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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EURATOM, ECSC, EEC) No 2580/93
of 17 September 1993**

adjusting the weightings applicable in certain Member States to the remuneration and pensions of officials and other servants of the European Communities

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

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

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (EEC, Euratom, ECSC) No 3947/92 ⁽²⁾, and in particular Articles 63, 64, 65, 65a and 82 of the Staff Regulations, Annex XI to the Staff Regulations and the first subparagraph of Article 20 and Article 64 of the Conditions of Employment,

Having regard to the proposal from the Commission,

Whereas the cost of living increased substantially in the second half of 1992 in certain Member States in which officials and other servants of the European Communities are employed; whereas the weightings applicable to the remuneration and pensions of officials and other servants pursuant to Regulation (EEC) No 3761/92 ⁽³⁾ should be adjusted with effect from 1 January 1993, or from 16 November 1992 in countries where the increase in the cost of living has been particularly high,

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

Done at Brussels, 17 September 1993.

For the Council
The President
W. CLAES

Article 1

1. With effect from 16 November 1992, the weighting applicable to the remuneration of officials and other servants employed in the country referred to below shall be as follows :

Greece	87,0.
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2. With effect from 1 January 1993, the weighting applicable to the remuneration of officials and other servants employed in the place referred to below shall be as follows :

Varese	108,6.
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3. The weightings applicable to pensions shall be determined in accordance with Article 82 (1) of the Staff Regulations.

Articles 3 to 10 of Regulation (ECSC, EEC, Euratom) No 2175/88 ⁽⁴⁾ shall continue to apply.

Article 2

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

⁽¹⁾ OJ No L 56, 4. 3. 1968, p. 1.

⁽²⁾ OJ No L 404, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 383, 29. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 191, 22. 7. 1988, p. 1.

COMMISSION REGULATION (EEC) No 2581/93

of 20 September 1993

imposing provisional anti-dumping duties on imports of ferro-silicon originating in South Africa and the People's Republic of China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidised imports from countries not members of the European Community⁽¹⁾, and in particular Articles 10 and 11 thereof,

After consultations within the Advisory Committee as provided for by the Regulation,

Whereas :

A. PROCEDURE

- (1) In May 1992, the Commission received a complaint lodged by the Liaison Committee of Ferro-Alloys Industries in the European Economic Community (Clifa), acting on behalf of Community producers and representing about 98 % of the Community's ferro-silicon production. The complaint contained evidence that imports of the product concerned from South Africa and the People's Republic of China were being dumped and were causing injury, and this evidence was considered sufficient to justify initiation of a proceeding.
- (2) Consequently, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the Commission announced the initiation of an anti-dumping proceeding concerning imports of ferro-silicon originating in the People's Republic of China and South Africa and opened an investigation.
- (3) Commission Regulation (EEC) No 2409/87⁽³⁾, Council Regulations (EEC) No 341/90⁽⁴⁾ and (EEC) No 1115/91⁽⁵⁾ and Commission Decision 91/240/EEC⁽⁶⁾, concerning imports of ferro-silicon originating in the former USSR, Sweden, Norway, Iceland, Venezuela, Brazil and the former Yugoslavia, are subject to a review initiated by a notice published on 6 May 1992⁽⁷⁾.

- (4) In December 1992, Council Regulation (EEC) No 3642/92⁽⁸⁾ imposed definitive anti-dumping measures on imports of ferro-silicon originating in Poland and Egypt.
- (5) The Commission officially notified producers/exporters, importers and Community producers known to be concerned of the initiation of the proceeding and gave the parties the opportunity to make known their views in writing.
- (6) Some producers/exporters requested the opportunity to express their views orally and their request was granted.
- (7) The Commission sought and verified all the information it considered necessary for determining whether dumping had taken place and injury had been incurred. Inspections were carried out at the premises of:

Community producers :

- Pechiney Electrometallurgie, France,
- Sociedad Española de Carburos Metálicos, Spain,
- SKW Trostberg AG, Germany.

Unrelated importers :

- Frank & Schulte GmbH, Germany,
- Considar Benelux NV, Belgium.

Related importer :

- Samancor International Ltd, United Kingdom.

South African producers :

- Rand Carbide, Division of Highveld Steel & Vanadium Corp. Ltd, Witbank,
- Samancor, Chrome Division, Ferrometals Ltd, Witbank,
- Samancor, Industrial Minerals and Chemicals Division, Meyerton.

- (8) The Commission conducted an investigation at the premises of Norwegian producers, since Norway had been selected as the country of reference for the establishment of normal value in the case of China (see recital 17).

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.⁽²⁾ OJ No C 173, 9. 7. 1992, p. 8.⁽³⁾ OJ No L 219, 8. 8. 1987, p. 24.⁽⁴⁾ OJ No L 38, 10. 2. 1990, p. 47.⁽⁵⁾ OJ No L 111, 3. 5. 1991, p. 1.⁽⁶⁾ OJ No L 111, 3. 5. 1991, p. 47.⁽⁷⁾ OJ No C 115, 6. 5. 1992, p. 2.⁽⁸⁾ OJ No L 369, 18. 12. 1992, p. 1.

- (9) The Commission received and used information from the the complainants, importers and the South African producers. The Chinese producers did not cooperate.
- (10) The investigation into dumping practices covered the period of 1 January 1991 to 30 April 1992.

B. PRODUCT

(11) Description of the product

The product under investigation is ferro-silicon containing between 20 and 96 % of silicon by weight and falling within CN codes 7202 21 10, 7202 21 90 and ex 7202 29 00 originating in South Africa and the People's Republic of China.

The investigation has shown that ferro-silicon ranging from 20 to 96 % of silicon content have the same basic physical and chemical characteristics and uses. They are interchangeable in their main applications as a deoxidizer in steel manufacture and/or as an alloying component for high temperature steel alloys and sheet metal.

(12) Like product

The Commission established that the ferro-silicon produced in the Community and the ferro-silicon produced in and exported from South Africa were like products as regards their essential basic physical and technical characteristics as well as their uses.

C. DUMPING

(1) Normal Value

(a) *South Africa*

- (13) Domestic sales of the South African producers exceeded 5 % of exports to the Community and therefore represented a volume sufficient to constitute a representative market and an adequate basis for calculating normal value.
- (14) Normal value has therefore been calculated, for all South African producers, on the basis of the weighted average domestic prices for ferro-silicon sold on the domestic market at prices made in the ordinary course of trade, in accordance with Article 2 (3) (a) of Regulation (EEC) No 2423/88.
- (15) The prices were net of all discounts and rebates directly linked to the sales under consideration.

(b) *China*

- (16) Since the People's Republic of China is considered to be a non-market economy country, within the meaning of Article 2 (5) of Regulation (EEC) No 2423/88, normal value was based on information obtained from a market economy reference country in which the product was manufactured.
- (17) As reference country, the Commission chose Norway. Indeed, the Norwegian ferro-silicon industry reported high production volumes and low cost of production and appeared to be, compared to all other known producing countries, an efficient producer given the ease of access to hydro-electrical power, the most costly input in the production of ferro-silicon. Furthermore, Norway is a high volume producer with a substantial share of its sales (more than 40 %) made on the Community market. Norway was therefore considered to be an appropriate and not unreasonable choice of reference market.

During the reference period, sales on the Norwegian market were not at prices which permitted recovery, in the ordinary course of trade, of all costs reasonably allocated. Normal value has been therefore calculated in accordance with Article 2 (5) (b) of Regulation (EEC) No 2423/88 and has been based on the constructed value determined by the weighted average cost of production of the Norwegian producers and a profit margin of 6 % considered reasonable, based on the information available to the Commission concerning the medium and long-term investment requirements of ferro-silicon industry.

