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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2260/93

of 12 August 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 9 and 10 August 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

⁽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.

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

Article 2

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 3

This Regulation shall enter into force on 13 August 1993.

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

Done at Brussels, 12 August 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Minimum import levies on olive oil (*)

(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 (*)

(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 2261/93

of 10 August 1993

maintaining until 31 December 1993 the customs duties re-established by Regulations (EEC) No 1146/93 and (EEC) No 1447/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3918/92 of 28 December 1992 opening and providing for the administration of Community tariff quotas and ceilings for certain agricultural and industrial products and establishing a reduced variable component for certain processed agricultural products originating in Hungary, Poland and the territory of the former Czech and Slovak Federal Republic (CSFR)⁽¹⁾, and in particular Article 6 thereof,

Whereas under Commission Regulations (EEC) No 1146/93⁽²⁾ and (EEC) No 1447/93⁽³⁾, the customs duties on products falling within CN code 3102 40 originating in Poland and the territory of the former Czech and Slovak Federal Republic respectively, to which the tariff ceilings set out in Regulation (EEC) No 3918/92 apply, were re-established because imports of the products had reached their respective tariff ceilings;

Whereas under Council Regulation (EEC) No 2232/93⁽⁴⁾, the tariff ceilings introduced in 1993 by Regulation (EEC) No 3918/92 must be increased as from 1 July 1993 by an amount equivalent to 10 % of the initial volumes; whereas, therefore, the tariff ceilings in respect of which the duties applicable to the countries under consideration were re-established on 30 June 1993 must be re-established as from 1 July 1993;

Whereas the statistics the Member States have sent the Commission show that, even when the above Regulations (EEC) No 1146/93 and (EEC) No 1447/93 were adopted, the ceiling volumes for products originating in Poland and the former territory of the Czech and Slovak Federal Republic, as increased by Regulation (EEC) No 2232/93, had already been used up; whereas therefore it is desirable to maintain the re-established customs duties applicable to these products in spite of the reopening of the corresponding tariff ceilings as from 1 July 1993,

HAS ADOPTED THIS REGULATION:

Article 1

The customs duties suspended in 1993 under Regulation (EEC) No 3918/92 and reintroduced by Regulation (EEC) No 1146/93 and (EEC) No 1447/93 as of 15 May 1993 and 16 June 1993 respectively shall continue to be levied from 1 July 1993 until 31 December 1993.

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, 10 August 1993.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 396, 31. 12. 1992, p. 12.

⁽²⁾ OJ No L 116, 12. 5. 1993, p. 12.

⁽³⁾ OJ No L 142, 12. 6. 1993, p. 35.

⁽⁴⁾ OJ No L 200, 10. 8. 1993, p. 1.

COMMISSION REGULATION (EEC) No 2262/93

of 10 August 1993

concerning the stopping of fishing for cod by vessels flying the flag of Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities⁽¹⁾, amended by Regulation (EEC) No 3483/88⁽²⁾, and in particular Article 11 (3) thereof,Whereas Council Regulation (EEC) No 3919/92 of 20 December 1992 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1993 and certain conditions under which they may be fished⁽³⁾, amended by Regulation (EEC) No 927/93⁽⁴⁾, provides for cod quotas for 1993;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of cod in the waters of ICES divisions I and II b by vessels flying the flag of Germany or registered in Germany have reached the quota allocated for 1993; whereas Germany has prohibited fishing

for this stock as from 17 July 1993; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES divisions I and II b by vessels flying the flag of Germany or registered in Germany are deemed to have exhausted the quota allocated to Germany for 1993.

Fishing for cod in the waters of ICES divisions I and II b by vessels flying the flag of Germany or registered in Germany is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

*Article 2*This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 17 July 1993.

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

Done at Brussels, 10 August 1993.

For the Commission

Christiane SCRIVENER

Member of the Commission⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.⁽³⁾ OJ No L 397, 31. 12. 1992, p. 1.⁽⁴⁾ OJ No L 96, 22. 4. 1993, p. 1.

COMMISSION REGULATION (EEC) No 2263/93
of 10 August 1993
concerning the stopping of fishing for cod by vessels flying the flag of Portugal

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

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities⁽¹⁾, amended by Regulation (EEC) No 3483/88⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 3919/92 of 20 December 1992 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1993 and certain conditions under which they may be fished⁽³⁾, amended by Regulation (EEC) No 927/93⁽⁴⁾, provides for cod quotas for 1993;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of cod in the waters of ICES divisions I and II b by vessels flying the flag of Portugal

or registered in Portugal have reached the quota allocated for 1993,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES divisions I and II b by vessels flying the flag of Portugal or registered in Portugal are deemed to have exhausted the quota allocated to Portugal for 1993.

Fishing for cod in the waters of ICES divisions I and II b by vessels flying the flag of Portugal or registered in Portugal is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

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, 10 August 1993.

For the Commission
Christiane SCRIVENER
Member of the Commission

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.
⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.
⁽³⁾ OJ No L 397, 31. 12. 1992, p. 1.
⁽⁴⁾ OJ No L 96, 22. 4. 1993, p. 1.

COMMISSION REGULATION (EEC) No 2264/93

of 12 August 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 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as amended by Regulation (EEC) No 2193/93⁽²⁾, and in particular Articles 10 (5) and 11 (3) thereof,

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

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1680/93⁽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 11

August 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 1680/93 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 13 August 1993.

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

Done at Brussels, 12 August 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 8.

ANNEX

to the Commission Regulation of 12 August 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	127,66 (*) (*)
0712 90 19	127,66 (*) (*)
1001 10 00	152,44 (*) (*)
1001 90 91	126,65
1001 90 99	126,65 (*)
1002 00 00	135,60 (*)
1003 00 10	126,09
1003 00 20	126,09
1003 00 80	126,09 (*)
1004 00 00	75,88
1005 10 90	127,66 (*) (*)
1005 90 00	127,66 (*) (*)
1007 00 90	137,14 (*)
1008 10 00	27,29 (*)
1008 20 00	79,25 (*)
1008 30 00	31,14 (*)
1008 90 10	(7)
1008 90 90	31,14
1101 00 00	204,06 (*)
1102 10 00	218,49
1103 11 30	239,95
1103 11 50	239,95
1103 11 90	231,03
1107 10 11	236,32
1107 10 19	179,32
1107 10 91	235,32
1107 10 99	178,58
1107 20 00	206,32

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

(*) 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.

