

Official Journal

of the European Communities

ISSN 0378-6978

L 297

Volume 37

18 November 1994

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ Council Regulation (EC) No 2796/94 of 14 November 1994 amending Regulation (EEC) No 3677/89 as regards the total alcoholic strength by volume of certain quality wines imported from Hungary and Romania 1
- ★ Council Regulation (EC) No 2797/94 of 14 November 1994 establishing provisional quantitative limits on imports into the Community of certain textile products originating in the People's Republic of China (category 14, category 17), in the Republic of Indonesia (category 23), and in the Republic of India (category 23, category 24) 3
- ★ Council Regulation (EC) No 2798/94 of 14 November 1994 amending for 1994 the level of the quantitative limits applicable to imports of certain textile products originating in the People's Republic of China and listed in Annex IV to Regulation (EC) No 517/94 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules 6
- Commission Regulation (EC) No 2799/94 of 17 November 1994 fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products 8
- Commission Regulation (EC) No 2800/94 of 17 November 1994 fixing the export refunds on white sugar and raw sugar exported in its unaltered state 11
- ★ Commission Regulation (EC) No 2801/94 of 17 November 1994 establishing the quantities to be allocated to importers from the first tranche of the 1995 Community quantitative quotas on certain products originating in the People's Republic of China⁽¹⁾ 13
- Commission Regulation (EC) No 2802/94 of 17 November 1994 amending Regulation (EC) No 2617/94 introducing a countervailing charge on fresh lemons originating in Argentina 18

Commission Regulation (EC) No 2803/94 of 17 November 1994 fixing the import levies on rice and broken rice	19
Commission Regulation (EC) No 2804/94 of 17 November 1994 fixing the maximum export refund for white sugar for the 25th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1021/94	21
Commission Regulation (EC) No 2805/94 of 17 November 1994 fixing the export refunds on rice and broken rice	22
Commission Regulation (EC) No 2806/94 of 17 November 1994 fixing the premiums to be added to the import levies on cereals, flour and malt	25
* Commission Directive 94/50/EC of 31 October 1994 amending Council Directive 70/524/EEC concerning additives in feedingstuffs	27
* Commission Directive 94/51/EC of 7 November 1994 adapting to technical progress Council Directive 90/219/EEC on the contained use of genetically modified micro-organisms	29

II Acts whose publication is not obligatory

Council

94/743/EC :

* Council Decision of 10 November 1994 on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period 1 July 1994 to 30 June 1997, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea	31
Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period 1 July 1994 to 30 June 1997, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea	32

94/744/EC :

* Council Decision of 10 November 1994 on the conclusion of an Agreement in the form of an exchange of letters on the provisional application of the Protocol defining, for the period 6 September 1994 to 5 September 1997, the fishing rights and the financial compensation provided for by the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde	33
Agreement in the form of an exchange of letters on the provisional application of the Protocol establishing, for the period 6 September 1994 to 5 September 1997, the fishing rights and the financial compensation provided for by the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde	34

94/745/EC :

* Council Decision of 10 November 1994 on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing for the period 20 July 1994 to 19 July 1997 the fishing opportunities and financial consideration provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros	35
Agreement in the form of an exchange of letters concerning the provisional application of the Protocol setting out for the period 20 July 1994 to 19 July 1997 the fishing opportunities and financial consideration provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros	36

- ★ **Council Decision of 10 November 1994 on the conclusion of the Agreement in the form of an exchange of letters on the provisional application of the Protocol establishing, for the period 1 July 1994 to 30 June 1997, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire 37**
- Agreement in the form of an exchange of letters on the provisional application of the Protocol defining, for the period 1 July 1994 to 30 June 1997 the fishing rights and the financial compensation provided for by the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire 38**

Commission

- ★ **Commission opinion of 7 November 1994 concerning the plan for the disposal of radioactive waste from the Konrad radioactive waste repository at Salzgitter (Germany) in accordance with Article 37 of the Euratom Treaty 39**

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2796/94

of 14 November 1994

amending Regulation (EEC) No 3677/89 as regards the total alcoholic strength by volume of certain quality wines imported from Hungary and Romania

THE COUNCIL OF THE EUROPEAN UNION,

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⁾, and in particular Article 70 (2) thereof,

Having regard to the proposal from the Commission,

Whereas pursuant to Article 70 (1) (b) of Regulation (EEC) No 822/87, wines intended for direct human consumption, other than sparkling wines and liqueur wines, originating in third countries may not be imported into the Community if they have a total alcoholic strength by volume exceeding 15 % vol;

Whereas pursuant to Council Regulation (EEC) No 3677/89 of 7 December 1989 on the total alcoholic strength by volume and the total acidity of certain imported quality wines and repealing Regulation (EEC) No 2931/80 ⁽²⁾, a derogation was granted from this principle for certain third-country wines pursuant to Article 70 (2) (a) of Regulation (EEC) No 822/87; whereas the derogation applicable to certain Hungarian wines was granted for a trial period which expired on 31 August 1994;

Whereas on conclusion of the Agreements between the European Community and Hungary and Romania on the reciprocal protection and control of wine names ⁽³⁾, the Community undertook to grant the derogation applicable to Hungarian wines for an indefinite period and to grant a similar derogation for certain high-quality wines origina-

ting in Romania; whereas Regulation (EEC) No 3677/89 must therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EEC) No 3677/89 is hereby amended as follows:

1. The following point shall be added to paragraph 1:

'(d) wines originating in Romania, whose total alcoholic strength by volume exceeds 15 % vol, without enrichment, where they are designated by "VSOC" or "Vinuri de calitate superioara cu denumire de origine si trepte de calitate" and having one of the following geographic indications:

- Cernavoda,
- Cotnari,
- Medgidia,
- Murfatlar,
- Nazarcea,
- Pietroasa.'

2. In paragraph 2, 'For the purposes of paragraph 1 (b) and (c)', shall be replaced by 'For the purposes of paragraph 1 (b), (c) and (d)'.

3. Paragraph 3 shall be deleted.

Article 2

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

Article 1 (3), however, shall apply from 1 September 1994.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1. Regulation as last amended by Regulation (EC) No 1891/94 (OJ No L 197, 30. 7. 1994, p. 42).

⁽²⁾ OJ No L 360, 9. 12. 1989, p. 1. Regulation as last amended by Regulation (EEC) No 2606/93 (OJ No L 239, 24. 9. 1993, p. 6).

⁽³⁾ OJ No L 337, 31. 12. 1993, pp. 94 and 178.

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

Done at Brussels, 14 November 1994.