(2) Export prices

(a) *South Africa*

- (18) Where sales were made directly to independent importers in the Community, export prices were determined on the basis of the prices actually paid or payable for the product sold to export to the Community.
- (19) Where exports were made to related importers to the Community, export prices, in accordance with Article 2 (8) (b) of Regulation (EEC) No 2423/88, were constructed on the basis of resale prices to the first independent purchaser, adjusted to take account of all costs incurred between importation and resale, together with a 3 % profit margin which was considered reasonable in view of the information available to the Commission from unrelated importers of the product concerned.

(b) China

- (20) The Chinese producers did not cooperate in the investigation. Accordingly, the Commission used the most reasonable information available as provided for in Article 7 (7) (b) of Regulation (EEC) No 2423/88.

The Commission considered that the statistics on imports in Eurostat should form the basis of the determination of Chinese export prices. This approach was supported by the information obtained from the sole cooperating importer in the Community of ferro-silicon of Chinese origin and which accounted for approximately 20 % of the total volume of imports of Chinese ferro-silicon during the investigation period.

(3) Comparison

- (21) In comparing the South African normal value, as well as the normal value established for the People's Republic of China, with export prices concerned, transaction by transaction, the Commission, in accordance with Article 2 (9) and (10) of Regulation (EEC) No 2423/88, took account, where warranted, of the differences directly affecting price comparability, such as certain selling expenses, i.e. credit terms, commission, transport, packing, insurance, handling costs and ancillary costs.

All comparisons were made at the same level of trade.

(4) Dumping margins

- (22) Comparison of the facts thus obtained revealed dumping margins for both South Africa and the People's Republic of China.

The margin of dumping equalled the amount by which the normal value established exceeded the price for export to the Community.

(a) South Africa

- (23) The weighted average dumping margins for the South African producers concerned, expressed as a percentage of the cif-Community frontier prices, customs duty unpaid, are as follows :

Samancor	47,4 %
Highveld — Rand Carbide	34,7 %

- (24) In the case of firms which failed to cooperate in the investigation or did not reply satisfactorily to the Commission's questionnaire, the Commission considered that dumping should be determined on the basis of the facts available in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88.

In this respect, the Commission considered that the most reasonable facts were those established in the investigation and since it had no reason to believe that the non-cooperating companies would dump at a level lower than the highest margin established and in order not to reward non-cooperation, it was considered that this margin would be the most appropriate for the non-cooperating companies.

(b) China

- (25) Expressed as a percentage of the cif value at the Community frontier, duty unpaid, the dumping margin amounts to 49,7 %.

D. INJURY**(1) Cumulation**

- (26) The effects of the imports from South Africa and the People's Republic of China were analysed cumulatively, since the exports originating in each of these countries, during the investigation period, comprised significant quantities of the like product, competed with the Community production and with each other and the exporter's market behaviour was similar.

(2) Volume, market share and prices of the dumped imports*(a) Volume of imports*

- (27) There has been a considerable increase in South Africa's and China's exports to the Community. They have risen from 9 000 tonnes in 1989 to 31 000 tonnes in 1991 and remained at the same level in 1992 (calculated on a yearly basis) representing an increase in market share from less than 2 % to almost 6 % over the same abovementioned period.

(b) Price of the dumped imports

- (28) A price comparison between the prices ex works of the Community industry and the exporters concerned was made on the basis of sales cif Community frontier, duty paid, of ferro-silicon taken at the same level of trade on the most important and representative markets of the Community during the investigation period.

The comparison showed price undercutting margins of an average 25,2 % for exports from South Africa and 24 % for exports from the People's Republic of China.

(3) Situation of the Community industry**(a) Production, capacity and utilization of capacity**

- (29) Community production of ferro-silicon has fallen from nearly 190 000 tonnes in 1989 to 132 000 in 1991 and 102 000 in 1992.

Though production capacity fell from nearly 255 000 tonnes in 1989 to approximately 200 000 tonnes up to April 1992, calculated on a yearly basis, the utilization rate nevertheless decreased from 75 % in 1989 to 48 % in the first quarter of 1992.

(b) Sales volume and market share

- (30) The quantity of ferro-silicon sold in the Community by the Community industry fell from 163 000 tonnes in 1989 to 135 000 tonnes in 1990, to 122 000 tonnes in 1991 and to approximately 100 000 tonnes in 1992.
- (31) Between 1989 and 1992, the Community producers' market share declined as follows; 30 % in 1989, 25 % in 1990, 23 % in 1991 and 13 % in the first four months of 1992, while the Community's annual consumption increased between 1988 and 1989 from 490 000 tonnes to 535 000 tonnes and has since remained at that level.

(c) Price evolution

- (32) The low level of import prices over the investigation period meant that Community producers had to sell the product in the Community at prices which, in most cases, did not cover their production costs. The low level of prices not only prevented Community producers from raising their prices in order to reflect the rise in production costs, but even forced them to lower their prices, although this did not stop them from losing market shares.

(d) Profits

- (33) Due to the price depression and decreasing capacity utilization which negatively affected the coverage of fixed costs in this highly capital-intensive industry, the Community industry overall has recorded poor financial results since 1987 (with the exception of 1989 where a small profit was realized). The situation has further deteriorated since 1990 and particularly during the investigation period with all Community producers suffering heavy losses. A weighted average of the Community industry's results shows a loss of some 34 % on turnover during this period.

(e) Employment and investment

- (34) It should be noted that the ferroc-silicon industry is not labour intensive. However, there has been a small, but steady curtailment in the workforce.

Investments have been cut and, in Italy, three companies stopped their ferro-silicon production.

(f) Conclusion

- (35) Given the financial losses and the reduction of its market shares, the Community industry's position has declined considerably. The Commission concludes accordingly that the industry has suffered material injury within the meaning of Article 4(1) of Regulation (EEC) No 2423/88.

(4) Causal link between dumped imports and injury

- (36) The Commission examined whether the material injury suffered by the Community industry was caused by the effects of the dumping, and found that the increased influx of South African and Chinese imports coincided with a significant loss of market share and reduced profitability on the part of the Community industry. The Community ferro-silicon market is a transparent and price-sensitive market in which the price undercutting practised by the South African and Chinese producers had an immediate depressive effect on the price of the Community industry. The Community producers had to adjust their prices to meet this downward trend in prices.

(5) Other factors

- (37) The Commission also considered whether factors other than the dumped imports of ferro-silicon could have caused injury to the Community industry.
- (38) The Council has already found that many of the difficulties encountered by the Community ferro-silicon industry have been caused by other third countries' dumped imports (see recitals 3 and 4). However, this does not detract from the conclusion that considerable quantities and the low prices of the dumped South African and Chinese imports also had substantial influence on the injurious situation of the Community industry.
- (39) The Commission did not find any other factors which could explain the precarious economic situation of the Community industry. Indeed, there were neither substantial imports, other than those mentioned, nor was there any contraction in demand between 1990 and 1992.

6. Conclusion

- (40) In these circumstances, and even taking into account that imports from Russia, Kazakhstan, Ukraine, Norway, Sweden, Iceland, Brazil, Venezuela, Poland and Egypt have also contributed to the poor situation of the Community industry, the Commission has come to the conclusion, for the purpose of a provisional determination, that the effects of dumped imports of ferro-silicon originating in South Africa and the People's Republic of China taken in isolation, have to be considered as causing material injury to the Community industry.