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

(*) 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.

(*) 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.

(*) 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).

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

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

(*) 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 2265/93
of 12 August 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 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as amended by Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 12 (4) thereof,

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

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1681/93⁽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 11

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

Article 2

This Regulation shall enter into force on 13 August 1993.

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

Done at Brussels, 12 August 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 11.

ANNEX

to the Commission Regulation of 12 August 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
	8	9	10	11
0709 90 60	0	0	2,05	0
0712 90 19	0	0	2,05	0
1001 10 00	0	0	0	0
1001 90 91	0	1,61	0	0
1001 90 99	0	1,61	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	2,05	0
1005 90 00	0	0	2,05	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	2,21	0	0
1102 10 00	0	0	0	0
1103 11 30	0	0	0	0
1103 11 50	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period	4th period
	8	9	10	11	12
1107 10 11	0	2,87	0	0	0
1107 10 19	0	2,14	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 2266/93

of 12 August 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 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as amended by Regulation (EEC) No 2193/93 ⁽²⁾, and in particular the third subparagraph of Article 13 (2) thereof,

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

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

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

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

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁴⁾ 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 ⁽⁵⁾;

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 ⁽⁶⁾ 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 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 August 1993.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ 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, 12 August 1993.

For the Commission
René STEICHEN
Member of the Commission

ANNEX

to the Commission Regulation of 12 August 1993 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refund (2)	Product code	Destination (1)	Amount of refund (2)
0709 90 60 000	—	—	1005 90 00 000	04	75,00
0712 90 19 000	—	—		07	15,00
1001 10 00 200	—	—		02	0
1001 10 00 400	—	—	1007 00 90 000	—	—
1001 90 91 000	09	45,00	1008 20 00 000	—	—
	02	0	1101 00 00 100	01	65,00
1001 90 99 000	04	40,00	1101 00 00 130	01	62,00
	05	17,00	1101 00 00 150	01	57,00
	08	18,00	1101 00 00 170	01	53,00
	02	15,00	1101 00 00 180	01	49,00
1002 00 00 000	03	25,00	1101 00 00 190	—	—
	06	17,00	1101 00 00 900	—	—
	02	15,00	1102 10 00 500	01	65,00
1003 00 10 000	09	55,00	1102 10 00 700	—	—
	02	0	1102 10 00 900	—	—
1003 00 20 000	04	25,00	1103 11 30 200	01	65,00 (3)
	02	15,00	1103 11 30 900	—	—
1003 00 80 000	04	25,00	1103 11 50 200	01	65,00 (3)
	02	15,00	1103 11 50 400	—	—
1004 00 00 200	—	—	1103 11 50 900	—	—
1004 00 00 400	—	—	1103 11 90 200	01	65,00 (3)
1005 10 90 000	—	—	1103 11 90 800	—	—

(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 Egypt, Morocco and Tunisia,
- 06 Korea and Japan,
- 07 Zones I, III b), VIII a), Cuba and Hungary,
- 08 Algeria,
- 09 Romania.

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

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

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

COMMISSION REGULATION (EEC) No 2267/93**of 12 August 1993****suspending advance fixing of the export refunds for certain products processed from cereals**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as amended by Regulation (EEC) No 2193/93 ⁽²⁾, and in particular the first subparagraph of Article 13 (7) thereof,

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

Whereas there is a danger that, if arrangements are adhered to, refunds could be fixed in advance in the short term for quantities considerably in excess of the quantities which might be expected under more normal conditions;

Whereas the above situation requires that application of the provisions concerning advance fixing of refunds for the product concerned be temporarily suspended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Advance fixing of the export refund for products listed in the Annex is suspended from 13 to 31 August 1993 inclusive.

Article 2

This Regulation shall enter into force on 13 August 1993.

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

Done at Brussels, 12 August 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

ANNEX

to the Regulation of 12 August 1993 suspending advance fixing of the export refunds for certain products processed from cereals

CN code	Description
	Products derived from maize, consisting of the following subheadings:
1102 20	Maize flour
1103 13	Maize groats
1103 29 40	Maize pellets
1104 19 50	Rolled or flaked maize
1104 23	Hulled maize
1108 12 00	Maize starch
1108 13 00	Potato starch
1702 30	} Glucose and glucose syrup
1702 40	
1702 90	Other invert sugar
2106 90	Food preparations not elsewhere specified
2309 10	} Preparations of a kind used in animal feeding
2309 90	

COMMISSION REGULATION (EEC) No 2268/93
of 12 August 1993

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as amended by Regulation (EEC) No 2193/93⁽²⁾, and in particular the first subparagraph of Article 13 (7) thereof,

Having regard to Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EEC) No 3381/90⁽⁴⁾, and in particular the first subparagraph of Article 5 (3) thereof,

Whereas Article 13 (7) of Regulation (EEC) No 1766/92 and Article 5 (3) of Regulation (EEC) No 3035/80 make provision for advance fixing of the refund to be suspended for basic products applied in the form of certain goods;

Whereas the situation on certain markets may make it necessary for the refunds on certain products to be

adjusted; whereas in order to prevent applications for advance fixing of refunds for speculative purposes, the abovementioned advance fixing should be suspended until this adjustment comes into force;

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

HAS ADOPTED THIS REGULATION:

Article 1

Advance fixing of export refunds on maize (corn) exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 is suspended until 31 August 1993 inclusive.

Article 2

This Regulation shall enter into force on 13 August 1993.

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

Done at Brussels, 12 August 1993.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 327, 27. 11. 1990, p. 4.

COMMISSION REGULATION (EEC) No 2269/93**of 12 August 1993****introducing a countervailing charge on certain varieties of plum originating in Hungary**

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 second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2221/93⁽³⁾, introduced a countervailing charge on certain varieties of plum originating in Hungary;

Whereas the present trend of prices for products originating in Hungary on the representative markets referred to in Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 249/93⁽⁵⁾, recorded or calculated in accordance with the provisions of Article 5

of that Regulation, indicated that entry prices have been at least equal to the reference price for two consecutive market days; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Hungary can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2221/93 is hereby repealed.

Article 2

This Regulation shall enter into force on 13 August 1993.

