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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2878/94
of 23 November 1994
opening and providing for the administration of Community tariff quotas for
certain agricultural and industrial products (first series 1995)

THE COUNCIL OF THE EUROPEAN UNION,

the products concerned into all Member States until the quotas have been used up ;

Having regard to the Treaty establishing the European Community, and in particular Article 28 thereof,

Whereas the decision for the opening of autonomous tariff quotas should be taken by the Community ; whereas, to ensure the efficiency of a common administration of these quotas, there is no reasonable obstacle to authorizing Member States to draw from the quota-volumes the necessary quantities corresponding to actual imports ; whereas, however, this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly,

Having regard to the proposal from the Commission,

HAS ADOPTED THIS REGULATION :

Whereas production in the Community of certain agricultural and industrial products will remain in the course of 1995 unable to meet the specific requirements of the user industries in the Community ; whereas, consequently, Community supplies of products of this type will depend to a considerable extent on imports from third countries ; whereas the most urgent Community requirements for the products in question should be met immediately on the most favourable terms ; whereas Community tariff quotas at reduced or at zero duty should therefore be opened within the limits of appropriate volumes for a period up to 31 December 1995 taking account of the need not to disturb the markets for such products nor the starting out or development of Community production ;

Article 1

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of

From 1 January until 31 December 1995, the customs duties applicable to imports into the Community of the products listed below shall be suspended at the levels and within the limits of the Community tariff quotas shown below :

Order No	CN code (¹)	Description	Amount of quota	Quota duty (%)	End of quota period
09.2703	ex 2825 30 00	Vanadiumoxides and hydroxides, not in the form of powder, exclusively for the production of alloys (a)	13 000 tonnes	0	31. 12. 1995
09.2711	7202 41 91 7202 41 99	Ferro-chromium containing by weight more than 6 % of carbon	400 000 tonnes	0	31. 12. 1995

Order No	CN code (')	Description	Amount of quota	Quota duty (%)	End of quota period
09.2713	ex 2008 60 19 ex 2008 60 39	Sweet cherries, marinated in alcohol, of a diameter not exceeding 19,9 mm, stoned, intended for the manufacture of chocolate products (a): — with a sugar content exceeding 9 % by weight — with a sugar content not exceeding 9 % by weight	} 2 000 tonnes	10 + AGR 10	31. 12. 1995
09.2717	ex 7202 99 19	Ferro-phosphorus containing by weight 15 % or more of phosphorus, intended for the manufacture or refined phosphoric iron or steel (a)	45 000 tonnes	0	31. 12. 1995
09.2719	ex 2008 60 19 ex 2008 60 39	Sour cherries (<i>Prunus cerasus</i>), marinated in alcohol, of a diameter not exceeding 19,9 mm, stoned, intended for the manufacture of chocolate products (a): — with a sugar content exceeding 9 % — with a sugar content not exceeding 9 % by weight	} 2 000 tonnes	10 + AGR 10	31. 12. 1995
09.2727	ex 3902 90 00	Synthetic poly-alpha-olefin having a kinetic viscosity of not less than $36 \times 10^{-6} \text{ m}^2 \text{ s}^{-1}$ (38 centistokes) at 100 °C, measured using the ASTM D 445 method	5 500 tonnes	0	31. 12. 1995
09.2729	ex 0811 90 99	Boysenberries, preserved by freezing, not containing added sugar, for the processing industry (a)	1 500 tonnes	12	31. 12. 1995
09.2731	ex 3905 90 00	Polyvinylpyrrolidone, presented in powder form, the particles of which are less than 38 micrometres and which has a solubility in water at 25 °C of less than, or equal to 1,5 % by weight and which is intended for the pharmaceutical industry (a)	120 tonnes	0	31. 12. 1995
09.2741	ex 8104 11 00	Unwrought magnesium having a purity of not less than 99,95 % in the form of ingots, intended for the manufacture of elements used in the nuclear industry (a)	1 800 tonnes	0	31. 12. 1995
09.2744	ex 8104 11 00	Unwrought magnesium having a purity of not less than 99,95 % in the form of ingots, for the manufacture of zirconium sponge (a)	1 100 tonnes	0	31. 12. 1995
09.2781	ex 7226 10 91	Flat-rolled products of silicon-electrical steel, cold-rolled, grain oriented, of a width not exceeding 500 mm, of a thickness of 0,23 mm or less, with a nominal magnetic inversion loss rate of 0,8 W/kg or less determined by the Epstein method with a current of 50 cycles and one induction of 1,7 tesla	600 tonnes	0	31. 12. 1995
09.2791	ex 3905 90 00	Polyvinyl butyral in the form of powder, for the production of film for laminated safety glass (a)	9 000 tonnes	0	31. 12. 1995
09.2797	ex 8540 41 00	Magnetrons with a power output of not more than 1 000 W, for the manufacture of microwave ovens (a)	650 000 pieces	0	31. 12. 1995
09.2799	ex 7202 49 90	Ferro-chromium containing more than 1,5 % but no more than 4 % by weight of carbon and not more than 70 % of chromium	15 000 tonnes	0	31. 12. 1995

Order No	CN code (¹)	Description	Amount of quota	Quota duty (%)	End of quota period
09.2809	ex 3802 90 00	Acid-activated montmorillonite for the manufacture of self-copy paper (a)	10 000 tonnes	0	31. 12. 1995
09.2811	ex 2902 90 90	4-benzylbiphenyl	400 tonnes	0	31. 12. 1995
09.2829	ex 3823 90 98	Solid extract of the residual insoluble in aliphatic solvents obtained during the extraction of resin from wood, having the following characteristics : — a resin acid content by weight not exceeding 30 % — an acid number not exceeding 110, and — a melting point of not less than 100 °C	1 200 tonnes	0	31. 12. 1995
09.2837	ex 2903 40 98	Bromchloromethane	370 tonnes	0	31. 12. 1995
09.2841	ex 2712 90 90	Blend of 1-alkenes containing by weight 80 % or more of 1-alkenes of a chain-length of 20 and 22 carbon atoms	10 000 tonnes	0	31. 12. 1995
09.2845	ex 2914 19 00	3,3-Dimethylbutanone	750 tonnes	0	31. 12. 1995
09.2847	ex 2914 70 90	1-Chloro-3,3-Dimethylbutanone	750 tonnes	0	31. 12. 1995
09.2849	ex 0710 80 60	Mushrooms of the species <i>Auricularia polytricha</i> , either steamed, boiled or frozen, for the manufacture of prepared meals (a) (b)	700 tonnes	0	31. 12. 1995
09.2851	ex 2907 12 00	O-Cresol having a purity of not less than 98,5 %	13 000 tonnes	0	31. 12. 1995
09.2853	ex 2930 90 80	Glutathione	15 tonnes	0	31. 12. 1995
09.2857	ex 2902 90 90	Diisopropylnaphtalene, mixed isomers	2 000 tonnes	0	31. 12. 1995
09.2859	ex 2909 49 90	2,2 isopropylidene-bis (<i>p</i> -phenyleneoxydiethanol) solid form	600 tonnes	0	31. 12. 1995
09.2863	ex 8473 30 90	Thin-film magnetic heads of Winchester technology (microsliders) capable of recording to a density of 78 tracks or more per millimetre, for the incorporation in hard disc storage units with an external disc diameter not exceeding 8,89 cm (3,5 inches) (a)	70 000 pieces	0	31. 12. 1995
09.2865	ex 8540 91 00	Molybdenum chrome steel frames for the manufacture of 736,6 mm ($\pm$ 1 mm) (29 inches) (a)	400 000 pieces	0	31. 12. 1995
09.2867	ex 3207 40 90	Glass granulate, containing by weight : — 73 % or more but not more than 77 % of silicon dioxide, — 12 % or more but not more than 18 % of diboron trioxide and — 4 % or more but not more than 8 % of polyethylene glycol	80 tonnes	0	31. 12. 1995
09.2871	ex 7011 20 00	Glass face-plate : — with a diagonal measurement of 723 mm ($\pm$ 3 mm) and of dimensions of 602 $\times$ 477 mm ($\pm$ 2 mm), for the manufacture of colour cathode-ray tubes (a)	650 000 pieces	0	31. 12. 1995

Order No	CN code (1)	Description	Amount of quota	Quota duty (%)	End of quota period
09.2873	ex 8542 11 23	Static random access memory of C-MOS technology (C-MOS S-RAM), with a storage capacity of 32 K × 8 bits and an access line exceeding 55 ns, in the form of a monolithic integrated circuit, contained in a housing the exterior dimensions of which do not exceed 17 × 39 mm, with not more than 32 connections and bearing : — an identification marking consisting of or including one of the following combinations of figures and letters : KM 62 256 MSM 5 256 PD 43 256 — other identification markings relating to devices complying with the abovementioned description	40 000 000 pieces	0	31. 12. 1995
09.2877	ex 2903 69 00	1,2-Bis(pentabromophenyl)ethane	300 tonnes	0	31. 12. 1995
09.2881	ex 3901 90 00	Chlorosulphonated polyethylene	6 000 tonnes	0	31. 12. 1995

(1) See Taric codes in the Annex.

