10 15 700		0,52	2309 90 70 800		50,16

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 3478/93 (OJ No L 317, 18. 12. 1993, p. 32).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by '—'.

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (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.

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as amended.

COMMISSION REGULATION (EC) No 2277/94
of 21 September 1994
fixing the aid for cotton

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

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

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

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EC) No 2141/94⁽⁴⁾, as last amended by Regulation (EC) No 2242/94⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EC) No 2141/94 to

the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The aid for unginned cotton provided for in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 51,284 per 100 kilograms.
2. However, the amount of the aid will be replaced with effect from 22 September 1994 to take account of the amendments to be made to the maximum guaranteed quantity system.

Article 2

This Regulation shall enter into force on 22 September 1994.

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

Done at Brussels, 21 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 154, 25. 6. 1993, p. 23.

⁽⁴⁾ OJ No L 228, 1. 9. 1994, p. 11.

⁽⁵⁾ OJ No L 241, 16. 9. 1994, p. 8.

COMMISSION REGULATION (EC) No 2278/94

of 21 September 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 last amended by Regulation (EC) No 1866/94 ⁽²⁾, and in particular Articles 10 (5) and 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 1937/94 ⁽⁵⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 20

September 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 1937/94 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 22 September 1994.

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

Done at Brussels, 21 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽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. 36.

ANNEX

to the Commission Regulation of 21 September 1994 fixing the import levies on cereals
and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ⁽⁸⁾
0709 90 60	113,26 ⁽²⁾ ⁽³⁾
0712 90 19	113,26 ⁽²⁾ ⁽³⁾
1001 10 00	33,04 ⁽¹⁾ ⁽²⁾ ⁽¹¹⁾
1001 90 91	60,39
1001 90 99	60,39 ⁽²⁾ ⁽¹¹⁾
1002 00 00	104,78 ⁽⁶⁾
1003 00 10	91,75
1003 00 90	91,75 ⁽²⁾
1004 00 00	91,89
1005 10 90	113,26 ⁽²⁾ ⁽³⁾
1005 90 00	113,26 ⁽²⁾ ⁽³⁾
1007 00 90	117,82 ⁽²⁾
1008 10 00	30,04 ⁽²⁾
1008 20 00	38,01 ⁽⁴⁾ ⁽²⁾
1008 30 00	0 ⁽²⁾
1008 90 10	(7)
1008 90 90	0
1101 00 00	122,59 ⁽²⁾
1102 10 00	185,03
1103 11 10	86,06
1103 11 90	144,19
1107 10 11	118,37
1107 10 19	91,20
1107 10 91	174,20 ⁽¹⁰⁾
1107 10 99	132,91 ⁽²⁾
1107 20 00	153,09 ⁽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.

⁽¹¹⁾ The levy for the products falling within this code in accordance with Regulation (EC) No 774/94 is restricted under the conditions of this Regulation.

COMMISSION REGULATION (EC) No 2279/94
of 21 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 2241/94 ⁽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 20 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 22 September 1994.

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

Done at Brussels, 21 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 241, 16. 9. 1994, p. 6.

ANNEX

to the Commission Regulation of 21 September 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	33,01 ⁽¹⁾
1701 11 90	33,01 ⁽¹⁾
1701 12 10	33,01 ⁽¹⁾
1701 12 90	33,01 ⁽¹⁾
1701 91 00	40,28
1701 99 10	40,28
1701 99 90	40,28 ⁽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 2280/94**of 21 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⁾, as amended by Regulation (EC) No 2237/94 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2138/94 to the informa-

tion 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 20 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 amended 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 22 September 1994.

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

Done at Brussels, 21 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.⁽⁶⁾ OJ No L 240, 15. 9. 1994, p. 26.

ANNEX

to the Commission Regulation of 21 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	0,4028	—
1702 20 90	0,4028	—
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⁾	0,4028	—
1702 90 30	—	49,52
1702 90 60	0,4028	—
1702 90 71	0,4028	—
1702 90 90 10 ⁽⁴⁾	—	94,09
1702 90 90 90 ⁽⁵⁾	0,4028	—
2106 90 30	—	49,52
2106 90 59	0,4028	—

⁽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.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 August 1994

accepting a modified version of the undertaking offered by the Royal Thai Government in connection with the countervailing duty proceeding concerning imports of ball bearings with a greatest external diameter not exceeding 30 mm, originating in Thailand

(94/639/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community ⁽¹⁾, as last amended by Regulation (EC) No 522/94 ⁽²⁾ and in particular Articles 10 and 14 thereof,

After consultations within the Advisory Committee,

Whereas :

A. PREVIOUS PROCEDURE

- (1) In June 1988 the Commission initiated an anti-subsidy proceeding concerning imports of certain ball bearings originating in Thailand ⁽³⁾, following a complaint lodged by the Federation of European Bearing Manufacturers' Associations (Febma). The product has been defined as ball bearings with a greatest external diameter not exceeding 30 mm (hereinafter referred to as 'ball bearings'), originating in Thailand.
- (2) The Commission found that the above imports were being subsidized and causing material injury

to the Community industry. In the light of these findings, the Royal Thai Government offered an undertaking to eliminate the effect of the subsidy. This undertaking involved the levying of an export tax of 1,76 baht, equivalent to the amount of countervailable subsidy found, for each ball bearing exported to the Community.

- (3) In June 1990, by Decision 90/266/EEC ⁽⁴⁾, the Commission accepted the undertaking offered and terminated the investigation.
- (4) In July 1993, the Commission, following a review, established that the amount of subsidy had fallen to 0,91 baht per piece. Having been informed of these findings, the Royal Thai Government changed the export tax rate to 0,91 baht per ball bearing exported to the Community, and offered a modified version of the undertaking to this effect. This was accepted by Commission Decision 93/381/EEC ⁽⁵⁾.
- (5) In addition, in order to prevent the export tax being circumvented by indirect imports, the Council, by Regulation (EEC) No 1781/93 ⁽⁶⁾, imposed a definitive countervailing duty of imports of ball bearings originating in Thailand, but exported to the Community from another country.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 66, 10. 3. 1994, p. 10.

⁽³⁾ OJ No C 147, 4. 6. 1988, p. 4.

⁽⁴⁾ OJ No L 152, 16. 6. 1990, p. 59.

⁽⁵⁾ OJ No L 163, 6. 7. 1993, p. 35.

⁽⁶⁾ OJ No L 163, 6. 7. 1993, p. 1.

B. REOPENING OF INVESTIGATION

- (6) Following the above, the Commission became aware of :
- (i) certain evidence indicating a change in the amount of subsidy ; and
 - (ii) information with regard to a possible change in circumstances, to the effect that the alleged removal by the Royal Thai Government of the requirement to export 100 % of the exporters' production could mean that the subsidies granted were no longer countervailable.
- (7) In these circumstances, the Commission initiated a review of Decision 93/381/EEC and of Regulation (EEC) No 1781/93 in October 1993, by notice published in the *Official Journal of the European Communities* ⁽¹⁾.
- (8) The Commission officially advised the Royal Thai Government, the exporters and importers known to be concerned, as well as the complainant in the original investigation (Febma) and gave the parties directly concerned the opportunity to make their views known in writing and request a hearing. The Royal Thai Government, the exporters located in Thailand and the Community producers, represented by Febma, made their views known in writing.
- (9) The Commission sought and verified all information it deemed to be necessary for the purposes of a determination and carried out an investigation at the premises of the following :
- (a) *Royal Thai Government* :
 - Department of Foreign Trade, Bangkok,
 - Board of Investment, Bangkok,
 - Department of Revenue, Bangkok ;
 - (b) *Thai Exporters* :
 - NBM Thai Ltd, Ayutthaya, Thailand,
 - Pelmec Thai Ltd, Bang Pa-In, Thailand,
 - NMB Hi-Tech Ltd, Bang Pa-In, Thailand.

