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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (ECSC, EC, EURATOM) No 3161/94**of 19 December 1994**

adjusting, with effect from 1 July 1994, the remuneration and pensions of officials and other servants of the European Communities and the weightings applied thereto.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Protocol on the Privileges and Immunities of the European Communities, and in particular Article 13 thereof,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (Euratom, ECSC, EC) No 3608/93 ⁽²⁾, and in particular Articles 63, 64, 65, 65a and 82 of the Staff Regulations, Annex XI to the Staff Regulations, and the first paragraph of Article 20 and Article 64 of the Conditions of Employment,

Having regard to the proposal from the Commission,

Whereas a review of the remuneration of officials and other servants carried out on the basis of a report by the Commission has shown that the remuneration and pensions of officials and other servants of the European Communities should be adjusted under the 1994 annual review ;

Whereas, in view of the accession on 1 January 1995 of the new Member States, the weightings applicable to the remuneration and pensions of officials and other servants of the European Communities must be calculated in accordance with Annex XI to the Staff Regulations for Austria, Finland and Sweden ;

Whereas, in accordance with Annex XI to the Staff Regulations, the annual adjustment in respect of 1995 will entail the establishment before 31 December 1995 of new weightings with retroactive effect from 1 July 1995 ;

Whereas these new weightings could lead to retroactive adjustments to remuneration and pensions (positive or negative) in respect of a period of the 1995 financial year for which payment has already been made on the basis of this Regulation ;

Whereas provision should therefore be made for the payment of arrears in the event of an upward adjustment as a result of these weightings or for the recovery of sums overpaid in the event of a downward adjustment for the period between the effective date and the date of the Council decision on the annual adjustment in respect of the 1995 financial year ;

⁽¹⁾ OJ No L 56, 4. 3. 1968, p. 1.

⁽²⁾ OJ No L 328, 29. 12. 1993, p. 1.

Whereas provision should be made for the effects of any such recovery to be spread over a period of not more than 12 months from the date of the Council decision on the annual adjustment in respect of the 1995 financial year,

HAS ADOPTED THIS REGULATION :

Article 1

With effect from 1 July 1994 :

(a) the table of basic monthly salaries in Article 66 of the Staff Regulations is hereby replaced by the following :

Grade	Step							
	1	2	3	4	5	6	7	8
A 1	414 118	436 117	458 116	480 115	502 114	524 113		
A 2	367 496	388 488	409 480	430 472	451 464	472 456		
A 3/LA 3	304 356	322 717	341 078	359 439	377 800	396 161	414 522	432 883
A 4/LA 4	255 689	270 021	284 353	298 685	313 017	327 349	341 681	356 013
A 5/LA 5	210 806	223 294	235 782	248 270	260 758	273 246	285 734	298 222
A 6/LA 6	182 172	192 112	202 052	211 992	221 932	231 872	241 812	251 752
A 7/LA 7	156 813	164 616	172 419	180 222	188 025	195 828		
A 8/LA 8	138 689	144 282						
B 1	182 172	192 112	202 052	211 992	221 932	231 872	241 812	251 752
B 2	157 838	165 238	172 638	180 038	187 438	194 838	202 238	209 638
B 3	132 395	138 548	144 701	150 854	157 007	163 160	169 313	175 466
B 4	114 509	119 845	125 181	130 517	135 853	141 189	146 525	151 861
B 5	102 357	106 675	110 993	115 311				
C 1	116 797	121 506	126 215	130 924	135 633	140 342	145 051	149 760
C 2	101 585	105 902	110 219	114 536	118 853	123 170	127 487	131 804
C 3	94 762	98 460	102 158	105 856	109 554	113 252	116 950	120 648
C 4	85 623	89 092	92 561	96 030	99 499	102 968	106 437	109 906
C 5	78 952	82 187	85 422	88 657				
D 1	89 226	93 127	97 028	100 929	104 830	108 731	112 632	116 533
D 2	81 355	84 820	88 285	91 750	95 215	98 680	102 145	105 610
D 3	75 721	78 962	82 203	85 444	88 685	91 926	95 167	98 408
D 4	71 396	74 325	77 254	80 183				

(b) — Bfrs 6 236 shall be replaced by Bfrs 6 267 in Article 1 (1) of Annex VII to the Staff Regulations,

— Bfrs 8 031 shall be replaced by Bfrs 8 071 in Article 2 (1) of Annex VII to the Staff Regulations,

— Bfrs 14 347 shall be replaced by Bfrs 14 419 in the second sentence of Article 69 of the Staff Regulations and in the second subparagraph of Article 4 (1) of Annex VII thereto,

— Bfrs 7 177 shall be replaced by Bfrs 7 213 in the first subparagraph of Article 3 of Annex VII to the Staff Regulations.

Article 2

With effect from 1 July 1994, the table of basic monthly salaries in Article 63 of the Conditions of Employment of Other Servants shall be replaced by the following :

Category	Group	Step			
		1	2	3	4
A	I	194 430	218 514	242 598	266 682
	II	141 113	154 863	168 613	182 363
	III	118 584	123 867	129 150	134 433
B	IV	113 918	125 069	136 220	147 371
	V	89 478	95 377	101 276	107 175
C	VI	85 099	90 110	95 121	100 132
	VII	76 168	78 759	81 350	83 941
D	VIII	68 845	72 899	76 953	81 007
	IX	66 299	67 223	68 147	69 071

Article 3

With effect from 1 July 1994, the fixed allowance referred to in Article 4a of Annex VII to the Staff Regulations shall be :

- Bfrs 3 762 per month for officials in Grade C 4 or C 5,
- Bfrs 5 767 per month for officials in Grade C 1, C 2 or C 3.

Ireland	92,1
Italy	94,2
except Varese	90,3
Luxembourg	100,0
Netherlands	103,0
Portugal	80,5
United Kingdom	106,7
except Culham	91,1.

Article 4

Pensions for which entitlement has accrued by 1 July 1994 shall be calculated from that date by reference to the table of basic monthly salaries laid down in Article 66 of the Staff Regulations, as amended by Article 1 (a) of this Regulation.

2. With effect from 1 January 1995, the weightings applicable to the remuneration of officials and other servants employed in the countries listed shall be as follows :

Finland	100 (1)
Austria	100 (1)
Sweden	100 (1).

Article 5

With effect from 1 July 1994, '1 July 1993' in the second subparagraph of Article 63 of the Staff Regulations shall be replaced by '1 July 1994'.

3. In accordance with Annex XI to the Staff Regulations, these weightings could be adjusted before 31 December 1995 by a Council regulation establishing new weightings with effect from 1 July 1995. In this event, the institutions shall make the corresponding positive or negative adjustment to the remuneration and pensions of the officials, former officials and other persons concerned with retroactive effect for the period between the effective date and the adoption date of the decision on the 1995 adjustment.

Article 6

1. With effect from 1 July 1994, the weightings applicable to the remuneration of officials and other servants employed in the countries and places listed below shall be as follows :

Belgium	100,0
Denmark	120,3
Germany	111,4
except : Bonn	101,6
Karlsruhe	99,8
Munich	110,3
Greece	80,2
Spain	88,0
France	113,2

If this retroactive adjustment necessitates the recovery of sums overpaid, such recovery may be spread over a period of not more than 12 months from the date of the decision on the 1995 annual adjustment.

4. The weightings applicable to pensions shall be determined in accordance with Article 82 (1) of the Staff Regulations. Articles 3 to 10 of Regulation (ECSC, EEC, Euratom) No 2175/88 (2) shall remain in force.

(1) Provisional figure.

(2) OJ No L 191, 22. 7. 1988, p. 1.

Article 7

With effect from 1 July 1994, the table in Article 10 (1) of Annex VII to the Staff Regulations shall be replaced by the following:

	Entitled to household allowance		Not entitled to household allowance	
	1st to 15th day	from 16th day	1st to 15th day	from 16th day
	Bfrs per calendar year			
A 1 to A 3 and LA 3	2 444	1 152	1 679	963
A 4 to A 8 and LA 4 to LA 8 and category B	2 372	1 075	1 610	840
Other grades	2 152	1 002	1 385	692

Article 8

With effect from 1 July 1994, the allowances for shiftwork laid down in Article 1 of Regulation (ECSC, EEC, Euratom) No 300/76 ⁽¹⁾ shall be Bfrs 10 903, Bfrs 16 456, Bfrs 17 993 and Bfrs 24 531 respectively.

Article 9

With effect from 1 July 1994, the amounts in Article 4 of Regulation (EEC, Euratom, ECSC) No 260/68 ⁽²⁾ shall be subject to a weighting of 3,901609.

Article 10

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 Council

The President

K. KINKEL

⁽¹⁾ OJ No L 38, 13. 2. 1976, p. 1. Regulation as supplemented by Regulation (Euratom, ECSC, EEC) No 1307/87 (OJ No L 124, 13. 5. 1987, p. 6) and last amended by Regulation (Euratom, ECSC, EC) No 3608/93 (OJ No L 328, 29. 12. 1993, p. 1).

⁽²⁾ OJ No L 56, 4. 3. 1968, p. 8. Regulation as last amended by Regulation (Euratom, ECSC, EC) No 3608/93 (OJ No L 328, 29. 12. 1993, p. 10).

COUNCIL REGULATION (ECSC, EC, EURATOM) No 3162/94

of 19 December 1994

amending Regulation (EEC, Euratom, ECSC) No 260/68 laying down the conditions and procedure for applying the tax for the benefit of the European Communities

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular the first paragraph of Article 28 thereof,

Having regard to the Protocol on the Privileges and Immunities of the European Communities, and in particular Article 13 thereof,

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

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

Whereas it is appropriate to extend the application of the tax for the benefit of the European Communities, on the terms and in accordance with the procedure laid down in Regulation (EEC, Euratom, ECSC) No 260/68 ⁽³⁾, to the salaries, wages and emoluments of the members of the organs of the European Investment Fund in the performance of their duties as such and the staff of the Fund,

HAS ADOPTED THIS REGULATION:

Article 1

The following Article is hereby inserted in Regulation (EEC, Euratom, ECSC) No 260/68:

Article 12b

This Regulation shall apply to the members of the organs of the European Investment Fund in the performance of their duties as such, to members of its staff and to recipients of the pensions paid by the Fund who are included in the categories determined by the Council pursuant to the first paragraph of Article 16 of the Protocol on Privileges and Immunities, with regard to salaries, wages and emoluments and to disability, retirement and survivor's pensions paid by the Fund.

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 Council**The President*

K. KINKEL

⁽¹⁾ OJ No C 162, 14. 6. 1994, p. 8.

⁽²⁾ OJ No C 323, 21. 11. 1994.

⁽³⁾ OJ No L 56, 4. 3. 1968, p. 8. Regulation as last amended by Regulation (Euratom, ECSC, EC) No 3606/93 (OJ No L 332, 31. 12. 1993, p. 10).

COUNCIL REGULATION (ECSC, EC, EURATOM) No 3163/94

of 19 December 1994

amending Regulation (Euratom, ECSC, EEC) No 549/69 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular the first paragraph of Article 28 thereof,

Having regard to the Protocol on the Privileges and Immunities of the European Communities, and in particular Article 16 thereof,

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

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

Having regard to the opinion of the Court of Auditors ⁽³⁾,

Having regard to the opinion of the Court of Justice ⁽⁴⁾,

Whereas it is appropriate to extend to the European Investment Fund the application of Council Regulation (Euratom, ECSC, EEC) No 549/69 of 25 March 1969 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply ⁽⁵⁾, in order to ensure that the members of the organs of the European Investment Fund and the staff of the Fund, in view of their duties and responsibilities and of their particular situation, benefit from the same privileges, immunities and facilities,

Article 1

The following Article is hereby inserted in Regulation (Euratom, ECSC, EEC) No 549/69 :

Article 4b

The privileges and immunities provided for in Article 12, in the second paragraph of Article 13 and in Article 14 of the Protocol shall apply under the same conditions and within the same limits as those laid down in Articles 1, 2 and 3 of this Regulation to :

- members of the organs of the European Investment Fund in the performance of their duties as such,
- staff of the European Investment Fund,
- persons receiving disability, retirement or survivor's pensions paid by the European Investment Fund.

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 Council

The President

K. KINKEL

⁽¹⁾ OJ No C 162, 14. 6. 1994, p. 9.

⁽²⁾ OJ No C 323, 21. 11. 1994.

⁽³⁾ OJ No C 291, 19. 10. 1994, p. 19.

⁽⁴⁾ Opinion delivered on 7 October 1994 (not yet published in the Official Journal).

⁽⁵⁾ OJ No L 74, 27. 3. 1969, p. 1. Regulation as last amended by Regulation (Euratom, ECSC, EC) No 3607/93 (OJ No L 332, 31. 12. 1993, p. 11).

COMMISSION REGULATION (EC) No 3164/94**of 22 December 1994****fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 3179/93⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 1900/92⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 1901/92⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 1902/92⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾,

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commis-

sion decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

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

Whereas, with regard to Turkey and the Maghreb countries, the provisions of this Regulation should be without prejudice to the additional amount to be determined in accordance with the agreements between the Community and these third countries;

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 19 and 20 December 1994 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 285, 20. 11. 1993, p. 9.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 192, 11. 7. 1992, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 192, 11. 7. 1992, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 192, 11. 7. 1992, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

⁽¹⁴⁾ OJ No L 263, 19. 9. 1991, p. 1.

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

Article 2

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 3

This Regulation shall enter into force on 23 December 1994.

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

Done at Brussels, 22 December 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Minimum import levies on olive oil⁽¹⁾

(ECU/100 kg)

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

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

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

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Turkey : ECU 11,48 ^(*) per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Algeria, Tunisia and Morocco : ECU 12,69 ^(*) per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

^(*) These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

⁽³⁾ For imports of oil falling within this CN code :

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

⁽⁴⁾ For imports of oil falling within this CN code :

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

ANNEX II.

Import levies on other olive oil sector products⁽¹⁾

(ECU/100 kg)

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

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

COMMISSION REGULATION (EC) No 3165/94**of 21 December 1994****on the free supply to Moldova of intervention wheat and rye pursuant to Council Regulation (EC) No 1999/94**

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

Having regard to Council Regulation (EC) No 1999/94 of 27 July 1994 on actions for the free supply of agricultural products to the people of Georgia, Armenia, Azerbaijan, Kyrgyzstan, Tajikistan and Moldova⁽¹⁾, as amended by Regulation (EC) No 2621/94⁽²⁾ and in particular Article 4 thereof,

Whereas, Commission Regulation (EC) No 2065/94⁽³⁾, as amended by Regulation (EC) No 3078/94⁽⁴⁾, established the detailed rules applicable to the free supply of agricultural products held in intervention stocks to Georgia, Armenia, Azerbaijan, Kyrgyzstan, Tajikistan and Moldova foreseen by Council Regulation (EC) No 1999/94; whereas, in addition, specific rules should be laid down for the supply of intervention wheat and rye; whereas, taking account of budgetary resources and the proper management of intervention stocks, a tendering procedure should be organized for the supply of 50 000 tonnes of wheat held by the Danish intervention agency and 50 000 tonnes of rye held by the German intervention agency to Moldova;

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

1. A tendering procedure is hereby initiated for the supply costs of 50 000 tonnes (net) of wheat and 50 000 tonnes (net) of rye as indicated in Annex I, in accordance with the provisions of Regulation (EC) No 2065/94, and in particular Articles 2 (1) and 2 (2) thereof.

The invitation to tender relates to two lots of 50 000 tonnes each.

2. The supply costs shall include the take-over at the stores indicated in Annex II and transport by the appropriate means to the places of destination and within the time limits indicated in Annex I (one boat per delivery date).

Article 2

1. In accordance with Article 4 of Regulation (EC) No 2065/94 the offers shall be presented to the following address:

⁽¹⁾ OJ No L 201, 4. 8. 1994, p. 1.

⁽²⁾ OJ No L 280, 29. 10. 1994, p. 2.

⁽³⁾ OJ No L 213, 18. 8. 1994, p. 3.

⁽⁴⁾ OJ No L 325, 17. 12. 1994, p. 15.

Commission of the European Communities,
EAGGF-Guarantee Section,
Division VI/G.2 (Office 10/05),
Rue de la Loi 120,
B-1049 Brussels.

The closing date for the lodgement of tenders shall be 10 January 1995 at 17.00 hours (Brussels time).

In the case of non-acceptance of offers on 10 January 1995, a second closing date for the lodgement of offers shall be 17 January 1995 at 17.00 hours (Brussels time).

In this case all of the dates referred to in Annex I shall be carried forward by seven days.

2. The offer shall relate to the total of the quantities of a lot referred to in Article 1.

In the case of rye, the offer must indicate the amount required either for a maritime transport from the stores referred to for Lot No 2 (a) in Annex II, or for an overland transport from the stores referred to for Lot No 2 (b) in Annex II, or the amounts required for both.

3. The tendering security referred to in Article 6 (1) (f) of Regulation (EC) No 2065/94 is fixed at ECU 20 per tonne.

4. The security referred to in Article 12 (2) of Regulation (EC) No 2065/94 is fixed at ECU 140 per tonne.

5. The securities referred to in paragraphs 3 and 4 shall be drawn up in favour of the Commission of the European Communities.

Article 3

The take-over certificate referred to in Article 10 (1) (a) of Regulation (EC) No 2065/94 shall be established at the places and by the authorities referred to in Annex III, on the basis of the model in Annex IV.

Article 4

For the payment provided for at Article 13 of Regulation (EC) No 2065/94, the intervention agency shall deliver a certificate certifying the total removal of the quantities for each destination, upon completion of that operation.

Article 5

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, 21 December 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Lot No 1

25 000 tonnes of intervention wheat destined for Moldova.

Delivery stage :

The station Razdelnaya via Odessa (goods not unloaded) or the port of Reni via Constanza (goods unloaded on to wagons).

Final delivery date at the station or the port :

22 February 1995.

25 000 tonnes of intervention wheat destined for Moldova.

Delivery stage :

The station Razdelnaya via Odessa (goods not unloaded) or the port of Reni via Constanza (goods unloaded on to wagons).

Final delivery date at the station or the port :

8 March 1995.

Lot No 2

25 000 tonnes of intervention rye destined for Moldova.

Delivery stage :

The station Razdelnaya via Odessa (goods not unloaded) or the port of Reni via Constanza (goods unloaded on to wagons).

In the case of a point to point overland transport (goods not unloaded) the frontier point will be designated by the successful tenderer in agreement with the Commission services.

Final delivery date at the station or the port :

28 February 1995.

25 000 tonnes of intervention rye destined for Moldova.

Delivery stage :

The station Razdelnaya via Odessa (goods not unloaded) or the port of Reni via Constanza (goods unloaded on to wagons).

In the case of a point to point overland transport (goods not unloaded) the frontier point will be designated by the successful tenderer in agreement with the Commission services.

Final delivery date at the station or the port :

15 March 1995.

The totality of each lot must be delivered to the same point of destination.

