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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 520/94

of 7 March 1994

establishing a Community procedure for administering quantitative quotas

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 1023/70 of 25 May 1970 establishing a common procedure for administering quantitative quotas⁽¹⁾ established, for the Community, a procedure for administering quantitative quotas based on the allocation of quotas among the Member States, which might entail the compartmentalization of the Community market and checks at internal frontiers for the products concerned;

Whereas under Article 7a of the Treaty, the internal market comprises since 1 January 1993 of an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured;

Whereas a new system for administering quantitative quotas should therefore be established in line with this objective and based on the principle of a uniform common commercial policy, in accordance with the guidelines laid down by the Court of Justice of the European Communities;

Whereas there should be a choice between several allocation methods, depending on criteria such as the situation of the Community market, the type of product concerned, specific characteristics of the supplier countries and the Community's international obligations, particularly those which undertake to allow for traditional trade flows;

Whereas the administration of import and export quotas should be based on a system of licences issued by the Member States in line with quantitative criteria established at Community level;

Whereas the administrative procedure must ensure that all applicants have fair access to quotas, and whereas the documents issued must be such that they can be used throughout the Community;

Whereas it is necessary to set up a committee to organize close and effective cooperation between the Member States and the Commission for the purposes of the implementation of this Regulation;

Whereas the provisions of this Regulation and those governing its implementation should not prejudice existing national and Community rules concerning professional secrecy;

Whereas the products listed in Annex II to the Treaty, together with textiles and other products that are subject to specific common import arrangements laying down specific provisions as regards quota administration should be excluded from the scope of this Regulation;

Whereas this Regulation should replace Regulation (EEC) No 1023/70 and the said Regulation should therefore be repealed; whereas, by Regulation (EEC) No 1024/70⁽²⁾, the Council applied Regulation (EEC) No 1023/70 to the French overseas departments; whereas there is no longer any need for a separate regulation, given that the common provisions laid down in this Regulation apply to Community territory in its entirety, as defined in Article 227 of the Treaty; whereas Regulation (EEC) No 1024/70 should therefore also be repealed,

⁽¹⁾ OJ No L 124, 8. 6. 1970, p. 1. Regulation as last amended by the 1985 Act of Accession.

⁽²⁾ OJ No L 124, 8. 6. 1970, p. 5.

HAS ADOPTED THIS REGULATION:

PART I

GENERAL ADMINISTRATIVE PRINCIPLES

Article 1

1. This Regulation establishes the rules governing the administration of quantitative import and export quotas, hereinafter referred to as 'quotas', whether autonomous or conventional, established by the Community.

2. This Regulation shall not apply to products listed in Annex II to the Treaty, nor to other products that are subject to specific common import or export arrangements laying down special provisions for quota administration.

Article 2

1. Quotas shall be allocated among applicants as soon as possible after they have been opened. It may be decided, in accordance with the procedure laid down in Article 23, to allocate them in several tranches.

2. Quotas may, *inter alia*, be administered using one of the following methods, or a combination of these methods:

- (a) a method based on traditional trade flows, in accordance with Articles 6 to 11;
- (b) a method based on the order in which applications are submitted (on a 'first come, first served' basis), in accordance with Article 12;
- (c) a method allocating quotas in proportion to the quantities requested when the applications are submitted (using the 'simultaneous examination' procedure), in accordance with Article 13.

3. The allocation method to be used shall be determined by following the procedure laid down in Article 23.

4. If it is apparent that none of the methods indicated in paragraph 2 is appropriate to the specific requirements of a quota which has been opened, the Commission shall determine whatever method may be appropriate following the procedure laid down in Article 23.

5. Quantities that are not allocated, assigned or used shall be redistributed in accordance with Article 14 in time to allow them to be used before the end of the period covered by the quota.

6. Save where other provisions are adopted when the quota is set, the release for free circulation or export of products subject to quotas shall be conditional on the

presentation of an import or export licence issued by the Member States in accordance with this Regulation.

7. Member States shall designate the administrative authorities competent to carry out implementing measures for which they are responsible under this Regulation. They shall notify the Commission of the authority thus designated.

Article 3

The Commission shall publish a notice announcing the opening of quotas in the *Official Journal of the European Communities*, setting out the allocation method chosen, the conditions to be met by licence applications, time limits for submitting them and a list of the competent national authorities to which they must be sent.

Article 4

1. All Community importers and exporters, no matter where they are established in the Community, may submit a single licence application for each quota or tranche of a quota to the competent authority of the Member State of their choice, drawn up in the official language or languages of the Member State concerned.

Where a quota is limited to one or several regions of the Community, the application shall be made to the competent authorities in the Member State(s) of the region(s) in question.

2. Applications for licences shall be submitted in accordance with the arrangements determined following the procedure laid down in Article 23.

Article 5

The Commission shall ensure that the licences to be issued are for economically significant quantities, having regard to the nature of the product covered by the quota.

PART II

SPECIFIC RULES FOR THE DIFFERENT ADMINISTRATIVE METHODS

Section A

Method based on traditional trade flows

Article 6

1. Where quota allocation takes account of traditional trade flows, one portion of the quota shall be reserved for traditional importers or exporters while the other shall be set aside for other importers or exporters.

2. Importers or exporters deemed to be traditional are those able to demonstrate that in the course of a previous period, to be known as 'the reference period' they have imported into the Community or exported from it the product or products covered by the quota.

3. The portion set aside for traditional importers or exporters, the reference period and the portion allocated to other applicants shall be determined in accordance with the procedure laid down in Article 23.

4. Until 31 December 1996, the Commission shall ensure that the portion set aside for other applicants makes due and fair allowance for the situation created by the existence of national restrictions applied under Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules on imports⁽¹⁾ and Council Regulation (EEC) No 3420/83 of 14 November 1983 on import arrangements for products originating in State-trading countries, not liberalized at Community level⁽²⁾.

5. The allocation shall be carried out in accordance with the principles set out in Articles 7 to 11.

Article 7

To qualify for the allocation of the part of the quota set aside for them, and to provide evidence of the imports or exports carried out during the reference period, traditional importers or exporters shall enclose with their licence applications:

- a certified copy of the original of the entry for free circulation or export declaration made out in the name of the importer or exporter concerned or, where applicable, that of the operator whose activities they have taken over;
- any equivalent evidence, as determined by the Commission in accordance with the procedure laid down in Article 23.

Article 8

Member States shall, within the period laid down in the notice opening the quota concerned, inform the Commission of the number and the aggregate amount of the import or export applications, broken down into those from traditional importers or exporters and other importers or exporters, and of the amount of the previous

imports or exports carried out by the applicants during the reference period.