(a) Checks on their prescribed end use shall be carried pursuant to the relevant Community provisions.

(b) However, the tariff quota is not allowed where processing is carried out by retail or catering undertakings.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer presents a declaration covered by this Regulation for release for free circulation in a Member State, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the appropriate quota volume.

Requests for drawings, indicating the date on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries

for release for free circulation, to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota volume as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated among applicants pro rata. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

Article 5

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

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, 23 November 1994.

For the Council

The President

J. BORCHERT

ANNEX

Taric codes

Order Nos	CN codes	Taric codes
09.2703	ex 2825 30 00	*10
09.2711	7202 41 91	
	7202 41 99	
09.2713	ex 2008 60 19	*10
	ex 2008 60 39	*11
09.2717	ex 7202 99 19	*19
09.2719	ex 2008 60 19	*20
	ex 2008 60 39	*20
09.2727	ex 3902 90 00	*95
09.2729	ex 0811 90 99	*10
09.2731	ex 3905 90 00	*94
09.2741	ex 8104 11 00	*30
09.2744	ex 8104 11 00	*40
09.2781	ex 7226 10 91	*20
09.2791	ex 3905 90 00	*91
09.2797	ex 8540 41 00	*91
09.2799	ex 7202 49 90	*10
09.2809	ex 3802 90 00	*10
09.2811	ex 2902 90 90	*50
09.2829	ex 3823 90 98	*50
09.2837	ex 2903 40 98	*10
09.2841	ex 2712 90 90	*30
09.2845	ex 2914 19 00	*20
09.2847	ex 2914 70 90	*10
09.2849	ex 0710 80 60	*10
09.2851	ex 2907 12 00	*10
09.2853	ex 2930 90 80	*16
09.2857	ex 2902 90 90	*80
09.2859	ex 2929 49 90	*10
09.2863	ex 8473 30 90	*80
09.2865	ex 8540 91 00	*95
09.2867	ex 3207 40 90	*30
09.2871	ex 7011 20 00	*70
09.2873	ex 8542 11 23	*26
09.2877	ex 2903 69 00	*20
09.2881	ex 3901 90 00	*94

COMMISSION REGULATION (EC) No 2879/94
of 28 November 1994
fixing production refunds on cereals and rice

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 7 (3) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 1869/94 ⁽⁴⁾, and in particular Article 9 (3) thereof,

Having regard to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors ⁽⁵⁾, as amended by Regulation (EC) No 1586/94 ⁽⁶⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 1722/93 establishes the conditions for granting the production refund; whereas the basis for the calculation is established in Article 3 of the said Regulation; whereas the refund thus calculated must be fixed once a month and may be altered if the price of maize or wheat changes significantly;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount payable;

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

HAS ADOPTED THIS REGULATION:

Article 1

The production refunds payable on cereals and rice in accordance with Regulation (EEC) No 1722/93 shall be ECU 65,36 per tonne.

Article 2

This Regulation shall enter into force on 1 December 1994.

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

Done at Brussels, 28 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 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 197, 30. 7. 1994, p. 7.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 112.

⁽⁶⁾ OJ No L 167, 1. 7. 1994, p. 5.

COMMISSION REGULATION (EC) No 2880/94**of 28 November 1994****fixing the export refunds on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1866/94 ⁽²⁾, and in particular the third subparagraph of Article 13 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 1869/94 ⁽⁴⁾, and in particular the fourth subparagraph of Article 17 (2) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 17 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations 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 ⁽⁵⁾ laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds, provide 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 cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 4 of Council Regulation (EEC) No 1620/93 ⁽⁶⁾ on the import and export system for products processed from cereals and from rice defines the specific

criteria to be taken into account when the refund on these products is being calculated;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

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

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;

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 197, 30. 7. 1994, p. 7.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁶⁾ OJ No L 155, 26. 6. 1993, p. 29.

⁽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.

Whereas certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted;

Whereas, pursuant to the abovementioned provisions, the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 1620/93 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 December 1994.

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

Done at Brussels, 28 November 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 28 November 1994 fixing the export refunds on products processed from cereals and rice

(ECU/tonne)		(ECU/tonne)	
Product code	Refund (1)	Product code	Refund (1)
1102 20 10 200 (2)	81,20	1104 23 10 300	66,70
1102 20 10 400 (2)	69,60	1104 29 11 000	20,13
1102 20 90 200 (2)	69,60	1104 29 91 000	19,74
1102 90 10 100	73,74	1104 29 95 000	19,74
1102 90 10 900	50,14	1104 30 10 000	4,94
1102 90 30 100	110,74	1104 30 90 000	14,50
1103 12 00 100	110,74	1107 10 11 000	35,14
1103 13 10 100 (2)	104,40	1107 10 91 000	87,50
1103 13 10 300 (2)	81,20	1108 11 00 200	39,48
1103 13 10 500 (2)	69,60	1108 11 00 300	39,48
1103 13 90 100 (2)	69,60	1108 12 00 200	92,80
1103 19 10 000	56,14	1108 12 00 300	92,80
1103 19 30 100	76,20	1108 13 00 200	92,80
1103 21 00 000	20,13	1108 13 00 300	92,80
1103 29 20 000	50,14	1108 19 10 200	94,24
1104 11 90 100	73,74	1108 19 10 300	94,24
1104 12 90 100	123,04	1109 00 00 100	0,00
1104 12 90 300	98,43	1702 30 51 000 (3)	121,22
1104 19 10 000	20,13	1702 30 59 000 (3)	92,80
1104 19 50 110	92,80	1702 30 91 000	121,22
1104 19 50 130	75,40	1702 30 99 000	92,80
1104 21 10 100	73,74	1702 40 90 000	92,80
1104 21 30 100	73,74	1702 90 50 100	121,22
1104 21 50 100	98,32	1702 90 50 900	92,80
1104 21 50 300	78,66	1702 90 75 000	127,02
1104 22 10 100	98,43	1702 90 79 000	88,16
1104 22 30 100	104,58	2106 90 55 000	92,80
1104 23 10 100	87,00		

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

(2) No refund shall be granted on products given a heat treatment resulting in pregelatinization of the starch.

(3) Refunds are granted in accordance with Regulation (EEC) No 2730/75.

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

COMMISSION REGULATION (EC) No 2881/94

of 28 November 1994

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1866/94⁽²⁾, and in particular the third subparagraph of Article 13 (4) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 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 Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs⁽³⁾, as last amended by Regulation (EC) No 1707/94⁽⁴⁾, provides that calculation of the export refund must take account of, in particular, the averages of the refunds granted and the levies calculated on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the current month;

Whereas that calculation must also take account of the cereal products content; whereas in the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products; whereas a refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff;

Whereas furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markers, allowing more accurate accounts to be taken of the commercial conditions under which such products are exported;

Whereas under the terms of Article 4 of Commission Regulation (EEC) No 1619/93⁽⁵⁾, the refund may be varied on the basis of the destination;

Whereas the representative market areas defined in Article I of Council Regulation (EEC) No 3813/92⁽⁶⁾, as amended by Regulation (EC) No 3528/93⁽⁷⁾, are used on convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁸⁾, as amended by Regulation (EC) No 547/94⁽⁹⁾;

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

Whereas Council Regulation (EEC) No 930/93⁽¹⁰⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situation as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

Whereas, pursuant to the abovementioned provisions, the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EEC) No 1619/93 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 December 1994.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁴⁾ OJ No L 180, 14. 7. 1994, p. 19.

