

Official Journal

of the European Communities

ISSN 0378-6978

L 328

Volume 37

20 December 1994

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 3094/94**of 12 December 1994****amending Regulation (EEC) No 4045/89 on scrutiny by Member States of transactions forming part of the system of financing by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas Council Regulation (EEC) No 4045/89 ⁽³⁾ provides for the scrutiny by Member States of transactions forming part of the system of financing by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund;

Whereas the rules for the selection of undertakings to be scrutinized laid down in Article 2 of the said Regulation should be modified to take account of developments in the use of risk analysis techniques in other control measures, and in order to give Member States greater flexibility in the selection of undertakings;

Whereas it is necessary to make clear that the commercial documents subject to scrutiny include records of production and of the nature of the products and records maintained in electronic data storage systems;

Whereas certain measures involving direct payments to producers, including those covered by the integrated administration and control system established by Regulation (EEC) No 3508/92 ⁽⁴⁾ should be excluded from the scope of Regulation (EEC) No 4045/89;

Whereas it is appropriate to ensure correspondence between the powers and duties of officials pursuant to Regulation (EEC) No 4045/89 and pursuant to Council Regulation (EEC) No 595/91 of 4 March 1991 concerning irregularities and the recovery of sums wrongly paid in

connection with the financing of the common agricultural policy and the organization of an information system in this field ⁽⁵⁾;

Whereas the powers of the Member States to take action in relation to inadequate commercial documents and documents located outside the territory of the Community should be specified;

Whereas the procedures for mutual assistance provided in Article 7 of Regulation (EEC) No 4045/89 should be strengthened;

Whereas, for the fifth year of application of the said Regulation, there is a need for greater flexibility in the allocation of the contribution by the Community to the additional expenditure provided for under Articles 13, 14 and 15, provision should be made for the aggregation of the amounts available under Articles 13 and 14 and their allocation to the different types of expenditure without distinction;

Whereas, if officials carrying out scrutinies are accompanied by officials of the Commission or of other Member States, it is necessary to make clear the status of the latter,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 4045/89 is hereby amended as follows:

1. Article 1 (2) shall be replaced by the following:

‘2. For the purposes of this Regulation “commercial documents” shall mean all books, registers, vouchers and supporting documents, accounts, production and quality records, and correspondence relating to the undertaking’s business activity, as well

⁽¹⁾ OJ No C 175, 28. 6. 1994, p. 7.

⁽²⁾ Opinion delivered on 18 November 1994 (not yet published in the Official Journal).

⁽³⁾ OJ No L 388, 30. 12. 1989, p. 18.

⁽⁴⁾ OJ No L 355, 5. 12. 1992, p. 1. Regulation as amended by Regulation (EC) No 165/94 (OJ No L 24, 29. 1. 1994, p. 6).

⁽⁵⁾ OJ No L 67, 14. 3. 1991, p. 11.

as commercial data, in whatever form they may take, including electronically stored data, in so far as these documents or data relate directly or indirectly to the transactions referred to in paragraph 1.';

2. the following paragraphs shall be added to Article 1 :

'3. For the purposes of this Regulation "third party" shall mean any natural or legal person directly or indirectly connected with transactions carried out within the financing system by the EAGGF Guarantee Section.

4. This Regulation shall not apply to measures covered by the integrated administration and control system established by Regulation (EEC) No 3508/92 (*). The Commission shall, in accordance with Article 19, establish a list of other measures to which this Regulation does not apply.

(*) OJ No L 355, 5. 12. 1992, p. 1.';

3. in the first subparagraph of Article 2 (2), 'ECU 60 000' shall be replaced by 'ECU 100 000', and 'calendar year' by 'EAGGF financial year' ;

4. the second and third subparagraphs of Article 2 (2) shall be deleted ;

5. in Article 2 (2) the following subparagraphs shall be inserted after the first subparagraph :

'In relation to each current scrutiny period, commencing with the 1995/96 scrutiny period, Member States shall, without prejudice to their obligations defined in paragraph 1, select the undertakings to be scrutinized on the basis of risk analysis in the export refunds sector, and for all other measures where it is practicable to do so. The Member States shall submit to the Commission their proposals for the use of risk analysis. The proposals shall include all relevant information concerning the approach to be followed, the techniques, the criteria and the method of implementation ; they shall be presented not later than 1 December of the year prior to commencement of the scrutiny period for which they are to be applied. The Member States shall take account of the comments of the Commission on the proposals, which shall be given within eight weeks of their receipt.

For the scrutiny period 1995/96, the proposals for risk analysis shall be sent to the Commission not later than 1 February 1995.

For measures for which a Member State considers the use of risk analysis not to be practicable, it shall be compulsory for undertakings the sum of whose receipts or payments or the sum of those two amounts within the system of financing by the Guarantee Section of the EAGGF was more than

ECU 300 000 and which were not scrutinized in accordance with this Regulation during either of the two preceding scrutiny periods, to be scrutinized.' ;

6. in the last subparagraph of Article 2 (2), 'ECU 10 000' shall be replaced by 'ECU 30 000' ;

7. in Article 2 (4), the second subparagraph shall be replaced by the following :

'Scrutiny shall cover a period of at least 12 months ending during the previous scrutiny period ; it may be extended for periods, to be determined by the Member State, preceding or following the 12-month period.' ;

8. in Article 2 (5), 'Article 6 of Regulation (EEC) No 283/72' shall be replaced by 'Article 6 of Regulation (EEC) No 595/91 (*)', and the following footnote shall be added : '(*) OJ No L 67, 14. 3. 1991, p. 11.' ;

9. in Article 3 (1) the phrase preceding the indents and the first and second indents shall be replaced by the following :

'1. The accuracy of primary data under scrutiny shall be verified by the number of cross-checks, including, where necessary, the commercial documents of third parties, appropriate to the degree of risk presented, including, *inter alia* :

— comparisons with the commercial documents of suppliers, customers, carriers and other third parties,

— physical checks, where appropriate, upon the quantity and nature of stocks, and' ;

10. the following paragraph shall be added to Article 3 :

'3. In the selection of transactions to be checked, full account shall be taken of the degree of risk presented.' ;

11. Article 5 (1) shall be replaced by the following :

'1. The persons responsible for the undertaking, or a third party, shall ensure that all commercial documents and additional information are supplied to the officials responsible for the scrutiny or to the persons empowered for that purpose. Electronically stored data shall be provided on an appropriate data support medium.' ;

12. the following paragraph shall be added to Article 5 :

'3. Where, during scrutiny carried out pursuant to this Regulation, the commercial documents maintained by the undertaking are considered inadequate for scrutiny purposes, the undertaking shall be directed to maintain future such records as required by the Member State responsible for the scrutiny, without prejudice to obligations laid down in other Regulations relating to the sector concerned.

Member States shall determine the date as of which such records are to be established.

Where all or part of the commercial documents required to be scrutinized pursuant to this Regulation are located with an undertaking in the same commercial group, partnership or association of undertakings managed on a unified basis as the undertaking scrutinized, whether located inside or outside Community territory, the undertaking shall make available these commercial documents to officials responsible for the scrutiny, at a place and time to be determined by the Member States responsible for carrying out the scrutiny.';

13. Article 7 shall be replaced by the following:

Article 7

1. Member States shall assist each other for the purposes of carrying out the scrutiny provided for in Articles 2 and 3:

- where an undertaking or third party is established in a Member State other than that in which payment of the amount in question has or should have been made or received,
- or other than that in which the documents and information required for scrutiny are to be found.

The Commission may coordinate joint actions involving mutual assistance between two or more Member States. Provisions for such coordination shall be established in accordance with Article 19.

2. During the first three months following the EAGGF financial year of payment, Member States shall send a list of the undertakings referred to in the first subparagraph of paragraph 1 to each Member State in which such an undertaking is established. The list shall contain all the details necessary to enable the Member State of destination to identify the undertakings and to undertake its scrutiny obligations. The Member State of destination shall be responsible for the scrutiny of such undertakings in accordance with Article 2.

A copy of each list shall be sent to the Commission.

The Member State receiving or making the payment may ask the Member State in which the undertaking is established to scrutinize some of the undertakings on that list pursuant to Article 2, indicating why it is necessary to make such a request and in particular the risks associated with it.

The Member State receiving the request shall take due account of the risks associated with the undertaking, which shall be communicated by the requesting Member State.

The requested Member State shall inform the requesting Member State of the follow-up accorded to the request. Where scrutiny of an undertaking on the

list takes place, the requested Member State that carried out the scrutiny shall inform the requesting Member State of the results of that scrutiny at the latest three months after the end of the scrutiny period.

A copy of each such request shall be sent to the Commission.

3. During the first three months following the EAGGF financial year of payment, Member States shall send the Commission a list of undertakings established in a third country for which payment of the amount in question has or should have been made or received in that Member State.

4. If additional information is required in another Member State as part of the scrutiny of an undertaking in accordance with Article 2, and in particular cross-checks in accordance with Article 3, specific scrutiny requests may be made indicating the reasons for the request. A copy of each such specific request shall be sent to the Commission.

The scrutiny request shall be fulfilled not later than six months after its receipt by the requested Member State; the results of the scrutiny shall be communicated without delay to the requesting Member State and to the Commission.

5. In accordance with Article 19 the Commission shall determine minimum requirements regarding the contents of the requests referred to in paragraphs 2 and 4.';

14. in Article 9 (5), '1991' shall be replaced by '1996', and the second sentence deleted;

15. in Article 10 (3), 'six' shall be replaced by 'eight';

16. Article 10 (6) shall be deleted;

17. in Article 16 the following paragraph shall be inserted:

'1a. For the fifth year of application of this Regulation, the amounts of the overall Community contribution referred to in Articles 13 and 14 shall be aggregated. Within the limits of this aggregation, the Community will contribute without distinction, at a rate of 25 %, towards the expenditure incurred by Member States as provided for in Articles 13, 14 and 15.';

18. Article 21 shall be amended as follows:

(a) the present text shall become paragraph 1 and the following sentence shall be added:

'They shall be provided upon request on an appropriate data support medium.';

(b) the following paragraphs shall be added :

'2. The scrutinies referred to in Article 2 shall be carried out by the officials of the Member States.

Officials of the Commission may participate in these scrutinies. They may not themselves exercise the powers of scrutiny accorded to national officials ; however, they shall have access to the same premises and to the same documents as the officials of the Member States.

3. In the case of scrutinies taking place under Article 7, officials of the requesting Member State may be present, with the agreement of the requested Member State, at the scrutiny in the requested Member State and have access to the same premises and the same documents as the officials of that Member State.

Officials of the requesting Member State present at scrutinies in the requested Member State must at all times be able to furnish proof of their offi-

cial capacity. The scrutinies shall at all times be carried out by officials of the requested Member State.

4. Where national provisions concerning criminal procedure reserve certain acts for officials specifically designated by the national law, the officials of the Commission, and the officials of the Member State referred to in paragraph 3, shall not take part in these acts. In any event, they shall not take part in, in particular, visits to the home or the formal interrogation of persons in the context of the criminal law of the Member State. They shall, however, have access to information thus obtained.'

Article 2

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

It shall apply with effect from the 1995/96 scrutiny period.

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

Done at Brussels, 12 December 1994.