Article 9

The Commission shall examine the information provided by the Member States at the same time and shall establish the quantitative criteria according to which traditional importers' or exporters' applications are to be met as follows:

- where aggregate applications are equal to or less than the amount set aside for traditional importers or exporters, applications will be met in full,
- where aggregate applications exceed the amount set aside for traditional importers or exporters, applications will be met on a pro rata basis, calculated in accordance with each applicant's share of the total reference imports or exports,
- where the use of this quantitative criterion would entail allocating amounts greater than those applied for, the excess quantities shall be reassigned following the procedure laid down in Article 14.

Article 10

The portion of the quota set aside for non-traditional importers or exporters shall be allocated in accordance with Article 12.

Article 11

Where no applications are received from traditional importers or exporters, the importers or exporters that do apply shall have access to the whole quota or tranche concerned.

In such cases, the allocation shall be carried out following the procedure laid down in Article 12.

Section B

Method based on the order in which applications are submitted

Article 12

1. Where a quota or tranche of a quota is allocated on a 'first come, first served' basis, the Commission shall apply the procedure laid down in Article 23 to determine the quantity to which operators are entitled until the quota is exhausted.

In setting this quantity, the same for all operators, allowance shall be made for the need to assign economically significant quantities having regard to the nature of the product concerned.

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1. Regulation as last amended by Regulation (EEC) No 2875/92 (OJ No L 287, 2. 10. 1992, p. 1).

⁽²⁾ OJ No L 346, 8. 12. 1983, p. 6. Regulation as last amended by Regulation (EEC) No 2456/92 (OJ No L 252, 31. 8. 1992, p. 1).

2. When the competent authorities have checked the Community balance still available, they shall assign each importer or exporter the quantity determined in accordance with paragraph 1.

3. When licence-holders can prove that they have indeed imported or exported the total quantity for which they were issued a licence or a portion to be determined in accordance with the procedure laid down in Article 23, they may submit a new licence application. This application will be processed in accordance with the same conditions as previously. This procedure may be repeated until the quota is exhausted.

4. To ensure that all applicants have equal access to the quota, the Commission shall specify the dates and times of access to the Community balance available in the notice opening the quota.

Section C

Method allocating quotas in proportion to the quantities requested

Article 13

1. Where a quota is allocated in proportion to the quantities applied for, the competent authorities of the Member States shall inform the Commission of the licence applications they have received in compliance with the deadlines and conditions established following the procedure laid down in Article 23.

This information shall specify the number of applicants and the aggregate quantities applied for.

2. Within the deadline set following the procedure laid down in Article 23, the Commission shall examine the information provided by the competent authorities of the Member States at the same time, and shall determine the quantity of the quota or of the tranches concerned for which the said authorities are to issue import or export licences.

3. Where aggregate licence applications are equal to, or less than, the quantity of the quota concerned, applications shall be met in full.

4. Where aggregate applications exceed the quantity of the quota concerned, they shall be met on a pro rata basis, in proportion to the quantities applied for.

Section D

Allocation of quantities for redistribution

Article 14

1. Quantities for redistribution shall be determined by the Commission on the basis of the information provided by Member States in accordance with Article 20.

2. Where the quota is initially allocated using the method laid down in Article 12, the Commission shall immediately add the quantities for redistribution to any amounts still available, or use them to reconstitute the quota if the latter is exhausted.

3. Where the quota is initially allocated using another method, the quantities for redistribution shall be assigned in accordance with the procedure laid down in Article 23.

If this is the case, the Commission shall publish an additional notice in the *Official Journal of the European Communities*.

PART III

RULES CONCERNING IMPORT OR EXPORT LICENCES

Article 15

1. Where the method used is that laid down in Article 12, Member States shall issue licences immediately on verification of the Community balance available.

2. In other cases:

- the Commission shall notify the competent authorities in the Member States, within a period to be determined in accordance with the procedure laid down in Article 23, of the quantities for which they issue licences to the various applicants. It shall inform the other Member States thereof;
- the competent authorities in the Member States shall issue import or export licences within ten working days of notification of the Commission decision or within the time limit set by the Commission;
- the said authorities shall inform the Commission that import or export licences have been issued.

Article 16

The issue of licences may be made conditional upon the lodging of a security, in accordance with the procedure laid down in Article 23.

Article 17

1. Import or export licences shall authorize the import or export of products which are subject to quotas and shall be valid throughout the Community, regardless of the place of import or export mentioned in the applications by the operators.

Where a quota is limited to one or several regions of the Community, import or export licences shall be valid only in the Member State(s) of the region(s) in question.

2. The period of validity of import or export licences to be issued by the competent authorities of the Member States shall be four months. However, a different period of validity may be set in accordance with the procedure laid down in Article 23.

3. The holders of import or export licences may, on request, obtain extracts thereof from the competent authorities which issued the licences in the Member State concerned.

Such extracts shall have the same legal effects as the licences from which they are derived, up to the quantity for which the licences were issued.

4. Applications for import or export licences, licences and extracts shall be drawn up on forms conforming to a specimen the characteristics of which shall be established in accordance with the procedure laid down in Article 23.

Article 18

Without prejudice to the specific provisions to be adopted in accordance with the procedure laid down in Article 23, import or export licences and their extracts may not be loaned or transferred, whether for a consideration or free of charge, by the person in whose name the document was issued.

Article 19

1. Import or export licences or extracts which are wholly or partly unused shall, except in cases of *force majeure*, be returned to the competent authorities of the Member State of issue within ten working days of their expiry date at the latest.

2. Where the issue of import or export licences is conditional upon the lodging of a security, the security shall, except in cases of *force majeure*, be forfeit where the time limit referred to in paragraph 1 is not complied with.

Article 20

The competent authorities of the Member States shall notify the Commission, immediately upon being so informed and in any case no later than twenty days after the expiry date of the licences, of the quantities of quotas assigned and not used, with a view to their subsequent redistribution pursuant to Article 2 (5).

Article 21

The competent authorities of the Member States shall inform the Commission, by the end of each month, of the quantities of products subject to quotas which have been imported or exported during the preceding month.

PART IV

FINAL PROVISIONS

Article 22

The Commission shall be assisted by a Committee made up of representatives of the Member States and chaired by the Commission representative.

Article 23

1. Where reference is made to the procedure laid down in this Article, the representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission.

The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

2. (a) The Commission shall adopt measures which shall apply immediately.
- (b) However, if the measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith.

In that event, the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous subparagraph.

Article 24

The procedures for applying this Regulation shall be adopted by the Commission in accordance with the procedure laid down in Article 23. They shall in particular determine the implementation of the methods of allocation, the information to be transmitted by the competent authorities in the Member States and the measures intended to ensure compliance with this Regulation.

Article 25

1. The information received by the Council, the Commission or the Member States pursuant to this Regulation may be used only for the purposes for which it was requested.