E. COMMUNITY INTEREST

- (41) In assessing the Community interest, the Commission took account of certain basic elements. The prevention of distortion of competition arising from unfair commercial practices, and thus re-establishment of open and fair competition on the Community market, is the very purpose of anti-dumping measures and is fundamentally in the general Community interest. Furthermore, in the particular circumstances of the present proceeding, failure to take provisional measures would aggravate the already precarious situation of the Community industry, especially noticeable from the losses, the shrinking of market shares and the resulting downgrading of investments. Should this industry be forced to cease production, the Community would be rendered almost entirely dependent on third countries. In this respect, given the level of losses incurred by them over an extended period, some Italian producers already with drew from this sector at the beginning of 1991. Any further deterioration would endanger jobs and investment in the sector concerned.
- (42) The Commission recognises that the imposition of anti-dumping duties could affect price levels of the exporters concerned in the Community and subsequently may have some influence on the relative competitiveness of their products. However, the competitive advantage that is being lost is due to unfair trade practices which anti-dumping measures are designed to remove.
- (43) It has also been argued that anti-dumping measures would reduce the number of competitors on the market. However, the Commission considers that the number of competitors on the Community market would not be reduced by the taking of

anti-dumping measures. On the contrary, the removal of the unfair advantages gained by the dumping practices is designed to arrest the decline of the Community industry and thus to help to maintain the availability of a wide choice of ferro-silicon producers.

- (44) In this context, it has to be borne in mind that the Community industry has been affected by imports from other non-Community countries, namely Norway, Sweden, Iceland, Kazakhstan, Russia, Ukraine, Brazil, Venezuela, Poland and Egypt, which are presently subject to anti-dumping measures. All these countries would be treated in a discriminatory manner and the effectiveness of these measures would be undermined, if no measures were taken against South Africa and the People's Republic of China.
- (45) Furthermore, there are indications, that the construction of a new product facility, considerably increasing production capacity, is under way in South Africa. This South African company, operating since May 1993, has made known its intention to sell 23 000 (one-third of its capacity) tonnes in the Community market, the other two-thirds being intended for the American and Japanese markets. This would increase the South African market share by an additional 4 %.
- (46) The Chinese producers together possess more than one million tonnes' production capacity. This accounts for a high proportion of world capacity. Appreciable quantities are available for export.
- (47) As to the interest of the processing industry, i.e. producers of speciality steel which are end-users of the product concerned in the Community, its short-term price advantages have to be viewed against the background of the longer-term effect of not restoring fair competition. Indeed, to refrain from taking action would seriously threaten the viability of the Community industry, the disappearance of which would, in fact, reduce supply and competition, to the detriment of consumers. Moreover, it has to be borne in mind that the price of ferro-silicon represents, on average, only 0,2 % of the cost of a tonne of steel. Any such cost increase of ferro-silicon would therefore have an insignificant impact on the final consumer.
- (48) The Commission considers that it is therefore in the Community's interest to call for the imposition of anti-dumping measures, in order to prevent further injury being caused by the dumped imports.

F. LEVEL OF THE DUTY

(49) In order to eliminate the injury suffered by the Community industry and prevent further injury, it is considered that anti-dumping measures should be established in such a way as to allow the Community industry to make a reasonable profit in the future and to stem the fall in its sales.

(50) In this respect, the Commission has calculated the weighted average cost of production of the Community producers including a profit of 6 %, based on past performances of the Community industry and considered reasonable for guaranteeing the industry productive investment on a long term basis. Since the difference between these costs and the average imports prices on a CIF Community frontier basis, duty unpaid, is higher than the dumping margins for all companies or countries concerned, the duties should be based on the dumping margins found.

(51) Accordingly, the following provisional anti-dumping duties should be imposed for each producer/exporter :

— South Africa	47,4 %,
— Highveld-Rand Carbide	34,7 %,
— China	49,7 %.

(52) In the case of South African firms which failed to cooperate in the investigation, the Commission considered that the duties should be established on the basis of the facts available in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88. In order not to reward non-cooperation, it was considered that the most reasonable facts were those established during the investigation and that there was no reason to believe that any duties lower than the highest duties considered necessary would be sufficient to remove the injury caused by these imports. Therefore, it is considered appropriate to impose the highest duty calculated for ferro-silicon originating in South Africa.

G. FINAL PROVISION

(53) In the interests of sound administration, a period should be fixed within which the parties concerned may make their views known in writing and request a hearing. Furthermore, it should be stated that all findings made for the purpose of this Regu-

lation are provisional and may have to be reconsidered for the purpose of any definitive duty which the Commission may propose,

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of ferro-silicon containing between 20 and 96 % of silicon by weight falling within CN codes 7202 21 10, 7202 21 90 and ex 7202 29 00 (Taric code 7202 29 00*11) and originating in South Africa and the People's Republic of China.

2. The duty, calculated on the basis of the free-at-Community-frontier price of the product, not cleared through customs, shall be :

— 49,7 % for ferro-silicon originating in the People's Republic of China,

— 47,4 % for ferro-silicon originating in South Africa (additional Taric code 8733) with the exception of that produced by the company below, to which the following rate shall apply :

34,7 % Rand Carbide, Division of Highveld Steel and Vanadium Corp. Ltd, Witbank (additional Taric code 8732).

3. The provisions in force concerning customs duties shall apply.

4. The release for free circulation of the products referred to in paragraph 1 shall be subject to the provisions of a security, equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2423/88, the parties concerned may make known their views in writing and apply to be heard orally by the Commission within one month from the date of entry into force of this Regulation.

Article 3

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

Subject to Articles 11, 12 and 13 of Regulation (EEC) No 2423/88, Article 1 of this Regulation shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 20 September 1993.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EEC) No 2582/93

of 21 September 1993

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of boneless beef held by certain intervention agencies and intended for export to certain destinations

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 the beef and veal sector⁽¹⁾, as last amended by Regulation (EEC) No 125/93⁽²⁾, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies⁽³⁾, as last amended by Regulation (EEC) No 1759/93⁽⁴⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks; whereas Commission Regulation (EEC) No 2824/85 of 9 October 1985 laying down detailed rules for the sale of frozen boned beef from intervention stocks for export either in the same state or after cutting and/or repackaging⁽⁵⁾ amended by Regulation (EEC) No 251/93⁽⁶⁾ provided for repackaging under certain conditions;

Whereas certain intervention agencies hold large stocks of intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas part of that meat should be put up for sale in accordance with Regulations (EEC) No 2539/84 and (EEC) No 2824/85 for import into the Commonwealth of Independent States (CIS);

Whereas, in view of the urgency and the specific nature of the operation and of the need for controls, special detailed rules must be laid down in particular as regards the minimum quantity which may be purchased during the operation;

Whereas it is necessary to lay down a time limit for the export of the said meat; whereas this time limit should be fixed by taking into account Article 5 (b) 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⁽⁷⁾, as last amended by Regulation (EEC) No 2292/93⁽⁸⁾;

Whereas in order to ensure that beef sold is exported to the intended destination, the lodging of a security, as specified in Article 5 (2) (a) of Regulation (EEC) No 2539/84, should be required;

Whereas, in order to ensure a smoother functioning of the export operations, provision should be made for derogations from certain provisions relating to the release of the security;

Whereas it is appropriate to specify that, in view of the prices which have been fixed in the context of these said, exports should not be eligible for the refunds periodically fixed in the beef and veal sector;

Whereas products held by intervention agencies and intended for export are subject to the provision of Commission Regulation (EEC) No 3002/92⁽⁹⁾, as last amended by Regulation (EEC) No 1938/93⁽¹⁰⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A sale shall be organized of approximately :
 - 10 000 tonnes of boneless beef held by the Irish intervention agency bought in before 1 January 1992,
 - 10 000 tonnes of boneless beef held by the intervention agency of the United Kingdom and bought in between 1 January 1991 and 1 January 1992.
2. This meat must be imported into one or more Republics of the CIS (see Annex IV).
3. Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulations (EEC) No 2539/84 and (EEC) No 2824/85.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 18, 27. 1. 1993, p. 1.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 161, 2. 7. 1993, p. 59.

