

Official Journal

of the European Communities

ISSN 0378-6978

L 289

Volume 37

10 November 1994

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- ★ **Commission Regulation (EC) No 2731/94 of 8 November 1994 re-establishing the levying of the customs duties applicable to products falling within CN code 8509 originating in China, to which the preferential tariff arrangements of Council Regulation (EEC) No 3831/90 apply** 1
- ★ **Commission Regulation (EC) No 2732/94 of 8 November 1994 re-establishing the levying of customs duties on certain industrial products originating in Thailand, Malaysia and Singapore, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply** 3
- ★ **Commission Regulation (EC) No 2733/94 of 9 November 1994 authorizing the United Kingdom to permit an additional increase in the alcoholic strength of table wines and of quality wines produced in a specified region** 5
- Commission Regulation (EC) No 2734/94 of 9 November 1994 amending Regulations (EC) No 953/94, (EC) No 2162/94 and (EC) No 2477/94 opening standing invitations to tender for the export of barley held by the intervention agencies concerned 6
- Commission Regulation (EC) No 2735/94 of 9 November 1994 on the issue of import licences for high-quality fresh, chilled or frozen beef and veal 8
- Commission Regulation (EC) No 2736/94 of 9 November 1994 fixing the import levies on rice and broken rice 9
- Commission Regulation (EC) No 2737/94 of 9 November 1994 concerning applications for import licences for quality wheat qualifying for the conditions referred to in Council Regulation (EC) No 774/94 11
- Commission Regulation (EC) No 2738/94 of 9 November 1994 fixing the export refunds for products processed from fruit and vegetables as provided for in Article 12 of Council Regulation (EEC) No 426/86 12
- Commission Regulation (EC) No 2739/94 of 9 November 1994 fixing the export refunds on fruit and vegetables 15

Contents (continued)

Commission Regulation (EC) No 2740/94 of 9 November 1994 altering the export refunds on cereals and on wheat or rye flour, groats and meal	18
Commission Regulation (EC) No 2741/94 of 9 November 1994 fixing the import levies on white sugar and raw sugar	20
Commission Regulation (EC) No 2742/94 of 9 November 1994 altering the basic amount of the import levies on syrups and certain other products in the sugar sector	22
Commission Regulation (EC) No 2743/94 of 9 November 1994 fixing the premiums to be added to the import levies on cereals, flour and malt	24

II *Acts whose publication is not obligatory*

Commission

94/725/EC :

★ Commission Decision of 27 July 1994 on measures adopted by the French Government concerning pigmeat	26
--	-----------

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2731/94

of 8 November 1994

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas, pursuant to Article 1 of Regulation (EEC) No 3831/90, customs duties on certain products originating in each of the countries or territories listed in Annex III are totally suspended from 1 July 1994 to 31 December 1994, and the products as such are, as a general rule, subject to statistical surveillance every three months on the reference base referred to in Article 8;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

As from 13 November 1994, the levying of customs duties, suspended from 1 July 1994 to 31 December 1994 pursuant to Council Regulation (EEC) No 3831/90, shall be re-established on imports into the Community of the products indicated in the table below:

CN code	Description	Origin
8509	Electro-mechanical domestic appliances, with self-contained electric motor:	China

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 22.

Article 2

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

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

Done at Brussels, 8 November 1994.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EC) No 2732/94**of 8 November 1994**

re-establishing the levying of customs duties on certain industrial products originating in Thailand, Malaysia and Singapore, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas, pursuant to Articles 1 and 6 of Regulation (EEC) No 3831/90, suspension of customs duties shall be accorded from 1 July to 31 December 1994 to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceilings fixed in column 6 of Annex I; whereas Article 7 of that Regulation, provides that the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established as soon as the individual ceilings in question are reached at Community level;

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

Order No	Origin	Ceiling (ECU)	Date
10.0480	Thailand	2 414 500	11. 9. 1994
	Malaysia	2 414 500	11. 9. 1994
10.1052	Singapore	1 620 500	10. 9. 1994

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

HAS ADOPTED THIS REGULATION :

Article 1

As from 13 November, the levying of customs duties, suspended from 1 July to 31 December 1994, pursuant to Council Regulation (EEC) No 3831/90, shall be re-established on imports into the Community of the products indicated in the table below :

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 22.

Order No	CN code	Description	Origin
10.0480	3923 21 00	Sacks and bags (including cones) — Of polymers of ethylene	Thailand Malaysia
10.1052	8521	Video recording or reproducing apparatus	Singapore

Article 2

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

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

Done at Brussels, 8 November 1994.

For the Commission
Christiane SCRIVENER
Member of the Commission

COMMISSION REGULATION (EC) No 2733/94

of 9 November 1994

authorizing the United Kingdom to permit an additional increase in the alcoholic strength of table wines and of quality wines produced in a specified region

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine⁽¹⁾, as last amended by Regulation (EC) No 1891/94⁽²⁾, and in particular Articles 18 (4) and 81 thereof,

Having regard to Council Regulation (EEC) No 823/87 of 16 March 1987 laying down special provisions relating to quality wines produced in specified regions⁽³⁾, as last amended by Regulation (EEC) No 3896/91⁽⁴⁾, and in particular Article 8 (2) thereof,

Whereas, pursuant to Article 18 (1) of Regulation (EEC) No 822/87, Member States may permit an increase in the natural alcohol strength, actual or potential, within certain limits only;

Whereas because of the exceptionally bad weather in 1994 in certain winegrowing areas of the United Kingdom, marked by high summer rainfall and a lack of sunshine, the limits upon increase in the natural alcoholic strength as fixed by Article 18 (1) of Regulation (EEC) No 822/87 in many cases prevent production of the wines which are normally required by the market; whereas, therefore, the Member State concerned should be authorized to permit in the areas affected an additional increase in the natural alcoholic strength as provided for in Article 18 (2) of Regulation (EEC) No 822/87; whereas provision should be made for the Member State to communicate to the Commission certain information, in particular pursuant to Commission Regulation (EEC) No 2240/89⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The United Kingdom is hereby authorized for the 1994/95 wine-growing year to permit an additional increase in the alcoholic strength laid down in respect of wine-growing zone A in Article 18 (2) of Regulation (EEC) No 822/87 as regards the products listed in the first subparagraph of Article 18 (1) of that Regulation, produced from grapes intended for the production of table wines and of quality wines produced in a specified region.