2. The Council, the Commission and the Member States, and those acting on their behalf, shall not disclose information in respect of which a duly substantiated request for confidential treatment has been lodged, except where express authorization is granted by the party providing the information.

3. This Article shall not prevent the Community authorities from disclosing information of a general nature, in particular the grounds on which decisions are taken pursuant to this Regulation, or evidence used by them to justify their arguments in the event of legal proceedings. Such disclosure must take into account the legitimate interest of the parties concerned in preserving commercial confidentiality.

Article 26

Member States and the Commission shall provide each other with the requisite information and shall cooperate in applying this Regulation. Communication and infor-

mation dissemination procedures shall, where necessary, be established in accordance with the procedure laid down in Article 23.

Article 27

Regulations (EEC) No 1023/70 and (EEC) No 1024/70 are hereby repealed. References to the repealed Regulations shall be construed as references to this Regulation.

Article 28

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, 7 March 1994.

For the Council

The President

Th. PANGALOS

COUNCIL REGULATION (EC) No 521/94

of 7 March 1994

on the introduction of time limits for investigation procedures carried out against dumped or subsidized imports from countries not members of the European Community and amending Regulation (EEC) No 2423/88

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas the common commercial policy must be based on uniform principles, in particular with regard to commercial defence;

Whereas instruments of commercial defence, in particular in respect of unfair trade practices, are an indispensable complement to an open market and fair trading system, thus contributing to the harmonious development of world trade;

Whereas, to this end Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾ was established;

Whereas the completion of the internal market in 1992 makes it appropriate to improve the functioning of this instrument of commercial defence, in particular in respect of the length of the investigations carried out under this instrument;

Whereas it is therefore appropriate and necessary to introduce time limits for investigation procedures carried out under Regulation (EEC) No 2423/88;

Whereas for complaints lodged against dumped or subsidized imports it is necessary to set time limits for the initiation of investigations and for the provisional and final determinations; whereas it is also appropriate to ensure that final decisions, either positive or negative, are taken quickly to ensure compliance with international obligations;

Whereas in order that the time limits can be respected, it is essential to provide for sampling where there are a large number of parties involved in an investigation, to clarify the periods within which views and information have to be submitted to the Commission in order for them to be taken into account in the investigation, to define more

precisely the parties which may inspect information available to the Commission and may request to be informed of the essential facts on the basis of which definitive measures are to be proposed and to clarify the consequences of partial or non-cooperation by those parties;

Whereas it is also essential to ensure that consultations with Member States within the Advisory Committee are held in sufficient time to allow the time limits to be respected;

Whereas it is also appropriate to simplify procedures by providing that provisional duties may be imposed for a full six month period rather than for an initial four month period which may then be extended for a further two months;

Whereas review investigations should also be completed expeditiously;

Whereas, in addition, it is imperative to link the implementation of this Regulation to the establishment of the necessary administrative structure within the Commission's services; whereas, the Council, therefore, should specify in a decision to be adopted by a qualified majority no later than 1 April 1995, the complaints, proceedings and investigations to which this Regulation will apply,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2423/88 is hereby amended as follows:

1. Article 2 (13), shall be retitled 'G Averaging Techniques' and the third indent shall be deleted.
2. The following sentence shall be added to Article 5 (3):

'The complaint shall be deemed to have been lodged on the first working day following its delivery to the Commission by registered mail or the issuing of an acknowledgement of receipt by the Commission.'

3. The following shall be added to Article 5 (5) *in fine*:

'... within one month of the date on which the complaint is lodged with the Commission.'

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1. Regulation as amended by Regulation (EC) No 522/94 (See p. 10 of this Official Journal).

4. The following text shall be added to Article 6 (1) *in fine*:

'... and in any event within a time frame which allows the time limits set by this Regulation to be respected.'

5. The following text shall be added to Article 6 (3) *in fine*:

'..., which the Chairman shall arrange provided that such oral consultation can be held within a time frame which allows the time limits set by this Regulation to be respected.'

6. The word 'immediately' in the first sentence of Article 7 (1) shall be deleted and Article 7 (1) (a) shall be replaced by the following:

'(a) initiate a proceeding within one month of the lodging of the complaint and publish a notice in the *Official Journal of the European Communities*; such notice shall indicate the product and countries concerned, give a summary of the information received, and provide that all relevant information is to be communicated to the Commission; it shall state the periods within which interested parties may make their views known in writing and submit information if such views and information are to be taken into account during the investigation; it shall also state the period within which interested parties may apply to be heard orally by the Commission in accordance with paragraph 5 of this Article.'

7. The following sub-paragraph shall be added to Article 7 (2):

'(c) Where there are a large number of parties involved, the investigation may be limited to a sample of the parties, products or transactions which can be investigated in the time available.'

8. Article 7 (4) (a) shall read as follows:

'(a) The complainants, importers, exporters, users and consumer organizations, which have made themselves known in accordance with Article 7 (1) (a) of this Regulation, as well as the representatives of the exporting country, may inspect all information made available to the Commission by any party to an investigation as distinct from internal documents prepared by the authorities of the Community or its Member States, provided that it is relevant to the defence of their interests and not confidential within the meaning of Article 8 and that it is used by the Commission in the investigation. To this end, they shall address a written request to the Commission indicating the information required.'

9. Article 7 (7) (b) shall be replaced by the following:

'(b) In cases in which any interested party or third country refuses access to, or otherwise does not provide, necessary information within the time limits set by this Regulation or by the Commission under this Regulation, or significantly impedes the investigation, preliminary or final findings, affirmative or negative, may be made on the basis of the facts available. Where the Commission finds that any interested party or third country has supplied it with false or misleading information, it shall disregard the information and may make use of facts available.'

10. Article 7 (9) (a) shall be replaced by the following:

'(a) An investigation shall normally be concluded within one year. In any event, an investigation shall be concluded within 13 months of initiation in the case of anti-subsidy investigations and within 15 months of initiation in the case of anti-dumping investigations, either by its termination pursuant to Article 9 or by definitive action pursuant to Article 12.'

11. The following shall be added to the first sentence of Article 11 (1):

'... no later than nine months from the initiation of the investigation'.

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

'5. Provisional duties shall have a maximum period of validity of four months. However, where exporters representing a significant percentage of the trade involved so request or do not object upon notification by the Commission, provisional anti-dumping duties may have a period of validity of six months.'

13. The following sentence shall be added to Article 14 (2):

'Review investigations shall normally be completed no later than 15 months from the date of the initiation of the review.'

Article 2

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

It shall only apply to complaints lodged, proceedings initiated and review investigations initiated after dates which the Council shall specify in a Decision to be adopted by a qualified majority no later than 1 April 1995 on the basis of a Commission proposal to be submitted to the Council once the necessary budgetary resources have been made available.