For the Council

The President

J. BORCHERT

COUNCIL REGULATION (EC) No 2797/94**of 14 November 1994****establishing provisional quantitative limits on imports into the Community of certain textile products originating in the People's Republic of China (category 14, category 17), in the Republic of Indonesia (category 23), and in the Republic of India (category 23, category 24)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries⁽¹⁾, and in particular Article 10 thereof, in conjunction with Article 17 thereof,

Having regard to the proposal of the Commission,

Whereas Article 10 of Regulation (EEC) No 3030/93 lays down the conditions under which quantitative limits may be established of certain textile products originating in third countries not covered by quantitative limits by virtue of a bilateral textile agreement;

Whereas imports into the Community of certain textile products specified in the Annex and originating in the People's Republic of China (hereinafter referred to as 'China'), in the Republic of Indonesia (hereinafter referred to as 'Indonesia') and in the Republic of India (hereinafter referred to as 'India') have exceeded the level referred to in Article 10 (1) in conjunction with Annex IX of Regulation (EEC) No 3030/93;

Whereas, in accordance with Article 10 (3) of Regulation (EEC) No 3030/93, on 28 October 1994 China, Indonesia and India were notified of a request for consultations;

Whereas, pending a mutually satisfactory solution, the Commission has requested China, Indonesia and India for a provisional period of three months to limit their exports to the Community of the products of the categories concerned to the limits set out in the Annex with effect from the date of the request for consultations;

Whereas, pending the outcome of the requested consultations, quantitative limits identical to those requested of the supplier country should be applied provisionally to imports of the category of products in question;

Whereas it is appropriate to apply to imports into the Community of products for which quantitative limits are introduced the provisions of Regulation (EEC)

No 3030/93 which are applicable to imports of products subject to the quantitative limits set out in Annex V of the said Regulation;

Whereas the products in question exported from China, Indonesia and India between 28 October 1994 and the date of entry into force of this Regulation must be set off against the quantitative limits which have been introduced;

Whereas these quantitative limits should not, however, prevent the importation of products covered by them, shipped from China, Indonesia and India before the date of entry into force of this Regulation;

Whereas the measures provided for in this Regulation have not received a favourable opinion by the Committee established by Regulation (EEC) No 3030/93; whereas Article 17 (4) of the said Regulation provides that if the measures envisaged do not conform with the opinion of the Committee or in absence of an opinion, the Commission shall submit to the Council, without delay, a proposal concerning the measures to be taken,

HAS ADOPTED THIS REGULATION:

Article 1

Subject to the provisions of Article 2, imports into the Community of the categories of certain textile products originating in China, Indonesia and India and specified in the Annex shall be subject to the provisional quantitative limits set out in that Annex.

Article 2

1. Products referred to in Article 1 shipped to the Community before the date of entry into force of this Regulation and not yet released for free circulation, shall be so released subject to the presentation of a bill of lading or other transport document proving that shipment actually took place before that date.

2. Imports of products shipped to the Community after the date of entry into force of this Regulation shall be subject to the provisions of Regulation (EEC) No 3030/93 which apply to imports into the Community of products subject to the quantitative limits set out in Annex V to the said Regulation.

⁽¹⁾ OJ No L 275, 8. 11. 1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 195/94 (OJ No L 29, 2. 2. 1994, p. 1).

3. All quantities of products shipped to the Community on or after 28 October 1994 and released for free circulation shall be deducted from the quantitative limits laid down. These provisional limits shall not, however, prevent the importation of products covered by them but shipped from China, Indonesia and India before the date of entry into force of this Regulation.

Article 3

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

It shall apply until 28 January 1995.

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

Done at Brussels, 14 November 1994.

For the Council

The President

J. BORCHERT

ANNEX

Category	CN code	Description	Third country	Unit	Quantitative limits from 28. 10. 1994 to 28. 1. 1995
14	6201 11 00 ex 6201 12 10 ex 6201 12 90 ex 6201 13 10 ex 6201 13 90 6210 20 00	Men's or boys' woven overcoats, raincoats and other coats, cloaks and capes, of wool, of cotton or of man-made textile fibres (other than parkas of category 21)	China	1 000 pieces	2 112
17	6203 31 00 6203 32 90 6203 33 90 6203 39 19	Men's or boys' jackets and blazers, other than knitted or crocheted, of wool, of cotton or of man-made fibres	China	1 000 pieces	2 095
23	5508 20 10 5510 11 00 5510 12 00 5510 20 00 5510 30 00 5510 90 00	Yarn of staple or waste artificial fibres, not put up for retail sale	Indonesia India	tonnes	2 137 1 835
24	6107 21 00 6107 22 00 6107 29 00 6107 91 10 6107 91 90 6107 92 00 ex 6107 99 00 6108 31 10 6108 31 90 6108 32 11 6108 32 19 6108 32 90 6108 39 00 6108 91 10 6108 91 90 6108 92 00 6108 99 10	Men's or boys' nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, knitted or crocheted Women's or girls' nightdresses, pyjamas, negligées, bathrobes, dressing gowns and similar articles, knitted or crocheted	India	1 000 pieces	5 935

COUNCIL REGULATION (EC) No 2798/94
of 14 November 1994

amending for 1994 the level of the quantitative limits applicable to imports of certain textile products originating in the People's Republic of China and listed in Annex IV to Regulation (EC) No 517/94 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules⁽¹⁾, and in particular Article 5 in conjunction with Article 25 (4) thereof,

Having regard to the Commission proposal,

Whereas the Council, by Regulation (EC) No 517/94, imposed Community-level quantitative limits on imports of certain textile products originating in the People's Republic of China because of the sensitivity of the relevant sectors of the Community textile industry;

Whereas the Council, in setting the level of these quotas, endeavoured to find a certain balance between providing the requisite protection for the relevant sectors of the Community textiles industry and maintaining an acceptable level of trade with the People's Republic of China;

Whereas the introduction of the quotas and their implementation on the basis of the administrative rules laid down in Regulation (EC) No 517/94 have given rise to complaints from some Member States that this balance has not been satisfactorily achieved for 1994 since disturbances in trade with the People's Republic of China have affected the business and profits of certain sectors of the Community economy engaged in the importation, marketing and processing of the products in question;

Whereas, in view of this, and in order to facilitate the transition between the previous rules for imports and those established under Regulation (EC) No 517/94, the Commission has considered it appropriate to adapt the levels of these quotas by increasing them appropriately for the year 1994 based in particular on the quantitative

requirements transmitted by the Member States, taking into account the objective of the Commission which remains the conclusion of a bilateral agreement with the People's Republic of China for all the products concerned which, by changing the present regime into a conventional regime, should give guarantees concerning the supply of Chinese raw materials at acceptable price conditions;

