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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2516/94
of 18 October 1994**

amending Regulation (EC) No 455/94, determining for the period 1 March to 30 June 1994 the quantities of raw sugar produced in the French overseas departments benefiting from the refining aid referred to in Council Regulation (EEC) No 2225/86

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 9 (6) thereof,

Having regard to Council Regulation (EEC) No 2225/86 of 15 July 1986 laying down measures for the marketing of sugar produced in the French overseas departments and for the equalization of the price conditions with preferential raw sugar ⁽³⁾, and in particular the second subparagraph of Article 3 (2) thereof,

Whereas Article 3 of Regulation (EEC) No 2225/86 provides for the granting of an aid for raw sugar produced in the French overseas departments and refined in a refinery situated in the European regions of the Community within the limits of the quantities to be determined according to the regions of destination in question and separately according to origin; whereas those quantities must be determined on the basis of a Community supply balance sheet for raw sugar; whereas these quantities were fixed by Commission Regulation (EC) No 455/94 ⁽⁴⁾, on the

basis of a forward estimate covering the period 1 July 1993 to 30 June 1994;

Whereas a quantity of 18 000 tonnes was indicated in the forward estimate as not available for refining in France within the meaning of the Community rules; whereas it now transpires that this quantity is likely to be refined in accordance with the conditions laid down in the said rules and the Annex to Regulation (EC) No 455/94 should accordingly be corrected with effect from 1 March 1994;

Whereas the Management Committee for Sugar has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 455/94 shall be replaced by the Annex hereto.

Article 2

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

It shall apply with effect from 1 March 1994.

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

Done at Brussels, 18 October 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 194, 17. 7. 1986, p. 7.

⁽⁴⁾ OJ No L 57, 1. 3. 1994, p. 48.

*ANNEX***Quantities for raw cane sugar, expressed in 1 000 tonnes of white sugar :****(Period from 1 March to 30 June 1994)**

Originating from the French overseas departments	For refining			
	in metropolitan France	in Portugal	in the United Kingdom	in the other regions of the Community
1. Réunion	0	0	0	0
2. Guadeloupe and Martinique	49	0	0	0

COMMISSION REGULATION (EC) No 2517/94

of 18 October 1994

issuing a standing invitation to tender in order to determine refunds on exports
of olive oil for the 1994/95 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 3179/93 ⁽²⁾,Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil ⁽³⁾, and in particular Articles 5 and 7 thereof,

Whereas the export refunds for olive oil cannot be fixed only in accordance with the standard procedure, since there is insufficient information available on the world market situation; whereas provision should therefore be made for issuing a standing invitation to tender so that the refunds can, in the coming months, be determined by tender;

Whereas, in view of the demand for olive oil on the world market in certain special cases, provisions should be adopted whereby certain conditions are laid down in the standing invitation to tender;

Whereas, in view of the specific nature of the tendering procedure, detailed rules should be laid down which will enable operators in the various Member States to take part on equal terms, while providing certain guarantees regarding the validity of the tenders;

Whereas, in order to ensure the smooth operation of the tendering procedure, the arrangements for determining the refunds and awarding the contract should be specified;

Whereas Commission Regulation (EEC) No 3665/87 ⁽⁴⁾, as last amended by Regulation (EC) No 1829/94 ⁽⁵⁾, lays down common detailed rules for the application of the system of export refunds on agricultural products; whereas Commission Regulation (EEC) No 3719/88 ⁽⁶⁾, as last amended by Regulation (EC) No 1897/94 ⁽⁷⁾, lays down common detailed rules for the application of the system of (import and) export licences and advance fixing certificates for agricultural products; whereas these Regulations apply to olive oil; whereas these common provisions should be supplemented by certain specific provisions;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. There shall be issued a standing invitation to tender in order to determine export refunds on olive oil falling within the following CN codes:

- 1509 10 90,
- 1509 90 00,
- 1510 00 90.

2. The standing invitation to tender shall remain open until 31 October 1995. During its period of validity there shall be issued partial invitations to tender.

Article 2

Pursuant to this tendering procedure the Commission may in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC:

- (a) issue invitations to tender in respect of specific destinations, in response to demand for olive oil in certain third countries;
- (b) impose restrictions on the quantities and qualities of oil for which offers may be submitted;
- (c) cancel one or more partial invitation to tender before the deadline for submitting tenders;
- (d) exclude certain countries of destination from the invitation to tender or differentiate the refund according to the country of destination.

Article 3

1. The periods during which tenders may be submitted in response to the partial invitations to tender shall be as follows:

- for January, February, March, April, May, June, July, September, and October: from the fifth day to the ninth day of each month at 1 p.m. and from the 19th to the 23rd day of each month at 1 p.m.,
- for August and November: from the 19th to the 23th day of each month at 1 p.m.,
- for December: from the 10th to the 14th day at 1 p.m.

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.⁽²⁾ OJ No L 285, 20. 11. 1993, p. 9.⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.⁽⁴⁾ OJ No L 351, 14. 12. 1987, p. 1.⁽⁵⁾ OJ No L 191, 27. 7. 1994, p. 5.⁽⁶⁾ OJ No L 331, 2. 12. 1988, p. 1.⁽⁷⁾ OJ No L 194, 29. 7. 1994, p. 4.

That deadline shall be in Belgian time. Where the day on which the deadline expires in a Member State is a public holiday for the authority responsible for receiving the tenders, the deadline shall expire at 1 p.m. on the last preceding working day.

2. Offers in connection with this invitation to tender must be in writing, and must be either delivered by hand, against a receipt, to the competent authority in a Member State, or addressed to that authority by registered letter, telex, telefax or telegram.

Separate tenders must be submitted where they relate to several qualities, presentations or, where applicable, several countries of destination.

3. An offer must indicate:

- (a) the reference number of the Regulation issuing the invitation to tender, and the partial or specific invitation to tender in response to which the offer is being made;
- (b) the name and address of the tenderer;
- (c) the quantity, quality and subheadings of the olive oil to be exported and the presentation of the oil, specifying whether it is put up in immediate containers of a net capacity of five litres or less or whether it is otherwise presented;
- (d) the country of destination, where the refund is differentiated according to the country of destination;
- (e) the amount of the export refund per 100 kilograms of olive oil, expressed in ecus;
- (f) the minimum amount of the security to be lodged covering the quantity of olive oil indicated in (c), expressed in the currency of the Member State in which the tender is submitted.

4. An offer shall be valid only if:

- (a) the quantity to be exported is not less than five tonnes of a single quality in the case of olive oil put up in immediate containers of a net capacity of five litres or less, and not less than 20 tonnes of a single quality in the case of olive oil otherwise presented;
- (b) proof is furnished before expiry of the time limit for the submission of tenders that the tenderer has lodged the security indicated in the tender;
- (c) it contains all the information required under paragraph 3.

5. Tenders shall be valid in respect of only one partial invitation to tender or, where applicable, one specific invitation to tender. A tender may stipulate that it is to be regarded as having been submitted only if the quantity awarded represents all or a specified part of the tendered quantity.

6. The tender, the proof and the declarations referred to in paragraphs 3 and 4 above shall be expressed in the official language or one of the official languages of the

Member State whose competent authority received the tender.

7. A tender which is not submitted in accordance with the provisions of this Regulation or which contains terms other than those indicated herein, shall not be considered.

8. Once submitted, a tender may not be withdrawn.

Article 4

1. A security of ECU 10 per 100 kilograms of olive oil to be exported must be lodged by each tenderer. This security shall in the case of successful tenderers become the security for the export licence.

2. The provisions of Commission Regulation (EEC) No 2220/85⁽¹⁾ shall apply to the securities referred to in this Regulation. The primary requirements within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be the obligations set out in paragraph 3 (b) and compliance with the time limit set.

3. Except in case of *force majeure*, the security will be released:

- (a) to tenderers only in respect of the quantity for which no award was made;
- (b) to successful tenderers, only
 - for the quantity in respect of which they have fulfilled the obligation created by the licence referred to in Article 9, the provisions of Article 33 of Regulation (EEC) No 3719/88 remaining applicable,
 - if proof is furnished that the olive oil has reached its destination, in cases where the refund applicable in respect of the invitation to tender is valid for certain third countries only.

Article 5

1. Tenders shall be examined in private by the competent agency of the Member State concerned. Subject to paragraph 2, persons present at the examination shall be under an obligation not to disclose any particulars relating thereto.

2. Tenders shall be communicated by telex or by telefax to the Commission forthwith and in such a manner that the tenderers remain anonymous.