For the Council

The President

J. BORCHERT

COUNCIL REGULATION (EC) No 3095/94**of 12 December 1994****on aid which Austria and Finland may grant on stocks held by private operations
on 1 January 1995**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the 1994 Act of Accession, and in particular Article 150 (3) thereof,

Having regard to the proposal from the Commission,

Whereas, in accordance with Article 150 of the Act of Accession, the Council, acting by a qualified majority on a proposal from the Commission, may make provision, under certain conditions, for national aid, corresponding at most to the difference between the price recorded in a new Member State prior to accession and that resulting from the application of the Treaty of Accession, to be granted to private operators holding, on 1 January 1995, stocks of basic agricultural products or products processed therefrom;

Whereas the abovementioned difference in prices may be observed in Austria and Finland only, prices in Sweden showing no difference with the common prices;

Whereas it emerges from Article 150 of the Act of Accession that, apart from specifying the maximum aid which may be granted and certain conditions covering the granting thereof, the Community measures contemplated should simply lay down a general framework within which the two new Member States in question, which are to bear the financial liability thereof, will have full latitude to make their decisions;

Whereas, within the meaning of that Article, the product group concerned cover basic products and products processed therefrom; whereas, while live animals should be included, this Regulation should permit aid to be granted on any product which may be in storage in the two new Member States referred to above on 1 January 1995;

Whereas the maximum aid on live animals and basic products must be equal to the fall in prices recorded in the Member States as a result of the application of the Treaty of Accession; whereas, however, those Member States should be permitted to determine the period during which that fall has occurred and to make provision, with a view to simplification, for the maximum aid to be calculated on the basis of the institutional prices where such prices exist or have existed;

Whereas, in accordance with the general practice of the common agricultural policy, the maximum aid on processed products must be based as far as possible on the level laid down for the basic products; whereas, however, the difficulty in applying this method in certain cases (and in particular where the basic product cannot be stocked or has no substantial impact on the prices of the processed products) means that the aid is to be calculated in those cases on the basis of the fall in prices for the processed products themselves and therefore makes it appropriate to draw up a list specifying, for the most important agricultural sectors, the products on which the maximum aid is to be calculated for products derived therefrom; whereas, however, provision should be made for the aid to be granted on other products too;

Whereas the new Member States should be free to consider as part of the compensation provided for by this Regulation payment of interest at a rate equal at most to the normal rate on the market in the new Member States in question for the period between 1 January 1995 and the date of payment of the aid;

Whereas the other conditions to be laid down must prevent any risk of overcompensation and of receipt in combination with other aid provided for in the Act of Accession and should rule out the granting of the aid on speculative stocks and products imported into the new Member States prior to 1 January 1995 where the applicable import charges have not been paid;

Whereas, subject to the abovementioned limits and conditions, the new Member States should be allowed to lay down the detailed rules for the application of the arrangements, providing that the latter are submitted to the Commission under a procedure reconciling the interests of suitable monitoring at Community level with the need for swift action in this area by the new Member States,

HAS ADOPTED THIS REGULATION:

Article 1

In order to offset, in full or in part, any fall in prices recorded as a result of the application of the Treaty of Accession, Austria and Finland may grant aid to private operators (producers, processors and traders) who, at 00.00 hours on 1 January 1995, own:

- (a) live animals covered by Chapter I of the CCT;
- (b) stocks of agricultural products listed in Annex I;
- (c) stocks of products derived from the products referred to in (b);
- (d) stocks of products listed in Annex II to the EC Treaty other than those referred to in (a), (b) or (c) and products processed therefrom.

Article 2

1. The aid provided for in Article 1 may not exceed :
 - (a) in the case of the products referred to in Article 1 (a), (b) and (d), the fall in prices recorded in Austria or Finland :
 - at the wholesale stage or any other stage constituting the first stage of marketing of the product in question, and
 - for a period :
 - considered by those States as representative of the effects of the application of the Treaty of Accession on prices, and
 - not extending beyond the storage life of the product after the date of accession ;
 - (b) in the case of products referred to in Article 1 (c) and those processed from the products listed in Annex II as referred to in Article 1 (d), the maximum laid down in (a) for the products from which they are derived, multiplied by :
 - a coefficient reflecting value in the case of meat,
 - a processing coefficient reflecting the impact of the products from which they are derived in the case of other product groups.

The coefficients provided for in (b) shall be determined by the Member State in question.

2. The maximum provided for in paragraph 1 (a) may be replaced :
 - in the case of products subject, prior to accession, in the Community and in Austria or Finland, to a price support system by the difference between the prices as subsidized in December 1994 in the abovementioned Member States and the prices as subsidized by the Community in January 1995,
 - in the case of products subject, prior to accession, to a price support system in Austria or Finland only, by the difference between the prices as subsidized in those Member States in December 1994 and the prices applying in those Member States at the marketing stage referred to in the first indent of paragraph 1 (a) at a time in 1995 which they consider

representative for the purposes of calculating the fall in prices as a result of the application of the Treaty of Accession,

- in the case of products which, prior to accession, were subject to a price support system in the Community but not in Austria or Finland, by the difference between the prices recorded in these Member States at the marketing stage referred to in the first indent of paragraph 1 (a) at a time in 1994 which they consider representative for the purposes of calculating the fall in prices as a result of the application of the Treaty of Accession and the prices as subsidized in the Community in January 1995.

3. The maximums provided for in paragraphs 1 and 2 shall not preclude the right of the Member State in question to increase the aid by interest at a rate equal at most to the normal rate on the market in that Member State for the period between 1 January 1995 and the date of payment.

Article 3

1. Products as referred to in Article 9 (2) of the Treaty which are on the territory of Austria or Finland on 1 January 1995 shall be deemed to be stocks for the purposes of this Regulation.

However, products in free circulation on the territory of those Member States shall qualify for the aid provided for in this Regulation only where import thereof took place after the applicable customs duties and charges having an equivalent effect were collected.

2. Austria and Finland shall ensure that the aid provided for in Article 1 :
 - does not exceed the amount necessary to offset the fall in prices recorded as a result of the application of the Treaty of Accession,
 - does not entail duplication with the aid provided for in Article 138 of the Act of Accession where the latter is granted on the same products, as such or after processing,
 - is not granted on speculative stocks.

Article 4

1. With a view to the application of this Regulation, Austria and Finland :
 - (a) may undertake an inventory of stocks ;
 - (b) shall record prices as provided for in Article 2 (1) (a) on the basis, where possible, of quality standards comparable with those provided for in Community regulations ;

(c) shall adopt detailed rules on the granting of the aid provided for by this Regulation and on verification thereof. Such detailed rules shall include in particular suitable measures to prevent the aid being granted on speculative stocks.

2. . Before 31 March 1995, Austria and Finland shall notify the Commission of the quantities which are likely to qualify for the aid provided for by this Regulation.

Article 5

1. Austria and Finland shall communicate to the Commission the draft measures to introduce the aids provided for by this Regulation. At the same time, they shall specify:

- the rate of aid contemplated,
- the factors serving to determine it.

2. The measures provided for in paragraph 1 may not enter into force before they are approved by the Commission. The Commission may make such approval subject to any condition it considers appropriate with a view to achieving the objectives and observing the provisions of this Regulation.

3. Where, within one month of receipt of the communication, the Commission has not expressed any observations with regard thereto, those measures may be implemented.

Article 6

This Regulation shall enter into force on the same date as the Treaty of Accession.

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

Done at Brussels, 12 December 1994.

For the Council

The President

J. BORCHERT

ANNEX

CN code	Description
	I. Meat
	A. Meat of bovine animals
0201 10 00 and 0202 10 00	Carcases and half-carcases of bovine animals, fresh, chilled or frozen
	B. Meat of swine
0203 11 10 and 0203 11 24	Carcases and half-carcases of domestic swine, fresh, chilled or frozen
	C. Meat of sheep or goats
0204 10 00 and 0204 30 00	Carcases and half-carcases of lamb, fresh, chilled or frozen
0204 21 00 and 0204 41 00	Carcases and half-carcases of sheep, fresh, chilled or frozen
0204 50 11 and 0204 50 51	Carcases and half-carcases of goats, fresh, chilled or frozen
	D. Poultrymeat
0207 10 15 and 0207 22 10	'70 % chickens', fresh, chilled or frozen
0207 10 31 and 0207 22 10	'80 % turkeys', fresh, chilled or frozen
0207 10 55 and 0207 23 11	'70 % ducks', fresh, chilled or frozen
0207 10 79 and 0207 23 59	'75 % geese', fresh, chilled or frozen
	E. Reindeer
0208 10 90	Meat of reindeer
	II. Eggs
0407 00 30	Birds' eggs in shell
	III. Milk and milk products
ex 0401	Long-life milk and cream
0402 10 99	Milk in powder
0405 00	Butter
0406	Cheese
	IV. Edible vegetables and certain roots and tubers
0701	Potatoes, fresh or chilled
1105 20 00	Flakes, granules and pellets of potatoes
1108 13 00	Potato starch
0713	Dried leguminous vegetables, in particular peas and field beans

CN code	Description
	V. Edible fresh and processed fruit and vegetables
	— Products listed in Article 1 of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the markets of fruit and vegetables ⁽¹⁾
	— Products listed in Article 1 of Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽²⁾
	VI. Cereals
1001 10	Durum wheat
1001 90	Wheat and meslin other than durum wheat
1002 00 00	Rye
1003 00	Barley
1004 00	Oats
1005	Maize (corn)
	VII. Oilseeds and other products falling within chapter 12 of the CCT
1201 00	Soya beans
1205 00	Rape or colza seeds
1006 00	Sunflower seeds
1209	Seeds, fruit and spores, of a kind used for sowing
1210	Hop cones, fresh or dried, whether or not ground, powdered or in the form of pellets ; lupulin
1209 29 50	Lupine seed
1213	Cereal straw and husks, unprepared
ex 1214	Swedes, mangolds, fodder roots, hay, clover, sainfoin, forage kale, lupines, vetches and similar forage products
	VIII. Sugar
1701 11 10	Raw cane sugar for refining
1701 12 10	Raw beet sugar for refining
1701 99 10	White sugar
	IX. Wine
2204 21	Wine of fresh grapes
et	
2204 29	

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1. Regulation as last amended by Regulation (EC) No 3669/93 (OJ No L 338, 31. 12. 1993, p. 26).

⁽²⁾ OJ No L 49, 27. 2. 1986, p. 1. Regulation as last amended by Commission Regulation (EC) No 1490/94 (OJ No L 161, 29. 6. 1994, p. 13).

COUNCIL REGULATION (EC) No 3096/94**of 12 December 1994****amending Regulation (EEC) No 2990/82 on the sale of butter at reduced prices to persons receiving social assistance**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾ and in particular Article 12 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 2990/82 ⁽²⁾ introduces arrangements, expiring on 31 December 1994, for the sale of butter at reduced prices to persons receiving social assistance; whereas, as provided for in Article 3a (3) of that Regulation, the Council is to examine, before that date and on the basis of a report from the Commission, the possibility of renewing the arrangements laid down; whereas, as a result of the report submitted by the Commission and the results obtained, the abovementioned arrangements should be extended for a period of two years; whereas, in view on the one hand of experience gained and on the other hand of the situation on the market for butter, the aid should be reduced,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2990/82 is hereby amended as follows:

1. in Article 1, '31 December 1994' shall be replaced by '31 December 1996';
2. in Article 3, 'ECU 140' shall be replaced by 'ECU 115';
3. in Article 3a (3), '31 December 1994' shall be replaced by '31 December 1996'.

Article 2

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

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

Done at Brussels, 12 December 1994.

*For the Council**The President*

J. BORCHERT

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13. Regulation as last amended by Regulation (EC) No 1880/94 (OJ No L 197, 30. 7. 1994, p. 21).

⁽²⁾ OJ No L 314, 10. 11. 1982, p. 26. Regulation as last amended by Regulation (EEC) No 3654/92 (OJ No L 370, 19. 12. 1992, p. 1).

COUNCIL REGULATION (EC) No 3097/94**of 12 December 1994****setting for the 1994/95 marketing year the percentages referred to in Article 3 (1a) of Regulation (EEC) No 426/86 in connection with the premium granted for products processed from tomatoes**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, and in particular Article 3 (3) thereof,

Having regard to the proposal from the Commission,

Whereas, in order to encourage the conclusion of contracts between groups of tomato producers on the one hand and associations of processors or processors on the other, Regulation (EEC) No 426/86 provides for the grant on certain terms of an additional premium;

Whereas the 'significant specific percentage' for the total quantity of processed tomatoes covered by contracts concluded with producers' groups must be set for the 1994/95 marketing year;

Whereas, in view of the important role played by tomato producers' groups in the producer Member States, it is desirable to maintain at the same level as for the 1993/94

marketing year the percentage of the quantities of tomatoes covered by contracts concluded with producers' associations in relation to the total quantity of processed tomatoes; whereas, however, the question of the expediency of the measure and whether or not to pursue it will need to be examined in the context of the reform of the common organization of the market in fruit and vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1994/95 marketing year, the percentage mentioned in Article 3 (1a) of Regulation (EEC) No 426/86 shall be 80 %.

Article 2

This Regulation shall enter into force on the seventh 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, 12 December 1994.