All these exporting companies are wholly-owned subsidiaries of Minebea Co Ltd, Japan.

C. COUNTERVAILABILITY OF SUBSIDIES

- (10) In previous investigations it was established that the Thai exporters were issued with Certificates of Promotion by the Board of Investment (BOI), which granted them subsidies on condition that

they exported virtually 100 % of their production. Since these subsidies were contingent upon export, they were found to be export subsidies and countervailable.

- (11) In the course of the current review investigation, the exporters alleged that the BOI had now removed the export requirement from the Certificates of Promotion, and therefore the conditions which led to the findings of the countervailability in the original investigations no longer existed. They alleged that since the subsidies were no longer contingent upon export, they should not be subject to countervailing measures.
- (12) In view of the fact that in previous investigations the subsidies had been found to be legally contingent upon export performance, it was considered appropriate in the present investigation to first examine the question of whether there was still a legal requirement relating to export performance, without prejudice to the issue of whether such subsidies, in the absence of any legal export requirement, would constitute *de facto* export subsidies or countervailable domestic subsidies.
- (13) The Commission's investigation established that all the Certificates of Promotion had been amended to remove clause 13.4 which stated that all production had to be exported. In the case of NMB Hi-Tech, the amendments were made on 12 March 1992 and for NMB Thai and Pelmec Thai the certificates were amended on 24 March 1993. In the case of Pelmec Thai, an 80 % export requirement was retained for bearings destined for general industry, as opposed to the electronics sector. However, since these account for less than 0,1 % of Minebea's bearing production in Thailand, it is concluded for the purposes of this review investigation that the Certificates of Promotion effectively contain no constraint on domestic sales and that consequently the conditions laid down in the certificates involve no element of export requirement.
- (14) However, the investigation at the BOI revealed that according to paragraph 4.3 of the BOI Announcement No 1/1993 setting out the general criteria for investment promotion, wholly foreign-owned companies (such as the three Thai exporters of ball bearings) are required to export at least 80 % of their production in order to qualify for incentives and approval of their projects. The BOI informed the Commission that this requirement may be waived (on a case-by-case basis) if foreign-owned firms locate in one of the regions which is most remote from Bangkok, known as Zone 3 regions. However, the Minebea companies are located in intermediate regions (Zone 2), where the 80 % export requirement is mandatory.

⁽¹⁾ OJ No C 286, 22. 10. 1993, p. 6.

(15) The exporters alleged that at the time of their establishment in Thailand (1982 to 1989), the regions where they are located would have been classified as Zone 3 rather than Zone 2, since the standard of living in the regions concerned has improved in recent years. In these circumstances, the fact of being situated in a Zone 3 would have meant that the 80 % export requirement was not mandatory.

(16) This argument cannot be adopted because the exporters have produced no concrete evidence to demonstrate that they would have been located in the equivalent of Zone 3; in any event, since the investment promotion zones were not defined in the same way at the time of their establishment, the whole issue is a matter of hypothesis and therefore not relevant to the question of countervailability.

(17) The exporters have further claimed that since the amendments to remove the 100 % exports requirement from their Certificates of Promotion were made before the entry into force of BOI Announcement 1/1993 on 1 April 1993, the general 80 % export requirement for foreign-owned companies contained in paragraph 4.3 did not apply to them, especially since the amendments were made with retroactive effect.

(18) The Commission cannot accept this argument for the following reasons:

(a) an identical provision to paragraph 4.3 of BOI Announcement 1/1993 existed in BOI Announcement 1/1992, which applied from 1 April 1992. Therefore, since the amendments to the certificates of NMB Thai and Pelmec Thai took place during the period covered by Announcement 1/1992, the 80 % export requirement clearly applies to these companies. In this respect, the fact that the amendments were made with retroactive effect is irrelevant, both in principle and in fact, because:

(i) the exporters continued to receive benefits up to the day on which the amendments were made, on the understanding that in order to obtain such benefits 100 % of production had to be exported. Consequently, they continued to operate in this way. A decision to make the amendments to the certificates retroactive is meaningless, since benefits have been received and the previously understood conditions complied with;

(ii) in any event, the effective dates fixed retroactively for the certificates of NMB Thai and Pelmec Thai fell in October and

November 1992 i.e. within the period covered by BOI Announcement 1/1992;

(b) the amendment to NMB Hi-Tech's certificates took place slightly before the entry into force of BOI Announcement 1/1992. However, the BOI guidelines which applied before 1 April 1992, originally set out in a BOI Announcement of January 1983, stipulated that wholly-owned foreign investors must export 100 % of their production.

NMB Hi-Tecs's certificates were also amended with retroactive effect to February and November 1990, but for the reasons stated in (a) (i), such retroactivity is irrelevant, and in any case the effective date still falls within the period of application of the relevant BOI Announcement.

(19) It has been alleged that the general conditions for investment promotion in BOI Announcements do not override the specific provisions in the Certificates of Promotion, which now contain no export requirement.

In this respect, the Commission has already noted that the Certificates of Promotion have been amended to eliminate such a requirement, but conclude that if the exporters had been obliged to reapply for the benefits that they continued to receive, they would, as wholly foreign-owned companies, have been subject to the general export requirements set out in the various BOI Announcements. It should be remembered that the latter are legal documents, which are required to be drawn up in accordance with Section 16 of Thailand's Investment Promotion Act of 1977.

(20) In conclusion, although a specific export requirement is no longer contained in the Certificates of Promotion, the investigation has established that the general conditions for investment promotion in Thailand contain a legal requirement that wholly foreign-owned firms export 80 % of their production. The exporters have produced no evidence to demonstrate that these general conditions, or in the case of NMB Hi-Tech, even stricter ones imposed by the BOI prior to 1 April 1992, do not apply to them, and neither has any such evidence been supplied by the Royal Thai Government. Therefore, it must be concluded that none of the exporters could have continued to obtain the same incentives without meeting this requirement, and that consequently the subsidies received are in law granted contingent upon export performance and continue to be countervailable.

D. RECALCULATION OF SUBSIDY AMOUNT

- (21) Having established that the subsidies granted to the exporters were still granted contingent upon export performance and therefore constituted countervailable export subsidies, the Commission calculated the amount of subsidy during the financial year preceding the initiation of the review (1 October 1992 to 30 September 1993).

(a) Exemption from corporate income tax

- (22) All the exporters continue to benefit from a 100 % exemption from tax on their taxable income which is covered by BOI promotion. This exemption is granted in accordance with Section 31 of Thailand's Investment Promotion Act. The amount of subsidy is this taxable income multiplied by the tax rate of 30 %, and amounts to the following for each exporter :

(in million baht)

NMB Thai	192,2
Pelmec Thai	5,0
NMB Hi-Tech	103,7

- (23) In addition, two of the exporters, NMB Thai and NMB Hi-Tech, made use of a subsidy granted under Section 36 (4) of the Investment Promotion Act, which entitles them to deduct from taxable income an amount equal to 5 % of the increment in export earnings over the previous year. Since this is the first time either exporter had claimed this subsidy, the increase in export earnings has been calculated retroactively from the date of their establishment in Thailand, and not just with reference to the previous year.