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

Done at Brussels, 12 August 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 197, 6. 8. 1993, p. 47.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 28, 5. 2. 1993, p. 45.

COMMISSION REGULATION (EEC) No 2270/93
of 12 August 1993
fixing the import levies 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 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 2100/93 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2100/93 to the prices

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 referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 August 1993.

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

Done at Brussels, 12 August 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 190, 30. 7. 1993, p. 34.

ANNEX

to the Commission Regulation of 12 August 1993 fixing the import levies on milk and milk products

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

CN code	Note (°)	Import levy	CN code	Note (°)	Import levy
0401 10 10		15,94	0403 10 16	(°)	1,9148/kg + 28,97
0401 10 90		14,73	0403 10 22		24,21
0401 20 11		21,80	0403 10 24		28,98
0401 20 19		20,59	0403 10 26		69,84
0401 20 91		26,57	0403 10 32	(°)	0,1817/kg + 27,76
0401 20 99		25,36	0403 10 34	(°)	0,2294/kg + 27,76
0401 30 11		67,43	0403 10 36	(°)	0,6380/kg + 27,76
0401 30 19		66,22	0403 90 11		110,27
0401 30 31		129,21	0403 90 13		159,05
0401 30 39		128,00	0403 90 19		198,73
0401 30 91		216,40	0403 90 31	(°)	1,0302/kg + 28,97
0401 30 99		215,19	0403 90 33	(°)	1,5180/kg + 28,97
0402 10 11	(°)	110,27	0403 90 39	(°)	1,9148/kg + 28,97
0402 10 19	(°)(°)	103,02	0403 90 51		24,21
0402 10 91	(°)(°)	1,0302/kg + 28,97	0403 90 53		28,98
0402 10 99	(°)(°)	1,0302/kg + 21,72	0403 90 59		69,84
0402 21 11	(°)	159,05	0403 90 61	(°)	0,1817/kg + 27,76
0402 21 17	(°)	151,80	0403 90 63	(°)	0,2294/kg + 27,76
0402 21 19	(°)(°)	151,80	0403 90 69	(°)	0,6380/kg + 27,76
0402 21 91	(°)(°)	198,73	0404 10 02		25,00
0402 21 99	(°)(°)	191,48	0404 10 04		159,05
0402 29 11	(°)(°)(°)	1,5180/kg + 28,97	0404 10 06		198,73
0402 29 15	(°)(°)	1,5180/kg + 28,97	0404 10 12		110,27
0402 29 19	(°)(°)	1,5180/kg + 21,72	0404 10 14		159,05
0402 29 91	(°)(°)	1,9148/kg + 28,97	0404 10 16		198,73
0402 29 99	(°)(°)	1,9148/kg + 21,72	0404 10 26	(°)	0,2500/kg + 21,72
0402 91 11	(°)	35,88	0404 10 28	(°)	1,5180/kg + 28,97
0402 91 19	(°)	35,88	0404 10 32	(°)	1,9148/kg + 28,97
0402 91 31	(°)	44,85	0404 10 34	(°)	1,0302/kg + 28,97
0402 91 39	(°)	44,85	0404 10 36	(°)	1,5180/kg + 28,97
0402 91 51	(°)	129,21	0404 10 38	(°)	1,9148/kg + 28,97
0402 91 59	(°)	128,00	0404 10 48	(°)	0,2500/kg
0402 91 91	(°)	216,40	0404 10 52	(°)	1,5180/kg + 6,04
0402 91 99	(°)	215,19	0404 10 54	(°)	1,9148/kg + 6,04
0402 99 11	(°)	41,67	0404 10 56	(°)	1,0302/kg + 6,04
0402 99 19	(°)	41,67	0404 10 58	(°)	1,5180/kg + 6,04
0402 99 31	(°)(°)	1,2558/kg + 25,35	0404 10 62	(°)	1,9148/kg + 6,04
0402 99 39	(°)(°)	1,2558/kg + 24,14	0404 10 72	(°)	0,2500/kg + 21,72
0402 99 91	(°)(°)	2,1277/kg + 25,35	0404 10 74	(°)	1,5180/kg + 27,76
0402 99 99	(°)(°)	2,1277/kg + 24,14	0404 10 76	(°)	1,9148/kg + 27,76
0403 10 02		110,27	0404 10 78	(°)	1,0302/kg + 27,76
0403 10 04		159,05	0404 10 82	(°)	1,5180/kg + 27,76
0403 10 06		198,73	0404 10 84	(°)	1,9148/kg + 27,76
0403 10 12	(°)	1,0302/kg + 28,97	0404 90 11		110,27
0403 10 14	(°)	1,5180/kg + 28,97	0404 90 13		159,05

CN code	Note (°)	Import levy	CN code	Note (°)	Import levy
0404 90 19		198,73	0406 90 31	(°) (*)	146,94
0404 90 31		110,27	0406 90 33	(°) (*)	146,94
0404 90 33		159,05	0406 90 35	(°) (*)	146,94
0404 90 39		198,73	0406 90 37	(°) (*)	146,94
0404 90 51	(°)	1,0302/kg + 28,97	0406 90 39	(°) (*)	146,94
0404 90 53	(°) (°)	1,5180/kg + 28,97	0406 90 50	(°) (*)	146,94
0404 90 59	(°)	1,9148/kg + 28,97	0406 90 61	(°) (*)	374,78
0404 90 91	(°)	1,0302/kg + 28,97	0406 90 63	(°) (*)	374,78
0404 90 93	(°) (°)	1,5180/kg + 28,97	0406 90 69	(°) (*)	374,78
0404 90 99	(°)	1,9148/kg + 28,97	0406 90 73	(°) (*)	146,94
0405 00 11	(°)	222,70	0406 90 75	(°) (*)	146,94
0405 00 19	(°)	222,70	0406 90 77	(°) (*)	146,94
0405 00 90		271,69	0406 90 79	(°) (*)	146,94
0406 10 20	(°) (*)	187,03	0406 90 81	(°) (*)	146,94
0406 10 80	(°) (*)	243,66	0406 90 85	(°) (*)	146,94
0406 20 10	(°) (*)	374,78	0406 90 89	(°) (*)	146,94
0406 20 90	(°) (*)	374,78	0406 90 93	(°) (*)	187,03
0406 30 10	(°) (*)	153,70	0406 90 99	(°) (*)	243,66
0406 30 31	(°) (*)	140,78	1702 10 10		28,10
0406 30 39	(°) (*)	153,70	1702 10 90		28,10
0406 30 90	(°) (*)	250,42	2106 90 51		28,10
0406 40 00	(°) (*)	135,17	2309 10 15		79,69
0406 90 11	(°) (*)	206,64	2309 10 19		103,38
0406 90 13	(°) (*)	156,07	2309 10 39		97,26
0406 90 15	(°) (*)	156,07	2309 10 59		81,17
0406 90 17	(°) (*)	156,07	2309 10 70		103,38
0406 90 19	(°) (*)	374,78	2309 90 35		79,69
0406 90 21	(°) (*)	206,64	2309 90 39		103,38
0406 90 23	(°) (*)	146,94	2309 90 49		97,26
0406 90 25	(°) (*)	146,94	2309 90 59		81,17
0406 90 27	(°) (*)	146,94	2309 90 70		103,38
0406 90 29	(°) (*)	146,94			