For the Council

The President

J. BORCHERT

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1. Regulation as last amended by Regulation (EC) No 549/94 (OJ No L 69, 12. 3. 1994, p. 5).

COMMISSION REGULATION (EC) No 3098/94**of 19 December 1994****amending Regulation (EEC) No 2825/93 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards the fixing and granting of adjusted refunds in respect of cereals exported in the form of certain spirit drinks**

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 13 (5) thereof,

Whereas there should be provision for a procedure permitting the adjustment, at the time when changes to the eligibility of certain markets take effect, of the coefficient referred to in Article 4 of Commission Regulation (EEC) No 2825/93⁽³⁾, where refunds are abolished or reintroduced for export to certain third countries as a result of the situation on those markets or pursuant to agreements with those countries; whereas Article 7 of the said Regulation provides for such a procedure, the adjustment taking effect, however, from the year following that in which the changes take place; whereas, therefore, the provisions concerned and certain other provisions as to the procedures to be followed by the competent bodies of the Member States and the communications to be made by the Member States should be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2825/93 is hereby amended as follows:

1. Article 7 (2) is replaced by the following:

'2. If the refund is abolished pursuant to paragraph 1, or if it is reintroduced, and if certain markets

become ineligible for export refunds pursuant to an Act of Accession or agreements with third countries, the coefficient referred to in Article 4 (1) shall be adjusted. That adjustment shall involve as appropriate, the exclusion or inclusion, in the total exported quantities used for calculating that coefficient, of the quantities exported to those markets for which the refund is abolished or reintroduced. The adjusted coefficient shall apply from the first day of the fiscal distillation period following the change in the eligibility of the markets concerned.'

2. The following paragraph 4 is added to Article 12:

'4. Where the coefficient is adjusted pursuant to Article 7 (2), refunds incorrectly paid from the date of application of the adjusted coefficient shall be repaid by the beneficiaries.'

3. The following paragraph 4 is added to Article 18:

'4. At the request of the Commission, the Member States concerned shall also provide the information necessary for adjusting the coefficient referred to in Article 7 (2).'

Article 2

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

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

Done at Brussels, 19 December 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 258, 16. 10. 1993, p. 6.

COMMISSION REGULATION (EC) No 3099/94**of 19 December 1994****amending Regulation (EEC) No 2168/92 laying down detailed implementing rules for the specific measures for the Canary Islands with regard to potatoes**

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 with regard to certain agricultural products ⁽¹⁾, as last amended by Commission Regulation (EEC) No 1974/93 ⁽²⁾, and in particular Article 3 (4) thereof,

Whereas the common detailed rules for implementation of the arrangements for the supply of certain agricultural products to the Canary Islands are laid down by Commission Regulation (EC) No 2790/94 ⁽³⁾, as amended by Regulation (EC) No 2883/94 ⁽⁴⁾; whereas that Regulation defines new detailed rules for the management of the arrangements, in particular, for the issue and period of validity of licences and certificates, the payment of aid and the monitoring and control of commercial operations carried out under the specific arrangements; whereas those provisions replace the detailed rules laid down by Commission Regulation (EEC) No 1695/92 ⁽⁵⁾, as last amended by Regulation (EEC) No 2596/93 ⁽⁶⁾, and apply in the various market sectors from 1 December 1994;

Whereas, therefore, the provisions of Title I of Regulation (EEC) No 2168/92 ⁽⁷⁾, as last amended by Regulation (EC)

No 1760/94 ⁽⁸⁾, which are not in accordance with the detailed rules laid down in Regulation (EC) No 2790/94 should be repealed from the same date;

Whereas the provisions of this Regulation must take effect on the date of entry into force of the Regulation laying down detailed rules for implementation of the arrangements;

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

HAS ADOPTED THIS REGULATION:

Article 1

Articles 3, 4 and 5 of Title I of Regulation (EEC) No 2168/92 are hereby deleted.

Article 2

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

It shall apply from 1 December 1994.

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

Done at Brussels, 19 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.
⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.
⁽³⁾ OJ No L 296, 17. 11. 1994, p. 23.
⁽⁴⁾ OJ No L 304, 29. 11. 1994, p. 18.
⁽⁵⁾ OJ No L 179, 1. 7. 1992, p. 1.
⁽⁶⁾ OJ No L 238, 23. 9. 1993, p. 24.
⁽⁷⁾ OJ No L 217, 31. 7. 1992, p. 44.

⁽⁸⁾ OJ No L 183, 19. 7. 1994, p. 17.

COMMISSION REGULATION (EC) No 3100/94

of 19 December 1994

laying down certain additional detailed rules for the application of the supplementary trade mechanism (STM) between Spain and the Community as constituted at 31 December 1985 as regards certain fruit and vegetables

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,

Having regard to Council Regulation (EEC) No 3210/89 of 23 October 1989 laying down general rules for applying the supplementary trade mechanism to fresh fruit and vegetables ⁽¹⁾, as amended by Regulation (EEC) No 3818/92 ⁽²⁾, and in particular Article 9 thereof,

Whereas Commission Regulation (EEC) No 816/89 ⁽³⁾, as amended by Regulation (EEC) No 3831/92 ⁽⁴⁾, establishes the list of products subject to the supplementary trade mechanism in the fresh fruit and vegetables sector from 1 January 1990; whereas tomatoes, artichokes and melons are included on the list;

Whereas Commission Regulation (EEC) No 3944/89 ⁽⁵⁾, as last amended by Regulation (EEC) No 3308/91 ⁽⁶⁾, lays down detailed rules for applying the supplementary trade mechanism, hereinafter called the 'STM', to fresh fruit and vegetables;

Whereas Commission Regulation (EC) No 2689/94 ⁽⁷⁾ lays down that the periods referred to in Article 2 of Regulation (EEC) No 3210/89 shall be up to 31 December 1994 for the above products; whereas, in view of expected exports from Spain to the rest of the Community, with the exception of Portugal, and of the Community market, a period I should be fixed up to 29 January 1995 for the products in question, in accordance with the Annex;

Whereas it should be recalled that the provisions of Regulation (EEC) No 3944/89 on statistical monitoring and

the various communications from the Member States apply in order to ensure that the STM operates;

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

HAS ADOPTED THIS REGULATION:

Article 1

For tomatoes, artichokes and melons falling within the CN codes set out in the Annex, the periods provided for in Article 2 of Regulation (EEC) No 3210/89 shall be as set out in the Annex hereto.

Article 2

For consignments from Spain to the rest of the Community market with the exception of Portugal of the products listed in Article 1, the provisions of Regulation (EEC) No 3944/89 shall apply.

However, the notification referred to in Article 2 (2) of the said Regulation shall be made each Tuesday at the latest for the quantities consigned during the preceding week.

The communications referred to in the first paragraph of Article 9 of Regulation (EEC) No 3944/89 shall be made once a month by the fifth of each month at the latest for information referring to the previous month; where appropriate, this communication shall bear the word 'nil'.

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, 19 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 312, 27. 10. 1989, p. 6.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 15.

⁽³⁾ OJ No L 86, 31. 3. 1989, p. 35.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 47.

⁽⁵⁾ OJ No L 379, 28. 12. 1989, p. 20.

⁽⁶⁾ OJ No L 313, 14. 11. 1991, p. 13.

⁽⁷⁾ OJ No L 286, 5. 11. 1994, p. 9.

*ANNEX***Determination of the periods provided for in Article 2 of Regulation (EEC) No 3210/89**

(Period 1 to 29 January 1995)

Description	CN code	Period
Tomatoes	0702 00 15	I
Artichokes	0709 10 10	I
Melons	0807 10 90	I

COMMISSION REGULATION (EC) No 3101/94

of 19 December 1994

amending Regulation (EEC) No 388/92 of 23 December 1992 laying down detailed rules for implementation of the specific arrangements for the supply of cereal products to the French overseas departments (FOD) and establishing a forecast supply balance

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 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments ⁽¹⁾, as last amended by Regulation (EEC) No 3714/92 ⁽²⁾, and in particular Article 2 (6) thereof,

Whereas, pursuant to Article 2 of Regulation (EEC) No 3763/91, the forecast supply balance of cereal products to the FOD for 1994 was established by Commission Regulation (EEC) No 388/92 ⁽³⁾, as last amended by Regulation (EC) No 1549/94 ⁽⁴⁾; whereas this forecast supply balance for 1994 should be drawn up; whereas, subsequently, Regulation (EEC) No 388/92 should be amended;

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

Article 1

The Annex to Regulation (EEC) No 388/92 is hereby replaced by the Annex to the present Regulation.

Article 2

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

This Regulation shall be applicable as from 1 January 1995.

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

Done at Brussels, 19 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No L 43, 19. 2. 1992, p. 16.

⁽⁴⁾ OJ No L 166, 1. 7. 1994, p. 41.

ANNEX

CEREALS SUPPLY BALANCE FOR THE FOD FOR 1995

First half of 1995

(in tonnes)

Cereals originating in third countries (ACP/developing countries) or EC	Common wheat	Durum wheat	Barley	Maize	Durum wheat meal and groats	Malt
Guadeloupe	35 000	0	500	8 000	—	100
Martinique	4 000	0	500	12 000	1 250	500
French Guiana	1 000	0	500	1 000	—	—
Réunion	20 000	0	15 000	65 000	—	1 750
Total	60 000	0	16 500	86 000	1 250	2 350

166 100

Second half of 1995

(in tonnes)

Cereals originating in third countries (ACP/developing countries) or EC	Common wheat	Durum wheat	Barley	Maize	Durum wheat meal and groats	Malt
Guadeloupe	35 000	0	500	8 000	—	100
Martinique	12 000	0	500	12 000	1 250	500
French Guiana	1 000	0	500	1 000	—	—
Réunion	20 000	0	15 000	65 000	—	1 750
Total	68 000	0	16 500	86 000	1 250	2 350

174 100

COMMISSION REGULATION (EC) No 3102/94**of 19 December 1994****amending Regulation (EEC) No 2224/92 on the detailed rules for the implementation of the specific arrangements for the supply of hops to the Canary Islands**

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 with regard to certain agricultural products ⁽¹⁾, as last amended by Commission Regulation (EEC) No 1974/93 ⁽²⁾, and in particular Article 3 (4) thereof,

Whereas the common detailed rules for implementation of the arrangements for the supply of certain agricultural products to the Canary Islands are laid down by Commission Regulation (EC) No 2790/94 ⁽³⁾, as amended by Regulation (EC) No 2883/94 ⁽⁴⁾; whereas that Regulation defines new detailed rules for the management of the arrangements, in particular, for the issue and period of validity of licences and certificates, the payment of aid and the monitoring and control of commercial operations carried out under the specific arrangements; whereas those provisions replace the detailed rules laid down by Commission Regulation (EEC) No 1695/92 ⁽⁵⁾, as last amended by Regulation (EEC) No 2596/93 ⁽⁶⁾, and apply in the various market sectors from 1 December 1994;

Whereas, therefore, the provisions of Commission Regulation (EEC) No 2224/92 ⁽⁷⁾, as last amended by Regulation

(EC) No 1742/94 ⁽⁸⁾, which are not in accordance with the detailed rules laid down in Regulation (EC) No 2790/94 should be repealed from the same date;

Whereas the provisions of this Regulation must take effect on the date of 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 Committee for Hops,

HAS ADOPTED THIS REGULATION:

Article 1

Articles 3, 4 and 5 of Regulation (EEC) No 2224/92 are hereby deleted.

Article 2

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

It shall apply from 1 December 1994.

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

Done at Brussels, 19 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 296, 17. 11. 1994, p. 23.

⁽⁴⁾ OJ No L 304, 29. 11. 1994, p. 18.

⁽⁵⁾ OJ No L 179, 1. 7. 1992, p. 1.

⁽⁶⁾ OJ No L 238, 23. 9. 1993, p. 24.

⁽⁷⁾ OJ No L 218, 1. 8. 1992, p. 89.

⁽⁸⁾ OJ No L 182, 16. 7. 1994, p. 19.