- (24) Consequently, both exporters have been able to claim a sufficient allowance to exempt themselves from the tax payable on their income not covered by BOI promotion (income derived from BOI Activities is already exempt under Section 31).

- (25) Non-BOI income usually results from the expiry of certain Certificates of Promotion, which means that the capacity covered by the remaining certificates is less than the firm's total production or sales. Income derived from the excess portion (calculated on a pro-rata basis in turnover) is no longer eligible for income tax exemption under Section 31, and for this reason the two exporters have resorted to Section 36 (4) in order to obtain a tax exemption.

- (26) The Section 36 (4) subsidy is countervailable for reasons independent of those in recitals 10 to 20,

since this subsidy is granted on the basis of the increase in export earnings only, is therefore clearly contingent upon export performance, and is consequently an export subsidy.

- (27) The calculation method is the same as for the Section 31 exemption, and the subsidy amounts are as follows :

(in million baht)

NMB Thai	19,8
NMB Hi-Tech	1,7

(b) Customs duty exemption on imports of machinery and essential materials

- (28) All the exporters continue to benefit from a 100 % exemption from customs duty on imports of machinery and essential materials. As in the original investigation, the subsidy amount with regard to machinery was calculated on a depreciation basis, with value of the exemption being allocated over a period of 10 years, and the amount for essential materials (including machine parts and tools) was established on an expense basis. The amount of subsidy was as follows :

(in million baht)

NMB Thai	122,3
Pelmec Thai	110,8
NMB Hi-Tech	68,5

(c) Total amount of subsidy

- (29) The total amount of countervailable subsidy was therefore as follows :

(in million baht)

NMB Thai	334,3
Pelmec Thai	115,8
NMB Hi-Tech	173,9

- (30) When expressed as an amount per ball bearing exported from Thailand, and then weighted according to the relative volume of exports of each Thai exporter to the Community, the subsidy is equivalent to 0,72 baht per piece.

- (31) The Royal Thai Government, the exporters and the complainant in the original investigation were informed of the facts on which these findings had been based, and were granted an opportunity to comment.

The written comments submitted by the parties were, where appropriate, taken into consideration.

E. MODIFICATION OF UNDERTAKING

- (32) The Royal Thai Government has offered the Commission a modified undertaking in which the rate of the export tax levied on ball bearings exported to the Community has been adjusted to 0,72 baht per piece. The Commission is satisfied in view of its findings that this rate is sufficient to eliminate the effect of the subsidy, and should therefore accept this modified version of the undertaking offered by the Royal Thai Government.
- (33) This modified version of the undertaking would apply only to ball bearings of Thai origin exported directly from Thailand to the Community. Ball bearings of Thai origin imported into the Community via non-member countries will continue to be subject to the definitive countervailing duty in order to safeguard the effectiveness of the undertaking and to prevent the evasion of the export tax as referred to in recital 5. This duty is set by Council Regulation (EC) No 2271/94 ⁽¹⁾, amending Regulation (EEC) No 1781/93, at the rate of 5,3 %

of the net, free-at-Community-frontier, price of the product.

- (34) This proposal met with no objection from the Advisory Committee,

HAS DECIDED AS FOLLOWS:

Sole Article

A modified version of the undertaking given by the Royal Thai Government in connection with the countervailing duty proceeding concerning imports of ball bearings with a greatest external diameter not exceeding 30 mm originating in Thailand is hereby accepted.

Done at Brussels, 3 August 1994.

For the Commission

Leon BRITTAN

Member of the Commission

⁽¹⁾ See page 1 of this Official Journal.

EUROPEAN ECONOMIC AREA

THE EEA JOINT PARLIAMENTARY COMMITTEE

RULES OF PROCEDURE OF THE EEA JOINT PARLIAMENTARY
COMMITTEE (EEA JPC)

The EEA JPC is established on the basis of Article 95 and Protocol 36 of the European Economic Area Agreement, as well as on the basis of the European Parliament's resolution of 22 January 1993 and the decision of the Committee of Members of Parliament of the EFTA States of 24 January 1994.

Rule 1

The EEA Joint Parliamentary Committee shall consist of 66 members. An equal number of members of the EEA JPC shall be appointed by the European Parliament and by the Parliaments of the EFTA States, respectively. The members of the Committee may sit according to their political affinities.

Rule 2

The term of office of the members of the EEA JPC shall correspond to the terms of office of the European Parliament and of the Parliaments of the EFTA States.

Rule 3

The EEA JPC shall elect its President and Vice-President from among its members. The office of President of the Committee shall be held alternately, for a period of one year, by a member appointed by the European Parliament and by a member appointed by a parliament of an EFTA State.

Rule 4

The Bureau of the EEA JPC shall consist of the chairman of the delegation from the European Parliament, the chairman of the delegation from the Parliaments of the EFTA States and three vice-chairmen of each delegation.

Rule 5

The Bureau shall prepare, coordinate and guide the work of the EEA JPC. It shall, in particular, establish a draft agenda for each session. The Bureau shall fix deadlines

for the tabling of draft resolutions and amendments with a view to ensuring translation and proper debate within the JPC. Motions for resolutions must concern matters covered by the EEA Agreement.

Rule 6

The EEA JPC shall hold a general session twice a year, alternately in the Community and in an EFTA State.

Extraordinary sessions of the EEA JPC shall be convened by the Bureau on its own initiative or upon a written request by at least one-third of the members of the JPC.

Rule 7

Any Parliament of an EFTA State which does not take part in the EEA Agreement may obtain observer status during sessions of the EEA JPC.

Rule 8

The sessions of the EEA JPC shall be held in public, unless the Committee decides otherwise.

Rule 9

The task of the EEA JPC shall be to contribute, through dialogue and debate, to a better understanding between the Community and the EFTA States in the fields covered by the EEA Agreement.

Rule 10

In order to ensure democratic parliamentary control, the President of the EEA Council, as well as the representatives of the EEA Joint Committee, will be invited to participate actively in the work of the EEA JPC. The Bureau may invite any other person to attend meetings of the JPC.

All European Community legislation applying to the EEA, as well as its implementation shall be subject to scrutiny by the EEA JPC.

Rule 11

The EEA JPC will express its views in the form of reports or resolutions, as appropriate. It shall, in particular, examine the annual report of the EEA Joint Committee, issued in accordance with Article 94 (4) of the EEA Agreement, on the functioning and the development of the Agreement.

Rule 12

The Committee shall appoint, for one year, two rapporteurs from among, on the one hand, the MEPs, and, on the other hand, the IMPs of EFTA States members of the Committee, who shall present to the Committee draft reports and resolutions on the annual report issued by the EEA Joint Committee.

Such drafts must be submitted in due time to the Bureau, so that translation and proper debate within the JPC can be ensured.

Rule 13

The Committee may appoint co-rapporteurs on specific issues. On a proposal from the Bureau it shall decide the terms of reference and duration of their functions.

Rule 14

Reports and resolutions shall be considered adopted if they receive the support of two-thirds of the members present.

Adopted reports and resolutions shall be forwarded to the European Parliament and the EFTA Parliaments, as well as to the EEA Council and Joint Committee for further action.

Rule 15

Decisions other than those falling under Rule 14 shall be taken with a simple majority of the members present.

Rule 16

Members of the EEA JPC have the right to put oral and written questions to the representatives of the EEA Council and the EEA Joint Committee.

Rule 17

During sessions of the EEA JPC interpretation will be available to and from all official languages of the European Community as well as any other language requested by the EFTA Parliaments.

