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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EURATOM, ECSC, EEC) No 1419/93
of 3 June 1993
determining the weightings applicable to the remuneration of officials posted in
third countries**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to 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 (EEC, Euratom, ECSC) No 3761/92 ⁽²⁾, and in particular the first subparagraph of Article 13 of Annex X thereto,

Having regard to the proposal from the Commission,

Whereas account should be taken of changes in the cost of living in third countries and whereas the weightings to the remuneration paid, in the currency of their country of

employment, to officials posted in third countries should therefore be determined with effect from 1 July 1992,

HAS ADOPTED THIS REGULATION:

Article 1

With effect from 1 July 1992, the weightings applicable to remuneration paid, in the currency of their country of employment, to officials posted in third countries shall be determined as shown in the Annex.

The exchange rates for the payment of such remuneration shall be those used for implementation of the general budget of the European Communities during the month preceding the date on which this Regulation enters into force.

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, 3 June 1993.

For the Council

The President

N. HELVEG PETERSEN

⁽¹⁾ OJ No L 56, 4. 3. 1968, p. 1.

⁽²⁾ OJ No L 383, 29. 12. 1992, p. 1.

ANNEX

Country of employment	Weightings applicable with effect from 1 July 1992	Country of employment	Weightings applicable with effect from 1 July 1992
Algeria	91,8300000	Jamaica	47,7200000
Angola	990,4700000	Japan	172,9100000
Antigua and Barbuda	93,9200000	Jordan	79,8200000
Argentina	101,3000000	Kenya	65,0200000
Australia	96,2200000	Lebanon	19,2700000
Austria	125,6600000	Lesotho	60,6400000
Bahamas (*)	0,0000000	Liberia	154,1500000
Bangladesh	76,1500000	Madagascar	68,0800000
Barbados	86,3800000	Malawi	62,2000000
Belize	85,2200000	Malaysia	97,9200000
Benin	90,6600000	Mali	116,6500000
Botswana	73,7300000	Malta	69,9500000
Brazil	72,6700000	Mauritania	104,2200000
Bulgaria	31,2800000	Mauritius	79,0300000
Burkina Faso	117,6300000	Mexico	82,3000000
Burundi	84,2200000	Morocco	73,8500000
Cameroon	138,8700000	Mozambique	51,3600000
Canada	81,3600000	Namibia	76,4800000
Central African Republic	171,7400000	Netherlands Antilles	81,6800000
Chad	146,8800000	New Caledonia	124,8200000
Chile	78,0100000	Niger	115,0000000
China	84,1700000	Nigeria	35,1000000
Colombia	47,6100000	Norway	139,8000000
Comoros	118,9800000	Pakistan	36,3500000
Congo	141,1200000	Papua New Guinea	91,4300000
Costa Rica	62,2000000	Peru	125,5500000
Côte d'Ivoire	127,1200000	Philippines	54,4800000
Cyprus	95,8300000	Poland	73,5800000
Czechoslovakia	45,5700000	Republic of Cape Verde	93,9300000
Djibouti	118,7100000	Romania	41,4200000
Dominican Republic	65,2500000	Russia	123,7800000
Egypt	43,8900000	Rwanda	97,1400000
Equatorial Guinea	116,0800000	São Tomé and Príncipe (*)	0,0000000
Ethiopia	93,2200000	Saudi Arabia	61,4400000
Fiji	63,0400000	Senegal	132,5900000
Finland	131,3500000	Seychelles	113,9100000
Gabon	181,7400000	Sierra Leone	66,3700000
Gambia	80,2400000	Solomon Islands	75,8400000
Ghana	61,0900000	Somalia	126,6000000
Grenada	98,5800000	South Africa (The Cape)	64,9900000
Guatemala	47,3300000	South Africa (Pretoria)	61,3300000
Guinea	92,3700000	South Korea	100,0300000
Guinea Bissau	72,1300000	Sudan	28,9200000
Guyana	36,6600000	Surinam	201,9800000
Haiti	117,2200000	Swaziland	55,3700000
Hong Kong	91,8800000	Sweden	141,6500000
Hungary	57,1700000	Switzerland	125,9600000
India	36,8700000	Syria	156,9200000
Indonesia	84,2300000	Tanzania	48,4500000
Israel	107,4800000	Thailand	71,9600000

Country of employment	Weightings applicable with effect from 1 July 1992	Country of employment	Weightings applicable with effect from 1 July 1992
Togo	103,300000	Venezuela	51,260000
Tonga	79,730000	Vietnam	30,050000
Trinidad and Tobago	79,530000	Western Samoa	67,350000
Tunisia	61,680000	Yugoslavia	35,410000
Turkey	60,740000	Zaire	30,380000
Uganda	44,050000	Zambia	65,090000
United States of America (New York)	111,080000	Zimbabwe	52,210000
United States of America (Washington)	98,860000		
Uruguay	84,400000		
Vanuatu	91,890000		

(*) Not available.

COUNCIL REGULATION (EEC) No 1420/93

of 7 June 1993

amending and completing Regulation (EEC) No 3915/92 opening and providing for the administration of Community tariff quotas bound in GATT for certain agricultural and industrial products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas at the time of the adoption of Regulation (EEC) No 3915/92⁽¹⁾, the conditions for the renewal of a part of the Community tariff quota for certain types of plywood and of the Community tariff quota for certain dried onions were not met; whereas the Council reserved the right to complete the said Regulation at the appropriate time; whereas the conditions have been fulfilled in the meantime with the adoption of Council Regulation (EEC) No 991/93 of 23 April 1993 extending the measures taken under the Agreement between the European Economic Community and the United States of America for the conclusions of negotiations under GATT Article XXIV.6⁽²⁾; whereas therefore Regulation (EEC) No 3915/92 should now be completed,

HAS ADOPTED THIS REGULATION:

Article 1

The table contained in Article 1 of Regulation (EEC) No 3915/92 shall be replaced by the following table:

Order number	CN code (a)	Description	Quota period	Quota volume	Rate of duty (%)
09.0006	0302 40 90 0303 50 90 0304 10 93 ex 0304 10 98 0304 90 25	Herring, subject to compliance with the reference prices	From 16 June 1993 to 14 February 1994	34 000 tonnes	0
09.0007	ex 0305 51 10 ex 0305 51 90 0305 59 11 0305 59 19 ex 0305 62 00 0305 69 10	Cod of the species <i>Cadus morhua</i> or <i>Gadus ogac</i> and fish of the species <i>Boreogadus saida</i> , dried, salted or in brine, whole, headless or in pieces	From 1 January to 31 December 1993	25 000 tonnes	0
09.0009	ex 0302 69 65 ex 0303 78 10 ex 0304 90 47	Silver hake (<i>Merluccius bilinearis</i>), fresh, chilled or frozen	From 1 January to 31 December 1993	2 000 tonnes	8
09.0011	ex 0304 20 29	Frozen cod fillets (<i>Gadus morhua</i>)	From 1 January to 31 December 1993	10 000 tonnes	8

⁽¹⁾ OJ No L 395, 31. 12. 1992, p. 15.

⁽²⁾ OJ No L 104, 29. 4. 1993, p. 1.

Order number	CN code (a)	Description	Quota period	Quota volume	Rate of duty (%)
09.0013	ex 4412 19 00 ex 4412 99 90	Plywood of coniferous species, without the addition of other substances : — of a thickness greater than 8,5 mm, the faces of which are not further prepared than the peeling process — sanded, and of a thickness greater than 18,5 mm	From 1 January to 31 December 1993	650 000 m ³	0
09.0015 09.0017	4801 00 10	Newsprint (!): — from Canada — from other third countries	From 1 January to 31 December 1993	600 000 tonnes 50 000 tonnes	0 0
09.0019	7202 21 10 7202 21 90 7202 29 00	Ferro-silicon	From 1 January to 31 December 1993	12 600 tonnes	0
09.0021	7202 30 00	Ferro-silico-manganese	From 1 January to 31 December 1993	18 550 tonnes	0
09.0023	ex 7202 49 10 ex 7202 49 50	Ferro-chromium containing not more than 0,10 % by weight of carbon and more than 30 % but not more than 90 % of chromium (super-refined ferrochromium)	From 1 January to 31 December 1993	2 950 tonnes	0
09.0035	0712 20 00	Dried onions, whole cut, sliced, broken or in powder but not further prepared	From 1 January to 31 December 1993	12 000 tonnes	10
09.0039	0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>)	From 15 January to 14 June 1993	10 000 tonnes	6
09.0041	0802 11 90 0802 12 90	Almonds, whether or not shelled, other than bitter almonds	From 1 January to 31 December 1993	45 000 tonnes	2

(a) See Taric codes annexed.

(!) Entry under this subheading is subject to conditions determined by the relevant Community provisions.

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 Luxembourg, 7 June 1993.

For the Council

The President

M. JELVED

COUNCIL REGULATION (EEC) No 1421/93

of 7 June 1993

temporarily suspending the autonomous Common Customs Tariff duties on a number of agricultural products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas production in the Community of the products specified in this Regulation is currently inadequate or non-existent; whereas producers thus cannot meet the needs of user industries in the Community;

Whereas in these cases, it is in the interest of the Community to suspend the autonomous Common Customs Tariff duties totally;

Whereas the decision for the suspension of these autonomous duties should be taken by the Community;

Whereas, in view of the difficulty of assessing accurately short-term trends in the economic situation in the rele-

vant sectors, suspension measures should be taken only temporarily by fixing their period of validity by reference to the interests of Community production,

HAS ADOPTED THIS REGULATION :

Article 1

The autonomous Common Customs Tariff duties for the products listed in the table appearing in the Annex shall be suspended at the level indicated in respect of each of them.

These suspensions shall apply from 1 July 1993 to 30 June 1994.

Article 2

This Regulation shall enter into force on 1 July 1993.

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

Done at Luxembourg, 7 June 1993.

For the Council

The President

M. JELVED

ANNEX

CN code	Taric	Description of goods	Autonomous duties (%)
ex 0710 21 00	*10	Peas in pods, of the species <i>Pisum sativum</i> of the variety <i>Hortense axiphium</i> , frozen, of a thickness not exceeding 6 mm, to be used, in their pods, in the manufacture of prepared meals (a) (b)	0
ex 0711 90 60	*11 *91	Mushrooms, excluding mushrooms of the species <i>Agaricus</i> spp., provisionally preserved in brine, in sulphur water, or in other preservative solutions, but unsuitable in that state for immediate consumption, for the food-canning industry (a)	0
ex 0712 30 00	*17 *24	Mushrooms, excluding mushrooms of the species <i>Agaricus</i> spp., dried, whole or in identifiable slices or pieces, for treatment other than simple repacking for retail sale (a) (b)	0
ex 0713 33 90	*20	Beans, white, dried, of the species <i>Phaseolus vulgaris</i> , of which not more than 2 % by weight are retained by a screen with apertures of a diameter of 8 mm, for use in the food-canning industry (a)	0
ex 0804 10 00	*11 *21	Dates, fresh or dried, for the processing industry, other than for the production of alcohol (a)	0
ex 0804 10 00	*12 *22	Dates, fresh or dried, for packing for retail sale into immediate packings of a net content not exceeding 11 kg (a)	0
ex 0810 40 50	*10	Fruit of the species <i>Vaccinium sacrocarpon</i> , fresh	0
ex 0810 90 80	*10	Rose-hips, fresh	0
0811 90 50 0811 90 70 ex 0811 90 99	*66 *67	Fruit of the genus <i>Vaccinius</i> , whether or not cooked, frozen, not containing added sugar or other sweetening matter	0
ex 0811 90 99	*40	Rose-hips, whether or not cooked, frozen, not containing added sugar or other sweetening matter	0

(a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

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

COMMISSION REGULATION (EEC) No 1422/93
of 10 June 1993

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 Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1738/92 ⁽²⁾, and in particular Article 13 ⁽⁵⁾ 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⁾, and in particular Article 5 thereof,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 762/93 ⁽⁴⁾ 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 9 June

1993, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 762/93 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 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 June 1993.