⁽⁵⁾ OJ No L 268, 10. 10. 1985, p. 14.

⁽⁶⁾ OJ No L 28, 5. 2. 1993, p. 47.

⁽⁷⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁸⁾ OJ No L 206, 18. 8. 1993, p. 3.

⁽⁹⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽¹⁰⁾ OJ No L 176, 20. 7. 1993, p. 12.

4. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

5. An offer or purchase application shall be valid only if it relates to:

- a total minimum quantity of 10 000 tonnes expressed in product weight,
- a lot comprising all the cuts referred to in Annex II in the percentages stated therein and shall contain a single price per tonne expressed in ecus of the lot made up in this fashion.

6. Only those tenders shall be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 29 September 1993.

7. Particulars of the qualities and the places where the products are stored shall be available to interested parties at the addresses given in Annex III.

Article 2

The products referred to in Article 1 must be exported within five months from the date of conclusion of the contract of sale with the intervention agency.

Article 3

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 30 per 100 kilograms.

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be ECU 265 per 100 kilograms of boneless beef.

Article 4

1. No export refund shall be granted on meat sold under this Regulation.

Removal orders as referred to in Article 3 (1) (b) of Regulation (EEC) No 3002/92, export declarations and, where appropriate T 5 control copies shall bear the following:

Productos de intervención sin restitución [Reglamento (CEE) n° 2582/93];

Interventionsvarer uden restitution [Forordning (EØF) nr. 000/93]; 2582/93]; Interventionserzeugnis ohne Erstattung [Verordnung (EWG) Nr. 2582/93];

Προϊόντα παρεμβάσεως χωρίς επιστροφή [Κανονισμός (ΕΟΚ) αριθ. 2582/93].

Intervention products without refund [Regulation (EEC) No 2582/93];

Produits d'intervention sans restitution [Règlement (CEE) n° 2582/93];

Prodotti d'intervento senza restituzione — [Regolamento (CEE) n° 2582/93];

Produkten uit interventievoorraden zonder restitutie — [Verordening (EEG) nr. 2582/93];

Produtos de intervenção sem restituição [Reglamento (CEE) n° 2582/93].

2. With regard to the security provided for in Article 3 (2) compliance with paragraph 1 shall constitute a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽¹⁾.

However, by derogation from Article 15 of Regulation (EEC) No 3002/92 part of the security shall be released when it is established that the products have reached one of the destinations referred to in Article 11 (1) (a), (b) or (c) of that Regulation. That part shall be equivalent to the amount of the security initially lodged less ECU 165 per 100 kg product weight.

Article 5

This Regulation shall enter into force on 29 September 1993.

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

Done at Brussels, 21 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio de venta expresado en ecus por tonelada Salgspriser i ECU/ton Verkaufspreise, ausgedrückt in ECU/Tonne Τιμές πώλησεως εκφραζόμενες σε Ecu ανά τόνο Selling prices expressed in ecus per tonne Prix de vente exprimés en ecus par tonne Prezzi di vendita espressi in ecu per tonnellata Verkoopprijzen uitgedrukt in ecu per ton Preço de venda expresso em ecus por tonelada
Ireland	— Boneless cuts from : Category C, classes U, R and O	10 000	600 (1)
United Kingdom	— Boneless cuts from : Category C, classes U, R and O	10 000	550 (1)

(1) Precio mínimo por cada tonelada de producto de acuerdo con la distribución contemplada en el Anexo II.

(1) Minimumpris pr. ton produkt efter fordelingen i bilag II.

(1) Mindestpreis je Tonne des Erzeugnisses gemäß der in Anhang II angegebenen Zusammensetzung.

(1) Ελάχιστη τιμή ανά τόνο προϊόντος σύμφωνα με την κατανομή που αναφέρεται στο παράρτημα II.

(1) Minimum price per tonne of products made up according to the percentages referred to in Annex II.

(1) Prix minimum par tonne de produit selon la répartition visée à l'annexe II.

(1) Prezzo minimo per tonnellata di prodotto secondo la ripartizione indicata nell'allegato II.

(1) Minimumprijs per ton produkt volgens de in bijlage II aangegeven verdeling.

(1) Preço mínimo por tonelada de produto segundo a repartição indicada no anexo II.

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

Distribución del lote contemplado en el segundo guión del apartado 5 del artículo 1

Fordeling af det i artikel 1, stk. 5, andet led, omhandlede parti

Zusammensetzung der in Artikel 1 Absatz 5 zweiter Gedankenstrich genannten Partie

Κατανομή της παρτίδας που αναφέρεται στο άρθρο 1 παράγραφος 5 δεύτερη περίπτωση

Repartition of the lot meant in the second subparagraph of Article 1 (5)

Répartition du lot visé à l'article 1^{er} paragraphe 5 second tiret

Composizione della partita di cui all'articolo 1, paragrafo 5, secondo trattino

Verdeling van de in artikel 1, lid 5, tweede streepje, bedoelde partij

Repartição do lote referido no nº 5, segundo travessão, do artigo 1º

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Cortes Udskæringer Teilstücke Τεμάχια Cuts Découpes Tagli Deelstukken Cortes	Porcentaje en peso Vægtprocent Gewichtsanteile Ποσοστό του βάρους Weight percentage Pourcentage du poids Percentuale del peso % van het totaalgewicht Percentagem do peso
Ireland	Forequarters Plates / Flanks	85 15 100 %
United Kingdom	Clod and sticking / Forerib / Pony Forequarter flanks / Thin flanks	85 15 100 %

*ANEXO III — BILAG III — ANHANG III — ΠΑΡΑΡΤΗΜΑ ΙΙΙ — ANNEX III — ANNEXE III
— ALLEGATO III — BIJLAGE III — ANEXO III*

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção**

UNITED KINGDOM: Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berkshire
tel. (0734) 58 36 26
telex 848 302, telefax (0734) 56 67 50

IRELAND: Department of Agriculture, Food and Forestry
Agriculture House
Kildare Street
Dublin 2
tel. (01) 678 90 11, ext. 2278 and 3806
telex 93292 and 93607, telefax (01) 6616263, (01) 6785214 and (01) 6620198

ANNEX IV

Republics of the Commonwealth of Independent States

Armenia
Belarus
Kazakhstan
Kyrgyzstan
Moldova
Russia
Tajikistan
Turkmenistan
Ukraine
Uzbekistan

COMMISSION REGULATION (EEC) No 2583/93

of 21 September 1993

authorizing certain intervention agencies to put up for sale by tender 60 000 tonnes of durum wheat for export in the form of durum wheat meal and groats

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 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas in the Community, for the 1993/94 cereals year, internal market prices for durum wheat are at a very high level thanks to an overall production level reduced by the drought in Spain and a reduction in land down to durum wheat in France; whereas the Community's durum wheat meal industry must continue to be able to export in order to keep up normal trade flows; whereas calculation of the refund on the basis of internal prices of the 1993/94 cereals year would lead to a very high refund sum; whereas, therefore, provision should be made for the large intervention stocks to be used to supply the export meal industry during the period 1 October to 31 October 1993 at price terms competitive with normal market prices;

Whereas the above situation requires the measure to be implemented as a matter of urgency;

Whereas a conversion rate should be set to determine the quantity of durum wheat meal and groats to be exported on the basis of the durum wheat used;

Whereas, to ensure that the operation is carried out smoothly, it should be stipulated that securities may be released only after completion of customs export formalities to avoid any disturbance of the market;

Whereas the Member States are to take all additional measures compatible with the provisions in force to ensure that the scheme operates smoothly and that the Commission is kept informed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The intervention agencies of the Member States listed below are hereby authorized to issue an invitation to tender for the sale on the Community market of 60 000 tonnes of durum wheat in accordance with Article 4 of Regulation (EEC) No 2131/93, as follows:

	<i>(tonnes)</i>
Greece	50 000
Spain	10 000

Article 2

1. The invitation to tender shall be open from 1 October to 31 October 1993.

2. A quantity of durum wheat meal and groats for human consumption equal to the quantity of durum wheat awarded divided by the coefficient referred to in Article 5 must be exported to third countries.