(°) The levy on 100 kg of product falling within this code is equal to the sum of the following:

- (a) the amount per kilogram shown, multiplied by the weight of lactic matter contained in 100 kg of product; and
- (b) the other amount indicated.

(°) The levy on 100 kg of product falling within this code is equal to:

- (a) the amount per kilogram shown, multiplied by the weight of the dry lactic matter contained in 100 kg of product plus, where appropriate,
- (b) the other amount indicated.

(°) Products falling within this code and imported from a third country

- for which an IMA 1 certificate, issued in accordance with Regulation (EEC) No 1767/82, is presented,
 - for which an EUR 1 certificate, issued in accordance with Regulation (EEC) No 1316/93 for Sweden and Regulation (EEC) No 584/92 for Poland, the Czech and Slovak Republics and Hungary, is presented,
- shall be subject to the levies defined in the said Regulations, respectively.

(*) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.

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

COMMISSION REGULATION (EEC) No 2271/93

of 12 August 1993

fixing definitively the amount of aid for dried fodder determined provisionally
for the period 1 May to 31 May 1993

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

Having regard to Council Regulation (EEC) No 1117/78
of 22 May 1978 on the common organization of the
market in dried fodder⁽¹⁾, as last amended by Regulation
(EEC) No 2275/89⁽²⁾, and in particular Article 5 (3)
thereof,

Whereas the guide price for dried fodder was fixed
provisionally by Council Regulation (EEC) No 1015/93⁽³⁾ for
the period 1 to 31 May 1993; whereas the amounts of aid
for dried fodder applicable from 1 to 31 May 1993 were
fixed on the basis of this guide price fixed provisionally
by the Council;

Whereas the guide price for dried fodder was confirmed
definitively by Council Regulation (EEC) No 1288/93⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of aid fixed provisionally for dried fodder
and contained in the Annex to Commission Regulation
(EEC) No 1051/93⁽⁵⁾ are hereby confirmed.

Article 2

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

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

Done at Brussels, 12 August 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 142, 30. 5. 1978, p. 1.

⁽²⁾ OJ No L 218, 28. 7. 1989, p. 1.

⁽³⁾ OJ No L 105, 30. 4. 1993, p. 12.

⁽⁴⁾ OJ No L 132, 29. 5. 1993, p. 2.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 51.

COMMISSION REGULATION (EEC) No 2272/93
of 12 August 1993
fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 13 (4) thereof,

Whereas Article 13 (4) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Commission Regulation (EEC) No 1533/93⁽³⁾ laying down detailed rules on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals allows for the fixing of a corrective amount for the products listed in Article 1 (1) (c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 2 of Regulation (EEC) No 1533/93;

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

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

Done at Brussels, 12 August 1993.

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁴⁾ 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⁽⁵⁾;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 August 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

ANNEX

to the Commission Regulation of 12 August 1993 fixing the corrective amount applicable to the refund on cereals

(ECU / tonne)

Product code	Destination (1)	Current	1st period	2nd period	3rd period	4th period	5th period	6th period
		8	9	10	11	12	1	2
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 00 200	—	—	—	—	—	—	—	—
1001 10 00 400	—	—	—	—	—	—	—	—
1001 90 91 000	01	0	0	0	0	0	—	—
1001 90 99 000	01	0	0	0	0	0	—	—
1002 00 00 000	01	0	0	0	0	0	—	—
1003 00 10 000	01	0	0	0	0	0	—	—
1003 00 20 000	01	0	0	0	0	0	—	—
1003 00 80 000	01	0	0	0	0	0	—	—
1004 00 00 200	—	—	—	—	—	—	—	—
1004 00 00 400	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	- 70,00	- 70,00	- 70,00	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 100	01	0	0	0	0	0	—	—
1101 00 00 130	01	0	0	0	0	0	—	—
1101 00 00 150	01	0	0	0	0	0	—	—
1101 00 00 170	01	0	0	0	0	0	—	—
1101 00 00 180	01	0	0	0	0	0	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 500	01	0	0	0	0	0	—	—
1102 10 00 700	—	—	—	—	—	—	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 30 200	01	0	0	0	0	0	0	0
1103 11 30 900	—	—	—	—	—	—	—	—
1103 11 50 200	01	0	0	0	0	0	0	0
1103 11 50 400	01	0	0	0	0	0	0	0
1103 11 50 900	—	—	—	—	—	—	—	—
1103 11 90 200	01	0	0	0	0	0	0	0
1103 11 90 800	—	—	—	—	—	—	—	—

(1) The destinations are identified as follows:

01 all third countries.