ANNEX II

Places of storage	Quantity (tonnes)
Lot No 1 — Wheat	
DLG Hal N Østervej 6-8 DK-4532 Gislinge	585,200
DLG Ny Lellingegård Markledet 22 DK-4600 Køge	4 519,020
DLG Seinhus Seinhusvej 10 DK-4672 Klippinge	3 249,940
DLG Lageret Vestre Kaj, Havnen DK-4700 Næstved	322,135
DLG Sydsjælland/Møn Højsiloerne Sydhavnen DK-4760 Vordingborg	500,000
DLG Iselingen Københavnsvej DK-4760 Vordingborg	692,260
R. Nymann P. Nymann — Lade 1982 Egholmvej 25 DK-4780 Stege	4 087,960
DLG Vestergård Klintevej 39 DK-4780 Stege	2 693,960
A Nielsen & Co. A/S Højsiloen Havnen DK-4800 Nykøbing F	1 684,755
A Nielsen & Co. A/S Pakhus 10 Tømmergade, Havnen DK-4800 Nykøbing F	2 500,000
Erik W. Begtrup Frihedminde Frihedmindevej 35 DK-4840 Nørre Alslev	3 000,360

Places of storage	Quantity
DLG Liselund Liselundvej 47 DK-4850 Stubbekøbing	2 271,280
DLG Kornlageret Vestergade 11 DK-4850 Stubbekøbing	2 002,680
DLG Ringsebygård Karlebyvej 6 DK-4900 Nakskov	2 099,840
H. H. Emborg A/S Daltoftegård Lager 2 af 1979 DK-4900 Nakskov	4 002,140
DLG Adams gave Adams gavevej 90 DK-4900 Nakskov	2 872,720
DLG Stensgård, lager 1978 Skovstrædet 39 DK-4912 Harpelunde	7 517,050
R. Nymann Kornlageret 1983 Stensgård Skovstrædet DK-4912 Harpelunde	5 014,340
DLG Qvade Højsiloen Havnen DK-4970 Rødby	384,360
Lot No 2 (a) — Rye	
Flensburger Walzenmühle Silo- und Lagerhausgesellschaft mbH D-24955 Harrislee	2 108
Stöfen & Sohn Lagerung Spedition D-25794 Pahlen	4 390
Gesellschaft für Lagereibetriebe mbH D-21502 Geesthacht	4 624
Raiffeisen-Hauptgenossenschaft Nord AG D-25436 Uetersen	2 430
Lagerhaus Henkel & Partner GmbH D-20539 Hamburg	3 185

Places of storage	Quantity
Hansen GmbH D-21079 Hamburg	2 742
Peiner Getreidelagerhaus GmbH D-31226 Peine	6 982
Weser-Lagerhaus GmbH D-27318 Hoya	9 749
Rieke & Co. Lagerhaus- und Spedition D-37603 Holzminden	851
Lühning Nachf. D-31629 Estorf	2 766
Lühning Nachf. D-31633 Leese	2 511
Westf.-Lipp. Lagerhaus Peter Cremer GmbH D-31675 Bückeburg	451
Gesellschaft für Lagereibetriebe mbH D-29614 Soltau	1 063
Union Schiffs- und Lagerhaus-Gesellschaft mbH D-29683 Oerbke	1 344
Röhlig & Co. (GmbH & Co.) Spedition D-29693 Hadernstorf	1 959
Belaho Betriebs- und Lagerhausgesellschaft D-25551 Hohenlockstedt	2 716
Rieke & Co. Lagerhaus- und Spedition D-37154 Northeim	129
Lot No 2(b) — Rye	
RHG-Agrarzentrum Fürstenwalder Futtermittel-Getreide D-15517 Fürstenwalde	2 260
Landhandel GmbH D-16775 Gransee	298
RHG Agrarzentrum Prignitzer Landhandel D-16866 Kyritz	2 632
GEKA Agrarhandel GmbH D-17034 Neubrandenburg	3 664
Stralsunder Getreide- und Handelsgesellschaft mbH	7 173
FUGEMA Futtermittel- und Getreidehandelsgesellschaft D-17139 Malchin	1 176
KÖMI Agrarhandel GmbH D-17309 Pasewalk	2 938

Places of storage	Quantity (tonnes)
RHG Waren (Müritz) Raiffeisen-Handelsgesellschaft eG D-17192 Waren	4 455
Wünsche & Co. Lagerung — Umschlag (GmbH & Co.) D-29410 Salzwedel	18 210
Saatbau und Viehvermarktung Wittingen — Ohrdorf eG D-38489 Beetzendorf	3 894
Raiffeisen-Bezugs-Verwertung und Anlagen D-39606 Osterburg	3 300

The characteristics of the lots shall be supplied to the tenderers by the Danish and German intervention intervention agencies.

Addresses of the intervention agencies :

DENMARK

Landbrugsministeriet,
EF-Direktoratet,
Nyropsgade 26
DK-1602, København V
tel. (45) 33 92 70 00 ; fax (45) 33 92 69 48.

GERMANY

BALM
Adickesallee 40
Postfach 18 01 07
D-60082 Frankfurt-am-Main
tel. (069) 1564-0 ; fax (069) 1564-790, (069) 1564-791, (069) 1564-792.

ANNEX III

Places of take-over in Moldova :

1. Razdelnaya — Goods not unloaded.

The quantitative and qualitative controls will be carried out at the time of sealing the rail-wagons at Odessa. The take-over certificate will be issued on arrival at the abovementioned station after verification of the integrity of the seals and the number of wagons.

2. Port of Reni — Goods unloaded on to wagons.

3. In the case of a point to point overland transport (goods not unloaded) the frontier point will be designated by the successful tenderer in agreement with the Commission services.

4. Authority entitled to deliver the take-over certificate :

State Department of Cereal Products
bd. Stefan cel Mare, 124
277012 Chisinau
Moldova

Mr Gheorghe Ciorba (Director)

tel. (373 2) 22 33 09 ; fax (373 2) 26 12 55.

*ANNEX IV***Take-over certificate**

I, the undersigned
(name/first name/position)

acting on behalf of

certify that the following goods have been taken over :

Product :		
Packaging :		
Total quantity in tonnes (net) : (gross) :		
No	of sacks (flour) :	
	of cartons (butter) (meat) ⁽¹⁾ :	
Place and date of take-over :		
Rail wagon numbers / name of boat / heavy goods vehicle registration numbers ⁽¹⁾ :		
Numbers of seals on arrival :		
Name and address of transport company :		

Name/address of monitoring agency :

.....
.....

Name and signature of its on-the-spot representative :

.....
.....

Observations or remarks :

.....
.....
.....
.....

Signature and stamp

.....

⁽¹⁾ Delete as appropriate.

COMMISSION REGULATION (EC) No 3166/94

of 22 December 1994

fixing the import levies on live sheep and goats and on sheepmeat and goatmeat
other than frozen meat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EC) No 1886/94⁽²⁾, Article 10 thereof,

Whereas, under Article 9 (2) of Regulation (EEC) No 3013/89, a levy is applicable to the products falling within CN codes 0204 10 00, 0204 21 00, 0204 22 10, 0204 22 30, 0204 22 50, 0204 22 90, 0204 23 00, 0204 50 11, 0204 50 13, 0204 50 15, 0204 50 19, 0204 50 31 and 0204 50 39 listed in Annex II of that Regulation;

Whereas, in accordance with Article 11 of Regulation (EEC) No 3013/89, the levy on fresh or chilled carcasses and half-carcasses is to be equal to the difference between the seasonally adjusted basic price and the Community free-at-frontier offer price;

Whereas the seasonally-adjusted basic price is fixed in Article 2 of Council Regulation (EC) No 1887/94⁽³⁾ for the 1995 marketing year;

Whereas the Community free-at-frontier offer price is determined in the light of the most representative purchasing possibilities, as regard quality and quantity, recorded over the period from the 21st day of the preceding month to the 20th day of the month during which the levies are determined, taking particular account of the supply and demand situation for fresh or chilled meat, the world market price for frozen meat of a category which is competitive with fresh or chilled meat and of past experience;

Whereas the free-at-frontier offer price is to be determined, if necessary, on the basis of the most representative purchasing possibilities recorded for live sheep;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2668/80⁽⁴⁾, as last amended by Regulation (EEC) No 3890/92⁽⁵⁾, the free-at-frontier offer prices are to be based *inter alia* on the prices shown in the customs documents

which accompany products imported from non-member countries or on other information concerning the export prices applied by those non-member countries; whereas offer prices which do not correspond to actual purchasing possibilities or which relate to unrepresentative quantities and offer prices which, in view of general price movements or other information available, may be considered not to be representative of actual price trends in the country of origin are to be disregarded;

Whereas a special levy may be fixed for products originating in or coming from one or more non-member countries if exports of the said products are made at abnormally low prices;

Whereas the levy on live animals within CN codes 0104 10 90 and 0104 20 90 and on the meat falling within CN codes 0204 10 00, 0204 21 00, 0204 22 10, 0204 22 30, 0204 22 50, 0204 22 90, 0204 23 00, 0204 50 11, 0204 50 13, 0204 50 15, 0204 50 19, 0204 50 31, 0204 50 39, 0210 90 11 and 0210 90 19 listed in Annex II to Regulation (EEC) No 3013/89 is to be equal to the levy determined for carcasses, multiplied by a standard coefficient fixed for each of the products in question; whereas these coefficients are fixed in Annex I to Regulation (EEC) No 2668/80;

Whereas the levies should be so fixed that the obligations arising from international agreements concluded by the Community continue to be fulfilled; whereas, moreover, account should be taken of the voluntary restraint arrangements made by the Community with certain non-member countries;

Whereas Council Regulation (EEC) No 715/90⁽⁶⁾, as last amended by Regulation (EC) No 2484/94⁽⁷⁾, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽⁸⁾, no levies shall apply on imports of products originating in the overseas countries and territories;

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 30.

⁽³⁾ OJ No L 197, 30. 7. 1994, p. 31.

⁽⁴⁾ OJ No L 276, 20. 10. 1980, p. 39.

⁽⁵⁾ OJ No L 391, 31. 12. 1992, p. 51.

⁽⁶⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁷⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽⁸⁾ OJ No L 263, 19. 9. 1991, p. 1.

Whereas the levies are fixed before the 27th day of each month for each week during the following month; whereas they are applicable from Monday to Sunday; whereas they can be altered within that period if necessary;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽¹⁾, as amended by Regulation (EC) No 3528/93 ⁽²⁾, 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 ⁽³⁾, as amended by Regulation (EC) No 547/94 ⁽⁴⁾;

Whereas, having regard to the provisions of the above-mentioned Regulations and, in particular, to the information and quotations known to the Commission, the levies

on live sheep and goats and on sheepmeat and goatmeat other than frozen meat should be as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 January 1995.

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

Done at Brussels, 22 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽³⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁴⁾ OJ No L 69, 12. 3. 1994, p. 1.

ANNEX

to the Commission Regulation of 22 December 1994 fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat⁽¹⁾

(ECU/100 kg)

CN code	Week No 1 from 2 to 8 January 1995	Week No 2 from 9 to 15 January 1995	Week No 3 from 16 to 22 January 1995	Week No 4 from 23 to 29 January 1995	Week No 5 from 30 January to 5 February 1995
0104 10 30 ⁽¹⁾	59,479	60,846	62,440	63,577	64,714
0104 10 80 ⁽¹⁾	59,479	60,846	62,440	63,577	64,714
0104 20 90 ⁽¹⁾	59,479	60,846	62,440	63,577	64,714
0204 10 00 ⁽²⁾	126,550	129,460	132,850	135,270	137,690
0204 21 00 ⁽²⁾	126,550	129,460	132,850	135,270	137,690
0204 22 10 ⁽²⁾	88,585	90,622	92,995	94,689	96,383
0204 22 30 ⁽²⁾	139,205	142,406	146,135	148,797	151,459
0204 22 50 ⁽²⁾	164,515	168,298	172,705	175,851	178,997
0204 22 90 ⁽²⁾	164,515	168,298	172,705	175,851	178,997
0204 23 00 ⁽²⁾	230,321	235,617	241,787	246,191	250,596
0204 50 11 ⁽²⁾	126,550	129,460	132,850	135,270	137,690
0204 50 13 ⁽²⁾	88,585	90,622	92,995	94,689	96,383
0204 50 15 ⁽²⁾	139,205	142,406	146,135	148,797	151,459
0204 50 19 ⁽²⁾	164,515	168,298	172,705	175,851	178,997
0204 50 31 ⁽²⁾	164,515	168,298	172,705	175,851	178,997
0204 50 39 ⁽²⁾	230,321	235,617	241,787	246,191	250,596
0210 90 11 ⁽²⁾	164,515	168,298	172,705	175,851	178,997
0210 90 19 ⁽²⁾	230,321	235,617	241,787	246,191	250,596

⁽¹⁾ The levy applicable is limited in the conditions laid down in Council Regulations (EEC) No 3643/85, (EEC) No 715/90 and (EC) No 3609/93 and Commission Regulations (EEC) No 19/82 and (EC) No 3581/93.

⁽²⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85, (EEC) No 715/90 and (EC) No 3609/93 and Commission Regulations (EEC) No 19/82 and (EC) No 3581/93.

⁽³⁾ The levy applicable is limited in the conditions laid down in Council Regulation (EEC) No 715/90 and Commission Regulation (EEC) No 19/82.

⁽⁴⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EC) No 3167/94

of 22 December 1994

fixing the import levies on frozen sheepmeat and goatmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EC) No 1886/94⁽²⁾, and in particular Article 10 thereof,

Whereas, pursuant to Article 9 (2) of Regulation (EEC) No 3013/89, a levy is applicable to the products falling within CN codes 0204 30 00, 0204 41 00, 0204 42 10, 0204 42 30, 0204 42 50, 0204 42 90, 0204 43 00, 0204 50 51, 0204 50 53, 0204 50 55, 0204 50 59, 0204 50 71 and 0204 50 79 listed in Annex II to that Regulation;

Whereas, pursuant to Article 12 of Regulation (EEC) No 3013/89, the levy on frozen carcasses and halfcarcasses is to be equal to the difference between:

- (a) the basic price multiplied by a coefficient representing the relationship existing in the Community between the price of fresh meat of a category competitive with the frozen meat in question, presented in the same form, and the average price of fresh and chilled sheep carcasses, and
- (b) the Community free-at-frontier offer price for the said frozen meat;

Whereas the seasonally-adjusted basic price for the 1995 marketing year is fixed in Article 2 of Council Regulation (EC) No 1887/94⁽³⁾; whereas the coefficient referred to in Article 12 (3) (a) of Regulation (EEC) No 3013/89 is fixed in Article 2 (2) of Regulation (EEC) No 2668/80⁽⁴⁾, as last amended by Regulation (EEC) No 3890/92⁽⁵⁾;

Whereas the Community free-at-frontier offer price is determined in the light of the most representative purchasing possibilities, as regards quality and quantity, recorded over the period from the 21st day of the preceding month to the 20th day of the month during which the levies are determined, taking particular account

of the supply and demand situation for fresh or chilled meat, the world market price for frozen meat of a category which is competitive with fresh or chilled meat and of past experience;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2668/80, the free-at-frontier offer prices are to be based *inter alia* on the prices shown in the customs documents which accompany products imported from non-member countries or on other information concerning the export prices applied by those non-member countries; whereas offer prices which do not correspond to actual purchasing possibilities or which relate to unrepresentative quantities and offer prices which, in view of general price movements or other information available, may be considered not to be representative of actual price trends in the country of origin are to be disregarded;

Whereas a special levy may be fixed for products originating in or coming from one or more non-member countries if exports of the said products are made at abnormally low prices;

Whereas the levy on the meat falling within CN codes 0204 30 00, 0204 41 00, 0204 42 10, 0204 42 30, 0204 42 50, 0204 42 90, 0204 43 00, 0204 50 51, 0204 50 53, 0204 50 55, 0204 50 59, 0204 50 71 and 0204 50 79 listed in Annex II to Regulation (EEC) No 3013/89 is to be equal to the levy determined for frozen carcasses, multiplied by a standard coefficient fixed for each of the products in question; whereas these coefficients are fixed in Annex II to Regulation (EEC) No 2668/80;

Whereas the levies should be so fixed that the obligations arising from international agreements concluded by the Community continue to be fulfilled; whereas, moreover, account should be taken of the voluntary restraint arrangements made by the Community with certain non-member countries;

Whereas Council Regulation (EEC) No 715/90⁽⁶⁾, as last amended by Regulation (EC) No 2484/94⁽⁷⁾, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 30.

⁽³⁾ OJ No L 197, 30. 7. 1994, p. 31.

⁽⁴⁾ OJ No L 276, 20. 10. 1980, p. 39.

⁽⁵⁾ OJ No L 391, 31. 12. 1992, p. 51.

⁽⁶⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁷⁾ OJ No L 265, 15. 10. 1994, p. 3.

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

Whereas the levies are fixed before the 27th day of each month for each week during the following month; whereas they are applicable from Monday to Sunday; whereas they can be altered within that period if necessary;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽²⁾, as amended by Regulation (EC) No 3528/93⁽³⁾, 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 determina-

tion of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁴⁾, as amended by Regulation (EC) No 547/94⁽⁵⁾;

Whereas, having regard to the provisions of the above-mentioned Regulations and, in particular, to the information and quotations known to the Commission, the levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat should be as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen sheepmeat and goatmeat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 January 1995.

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

Done at Brussels, 22 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁴⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁵⁾ OJ No L 69, 12. 3. 1994, p. 1.

ANNEX

to the Commission Regulation of 22 December 1994 fixing the import levies on frozen
sheepmeat and goatmeat⁽¹⁾ ⁽²⁾

(ECU/100 kg)

CN code	Week No 1 from 2 to 8 January 1995	Week No 2 from 9 to 15 January 1995	Week No 3 from 16 to 22 January 1995	Week No 4 from 23 to 29 January 1995	Week No 5 from 30 January to 5 February 1995
0204 30 00	114,913	117,095	119,638	121,453	123,268
0204 41 00	114,913	117,095	119,638	121,453	123,268
0204 42 10	80,439	81,967	83,747	85,017	86,288
0204 42 30	126,404	128,805	131,602	133,598	135,595
0204 42 50	149,387	152,224	155,529	157,889	160,248
0204 42 90	149,387	152,224	155,529	157,889	160,248
0204 43 10	209,142	213,113	217,741	221,044	224,348
0204 43 90	209,142	213,113	217,741	221,044	224,348
0204 50 51	114,913	117,095	119,638	121,453	123,268
0204 50 53	80,439	81,967	83,747	85,017	86,288
0204 50 55	126,404	128,805	131,602	133,598	135,595
0204 50 59	149,387	152,224	155,529	157,889	160,248
0204 50 71	149,387	152,224	155,529	157,889	160,248
0204 50 79	209,142	213,113	217,741	221,044	224,348

⁽¹⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85, (EEC) No 715/90 and (EC) No 3609/93 and Commission Regulations (EEC) No 19/82 and (EC) No 3581/93.

⁽²⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EC) No 3168/94

of 21 December 1994

establishing in the field of application of Council Regulation (EC) No 517/94 on common rules for imports of textile products from third countries not covered by bilateral agreements, protocols or other arrangements or by other specific Community import rules a Community import licence and amending certain provisions of the Regulation

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from third countries not covered by bilateral agreements, protocols or other arrangements or by other specific Community import rules⁽¹⁾, as last amended by Regulation (EC) No 2798/94⁽²⁾, and in particular Article 21 thereof,

Whereas, as a result of the establishment of the internal market, it is appropriate that the different forms, so far used by the competent authorities of the Member States in the textile and clothing sector for authorizing the import into the Community of products subject to quantitative limits, pursuant to Regulation (EC) No 517/94, be replaced by a single document that may be used throughout the customs territory of the Community, regardless of the Member State of issue, or the nationality or domicile of the operator concerned;

Whereas to this end it is necessary to create a Community import licence to be drawn up by the competent authorities of the Member States on a common form meeting uniform criteria, to specify which information such document, and the application for such document, shall contain and to amend or complete certain provisions of Regulation (EC) No 517/94;

Whereas to facilitate the introduction of such a Community import licence in all Member States, it seems appropriate to authorize the competent authorities of the Member States, during a transitional period which shall end no later than 31 December 1995, to continue to issue the national forms that were in use before the date of entry into force of this Regulation for issuing import authorizations and surveillance documents, unless the applicant, at the time of this application, has requested the issue of a Community import licence;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 517/94 is hereby amended as follows:

⁽¹⁾ OJ No L 67, 10. 3. 1994, p. 1.

⁽²⁾ OJ No L 297, 18. 11. 1994, p. 6.

1. the following subparagraph is added to Article 18 (1):

‘The authorization application must contain:

- (a) the name of the applicant and full address (including, if any, telephone and fax numbers, and identification number registered with the competent national authorities), and VAT registration number, if it is a VAT payer;
- (b) name and full address of declarant;
- (c) name and full address of probable exporter;
- (d) the country of origin of the products and the country of consignment;
- (e) a description of the products including:
 - their commercial designation,
 - description of the products and combined nomenclature (CN) code;
- (f) the appropriate category and the quantity in the appropriate unit as indicated in Annexes III B and IV for the products in question;
- (g) the value of the products;
- (h) any internal code used for administrative purposes, such as the Taric code;
- (i) date and signature of applicant.’;

2. Article 19 (1) is replaced by the following text:

‘1. The competent authorities of the Member States shall issue import authorizations within five working days of notification of the Commission decision or with the time limit set by the Commission. The issue of the import authorizations and extracts thereof shall be made in accordance with the conditions and detailed rules laid down in Annex VIII.’;

3. the Annex to the present Regulation is added as Annex VIII to Regulation (EC) No 517/94.

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, 21 December 1994.