COMMISSION REGULATION (EC) No 3103/94**of 19 December 1994****amending Regulation (EC) No 1905/94 on detailed rules for the application of
Council Regulation (EC) No 399/94 concerning specific measures for dried
grapes**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 399/94 of 21 February 1994 concerning specific measures for dried grapes ⁽¹⁾, and in particular Article 4 thereof,

Whereas Article 8 (2) of Commission Regulation (EC) No 1905/94 ⁽²⁾ lays down the final date for the submission to the competent body of applications for Community financing for specific measures; whereas it now appears that, given the time required to draw up applications, that deadline cannot be met; whereas, therefore, the final dates for the submission of applications and for sending those applications to the Commission should be put back by two months;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1905/94 is hereby amended as follows:

1. In Article 8 (2), the date '31 December 1994' is replaced by '28 February 1995'.
2. In Article 9 (1), the date '31 January 1995' is replaced by '31 March 1995'.

Article 2

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

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

Done at Brussels, 19 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 54, 25. 2. 1994, p. 3.

⁽²⁾ OJ No L 194, 29. 7. 1994, p. 21.

COMMISSION REGULATION (EC) No 3104/94
of 19 December 1994
on the supply of vegetable oil 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 recipients 6 155 tonnes of vegetable oil;

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

Vegetable oil 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.

The supply shall cover the mobilization of vegetable oil produced in the Community. Mobilization may not involve a product manufactured and/or packaged under inward processing arrangements.

For lots A, B, C and 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, 19 December 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 I

LOTS A, B, C, D

1. **Operation Nos** ⁽¹⁾: see Annex II
2. **Programme**: 1993 and 1994
3. **Recipient** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland (tel. (31 70) 33 05 757; telefax 36 41 701; telex 30960 NL EURON)
4. **Representative of the recipient** ⁽¹⁰⁾: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIIA (1) (a))
8. **Total quantity**: 3 035 tonnes net
9. **Number of lots**: 4 (see Annex II)
10. **Packaging and marking** ⁽⁸⁾ ⁽⁹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIIA (2) (1), IIIA (2) (3) and IIIA (3))
 - five litre metal canisters, without cardboard cross-pieces
 - language to be used for the marking: see Annex II
11. **Method of mobilization**: mobilization of refined rape seed oil produced in the Community. Mobilization may not involve a product manufactured and/or packaged under inward-processing arrangements
12. **Stage of supply**: free at port of shipment ⁽⁵⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: C1: Matadi; C2: Dar es Salaam
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**: 6 — 26. 2. 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 3. 1. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 17. 1. 1995
 - (b) period for making the goods available at the port of shipment: 20. 2. — 12. 3. 1995
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 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, 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 request by the successful tenderer** ⁽⁴⁾: —

LOTS E and F

1. **Operation Nos** (1): see Annex II
2. **Programme**: 1993 and 1994
3. **Recipient** (2): World Food Programme, Via Cristoforo Colombo 426, I-00145 Roma (tel. (39-6) 57 97; telex 626675 I WFP)
4. **Representative of the recipient**: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods** (3) (7): OJ No C 114, 29. 4. 1991, p. 1 (under IIIA(1)(a))
8. **Total quantity**: 3 120 tonnes net
9. **Number of lots**: 2 (see Annex II)
10. **Packaging and marking** (6) (8): see OJ No C 114, 29. 4. 1991, p. 1 (under IIIA (2) (1), IIIA (2) (3) and IIIA (3))
 - five-litre metal canisters, without cardboard cross-pieces
 - language to be used for the markings: see Annex II
11. **Method of mobilization**: mobilization of refined rape seed oil produced in the Community. Mobilization may not involve a product manufactured and/or packaged under inward-processing arrangements
12. **Stage of supply**: free at port of shipment (9)
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**: 6 — 26. 2. 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 3. 1. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 17. 1. 1995
 - (b) period for making the goods available at the port of shipment: 20. 2 — 12. 3. 1995
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 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, 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 request by the successful tenderer** (1): —

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) Article 7 (3) (g) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
- (⁵) For lots A, B, C and 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.
- (⁶) F3 : Placed in 20-foot containers.
- (⁷) The successful tenderer shall supply to the beneficiary or its representative, on delivery, a sanitary certificate.
- (⁸) Shipment to take place in 20-foot containers, FCL/FCL each containing 15 tonnes net. The supplier will 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 will 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 subparagraph, of Regulation (EEC) No 2200/87 shall not apply.
The successful tenderer must submit to the recipient's agent a complete packing list of each container, specifying the number of metal canisters belonging to each shipping number as specified in the invitation to tender. The rows of cartons (each third tier) must be separated by a hardboard layer (minimum 2 300 × 610 × 3 mm).
The successful tenderer must seal each container with a numbered locktainer (sysko locktainer 180 seal), the number of which is to be provided to the recipient's forwarder.
- (⁹) Notwithstanding OJ No C 114, point IIIA.3(c) is replaced by the following : 'the words "European Community"'.

- (¹⁰) The supplier should send a duplicate of the original invoice to : Willis Corroon Scheuer, PO Box 1315, NL-1000 BH Amsterdam.

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II

Lote	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción n°	País de destino	Lengua que se debe utilizar en la rotulación
Parti	Totalmængde (i tons)	Delmængde (i tons)	Aktion nr.	Bestemmelsesland	Mærkning på følgende sprog
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Bestimmungsland	Kennzeichnung in folgender Sprache
Παρτίδα	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Χώρα προορισμού	Γλώσσα που πρέπει να χρησιμοποιηθεί για τη σήμανση
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Country of destination	Language to be used for the marking
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action n°	Pays de destination	Langue à utiliser pour le marquage
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Paese di destinazione	Lingua da utilizzare per la marcatura
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Land van bestemming	Taal te gebruiken voor de opschriften
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Acção n°	País de destino	Língua a utilizar na rotulagem
A	1 020	A 1 : 15	1746/93	India	English
		A 2 : 15	1747/93	India	English
		A 3 : 90	1748/93	India	English
		A 4 : 90	582/94	Perú	Español
		A 5 : 15	583/94	Perú	Español
		A 6 : 30	681/94	República Dominicana	Español
		A 7 : 165	682/94	Haïti	Français
		A 8 : 165	683/94	Vietnam	Français
		A 9 : 75	684/94	India	English
		A 10 : 60	685/94	India	English
		A 11 : 60	804/94	India	English
		A 12 : 165	805/94	Haïti	Français
		A 13 : 30	806/94	Perú	Español
		A 14 : 30	807/94	Perú	Español
		A 15 : 15	1084/94	India	English
B	980	B 1 : 30	1720/93	Moçambique	Português
		B 2 : 15	1721/93	Moçambique	Português
		B 3 : 15	1722/93	Moçambique	Português
		B 4 : 75	1768/93	Moçambique	Português
		B 5 : 230	1769/93	Moçambique	Português
		B 6 : 195	1770/93	Moçambique	Português
		B 7 : 30	575/94	Moçambique	Português
		B 8 : 30	669/94	Zambia	English
		B 9 : 75	670/94	Zambia	English
		B 10 : 150	671/94	Zambia	English
		B 11 : 15	672/94	Madagascar	Français
		B 12 : 15	673/94	Madagascar	Français
		B 13 : 15	674/94	Madagascar	Français
		B 14 : 15	675/94	Madagascar	Français
		B 15 : 15	676/94	Madagascar	Français
		B 16 : 30	677/94	Madagascar	Français
		B 17 : 30	678/94	Madagascar	Français
C	570	C 1 : 45	1788/93	Zaire	Français
		C 2 : 45	1789/93	Zaire	Français
		C 3 : 30	576/94	Burundi	Français
		C 4 : 15	580/94	Liberia	English
		C 5 : 45	581/94	Guiné-Bissau	Português
		C 6 : 75	811/94	Niger	Français
		C 7 : 30	813/94	Liberia	English
		C 8 : 15	814/94	Sierra Leone	English
		C 9 : 30	1003/94	Angola	Português
		C 10 : 75	1080/94	Angola	Português

Lote	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción nº	País de destino	Lengua que se debe utilizar en la rotulación
Parti	Totalmængde (i tons)	Delmængde (i tons)	Aktion nr.	Bestemmelsesland	Mærkning på følgende sprog
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Bestimmungsland	Kennzeichnung in folgender Sprache
Παρτίδα	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Χώρα προορισμού	Γλώσσα που πρέπει να χρησιμοποιηθεί για τη σήμανση
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Country of destination	Language to be used for the marking
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action nº	Pays de destination	Langue à utiliser pour le marquage
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Paese di destinazione	Lingua da utilizzare per la marcatura
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Land van bestemming	Taal te gebruiken voor de opschriften
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Acção nº	País de destino	Língua a utilizar na rotulagem
		C 11 : 75 C 12 : 15 C 13 : 15	1081/94 1082/94 812/94	Angola Togo Angola	Português Français Português
D	525	D 1 : 510 D 2 : 15	1083/94 1118/94	Ethiopia Ethiopia	English English
E	1 250	E 1 : 911 E 2 : 89 E 3 : 250	748/94 749/94 750/94	Ethiopia Ethiopia Ethiopia	English English English
F	1 870	F 1 : 70 F 2 : 300 F 3 : 500 F 4 : 1 000	1733/93 745/94 746/94 753/94	Ecuador Kenya Uganda Angola	Español English English Português

COMMISSION REGULATION (EC) No 3105/94
of 19 December 1994
on the supply of tomato concentrate 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 recipients 384 tonnes of tomato concentrate;

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,

HAS ADOPTED THIS REGULATION:

Article 1

Tomato concentrate shall be mobilized in the Community as Community food aid for supply to the recipients 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.

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, 19 December 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⁾: 946/94 (Lot A); 947/94 (Lot B); 948/94 (Lot C); 949/94 (Lot D) and 950/94 (lot E)
2. **Programme**: 1994
3. **Recipient** ⁽²⁾: UNRWA Headquarters, Supply Division, Vienna International Centre, PO Box 700, A-1400 Vienna (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 (tel. 972 (2) 89 05 55; telex 26194 UNRWA IL; telefax 972 (2) 81 65 64)
 - B: Latakia: PO Box 4313, Damascus, SAR (tel. 963 (11) 66 02 17; telex 412006 UNRWA SY; telefax 963 (11) 332 75 13)
 - C: Beirut: PO Box 947, Beirut, Lebanon (tel.: 86 31 50; telex: 21430/20177 UNRWA LE; telefax 1 (212) 478 10 55 (satellite))
 - D: Amman: PO Box 484, Amman, Jordan (tel. 962 (6) 74 19 14/77 22 26; telex 23402 UNRWA JFO JO; telefax 962 (6) 74 63 61)
 - E: Ashdod: Gaza, PO Box 19149, Jerusalem, Israel; tel: (972-2) 89 05 55; telefax: 81 65 64, telex: (0606) 26194 UNRWA IL
5. **Place or country of destination** ⁽³⁾:
 - Lots A and E: Israel (A: West Bank; E: Gaza)
 - Lot B: Syria
 - Lot C: Lebanon
 - Lot D: Jordan
6. **Product to be mobilized**: tomato concentrate
7. **Characteristics and quality of the goods** ⁽⁴⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under VIA (1))
8. **Total quantity**: 384 tonnes
9. **Number of lots**: five: (Lot A: 64 tonnes; Lot B: 48 tonnes; Lot C: 64 tonnes; Lot D: 64 tonnes; Lot E: 144 tonnes)
10. **Packaging and marking** ⁽⁵⁾ ⁽⁷⁾ ⁽⁸⁾:
 - OJ No C 114, 29. 4. 1991, p. 1 (under VIA (2) and VIA (3))
 - Markings in English
 - Supplementary markings on the packaging: 'UNRWA — Expiry date:.....'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: Lots A, B and E: free at port of landing — landed
Lots C and D: free at destination
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 in Beirut, Lebanon
 - Lot D: UNRWA Warehouse in 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**: 6. — 19. 2. 1995
18. **Deadline for the supply**: Lots A, B and E: 12. 3. 1995
Lots C and D: 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 9. 1. 1995

21. In the case of a second invitation to tender :

- (a) deadline for the submission of tenders : 12 noon on (Brussels time) on 23. 1. 1995
- (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 20. 2 — 5. 3. 1995
- (c) deadline for the supply : Lots A, B and E : 26. 3. 1995
Lots C and D : 2. 4. 1995

22. Amount of tendering security : ECU 15 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 (*) : Bureau de l'aide alimentaire, à l'attention de Monsieur 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 (*) : —***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.

The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following document :

— sanitary certificate.