Acts adopted by the EEA JPC shall be published in the official languages.

Rule 18

Minutes shall be drawn up for each session of the EEA JPC for approval at the opening of the following meeting.

Rule 19

The travel expenses and subsistence allowances of Committee members and officials assisting them shall be paid by the Parliament that has appointed them.

Rule 20

The costs for interpretation and translation shall be borne by the respective Parliaments. Other expenses occasioned by the meetings and activities of the JPC will be met by the host body.

Rule 21

The secretariat of the EEA JPC shall be provided jointly by the secretariat of the European Parliament and the secretariat of the Committee of Members of Parliament of the EFTA States.

Rule 22

The EEA JPC shall adopt its rules of procedure with a two-third majority of the members of the Committee. The same applies to changes to the rules.

Done at Brussels, 24 February 1994.

*For the EEA Joint Parliamentary
Committee*

The President

Gary TITLEY

**RECOMMENDATIONS BY THE JOINT PARLIAMENTARY COMMITTEE OF
THE EEA****adopted at the second meeting in Helsinki****26 and 27 April 1994**

THE EEA JOINT PARLIAMENTARY COMMITTEE,

I. The four freedoms

- A. calls on the Member States of the European Union and the EEA/EFTA States to implement the EEA Agreement and its additional package according to the given timetable ;
- B. calls on the EEA Joint Committee to issue an interim report on the functioning and development of the EEA Agreement ;
- C. invites the EEA Council to decide on the basis of Article 121 on the compatibility of the Liechtenstein/Swiss regional union with the good functioning of the EEA Agreement ;

With regard to free movement of goods

- D. invites the EEA Council on the basis of Article 9 (c) of the EEA Agreement to review the rules of origin, with the aim of developing all-European cumulation rules, in order to facilitate and expand trade relations between the European Union, the EFTA and the central and eastern European countries ;
- E. calls on the EEA Council to harmonize the rules on outward processing of textiles ;
- F. calls on the Commission of the European Communities to submit proposals for appropriate measures in order to ensure uniform environment standards of a high level for motor vehicles in all EEA Member States from 1 January 1995 ;
- G. requests the EEA Joint Committee to give information as to whether the recent decision to introduce minimum prices for imported fish is covered by the EEA Agreement ;
- H. regrets recent actions to impose barriers on imports of fishery and paper products and calls on the Commission to prevent such barriers in the future ;
- I. looks favourably upon requests for derogations from provisions on the maximum length and weight of vehicles used domestically primarily for forestry purposes ;
- J. expresses its concern about the blockade of European borders in northern Greece with the former Yugoslav Republic of Macedonia which disturbs free movement of goods, not only with third countries, but also within the EEA, and awaits with interest the ruling of the European Court of Justice ;

With regard to the free movement of persons

- K. considers the free movement of workers as a crucial right within the EEA Agreement and urges the European Commission to ensure the immediate implementation of Article 7 (a) of the Treaty on European Union (free movement of persons) ;
- L. stresses the need for efficient implementation of a system of coordination of national social security schemes ;
- M. underlines that the necessity of effectively implementing the system of mutual recognition of diplomas and calls on the EEA Joint Committee to deal with this matter urgently ;

- N. calls for action to facilitate access to universities in the EEA by ensuring that students from other EEA countries cannot be charged higher tuition costs and fees than nationals of the country concerned ;
- O. invites the authorities concerned to undertake measures to promote the free movement of persons by liberalizing border passport controls for citizens in the EEA countries ;

With regard to the free movement of capital

- P. invites the European Commission to submit proposals for measures to secure efficient cross-border capital transactions and payments.

II. Competition policy

- A. underlines the importance to be given to the application of the rules for fair competition on the territory of the EEA and the achievement, without delay, of the harmonization of practices with regard to competition as foreseen by the Agreement ;
- B. draws the attention of the economic and political authorities of the EEA countries to the necessity to change certain practices. The obligation for notification of projects for State aids must be applied ;
- C. underlines to the authorities of the European Union the importance of the efforts required by the EFTA countries. These efforts will ensure the success of the EEA Agreement and the possible integration of certain EFTA States into the European Union within a reasonable period of time ;
- D. stresses the need for both the Commission of the European Communities and the EFTA Surveillance Authority (ESA) to assure a homogeneous application of competition rules in order to avoid 'forum shopping' ;
- E. welcomes the speediness of the ESA to start its activities after the ratification of the EEA Agreement and underlines the importance of a close coordination of ESA activities with those of the Commission of the European Communities ;
- F. the successful implementation and application of EEA competition rules depend to a large extent on the level and quality of information given to the economic operators ;
- G. invites, therefore, the ESA and the Commission of the European Communities to provide an information campaign, especially for small and medium-sized enterprises, on practical issues of applied EEA competition law, on State aids and on public procurement. This handbook could be used by the economic operators in the interest of transparency ;
- H. invites the ESA to work out an inventory of sectoral and regional aid systems applied in the EEA/EFTA States and to submit this inventory to the EEA JPC ;
- I. asks the ESA and the Commission of the European Communities to investigate the competitive situation in certain sensitive industries like telecommunications, air transport, shipbuilding, interest rates in private banking, retail prices for automobiles, salmon fish farming and to analyse the application of competition law in the field of public procurement. The results of these investigations should be made available to the EEA JPC ;
- J. expresses the opinion that the competition rules of the EEA should not be interpreted in a manner which would endanger the aims of the alcohol policies for the protection of public health in the Nordic countries ;

- K. urges the EEA Council to seek a solution to the problems of jurisdiction which have prevented the investigation of a complaint concerning aids to salmon farming.

III. Horizontal policies and flanking measures

- A. welcomes the full participation of the social partners of all the EEA Contracting Parties in the Social Dialogue ;
- B. expresses the firm hope that appropriate modalities of participation for the EEA/EFTA States will soon allow them to be fully associated in the European Union programmes for elderly and handicapped people (Helius II) as well as in the activities of the Dublin Foundation ;
- C. encourages the social partners at European level to play a positive role in combating unemployment and promoting a more employment-intensive growth pattern ;
- D. emphasises the importance of developing and promoting equality of opportunity between women and men in employment and labour market policies ; as well as in education and training, research and development ;
- E. supports the formalization of cooperation between the EFTA Consumers Consultative Committee and the EU Consumers Consultative Council within the framework EEA Agreement ;
- F. invites the Commission of the European Communities and the EFTA Standing Committee to work out jointly a Green Book on European consumer protection in order to evaluate the necessary elements of future EEA legislation in this matter ;
- G. supports the principle and the introduction of a CO₂/energy tax and expects the materialization of broad EEA cooperation in the follow-up to the EU Fifth Environment Action Programme and on climate change policy issues ;
- H. supports the participation of the EEA/EFTA States in the activities of the European Environment Agency ;
- I. emphasizes that the aim of the common environmental measures within the EEA should be to reach a level of environment protection that ensures an ecologically sustainable development ;
- J. underlines the importance of extending the EEA Agreement in order to include in it the EU Fourth Framework Programme on Research and Development ;
- K. hopes that a decision be taken soon by the EEA Joint Committee extending the EEA Agreement in the field of small and medium-sized enterprises (SMEs), to full participation of the EEA/EFTA States in the programme, to ensure the continuity and consolidation of policy for SMEs ;
- L. supports the integration of all EFTA/EEA partners in the strategic projects of the audio-visual and telecommunication programmes ;
- M. expects that the new EU programmes on education will be adopted according to the foreseen time-schedule in order to allow for participation of the EEA/EFTA States ;
- N. encourages full participation of the EEA/EFTA States in the EU Action Plan for Tourism.
-