For the Commission

Leon BRITTAN

Member of the Commission

ANNEX

ANNEX VIII

Article 1

Community import licence — common form

1. The forms to be used by the competent authorities of the Member States listed in Appendix 2 to the present Annex for issuing the import authorizations shall conform to the specimen of the import licence set out in Appendix 1.
2. Import licence forms and extracts thereof shall be drawn up in duplicate, one copy, marked "Holder's copy" and bearing the number 1 to be issued to the applicant, and the other, marked "Copy for the issuing authority" and bearing the number 2, to be kept by the authority issuing the licence. For administrative purposes the competent authorities may add additional copies to form 2.
3. Forms shall be printed on white paper free of mechanical pulp, dressed for writing and weighing between 55 and 65 grams per square metre. Their size shall be 210 x 297 mm; the type space between the lines shall be 4,24 mm (one-sixth of an inch); the layout of the forms shall be followed precisely. Both sides of copy No 1, which is the licence itself, shall in addition have a red printed guilloche pattern background so as to reveal any falsification by mechanical or chemical means.
4. Member States shall be responsible for having the forms printed. The forms may also be printed by printers appointed by the Member State in which they are established. In the latter case, reference to the appointment by the Member State must appear on each form. Each form shall bear an indication of the printer's name and address or a mark enabling the printer to be identified.
5. At the time of their issue the import licences or extracts shall be given an issue number allocated by the competent authorities of the Member State concerned as follows:
 - two letters identifying the exporting country:

— China	= CN
— North Korea	= KP
— Croatia	= HR
— Bosnia	= BA
— FYROM	= XJ
 - two letters identifying the Member State to which the declaration or request for the import authorization is made:

— AT	= Austria ⁽¹⁾
— BL	= Benelux
— DE	= Federal Republic of Germany
— DK	= Denmark
— EL	= Greece
— ES	= Spain
— FI	= Finland ⁽²⁾
— FR	= France
— GB	= United Kingdom
— IE	= Ireland
— IT	= Italy
— PT	= Portugal
— SE	= Sweden ⁽³⁾
 - a one-digit number identifying the quota year or the year under which exports were recorded, corresponding to the last figure in the year in question, e.g. "5" for "1995",
 - a seven-digit number running consecutively from 0000001 to 9999999 allocated to the specific Member State to which the declaration or request for the import authorization is made. For the Benelux a seven-digit number is allocated.
6. Licences and extracts shall be completed in the official language, or one of the official languages, of the Member State of issue.
7. In box 12 the competent authorities shall indicate the appropriate textile category.

⁽¹⁾ Under reserve of the entry into force of the Treaty concerning the accession of the Republic of Austria to the European Union.

⁽²⁾ Under reserve of the entry into force of the Treaty concerning the accession of the Republic of Finland to the European Union.

⁽³⁾ Under reserve of the entry into force of the Treaty concerning the accession of the Kingdom of Sweden to the European Union.

8. The marks of the issuing agencies and debiting authorities shall be applied by means of a stamp. However, an embossing press combined with letters or figures obtained by means of perforation, or printing on the licence may be substituted for the issuing authority's stamp. The issuing authorities shall use any tamper-proof method to record the quantity allocated in such a way as to make it impossible to insert figures or references (e.g. ECU 1 000).
9. The reverse of copy No 1 and copy No 2 shall bear a box in which quantities may be entered, either by the customs authorities when import formalities are completed, or by the competent administrative authorities when an extract is issued.

If the space set aside for debits on a licence or extract thereof is insufficient, the competent authorities may attach one or more extension pages bearing boxes matching those on the reverse of copy No 1 and copy No 2 of the licence or extract with such authorizations as specified in paragraph 7.
10. Import licences and extracts issued, and entries and endorsements made, by the authorities of one Member State shall have the same legal effect in each of the other Member States as documents issued, and entries and endorsements made, by the authorities of such Member States.
11. The competent authorities of the Member States concerned may, where indispensable, require the contents of licences or extracts to be translated into the official language or one of the official languages of that Member State.

Article 2

Transitional provisions

Notwithstanding the provisions of Article 1, for a transitional period ending not later than 31 December 1995 and provided that the applicant, at the time of his application has not requested the issue of a Community import licence conforms to the specimen set out in Appendix 1, the competent authorities of the Member States shall be authorized to use their own national forms to issue the import authorizations and any extracts thereof.

EUROPEAN COMMUNITY

IMPORT LICENCE

Holder's copy	1	1. Consignee (name, full address, country, VAT number)	2. Issue number
			3. Quota period
			4. Authority responsible for issue (name, address and telephone No)
		5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)
			7. Country of consignment (and geonomenclature code)
	1		8. Last day of validity
9. Description of goods		10. CN code	
		11. Quantity expressed in quota unit	
		12. Security/guarantee (as applicable)	
13. Further particulars			
14. Competent authority's endorsement Date : Signature : Stamp			

15. ATTRIBUTIONS			
Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof			
16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			

2	1. Consignee (name, full address, country, VAT number)	2. Issue number
		3. Quota period
		4. Authority responsible for issue (name, address and telephone No)
	5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)
		7. Country of consignment (and geonomenclature code)
		8. Last day of validity
2	9. Description of goods	10. CN code
		11. Quantity expressed in quota unit
		12. Security/guarantee (as applicable)
13. Further particulars		
14. Competent authority's endorsement		

Date :

Signature :

Stamp

15. ATTRIBUTIONS			
Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof			
16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			

Appendix 2

**Lista de las autoridades nacionales competentes
Liste des autorités nationales compétentes
List of the national competent authorities
Liste der zuständigen Behörden der Mitgliedstaaten
Elenco delle competenti autorità nazionali
Πίνακας των αρμόδιων εθνικών αρχών
Lista das autoridades nacionais competentes
Lijst van bevoegde nationale instanties
Liste over kompetente nationale myndigheder**

1. Belgique/België

Ministère des affaires économiques/Ministerie van Economische Zaken
Office central des contingents et licences/Centrale Dienst voor Contingenten en Vergunningen
Rue J.A. De Motstraat 24-26
B-1040 Bruxelles/Brussel
Tél. : (32 2) 233 61 11
Télécopieur : (32 2) 230 83 22

2. Danmark

Erhvervsfremme Styrelsen
Søndergade 25
DK-8600 Silkeborg
Tlf. : (45 87) 20 40 60
Fax : (45 87) 20 40 77

3. Deutschland

Bundesamt für Wirtschaft
Frankfurterstraße 29-31
D-65760 Eschborn
Tel. : (49 61 96) 404-0
Fax : (49 61 96) 40 48 50

4. Ελλάδα

Υπουργείο Εθνικής Οικονομίας
Γενική Γραμματεία Διεθνών Οικονομικών Σχέσεων
Γενική Διεύθυνση Εξωτερικών Οικονομικών
και Εμπορικών Σχέσεων
Δ/ση Διαδικασιών Εξωτερικού Εμπορίου
Μητροπόλεως 1
GR-10557 Αθήνα
Τηλ. : (301) 323 04 18, 322 84 93
Τέλεφαξ : (301) 323 43 93

5. España

Ministerio de Comercio y Turismo
Dirección General de Comercio Exterior
Paseo de la Castellana nº 162
E-28071 Madrid
Tel : (34-1) 349 38 17 ; 349 37 48
Telefax : (34-1) 563 18 23 ; 349 38 31

6. France

Ministère de l'Industrie, des Postes et Télécommunications et du Commerce Extérieur
Service des Biens de Consommation (SERBCO)
Mission Textile — Importations
3/5 rue Barbet de Jouy
F-75353 Paris 07 SP
Tél : (33-1) 43 19 36 36
Fax : (33-1) 43 19 36 74
Télex : 204 472 SERBCO

7. Ireland

Department of Tourism and Trade
Single Market Unit (Room 315)
Kildare Street
IRL-Dublin 2
Tel : (353-1) 662 14 44
Fax : (353-1) 676 61 54

8. *Italia*

Ministero del Commercio con l'Estero
Direzione Generale delle Importazioni e delle Esportazioni
Viale America 341
I-00144 Roma
Tel : (39-6) 59 931
Fax : (39-6) 59 93 26 31 — 59 93 22 35
Telex : 610083 — 610471 — 614478

9. *Luxembourg*

Ministère des affaires étrangères
Office des licences
Boîte postale 113
L-2011 Luxembourg
Tél. : (352) 22 61 62
Télécopieur : (352) 46 61 38

10. *Nederland*

Centrale Dienst voor In- en Uitvoer
Engelse Kamp 2
Postbus 30003
NL-9700 RD Groningen
Tel : (3150) 23 91 11
Fax : (3150) 26 06 98

11. *Portugal*

Ministério do Comércio e Turismo
Direcção-Geral do Comércio
Avenida da República 79
P-1000 Lisboa
Tel : (351-1) 793 03 93 ; 793 30 02
Telecópia : (351-1) 793 22 10 ; 796 37 23
Telex : 13418

12. *United Kingdom*

Department of Trade and Industry
Import Licencing Branch
Queensway House
West Precinct
Billingham
UK-Cleveland TS23 2NF
Tel : (44 642) 36 43 33 ; 36 43 34
Fax : (44 642) 53 35 57
Telex : 58608

13. *Österreich*

Bundesministerium für wirtschaftliche Angelegenheiten
Gruppe II A
Landstrasser Hauptstr. 55/57
A-1030 Wien
Tel : (43-1) 771 02 362 ; 771 02 361
Tel : (43-1) 715 83 47

14. *Sweden*

Swedish National Board of Trade (Kommerskollegium)
BOX 1209
S-1182 Stockholm
Tel : (46.8) 791 05 00
Fax : (46.8) 20 03 24

15. *Suomi*

Tullihallitus
PL 512
FIN-00101 Helsinki
Suomi
Tel : (358-0) 61 41/61 42 648
Fax : (358-0) 61 42 764'

COMMISSION REGULATION (EC) No 3169/94**of 21 December 1994****amending Annex III to Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries and establishing in the field of application of the Regulation a Community import licence**

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 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries⁽¹⁾, as last amended by Commission Regulation (EC) 195/94⁽²⁾, and in particular Articles 12 (8), 13 (3) and 17 thereof,

Whereas as a result of the establishment of the internal market, it is appropriate that the different forms, so far used by the competent authorities of the Member States in the textile and clothing sector for authorizing the import into the Community of products subject, under Regulation (EEC) No 3030/93, to quantitative limits or surveillance, be replaced by a single document that may be used throughout the Customs territory of the Community, regardless of the Member State of issue, the country of destination indicated on the export licence or equivalent document, or the nationality or domicile of the applicant;

Whereas to this end it is necessary to create a Community import licence to be drawn up by the competent authorities of the Member States on a common form meeting uniform criteria, to specify which information such document shall contain and finally to amend Annex III of Council Regulation (EEC) No 3030/93;

Whereas to facilitate the introduction of such a Community import licence in all Member States, it seems appropriate to authorize the competent authorities of the Member States, during a transitional period which shall end not later than 31 December 1995, to continue to issue the national forms that were in use before the date of entry into force of this Regulation for issuing import authorizations and surveillance documents, unless the applicant, at the time of this application, has requested the issue of a Community import licence;

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

Article 1

Annex III to Regulation (EEC) No 3030/93 is amended as follows:

1. Article 14 (3) is replaced by the following text:

'3. The import authorizations of products, drawn up on the form conforming to the specimen set out in Appendix 1 to the present Annex, shall be valid throughout the customs territory of the European Community.'

2. Article 14 (4) is replaced by the following text:

'4. The declaration or request made by the importer to the competent authorities listed in Appendix 2 to the present Annex in order to obtain the import authorization shall contain:

- (a) the names of the importer and full address (including, if any, telephone and fax number, and identification number registered with the competent national authorities), and VAT registration number, if it is a VAT payer;
- (b) name and full address of declarant;
- (c) name and full address of exporter;
- (d) the country of origin of the products and the country of consignment;
- (e) a description of the products including:
 - their commercial designation,
 - description of the products and combined nomenclature code;
- (f) the appropriate category and the quantity in the appropriate unit as indicated in Annex V for the products in question;
- (g) the value of the products, as indicated in box 12 of the export licence;
- (h) where appropriate, dates of payment and delivery and a copy of the bill of lading and of the purchase contract;
- (i) date and number of the export licence;

⁽¹⁾ OJ No L 275, 8. 11. 1993, p. 1.

⁽²⁾ OJ No L 29, 2. 2. 1994, p. 1.

- (j) any internal code used for administrative purposes, such as the Taric code ;
 - (k) date and signature of importer.'
3. At the end of Article 21 (1), the following sentence is added :
- 'Import authorizations, drawn up on the form conforming to the specimen set out in Appendix 1 to the present Annex, shall be valid throughout the customs territory of the European Community.'
4. Article 21 (3) is replaced by the following text :
- '3. The declaration or request made by the importer to the competent authorities listed in Appendix 2 to the present Annex in order to obtain the import authorization shall contain :
- (a) the names of the importer and full address (including, if any, telephone and fax number, and identification number registered with the competent national authorities), and VAT registration number, if it is a VAT payer ;
 - (b) name and full address of declarant ;
 - (c) name and full address of exporter ;
 - (d) the country of origin of the products and the country of consignment ;
 - (e) a description of the products including :
 - their commercial designation,
 - description of the products and combined nomenclature code ;
 - (f) the appropriate category and the quantity in the appropriate unit as indicated in Table A for the products in question ;
 - (g) the value of the products, as indicated in box 12 of the export licence ;
 - (h) where appropriate, dates of payment and delivery and a copy of the bill of lading and of the purchase contract ;
 - (i) date and number of the export licence ;
 - (j) any internal code used for administrative purposes, such as the Taric code ;
 - (k) date and signature of importer.'
5. Article 25 (4) is replaced by the following text :
- '4. Surveillance documents, drawn up on the form conforming to the specimen set out in Appendix 1 to the present Annex, shall be valid throughout the customs territory of the European Community.'
6. Article 26 (1) is replaced by the following text :
- '1. The declaration or request made by the importer to the competent authorities listed in Appendix 2 to

the present Annex in order to obtain the surveillance document shall contain :

- (a) the names of the importer and full address (including, if any, telephone and fax number, and identification number registered with the competent national authorities), and VAT registration number, if it is a VAT payer ;
- (b) name and full address of declarant ;
- (c) name and full address of exporter ;
- (d) the country of origin of the products and the country of consignment ;
- (e) a description of the products including :
 - their commercial designation,
 - description of the products and combined nomenclature code ;
- (f) the appropriate category and the quantity in the appropriate unit as indicated in Table B for the products in question ;
- (g) the value of the products ;
- (h) any internal code used for administrative purposes, such as the Taric code ;
- (i) date and signature of importer ;

and shall be accompanied by a certified copy of the bill of lading, letter of credit, contract or any other commercial document indicating a firm intention to carry out the importation.'

7. Article 30 is replaced by the following text :

'Article 30

In the event of theft, loss or destruction of an export licence, import licence or a certificate of origin, the exporter may apply to the competent authority which issued the document for a duplicate to be made out on the basis of the export documents in his possession. The duplicate licence or certificate issued in this way shall bear the endorsement "duplicata" or "duplicado" or "duplicado".

The duplicate shall bear the date of the original licence or certificate.'

8. After Article 30, the following Parts VI and VII are introduced :

'PART VI

Community import licence — common form

Article 31

1. The forms to be used by the competent authorities of the Member States listed in Appendix 2 to the present Annex for issuing the import authorizations and surveillance documents referred to in Articles 14 (1), 21 (1) and 25 (3) shall conform to the specimen of the import licence set out in Appendix 1 to the present Annex.

2. Import licence forms and extracts thereof shall be drawn up in duplicate, one copy, marked "Holder's copy" and bearing the number 1 to be issued to the applicant, and the other, marked "Copy for the issuing authority" and bearing the number 2, to be kept by the authority issuing the licence. For administrative purposes the competent authorities may add additional copies to form 2.

3. Forms shall be printed on white paper free of mechanical pulp, dressed for writing and weighing between 55 and 65 grams per square metre. Their size shall be 210 × 297 mm; the type space between the lines shall be 4,24 mm (one sixth of an inch); the layout of the forms shall be followed precisely. Both sides of copy No 1, which is the licence itself, shall in addition have a red printed guilloche pattern background so as to reveal any falsification by mechanical or chemical means.

4. Member States shall be responsible for having the forms printed. The forms may also be printed by printers appointed by the Member State in which they are established. In the latter case, reference to the appointment by the Member State must appear on each form. Each form shall bear an indication of the printer's name and address or a mark enabling the printer to be identified.

5. At the time of their issue the import licences or extracts shall be given an issue number allocated by the competent authorities of the Member State concerned as follows:

— two letters identifying the exporting country:

— Albania	= AL,
— Argentina	= AR,
— Armenia	= AM,
— Azerbaijan	= AZ,
— Bangladesh	= BD,
— Belarus	= BY,
— Brazil	= BR,
— Bulgaria	= BG,
— China	= CN,
— Czech Republic	= CZ,
— Egypt	= EG,
— Georgia	= GE,
— Hong Kong	= HK,
— Hungary	= HU,
— India	= IN,
— Indonesia	= ID,
— Kazakhstan	= KZ,
— Kyrgyzstan	= KG,
— Latvia	= LV,

— Lithuania	= LT,
— Macao	= MO,
— Malaysia	= MY,
— Malta	= MT,
— Morocco	= MA,
— Moldova	= MD,
— Mongolia	= MN,
— Pakistan	= PK,
— Peru	= PE,
— Philippines	= PH,
— Poland	= PL,
— Romania	= RO,
— Singapore	= SG,
— Slovakia	= SK,
— Slovenia	= SI,
— South Korea	= KR,
— Sri Lanka	= LK,
— Russia	= RU,
— Taiwan	= TW,
— Tajikistan	= TJ,
— Thailand	= TH,
— Tunisia	= TN,
— Turkey	= TR,
— Turkmenistan	= TM,
— Ukraine	= UA,
— Uruguay	= UY,
— Uzbekistan	= UZ,
— Vietnam	= VN;

— two letters identifying the Member State to which the declaration or request for the import authorization is made:

— AT	= Austria ⁽¹⁾ ,
— BL	= Benelux,
— DE	= Federal Republic of Germany,
— DK	= Denmark,
— EL	= Greece,
— ES	= Spain,
— FI	= Finland ⁽²⁾ ,
— FR	= France,
— GB	= United Kingdom,
— IE	= Ireland,
— IT	= Italy,
— PT	= Portugal,
— SE	= Sweden ⁽³⁾ ;

⁽¹⁾ Under reserve of the entry into force of the Treaty concerning the accession of the Republic of Austria to the European Union.

⁽²⁾ Under reserve of the entry into force of the Treaty concerning the accession of the Republic of Finland to the European Union.

⁽³⁾ Under reserve of the entry into force of the Treaty concerning the accession of the Kingdom of Sweden to the European Union.

- a one-digit number identifying the quota year or the year under which exports were recorded, corresponding to the last figure in the year in question, e.g. "5" for 1995,
- a seven-digit number running consecutively from 0000001 to 9999999 allocated to the specific Member State to which the declaration or request for the import authorization is made. For the Benelux a seven-digit number is allocated.

6. Licences and extracts shall be completed in the official language, or one of the official languages, of the Member State of issue.

7. In box 12 the competent authorities shall indicate the appropriate textile category.

8. The marks of the issuing agencies and debiting authorities shall be applied by means of a stamp. However, an embossing press combined with letters of figures obtained by means of perforation, or printing on the licence may be substituted for the issuing authority's stamp. The issuing authorities shall use any tamper-proof method to record to quantity allocated in such a way as to make it impossible to insert figures or references (e.g. ECU 1000).

9. The reverse of copy No 1 and copy No 2 shall bear a box in which quantities may be entered, either by the customs authorities when import formalities are completed, or by the competent administrative authorities when an extract is issued.

If the space set aside for debits on a licence or extract thereof is insufficient, the competent authorities may attach one or more extension pages bearing boxes matching those on the reverse of copy No 1 and copy No 2 of the licence or extract. The debiting authorities shall so place their stamp that one half is on the licence or extract thereof and the other half is on the extension page. If there is more than one extension page, a further stamp shall be placed in like manner across each page and the preceding page.

10. Import licences and extracts issued, and entries and endorsements made, by the authorities of one

Member State shall have the same legal effect in each of the other Member States as documents issued, and entries and endorsements made, by the authorities of such Member States.

11. The competent authorities of the Member States concerned may, where indispensable, require the contents of licences or extracts to be translated into the official language or one of the official languages of that Member State.

PART VII

Transitional provisions

Article 32

1. Notwithstanding the provisions of Article 31, for a transitional period ending not later than 31 December 1995 and provided that the applicant, at the time of this application has not requested the issue of a Community import licence conforming to the specimen set out in Appendix 1, the competent authorities of the Member States shall be authorized to use their own national forms to issue the import authorizations or surveillance documents and any extracts thereof, instead of the forms referred to in Article 31.

2. Such forms shall give the details referred to in boxes 1 to 13 of the specimen Community import licence shown in Appendix 1. Their validity shall only extend to the territory of the Member State of issue.

9. Annexes I and II to the present Regulation are added as Appendices 1 and 2 to Annex III of Council Regulation (EEC) No 3030/93.

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, 21 December 1994.