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

Done at Brussels, 10 June 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 79, 1. 4. 1993, p. 11.

ANNEX

to the Commission Regulation of 10 June 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries (*)
0709 90 60	139,81 (2) (3)
0712 90 19	139,81 (2) (3)
1001 10 00	179,45 (1) (3)
1001 90 91	150,71
1001 90 99	150,71 (9)
1002 00 00	154,31 (6)
1003 00 10	140,51
1003 00 20	140,51
1003 00 80	140,51 (9)
1004 00 00	116,95
1005 10 90	139,81 (2) (3)
1005 90 00	139,81 (2) (3)
1007 00 90	143,41 (4)
1008 10 00	53,43 (9)
1008 20 00	106,03 (4)
1008 30 00	57,76 (5)
1008 90 10	(7)
1008 90 90	57,76
1101 00 00	223,59 (9)
1102 10 00	228,64
1103 11 30	290,18
1103 11 50	290,18
1103 11 90	239,83

(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.

COMMISSION REGULATION (EEC) No 1423/93
of 10 June 1993

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 Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1738/92 ⁽²⁾, and in particular Article 15 (6) 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⁾, and in particular Article 5 thereof,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 3874/92 ⁽⁴⁾ 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 9 June

1993, 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 referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 June 1993.

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

Done at Brussels, 10 June 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 390, 31. 12. 1992, p. 121.

ANNEX

to the Commission Regulation of 10 June 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period
	6	7	8	9
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	2,58	2,58	2,51
1001 90 99	0	2,58	2,58	2,51
1002 00 00	0	0	0	0
1003 00 10	0	1,37	1,37	1,37
1003 00 20	0	1,37	1,37	1,37
1003 00 80	0	1,37	1,37	1,37
1004 00 00	0	1,39	1,39	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	3,62	3,62	3,52

B. Malt

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period	4th period
	6	7	8	9	10
1107 10 11	0	4,59	4,59	4,47	4,47
1107 10 19	0	3,43	3,43	3,34	3,34
1107 10 91	0	2,44	2,44	2,44	2,44
1107 10 99	0	1,82	1,82	1,82	1,82
1107 20 00	0	2,12	2,12	2,12	2,12

COMMISSION REGULATION (EEC) No 1424/93

of 10 June 1993

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 Economic 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 (EEC) No 2046/92⁽²⁾, and in particular Article 16 (2) thereof,

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

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

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

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

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

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

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

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

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 7 and 8 June 1993 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 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,

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

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 1.

⁽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.

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 11 June 1993.

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

Done at Brussels, 10 June 1993.

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 ⁽⁴⁾

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

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

(a) Lebanon: ECU 0,60 per 100 kg;

(b) Tunisia: ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;

(c) Turkey: ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;

(d) Algeria and Morocco: ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force.

⁽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 (EEC) No 1425/93

of 9 June 1993

re-establishing the levying of customs duties on products of category 161 (order No 42.1610), originating in China, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

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

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries ⁽¹⁾, extended for 1993 by Council Regulation (EEC) No 3917/92 ⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/90 provides that preferential tariff treatment shall be accorded for 1993 for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the

products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of products of category 161 (order No 42.1610), originating in China, the relevant ceiling amounts to 74 tonnes;

Whereas on 8 February 1993 imports of the products in question into the Community, originating in China, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to China,

HAS ADOPTED THIS REGULATION:

Article 1

As from 14 June 1993 the levying of customs duties, suspended pursuant to Regulation (EEC) No 3832/90, shall be re-established in respect of the following products, imported into the Community and originating in China:

Order No	Category (unit)	CN code	Description
42.1610	161	6201 19 00	Clothing, other than knitted or crocheted, other than those of categories 1 to 123 and category 159
		6201 19 00	
		6202 19 00	
		6202 19 00	
		6203 19 90	
		6203 29 90	
		6203 39 90	
		6203 49 90	
		6204 19 90	
		6204 29 90	
		6204 39 90	
		6204 49 90	
		6204 59 90	
		6204 69 90	
		6205 90 10	
		6205 90 90	
		6206 90 10	
		6206 90 90	
		ex 6211 20 00	
		6211 39 00	
6211 49 00			
ex 6214 90 90			

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 39.

⁽²⁾ OJ No L 396, 31. 12. 1992, p. 1.

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, 9 June 1993.

For the Commission
Christiane SCRIVENER
Member of the Commission

COMMISSION REGULATION (EEC) No 1426/93

of 9 June 1993

re-establishing the levying of customs duties on products of categories 21 and 36 (order Nos 40.0210, and 40.0360), originating in Indonesia, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries⁽¹⁾, extended for 1993 by Council Regulation (EEC) No 3917/92⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/90 provides that preferential tariff treatment shall be accorded for 1993 for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of products of categories 21 and 36 (order Nos 40.0210, 40.0360), originating in Indonesia, the relevant ceiling amounts to 562 000 pieces and 58 tonnes;

Whereas on 8 February 1993 imports of the products in question into the Community, originating in Indonesia, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Indonesia,

HAS ADOPTED THIS REGULATION:

Article 1

As from 14 June 1993 the levying of customs duties, suspended pursuant to Regulation (EEC) No 3832/90, shall be re-established in respect of the following products, imported into the Community and originating in Indonesia:

Order No	Category (unit)	CN code	Description
40.0210	21 (1 000 pieces)	ex 6201 12 10	Parkas; anoraks, windcheaters, waister jackets and the like, other than knitted or crocheted, of wool, of cotton or man-made fibres; upper parts of tracksuits with lining, other than of category 16 or 29, of cotton or of man-made fibres
		ex 6201 12 90	
		ex 6201 13 10	
		ex 6201 13 90	
		6201 91 00	
		6201 92 00	
		6201 93 00	
		ex 6202 12 10	
		ex 6202 12 90	
		ex 6202 13 10	
		ex 6202 13 90	
		6202 91 00	
		6202 92 00	
		6202 93 00	
		6211 32 41	
		6211 33 41	
		6211 42 41	
6211 43 41			

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 39.

⁽²⁾ OJ No L 396, 31. 12. 1992, p. 1.

Order No	Category (unit)	CN code	Description
40.0360	36 (tonnes)	5408 10 00 5408 21 00 5408 22 10 5408 22 90 5408 23 10 5408 23 90 5408 24 00 5408 31 00 5408 32 00 5408 33 00 5408 34 00 ex 5811 00 00 ex 5905 00 70	Woven fabrics of continuous artificial fibres, other than those for types of category 114

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, 9 June 1993.

For the Commission
Christiane SCRIVENER
Member of the Commission

COMMISSION REGULATION (EEC) No 1427/93

of 9 June 1993

re-establishing the levying of customs duties on products of categories 8, 9 and 40 (order Nos 40.0080, 40.0090 and 40.0400), originating in India, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries⁽¹⁾, extended for 1993 by Council Regulation (EEC) No 3917/92⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/90 provides that preferential tariff treatment shall be accorded for 1993 for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of products of categories 8, 9 and 40 (order Nos 40.0080, 40.0090 and 40.0400), originating in India, the relevant ceiling amounts to 1 917 000 pieces, 131 and 37 tonnes;

Whereas on 19 February 1993 imports of the products in question into the Community, originating in India, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to India,

HAS ADOPTED THIS REGULATION:

Article 1

As from 14 June 1993 the levying of customs duties, suspended pursuant to Regulation (EEC) No 3832/90, shall be re-established in respect of the following products, imported into the Community and originating in India:

Order No	Category (unit)	CN code	Description
40.0080	8 (1 000 pieces)	6205 10 00 6205 20 00 6205 30 00	Men's or boys' shirts, other than knitted or crocheted, of wool, cotton or man-made fibres
40.0090	9 (tonnes)	5802 11 00 5802 19 00 ex 6302 60 00	Terry towelling and similar woven terry fabrics of cotton; toilet linen and kitchen linen, of terry towelling and similar woven terry fabrics, of cotton, other than knitted or crocheted
40.0400	40 (tonnes)	ex 6303 91 00 ex 6303 92 90 ex 6303 99 90 6304 19 10 ex 6304 19 90 6304 92 00 ex 6304 93 00 ex 6304 99 00	Woven curtains (including drapes) interior blinds, curtain and bed valances and other furnishing articles, other than knitted or crocheted, of wool, of cotton or of man-made fibres

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 39.

⁽²⁾ OJ No L 396, 31. 12. 1992, p. 1.

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, 9 June 1993.

For the Commission
Christiane SCRIVENER
Member of the Commission

COMMISSION REGULATION (EEC) No 1428/93

of 10 June 1993

fixing for the 1993 marketing year the reference prices for table grapes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 638/93⁽²⁾, and in particular Article 27 (1) 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⁾, and in particular Article 9 (1) thereof,

Having regard to Council Regulation (EEC) No 3824/92 of 28 December 1992 laying down the prices and amounts fixed in ecus to be amended as a result of the monetary realignments⁽⁴⁾, as last amended by Regulation (EEC) No 1330/93⁽⁵⁾, and in particular Article 2 thereof,

Whereas, pursuant to Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed at the beginning of the marketing year;

Whereas table grapes are produced in such quantities in the Community that reference prices should be fixed for them;

Whereas table grapes harvested during a given crop year are marketed from May to April of the next year; whereas the quantities harvested in May and June, during the first 20 days of July and also January to April of the next year are so small that there is no need to fix reference prices for these periods; whereas, due principally to developments in production techniques, a relatively large increase in the marketing of Community products during the last 10 days of November and in the month of December can be expected; whereas, however, the figures at present available are insufficiently conclusive to justify fixing a reference price for that period; whereas, reference prices should be fixed only for the period 21 July to 20 November inclusive;

Whereas Article 23 (2) (b) of Regulation (EEC) No 1035/72 stipulates that reference prices are to be fixed at the same level as for the preceding marketing year, adjusted, after deducting the standard cost of transporting Community products between production areas and Community consumption centres in the preceding year, by:

- the increase in production costs for fruit and vegetables, less productivity growth, and
- the standard rate of transport costs in the current marketing year;

Whereas the resulting figure may nevertheless not exceed the arithmetic mean of producer prices in each Member State plus transport costs for the current year, after this amount has been increased by the rise in production costs less productivity growth; whereas the reference price may, however, not be lower than in the preceding marketing year;

Whereas, to take seasonal variations into account, the year should be divided into several periods and a reference price fixed for each of these periods;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics, being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

Whereas Article 1 of Commission Regulation (EEC) No 3820/92 of 28 December 1992 on transitional measures for the application of the agrimonetary arrangements laid down in Council Regulation (EEC) No 3813/92⁽⁶⁾ establishes a correspondence between the provisions of the agrimonetary arrangements applicable from 1 January 1993 and those applicable before that date;

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 69, 20. 3. 1993, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 29.

⁽⁵⁾ OJ No L 132, 29. 5. 1993, p. 113.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 22.

Whereas Regulation (EEC) No 3824/92 establishes a list of prices and amounts for the fruit and vegetables sector which are to be divided by a coefficient of 1,012674, fixed by Regulation (EEC) No 537/93 ⁽¹⁾, as amended by Regulation (EEC) No 1331/93 ⁽²⁾, as from the beginning of the 1993/94 marketing year; whereas Article 2 of Regulation (EEC) No 3824/92 lays down that the resulting reduction in the prices and amounts for each sector concerned shall be specified and the level of such reduced prices fixed; whereas, however, this adjustment may not result in a reference price level below that of the preceding marketing year, in accordance with Article 23 (2) of Regulation (EEC) No 1035/72;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1993 marketing year, the reference prices for table grapes, falling within CN codes 0806 10 15 and 0806 10 19, expressed in ecus per 100 kilograms net of packed products of class I, of all sizes, shall be as follows:

21 July to 31 August:	51,92,
September and October:	49,20,
November (1 to 20):	44,87.

Article 2

This Regulation shall enter into force on 21 July 1993.