Tenders shall be valid only if they:

— are accompanied by an application for an export licence for durum wheat meal and groats having an ash content of 0 to 1 300 mg per 100 g (0,160 mm sieve) with an application for advance fixing of the refund set for the relevant quality,

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

- are accompanied by evidence that the tenderer has lodged a security of ECU 30 per tonne,
- are accompanied by a written undertaking from the tenderer to lodge, at the latest on payment of the goods, a security covering any difference between the price provided for in Article 5 (1) of Regulation (EEC) No 2131/93 and that indicated in the tender.

Article 3

The minimum sales price shall be ECU 120 per tonne.

Article 4

1. Customs export formalities for durum wheat meal and groats equivalent to that which would be obtained from cereals awarded must be accomplished not later than 30 November 1993.

2. Export licences issued under this invitation to tender must bear the following entry in Section 22 :

‘Invitation to tender issued by Regulation (EEC) No 2583/93 — Tender from

Article 5

For the determination of the quantity of durum wheat meal and groats to be exported, the quantity of durum wheat awarded shall be divided by a coefficient of 1,50.

Article 6

1. The securities referred to in the second indent of the second subparagraph of Article 2 (2) shall be released :
- for the quantities for which the tender has not been accepted, or

- in all other cases, in accordance with Title V of Commission Regulation (EEC) No 2220/85 (1).

2. The securities referred to in the third indent of the second subparagraph of Article 2 (2) shall be released for the corresponding quantities of durum wheat meal and groats for which evidence of export has been furnished.

3. The primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be payment of the selling price and export within the time limit laid down for the durum wheat meal and groats under the export licence referred to in Article 4.

Evidence to be furnished shall be that applicable for the security for the export licence issued following award of the contract.

Article 7

The intervention agencies concerned shall take all necessary steps to ensure compliance with the provisions of this Regulation. They shall provide each other with all necessary information and shall inform the Commission weekly, within the Management Committee for Cereals, of the progress of the invitation to tender.

Article 8

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, 21 September 1993.

For the Commission

René STEICHEN

Member of the Commission

(1) OJ No L 205, 3. 8. 1985, p. 5.

COMMISSION REGULATION (EEC) No 2584/93

of 21 September 1993

introducing a countervailing charge on apples originating in South Africa

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 Article 25a (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a non-member country is alternatively above and below the reference price for five to seven consecutive market days a countervailing charge is introduced in respect of that non-member country, save in exceptional cases; whereas that charge is introduced when three entry prices fall below the reference price and one of those entry prices is at least ECU 0,6 below the reference price; whereas that charge is equal to the difference between the reference price and the last available entry price by at least ECU 0,6 below the reference price;

Whereas Commission Regulation (EEC) No 1640/93 of 28 June 1993 fixing for the 1993/94 marketing year the reference prices for apples⁽³⁾ fixed the reference price for products of class I for the month of September 1993 at ECU 43,98 per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by

Regulation (EEC) No 249/93⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas for apples originating in South Africa the entry prices calculated in this way have for five consecutive market days been alternatively above and below the reference price; whereas one of these entry prices is at least ECU 0,6 below the reference price; whereas a countervailing charge should therefore be introduced for these apples;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁶⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 4,47 per 100 kilograms net is applied to apples (CN codes 0808 10 31, 0808 10 33, 0808 10 39, 0808 10 51, 0808 10 53, 0808 10 59, 0808 10 81, 0808 10 83 and 0808 10 89), originating in South Africa.

Article 2

This Regulation shall enter into force on 23 September 1993.

Subject to the provisions of the second subparagraph of Article 26 (2) of Regulation (EEC) No 1035/72, this Regulation shall be applicable until 28 September 1993.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 69, 20. 3. 1993, p. 7.

⁽³⁾ OJ No L 157, 29. 6. 1993, p. 8.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 28, 5. 2. 1993, p. 45.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

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

Done at Brussels, 21 September 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 2585/93
of 21 September 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 1548/93 ⁽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 1695/93 ⁽⁴⁾, as last amended by Regulation (EEC) No 2577/93 ⁽⁵⁾;

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

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 20 September 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 22 September 1993.

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

Done at Brussels, 21 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 40.

⁽⁵⁾ OJ No L 236, 21. 9. 1993, p. 5.

ANNEX

to the Commission Regulation of 21 September 1993 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	35,74 ⁽¹⁾
1701 11 90	35,74 ⁽¹⁾
1701 12 10	35,74 ⁽¹⁾
1701 12 90	35,74 ⁽¹⁾
1701 91 00	42,79
1701 99 10	42,79
1701 99 90	42,79 ⁽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 2586/93
of 21 September 1993
fixing the aid for cotton

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

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Commission Regulation (EEC) No 4006/87⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton⁽²⁾, as last amended by Regulation (EEC) No 1554/93⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 2419/93⁽⁴⁾, as amended by Regulation (EEC) No 2516/93⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2419/93 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton provided for in Article 5 of amended Regulation (EEC) No 2169/81 shall be ECU 65,088 per 100 kilograms.

Article 2

This Regulation shall enter into force on 22 September 1993.

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

Done at Brussels, 21 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 154, 25. 6. 1993, p. 23.

⁽⁴⁾ OJ No L 222, 1. 9. 1993, p. 35.

⁽⁵⁾ OJ No L 231, 14. 9. 1993, p. 29.

COMMISSION REGULATION (EEC) No 2587/93
of 21 September 1993
altering 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 amended by Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 13 (4) thereof,

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EEC) No 2495/93⁽³⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the

market into account, the corrective amount at present applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1 (1), points (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 September 1993.

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

Done at Brussels, 21 September 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 229, 10. 9. 1993, p. 15.

ANNEX

to the Commission Regulation of 21 September 1993 altering the corrective amount applicable to the refund on cereals

Product code	Destination (1)	(ECU/tonne)						
		Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2	6th period 3
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	- 40,00	—	—
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	03	0	+ 39,355	+ 39,355	- 70,00	- 70,00	—	—
	02	0	- 70,00	- 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,
- 02 Other third countries,
- 03 Zones I, III b), VIII a), Cuba and Hungary.