Lot B : The health 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.

- (4) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
- (5) Commission delegation to be contacted by the successful tenderer : see OJ No C 114, 29. 4. 1991, p. 33.
- (6) Lots A, C, D and E :

Consignment to be stowed in 20-foot containers.

Lots A and E : The contracted shipping terms shall be considered full liners terms (liner in/liner out) free at port of landing container yard and are understood to cover 15 days — Saturdays, Sundays and official public and religious holidays excluded — free of container detention charges at the port of discharge taken from the day/time of the arrival of the vessel. The 15 days free of container detention charges 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 borne 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 not more than 17 tonnes each, net.

- (7) Lots A, B, C and E : The date of expiry shall correspond to the date of manufacture plus two years.

Lot D : The date of expiry shall correspond to the date of manufacture plus one year.

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

COMMISSION REGULATION (EC) No 3106/94
of 19 December 1994
on the supply of white sugar 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⁽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 recipients 2 221 tonnes of sugar;

Whereas it is necessary to provide for the carrying out of this measure 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, in order to ensure that the supplies are carried out, provision should be made for tenderers to be able to mobilize either A or B quota sugar or C sugar in accordance with the regulations governing the market; whereas the contract for the supply of each lot is to be awarded to the tenderer submitting the lowest tender having regard to the conditions applicable to the categories of sugar in question;

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

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

Tenders relating to the lots specified in the Annexes shall cover either sugar produced under the A or B quotas or C sugar within the meaning of points (a), (b) and (c) of the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81⁽⁶⁾. Tenders shall be rejected unless they specify the category of sugar to which they relate.

For lots A and B 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*.

⁽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.

⁽⁶⁾ OJ No L 177, 1. 7. 1981, p. 4.

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

Done at Brussels, 19 December 1994.

For the Commission
René STEICHEN
Member of the Commission

ANNEX I

LOTS A and B

1. **Operation Nos** ⁽¹⁾: see Annex II
2. **Programme**: 1993 and 1994
3. **Recipient** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag (tel. (31 70) 33 05 757; fax 36 41 701; telex 30960 NL EURON)
4. **Representative of the recipient** ⁽³⁾: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾ ⁽⁸⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under V.A.(1))
8. **Total quantity**: 828 tonnes
9. **Number of lots**: two (see Annex II)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁹⁾ ⁽¹¹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under V.A.(2) and V.A.(3))
Language to be used for the marking: see Annex II
11. **Method of mobilization**: sugar produced in the Community in accordance with the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 as follows:
 - A or B sugar (points (a) and (b)) or
 - C sugar (point (c))
12. **Stage of supply**: free at port of shipment ⁽¹²⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: A1: Matadi; A2: Dar es Salaam
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**: 30. 1. — 19. 2. 1995
18. **Deadline for the supply**: —
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 3. 1. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: at 12 noon (Brussels time) on 16. 1. 1995
 - (b) period for making the goods available at the port of shipment: 13. 2 — 5. 3. 1995
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 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 (322) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer** ⁽⁴⁾: in the case of A and B sugar: periodic refund applicable to white sugar on 5. 12. 1994, fixed by Commission Regulation (EC) No 2908/94 (OJ No L 307, 1. 12. 1994, p. 17)

LOTS C, D, E, F and G

1. **Operation Nos** ⁽¹⁾: 936/94 (C); 937/94 (D); 938/94 (E); 939/94 (F); 940/94 (G)
2. **Programme**: 1994
3. **Recipient** ⁽²⁾: UNRWA Headquarters, Supply Division, Vienna International Centre, PO Box 700, A-1400 Vienna (telex 135310 UNRWA A, telefax (1) 230 75 29)
4. **Representative of the recipient**: UNRWA Field Supply and Transport Officer,
 - Ashdod (lot C): West Bank, PO Box 19149, Jerusalem (tel. 972 (2) 89 05 55; telex 26194 UNRWA IL; telefax 972 (2) 81 65 64)
 - Latakia (lot D): PO Box 4313, Damascus, SAR, (tel. 963 (11) 66 02 17; telex 412006 UNRWA SY; telefax 9 63 (11) 24 75 13)
 - Beirut (lot E): PO Box 947, Beirut, Lebanon (tel. 86 31 32; telex 21430 UNRWA LE; telefax 87 11 45 02 32 (via satellite))
 - Amman (lot F): PO Box 484, Amman, Jordan (tel. 962 (6) 74 19 14 / 77 22 26; telex 23402 UNRWA JFO JO; telefax 962 (6) 68 54 76)
 - Ashdod (lot G): Gaza c/o Field Supply and Transport officer, West Bank - West Bank, P.O. Box 19149 Jerusalem - Tel. No 972(2) 890555 - telefax No 972(2) 816564 - telex 26194 unrwa il
5. **Place or country of destination** ⁽¹⁰⁾:
 - lots C+G: Israel (lot C: West Bank; G: Gaza)
 - lot D: Syria
 - lot E: Lebanon
 - lot F: Jordan
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾ ⁽⁸⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under V.A.(1))
8. **Total quantity**: 1 393 tonnes
9. **Number of lots**: five (lot C: 297 tonnes; lot D: 160 tonnes; lot E: 220 tonnes; lot F: 240 tonnes; lot G: 476 tonnes)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁹⁾ ⁽¹³⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under V.A.(2) and V.A.(3))
 - Markings in English
 - Supplementary markings on the packaging: 'UNRWA'
11. **Method of mobilization**: sugar produced in the Community in accordance with the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 as follows:
 - A or B sugar (points (a) and (b))
 - C sugar (point (c))
12. **Stage of supply**: lots C, D, G: free at port of landing — landed; lots E, F: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: lots C+G: Ashdod; lot D: Latakia
16. **Address of the warehouse and, if appropriate, port of landing**: lot E: UNRWA depots in Beirut, Lebanon; lot F: UNRWA depots in 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**: 30. 1 — 12. 2. 1995
18. **Deadline for the supply**: lots C, D, G: 26. 2. 1995; lots E, F: 5. 3. 1995
19. **Procedure for determining the costs of supply**: tendering procedure
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 3. 1. 1995

21. **In the case of a second invitation to tender :**
- (a) deadline for the submission of tenders : 12 noon (Brussels time) 16. 1. 1995
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 13 — 26. 2. 1995
 - (c) deadline for the supply : lots C, D and G : 12. 3. 1995 ; lots E and F : 19. 3. 1995
22. **Amount of tendering security :** ECU 15 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⁽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 (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer^(*) :** in the case of A and B sugar : periodic refund applicable to white sugar on 5. 12. 1994, fixed by Commission Regulation (EC) No 2908/94 (OJ No L 307, 1. 12. 1994, p. 17)

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.

B2 + B3 : Radiation certificate and the certificate of origin must be legalized by the diplomatic representation in the country of origin of the goods.

- (4) For A and B sugar :

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 abovementioned 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.

For C sugar :

Commission Regulation (EEC) No 2330/87 is not applicable. The rules given in Commission Regulation (EEC) No 2630/81 (OJ No L 258, 11. 9. 1981, p. 16) apply to exportation of sugar supplied under this Regulation.

- (5) The supplier should send a duplicate of the original invoice to : Willis Corroon Scheuer, PO Box 1315, NL-1000 BH Amsterdam.
- (6) 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'.
- (7) The rule provided at the second indent of Article 18 (2) (a) of Regulation (EEC) No 2103/77 (OJ No L 246, 27. 9. 1977, p. 12) is binding for determination of the sugar category.
- (8) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following document :
 - health certificate (B9 : + 'Date d'expiration : ...'; B2, B3 : + 'Expiry date : ...')
 - lot D : The health 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.
- (9) Notwithstanding OJ No C 114, point V.A(3)(c) is replaced by the following : 'the words "European Community"'.
 - (10) Commission delegation to be contacted by the successful tenderer : see OJ No C 114, 29. 4. 1991, p. 33.
- (11) 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), the number of which to be provided to the beneficiary's forwarder.
- (12) For lots A and B, 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.

⁽¹³⁾ Lots C, E, F, G : shipment to take place in 20-foot containers. Lots C and G 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 container 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 the goods at the delivery stage, the recipient will bear all costs of shifting the containers for destuffing outside the port area and returning them to the container yard.

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

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II

Lote Parti Partie Παρτίδα Lot Lot Lotto Partij Lote	Cantidad total (en toneladas) Totalmængde (i tons) Gesamtmenge (in Tonnen) Συνολική ποσότητα (σε τόνους) Total quantity (in tonnes) Quantité totale (en tonnes) Quantità totale (in tonnellate) Totale hoeveelheid (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (i tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Acción nº Aktion nr. Maßnahme Nr. Δράση αριθ. Operation No Action nº Azione n. Maatregel nr. Acção nº	País de destino Bestemmelsesland Bestimmungsland Χώρα προορισμού Country of destination Pays de destination Paese di destinazione Land van bestemming País de destino	Lengua que se debe utilizar en la rotulación Mærkning på følgende sprog Kennzeichnung in folgender Sprache Γλώσσα που πρέπει να χρησιμοποιηθεί για τη σήμανση Language to be used for the marking Langue à utiliser pour le marquage Lingua da utilizzare per la marcatura Voor de opschriften te gebruiken taal Língua a utilizar na rotulagem
A	252	A 1 : 108	1786/93	Zaire	Français
		A 2 : 90	1787/93	Zaire	Français
		A 3 : 18	1766/93	Angola	Português
		A 4 : 18	1018/94	Angola	Português
		A 5 : 18	1117/94	Angola	Português
B	576	B 1 : 36	1762/93	Haïti	Français
		B 2 : 144	1763/93	Egypt	English
		B 3 : 108	1764/93	Egypt	English
		B 4 : 18	1765/93	India	English
		B 5 : 18	1785/93	India	English
		B 6 : 18	1019/94	Niger	Français
		B 7 : 18	1020/94	Liberia	English
		B 8 : 18	1021/94	Ethiopia	English
		B 9 : 36	1022/94	Liban	Français
		B 10 : 144	1023/94	India	English
		B 11 : 18	1024/94	Bangladesh	English

COMMISSION REGULATION (EC) No 3107/94

of 19 December 1994

laying down detailed rules for the application of Council Regulation (EEC) No 1796/81 on measures applicable to imports of mushrooms of the species *Agaricus* spp. falling within CN codes 0711 90 40, 2003 10 20 and 2003 10 30

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1796/81 of 30 June 1981 on measures applicable to imports of mushrooms of the species *Agaricus* spp. falling within CN codes 0711 90 40, 2003 10 20 and 2003 10 30⁽¹⁾, as last amended by Regulation (EEC) No 1122/92⁽²⁾, and in particular Article 6 thereof,

Whereas Article 3 of Regulation (EEC) No 1796/81 stipulates that the quantity free of the additional amount must be allocated between the supplier countries, account being taken of traditional trade flows and of any new suppliers;

Whereas Commission Regulation (EEC) No 1707/90⁽³⁾, as last amended by Regulation (EC) No 2429/94⁽⁴⁾, lays down detailed rules for the application of Regulation (EEC) No 1796/81; whereas, as a consequence of the various amendments which have been or must be made to Regulation (EEC) No 1707/90 in the light of the experience gained, its repeal and replacement by a new Regulation are now appropriate;

Whereas provision should be made to review the allocation during a given year on the basis of the data available after the first six months; whereas a reserve should be established so as to avoid any interruption in trade with a supplier country when the overall quantity has not been exhausted;

Whereas the European Agreements with Bulgaria⁽⁵⁾, Poland⁽⁶⁾ and Romania⁽⁷⁾ grant those countries preferential access to the Community market for specific quantities;

Whereas detailed arrangements should be laid down to ensure that the quantities in excess of the tariff quotas are subjected to the levying of the additional amount; whereas those arrangements must involve the issuing of licences at the end of a period in which the quantities are checked and the necessary notifications are made by the Member States; whereas these provisions are either supplementary to or derogate from the provisions of Commission Regulation (EEC) No 2405/89 of 1 August 1989 laying down special detailed rules for the application of the system of import licences and advance fixing certificates for products processed from fruit and vegeta-

bles⁽⁸⁾, as last amended by Regulation (EC) No 556/94⁽⁹⁾, and by Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽¹⁰⁾, as last amended by Regulation (EC) No 2746/94⁽¹¹⁾;

Whereas, pursuant to Regulation (EEC) No 1707/90, a new importer was not obliged to satisfy certain conditions in order to qualify as such; whereas experience shows that if proper management of the quota is to be ensured the share allocated to this category of trader must be reduced and certain criteria relating to the status of the applicants and the use of the licences allocated must be laid down;

Whereas it is more appropriate to establish henceforth an allocation between traditional importers on the basis of the quantities imported and not on the basis of the licences issued; whereas, for administrative reasons, provision should nevertheless be made for a transitional period;

Whereas, to ensure the correct use of the quotas, provision must be made for regular notification by the Member States of the quantities for which the licences have not been used;

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

HAS ADOPTED THIS REGULATION:

Article 1

The entry into free circulation within the Community of mushrooms of the species *Agaricus* falling within CN codes 0711 90 40, 2003 10 20 and 2003 10 30, free from any additional amount, as part of the overall quantity laid down in Article 3 of Regulation (EEC) No 1796/81, shall be subject to the conditions laid down in this Regulation.