Article 6

1. In the light, in particular, of the current situation and foreseeable development of the Community and world olive oil markets, and the tenders received, a maximum refund shall, in accordance with the procedure laid down in Article 38 of Regulation (EEC) No 136/66/EEC, be fixed for exports of the product falling within the CN codes listed in Article 1. Refunds shall be fixed no later than the eighth working day after the expiry of each deadline for the submission of tenders.

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

2. It may also be decided, in accordance with that procedure :

- to fix a maximum quantity in respect of each partial invitation to tender,
- not to award a contract in response to a partial specific invitation to tender.

3. The refunds are to be differentiated according to whether the olive oil is put up in immediate containers of a net capacity of five litres or less or is otherwise presented.

4. Where the refund is differentiated according to destination it shall be fixed in the light of the specific situation of each country of destination.

5. Export refunds shall be adjusted during the period of validity of the export licences as referred to in Article 9, in the light of changes in the threshold price occurring between the day on which the export declaration is accepted.

6. Without prejudice to the provisions of the first indent of paragraph 2 a contract shall, in cases where a maximum export refund is fixed, be awarded to every tenderer whose tender quotes a rate of refund equal to or less than such maximum refund for the quantity stated in the tender.

Article 7

1. If a maximum quantity is fixed in respect of a partial invitation to tender, a contract shall be awarded to the tenderer whose tender quotes the lowest export refund and, if necessary, to the tenderer whose tender quotes the next lowest refund, and so on until the entire maximum quantity has been accounted for.

2. However, where an award to a particular tenderer in accordance with the provisions of paragraph 1 would

otherwise result in the maximum quantity being exceeded, that award shall be limited to such quantity as is still available. Where two or more tenders quote the same refund, and awards to all of them would result in the maximum quantity being exceeded, the quantity available shall be allocated as follows :

- by being divided among the tenderers concerned in proportion to the total quantities in each of their tenders, or
- by being apportioned among the tenderers concerned by reference to a maximum tonnage to be fixed for each of them.

Article 8

The competent authority of the Member State concerned shall immediately notify the applicants of the result of their participation in the invitation to tender. In addition, the competent authority shall issue to successful tenderers an export licence for the quantity awarded, indicating in box 22 the export refund quoted in his tender and also stating the quality and presentation of the oil and, where appropriate, the use to which it is to be put.

Article 9

Every successful tenderer shall have the obligation to export, during the period of validity of the export licence awarded to him and, where applicable, to the country indicated in the tender, the tendered quantity of olive oil of the quality and presentation stated in the tender.

This right and these obligations are not transferable.

Article 10

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

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

Done at Brussels, 18 October 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 2518/94**of 18 October 1994****determining the extent to which applications for import licences introduced under the annual cheese quota opened by the Community to Sweden may be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EEC) No 1316/93 of 28 May 1993 laying down detailed rules of application for the management of an annual quota of 1 000 tonnes of cheese and curds opened by the Community to Sweden ⁽¹⁾, as amended by Regulation (EEC) No 2762/93 ⁽²⁾, and in particular Article 4 (4) thereof,

Whereas applications for import licences introduced for the cheeses referred to in Regulation (EEC) No 1316/93 cover quantities in excess of those available ; whereas a single percentage reduction should therefore be fixed for the quantities applied for in respect of the fourth period from 1 October to 31 December 1994,

Article 1

1. Applications for import licences for cheeses falling within CN code 0406 introduced in respect of the period 1 October to 31 December 1994 pursuant to Regulation (EEC) No 1316/93 shall be accepted up to a percentage of 4,9 %.

2. During the first 10 days of the period 1 January to 31 March 1995 applications for import licences may be introduced in respect of the quantity referred to in Article 1 of Regulation (EEC) No 1316/93.

Article 2

This Regulation shall enter into force on 20 October 1994.

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

Done at Brussels, 18 October 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 132, 29. 5. 1993, p. 73.

⁽²⁾ OJ No L 251, 8. 10. 1993, p. 7.

COMMISSION REGULATION (EC) No 2519/94**of 18 October 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 17

October 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 19 October 1994.

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

Done at Brussels, 18 October 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 18 October 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	92,47 ⁽²⁾ ⁽³⁾
0712 90 19	92,47 ⁽²⁾ ⁽³⁾
1001 10 00	18,02 ⁽¹⁾ ⁽³⁾ ⁽¹¹⁾
1001 90 91	60,64
1001 90 99	60,64 ⁽³⁾ ⁽¹¹⁾
1002 00 00	106,39 ⁽⁶⁾
1003 00 10	94,85
1003 00 90	94,85 ⁽²⁾
1004 00 00	94,85
1005 10 90	92,47 ⁽²⁾ ⁽³⁾
1005 90 00	92,47 ⁽²⁾ ⁽³⁾
1007 00 90	97,42 ⁽⁴⁾
1008 10 00	35,13 ⁽²⁾
1008 20 00	42,76 ⁽⁴⁾ ⁽²⁾
1008 30 00	6,95 ⁽²⁾
1008 90 10	(7)
1008 90 90	6,95
1101 00 00	121,93 ⁽²⁾
1102 10 00	189,02
1103 11 10	62,72
1103 11 90	143,69
1107 10 11	118,82
1107 10 19	91,53
1107 10 91	179,71 ⁽¹⁰⁾
1107 10 99	137,03 ⁽²⁾
1107 20 00	157,90 ⁽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 2520/94**of 18 October 1994****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1866/94⁽²⁾, and in particular Article 12 (4) thereof,

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

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EC) No 1938/94⁽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 17

October 1994, as regards floating currencies, should be used to calculate the levies;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums to be added to the levies fixed in advance for the import in respect of the products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 October 1994.

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

Done at Brussels, 18 October 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. 39.

ANNEX

to the Commission Regulation of 18 October 1994 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 10	1st period 11	2nd period 12	3rd period 1
0709 90 60	0	1,07	0	0
0712 90 19	0	1,07	0	0
1001 10 00	0	0	0	0
1001 90 91	0	0	0	8,63
1001 90 99	0	0	0	8,63
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	1,07	0	0
1005 90 00	0	1,07	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	12,07
1102 10 00	0	0	0	0
1103 11 10	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2
1107 10 11	0	0	0	15,36	15,36
1107 10 19	0	0	0	11,48	11,48
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EC) No 2521/94

of 18 October 1994

altering the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 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 Article 13 (4) thereof,

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 2359/94⁽³⁾, as amended by Regulation (EC) No 2402/94⁽⁴⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered,

Article 1

The corrective amount referred to in Article 1 (1), points (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 October 1994.

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

Done at Brussels, 18 October 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 255, 1. 10. 1994, p. 12.

⁽⁴⁾ OJ No L 256, 4. 10. 1994, p. 24.

ANNEX

to the Commission Regulation of 18 October 1994 altering the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination ⁽¹⁾	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3	6th period 4
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 00 200	—	—	—	—	—	—	—	—
1001 10 00 400	01	0	0	0	0	—	—	—
1001 90 91 000	01	0	0	0	0	0	—	—
1001 90 99 000	01	0	0	0	0	0	—	—
1002 00 00 000	01	0	0	0	0	0	—	—
1003 00 10 000	01	0	0	0	0	0	—	—
1003 00 90 000	01	0	0	0	— 20,00	— 20,00	—	—
1004 00 00 200	01	0	0	0	0	0	—	—
1004 00 00 400	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	0	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 100	01	0	0	0	0	0	—	—
1101 00 00 130	01	0	0	0	0	0	—	—
1101 00 00 150	01	0	0	0	0	0	—	—
1101 00 00 170	01	0	0	0	0	0	—	—
1101 00 00 180	01	0	0	0	0	0	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 500	01	0	0	0	0	0	—	—
1102 10 00 700	—	—	—	—	—	—	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 200	01	0	0	0	0	0	—	—
1103 11 10 400	01	0	0	0	0	0	—	—
1103 11 10 900	—	—	—	—	—	—	—	—
1103 11 90 200	01	0	0	0	0	0	—	—
1103 11 90 800	—	—	—	—	—	—	—	—

(¹) The destinations are identified as follows:

01 all third countries.

NB: The zones are those defined in Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EC) No 2522/94
of 18 October 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 2513/94 ⁽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 17 October 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 19 October 1994.

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

Done at Brussels, 18 October 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 267, 18. 10. 1994, p. 11.