⁽⁵⁾ OJ No L 155, 26. 6. 1993, p. 24.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁸⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ OJ No L 69, 12. 3. 1994, p. 1.

⁽¹⁰⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Done at Brussels, 28 November 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 28 November 1994 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund ⁽¹⁾:

2309 10 11 000, 2309 10 13 000, 2309 10 31 000,
2309 10 33 000, 2309 10 51 000, 2309 10 53 000,
2309 90 31 000, 2309 90 33 000, 2309 90 41 000,
2309 90 43 000, 2309 90 51 000, 2309 90 53 000.

<i>(ECU/tonne)</i>	
Cereal products ⁽²⁾	Amount of refund ⁽³⁾
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10.	58,00
Cereal products ⁽²⁾ excluding maize and maize products	34,45

⁽¹⁾ The product codes are defined in Sector 5 of the Annex to Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p 1), amended.

⁽²⁾ For the purposes of the refund only the starch coming from cereal products is taken into account.

Cereal products means the products falling within subheadings 0709 90 60 and 0712 90 19, Chapter 10, and headings Nos 1101, 1102, 1103 and 1104 (excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature is considered to be equal to the weight of this final product.

No refund is paid for cereals where the origin of the starch cannot be clearly established by analysis.

⁽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 2882/94
of 28 November 1994
on the supply of cereals as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽¹⁾, as last amended by Regulation (EEC) No 1930/90⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain beneficiaries 10 711 tonnes of cereals;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽⁴⁾, as amended by Regulation (EEC) No 790/91⁽⁵⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, for a given lot, given the small quantities to be supplied, the packaging methods and the large number of

destinations of the supplies, provision should be made for the possibility for tenderers to indicate two ports of loading, where necessary not belonging to the same port area,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilized in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

For lot F, notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 28 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOTS A, B, C, D and E

1. **Operation Nos** ⁽¹⁾: 941/94 (Lot A), 942/94 (Lot B), 943/94 (Lot C), 944/94 (Lot D) and 945/94 (Lot E)
2. **Programme**: 1994
3. **Recipient** ⁽²⁾: UNRWA Headquarters, Supply Division, Vienna International Centre, PO Box 700, A-1400 Vienna, Austria (telex 135310 UNRWA A, telefax (1) 230 75 29)
4. **Representative of the recipient**: UNRWA Field Supply and Transport Officer,
 - A: Ashdod: West Bank, PO Box 19149, Jerusalem, Israel (tel. (9722) 89 05 55; telefax 81 65 64; telex (0606) 26194 UNRWA IL)
 - B: Lattakia: PO Box 4313, Damascus, Syrian Arab Republic (tel. (96311) 666 02 17; telefax 332 75 13; telex (0492) 412006 UNRWA SY)
 - C: Beirut: PO Box 947, Beirut, Lebanon (tel. (9619) 86 31 50; telefax 1 (212) 478 10 55; telex (0494) 21430/20177 UNRWA LE)
 - D: Amman: PO Box 484, Amman, Jordan (tel. (9626) 74 19 14/77 22 26; telefax: 74 63 61; telex: (0493) 23402 UNRWA JO)
 - E: Ashdod: Gaza, PO Box 19149, Jerusalem, Israel: tel.: (972 2) 89 05 55; fax: 81 65 64; telex: (0606) 26194 UNRWA IL
5. **Place or country of destination** ⁽¹⁰⁾: Lots A and E: Israel; Lot B: Syria; Lot C: Lebanon; Lot D: Jordan
6. **Product to be mobilized**: milled rice (product code 1006 30 92 900 / 1006 30 94 900 / 1006 30 96 900)
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1, (under IIA.1 (f))
8. **Total quantity**: 950 tonnes (2 280 tonnes of cereals)
9. **Number of lots**: five (Lot A: 170 tonnes; Lot B: 110 tonnes; Lot C: 190 tonnes; Lot D: 140 tonnes; Lot E: 340 tonnes)
10. **Packaging and marking** ⁽⁸⁾ ⁽¹¹⁾: see OJ No C 114, 29. 4. 1991 p. 1 (under IIA (2) (a) and IIA (3))
Markings in English
Supplementary markings: 'UNRWA'
11. **Method of mobilization**: the Community market
12. **Stage of Supply**: free at port of landing — landed (Lots A, B and E)
free at destination (Lots C and D)
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Lots A and E: Ashdod; Lot B; Latakia
16. **Address of the warehouse and, if appropriate, port of landing**: Lot C: UNRWA Warehouse, Beirut, Lebanon; Lot D: UNRWA Warehouse, Amman, Jordan
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 9 — 22. 1. 1995
18. **Deadline for the supply**: lots A, B, E: 12. 2. 1995; lots C, D: 19. 2. 1995
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 13. 12. 1994
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 20. 12. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 16 — 29. 1. 1995
 - (c) deadline for the supply: lots A, B, E: 19. 2. 1995; lots C, D: 26. 2. 1995

22. **Amount of the tendering security:** ECU 5 per tonne
23. **Amount of the delivery security:** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities⁽¹⁾:** Bureau de l'aide alimentaire, à l'attention de Monsieur T Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles (telex 22037 AGREC B; telefax (322) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer^(*):** refund applicable on 29. 7. 1994, fixed by Commission Regulation (EC) No 2635/94 (OJ No L 280, 29. 10. 1994, p. 50)

LOT F

1. **Operation Nos** ⁽¹⁾: 1772/93 (F1); 1773/93 (F2)
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: Euronaid PO Box 12, NL-2501 CA Den Haag (tel. (31 70) 330 57 57; fax: 364 17 01; telex: 30960 NL EURON)
4. **Representative of the recipient** ⁽³⁾: to be designated by the recipient
5. **Place or country of destination**: Congo (F1); Madagascar (F2)
6. **Product to be mobilized**: milled rice (product code 1006 30 92 900, 1006 30 94 900, 1006 30 96 900)
7. **Characteristics and quality of the goods** ⁽⁴⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA.1 (f))
8. **Total quantity**: 513 tonnes (1 231 tonnes of cereals)
9. **Number of lots**: one (F1: 18 tonnes; F2: 495 tonnes)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁸⁾ ⁽⁹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA (2) (c) and IIA (3))
Markings in French
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment ⁽¹²⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 9 — 29. 1. 1995
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 13. 12. 1994
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 20. 12. 1994
 - (b) period for making the goods available at the port of shipment: 16. 1 — 5. 2. 1995
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles (telex 22037 AGREC B; fax: (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer** ⁽⁴⁾: refund applicable on 30. 11. 1994, fixed by Commission Regulation (EC) No 2635/94 (OJ No L 280, 29. 10. 1994, p. 50.)