For the Commission

Leon BRITTAN

Member of the Commission

Appendix 1 to Annex III of Regulation (EEC) No 3030/93

EUROPEAN COMMUNITY

IMPORT LICENCE

Holder's copy	1	1. Consignee (name, full address, country, VAT number)	2. Issue number
			3. Quota period
			4. Authority responsible for issue (name, address and telephone No)
	5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)	
		7. Country of consignment (and geonomenclature code)	
8. Last day of validity			
1	9. Description of goods		10. CN code
			11. Quantity expressed in quota unit
			12. Security/guarantee (as applicable)
13. Further particulars			
14. Competent authority's endorsement			
Date :			
Signature : Stamp			

15. ATTRIBUTIONS			
Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof			
16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			

2	1. Consignee (name, full address, country, VAT number)	2. Issue number
		3. Quota period
		4. Authority responsible for issue (name, address and telephone No)
	5. Declarant/representative as applicable (name, and full address)	6. Country of origin (and geonomenclature code)
		7. Country of consignment (and geonomenclature code)
		8. Last day of validity
2	9. Description of goods	10. CN code
		11. Quantity expressed in quota unit
		12. Security/guarantee (as applicable)
13. Further particulars		
14. Competent authority's endorsement		
Date :		
Signature : Stamp		

15. ATTRIBUTIONS			
Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof			
16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
1			
2			
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2			
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2			
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ANNEX II

Appendix 2 to Annex III of Regulation (EEC) No 3030/93

Lista de las autoridades nacionales competentes
Liste des autorités nationales compétentes
List of the national competent authorities
Liste der zuständigen Behörden der Mitgliedstaaten
Elenco delle competenti autorità nazionali
Πίνακας των αρμόδιων εθνικών αρχών
Lista das autoridades nacionais competentes
Lijst van bevoegde nationale instanties
Liste over competente nationale myndigheder

1. *Belgique/België*

Ministère des affaires économiques/Ministerie van Economische Zaken
Office central des contingents et licences/Centrale Dienst voor Contingenten en Vergunningen
Rue J.A. De Motstraat 24-26
B-1040 Bruxelles/Brussel
Tél.: (32 2) 233 61 11
Télécopieur: (32 2) 230 83 22

2. *Danmark*

Erhvervsfremme Styrelsen
Søndergade 25
DK-8600 Silkeborg
Tlf.: (45 87) 20 40 60
Fax: (45 87) 20 40 77

3. *Deutschland*

Bundesamt für Wirtschaft
Frankfurterstraße 29-31
D-65760 Eschborn
Tel.: (49 61 96) 404-0
Fax: (49 61 96) 40 48 50

4. *Ελλάδα*

Υπουργείο Εθνικής Οικονομίας
Γενική Γραμματεία Διεθνών Οικονομικών Σχέσεων
Γενική Διεύθυνση Εξωτερικών Οικονομικών
και Εμπορικών Σχέσεων
Δ/ση Διαδικασιών Εξωτερικού Εμπορίου
Μητροπόλεως 1
GR-10557 Αθήνα
Τηλ.: (301) 323 04 18, 322 84 93
Τέλεφαξ: (301) 323 43 93

5. *España*

Ministerio de Comercio y Turismo
Dirección General de Comercio Exterior
Paseo de la Castellana nº 162
E-28071 Madrid
Tel: (34-1) 349 38 17; 349 37 48
Telefax: (34-1) 563 18 23; 349 38 31

6. *France*

Ministère de l'Industrie, des Postes et Télécommunications et du Commerce Extérieur
Service des Biens de Consommation (SERBCO)
Mission Textile — Importations
3/5 rue Barbet de Jouy
F-75353 Paris 07 SP
Tél: (33-1) 43 19 36 36
Fax: (33-1) 43 19 36 74
Télex: 204 472 SERBCO

7. *Ireland*

Department of Tourism and Trade
Single Market Unit (Room 315)
Kildare Street
IRL-Dublin 2
Tel: (353-1) 662 14 44
Fax: (353-1) 676 61 54

8. *Italia*

Ministero del Commercio con l'Estero
Direzione Generale delle Importazioni e delle Esportazioni
Viale America 341
I-00144 Roma
Tel: (39-6) 59 931
Fax: (39-6) 59 93 26 31 — 59 93 22 35
Telex: 610083 — 610471 — 614478

9. *Luxembourg*

Ministère des affaires étrangères
Office des licences
Boîte postale 113
L-2011 Luxembourg
Tél.: (352) 22 61 62
Télécopieur: (352) 46 61 38

10. *Nederland*

Centrale Dienst voor In- en Uitvoer
Engelse Kamp 2
Postbus 30003
NL-9700 RD Groningen
Tel: (3150) 23 91 11
Fax: (3150) 26 06 98

11. *Portugal*

Ministério do Comércio e Turismo
Direcção-Geral do Comércio
Avenida da República 79
P-1000 Lisboa
Tel: (351-1) 793 03 93; 793 30 02
Telecópia: (351-1) 793 22 10; 796 37 23
Telex: 13418

12. *United Kingdom*

Department of Trade and Industry
Import Licencing Branch
Queensway House
West Precinct
Billingham
UK-Cleveland TS23 2NF
Tel: (44 642) 36 43 33; 36 43 34
Fax: (44 642) 53 35 57
Telex: 58608

13. *Österreich*

Bundesministerium für wirtschaftliche Angelegenheiten
Gruppe II A
Landstrasser Hauptstr. 55/57
A-1030 Wien
Tel: (43-1) 771 02 362; 771 02 361
Tel: (43-1) 715 83 47

14. *Sweden*

Swedish National Board of Trade (Kommerskollegium)
BOX 1209
S-1182 Stockholm
Tel: (46.8) 791 05 00
Fax: (46.8) 20 03 24

15. *Suomi*

Tullihallitus
PL 512
FIN-00101 Helsinki
Suomi
Tel: (358-0) 61 41/61 42 648
Fax: (358-0) 61 42 764

COMMISSION REGULATION (EC) No 3170/94

of 21 December 1994

opening for the first half of 1995 and laying down detailed rules for the application of an import quota for live bovine animals weighing between 160 and 300 kilograms, originating in and coming from the Republic of Poland, the Republic of Hungary, the Czech Republic and the Slovak Republic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3491/93 of 13 December 1993 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part⁽¹⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3492/93 of 13 December 1993 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part⁽²⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 520/92 of 27 February 1992 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 Czech and Slovak Federal Republic, of the other part⁽³⁾, as amended by Regulation (EEC) No 2235/93⁽⁴⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽⁵⁾, as last amended by Regulation (EC) No 1884/94⁽⁶⁾, and in particular Article 15 (2) thereof,

Whereas the Association Agreements between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Hungary and the Republic of Poland, of the other part, entered into force on 1 January 1994; whereas, pending the entry into force of the Association Agreement concluded with the former Czech and Slovak Federal Republic, the Community has decided to apply with effect from 1 March 1992 an interim agreement

concluded with the aforesaid country, hereinafter referred to as the 'Interim Agreement';

Whereas the Czech and Slovak Federal Republic was dissolved with effect from 1 January 1993; whereas, as successor States to the Czech and Slovak Federal Republic, the Czech Republic and the Slovak Republic will continue to assume all obligations arising from all agreements between the Czech and Slovak Federal Republic and the European Communities, and in particular from the Interim Agreement; whereas the said Interim Agreement was amended by Additional Protocols and by Supplementary Protocols concluded with the Czech Republic and the Slovak Republic;

Whereas, in view of the trade concessions provided for in the abovementioned Agreements with respect to agricultural products, a Community tariff quota for imports of bovine animals weighing between 160 and 300 kilograms originating in and coming from Poland, Hungary, the Slovak Republic or the Czech Republic at a reduced 25 % levy should be opened for 1995;

Whereas the Uruguay Round Agreements are due to apply from 1 July 1995; whereas the detailed rules for the application of this quota should be laid down and it should be opened until that date;

Whereas half the reference quantity for 1995 laid down in the Association Agreements amounts to 138 600 head; whereas the estimate of young male bovine animals intended for fattening has been set at 99 000 for the first half of 1995; whereas the quota for the first half of 1995 amounts to 39 600 as a result;

Whereas limiting the system in question to the first half of 1995 results in a shortened time limit for imports; whereas this time limit should therefore be extended by one month as a transitional measure;

Whereas, while recalling the provisions of the Interim Agreements intended to guarantee the origin of the product, the management of the system should be ensured through import licences; whereas, with that in mind, it would be appropriate to define, in particular, the detailed rules for submission of applications, as well as the information which must be included on the applications and licences, notwithstanding certain provisions of 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

⁽¹⁾ OJ No L 319, 21. 12. 1993, p. 1.

⁽²⁾ OJ No L 319, 21. 12. 1993, p. 4.

⁽³⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁴⁾ OJ No L 200, 10. 8. 1993, p. 5.

⁽⁵⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽⁶⁾ OJ No L 197, 30. 7. 1994, p. 27.

licences and advance fixing certificates for agricultural products⁽¹⁾, as last amended by Regulation (EC) No 2746/94⁽²⁾, and Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽³⁾, as last amended by Regulation (EC) No 1084/94⁽⁴⁾; whereas provision should also be made for the licences to be issued after a delay for consideration and, where necessary, with the application of a single percentage reduction;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A tariff quota for imports of live bovine animals falling within CN codes 0102 90 41 or 0102 90 49 originating in and coming from Poland, Hungary, the Slovak Republic or the Czech Republic is hereby opened for the first half of 1995.

The total volume of the quota shall be 39 600 head.

2. The reduced import levy applicable to animals under this quota shall be 25 % of the full levy applicable on the date of acceptance of the declaration of release for free circulation.

Article 2

In order to qualify for the quota referred to in Article 1:

- (a) applicants for import licences must be natural or legal persons who, at the time applications are submitted, must prove to the satisfaction of the competent authorities of the Member State concerned that they have imported and/or exported during 1994 at least 50 animals falling within CN code 0102 90 and originating in or intended for countries which are considered by their authorities third countries on 31 December 1994; applicants must be entered in the official register of a Member State;
- (b) licence applications may be presented only in the Member State in which the applicant is registered;
- (c) licence applications shall relate to a number equal to or greater than 50 head and relate to a quantity not exceeding 10 % of the quantity available.

Where applications for import licences exceed this quantity, they shall only be considered within the limits of the said quantity;

(d) Sections 7 and 8 of licence applications and licences shall show the countries referred to in Article 1 (1); licences shall carry with them an obligation to import from one or more of the countries indicated;

(e) Section 20 of licence applications and licences shall show one of the following:

Reglamento (CE) n° 3170/94,
 Forordning (EF) nr. 3170/94,
 Verordnung (EG) Nr. 3170/94,
 Κανονισμός (ΕΚ) αριθ. 3170/94,
 Regulation (EC) No 3170/94,
 Règlement (CE) n° 3170/94,
 Regolamento (CE) n. 3170/94,
 Verordening (EG) nr. 3170/94,
 Regulamento (CE) n° 3170/94.

(f) Section 24 of licences shall contain one of the following statements:

Exacción reguladora, tal como establece el Reglamento (CE) n° 3170/94,
 Importafgift i henhold til forordning (EF) nr. 3170/94,
 Abschöpfung gemäß Verordnung (EG) Nr. 3170/94,
 Η εισφορά όπως προβλέπεται από τον κανονισμό (ΕΚ) αριθ. 3170/94,
 Levy as provided for in Regulation (EC) No 3170/94,
 Prélèvement comme prévu par le règlement (CE) n° 3170/94,
 Prelievo a norma del regolamento (CE) n. 3170/94,
 Heffing overeenkomstig Verordening (EG) nr. 3170/94,
 Direito nivelador conforme estabelecido no Regulamento (CE) n° 3170/94.

(g) at the time of acceptance of the declaration of release for free circulation, importers shall undertake to inform the competent authorities of the importing Member State, not later than one month after the date of import:

- of the number of animals imported,
- of the origin of the animals.

The authorities shall forward this information to the Commission before the beginning of each month.

Article 3

1. Licence applications may be lodged only from 13 to 20 January 1995.

2. Where the same applicant lodges more than one application, all applications from that person shall be inadmissible.

3. The Member States shall notify the Commission of the applications lodged not later than 9 February 1995. Such notification shall comprise a list of applicants and quantities applied for.

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 6.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 120, 11. 5. 1994, p. 30.

All notifications, including notifications of 'nil' applications, shall be made by telex or fax, drawn up on the model in the Annex to this Regulation in the case where applications have been made.

4. The Commission shall decide to what extent quantities may be awarded in respect of licence applications. If the quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage reduction in the quantities applied for.

5. Subject to a decision to accept applications by the Commission, licences shall be issued at the earliest opportunity.

6. Import licences shall be issued for a number equal to or greater than 50 head.

If, because of the numbers applied for, the percentage reduction results in fewer than 50 head per import licence, the Member States shall, by drawing lots, allocate licences covering 50 head.

If the remaining balance is less than 50 head, a single licence shall cover that quantity.

7. Licences issued shall be valid throughout the Community.

Article 4

Without prejudice to the provisions of this Regulation, Regulations (EEC) No 3719/88 and (EEC) No 2377/80 shall apply.

However, in the case of quantities imported under the terms of Article 8 (4) of Regulation (EEC) No 3719/88,

the levy shall be collected in full in respect of quantities in excess of those stated on the import licence.

Article 5

1. Notwithstanding Article 9 (1) of Regulation (EEC) No 3719/88, import licences issued pursuant to this Regulation shall not be transferable.

2. Notwithstanding Article 4 (c) of Commission Regulation (EEC) No 2377/80, the term of validity of import licences expires on 31 July 1995.

Article 6

The animals shall be put into free circulation on the presentation of a movement certificate EUR 1 issued by the exporting country in accordance with Protocol 4 annexed to the Interim Agreements.

Article 7

1. Each animal imported under the arrangements referred to in Article 1 shall be identified by either:

- an indelible tattoo, or
- an official earmark or an earmark officially approved by the Member State on at least one of its ears.

2. The said tattoo or marks shall be so designed as to enable the date when the animal was put into free circulation and the identity of the importer to be established, by means of a record made when the animal is put into free circulation.

Article 8

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, 21 December 1994.

For the Commission

René STEICHEN

Member of the Commission

EC fax No (32 2) 29 66 027

Application of Regulation (EC) No 3170/94

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI D.2 — BEEF AND VEAL SECTOR

APPLICATION FOR LICENCES TO IMPORT AT REDUCED LEVIES

Date : **period :**

Member State :

[illegible]

Member State : Fax No

Tel.

COMMISSION REGULATION (EC) No 3171/94

of 21 December 1994

fixing the number of young male bovine animals which may be imported on special terms in the first quarter of 1995 and derogating from Regulation (EEC) No 2377/80 in respect of that quarter as regards the allocation of the quantities available

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1884/94 ⁽²⁾, and in particular Articles 13 (4), 15 (2) and 25 thereof,

Whereas the Council has drawn up an estimated supply balance of 99 000 head under the new import arrangements applicable to young male bovine animals intended for fattening for the period 1 January to 30 June 1995; whereas, pursuant to Article 13 (4) (a) of Regulation (EEC) No 805/68, the number which may be imported each quarter and the rate of reduction in the import levy on such animals must be determined;

Whereas detailed rules for the application of these special arrangements were laid down in Commission Regulation (EEC) No 612/77 ⁽³⁾, as last amended by Regulation (EEC) No 1121/87 ⁽⁴⁾, and in Commission Regulation (EEC) No 2377/80 ⁽⁵⁾, as last amended by Regulation (EC) No 1084/94 ⁽⁶⁾;

Whereas the supply requirements of certain regions of the Community which have a serious shortfall in bovine animals for fattening must be taken into account; whereas those requirements are apparent in Italy and Greece and may be estimated, for the first quarter of 1995, at 42 120 head and 6 435 head respectively in those Member States;

Whereas Council Regulation (EEC) No 1432/92 ⁽⁷⁾, as last amended by Regulation (EEC) No 3534/92 ⁽⁸⁾, prohibits trade between the European Community and the Republics of Serbia and Montenegro; whereas these Republics are therefore excluded from those arrangements;

Whereas the supply requirements in young bovine animals for fattening justify, for the first quarter of 1995, a higher rate of reduction in the levy on animals weighing from 160 to 300 kilograms per head, originating in and coming from Hungary, Poland, the Czech Republic, the Slovak Republic, Romania, Slovenia or Bulgaria;

Whereas each of the quantities available in Italy and Greece should be divided into two tranches; whereas one of the two tranches, corresponding to 80 %, should be allocated to traditional importers; whereas the other tranche, corresponding to 20 %, should be allocated to operators who have engaged in some trade in live animals with third countries, in order to give them progressive access to the import arrangements in question; whereas a derogation from Article 9 (1) (a) of Regulation (EEC) No 2377/80 is accordingly required in order to ensure proper administration of the share allocated to such operators;

Whereas, in order to simplify the procedure for allocating the quantities available, it is necessary to derogate from Regulation (EEC) No 2377/80; whereas, in the case of traditional importers, the quantities available should be allocated directly in proportion to the number of head imported during the last three years; whereas, in the case of operators eligible for the 20 % tranche, the quantities available should be allocated in proportion to the number of head for which application is made;

Whereas, in the case of such operators, the maximum quantity which each application for an import licence may cover must, however, be limited, in order to permit a wider allocation of the quantities available; whereas for financial reasons a minimum number of head per application should nevertheless be set;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 January to 31 March 1995 the maximum number referred to in Article 13 (4) (a) of Regulation (EEC) No 805/68 shall be 50 445 head of young male bovine animals for fattening comprising:

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 27.

⁽³⁾ OJ No L 77, 25. 3. 1977, p. 18.

⁽⁴⁾ OJ No L 109, 24. 4. 1987, p. 12.

⁽⁵⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁶⁾ OJ No L 120, 11. 5. 1994, p. 30.

⁽⁷⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁸⁾ OJ No L 358, 8. 12. 1992, p. 16.

- (a) 6 560 of a live weight of not more than 300 kilograms per head and subject to a 65 % reduction in the levy ;
- (b) 43 885 of a live weight of 160 to 300 kilograms per head, originating in and coming from Hungary, Poland, the Czech Republic, the Slovak Republic, Romania, Slovenia or Bulgaria and subject to a 75 % reduction in the levy.

2. The reductions referred to in paragraph 1 shall be in respect of the levy applicable on the day of acceptance of the declaration of release for free circulation.

3. The quantities referred to in paragraph 1 shall be allocated as follows :

	<i>Italy</i>	<i>Greece</i>	<i>Other Member States</i>
(a) 6 560	5 480	835	245
(b) 43 885	36 640	5 600	1 645

4. Licence applications shall, notwithstanding Article 9 (1) (c) of Regulation (EEC) No 2377/80, relate to :

- either young bovine animals weighing not more than 300 kilograms per head,
- or young bovine animals weighing from 160 to 300 kilograms per head, originating in and coming from Hungary, Poland, the Czech Republic, the Slovak Republic, Romania, Slovenia or Bulgaria.

In the latter case, Sections 7 and 8 of licence applications and licences shall include one of the following entries :

- *Hungria y/o Polonia y/o República Checa y/o República Eslovaca y/o Rumania y/o Eslovenia y/o Bulgaria,*
- *Ungarn og/eller Polen og/eller Den Tjekkiske Republik og/eller Den Slovakiske Republik og/eller Rumænien og/eller Slovenien og/eller Bulgarien,*
- *Ungarn und/oder Polen und/oder Tschechische Republik und/oder Slowakische Republik und/oder Rumänien und/oder Slowenien und/oder Bulgarien,*
- *Ουγγαρία ή/και Πολωνία ή/και Τσεχική Δημοκρατία ή/και Σλοβακική Δημοκρατία ή/και Σλοβενία ή/και Ρουμανία ή/και Βουλγαρία,*
- *Hungary and/or Poland and/or Czech Republic and/or Slovak Republic and/or Romania and/or Slovenia and/or Bulgaria,*
- *Hongrie et/ou Pologne et/ou République tchèque et/ou République slovaque et/ou Roumanie et/ou Slovénie et/ou Bulgarie,*
- *Ungheria e/o Polonia e/o Repubblica ceca e/o Repubblica slovacca e/o Romania e/o Slovenia e/o Bulgaria,*
- *Hongarije en/of Polen en/of Tsjechische Republiek en/of Slowaakse Republiek en/of Roemenië en/of Slovenië en/of Bulgarije,*
- *Hungria e/ou Polónia e/ou República Checa e/ou República Eslovaca e/ou Roménia e/ou Eslovénia e/ou Bulgária.*

Licences shall carry with them an obligation to import from one or more of the countries indicated.

5. Import licences as specified in the first indent of the first subparagraph of paragraph 4 shall not give the right to import animals originating in the Republic of Serbia or Montenegro.

6. In the information referred to in Article 15 (4) (a) of Regulation (EEC) No 2377/80, Member States shall specify the category of live weight and the origin of the products in the case referred to in the second indent of the first subparagraph of paragraph 4.

7. Of the number of head reserved for Italy and Greece for each category notwithstanding Articles 9 (1) (a) and 15 (6) (a) of Regulation (EEC) No 2377/80 :

- (a) import licences relating to 80 % of the number of head referred to above may be allocated directly to importers who provide proof of having imported animals qualifying under this scheme during the last three calendar years. Numbers covered by licences shall be allocated in proportion to the number of head imported in the three years concerned ;
- (b) import licences relating to the remaining 20 % may be allocated directly to operators entered in a public register in a Member State. These importers must prove that, in 1994, they exported to and/or imported from countries which are for them third countries on 31 December 1994 at least 50 live animals falling within CN code 0102 90, excluding imports pursuant to the following Commission Regulations :
 - (EEC) No 2657/93 ⁽¹⁾,
 - (EC) No 336/94 ⁽²⁾,
 - (EC) No 636/94 ⁽³⁾,
 - (EC) No 1373/94 ⁽⁴⁾, and
 - (EC) No 2321/94 ⁽⁵⁾.