ANNEX

to the Commission Regulation of 18 October 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽²⁾
1701 11 10	33,25 ⁽¹⁾
1701 11 90	33,25 ⁽¹⁾
1701 12 10	33,25 ⁽¹⁾
1701 12 90	33,25 ⁽¹⁾
1701 91 00	41,37
1701 99 10	41,37
1701 99 90	41,37 ⁽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 DIRECTIVE 94/46/EC

of 13 October 1994

amending Directive 88/301/EEC and Directive 90/388/EEC in particular with regard to satellite communications

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 90 (3) thereof,

Whereas :

1. The Green Paper on a common approach in the field of satellite communications in the European Community, adopted by the Commission in November 1990, set out the major changes in the regulatory environment necessary to exploit the potential of this means of communications. This Satellite Green Paper called for, *inter alia*, full liberalization of the satellite services and equipment sectors, including the abolition of all exclusive or special rights in this area, subject to licensing procedures, as well as for the free (unrestricted access to space segment capacity.
2. The Council Resolution of 19 December 1991 on the development of the common market for satellite communications services and equipment⁽¹⁾, gave general support to the positions set out in the Commission's Satellite Green Paper, and considered as major goals: the harmonization and liberalization of the market for appropriate satellite earth stations, including where applicable the abolition of exclusive or special rights in this field, subject in particular to the conditions necessary for compliance with essential requirements.
3. The European Parliament, in its Resolution on the development of the common market for satellite communications services and equipment⁽²⁾ calls upon the Commission to enact the necessary legislation in order to create the environment to enable existing constraints to be removed and new activities developed in the field of satellite communications, while stressing the need to harmonize and liberalize the markets in satellite equipment and services.
4. Several Member States have already opened up certain satellite communications services to competition and have introduced licensing schemes. Nevertheless, the granting of licences in some Member States still does not follow objective, proportional and non-discriminatory criteria or, in the case of operators competing with the telecommunications organizations, is subject to technical restrictions such as a ban on connecting their equipment to be switched network operated by the telecommunications organization. Other Member States have maintained the exclusive rights granted to the national public undertakings.
5. Commission Directive 88/301/EEC of 16 May 1988 on competition in the markets in telecommunications terminal equipment⁽³⁾, as amended by the Agreement on the European Economic Area, provides for the abolition of special or exclusive rights to import, market, connect, bring into service and maintain telecommunications terminal equipment. It does not cover all types of satellite earth station equipment.
6. In its judgment in Case C-202/88, *France v. Commission*⁽⁴⁾, the Court of Justice of the European Communities upheld Commission Directive 88/301/EEC. However, in so far as it relates to special rights, the Directive was declared void on the grounds that neither the provisions of the Directive nor the preamble thereto specify the type of rights which are actually involved and in what respect the existence of such rights is contrary to the various provisions of the Treaty. As far as importation, marketing, connection, bringing into service and maintenance of telecommunications equipment are concerned, special rights are in practice rights that are granted by a Member State to a limited number of undertakings, through any legislative, regulatory or administrative instrument which, within a given geographical area,
 - limits to two or more the number of such undertaking, otherwise than according to objective, proportional and non-discriminatory criteria, or
 - designates, otherwise than according to such criteria, several competing undertakings, or
 - confers on any undertaking or undertakings, otherwise than according to such criteria, legal or regulatory advantages which substantially affect

⁽¹⁾ OJ No C 8, 14. 1. 1992, p. 1.⁽²⁾ OJ No C 42, 15. 2. 1993, p. 30.⁽³⁾ OJ No L 131, 27. 5. 1988, p. 73.⁽⁴⁾ [1991] ECR I-1223.

the ability of any other undertaking to engage in any of the abovementioned activities in the same geographical area under substantially equivalent conditions.

This definition is without prejudice to the application of Article 92 of the EC Treaty.

7. The existence of exclusive rights has the effect of restricting the free movement of such equipment either as regards the importation and marketing of telecommunications equipment (including satellite equipment), because certain products are not marketed, or as regards the connection, bringing into service or maintenance because, taking into account the characteristics of the market and in particular the diversity and technical nature of the products, a monopoly has no incentive to provide these services in relation to products which it has not marketed or imported, nor to align its prices on costs, since there is no threat of competition from new entrants. Taking into account the fact that in most equipment markets there is typically a large range of telecommunication equipment markets there is typically a large range of telecommunication equipment, and the likely development of the markets in which there are as yet a limited number of manufacturers, any special right which directly or indirectly — for example by not providing for an open and non-discriminatory authorization procedure — limits the number of the undertakings authorized to import, market, connect, bring into service and maintain such equipment, is liable to have the same kind of effect as the grant of exclusive rights.

Such exclusive or special rights constitute measures having equivalent effect to quantitative restrictions incompatible with Article 30 of the EC Treaty. None of the specific features of satellite earth stations or of the market for their sale or maintenance is such as to justify their being treated differently in law from other telecommunications terminal equipment. Thus it is necessary to abolish all existing exclusive rights in the importation, marketing, connection, bringing into service and maintenance of satellite earth station equipment, as well as those rights having comparable effects — that is to say, all special rights except those consisting in legal or regulatory advantages conferred on one or more undertakings and affecting only the ability of other undertakings to engage in any of the abovementioned activities in the same geographical area under substantially equivalent conditions.

8. Satellite earth station equipment must satisfy the essential requirements harmonized by Council Directive 93/97/EEC⁽¹⁾ with special reference to the efficient use of frequencies. It will be possible to monitor the application of these essential requirements partly through the licences granted for the provision of the services concerned. Alignment on the essential requirements will be achieved mainly through the adoption of common technical rules and harmonization of the conditions attached to licences. Even where these conditions are not harmonized, Member States will nevertheless have to adapt their rules. In either case, Member States must in the meantime ensure that the application of such rules does not create barriers to trade.

9. The abolition of special or exclusive rights relating to the connection of satellite earth station equipment makes it necessary to recognize the right to connect this equipment to the switched networks operated by the telecommunications organizations so that licensed operators can offer their services to the public.

10. Commission Directive 90/388/EEC of 28 June 1990 on competition in the markets for telecommunications services⁽²⁾, as amended by the Agreement on the EEA, provides for the abolition of special or exclusive rights granted by Member States in respect of the provision of telecommunications services. However, the Directive excludes satellite services from its field of application.

11. In Joined Cases C-271/90, C-281/90 and C-289/90, *Spain v. Commission*⁽³⁾, the Court of Justice of the European Communities upheld this Commission Directive on 17 November 1992. However, in so far as it relates to special rights, the Directive was declared void by the Court of Justice on the grounds that neither the provisions of the Directive nor the preamble thereto specify the type of rights which are actually involved and in what respect the existence of such rights is contrary to the various provisions of the Treaty. Consequently, these rights must be defined in this Directive. As far as telecommunications services are concerned, special rights are in practice rights that are granted by a Member State to a limited number of undertakings, through any legislative, regulatory or administrative instrument which, within a given geographical area,

⁽¹⁾ OJ No L 290, 24. 11. 1993, p. 1.

⁽²⁾ OJ No L 192, 24. 7. 1990, p. 10.

⁽³⁾ [1992] ECRI-5833.

- limits to two or more, otherwise than according to objective, proportional and non-discriminatory criteria, the number of undertakings which are authorized to provide any such service, of
- designates, otherwise than according to such criteria, several competing undertakings as those which are authorized to provide any such service, or
- confers on any undertaking or undertakings, otherwise than according to such criteria, legal or regulatory advantages which substantially affect the ability of any other undertaking to provide the same telecommunications service in the same geographical area under substantially equivalent conditions.

This definition is without prejudice to the application of Article 92 of the EC Treaty.

In the field of telecommunications services, such special legal or regulatory advantages may consist, among other things, in a right to make compulsory purchases in the general interest, in derogations from law on town-and-country planning, or in the possibility of obtaining an authorization without having to go through the usual procedure.

12. Where the number of undertakings authorized to provide satellite telecommunications services is limited by a Member State through special rights, and *a fortiori* exclusive rights, these constitute restrictions that could be incompatible with Article 59 of the Treaty, whenever such limitation is not justified by essential requirements, since these rights prevent other undertakings from supplying (or obtaining) the services concerned to (or from) other Member States. In the case of satellite network services, such essential requirements could be the effective use of the frequency spectrum and the avoidance of harmful interference between satellite telecommunications systems and other space-based or terrestrial technical systems. Consequently, provided that equipment used to offer the services satisfies the essential requirement applicable to satellite communications, separate legal treatment of the latter is not justified. On the other hand, special rights consisting only in special legal or regulatory advantages, do not, in principle, preclude other undertakings from entering the market. The compatibility of these rights with the EC Treaty must

therefore be assessed on a case-by-case basis, regard being had to their impact on the effective freedom of other entities to provide the same telecommunications service and their possible justifications regarding the activity concerned.