LOT G

1. **Operation No⁽¹⁾**: 1313/91
2. **Programme**: 1991
3. **Recipient⁽²⁾**: Chad
4. **Representative of the recipient**:
 - G1: N'Djaména: For the attention of Mr M'Bang Hadji/Mr Nadoumabe Yamadjita, Direction de l'Office National des Céréales (ONC), BP 21 (tel: 51 49 43/51 37 30/51 37 31)
 - G2: Abéché: For the attention of Abderrahim Diguess, Chef de l'Agence de l'ONC d'Abéché, BP 14, S/C du Préfet de Ouaddai, BP 105, (tel: 69 81 46/69 81 47; telefax: 5377 KD ABECHÉ)
 - G3: Moundou: For the attention of Mr Abdoulaye Kladoubaye, Chef de l'Agence de l'ONC de Moundou, BP 172, S/C du Préfet de Logone Occidental, BP 25 (tel: 69 13 50/69 13 88, telefax: 5279 CAPUB MOUNDOU)
 - G4: Sarh: For the attention of Mr Abdoulaye Idriss, Chef de l'Agence de l'ONC de Sarh, BP 32, S/C du Préfet de Moyen-Chari (tel: 68 13 14/68 13 95, telefax 5318 KD SARH)
 - G5: Mongo: For the attention of Mr Hamid Ouamar, Chef de l'Agence de l'ONC de Mongo, BP 18, S/C du Préfet de Guera, (tel: (Abéché): 69 81 22)
5. **Place or country of destination⁽³⁾**: Chad
6. **Product to be mobilized**: milled rice (product code 1006 30 94 900 / 1006 30 96 900 / 1006 30 92 900)
7. **Characteristics and quality of the goods⁽⁴⁾**: see OJ No C 114, 29. 4. 1991, p. 1 (under II.A. (1) (f))
8. **Total quantity**: 3 000 tonnes (7 200 tonnes of cereals)
9. **Number of lots**: one (G1: 1 500 tonnes; G2: 250 tonnes; G3: 600 tonnes; G4: 350 tonnes; G5: 300 tonnes)
10. **Packaging and marking⁽⁵⁾**: see OJ No C 114, 29. 4. 1991, p. 1 (under II.A. (2) (a) and II.A. (3))
Markings in French
11. **Method of mobilization of product**: the Community market
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: see point 4
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 16 — 29. 1. 1995
18. **Deadline for the supply**: 19. 3. 1995
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 13. 12. 1994
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 20. 12. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 23. 1. — 5. 2. 1995
 - (c) deadline for the supply: 26. 3. 1995
22. **Amount of tendering security**: ECU 5 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities⁽⁶⁾**: Bureau de l'aide alimentaire, à l'attention de Mr T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles; (telex 22037 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on application by the successful tenderer⁽⁷⁾**: refund applicable on 30. 11. 1994, fixed by Commission Regulation (EC) No 2635/94 (OJ No L 280, 29. 10. 1994, p. 50)

Notes :

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.

- (⁴) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.

The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as amended by Regulation (EC) No 547/94 (OJ No L 69, 12. 3. 1994, p. 1) shall not apply to this amount.

- (⁵) The supplier should send a duplicate of the original invoice to : Willis Corroon Scheuer, PO Box 1315, NL-1000 BH Amsterdam.
- (⁶) Shipment to take place in 20-foot containers, condition FCL/FCL, each containing 18 tonnes net. The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.

The provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.

The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying number of bags belonging to each shipping number as specified in the invitation to tender.

The successful tenderer has to seal each container with a numbered locktainer (SYSKO locktainer 180 seal), number of which to be provided to the beneficiary's forwarder.

- (⁷) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
- phytosanitary certificate,
 - lot B : The phytosanitary certificate and the certificate of origin must be signed and stamped by a Syrian Consulate, including a statement that consular fees and charges have been paid.

- (⁸) Notwithstanding OJ No C 114, point II.A.3 (c) is replaced by the following : 'the words "European Community"'.

- (⁹) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.

- (¹⁰) Commission delegation to be contacted by the successful tenderer : see OJ No C 114, 29. 4. 1991, p. 33.

- (¹¹) Lots A, C, D, and E : Shipment to take place in 20-foot-containers. Lots A, E : The contracted shipping terms shall be considered full liner terms (liner in/liner out) free port of landing container yard and is understood to cover 15 days — Saturdays, Sundays and official public and religious holidays excluded — free of containers detention charges at the port of discharge taken from the day/time of the arrival of the vessel. The 15 day period should be clearly marked on the bill of lading. Bona fide detention charges levied in respect of container detention(s) in excess of the said 15 days as detailed above will be born by UNRWA. UNRWA shall not pay/not be charged any container deposit fees.

After take-over of the goods at the delivery stage, the recipient will bear all costs of shifting the containers for destuffing outside the port area and of returning them to the container yard.

Ashdod : consignment to be stowed in 20-foot containers containing not more than 17 tonnes each, net.

- (¹²) For lot F, notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two parts of shipment not necessarily belonging to the same port area.

COMMISSION REGULATION (EC) No 2883/94**of 28 November 1994****establishing a forecast balance for the supply to the Canary Islands of agricultural products covered by the specific measures provided for in Articles 2, 3, 4 and 5 of Council Regulation (EEC) No 1601/92**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands⁽¹⁾, with regard to certain agricultural products, as amended by Commission Regulation (EC) No 1974/94⁽²⁾, and in particular Articles 2, 3 (4), 4 (4), and 5 (2) thereof,

Whereas the measures, introduced by Regulation (EEC) No 1601/92, intended to offset as regards the supply of certain agricultural products, the geographical situation of the Canary Islands, consist of exemption from import duties (customs duties and agricultural levies), and the grant of aid to encourage the delivery of agricultural products from the Community; whereas the arrangements include also aid for the supply of pure-bred breeding animals in order to develop the production potential of the Islands;

Whereas in accordance with Article 2 of Regulation (EEC) No 1601/92 these arrangements include requirements for direct human consumption, and for processing and packaging in the Islands of products listed in the Annex to the aforementioned Regulation; whereas an assessment of these requirements is made annually in the context of a forecast supply balance which can be revised in the course of the year in the light of developments in the requirements of the Islands; whereas the assessment of the requirements of the processing and packaging industries, as regards products intended for the local market or traditionally dispatched to the rest of the Community, may result in the establishment of a separate forecast supply balance;

Whereas in the interest of clarity and transparency, as well as of standardizing the method of assessment, the forecast supply balance for the agricultural products covered by the different market sectors should be included in a single document; furthermore, having regard to the specific needs of the processing and packaging industries, a separate supply balance for such uses should be established where necessary;

Whereas, in order to facilitate administration of the supply balance, a certain margin of flexibility in the allocation of the quantities fixed in the supply balance should

be permitted, between certain headings, and between the part fixed for direct consumption, and that for processing or packaging;

Whereas pending the outcome of an evaluation of the application of the specific supply arrangements for the Canary Islands, the forecast supply balances have on several occasions since 1 July 1994 been established for limited periods in the case of most products;

Whereas in the interest of clarity, in parallel with the entry into force from 1 December 1994 of Commission Regulation (EC) No 2790/94 of 16 November 1994, laying down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products to the Canary Islands⁽³⁾, which constitutes a revision of Commission Regulation (EEC) No 1695/92⁽⁴⁾, as last amended by Regulation (EEC) No 2596/93⁽⁵⁾, a forecast supply balance for the products concerned should be established covering the entire 12-month period from 1 July 1994 to 30 June 1995, incorporating where necessary the partial forecast supply balances hitherto adopted; whereas it should be recalled that as from 1 December 1994 the benefits of the measures, whether by way of exemption from import charges or granting of aids, are realized in accordance with the rules prescribed in Regulation (EEC) No 1695/92;

Whereas it should be recalled also that in the sugar, wine and hops sectors, the current forecast supply balances have been established for the full 12-month period by Regulations (EC) No 1443/94⁽⁶⁾, (EC) No 1742/94⁽⁷⁾ and (EC) No 1818/94⁽⁸⁾ respectively; whereas it is not necessary to include them in this Regulation in respect of the period from 1 July 1994 to 30 June 1995;

Whereas with a view to reinforcing the instruments available to the competent authorities in order to ensure the proper operation of the supply arrangements, a maximum quantity per certificate to be requested should be established where necessary to avoid serious risks of disturbances on the Canary Islands market or to prevent the development of speculative actions prejudicial to the smooth functioning of the supply arrangements; whereas it is necessary therefore to amend Regulation (EC) No 2790/94;

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 180, 23. 7. 1994, p. 26.

⁽³⁾ OJ No L 296, 17. 11. 1994, p. 23.

⁽⁴⁾ OJ No L 179, 1. 7. 1992, p. 1.

⁽⁵⁾ OJ No L 238, 23. 9. 1993, p. 24.

⁽⁶⁾ OJ No L 157, 24. 6. 1994, p. 4.

⁽⁷⁾ OJ No L 182, 16. 7. 1994, p. 19.

⁽⁸⁾ OJ No L 190, 26. 7. 1994, p. 3.