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)

COMMISSION

SIXTEENTH COMMISSION DIRECTIVE 93/47/EEC

of 22 June 1993

adapting to technical progress Annexes II, III, V, VI and VII of Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products ⁽¹⁾, as last amended by Directive 92/86/EEC ⁽²⁾, and in particular Article 8 (2) thereof,

Whereas, on the basis of the available information, on the one hand an ultraviolet filter may be definitively permitted and on the other hand certain provisionally permitted substances, preservatives and ultraviolet filters must be definitively prohibited or permitted for a further specified period;

Whereas, in order to protect public health, it is necessary to prohibit the use of 4-amino-2-nitrophenol;

Whereas, on the basis of the latest scientific and technical research, the use of strontium peroxide and phenolphthalein may be permitted subject to certain restrictions and the obligatory inclusion of health warnings on the label;

Whereas, on the basis of the latest scientific and technical research, 3-midazol-4-ylacrylic acid and its ethyl ester, may be used as an ultraviolet filter up to 30 July 1994 in cosmetic products subject to certain restrictions and conditions;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee on the Adaptation to Technical Progress of the Directives on the removal of technical barriers to trade in the cosmetic products sector,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 76/768/EEC is hereby amended as follows:

1. in Annex II, the following number is added:

'412. 4-Amino-2-nitrophenol';

2. in Annex III, Part 1:

(a) to reference numbers 8, 9 and 10 in paragraph (b) of column (f) the sentence: 'Wear suitable gloves' should be added;

(b) to reference number 12 in column (f) the sentence: '(a) Wear suitable gloves' should be added;

3. in Annex III, Part 2, the following reference numbers are added:

⁽¹⁾ OJ No L 262, 27. 9. 1976, p. 169.

⁽²⁾ OJ No L 325, 11. 11. 1992, p. 18.

a	b	c	d	e	f	g
'1	Strontium peroxide	Rinsed-off hair care preparations, professional use	4,5 % calculated as strontium in the ready-for-use preparation	All products must meet the hydrogen peroxide release requirements	— Professional use only — Avoid contact with eyes — Rinse eyes immediately if product comes into contact with them	30. 6. 1994'

a	b	c	d	e	f	g
'3	Phenolphthalein (*) [3,3-Bis(4-hydroxyphenyl)phthalide]	Toothpaste	0,04 %			30. 6. 1994'

4. in Annex V, reference number 5, after the words 'Annex III (Part 1)', the following words are added: 'strontium peroxide under the conditions laid down in Annex III, Part 2, reference number 1, ...';

5. in Annex VI, Part 2, '30 June 1993' in reference numbers 2, 15, 16, 21, 26, 27, 28, 29, 30 is replaced by '30 June 1994';

6. in Annex VII, Part 1:

(a) the following reference number is added:

a	b	c	d	e
'8	1-(4-tert-butylphenyl)-3-(4-methoxyphenyl)propane-1,3-dione	5 %'		

(b) reference number 5 is deleted;

7. in Annex VII, Part 2:

(a) the following number is added:

a	b	c	d	e	f
'33	3-imidazol-4-ylacrylic acid and its ethyl ester	2 % (expressed as acid)			30. 6. 1994'

(b) reference number 31 is deleted;

(c) '30 June 1993' in reference numbers 2, 5, 6, 12, 13, 17, 24, 25, 26, 28, 29, 32 is replaced by '30 June 1994'.

Article 2

1. Regardless of the dates mentioned in Article 1, Member States shall take all the necessary measures to ensure that as from 1 July 1994 for the substances mentioned in Article 1, neither manufacturers nor importers established in the Community shall place on the market products which do not comply with the requirements of this Directive.

2. Member States shall take the necessary measures to ensure that the products referred to in paragraph 1 containing the substances mentioned in Article 1 shall not be sold or otherwise supplied to the final consumer after 30 June 1995 if they do not comply with the requirements of this Directive.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions needed to comply with this Directive no later than 30 June 1994. They shall forthwith inform the Commission thereof.
2. When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.
3. Member States shall communicate to the Commission the provisions of national law which they adopt in the field governed by this Directive.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 22 June 1993.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION DECISION

of 30 June 1993

relating to a proceeding pursuant to Article 85 of the EEC Treaty

(IV/33.407 — CNSD)

(Only the Italian text is authentic)

(93/438/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 17 of 6 February 1962, first Regulation implementing Articles 85 and 86 of the EEC Treaty⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular Article 3 (1) thereof,

Having regard to the application submitted pursuant to Article 3 (2) of Regulation No 17 by the Associazione italiana dei corrieri aerei internazionali (Aicai),

Having regard to the Commission decision of 25 September 1991 to initiate proceedings in this case,

Having given the association of undertakings known as Consiglio nazionale degli spedizionieri doganali (CNSD) the opportunity to make known its views on the objectives raised by the Commission, pursuant to Article 19 (1) of Regulation No 17 and Commission 99/63/EEC of 25 July 1963 on the hearings provided for in Article 19 (1) and (2) of Council Regulation No 17⁽²⁾,

Having consulted the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas :

I. THE FACTS

A. The complaints

- (1) The Commission received a number of complaints from industrial, commercial and transport enterprises in the Community.
- (2) The complainants complained of certain customs clearance difficulties encountered in Italy in connection with the activity of customs agent.
- (3) One of the complaints, lodged by the Associazione italiana dei corrieri aerei internazionali (hereinafter referred to as 'Aicai'), refers, *inter alia*, to the decision of the Consiglio nazionale degli spedizionieri doganali ('CNSD') concerning the fixing of the tariff of rates ('the tariff') charged by customs agents

(*spedizionieri*) for the provision of customs clearance services requested by international couriers.

B. The CNSD

- (4) The business activities of customs agents are regulated in Italy by Law No 1612 of 22 December 1960 and the implementing provisions contained in the Ministerial Decree of 10 March 1964 and the Presidential Decree No 43 of 23 January 1973 (Testo unico delle disposizioni legislative in materia doganale).
 - (5) In order to be admitted as a customs agent, it is necessary to satisfy the conditions provided for in the customs legislation in force. In particular, the Presidential Decree of 23 January 1973 stipulates that the title of customs agent is conferred by an authorization of indefinite duration.
- Authorization is granted provided candidates satisfy certain requirements and pass an examination which is held usually every three years.
- (6) The business of customs agent may be carried on either as an employee of an undertaking or independently, on the agent's own account.

An agent who is an employee of an undertaking must hold an authorization and is entered in a register which is kept and kept up to date by the appropriate departmental Council; such an agent can represent only his or her employer.

In order to carry on the business of customs agent on one's own account, it is necessary to hold an authorization and to be entered in the national register, which is made up of all the departmental registers (of which there are currently 13: Bari, Bologna, Bolzano, Cagliari, Florence, Genoa, Milan, Naples, Palermo, Rome, Turin, Trieste and Venice).

Any agent, whether independent or employed, may operate only within the department for which he or she is authorized.

- (7) In each department there is a departmental Council, the number of whose members depends on the numbers of persons on the register. Members are elected for two years by the agents on the register.