Whereas the amounts by which the quotas for 1994 are to be increased are subject to the administrative rules laid down in Regulation (EC) No 517/94 and will therefore be allocated by the Commission, in accordance with Article 17 (1) and (2) of that Regulation, in the chronological order in which notification is received from the Member States of the requests for import authorization from the date of entry into force of this Regulation;

Whereas, in order to ensure optimal utilization of the quantities confirmed under this Regulation, the validity of the import permits should be fixed at 90 days from the date of issue by the Member States;

Whereas these measures have not received a favourable opinion of the Committee established under Regulation (EC) No 517/94 and Article 25 (4) of the said Regulation provides that if the proposed measures are not in conformity with the opinion of the Committee or in the absence of an opinion, the Commission shall present to the Council, without delay, a proposal for the measures to be taken,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EC) No 517/94 shall be amended for the year 1994 in respect of products originating in the People's Republic of China and falling within categories ex 18, ex 20, ex 78, 115, 117, 118, 120, ex 136, 156, 157, 159 and 161 by the addition of the following Annex:

⁽¹⁾ OJ No L 67, 10. 3. 1994, p. 1.

'ANNEX IV A

The product descriptions of the categories of this Annex are to be found in Annex I A to this Regulation

CHINA

Category	Unit	Exceptional additional amounts for 1994
ex 18 ⁽¹⁾	tonnes	109
ex 20 ⁽¹⁾	tonnes	8
ex 78 ⁽¹⁾	tonnes	8
115	tonnes	146
117	tonnes	73
118	tonnes	44
120	tonnes	44
ex 136 ⁽¹⁾ ⁽²⁾	tonnes	22
156	tonnes	583
157	tonnes	1 165
159	tonnes	874
161	tonnes	1 128

⁽¹⁾ Categories marked by "ex" cover products other than those of wool or fine hairs, cotton or synthetic or artificial textile materials.

⁽²⁾ This category covers only woven fabrics and other silk products other than unbleached, scoured or bleached products falling within CN codes 5007 20 19, 5007 20 31, 5007 20 39, 5007 20 41, 5007 20 59, 5007 20 61, 5007 20 69, 5007 20 71, 5007 90 30, 5007 90 50, 5007 90 90.

Article 2

From the date of entry into force of this Regulation, the additional quota amounts for the year 1994 will, in accordance with Article 17 (1) and (2) of Regulation (EC) No 517/94, be allocated in the chronological order in which notification of the requests for import authorization is received from the Member States.

Article 3

The import authorizations to be issued by the Member States' competent authorities shall be valid for 90 days from the date of issue.

Article 4

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

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

Done at Brussels, 14 November 1994.

For the Council

The President

J. BORCHERT

COMMISSION REGULATION (EC) No 2799/94**of 17 November 1994****fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products**

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⁾, and in particular Article 16 (2) thereof,Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 1900/92⁽⁴⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 1901/92⁽⁶⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 1902/92⁽¹⁰⁾, and in particular Article 10 (2) thereof,Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾,Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁴⁾, no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 14 and 15 November 1994 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.⁽²⁾ OJ No L 285, 20. 11. 1993, p. 9.⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.⁽⁴⁾ OJ No L 192, 11. 7. 1992, p. 1.⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.⁽⁶⁾ OJ No L 192, 11. 7. 1992, p. 2.⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.⁽¹⁰⁾ OJ No L 192, 11. 7. 1992, p. 3.⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.⁽¹⁴⁾ OJ No L 263, 19. 9. 1991, p. 1.

imported product, such amount to be fixed at a standard rate ; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

HAS ADOPTED THIS REGULATION :

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 3

This Regulation shall enter into force on 18 November 1994.

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

Done at Brussels, 17 November 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Minimum import levies on olive oil ⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	79,00 ⁽²⁾
1509 10 90	79,00 ⁽²⁾
1509 90 00	92,00 ⁽²⁾
1510 00 10	77,00 ⁽²⁾
1510 00 90	122,00 ⁽²⁾

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

⁽²⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

⁽²⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽²⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products ⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	17,38
0711 20 90	17,38
1522 00 31	39,50
1522 00 39	63,20
2306 90 19	6,16

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

COMMISSION REGULATION (EC) No 2800/94

of 17 November 1994

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 133/94 ⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 ⁽⁴⁾ thereof,

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

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

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar ⁽⁶⁾, as last amended by Regulation (EC) No 2529/94 ⁽⁷⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

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

Whereas Council Regulation (EEC) No 990/93 ⁽⁸⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁹⁾, as amended by Regulation (EC) No 3528/93 ⁽¹⁰⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽¹¹⁾, as amended by Regulation (EC) No 547/94 ⁽¹²⁾;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 18 November 1994.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 269, 20. 10. 1994, p. 14.

⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 1.

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

⁽¹¹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹²⁾ OJ No L 69, 12. 3. 1994, p. 1.

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

Done at Brussels, 17 November 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 17 November 1994 fixing the export refunds on white sugar and raw sugar exported in the natural state

Product code	Amount of refund ⁽²⁾
	— ECU/100 kg —
1701 11 90 100	28,15 ⁽¹⁾
1701 11 90 910	28,01 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	28,15 ⁽¹⁾
1701 12 90 910	28,01 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3060
	— ECU/100 kg —
1701 99 10 100	30,60
1701 99 10 910	31,19
1701 99 10 950	31,19
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3060

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

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

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

COMMISSION REGULATION (EC) No 2801/94**of 17 November 1994****establishing the quantities to be allocated to importers from the first tranche of the 1995 Community quantitative quotas on certain products originating in the People's Republic of China****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 520/94 of 7 March 1994 establishing a Community procedure for administering quantitative quotas⁽¹⁾, and in particular Article 9 and 13 thereof,

Having regard to Commission Regulation (EC) No 2459/94 of 11 October 1994 establishing administration procedures for the first tranche of the 1995 quantitative quotas for certain products originating in the People's Republic of China⁽²⁾, and in particular Article 3 thereof,

Whereas under Article 169 of the Act of Accession of Norway, Austria, Finland and Sweden, the Community institutions, prior to accession, may make the necessary adaptations to Community acts where these have not been provided for in the Act of Accession itself;

Whereas Regulation (EC) No 2459/94 looks ahead to the accession of Norway, Austria, Finland and Sweden to the European Union and reflects the need to take account of their importers in the preparations for administration of the first tranche of the 1995 quotas;