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

Done at Brussels, 10 June 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 57, 10. 3. 1993, p. 18.

⁽²⁾ OJ No L 132, 29. 5. 1993, p. 114.

COMMISSION REGULATION (EEC) No 1429/93

of 10 June 1993

fixing for the 1993 marketing year the reference prices for plums

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 1035/72 of the Council of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 638/93 ⁽²⁾, and in particular Article 27 (1) 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⁾, and in particular Article 9 (1) thereof,

Having regard to Commission regulation (EEC) No 3824/92 of 28 December 1992 laying down the prices and amounts fixed in ecus to be amended as a result of the monetary realignments ⁽⁴⁾, as last amended by Regulation (EEC) No 1330/93 ⁽⁵⁾, and in particular Article 2 thereof,

Whereas, pursuant to Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community market to be fixed at the beginning of the marketing year;

Whereas plums are produced in such quantities in the Community that reference prices should be fixed for them;

Whereas plums harvested during a given crop year are marketed from June to October; whereas the quantities harvested during the first 10 days of June and in October are so small that there is no need to fix reference prices for these periods; whereas reference prices should be fixed only for the period 11 June to 30 September inclusive;

Whereas Article 23 (2) (b) of Regulation (EEC) No 1035/72 stipulates that reference prices are to be fixed at the same level as for the preceding marketing year, adjusted, after deducting the standard cost of transporting Community products between production areas and

Community consumption centres in the preceding year, by:

- the increase in production costs for fruit and vegetables, less productivity growth, and
- the standard rate of transport costs in the current marketing year;

Whereas the resulting figure may nevertheless not exceed the arithmetic mean of producer prices in each Member State plus transport costs for the current year, after this amount has been increased by the rise in production costs less productivity growth; whereas the reference price may, however, not be lower than in the preceding marketing year;

Whereas, since the varieties of plums are not all comparable as regards the estimation of their commercial value, these varieties should be classified in two groups;

Whereas, to take seasonal variations into account, the year should be divided into several periods and a reference price fixed for each of these periods;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest, during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics, being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

Whereas Article 1 of Commission Regulation (EEC) No 3820/92 of 28 December 1992 on transitional measures for the application of the agrimonetary arrangements laid down in Council Regulation (EEC) No 3813/92 ⁽⁶⁾ establishes a correspondence between the provisions of the agrimonetary arrangements applicable from 1 January 1993 and those applicable before that date;

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 69, 20. 3. 1993, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 29.

⁽⁵⁾ OJ No L 132, 29. 5. 1993, p. 113.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 22.

Whereas Regulation (EEC) No 3824/92 establishes a list of prices and amounts for the fruit and vegetables sector which are to be divided by a coefficient of 1,012674, fixed by Regulation (EEC) No 537/93 ⁽¹⁾, amended by Regulation (EEC) No 1331/93 ⁽²⁾, as from the beginning of the 1993/94 marketing year; whereas Article 2 of Regulation (EEC) No 3824/92 lays down that the resulting reduction in the prices and amounts for each sector concerned shall be specified and the level of such reduced prices fixed; whereas, however, this adjustment may not result in a reference price level below that of the preceding marketing year, in accordance with Article 23 (2) of Regulation (EEC) No 1035/72;

Whereas for the purpose of calculating entry prices, the varieties imported from third countries of which the entry prices are to be compared with the prices fixed for group I and with those fixed for group II, respectively, should be specified;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1993 marketing year, the reference prices for plums falling within CN codes 0809 40 11 and 0809 40 19 expressed in ecus per 100 kilograms net of packed products of groups I and II, of class I, of all sizes, shall be as follows for each of the groups of varieties;

	Group I	Group II
11 June to 31 July:	69,39	—

August:	69,39	55,37
September:	60,71	47,99

2. The groups of varieties referred to in paragraph 1 shall be composed of the following varieties:

Group I:

Altesse double (Italian quetsche), Précoce favourite, Belle de Louvain, Conducta, Early Rivers, Kirk's Blue, Jefferson Gage, Lützelsachser (early Lützelsachsen quetsche), Anna Späth, Ersinger (early Ersingen quetsche), Zimmers (Zimmer quetsche), Bühler (early Bühl quetsche), Burbank, Florentina, Goccia d'oro, Reine-Claude, Czar, Victorias, Damsons and Santa Rosa;

Group II:

Altesse simple (common quetsche, Hauszwetschge), Reine-Claude d'Oullins, Sveskeblommer, Ruth Gerstetter and Ontario.

3. The entry prices of imported products are to be compared:

- (a) with the prices fixed for group I where the imported products belong to varieties other than those shown in (b);
- (b) with the prices fixed for group II where the imported products belong to the following varieties: Altesse simple (common quetsche, Hauszwetschge), Reine-Claude d'Oullins (Oullins Gage), Sveskeblommer, Ruth Gerstetter, Ontario, Wangenheimer (early Wangenheim quetsche), Pershore (yellow egg) Mirabelle, Bosniche and Ortenauer.

Article 2

This Regulation shall enter into force on 11 June 1993.

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

Done at Brussels, 10 June 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 57, 10. 3. 1993, p. 18.

⁽²⁾ OJ No L 132, 29. 5. 1993, p. 114.

COMMISSION REGULATION (EEC) No 1430/93

of 10 June 1993

fixing for the 1993 marketing year the reference prices for peaches including nectarines

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 638/93⁽²⁾, and in particular Article 27 (1) 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⁾, and in particular Article 9 (1) thereof,

Having regard to Commission Regulation (EEC) No 3824/92 of 28 December 1992 laying down the prices and amounts fixed in ecus to be amended as a result of the monetary realignments⁽⁴⁾, as last amended by Regulation (EEC) No 1330/93⁽⁵⁾, and in particular Article 2 thereof,

Whereas, pursuant to Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed at the beginning of the marketing year;

Whereas peaches are produced in such quantities in the Community that reference prices should be fixed for them and be operative also for nectarines;

Whereas, however, both on the Community market and for imports, prices for both types of nectarine run parallel at different levels to those for peaches; whereas, moreover, quotations for nectarines are not regularly recorded on these markets; whereas there is no need, therefore, to take producer prices for nectarines into consideration for the application of Article 23 (2) of Regulation (EEC) No 1035/72;

Whereas peaches harvested during a given crop year are marketed from May to October; whereas the quantities harvested in May, during the first 10 days of June and in October are so small that there is no need to fix reference prices for these periods; whereas reference

prices should be fixed only for the period 11 June to 30 September inclusive;

Whereas Article 23 (2) (b) of Regulation (EEC) No 1035/72 stipulates that reference prices are to be fixed at the same level as for the preceding marketing year, adjusted, after deducting the standard cost of transporting Community products between production areas and Community consumption centres in the preceding year, by:

- the increase in production costs for fruit and vegetables, less productivity growth, and
- the standard rate of transport costs in the current marketing year;

Whereas the resulting figure may nevertheless not exceed the arithmetic mean of producer prices in each Member State plus transport costs for the current year, after this amount has been increased by the rise in production costs less productivity growth; whereas the reference price may, however, not be lower than in the preceding marketing year;

Whereas, to take seasonal variations into account, the year should be divided into several periods and a reference price fixed for each of these periods;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest, during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics, being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

Whereas Article 1 of Commission Regulation (EEC) No 3820/92 of 28 December 1992 on transitional measures for the application of the agrimonetary arrangements laid down in Council Regulation (EEC) No 3813/92⁽⁶⁾ establishes a correspondence between the

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 69, 20. 3. 1993, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 29.

⁽⁵⁾ OJ No L 132, 29. 5. 1993, p. 113.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 22.

provisions of the agrimonetary arrangements applicable from 1 January 1993 and those applicable before that date ;

Whereas Regulation (EEC) No 3824/92 establishes a list of prices and amounts for the fruit and vegetables sector which are to be divided by a coefficient of 1,012674, fixed by Regulation (EEC) No 537/93 ⁽¹⁾, as amended by Regulation No 1331/93 ⁽²⁾, as from the beginning of the 1993/94 marketing year ; whereas Article 2 of Regulation (EEC) No 3824/92 lays down that the resulting reduction in the prices and amounts for each sector concerned shall be specified and the level of such reduced prices fixed ; whereas, however, this adjustment may not result in a reference price level below that of the preceding marketing year, in accordance with Article 23 (2) of Regulation (EEC) No 1035/72 ;

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

HAS ADOPTED THIS REGULATION :

Article 1

For the 1993 marketing year, the reference prices for peaches including nectarines, falling within CN code 0809 30 00, expressed in ecus per 100 kilograms net of packed products of class I, of all sizes, shall be as follows :

June (11 to 20) :	82,44,
(21 to 30) :	71,65,
July :	71,22,
August :	56,98,
September :	56,23.

Article 2

This Regulation shall enter into force on 11 June 1993.

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

Done at Brussels, 10 June 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 57, 10. 3. 1993, p. 18.

⁽²⁾ OJ No L 132, 29. 5. 1993, p. 114.

COMMISSION REGULATION (EEC) No 1431/93

of 10 June 1993

amending Regulation (EEC) No 120/89 laying down common detailed rules for the application of export levies and charges on agricultural products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 (EEC) No 2046/92⁽²⁾, and in particular Articles 19 (3) and 20 (3) thereof, and to the corresponding provisions of the other Regulations establishing a common organization of agricultural product markets,

Having regard to Council Regulation (EEC) No 2180/71 of 12 October 1971 on the general rules to be applied to the market in milk and milk products in the event of supply difficulties⁽³⁾, and in particular Article 2 (1) thereof,

Having regard to Council Regulation (EEC) No 1603/74 of 25 June 1974 on the imposition of an export charge on certain cereal, rice and milk-based products containing added sugar in the event of sugar supply difficulties⁽⁴⁾, and in particular Article 1 (3) thereof,

Having regard to Council Regulation (EEC) No 2747/75 of 29 October 1975 laying down general rules to be applied in the event of the cereals market being disturbed⁽⁵⁾, as last amended by Regulation (EEC) No 1766/92⁽⁶⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 1432/76 of 21 June 1976 laying down general rules to be applied in the event of the market in rice being disturbed⁽⁷⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 520/77 of 14 March 1977 on the imposition of an export charge on certain products processed from fruit and vegetables and

containing added sugar, in the event of sugar supply difficulties⁽⁸⁾, and in particular Article 1 (4) thereof,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil⁽⁹⁾, and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 120/89⁽¹⁰⁾ lays down common detailed rules for the application of export levies and charges on agricultural products; whereas products subject to an export levy which are transported from one Member State to another by leaving the territory of the Community without the export formalities being completed must be placed under a surveillance procedure; whereas the risk of goods leaving the Community without the levies and charges being paid arises only for goods transported by sea; whereas a transit procedure is required for goods transported by land through third countries;

Whereas account should be taken of the changes in procedure introduced from 1 January 1993 by Council Regulation (EEC) No 2726/90 of 17 September 1990 on Community transit⁽¹¹⁾, Commission Regulation (EEC) No 1214/92 of 21 April 1992 on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure⁽¹²⁾, as amended by Regulation (EEC) No 3712/92⁽¹³⁾, and Commission Regulation (EEC) No 3269/92 of 10 November 1992 laying down certain implementing provisions of Articles 161, 182 and 183 of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code, as regards the export procedure and re-export and goods leaving the customs territory of the Community⁽¹⁴⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

Articles 7 to 10 of Regulation (EEC) No 120/89 are hereby replaced by the following:

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

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 1.