13. The exclusive rights that currently exist in the satellite communications field were generally granted to organizations that already enjoyed a dominant position in creating the terrestrial networks, or to one of their subsidiaries. Such rights have the effect of extending the dominant position enjoyed by those organizations and therefore strengthening that position. The exclusive rights granted in the satellite communications field are consequently incompatible with Article 90 of the EC Treaty, read in conjunction with Article 86.

14. These exclusive rights limiting access to the market also have the effect of restricting or preventing, to the detriment of users, the use of satellite communications that could be offered, thereby holding back technical progress in this area. Because their investment decisions are likely to be based on exclusive rights, the undertakings concerned are often in a position to decide to give priority to terrestrial technologies, whereas new entrants might exploit satellite technology. The telecommunications organizations have generally given preference to the development of optical-fibre terrestrial links, and satellite communications have been used chiefly as a technical solution of last resort in cases where the cost of the terrestrial alternatives has been prohibitive, or for the purpose of data broadcasting and/or television broadcasting, rather than being used as a fully complementary transmission technology in its own right. Thus the exclusive rights imply a restriction on the development of satellite communication, and this is incompatible with Article 90 of the Treaty, read in conjunction with Article 86.

15. However, where the provision of satellite services is concerned, licensing or declaration procedures are justified in order to ensure compliance with essential requirements, subject to the proportionality principle. Licensing is not justified when a mere declaration procedure would suffice to attain the relevant objective. For example, in the case of provision of a satellite service which involves only the use of a dependent VSAT earth station in a Member State, the latter should impose no more than a declaration procedure.

16. Article 90 (2) of the Treaty provides for an exception to Article 86 in cases where the application of the latter would obstruct the performance, in law or in fact, of the particular tasks assigned to the telecommunications organizations. Pursuant to that provision, Directive 90/388/EEC allows exclusive rights to be maintained for a transitional period in respect of voice telephony.

'Voice telephony' is defined in Article 1 of Directive 90/388/EEC as the commercial provision for the public of the direct transport and switching of speech in real-time between public switched network termination points, enabling any user to use equipment connected to such a network termination point in order to communicate with another termination point. In the case of direct transport and switching of speech via satellite earth station networks, such commercial provision for the public in general can take place only when the satellite earth station network is connected to the public switched network.

As regards all services other than voice telephony, no special treatment under Article 90 (2) is justified especially in view of the insignificant contribution of such services to the turnover of the telecommunications organizations.

17. The provision of satellite network services for the conveyance of radio and television programmes is a telecommunications service for the purpose of this Directive and thus subject to its provisions. Notwithstanding the abolition of certain special and exclusive rights in respect of receive-only satellite earth stations not connected to the public network of a Member State and the abolition of special and exclusive rights in respect of satellite services provided for public or private broadcasters, the content of satellite broadcasting services to the general public or private broadcasters, the content of satellite broadcasting services to the general public provided via frequency bands defined in the Radio Regulations for both Broadcasting Satellite Services (BSS) and Fixed-Satellite Services (FSS) will continue to be subject to specific rules adopted by Member States in accordance with Community law and is not, therefore, subject to the provisions of this Directive.

18. This Directive does not prevent measure being adopted in accordance with Community law and existing international obligations so as to ensure that nationals of Member States are afforded equivalent treatment in third countries.

19. The offering by satellite operators of space segment capacity of national, private or international satellite systems to licensed satellite earth station network operators, is still, in some Member States, subject to regulatory restrictions other than those compatible with frequency and site coordination arrangements required under the international commitments of Member States. These additional restrictions are contrary to Article 59, which implies that such satellite operators should have full freedom to provide their services in the whole Community, once they are licensed in one Member State.

20. Tests to establish whether satellite earth stations of licensed operators other than national operators conform to specifications governing technical and operational access to intergovernmental satellite systems, are, in most of the Member States, carried out by the national Signatory of the nation upon whose territory the station is operating. These conformity assessments are therefore performed by service providers which are competitors.

This is not compatible with the Treaty provisions, notably Articles 3 (g) and 90, read in conjunction with Article 86. Member States therefore need to ensure that these conformity assessments can be carried out direct between the satellite earth station network operator concerned and the intergovernmental organization itself, under supervision of the regulatory authorities alone.

21. Most of the available space segment capacity is offered by the international satellite organizations. The charges for using such capacity are still high in many Member States because the capacity can be acquired only from the signatory for the Member State in question. Such exclusivity, permitted by some Member States, leads to a partitioning of the Common Market to the detriment of customers requiring capacity. In its resolution of 19 December 1991, the Council consequently called on the Member States to improve access to the space segment of the intergovernmental organizations. As regards the establishment and use of separate systems, restrictive measure taken under international conventions signed by Member States could also have effects incompatible with Community law, by limiting supply at the expense of the consumer within meaning of Article 86 (b). Within the international satellite organizations, reviews of the provisions of the relevant constituent instruments are under way, *inter alia*, in respect of improved access and in respect of the establishment and use of separate systems. In

order to enable the Commission to carry out the monitoring task assigned to it by the EC Treaty, instruments should be provided to help Member States to comply with the duty of cooperation enshrined in the first paragraph of Article 5, read in conjunction with Article 234 (2), of the Treaty.

22. In assessing the measures of this Directive, the Commission, in the context of the achievement of the fundamental objectives of the Treaty referred to in Article 2 thereof, including that of strengthening the Community's economic and social cohesion as referred to in Article 130 (a), will also take into account the situation of those Member States in which the terrestrial network is not yet sufficiently developed and which could justify the deferment for these Member States, as regards satellite services and to the extent necessary, of the date of full application of the provisions of this Directive until 1 January 1996,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 88/301/EEC is hereby amended as follows:

- (a) The last sentence of the first indent is replaced by the following:

'Terminal equipment also means satellite earth station equipment'.

- (b) The following indents are added after the second indent:

— "special rights" means rights that are granted by a Member State to a limited number of undertakings, through any legislative, regulatory or administrative instrument, which, within a given geographical area,

— limits to two or more the number of such undertakings, otherwise than according to objective, proportional and non-discriminatory criteria, or

— designates, otherwise than according to such criteria, several competing undertakings, or

— confers on any undertaking or undertakings, otherwise than according to such criteria, any legal or regulatory advantages which substantially affect the ability of any other undertaking to import, market, connect, bring into service and/or maintain telecommunication terminal equipment in the same geographical area under substantially equivalent conditions;

— "satellite earth station equipment" means equipment which is capable of being used for the transmission only, or for the transmission and reception ("transmit/receive"), or for the reception only ("receive-only") of radiocommu-

nication signals by means of satellites or other space-based systems'

2. The first paragraph of Article 2 is replaced by the following text.

'Member States which have granted special or exclusive rights to undertakings shall ensure that all exclusive rights are withdrawn, as well as those special rights which

(a) limit two or more the number of undertakings within the meaning of Article 1, otherwise than according to objective, proportional and non-discriminatory criteria, or

(b) designate, otherwise than according to such criteria, several competing undertakings within the meaning of Article 1.'

3. The first indent of Article 3 is replaced by the following text:

— in the case of satellite earth station equipment, refuse to allow such equipment to be connected to the public telecommunications network and/or to be brought into service where it does not satisfy the relevant common technical regulations adopted in pursuance of Council Directive 93/97/EEC (*) or, in the absence thereof, the essential requirements laid down in Article 4 of that Directive. In the absence of common technical rules of harmonized regulatory conditions, national rules shall be proportionate to those essential requirements and shall be notified to the Commission in pursuance of Directive 83/189/EEC where that Directive so requires.

— in the case of other terminal equipment, refuse to allow such equipment to be connected to the public telecommunications network where it does not satisfy the relevant common technical regulations adopted in pursuance of Council Directive 91/263/EEC (**) or, in the absence thereof, the essential requirements laid down in Article 4 of that Directive.

(*) OJ No L 290, 24. 11. 1993, p. 1.

(**) OJ No L 128, 23. 5. 1991, p. 1.'

Article 2

Directive 90/388/EEC is hereby amended as follows:

1. Article 1 is amended as follows:

- (a) Paragraph 1 is amended as follows:

- (i) the second indent is replaced by the following:

— "exclusive rights" means the rights that are granted by a Member State to one undertaking through any legislative, regulatory or administrative instrument, reserving it the right to provide a telecommunication service or undertake an activity within a given geographical area.'