Whereas the Governments of Norway, Austria, Finland and Sweden, in accordance with undertakings given, have adopted suitable measures to ensure compliance with Community legislation, in particular the rules for submission of import applications and supporting evidence, and have informed the Commission within the deadlines laid down by Regulation (EC) No 2459/94 of the relevant particulars of import applications received, with a view to the establishment of quantitative criteria for the allocation of quotas to importers;

Whereas the Commission has thus received from the Member States (under Article 5 of Regulation (EC) No 2459/94) and the acceding States (in accordance with their undertakings) particulars of the numbers and aggregate

volume of import licence applications submitted and the total volume imported by traditional importers in 1991 and 1992, the reference years;

Whereas the Commission is now able, on the basis of that information, to establish uniform quantitative criteria by which the competent national authorities may satisfy licence applications submitted by importers in the Member States and acceding States for the first tranche of the 1995 quantitative quotas;

Whereas examination of the figures supplied by Member States and acceding States shows that the aggregate volume of applications submitted by traditional importers for the products listed in Annex I to this Regulation exceeds the portion of the quota set aside for them; whereas the application must therefore be met by applying the uniform rate of reduction shown in Annex I to the average, expressed in value or volume terms, of each importer's imports over the reference period;

Whereas examination of the figures supplied by Member States and acceding States shows that the total applications submitted by traditional importers for the product listed in Annex II to this Regulation amount to less than the portion of the quota set aside for them; whereas those applications should therefore be met in full;

Whereas examination of the figures supplied by Member States and acceding States shows that the aggregate volume of applications submitted by non-traditional importers for the products listed in Annex III to this Regulation exceeds the portion of the quota set aside for them; whereas the applications must therefore be met by applying the uniform rate of reduction shown in Annex III to the amounts requested by each importer, as limited by Regulation (EC) No 2459/94;

Whereas examination of the figures supplied by Member States and acceding States shows that the total applications submitted by non-traditional importers for the product listed in Annex IV to this Regulation amount to less than the portion of the quota set aside for them; whereas those applications, up to the maximum amount that can be requested by each importer under Regulation (EC) No 2459/94, should therefore be met in full;

⁽¹⁾ OJ No L 66, 10. 3. 1994, p. 1.

⁽²⁾ OJ No L 262, 12. 10. 1994, p. 27.

Whereas, the chosen management method does not allow the allocation of economically significant quantities of the products listed in Annex V to this Regulation ; whereas, consequently, it is not possible to allocate at this stage the parts of the quotas concerned ;

Whereas in accordance with Article 169 of the Act of Accession this Regulation should enter into force on 1 January 1995, subject to the entry into force of the Treaty of Accession on the same day,

HAS ADOPTED THIS REGULATION :

Article 1

In response to licence applications in respect of the products listed in Annex I duly submitted by traditional importers, the competent national authorities shall allocate each importer a quantity or value equal to his average imports for 1991 and 1992 adjusted by the rate of reduction specified in the said Annex for each quota.

Where the use of this quantitative criterion would entail allocating an amount greater than that applied for, the quantity or value allocated shall be limited to that specified application.

Article 2

Licence applications in respect of the product in Annex II duly submitted by traditional importers shall be met in full by the competent national authorities.

Article 3

In response to licence applications in respect of the products listed in Annex III duly submitted by non-traditional importers, the competent national authorities shall allocate each importer a quantity or value equal to the amount requested within the limits set by Regulation (EC) No 2459/94, adjusted by the rate of reduction specified in the said Annex for each quota.

Article 4

Licence applications in respect of the product listed in Annex IV duly submitted by non-traditional importers shall be met in full by the competent national authorities, within the limits set by Regulation (EC) No 2459/94.

Article 5

With respect to the products listed in Annex V to this Regulation, the allocation of the quotas to non-traditional importers is suspended.

Article 6

Import licences shall be issued by the competent national authorities in the first ten working days of 1 January 1995. They shall be valid for nine months from 1 January 1995.

Article 7

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 17 November 1994.

For the Commission

Leon BRITTAN

Member of the Commission

ANNEX I

Rate of reduction (traditional importers)

Description of products	CN code	Rate of reduction
Gloves	4203 29	– 52,89 %
Footwear falling within CN codes	ex 6402 19 ⁽¹⁾ ex 6402 99 ⁽¹⁾	– 41,56 %
	ex 6403 19 ⁽¹⁾	– 25,55 %
	6403 51 6403 59	– 38,61 %
	ex 6403 91 ⁽¹⁾ ex 6403 99 ⁽¹⁾	– 71,62 %
	ex 6404 11 ⁽¹⁾	– 48,75 %
	6404 19 10	– 47,76 %
Tableware, kitchenware of porcelain or china	6911 10	– 29,04 %
Ceramic tableware, kitchenware, other than of porcelain or china	6912 00	– 32,48 %
Glassware of a kind used for table, kitchen, toilet, etc.	7013	– 22,30 %
Radio-broadcast receivers falling within CN code	8527 21	– 3,53 %
Toys falling within CN codes	9503 41	– 49,707 %
	9503 49	– 50,997 %
	9503 90	– 47,946 %

⁽¹⁾ Excluding footwear involving special technology : shoes which have a cif price per pair of not less than ECU 12 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralize impact or materials such as low-density polymers.

*ANNEX II***Products for which the licence applications can be satisfied in full**

Description of products	CN code
Radio-broadcast receivers falling with CN code	8527 29

*ANNEX III***Rate of reduction (non-traditional importers)**

Description of products	CN code	Rate of reduction
Gloves	4203 29	— 62,08 %
Footwear falling within CN codes	ex 6402 19 ⁽¹⁾ ex 6402 99 ⁽¹⁾	— 8,68 %
	ex 6403 91 ⁽¹⁾ ex 6403 99 ⁽¹⁾	— 72,05 %
	ex 6404 11 ⁽¹⁾	— 51,34 %
	6404 19 10	— 0,58 %
Tableware, kitchenware of porcelain or china	6911 10	— 14,79 %
Ceramic tableware, kitchenware, other than of porcelain or china	6912 00	— 25,56 %
Glassware of a kind used for table, kitchen, toilet, etc.	7013	— 59,35 %
Radio-broadcast receivers falling within CN code	8527 21	— 89,24 %
Toys falling within CN codes	9503 41	— 58,40 %
	9503 49	— 79,51 %

⁽¹⁾ Excluding footwear involving special technology : shoes which have a cif price per pair of not less than ECU 12 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralize impact or materials such as low-density polymers.