Article 2

On the basis of the declarations referred to in the second subparagraph of Article 23 (1) of Regulation (EEC) No 822/87, the United Kingdom shall communicate to the Commission not later than 31 May 1995 particulars of the quantities of sugar, concentrated grape must and rectified concentrated grape must used to make an increase in the natural alcoholic strength of products referred to in Article 1.

Such communications shall give estimates of the quantities of sugar, concentrated grape must and rectified concentrated grape must used to make an additional increase in alcoholic strength as provided for in Article 18 (2) of Regulation (EEC) No 822/87.

Article 3

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

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

Done at Brussels, 9 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 42.

⁽³⁾ OJ No L 84, 27. 3. 1987, p. 59.

⁽⁴⁾ OJ No L 368, 31. 12. 1991, p. 3.

⁽⁵⁾ OJ No L 215, 26. 7. 1989, p. 16.

COMMISSION REGULATION (EC) No 2734/94**of 9 November 1994****amending Regulations (EC) No 953/94, (EC) No 2162/94 and (EC) No 2477/94
opening standing invitations to tender for the export of barley held by the
intervention agencies concerned**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

Whereas important export transactions have been concluded; whereas the barley must be delivered within a very short period; whereas analyses must therefore be performed with the least possible delay while still observing the technical constraints; whereas Article 5 of Commission Regulation (EC) No 953/94⁽⁵⁾, as last amended by Regulation (EC) No 2583/94⁽⁶⁾, and Article 6 of Commission Regulations (EC) No 2162/94⁽⁷⁾, as last amended by Regulation (EC) No 2287/94⁽⁸⁾, and (EC) No 2477/94⁽⁹⁾ should therefore be supplemented accordingly;

Whereas, in view of current sampling techniques, the method in Commission Regulation (EEC) No 689/92⁽¹⁰⁾, as last amended by Regulation (EC) No 2204/94⁽¹¹⁾, while still usable at the point when the cereals are delivered to intervention, is not appropriate at the point when they are removed; whereas reference should therefore no longer be made to it;

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

HAS ADOPTED THIS REGULATION:

Article 1

The first subparagraph of Article 5 (1) of Regulation (EC) No 953/94 and of Article 6 (1) of Regulations (EC) No 2162/94 and (EC) No 2477/94 is hereby replaced by the following:

'1. Before the lot awarded is removed, the intervention agency and the successful tenderer shall take samples in each other's presence and analyse them. At the request of the successful tenderer submitted to the intervention agency, the sampling and analysis shall be performed within three working days.'

Article 2

Article 1 of this Regulation shall also apply to lots awarded previously under the invitations to tender opened by Regulations (EC) No 953/94, (EC) No 2162/94 and (EC) No 2477/94.

Article 3

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

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 108, 29. 4. 1994, p. 4.

⁽⁶⁾ OJ No L 273, 25. 10. 1994, p. 16.

⁽⁷⁾ OJ No L 230, 3. 9. 1994, p. 3.

⁽⁸⁾ OJ No L 248, 23. 9. 1994, p. 11.

⁽⁹⁾ OJ No L 264, 14. 10. 1994, p. 11.

⁽¹⁰⁾ OJ No L 74, 20. 3. 1992, p. 18.

⁽¹¹⁾ OJ No L 236, 10. 9. 1994, p. 13.

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

Done at Brussels, 9 November 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 2735/94**of 9 November 1994****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

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

Having regard to Council Regulation (EC) No 129/94 of 24 January 1994 opening a Community tariff quota for high-quality fresh, chilled or frozen meat of bovine animals falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91 (1994) ⁽¹⁾, and in particular Article 2 thereof,

Whereas Commission Regulation (EC) No 212/94 of 31 January 1994 laying down detailed rules for the application of import arrangements provided for by Council Regulations (EC) No 129/94 and (EC) No 131/94 for high-quality beef and frozen buffalo meat ⁽²⁾ provides in Article 6, that applications for and the issue of import licences for the meat referred to in Article 1 (1) (d) thereof are to be effected in accordance with the provisions of Articles 12 and 15 of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector ⁽³⁾, as last amended by Regulation (EC) No 1084/94 ⁽⁴⁾;

Whereas Article 1 (1) (d) of Regulation (EC) No 212/94 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the

United States of America and Canada which may be imported on special terms in 1994 at 10 000 tonnes;

Whereas it should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 until 5 November 1994 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 1 (1) (d) of Regulation (EC) No 212/94 shall be met in full.

2. Applications for licences may be submitted, in accordance with Article 15 of Regulation (EEC) No 2377/80, during the first five days of December 1994 for 7 904 tonnes.

Article 2

This Regulation shall enter into force on 10 November 1994.

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

Done at Brussels, 9 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 22, 27. 1. 1994, p. 1.

⁽²⁾ OJ No L 27, 1. 2. 1994, p. 38.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 120, 11. 5. 1994, p. 30.

COMMISSION REGULATION (EC) No 2736/94**of 9 November 1994****fixing the import levies on rice and broken rice**

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1869/94 ⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 833/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports of rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 ⁽³⁾, as last amended by Regulation (EEC) No 674/91 ⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EC) No 2147/94 ⁽⁵⁾, as last amended by Regulation (EC) No 2698/94 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 November 1994.

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

Done at Brussels, 9 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 7.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 75, 21. 3. 1991, p. 29.