⁽³⁾ OJ No L 231, 14. 10. 1971, p. 1.

⁽⁴⁾ OJ No L 172, 27. 6. 1974, p. 9.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 82.

⁽⁶⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽⁷⁾ OJ No L 166, 25. 6. 1976, p. 39.

⁽⁸⁾ OJ No L 73, 21. 3. 1977, p. 26.

⁽⁹⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽¹⁰⁾ OJ No L 16, 20. 1. 1989, p. 19.

⁽¹¹⁾ OJ No L 262, 26. 9. 1990, p. 1.

⁽¹²⁾ OJ No L 132, 16. 5. 1992, p. 1.

⁽¹³⁾ OJ No L 378, 23. 12. 1992, p. 15.

⁽¹⁴⁾ OJ No L 326, 12. 11. 1992, p. 11.

Article 7

Once the export declaration lodged in respect of products as referred to in Article 2 (a) has been accepted, the latter shall be deemed no longer to be covered by Article 9 (2) of the Treaty and shall accordingly move in accordance with Article 3 (2) (c) of Council Regulation (EEC) No 2726/90 (*).

Article 8

1. Where products subject to an export levy move between two Member States in accordance with Title IX of Commission Regulation (EEC) No 1214/92 (**), paragraphs 2 and 3 shall also apply.

2. The office of departure within the meaning of Regulation (EEC) No 2726/90 shall take the necessary steps to ensure that the export levy referred to at (c) is collected, where

- (a) an internal Community transit document giving an office belonging to a Member State as the office of destination does not contain the entry referred to in Article 65 of Regulation (EEC) No 1214/92 because the product concerned was not subject to an export levy when the internal Community transit declaration was authenticated; and
- (b) under the agreement between the European Economic Community and the countries of the European Free Trade Association on common transit arrangements, that product is presented at an office of destination in an EFTA country; and
- (c) an export levy introduced after the date on which the internal Community transit declaration was authenticated was in force on the date on which the product was presented at the office of destination.

3. If the exporter shows to the satisfaction of the competent authority that the goods left the customs territory of the Community on a date when no export levy or a levy lower than that mentioned in paragraph 2 was applicable, no levy or, where appropriate, the lower levy shall be collected.

4. Where products subject to an export levy do not move between two Member States in accordance with Title IX of Regulation (EEC) No 1214/92 Article 31 of

Commission Regulation (EEC) No 3269/92 (***) shall apply.

Article 9

1. A security shall be lodged in respect of products moving as provided for in Title IX of Regulation (EEC) No 1214/92 or Article 31 of Regulation (EEC) No 3269/92, in order to ensure that the export levy payable is charged if such products do not re-enter the customs territory of the Community; this security shall be lodged in accordance with Article 68 (2) of Regulation (EEC) No 1214/92 or in like manner where Article 31 of Regulation (EEC) No 3269/92 applies.

2. As soon as proof is furnished in the Member State of departure that the products have re-entered the customs territory of the Community, the security shall be released in proportion to the quantities in respect of which such proof is furnished.

Article 10

Where a product is placed under one of the simplified procedures set out in Chapter I of Title X of Regulation (EEC) No 1214/92 for carriage to a station of destination or for delivery to a recipient in the customs territory of the Community, the office of departure may not authorize any variation of the contract of carriage allowing carriage to end outside the said customs territory unless it has taken the necessary steps to ensure that the export levy payable is collected. In such cases, the export levy rate applicable shall be the rate in force on the date on which the declaration of export to third countries is accepted by the office of departure.

(*) OJ No L 262, 26. 9. 1990, p. 1.

(**) OJ No L 132, 16. 3. 1992, p. 1.

(***) OJ No L 326, 12. 11. 1992, p. 11.

Article 2

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

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

Done at Brussels, 10 June 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 1432/93

of 10 June 1993

amending Regulation (EEC) No 2175/92 laying down detailed rules for the application of specific measures for the supply of processed fruit and vegetable products to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 July 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽¹⁾, as amended by Commission Regulation (EEC) No 3714/92⁽²⁾ and in particular Article 3 (4) thereof,Whereas Regulation (EEC) No 2175/92⁽³⁾ lays down detailed rules for the application of the specific measures for the supply of processed fruit and vegetable products to the Canary Islands, in particular the forecast supply balance fixing the quantities qualifying for the specific measure during the period from July 1992 to June 1993; whereas the quantities fixed for a certain number of products are on the verge of being totally used; whereas it is therefore necessary to increase the quantities of certain products for the current marketing year on the basis of the observed needs of the market in the Canary Islands;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 2175/92 is hereby replaced by the Annex to this Regulation.

*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, 10 June 1993.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.⁽³⁾ OJ No L 217, 31. 7. 1992, p. 67.

ANNEX

ANNEX I

Forecast supply balance covering processed fruit and vegetable products for the Canary Islands over the period 1 July 1992 to 30 June 1993

(tonnes)

CN code	Description	Quantity
Part I		
2007 99	Preparations other than homgenized, containing fruit other than citrus fruit	1 750
Part II		
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included :	
2008 20	– pineapples	2 400
2008 30	– citrus fruit	500
2008 40	– pears	1 600
2008 50	– apricots	220
2008 70	– peaches	7 600
2008 80	– strawberries	100
	– other, including mixtures other than those of subheading 2008 19 :	
2008 92	– – mixtures	1 650
2008 99	– – other than palm hearts and mixtures	650
		<u>14 720</u>

COMMISSION REGULATION (EEC) No 1433/93
of 10 June 1993

amending Council Regulation (EEC) No 3886/92 laying down detailed rules for the application of the premium schemes provided for in Council Regulation (EEC) No 805/68 on the common organization of the market in beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 (EEC) No 125/93⁽²⁾, and in particular Articles 4b (8) and 4d (8) thereof,

Whereas the application of certain provisions of Council Regulation (EEC, Euratom) No 1182/71 of 3 June 1971 determining the rules applicable to periods, dates and time limits⁽³⁾ causes the retention period expressed in months, as defined in the special premium and the suckler cow premium schemes, to be artificially extended by one or more days; whereas provisions should therefore be laid down to that effect;

Whereas the transitional period fixed so that those Member States which decide to change from the general scheme for granting the special premium to the scheme for granting it on slaughter may apply both schemes in parallel has proved insufficient; whereas the time limit laid down should be extended, including for the current period, so that the extension should therefore take effect as from 15 May;

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

Council Regulation (EEC) No 3886/92⁽⁴⁾ is hereby amended as follows:

1. The following Article 45a is inserted:

'Article 45a

Determination of retention periods

The last day of the retention periods referred to in Articles 4, 16, 23 and 57 shall be the day, whether a working day or not, preceding the day which corresponds to the day which bears the same number as the starting day.'

2. In Article 57 (2), the words 'at the latest' are replaced by 'and from 15 May to 30 June 1993'.

Article 2

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

Article 1 (2) shall apply from 15 May 1993.

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

Done at Brussels, 10 June 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 18, 27. 1. 1993, p. 1.

⁽³⁾ OJ No L 124, 8. 6. 1971, p. 1.

⁽⁴⁾ OJ No L 391, 31. 12. 1992, p. 20.

COMMISSION REGULATION (EEC) No 1434/93
of 10 June 1993
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic 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 (EEC) No 3814/92 ⁽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⁾, and in particular Article 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 789/93 ⁽⁴⁾, as last amended by Regulation (EEC) No 1417/93 ⁽⁵⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 789/93 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 9 June 1993, 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 11 June 1993.

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

Done at Brussels, 10 June 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 79, 1. 4. 1993, p. 66.

⁽⁵⁾ OJ No L 139, 10. 6. 1993, p. 17.

ANNEX

to the Commission Regulation of 10 June 1993 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	35,11 ⁽¹⁾
1701 11 90	35,11 ⁽¹⁾
1701 12 10	35,11 ⁽¹⁾
1701 12 90	35,11 ⁽¹⁾
1701 91 00	44,06
1701 99 10	44,06
1701 99 90	44,06 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68.

⁽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 (EEC) No 1435/93

of 10 June 1993

fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 2071/92 ⁽²⁾, and in particular Article 17 (4) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade 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 Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 1344/86 ⁽⁴⁾, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 3(1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5(1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products ⁽⁵⁾, as last amended by Regulation (EEC) No 2767/90 ⁽⁶⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 267, 29. 9. 1990, p. 14.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of 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 (EEC) No 3814/92⁽²⁾;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽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 determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁴⁾;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 150 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽⁵⁾, as last amended by Regulation (EEC) No 222/88⁽⁶⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in

particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

Whereas Council Regulation (EEC) No 990/93⁽⁷⁾ prohibits trade between the European Economic 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 Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.

Article 2

This Regulation shall enter into force on 11 June 1993.

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

Done at Brussels, 10 June 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁵⁾ OJ No L 91, 1. 4. 1984, p. 71.

⁽⁶⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁷⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 10 June 1993 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0401 10 10 000		5,45	0402 21 91 900		154,37
0401 10 90 000		5,45	0402 21 99 100		112,91
0401 20 11 100		5,45	0402 21 99 200		113,77
0401 20 11 500		8,58	0402 21 99 300		115,34
0401 20 19 100		5,45	0402 21 99 400		124,41
0401 20 19 500		8,58	0402 21 99 500		127,51
0401 20 91 100		11,50	0402 21 99 600		139,36
0401 20 91 500		13,46	0402 21 99 700		146,46
0401 20 99 100		11,50	0402 21 99 900		154,37
0401 20 99 500		13,46	0402 29 15 200		0,6000
0401 30 11 100		17,36	0402 29 15 300		0,9748
0401 30 11 400		26,92	0402 29 15 500		1,0342
0401 30 11 700		40,59	0402 29 15 900		1,1200
0401 30 19 100		17,36	0402 29 19 200		0,6000
0401 30 19 400		26,92	0402 29 19 300		0,9748
0401 30 19 700		40,59	0402 29 19 500		1,0342
0401 30 31 100		48,39	0402 29 19 900		1,1200
0401 30 31 400		75,72	0402 29 91 100		1,1291
0401 30 31 700		83,52	0402 29 91 500		1,2441
0401 30 39 100		48,39	0402 29 99 100		1,1291
0401 30 39 400		75,72	0402 29 99 500		1,2441
0401 30 39 700		83,52	0402 91 11 110		5,45
0401 30 91 100		95,23	0402 91 11 120		11,50
0401 30 91 400		140,12	0402 91 11 310		19,17
0401 30 91 700		163,55	0402 91 11 350		23,87
0401 30 99 100		95,23	0402 91 11 370		29,47
0401 30 99 400		140,12	0402 91 19 110		5,45
0401 30 99 700		163,55	0402 91 19 120		11,50
0402 10 11 000		60,00	0402 91 19 310		19,17
0402 10 19 000		60,00	0402 91 19 350		23,87
0402 10 91 000		0,6000	0402 91 19 370		29,47
0402 10 99 000		0,6000	0402 91 31 100		23,02
0402 21 11 200		60,00	0402 91 31 300		34,83
0402 21 11 300		97,48	0402 91 39 100		23,02
0402 21 11 500		103,42	0402 91 39 300		34,83
0402 21 11 900		112,00	0402 91 51 000		26,92
0402 21 17 000		60,00	0402 91 59 000		26,92
0402 21 19 300		97,48	0402 91 91 000		95,23
0402 21 19 500		103,42	0402 91 99 000		95,23
0402 21 19 900		112,00	0402 99 11 110		0,0545
0402 21 91 100		112,91	0402 99 11 130		0,1150
0402 21 91 200		113,77	0402 99 11 150		0,1909
0402 21 91 300		115,34	0402 99 11 310		22,12
0402 21 91 400		124,41	0402 99 11 330		26,91
0402 21 91 500		127,51	0402 99 11 350		36,34
0402 21 91 600		139,36	0402 99 19 110		0,0545
0402 21 91 700		146,46	0402 99 19 130		0,1150