EFTA SURVEILLANCE AUTHORITY

EFTA SURVEILLANCE AUTHORITY DECISION

No 66/94/COL

of 27 June 1994

laying down the methods of control for maintaining the officially brucellosis-free status of bovine herds in certain EFTA States

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, in particular Article 17 and Protocol 1 (4) (d) thereof,

Having regard to the Act referred to in point 1 of Chapter I of Annex I to the Agreement on the European Economic Area on animal health problems affecting intra-Community trade in bovine animals and swine (Council Directive 64/432/EEC; hereinafter referred to as 'the Cattle and Swine Act'), and in particular Article 3 (13) thereof,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, as adjusted by the Protocol Adjusting the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5 (2) (d) and Protocol 1, Article 1 (e) thereof,

Whereas Finland, as stated in a letter dated 7 March 1994, Sweden as stated in a letter dated 28 April 1994 and Norway as stated in a letter dated 29 April 1994 consider themselves to fulfil the requirements in Article 3 (13) of the Cattle and Swine Act;

Whereas more than 99,8 % of the bovine herds in Finland, Norway and Sweden have been declared officially brucellosis free within the meaning of Article 2 (e) of the Cattle and Swine Act and as having fulfilled the conditions for this qualification for at least 10 years;

Whereas no case of abortion due to brucella infection has been recorded in Sweden, Norway and Finland for at least three years;

Whereas in order to maintain this qualification, it is necessary to lay down control measures ensuring its effi-

cacy and which are adapted to the special health situation of bovine herds in Finland, Norway and Sweden;

Whereas the measures provided for in this Decision are in accordance with the opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

HAS ADOPTED THIS DECISION:

1. By way of derogation from Annex A (II) (A) (1) (c) (ii) to the Cattle and Swine Act the EFTA States or regions thereof referred to in the Annex to this Decision may maintain the officially brucellosis-free status of bovine herds if the following conditions are met:

- every bovine animal suspected of being infected with brucellosis must be notified to the competent authorities and must also undergo official investigations for brucellosis including at least two serological blood tests including complement fixation tests as well as microbiological examination of appropriate samples taken in the case of an abortion,
- during the period of suspicion which will continue until negative results have been obtained from the tests provided for in the first indent, the officially brucellosis-free status shall be suspended in the case of the herd, in which the suspected bovine animal(s) were found.

2. This Decision shall enter into force on 1 July 1994.

3. This Decision is addressed to Finland, Sweden and Norway.

4. This Decision shall be authentic in the English language.

Done at Brussels, 27 June 1994.

For the EFTA Surveillance Authority

Pekka SÄILÄ

College Member

ANNEX

Regions which may maintain their brucellosis-free status based on Article 3 (13) of the Cattle and Swine Act

Finland : All regions

Norway : All regions

Sweden : All regions.

EFTA SURVEILLANCE AUTHORITY DECISION**No 67/94/COL****of 27 June 1994****laying down the methods of control for maintaining the officially tuberculosis-free status of bovine herds in certain EFTA States**

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, and in particular Article 17 and Protocol 1 (4) (d) thereof,

Having regard to the Act referred to in point 1 of Chapter I of Annex I to the Agreement on the European Economic Area on animal health problems affecting intra-Community trade in bovine animals and swine (Council Directive 64/432/EEC; hereinafter referred to as 'the Cattle and Swine Act'), and in particular Article 3 (14) thereof,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, as adjusted by the Protocol Adjusting the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5 (2) (d) and Protocol 1, Article 1 (e) thereof,

Whereas Finland, as stated in a letter dated 7 March 1994, Sweden as stated in a letter dated 28 April 1994 and Norway as stated in a letter dated 29 April 1994 consider themselves to fulfil the requirements in Article 3 (14) of the Cattle and Swine Act;

Whereas more than 99,9 % of the bovine herds in Finland, Norway and Sweden have been declared officially tuberculosis-free within the meaning of Article 2 (d) of the Cattle and Swine Act and as having fulfilled the conditions for this qualification for at least 10 years;

Whereas every year for the past six years at least, bovine tuberculosis has not been found to be present in more than one herd per 10 000 herds in Finland, Norway and Sweden;

Whereas all bovines slaughtered in Finland, Norway and Sweden, except those slaughtered on the farm for on-farm consumption, are submitted to a post-mortem examination by an official veterinarian;

Whereas in order to maintain this qualification, it is necessary to lay down control measures ensuring its efficacy and which are adapted to the special health situation of bovine herds in Finland, Norway and Sweden;

Whereas the measures provided for in this Decision are in accordance with the opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

HAS ADOPTED THIS DECISION:

1. By way of derogation from Annex A (I) (b) of the Cattle and Swine Act the EFTA States or regions thereof referred to in the Annex to this Decision may maintain the officially tuberculosis-free status of bovine herds if the following conditions are met:
 - 1.1. an identification system making it possible to trace, for each bovine animal, the herds of origin and transit shall be set up;
 - 1.2. every bovine animal slaughtered, except those slaughtered on the farm for on the farm consumption, shall be submitted to a post-mortem examination by an official veterinarian;
 - 1.3. every suspected case of tuberculosis in a living or dead/slaughtered animal shall be notified to the competent authorities;
 - 1.4. for each suspected case, the competent authorities shall carry out the investigations required in order to confirm or invalidate the suspicion, including back-tracing the herds of origin and transit. If lesions giving rise to suspicion of tuberculosis are found at the post-mortem examination or slaughtering, the competent authorities shall submit such lesions to laboratory examination;
 - 1.5. the officially tuberculosis-free status of the herds of origin and transit of the suspected bovine animals shall be suspended and the period of suspension shall continue until clinical or laboratory examinations, or tuberculin tests have ruled out the presence of bovine tuberculosis;
 - 1.6. if the suspicion of tuberculosis is confirmed, either by tuberculin tests or by clinical or laboratory examinations, the officially tuberculosis free status of the herds of origin and transit shall be withdrawn.
2. The status of officially tuberculosis freedom shall remain withdrawn until such time as:
 - 2.1. all animals that have been deemed to be infected have been removed from the herd;

2.2. disinfection of premises and utensils has taken place ;
and,

2.3. all remaining bovine animals over six weeks of age have reacted negatively to at least two official intradermal tuberculin tests in accordance with Annex B to the Cattle and Swine Act, the first test carried out at least six months after the last infected animal has left the herd and the second test carried out at least six months after the first one.

3. The number of breakdown herds shall be communicated to the EFTA Surveillance Authority on an annual basis, it being understood that a breakdown herd is a herd of origin or transit which has contained a bovine animal that has proved positive for the presence of *Mycobacterium bovis*. The EFTA

Surveillance Authority may, as appropriate in the light of such information, take a decision in accordance with Article 3 (14) second indent of the Cattle and Swine Act.

4. This Decision shall enter into force on 1 July 1994.
5. This Decision is addressed to Finland, Sweden and Norway.
6. This Decision shall be authentic in the English language.

Done at Brussels, 27 June 1994.

For the EFTA Surveillance Authority

Pekka SÄILÄ

College Member

ANNEX

Regions which may maintain their tuberculosis-free status based on Article 3 (14) of the Cattle and Swine Act

Finland : All regions

Norway : All regions

Sweden : All regions.