⁽⁵⁾ OJ No L 228, 1. 9. 1994, p. 23.

⁽⁶⁾ OJ No L 286, 5. 11. 1994, p. 36.

ANNEX

to the Commission Regulation of 9 November 1994 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies (°)		
	Arrangement in Regulation (EEC) No 3877/86 (°)	ACP Bangladesh (⁽¹⁾) (⁽²⁾) (⁽³⁾)	Third countries (except ACP and Bangladesh) (⁽²⁾)
1006 10 21	—	147,17	301,55
1006 10 23	—	148,20	303,60
1006 10 25	—	148,20	303,60
1006 10 27	227,70	148,20	303,60
1006 10 92	—	147,17	301,55
1006 10 94	—	148,20	303,60
1006 10 96	—	148,20	303,60
1006 10 98	227,70	148,20	303,60
1006 20 11	—	184,87	376,94
1006 20 13	—	186,15	379,50
1006 20 15	—	186,15	379,50
1006 20 17	284,62	186,15	379,50
1006 20 92	—	184,87	376,94
1006 20 94	—	186,15	379,50
1006 20 96	—	186,15	379,50
1006 20 98	284,62	186,15	379,50
1006 30 21	—	229,50	482,85
1006 30 23	—	274,06	571,89
1006 30 25	—	274,06	571,89
1006 30 27	428,92	274,06	571,89
1006 30 42	—	229,50	482,85
1006 30 44	—	274,06	571,89
1006 30 46	—	274,06	571,89
1006 30 48	428,92	274,06	571,89
1006 30 61	—	244,76	514,23
1006 30 63	—	294,18	613,07
1006 30 65	—	294,18	613,07
1006 30 67	459,80	294,18	613,07
1006 30 92	—	244,76	514,23
1006 30 94	—	294,18	613,07
1006 30 96	—	294,18	613,07
1006 30 98	459,80	294,18	613,07
1006 40 00	—	54,32	114,65

(⁽¹⁾) Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

(⁽²⁾) In accordance with Regulation (EEC) No 715/90, the levies are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

(⁽³⁾) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

(⁽⁴⁾) The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulations (EEC) No 3491/90 and (EEC) No 862/91.

(⁽⁵⁾) The levy on imports of rice of the long-grain aromatic Basmati variety is applicable under the arrangements laid down in amended Regulation (EEC) No 3877/86.

(⁽⁶⁾) No import levy applies to products originating in the OCT pursuant to Article 101 (1) of Decision 91/482/EEC, subject to the provisions of Decision 93/127/EEC.

COMMISSION REGULATION (EC) No 2737/94**of 9 November 1994****concerning applications for import licences for quality wheat qualifying for the conditions referred to in Council Regulation (EC) No 774/94**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 774/94 of 29 March 1994 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues⁽¹⁾, and in particular Article 7 thereof,

Applications for import licences qualifying for the conditions referred to in Article 5 of Regulation (EC) No 774/94 conveyed to the Commission before 8 November 1994 for durum wheat falling within CN code 1001 10 00 submitted between 30 October and 3 November 1994 shall be accepted for the tonnages indicated therein multiplied by a coefficient of 0,4425. Requests that are not conveyed to the Commission before 8 November 1994 shall be refused.

Whereas Commission Regulation (EC) No 1854/94 of 27 July 1994, laying down detailed rules for the application of Council Regulation (EC) No 774/94 in relation to import licences for quality wheat⁽²⁾, as amended by Regulation (EC) No 2547/94⁽³⁾, lays down special provisions on the organization of imports under the quota opened by Regulation (EC) No 774/94; whereas Article 3 (2) of Regulation (EC) No 1854/94 provides that the Commission is to fix a uniform percentage reduction in the quantities if applications for import licences exceed the quantities which may be imported; whereas applications for licences submitted between 30 October and 3 November 1994 relate to 226 000 tonnes of durum wheat falling within CN code 1001 10 00 and 284 500 tonnes of common wheat falling within CN code 1001 90 99 and the maximum quantity which may be imported is respectively 100 000 tonnes of each product; whereas the percentages for the reduction in the import licence applications submitted between 30 October and 3 November 1994 should be fixed,

Article 2

Applications for import licences qualifying for the conditions referred to in Article 5 of Regulation (EC) No 774/94 conveyed to the Commission before 8 November 1994 for soft wheat falling within CN code 1001 90 99 submitted between 30 October and 3 November 1994 shall be accepted for the tonnages indicated therein multiplied by a coefficient of 0,3515. Requests that are not conveyed to the Commission before 8 November 1994 shall be refused.

Article 3

This Regulation shall enter into force on 10 November 1994.

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

Done at Brussels, 9 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 91, 8. 4. 1994, p. 1.

⁽²⁾ OJ No L 192, 28. 7. 1994, p. 31.

⁽³⁾ OJ No L 270, 21. 10. 1994, p. 7.

COMMISSION REGULATION (EC) No 2738/94**of 9 November 1994****fixing the export refunds for products processed from fruit and vegetables as provided for in Article 12 of Council Regulation (EEC) No 426/86**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1490/94 ⁽²⁾, and in particular Article 12 (2) and (5) thereof,

Whereas, pursuant to Article 12 (1) of Regulation (EEC) No 426/86, to the extent necessary to enable the products referred to in Article 1 (1) (a) of the said Regulation to be exported in economically significant quantities on the basis of prices for those products on the world market, the difference between those prices and prices within the Community may be covered by an export refund; whereas Article 12 (3) of Regulation (EEC) No 426/86 provides that in cases where the refund for sugars incorporated in the products listed in Article 1 (1) (b) of the Regulation is not sufficient to permit export of the products, the refund fixed pursuant to Article 12 (1) shall apply for such exports;