The import licence application must be submitted in Italy or in Greece.

8. The proof referred to in paragraph 7 shall be provided by the customs document of release for free circulation or export document. Following approval by the Commission, however the new Member States may accept other forms of proof.

Article 2

1. As regards the quantities referred to in Article 1 (7) (b) and the quantities for Member States other than Italy and Greece, applications for import licences shall :

- ⁽¹⁾ OJ No L 244, 30. 9. 1993, p. 5.
- ⁽²⁾ OJ No L 43, 16. 2. 1994, p. 7.
- ⁽³⁾ OJ No L 79, 23. 3. 1994, p. 12.
- ⁽⁴⁾ OJ No L 151, 17. 6. 1994, p. 8.
- ⁽⁵⁾ OJ No L 253, 29. 9. 1994, p. 5.

- (a) relate to a number equal to or more than 50 head; and
- (b) relate to a quantity not exceeding 10 % of the quantities available except where the said 10 % results in a figure of less than 50 head; in the latter case the maximum figure shall also be 50 head.

2. In cases where applications for import licences state quantities in excess of those provided for by this Regulation, those applications shall only be considered within the limits of the said quantities.

3. Numbers shall be allocated in proportion to the number of head for which application is made by the operators eligible. If, because of the number for which application is made, the percentage reduction results in fewer than 20 head per import licence, the Member States shall, by drawing lots, be allocated licences covering 20 head.

Article 3

Notwithstanding Article 8 (4) of Commission Regulation (EEC) No 3719/88 ⁽¹⁾, the levy shall be collected in full in respect of quantities in excess of those stated on the import licence.

Article 4

1. Notwithstanding Article 9 (1) (a) of Regulation (EEC) No 2377/80, applicants must, at the time the application is submitted, have carried on activity in the live bovine animal or beef and veal sector for at least 12 months.

2. Notwithstanding Article 9 (1) (e) and (f) of Regulation (EEC) No 2377/80, the terms '220 kg' and 'Yugoslavia and/or Poland and/or Hungary' laid down in those provisions shall be read respectively as '160 kg' and 'Hungary and/or Poland and/or the Czech Republic and/or the Slovak Republic and/or Romania and/or Slovenia and/or Bulgaria'.

Article 5

For the purposes of Article 15 (3) of Regulation (EEC) No 2377/80, all applications from one applicant, which relate to the same category of weight and the same rate of reduction in the levy, shall be treated as one application.

Article 6

The security for the import licence shall be lodged at the time of issue of the said licence.

Article 7

Three weeks at the latest after import of the livestock referred to in this Regulation, importers shall inform the competent authorities which issued the import licences, of the number and origin of the animals imported. Those authorities shall forward that information to the Commission at the beginning of each month.

Article 8

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, 21 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

COMMISSION REGULATION (EC) No 3172/94

of 21 December 1994

fixing the quantities of frozen beef intended for processing which may be imported on special conditions for the first quarter of 1995

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1884/94 ⁽²⁾, and in particular Article 14 (4) (a) and (c) thereof,

Whereas the Council, under a special import system applicable to frozen beef and veal intended for processing, has drawn up, for the period 1 January to 30 June 1995 an estimate of 25 000 tonnes divided into two quantities of 12 500 tonnes each, according to the type of product to be obtained;

Whereas, pursuant to Article 14 (4) (a) of Regulation (EEC) No 805/68, it is necessary to determine the quantities to be imported per quarter as well as the rate of reduction of the import levy for meat referred to in Article 14 (1) (b) of that Regulation;

Whereas in the light of the supply situation on the world market for beef and veal, the term of validity of the import licences referred to in Article 4 (b) of Commission Regulation (EEC) No 2377/80 ⁽³⁾, as last amended by Regulation (EC) No 1084/94 ⁽⁴⁾, should be extended;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the first quarter of 1995 the maximum quantities referred to in Article 14 (4) (a) of Regulation (EEC) No 805/68 shall be as follows:

- in respect of the meat referred to in Article 14 (1) (a) of Regulation (EEC) No 805/68, 6 250 tonnes of meat, expressed in bone-in meat,
- in respect of the meat referred to in Article 14 (1) (b) of the said Regulation, 6 250 tonnes of meat, expressed in bone-in meat.

Article 2

The levy on import of the meat referred to in the second indent of Article 1 shall be equal to the levy applicable on the day of import less 55 %.

Article 3

By way of derogation from Article 4 (b) of Regulation (EEC) No 2377/80, the term of validity of licences issued under this Regulation shall extend for six months from their actual date of issue.

Article 4

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, 21 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 27.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 120, 11. 5. 1994, p. 30.

COMMISSION REGULATION (EC) No 3173/94

of 21 December 1994

laying down detailed rules of application for the specific measures for the smaller Aegean islands with regard to the special arrangements for the supply of dried fodder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2019/93 of 19 July 1993 introducing specific measures for the smaller Aegean islands concerning agricultural products ⁽¹⁾, as amended by Commission Regulation (EC) No 822/94 ⁽²⁾, and in particular Article 4 thereof,

Whereas Commission Regulation (EEC) No 2958/93 ⁽³⁾ establishes the detailed rules of application for the arrangements for the supply of certain agricultural products to the smaller Aegean islands, and, pursuant to Article 3 of Regulation (EEC) No 2019/93, the level of aid granted for that supply; whereas, pursuant to Article 2 of Regulation (EEC) No 2019/93, the forecast supply balances for the supply of the smaller Aegean islands with dried fodder from the rest of the Community for the 1995 calendar year should be established; whereas this measure should enter into force forthwith;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of Article 2 of Regulation (EEC) No 2019/93, the forecast supply balances for dried fodder eligible for Community aid for the 1995 calendar year are given in Annexes I and II hereto.

Article 2

The validity of the 'aid certificates' referred to in Article 2 (3) of Regulation (EEC) No 2958/93 shall expire on the final day of the second month following their issue.

Article 3

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 January 1995.

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

Done at Brussels, 21 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 184, 27. 7. 1993, p. 1.

⁽²⁾ OJ No L 95, 14. 4. 1994, p. 1.

⁽³⁾ OJ No L 267, 28. 10. 1993, p. 4.

*ANNEX I***Forecast supply balance for the smaller islands belonging to Group A**

Description	CN code	(tonnes) Quantities
		1995
Artificially heat-dried and otherwise dried lucerne and fodder	1214 10 00 1214 90 90	4 000

*ANNEX II***Forecast supply balance for the smaller islands belonging to Group B**

Description	CN code	(tonnes) Quantities
		1995
Artificially heat-dried and otherwise dried lucerne and fodder	1214 10 00 1214 90 90	250

COMMISSION REGULATION (EC) No 3174/94**of 21 December 1994****laying down definitive measures on the issuing of STM licences for beef and veal
in trade with Spain**

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 85 (3) thereof,

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

Whereas STM licences issued in response to applications lodged on 28 November 1994 in Spain have exhausted that fraction of the indicative ceiling set aside for the sixth two months of 1994 for live animals;

Whereas the Commission accordingly adopted, by an emergency procedure, appropriate interim protective measures by Regulation (EC) No 2887/94 ⁽³⁾; whereas definitive measures must be adopted;

Whereas, as a definitive measure as referred to in Article 85 (3) of the Act of Accession, in order to avoid a prolonged interruption of trade with Spain, authorization should be given for the lodging of STM licence applications from 4 January 1995 and for the quantities for which STM licences are actually issued to be counted against the indicative ceiling set aside for the first two months of 1995;

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

HAS ADOPTED THIS REGULATION:

Article 1

Further applications for STM licences may be lodged from 4 January 1995.

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, 21 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 113, 7. 5. 1993, p. 10.

⁽²⁾ OJ No L 267, 18. 10. 1994, p. 1.

⁽³⁾ OJ No L 304, 29. 11. 1994, p. 30.

COMMISSION REGULATION (EC) No 3175/94

of 21 December 1994

laying down detailed rules of application for the specific arrangements for the supply of cereal products to the smaller Aegean islands and establishing the forecast supply balance

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

Having regard to Council Regulation (EEC) No 2019/93 of 19 July 1993 introducing specific measures for the smaller Aegean islands concerning certain agricultural products ⁽¹⁾, as amended by Commission Regulation (EC) No 822/94 ⁽²⁾, and in particular Article 4 thereof,

Whereas Commission Regulation (EEC) No 2958/93 ⁽³⁾, lays down common detailed rules for the implementation of the specific arrangements for the supply of certain agricultural products to the smaller Aegean islands;

Whereas, in order to take account of commercial practices specific to the cereals sector, detailed rules, additional to or derogating from the provisions of Regulation (EEC) No 2958/93, should be laid down;

Whereas, pursuant to Article 2 of Regulation (EEC) No 2019/93, the forecast supply balance for cereal products for the smaller Aegean islands for 1995 should be established; whereas that balance may be revised during the year on the basis of trends in the smaller islands' requirements;

Whereas, to ensure effective management of the supply arrangements, a timetable for the submission of licence

applications should be established and the period of validity of aid certificates fixed;

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

Pursuant to Article 2 of Regulation (EEC) No 2019/93, the forecast supply balance for cereal products originating in the Community for the smaller Aegean islands for 1995 shall be as laid down in the Annex hereto.

Article 2

The validity of aid certificates shall expire on the final day of the second month following their month of issue.

Article 3

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 January 1995.

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

Done at Brussels, 21 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 184, 27. 7. 1993, p. 1.

⁽²⁾ OJ No L 95, 14. 4. 1994, p. 1.

⁽³⁾ OJ No L 267, 28. 10. 1993, p. 4.

ANNEX

Supply balance for cereals for the smaller Aegean islands for 1995

Quantity		1995	
Cereal products originating in the EC	CN codes	Islands belonging to Group A	Islands belonging to Group B
Grain cereals	1001, 1002, 1003, 1004 and 1005	10 000	30 750
Wheat flour	1001 and 1002	10 000	30 750
Food industry residues and waste	2302 to 2308	1 000	16 500
Preparations of a kind used in animal feeding	2309 90	1 000	6 500
Total		22 000	84 500
Grand total		106 500	

These groups are defined in Annexes I and II to Regulation (EEC) No 2958/93.

COMMISSION REGULATION (EC) No 3176/94

of 21 December 1994

concerning the classification of certain goods in the combined nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, as last amended by Commission Regulation (EC) No 1737/94 ⁽²⁾, and in particular Article 9 thereof,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and these rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivisions to it and which is established by specific Community provisions, with a view to the application of tariff or other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to this Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas it is appropriate that, subject to the measures in force in the Community relating to double checking systems and to prior and retrospective Community surveillance of textile products on importation into the Community, binding tariff information in the matter of classification of goods in the combined nomenclature issued by the customs authorities of the Member States which do not conform to this Regulation may continue to be invoked in accordance with the provisions of Article

12 (6) of Council Regulation (EEC) No 2913/92 of 12 October 1992, establishing the Community Customs Code ⁽³⁾, for a period of 60 days by the holder;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the tariff and statistical nomenclature section of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the combined nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

Subject to the measures in force in the Community relating to double checking systems and to prior and retrospective Community surveillance of textile products on importation into the Community, binding tariff information in the matter of classification of goods in the combined nomenclature issued by the customs authorities of the Member States which no longer conform to this Regulation may continue to be invoked in accordance with the provisions of Article 12 (6) of Regulation (EEC) No 2913/92 for a period of 60 days.

*Article 3*This Regulation shall enter into force on the 21st 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, 21 December 1994.

For the Commission

Christiane SCRIVENER

Member of the Commission⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.⁽²⁾ OJ No L 182, 16. 7. 1994, p. 9.⁽³⁾ OJ No L 302, 19. 10. 1992, p. 1.

ANNEX

Description	Classification (CN code)	Reasons
(1)	(2)	(3)
Rectangular article, not suitable for regular laundering, made up of very tightly woven single coloured (100 % cotton) fabric. The edges are reinforced with woven fabric and hemmed. The surface is overstitched to form internal pockets with openings on one of the sides which allow the article to be filled with feathers, down or other materials (eiderdown or duvet tick)	6307 90 99	Classification is determined by general rules 1 and 6 for the interpretation of the combined nomenclature and the wording of CN codes 6307, 6307 90 and 6307 90 99 See also the Harmonized System explanatory notes to heading 6302

COMMISSION DECISION No 3177/94/ECSC

of 20 December 1994

fixing the rate of the levies for the 1995 financial year and amending Decision No 3/52/ECSC on the amount of and methods for applying the levies provided for in Articles 49 and 50 of the ECSC Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 49 and 50 thereof,

Whereas, in view of the variations in average values recorded during the reference period, Articles 2 and 4 of Decision No 3/52/ECSC of 23 December 1952 on the amount of and methods for applying the levies provided for in Articles 49 and 50 of the ECSC Treaty ⁽¹⁾, as last amended by Commission Decision No 2984/94/ECSC ⁽²⁾ should be amended;

Whereas the requirements of the European Coal and Steel Community are estimated in the operating budget for the 1995 financial year at ECU 291 million; whereas that budget, which was adopted by the Commission of the European Communities on 20 December 1994 in the form shown in the Annex to this Decision, indicates the amount of income to be provided from levies in the course of the financial year 1995, namely ECU 91 million;

Whereas the estimated yield of the levies at a rate of 0,01 % is ECU 4,333 million,

HAS ADOPTED THIS DECISION:

Article 1

The rate of the levies on output from 1 January 1995 shall be 0,21 % of the figures used as the basis of assessment for such levies.

Article 2

Article 2 of Decision No 3/52/ECSC is hereby amended to read as follows:

Article 2

The average value in ecus of the products on which the levies are assessed shall, from 1 January 1995, be as follows:

(in ecus)	
Product	Average value
Brown coal briquettes and semi-coke derived from brown coal	78,39
Hard coal of all categories	82,85
Pig iron other than that used for making ingots	169,06
Steel in ingots	214,84
Finished products and end products of iron and steel as described in Annex 1 to the Treaty	358,06'

Article 3

Article 4 of Decision No 3/52/ECSC is hereby amended to read as follows:

Article 4

The scale provided for in Article 2 (4) of Decision No 2/52/ECSC shall accordingly be as follows, the figures being given in ecus:

(in ecus)	
Product	Levy per tonne from January 1995
Brown coal briquettes and semi-coke derived from brown coal ⁽¹⁾	0,16462
Hard coal of all categories ⁽²⁾	0,17399
Pig iron other than that used for making ingots	0,24542
Steel in ingots	0,37896
Finished products and end products of iron and steel as described in Annex 1 to the Treaty	0,18256

⁽¹⁾ For purposes of the deductions provided for in Article 3 the levy fixed above shall be applied to the net tonnage of brown coal and semi-coke derived from brown coal, less 3 %.

⁽²⁾ For purposes of the deductions provided for in Article 3 the levy fixed above shall be applied to the net tonnage of hard coal as defined in Article 1 of Decision No 2/52/ECSC, less 14 %.

The amount of the levies per tonne to be paid in the currencies of the Member States of the Community shall be determined in accordance with Article 3 of Decision No 3289/75/ECSC, as amended by Decision No 3334/80/ECSC.'

Article 4

This Decision shall enter into force on 1 January 1995.

⁽¹⁾ OJ of the ECSC No 1, 30. 12. 1952, p. 4.

⁽²⁾ OJ No L 315, 8. 12. 1994, p. 7.

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

Done at Brussels, 20 December 1994.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX

ECSC OPERATING BUDGET FOR 1995

(ECU million)

Requirements	Estimates	Resources	Estimates
OPERATIONS TO BE FINANCED FROM CURRENT RESOURCES (non-repayable)		RESOURCES FOR THE FINANCIAL YEAR	
1. Administrative expenditure	5	1. Current resources :	
2. Aid for redeployment (Article 56)	114	1.1. Yield from 0,21 % levy	91
3. Aid for research (Article 55)	52	1.2. Net balance	125
3.1. Steel	32,5 ⁽¹⁾	1.3. Fines and surcharges for late payment	p. m.
3.2. Coal	18,5 ⁽¹⁾	1.4. Miscellaneous	6
3.3. Social	1	2. Cancellation of commitments unlikely to be implemented	49
4. Conversion aid (Article 56)	30	3. Unused resources carried over from 1994	13
5. Social measures connected with restructuring of the steel industry (Article 56)	60	4. Contingency reserve	5
6. Social measures connected with restructuring of the coal industry (Article 56)	30	5. Exceptional resources ⁽²⁾	2
7. Damages and interest	p. m.		
Budget total	291	Budget total	291
OPERATIONS FINANCED BY LOANS FROM NON-BORROWED FUNDS		ORIGIN OF NON-BORROWED FUNDS	
Workers' housing	11,5	Special reserve and former ECSC pension fund	11,5

⁽¹⁾ Aid for projects with a specific impact on the environment :

- Heading 3.1 : steel projects specifically related to the environment will come under the framework programme,
- Heading 3.2 : 10.

⁽²⁾ Drawings on special reserve.

NB : Any additional revenue will be allocated to social measures connected with the restructuring of the coal and steel industries. The steel restructuring programme may continue in 1996 reaching a total of ECU 240 million.

COMMISSION REGULATION (EC) No 3178/94**of 22 December 1994****on the supply of milk products 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 300 tonnes of milk powder;

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;

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,

HAS ADOPTED THIS REGULATION:

Article 1

Milk products 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.

For lot A, notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipments 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, 22 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

LOT A

1. **Operation Nos** ⁽¹⁾: 1790/93 (A1); 1791/93 (A2)
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, (tel. (31 70) 33 05 757; fax 36 41 701; telex 30960 EURON NL)
4. **Representative of the recipient** ⁽³⁾: to be designated by the recipient
5. **Place or countries of destination**: Zaire
6. **Product to be mobilized**: vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾:
(see OJ No C 114, 29. 4. 1991, p. 1 (under I.B (1)))
8. **Total quantity**: 300 tonnes
9. **Number of lots**: 1 in two parts (A1: 150 tonnes; A2: 150 tonnes)
10. **Packaging and marking** ⁽⁷⁾ ⁽⁸⁾: 25 kg
see OJ No C 114, 29. 4. 1991, p. 1 (under I.B (2), I.A (2) (3) and I.B (3))
language to be used for the marking: French
11. **Method of mobilization**: the Community market
manufacture of skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the tender
12. **Stage of supply**: free at port of shipment ⁽⁹⁾:
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**: 6 — 26. 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 9. 1. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 23. 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 tendering security**: ECU 20 per tonne
23. **Amount of delivery security**: 10 % 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 application by the successful tenderer** ⁽⁴⁾: refund applicable on 6. 12. 1994, fixed by Commission Regulation (EC) No 2845/94 (OJ No L 302, 25. 11. 1994, p. 9)

Notes :

- (1) The operation number should be mentioned in all correspondence.
- (2) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (3) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (4) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.

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

- (5) The supplier should send a duplicate of the original invoice to : Willis Corroon Scheuer, PO Box 1315, NL-1000 BH Amsterdam.
- (6) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
 - health certificate,
 - veterinary certificate issued by an official entity stating that the product was processed with pasteurized milk, coming from healthy animals, processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 12 months prior to the processing.

The veterinary certificate must state the temperature and duration of the pasteurization, the temperature and duration in the spray-drying tower and the expiry date for consumption.

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

- (8) Shipment to take place in 20-foot containers, condition FCL/FCL, each containing 15 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 the 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 lock (Sysko locktainer 180 seal), the number of which to be provided to the beneficiary's forwarder.

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

COMMISSION REGULATION (EC) No 3179/94
of 22 December 1994
fixing the import levies on rice and broken rice

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

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

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

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EC) No 2147/94 ⁽⁵⁾, as last amended by Regulation (EC) No 3065/94 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 23 December 1994.

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

Done at Brussels, 22 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 7.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 75, 21. 3. 1991, p. 29.

⁽⁵⁾ OJ No L 228, 1. 9. 1994, p. 23.

⁽⁶⁾ OJ No L 323, 16. 12. 1994, p. 24.