(ii) The following is inserted as the third indent :

- “special rights” means the rights that are granted by a Member State to a limited number of undertakings through any legislative, regulatory or administrative instrument which, within a given geographical area,
- limits to two or more the number of such undertakings authorized to provide a service or undertake an activity, otherwise than according to objective, proportional and non-discriminatory criteria, or
- designates, otherwise than according to such criteria, several competing undertakings as being authorized to provide a service or undertake an activity, or
- confers on any undertaking or undertakings, otherwise than according to such criteria, legal or regulatory advantages which substantially affect the ability of any other undertaking to provide the same telecommunications service or to undertake the same activity in the same geographical area under substantially equivalent conditions.’

(iii) The fourth indent is replaced by the following :

- “telecommunications services” means services whose provision consists wholly or partly in the transmission and routing of signals on a public telecommunications network by means of telecommunications processes, with the exception of radio- and television-broadcasting to the public, and satellite services.’

(iv) the following indents are inserted after the fourth indent :

- “satellite earth station network” means a configuration of two or more earth stations which interwork by means of a satellite ;
- “satellite network services” means the establishment and operation of satellite earth station networks ; these services consist, as a minimum, in the establishment, by satellite earth stations, of radiocommunications to space segment (“uplinks”), and in the establishment of radiocommunications between space segment and satellite earth stations (“downlinks”) ;

- “satellite communications services” means service whose provision makes use, wholly or partly, of satellite network services ;

- “satellite services” means the provision of satellite communications services and/or the provision of satellite networks services ;’

(v) the second sentence of the sixth indent is replaced by the following text :

‘Those reasons are security of network operations, maintenance of network integrity, and, in justified cases, interoperability of services, data protection and, in the case of satellite network services, the effective use of the frequency spectrum and the avoidance of harmful interference between satellite telecommunications systems and other space-based or terrestrial technical systems.’

(b) Paragraph 2 is replaced by the following :

‘2. This Directive shall not apply to the telex service or to terrestrial mobile radiocommunications.’

2. Article 2 is amended as follows :

(a) The first paragraph is replaced by the following :

‘Without prejudice to Article 1 (2), Member States shall withdraw all those measures which grant :

- (a) exclusive rights for the supply of telecommunications services otherwise than voice telephony and
- (b) special rights which limit to two or more the number of undertakings authorized to supply such telecommunication services, otherwise than according to objective, proportional and non-discriminatory criteria, or
- (c) special rights which designate, otherwise than according to such criteria, several competing undertakings to provide such telecommunication services.

They shall take the measures necessary to ensure that any operator is entitled to supply any such telecommunications services, otherwise than voice telephony’.

(b) The following paragraphs are added :

‘Member States shall communicate the criteria on which authorizations are granted, together with the conditions attached to such authorizations and to the declaration procedures for the operation of transmitting earth stations.

Member States shall continue to inform the Commission of any plans to introduce new licensing procedures or to change existing procedures’.

3. Article 6 is amended as follows :

- (a) The following paragraphs are added after the second paragraph :

'Member States shall ensure that any fees imposed on providers of services as part of authorization procedures, shall be based on objective, transparent and non-discriminatory criteria.

Fees, the criteria upon which they are based, and any changes thereto, shall be published in an appropriate and sufficiently detailed manner, so as to provide easy access to that information.

Member States shall notify to the Commission no later than nine months after publication of this Directive, and thereafter whenever changes occur, the manner in which the information is made available. The Commission shall regularly publish references to such notifications.'

- (b) The following paragraph is added :

'Member States shall ensure that any regulatory prohibition or restrictions on the offer of space-segment capacity to any authorized satellite earth station network operator are abolished, and shall authorize within their territory any space-segment supplier to verify that the satellite earth station network for use in connection with the space segment of the supplier in question is in conformity with the published conditions for access to his space segment capacity.'

Article 3

Member States which are party to the international conventions setting up the international organizations

Intelsat, Inmarsat, Eutelsat and Intersputnik for the purposes of satellite operations shall communicate to the Commission, at its request, the information they possess on any measure that could prejudice compliance with the competition rules of the EC Treaty or affect the aims of this Directive or of the Council Directives on telecommunications.

Article 4

Member States shall supply to the Commission, not later than nine months after this Directive has entered into force, such information as will allow the Commission to confirm that Articles 1 and 2 have been complied with.

Article 5

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

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 13 October 1994.

For the Commission

Karel VAN MIERT

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 October 1994

amending Commission Decision 93/436/EEC laying down specific conditions for importing fishery products from Chile

(Text with EEA relevance)

(94/675/EC)

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

Having regard to Council Directive 91/493/EEC of 22 July 1991⁽¹⁾, laying down the health conditions for the production and the placing on the market of fishery products, and in particular Article 11 (5) thereof,

Whereas the list of establishments and factory ships approved by Chile for importing fishery products into the Community has been drawn up in Commission Decision 93/436/EEC⁽²⁾, as last amended by Decision 94/188/EC⁽³⁾; whereas this list may be amended following the communication of a new list by the competent authority in Chile;

Whereas the competent authority in Chile has communicated a new list adding 12 establishments and amending the data of one establishment;

Whereas it is necessary to amend the list of approved establishments and factory ships accordingly;

Whereas the measures provided for in this Decision have been drawn up in accordance with the procedure laid down by Commission Decision 90/13/EEC⁽⁴⁾,

HAS ADOPTED THIS DECISION:

Article 1

Annex B of Decision 93/436/EEC is replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 October 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 15.

⁽²⁾ OJ No L 202, 12. 8. 1993, p. 31.

⁽³⁾ OJ No L 89, 6. 4. 1994, p. 21.

⁽⁴⁾ OJ No L 8, 11. 1. 1990, p. 70.

ANNEX

ANNEX B

LIST OF APPROVED ESTABLISHMENTS AND FACTORY VESSELS

I. Establishments

Number	Name and address	Approval granted until (1)
01003	Procemar SA	30. 12. 1995
	Arica	
01007	Frigopesca SA	30. 8. 1995
	Arica	
01011	Agropesca SA	30. 4. 1995
	Arica	
01012	Novamar SA	30. 8. 1995
	Arica	
01013	Pesquera Marvesa SA	30. 8. 1995
	Arica	
01017	Hema SA	30. 8. 1995
	Arica	
01060	Pesquera Iquique-Guanayes SA	30. 12. 1995
	Iquique	
01062	Sociedad Marítima y Armadora San Jorge Ltda	30. 4. 1995
	Iquique	
01064	Pesquera del Norte SA	30. 12. 1995
	Iquique	
01065	Pesquera Vamar Ltda	30. 4. 1995
	Iquique	
01068	Inversiones Santa Mónica Ltda	30. 4. 1995
	Iquique	
01069	Pesquera Centomar Ltda	30. 4. 1995
	Iquique	
01070	Sarmenia Cultivos Marinos	30. 4. 1995
	Iquique	
01072	Pesquera Helga Mánquez	30. 4. 1995
	Monardez-Iquique	
01073	Pesquera Guimar SA	30. 4. 1995
	Iquique	
01074	Octomar Importaciones-Exportaciones Ltda	30. 4. 1995
	Iquique	
02005	Helga Mánquez Monardes	30. 4. 1995
	Tocopilla	
02022	Pesquera Friomar Ltda	30. 12. 1995
	Antofagasta	
02023	Rodolfo Rojas y Cía Ltda	30. 4. 1995
	Antofagasta	
02024	Ricardo Devoto Riveros	30. 4. 1995
	Antofagasta	
02025	Pesquera Marazul Ltda	30. 4. 1995
	Antofagasta	
02029	Universidad de Antofagasta	30. 12. 1995
	Antofagasta	
02030	Sociedad Abaroa y Gómez Ltda	30. 8. 1995
	Antofagasta	
02035	Pesquera Arántzazu SA	30. 8. 1995
	Antofagasta	
02037	Norpesca Ltda	30. 4. 1995
	Antofagasta	
02040	Granja Marina SA	30. 4. 1995
	Antofagasta	
02043	Oriele Rojas Rojas	30. 8. 1995
	Antofagasta	
02044	Consuelo Freire Saavedra	30. 4. 1995
	Antofagasta	