Whereas, pursuant to Article 2 of Council Regulation (EEC) No 519/77 of 14 March 1977 laying down general rules for granting export refunds on products processed from fruit and vegetables and criteria for fixing the amount of such refunds ⁽³⁾, account should be taken, when refunds are being fixed, of the existing situation and future trends with regard to, on the one hand, prices and availabilities on the Community market of products processed from fruit and vegetables and, on the other hand, prices ruling in international trade; whereas account should also be taken of the costs referred to in subparagraph (b) of the said Article and of the economic aspect of the proposed exports;

Whereas, in accordance with Article 3 of Regulation (EEC) No 519/77, account should be taken, when prices

on the Community market are being determined, of the ruling prices which are most favourable from the point of view of exportation; whereas, when prices in international trade are being determined, account should be taken of the prices referred to in paragraph 2 of the said Article;

Whereas when the application of the rules referred to above results in an amount of refund which for products listed in Article 1 (1) (b) of Regulation (EEC) No 426/86 is supposed to be lower than the refund for the added sugars pursuant to Article 11 of the same Regulation, no refund should be fixed; whereas, in such cases, the refunds for added sugars should apply;

Whereas the nonfixing of refunds for peeled tomatoes to be exported to the USA entails the application of the provisions of Article 16 of Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽⁴⁾, as last amended by Regulation (EC) No 1829/94 ⁽⁵⁾;

Whereas Council Regulation (EEC) No 990/93 ⁽⁶⁾ prohibits trade between the European Economic Community and the Federal Republik of Yugoslavia (Serbia und 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 application of the abovementioned rules and criteria to the current market situation, and in particular to the prices of products processed from fruit and vegetables on the Community market and in international trade entails fixing an appropriate refund;

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

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 161, 29. 6. 1994, p. 13.

⁽³⁾ OJ No L 73, 21. 3. 1977, p. 24.

⁽⁴⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁵⁾ OJ No L 191, 27. 7. 1994, p. 5.

⁽⁶⁾ OJ No L 102, 28. 4. 1993, p. 14.

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 12 of Regulation (EEC) No 426/86 shall be as set out in Annex hereto.

2. The non-fixing of a refund rate for peeled tomatoes, as defined in Annex, to be exported to the United States

of America shall be taken into consideration for the application of Article 16 of Regulation (EEC) No 3665/87.

3. Where no refund is fixed for a product listed in Annex, that product may, where applicable, benefit from any export refund applicable to added sugars pursuant to Article 11 of Regulation (EEC) No 426/86.

Article 2

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

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

Done at Brussels, 9 November 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 9 November 1994 fixing the export refunds for products processed from fruit and vegetables as provided for in Article 12 of Council Regulation (EEC) No 426/86

(ECU/100 kg net)

Product code	Destination of the exports ⁽¹⁾	Refund ⁽²⁾ ⁽³⁾
0812 10 00 100	01	13,30
2002 10 10 100	02	15,00
2006 00 31 000	01	30,22
2006 00 90 100	01	30,22
2008 19 10 100		21,80
2008 19 90 100		21,80
2009 11 99 110		2,10
2009 19 99 110		2,10
2009 11 99 120		4,20
2009 19 99 120		4,20
2009 11 99 130		6,30
2009 19 99 130		6,30
2009 11 99 140		8,40
2009 19 99 140		8,40
2009 11 99 150		10,50
2009 19 99 150		10,50

⁽¹⁾ For the following destinations:

01 All destinations except North America;

02 All destinations except the United States of America.

⁽²⁾ Amounts shown shall apply to products obtained from fruit harvested within the Community.

⁽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 2739/94
of 9 November 1994
fixing the export refunds on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 3669/93⁽²⁾, and in particular Article 30 (4) thereof,

Whereas Article 30 of Regulation (EEC) No 1035/72 provides that, to the extent necessary to allow economically significant quantities to be exported, the difference between prices in international trade for the products referred to in that Article and prices for the products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2518/69 of 9 December 1969 laying down general rules for the granting of refunds on exports of fruit and vegetables and criteria for fixing their amounts⁽³⁾, as amended by Regulation (EEC) No 2455/72⁽⁴⁾, provides that when refunds are being fixed, account must be taken of the existing situation and future trends with regard to prices and availabilities of fruit and vegetables on the Community market on the one hand and prices in international trade on the other; whereas account must also be taken of the costs indicated in (b) of that Article and of the economic aspects of the proposed exports;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2518/69, when prices on the Community market are being determined account must be taken of the prices which are most favourable from the exportation point of view; whereas, when prices in international trade are being determined, the quotations and prices referred to in paragraph 2 of that Article must be taken into account;

Whereas the situation with regard to international trade or the specific requirements of certain markets may make it necessary to vary the refund for a given product according to the destination of that product;

Whereas tomatoes, fresh lemons, fresh sweet oranges, apples, peaches and nectarines of the common quality standards 'Extra' Class, Class I and Class II, table grapes of the common quality standards 'Extra' Class and Class I,

almonds and hazelnuts, and unshelled walnuts may at present be exported in economically significant quantities;

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾ prohibits trade between the European Economic Community and the Federal Republic of Yugoslavia (Serbia und 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⁽⁶⁾, as amended by Regulation (EC) No 3528/93⁽⁷⁾, 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⁽⁸⁾, as last amended by Regulation (EC) No 547/94⁽⁹⁾;

Whereas it follows from applying these detailed rules to the present market situation and to its future trends, and in particular to quotations and prices for fruit and vegetables in the Community and in international trade that the refunds 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 Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds in the fruit and vegetables sector shall be fixed at the amounts specified in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 12 November 1994.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 26.

⁽³⁾ OJ No L 318, 18. 12. 1969, p. 17.