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0402 99 19 150		0,1909	0403 90 59 510		95,23
0402 99 19 310		22,12	0403 90 59 540		140,12
0402 99 19 330		26,91	0403 90 59 570		163,55
0402 99 19 350		36,34	0403 90 61 100		0,0545
0402 99 31 110		0,2497	0403 90 61 300		0,0858
0402 99 31 150		37,89	0403 90 63 000		0,1150
0402 99 31 300		0,4839	0403 90 69 000		0,1736
0402 99 31 500		0,8352	0404 90 11 100		60,00
0402 99 39 110		0,2497	0404 90 11 910		5,45
0402 99 39 150		37,89	0404 90 11 950		19,17
0402 99 39 300		0,4839	0404 90 13 120		60,00
0402 99 39 500		0,8352	0404 90 13 130		97,48
0402 99 91 000		0,9523	0404 90 13 140		103,42
0402 99 99 000		0,9523	0404 90 13 150		112,00
0403 10 02 000		—	0404 90 13 911		5,45
0403 10 04 200		—	0404 90 13 913		11,50
0403 10 04 300		—	0404 90 13 915		17,36
0403 10 04 500		—	0404 90 13 917		26,92
0403 10 04 900		—	0404 90 13 919		40,59
0403 10 06 000		—	0404 90 13 931		19,17
0403 10 12 000		—	0404 90 13 933		23,87
0403 10 14 200		—	0404 90 13 935		29,47
0403 10 14 300		—	0404 90 13 937		34,83
0403 10 14 500		—	0404 90 13 939		36,44
0403 10 14 900		—	0404 90 19 110		112,91
0403 10 16 000		—	0404 90 19 115		113,77
0403 10 22 100		5,45	0404 90 19 120		115,34
0403 10 22 300		8,58	0404 90 19 130		124,41
0403 10 24 000		11,50	0404 90 19 135		127,51
0403 10 26 000		17,36	0404 90 19 150		139,36
0403 10 32 100		0,0545	0404 90 19 160		146,46
0403 10 32 300		0,0858	0404 90 19 180		154,37
0403 10 34 000		0,1150	0404 90 19 900		—
0403 10 36 000		0,1736	0404 90 31 100		60,00
0403 90 11 000		60,00	0404 90 31 910		5,45
0403 90 13 200		60,00	0404 90 31 950		19,17
0403 90 13 300		97,48	0404 90 33 120		60,00
0403 90 13 500		103,42	0404 90 33 130		97,48
0403 90 13 900		112,00	0404 90 33 140		103,42
0403 90 19 000		112,91	0404 90 33 150		112,00
0403 90 31 000		0,6000	0404 90 33 911		5,45
0403 90 33 200		0,6000	0404 90 33 913		11,50
0403 90 33 300		0,9748	0404 90 33 915		17,36
0403 90 33 500		1,0342	0404 90 33 917		26,92
0403 90 33 900		1,1200	0404 90 33 919		40,59
0403 90 39 000		1,1291	0404 90 33 931		19,17
0403 90 51 100		5,45	0404 90 33 933		23,87
0403 90 51 300		8,58	0404 90 33 935		29,47
0403 90 53 000		11,50	0404 90 33 937		34,83
0403 90 59 110		17,36	0404 90 33 939		36,44
0403 90 59 140		26,92	0404 90 39 110		112,91
0403 90 59 170		40,59	0404 90 39 115		113,77
0403 90 59 310		48,39	0404 90 39 120		115,34
0403 90 59 340		75,72	0404 90 39 130		124,41
0403 90 59 370		83,52			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0404 90 39 150		127,51	0405 00 19 500		163,90
0404 90 39 900		—	0405 00 19 700		168,00
0404 90 51 100		0,6000	0405 00 90 100		168,00
0404 90 51 910		0,0545	0405 00 90 900		216,00
0404 90 51 950		22,12	0406 10 20 100		—
0404 90 53 110		0,6000	0406 10 20 200		—
0404 90 53 130		0,9748	0406 10 20 210		—
0404 90 53 150		1,0342	0406 10 20 230	028	—
0404 90 53 170		1,1200		032	—
0404 90 53 911		0,0545		400	37,08
0404 90 53 913		0,1150		404	—
0404 90 53 915		0,1736		***	45,57
0404 90 53 917		0,2692	0406 10 20 290	028	—
0404 90 53 919		0,4059		032	—
0404 90 53 931		22,12		400	37,08
0404 90 53 933		26,91		404	—
0404 90 53 935		36,34		***	45,57
0404 90 53 937		37,89	0406 10 20 610	028	12,83
0404 90 53 939		—		032	12,83
0404 90 59 130		1,1291		036	—
0404 90 59 150		1,2441		038	—
0404 90 59 930		0,5815		400	82,87
0404 90 59 950		0,8352		404	—
0404 90 59 990		0,9523		***	85,02
0404 90 91 100		0,6000	0406 10 20 620	028	19,00
0404 90 91 910		0,0545		032	19,00
0404 90 91 950		22,12		036	—
0404 90 93 110		0,6000		038	—
0404 90 93 130		0,9748		400	91,37
0404 90 93 150		1,0342		404	—
0404 90 93 170		1,1200		***	93,22
0404 90 93 911		0,0545	0406 10 20 630	028	22,80
0404 90 93 913		0,1150		032	22,80
0404 90 93 915		0,1736		036	—
0404 90 93 917		0,2692		038	—
0404 90 93 919		0,4059		400	103,84
0404 90 93 931		22,12		404	—
0404 90 93 933		26,91		***	105,25
0404 90 93 935		36,34	0406 10 20 640	028	—
0404 90 93 937		37,89		032	—
0404 90 93 939		—		036	—
0404 90 99 130		1,1291		038	—
0404 90 99 150		1,2441		400	123,50
0404 90 99 930		0,5815		404	—
0404 90 99 950		0,8352		***	123,50
0404 90 99 990		0,9523	0406 10 20 650	028	26,13
0405 00 11 100		—		032	26,13
0405 00 11 200		127,02		036	—
0405 00 11 300		159,80		038	—
0405 00 11 500		163,90		400	61,75
0405 00 11 700		168,00		404	—
0405 00 19 100		—		***	128,58
0405 00 19 200		127,02			
0405 00 19 300		159,80			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 10 20 660		—	0406 30 10 200	028	—
0406 10 20 810	028	—		032	—
	032	—		036	—
	036	—		038	—
	038	—		400	41,34
	400	20,39		404	—
	404	—		...	46,25
	...	20,01	0406 30 10 250	028	—
0406 10 20 830	028	—		032	—
	032	—		036	—
	036	—		038	—
	038	—		400	41,34
	400	35,74		404	—
	404	—		...	46,25
	...	34,17	0406 30 10 300	028	—
0406 10 20 850	028	—		032	—
	032	—		036	—
	036	—		038	—
	038	—		400	60,69
	400	43,52		404	—
	404	—		...	67,85
	...	41,44	0406 30 10 350	028	—
0406 10 20 870		—		032	—
0406 10 20 900		—		036	—
0406 10 80 000		—		038	—
0406 20 90 100		—		400	41,34
0406 20 90 913	028	—		404	—
	032	—		...	46,25
	400	83,35	0406 30 10 400	028	—
	404	—		032	—
	...	80,69		036	—
0406 20 90 915	028	—		038	—
	032	—		400	60,69
	400	111,14		404	—
	404	—		...	67,85
	...	107,59	0406 30 10 450	028	—
0406 20 90 917	028	—		032	—
	032	—		036	—
	400	118,09		038	—
	404	—		400	88,38
	...	114,31		404	—
0406 20 90 919	028	—		...	98,75
	032	—	0406 30 10 500	028	—
	400	131,97	0406 30 10 550	032	—
	404	—		036	—
	...	127,77		038	—
0406 20 90 990		—		400	41,34
0406 30 10 100		—		404	19,00
0406 30 10 150	028	—		...	46,25
	032	—	0406 30 10 600	028	—
	036	—		032	—
	038	—		036	—
	400	19,03		038	—
	404	—		400	60,69
	...	21,69		404	26,60
				...	67,85

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 30 10 650	028	—	0406 30 31 730	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	88,38		400	60,69
	404	—		404	—
	...	98,75		...	67,85
0406 30 10 700	028	—	0406 30 31 910	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	88,38		400	41,34
	404	—		404	—
	...	98,75		...	46,25
0406 30 10 750	028	—	0406 30 31 930	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	107,86		400	60,69
	404	—		404	—
	...	120,53		...	67,85
0406 30 10 800	028	—	0406 30 31 950	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	107,86		400	88,38
	404	—		404	—
	...	120,53		...	98,75
0406 30 10 900	028	—	0406 30 39 100	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	107,86		400	41,34
	404	—		404	19,00
	...	120,53		...	46,25
0406 30 31 100	028	—	0406 30 39 300	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	19,03		400	60,69
	404	—		404	26,60
	...	21,69		...	67,85
0406 30 31 300	028	—	0406 30 39 500	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	19,03		400	60,69
	404	—		404	26,60
	...	21,69		...	67,85
0406 30 31 500	028	—	0406 30 39 700	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	41,34		400	88,38
	404	—		404	—
	...	46,25		...	98,75
0406 30 31 710	028	—	0406 30 39 930	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	41,34		400	88,38
	404	—		404	—
	...	46,25		...	98,75

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 30 39 950	028	—	0406 90 23 900	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	107,86		400	61,75
	404	—		404	—
	...	120,53		...	128,58
0406 30 90 000	028	—	0406 90 25 100	—	—
	032	—	0406 90 25 900	028	—
	036	—	032	—	
	038	—	036	—	
	400	107,86	038	—	
	404	—	400	61,75	
	...	120,53	404	—	
0406 40 00 100	028	—	...	128,58	
	032	—	0406 90 27 100	—	
	038	—	0406 90 27 900	028	—
	400	114,00	032	—	
	404	—	036	—	
	...	120,18	038	—	
	0406 90 13 000	028	—	400	53,33
032		—	404	—	
036		—	...	108,97	
038		—	0406 90 31 111	—	
400		123,50	0406 90 31 119	028	—
404		—	032	—	
...		151,37	036	—	
0406 90 15 100	028	—	038	14,25	
	032	—	400	59,36	
	036	—	404	15,20	
	038	—	...	85,46	
	400	123,50	0406 90 31 151	028	—
	404	—	032	—	
	...	151,37	036	—	
0406 90 15 900	028	—	038	—	
	032	—	400	55,48	
	036	—	404	14,21	
	038	—	...	79,64	
	400	123,50	0406 90 31 159	—	
	404	—	0406 90 31 900	—	
	...	151,37	0406 90 33 111	—	
0406 90 17 100	028	—	0406 90 33 119	028	—
	032	—	032	—	
	036	—	036	—	
	038	—	038	14,25	
	400	123,50	400	59,36	
	404	—	404	15,20	
	...	151,37	...	85,46	
0406 90 17 900	028	—	0406 90 33 151	028	—
	032	—	032	—	
	036	—	036	—	
	038	—	038	—	
	400	123,50	400	55,48	
	404	—	404	14,21	
	...	144,10	...	79,64	
0406 90 21 100	028	—	0406 90 23 100	—	
	032	—	028	—	
	036	—	032	—	
	038	—	036	—	
	400	123,50	038	—	
	404	—	400	55,48	
	...	144,10	404	14,21	
0406 90 21 900	028	—	...	79,64	
	032	—			
	036	—			
	038	—			
	400	123,50			
	404	—			
	...	144,10			
0406 90 23 100	028	—			
	032	—			
	036	—			
	038	—			
	400	123,50			
	404	—			
	...	144,10			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 33 159		—	0406 90 69 910	028	—
0406 90 33 911		—		032	—
0406 90 33 919	028	—		036	66,50
	032	—		400	142,50
	036	—		404	76,00
	038	14,25		***	156,75
	400	59,36	0406 90 69 990		—
	404	15,20	0406 90 73 100		—
	***	85,46	0406 90 73 900	028	—
0406 90 33 951	028	—		032	—
	032	—		036	40,53
	036	—		400	152,00
	038	—		404	114,00
	400	55,48		***	143,45
	404	14,21	0406 90 75 100		—
	***	79,64	0406 90 75 900	028	—
0406 90 33 959		—		032	—
0406 90 35 110		—		036	—
0406 90 35 190	028	—		400	61,75
	032	—		404	—
	036	40,53		***	119,66
	400	152,00	0406 90 77 100	028	22,80
	404	85,50		032	22,80
	***	150,61		036	—
0406 90 35 910		—		038	—
0406 90 35 990	028	—		400	55,83
	032	—		404	—
	036	—		***	105,25
	038	—	0406 90 77 300	028	—
	400	123,50		032	—
	404	—		036	—
	***	123,50		038	—
0406 90 61 000	028	—		400	61,75
	032	—		404	—
	036	85,50		***	128,58
	400	180,50	0406 90 77 500	028	—
	404	133,00		032	—
	***	175,75		036	—
0406 90 63 100	028	—		038	—
	032	—		400	71,25
	036	99,78		404	—
	400	209,00		***	128,58
	404	152,00	0406 90 79 100		—
	***	201,51	0406 90 79 900	028	—
0406 90 63 900	028	—		032	—
	032	—		036	—
	036	66,50		038	—
	400	142,50		400	53,33
	404	76,00		404	—
	***	156,75		***	108,97
0406 90 69 100		—	0406 90 81 100		—