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

Done at Brussels, 7 March 1994.

For the Council

The President

Th. PANGALOS

COUNCIL REGULATION (EC) No 522/94

of 7 March 1994

on the streamlining of decision-making procedures for certain Community instruments of commercial defence and amending Regulations (EEC) No 2641/84 and No 2423/88

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas the common commercial policy must be based on uniform principles, in particular with regard to commercial defence;

Whereas instruments of commercial defence, in particular in respect of unfair trade practices, are an indispensable complement to an open market and fair trading system, thus contributing to the harmonious development of world trade;

Whereas the completion of the internal market in 1992 makes it appropriate to improve the functioning of the existing instruments of commercial defence against unfair trade practices;

Whereas it is therefore appropriate to streamline decision-making procedures laid down in certain instruments of commercial defence, in particular those for imposing definitive anti-dumping and countervailing duties;

Whereas it also appears appropriate to amend Council Regulation (EEC) No 2641/84 of 17 September 1984 on the strengthening of the common commercial policy with regard in particular to protection against illicit commercial practices⁽²⁾ in respect of the Community decision-making mechanism for the initiation and the subsequent conduct and termination of dispute settlement proceedings within the context of any applicable multilateral rules;

Whereas, for the sake of consistency, the same procedures should apply to other possible international dispute settlement procedures in the area of the common commercial policy which fall within the scope of Regulation (EEC) No 2641/84, to the extent that this is not already the case;

Whereas, in order to ensure that the Community can act quickly in the defence of its commercial interest, provision should be made for the initiation, where appropriate, of international dispute settlement proceedings without

the prior opening of the examination procedure laid down in Article 6 of Regulation (EEC) No 2641/84;

Whereas, therefore, it appears appropriate to amend Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽³⁾, and Regulation (EEC) No 2641/84,

HAS ADOPTED THIS REGULATION:

TITLE I**Anti-dumping and countervailing duties***Article 1*

Regulation (EEC) No 2423/88 shall be amended as follows:

1. In the last sentence of Article 11, (6) the terms 'qualified majority' shall be replaced by the terms 'simple majority'.
2. In Article 12 (1) and 2 (a), the terms 'qualified majority' shall be replaced by the terms 'simple majority'.

TITLE II**Strengthened commercial policy and illicit commercial practices***Article 2*

Regulation (EEC) No 2641/84 shall be amended as follows:

1. In Article 1 the following paragraph shall be added:
'It shall be applied in particular to the initiation and subsequent conduct and termination of international dispute settlement procedures in the area of common commercial policy.'
2. In Article 5 (2), the following sentence shall be added:
'He shall also inform the Article 113 Special Committee thereof.'

⁽¹⁾ OJ No C 44, 14. 2. 1994.

⁽²⁾ OJ No L 252, 20. 9. 1984, p. 7.

⁽³⁾ OJ No L 209, 2. 8. 1988, p. 1. Regulation as amended by Regulation (EC) No 521/94 (see page 7 of this Official Journal).

3. In Article 10 (1) the introductory sentence shall be replaced by the following text :

'1. Unless the factual and legal situation is such that such an examination procedure may not be required, where it is found as a result of the examination procedure, that action is necessary in the interests of the Community in order to :'

4. Article 11 shall be replaced by the following text :

Article 11

Decision-making machinery

1. The decisions referred to in Articles 9 and 10 shall be adopted in accordance with the following provisions.

2. Where the Community follows formal international consultation or dispute settlement procedures, decisions relating to the initiation, conduct or termina-

tion of such procedures shall be taken in accordance with Article 12.

3. Where the Community, having acted in accordance with Article 10 (2) of this Regulation, has to take a decision on the measures of commercial policy to be adopted, the Council shall act, in accordance with Article 113 of the Treaty, by a qualified majority, not later than 30 working days after receiving the proposal.'

TITLE III

Article 3

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*, with the exception of the provisions of Article 2, which shall enter into force as of the date of entry into force of the Agreement establishing the World Trade Organization.

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

Done at Brussels, 7 March 1994.

For the Council

The President

Th. PANGALOS

COMMISSION REGULATION (EC) No 523/94

of 8 March 1994

establishing unit values for the determination of the customs value of certain perishable goods

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

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

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾, as amended by Regulation (EC) No 3665/93 ⁽³⁾, and in particular Article 173 (1) thereof,

Whereas Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation;

Whereas the result of applying the rules and criteria laid down in the abovementioned Articles to the elements

communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173 (1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 March 1994.

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

Done at Brussels, 8 March 1994.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽³⁾ OJ No L 335, 31. 12. 1993, p. 1.

ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	0701 90 51 0701 90 59	New potatoes	33,76	1 345	255,57	65,34	222,27	9 488	26,70	64 417	73,35	25,62
1.20	0702 00 10 0702 00 90	Tomatoes	19,96	795	151,10	38,63	131,41	5 609	15,78	38 086	43,37	15,15
1.30	0703 10 19	Onions (other than seed)	27,01	1 076	204,47	52,28	177,83	7 591	21,36	51 538	58,69	20,50
1.40	0703 20 00	Garlic	152,01	6 057	1 150,59	294,18	1 000,70	42 716	120,21	290 010	330,25	115,36
1.50	ex 0703 90 00	Leeks	60,85	2 424	460,56	117,76	400,56	17 098	48,12	116 087	132,19	46,17
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	57,81	2 331	438,81	113,34	385,48	15 133	43,14	104 614	127,38	45,06
1.70	0704 20 00	Brussels sprouts	53,71	2 172	405,33	104,22	354,64	14 950	41,74	101 870	116,85	40,02
1.80	0704 90 10	White cabbages and red cabbages	21,65	862	163,87	41,90	142,52	6 083	17,12	41 304	47,03	16,43
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>)	79,26	3 206	598,09	153,78	523,30	22 060	61,59	150 316	172,41	59,05
1.100	ex 0704 90 90	Chinese cabbage	45,09	1 796	341,29	87,26	296,83	12 670	35,65	86 023	97,96	34,22
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	40,96	1 632	310,06	79,27	269,67	11 511	32,39	78 153	88,99	31,08
1.120	ex 0705 29 00	Endives	21,82	877	162,70	42,58	143,89	5 690	17,51	39 262	47,92	17,72
1.130	ex 0706 10 00	Carrots	25,44	1 013	192,57	49,23	167,48	7 149	20,12	48 538	55,27	19,30
1.140	ex 0706 90 90	Radishes	99,66	3 971	754,37	192,88	656,10	28 006	78,81	190 142	216,53	75,63
1.150	0707 00 11 0707 00 19	Cucumbers	87,71	3 494	663,86	169,73	577,38	24 646	69,36	167 328	190,55	66,56
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	235,70	9 391	1 783,97	456,13	1 551,57	66 230	186,39	449 655	512,06	178,87
1.170		Beans :										
1.170.1	0708 20 10 0708 20 90	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)	222,65	8 871	1 685,23	430,88	1 465,69	62 564	176,07	424 767	483,71	168,97
1.170.2	0708 20 10 0708 20 90	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>)	243,95	9 720	1 846,47	472,11	1 605,93	68 551	192,92	465 409	530,00	185,13
1.180	ex 0708 90 00	Broad beans	92,83	3 894	734,40	189,09	645,42	21 793	71,04	142 837	212,96	66,61
1.190	0709 10 00	Globe artichokes	89,96	3 584	680,91	174,10	592,21	25 279	71,14	171 627	195,44	68,27
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	622,10	24 787	4 708,60	1 203,91	4 095,20	174 808	491,96	1 186 814	1 351,52	472,11
1.200.2	ex 0709 20 00	— other	176,40	7 185	1 343,87	339,07	1 171,98	48 656	140,62	335 619	380,68	133,56
1.210	0709 30 00	Aubergines (egg-plants)	131,75	5 249	997,19	254,96	867,28	37 021	104,18	251 345	286,22	99,98
1.220	ex 0709 40 00	Ribbed celery (<i>Apium graveolens</i> var. <i>dulce</i>)	46,49	1 852	351,87	89,96	306,03	13 063	36,76	88 691	100,99	35,28
1.230	0709 51 30	Chantarelles	597,24	24 693	4 608,56	1 140,32	3 976,20	164 183	486,99	1 109 159	1 280,76	465,59
1.240	0709 60 10	Sweet peppers	149,18	5 944	1 129,15	288,70	982,06	41 920	117,97	284 606	324,10	113,21
1.250	0709 90 50	Fennel	73,55	2 966	558,22	144,18	490,38	19 251	54,88	133 083	162,05	57,33
1.260	0709 90 70	Courgettes	27,29	1 087	206,58	52,81	179,67	7 669	21,58	52 069	59,29	20,71
1.270	ex 0714 20 10	Sweet potatoes, whole, fresh (intended for human consumption)	50,46	2 010	381,95	97,66	332,19	14 180	39,90	96 273	109,63	38,29
2.10	ex 0802 40 00	Chestnuts (<i>Castanea</i> spp.), fresh	83,78	3 378	639,04	164,08	560,82	21 691	62,54	145 547	184,60	66,87
2.20												
2.30	ex 0804 30 00	Pineapples, fresh	39,04	1 555	295,55	75,56	257,05	10 972	30,88	74 496	84,83	29,63
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	160,01	6 375	1 211,08	309,65	1 053,31	44 962	126,53	305 257	347,62	121,43

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.50	ex 0804 50 00	Guavas and mangoes, fresh	169,72	6762	1284,58	328,44	1 117,23	47 690	134,21	323 781	368,71	128,79
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	35,84	1 428	271,30	69,36	235,96	10 072	28,34	68 382	77,87	27,20
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	57,81	2 303	437,58	111,88	380,57	16 245	45,71	110 293	125,60	43,87
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	33,52	1 356	252,99	65,04	221,35	9 331	26,05	63 583	72,93	24,97
2.70		Mandarins (including tangerines and satsumas), fresh ; clementines, wilkings and similar citrus hybrids, fresh :										
2.70.1	ex 0805 20 10	— Clementines	86,05	3 428	651,33	166,53	566,48	24 181	68,05	164 171	186,95	65,30
2.70.2	ex 0805 20 30	— Monreales and Satsumas	40,59	1 642	306,32	78,76	268,01	11 298	31,54	76 985	88,30	30,24
2.70.3	ex 0805 20 50	— Mandarins and wilkings	33,98	1 355	257,38	65,81	223,93	9 544	26,91	64 029	73,85	25,88
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	49,91	1 989	377,83	96,60	328,61	14 027	39,47	95 233	108,45	37,88
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	23,90	952	180,91	46,25	157,34	6 716	18,90	45 600	51,92	18,13
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	132,90	5 295	1 005,93	257,20	874,89	37 345	105,10	253 548	288,73	100,86
2.90		Grapefruit, fresh :										
2.90.1	ex 0805 40 00	— white	28,65	1 141	216,86	55,44	188,61	8 051	22,65	54 660	62,24	21,74
2.90.2	ex 0805 40 00	— pink	50,21	2 000	380,04	97,17	330,53	14 109	39,70	95 791	109,08	38,10
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	133,84	5 332	1 013,01	259,01	881,04	37 608	105,84	255 331	290,76	101,57
2.110	0807 10 10	Water-melons	60,75	2 420	459,87	117,58	399,96	17 073	48,04	115 913	132,00	46,11
2.120		Melons (other than water-melons) :										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey dew (including Cantalene), Onteniente, Piel de Sapo (including Verde Liso), Rochet, Tendral, Futuro	54,29	2 163	410,96	105,07	357,42	15 257	42,93	103 583	117,95	41,20
2.120.2	ex 0807 10 90	— other	129,13	5 145	977,43	249,91	850,09	36 287	102,12	246 363	280,55	98,00
2.130	0808 10 31 0808 10 33 0808 10 39 0808 10 51 0808 10 53 0808 10 59 0808 10 81 0808 10 83 0808 10 89	Apples	65,74	2 619	497,57	127,22	432,75	18 472	51,98	125 415	142,82	49,88
2.140		Pears										
2.140.1	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Pears — Nashi (<i>Pyrus pyrifolia</i>)	229,68	9 151	1 738,41	444,48	1 511,94	64 539	181,63	438 171	498,98	174,30
2.140.2	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Other	56,57	2 254	428,19	109,48	372,41	15 896	44,73	107 927	122,90	42,93

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.150	0809 10 00	Apricots	154,35	6 189	1 165,71	300,24	1 018,91	43 202	120,39	291 030	336,44	115,54
2.160	0809 20 20 0809 20 40 0809 20 60 0809 20 80	Cherries	105,23	4 219	794,77	204,70	694,68	29 455	82,08	198 422	229,38	78,77
2.170	ex 0809 30 90	Peaches	109,93	4 380	832,08	212,74	723,68	30 891	86,93	209 727	238,83	83,42
2.180	ex 0809 30 10	Nectarines	134,73	5 368	1 019,76	260,73	886,91	37 859	106,54	257 033	292,70	102,24
2.190	0809 40 11 0809 40 19	Plums	129,57	5 162	980,70	250,75	852,94	36 409	102,46	247 189	281,49	98,33
2.200	0810 10 10 0810 10 90	Strawberries	212,51	8 467	1 608,50	411,27	1 398,96	59 716	168,06	405 428	461,69	161,27
2.205	0810 20 10	Raspberries	1 232,1	49 408	9 305,36	2 396,74	8 133,50	344 866	961,01	2 323 153	2 685,64	922,33
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	102,94	4 142	776,64	201,08	684,00	27 469	82,98	185 034	226,07	78,92
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	93,82	3 762	708,59	182,50	619,35	26 261	73,18	176 905	204,50	70,23
2.230	ex 0810 90 80	Pomegranates	48,29	1 953	364,38	93,69	318,81	13 439	37,52	91 577	105,04	35,97
2.240	ex 0810 90 80	Khakis (including Sharon fruit)	110,00	4 382	832,00	213,00	724,00	30 909	87,00	209 770	239,00	83,4
2.250	ex 0810 90 30	Lychees	179,77	7 162	1 360,66	347,89	1 183,40	50 514	142,16	342 957	390,55	136,42