⁽⁴⁾ OJ No L 266, 25. 11. 1972, p. 7.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁸⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ 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, 9 November 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 9 November 1994 fixing the export refunds on fruit and vegetables

(ECU/100 kg net)			(ECU/100 kg net)		
Product code	Destination of refund (1)	Amounts of refunds (2)	Product code	Destination of refund (1)	Amounts of refunds (2)
0702 00 10 100	04	4,50	0805 10 49 200	01	11,00
0702 00 90 100	04	4,50	0805 30 10 100	04	13,50
0802 12 90 000	04	9,67	0806 10 11 200	04	4,84
0802 21 00 000	04	11,30	0806 10 15 200	04	4,84
0802 22 00 000	04	21,80	0806 10 19 200	04	4,84
0802 31 00 000	04	14,00	0808 10 31 910	02	8,00
0805 10 11 200	01	11,00	0808 10 33 910	02	8,00
0805 10 15 200	01	11,00	0808 10 39 910	02	8,00
0805 10 19 200	01	11,00	0808 10 51 910	02	8,00
0805 10 21 200	01	11,00	0808 10 53 910	02	8,00
0805 10 25 200	01	11,00	0808 10 59 910	02	8,00
0805 10 29 200	01	11,00	0808 10 81 910	02	8,00
0805 10 31 200	01	11,00	0808 10 83 910	02	8,00
0805 10 35 200	01	11,00	0808 10 89 910	02	8,00
0805 10 39 200	01	11,00	0809 30 10 100	03	—
0805 10 41 200	01	11,00	0809 30 90 100	03	—
0805 10 45 200	01	11,00			

(1) The destinations are as follows:

01 Austria, Switzerland, Finland, Sweden, Greenland, Norway, Iceland, Malta, Poland, the Czech Republic, the Slovak Republic, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Bosnia-Herzegovina, Croatia, Slovenia, the former Yugoslav Republic of Macedonia,

02 Sweden, Norway, Iceland, Austria, the Faroe Islands, Finland, Greenland, Malta, Syria, Poland, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Bosnia-Herzegovina, Croatia, Slovenia, the former Yugoslav Republic of Macedonia, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia, Uruguay, Paraguay, Argentina, Mexico, Costa Rica, the countries and territories of Africa other than South Africa, countries of the Arabian peninsula (Saudi Arabia, Bahrain, Qatar, Oman, the United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm, al Qaiwain, Fujairah and Ras al Khaimah), Kuwait, Yemen), Iran, Jordan, Hong Kong, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia and Vietnam,

03 all destinations excluding Switzerland and Austria,

04 all destinations.

(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.

COMMISSION REGULATION (EC) No 2740/94

of 9 November 1994

altering the export refunds 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 the fourth subparagraph of Article 13 (2) thereof,Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EC) No 2481/94 ⁽³⁾, as amended by Regulation (EC) No 2514/94 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2481/94 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁵⁾, as amended by Regulation (EC) No 3528/93 ⁽⁶⁾, are used to convert amounts expressed in third country currenciesand 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 ⁽⁷⁾, as amended by Regulation (EC) No 547/94 ⁽⁸⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 2481/94 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 10 November 1994.

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

Done at Brussels, 9 November 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 264, 14. 10. 1994, p. 22.

⁽⁴⁾ OJ No L 267, 18. 10. 1994, p. 13.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 69, 12. 3. 1994, p. 1.

ANNEX

to the Commission Regulation of 9 November 1994 altering the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination ⁽¹⁾	Amount of refund ⁽²⁾	Product code	Destination ⁽¹⁾	Amount of refund ⁽²⁾
0709 90 60 000	—	—	1007 00 90 000	—	—
0712 90 19 000	—	—	1008 20 00 000	—	—
1001 10 00 200	—	—	1101 00 00 100	01	25,00
1001 10 00 400	—	—	1101 00 00 130	01	24,00
1001 90 91 000	—	—	1101 00 00 150	01	22,00
1001 90 99 000	03	13,00	1101 00 00 170	01	21,00
	02	10,00	1101 00 00 180	01	20,00
1002 00 00 000	03	13,00	1101 00 00 190	—	—
	02	10,00	1101 00 00 900	—	—
1003 00 10 000	—	—	1102 10 00 500	01	50,00
1003 00 90 000	03	37,00	1102 10 00 700	—	—
	02	10,00	1102 10 00 900	—	—
1004 00 00 200	—	—	1103 11 10 200	01	0 ⁽³⁾
1004 00 00 400	—	—	1103 11 10 400	01	0 ⁽³⁾
1005 10 90 000	—	—	1103 11 10 900	—	—
1005 90 00 000	03	48,00	1103 11 90 200	01	0 ⁽³⁾
	02	0	1103 11 90 800	—	—

⁽¹⁾ The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria, Liechtenstein, Ceuta and Melilla.

⁽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.

⁽³⁾ No refund is granted when this product contains compressed meal.

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 2741/94
of 9 November 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 2696/94 ⁽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 8 November 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 10 November 1994.

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

Done at Brussels, 9 November 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 286, 5. 11. 1994, p. 32.

ANNEX

to the Commission Regulation of 9 November 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽²⁾
1701 11 10	32,49 ⁽¹⁾
1701 11 90	32,49 ⁽¹⁾
1701 12 10	32,49 ⁽¹⁾
1701 12 90	32,49 ⁽¹⁾
1701 91 00	38,47
1701 99 10	38,47
1701 99 90	38,47 ⁽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 2742/94

of 9 November 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 2654/94 ⁽⁵⁾, as amended by Regulation (EC) No 2683/94 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2654/94 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 8 November 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 2654/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 November 1994.

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

Done at Brussels, 9 November 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 284, 1. 11. 1994, p. 15.

⁽⁶⁾ OJ No L 285, 4. 11. 1994, p. 22.