ANNEX

to the Commission Regulation of 22 December 1994 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies (°)		
	Arrangement in Regulation (EEC) No 3877/86 (°)	ACP Bangladesh (¹) (²) (³) (⁴)	Third countries (except ACP and Bangladesh) (⁵)
1006 10 21	—	145,67	298,54
1006 10 23	—	146,65	300,51
1006 10 25	—	146,65	300,51
1006 10 27	225,38	146,65	300,51
1006 10 92	—	145,67	298,54
1006 10 94	—	146,65	300,51
1006 10 96	—	146,65	300,51
1006 10 98	225,38	146,65	300,51
1006 20 11	—	182,99	373,18
1006 20 13	—	184,22	375,64
1006 20 15	—	184,22	375,64
1006 20 17	281,73	184,22	375,64
1006 20 92	—	182,99	373,18
1006 20 94	—	184,22	375,64
1006 20 96	—	184,22	375,64
1006 20 98	281,73	184,22	375,64
1006 30 21	—	226,99	477,84
1006 30 23	—	271,50	566,77
1006 30 25	—	271,50	566,77
1006 30 27	425,08	271,50	566,77
1006 30 42	—	226,99	477,84
1006 30 44	—	271,50	566,77
1006 30 46	—	271,50	566,77
1006 30 48	425,08	271,50	566,77
1006 30 61	—	242,10	508,90
1006 30 63	—	291,44	607,58
1006 30 65	—	291,44	607,58
1006 30 67	455,69	291,44	607,58
1006 30 92	—	242,10	508,90
1006 30 94	—	291,44	607,58
1006 30 96	—	291,44	607,58
1006 30 98	455,69	291,44	607,58
1006 40 00	—	50,89	107,79

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

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

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

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

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

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

COMMISSION REGULATION (EC) No 3180/94**of 22 December 1994****fixing the amounts by which import duties on beef and veal originating in the African, Caribbean and Pacific States (ACP) are to be reduced**

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

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)⁽¹⁾, as last amended by Regulation (EC) No 2484/94⁽²⁾, and in particular Article 3 thereof,

Whereas Article 3 of Regulation (EEC) No 715/90 provides for a 90 % reduction in the import duties on beef and veal ; whereas the amount of this reduction must be calculated in conformity with Article 3 of Commission

Regulation (EEC) No 970/90⁽³⁾, as last amended by Regulation (EEC) No 3808/92⁽⁴⁾,

HAS ADOPTED THIS REGULATION :

Article 1

The amounts by which import duties on beef and veal are to be reduced pursuant to Article 3 of Regulation (EEC) No 715/90 shall, in respect of importations during the first quarter of 1995 be as shown in the Annex hereto.

Article 2

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, 22 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.
⁽²⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽³⁾ OJ No L 99, 19. 4. 1990, p. 8.
⁽⁴⁾ OJ No L 384, 30. 12. 1992, p. 33.

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

Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC	Importe (en ecus/100 kg) Beløb (ECU/100 kg) Betrag (ECU/100 kg) Εισφορά (Ecu/100 kg) Amount (ECU/100 kg) Montant (en écus/100 kg) Importo (ECU/100 kg) Bedrag (ecu/100 kg) Montante (Em ECU/100 kg)
0102 90 05	118,290
0102 90 21	118,290
0102 90 29	118,290
0102 90 41	118,290
0102 90 49	118,290
0102 90 51	118,290
0102 90 59	118,290
0102 90 61	118,290
0102 90 69	118,290
0102 90 71	118,290
0102 90 79	118,290
0201 10 00	224,751
0201 20 20	224,751
0201 20 30	179,800
0201 20 50	269,700
0201 20 90	337,125
0201 30 00	385,624
0202 10 00	133,575
0202 20 10	133,575
0202 20 30	106,860
0202 20 50	166,969
0202 20 90	200,363
0202 30 10	166,969
0202 30 50	166,969
0202 30 90	229,749
0206 10 95	385,624
0206 29 91	229,749
0210 20 10	337,125
0210 20 90	385,624
0210 90 41	385,624
0210 90 90	385,624
1602 50 10	385,624
1602 90 61	385,624

NB : Los códigos NC, incluidas las notas a pie de página, se definen en el Reglamento (CEE) n° 2658/87 modificado.

NB : KN-koderne, herunder henvisninger til fodnoter, er fastsat i den ændrede forordning (EØF) nr. 2658/87.

NB : Die KN-Codes sowie die Verweisungen und Fußnoten sind durch die geänderte Verordnung (EWG) Nr. 2658/87 bestimmt.

NB : Οι κωδικοί της συνδυασμένης ονοματολογίας, συμπεριλαμβανομένων των υποσημειώσεων, καθορίζονται στον τροποποιημένο κανονισμό (ΕΟΚ) αριθ. 2658/87.

NB : The CN codes and the footnotes are defined in amended Regulation (EEC) No 2658/87.

NB : Les codes NC ainsi que les renvois en bas de page sont définis au règlement (CEE) n° 2658/87 modifié.

NB : I codici NC e i relativi richiami in calce sono definiti dal regolamento (CEE) n. 2658/87 modificato.

NB : GN-codes en voetnoten : zie de gewijzigde Verordening (EEG) nr. 2658/87.

NB : Os códigos NC, incluindo as remissões em pé-de-página são definidos no Regulamento (CEE) n° 2658/87 alterado.

COMMISSION REGULATION (EC) No 3181/94
of 22 December 1994
amending Regulation (EEC) No 1627/89 on the buying-in of beef by invitation to tender

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1884/94 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽³⁾, as last amended by Regulation (EC) No 2995/94 ⁽⁴⁾, buying-in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;

Whereas the application of Article 6 (2), (3) and (4) of Regulation (EEC) No 805/68 and the need to limit intervention to the buying-in of the quantities necessary

to ensure reasonable support for the market result, on the basis of the prices of which the Commission is aware, in an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying-in is open by invitation to tender, and the list of the quality groups which may be bought in,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 9 January 1995.

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

Done at Brussels, 22 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 27.

⁽³⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁴⁾ OJ No L 316, 9. 12. 1994, p. 32.

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

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1

Member States or regions of a Member State and quality groups referred to in Article 1 (1)

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er} paragraphe 1

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1

In artikel 1, lid 1 bedoelde Lid-Staten of gebieden van een Lid-Staat en kwaliteitsgroepen

Estados-membros ou regiões de Estados-membros e grupos de qualidades referidos no n.º 1 do artigo 1.º

Estados miembros o regiones de Estados miembros	Categoría A			Categoría C		
Medlemsstat eller region	Kategori A			Kategori C		
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A			Kategorie C		
Κράτος μέλος ή περιοχή κράτους μέλους	Κατηγορία Α			Κατηγορία Γ		
Member States or regions of a Member State	Category A			Category C		
États membres ou régions d'États membres	Catégorie A			Catégorie C		
Stati membri o regioni di Stati membri	Categoria A			Categoria C		
Lid-Staat of gebied van een Lid-Staat	Categorie A			Categorie C		
Estados-membros ou regiões de Estados-membros	Categoria A			Categoria C		
	U	R	O	U	R	O
Great Britain					×	
Ireland					×	

COMMISSION REGULATION (EC) No 3182/94**of 22 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 21

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 23 December 1994.

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

Done at Brussels, 22 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 22 December 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Third countries ^(*)
0709 90 60	84,21 ^(*) ^(*)
0712 90 19	84,21 ^(*) ^(*)
1001 10 00	2,52 ^(*) ^(*) ⁽¹¹⁾
1001 90 91	54,25
1001 90 99	54,25 ^(*) ⁽¹¹⁾
1002 00 00	107,59 ^(*)
1003 00 10	83,59
1003 00 90	83,59 ^(*)
1004 00 00	91,42
1005 10 90	84,21 ^(*) ^(*)
1005 90 00	84,21 ^(*) ^(*)
1007 00 90	86,25 ^(*)
1008 10 00	31,41 ^(*)
1008 20 00	32,62 ^(*) ^(*)
1008 30 00	0 ^(*)
1008 90 10	0 ^(*)
1008 90 90	0
1101 00 00	113,88 ^(*)
1102 10 00	187,90
1103 11 10	38,31
1103 11 90	135,95
1107 10 11	107,45
1107 10 19	83,03
1107 10 91	159,67 ⁽¹⁰⁾
1107 10 99	122,05 ^(*)
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 3183/94**of 22 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 21

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 23 December 1994.

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

Done at Brussels, 22 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 22 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	13,46	12,09	12,09
1001 90 99	0	13,46	12,09	12,09
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	18,85	16,94	15,93
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	23,96	21,52	21,52	21,52
1107 10 19	0	17,90	16,08	16,08	16,08
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EC) No 3184/94

of 22 December 1994

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas the refunds must be fixed taking into account the factors referred to in Article 2 of Commission Regulation (EEC) No 1533/93 of 22 June 1993 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as amended by Regulation (EC) No 120/94⁽⁴⁾;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EEC) No 1533/93;

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

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as amended by Regulation (EC) No 3528/93⁽⁶⁾, 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⁽⁷⁾, as amended by Regulation (EC) No 547/94⁽⁸⁾;

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

Whereas Council Regulation (EEC) No 990/93⁽⁹⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 December 1994.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 69, 12. 3. 1994, p. 1.

⁽⁹⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Done at Brussels, 22 December 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 22 December 1994 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refund (2)	Product code	Destination (1)	Amount of refund (2)
0709 90 60 000	—	—	1007 00 90 000	—	—
0712 90 19 000	—	—	1008 20 00 000	—	—
1001 10 00 200	—	—	1101 00 00 100	01	25,00
1001 10 00 400	—	—	1101 00 00 130	01	24,00
1001 90 91 000	—	—	1101 00 00 150	01	22,00
1001 90 99 000	03	13,00	1101 00 00 170	01	20,00
	02	10,00	1101 00 00 180	01	19,00
1002 00 00 000	03	13,00	1101 00 00 190	—	—
	02	10,00	1101 00 00 900	—	—
1003 00 10 000	—	—	1102 10 00 500	01	25,00
1003 00 90 000	03	35,00	1102 10 00 700	—	—
	02	10,00	1102 10 00 900	—	—
1004 00 00 200	—	—	1103 11 10 200	01	0 (3)
1004 00 00 400	—	—	1103 11 10 400	01	0 (3)
1005 10 90 000	—	—	1103 11 10 900	—	—
1005 90 00 000	03	40,00	1103 11 90 200	01	0 (3)
	02	0	1103 11 90 800	—	—

(1) The destinations are identified as follows:

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

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

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

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

COMMISSION REGULATION (EC) No 3185/94

of 22 December 1994

fixing the export refunds on 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 the fourth subparagraph third of Article 13 (2) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas the refunds must be fixed taking into account the factors referred to in Article 2 of Commission Regulation (EEC) No 1533/93⁽³⁾, as amended by Regulation (EC) No 120/94⁽⁴⁾, laying down detailed rules on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals;

Whereas the refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question; whereas the said quantities are laid down in Regulation (EEC) No 1533/93;

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as amended by Regulation (EC) No 3528/93⁽⁶⁾, 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⁽⁷⁾, as amended by Regulation (EC) No 547/94⁽⁸⁾;

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

Whereas Council Regulation (EEC) No 990/93⁽⁹⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

Whereas it follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1 (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 23 December 1994.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 69, 12. 3. 1994, p. 1.

⁽⁹⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Done at Brussels, 22 December 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 22 December 1994 fixing the export refunds on malt

<i>(ECU / tonne)</i>	
Product code	Refund (1)
1107 10 19 000	25,00
1107 10 99 000	48,00
1107 20 00 000	56,00

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

COMMISSION REGULATION (EC) No 3186/94
of 22 December 1994

**suspending advance fixing of the export refunds for certain products processed
from cereals and rice and cereal-based compound feedingstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1866/94 ⁽²⁾, and in particular the second subparagraph of Article 13 (7) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 1869/94 ⁽⁴⁾, and in particular the first paragraph of Article 17 (7) thereof,

Whereas Article 13 (7) of Regulation (EEC) No 1766/92 and Article 17 (7) of Regulation (EEC) No 1418/76 provide that the provisions concerning advance fixing of the refund may be suspended if the market situation shows that the application of these provisions is causing or is likely to cause difficulties;

Whereas, in view of the uncertainty reigning on the markets, there is a danger that the continuation of the

present system could give rise to speculative operations; whereas the advance fixing of the export refunds on products processed from cereals and rice and cereal-based compound feedingstuffs should be suspended;

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

Advance fixing of the export refund for products listed in the Article 1 (1) (d) of Regulation (EEC) No 1766/92 and Article 1 (1) (c) of Regulation (EEC) No 1418/76 is suspended from 23 December 1994 to 5 January 1995.

Article 2

This Regulation shall enter into force on 23 December 1994.

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

Done at Brussels, 22 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 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 197, 30. 7. 1994, p. 7.

COMMISSION REGULATION (EC) No 3187/94

of 22 December 1994

suspending advance fixing of export refunds on certain cereal and rice products
exported in the form of goods not covered by Annex II to the Treaty

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1866/94 ⁽²⁾, and in particular the first subparagraph of Article 13 (7) thereof,

Having regard to Commission Regulation (EC) No 1222/94 of 31 May 1994 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 2296/94 ⁽⁴⁾, and in particular the first subparagraph of Article 5 (3) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽⁵⁾, as last amended by Regulation (EC) No 1869/94 ⁽⁶⁾, and in particular the second subparagraph 30 Article 17 (7) thereof,

Whereas the first subparagraph of Article 13 (7) of Regulation (EEC) No 1766/92, the first subparagraph of Article 5 (3) of Regulation (EC) No 1222/94 and the second subparagraph of Article 17 (7) of Regulation (EEC) No 1418/76 make provision for advance fixing of the

refund to be suspended for basic products exported in the form of certain goods;

Whereas the situation on certain markets may make it necessary for the refunds to be adjusted; whereas in order to prevent applications for advance fixing of refunds for speculative purposes, the abovementioned advance fixing should be suspended until this adjustment comes into force;

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

Advance fixing of export refunds on cereals and rice, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EEC) No 1418/76 respectively, is suspended until 5 January 1995 inclusive.

Article 2

This Regulation shall enter into force on 23 December 1994.

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

Done at Brussels, 22 December 1994.

For the Commission

Martin BANGEMANN

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 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ No L 249, 24. 9. 1994, p. 9.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁶⁾ OJ No L 197, 30. 7. 1994, p. 7.

COMMISSION REGULATION (EC) No 3188/94
of 22 December 1994
fixing production refunds on cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1866/94⁽²⁾, and in particular Article 7 (3) thereof,

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

Having regard to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors⁽⁵⁾, as last amended by Regulation (EC) No 3125/94⁽⁶⁾, and in particular Article 3 thereof,

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The production refunds payable on cereals and rice in accordance with Regulation (EEC) No 1722/93 shall be ECU 35 per tonne.

Article 2

This Regulation shall enter into force on 23 December 1994.

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

Done at Brussels, 22 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 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 197, 30. 7. 1994, p. 7.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 112.

⁽⁶⁾ OJ No L 330, 21. 12. 1994, p. 39.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 27 July 1994

concerning aid to French pig farmers — Stabiporc adjustment fund

(Only the French text is authentic)

(94/813/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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

Having, in accordance with Article 93 (2) of the Treaty, given notice to the parties concerned to submit their comments⁽³⁾,

Whereas :

I

(1) By letter dated 19 April 1993, recorded on 20 April 1993, the French Permanent Representative to the European Communities notified the Commission of the abovementioned measure in reply to a request by the Commission on 9 March 1993 seeking its notification.

In reply to requests from the Commission on 10 June and 18 August 1993, the French authorities supplied further information by letters dated 30 July and 20

September 1993 and 24 January 1994, receipt of which was recorded on 2 February 1994.

(2) On 16 February 1994, the Commission decided to initiate the procedure laid down in Article 93 (2) of the Treaty with regard to the aid paid by the Caisse Professionnelle de Régulation Porcine (hereinafter 'Stabiporc') from the financial benefits received by it under the agreement with the Office National Interprofessionnel des Viandes, de l'Élevage et de l'Aviculture (Ofival), for the following reasons :

- the loans granted by Stabiporc were aid in the form of cash advances at a reduced rate of interest (Pibor — Paris interbank offer rate '12 months' + 0,5 %). They must therefore be considered operating aids producing no long-term structural improvements in the sector concerned,
- there was no guarantee of full or partial repayment of the cash advances made to pig farmers,
- the regulatory mechanism is in breach of the rules of the common organization of the market in pigmeat,
- the Commission had no information on other agreements between Stabiporc and various banking institutions (Caisse Nationale de Crédit Agricole, Crédit Mutuel) and the Union Financière pour le Développement de l'Économie Céréalière ('Unigrains').

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No C 107, 15. 4. 1994, p. 2.

The French authorities were informed of this Decision by a Commission letter dated 22 February 1994.

- (3) The Commission informed the governments of the other Member States and other interested parties of the abovementioned decision and gave them notice to submit their comments.

The Commission received comments from two Member States (the United Kingdom and Denmark) and two pig-farmers' professional bodies. These comments, which were in support of the Commission's position, were passed on to the French Government on 18 July 1994.

- (4) In response to a further request made by the Commission on 30 May 1994, on 20 June 1994 the French authorities supplied the information requested in the Commission's letter of 22 February 1994. This showed that additional aid could be granted in the form of a government guarantee on loans granted to Stabiporc by a group of banks and Unigrains. This measure is being examined separately by the Commission under Articles 92 and 93 of the Treaty.

II

The Stabiporc regulatory fund is not new, and the aid granted for its creation and operation has already been examined by the Commission under Articles 92 and 93 of the Treaty.

The reason for its creation in 1984 was to reduce the effects of undue fluctuations in pigmeat prices, by granting associations of pig farmers cash loans at reduced rates of interest.

By letter dated 12 October 1984, the Commission decided to initiate the procedure laid down in Article 93 (2) of the Treaty with regard to that aid, given that:

- the measures involved proved to be aid in the form of cash advances at a preferential rate, Stabiporc passing on the benefits granted it from public funds (reduced interest rate) to producers' associations by conferring on them, in turn, a reduced interest rate,
- the aid was thus operating aid producing no long-term structural improvement in the sector concerned,
- there was a risk of non-repayment of all or part of the cash advances.

However, according to information supplied by the French authorities, from 1987 onwards the new rates granted by Stabiporc were those normally charged on the

market. The new rates therefore no longer represented aid.

By telex dated 19 August 1988, the Commission decided to close the procedure opened by the letter of 12 October 1984. In so doing, it took account of the particular circumstances of the case and decided not to take any action with regard to the aid paid during the period 1984 to 1987, provided, however, that the French authorities made no further use of this form of aid. It requested the French Government to notify it of any planned amendments and reserved the right to initiate the Article 93 (2) procedure if the measures proved to be incompatible with Article 92.

III

- (1) The French authorities decided to re-establish Stabiporc from 1 February 1993. Its purpose is to ensure the regularity of the income of pig farmers when it is exposed to the cyclical crises in pig production.
- (2) Stabiporc grants repayable cash advances to producer groups which have signed a standard membership agreement, the 'regulatory fund group membership agreement', with Stabiporc.

The producer groups pass on the aid to their members who are pig farmers.

(3) Conditions of membership

- The signatory group must market the slaughter pigs produced by its members.
- The group must pay a membership fee for the duration of the agreement. The fee is FF 1 per pig and is deducted from the first two advances paid.
- The group must undertake to make the funds borrowed available to its members.

(4) The adjustment mechanism

The average price of 'reconstituted feed' for a particular month serves as the basis for determining:

- a 'payment threshold' giving entitlement to payment of a regulatory advance,
- a 'repayment threshold' requiring the repayment of regulatory advances.

If, in a particular month, the average pigmeat price is below the payment threshold, the group is eligible for a regulatory advance.

If, on the other hand, in a particular month, the average pigmeat price is above the repayment threshold, the regulatory advances paid must be repaid.

The average price of 'reconstituted feed' is determined on the basis of changes in the relationship between the pig price and the price of feed calculated on the basis of a four-month average.

(5) Repayment procedures

The monthly repayment dates are determined on the same bases as are used for the calculation of the regulatory advances. A repayment date is fixed by Stabiporc or its agent when the regulatory advances previously granted become due under the same regulatory mechanism.

All repayments of advances and interest payments are made by automatic debit from the producer group's account.

To that end, on signing the agreement the group undertakes to provide authorization for automatic debits from its account by the Stabiporc agent for the repayment of capital and the payment of interest.

On 31 December 1996, all capital sums, interest and related sums owed by the group will become due in full.

(6) Interest rates applied

Stabiporc passes on the advantages it receives from public resources (interest rate lower than the normal market rate) in the sums advanced to producer groups. These sums carry interest applicable until full repayment at a variable rate fixed for each calendar year:

- for 1993: the interest rate offered in Paris, generally known as 'Pibor' '12 months' + 0,5 % was applied during 1993 to the credit made available to Stabiporc,
- for other years: the Pibor '12 months' rate + 0,5 % applicable on the first day of each calendar year has been applied.

Interest is due on the penultimate day of each calendar year.

(7) Funding of Stabiporc

In order to obtain the necessary resources for the regulatory fund, Stabiporc concluded the following agreements:

- a loan agreement with Ofival,
- a credit agreement with the Caisse de Crédit Mutuel, the Caisse Centrale des Banques Popu-

lares and the Caisse Nationale du Crédit Agricole (CNCA). These bodies formed a banking pool headed by the CNCA,

— a credit agreement with Unigrains.