⁽¹⁾ OJ No L 183, 4. 7. 1981, p. 1.

⁽²⁾ OJ No L 117, 1. 5. 1992, p. 98.

⁽³⁾ OJ No L 158, 23. 6. 1990, p. 34.

⁽⁴⁾ OJ No L 259, 7. 10. 1994, p. 10.

⁽⁵⁾ OJ No L 323, 23. 12. 1993, p. 2.

⁽⁶⁾ OJ No L 348, 31. 12. 1993, p. 2.

⁽⁷⁾ OJ No L 81, 2. 4. 1993, p. 2.

⁽⁸⁾ OJ No L 227, 4. 8. 1989, p. 34.

⁽⁹⁾ OJ No L 71, 15. 3. 1994, p. 7.

⁽¹⁰⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽¹¹⁾ OJ No L 290, 11. 11. 1994, p. 6.

Article 2

1. The overall quantity shall be allocated between the supplier countries in accordance with Annex I, apart from a part thereof which shall constitute a reserve.
2. The allocation may be amended on the basis of information regarding the quantities for which licences have been issued as at 30 June of the year in question.

Article 3

1. Regulation (EEC) 2405/89 shall apply, subject to the provisions of this Regulation.
2. Import licences shall be valid for a period of six months from the date of issue within the meaning of Article 21 (2) of Regulation (EEC) No 3719/88, but shall not be valid after 31 December of the year in question.
3. Article 5 (2) of Regulation (EEC) No 2405/89 shall not apply.

Article 4

1. Both quantities, namely that allocated to Poland pursuant to Article 3 (2) of Regulation (EEC) No 1796/81 on the one hand and that allocated to the other countries pursuant to Article 3 (3) of the same Regulation on the other hand, shall be distributed as follows:

(a) 85 % to traditional importers.

'Traditional importers' shall mean importers who have obtained import licences in each of the previous three calendar years and who have imported the products referred to in Article 1 in at least two of the previous three calendar years. The condition relating to the procurement of import licences shall only apply from the fourth year following the entry into force of the Treaty of Accession of Austria, Finland, Norway and Sweden to nationals of those new Member States.

(b) 15 % to new importers.

'New importers' shall mean importers other than those referred to in (a) who are traders, natural or legal persons, individuals or groups trading for at least one year. Compliance with this condition shall be certified by registration in a trade register held by the Member State or by any other proof accepted by the Member State. When an importer in this category has obtained import licences in the previous calendar year, he must show proof of having put in free circulation, on his own account, at least 50 % of the quantity allocated to him.

2. The importers referred to in paragraph 1 shall attach to their application information enabling the competent

national authorities to verify to their satisfaction fulfilment of the conditions set out in paragraph 1 (a) and (b).

3. Any quantities still available on 15 October shall be allocated without discrimination between both categories of importer.

Article 5

1. Licence applications submitted by the importers referred to in Article 4 (1) (a) may not relate, in any six-month period, to a quantity exceeding 60 % of the average annual quantity of imports effected during the preceding three calendar years, an exception being made in the case of suppliers in the Community as constituted on 31 December 1994 for the years 1992, 1993 and 1994, for which the reference used shall be the annual quantity of import licences issued.

2. Licence applications submitted by the importers referred to in Article 4 (1) (b) may not relate, in any six-month period, to a quantity exceeding 8 % of the total quantity allocated pursuant to the said Article 4 (1) (b).

Article 6

1. Member States shall notify the Commission of the quantities applied for free of additional amount in accordance with Article 13 (3) of Regulation (EEC) No 2405/89, giving separate figures for the quantities applied for pursuant to Article 4 (1) (a) and (b) respectively.

2. Import licences shall be issued on the fifth working day following that on which applications are lodged, provided that no special measures are taken in the meantime.

3. If the quantities applied for exceed for any supplier country the quantity available, the Commission shall allocate the excess quantities from the reserve mentioned in Article 2 (1).

4. If, after allocation of the reserve, the quantities applied for exceed the quantity available, the Commission shall set flat-rate percentage reduction for the applications in question and suspend the issue of licences in respect of subsequent applications.

Article 7

The Commission shall regularly inform the Member States of the utilization of the quotas laid down and, at the appropriate time, of their exhaustion.

Article 8

By the 15th of each month at the latest, the Member States shall notify the Commission of the quantities for which import licences have been issued but not used.

Article 9

1. Article 33 (5) of Regulation (EEC) No 3719/88 shall apply.
2. Quantities imported within the tolerance referred to in Article 8 (4) of Regulation (EEC) No 3719/88 shall not be free of the additional amount.

Article 10

1. The release into free circulation of mushrooms originating in China shall be subject to Articles 55 to 65 of Commission Regulation (EEC) No 2454/93 ⁽¹⁾.

In the event of loss of the original, and notwithstanding Article 57 (2) of the abovementioned Regulation, the competent authorities may accept a duplicate of the certificate of origin.

2. The authorities competent to issue the certificate of origin shall be those indicated in Annex II.
3. Products originating in Bulgaria, Poland and Romania shall be released for free circulation in the Community on presentation of an EUR 1 certificate issued by the authorities of those countries in accordance with Protocol 4 of the European Agreements.

Article 11

1. Import licences shall show the following in box 24, in one of the official languages of the Community :
 - Exempt from additional amount — Regulation (EEC) No 1796/81.
2. If the country of origin is Bulgaria, Poland or Romania, import licences shall also include the following in box 24, in one of the official languages of the Community :
 - 'Agreement', the name of the country concerned and 'Reduced customs duties as provided for in the Agreement'.

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

Done at Brussels, 19 December 1994.

Article 12

1. The holder of an import licence may apply to have the CN code for which the licence was issued changed, provided that :
 - (a) the new CN code applied for is one of those listed in Article 1 ;
 - (b) the application is submitted to the body that issued the original licence and is accompanied by the original and any extract issued.
2. The body that has issued the original licence shall keep it and any copy and shall issue a replacement licence and, where appropriate, one or more extracts from the replacement licence.
3. The replacement licence and, where appropriate, the extract or extracts :
 - shall be issued for a quantity up to the maximum quantity available according to the replacement document,
 - indicate in box 20 the number and date of the document replaced,
 - indicate in boxes 13, 14 and 15 the information relating to the new product in question,
 - indicate in box 16 the new CN code,
 - indicate in the other boxes the same information as shown on the replaced document, and in particular the same expiry date.
4. Member States shall immediately inform the Commission of any change of CN code on import licences they have issued.

Article 13

Regulation (EEC) No 1707/90 is hereby repealed.

References to the repealed Regulation shall be construed as being made to this Regulation, and shall be read in accordance with the correlation table in Annex III.

Article 14

This Regulation shall enter into force on 1 January 1995.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 253, 11. 10. 1993, p. 1.

ANNEX I

Allocation referred to in Article 2 (net drained weight):

(in tonnes)

Supplier country	1995	1996	From 1997
Bulgaria	1 240	1 300	1 360
Poland	32 480	33 880	33 880
Romania	350	370	380
China	22 750	22 750	22 750
Others	3 440	3 360	3 290
Reserve	1 000	1 000	1 000
Total	61 260	62 660	62 660

ANNEX II

The competent authorities referred to in Article 10 (2) are:

- Shanghai Foreign Economic Relations and Trade Commission,
- Fujian Foreign Economic Relations and Trade Commission,
- Guangxi Foreign Economic Relations and Trade Commission,
- Zhejiang Foreign Economic Relations and Trade Commission,
- Jiangsu Foreign Economic Relations and Trade Commission,
- Sichuan Foreign Economic Relations and Trade Commission,
- Chongqing Foreign Economic Relations and Trade Commission,
- Anhui Foreign Economic Relations and Trade Commission,
- Guangdong Foreign Economic Relations and Trade Commission,
- Foreign Trade Administration, Ministry of Foreign Trade and Economic Cooperation (MOFTEC).

*ANNEX III***Correlation table referred to in Article 13**

Regulation (EEC) No 1707/90	This Regulation
Article 1	Article 1
Article 3	
Article 3 (1)	Article 2 (3)
Article 3 (2)	Article 2 (2)
Article 3 (3)	Article 2 (1)
Article 4	Article 10
Article 4 (1)	Article 10 (1)
Article 4 (2)	Article 10 (2)
Article 4 (3)	Article 10 (3)
Article 5	
Article 5 (1)	Article 3 (1)
Article 5 (2)	Article 3 (2)
Article 5 (3)	Article 3 (3)
Article 5 (4)	Article 4 (1), 4 (2), 4 (3)
Article 5 (5) (a) and (b)	Article 5
Article 5 (5) other than (a) and (b)	Deleted
Article 5 (6)	Article 6 (1)
Article 5 (7)	Article 6 (3)
Article 5 (8)	Article 6 (4)
Article 5 (9)	Article 6 (2)
Article 5 a	Article 12
Article 5 a (1)	Article 12 (1)
Article 5 a (2)	Article 12 (2)
Article 5 a (3)	Article 12 (3)
Article 5 a (4)	Article 12 (4)
Article 6	Article 7
Article 7 (1)	Article 11 (1)
Article 7 (2)	Article 9 (2)
Article 7 a	Article 11 (2)
Article 8	Deleted
Article 9 (1)	Article 8
Article 9 (2)	Article 9 (1)
Article 10	Article 13
Article 11	Article 14

**COMMISSION REGULATION (EC) No 3108/94
of 19 December 1994**

**on transitional measures to adopted on account of the accession of Austria,
Finland and Sweden in respect of trade in agricultural products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Norway, Austria, Finland and Sweden ⁽¹⁾, and in particular Article 149 (1) thereof,

Whereas, in order to avoid the risk of deflection of trade, in relation to the common organization of agricultural markets, due to the accession of the three new States to the European Union, transitional measures must be adopted;

Whereas, in the interest of simplification, a system should be applied on the basis of the principle that intra-Community transactions begun before 1 January 1995 should remain subject to the provisions applicable before that date;

Whereas, since the completion of the single market, the movement of agricultural products has not been subject to any control at the internal borders; whereas, therefore, systematic taxation of products which are the subject to deflection of trade, either on their consignment from one Member State to another or on their entry into a Member State from another, does not appear to be sufficiently effective; whereas trade deflections liable to disrupt the market organizations often involve products moved artificially with a view to enlargement and do not form part of the normal stocks of the State concerned; whereas, therefore, provisions should be made for the taxation of surplus stocks in the new Member States;

Whereas it is necessary to prevent goods in respect of which export refunds were paid before 1 January 1995 from benefiting from a second refund when exported to third countries after 31 December 1994;

Whereas this Regulation is without prejudice to any specific transitional measures which might subsequently be adopted for certain product sectors;

Whereas these measures are necessary and appropriate and must be applied in a uniform fashion;

Whereas the relevant management committees have not delivered an opinion within the time limits laid down by their chairmen,

Article 1

For the purposes of this Regulation, the Community as constituted on 31 December 1994 is hereinafter called the 'Community of Twelve' and Austria, Finland and Sweden are hereinafter called the 'new Member States'.