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No 127, 20. 8. 1963, p. 2268/63.

- (8) The Councils are responsible for keeping the register of employed agents and the register of independent agents.

They also monitor the behaviour of the independent agents and give opinions in the event of disputes between agents and their customers. They also have powers to sanction registered agents.

- (9) Each Council is chaired by an official of the Ministry of Finance who is also head of the customs department. Councils also draw up proposals for the remuneration of agents to allow the National Council (CNSD) to establish the tariff.

- (10) The CNSD has its registered office in Rome and is composed of nine members appointed for three years by the members of the departmental Councils.

The Director-General for customs and indirect taxation of the Ministry of Finance is automatically a member, and holds the chair.

- (11) He keeps the national register and settles conflicts of competence between departmental Councils. He draws up the agents' tariff, which is fixed and to which agents must adhere. The CNSD may approve derogations in individual cases and subject to time limits.

C. The market

- (12) In order to import goods into Italy, or to export them, it is necessary to carry out a series of formalities linked to customs clearance and customs control. Under Community legislation it is possible to entrust the power to complete all those processes to professionals — customs agents — who for payment undertake to carry out those formalities. The relevant market is therefore that of those services provided by customs agents.

- (13) These services are used in particular by international couriers.

International couriers operate through organizations made up of various enterprises, usually members of a group which sets up a network of links between several countries.

- (14) Each enterprise in the network is responsible in its country of origin for collecting (for dispatch abroad) and distributing (in its own country) mail

and parcels and performing all activities related to their transport, including customs clearance. The courier collects consignments from the sender and has them delivered to the addressee.

- (15) The sender pays for the service and the customs duties, unless he makes it clear that costs are to be borne by the addressee. Customs clearance costs are always included in the price charged to the sender. Normally the addressee is charged only for customs duties in excess of a certain amount; some 60 % of deliveries are below that amount.

- (16) Thus an Italian courier never has any contact with a foreign sender, but only with Italian senders and, sometimes, if the fixed amount is exceeded, with Italian addressees in order to recover customs duties paid.

- (17) Deliveries are usually channelled through a sorting centre so that group deliveries may be made to each destination. Thus frequent daily contact is had with customs agents in respect of a large number of customs declarations, all more or less the same.

This organization makes it possible to deliver consignments in 24 hours in Europe and 48 hours in the rest of the world.

- (18) At the request of the Aicai, a survey was carried out by a market research organization in June 1988, a few days before the new tariff, adopted by the CNSD and approved by Ministerial Decree of 6 July 1988, entered into force, in order to determine how much use was made of the service provided by couriers and what users thought of the service; the survey covered a sample of 400 enterprises representative of Italian industry.

- (19) The results of the survey showed that 41,3 % of the undertakings surveyed were habitual users of the services of international couriers; of those undertakings, 80,1 % use private couriers such as the members of the Aicai, 4,8 % use the CAI (rapid delivery service provided by the Italian post office) and 15,1 % use the service provided by Alitalia.

- (20) As regards the reasons given for using this type of service, 86,9 % of enterprises gave speed of delivery and 45,5 % also the fact that delivery times were adhered to.

(21) As regards country of delivery, for 83,9 % of enterprises deliveries are in Europe; the survey also shows that 77,8 % of the enterprises concerned achieve over 35 % of their turnover in exports.

(22) Because of the large number of deliveries, many couriers use firms of customs agents and, where self-employed agents were used, prior to the entry into force of the new tariff, they operated under agreements stipulating a flat rate for all deliveries under a certain value.

(23) The tariff adopted by the CNSD on the 16 April 1970, which remained in force until July 1988, provided for a 35 % reduction in the minimum rate applicable to forwarding undertakings; no provision was made for couriers, which did not start their activities until 1980. They were, however, granted the same terms. Subsequent increases were decided on by the CSND and approved by Ministerial Decree, and took the form of a coefficient applied to the 1970 tariff.

The present decision concerns the new tariff of 1988 which is the only tariff currently applicable. Companies can only avoid the tariff by negotiating a derogation granted by the CNSD.

D. The tariff and the 1988 Decree approving it

(24) Pursuant to Article 14 of Law 1612 of 22 December 1960, which empowers the CNSD to establish on the basis of proposals by the departmental Councils the tariff for services provided by customs agents, the CSND at its meeting on 21 March 1988 adopted the tariff currently in force.

(25) By Decree of 6 July 1988, the Minister of Finance :

— having regard to the Law of 22 December 1960, which regulates the business activities of customs agents,

— having regard to the decision approving the tariff adopted by the CNSD at its meeting of 21 March 1988,

— having regard to the procedure being in order,

approved the tariff (Article 1) and fixed the date of its entry into force (Article 2) as the day following its publication in the Italian Official Journal ⁽¹⁾, i. e. on 20 July 1988.

(26) The tariff establishes various categories, based on the value or the weight of the goods to be cleared, each category comprising in some cases a fixed price and in most cases a bracket of prices, with minimum and maximum prices for customs clearance services provided by customs agents.

(27) In addition to stipulating that :

— the amounts indicated relate to each customs transaction or service provided,

— derogations from the tariff are not authorized, as is provided for by Article 5 thereof which prohibits customs agents from applying amounts less than those indicated,

— derogations may be authorized by the CNSD but only in specific instances and, in any event, for a limited period,

— the CNSD enjoys autonomous powers to grant such derogations which are not subject to ministerial approval and are therefore not published in the Official Journal,

the new tariff introduced a substantial increase in prices.

(28) The innovation which most affected couriers was the change in the range of categories, involving the charging of a fixed minimum price for deliveries to Italy with a value not exceeding Lit 3 million (see Table in paragraph 30).

(29) The previous tariff comprised categories ranging from Lit 0 to 1 million, thereafter rising in steps of Lit 1 million up to 10 million, and then in increments of Lit 10 million by category. Some 60 % of deliveries fell into the first category, customs duties being borne by the courier.

⁽¹⁾ Official Journal of the Italian Republic No 168, 19. 7. 1988.