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)	
0406 90 81 900	028	—	0406 90 89 959	028	—	
	032	—		032	—	
	036	—		036	—	
	038	—		038	—	
	400	123,50		400	123,50	
	404	—		404	—	
	***	123,50		***	123,50	
0406 90 85 100			0406 90 89 971	028	26,13	
0406 90 85 910	028	—		032	26,13	
	032	—		036	—	
	036	40,54		038	—	
	400	152,00		400	70,30	
	404	85,50		404	—	
	***	150,61		***	128,58	
0406 90 85 991	028	—	0406 90 89 972	028	—	
	032	—		032	—	
	036	—		400	37,08	
	038	—		404	—	
	400	123,50		***	45,57	
	404	—				
	***	123,50		0406 90 89 979	028	26,13
0406 90 85 995	028	26,13	032		26,13	
	032	26,13	036		—	
	036	—	038		—	
	038	—	400		70,30	
	400	61,75	404		—	
	404	—	***		128,58	
	***	128,58				
0406 90 85 999			0406 90 89 990			
0406 90 89 100	028	12,83		0406 90 93 000		
	032	12,83		0406 90 99 000		
	036	—		2309 10 15 010		
	038	—		2309 10 15 100		
	400	85,02		2309 10 15 200		
	404	—		2309 10 15 300		
0406 90 89 200	***	85,02	2309 10 15 400			
	028	19,00	2309 10 15 500			
	032	19,00	2309 10 15 700			
	036	—	2309 10 15 900			
	038	—	2309 10 19 010			
	400	91,37	2309 10 19 100			
	404	—	2309 10 19 200			
0406 90 89 300	***	93,22	2309 10 19 300			
	028	22,80	2309 10 19 400			
	032	22,80	2309 10 19 500			
	036	—	2309 10 19 600			
	038	—	2309 10 19 700			
	400	103,84	2309 10 19 800			
	404	—	2309 10 19 900			
0406 90 89 910	***	105,25	2309 10 70 010			
	0406 90 89 910		2309 10 70 100		18,00	
	0406 90 89 951	028	—	2309 10 70 200		24,00
		032	—	2309 10 70 300		30,00
		036	40,53			
		400	152,00			
		404	85,50			
	***	143,45				

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
2309 10 70 500		36,00	2309 90 39 300		—
2309 10 70 600		42,00	2309 90 39 400		—
2309 10 70 700		48,00	2309 90 39 500		—
2309 10 70 800		52,80	2309 90 39 600		—
2309 10 70 900		—	2309 90 39 700		—
2309 90 35 010		—	2309 90 39 800		—
2309 90 35 100		—	2309 90 39 900		—
2309 90 35 200		—	2309 90 70 010		—
2309 90 35 300		—	2309 90 70 100		18,00
2309 90 35 400		—	2309 90 70 200		24,00
2309 90 35 500		—	2309 90 70 300		30,00
2309 90 35 700		—	2309 90 70 500		36,00
2309 90 35 900		—	2309 90 70 600		42,00
2309 90 39 010		—	2309 90 70 700		48,00
2309 90 39 100		—	2309 90 70 800		52,80
2309 90 39 200		—	2309 90 70 900		—

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EEC) No 208/93.

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by '—'.

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2).

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

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EEC) No 1436/93

of 10 June 1993

on the issue of import licences for high-quality fresh, chilled or frozen beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3391/92 of 23 November 1992 opening a Community tariff quota for high-quality fresh, chilled or frozen meat of bovine animals falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91 (1993) (1), and in particular Article 2 thereof,

Whereas Commission Regulation (EEC) No 3633/92 of 16 December 1992 laying down detailed rules for the application of import arrangements provided for by Council Regulations (EEC) No 3391/92 and (EEC) No 3393/92 in the beef and veal sectors (2) provides in Article 7, that applications for and the issue of import licences for the meat referred to in Article 1 (1) (d) thereof are to be effected in accordance with the provisions of Articles 12 and 15 of 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 (EEC) No 3662/92 (4);

Whereas Article 1 (1) (d) of Regulation (EEC) No 3633/92 fixes the amount of high-quality fresh, chilled or frozen

beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms in 1993 at 10 000 tonnes;

Whereas it should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION :

Article 1

1. All applications for import licences from 1 until 5 June 1993 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 1 (1) (d) of Regulation (EEC) No 3633/92 shall be met in full.
2. Applications for licences may be submitted, in accordance with Article 12 of Regulation (EEC) No 2377/80, during the first five days of July 1993 for 5 068 tonnes.

Article 2

This Regulation shall enter into force on 11 June 1993.

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

Done at Brussels, 10 June 1993.

For the Commission

René STEICHEN

Member of the Commission

(1) OJ No L 346, 27. 11. 1992, p. 1.

(2) OJ No L 368, 17. 12. 1992, p. 27.

(3) OJ No L 241, 13. 9. 1980, p. 5.

(4) OJ No L 370, 19. 12. 1992, p. 43.

COMMISSION REGULATION (EEC) No 1437/93

of 10 June 1993

fixing for the 1993 marketing year the maximum levels of withdrawal prices for tomatoes grown under glass

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 638/93⁽²⁾, and in particular the last subparagraph of Article 18 (1) thereof,

Having regard to Commission Regulation (EEC) No 3824/92 of 28 December 1992 laying down the prices and amounts fixed in ecus to be amended as a result of the monetary realignments⁽³⁾, as last amended by Regulation (EEC) No 1330/93⁽⁴⁾, and in particular Article 2 thereof,

Whereas the market in tomatoes grown under glass has different characteristics from those of the market in open-grown tomatoes; whereas tomatoes grown under glass are mainly 'Extra' class and class I products, the prices for which are considerably higher than those for open-grown products;

Whereas, in order to provide more effective support for the market grown under glass, producers' organizations or associations of such organizations should be allowed to fix their withdrawal price; whereas, in accordance with the last subparagraph of Article 18 (1) of Regulation (EEC) No 1035/72, it appears that the maximum level of the withdrawal price for these products can justifiably be fixed by applying, to the prices fixed for the 1992 marketing year a variation of the same order as that applied by the Council when fixing the basic prices and buying-in prices for tomatoes for the 1993 marketing year;

Whereas in consequence of the above the maximum levels of withdrawal prices for tomatoes grown under glass

for the 1993 marketing year must be reduced by 1,05 %; whereas this reduction is arising from the monetary realignments of September and November 1992;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1993 marketing year, producers' organizations or associations of such organizations may fix withdrawal prices, not exceeding the following maxima, in ecus per 100 kilograms net, for tomatoes grown under glass:

— June (11 to 20):	29,95,
(21 to 30):	27,53,
— July (1 to 10):	25,76,
(11 to 20):	24,11,
(21 to 31):	22,33,
— August:	22,33,
— September:	22,33,
— October:	22,33,
— November:	22,33.

Article 2

The producers' organizations shall supply the following information to the national authorities, who shall communicate it to the Commission:

- the period during which withdrawal prices are available,
- the levels of withdrawal prices proposed and of those applied.

Article 3

This Regulation shall enter into force on 11 June 1993.

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

Done at Brussels, 10 June 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 69, 20. 3. 1993, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 29.

⁽⁴⁾ OJ No L 132, 29. 5. 1993, p. 113.

COMMISSION REGULATION (EEC) No 1438/93

of 10 June 1993

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 Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Whereas Article 16 of Regulation (EEC) No 2727/75 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 Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾ provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand, and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas export possibilities exist for a quantity of 2 000 tonnes of wheat flour to certain destinations; whereas the procedure laid down in Article 9 (4) of Commission Regulation (EEC) No 891/89⁽⁴⁾, as last amended by Regulation (EEC) No 3570/92⁽⁵⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas, furthermore, 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 Commission Regulation No 162/67/EEC⁽⁶⁾, as last amended by Regulation (EEC) No 468/92⁽⁷⁾;

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⁽⁸⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁹⁾;

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⁽¹⁰⁾ prohibits trade between the European Economic 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 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 June 1993.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 362, 11. 12. 1992, p. 51.

⁽⁶⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁷⁾ OJ No L 53, 28. 2. 1992, p. 15.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹⁰⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Done at Brussels, 10 June 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 10 June 1993 fixing 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	07	90,00 (3)
1001 10 00 400	—	—		02	48,00
1001 90 91 000	—	—	1101 00 00 130	01	45,00
1001 90 99 000	04	25,00	1101 00 00 150	01	42,00
	08	18,00	1101 00 00 170	01	39,00
	09	20,00	1101 00 00 180	01	36,00
	02	15,00	1101 00 00 190	—	—
1002 00 00 000	03	25,00	1101 00 00 900	—	—
	02	15,00	1102 10 00 500	01	48,00
1003 00 10 000	—	—	1102 10 00 700	—	—
1003 00 20 000	04	25,00	1102 10 00 900	—	—
	02	15,00	1103 11 30 200	01	0
1003 00 80 000	04	25,00	1103 11 30 900	—	—
	02	15,00	1103 11 50 200	01	0
1004 00 00 200	—	—	1103 11 50 400	01	0
1004 00 00 400	—	—	1103 11 50 900	—	—
1005 10 90 000	—	—	1103 11 90 200	01	48,00
1005 90 00 000	04	87,00	1103 11 90 800	—	—
	06	10,00			
	05	15,00			
	02	0			

(1) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Bulgaria,
- 06 Zones I, VIII a), Albania, Romania and Cuba,
- 07 Croatia and Bosnia-Herzegovina,
- 08 Zone I(a), Malta, Senegal and Ivory Coast,
- 09 Ukraine.

(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) Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEC) No 891/89, in respect of a quantity of 2 000 tonnes of wheat flour destined for Croatia and Bosnia-Herzegovina.