COMMISSION REGULATION (EC) No 524/94

of 9 March 1994

amending Regulation (EEC) No 1197/93 increasing to 600 000 tonnes the quantity of feed rye held by the German intervention agency for which a standing invitation to tender for export has been opened

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 amended by Commission Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 5 thereof,

Having regard to Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies⁽³⁾, as amended by Commission Regulation (EC) No 120/94⁽⁴⁾,

Whereas Commission Regulation (EEC) No 1197/93⁽⁵⁾, as last amended by Regulation (EC) No 325/94⁽⁶⁾, opened a standing invitation to tender for the export of 500 000 tonnes of feed rye held by the German intervention agency; whereas, in a communication of 24 February 1994, Germany informed the Commission of the intention of its intervention agency to increase by 100 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of feed rye held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 600 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quanti-

ties in store; whereas Annex I to Regulation (EEC) No 1197/93 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 1197/93 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 600 000 tonnes of feed rye to be exported to all third countries except the United States of America and Canada.
2. The regions in which the 600 000 tonnes of feed rye are stored are stated in Annex I to this Regulation.

Article 2

Annex I to Regulation (EEC) No 1197/93 is replaced by the Annex hereto.

Article 3

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

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

Done at Brussels, 9 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 122, 18. 5. 1993, p. 20.

⁽⁶⁾ OJ No L 41, 12. 2. 1994, p. 47.

ANNEX

ANNEX I

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	273 454
Hessen/Rheinland-Pfalz/ Baden-Württemberg/Saarland/Bayern	73 155
Berlin/Brandenburg/ Mecklenburg-Vorpommern	194 719
Sachsen/Sachsen-Anhalt/Thüringen	58 672

COMMISSION REGULATION (EC) No 525/94

of 9 March 1994

amending Regulation (EEC) No 2147/93 on a special intervention measure for
barley in Spain

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 amended by Regulation (EEC) No
2193/93 ⁽²⁾,Having regard to 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 recitals 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 Commission Regulation (EEC) No 2147/93 ⁽⁵⁾,
as amended by Regulation (EC) No 3360/93 ⁽⁶⁾, opens an
invitation to tender for the refund for the export of barley
produced in Spain to all third countries;Whereas, in the present situation, it is appropriate to
increase the quantity put up for tender;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*Article 1 (1) of Regulation (EEC) No 2147/93 is hereby
amended as follows:

'1. A special intervention measure in the form of an
export refund shall be applied in respect of 550 000
tonnes of barley produced in Spain.'

*Article 2*This Regulation shall enter into force on the day of its
publication in the *Official Journal of the European
Communities*.This Regulation shall be binding in its entirety and directly applicable in all Member
States.

Done at Brussels, 9 March 1994.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.⁽⁵⁾ OJ No L 191, 31. 7. 1993, p. 109.⁽⁶⁾ OJ No L 302, 9. 12. 1993, p. 11.

COMMISSION REGULATION (EC) No 526/94**of 9 March 1994****derogating from Regulation (EEC) No 1858/93 laying down detailed rules for applying Council Regulation (EEC) No 404/93 as regards the aid scheme to compensate for loss of income from marketing in the banana sector**

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

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas ⁽¹⁾, as amended by Commission Regulation (EEC) No 3518/93 ⁽²⁾, and in particular Articles 14 and 30 thereof,

Whereas Commission Regulation (EEC) No 1858/93 ⁽³⁾ introduces detailed rules relating to the grant of advances and, in Article 4 (3), the obligation to lodge a security together with the application for the advance; whereas the amount of the security is dependent on the level of advances set for a given year; whereas the advances depend on the definitive amount of compensatory aid granted for the marketing of bananas during the preceding year;

Whereas the definitive amount of compensatory aid for the second half of 1993 has not yet been adopted; whereas, therefore, as regards the first application for an advance for 1994 which operators have to submit by 10 March at the latest, a derogation should be introduced providing that the security may be lodged later but in any case prior to payment of that first advance;

Whereas this Regulation must enter into force on the day of its publication in order to be fully effective;

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

HAS ADOPTED THIS REGULATION:

Article 1

By derogation from Article 4 (3) of Regulation (EEC) No 1858/93, the security relating to the first application for an advance for Community bananas marketed during January and February 1994 shall be lodged prior to payment of that advance.

Article 2

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

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

Done at Brussels, 9 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 15.

⁽³⁾ OJ No L 170, 13. 7. 1993, p. 5.

COMMISSION REGULATION (EC) No 527/94

of 9 March 1994

fixing the maximum export refund for white sugar for the 40th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1144/93

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

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

Whereas Commission Regulation (EEC) No 1144/93 of 10 May 1993 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1144/93, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 40th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 40th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1144/93 the maximum amount of the export refund is fixed at ECU 35,679 per 100 kilograms.

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

Article 2

This Regulation shall enter into force on 10 March 1994.

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

Done at Brussels, 9 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 116, 12. 5. 1993, p. 5.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

COMMISSION REGULATION (EC) No 528/94

of 9 March 1994

fixing the import levies on white sugar and raw sugar

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

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1695/93 ⁽⁵⁾, as last amended by Regulation (EC) No 503/94 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1695/93 to the information known to the Commission that the

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 8 March 1994, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 10 March 1994.

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

Done at Brussels, 9 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 40.

⁽⁶⁾ OJ No L 64, 8. 3. 1994, p. 6.

ANNEX

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

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	33,03 ⁽¹⁾
1701 11 90	33,03 ⁽¹⁾
1701 12 10	33,03 ⁽¹⁾
1701 12 90	33,03 ⁽¹⁾
1701 91 00	38,31
1701 99 10	38,31
1701 99 90	38,31 ⁽²⁾

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

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

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

COMMISSION REGULATION (EC) No 529/94

of 9 March 1994

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

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

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 471/94 ⁽³⁾, as amended by Regulation (EC) No 509/94 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 471/94 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁵⁾, as amended by Regulation (EC) No 3528/93 ⁽⁶⁾, are used to

convert amounts expressed in third country 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⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 471/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 March 1994.