ANNEX

to the Commission Regulation of 9 November 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	0,3847	—
1702 20 90	0,3847	—
1702 30 10	—	50,59
1702 40 10	—	50,59
1702 60 10	—	50,59
1702 60 90 10 ⁽²⁾	—	96,12
1702 60 90 90 ⁽³⁾	0,3847	—
1702 90 30	—	50,59
1702 90 60	0,3847	—
1702 90 71	0,3847	—
1702 90 90 10 ⁽⁴⁾	—	96,12
1702 90 90 90 ⁽⁵⁾	0,3847	—
2106 90 30	—	50,59
2106 90 59	0,3847	—

⁽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.

COMMISSION REGULATION (EC) No 2743/94**of 9 November 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 8

November 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 10 November 1994.

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

Done at Brussels, 9 November 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 9 November 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 11	1st period 12	2nd period 1	3rd period 2
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
1001 90 91	0	0	10,21	7,23
1001 90 99	0	0	10,21	7,23
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	15,62	10,12
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 11	1st period 12	2nd period 1	3rd period 2	4th period 3
1107 10 11	0	0	18,17	12,87	12,87
1107 10 19	0	0	13,58	9,62	9,62
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 27 July 1994

on measures adopted by the French Government concerning pigmeat

(Only the French text is authentic)

(94/725/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Article 21 thereof,

Whereas the Parties concerned have been given formal notice to submit their comments in accordance with the first subparagraph of Article 93 (2) of the Treaty and having regard to those comments;

Whereas :

I

1. By letter of 29 October 1993, the Office of the French Permanent Representative to the European Communities notified the Commission, in response to the latter's request for notification of 14 September 1993, of measures to assist pig farmers in the form of a partial defrayal of interest payable on bank loans. The French authorities forwarded certain additional information to the Commission by letters of 24 January and 1 February 1994 in response to the latter's request of 16 December 1993.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

By letter of 23 February 1994, the Commission notified the French Government of its decision to initiate the procedure provided for in Article 93 (2) of the Treaty with regard to that measure on the grounds that the information provided by the French authorities up to then did not show that the ceilings on aid authorized in practice by the Commission for such aid had been observed.

2. The measure in question involves a reduction of 1 to 3 % in annual repayments payable for 1993 on bank loans for immovable property, whether or not benefiting from interest-rate subsidies, taken out by specialized pig farmers between 1990 and 1992. The objective of the measure is to offset the financial costs generated by loans at high rates of interest, given the fall in interest rates in 1993, thereby allowing viable holdings facing short-term financial difficulties to cope with the very severe crisis affecting pigfarming. The French Government has set aside FF 30 million to finance the measure.

II

1. Under the abovementioned procedure, the Commission gave notice to the French Government to submit its comments, which reached the Commission by letters of 29 March and 17 June 1994.

In a communication published in the *Official Journal of the European Communities*⁽³⁾, the Commission notified the Governments of the other Member States

⁽³⁾ OJ No C 107, 15. 4. 1994, p. 4.

and the other interested parties of its decision referred to above and gave them formal notice to submit their comments. It received comments from the Governments of two Member States by letters of 11 and 16 May 1994 and from other interested parties by letters of 4 and 10 May 1994. The French authorities were notified of these comments by letter of 18 July 1994.

2. The French authorities claim first that the measures to which the procedure provided for in Article 93 (2) of the EC Treaty relates from part of a set of measures adopted by the French authorities to assist pig farmers affected by the serious, lasting crisis in the industry (entailing a financial contribution to Stabiporc, the industry's mutual assistance fund, reactivated at the end of the first half of 1993, and entitlement to extended low-interest loans introduced for producers of other agricultural products at the end of 1993).

The French authorities also claim that the measure mainly involved loans not qualifying for interest-rate subsidies and only a few subsidized loans (loans for young farmers to set up in farming and special modernization loans) and that they took the steps necessary to ensure that the Community limits applicable to aid to investments on agricultural holdings were complied with. They also forwarded a letter on 1 June 1994 to the body responsible for payment to ensure that those rates were observed.

3. The comments from the Governments of the other Member States and the other interested parties criticized the measures adopted by the French Government on three main grounds:

— first, the crisis affecting pigmeat production (falling prices, adjustments needed to adapt to market demand) has the same consequences for producers in other Member States but the latter have not benefited from comparable measures and are thus all the more at a disadvantage,

— furthermore, the French measures are illegal since they were implemented without prior notice having been given and before a Commission decision had been taken with regard to them, as required by Article 93 of the Treaty,

— lastly, the aid may have an effect contrary to that anticipated (maintaining and even increasing French production) having regard, on the one hand, to cyclical market forces (the fall in prices should normally result in adaptation of production) and on the other hand, to the Commission's attempts to control the market in pigmeat through the common agricultural policy.

III

1. The Commission is aware of the crisis affecting pigmeat production in the Community since 1993. The increase in capacity in this industry since 1990 has led to overproduction, which became apparent at the end of 1992 and intensified in 1993, and to a corresponding fall in prices. In the European Community, the ratio between the market price for pigmeat and the cost price expressed as a percentage thus fell from around 117 % in January 1992 to 85 % in February 1994 (Eurostat figures).

The European Community also quickly took certain measures to relieve the market, in particular by setting exceptionally high refunds for exports to Russia.

2. Despite the crisis, France's position on a Community market has grown steadily stronger during the last two years, with an increase in production of twice the Community average; it thus rose from around 13 % of Community production in 1990 to almost 14,5 % in 1993 (figures from the Institut Technique du Porc, Paris).

IV

1. Pursuant to Article 92 (1) of the Treaty, aid granted by Member States or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods is incompatible with the common market in so far as it affects trade between Member States.

The measure in question, involving aid granted by a State for the production of certain products in an industry in crisis which producers in the various Member States competing fiercely with each other, as described in points II.3 and III.1, meets all the conditions to be deemed aid within the meaning of Article 92 (1). The French Government has not, moreover, disputed this point.