EFTA SURVEILLANCE AUTHORITY DECISION**No 68/94/COL****of 27 June 1994****amending Annex I to Decision No 48/94/COL concerning additional guarantees relating to transmissible gastroenteritis for pigs destined to EFTA States or regions free of the disease**

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, and in particular Article 17 and Protocol 1 (4) (d) thereof,

Having regard to the Act referred to in point 1 of Chapter I of Annex I to the Agreement on the European Economic Area on animal health problems affecting intra-Community trade in bovine animals and swine (Council Directive 64/432/EEC; hereinafter referred to as 'the Cattle and Swine Act'), and in particular Article 10 thereof,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, as adjusted by the Protocol Adjusting the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5 (2) (d) and Protocol 1, Article 1 (c) thereof,

Whereas Norway considers, as stated in a letter dated 3 January 1994, its territory to be free from transmissible gastroenteritis (TGE) and has submitted supporting documentation to the EFTA Surveillance Authority as provided for in Article 10 (1) of the Cattle and Swine Act;

Whereas it is appropriate to define certain additional guarantees to protect the disease status in Norway;

Whereas the authorities of Norway apply for national movement of pigs for breeding and production rules at

least equivalent to those foreseen by the present Decision;

Whereas the measures provided for in this Decision are in accordance with the opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

HAS ADOPTED THIS DECISION:

1. Annex I to EFTA Surveillance Authority Decision No 48/94/COL of 8 June 1994 concerning additional guarantees relating to transmissible gastroenteritis for pigs destined to EFTA States or regions free of the disease is hereby replaced by the Annex to this Decision.
2. This Decision shall enter into force on 1 July 1994.
3. This Decision is addressed to the EFTA States.
4. This Decision shall be authentic in the English language.

Done at Brussels, 27 June 1994.

For the EFTA Surveillance Authority

Pekka SÄILÄ

College Member

ANNEX

ANNEX I

Regions free of transmissible gastroenteritis which do not permit vaccination

Finland: All regions

Norway: All regions.

EFTA SURVEILLANCE AUTHORITY DECISION**No 70/94/COL****of 27 June 1994****concerning the status of Sweden with regard to infectious hematopoietic
necrosis and viral haemorrhagic septicaemia**

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, and in particular Article 17 and Protocol 1 (4) (d) thereof,

Having regard to the Act referred to in point 5 of Chapter I of Annex I to the Agreement on the European Economic Area concerning the animal health conditions governing the placing on the market of aquaculture animals and products (Council Directive 91/67/EEC; hereinafter referred to as 'the Aquaculture Act'), and in particular Article 5 thereof,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, as adjusted by the Protocol Adjusting the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5 (2) (d) and Protocol 1, Article 1 (e) thereof,

Whereas an EFTA State can obtain for one or more continental and coastal zones the status of approved zone free from certain diseases affecting fish and molluscs;

Whereas Sweden, by letters dated 14 December 1993 and 3 March 1994, has submitted the appropriate justifications for granting, as far as infectious hematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS) are concerned, the status of approved zone to its territory, as well as the national rules ensuring compliance with the

conditions to be respected for maintenance of the approval status;

Whereas, accordingly, Sweden should, as far as IHN and VHS are concerned, be granted the status of approved continental and coastal zone;

Whereas, the measures provided for in this Decision are in accordance with the opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

HAS ADOPTED THIS DECISION:

1. Sweden is recognized as approved continental zone and approved coastal zone for fish with regard to infectious hematopoietic necrosis and viral haemorrhagic septicaemia.
2. This Decision shall enter into force on 1 July 1994.
3. This Decision is addressed to the EFTA States.
4. This Decision shall be authentic in the English language.

Done at Brussels, 27 June 1994.

For the EFTA Surveillance Authority

Pekka SÄILÄ

College Member

EFTA SURVEILLANCE AUTHORITY DECISION**No 71/94/COL****of 27 June 1994****concerning the status of Norway with regard to infectious hematopoietic necrosis and viral haemorrhagic septicaemia**

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, and in particular Article 17 and Protocol 1 (4) (d) thereof,

Having regard to the Act referred to in point 5 of Chapter I of Annex I to the Agreement on the European Economic Area concerning the animal health conditions governing the placing on the market of aquaculture animals and products (Council Directive 91/67/EEC; hereinafter referred to as 'the Aquaculture Act'), and in particular Article 5 thereof,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, as adjusted by the Protocol Adjusting the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5 (2) (d) and Protocol 1, Article 1 (e) thereof,

Whereas, an EFTA State can obtain for one or more continental and coastal zones the status of approved zone free from certain diseases affecting fish and molluscs;

Whereas Norway, by letter dated 3 May 1994, has submitted the appropriate justifications for granting, as far as infectious hematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS) are concerned, the status of approved zone to its territory, as well as the national

rules ensuring compliance with the conditions to be respected for maintenance of the approved status;

Whereas, accordingly, Norway should, as far as IHN and VHS are concerned, be granted the status of approved continental and coastal zone;

Whereas the measures provided for in this Decision are in accordance with the opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

HAS ADOPTED THIS DECISION:

1. Norway is recognized as approved continental zone and as approved coastal zone for fish with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia.
2. This Decision shall enter into force on 1 July 1994.
3. This Decision is addressed to the EFTA States.
4. This Decision shall be authentic in the English language.

Done at Brussels, 27 June 1994.

For the EFTA Surveillance Authority

Pekka SÄILÄ

College Member

EFTA SURVEILLANCE AUTHORITY DECISION

No 72/94/COL

of 27 June 1994

recognizing the compliance of certain EFTA States or regions with the requirements relating to brucellosis (*B. melitensis*) and according them the status of being officially free of the disease

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, and in particular Article 17 and Protocol 1 (4) (d) thereof,

Having regard to the Act referred to in point 2 of Chapter I of Annex I to the Agreement on the European Economic Area on animal health conditions governing intra-Community trade in ovine and caprine animals (Council Directive 91/68/EEC; hereinafter referred to as 'the Sheep and Goat Act'), and in particular Annex A, Chapter 1.II thereof,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, as adjusted by the Protocol Adjusting the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5 (2) (d) and Protocol 1, Article 1 (e) thereof,

Whereas Sweden, as stated in a letter dated 15 December 1993, considers itself to fulfil the requirements laid down in Annex A, Chapter 1.II (1) (b) of the Sheep and Goat Act;

Whereas in Sweden, brucellosis (*B. melitensis*) has been a notifiable disease for at least five years; whereas no case has been confirmed officially there for at least five years and vaccination has been banned for at least three years; whereas it should therefore be recognized that Sweden complies with the conditions laid down in Annex A, Chapter 1.II (1) (b) of the Sheep and Goat Act;

Whereas, in addition, Sweden undertakes to satisfy the provisions laid down in Annex A, Chapter 1.II (2); whereas, consequently, Sweden should be accorded officially brucellosis (*B. melitensis*) free status;

Whereas the measures provided for in this Decision are in accordance with the opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

HAS ADOPTED THIS DECISION:

1. An EFTA State or regions thereof referred to in the Annex satisfies the conditions laid down in Annex A, Chapter 1.II (1) (b) of the Act referred to in point 2 of Chapter I of Annex I to the Agreement on the European Economic Area on animal health conditions governing intra-Community trade in ovine and caprine animals (Council Directive 91/68/EEC), and is recognized as officially free of brucellosis (*B. melitensis*).
2. An EFTA State listed in the Annex shall submit annual reports on the monitoring and findings concerning brucellosis (*B. melitensis*). This report shall be submitted to the EFTA Surveillance Authority at the latest by 1 April, the following year.
3. This Decision shall enter into force 1 July 1994.
4. This Decision is addressed to the EFTA States.
5. This Decision shall be authentic in the English language.