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

Done at Brussels, 9 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 59, 3. 3. 1994, p. 7.

⁽⁴⁾ OJ No L 64, 8. 3. 1994, p. 17.

⁽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.

ANNEX

to the Commission Regulation of 9 March 1994 altering the export refunds on white sugar and raw sugar exported in the natural state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	29,66 ⁽¹⁾
1701 11 90 910	29,39 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	29,66 ⁽¹⁾
1701 12 90 910	29,39 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3224
	— ECU/100 kg —
1701 99 10 100	32,24
1701 99 10 910	32,85
1701 99 10 950	32,85
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3224

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

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

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

COMMISSION REGULATION (EC) No 530/94

of 9 March 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 amended by Regulation (EEC) No 2193/93 ⁽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 (EEC) No 2703/93 ⁽⁵⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market

rate established during the reference period from 8 March 1994, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2703/93 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 10 March 1994.

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

Done at Brussels, 9 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 245, 1. 10. 1993, p. 108.

ANNEX

to the Commission Regulation of 9 March 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ^(*)
0709 90 60	91,44 ⁽²⁾ ⁽³⁾
0712 90 19	91,44 ⁽²⁾ ⁽³⁾
1001 10 00	0 ⁽¹⁾ ⁽²⁾
1001 90 91	97,45
1001 90 99	97,45 ⁽²⁾
1002 00 00	118,12 ⁽²⁾
1003 00 10	121,79
1003 00 90	121,79 ⁽²⁾
1004 00 00	96,11
1005 10 90	91,44 ⁽²⁾ ⁽³⁾
1005 90 00	91,44 ⁽²⁾ ⁽³⁾
1007 00 90	99,84 ⁽²⁾
1008 10 00	30,32 ⁽²⁾
1008 20 00	44,87 ⁽²⁾
1008 30 00	0 ⁽²⁾
1008 90 10	⁽⁷⁾
1008 90 90	0
1101 00 00	174,09 ⁽²⁾
1102 10 00	202,91
1103 11 10	28,38
1103 11 90	197,72
1107 10 11	184,34
1107 10 19	140,49
1107 10 91	227,67 ⁽¹⁰⁾
1107 10 99	172,86 ⁽²⁾
1107 20 00	199,65 ⁽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, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 585/92 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.

COMMISSION REGULATION (EC) No 531/94

of 9 March 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 amended by Regulation (EEC) No 2193/93 ⁽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 (EEC) No 1681/93 ⁽⁵⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 8 March

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

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 10 March 1994.

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

Done at Brussels, 9 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 11.

ANNEX

to the Commission Regulation of 9 March 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 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	3,36	3,36	3,36
0712 90 19	0	3,36	3,36	3,36
1001 10 00	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
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	3,36	3,36	3,36
1005 90 00	0	3,36	3,36	3,36
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0
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 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 7 March 1994

amending Decision 93/350/Euratom, ECSC, EEC amending Decision 88/591/ECSC, EEC, Euratom establishing a Court of First Instance of the European Communities

(94/149/ECSC, EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Decision 93/350/Euratom, ECSC, EEC of 8 June 1993 amending Decision 88/591/ECSC, EEC, Euratom establishing a Court of First Instance of the European Communities⁽¹⁾, and in particular Article 3 thereof,

Whereas, under Decision 88/591/ECSC, EEC, Euratom⁽²⁾, as thus amended, the Court of First Instance has jurisdiction to hear and determine virtually all the actions brought by natural or legal persons;

Whereas, however, with regard to trade protection measures taken under the Treaties establishing the European Coal and Steel Community and the European Community in the case of dumping and subsidies, the entry into force of Decision 93/350/Euratom, ECSC, EEC was deferred;

Whereas, in the light of developments since then, the date of the entry into force of this part of the abovementioned Decision needs to be determined,

'however, in respect of actions brought by natural or legal persons pursuant to the second paragraph of Article 33, Article 35 and the first and second paragraphs of Article 40 of the ECSC Treaty and which concern acts relating to the application of Article 74 of the said Treaty and in respect of actions brought by natural or legal persons pursuant to the fourth paragraph of Article 173, the third paragraph of Article 175 and Article 178 of the EC Treaty and relating to measures to protect trade within the meaning of Article 113 of that Treaty in the case of dumping and subsidies, its entry into force shall be fixed at 15 March 1994.'

Article 2

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

HAS DECIDED AS FOLLOWS:

Done at Brussels, 7 March 1994.

Article 1

The second part of the first sentence of Article 3 of Decision 93/350/Euratom, ECSC, EEC shall be replaced by the following:

For the Council

The President

Th. PANGALOS

⁽¹⁾ OJ No L 144, 16. 6. 1993, p. 21.

⁽²⁾ OJ No L 319, 25. 11. 1988, p. 1.

**Information regarding the Agreements⁽¹⁾ between the European Community
and Hungary on wine**

The necessary ratification procedures having been completed and duly notified, the Agreement on the reciprocal establishment of tariff quotas for certain wines came into force on 1 December 1993 and the Agreement on reciprocal establishment of tariff quotas for certain wines came into force on 1 December 1993 and the Agreement on reciprocal protection and control of wine names will come into force on 1 April 1994.

⁽¹⁾ OJ No L 337, 31. 12. 1993.

COMMISSION

COMMISSION DECISION

of 15 February 1994

deferring, as regards the importation of fruit plant propagating material and fruit plants intended for fruit production from third countries, the date referred to in Article 16 (2) of Council Directive 92/34/EEC

(94/150/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community;

Having regard to Council Directive 92/34/EEC of 28 April 1992 on the marketing of fruit plant propagating material and fruit plants intended for fruit production⁽¹⁾, as amended by Commission Decision 93/401/EEC⁽²⁾, and in particular Article 16 (2) thereof,

Whereas, in the absence of a schedule of conditions as required pursuant to Article 4 of Directive 92/34/EEC, Commission Decision 93/401/EEC deferred the date in Article 16 (2) of the said Directive to 31 December 1993;

Whereas, by virtue of Commission Directive 93/48/EEC⁽³⁾, those conditions were established and came into force on 1 January 1994;

Whereas the Commission is required pursuant to Article 16 (1) of Directive 92/34/EEC to decide whether propagating material and fruit plants produced in a third country and affording the same guarantees as regards obligations on the supplier, identity, characteristics, plant health, growing medium, packaging, inspection arrangements, marking and sealing, are equivalent in all these respects to propagating material and fruit plants produced in the Community and complying with the requirements and conditions of the Directive;

Whereas, however, the information presently available on the conditions applying in third countries is not sufficient to enable the Commission to make any such decision in respect of any third country at this stage;