Whereas the provisions of this Regulation should come into effect as from their publication, on the same date as that of the entry into force of Regulation (EC) No 2790/94;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

For the purpose of Articles 2, 3, 4 and 5 of Council Regulation (EEC) No 1601/92 the quantities in the forecast supply balance which shall benefit, as appropriate, from exemption from import charges in the case of products coming from third countries, or from payment of Community aid in the case of products coming from the Community market, are as indicated in the Annexes. Where, as regards a particular product separate amounts are fixed in the forecast supply balance for direct consumption, and for processing and/or packaging

respectively, an adjustment in the breakdown as between the prescribed uses is permitted, within a limit of 20 % of the total quantity fixed for that product.

Article 2

The following Article 8 (a) is inserted in Regulation (EC) No 2790/94:

'Article 8 (a)

Insofar as is strictly necessary to avoid disturbances on the Canary Islands market, or the pursuit of speculative actions prejudicial to the smooth functioning of the supply arrangements, the competent authorities shall fix a maximum quantity per certificate to be requested.

The competent authorities shall notify immediately to the Commission the instances in which this Article is applied.'

Article 3

This Regulation shall enter into force on 1 December 1994.

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

Done at Brussels, 28 November 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEXES

FORECAST SUPPLY BALANCES

SUPPLY BALANCE FOR THE CANARY ISLANDS FOR THE PERIOD 1 JULY 1994 (*) TO 30 JUNE 1995

ANNEX I

Live animals of the bovine species and beefmeat

CN code	Designation of goods	Number (*) or quantity (in tonnes)
0102 10 00	Pure-bred breeding bovines (*)	4 300 (*)
ex 0102 90	Bovine animals for fattening	8 000 (*)
0201	Meat of bovine animals, fresh or chilled	11 000
0202	Meat of bovine animals, frozen	29 000
1602 50	Other prepared or preserved meat, meat offal or blood of bovine animals	2 500

(*) Entry under this heading is subject to the conditions laid down in the relevant Community provisions.

ANNEX II

Live animals of the porcine species and pigmeat

CN code	Designation of goods	Number (*) or quantity (in tonnes)
0103 10 00	Pure-bred breeding swine (*):	
	— male animals	160 (*)
	— female animals	2 500 (*)
ex 0203	Meat of domestic swine, fresh or chilled	—
ex 0203	Meat of domestic swine, frozen	19 000 (2)
1601 00	Sausages and similar products of meat, meat offal or blood; preparations based on these, products	12 000
1602 20 90	Other prepared or preserved meat of liver of any animal other than goose and duck liver	600
	Other prepared or preserved meat or meat offal or blood of domestic swine	
1602 41 10	Hams and cuts thereof	4 000
1602 42 10	Shoulders and cuts thereof	3 000
1602 49	Other, including mixtures	4 000

(*) Entry under this heading is subject to the conditions laid down in the relevant Community provisions.

(2) Of which 5 000 tonnes are for the processing and/or packaging sector.

(*) From 1 November 1994 in the case of products coming under tariff heading 1509.

*ANNEX III***Chicks, eggs, rabbits and poultrymeat**

CN code	Designation of goods	Number (*) or quantity (in tonnes)
0105 11 00	Breeding chicks (*)	525 000 (*)
0407 00 19	Hatching eggs (*)	500 000 (*)
ex 0106 00 10	Breeding rabbits (*) :	
	— pure-bred and grandparent stock	600 (*)
	— parent stock	1 000 (*)
ex 0207	Meat and edible offal, frozen, of the poultry of tariff heading 01.05, excluding products coming under CN code 0207 23	37 000
ex 0408	Birds eggs not in shell, and egg yolks dried, whether or not containing added sugar or other sweetening matter, fit for human consumption	400
1602 31	Other prepared or preserved meat or offals of turkeys	—

(*) Entry under this heading is subject to the conditions laid down in the relevant Community provisions.

ANNEX IV

Milk products

(in tonnes)		
CN code	Designation of goods	Quantity
0401	Milk and cream not concentrated nor containing added sugar or other sweetening matter	90 000 ⁽¹⁾
0402	Milk and cream concentrated or containing added sugar or other sweetening matter	25 000 ⁽²⁾
0405 00	Butter and other fats and oils derived from milk	3 500
0406	Cheeses	} 11 500
0406 30		
0406 90 23		
0406 90 25		
0406 90 27		
0406 90 76		
0406 90 78		
0406 90 79		
0406 90 81		
0406 90 86		
0406 90 87		} 2 000
0406 90 88		
1901 90 90	Milk-based preparations without fat	7 000 ⁽³⁾
2106 90 91	Milk-based preparations for children not containing milk fat.	200

⁽¹⁾ Of which 2 000 tonnes are for the processing and/or packaging sector.

⁽²⁾ Of which 17 500 tonnes are for the processing and/or packaging sector.

⁽³⁾ The entire amount (7 000 tonnes) is for processing and/or packaging sector.

ANNEX V

Potatoes

(in tonnes)		
CN code	Designation of goods	Quantity
0701 10 00	Seed potatoes	12 000

*ANNEX VI***Cereals**

(in tonnes)

CN code	Designation of goods	Quantity
1001 (*)	Soft wheat	155 000
1001 10	Durum wheat	—
1003 (*)	Barley	20 000
1004 (*)	Oats	1 200
1005 (*)	Maize	180 000
1103 11 50	Durum wheat — groats and meal	4 300
1103 13	Maize flour — groats and meal	5 000
1103 19	Other — groats and meal	—
1103 21 to 1103 29	Pellets	—
1107	Malt	16 500

(*) In the case of individual products marked with a double asterisk (**) the quantities fixed may be exceeded, up to a maximum of 20 %, provided that the combined quantity for the products concerned is not exceeded.

*ANNEX VII***Rice**

(in tonnes)

CN code	Designation of goods	Quantity
1006 30	Milled rice	12 000
1006 40	Broken rice	2 000

ANNEX VIII

Vegetable oils (excluding olive oil)

(in tonnes)

CN code	Designation of goods	Quantity
1507 to 1516 (excluding 1509 and 1510)	Vegetable oils (except olive oil)	35 000 ⁽¹⁾

⁽¹⁾ Of which 24 500 tonnes are for the processing and/or packaging sector

ANNEX IX

Vegetable oils (olive oil)

(in tonnes)

CN code	Designation of goods	Quantity
1509 10 90 100 ^(*)	Virgin olive oil in immediate packings of a net content of 5 litres or less	400
1509 10 90 900 ^(*)	Virgin olive oil in immediate packings of a net content greater than 5 litres	400
1509 90 00 100 ^(*)	Olive oil (Riviera) in immediate packings of a net content of 5 litres or less	7 467
1509 90 00 900 ^(*)	Olive oil (Riviera) in immediate packings of a net content greater than 5 litres	1 000
1510 00 90 100 ^(*)	Pomace oil in immediate packings of a net content of 5 litres or less	233
1510 00 90 900 ^(*)	Pomace oil in immediate packings of a net content greater than 5 litres	100

^(*) In the case of individual products marked with a double asterisk ^(*) the quantities fixed may be exceeded, up to a maximum of 20 %, provided that the combined quantity for the products concerned is not exceeded.

ANNEX X

Glucose

(in tonnes)

CN code	Designation of goods	Quantity
ex 1702 except products falling within CN codes 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30	Glucose	1 800

ANNEX XI

Processed fruit and vegetables

(in tonnes)

CN code	Designation of goods	Quantity
2007 99	Preparations other than homogenized preparations and comprising fruit other than citrus fruit Fruit, nuts and other edible parts of plants, otherwise prepared and preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included	3 000 ⁽¹⁾
2008 20 (**)	— Pineapples	2 400
2008 30 (**)	— Citrus fruit	500
2008 40 (**)	— Pears	1 600
2008 50 (**)	— Apricots	220
2008 70 (**)	— Peaches	7 600
2008 80 (**)	— Strawberries	120
	— Other, including mixtures with the exception of those in No 2008 19	
2008 92 (**)	— Mixtures	1 650
2008 99 (**)	— Other than palm hearts and mixtures	650

⁽¹⁾ Of which 833 tonnes for the processing and/or packaging sector.

^(**) In the case of individual products marked with a double asterisk the quantities fixed may be exceeded, up to a maximum of 20 %, provided that the combined quantity for the products concerned is not exceeded.