(30) Comparison between the two tariffs :

Imports		(lire)	
Previous tariff		New tariff :	
Value of goods in Lit :		Value of goods in Lit :	
1. from 0 to 1 million	minimum Lit 16 250	— from 0 to 3 million (virtually fixed amount)	minimum Lit 65 000
2. from 1 to 3 million	minimum Lit 25 000	— from 3 to 10 million	minimum Lit 80 000
3. from 3 to 4 million	minimum Lit 30 000		

which represents an increase of 400 % in category 1, 260 % in category 2 and 266,66 % in category 3.

Exports		(lire)	
Previous tariff		New tariff :	
Value of goods in Lit :		Value of goods in Lit :	
1. from 0 to 1 million	minimum Lit 7 500	— from 0 to 10 million	minimum Lit 40 000
2. from 1 to 4 million	minimum Lit 11 250	— from 10 to 50 million	minimum Lit 60 000
3. from 4 to 10 million	minimum Lit 13 750		
4. from 10 to 50 million	minimum Lit 17 500		

which represents an increase of 533,33 % in category 1, 355,55 % in category 2, 290,9 % in category 3 and 324,86 % in category 4.

(31) Comparison of effect on the value of goods of the old and new tariffs if the minimum prices shown below are applied :

Imports			Exports		
Value of goods	New tariff	Previous tariff	Value of goods	New tariff	Previous tariff
Lit 100 000	65 %	16,25 %	Lit 100 000	40 %	7,5 %
Lit 500 000	13 %	3,25 %	Lit 500 000	8 %	1,5 %
Lit 1 000 000	6,5 %	1,625 %	Lit 1 000 000	4 %	0,75 %
Lit 2 000 000	3,25 %	1,25 %	Lit 2 000 000	2 %	0,562 %
Lit 3 000 000	2,17 %	1,00 %	Lit 3 000 000	1,333 %	0,416 %

The increase in rates, the change in categories and the obligation to invoice both the sender and the Italian consignee separately for customs clearance charges are claimed to have had the effect of paralysing the activity of couriers as a result both of the time lost in complying with the new provisions and of the prices which most of their customers reportedly consider excessive.

— in view of its decision of 11 July 1989 which excluded⁽¹⁾ from the rates in force goods whose value did not exceed Lit 350 000, exclusive of transport or other costs,

— in view of the type of service provided by international couriers,

E. The derogation of 11 June 1990

(32) At its meeting on 11 June 1990 the CNSD :

— having regard to the request made by the Aicai,

⁽¹⁾ 'Excluded' meaning that the decision, which did not apply to Aicai, had granted an exemption from the tariff to allow *inter alia* a reduction in the minimum rates of up to 60 % for deliveries not exceeding a value of Lit 350 000 ; this derogation which was granted 'to take better into consideration particular situations and the needs put forward by interested categories' did not specify the categories but only indicated the operations excluded from the tariff.

- in view of the fact that couriers bear the entire cost of the service provided by customs agents,
 - having regard to the undertaking given by couriers to include on their price list, which is published, and on documents accompanying the consignment, the following words: 'the charges for services relating to customs formalities are determined by the Ministerial Decree of 6 July 1988 and by any derogations adopted by the CNSD pursuant to Article 6 of the tariff',
- (33) decided as follows:
- to apply to deliveries made by international couriers the derogation forming the subject of the Decision of 11 July 1989 concerning goods worth less than Lit 350 000, excluding transport and other costs,
 - a reduction of up to 70 % may be applied to the rates for customs formalities for deliveries of goods made by international couriers and worth less than Lit 2 500 000.
- (34) The decision is subject to the condition that Aicai lodges the contracts concluded between customs agents and their customers, the couriers, with the competent departmental Council by 30 July 1990 for the first time and prior to implementation of the contract thereafter.
- (35) The decision also exempts couriers from the obligation to send separate invoices to both sender and consignee for the amount owed for customs clearance.
- (36) The decision was communicated to the Commission on 4 December 1991 by the complainant, Aicai.

F. The reply of CNSD to the statement of objections

- (37) In a letter to the Commission dated 8 January 1982, the CNSD put forward the following arguments:
- the agreement between Aicai and CNSD, formalized by decision of the CNSD on 11 June 1990 and communicated to the Commission by Aicai on 4 December 1991, settled the difference between Aicai and CNSD, thereby obviating the need for the present proceeding,
- (38) — there are no grounds for the fears implicit in Aicai's letter of 4 December 1991, that the derogation might be revoked; the derogation was adopted only because a formal modification of the tariff (which required five years' work)

would have taken too long and because it would therefore have been impossible to accede to any fully justified requests from operators in the sector,

- (39) — furthermore, the actions before the Italian courts seeking annulment of the tariff had been abandoned since they had become redundant following the adoption of the derogations.

II. LEGAL ASSESSMENT

A. Article 85 (1)

1. *The undertakings*

- (40) The fact that the business occupation of a customs agent is viewed under Italian law as a liberal profession is not inconsistent with the fact that customs agents are undertakings engaged in an economic activity; indeed, according to the case-law of the Court of Justice, confirmed most recently in its *Höfner* judgment of 23 April 1991 in Case C-41/90⁽¹⁾, 'the concept of an undertaking encompasses every entity engaged in an economic activity, regardless of the legal status of the entity and the way in which it is financed'.
- (41) Consequently, the CNSD is an association of undertakings and its decisions, as a body appointed by its members to keep the register, are decisions by an association of undertakings aimed at regulating the economic activity of members.

2. *The decision of an association of undertakings*

- (42) The CNSD decides freely on the level and conditions of application of the tariff and therefore operates like any other organ of an association of undertakings. The tariff is drawn up by the CNSD and approved by Ministerial Decree; that approval does not, however, alter its status as a decision of an association of undertakings, as is shown in particular by the fact that decisions allowing derogations from the tariff do not have to be approved by the Minister; it follows that all decisions relating to the tariff express the intention of the CNSD.
- (43) The CNSD cannot argue that Articles 11 and 14 of Law No 1612/1960 impose obligations on it such as the adoption of a scale of compulsory rates which in practice would result in behaviour liable to infringe the Community competition rules.

⁽¹⁾ [1991] ECR I-1979, at page I-2016, paragraph 21.

- (44) According to the Court of Justice (see, for example, Joined Cases 43/82 and 63/82, *VBVB and VBBB v. Commission*⁽¹⁾, and Case 123/83 *BNIC v. Clair*⁽²⁾), national law cannot prevail over the Community competition rules and, in particular, cannot impede or prevent their application. The existence of national laws requiring firms to act in a certain manner or, as in the present case, giving an association of undertakings the task of deciding certain matters, cannot from a legal standpoint prevent the Commission from formally deciding that CNSD has infringed Article 85 (1) of the Treaty.