Whereas it is known that, hitherto, Member States have imported propagating material and fruit plants produced in certain third countries; whereas, in order to prevent trade patterns from being disrupted Member States should be allowed to apply to the importation of propagating

material and fruit plants from third countries conditions equivalent to those applicable to the production and marketing of products obtained in the Community, in accordance with Article 16 (2) of the said Directive;

Whereas propagating material and fruit plants imported by a Member State in accordance with a decision taken by that Member State pursuant to Article 16 (2) first subparagraph of the said Directive should be subject to no marketing restrictions as regards the matters referred to in Article 16 (1) of the said Directive in other Member States;

Whereas accordingly the date referred to in Article 16 (2) of the said Directive should be further deferred;

Whereas the Standing Committee for Propagating Material and Plants of Fruit Genera and Species failed to deliver an opinion within the time allowed by its Chairman,

HAS ADOPTED THIS DECISION:

Article 1

The date referred to in Article 16 (2), first subparagraph of Directive 92/34/EEC is hereby deferred until 31 December 1994.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 15 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 157, 10. 6. 1992, p. 10.

⁽²⁾ OJ No L 177, 21. 7. 1993, p. 28.

⁽³⁾ OJ No L 250, 7. 10. 1993, p. 1.

COMMISSION DECISION

of 15 February 1994

deferring, as regards the importation of ornamental plant propagating material and ornamental plants from third countries, the date referred to in Article 16 (2) of Council Directive 91/682/EEC

(94/151/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/682/EEC of 19 December 1991 on the marketing of ornamental plant propagating and ornamental plants⁽¹⁾, as amended by Commission Decision 93/399/EEC⁽²⁾, and in particular Article 16 (2) thereof,

Whereas, in the absence of a schedule of conditions as required pursuant to Article 4 of Directive 91/682/EEC, Commission Decision 93/399/EEC deferred the date in Article 16 (2) of the said Directive to 31 December 1993;

Whereas, by virtue of Commission Directive 93/49/EEC⁽³⁾, those conditions were established and came into force on 1 January 1994;

Whereas the Commission is required pursuant to Article 16 (1) of Directive 91/682/EEC to decide whether propagating material and ornamental plants produced in a third country and affording the same guarantees as regards obligations on the supplier, identity, characteristics, plant health, growing medium, packaging, inspection arrangements, marking and sealing, are equivalent in all these respects to propagating material and ornamental plants produced in the Community and complying with the requirements and conditions of the Directive;

Whereas, however, the information presently available on the conditions applying in third countries is not sufficient to enable the Commission to make any such decision in respect of any third country at this stage;

Whereas it is known that, hitherto, Member States have imported propagating material and ornamental plants produced in certain third countries; whereas, in order to prevent trade patterns from being disrupted Member States should be allowed to apply to the importation of

propagating material and ornamental plants from third countries conditions equivalent to those applicable to the production and marketing of products obtained in the Community, in accordance with Article 16 (2) of the said Directive;

Whereas propagating material and ornamental plants imported by a Member State in accordance with a decision taken by that Member State pursuant to Article 16 (2) first subparagraph of the said Directive should be subject to no marketing restrictions as regards the matters referred to in Article 16 (1) of the said Directive in other Member States;

Whereas accordingly the date referred to in Article 16 (2) of the said Directive should be further deferred;

Whereas the Standing Committee for Propagating Materials and Ornamental Plants failed to deliver an opinion within the time allowed by its Chairman,

HAS ADOPTED THIS DECISION:

Article 1

The date referred to in Article 16 (2), first subparagraph of Directive 91/682/EEC is hereby deferred until 31 December 1994.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 15 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 376, 31. 12. 1991, p. 21.

⁽²⁾ OJ No L 177, 21. 7. 1993, p. 26.

⁽³⁾ OJ No L 250, 7. 10. 1993, p. 9.

COMMISSION DECISION

of 15 February 1994

deferring, as regards the importation of vegetable propagating and planting material, other than seed, from third countries, the date referred to in Article 16 (2) of Council Directive 92/33/EEC

(94/152/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/33/EEC of 28 April 1992 on the marketing of vegetable propagating and planting material other than seed⁽¹⁾, as amended by Commission Decision 93/400/EEC⁽²⁾, and in particular Article 16 (2) thereof,

Whereas, in the absence of a schedule of conditions as required pursuant to Article 4 of Directive 92/33/EEC, Commission Decision 93/400/EEC deferred the date in Article 16 (2) of the said Directive to 31 December 1993;

Whereas, by virtue of Commission Directive 93/61/EEC⁽³⁾, those conditions were established and came into force on 1 January 1994;

Whereas the Commission is required pursuant to Article 16 (1) of Directive 92/33/EEC to decide whether vegetable and planting material other than seed produced in a third country and affording the same guarantees as regards obligations on the supplier, identity, characteristics, plant health, growing medium, packaging, inspection arrangements, marking and sealing, are equivalent in all these respects to vegetable propagating and planting material other than seed produced in the Community and complying with the requirements and conditions of the Directive;

Whereas, however, the information presently available on the conditions applying in third countries is not sufficient to enable the Commission to make any such decision in respect of any third country at this stage;

Whereas it is known that, hitherto, Member States have imported vegetable propagating and planting material other than seed produced in certain third countries; whereas, in order to prevent trade patterns from being disrupted Member States should be allowed to apply to

the importation of vegetable propagating and planting material other than seed from third countries conditions equivalent to those applicable to the production and marketing of products obtained in the Community, in accordance with Article 16 (2) of the said Directive;

Whereas vegetable propagating and planting material other than seed imported by a Member State in accordance with a decision taken by that Member State pursuant to Article 16 (2), first subparagraph of the said Directive should be subject to no marketing restrictions as regards the matters referred to in Article 16 (1) of the said Directive in other Member States;

Whereas accordingly the date referred to in Article 16 (2) of the said Directive should be further deferred;

Whereas the Standing Committee on Seeds and Propagating Materials for Agriculture, Horticulture and Forestry failed to deliver an opinion within the time allowed by its Chairman,

HAS ADOPTED THIS DECISION:

Article 1

The date referred to in Article 16 (2), first subparagraph of Directive 92/33/EEC is hereby deferred until 31 December 1994.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 15 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 157, 10. 6. 1992, p. 1.

⁽²⁾ OJ No L 177, 21. 7. 1993, p. 27.

⁽³⁾ OJ No L 250, 7. 10. 1993, p. 19.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2921/90 of 10 October 1990 on aid for the protection of casein and caseinates from skimmed milk

(Official Journal of the European Communities No L 279 of 11 October 1990)

On page 23 in Article 3 (a), quoted matter:

for: '... total with protein ...',

read: '... total milk protein ...'.