Number	Name and address	Approval granted until (!)
02046	Sociedad Pesquera Galeb Ltda Antofagasta	30. 8. 1995
02049	Pesquera Obilinovic Ltda Antofagasta	30. 8. 1995
02050	Pesquera y Conservera Tamai Ltda Taltal	30. 12. 1995
02066	Santana y Cía Ltda Mejillones	30. 4. 1995
03061	Cía Pesquera Camanchaca SA Caldera	30. 4. 1995
03062	Sociedad Pesquera Caldera SA Caldera	30. 12. 1995
03067	Gilframar Ltda Caldera	30. 12. 1995
03072	Pesquera Playa Blanca SA Caldera	30. 12. 1995
03073	Cabo Negro SA Caldera	30. 12. 1995
03074	Pesquera Skuna Ltda Caldera	30. 12. 1995
03077	Pesquera Huillinco Ltda Caldera	30. 4. 1995
03078	Sociedad Exportadora Mas-Mar Ltda Caldera	30. 4. 1995
03079	Pesquera MTS-CA SA Caldera	30. 4. 1995
03090	Mar del Norte Ltda Caldera	30. 12. 1995
03094	Cultivos Marinos Flamenco Ltda Caldera	30. 4. 1995
03095	Cultivos Marinos Internacionales SA Caldera	30. 4. 1995
04002	Sarpesca SA Coquimbo	30. 4. 1995
04004	Luis Felipe Videla Julio Coquimbo	30. 12. 1995
04005	Pesquera Humboldt SA Coquimbo	30. 12. 1995
04007	Pesquera San José SA Coquimbo	30. 12. 1995
04009	Soc. Pesquera Baquedano Ltda Coquimbo	30. 4. 1995
04010	Soc. Procesadora de Alimentos Provelco Ltda Coquimbo	30. 12. 1995
04011	Pesquera Sabropesca Ltda Coquimbo	30. 12. 1995
04012	Frigorifico dal Nord Ltda Coquimbo	30. 4. 1995
04013	Productora y Comercializadora del Mar Ltda (Procomar Ltda) Coquimbo	30. 12. 1995
04017	Sociedad Agrícola Industrial y Comercial Pérez y Ramírez Ltda (Leymo) Coquimbo	30. 12. 1995
04023	Empresa Pesquera y Conservera Proteus SA Coquimbo	30. 4. 1995
04031	Pesquera Andacollo SA Coquimbo	30. 4. 1995
04052	Pesquera Mares de Chile SA Coquimbo	30. 4. 1995
04056	Sociedad Pesca Marina Ltda Coquimbo	30. 4. 1995
04057	Com. E Inversiones Loanco Ltda Tongoy	30. 4. 1995

Number	Name and address	Approval granted until (*)
04059	Omega Seafoods Coquimbo	30. 4. 1995
05003	Pesquera Quintero SA Quintero	30. 4. 1995
05004	Pesquera Papudo SA Quintero	30. 4. 1995
05005	Sociedad Comercial e Industrial Golden Seagull Quintero	30. 4. 1995
05011	Pesquera Santa Lucía SA Quintero	30. 4. 1995
05054	Comercial Alesa SA Valparaíso	30. 4. 1995
05057	Pesquera Francis Drake SA Valparaíso	30. 4. 1995
05060	Conservera Trans Antartic Ltda Valparaíso	30. 12. 1995
05067	La Ballenita Ltda Valparaíso	30. 4. 1995
05071	Intercomercial Sama SA Valparaíso	30. 4. 1995
05077	Mavicruz SA Valparaíso	30. 4. 1995
05079	Pesquera Marli Mar SA Valparaíso	30. 4. 1995
05200	Pesquera Catalina San Antonio	30. 4. 1995
05205	Jaime Azócar Campusano San Antonio	30. 4. 1995
05210	Pesquera Santo Domingo SA San Antonio	30. 4. 1995
05211	Pesquera San Sebastián SA San Antonio	30. 4. 1995
05212	Pesquera Mamiña SA San Antonio	30. 4. 1995
05214	Pesquera Marazul Ltda San Antonio	30. 4. 1995
05218	Compañía de Comercio Montemar SA San Antonio	30. 4. 1995
07005	Pesquera Constitución Ltda Constitución	30. 4. 1995
08003	Chile Algas Talcahuano	30. 12. 1995
08090	Conservas Multiexport SA Coronel	30. 12. 1995
08097	Arlavan Ltda Talcahuano	30. 4. 1995
08098	Comercial Alesa SA Talcahuano	30. 4. 1995
08100	Pesquera Santa María SA Talcahuano	30. 4. 1995
08104	Prodemar Ltda Talcahuano	30. 12. 1995
08107	Pesquera San Miguel Ltda Talcahuano	30. 12. 1995
08113	Iquique-Guanaye Talcahuano	30. 12. 1995
08116	Congelados del Pacífico Ltda Talcahuano	30. 4. 1995
08119	Pesquera del Cabo SA Talcahuano	30. 12. 1995
08120	Pesquera San José del Sur SA Talcahuano	30. 12. 1995

Number	Name and address	Approval granted until (1)
08123	Pesquera El Golfo SA Talcahuano	30. 4. 1995
08128	Pesquera Cantábrico SA Talcahuano	30. 8. 1995
08133	Unifish SA Talcahuano	30. 12. 1995
08134	Pesquera América Fish Ltda Talcahuano	30. 4. 1995
08136	Frioexport SA Coronel	30. 4. 1995
08137	Heriberto Muñoz Concha Talcahuano	30. 4. 1995
08138	Pesquera Grimar SA Talcahuano	30. 4. 1995
08141	Frigorífico Talcahuano Talcahuano	30. 4. 1995
08142	Sociedad Empacadora Austral SA Talcahuano	30. 4. 1995
08143	Compañía Pesquera Camanchaca SA Tomé	30. 12. 1995
08146	Pesquera Larus Ltda Talcahuano	30. 12. 1995
08148	Unifish Canning Talcahuano	30. 12. 1995
08150	Industria Conservera Agromar Ltda Talcahuano	30. 12. 1995
08152	La Fuente del Mar Talcahuano	30. 12. 1995
08157	Thomas Campbell G. Talcahuano	30. 4. 1995
08250	Cía Pesquera San Pedro SACI Talcahuano	30. 12. 1995
08252	Fundación para la Capacitación Pescador Artesanal "Funcap" Coronel	30. 12. 1995
08253	Sociedad Pesquera Viento Sur LT Coronel	30. 4. 1995
08254	Independent Fisheries SA Coronel	30. 4. 1995
08259	Comercial e Industrial Anchomar Ltda Coronel	30. 8. 1995
08264	Pesquera del Norte SA Coronel	30. 12. 1995
08269	Ferrol Ltda Coronel	30. 8. 1995
09009	Conservasur Ltda Temuco	30. 12. 1995
10012	Fast-Service Ltda Valdivia	30. 4. 1995
10014	Serviven SA Valdivia	30. 12. 1995
10018	Piscícola Entreríos SA Valdivia	30. 4. 1995
10019	Pesquera Río Calle Calle SA Valdivia	30. 4. 1995
10030	Isla Tenglo Ltda Puerto Montt	30. 12. 1995
10032	Eicomar SA Puerto Montt	30. 12. 1995
10034	Pesquera Trans Antartic Ltda Puerto Montt	30. 12. 1995
10036	Proaustral Ltda Puerto Montt	30. 4. 1995

Number	Name and address	Approval granted until (1)
10037	Jaalmar Ltda Puerto Montt	30. 4. 1995
10039	Pesquera Ralún Ltda Puerto Montt	30. 12. 1995
10050	Pesquera Royale Ltda Puerto Montt	30. 12. 1995
10053	Alimentos Multiexport SA Puerto Montt	30. 12. 1995
10054	Infrimar Ltda Puerto Montt	30. 4. 1995
10055	Pesquera Quehui Ltda Puerto Montt	30. 4. 1995
10057	Pesquera Luis Ibarra Pozo Ltda Puerto Montt	30. 4. 1995
10058	Asenav SA Puerto Montt	30. 4. 1995
10060	Pesquera Luis Andrade Pinto Puerto Montt	30. 4. 1995
10063	Tamai Ltda Puerto Montt	30. 12. 1995
10064	Pesquera Mar Antártico SA Puerto Montt	30. 4. 1995
10066	Aquasur Fisheries SA Puerto Montt	30. 4. 1995
10067	Agroindustrial Santa Cruz SA Puerto Montt	30. 12. 1995
10068	Dipromar SA Puerto Montt	30. 12. 1995
10070	Nichiro Chile Ltda Puerto Montt	30. 4. 1995
10072	Pesquera Aguamar SA Puerto Montt	30. 4. 1995
10076	Pesquera Cormoran Ltda Puerto Montt	30. 4. 1995
10080	Fiordo Blanco Ltda Puerto Montt	30. 4. 1995
10081	Conservamar SA Puerto Montt	30. 12. 1995
10082	Produal Ltda Puerto Montt	30. 4. 1995
10083	Seabay Chile SA Puerto Montt	30. 4. 1995
10084	Ventisqueros SA Puerto Montt	30. 4. 1995
10085	Comercial Comtesa Ltda Puerto Montt	30. 12. 1995
10092	Vartich Comercio Exterior Puerto Montt	30. 12. 1995
10097	Pesquera Santa Marta Ltda Puerto Montt	30. 4. 1995
10100	Luis Orlando Retamales Carden Puerto Montt	30. 12. 1995
10103	Canales del Sur SA Puerto Montt	30. 4. 1995
10111	Acuicultura Lago Verde y Cia Ltda Puerto Montt	30. 4. 1995
10116	Comercial e Industrial del Sur SA Puerto Montt	30. 8. 1995
10120	Aquachile SA Puerto Montt	30. 4. 1995
10150	Conservera San Rafael Ltda Calbuco	30. 12. 1995
10154	Soto Lenize Hijos Ltda Calbuco	30. 12. 1995