Done at Brussels, 27 June 1994.

For the EFTA Surveillance Authority

Pekka SÄILÄ

College Member

ANNEX

Regions recognized as officially free from brucellosis (*B. melitensis*)

Sweden : All regions.

EFTA SURVEILLANCE AUTHORITY DECISION**No 73/94/COL****of 27 June 1994**

concerning the approval of an eradication programme for infectious bovine rhinotracheitis in Sweden and laying down additional guarantees relating to infectious bovine rhinotracheitis for bovines destined for Sweden

THE EFTA SURVEILLANCE AUTHORITY,

HAS ADOPTED THIS DECISION:

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, and in particular Article 17 and Protocol 1 (4) (d) thereof,

Having regard to the Act referred to in point 1 of Chapter I of Annex I to the Agreement on the European Economic Area on animal health problems affecting intra-Community trade in bovine animals and swine (Council Directive 64/432/EEC; hereinafter referred to as 'the Cattle and Swine Act'), and in particular Article 9 thereof,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, as adjusted by the Protocol Adjusting the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5 (2) (d) and Protocol 1, Article 1 (c) and (e) thereof,

Whereas Sweden is implementing a programme to eradicate infectious bovine rhinotracheitis (IBR), as stated in letters dated 20 December 1993 and 10 May 1994;

Whereas the IBR eradication programme fulfils the criteria as laid down in Article 9 of the Cattle and Swine Act;

Whereas it is appropriate to propose certain additional guarantees to protect the progress already made, and to ensure that the programme is successfully concluded;

Whereas the authorities of Sweden apply for national movement of bovine animals rules at least equivalent to those foreseen in this Decision;

Whereas the additional guarantees provided for in the present Decision must not be requested from EFTA States or regions thereof which have an equivalent or better health status with regard to IBR;

Whereas the measures provided for in this Decision are in accordance with the opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

1. The programme for the eradication of infectious bovine rhinotracheitis (IBR) from Sweden is hereby approved until 30 June 1997.

2. Bovine animals intended for breeding and production coming from an EFTA State or EC Member State and destined for Sweden, must fulfil the following conditions:

2.1. according to official information, no clinical or pathological evidence of IBR disease must have been recorded in the herd of origin for the past 12 months;

2.2. the bovines must have been isolated in accommodation approved by the competent authority for the 30 days immediately prior to movement;

2.3. the bovines must have been subjected to a serological test for IBR on sera taken at least 21 days after entry into isolation, with negative results. All animals in isolation must also have given negative results to this test;

2.4. the bovines must not have been vaccinated against IBR.

3. Bovines intended for slaughter coming from an EFTA State or EC Member State and destined for Sweden must be transported directly to the slaughterhouse of destination.

4. The health certificate provided for in Annex F to the Cattle and Swine Act must be completed by the following for bovines being sent to Sweden:

'bovines in accordance with EFTA Surveillance Authority Decision No 73/94/COL of 27 June 1994 concerning the approval of an eradication programme for infectious bovine rhinotracheitis in Sweden and laying down additional guarantees relating to infectious bovine rhinotracheitis for bovines destined for Sweden'.

5. Sweden shall submit an annual report on the progress of the eradication programme. This report shall be submitted to the EFTA Surveillance Authority at the latest by 1 April the following year.

6. The conditions laid down in points 2 to 4 shall not apply to introduction into Sweden of bovine animals from an EFTA State, or from a part thereof, which pursuant to Article 9 or 10 of the Cattle and Swine Act has been granted additional guarantees corresponding to those provided for in this Decision.

7. This Decision shall enter into force on 1 July 1994.

8. Sweden shall bring into force the laws, regulations and administrative provisions necessary to comply

with the conditions laid down in this Decision by 1 July 1994.

9. This Decision is addressed to the EFTA States.

10. This Decision shall be authentic in the English language.

Done at Brussels, 27 June 1994.

For the EFTA Surveillance Authority

Pekka SÄILÄ

College Member

EFTA SURVEILLANCE AUTHORITY DECISION**No 74/94/COL****of 27 June 1994****concerning additional guarantees relating to infectious bovine rhinotracheitis
for bovines destined for Norway**

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, in particular Article 17 and Protocol 1 (4) (d) thereof,

Having regard to the Act referred to in point 1 of Chapter I in Annex I to the Agreement on the European Economic Area concerning animal health problems affecting intra-Community trade in bovine animals and swine (Council Directive 64/432/EEC, hereinafter referred to as 'the Cattle and Swine Act'), and in particular Article 10 thereof,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, as adjusted by the Protocol Adjusting the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5 (2) (d) and Protocol 1, Article 1 (c) thereof,

Whereas Norway considers, as stated in a letter dated 4 January 1994, its territory to be free of infectious bovine rhinotracheitis (IBR);

Whereas Norway has submitted documentation to the EFTA Surveillance Authority as provided for in Article 10 of the Cattle and Swine Act;

Whereas the authorities of Norway apply for national movement of bovine animals rules at least equivalent to those foreseen in this Decision;

Whereas Norway has undertaken to monitor the situation by annual surveys and to submit a report to the EFTA Surveillance Authority annually of the findings concerning IBR;

Whereas it is appropriate to propose certain additional guarantees to protect the disease status in Norway;

Whereas the additional guarantees provided for in the present Decision must not be requested from EFTA States or regions thereof which are themselves regarded as free from IBR;

Whereas the measures provided for in this Decision are in accordance with the opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

HAS ADOPTED THIS DECISION:

1. Bovine animals intended for breeding and production coming from an EFTA State or EC Member State and destined for Norway, must fulfil the following conditions:
 - 1.1. according to official information, no clinical or pathological evidence of infectious bovine rhinotracheitis (IBR) disease must have been reported in the herd of origin for the past 12 months;
 - 1.2. the bovines must have been isolated in accommodation approved by the competent authority for the 30 days immediately prior to movement;
 - 1.3. the bovines must have been subjected to a serological test for IBR on sera taken at least 21 days after entry into isolation, with negative results. All animals in isolation must also have given negative results to this test;
 - 1.4. the bovines must not have been vaccinated against IBR.
2. Bovines intended for slaughter coming from an EFTA State or EC Member State and destined for Norway must be transported directly to the slaughterhouse of destination.
3. The health certificate provided for in Annex F to the Cattle and Swine Act must be completed by the following for bovines sent to Norway:

'bovines in accordance with EFTA Surveillance Authority Decision No 74/94/COL of 27 June 1994 concerning additional guarantees relating to infectious bovine rhinotracheitis for bovines destined for Norway'.
4. Norway shall submit an annual report of its monitoring and findings concerning IBR. This report shall be submitted to the EFTA Surveillance Authority at the latest by 1 April the following year.

5. The conditions laid down in points 1 to 3 shall not apply to introduction into Norway of bovine animals from an EFTA State, or from a part thereof, which pursuant to Article 10 of the Cattle and Swine Act has been granted additional guarantees corresponding to those provided for in this Decision.
6. This Decision shall enter into force on 1 July 1994.
7. This Decision is addressed to the EFTA States.
8. This Decision shall be authentic in the English language.

Done at Brussels, 27 June 1994.