COMMISSION REGULATION (EC) No 2884/94
of 25 November 1994

laying down rates of compensatory interest applicable during the first half of 1995 to customs debts incurred in relation to compensating products or goods in the unaltered state (inward processing relief arrangements suspension system and temporary importation procedures)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾, as last amended by Regulation (EC) No 2193/94 ⁽³⁾, and in particular Articles 589 (4) (a) and 709 thereof,

Whereas Article 589 (4) (a) of Regulation (EEC) No 2454/93 provides that the Commission shall set rates of compensatory interest applicable to customs debts incurred in relation to compensating products or goods in the unaltered state, in order to make up for the unjustified financial advantage arising from the postponement of the date on which the customs debt is incurred in the case of non-exportation out of the customs territory of the Community; whereas the rates of compensatory interest for the first half of 1995 must be established in accordance with the rules laid down in that Regulation;

Whereas, to ensure equity of treatment between operators established in the Community and those established in the new Member States; if the accession of the new Member States becomes effective, it is desirable to determine, under the same conditions, the rates of compensatory interest applicable in these new Member States for release for free circulation of goods entered under the inward processing relief arrangements, suspension system, and the temporary importation procedures,

Article 1

The annual rates of compensatory interest referred to Articles 589 (4) (a) and 709 (3) (a) of Regulation (EEC) No 2454/93 applicable for the period from 1 January until 30 June 1995 are hereby established as follows:

Belgium	6,05 %
Denmark	6,13 %
Federal Republic of Germany	5,53 %
Greece	29,15 %
Spain	8,13 %
France	6,01 %
Ireland	5,91 %
Italy	8,17 %
Luxembourg	6,05 %
Netherlands	5,22 %
Portugal	11,23 %
United Kingdom	5,22 %.

Article 2

If the accession of new Member States becomes effective, the following annual compensatory interest rates, provided for in Article 1, shall apply:

Norway	5,32 %
Austria	5,34 %
Finland	5,09 %
Sweden	7,31 %.

Article 3

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, 25 November 1994.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽³⁾ OJ No L 235, 9. 9. 1994, p. 6.

COMMISSION REGULATION (EC) No 2885/94

of 28 November 1994

applying the duty in the Common Customs Tariff to fresh lemons originating in Cyprus

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

Having regard to Council Regulation (EEC) No 1252/73 of 14 May 1973 on imports of citrus fruits originating in Cyprus⁽¹⁾, and in particular Article 5 thereof,

Whereas Article 5 (2) and (3) of Annex I to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus provides for a reduced rate of duty on imports into the Community of fresh lemons originating in Cyprus; whereas, during the period in which reference prices are applied, this reduction is dependent on the observance of a specified price on the Community market; whereas detailed rules for the application of this system are contained in Regulation (EEC) No 1252/73; whereas, in certain respects, these rules refer to provisions of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽²⁾ as last amended by Regulation (EC) No 2753/94⁽³⁾;

Whereas Regulation (EEC) No 1252/73 provides that, where products are imported, the duty in the Common Customs Tariff is applied where quotations for that product, in accordance with the provisions of Article 24 (2) of Regulation (EEC) No 1035/72 recorded on the representative Community markets at the importer/wholesaler stage or converted to that stage, adjusted by the conversion factors and following deduction of import charges other than customs duties, remain lower than the reference price in force, plus the incidence of the Common Customs Tariff on that price and a standard amount fixed at 1,2 units of account (ECU 1,44) per 100 kilograms, for three consecutive market days on the representative markets of the Community with the lowest quotations;

Whereas the conversion factors and import charges other than customs duties are those used for the purpose of

calculating the entry price referred to in Regulation (EEC) No 1035/72; whereas the method of calculating import charges other than customs duties is, for certain cases, defined in Article 2 of Regulation (EEC) No 1252/73;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁴⁾, as amended by Regulation (EC) No 3528/93⁽⁵⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁶⁾, as amended by Regulation (EC) No 547/94⁽⁷⁾;

Whereas application of these rates to quotations recorded for lemons imported into the Community and originating in Cyprus indicates that the conditions set out in the first paragraph of Article 4 of Regulation (EEC) No 1252/73 are fulfilled; whereas the duty in the Common Customs Tariff should, therefore, be applied to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

As from 30 November 1994, the duty in the Common Customs Tariff shall be applied to fresh lemons CN code 0805 30 10 imported into the Community and originating in Cyprus.

Article 2

This Regulation shall enter into force on 30 November 1994.

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

Done at Brussels, 28 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 113.

⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽³⁾ OJ No L 292, 12. 11. 1994, p. 3.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ No L 69, 12. 3. 1994, p. 1.

COMMISSION REGULATION (EC) No 2886/94

of 28 November 1994

introducing a countervailing charge and suspending the preferential customs duty on imports of fresh lemons originating in Turkey

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 particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EC) No 1254/94 of 31 May 1994 fixing the reference prices for lemons for the 1994/95 marketing year⁽³⁾ fixed the reference price for products of class I for the month of November 1994 at ECU 47,15 per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative price or the arithmetic mean of the lowest prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72 according to the dispositions of Commission Regulation (EEC) No 2849/93 of 19 October 1993 altering the entry price for certain fruits and vegetables originating in Mediterranean third countries⁽⁴⁾;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁵⁾, as last amended by Regulation

(EEC) No 249/93⁽⁶⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for fresh lemons originating in Turkey, the entry price calculated in this way has remained at least ECU 0,6 below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these fresh lemons;

Whereas, in Article 1 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁷⁾, as amended by Regulation (EEC) No 1555/84⁽⁸⁾, a rate of customs duty of 4 % should be re-introduced for these fresh lemons;

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⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. A countervailing charge of ECU 1,60 per 100 kilograms net is applied on imports of fresh lemons (CN code 0805 30 10) originating in Turkey.
2. The import duty on these products is fixed at 4 %.

Article 2

This Regulation shall enter into force on 30 November 1994.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 292, 12. 11. 1994, p. 3.

⁽³⁾ OJ No L 137, 1. 6. 1994, p. 47.

⁽⁴⁾ OJ No L 261, 20. 10. 1993, p. 18.

⁽⁵⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁶⁾ OJ No L 28, 5. 2. 1993, p. 45.

⁽⁷⁾ OJ No L 367, 23. 12. 1981, p. 3.

⁽⁸⁾ OJ No L 150, 6. 6. 1984, p. 4.

⁽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, 28 November 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 2887/94

of 28 November 1994

adopting interim protective measures on applications for STM licences in the beef and veal sector submitted for the day of 28 November 1994 for trade with Spain

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 85 (1) thereof,

Whereas Commission Regulation (EEC) No 1112/93 of 6 May 1993 laying down detailed rules for the application of the supplementary trade mechanism in the beef and veal sector between the Community as constituted on 31 December 1985 and Spain and Portugal and repealing Regulations (EEC) No 3810/91 and (EEC) No 3829/92 ⁽¹⁾, as last amended by Regulation (EC) No 2506/94 ⁽²⁾, set the indicative ceilings applicable in the beef and veal sector and the maximum quantities for which STM licences may be issued in November and December 1994;

Whereas Article 85 (1) of the Act of Accession makes provision for the Commission to take the interim protective measures necessary where the indicative ceiling for the year in course or part of it is reached or exceeded;

Whereas an examination of licence applications lodged for the day of 28 November 1994 shows that the quantities applied for are likely to bring about a serious distur-

bance of the market for live animals; whereas, as an interim protective measure, licences should only be issued for up to a given percentage of the quantities applied for and no further certificates for the time being should be issued,

HAS ADOPTED THIS REGULATION:

Article 1

For live animals of the bovine species, other than pure-bred breeding animals and animals for bullfights:

1. applications for STM licences for the following products submitted for the day of 28 November 1994 and notified to the Commission shall be accepted for 66 % for Spain;
2. the issuing of STM licences in response to applications submitted from 29 November 1994 onwards is suspended for the time being.

Article 2

This Regulation shall enter into force on 29 November 1994.

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

Done at Brussels, 28 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 113, 7. 5. 1993, p. 10.

⁽²⁾ OJ No L 267, 18. 10. 1994, p. 1.