Number	Name and address	Approval granted until (1)
10156	Fitz-Roy SA Calbuco	30. 12. 1995
10157	Pesquera Leymo Ltda (Pérez y Ramírez Ltda) Calbuco	30. 12. 1995
10158	Pesquera Puluqui Ltda Calbuco	30. 12. 1995
10159	Pesquera y Conservera El Ancla Ltda Calbuco	30. 12. 1995
10160	Aguas Claras SA Calbuco	30. 12. 1995
10163	South Pacific Fishing Co. SA Calbuco	30. 12. 1995
10166	Conservera Sacramento SA Calbuco	30. 12. 1995
10180	Pesquera American Seafood Ltd Ancud	30. 12. 1995
10182	Infrimar Ltda Ancud	30. 4. 1995
10183	Sociedad Comercial Gran América Ltda Ancud	30. 4. 1995
10189	Pesquera Messamar SA Ancud	30. 12. 1995
10190	Sociedad Pesquera Pacífico Austral Ltd Ancud	30. 12. 1995
10195	Cultivos Marinos Chile SA Ancud	30. 4. 1995
10210	Sociedad Comercial Industrial Agromar Ltda Castro	30. 12. 1995
10212	Promex Ltda Castro	30. 12. 1995
10216	Pesquera Andina SA Castro	30. 4. 1995
10217	Salmones Aucar Ltda Castro	30. 8. 1995
10220	Pesquera Unichile SA Castro	30. 12. 1995
10221	Salmones Antártica SA Castro	30. 4. 1995
10223	Conservas Dalcahue SA Castro	30. 12. 1995
10225	Comercial Gop Ltda Castro	30. 6. 1995
10226	Skiring Salmón Ltda Castro	30. 4. 1995
10227	Pesquera Unimarc SA Castro	30. 4. 1995
10228	Frigorífico Dalcahue SA Castro	30. 4. 1995
10229	Sociedad Comercial Industrial Agromar Ltda Castro	30. 12. 1995
10231	Antarfrío SA Castro	30. 4. 1995
10232	Maintec SA Castro	30. 12. 1995
10235	Procesadora Avalón SA Castro	30. 8. 1995
10237	Cultivos Achao SA Castro	30. 4. 1994
10238	René Díaz Miranda Castro	30. 12. 1995
10240	Empresa Pesquera Apiao Ltda Castro	30. 4. 1995
10241	Los Elefantes SA Castro	30. 4. 1995

Number	Name and address	Approval granted until (*)
10255	Salazar y Cerna Ltda Quellón	30. 12. 1995
10256	Pesquera Palacios SA Quellón	30. 12. 1995
10258	Salmones Quellón Ltda Quellón	30. 12. 1995
10259	Pacific Star SA Quellón	30. 12. 1995
10267	Sociedad Comercial Madrinós Principado Quellón	30. 12. 1995
10280	Yadrán Quellón SA Quellón	30. 4. 1995
11004	Pesquera Friosur SA Puerto Aysén	30. 4. 1995
11006	Sociedad Comercial GOP Ltda Puerto Aysén	30. 4. 1995
11007	Darwin Ltda Puerto Aysén	30. 12. 1995
11010	Pesquera Salmar Ltda Puerto Aysén	30. 4. 1995
11012	Pesca Chile SA Puerto Aysén	30. 4. 1995
11014	Pesca Austral SA Puerto Aysén	30. 12. 1995
11018	Salmones Antártica Puerto Aysén	28. 8. 1995
11025	Comercial Comtesa Ltda Puerto Aysén	30. 12. 1995
11026	Pesquera Palacios SA Puerto Aysén	30. 4. 1995
12004	Pesquera Cabo de Hornos SA Punta Arenas	30. 12. 1995
12006	Pesquera Morelia Reyes y Cía Ltd Punta Arenas	30. 12. 1995
12007	Pesquera Héctor Ujevic Pivcevic Punta Arenas	30. 12. 1995
12008	Pesquera Teresa Saldivia Moraga Punta Arenas	30. 4. 1995
12015	Pesquera Galindo y Vergara Ltd Punta Arenas	30. 12. 1995
12016	Comercial Comtesa SA Punta Arenas	30. 12. 1995
12027	Pesquera Edgardo Higuera Iturra Punta Arenas	30. 4. 1995
12028	Pesquera Royale Ltda Punta Arenas	30. 12. 1995
12029	Pesquera del Estrecho SA Punta Arenas	30. 12. 1995
12030	Pesquera Torres del Paine SA Punta Arenas	30. 12. 1995
12033	Cidepes Ltda Puerto Williams	30. 12. 1995
12036	Pesquera Edén Ltda Puerto Natales	30. 12. 1995
12038	Copra Ltda Punta Arenas	30. 4. 1995
12039	Pesca Chile SA Punta Arenas	30. 4. 1995
12042	Frigorífico Tres Puentes de Magallanes Ltda Punta Arenas	30. 4. 1995
12048	Pesca Suribérica SA Punta Arenas	30. 4. 1995
13024	Sociedad Agrícola Aguas Claras Santiago	30. 8. 1995

Number	Name and address	Approval granted until ⁽¹⁾
13027	Sociedad Comercial e Industrial Nanaimo Ltd Santiago	30. 8. 1995
13030	Sociedad Agrícola Aguas Blancas Santiago	30. 4. 1995
13031	Comercial Magna Ltda Santiago	30. 4. 1995
13032	Finamar SA Santiago	30. 8. 1995
13035	Comercial e Industrial Alichile LT Santiago	30. 8. 1995
13043	Chile Seafoods SA Santiago	30. 12. 1995
13044	Frigorífico Seminario Ltda Santiago	30. 4. 1995
13051	Sociedad Comercial Santa Bárbara SA Santiago	30. 4. 1995
13052	Maximiliano Garcia M Padre Hurtado	30. 4. 1995

⁽¹⁾ Date of expiry of approval, or unlimited.

II. Factory vessels

Number	Name	Name and address of owner	Approval granted until ⁽¹⁾
1231	"Faro de Hércules" B/F	Pesca Chile	30. 4. 1995
1472	Iber I	Iber Chile Ltda	30. 4. 1995
2001	San Rafael	Pesquera Iquique Guanaye	30. 4. 1995
2007	Jing Jang I	Empresa Daerim Fishery Co Ltda	30. 4. 1995
2009	Kirishima	Emdepes SA	30. 4. 1995
2011	Puerto Ballena	Pesca Chile SA	30. 4. 1995
2012	Miño	Pesquera Suraustral SA	30. 4. 1995
2013	Betanzos	Pesca Chile SA	30. 4. 1995
2014	Pedrosa	Pesca Chile SA	30. 4. 1995
2015	Gualas	Pesquera Alba Ltda	30. 4. 1995
2016	Chomapi Maru	Pesca Chile SA	30. 4. 1995
2018	Elqui	Pesquera de Los Andes SA	30. 4. 1995
2019	Unzen	Endepes SA	30. 4. 1995
2020	Mar del Sur I	Pesquera Mar del Sur SA	30. 4. 1995
2021	Mar del Sur II	Pesquera Mar del Sur SA	30. 4. 1995
2022	Ercilla	Pesquera de Los Andes SA	30. 4. 1995
2023	Cisne Blanco	Pesca Cisnes SA	30. 4. 1995
2024	Cisne Verde	Pesca Cisnes SA	30. 4. 1995
2025	Mar del Sur III	Pesquera Mar del Sur SA	30. 4. 1995
2026	Isla Isabel	Pesca Suribérica SA	30. 4. 1995
2030	Antonio Lorenzo	Concar SA	30. 4. 1995
2031	Isla Sofía	Pesca Suribérica SA	30. 4. 1995
2032	Isla Camila	Pesca Suribérica SA	30. 4. 1995
2034	Chamiza	Pesquera Punta Arenas SA	30. 4. 1995
2035	Chacabuco	Pesquera Punta Arenas SA	30. 4. 1995
2036	Charrúa	Pesquera Punta Arenas SA	30. 4. 1995
2037	Chaval	Pesquera Punta Arenas SA	30. 4. 1995
2038	María Tamara	Concar SA	30. 4. 1995
2039	Friosur V	Friaysen SA	30. 4. 1995

⁽¹⁾ Date of expiry of approval, or unlimited.