For the EFTA Surveillance Authority

Pekka SÄILÄ

College Member

EFTA SURVEILLANCE AUTHORITY DECISION

No 75/94/COL

of 27 June 1994

approving a programme for the eradication of Aujeszky's disease in Sweden and amending Decision No 31/94/COL concerning additional guarantees relating to Aujeszky's disease for pigs destined to EFTA States or regions free of the disease

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, and in particular Article 17 and Protocol 1 (4) (d) thereof,

Having regard to the Act referred to in point 1 of Chapter I of Annex I to the Agreement on the European Economic Area on animal health problems affecting intra-Community trade in bovine animals and swine (Council Directive 64/432/EEC; hereinafter referred to as 'the Cattle and Swine Act'), and in particular Articles 9 and 10 thereof,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, as adjusted by the Protocol Adjusting the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5 (2) (d) and Protocol 1, Article 1 (c) and (e) thereof,

Whereas Sweden is implementing a programme to eradicate Aujeszky's disease (AD), as stated in letters dated 15 December 1993 and 6 June 1994;

Whereas the AD eradication programme fulfils the criteria as laid down in Article 9 of the Cattle and Swine Act;

Whereas it is appropriate to propose certain additional guarantees to protect the progress already made, and to ensure that the programme is successfully concluded in Sweden;

Whereas the authorities of Sweden apply for national movement of pigs for breeding and production rules at least equivalent to those foreseen in this Decision;

Whereas Norway considers, as stated in letters dated 3 January and 1 June 1994, its territory to be free from AD and has submitted supporting documentation to the EFTA Surveillance Authority as provided for in Article 10 (1) of the Cattle and Swine Act;

Whereas it is appropriate to define certain additional guarantees to protect the disease status in Norway;

Whereas the authorities of Norway apply for national movement of pigs for breeding and production rules at least equivalent to those foreseen by the present Decision;

Whereas the additional guarantees provided for in the present Decision must not be requested from EFTA States or regions thereof which have an equivalent or better health status with regard to AD;

Whereas the measures provided for in this Decision are in accordance with the opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

HAS ADOPTED THIS DECISION:

1. The programme for the eradication of Aujeszky's disease in Sweden is hereby approved until 30 June 1997.
2. EFTA Surveillance Authority Decision No 31/94/COL of 29 April 1994 concerning additional guarantees relating to Aujeszky's disease for pigs destined to EFTA States or regions free of the disease is hereby amended as follows:
 - 2.1. point 5 is replaced by the following:

'5. The health certificate referred to as Model III in Annex F to the Cattle and Swine Act must be completed by the following for pigs destined for an EFTA State or region thereof, listed in Annex I, and coming from an EFTA State or EC Member State or region thereof:
"pigs in accordance with EFTA Surveillance Authority Decision No 31/94/COL of 29 April 1994 concerning Aujeszky's disease as amended by EFTA Surveillance Authority Decision No 75/94/COL. In the case of pigs for breeding the test used was the whole virus Elisa/Elisa for g1 antibodies. (Delete where applicable)".';
 - 2.2. point 6 is replaced by the following:

'6. The conditions laid down in points 1 to 5 shall not apply to the introduction of pigs into an EFTA State or region thereof, listed in Annex I (A), from an EFTA State listed in Annex I (A).';
 - 2.3. the following point 6a is inserted:

'6a. The conditions laid down in points 1 to 5 shall not apply to the introduction of pigs into an EFTA State or region thereof, listed in Annex I (B), from an EFTA State listed in Annex I (A) or (B).';

2.4. Annex I is replaced by the Annex to this Decision. Done at Brussels, 27 June 1994.

3. This Decision shall enter into force on 1 July 1994.

4. This Decision is addressed to the EFTA States.

For the EFTA Surveillance Authority

Pekka SÄILÄ

College Member

5. This Decision shall be authentic in the English language.

ANNEX

ANNEX I

A. Regions free of Aujeszky's disease which do not permit vaccination

Finland : All regions

Norway : All regions.

B. Regions which have an eradication programme for Aujeszky's disease and do not permit vaccination

Sweden : All regions.'

EFTA SURVEILLANCE AUTHORITY DECISION

No 76/94/COL

of 27 June 1994

concerning the approval of an eradication programme for infectious bovine rhinotracheitis in Austria and laying down additional guarantees relating to infectious bovine rhinotracheitis for bovines destined for Austria

THE EFTA SURVEILLANCE AUTHORITY,

HAS ADOPTED THIS DECISION:

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, in particular Article 17 and Protocol 1 (4) (d) thereof,

Having regard to the Act referred to in point 1 of Chapter I of Annex I to the Agreement on the European Economic Area on animal health problems affecting intra-Community trade in bovine animals and swine (Council Directive 64/432/EEC; hereinafter referred to as 'the Cattle and Swine Act'), and in particular Article 9 thereof,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, as adjusted by the Protocol Adjusting the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5 (2) (d) and Protocol 1, Article 1 (c) and (e) thereof,

Whereas Austria is implementing a programme to eradicate infectious bovine rhinotracheitis (IBR), as stated in a letter dated 29 December 1993;

Whereas the IBR eradication programme fulfils the criteria as laid down in Article 9 of the Cattle and Swine Act;

Whereas it is appropriate to propose certain additional guarantees to protect the progress already made, and to ensure that the programme is successfully concluded;

Whereas the authorities of Austria apply for national movement of bovine animals rules at least equivalent to those foreseen in this Decision;

Whereas the additional guarantees provided for in the present Decision must not be requested from EFTA States or regions thereof which *have an equivalent or better health status with regard to IBR*;

Whereas the measures provided for in this Decision are in accordance with the opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

1. The programme for the eradication of infectious bovine rhinotracheitis (IBR) from Austria is hereby approved until 30 June 1997.
2. Bovine animals intended for breeding and production coming from an EFTA State or EC Member State and destined for Austria, must fulfil the following conditions:
 - 2.1. according to official information, no clinical or pathological evidence of IBR disease must have been recorded in the herd of origin for the past 12 months;
 - 2.2. the bovines must have been isolated in accommodation approved by the competent authority for the 30 days immediately prior to movement;
 - 2.3. the bovines must have been subjected to a serological test for IBR on sera taken at least 21 days after entry into isolation, with negative results. All animals in isolation must also have given negative results to this test;
 - 2.4. the bovines must not have been vaccinated against IBR.
3. Bovines intended for slaughter coming from an EFTA State or EC Member State and destined for Austria must be transported directly to the slaughterhouse of destination.
4. The health certificate provided for in Annex F to the Cattle and Swine Act must be completed by the following for bovines being sent to Austria:

'bovines in accordance with EFTA Surveillance Authority Decision No 76/94/COL of 27 June 1994 concerning the approval of an eradication programme for infectious bovine rhinotracheitis in Austria and laying down additional guarantees relating to infectious bovine rhinotracheitis for bovines destined for Austria.'
5. Austria shall submit an annual report on the progress of the eradication programme. This report shall be submitted to the EFTA Surveillance Authority at the latest by 1 April the following year.

6. The conditions laid down in points 2 to 4 shall not apply to introduction into Austria of bovine animals from an EFTA State, or from a part thereof, which pursuant to Article 9 or 10 of the Cattle and Swine Act has been granted additional guarantees corresponding to those provided for in this Decision.
7. This Decision shall enter into force on 1 July 1994.
8. Austria shall bring into force laws, regulations and administrative provisions necessary to comply with the conditions laid down in this Decision by 1 July 1994.

9. This Decision is addressed to the EFTA States.

10. This Decision shall be authentic in the English language.

Done at Brussels, 27 June 1994.

For the EFTA Surveillance Authority

Pekka SÄILÄ

College Member