COMMISSION REGULATION (EC) No 2888/94**of 28 November 1994****on the issue of import licences for garlic originating in China**

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⁾,

Having regard to Council Regulation (EC) No 1213/94 of 27 May 1994 concerning a protective measure applicable to imports of garlic from China⁽³⁾, as last amended by Regulation (EC) No 2815/94⁽⁴⁾, and in particular Article 1 (4) thereof,

Whereas Council Regulation (EEC) No 2707/72⁽⁵⁾ lays down the conditions for applying protective measures for fruit and vegetables;

Whereas pursuant to Commission Regulation (EEC) No 1859/93⁽⁶⁾, as amended by Regulation (EC) No 1662/94⁽⁷⁾, the release for free circulation in the Community of garlic imported from third countries is subject to presentation of an import licence;

Whereas Article 1 (2) of Commission Regulation (EC) No 1213/94, restricts the issue of import licences for garlic originating in China to a maximum monthly quantity in the case of applications lodged from 25 August 1994 to 24 May 1995;

Whereas, given the criteria laid down in Article 1 (3) of that Regulation and the import licences already issued, the quantity applied for at 24 November 1994 is in excess of the maximum monthly quantity for December 1994; whereas it is therefore necessary to determine to what extent import licences may be issued in response to these applications; whereas the issue of licences in response to these applications; whereas the issue of licences in response to applications lodged after 24 November 1994 and before 2 January 1995 should be refused,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for under Article 1 of Regulation (EEC) No 1859/93 at 24 November 1994 for garlic falling within CN code 0703 20 00 originating in China shall be issued for 0,68554 % of the quantity applied for, having regard to the information available to the Commission on 25 November 1994.

For the abovementioned products applications for import licences lodged after 24 November 1994 and before 2 January 1995 shall be refused.

Article 2

This Regulation shall enter into force on 29 November 1994.

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

Done at Brussels, 28 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 133, 28. 5. 1994, p. 36.

⁽⁴⁾ OJ No L 298, 19. 11. 1994, p. 26.

⁽⁵⁾ OJ No L 291, 28. 12. 1972, p. 3.

⁽⁶⁾ OJ No L 170, 13. 7. 1993, p. 10.

⁽⁷⁾ OJ No L 176, 9. 7. 1994, p. 1.

COMMISSION REGULATION (EC) No 2889/94

of 28 November 1994

fixing the import levies on cereals and on wheat or rye flour, groats and meal

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1866/94 ⁽²⁾, and in particular Articles 10 (5) and 11 (3) thereof,

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

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EC) No 1937/94 ⁽⁵⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 25

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

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1937/94 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 29 November 1994.

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

Done at Brussels, 28 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. 36.

ANNEX

to the Commission Regulation of 28 November 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ⁽⁸⁾
0709 90 60	90,79 ⁽²⁾ ⁽³⁾
0712 90 19	90,79 ⁽²⁾ ⁽³⁾
1001 10 00	2,52 ⁽¹⁾ ⁽³⁾ ⁽¹¹⁾
1001 90 91	60,22
1001 90 99	60,22 ⁽⁹⁾ ⁽¹¹⁾
1002 00 00	107,59 ⁽⁹⁾
1003 00 10	87,09
1003 00 90	87,09 ⁽⁹⁾
1004 00 00	93,39
1005 10 90	90,79 ⁽²⁾ ⁽³⁾
1005 90 00	90,79 ⁽²⁾ ⁽³⁾
1007 00 90	92,30 ⁽⁴⁾
1008 10 00	33,29 ⁽⁶⁾
1008 20 00	32,62 ⁽⁴⁾ ⁽⁹⁾
1008 30 00	2,24 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	2,24
1101 00 00	122,28 ⁽⁹⁾
1102 10 00	187,90
1103 11 10	39,43
1103 11 90	144,19
1107 10 11	118,07
1107 10 19	90,97
1107 10 91	165,90 ⁽¹⁰⁾
1107 10 99	126,71 ⁽⁹⁾
1107 20 00	145,87 ⁽¹⁰⁾

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

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

⁽³⁾ Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 1,81/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

⁽⁸⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽⁹⁾ Products falling within this code, imported from Poland or Hungary under the Agreements concluded between those countries and the Community and under the Interim Agreement between the Czech Republic, the Slovak Republic, Bulgaria and Romania and the Community and in respect of which EUR.1 certificates issued in accordance with Regulation (EC) No 121/94 or (EC) No 335/94 have been presented, are subject to the levies set out in the Annex to that Regulation.

⁽¹⁰⁾ In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.

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

COMMISSION REGULATION (EC) No 2890/94**of 28 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 25

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 29 November 1994.

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

Done at Brussels, 28 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 28 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	1,15	10,61	8,60
1001 90 99	0	1,15	10,61	8,60
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	14,85	12,04
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	2,05	18,89	15,31	15,31
1107 10 19	0	1,53	14,11	11,44	11,44
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EC) No 2891/94
of 28 November 1994
fixing the import levies on white sugar and raw sugar

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 133/94 ⁽²⁾, and in particular Article 16 ⁽⁸⁾ thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as amended by Regulation (EC) No 3528/93 ⁽⁴⁾, and in particular Article 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EC) No 1957/94 ⁽⁵⁾, as last amended by Regulation (EC) No 2876/94 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EC) No 1957/94 to the information known to the Commission that the levies

at present in force should be altered to the amounts set out in the Annex hereto;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 25 November 1994, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 November 1994.

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

Done at Brussels, 28 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 198, 30. 7. 1994, p. 88.

⁽⁶⁾ OJ No L 303, 26. 11. 1994, p. 51.

ANNEX

to the Commission Regulation of 28 November 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	29,86 ⁽¹⁾
1701 11 90	29,86 ⁽¹⁾
1701 12 10	29,86 ⁽¹⁾
1701 12 90	29,86 ⁽¹⁾
1701 91 00	34,72
1701 99 10	34,72
1701 99 90	34,72 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42), as last amended by Regulation (EEC) No 1428/78 (OJ No L 171, 28. 6. 1978, p. 34).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

⁽³⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 November 1994

concerning an application for the refund of anti-dumping duties collected on certain imports of certain magnetic disks (3,5" microdisks) originating in the People's Republic of China

(Only the English text is authentic)

(94/764/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, as last amended by Council Regulation (EC) No 522/94⁽²⁾, and in particular Article 16 thereof,

Whereas :

I. PROCEDURE

A. General

- (1) On 18 October 1993, by Regulation (EEC) No 2861/93⁽³⁾, a definitive anti-dumping duty of 39,4 % was imposed on imports of certain magnetic disks (3,5" microdisks) originating in Japan, Taiwan and the People's Republic of China.
- (2) Verbatim Limited SA of Limerick, Ireland, an importer of 3,5" microdisks produced and exported by Swire Magnetix Holdings Limited, an exporter in the People's Republic of China (hereinafter

referred to as 'the exporter'), subject to an anti-dumping duty of 39,4 %, claimed, on 12 January and 10 March 1994, a refund of anti-dumping duties paid in the period 24 November 1993 to 15 February 1994.

B. Admissibility

- (3) The application is admissible, since it was introduced in conformity with the relevant provisions of Community anti-dumping legislation, in particular those concerning time limits.
- (4) The applicant's claim was based on the allegation, supported by *prima facie* evidence on normal value and export prices for sales to the Community, that export prices from the exporter were such that dumping either did not exist, or that the rate of duty appropriate to the imports in question was lower than the 39,4 % rate in application.
- (5) The issue of individual treatment of exporters in the People's Republic of China, was examined in the light of the findings on the matter in recital (8) of the Regulation imposing definitive duties. In view of the general principles set out in that recital which apply also to refund applications, it appears doubtful that, as a general rule, such applications can lead to a recalculation of normal value for the applicant alone. In the present case, however, the Commission has taken account of the exceptional circumstances referred to in the application.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 66, 10. 3. 1994, p. 10.

⁽³⁾ OJ No L 262, 21. 10. 1993, p. 4.

Indeed, the application involves past transactions between a captive supplier and sole customer and the exporter ceased producing and trading the product concerned in the first quarter of 1994. This means that the main reasons for not granting individual treatment, i.e. the possibility of circumventing the duties by channelling exports through sources with lower rates and the risk of undermining the remedial effect of the anti-dumping measures taken, do not exist here. The acceptance of the application does not, under these conditions, go counter to the general principle mentioned above regarding the treatment of exporters from non-market economy countries.