2. There are, nevertheless, exceptions to the principle of incompatibility set out in Article 92 (1) of the Treaty.

The derogations provided for in Article 92 (2) are not applicable in the case in point, in view of the type and effects of the aid measure concerned. Moreover, the French Government did not invoke that derogation.

The derogations provided for in Article 92 (3) (a) and (c) concerning aid to promote or facilitate the development of certain regions do not apply, in view of the geographical scope of the aid measure, which covers the entire territory of France. The French Government did not invoke that derogation either.

The derogation provided for in Article 92 (3) (b), is clearly not applicable to the aid measure in question as the latter is not intended to promote the execution of a project of common European interest (quite the contrary, if credence is to be given to the comments from other parties concerned, as summarized in point II.3), or to remedy a serious disturbance in the French economy, as the crisis in question is confined to a clearly defined sector of the economy.

As regards the derogation provided for in Article 92 (3) (c) concerning aid to facilitate the development of certain economic activities, the Commission may consider that certain instances of sectoral aid are compatible with the common market if two conditions are satisfied, namely that the aid is intended to facilitate the development of the sector from the Community viewpoint and that it must not adversely affect trading conditions to an extent contrary to the common interest.

To ensure that the common market continues to function properly and to achieve the objectives set out in Article 3 (f) of the Treaty, the derogations must be interpreted restrictively to preclude setting at an advantage industries or undertakings in certain Member States whose financial position is reinforced artificially, affecting trade between Member States and distorting competition, without any justification based on the common interest as referred to in Article 92 (3).

V

1. As the Commission pointed out when it initiated the procedure provided for in Article 93 (2) of the Treaty, the measure constitutes debt relief for the benefit of a certain category of producers and the Commission can regard it as compatible with the common market only under the following conditions:

- (a) the defrayals must relate to loans taken out to finance investments already made;
- (b) the total subsidy equivalent of any existing aid plus the new aid may not exceed the rates generally allowed by the Commission, i.e. 35 % for investments in primary production (75 % in less-favoured areas within the meaning of Council Directive 75/268/EEC), 55 % for investments in processing and marketing not excluded by the sectoral selection criteria for projects conforming to the sectoral programmes or the general criteria under Council Regulation (EEC) No 866/90 (75 % in Objective 1 areas), and 35 % for other projects (50 % in Objective 1 areas);

(c) the defrayals must be in response to adjustments to the rates of new loans to take account of changes in interest rates or must relate to holdings offering viability guarantees, in particular where the financial burdens resulting from existing borrowings are such that the holdings are at risk, with the possibility ultimately of bankruptcy.

2. On the basis of information already provided by the French authorities, the Commission expressed no doubt with regard to fulfilment of the conditions set out in points (a) and (c) above but did express reservations regarding fulfilment of the condition in point (b) in respect of the ceilings on aid as it did not have the necessary information to calculate the subsidy equivalent of the measure, in particular in the event of receipt in combination with other types of aid (loans or subsidies).

VI

1. The French authorities' comments call for certain remarks and imply certain conclusions.
2. First, the guarantee provided by the French authorities regarding compliance with the Community limits on aid to investments in agricultural holdings as regards the combined receipt of various loans is insufficient. Contrary to the observations of the French authorities, the measure under examination does not constitute aid to investments but debt relief which may be received in combination with various aids to investments. The ceilings on aid to be complied with may thus differ from those which the French authorities have undertaken to observe.

In addition, the very vague letter sent on 1 June 1994 to the body responsible for payment of the aid in question cannot be taken into consideration with regard to aid granted in haste in 1993.

Only the calculation of the total subsidy equivalent of the various aids which may be granted in combination may thus demonstrate compliance with the ceilings referred to in point V.1 (b).

3. The new information now provided by the French authorities makes it possible to ascertain the total aid which may be received in combination with the measure in question and to calculate the total subsidy equivalent.

It emerges from the letters from the French authorities of 29 March and 17 June 1994 that the only other aid which the potential recipients of the aid measure in question could have received at the time are setting-up loans to young farmers and special modernization

loans. As those two aid measures cannot cover the same investments, the maximum subsidy equivalent in the case of combined receipt in respect of a given investment could be calculated as follows :

- in lowland areas : approximately 28,85 % (26 + 2,85),
- in less-favoured areas : approximately 32,85 % (30 + 2,85).

- new aid alone : approximately 2,85 %,
- with a setting-up loan :
 - in lowland areas : approximately 27,2 % (24,33 + 2,85),
 - in less-favoured areas : approximately 36,65 % (33,8 + 2,85),
- with a modernization loan :

However, the young farmers who qualified for a setting-up loan also qualified for a setting-up grant in accordance with Article 10 of Council Regulation (EEC) No 2328/91 of 15 July 1991 on improving the efficiency of agricultural structures ⁽¹⁾, the latter must thus be taken into account when the total aid is calculated. Between 1990 and 1992, the setting-up grant could amount to a maximum of FF 100 800 to 178 200 in mountain and hill areas, FF 67 200 to 110 800 in less-favoured areas and FF 52 000 to 78 000 in lowland areas. The calculation of the total subsidy equivalent of the setting-up aid (grant, loan and deferral of interest) using extreme examples of investments is summarized in the following table :

Subsidy equivalent in the event of receipt in combination with setting-up aid

	Investment of FF 300 000		Investment of FF 2 million	
	Lowland area	Less-favoured area	Lowland area	Less-favoured area
Setting-up grant ^(*)	17,3 % to 28,5 %	22,4 % to 54 %	2,6 % to 4,3 %	3,4 % to 8,9 %
Total aid which may be received in combination	44,5 % to 55,7 %	59 % to 90,7 %	29,3 % to 31,5 %	40 % to 45,6 %

^(*) Calculated on the basis of the range applicable to the grant, for each area.