COMMISSION DECISION

of 18 October 1994

concerning the additional financial aid from the Community for the operations of the Community reference laboratory for classical swine fever (Hanover Veterinary School, Hanover, Germany)

(94/676/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 July 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Commission Decision 94/370/EC ⁽²⁾, and in particular Article 28 thereof,

Whereas the task of liaising between the laboratories responsible in the Member States for diagnosing classical swine fever was, by Council Decision 81/859/EEC of 19 October 1981 on the designation and operation of a liaison laboratory for classical swine fever, entrusted to the *Institut für Virologie der Tierärztlichen Hochschule Hannover*, Germany ⁽³⁾; whereas Article 5 of Decision 81/859/EEC restricted the task of liaising to a period of five years;

Whereas the duration of the measures established by Decision 81/859/EEC was extended for a further period of five years by Decision 87/65/EEC ⁽⁴⁾; whereas the measures adopted by this Decision were terminated in February 1993;

Whereas by Decision 93/384/EEC ⁽⁵⁾, the Institute of Virology, Hanover Veterinary School has been confirmed as the Community reference laboratory for classical swine fever;

Whereas a contract has been made between the European Community and the Institute of Virology of the Hanover School in accordance with Decision 93/667/EEC concerning the financial aid from the Community for the operations of the Community reference laboratory for classical swine fever ⁽⁶⁾; whereas this contract should be extended to enable the reference laboratory to carry out the functions and duties provided for in Annex VI of Directive 80/217/EEC;

Whereas Community financial aid should be provided for a further period of one year; whereas this will be reviewed with a view to extension prior to expiry of this period;

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

HAS ADOPTED THIS DECISION:

Article 1

The Community shall provide additional financial assistance to the Community reference laboratory for classical swine fever up to a maximum of ECU 130 000.

Article 2

1. To meet the objectives of Article 1, the contract provided for in Decision 93/667/EC shall be extended for a period of one year.
2. The Director-General of Directorate-General for Agriculture shall be authorized to sign the addendum to the contract on behalf of the Commission of the European Communities.
3. The financial aid provided for in Article 1 shall be paid to the reference laboratory in accordance with the terms of the contract provided for in Decision 93/667/EC.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 18 October 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 19.

⁽²⁾ OJ No L 168, 2. 7. 1994, p. 31.

⁽³⁾ OJ No L 319, 7. 11. 1981, p. 20.

⁽⁴⁾ OJ No L 34, 5. 2. 1987, p. 54.

⁽⁵⁾ OJ No L 166, 8. 7. 1993, p. 34.

⁽⁶⁾ OJ No L 303, 10. 12. 1993, p. 32.

CORRIGENDA

Corrigendum 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

(Official Journal of the European Communities No L 253 of 11 October 1993)

On page 37 in Article 136, second paragraph:

for: 'The provisions of Article 117 (2) and (3) shall apply ...',

read: 'The provisions of Article 117 (2) shall apply ...'.

On page 41 in Article 150 (5):

for: '... as provided for in paragraphs 1 (b) and ...',

read: '... as provided for in paragraphs 1 and ...'.

On page 41 in Article 151 (5):

for: '... as provided for in paragraphs 1 (b) and ...',

read: '... as provided for in paragraphs 1 and ...'.

On page 53 in Article 208 (4), second subparagraph, second indent:

for: 'or two sets of our copies, ...',

read: 'or two sets of four copies, ...'.

On page 81 in Article 325:

for: '... Chapter 3 or CN codes 1504 to 2301, ...',

read: '... Chapter 3 or CN codes 1504 or 2301, ...'.

On page 92 in Article 380 (b):

for: '... or by a copy of photocopy thereof; such copy of photocopy ...',

read: '... or by a copy or photocopy thereof; such copy or photocopy ...'.

On page 107 in Article 448 (11) (c), fifth indent:

for: 'the customs authorities at the port of destination shall carry out systems audit checks based on a level of perceived risk analysis and if necessary send details of data exchange manifests to the customs authorities of the port of departure for verification,'

read: 'the customs authorities at the port of destination shall carry out systems audit checks based on a level of perceived risk analysis and if necessary send details of manifests to the customs authorities of the port of departure for verification,'

On page 120 in Article 504 (2) and (3):

for: '2. A customs warehouse as a private warehouse conforming to the second indent of the second paragraph of Article 99 of the Code where the warehousekeeper is the same person as the depositor but is not necessarily the owner of the goods, may also be applied under a system permitting the warehousing of goods in storage facilities belonging to the holder of the authorization in accordance with Article 98 (3) of the Code. This system is classified as a type E warehouse.'

3. Where a customs warehouse is applied in respect of a public warehouse conforming to the first indent of the second paragraph of Article 99 of the Code and is operated by the customs authorities, this is classified as a type F warehouse.'

read: '2. The customs warehousing procedure may also be applied in a private warehouse conforming to the second indent of the second paragraph of Article 99 of the Code, where the warehousekeeper is the same person as the depositor but is not necessarily the owner of the goods, under a system permitting the warehousing of goods in storage facilities belonging to the holder of the authorization in accordance with Article 98 (3) of the Code. This system is classified as a type E warehouse.'

3. Where a customs warehouse which is a public warehouse conforming to the first indent of the second paragraph of Article 99 of the Code is operated by the customs authorities, this is classified as a type F warehouse.'

On page 130 in Article 552 (1) (e) (i), second subparagraph :

for: '... would make the proposed commercial operation uneconomic, ...',

read: '... would make the proposed commercial operation economically impossible ...'.

On page 133 in Article 566 (1):

for: 'Subject to Article 567, the rate of yield as defined in Article 114 (2) (e) of the Code ...',

read: 'Subject to Article 567, the rate of yield as defined in Article 114 (2) (f) of the Code ...'.

On page 162 in Article 710 :

for: '... the provisions in Articles 630 and 631 and Articles 634 to 637 relating to use of the ATA carnet ...',

read: '... the provisions in Articles 454 and 455 and Articles 458 to 461 relating to use of the ATA carnet ...'.

On page 191 in Article 848 (3):

for: '... to submit additional evidence for the purposes of identification of the returned goods.',

read: '... to submit additional evidence, in particular for the purposes of identification of the returned goods.'

On page 408 in Annex 23, second column :

delete: 3. 'The expression ... described above.'

On page 411 in Annex 23, :

Between Article 32 (2) and Article 143 (1) (e) insert a new row to read as follows :

'Reference to provisions of the Customs Code Implementing Provisions	Notes'
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Between Article 143 (1) (e) and Article 152 (1) (a) (i) insert a new row to read as follows :

'Article 150 (1) Article 151 (1)	The expression "and/or" allows the flexibility to use the sales and make the necessary adjustments in any one of the three conditions described in paragraph 1 of the interpretative notes to Articles 30 (2) (a) and (b)'
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On page 552 in Annex 38, Box 37, A, Code 08 :

add: '(*)'.

On page 552 in Annex 38, footnote (*):

delete: '... on inward processing relief arrangements'.

**Corrigendum to Commission Regulation (EC) No 1362/94 of 15 June 1994 amending
Commission Regulation (EEC) No 3201/90 laying down detailed rules for the description
and presentation of wines and grape musts**

(Official Journal of the European Communities No L 150 of 16 June 1994)

On page 10 in the Annex, II (5) (b), 'MEXICO':

for: 'Valle de Arcina',

read: 'Valle de las Arsinas'.

On page 23 in the Annex, III (8) (32), 'FORMER YUGOSLAV REPUBLIC OF MACEDONIA':

for: 'Game ern',

read: 'Game crn';

for: 'Greñas ern',

read: 'Grenaš crn';

for: 'Prokupoo',

read: 'Prokupec';

for: 'Ekadarka erna',

read: 'Skadarka crna';

and on page 24:

for: 'Melničko erno',

read: 'Melničko crno';

for: 'Orenās bel',

read: 'Grenaš bel';

for: 'Sardone',

read: 'Šardone';

for: 'Rizling Talijanski',

read: 'Rizling Italijanski';

for: 'Rizling Hajnski',

read: 'Rizling Rajnski';

for: 'Traminec erven',

read: 'Traminec crven';

for: 'Tramiñec minioliv',

read: 'Traminec mirisliv'.