C. Nature of the applications

- (6) In accordance with the Commission notice concerning the reimbursement of anti-dumping duties⁽¹⁾ (hereinafter referred to as 'the notice'), the Commission considered that, as the refund request related to more than three consignments in a period of at least six months, i.e. between 1 April and 30 September 1993, it should be treated as a recurring application in the context of point I.4 of the notice.

D. Investigation

- (7) Following submissions by the applicant the Commission sought and verified all the information it deemed necessary for the purposes of a determination.

As the People's Republic of China is a non-market economy, the Commission sought and received the cooperation of a producer of 3,5" microdisks in Taiwan, the analogue market economy selected for the establishment of normal value in the anti-dumping proceeding referred to at recital (1). The Commission carried out investigations at the premises of both the cooperating producer in Taiwan and the applicant.

- (8) Subsequently, the applicant was informed of the preliminary results of the Commission's examination and given the opportunity to comment. Its observations were taken into account as appropriate.
- (9) The Commission informed the Member States and gave its opinion on the matter. No Member State disagreed with this opinion.

II. MERITS OF THE CLAIM

- (10) Pursuant to Article 16 (1) of Regulation (EEC) No 2423/88 (hereinafter referred to as the 'basic Regu-

lation') and point II of the notice, the applicant showed, and the verifications carried out confirmed, that the duty collected exceeded the actual dumping margin.,

- (11) Concerning the methodology applied in establishing the dumping margin, account had to be taken of the fact that the exporter concerned had not exported during the investigation period in the original anti-dumping proceeding.
- (12) (a) *Normal value*

Where a particular product type exported to the Community was sold on the analogue market in the ordinary course of trade and in sufficient quantities, normal value was established on the basis of the price actually paid or payable on that market.

Where a particular product type exported to the Community was not in the ordinary course of trade or was sold in insufficient quantities on the analogue market, normal value was constructed on the basis of the cost of production plus a reasonable profit margin. The selling, general and administrative expenses included in the cost of production and the profit margin were calculated by reference to the expenses incurred and profits realized on sales of other types of the like product on the analogue market in accordance with Article 2 (3) (b) of the basic Regulation.

(b) *Export price*

All export sales by the exporter were made to the applicant, an original equipment manufacturer (OEM) customer in the Community, under an exclusive agreement whereby the price actually charged reflected the fact that the assembled product contained components supplied by the applicant at no charge to the exporter. This price, therefore, could not be considered reliable and the export price was constructed in accordance with the provisions of Article 2 (8) (b) of the basic Regulation.

To that end, it was considered reasonable to add to the price actually charged an amount to represent the cost and profit realizable on the component concerned, on the basis of information provided by the applicant.

(c) *Comparison*

Normal value, by product type was compared with the export price for the corresponding type, transaction-by-transaction on an ex-works basis at the appropriate level of trade. For the purpose of a fair comparison, adjustments were made, in accordance with Article 2 (9) and (10) of the basic Regulation in respect of differences in physical characteristics and selling expenses for which satisfactory evidence was submitted.

⁽¹⁾ OJ No C 266, 21. 10. 1986, p. 2.

- (13) On this basis, it was found that the application was justified, and that the actual dumping margin was 12,4 %.

In the light of this finding, the amount to be refunded is 27 % of the value used by the authorities concerned to calculate the anti-dumping duty on imports released into free circulation in the Community between 24 November 1993 and 15 February 1994,

HAS ADOPTED THIS DECISION :

Article 1

The application submitted by Verbatim relating to the refund of anti-dumping duties paid in the period 24 November 1993 to 15 February 1994 is granted for an amount represented by 27 % of the value used by the

appropriate authorities to calculate the anti-dumping duty on the relevant imports released into free circulation in the Community in the said period.

Article 2

The amount set out in Article 1 shall be refunded by Ireland.

Article 3

This Decision is addressed to Ireland and Verbatim Limited SA, Limerick, Ireland.

Done at Brussels, 16 November 1994.

For the Commission

Leon BRITTAN

Member of the Commission

COMMISSION DECISION**of 18 November 1994**

approving 26 proposed measures which qualify for Community financing pursuant to Council Decision 94/445/EC on inter-administration telematic networks for statistics relating to the trading of goods between Member States (Edicom)

(94/765/EC)

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

Having regard to Council Decision 94/445/EC of 11 July 1994 on inter-administration telematic networks for statistics relating to the trading of goods between Member States (Edicom)⁽¹⁾, and in particular Article 5 thereof,

Whereas the proposals form part of the annual work programme drawn up to implement the set of measures provided for in Article 1 of Decision 94/445/EC;

Whereas, pursuant to Article 5 (1) (a) of the Council Decision (Edicom), the drawing up, quantifying and approving of this annual work programme have been the subject of a favourable opinion by the Committee on the Statistical Programme of the European Communities, established by Council Decision 89/382/EEC, Euratom⁽²⁾;

Whereas as part of the annual work programme, the Commission has issued 14 calls for tenders for the centralized measures, and has drawn up, jointly with the Member States, 12 proposals of aid to the national authorities of the Member States;

Whereas the calls for tenders were issued pursuant to the procedures set out in informatics framework contract No 200; whereas the procedure of private treaty has been agreed with the CCAM for the proposals of aid to the national statistical authorities;

Whereas the proposals received by the Commission in response to the calls for tenders have been evaluated by

the Commission departments; whereas 14 proposals have been selected as meeting the objectives and work specifications set out in the work programme and in the calls for tenders;

Whereas the Committee on Statistics relating to the trading of goods between Member States, established by Council Regulation (EEC) No 3330/91⁽³⁾, has expressed a favourable opinion;

Whereas the Commission must take a decision regarding the approval of the proposals eligible for Community financing,

HAS ADOPTED THIS DECISION:

Article 1

The 26 proposals listed in Annex may receive Community financing up to the maximum amounts stated in that annex.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 November 1994.

For the Commission

Henning CHRISTOPHERSEN

Vice-President

⁽¹⁾ OJ No L 183, 19. 7. 1994, p. 42.

⁽²⁾ OJ No L 181, 23. 6. 1989, p. 47.

⁽³⁾ OJ No L 316, 16. 11. 1991, p. 1.

ANNEX

List of selected proposals

Reference	Title of proposal	Maximum amount of Community financing
API Telecommunications		
OS/94/76 Lot 1	Statel — Administration tool	94 800
OS/94/76 Lot 2	Statel — Portage under windows	76 980
Design and intergration of EDI messages		
OS/94/78 Lot 1	Gesmes trials	135 170
OS/94/78 Lot 2	Integration of EDI messages in Stadium	86 070
OS/94/2 Lot 3	Standardization of classification messages	69 200
OS/94/48	Design, integration and protection of EDI messages for collecting and processing intra- and extra-EC statistics	76 000
OS/94/2 Lot 3	Standardization of balance of payments messages	79 200
OS/94/85	Trials of balance of payments messages	130 000
OS/94/86	Compiling of classifications	190 000
Improvements to data processing systems		
OS/94/83	Adapting and consolidating the CD-ROM on statistics on the trading of goods	80 000
OS/94/81	Adapting publications on statistics on intra- and extra-EC trade	60 000
OS/94/	Developing Version 3 of IDEP (machine-readable form for Intrastat declaration)	90 000
User back-up and assistance		
OS/94/	Technical management and assistance to users in collecting and disseminating intra- and extra-EC statistics	80 000
OS/94/65	Computer administration and back-up, development of specific tools for statistics on trade	60 000
Contributions to the national authorities responsible for statistics on the trading of goods		
The United Kingdom	These contributions concern the following activities :	400 000
Belgium	— analyses and methodological studies,	459 000
Italy	— the promotion and distribution of machine readable forms,	400 000
Germany	— the development of data processing systems or machine-readable forms,	620 000
Ireland	— upgrading of equipment, in particular Disk/fax and the OCR system,	280 000
Greece	— classifications	350 000
The Netherlands	— dissemination of data,	640 000
Spain	— management and integration of data-processing systems	380 000
France		550 000
Luxembourg		280 000
Denmark		318 000
Portugal		283 000