ANNEX IV

Products for which the licence applications can be satisfied up to the maximum amount

Description of products	CN code
Toys falling within CN code	9503 90

ANNEX V

Products for which the allocation of the first tranche is suspended

Description of products	CN code
Footwear falling within CN codes	ex 6403 19 ⁽¹⁾ 6403 51 6403 59
Radio-broadcast receivers falling within CN code	8527 29

⁽¹⁾ Excluding footwear involving special technology : shoes which have a cif price per pair of not less than ECU 12 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralize impact or materials such as low-density polymers.

COMMISSION REGULATION (EC) No 2802/94**of 17 November 1994****amending Regulation (EC) No 2617/94 introducing a countervailing charge on
fresh lemons originating in Argentina**

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
Commission Regulation (EC) No 2753/94⁽²⁾, and in parti-
cular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EC) No 2617/94⁽³⁾, as
amended by Regulation (EC) No 2721/94⁽⁴⁾, introduced a
countervailing charge on fresh lemons originating in
Argentina;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72
laid down the conditions under which a charge intro-
duced in application of Article 25 of that Regulation is

amended; whereas if those conditions are taken into
consideration, the countervailing charge on the import of
fresh lemons originating in Argentina must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EC) No 2617/94 'ECU 20,11'
is hereby replaced by 'ECU 36,16'.

Article 2

This Regulation shall enter into force on 18 November
1994.

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

Done at Brussels, 17 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 292, 12. 11. 1994, p. 3.

⁽³⁾ OJ No L 279, 28. 10. 1994, p. 23.

⁽⁴⁾ OJ No L 288, 9. 11. 1994, p. 24.

COMMISSION REGULATION (EC) No 2803/94
of 17 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 2736/94 ⁽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 18 November 1994.

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

Done at Brussels, 17 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 289, 10. 11. 1994, p. 9.

ANNEX

to the Commission Regulation of 17 November 1994 fixing the import levies on rice and broken rice

(ECU / tonne)

CN code	Levies ⁽⁹⁾		
	Arrangement in Regulation (EEC) No 3877/86 ⁽¹⁾	ACP Bangladesh (⁽¹⁾)(⁽²⁾)(⁽⁴⁾)	Third countries (except ACP and Bangladesh) ⁽³⁾
1006 10 21	—	145,49	298,19
1006 10 23	—	145,83	298,87
1006 10 25	—	145,83	298,87
1006 10 27	224,15	145,83	298,87
1006 10 92	—	145,49	298,19
1006 10 94	—	145,83	298,87
1006 10 96	—	145,83	298,87
1006 10 98	224,15	145,83	298,87
1006 20 11	—	182,77	372,74
1006 20 13	—	183,19	373,59
1006 20 15	—	183,19	373,59
1006 20 17	280,19	183,19	373,59
1006 20 92	—	182,77	372,74
1006 20 94	—	183,19	373,59
1006 20 96	—	183,19	373,59
1006 20 98	280,19	183,19	373,59
1006 30 21	—	226,80	477,46
1006 30 23	—	271,08	565,93
1006 30 25	—	271,08	565,93
1006 30 27	424,45	271,08	565,93
1006 30 42	—	226,80	477,46
1006 30 44	—	271,08	565,93
1006 30 46	—	271,08	565,93
1006 30 48	424,45	271,08	565,93
1006 30 61	—	241,89	508,49
1006 30 63	—	290,99	606,68
1006 30 65	—	290,99	606,68
1006 30 67	455,01	290,99	606,68
1006 30 92	—	241,89	508,49
1006 30 94	—	290,99	606,68
1006 30 96	—	290,99	606,68
1006 30 98	455,01	290,99	606,68
1006 40 00	—	52,33	110,67

(⁽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 2804/94

of 17 November 1994

fixing the maximum export refund for white sugar for the 25th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1021/94

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 133/94⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,Whereas Commission Regulation (EC) No 1021/94 of 29 April 1994 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

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

Whereas, following an examination of the tenders submitted in response to the 25th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 25th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1021/94 the maximum amount of the export refund is fixed at ECU 33,725 per 100 kilograms.

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

Article 2

This Regulation shall enter into force on 18 November 1994.

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

Done at Brussels, 17 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 112, 3. 5. 1994, p. 13.⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

COMMISSION REGULATION (EC) No 2805/94

of 17 November 1994

fixing the export refunds 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 the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Whereas Article 17 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas export possibilities exist for a quantity of 6 000 tonnes of white rice to certain destinations; whereas the procedure laid down in Article 9 (4) of Commission Regulation (EEC) No 891/89 ⁽⁴⁾, as last amended by Regulation (EC) No 2658/94 ⁽⁵⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas Commission Regulation (EEC) No 1361/76 ⁽⁶⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

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

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

Whereas the refund must be fixed at least once a month; whereas it may be altered in the intervening period;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁷⁾, as amended by Regulation (EC) No 3528/93 ⁽⁸⁾, 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 ⁽⁹⁾, as amended by Regulation (EC) No 547/94 ⁽¹⁰⁾;

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

Whereas Council Regulation (EEC) No 990/93 ⁽¹¹⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 7.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 284, 1. 11. 1994, p. 24.

⁽⁶⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁸⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹⁰⁾ OJ No L 69, 12. 3. 1994, p. 1.

⁽¹¹⁾ OJ No L 102, 28. 4. 1993, p. 14.

ADOPTED THIS REGULATION:

listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 1

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those

Article 2

This Regulation shall enter into force on 18 November 1994.

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

Done at Brussels, 17 November 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 17 November 1994 fixing the export refunds on rice and broken rice

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refunds (2)	Product code	Destination (1)	Amount of refunds (2)
1006 20 11 000	01	215,00	1006 30 63 900	01	269,00
	05	215,00		04	269,00
1006 20 13 000	01	215,00		05	269,00
	05	215,00	1006 30 65 100	01	269,00
1006 20 15 000	01	215,00		02	275,00
	05	215,00		03	280,00
1006 20 17 000	—	—		04	269,00
	—	—		05	269,00
1006 20 92 000	01	215,00	1006 30 65 900	01	269,00
	05	215,00		04	269,00
1006 20 94 000	01	215,00		05	269,00
	05	215,00	1006 30 67 100	—	—
1006 20 96 000	01	215,00		—	—
	05	215,00	1006 30 67 900	—	—
1006 20 98 000	—	—		01	269,00
	—	—		02	275,00
1006 30 21 000	01	215,00		03	280,00
	05	215,00		04	269,00
1006 30 23 000	01	215,00		05	269,00
	05	215,00	1006 30 92 900	01	269,00
1006 30 25 000	01	215,00		04	269,00
	05	215,00		05	269,00
1006 30 27 000	—	—	1006 30 94 100	01	269,00
	—	—		02	275,00
1006 30 42 000	01	215,00		03	280,00
	05	215,00		04	269,00
1006 30 44 000	01	215,00		05	269,00
	05	215,00	1006 30 94 900	01	269,00
1006 30 46 000	01	215,00		04	269,00
	05	215,00		05	269,00
1006 30 48 000	—	—	1006 30 96 100	01	269,00
	—	—		02	275,00
1006 30 61 100	01	269,00		03	280,00
	02	275,00		04	269,00
	03	280,00		05	269,00
	04	269,00	1006 30 96 900	01	269,00
	05	269,00		04	269,00
1006 30 61 900	01	269,00		05	269,00
	04	269,00	1006 30 98 100	—	—
	05	269,00		—	—
1006 30 63 100	01	269,00		—	—
	02	275,00		—	—
	03	280,00		—	—
	04	269,00	1006 40 00 000	—	—
	05	269,00		—	—