The Commission is examining these last two agreements, notified on 20 June 1994, separately under Article 93 (3) of the Treaty (aid No NN 61/94).

This Decision covers aid granted under the agreements between Stabiporc and producer groups and between Stabiporc and Ofival.

(i) *Amount lent:*

Ofival: FF 60 million

(ii) *Agreed rate of interest*

The loans were granted by Ofival in 1993 at the Pibor 12-month rate prevailing on the first day of the first withdrawal of funds for the payment of advances by Stabiporc to producer groups, plus 0,5 %.

Thus the interest rate applied by the lending bodies for 1993 was 6,83 %.

This rate is updated on the first working day of each year on the basis of the prevailing Pibor 12-month rate, plus 0,5 %. For 1994 the rate is 6,07 %.

(iii) *Duration of loan*

The agreement was signed on 29 April 1993.

Stabiporc has the right to withdrawal funds against this bank loan until 31 December 1996.

(iv) *Repayment of interest*

All interest owed is due on 31 December of each year, calculated for the exact number of days in the period on the basis of 365 days per year.

(v) *Repayment of capital*

The capital of FF 60 million will be repaid to Ofival on the initiative of Stabiporc on 31 January 1997.

All sums unpaid on the designated day of payment will be immediately subject to interest at the Pibor 12-month rate prevailing on the first working day of the calendar year in question, plus 4 %.

In the event of insolvency of producer groups resulting, in particular, from restructuring or their winding-up by a court decision, any unpaid

capital, interest or related sums resulting from the failure of the groups are shared equally between Ofival and Stabiporc after taking account of the collateral securities obtained by the groups from their bank, up to a maximum of FF 2 million. Above that sum, Ofival takes responsibility for any unpaid sums after taking account of the abovementioned securities and up to the amount loaned.

These unpaid amounts are either repaid by Stabiporc to Ofival as soon as they have been recovered from the failed groups or are deducted as described below.

In the event of unpaid sums or delays in payment, Ofival can deduct the sums (capital and interest) due by groups to Stabiporc from any amounts to be paid by Ofival to those groups or to members of those groups under other measures unconnected with the activities of Stabiporc.

(8) Nature and operation of the Office National Interprofessionnel des Viandes, de l'Élevage et de l'Aviculture (Ofival)

Ofival is a public industrial and commercial body created by Decree No 72-1067 of 1 December 1972, as amended.

It has a management committee consisting of:

- 20 individuals nominated by the Minister for Agriculture, representing farming, cooperatives, trade and industry and employees in the sector,
- four representatives from the public authorities, two nominated by the Minister for Agriculture, one by the Minister for Economic and Financial Affairs and one by the Minister for the Budget,
- one chairman nominated by decree on the basis of a proposal from the Minister for Agriculture,
- one director nominated by decree on the basis of a proposal from the Minister for Agriculture, the Minister for Economic and Financial Affairs and the Minister for the Budget.

Ofival's budget becomes operative only after being approved by a joint decree of the Ministers for Agriculture, Economic and Financial Affairs and the Budget.

By Decision No 93/13/CD of 12 May 1993, the Minister for agriculture and Fisheries decided that Ofival would grant an economic assistance loan of FF 60 million to the Stabiporc adjustment fund.

Ofival has the right to attend all meetings of the Stabiporc management committee by right.

IV

By letter dated 7 April 1994, the French authorities submitted their comments under the procedure initiated by the Commission in its letter of 22 February 1994.

- (1) The French authorities consider the interest rate applied by Ofival, namely the Pibor 12-month rate plus 0,5 %, to be justified for the following reasons:

- The pooling of producers' interests within the Stabiporc fund and the accompanying pooling of risks enable it to obtain the Pibor '12 months' rate with a margin of 0,5 % from credit institutions. Stabiporc was created on the initiative of the Fédération nationale porcine (National Pig-farmers' Federation) and the Fédération nationale de la coopération bétail et viande (National federation of Livestock and Meat Cooperatives).

- The interest rate obtained and applied by Stabiporc is a short-term market rate and does not include any State aid in the form of an interest subsidy.

The French authorities stress that the Pibor is a variable rate which is currently at a low level. During the period of negotiations preceding the re-establishment of Stabiporc, this rate was at a higher level than when the arrangements were applied. Nevertheless, since the rate granted to Stabiporc is readjusted every year on the basis of the Pibor 12-month rate applicable on 31 January, the rate for loans granted may well be increased at a future date.

- The Stabiporc arrangements guarantee the credit institutions a high volume of loans with very low administrative costs, since there is only one agreement, one rate and a standard financial product. The arrangements also provide better guarantees of repayment and reduce that part of the margin used to cover the risk of non-payment.

- The variation of the interest rate according to whether the funds are or are not mobilized for the payment of advances to producer groups provided for in the agreement concluded between Ofival and Stabiporc is linked to the fact that funds not immediately used are invested by Stabiporc. Since these are very short-term investments, realizable without notice and with different financial objectives, the rates paid on them vary and the agreement lays down that interest obtained by Stabiporc on such investments must be repaid to Ofival.

- (2) The French authorities point out that the repayment of sums due by Stabiporc to Ofival is ensured:

- by the following repayment guarantees set out in the agreements between Stabiporc and the producer groups:
 - direct debits from groups' accounts,
 - the provision of a bank guarantee,
 - the consolidation of Stabiporc's own funds through a levy of FF 1 per pig referred to in the recitals of the agreement;
- by the additional contractual guarantee provided for in the agreement between Ofival and Stabiporc;

direct debit of any sums not paid or not paid on time to Stabiporc by groups (of which Ofival is kept regularly informed in accordance with the agreement) from sums due by Ofival to the groups or farmers concerned under other, totally unconnected measures.

This is an additional guarantee of repayment which could be used if, under exceptional circumstances, the guarantee provided by direct debit has proved ineffective;

- By the fact that these specific contractual guarantees apply without prejudice to all the means of recovery provided for in common law.
- (3) By letter dated 20 June 1994, the French authorities, in response to a further request from the Commission, notified the agreements concerning loans from the banking pool to Stabiporc and between Stabiporc and Unigrains.

V

- (1) Articles 92 to 94 of the Treaty were rendered applicable by Article 21 of Regulation (EEC) No 2759/75.

'State aid'

- (2) The public authorities contributed FF 60 million to the re-establishment of Stabiporc in 1993 by means of a loan granted through Ofival. This trade body is under State control owing to the composition of its management committee and to the fact that it is the Minister for Agriculture who adopts the decisions on the granting of credit (see point III.8).

Furthermore, it was the Minister for Agriculture and Fisheries who took the decision, on 12 May 1993, that Ofival would grant the abovementioned loan.

From the public funds described above, Stabiporc grants repayable advances to producer groups.

- (3) Stabiporc is itself influenced by Ofival, and therefore indirectly by the State, given that Ofival attends all meetings of the Stabiporc management committee by right.
- (4) The interest rate applied by Stabiporc is fixed on the basis of the Pibor 12-month rate applicable on the day of the first withdrawal of funds by Stabiporc for 1993 and the first working day of the 1994 and 1995 calendar years plus 0,5 %. The interest rates were 6,83 % for 1993 and 6,07 % for 1994.

The Pibor 12-month rate plus 0,5 % may be applied by Stabiporc which benefits from the same rate on loans taken out for its financing.

The Commission cannot accept the argument put forward by the French authorities that 'the interest rate obtained and applied by Stabiporc is a short-term market rate and does not include any State aid in the form of an interest rate subsidy'.

The extent to which the Pibor rate is increased (in this case 0,5 of a percentage point) depends on the level of risk, which in turn depends on the economic, structural and social position of the borrower. The pig-farming sector is in crisis. Since September 1992, prices in the Community have fallen by almost 30 %. After a slight upturn at the beginning of this year, prices have again fallen despite extensive slaughtering last year following outbreaks of disease.

According to the Farm Accountancy Data Network, the rate of indebtedness (relationship between total loans and total own and borrowed capital) in the pig-farming sector is almost 48 % in France and 31 % in the Community, whilst the figures for the farming sector as a whole are 32 % in France and 15 % in the Community.

Consequently, at a time when the pig market is in crisis and farmers are seeing their incomes fall and run the risk, in some cases, of serious financial difficulties, the pooling of producers' interests in Stabiporc and the pooling of risks cannot be considered sufficient justification for the granting of loans as described above (point III.7).

As stated above, the Pibor 12-month rate is an interest rate applied to interbank loans. These loans are used by banks to grant loans to economic operators, a risk premium being added to the base rate. In the case in question, this premium is 0,5 %. In view of the nature of the borrowers, and particularly the average rate of indebtedness, and the crisis in the pig market, a premium of 0,5 % cannot cover the risk of non-repayment by borrowers.

The economic benefit to pig producers results from the difference between the interest rate on loans taken out by Stabiporc and passed on to its member producer groups and that which producer groups could obtain from other financial institutions under normal market conditions.

As an example, the actual average rate applied by credit institutions during the first quarter of 1993 for loans of an initial duration of more than two years at variable rates granted to companies was 12,09 %.

The interest rates applied by Stabiporc (and by Ofival) must therefore be considered preferential.

It follows from the above that the amounts in question granted in the form of interest-rate subsidies must be regarded as State aid or as being granted from State resources.

Repayment guarantees

- (5) The agreements between Stabiporc and producer groups contain guarantees regarding the repayment by producer groups of the advances made by Stabiporc. All repayments of advances are made by automatic debit from the producer group's account (see point III.5 above).

The Commission does not question the fact that certain of the mechanisms referred to by the French authorities in their letter of 7 April 1994 are in line with the normal rules of the market (automatic debiting, bank guarantees, consolidation of Stabiporc's own resources) and can, to a certain extent, guarantee effective repayment of the sums lent.

Nevertheless, as regards the repayment of the capital and interest on the loan granted by Ofival to Stabiporc, the agreement between the two bodies provides that where sums are unpaid or where there is a delay in payment, Ofival can deduct the amounts concerned from any sums it is to pay to the groups concerned or members of those groups under other measures (see point III.7 (v) above). This deduction is therefore discretionary.

Contrary to the French authorities' claim in their letter of 7 April 1994, because this measure is not systematically applied it does not constitute an adequate guarantee of the effective repayment of sums due against advances. Furthermore, no provisions are laid down for the calculation and payment of interest where such sums are recovered after the end of the abovementioned agreement.

Moreover, given the link between Ofival and Stabiporc (Ofival attends all meetings of the Stabiporc management committee by right), the statement by the French authorities that 'these specific contractual

guarantees apply without prejudice to all the means of recovery provided for in law' would appear dubious.

- (6) Similarly, under the agreements between Stabiporc and the banking pool and between Stabiporc and Unigrains, notified by the French authorities on 20 June 1994, certain of the guarantees regarding the repayment of sums loaned may be considered to comply with the normal market conditions governing relationships between economic operators. This is the case, for example, with the obligation on Stabiporc to constitute its own resources and to demand that producer groups provide proof of a bank guarantee.

However, the fact that the State, through the intermediary of Ofival, takes responsibility for amounts unpaid by producer groups up to FF 1 million from its own resources and beyond that sum its credit of FF 60 million cannot be considered a measure consistent with normal market conditions.

As stated under point I. 4 above, this measure in the form of a State guarantee granted by Ofival is being examined separately.

- (7) Given that the interest and repayment conditions are manifestly not those that an economic operator could obtain on the financial markets, the measures referred to in points 4 and 5 constitute operating aid to pig producers.

Infringement of the common organization of the market

- (8) Furthermore, account must be taken of the fact that this aid, paid per unit of quantity, concerns a product covered by a common organization of the market and that there are limits to the power of Member States to intervene independently in the operation of such a common organization involving a system of Community support which is the exclusive responsibility of the Community. As soon as a common organization of the market exists in a particular sector, Member States are obliged to abstain from any measure which could derogate from or adversely affect that organization.

The common organizations of the markets are comprehensive and exhaustive systems which preclude any measures by Member States which could influence the market in question or the payment of any additional aid by Member States.

The aid in question is not granted in accordance with the conditions laid down by the common organization of the market for pigmeat which prohibits the grant of such aid other than under the conditions laid down.

The aid must therefore be considered to be against Community rules.

VI

According to information from Eurostat, in 1993, 24 112 500 pigs were slaughtered in France and 180 022 887 in the Community, the figure for France being around 13 % of the total.

Exports from France to third countries in 1993 were 56 736 tonnes (live pigs and pigmeat) and, from the Community as a whole, 730 642 tonnes, the French figure being about 8 % of the total.

Consequently, in view of the position occupied by the country in pig farming in the Community, an advantage such as that granted to pig farmers in France is likely to have a noticeable effect on the Community market.

VII

(1) The aid granted to pig producers covered by the regulatory mechanism enables them to obtain a higher return thanks to the price support guarantee. This advantage, which is in part financed from State resources, puts beneficiaries in a better position to survive during this crisis period than producers not receiving such aid. There is therefore a distortion of competition between producers benefiting from easier disposal under subsidized trading conditions and producers obliged to sell their pigs without the benefit of this income support system financed by State aid. Greater quantities can be sold under such conditions than if aid were not available. The aid in question is therefore likely to distort competition and affect trade within the meaning of Article 92(1) of the Treaty. That Article lays down that aid fulfilling the conditions specified therein is *a priori* incompatible with the common market.

(2) The derogations provided for in Article 92(2) of the Treaty are manifestly not applicable to the aid in question.

(3) Those provided for in Article 92(3) specify objectives pursued in the interest of the Community and not solely in that of particular sectors of the national economy. These derogations must be strictly interpreted when regional or sectoral aid programmes or individual instances of the application of general aid schemes are examined.

They can only be granted where the Commission can establish that the aid is necessary for the achievement of one of the objectives referred to in the said provisions. To grant the said derogations to aid not fulfilling that condition would be to permit distortion of trade between Member States, and of competition,

without any justification in terms of Community interest and, at the same time, to concede unwarranted benefits to operators in certain Member States.

In this case, the French Government takes the view that the system does not involve aid and the Commission has been unable to find any proof that the aid in question fulfils the conditions required for the application of one of the derogations under Article 92(3) of the Treaty.

The measure is not intended to promote the execution of an important project of common European interest within the meaning of Article 92(3)(b) of the Treaty since, given the impact it could have on trade, the aid goes against the common interest.

Neither is it a measure intended to remedy a serious disturbance in the economy of the Member State concerned within the meaning of that same paragraph.

With regard to the derogations provided for in Article 92(3)(a) and (c) of the Treaty concerning aid to promote or facilitate the economic development of regions and certain activities referred to in the above-mentioned indent (c), the measure, being operating aid, cannot bring about a long-term improvement in the conditions of the recipient economic sector, since, when payment ceases, the sector will be in the same structural situation as before the State measure was applied.

It is a type of aid which the Commission has always in principle opposed, on the ground that it is not linked to conditions making it eligible for one of the derogations provided for in Article 92(3)(a) and (c) of the Treaty.

(4) Even if a derogation under Article 92(3) of the Treaty were possible for the aid in question, the fact that the measure in question goes against the common organization of the market, as stated in point V.8 above, precludes the application of such a derogation.

(5) The aid in question must therefore be considered incompatible with the common market within the meaning of Article 92 of the Treaty.

(6) This Decision shall not prejudice any inferences the Commission might draw as regards the financing of the common agricultural policy from the European Agricultural Guidance and Guarantee Fund (EAGGF).

(7) The measure, adopted by a ministerial decision of 12 May 1993 and applied without awaiting the Commission's final decision, is illegal under Article 93(3) of

the Treaty. The French authorities notified the measure only on 19 April 1993 in response to the Commission's request of 9 March 1993.

- (8) Where aid is incompatible with the common market, the Commission, in accordance with judgements of the Court of Justice, in particular the judgment handed down on 12 July 1973 in Case 70/72, *Commission v. Germany*⁽¹⁾, and confirmed by the judgments of 24 February 1987 and 20 September 1990, in Cases 310/85, *Deufil GmbH v. Commission*⁽²⁾ and C-85, *Commission v. Germany*⁽³⁾ respectively, must demand that Member States recover from the beneficiaries any aid granted illegally.

In view of the above, the aid in question must be repaid.

Repayment must be made in accordance with the procedures and provisions of French law, in particular those concerning interest on overdue payments owed to the State, the interest being calculated from the day the aid in question was paid.

Repayment is necessary in order to restore the previous situation by abolishing all the financial advantages enjoyed by the beneficiaries of the illegal aid since the date on which it was paid. It is all the more necessary given the sensitive market situation and in view of the decision taken by the Commission on 19 August 1988 (see final paragraph of point II),

HAS ADOPTED THIS DECISION:

Article 1

The aid granted to pig producers as part of the advances made under the group membership of the Caisse Professionnelle de Régulation Porcine (Stabiporc regulatory fund) and the agreement concerning the relaunch of the said fund for the period 1993-96 is illegal, having been granted in breach of Article 93 (3) of the Treaty. This aid is also incompatible with the common market within the meaning of Article 92 of the treaty.

The aid referred to in paragraph 1 covers:

- the amounts resulting from the difference between the interest rate applied to advances paid to producer groups Stabiporc (the Pibor 12-month rate plus 0.5 %) and the interest rate at which those groups could have obtained them through Stabiporc from financial insti-

tutions under normal market conditions, the latter rate to be determined on the basis of the interest rates offered to companies for variable-rate loans of an initial duration of more than two years, and

- advances not repaid by pig-farmers' producer groups and borne by Ofival.

Article 2

France shall abolish the aid referred to in Article 1:

- by fixing the interest rate on advances at the normal market referred to in the first indent of the second paragraph of Article 1,
- by laying down that Ofival shall, in the event of non-payment or late payment to Stabiporc, deduct those amounts (capital and interest) from any sums to be paid by Ofival to producer groups or members of those groups under other measures,
- by laying down that interest for late payment shall be payable on amounts recovered by Ofival in accordance with the previous indent.

Article 3

France shall demand the recovery and repayment of aid already paid, referred to in Article 1, within three months of the date of this Decision.

The aid shall be recovered in accordance with the procedures and provisions of national law, and in particular those relating to interest on overdue payments owed to the State. Interest on the sums in question shall start to run from the date on which the aid was granted.

Article 4

France shall inform the Commission within three months of the date of notification of this Decision of the measures taken to comply with Articles 2 and 3.

Article 5

This Decision is addressed to the French Republic.

Done at Brussels, 27 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ [1973] ECR 813.

⁽²⁾ [1987] ECR 901.

⁽³⁾ [1990] ECR I-3437.

COMMISSION DECISION**of 14 September 1994****on aid in respect of exports of mushrooms, granted in connection with the
Market Development Fund in Ireland****(Only the English text is authentic)****(94/814/EC)****THE COMMISSION OF THE EUROPEAN COMMUNITIES,**

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 3669/93⁽²⁾, and in particular Article 31 thereof,

Having given formal notice, in accordance with Article 93 (2) of the Treaty, to the parties concerned to submit their comments⁽³⁾ and having taken due account of the same,

Whereas :

I

(1) The Commission was informed that State aid was being granted to producers of mushrooms in the form of aid related to the quantity of mushrooms exported; this aid, according to the same information, was being granted from the Market Development Fund. By letter dated 17 December 1992, the Commission asked the Permanent Representative of Ireland whether such an aid existed and if so to inform it how this measure could be reconciled with the Market Development Fund, a scheme to which the Commission did not formulate objections in November 1992 (Aid No 644/92). Under the Market Development Fund, assistance to business producing agricultural products covered by common organizations of the market was confined to aid for training, market development or advertising and aid to certain investments and/or short-term operating loans. By letter dated 1 April 1993, the Irish authorities sent the Commission an answer that was not very detailed; on 7 April 1993, therefore, the Commission asked for additional clarifications in order to avoid any misunderstandings concerning the application of the Market Development Fund to mushroom producers.

By telex message of 14 April 1993, the Commission asked for a reply to its telex message sent on 23 February 1993, to which no reply had been received, asking for precise details on one of the conditions for granting the aid in question.

The Irish authorities replied to the request from the Commission of 7 April 1993 by telex message of 7 May 1993. In addition, by telex message of 12 May 1993, the Irish authorities answered the telex message of 23 February 1993. The telex message of 12 May 1993 led the Commission to require more detailed clarifications by telex message of 17 May 1993.

The Irish authorities answered the Commission's telex message of 17 May 1993 by telex message of 23 June 1993. However, despite this telex message, justified doubts continued to exist and a meeting between the Irish authorities and Commission staff took place on 29 June 1993. At the end of this meeting, the doubts concerning the application of the Market Development Fund to the mushroom sector persisted.

(2) According to information reaching the Commission, based especially on a document appearing to be a circular of the Irish Trade Board, of which the Commission has a copy, the recipients of the aid are individual mushroom producers who buy their compost from one or more of the five Irish compost-selling undertakings and who export fresh mushrooms; the amount of aid is based on the quantity of mushrooms exported. In fact, according to a complainant submitted to the Commission, the aid is between 3,5p and 6,5p per pound and totals £ Irl 1,2 million.