Article 2

Agricultural products or non-Annex II goods for which the declaration of export or of placing under one of the procedures referred to in Articles 4 and 5 of Council Regulation (EEC) No 565/80 ⁽²⁾, has been accepted in the Community of Twelve by 31 December 1994 and which are placed on the market in the new Member States after that date shall be subject:

- (a) in the Community of Twelve, to the provisions applicable until 31 December 1994 for the system of export refunds and, where appropriate, export licences or advance fixing certificates, including those on the use of the T5 control copy referred to in Article 472 of Commission Regulation (EEC) No 2454/93 ⁽³⁾;
- (b) in the new Member States;
 - to the arrangements applicable to trade between the Community of Twelve and the new Member States as at 31 December 1994 if the products in question are accompanied by proof of origin,
 - to the arrangements applicable to trade with third countries as at 31 December 1994 in all other cases.

Article 3

Agricultural products or non-Annex II goods for which the declaration of export has been accepted in the new Member States by 31 December 1994 and:

- which are put on the market in the Community of Twelve after that date shall be subject, in the Community of Twelve:
 - to the arrangements applicable to trade between the Community of Twelve and the new Member States on 31 December 1994 if the products in question are accompanied by proof of origin,
 - to the arrangements applicable to trade with third countries on 31 December 1994 in all other cases,

⁽¹⁾ OJ No C 241, 29. 8. 1994, p. 1.

⁽²⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽³⁾ OJ No L 253, 11. 10. 1993, p. 1.

- which are put on the market in another new Member State after that date shall be subject in that other new Member State to the arrangements applicable on 31 December 1994 to trade between these two new Member States.

Customs authorities which have accepted the export declaration shall take the necessary measures to ensure that customs authorities either in the Community of Twelve, or in another new Member State are informed, in cases where no Community transit procedure exists, of the arrival after 31 December 1994 on their territory of goods referred to under the preceding subparagraph.

Article 4

1. Without prejudice to Article 145 (2) of the Act of Accession, and where stricter legislation does not apply at national level, the new Member States shall tax the holders of surplus stocks at 1 January 1995.

Possible quantities of agricultural products for which an export refund has been requested in the Community of Twelve in the sense of Article 3 or 25 of Commission Regulation (EEC) No 3665/87⁽¹⁾ and which are put on the market of the new Member States as from 1 January 1995, are to be taken into account for the determination of surplus stocks.

2. In order to determine the surplus stock of each holder, the new Member States shall take into account, in particular :

- averages of stocks available in the years preceding accession,
- the pattern of trade in the years preceding accession,
- the circumstances in which such stocks were built up.

The notion surplus stocks applies also to agricultural products intended for the market of the new Member States.

3. The amount of the tax referred to in paragraph 1 shall :

- in the case of a product from a third country, be the difference between the import charge applicable in the Community of Twelve as at 31 December 1994 and the import charge applicable in the new Member State as at that same date, where the former is greater than the latter,
- in the case of a product from the Community of Twelve, be the difference between the export refund applicable in the Community of Twelve as at 31 December 1994 and the import charge applicable in the new Member State as at that same date, where the former is greater than the latter.

Non-Community goods which are under the arrangements for customs warehouses, inward processing or

temporary admission in the new Member States on 1 January 1995, are subject to the differential taxation referred to in the first indent, where appropriate, over and above the taxation of the new Member State, where the goods as from that date are released for free circulation.

4. In order to ensure that the tax referred to in paragraph 1 is correctly applied, the new Member States shall without delay carry out a census of stocks available as at 1 January 1995.

5. This Article shall apply to products covered by the following CN codes :

- in the case of Austria : 1006, 0806 20, 1702 10, 1509, 1510,
- in the case of Finland : 1006, 2009 11, 2009 19, 0804, 0805, 0806, 0807, 0809,
- in the case of Sweden : 1006.

6. The Commission may add products to the list set out in paragraph 5.

Article 5

In the case where a Member State of the Community of Twelve suspects that a product has escaped taxation as provided for in Article 4, this Member State will inform the new Member State of origin which takes appropriate measures.

Article 6

Agricultural products or non-Annex II goods for which the declaration of export from the new Member States to third countries is accepted during the period 1 January to 31 December 1995 may qualify for an export refund or for one of the procedures referred to in Articles 4 and 5 of Regulation (EEC) No 565/80 provided it is proven that those products or the constituents of the products or the non-Annex II goods have not already attracted an export refund.

Article 7

In no case may an agricultural product, whether unprocessed or in the form of a non-Annex II product, receive an export refund twice.

Article 8

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities* and be subject to the entry into force of the Treaty of Accession of Norway, Austria, Finland and Sweden.

⁽¹⁾ OJ No L 351, 14. 12. 1987, p. 1.

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

Done at Brussels, 19 December 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 3109/94

of 19 December 1994

amending Regulation (EC) No 1588/94 laying down detailed rules for applying to milk and milk products the arrangements provided for in the Interim Agreements between the Community of the one part and Bulgaria and Romania of the other part

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3641/93 of 20 December 1993 on certain procedures for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community of the one part, and the Republic of Bulgaria of the other part⁽¹⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3642/93 of 20 December 1993 on certain procedures for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community of the one part, and Romania of the other part⁽²⁾, and in particular Article 1 thereof,

Whereas the Interim Agreement on trade and trade-related matters between the Communities, of the one part, and the Republic of Bulgaria, of the other part⁽³⁾, signed in Brussels on 8 March 1993, came into force on 31 December 1993; whereas the Interim Agreement on trade and trade-related matters between the Communities, of the one part, and Romania, of the other part⁽⁴⁾, signed in Brussels on 1 February 1993, came into force on 1 May 1993; whereas those Agreements provide for a reduction in the levies on imports of certain cheeses covered by CN code 0406 up to certain quantities;

Whereas Commission Regulation (EC) No 1588/94 of 30 June 1994⁽⁵⁾ lays down the detailed rules for the application of the arrangements provided for in those Agreements; whereas, by an Exchange of Letters on 30 June 1994 between the Community and Bulgaria and Romania respectively⁽⁶⁾, the Interim Agreements were amended so that certain quotas and ceilings laid down for 1993 might be transferred; whereas the relevant measures are required

to compensate Romania for the late application of certain agricultural concessions provided for in the Interim Agreement and the Republic of Bulgaria for the late entry into force of the Interim Agreement; whereas Regulation (EC) No 1588/94 must be amended accordingly;

Whereas the Exchanges of Letters of 30 June 1994 provide for the increase in the quantities of products imported under CN code ex 0406 90 to be staggered over a period of five years from 1 July 1994; whereas those quantities must accordingly be fixed up to 1998/99; whereas the quantities fixed for 1997/98 and 1998/99 do not take into account, and are irrespective of, the quantities eligible for a levy reduction from 1997/98 onwards, to be agreed under the Interim Agreements;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1588/94 is amended as follows:

1. Article 2 is replaced by the following:

Article 2

From 1 January 1995 the quantities referred to in Annex I shall be broken down as follows:

- 25 % for the period from 1 January to 31 March,
- 25 % for the period from 1 April to 30 June,
- 25 % for the period from 1 July to 30 September,
- 25 % for the period from 1 October to 31 December.

2. Annex I is replaced by the Annex hereto.

Article 2

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

⁽¹⁾ OJ No L 333, 31. 12. 1993, p. 16.

⁽²⁾ OJ No L 333, 31. 12. 1993, p. 17.

⁽³⁾ OJ No L 323, 23. 12. 1993, p. 2.

⁽⁴⁾ OJ No L 81, 2. 4. 1993, p. 2.

⁽⁵⁾ OJ No L 167, 1. 7. 1994, p. 8.

⁽⁶⁾ OJ No L 178, 12. 7. 1994, pp. 69 and 75.

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

Done at Brussels, 19 December 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

ANNEX I

A. Cheeses from Romania

The following quantities of cheeses originating in Romania and covered by the CN codes quoted may be imported into the Community with a 60 % reduction in the levy.

(tonnes)						
CN code	Description	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996	1 July 1996 to 30 June 1997	1 July 1997 to 30 June 1998	1 July 1998 to 30 June 1999
ex 0406 90 29	{ Kashkaval Sacele ⁽¹⁾ Kashkaval Penteleu ⁽¹⁾ Kashkaval Dalia ⁽¹⁾ Kashkaval afumat Vidraru ⁽¹⁾ Kashkaval afumat Fetesti ⁽¹⁾	} 1 333,3	1 433,3	1 533,3	133,3 ⁽²⁾	133,3 ⁽²⁾
ex 0406 90 86	{ Brinza Moieciu ⁽¹⁾					
ex 0406 90 87	{ Brinza Vaca ⁽¹⁾					
ex 0406 90 88	{ Brinza de burduf ⁽¹⁾					
	{ Brinza topita Carpati ⁽¹⁾					

⁽¹⁾ Of cow's milk

⁽²⁾ These quantities do not take into account, and are irrespective of, the quantities eligible for a levy reduction from 1997/98 onwards, to be agreed under the Interim Agreements.

B. Cheeses from Bulgaria

The following quantities of products originating in Bulgaria and covered by the CN codes quoted may be imported into the Community with a 60 % reduction in the levy.

(tonnes)						
CN code	Description	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996	1 July 1996 to 30 June 1997	1 July 1997 to 30 June 1998	1 July 1998 to 30 June 1999
ex 0406 90	White brined cheese of cow's milk	} 2 233,3	2 233,3	2 233,3	233,3 ⁽¹⁾	233,3 ⁽¹⁾
ex 0406 90	Kashkaval Vitosha of cow's milk					

⁽¹⁾ These quantities do not take into account, and are irrespective of, the quantities eligible for a levy reduction from 1997/98 onwards, to be agreed under the Interim Agreements.

COMMISSION REGULATION (EC) No 3110/94
of 19 December 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 3091/94 ⁽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 16 December 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 20 December 1994.

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

Done at Brussels, 19 December 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 325, 17. 12. 1994, p. 56.

ANNEX

to the Commission Regulation of 19 December 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽³⁾
1701 11 10	28,76 ⁽¹⁾
1701 11 90	28,76 ⁽¹⁾
1701 12 10	28,76 ⁽¹⁾
1701 12 90	28,76 ⁽¹⁾
1701 91 00	35,33
1701 99 10	35,33
1701 99 90	35,33 ⁽²⁾

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

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

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

COMMISSION REGULATION (EC) No 3111/94**of 19 December 1994****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 2909/94 ⁽⁵⁾, as last amended by Regulation (EC) No 2989/94 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2909/94 to the informa-

tion known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 16 December 1994, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EC) No 2909/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 December 1994.

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

Done at Brussels, 19 December 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 307, 1. 12. 1994, p. 19.

⁽⁶⁾ OJ No L 315, 8. 12. 1994, p. 16.

ANNEX

to the Commission Regulation of 19 December 1994 altering the basic amount of the import levy on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of levy per 100 kg of dry matter ⁽¹⁾
1702 20 10	0,3533	—
1702 20 90	0,3533	—
1702 30 10	—	43,62
1702 40 10	—	43,62
1702 60 10	—	43,62
1702 60 90 10 ⁽²⁾	—	82,88
1702 60 90 90 ⁽³⁾	0,3533	—
1702 90 30	—	43,62
1702 90 60	0,3533	—
1702 90 71	0,3533	—
1702 90 90 10 ⁽⁴⁾	—	82,88
1702 90 90 90 ⁽⁵⁾	0,3533	—
2106 90 30	—	43,62
2106 90 59	0,3533	—

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

⁽²⁾ Taric code : Inulin syrup. For the purposes of classification under this subheading, 'Inulin syrup' means the immediate product obtained by hydrolysis of inulin or oligofructoses.

⁽³⁾ Taric code : CN code 1702 60 90, other than inulin syrup.

⁽⁴⁾ Taric code : Inulin syrup. For the purposes of classification under this subheading, 'Inulin syrup' means the immediate product, other than that falling within subheading 1702 60 90, obtained by hydrolysis of inulin or oligofructoses, containing by weight in the dry state at least 10 % fructose in free form or as sucrose.

⁽⁵⁾ Taric code : CN code 1702 90 90, other than inulin syrup.

COMMISSION REGULATION (EC) No 3112/94

of 19 December 1994

altering the export refunds on white sugar and raw sugar exported in the natural state

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

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 3037/94 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 3037/94 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽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 the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 3037/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 December 1994.

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

Done at Brussels, 19 December 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 322, 15. 12. 1994, p. 8.

⁽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.