This table shows that while the ceilings on aid authorized in practice by the Commission for investments in primary production, namely 35 % (75 % in less-favoured areas within the meaning of Directive 75/268/EEC), seem to be observed when the investment concerned is very large (e.g. FF 2 million), they may be exceeded in both lowland and less-favoured areas when the investment is moderate (e.g. FF 300 000).

In such case, in so far as the rate of aid in the measure concerned exceeds the ceilings authorized by the Commission, it cannot qualify under the derogation in Article 92 (3) (c) and must be deemed incompatible with the common market.

VII

4. As a consequence, a distinction must be made between two cases :

- where interest is defrayed in combination with the grant of a modernization loan, the ceilings on aid authorized in practice by the Commission for investments in primary production are observed.

In such case, the aid measure concerned can qualify under the derogation in Article 92 (3) (c) and may be deemed compatible with the common market,

- where interest is defrayed in combination with the grant of setting-up aid (loan and grant), the observance of those ceilings is not guaranteed.

1. Since the aid measure was not notified, it should be pointed out that in view of the binding nature of the rules of procedure laid down in Article 93 (3) of the Treaty, which rules are also important from the viewpoint of public policy and whose direct effect was recognized by the Court of Justice in its judgments of 19 June 1973 (Case 77/72, *Carmine Capolongo v. Azienda Agricola Maya*)⁽²⁾, 11 December 1973 (Case 120/73, *Gebrueder Lorenz GmbH v. the Federal Republic of Germany*)⁽³⁾, 22 March 1977 (Case 78/76, *Firma Steinike und Weinlig v. Federal Republic of*

⁽¹⁾ OJ No L 218, 6. 8. 1991, p. 1.

⁽²⁾ [1973] ECR, p. 611.

⁽³⁾ [1973] ECR, p. 1471.

Germany⁽¹⁾, 21 November 1991 (Case C-354/90, *Fédération Nationale du Commerce Extérieur des Produits Alimentaires and Syndicat National des Négociants et Transformateurs de Saumon v. French State*)⁽²⁾, the illegality of the aid measures concerned cannot be reversed after the event.

In addition, in the event of incompatibility of an aid measure with the common market, the Commission may require, in accordance with the decisions of the Court of Justice, and in particular its judgment of 12 July 1973 (Case 70/72, *Commission of the European Communities v. the Federal Republic of Germany*)⁽³⁾, as confirmed by judgments of 24 February 1987 (Case 310/85, *Deufil GmbH & Co. KG v. Commission of the European Communities*)⁽⁴⁾, and 20 September 1990 (Case C-5/89, *Commission of the European Communities v. the Federal Republic of Germany*)⁽⁵⁾, that the Member States recover any aid granted illegally from the recipients.

2. The French Government did not respect the suspensory effect resulting from Article 93 (3) of the Treaty in so far as it did not wait for the Commission to take a position before granting the aid in question. As a consequence, the aid is illegal under Community law as from the granting.

Since the aid was granted illegally, i.e. without a final decision under the Article 93 (2) procedure having been reached, that part of the aid considered incompatible with the common market (second indent of point VI.4) should be refunded.

Although neither the exact amount nor the number of recipients of the aid in question is known to the Commission, since a combination of State aids is involved, the recipients who received the illegal aid must be known to the French authorities. Under these circumstances, that part of the aid exceeding the ceilings authorized by the Commission must be reimbursed.

Reimbursement must take place in accordance with the procedures and provisions of French law, and in particular those relating to interest on overdue payments on monies owed to the State, interest accruing as from the date the aid in question was granted.

Such reimbursement is necessary to re-establish the situation obtained previously, entailing the cancellation of all the financial benefits from which the recipients

of the aid, which had been granted improperly, benefited unduly since the date of granting. It is all the more necessary in view of the fragile situation of the market concerned.

This Decision is without prejudice to any consequences which the Commission may, where applicable, draw as regards the financing of the common agricultural policy by the European Agricultural Guidance and Guarantee Fund (EAGGF),

HAS ADOPTED THIS DECISION:

Article 1

The aid granted by the French Government in the form of a reduction of 1 to 3 % in annual repayments due in respect of 1993 on bank loans taken out by specialized pig farmers between 1990 and 1992 is hereby declared illegal since it was granted in breach of the rules of procedure set out in Article 93 (3) of the Treaty.

Article 2

The aid granted by the French Government in the form of a reduction of 1 to 3 % in annual repayments due in respect of 1993 on modernization loans taken out by specialized pig farmers between 1990 and 1992 may be deemed compatible with the common market.

Article 3

The aid granted by the French Government in the form of a reduction of 1 to 3 % in annual repayments due in respect of 1993 on setting-up loans to young farmers taken out by specialized pig farmers between 1990 and 1992 is hereby declared incompatible with the common market within the meaning of Article 92 of the Treaty in so far as there is no assurance that the ceilings on aid authorized by Commission policy for investments in primary production will be observed in the event of receipt in combination with other aid such as setting-up loans and grants.

Article 4

The French Government shall abolish the aid measure in question to the extent that it does not observe the ceilings referred to in Article 3 in the event of receipt in combination with other aid and shall require that the part of the aid exceeding those ceilings (35,75 % in less-favoured areas) be recovered within three months of notification of this Decision.

⁽¹⁾ [1977] ECR, p. 595.

⁽²⁾ [1991] ECR, p. I-5505.

⁽³⁾ [1973] ECR, p. 813.

⁽⁴⁾ [1987] ECR, p. 901.

⁽⁵⁾ [1990] ECR, p. I-3437.

Such recovery shall take place in accordance with the procedures and provisions of French law and in particular those relating to interest on overdue payments on monies owed to the State. The sums to be recovered shall bear interest as from the date the aid in question was granted.

Article 5

The French Government shall inform the Commission within three months of notification of this Decision of the measures it has taken to comply therewith.

Article 6

This Decision is addressed to the French Republic.

Done at Brussels, 27 July 1994.

For the Commission

Martin BANGEMANN

Member of the Commission