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

II

(Acts whose publication is not obligatory)

COUNCIL

Information regarding the entry into force of the Agreement between European Economic Community and the United States of America on Government Procurement⁽¹⁾

The European Economic Community and the United States of America having signed the Agreement on 25 May 1993, the Agreement entered into force on that date.

⁽¹⁾ Decision 93/323/EEC published in OJ No L 125, 20. 5. 1993.

COMMISSION

COMMISSION DECISION

of 28 May 1993

on a procedure relating to the application of Regulation (EEC) No 2408/92

(Case VII/AMA/I/93 — Viva Air)

(only the French text is authentic)

(93/347/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes⁽¹⁾, and in particular Article 8 thereof,

After consulting the Advisory Committee established under the said Regulation,

Whereas :

I. BACKGROUND

I

On 25 January 1993 Viva Air, whose head office is at Calle Zurbano, 41, 28010 Madrid, Spain, requested the Commission to investigate the legality of the decision by which the French authorities refused Viva Air a licence to operate the Paris (Charles De Gaulle) — Madrid route and to issue a decision based on Article 8 (3) of Regulation (EEC) No 2408/92.

Viva Air wanted to operate a new schedule air service between Madrid and Paris (Charles De Gaulle) airport from 2 January 1993 at a rate of two return flights a day. In a telex message of 28 October 1992 it therefore applied to Paris (CDG) for slots, which the appropriate airport authorities granted by telex message of the same date.

In a telex message dated 25 November 1992, the Spanish civil aviation authority informed its French counterpart of its decision to authorize Viva Air to operate the service in question and requested the French authorities to do so

too. As no reply was received from the French authorities, the Spanish civil authority confirmed the terms of the first communication in a second telex message on 16 December.

By letter of 2 December 1992 Viva Air itself informed the French authorities of its intention to operate on the route concerned, referred to the authorization issued by the Spanish authorities and gave the flight numbers, the UTC schedules, the airports of departure and arrival, the frequencies, the period of operation and the type of aircraft that would be used. When no reply was received from the French authorities in spite of a meeting with a French civil aviation authority official on 4 December 1992, Viva Air repeated its application in a letter dated 18 December and emphasized the amount it had invested in order to be able to operate the service concerned.

The French civil aviation authority replied by telex message on the same date stating that Viva Air's application was still under examination. The authority added that the application should have been lodged two months prior to the date on which the service was to start, as required by the Decree of 12 September 1980 which was still in force.

Viva Air replied to this telex message in a letter of 22 December 1992 pointing out that the exercise of third-freedom and fourth-freedom intra-Community traffic rights had been completely liberalized by Community rules and that Member States no longer had any discretion in these matters. It therefore objected to the application of the cumbersome procedures provided for in the Decree of 12 September 1980 which, in any case, applied only to non-French carriers. Viva Air added that, on the one hand, the French authorities had been informed of its intention to operate the service in question as long ago as October 1992 when the airline lodged its request for air slots and, on the other, Viva Air was unaware of any

⁽¹⁾ OJ No L 240, 24. 8. 1992, p. 8.

rules governing traffic allocation within the Paris airport system. Viva Air again emphasized the losses it would sustain if it was unable to operate the service from the planned date in view of the investments it had made and the undertakings it had given passengers.

To this the French authorities replied in a letter addressed to the chairman of Viva Air, dated 28 December 1992, refusing Viva Air authorization to operate the planned service between Madrid and Paris (CDG). But they added that there was nothing to prevent the service operating between Madrid and Paris (Orly). The refusal was based on the fact that Article 8 (1) of Regulation (EEC) No 2408/92 allows Member States to regulate the distribution of traffic between airports within an airport system and on the rule that 'the French Government does not allow an airline to operate services on the same medium-haul international route into both Paris (Orly) and Paris (CDG)'. In the case in point the French authorities considered Viva Air to be part of the Iberia Group, which already operates on the Madrid-Paris (Orly) route. Consequently, Viva Air's proposed services on the Madrid-Paris (CDG) route would not be independent of those operated by Iberia on the Madrid-Paris (Orly) route, an interpretation further supported by the fact that it was Iberia-Paris that had lodged Viva Air's schedules with the French civil aviation authority.

In the said letter of 28 December 1992 the French authorities also reiterated their position that the traffic rights referred to in Article 3 (1) of Regulation (EEC) No 2408/92 had to be granted explicitly by the Member States concerned and that, under the various safeguard measures provided for in the Regulation, the Member States retained the right to refuse or restrict traffic rights, or impose conditions subject to which rights might be exercised. The French authorities therefore considered that the national provisions on lodging schedules (adopted by the Decree of 12 September 1980), remained in force and were in no way contrary to Community law.

The said authorities added that the application for slots which Viva Air lodged with the coordinator for Paris (CDG) airport could not be regarded as complying with the requirements.

By telex message of 30 December 1992 the French civil aviation authority informed the Spanish counterpart of its position stating, in particular, that 'if one company or two companies belonging to the same group were to serve the same European city from two airports in the Paris system, this would create a precedent which would undermine the present system of allocating airport facilities.'

The subject of this Decision, the objection that Viva Air lodged with the Commission on 25 January 1993, is directed against the French authorities' refusal of 28 December 1992 to grant an authorization.

II

In its objection Viva Air asks the Commission to examine the legality of the French authorities' refusal and to take a decision based on the provisions of Article 8 (3) of Regulation (EEC) No 2408/92.

In support of its application, Viva Air stressed two aspects, namely that the procedure imposed by the French authorities is incompatible with the provisions of Regulation (EEC) No 2408/92 and that Article 8 (1) of that Regulation has been applied in an inappropriate and discriminatory manner.

(a) *the authorization procedure*

Viva Air considers that Article 3 (1) of Regulation (EEC) No 2408/92 does not leave the Member States any discretion to refuse traffic rights, other than the exceptions provided for therein. If the principle of freedom to exercise rights embodied in the Regulation is not to be undermined, this means that explicit authorization is not needed and that the formalities needed to enable Member States to operate exceptions, where appropriate, be kept to a strict minimum.

According to Viva Air, the current French rules do not fulfil these conditions, which must be considered in the light of the principle of proportionality. For instance, contrary to the requirements of Community law, the French rules are discriminatory since the provisions applicable to French airlines differ from those applied to non-French Community airlines. What is more, an application for slots lodged with an airport should be regarded as equivalent to giving the national authorities prior information, particularly as the application specifically refers to a particular route. Consequently, once slots are allocated this is equivalent to a Member State granting an authorization since slot allocation is an instrument used to implement a general policy on sharing out traffic between airports. Finally, the two months required for examining applications is clearly excessive since, for example, Article 5 of Council Regulation (EEC) No 2409/92 of 23 July 1992 on fares and rates for air services⁽¹⁾ provides that such fares are to be submitted not more than 24 hours before they are to take effect.

(b) *implementation of Article 8 (1) of Regulation (EEC) No 2408/92*

Viva Air considers that Member States should apply the provisions of Article 8 (1) of Regulation (EEC) No 2408/92 in line with objective, non-discriminatory criteria and with a view to organizing airports more efficiently. In this instance no such criteria were used since :

⁽¹⁾ OJ No L 240, 24. 8. 1992, p. 15.

- the traffic allocation rule quoted by the French authorities applies only to intra-Community international routes and not to domestic French routes or routes to non-member countries ;
- this rule gives Air France an advantage since it operates a service from Paris (CDG) to Madrid whilst Air Inter provides an indirect service from Paris (Orly) to Madrid via Toulouse, Bordeaux and Lyons ;
- the French authorities' refusal means that Air France remains in a monopoly position on the Paris (CDG)-Madrid route.

Furthermore, Viva Air considers that the French authorities were incorrect in concluding that Iberia and Viva Air are part of the same company since Viva Air, in spite of being a subsidiary of Iberia, nevertheless has its own legal personality and commercial identity, its own commercial policy and its own licence. Viva Air was founded in 1985 and should therefore be regarded as a genuine Community air carrier within the meaning of Article 2 (b) of Regulation (EEC) No 2408/92. What is more, the French authorities' interpretation leads to further discrimination since the French airline Euralair, which provides a direct service between Paris (Orly) and Madrid, is in fact dependent on the Air France group for most of its work.

III

To enable it to take a decision on the objection lodged by Viva Air, the Commission, in a letter of 4 February 1993, requested the French authorities to reply to the following questions within a fortnight :

1. Do the French authorities intend to repeal the provisions of the Decree of 12 September 1980 on scheduled, intra-Community air services, or to amend them in the near future ?
2. Is the period the French authorities require for examining an application two months, as indicated in the letter of 28 December 1992 from the French civil aviation authority to Viva Air, or 90 days, as provided for in Article 3 of the Decree of 12 September 1980 ?
3. The Decree of 12 September 1980 refers to foreign companies only. What procedure applies to companies, including the flag carrier, established in France and wishing to start new services ?
4. What are the rules currently governing the allocation of traffic between the airports at Orly and Paris (CDG) ?

5. As the said letter of 28 December 1992 states, the French Government does not allow airlines to operate services on the same medium-haul international route into both Paris (Orly) and Paris (CDG). Why does this prohibition apply to medium-haul international flights only and not to long-haul and domestic flights ? Is it not the case that, in this instance, the prohibition militates against the expansion of CDG airport sought by the French authorities ?
6. In the said letter of 28 December 1992, the reason given for refusing Viva Air permission to operate into Paris (CDG) was that Iberia and Viva Air were part of the same group and that their respective services would therefore not be independent of each other. What general criteria do the French authorities use to decide whether two companies are in fact members of the same group or a single company for the purposes of applying the rules governing the allocation of traffic to Orly and CDG ? In this connection, how is the interdependence between companies determined ?

As the Commission did not receive a reply by the deadline given, the French authorities were sent a reminder on 5 March 1993, allowing five days for the authorities to reply. In a letter dated 11 March 1993 and logged in at the Commission on 17 March, the French authorities sent the Commission the information it had requested.

IV

The replies of the French authorities to the six questions the Commission put in its letter of 4 February 1993 may be summarized as follows :

- Questions one and two : the provisions of Article 3 of Regulation (EEC) No 2408/92 do not prevent application of the procedure established by the Decree of 12 September 1980. Nevertheless, it is intended to amend the Decree so as to reduce to one month the period required for notification — it having already been reduced to two months.
- Question 3 : since the entry into force of Council Regulation (EEC) No 2407/92⁽¹⁾, all French carriers, including the flag carrier, have to meet the same requirements to obtain an operating licence, a process which involves an opinion from the *Conseil supérieur de l'Aviation Marchande* (CSAM) and the lodging of a programme one month prior to start-up.

⁽¹⁾ OJ No L 240, 24. 8. 1992, p. 1.

— Question 4 : the Ministerial decisions allocating traffic to the various airports in the Paris system are not issued as formal documents but are based on the principles formulated by the French Government when setting out its air transport policy. These principles were analysed in detail when Paris (CDG) airport was built and again more recently. A Ministerial decision collating all the rules on allocating traffic to the Paris airport system should be issued shortly.

— Question 5 : the decision to apply the principle of not allowing the same airline to serve both Paris (Orly) and Paris (CDG) to medium-haul international flights only was taken because of the type of market involved.

Where long-haul services are concerned, airlines cannot reasonably consider duplicating a service unless they operate more than one daily flight and can afford two landings a day in Paris.

In the case of domestic services and in view of the heavy competition from surface transport, duplication of services is encouraged in order to allow airlines wishing to do so to improve their services to Paris. This also encourages the expansion of Paris (CDG) airport.

In the case of medium-haul international services, and taking into account the relatively low flows, intensified by the fact that several carriers are in competition, concentrating the flights of one airline at one airport will ensure the best possible service for users and the optimization of airport capacity use. To avoid discrimination, all carriers serving the same route are directed to Paris (CDG) where possible.