The various answers and clarifications provided by the Irish authorities, including the statements that the quantity of mushrooms exported is only a condition of eligibility for aid, that the amount of aid granted is not linked to the quantity of mushrooms exported and that the only aid granted to the mushroom producers under the Market Development Fund is exclusively a function of the producers' eligible expenditure on training, market development and promotion, are not consistent with the information contained in the document referred to above which appears to be a circular of the Irish Trade Board.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 26.

⁽³⁾ OJ No C 251, 15. 9. 1993, p. 5.

By letter dated 23 June 1993, the Irish authorities confirmed the existence of the said circular but stated that it had been sent to some of the compost firms before any aid was paid and that the situation was rectified subsequently. However, the Irish authorities did not provide precise evidence in support of this statement concerning rectification. In addition, at the meeting on 29 June 1993, no new evidence was produced of a nature to eliminate the doubts as to whether the aid was compatible with the Market Development Fund.

II

- (1) By letter dated 29 July 1993 to the Irish Government, the Commission stated that it had decided to initiate the procedure provided for in Article 93 (2) of the Treaty with regard to this aid.

In that letter, the Commission informed the Irish authorities that it considered, on the basis of the information contained in the document referred to above which appeared to be a circular of the Irish Trade Board, that the aid in question could not on principle be regarded as a proper application of the Market Development Fund to mushroom producers. In fact the aid in question, which according to the circular was calculated according to the quantities exported, amounted to an operating aid with the direct effect of artificially lowering the cost of the products of the benefiting producers. It was consequently likely to distort competition and to affect trade between Member States and met the criteria of Article 92 (1) of the Treaty without qualifying for any of the exemptions provided for in Article 92 (2) and (3).

Furthermore, the measure infringed Regulation (EEC) No 1035/72. The provisions of that Regulation are to be regarded as a complete and exhaustive system, excluding any possibility for Member States to take complementary market measures.

In addition, a condition set for the granting of aid, in this case the obligation to buy compost from one or more of five Irish compost-selling undertakings, constitutes a measure of equivalent effect to a quantitative restriction on trade and thus infringes Articles 30 *et seq.* of the Treaty. The Commission considers on principle any aid to be incompatible within the meaning of Article 92 if the conditions for granting the aid conflict within the meaning of Article 92 if the conditions for granting the aid conflict with another provision of Community law, since any such aid must be considered contrary to the common interest.

- (2) Under the abovementioned procedure, the Commission gave notice to the Irish Government to make known its comments.

The Commission also gave notice to the other Member States, as well as interested parties other than the Member States, to make their comments (see footnote 3).

III

Two Member States and various interested parties communicated their comments to the Commission. The correspondence containing these comments was passed on to the Irish authorities in a letter dated 10 February 1994.

By letter dated 11 October 1993, the Irish authorities announced that they would reply to the letter of 29 July 1993 as soon as possible and, in letter dated 24 March 1994, undertook to give an answer within two weeks. In addition, in the latter letter, it was stated that the Irish authorities were reviewing the application of the Market Development Fund and that they needed slightly more time to finalize this review as regards small businesses.

By letter dated 6 April 1994, the Irish authorities provided replies to the Commission concerning some fundamental aspects of the scheme. In connection with the problem of the infringement of Article 30 of the Treaty, they stressed that initially the staff responsible for paying aid under the Market Development Fund considered that aid should not be granted to firms importing their compost because they had profited from the devaluation of the pound sterling. However, following representations from some firms and in the light of experience in applying the Fund, it was decided to allow aid to be paid to applicant businesses which had imported their compost. In support of this argument the Irish authorities provided a letter from the Irish Mushroom Growers' Association dated 4 April 1994 confirming that it was satisfied that all the potential applicants for aid had been informed of the existence of the scheme and that firms using imported compost were eligible for and had received aid.

Regarding the problem of the operative event for payment of the aid, the Irish authorities stated that they had made inquiries into the activities of the main firms assisted by the Market Development Fund and that the expenditure had indeed been on activities covered by the scheme approved by the Commission.

They added that the expenditure by the four largest beneficiary undertakings (accounting for almost 85 % of aid to the mushroom sector under the Market Development Fund) in the period from October 1992 to the end of 1993 in respect of the following activities, viz: market research, sales personnel and recruitment, establishment of overseas companies/offices, trade fairs, etc, travel to

overseas markets, overseas customer visits, tendering costs, advertising and promotion, design and product development, and training had exceeded the aid received from the Market Development Fund. As for the smaller businesses, accounting for the remaining 15 % of the Market Development Fund, the Irish authorities affirmed that they were confident that expenditure had been incurred at least equal to the amount of aid received.

It is clear that the evidence provided involves only an *ex-post* comparison of aid granted and that the expenditure recorded in the major undertakings over a period was also determined *ex-post*. The Commission felt therefore that it was necessary to seek additional clarifications and a meeting took place on 19 April 1994 between the Irish authorities and Commission staff. As a result of this meeting the Irish authorities undertook to provide the Commission with official documents within a very short time, provided that such documents existed, showing that steps had been taken in good time, and at the latest before the first payment of aid, to link the granting of aid to recipients' eligible expenditure in accordance with the rules of the Market Development Fund.

Although the Irish authorities provided certain additional information about the grant of the aid, no document or other precise evidence in that regard was supplied by the Irish authorities. The information they provided is as follows :

- (a) a letter dated 27 April 1994, the contents of which were similar to that of 6 April 1994 but containing copies of the guidelines for the application of the Market Development Fund, as well as for completing the aid application form (which the Commission already had in its possession), these being documents which were sent to all firms requesting aid ; this letter also contained copies of certificates issued by the accountants of the five undertakings certifying that in the period from September 1992 to December 1993 these firms had incurred expenditure, depending on the firm, on market research, recruitment and training, sales personnel and recruitment, advertising and promotion, overseas customer visits, establishment of overseas companies, trade fairs, exhibitions, demonstrations, travel to overseas markets, tendering costs, design and product development, product and pack house development.

To this letter dated 27 April 1994 was also attached a copy of a letter sent by the Irish authorities on 27 April 1994 to the chairman of the Irish Mushroom Growers' Association and referring to the condition contained in the circular of 20 November 1992 (see

point II.1), according to which aid would be granted only to mushroom producers who buy all their compost in Ireland. The contents of this latter letter are as follows :

'I refer to the assistance provided by the Market Development Fund during the currency crisis of 1992/93.

At the commencement of the Fund's operations, a circular issued from the Fund on 20 November 1992 stating that assistance will be provided to mushroom growers who buy all their compost in Ireland.

As you know, this condition was not implemented, as it was not in accordance with the terms of the approval of the EU Commission for the operation of the Fund. (I note in this regard the terms of your letter of 5 April 1994). Moreover, purchase of Irish compost would not be a condition of eligibility for any existing or future scheme of State assistance.

To remove any doubt there may be that growers may have been persuaded by the Fund letter of 20 November 1994 that any State assistance in the future may be linked to, or conditional upon, the purchase of Irish compost by potential beneficiaries, I should be grateful if you would circulate a copy of this letter of your members and if you would confirm to me that you have done so. ;

- (b) a letter dated 29 April 1994, which repeated the arguments advanced in the previous letters from the Irish authorities but added the following new points :
 - (i) that the provisions contained in the circular of 20 November 1992 were drawn up before the Commission approved the Market Development Fund scheme and that they were communicated to the staff implementing the scheme ; that payments from the Market Development Fund were not made until early December 1992 ; that, at that time, the arrangements referred to in the circular of 20 November 1992 had been superseded and were not applied ; that aid was paid by the authorities to firms exporting mushrooms without any conditions which would require its distribution to the mushroom growers ;
 - (ii) that the conditions on the use of aid were made clear to beneficiaries by :
 - the guidelines for the application of the scheme and the aid application form (see point (a)),

- the formal letters of approval issued from the Irish Trade Board to all firms who received assistance from the fund; these letters made no reference to a condition that the monies received had to be passed on to mushroom producers and indeed no such condition was imposed,
- the formal document of transfer of funds and the formal document of acknowledgement that firms had to complete, which showed that:
 - (i) there was no obligation to pass on the monies to producers, and
 - (ii) the amount of aid was linked to the number of employees of the firm and was not calculated by reference to the quantity of mushrooms exported.

In support of these arguments, the Irish authorities provided a copy of the guidelines already mentioned, a copy of an aid approval letter from the Irish Trade Board, a copy of the administrative aid-payment document and a copy of the acknowledgment of receipt to be filled in by the undertaking.

Finally, in this same letter, the Irish authorities stated that all these points constituted sufficient evidence to satisfy the Commission that:

- (i) Market Development Fund assistance was paid to firms exporting mushrooms;
- (ii) the amount of the assistance was not calculated by reference to the quantity of mushrooms exported by these firms;
- (iii) there were no conditions requiring these firms to pass on the monies received to producers;
- (iv) the use of Irish compost as a condition of eligibility was discarded before any decision was taken on the question of any firm's eligibility;
- (v) there is no possible beneficiary who was left unaided as a result of the initial adoption of that condition; and
- (vi) any influence that the initial condition may have had on a firm's decision to source compost has been neutralized.

IV

- (1) In accordance with Article 31 of Regulation (EEC) No 1035/72, Articles 92, 93 and 94 of the Treaty are applicable to the product concerned.

The aid in question can on principle only be regarded as an application of the Market Development Fund if the beneficiaries received it on the terms laid down for the Fund. In fact, the Market Development Fund — to which the Commission did not formulate any objection on 12 November 1992 — was a temporary scheme which expired at the latest at the end of March 1993, designed to help small and medium-sized businesses to cope with their financial difficulties following the devaluation of the pound sterling. More particularly for firms whose production includes agricultural products covered by common organizations of the market (as is the case for mushrooms), and unlike the aid for firms whose production does not involve agricultural products, the aid was to be limited to eligible expenditure for activities such as training, market development and advertising, and certain investments and/or short-term operating loans.

One of the conditions of eligibility under this scheme was dependence on the UK market. However, in the case in question not only was the quantity of mushrooms exported a condition of eligibility as the Irish authorities state (see I.2), but it appears from the circular that the Commission has in its possession, and the existence of which has been confirmed by the Irish authorities, that the amount of aid granted to producers was calculated on the basis of the quantities of mushrooms exported and not on their eligible expenditure.

According to the Irish authorities this document was subsequently corrected before any payments of aid were carried out, but no document or other precise evidence of this correction, or of how it was done, has been supplied to the Commission, either at the bilateral meeting on 29 June 1993 or in the letters dated 11 October 1993, 24 March 1994, or 6 April 1994 following the opening of the procedure under Article 93 (2), or at the meeting on 19 April 1994, or in the letters dated 27 and 29 April 1994.

The replies of the Irish authorities of 24 March and 6 April 1994 provide no new details regarding the operative event for payment of the aid.

The *ex-post* check carried out by the Irish authorities showing that the aid was actually granted in accordance with the rules of the Market Development Fund, as referred to in the replies of 24 March, 6 April and 27 and 29 April 1994, does not allow the Commission to change its assessment of non-confor-

mity of the aid. Thus, although the Irish authorities made an *a posteriori* examination of expenditure, this is not a demonstration that the aid was granted only for expenditure, this is not a demonstration that the aid was granted only for expenditure allowed under the Market Development Fund for operators producing or trading in products covered by Annex II to the Treaty. Such eligible expenditure should have been determined at the latest when the aid was initially granted.

In addition, the checks made by the Irish authorities, although supposed to be made on the recipients of aid, in fact involved only the undertakings which, according to the circular of 20 November 1992, were required to pass on the aid directly without deductions to the mushrooms growers.

As regards the administrative documents which the Irish authorities undertook at the meeting on 19 April 1994 to supply within a short time to the Commission — provided such documents existed — so that the Commission could satisfy itself that steps were taken in good times to link the granting of aid to the recipients' eligible expenditure in accordance with the rules of the Markets Development Fund, no document of this kind has been received from the Irish authorities. The letter referred to earlier that was sent on 27 April to the Irish Mushroom Growers' Association mentions only the use of compost by the mushroom producers.

As regards the letter dated 29 April 1994 and the attached documents, they provide no evidence that before the granting of aid at the end of 1992 any steps were taken to link the granting of aid to the types of expenditure referred to in the Commission's letter of 16 November 1992 (see point I.1). Moreover,

- although it is stated in that letter that the provisions of the circular of 20 November 1992 were replaced and were not applied, no document or precise evidence has been provided repealing and replacing that circular,
- the absence of any indication, in the copy of the administrative letter of the Irish Trade Board approving aid to firms (example letter dated 15 December 1992), of an obligation on firms to pass on the aid to the mushroom growers does not prove that this obligation was not actually applied, as required by the circular of 20 November 1992,
- the same conclusion applies to the administrative document transferring aid monies to the firms,
- the fact that point 3 of the Irish Trade Board letter quoted above recalls that the aid is granted only if

compost is bought from an Irish undertaking ('domestic source') strengthens the idea that the circular of 20 November 1992, which already contained this condition, was in fact never replaced.

- (2) It is also clear that, whether or not there was an obligation on the recipient firms to pay the aid to producers, the aid must still be regarded as operating aid incompatible with the common market, because it follows from the details of the case that the aid payment was not linked to the types of expenditure specified in the Commission's letter of 16 November 1992.
- (3) The fact that, as alleged in the Irish authorities' letter of 29 April 1994, the aid granted was based on the number of employees of the recipient firm and not on the quantity of mushrooms exported does not change the character of the aid from being operating aid to mushroom-exporting undertakings.

Such aid has the effect of putting the recipients in a more favourable situation compared with operators in the same sector in the other Member States.

The result is, consequently, to distort competition between the Irish operators receiving the aid, producers and/or exporters, and corresponding operators in the other Member States.

In addition, since 1981 Ireland has increased its presence in the mushroom market and become the largest exporter of fresh mushrooms to the remainder of the Community, almost exclusively to the United Kingdom, in absolute terms (in 1980 Ireland produced 6 000 tonnes of mushrooms, compared with 37 000 tonnes in 1991; of these 37 000 tonnes, Ireland exported 24 193 tonnes to other Community countries, including 24 172 to the United Kingdom). In 1991, total intra-Community trade amounted to 70 448 tonnes.

The aid in question is therefore likely to affect trade between Member States, more especially as more than half of Irish production is exported to other Community countries.

The measure thus falls within the terms of Article 92 (1) of the Treaty.

- (4) Article 92 (1) states that aid schemes fulfilling the terms it sets out are on principle incompatible with the common market.

The exemptions provided for in Article 92 (2) are clearly not applicable to the aid scheme concerned, nor have these exemptions been invoked by the Irish authorities.

The exceptions provided for in Article 92 (3) list objectives pursued in the interests of the Community and not solely in the interests of individual sectors of national economies. These exemptions are to be interpreted strictly during the examination of any programme of regional or sectoral aid or of any individual case of application of general aid schemes.

In particular, these exemptions can be granted only if the Commission can establish that the aid is necessary for carrying out one of the objectives pursued. To grant the benefit of one of these exemptions to aid schemes not involving any such counterpart would amount to allowing damage to trade between Member States and distortions of competition that cannot be justified in the Community interest and, at the same time, to permitting undue advantages to accrue to operators in certain Member States.

In the case at issue, the aid does not involve any such counterpart. The Irish Government has not provided, nor has the Commission discovered, any evidence that the aid in question meets the terms of one of the exemptions provided for in Article 92 (3).

The scheme is not intended to promote the carrying out of an important project of common European interest within the meaning of Article 92 (3) (b), since, given the effects that it can have on trade, the aid runs counter to the common interest. Nor is it a measure designed to remedy a serious disturbance of the economy of the Member State concerned within the meaning of that same provision.

With regard to the exemptions provided for in Article 92 (3) (a) and (c) for aid schemes intended to encourage or facilitate the economic development of the regions as well as of certain activities referred to in Article 92 (3) (c), it must be noted that the measure at issue, because it is an operating aid, is not of a nature to improve in a durable way the situation in which the recipient producers are placed since, once it ceased to be paid, they would again be in the same situation as existed before the State aid was provided.

- (5) Furthermore, it must be remembered that the aid concerns a product covered by a common organization of the market and that there are limits to the powers of Member States to intervene autonomously in the operation of such a common organization comprising a common support system, which thereby falls within the exclusive competence of the Community.

The payment of the aid at issue in the mushrooms sector is counter to the principle that Member States

no longer have the power to take unilateral decisions on farmers' incomes within the framework of a common organization of the market by granting aid of this type. Even if an exemption under Article 92 (3) were possible for producers of the agricultural product in question, the aid scheme infringes the common organization of the market and would thereby be excluded from such an exemption (see judgment of the Court of Justice of 26 June 1979 in Case 177/78, *Pigs and Bacon Commission v. Mc Carren Company Ltd* ⁽¹⁾).

Accordingly, the aid must be regarded as aid not eligible for any of the exemptions provided for in Article 92 (3).

- (6) In addition, since according to the circular of 20 November 1992 the aid was restricted to producers buying compost from one or more of the five undertakings selling Irish compost, it must be regarded as a measure having an effect equivalent to a quantitative restriction within the meaning of Article 30 of the Treaty. The scheme encouraged the mushroom producers to purchase their supplies of compost only from national producers and thus indeed constitutes a measure having an effect equivalent to a quantitative restriction which cannot be justified under Article 36 because it involves a purely economic measure; the Irish authorities, in particular in their replies of 23 June 1993 and 29 April 1994, stated that the circular referred to above had actually been sent to some of the firms concerned. According to the Irish authorities this happened before payments of aid were made and the situation was rectified subsequently.

The Commission considers an aid scheme on principle to be incompatible with the common market within the meaning of Article 92 of the Treaty if the conditions on granting the aid infringe another provision of Community law.

Although the Irish authorities declared in their letter dated 29 April 1994 that the circular of 20 November 1992 had been repealed and replaced before payments were made, the same letter contains a copy of a letter sent by the Irish Trade Board on 15 December 1992 to a recipient of the aid approving the grant of the aid but also recalling that it was granted on condition that compost was bought from an Irish company.

⁽¹⁾ ECR [1979] 2161.

However, the information contained in the letter dated 27 April 1994 sent by the Irish authorities to the Mushroom Growers' Association with a request to circulate it to all members, reminded the Association that such a condition requiring the purchase of compost was not applied and recognized that this provision was contrary to Community law. Under these circumstances the Commission considers that, as from that date, the effects of this provision of the circular of 20 November 1992 were corrected.

- (7) The aid in question must therefore be considered incompatible with the common market within the meaning of Article 92 of the Treaty.
- (8) Since the aid was granted without being first notified as a draft measure to the Commission, it must be considered illegal under Article 93 (3) of the Treaty.

V

In cases of incompatibility of an aid scheme with the common market, the Commission is entitled, in accordance with the case law of the Court of Justice and in particular the judgment delivered on 12 July 1973 in Case 70/72 ⁽¹⁾, as confirmed by judgments of 24 February 1987 and of 20 September 1990 in Cases 310/85 ⁽²⁾ and C-5/89 ⁽³⁾ respectively, to require Member States to recover from the recipients any aid granted improperly.

In light of the above considerations, the aid paid out, the exact amount of which is not known to the Commission but which according to information reaching the Commission amounts to £ IRL 1,2 million ($\pm$ ECU 1,5 million), should be refunded.

The refunds are to be collected in accordance with the procedures and provisions of Irish legislation and in particular provisions concerning interest on overdue sums owed to the State, to be calculated from the date when the aid in question was granted.

This is a necessary measure in order to restore the previous situation by cancelling all the financial advantages the recipients of the improperly granted aid have enjoyed unduly since the date of payment of the aid.

This Decision does not anticipate any consequences which the Commission may draw, if necessary, in connection with the financing of the common agricultural policy through the European Agricultural Guidance and Guarantee Fund (EAGGF),

HAS ADOPTED THIS DECISION:

Article 1

The aid for producers and/or exporters of mushrooms granted by the Market Development Fund, c/o An Bord Tráchtála (The Irish Trade Board), is illegal. Such aid is, moreover, incompatible with the common market within the meaning of Article 92 of the EC Treaty.

Article 2

Ireland is hereby required to cancel the aid referred to in Article 1 and to recover the sums paid out, within two months from the notification of this Decision.

This recovery shall be carried out in accordance with the procedures and provisions of national legislation and in particular in accordance with those concerning interest payable on overdue sums owed to the State. The amounts to be recovered shall bear interest from the date on which the aid in question was granted.

Article 3

Ireland shall inform the Commission, within two months from the notification of this Decision, about the measures that it has taken to comply with Article 2.

Article 4

This Decision is addressed to Ireland.

Done at Brussels, 14 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ ECR [1973] 813.

⁽²⁾ ECR [1987] 901.

⁽³⁾ ECR [1990] I-3437.