(1) The destinations are identified as follows:

01 Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,

02 Zones I, II, III, VI, Ceuta and Melilla,

03 Zones IV, V, VII (c), Canada and Zone VIII excluding Surinam, Guyana and Madagascar,

04 Destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87,

05 Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEC) No 891/89 in respect of 6 000 tonnes of white rice destined for Austria.

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

NB: The zones are those defined in the Annex to Commission Regulation (EEC) No 2145/92.

COMMISSION REGULATION (EC) No 2806/94**of 17 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 16

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 18 November 1994.

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

Done at Brussels, 17 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 17 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	13,65	9,99
1001 90 99	0	0	13,65	9,99
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	18,07	15,38
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	24,30	17,78	17,78
1107 10 19	0	0	18,15	13,29	13,29
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 DIRECTIVE 94/50/EC

of 31 October 1994

amending Council Directive 70/524/EEC concerning additives in feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs⁽¹⁾, as last amended by Commission Directive 94/41/EC⁽²⁾, and in particular Article 7 thereof,

Whereas Directive 70/524/EEC provides for regular amendment of the content of its Annexes to take account of advances in scientific and technical knowledge; whereas the Annexes were consolidated by Commission Directive 91/248/EEC⁽³⁾;

Whereas the investigation of various additives currently listed in Annex II and therefore capable of authorization at national level has not yet been completed; whereas, therefore, the period of authorization of these substances should be extended for a specific period;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Feedingstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex II to Directive 70/524/EEC is hereby amended as set out in the Annex hereto.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 30 March 1995. They shall immediately inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of domestic law which they adopt in the field governed by this Directive.

Article 3

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Communities*.

Done at Brussels, 31 October 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 270, 14. 12. 1970, p. 1.

⁽²⁾ OJ No L 209, 12. 8. 1994, p. 18.

⁽³⁾ OJ No L 124, 18. 5. 1991, p. 1.

ANNEX

Annex II to Council Directive 70/524/EEC is amended as follows:

1. in part A 'Antibiotics':
 - 1.1. against item 22 'Avoparcin' the date '30. 11. 1994' in column 'Period of authorization' is replaced by '8. 4. 1995' for the category of animal 'Dairy cattle';
 - 1.2. against item 28 'Avilamycin' the date '30. 11. 1994' in the column 'Period of authorization' is replaced by '19. 7. 1995' for the category of animal 'Chickens for fattening';
 - 1.3. against item 29 'Efrotomycin' the date '30. 11. 1994' in the column 'Period of authorization' is replaced each time by '30. 11. 1995' for the categories of animal 'Piglets' and 'Pigs';
 - 1.4. against item 30 'Virginiamycin' the date '30. 11. 1994' in the column 'Period of authorization' is replaced by '30. 11. 1995' for the category of animal 'Sows';
 2. in part D 'Coccidiostats and other medicinal substances':
 - 2.1. against item 23 'Narasin/Nicarbazin' the date '30. 11. 1994' in the column 'Period of authorization' is replaced by '19. 7. 1995' for the category of animal 'Chickens for fattening';
 - 2.2. against item 25 'Halofuginone' the date '30. 11. 1994' in the column 'Period of authorization' is replaced by '30. 11. 1995' for the category of animal 'Chickens reared for laying';
 3. in part F 'Colouring matters, including pigments', against item 11 'Astaxanthin-rich *Phaffia rhodozyma*' the date '30. 11. 1994' in column 'Period of authorization' is replaced by '30. 11. 1995' for the category of animal 'Salmon, trout';
 4. in part L, 'Binding agents, anti-caking agents and coagulants':
 - 4.1. against item 1 'Synthetic calcium aluminates' the date '30. 11. 1994' in the column 'Period of authorization' is replaced by '30. 11. 1995' for the category of animal 'Dairy cows, cattle for fattening, calves, lambs, kids';
 - 4.2. against item 2 'Natrolite-phonolite' the date '30. 11. 1994' in the column 'Period of authorization' is replaced by '30. 11. 1995' for the category of animal 'All animal species and categories';
 5. in part N 'Enzymes', against item 1 '3-phytase (EC 3.1.3.8)' the date '30. 11. 1994' in the column 'Period of authorization' is replaced each time by '30. 11. 1995' for the categories of animals 'Pigs (all categories of animals)' and 'Chickens (all categories of animals)';
 6. in part O 'Micro-organisms', against item 1 '*Bacillus cereus var. toyoi* (CNCM I-1012/NCIB 40112)' the date '30. 11. 1994' in the column 'Period of authorization' is replaced each time by '30. 11. 1995' for the categories of animals 'Piglets', 'Pigs' and 'Sows'.
-

COMMISSION DIRECTIVE 94/51/EC**of 7 November 1994****adapting to technical progress Council Directive 90/219/EEC on the contained use of genetically modified micro-organisms**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/219/EEC of 23 April 1990 on the contained use of genetically modified micro-organisms ⁽¹⁾, and in particular Article 20 thereof,

Whereas Directive 90/219/EEC classifies genetically modified micro-organisms into two groups having regard to the risks they present, whereas Annex II to the said Directive sets out the criteria for determining such classification ;

Whereas, having regard to the experience gained with the contained use of genetically modified micro-organisms, and to technical progress generally in the field of biotechnology, and on the basis of an evaluation of the risks currently presented, it is appropriate to revise the classification of genetically modified micro-organisms ;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee established by Article 21 of Directive 90/219/EEC,

HAS ADOPTED THIS DIRECTIVE :

Article 1

Annex II to Directive 90/219/EEC is replaced by the Annex hereto.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 April 1995. They shall immediately inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

*Article 3*This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Communities*.

Done at Brussels, 7 November 1994.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

⁽¹⁾ OJ No L 117, 8. 5. 1990, p. 1.