ANNEX

to the Commission Regulation of 19 December 1994 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽²⁾
	— ECU/100 kg —
1701 11 90 100	26,67 ⁽¹⁾
1701 11 90 910	25,40 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	26,67 ⁽¹⁾
1701 12 90 910	25,40 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,2899
	— ECU/100 kg —
1701 99 10 100	28,99
1701 99 10 910	28,13
1701 99 10 950	28,13
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,2899

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

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

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

COMMISSION REGULATION (EC) No 3113/94**of 19 December 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 3035/94 ⁽⁵⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 16

December 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 3035/94 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 20 December 1994.

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

Done at Brussels, 19 December 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 321, 14. 12. 1994, p. 28.

ANNEX

to the Commission Regulation of 19 December 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ^(*)
0709 90 60	85,85 ⁽²⁾ ⁽³⁾
0712 90 19	85,85 ⁽²⁾ ⁽³⁾
1001 10 00	2,52 ⁽¹⁾ ⁽⁵⁾ ⁽¹¹⁾
1001 90 91	57,08
1001 90 99	57,08 ⁽⁹⁾ ⁽¹¹⁾
1002 00 00	107,59 ⁽⁶⁾
1003 00 10	83,59
1003 00 90	83,59 ⁽⁹⁾
1004 00 00	91,42
1005 10 90	85,85 ⁽²⁾ ⁽³⁾
1005 90 00	85,85 ⁽²⁾ ⁽³⁾
1007 00 90	86,25 ⁽⁴⁾
1008 10 00	31,41 ⁽⁹⁾
1008 20 00	32,62 ⁽⁴⁾ ⁽⁹⁾
1008 30 00	0 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	0
1101 00 00	115,88 ⁽⁹⁾
1102 10 00	187,90
1103 11 10	38,31
1103 11 90	137,95
1107 10 11	112,48
1107 10 19	86,80
1107 10 91	159,67 ⁽¹⁰⁾
1107 10 99	122,05 ⁽⁹⁾
1107 20 00	140,44 ⁽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 amended 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 3114/94**of 19 December 1994****fixing the premiums to be added to the import levies on cereals, flour and malt**

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

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

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

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EC) No 1938/94⁽⁵⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 16

December 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 20 December 1994.

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

Done at Brussels, 19 December 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 19 December 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 12	1st period 1	2nd period 2	3rd period 3
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	11,74	9,70	8,00
1001 90 99	0	11,74	9,70	8,00
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	16,44	13,58	11,20
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 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1107 10 11	0	20,90	17,27	14,24	14,24
1107 10 19	0	15,61	12,90	10,64	10,64
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 15 December 1994

adopting a 4-year development programme (1994-1997) relating to the environmental component of Community statistics

(94/808/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130s, paragraph 1, thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure referred to in Article 189c of the Treaty ⁽³⁾,

Whereas the fifth Community environmental action programme, 'Towards sustainability', of which the general approach and strategy were approved in the Resolution of the Council and the Representatives of the Governments of the Member States, meeting within the Council of 1 February 1993 on a Community programme of policy and action in relation to the environment and sustainable development ⁽⁴⁾, requires a high level of priority to be assigned, *inter alia*, to 'exploiting and strengthening the experiences and capacities of the European statistical system to deliver environmentally relevant statistics on a regular basis, which will be comparable to and linked to

the traditional official statistics in the economic and social fields';

Whereas environment statistics form part of the framework programme for priority actions in the field of statistical information 1993-97 adopted by the Council in Decision 93/464/EEC ⁽⁵⁾; whereas Article 4 of that Decision foresees the need for further specific implementing actions to be decided by the Council; whereas the present development programme for environment statistics is such an action;

Whereas there is a clear need for integrated quantitative information on the relationship between the environment on the one hand and the socio-economic activities and policies on the other hand;

Whereas it is essential for developments in official environmental statistics to be coordinated in order to contribute to meeting the main international, Community and national needs at minimum public and private cost, and that this can most conveniently be done within the established procedures of cooperation between the Commission, the statistical services of international organizations and those of the Member States; whereas it is therefore appropriate to adopt a four-year programme to ensure this coordinated development;

Whereas important work on the methodology and collection of environmental data is carried out by the statistical services of international organizations, in particular the United Nations' Statistical Office, the Conference of European Statisticians and the Organization for Economic Cooperation and Development; whereas the present programme should take account of this work;

⁽¹⁾ OJ No C 209, 22. 8. 1990, p. 29.

⁽²⁾ OJ No C 332, 21. 12. 1990, p. 119.

⁽³⁾ Opinion of the European Parliament of 11 February 1992 (OJ No C 67, 16. 3. 1992), Council Common Position of 8 June 1994 (OJ No C 213, 3. 8. 1994, p. 15) and Decision of the European Parliament of 26 October 1994 (OJ No C 323, 21. 11. 1994).

⁽⁴⁾ OJ No C 138, 17. 5. 1993, p. 1.

⁽⁵⁾ OJ No L 219, 28. 8. 1993, p. 1.

Whereas the programme will be coordinated with the European Environment Agency, as provided for in Council Regulation (EEC) No 1210/90 of 7 May 1990 on the establishment of the European Environment Agency and the European environment information and observation network ⁽¹⁾, and on the basis of a joint agreement ;

Whereas a defined programme for developing the environmental component of official statistics and incorporating mechanisms for ensuring an input of the European Environment Agency into the determination of the programme will facilitate this cooperation ;

Whereas the Management Board of the European Environment Agency has been consulted on the general lines of the proposals for the present programme ;

Whereas the Commission shall be assisted by the Committee on the Statistical Programme of the European Communities established by the Council in Decision 89/382/EEC ⁽²⁾ in taking the measures necessary for the execution of the present programme ;

Whereas it is necessary to keep the European Parliament and the Council informed of progress on this programme to develop and consolidate the environmental component of official statistics,

HAS ADOPTED THIS DECISION :

Article 1

1. A development programme (hereinafter called 'the programme') relating to regular official statistics contributing to the elaboration of information for the Community environment policy and its relationship with other Community policies is hereby adopted as from the date this Decision takes effect and until the end of 1997.

2. The objective of the programme is to develop the environmental component of the Community statistics so as to provide as regular series of environmental information to be integrated with other official statistics and to be available to all Member States. Together with the information provided by the European Environment Agency, it is designed to meet the Community's information needs in respect of environmental policy and environmental aspects of other Community policies.

Article 2

1. The programme shall be executed by the Commission and the competent national statistical services as designated by the Member States.

2. It shall take account of work on environmental statistics carried out by international organizations.

3. The information covered by the programme shall relate primarily to :

- the pressures on the environment resulting from human activities,
- economic and societal responses to environment policies and to changes in the state of the environment.

4. The programme shall include :

- (i) methodological/conceptual studies ;
- (ii) practical studies ;
- (iii) pilot surveys (carried out by the competent national statistical services as designated by Member States) ;
- (iv) data collection ;
- (v) dissemination.

In these activities :

- (a) particular attention shall be paid to minimizing the response burden on firms and individuals ;
- (b) full account shall be taken of Council Regulation (Euratom, EEC) No 1588/90 of 11 June 1990 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities ⁽³⁾.

Annex A sets out further details on the nature of the programme and the work areas.

5. The information collected shall be widely disseminated, specifying, where appropriate, the various methods used to obtain it.

Full account shall be taken of Regulation (Euratom, EEC) No 1588/90.

Article 3

In accordance with the procedure laid down in Article 5, the Commission shall take the measures necessary for the execution of this development programme. These measures comprise :

- (i) decisions on the definitive texts referred to in Annex A, point 3(iv),
- (ii) decisions on data collection, provided the additional resource implications for a Member State of meeting Community requirements are small, not exceeding a maximum of 10 % of existing resources for the measure concerned,
- (iii) changes to Annex A.

Article 4

1. The programme shall be coordinated with the European Environment Agency as provided for in Article 15 and Annex point B to Regulation 1210/90 (EEC) and on the basis of a joint agreement.

⁽¹⁾ OJ No L 120, 11. 5. 1990, p. 1.

⁽²⁾ OJ No L 181, 28. 6. 1989, p. 47.

⁽³⁾ OJ No L 151, 15. 6. 1990, p. 1.

2. In particular this coordination shall cover the execution of annual programmes decided following the procedures set out in Annex B.

3. The Commission measures referred to in Article 3(iii) shall be taken with the approval of the Management Board of the European Environment Agency. They shall, *inter alia*, take account of the development of the separate work programme of the Environment Agency, so as to secure the most effective cooperation and integration between the two programmes.

Article 5

1. The Commission shall be assisted by the Committee on the Statistical Programmes of the European Communities (hereinafter referred to as 'the Committee') established by Decision 89/382/EEC.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

(b) If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposal measures shall be adopted by the Commission.

Article 6

The Commission shall submit a report to the European Parliament and the Council by July 1997. The European Environment Agency shall be invited to give its opinion on this report.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 15 December 1994.

For the Council

The President

A. MERKEL

*ANNEX A***DEVELOPING THE ENVIRONMENT COMPONENT OF COMMUNITY STATISTICS:
STATISTICAL PROGRAMME FOR THE ENVIRONMENT 1994-1997****1. Nature of the programme**

The implementation of Community environment policy requires information on the state of the environment, on its vulnerability, and on the pressures and risks resulting from human activities. It also requires information on the interactions between the environment and socio-economic activities and on the policies concerned. The present programme contributes to the process of building up this information and of making it available, as a harmonized complement to the work programme of the European Environment Agency. The approach is to develop an environmental component in all relevant parts of Community statistics and to reinforce it where it exists already.

The programme will result in an adequate description of those aspects of human activities which affect the environment :

- either negatively by the pressure exerted on the environment and on natural resources,
- or positively by the technical, economical or behavioural measures taken by society which reduce these pressures and their effects and improve the condition of the environment.

The programme also forms a Community contribution to the environmental statistical programmes of international organizations (OECD, Conference of European Statisticians, Statistical Commission of the United Nations) as well as to the Community response to Agenda 21.

2. Work areas

Community statistics will be turned to use and developed particularly in the following areas, so that they provide statistical data required for the production of environmental information :

- extraction and consumption of raw materials,
- production and consumption of agricultural and industrial products,
- energy production and consumption,
- construction and settlement,
- leisure and tourism,
- transport,
- population growth, households and social welfare,
- public services.

The statistical data to be obtained on features of these areas relevant to the environment can concern such issues as :

- production processes including techniques for preventing and reducing emissions and pollution,
- output and handling of waste,
- use of natural resources,
- public and private expenditures.

A further and priority work area is the development of frameworks for integrating economic and environmental data. In particular, the programme will work on :

- defining an accounting framework for integrating economic data on the environment in overall accounting systems such as environmental satellite accounts and their links with the system of National Accounts and with natural resource accounting,
- contributing to the development of natural resource accounting.

Details of the data which can give environmental information in the above areas will be settled following the methods set out in point 3.

3. Methods

Establishing the contents, definitions, classifications and data collection methodology for the topics indicated above and setting up data collection systems requires :

- (i) studies to identify and define variables and indicators which are environmentally relevant ;
- (ii) studies on the availability of data ;
- (iii) pilot projects to test : (a) definitions and data collection methodology, (b) special surveys on variables of environmental interest as defined in Article 2 (3), and (c) how integration in general purpose surveys can be achieved ;
- (iv) preparation of definitive texts setting out the content, definitions, classifications and data collection methods.

Carrying out the programme will involve use of new information technology (e.g. remote sensing for data acquisition, computer networks for data transfer, geographical information systems for handling and working-up data) where they constitute the most cost-efficient approach.

ANNEX B

EUROSTAT AND EUROPEAN ENVIRONMENT AGENCY COORDINATION

In the context of the agreement on the statistical programme in the field of the environment by the Executive Director of the European Environment Agency and the Director-General of Eurostat and its approval by the Management Board of the Agency and the Statistical Programme Committee, this programme and its execution are coordinated with the work programme of the Agency. In particular the annual programme put before the Statistical Programme Committee will be prepared in conjunction with the preparation of the annual programme of the Agency and, in a matching way, will be put before the Management Board of the Agency for approval. The two annual programmes will prepare and provide integrated data and information, where necessary, through exchange of data and joint Eurostat-Agency activities.