However, the capacity available at Paris (CDG) means that not all international intra-Community services can operate into that airport and that, temporarily, all carriers established on routes between Paris and the Iberian peninsula are still based at Paris (Orly). They will be transferred to Paris (CDG) as and when capacity at that airport is developed. Air France has therefore already transferred its Iberian services to Paris (CDG) and Iberia has the choice but has not yet decided.

— Question 6 : the decision was made on the basis of the form of control Iberia exercises over Viva Air and the relevant criteria set out in various Community regulations on effective control. In this instance Iberia has a

majority holding in Viva Air and effectively controls the latter, a point never contested by either company.

II. LEGAL ASSESSMENT

V

In this case, the Commission's main task is to decide whether the French authorities have correctly applied the provisions of Article 8 (1) of Regulation (EEC) No 2408/92 in refusing Viva Air authorization to operate the Madrid-Paris route from Paris (CDG). This means first examining the scope of Article 3 (1) of Regulation (EEC) No 2408/92 in order to determine how much discretion the Member States still have to authorize or refuse traffic rights and what formalities the Member States may still impose in connection with any authorization procedure.

VI

Article 3 (1) of Regulation (EEC) No 2408/92 states as follows: 'Subject to this Regulation, Community air carriers shall be permitted by the Member State(s) concerned to exercise traffic rights on routes within the Community'.

The Commission considers that this provision constitutes the statement of a general principle of freedom of access for all Community air carriers to all intra-Community routes, including those within Member States, i.e. of freedom of access for all carriers in possession of an operating licence granted in accordance with the provisions of Regulation (EEC) No 2407/92.

Nevertheless, these provisions do not in themselves authorize Community air carriers to exercise traffic rights. As the French authorities maintain, authorization to exercise these rights remains the province of the Member States concerned which, if they so wish, may impose a formal authorization procedure. This is confirmed by the words, 'shall not be required to authorize', in Article 3 (2) of Regulation (EEC) No 2408/92. Nevertheless, this phrase also means that, on the contrary, under normal circumstances — i.e. where none of the restrictions or constraints provided for in Article 3 (2), Article 3 (4) or Articles 4 to 10 of Regulation (EEC) No 2408/92 is capable of applying — the Member States concerned are required to allow carriers to exercise traffic rights. Here, authorization is automatic and Member States no longer have any discretion in the matter.

The automatic granting of rights arises out of the general principle of freedom of access. It is also in line with the recitals in the preamble to Regulation (EEC) No 2408/92 which refer specifically to Article 8a of the Treaty, to the freedom to provide services in an internal market without internal frontiers and to the abolition of all restrictions regarding designation and traffic rights. It is also in line with the freedom to set fares and rates granted by Regulation (EEC) No 2409/92 since, from the economic point of view, the elimination of all rigidity on prices should also mean the elimination of all rigidity on quantities (or access to the market), if an unbalanced outcome is to be avoided.

The fact that the right to exercise traffic rights has become automatic may not, however, prevent the Member States exercising their right to apply the transitional restrictive clauses provided for in Article 3 (2), Article 3 (4) and Article 5 or the definitive restrictive clauses of Articles 4, 6, 8, 9 and 10 of Regulation (EEC) No 2408/92. Member States may therefore require carriers to lodge applications providing various items of information prior to an authorization being granted. Nevertheless, to prevent such requirements from undermining freedom of access to the market established by Regulation (EEC) No 2408/92, they must be kept to the minimum necessary to allow the Member States to operate the abovementioned restrictive clauses, where appropriate.

Also, where a Member State imposes a formal notification and authorization procedure, the deadlines for replying to airlines' applications for authorization must be kept very short for three reasons. First, the very principle of freedom of access to the market, established by Article 3 of Regulation (EEC) No 2408/92, assumes that carriers will be informed quickly of the decision on their application. Secondly, in view of the heavy investment involved in starting up a new service, particularly for small airlines, the element of uncertainty must be reduced. Thirdly, it does not take long to examine applications in the light of whether to apply the various measures restricting access to the market provided for in the Regulation.

Still with a view to reducing the amount of uncertainty for airlines and since the right to exercise the freedom is now the rule and refusal the exception, it should also be the rule that, where no reply is received by the stated deadline, authorization to operate is implicit. Further, all refusals should, on the one hand, be expressly and clearly justified in fact and in law and, on the other hand, be open to legal challenge. The Member States should there-

fore include appropriate provisions in their internal regulations.

On air slots, the Commission considers that air slot allocation, which is covered by Council Regulation (EEC) No 95/93⁽¹⁾, is legally distinct from the question of granting of traffic rights, which is covered by Regulation (EEC) No 2408/92. Consequently, an airline's application for traffic rights may not be refused for the simple reason that the airline does not have the necessary air slots to be able to provide the service covered by the application. Knowing or not knowing whether an airline has the appropriate air slots therefore has no bearing on the matter and airlines must therefore not be asked to provide this information.

Similarly, a carrier who has, or can obtain, the slots he needs to operate a given service may not assume that this authorizes him to exercise traffic rights in respect of the service — unless, that is, the Member State concerned does not impose any special formalities in respect of obtaining such rights. Viva Air's argument that its application for a slot allocation at Paris (CDG) was equivalent to the French authorities issuing an authorization should therefore be rejected.

Finally, the Commission stresses that, contrary to the French rules which are still in force, no Member State may undermine the fundamental principle of non-discrimination on the basis of nationality by differentiating between its own licensed carriers and those licensed by other Member States in the formalities it lays down with regard to the examination of applications for traffic rights under Regulation (EEC) No 2408/92.

VII

Article 8 (1) of Regulation (EEC) No 2408/92 states as follows: 'This Regulation shall not affect a Member State's right to regulate without discrimination on grounds of nationality or identity of the air carrier, the distribution of traffic between the airports within an airport system'.

When applied, these provisions could restrict the general principle of freedom of access to routes and Community airports provided for in Article 3 of the Regulation. The Commission considers that, like any exception to a general principle, any such restriction must be interpreted strictly and that the interpretation must be based on transparent and objective criteria which remain constant over a given period and are non-discriminatory. It is then the responsibility of the Member States to put forward all the relevant grounds.

⁽¹⁾ OJ No L 14, 22. 1. 1993, p. 1.

The Commission also considers that the aforementioned wording of Article 8 (1) implies that rules must be laid down which are transparent and regulatory in nature, i.e. having general, and not individual, effect. This, in turn, means that the rules must be published. Only if they are published, will they meet the requirement of transparency since the reasons for, and basis of, current policy on airports will then be clear. Publication would also enable airlines to work out in advance, with a minimum of uncertainty, the airport to which they were likely to be allocated in view of their intended routes, in accordance with the freedom the Community rules sought to confer on carriers.

The fact remains that the French rules by which traffic is allocated within the Paris airport system, and particularly the rules used against Viva Air, have not been published. The Commission therefore concludes that the rules do not apply. What is more, under French law an unpublished regulatory instrument cannot be enforced against persons to whom it purports to apply. Hence, it cannot be used as a basis for an individual decision against such persons.

The fact that the decision to refuse authorization was taken on 28 December 1992, i.e. before the entry into force on 1 January 1993 of Regulation (EEC) No 2408/92, does nothing to alter the foregoing assessment since Article 9 of Council Regulation (EEC) No 2343/90⁽¹⁾, which was in force prior to Regulation (EEC) No 2408/92, already included similar provisions and since the decision of 28 December 1992 continued to affect the situation after 31 December 1992.

Also, according to the information available to the Commission, as corroborated by the replies set out above which the French authorities provided on 11 March 1993, the latter have pursued a policy for the last 15 years or so — and more particularly the last five years — of promoting the expansion of Paris (CDG) Airport which is to become both the main continental European gateway and a large hub airport. It is a fact that, compared with the situation at other European airports, the physical potential for expanding this one is considerable and that, in March 1993, capacity at Paris (CDG) increased considerably when terminal 2C came into operation.

On the question of allocating traffic to airports, the policy has been gradually to transfer to Paris (CDG) all airlines formerly operating through Orly. For instance, in October 1980, once the CDG 2 terminal came into operation, the French authorities decided to transfer foreign (particularly Community) airlines from Orly-West to terminal CDG 1.

It therefore has to be said that the refusal of the authorities to allow Viva Air to operate the Madrid-Paris (CDG) service runs counter to their policy on these airports so far.

The grounds given for the refusal were that the French Government operated a rule by which it did not allow airlines to run services on the same medium-haul international route from both Paris (Orly) and Paris (CDG). One wonders why this rule applies only to medium-haul international traffic and not also to domestic and to international long-haul services. The French authorities say that this differentiation is due to the type of market involved.

Turning first to long-haul services, the Commission would nevertheless note that only the French flag carrier operates an international long-haul service with departures from both Orly and CDG (Paris-New York) at frequencies comparable with those of many intra-Community airlines.

Taking the medium-haul services next, the Commission cannot accept at face value the explanations provided by the French authorities, namely that, as opposed to the situation in domestic French flights, intra-Community international flights operated by a single company may not serve both Orly and CDG because of the low level of competition with surface transport, the low level of traffic flows and the existence of several competing companies. In the first place, such a general and complete separation of national and international intra-Community flights is contrary to the very principle of a single Community market. Secondly, on several domestic French routes — and not the shortest either — there is little competition from surface transport whereas there is such competition on major intra-Community international routes departing from Paris. Thirdly, the difference in the size of traffic flows is not so great as to justify different treatment and it should be pointed out that the Paris-London route is the busiest of all intra-Community routes. Lastly, domestic French flights are now also open to competition since the Community rules establishing a single internal market in civil aviation came into force on 1 January 1993.

In any case, even supposing that the rule governing traffic allocation could be regarded as justified under the provisions of Article 8 (1) of Regulation (EEC) No 2408/92, the Commission considers that, for the purposes of applying the rule, Viva Air should be regarded as separate from Iberia since Article 2 (b) of the Regulation simply defines a Community air carrier as one with a valid operating licence issued by a Member State in accordance with Regulation (EEC) No 2407/92, without any reference to the question of control. Even though both Iberia and Viva Air are incontestably members of the same group, Viva Air was founded well before the date of the contested application for traffic rights and has not only its own

⁽¹⁾ OJ No L 217, 11. 8. 1990, p. 8.

operating licence but also its own staff, its own commercial image and its own fleet. Furthermore, the French authorities have not alleged, nor has the Commission found, any abuse of the law or fraudulent action on the part of Viva Air or the Iberia Group.

In view of the foregoing, the Commission therefore considers that, in this case, the French authorities applied the provisions of Article 8 (1) of Regulation (EEC) No 2408/92 incorrectly. They were therefore wrong to refuse Viva Air authorization to exercise traffic rights on the Madrid-Paris (CDG) route from 2 January 1993. In accordance with the provisions of Article 8 (3) of Regulation (EEC) No 2408/92, the decision must therefore be that the French authorities may not continue to apply this measure, without any need to examine whether or not the other points submitted by Viva Air are well founded, that is to say those based on the discriminatory nature of the measure as shown in particular by the fact that Euralair — which operates a direct flight from Madrid to Paris (Orly) — is in fact part of the Air France group which itself operates the Madrid-Paris (CDG) route,

HAS ADOPTED THIS DECISION:

Article 1

France may not continue to apply the decision of 28 December 1992 by which it refused Viva Air authorization to exercise traffic rights on the Paris (CDG)-Madrid route, giving as the reason that one airline could not provide medium-haul international services from both Paris (Orly) and Paris (CDG).

Article 2

This Decision is addressed to the French Republic. It shall be communicated to Viva Air, the Council and the Member States.

Done at Brussels, 28 May 1993.

For the Commission

Abel MATUTES

Member of the Commission