*ANNEX**ANNEX II***CRITERIA FOR CLASSIFYING GENETICALLY MODIFIED MICRO-ORGANISMS INTO GROUP I**

A genetically modified micro-organism is classified as falling within Group I when all the following criteria are fulfilled :

- (i) the recipient or parental micro-organism is unlikely to cause disease to humans, animals or plants ;
 - (ii) the nature of the vector and the insert is such that they do not endow the genetically modified micro-organism with a phenotype likely to cause disease to humans, animals or plants, or likely to cause adverse effects in the environment ;
 - (iii) the genetically modified micro-organism is unlikely to cause disease to humans, animals or plants and is unlikely to have adverse effects on the environment.'
-

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 10 November 1994

on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period 1 July 1994 to 30 June 1997, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea

(94/743/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off Equatorial Guinea⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Equatorial Guinea held negotiations to determine the amendments or additions to be made to the abovementioned Agreement on the expiry of the application period of the Protocol to the Agreement;

Whereas, as a result of those negotiations, a new Protocol was initialled on 30 June 1994;

Whereas the Protocol provides Community fishermen with fishing opportunities in waters over which the Republic of Equatorial Guinea has sovereignty from 1 July 1994 to 30 June 1997;

Whereas, in order to avoid any longer interruption in the fishing activities of Community vessels, the new Protocol should be applied as soon as possible; whereas for this reason the two Parties have initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from 1 July 1994; whereas that Agreement should be approved,

pending a final decision to be taken on the basis of Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period 1 July 1994 to 30 June 1997, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea is hereby approved on behalf of the Community.

The text of the Agreement in the form of an exchange of letters is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement (in the form of an exchange of letters) in order to bind the Community.

Done at Brussels, 10 November 1994.

For the Council

The President

U. SEILER-ALBRING

⁽¹⁾ OJ No L 188, 16. 7. 1984, p. 2. Agreement as amended by the Agreement approved by Regulation (EEC) No 252/87 (OJ No L 29, 30. 1. 1987, p. 1).

AGREEMENT

in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period 1 July 1994 to 30 June 1997, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea

A. Letter from the Government of Equatorial Guinea

Sir,

With reference to the Protocol initialled on 30 June 1994 establishing fishing rights and financial compensation for the period 1 July 1994 to 30 June 1997, I have the honour to inform you that the Government of Equatorial Guinea is ready to apply this Protocol on a provisional basis, with effect from 1 July 1994, pending its entry into force in accordance with Article 7 of the said Protocol, provided that the European Community is disposed to do the same.

This is on the understanding that a first instalment equal to one-third of the financial compensation specified in Article 2 of the Protocol is paid by 30 November 1994.

I should be obliged if you would confirm the European Community's agreement to such provisional application.

Please accept, Sir, the assurance of my highest consideration.

*For the Government of
the Republic of Equatorial Guinea*

B. Letter from the Community

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows :

'With reference to the Protocol initialled on 30 June 1994 establishing fishing rights and financial compensation for the period 1 July 1994 to 30 June 1997, I have the honour to inform you that the Government of Equatorial Guinea is ready to apply this Protocol on a provisional basis, with effect from 1 July 1994, pending its entry into force in accordance with Article 7 of the said Protocol, provided that the European Community is disposed to do the same.

This is on the understanding that a first instalment equal to one-third of the financial compensation specified in Article 2 of the Protocol is paid by 30 November 1994.

I should be obliged if you would confirm the European Community's agreement to such provisional application.'

I have the honour to confirm the European Community's agreement to this provisional application of the Protocol.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council
of the European Union*

COUNCIL DECISION

of 10 November 1994

on the conclusion of an Agreement in the form of an exchange of letters on the provisional application of the Protocol defining, for the period 6 September 1994 to 5 September 1997, the fishing rights and the financial compensation provided for by the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde

(94/744/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Cape Verde held negotiations to determine the amendments or additions to be made to the Agreement on fishing off Cape Verde at the end of the period of application of the Protocol;

Whereas, as a result of these negotiations a new Protocol was initialled on 23 June 1994;

Whereas, under this Protocol, Community fishermen enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of Cape Verde for the period 6 September 1994 to 5 September 1997;

Whereas, in order to avoid interruption of fishing activities by Community vessels, it is essential that the Protocol in question be approved as quickly as possible; whereas both Parties have therefore initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from the day following the date of expiry of the Protocols previously in force; whereas the Agreement in the form of an exchange

of letters should be concluded, subject to a definitive decision pursuant to Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters on the provisional application of the Protocol defining, for the period 6 September 1994 to 5 September 1997, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde is hereby approved on behalf of the Community.

The text of the Agreement in the form of an exchange of letters is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an exchange of letters in order to bind the Community.

Done at Brussels, 10 November 1994.

*For the Council**The President*

U. SEILER-ALBRING

⁽¹⁾ OJ No L 212, 9. 8. 1990, p. 1.

AGREEMENT

in the form of an exchange of letters on the provisional application of the Protocol establishing, for the period 6 September 1994 to 5 September 1997, the fishing rights and the financial compensation provided for by the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde

A. Letter from the Government of the Republic of Cape Verde

Sir,

With reference to the Protocol initialled on 23 June 1994 establishing the fishing rights and financial compensation for the period 6 September 1994 to 5 September 1997, I have the honour to inform you that the Republic of Cape Verde is willing to apply the Protocol provisionally from 6 September 1994 pending its entry into force in accordance with Article 7 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment, equal to one-third of the financial compensation laid down by Article 2 of the Protocol, must be paid before 31 December 1994.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.

Please accept, Sir, the assurance of my highest consideration.

*For the Government
of the Republic of Cape Verde*

B. Letter from the Community

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows :

'With reference to the Protocol initialled on 23 June 1994 establishing the fishing rights and financial compensation for the period 6 September 1994 to 5 September 1997, I have the honour to inform you that the Republic of Cape Verde is willing to apply the Protocol provisionally from 6 September 1994 pending its entry into force in accordance with Article 7 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment, equal to one-third of the financial compensation laid down by Article 2 of the Protocol, must be paid before 31 December 1994.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.'

I am pleased to confirm the agreement of the European Community to a provisional application.

Please accept, Sir, the assurance of my highest consideration.