3. Restrictions

- (45) The restrictions of competition arising out of the CNSD decision of 21 March 1988 are as follows:
- the setting of a tariff of fixed minimum and maximum rates, from which individual operators may not derogate, for each transaction carried out by customs agents,
 - the imposing of mandatory invoicing arrangements, e.g. separate invoices.
- (46) The restrictions limit the freedom of customs agents not only as regards the price they charge their customers, which is fixed and the same for everyone, but also as regards their internal organization, as they could group their operations and thereby reduce costs. The tariff imposes standard, individual invoicing for operations.
- (47) The fact that CNSD reserves the right to derogate from the tariff temporarily in special cases does not make the restrictions any less serious, as the derogations are dependent on the discretionary power of CNSD.

The contention of CNSD that the derogations, in particular that of 11 June 1990 in favour of Aicai members, obviate the need for the present proceeding must be rejected; the restrictions constituted

by the tariff and the compulsory invoicing arrangements are still in force and being applied.

The CNSD decisions to derogate from the tariff and from the compulsory invoicing arrangements simply mitigate, for those operators having secured a derogation, the negative effects of the restrictions but do not remove them.

- (48) The option allowed by the legislation of being represented for customs clearance either by an independent customs agent or by an employed customs agent cannot mitigate the restrictions.

The fact that some agents are employees does not affect the market in any way. Such agents are the employees of firms that opted for this system because they find it less costly than regular recourse to self-employed agents. They consequently do not compete with self-employed agents because neither the employed agents nor the firms employing them operate on the market for the supply and demand for customs clearance services.

4. Effect on trade between Member States

- (49) The tariff set by CNSD is liable to affect trade between Member States as it fixes the rates for all customs operations relating to imports into Italy and exports from Italy.
- (50) Under existing law, owners of goods required under customs regulations to make a declaration, to take certain steps, to comply with certain obligations or special rules, or to exercise certain rights may act through a representative, i.e. an agent who is an employee or an independent agent.
- (51) All firms importing into Italy and all Italian export firms which have no customs agent in their employ (or which have such an employee, but where the latter is not authorized to operate in the department where customs clearance is to take place) are therefore affected by the tariff, because all the independent customs agents apply it.
- (52) Furthermore, in view of the fact that in Italy in 1990 imports represented some 25 % of goods consumed, exports were equivalent to some 18 % of gross domestic product, some 58 % of imports were of Community origin and around 59 % of exports were to other Member States, it must be concluded that the effect on trade was substantial.

⁽¹⁾ Judgment of the Court of Justice of 17 January 1984 [1984] ECR 19.

⁽²⁾ Judgment of the Court of Justice of 30 January 1985 [1985] ECR 402.

- (53) The tariff also impedes trade between the Italian market and other Community markets because it increases the cost and complexity of customs operations. In addition, prices are not linked even to the quality of the service or the type of service provided, since the minimum and maximum prices are fixed by reference to the value or the weight of the goods.

B. Article 85 (3)

- (54) As there was no notification, it is not necessary to consider whether the CNSD decision of 21 March 1988 qualifies for exemption.

It can, however, be concluded that the conditions for exemption under Article 85 (3) have not been met. According to the administrative practice of the Commission and the case law of the Court of Justice, the concerted fixing of prices and of minimum prices in particular does not qualify for exemption,

HAS ADOPTED THIS DECISION :

Article 1

The tariff for services provided by customs agents which was adopted by the Consiglio Nazionale degli Spedizionieri Doganali ('CNSD') at its meeting on 21 March 1988 and which entered into force on 20 July 1988 constitutes an infringement of Article 85 (1) of the EEC Treaty.

Article 2

The CNSD shall take all appropriate steps to bring to an immediate end the infringement referred to in Article 1.

Article 3

The CNSD shall inform in writing the customs agents listed in the national register of this Decision and of the fact that the infringement referred to in Article 1 has been terminated; it shall specify consequences, in particular the fact that they are free to depart from the tariff referred to in Article 1.

The CNSD shall, within two months of notification of this Decision, communicate to the Commission the information sent to customs agents in accordance with the first paragraph.

Article 4

This Decision is addressed to the :

Consiglio Nazionale degli Spedizionieri Doganali
(CNSD),
Via XX Settembre 3,
I-00187 Rome.

Done at Brussels, 30 June 1993.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION
of 30 June 1993
amending Council Decision 90/424/EEC on expenditure in the veterinary field as regards classical swine fever

(93/439/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field⁽¹⁾, as last amended by Directive 92/119/EEC⁽²⁾, and in particular Article 5 (2) thereof,

Whereas classical swine fever is subject to notification in accordance with the provisions of Article 1 of Council Directive 82/894/EEC of 21 December 1982, on the notification of animal diseases within the Community⁽³⁾, as last amended by Commission Decision 92/450/EEC⁽⁴⁾;

Whereas Council Decision 80/1096/EEC⁽⁵⁾, as last amended by Decision 91/686/EEC⁽⁶⁾, introduced Community financial measures for the eradication of classical swine fever;

Whereas the Community's financial participation in accordance with the provisions of the said Decision shall be limited to measures carried out before 1 July 1992;

Whereas the measures applied to eradicate classical swine fever have improved the health status of the pig population in the territory of the Community;

Whereas, taking into account the progress made, it is necessary to apply emergency measures in the event of

the occurrence of classical swine fever and within this context to add classical swine fever to the list of diseases of Article 3 (1) of Decision 90/424/EEC;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The following indent shall be added to Article 3 (1) of Decision 90/424/EEC:

'— Classical swine fever'

Article 2

This Decision is addressed to all Member States.

Done at Brussels, 30 June 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 19.

⁽²⁾ OJ No L 62, 15. 3. 1993, p. 69.

⁽³⁾ OJ No L 378, 31. 12. 1982, p. 58.

⁽⁴⁾ OJ No L 248, 28. 8. 1992, p. 77.

⁽⁵⁾ OJ No L 325, 1. 12. 1980, p. 5.

⁽⁶⁾ OJ No L 377, 31. 12. 1991, p. 15.