*For the Council
of the European Union*

COUNCIL DECISION**of 10 November 1994**

on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing for the period 20 July 1994 to 19 July 1997 the fishing opportunities and financial consideration provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros

(94/745/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas the Community and the Islamic Federal Republic of the Comoros have held negotiations with a view to determining amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto;

Whereas, as a result of those negotiations, a new Protocol was initialled on 18 July 1994;

Whereas, under that Protocol, Community fishermen enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of the Islamic Federal Republic of the Comoros for the period 20 July 1994 to 19 July 1997;

Whereas, in order to avoid interruption of fishing activities by Community vessels, it is essential that the said Protocol be approved as quickly as possible; whereas both Contracting Parties have therefore initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from the day following the date of expiry of the Protocol

previously in force; whereas the Agreement in the form of an exchange of letters should be approved subject to a definitive decision pursuant to Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters concerning the provisional application of the Protocol setting out for the period 20 July 1994 to 19 July 1997 the fishing opportunities and financial consideration provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Done at Brussels, 10 November 1994.

For the Council

The President

U. SEILER-ALBRING

⁽¹⁾ OJ No L 137, 2. 6. 1988, p. 19.

AGREEMENT

in the form of an exchange of letters concerning the provisional application of the Protocol setting out for the period 20 July 1994 to 19 July 1997 the fishing opportunities and financial consideration provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros

A. Letter from the Government of the Comoros

Sir,

With reference to the Protocol, initialled on 18 July 1994, setting out the fishing opportunities and financial consideration for the period 20 July 1994 to 19 July 1997, I have the honour to inform you that the Government of the Islamic Federal Republic of the Comoros is prepared to apply the Protocol provisionally from 20 July 1994, pending its entry into force in accordance with Article 7 thereof, on condition that the European Community is prepared to do likewise.

In this case, the first instalment of the financial consideration stipulated in Article 2 of the Protocol equal to one-third thereof must be paid before 31 December 1994.

I should be grateful if you would confirm that the European Community is in agreement with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*For the Government
of the Comoros*

B. Letter from the Community

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows :

'With reference to the Protocol, initialled on 18 July 1994, setting out the fishing opportunities and financial consideration for the period 20 July 1994 to 19 July 1997, I have the honour to inform you that the Government of the Islamic Federal Republic of the Comoros is prepared to apply the Protocol provisionally from 20 July 1994, pending its entry into force in accordance with Article 7 thereof, on condition that the European Community is prepared to do likewise.

In this case, the first instalment of the financial consideration stipulated in Article 2 of the Protocol equal to one-third thereof must be paid before 31 December 1994.

I should be grateful if you would confirm that the European Community is in agreement with the foregoing.'

I have the honour to confirm that the Community is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

*For the Council
of the European Union*

COUNCIL DECISION**of 10 November 1994**

on the conclusion of the Agreement in the form of an exchange of letters on the provisional application of the Protocol establishing, for the period 1 July 1994 to 30 June 1997, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire

(94/746/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Côte d'Ivoire held negotiations to determine the amendments or additions to be made to the abovementioned Agreement on the expiry of the application period of the Protocol to the Agreement;

Whereas, as a result of those negotiations, a new Protocol was initialled on 29 June 1994;

Whereas the Protocol provides Community fishermen with fishing opportunities in waters over which the Republic of Côte d'Ivoire has sovereignty from 1 July 1994 to 30 June 1997;

Whereas, in order to assure a quick resumption of the fishing activities of Community vessels, the new Protocol should be applied as soon as possible; whereas for this reason the two Parties have initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from 1 July 1994; whereas that Agreement should be approved,

pending a final decision to be taken on the basis of Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters on the provisional application of the Protocol establishing, for the period 1 July 1994 to 30 June 1997, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off Côte d'Ivoire is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an exchange of letters in order to bind the Community.

Done at Brussels, 10 November 1994.

For the Council

The President

U. SEILER-ALBRING

⁽¹⁾ OJ No L 379, 31. 12. 1990, p. 3.

AGREEMENT

in the form of an exchange of letters on the provisional application of the Protocol defining, for the period 1 July 1994 to 30 June 1997 the fishing rights and the financial compensation provided for by the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire

A. Letter from the Government of Côte d'Ivoire

Sir,

With reference to the Protocol, initialled on 29 June 1994, establishing the fishing rights and the financial compensation for the period 1 July 1994 to 30 June 1997, I have the honour to inform you that the Government of Côte d'Ivoire is willing to apply the Protocol provisionally from 1 July 1994 pending its entry into force in accordance with Article 8 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment, equal to one-third of the financial compensation laid down by Article 3 of the Protocol, must be paid before 31 December 1994.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.

Please accept, Sir, the assurance of my highest consideration.

*For the Government
of Côte d'Ivoire*

B. Letter from the European Community

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows :

'With reference to the Protocol, initialled on 29 June 1994, establishing the fishing rights and financial compensation for the period 1 July 1994 to 30 June 1997, I have the honour to inform you that the Government of Côte d'Ivoire is willing to apply the Protocol provisionally from 1 July 1994 pending its entry into force in accordance with Article 8 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment, equal to one-third of the financial compensation laid down by Article 3 of the Protocol, must be paid before 31 December 1994.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.'

I am pleased to confirm the agreement of the European Community to a provisional application.

Please accept, Sir, the assurance of my highest consideration.

*On behalf on the Council
of the European Union*

COMMISSION

COMMISSION OPINION

of 7 November 1994

concerning the plan for the disposal of radioactive waste from the Konrad radioactive waste repository at Salzgitter (Germany) in accordance with Article 37 of the Euratom Treaty

(Only the German text is authentic)

(94/747/Euratom)

On 5 May 1994 the Commission of the European Communities received from the German Government, in accordance with Article 37 of the Euratom Treaty, general data relating to the plan for the disposal of radioactive waste resulting from the operation of the Konrad radioactive waste repository at Salzgitter.

On the basis of these data and following consultation with the group of experts, the Commission has drawn up the following opinion :

- (a) The distance between the repository and the nearest territory of another Member State, namely the Netherlands, is 220 km (Denmark is 280 km and Belgium 340 km distant).
- (b) Under normal storage and monitoring conditions, gaseous and liquid effluent discharges will not lead to an exposure, significant from the point of view of health, of members of the population of other Member States.
- (c) In the event of unplanned discharges of radioactive effluents which could result from an accident on a scale taken into account in the general data, doses liable to be received by the population of another Member State will not be significant from the health point of view.
- (d) The measures to be taken after closure of the plant, the natural features of the site and the limits placed on the amount of radioactivity stored, ensure that the above conclusions remain valid in this long term.

In conclusion, the Commission is of the opinion that the plan for the disposal of radioactive waste resulting from the operation of the Konrad radioactive waste repository is not liable, either in normal operation or in the accident conditions considered in the general data, to result in significant radioactive contamination from the health point of view of the waters, soil or airspace of another Member State.

This opinion is addressed to the Federal Republic of Germany.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission