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

COUNCIL DIRECTIVE 93/74/EEC

of 13 September 1993

on feedingstuffs intended for particular nutritional purposes

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas feedingstuffs intended for particular nutritional purposes are playing an increasing role in the diet of pet animals; whereas such products are also used in the rearing of productive livestock;

Whereas, in some Member States, feedingstuffs covered by this Directive are already marketed in such a way as to draw the attention of users to their particular composition;

Whereas a common definition should be laid down for the products concerned; whereas that definition must provide that products presented as intended to meet certain specific nutritional needs must have a specific composition and/or be manufactured using special methods; whereas it is essential to establish the principle that such feedingstuffs must be clearly distinguished, in their characteristics and purpose, from both ordinary feedingstuffs and medicated feedingstuffs;

Whereas the composition and preparation of feedingsuffs intended for particular nutritional purposes must be

specially designed to meet the particular nutritional needs of categories of pets or productive livestock whose process of assimilation, absorption or metabolism could briefly be impaired or is temporarily or irreversibly impaired;

Whereas, when rules are being laid down for the marketing of feedingstuffs intended for particular nutritional purposes, care should be taken to ensure that such feedingstuffs have a beneficial effect on the animals which ingest them; whereas feedingstuffs must therefore always be of merchantable quality; whereas they must neither present a hazard for animal or human health or for the environment nor be marketed in a manner liable to mislead;

Whereas this Directive applies without prejudice to other Community provisions on feedingstuffs, and particularly the rules applicable to compound feedingstuffs;

Whereas the user of feedingstuffs intended for particular nutritional purposes needs to be provided with accurate and meaningful information;

Whereas in order to distinguish between the feedingstuffs meeting the criteria laid down in this Directive and other feedingstuffs, a single qualifying expression, 'dietetic', must accompany the description of the feedingstuff;

Whereas, as in the case of ordinary feedingstuffs, at least the levels of analytical constituents having a direct effect on the quality of the feedingstuff should be declared; whereas provision should be made for the declaration of certain additional analytical constituents which give the feedingstuff its dietetic properties;

Whereas all producers of feedingstuffs intended for particular nutritional purposes must have the option of indicating on the label certain particulars useful to the user;

⁽¹⁾ OJ No C 231, 9. 9. 1992, p. 6.

⁽²⁾ OJ No C 21, 25. 1. 1993, p. 73.

⁽³⁾ OJ No C 73, 15. 3. 1993, p. 25.

Whereas it is not necessary for the supply of feedingstuffs intended for particular nutritional purposes to be subject to presentation of a veterinary prescription since these products contain no medicinal substances within the meaning of Council Directive 65/65/EEC of 26 January 1965 on the approximation of provisions laid down by law, regulation or administrative action relating to proprietary medicinal products⁽¹⁾, but, to ensure the appropriate use of feedingstuffs with a very specific character, the user should be warned that it is desirable to seek a specialist's opinion before using them;

Whereas, however, for feedingstuffs designed to satisfy the nutritional requirements of animals with irreversibly impaired processes of assimilation, absorption or metabolism or which are in a pathological state requiring medical supervision, the possibility should be provided of laying down additional labelling rules which provide that a recommendation shall be given to the user to request the prior opinion of a veterinarian instead of the general recommendation to consult a specialist;

Whereas a positive list should also be drawn up at Community level of the intended uses of animal feedingstuffs for particular nutritional purposes, indicating their precise use, essential nutritional characteristics, compulsory or optional declarations and special labelling requirements; whereas, bearing in mind the importance of this list for the implementation of this Directive, such list should be adopted in good time;

Whereas the marketing of feedingstuffs intended for particular nutritional purposes which satisfy the requirements of this Directive must not be subject to any restriction on grounds of content, methods of manufacture, presentation or labelling;

Whereas, in cases where a product presents a hazard to animal or human health or the environment, provision should be made for any Member State to request that the Commission take the appropriate measures, on justified grounds;

Whereas, for cases where the Council empowers the Commission to apply the rules laid down in respect of feedingstuffs intended for particular nutritional purposes, a procedure should be provided for close cooperation between the Member States and the Commission in the Standing Committee on Feedingstuffs set up by Council Decision 70/372/EEC⁽²⁾;

Whereas effective inspection of feedingstuffs intended for particular nutritional purposes must be ensured; whereas in certain circumstances the usual means at the disposal of the inspection services may be insufficient to allow

verification that a feedingstuff actually possesses the particular nutritional properties attributed to it; whereas it should therefore be provided that, where necessary, the person responsible for marketing the product should assist the inspection service in its duties,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive concerns feedingstuffs intended for particular nutritional purposes.
2. Member States shall prescribe that feedingstuffs intended for particular nutritional purposes may be marketed only if they:
 - fulfil the conditions referred to in Article 3,
 - are labelled in accordance with the provisions laid down in Article 5,
 - their intended uses are included in the list drawn up pursuant to Article 6 and they fulfil the other provisions laid down in that list.

Article 2

For the purposes of this Directive, the following definitions shall apply:

- (a) 'feedingstuffs' shall mean products of vegetable or animal origin in their natural state, fresh or preserved, and products derived from the industrial processing thereof, and organic or inorganic substances, used singly or in mixtures, whether or not containing additives, for oral animal feeding;
- (b) 'compound feedingstuffs' shall mean mixtures of products of vegetable or animal origin in their natural state, fresh or preserved, and products derived from the industrial processing thereof, or of organic or inorganic substances, whether or not containing additives, for oral animal feeding in the form of complete feedingstuffs or complementary feedingstuffs;
- (c) 'feedingstuffs intended for particular nutritional purposes' shall mean compound feedingstuffs which, by virtue of their particular composition or method of manufacture, can be clearly distinguished from both ordinary feedingstuffs and the products defined in Council Directive 90/167/EEC of 26 March 1990 laying down the conditions governing the preparation, placing on the market and use of medicated feedingstuffs in the Community⁽³⁾, and are presented as intended to meet specific nutritional requirements;

⁽¹⁾ OJ No 22, 9. 2. 1965, p. 369/65.

⁽²⁾ OJ No L 170, 3. 8. 1970, p. 1.

⁽³⁾ OJ No L 92, 7. 4. 1990, p. 42.

(d) 'particular nutritional purpose' shall mean the purpose of satisfying the specific nutritional needs of certain pets or productive livestock whose process of assimilation, absorption or metabolism could be temporarily impaired or is temporarily or irreversibly impaired and are therefore able to derive benefit from ingestion of feedingstuffs appropriate to their condition.

Article 3

The Member States shall require that the nature of composition of the feedingstuffs referred to in Article 1 (1) shall be such that the products are appropriate for their intended particular nutritional purpose.

Article 4

This Directive shall apply, subject to the specific provisions laid down therein, without prejudice to the Community provisions on:

- (a) compound feedingstuffs;
- (b) additives used in feedingstuffs;
- (c) undesirable substances and products in animal nutrition;
- (d) certain products used in animal nutrition.

Article 5

In addition to the labelling provisions in Article 5 of Directive 79/373/EEC of 2 April 1979 on the marketing of compound feedingstuffs⁽¹⁾ the Member States shall require that:

1. the following additional indications appear in the space provided for the purpose on the packaging, on the container or on the label of the feedingstuffs referred to in Article 1 (1):
 - (a) the qualifying expression 'dietetic' together with the description of the feedingstuff;
 - (b) the precise use, i.e. the particular nutritional purpose;
 - (c) the indication of the essential nutritional characteristics of the feedingstuffs;
 - (d) the declarations prescribed in column 4 in the Annex concerning the particular nutritional purpose;
 - (e) the recommended length of time for use of the feedingstuff.

The indications referred to in points (a) to (e) must comply with the content of the list of intended uses in the Annex and the general provisions to be laid down in accordance with Article 6 (b);

2. indications other than those referred to in paragraph 1 may be supplied in the space provided for the purpose, in so far as they are covered by Article 6 (a);

3. without prejudice to Article 5e of Directive 79/373/EEC, the labelling of feedingstuffs as referred to in Article 1 (1) may make reference to a specific pathological condition in so far as that condition corresponds to the nutritional purpose laid down in the list of uses drawn up in accordance with Article 6 (a);
4. the label or the directions for use of the feedingstuffs referred to in Article 1 (1) must bear the indication 'It is recommended that a specialist's opinion be sought before use.'

It may, however, be provided in the list of intended uses in the Annex that this declaration shall be replaced for specific dietetic feedingstuffs with a recommendation to request the prior opinion of a veterinarian;

5. the provisions of Article 5c (5) of Directive 79/373/EEC shall also apply to the feedingstuffs referred to in Article 1 (1) and intended for animals other than pets;
6. the labelling of the feedingstuffs referred to in Article 1 (1) may also highlight the presence or the low level of one or more analytical constituents which are essential for the description of the feedingstuff. In such cases, the minimum or maximum level of the analytical constituents expressed as percentage weight of the feedingstuff must be clearly indicated in the list of declared analytical constituents;
7. the qualifying expression 'dietetic' shall be reserved solely for feedingstuffs as referred to in Article 1 (1).

Qualifying expressions other than 'dietetic' shall be prohibited in the labelling and presentation of these feedingstuffs;

8. Notwithstanding the provisions of Article 5c (3) of Directive 79/373/EEC, the declaration of ingredients may be made in the form of categories grouping several ingredients, even where the declaration of certain ingredients by their specific name is required to justify the nutritional characteristics of the feedingstuff.

Article 6

Pursuant to the procedure laid down in Article 9:

- (a) a list of intended uses shall be established in accordance with the Annex not later than 30 June 1994. That list shall contain:
 - the indications referred to in Article 5 (1) (b), (c), (d) and (e), and
 - where appropriate, the indications referred to in Article 5 (2) and Article 5 (4), second subparagraph;

⁽¹⁾ OJ No L 86, 6. 4. 1979, p. 30.

- (b) general provisions regarding the application of the indications referred to in (a), including applicable tolerances, may be established;
- (c) the measures adopted in accordance with (a) and (b) may be modified, following developments in scientific and technical knowledge.

Article 7

The Member States shall ensure that feedingstuffs as referred to in Article 1 (1) are not, for reasons concerning the provisions of this Directive, subject to marketing restrictions other than those provided for in this Directive.

Article 8

1. Where a Member State establishes that the use of a feedingstuff as referred to in Article 1 (1) or its use in the prescribed conditions presents a hazard for animal or human health or for the environment, it shall immediately inform the Commission, giving the reasons for its decision.

2. The Commission shall initiate as soon as possible the procedure laid down in Article 9 with a view to adopting any appropriate measures.

Article 9

1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter to the Standing Committee on Feedingstuffs, hereinafter referred to as 'the Committee', either on his own initiative or at the request of the representative of a Member State.

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

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

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

If, on the expiry of three months from the date of referral to the Council, the Council has not acted, the proposed

measures shall be adopted by the Commission unless the Council has decided against those measures by a simple majority.

Article 10

To allow effective official inspection of feedingstuffs as referred to in Article 1 (1), the following specific provisions shall apply:

1. Member States shall make all necessary arrangements for official inspection during manufacture or marketing, at least by sampling, in order to ensure compliance with the requirements of this Directive;
2. where appropriate, the competent authority shall be empowered to require the person responsible for placing the product on the market to produce data and information establishing the feedingstuff's conformity with this Directive.

If such data have been published in readily accessible form, a reference to the publication shall suffice.

Article 11

The following Directives are hereby amended as specified:

1. the following shall be added to Article 1 (2) of Council Directive 74/63/EEC of 17 December 1973 on the fixing of maximum permitted levels for undesirable substances and products in feedingstuffs⁽¹⁾:

'(f) feedingstuffs for particular nutritional purposes';

2. in Directive 79/373/EEC:

(a) the following shall be added to Article 1 (2):

'(h) feedingstuffs for particular nutritional purposes';

(b) the first indent of the second subparagraph of Article 5e shall be replaced by the following:

'— may not be designed to indicate the presence or content of analytical constituents other than those the declaration of which is provided for in Article 5 of this Directive or Article 5 (2) of Council Directive 93/74/EEC of 13 September 1993 on feedingstuffs intended for particular nutritional purposes⁽²⁾;

(¹) OJ No L 237, 22. 9. 1993, p. 23';

3. the following shall be added to Article 1 (2) of Council Directive 82/471/EEC of 30 June 1982 concerning certain products used in animal nutrition⁽²⁾:

'(f) feedingstuffs for particular nutritional purposes';

(¹) OJ No L 38, 11. 2. 1974, p. 31.

(²) OJ No L 213, 21. 7. 1982, p. 8.

Article 12

The Member States shall bring into force the laws, regulations and administrative provisions necessary for them to comply with this Directive no later than 30 June 1995. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall include references to this Directive or shall accompany them with such references on their official publication. The Member States shall lay down the manner in which such references shall be made.

Article 13

This Directive is addressed to the Member States.

Done at Brussels, 13 September 1993.

For the Council

The President

Ph. MAYSTADT

ANNEX

Particular nutritional purpose	Essential nutritional characteristics	Species or category of animal	Labelling declarations	Recommended length of time for use	Other provisions
1	2	3	4	5	6

COUNCIL DIRECTIVE 93/76/EEC

of 13 September 1993

to limit carbon dioxide emissions by improving energy efficiency (SAVE)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 130s and 235 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, by its resolution of 16 September 1986 ⁽⁴⁾, the Council set new Community energy policy objectives for 1995 and convergence of the policies of the Member States;

Whereas the Council of Environment and Energy Ministers agreed at their meeting on 29 October 1990 that the Community and the Member States, assuming that other leading countries undertook similar commitments, and acknowledging the targets identified by a number of Member States for stabilizing or reducing emissions by different dates, were willing to take actions aimed at reaching stabilization of the total carbon dioxide emissions by the year 2000 at the 1990 level in the Community as a whole; whereas it was also agreed that Member States which start from relatively low levels of energy consumption and therefore low emissions measured on a per capita or other appropriate basis are entitled to have carbon dioxide targets and/or strategies corresponding to their economic and social development, while improving the energy efficiency of their economic activities;

Whereas by Decision 91/565/EEC the Council adopted the SAVE programme aimed at promoting energy efficiency in the Community ⁽⁵⁾;

Whereas Article 130r of the Treaty stipulates that the objective of action by the Community relating to the environment shall be to ensure a prudent and rational utilization of natural resources; whereas these natural resources include oil products, natural gas and solid fuels, which are essential sources of energy but also the leading sources of carbon dioxide emissions;

Whereas, since the Treaty has not provided elsewhere the powers required to legislate on energy-related aspects of the programmes laid down in this Directive, recourse should be had also to Article 235 of the Treaty;

Whereas the residential and tertiary sectors account for nearly 40 % of final energy consumption in the Community and are expanding, a trend which is bound to increase their energy consumption and hence also their carbon dioxide emissions;

Whereas this Directive aims to preserve the quality of the environment and to ensure a prudent and rational utilization of natural resources, which are matters of non-exclusive Community competence;

Whereas a collective effort by all Member States, implying measures at Community level, is necessary in order to limit carbon dioxide emissions and to promote the rational use of energy;

Whereas the measures are to be determined according to the principle of subsidiarity by Member States on the basis of potential improvements in energy efficiency, cost effectiveness, technical feasibility and environmental impact;

Whereas, by providing objective information on the energy characteristics of buildings, energy certification will help to improve transparency of the property market and to encourage investment in energy savings;

Whereas the billing, to occupiers of buildings, of heating, air-conditioning and hot water costs calculated, in an appropriate proportion, on the basis of actual consumption will contribute towards energy saving in the residential sector; whereas it is desirable that occupants of such buildings should be enabled to regulate their own consumption of heat, cold and hot water; whereas the recommendations and resolutions adopted by the Council on the billing of heating and hot water costs ⁽⁶⁾ have been applied in only two Member States; whereas a significant proportion of heating, air-conditioning and hot water costs are still being billed on the basis of factors other than energy consumption;

⁽¹⁾ OJ No C 179, 16. 7. 1992, p. 8.

⁽²⁾ OJ No C 176, 28. 6. 1993.

⁽³⁾ OJ No C 19, 25. 1. 1993, p. 134.

⁽⁴⁾ OJ No C 241, 25. 9. 1986, p. 1.

⁽⁵⁾ OJ No L 307, 8. 11. 1991, p. 34.

⁽⁶⁾ Recommendation 76/493/EEC (OJ No L 140, 28. 5. 1976, p. 12).

Recommendation 77/712/EEC (OJ No L 295, 18. 11. 1977, p. 1).

Resolution of 9. 6. 1980 (OJ No C 149, 18. 6. 1980, p. 3).

Resolution of 15. 1. 1985 (OJ No C 20, 22. 1. 1985, p. 1).

Whereas new methods of financial support are needed to promote investments in energy saving in the public sector; whereas, with that in mind, the Member States should permit and make full use of the possibilities offered by third-party financing;

Whereas buildings will have an impact on long-term energy consumption; whereas new buildings should therefore be fitted with efficient thermal insulation tailored to the local climate; whereas this applies also to public authority buildings where the public authorities should set an example in taking environmental and energy considerations into account;

Whereas regular maintenance of boilers contributes to maintaining their correct adjustment in accordance with the product specification and in that way to an optimal performance from an environmental and energy point of view;

Whereas industry is generally willing to make more efficient use of energy to meet its own economic objectives; whereas energy audits in particular in undertakings with high energy consumption should be promoted to bring about significant improvements in energy efficiency in this sector;

Whereas improving energy efficiency in all regions of the Community will strengthen economic and social cohesion in the Community, as provided for in Article 130a of the Treaty,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The purpose of this Directive is the attainment by Member States of the objective of limiting carbon dioxide emissions by improving energy efficiency, notably by means of drawing up and implementing programmes in the following fields:

- energy certification of buildings,
- the billing of heating, air-conditioning and hot water costs on the basis of actual consumption,
- third-party financing for energy efficiency investments in the public sector,
- thermal insulation of new buildings,
- regular inspection of boilers,
- energy audits of undertakings with high energy consumption.

Programmes can include laws, regulations, economic and administrative instruments, information, education and voluntary agreements whose impact can be objectively assessed.

Article 2

Member States shall draw up and implement programmes on the energy certification of buildings. Energy certification of buildings, which shall consist of a description of their energy characteristics, must provide information for prospective users concerning a building's energy efficiency.

Whereas appropriate, certification may also include options for the improvement of these energy characteristics.

Article 3

Member States shall draw up and implement programmes on the billing of heating, air-conditioning and hot water costs calculated, in an appropriate proportion, on the basis of actual consumption. These programmes shall enable the cost of these services to be apportioned among the users of all or part of a building on the basis of the specific quantities of heat, of cold and of hot water consumed by each occupier. This shall apply to buildings or parts of buildings supplied by a collective heating, air-conditioning or domestic hot water installation. Occupants of such buildings should be enabled to regulate their own consumption of heat, cold or hot water.

Article 4

Member States shall draw up and implement programmes to permit third-party financing for energy efficiency investments in the public sector.

For the purposes of this Directive, 'third-party financing' means the overall provision of auditing, installation, operation, maintenance and financing services for an energy efficiency investment, with recovery of the cost of these services being contingent, either wholly or in part, on the level of energy savings.

Article 5

Member States shall draw up and implement programmes so that new buildings receive effective thermal insulation, taking a long-term view, on the basis of standards laid down by the Member States, taking account of climatic conditions or climatic areas and the intended use of the building.

Article 6

Member States shall draw up and implement programmes on the regular inspection of heating installations of an effective rated output of more than 15 Kw with the aim of improving operating conditions from the point of view of energy consumption and of limiting carbon dioxide emissions.

Article 7

Member States shall draw up and implement programmes with the aim of promoting the regular completion of energy audits of industrial undertakings with high energy consumption to improve their energy efficiency and limit emissions of carbon dioxide, and may make similar provisions for other undertakings with high energy consumption.

Article 8

Member States shall determine the scope of the programmes referred to in Articles 1 to 7 on the basis of potential improvements in energy efficiency, cost-effectiveness, technical feasibility and environmental impact.

Article 9

Member States shall report to the Commission every two years on the results of the measures taken to implement the programmes provided for in this Directive. In so doing, they shall inform the Commission of the choices they have made in their package of measures. In addition, they shall, on request, provide the Commission with justification for the content of the programmes, taking Article 8 into account.

In considering Member States' reports, the Commission shall be assisted by the advisory committee referred to in Decision 91/565/EEC following the procedure referred to in Article 6 of that Decision.

Article 10

1. Member States shall bring into force the laws, regulations and/or other measures as mentioned in Article 1 as necessary to comply with this Directive as soon as possible and not later than 31 December 1994. Member States are required to make all the necessary provisions to enable them to fulfil the objectives of this Directive.

When Member States adopt laws or regulations for this purpose, such laws or regulations shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States. This shall apply by analogy where the programmes are transposed in another form.

2. Member States shall communicate to the Commission the provisions of national law and/or other measures as mentioned in Article 1 which they adopt in the field covered by this Directive.

Article 11

This Directive is addressed to the Member States.

Done at Brussels, 13 September 1993.

For the Council
The President
Ph. MAYSTADT

COUNCIL DECISION

of 13 September 1993

concerning notification of the acceptance by the Community of the International Coffee Agreement 1983, as extended to 30 September 1994

(93/505/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113 and 116 thereof,

Having regard to the proposal from the Commission,

Whereas the Council approved, by Decision 87/485/EEC⁽¹⁾, the International Coffee Agreement 1983, which came into force on 1 October 1983 for a period of six years expiring on 30 September 1989;

Whereas, by resolution No 347 of 4 July 1989, the International Coffee Council decided to extend the Agreement for a period of two years until 30 September 1991; whereas, by resolution No 352 of 28 September 1990, the International Coffee Council decided to extend the Agreement for a further period of one year until 30 September 1992; whereas, by resolution No 355 of 27 September 1991, the International Coffee Council decided to extend the Agreement for a further period of one year until 30 September 1993; whereas, by resolution No 363 of 7 June 1993 the International Coffee Council decided to extend the Agreement for a further period of one year to 30 September 1994;

Whereas all the Member States have indicated their intention of applying the Agreement;

Whereas the Community and its Member States should simultaneously notify the United Nations Secretary-General of their acceptance of the Agreement as extended until 30 September 1994,

DECIDES:

Article 1

1. In accordance with resolution No 363 of 7 June 1993 of the International Coffee Council, the International Coffee Agreement 1983, as extended until 30 September 1994, is hereby approved on behalf of the European Economic Community.

The text of the resolution is attached to this Decision.

2. The Community and its Member States, once they have completed the necessary internal procedures, shall simultaneously notify the United Nations Secretary-General of their acceptance of the Agreement as extended until 30 September 1994.

Article 2

The President of the Council is hereby authorized to designate the person empowered to deposit, on behalf of the Community, the notification referred to in Article 1 (2).

Done at Brussels, 13 September 1993.

For the Council

The President

Ph. MAYSTADT

⁽¹⁾ OJ No L 276, 29. 9. 1987, p. 61.

RESOLUTION No 363

(Approved without meeting on 4 June 1993)

FURTHER EXTENSION OF THE INTERNATIONAL COFFEE AGREEMENT

THE INTERNATIONAL COFFEE COUNCIL,

Whereas :

The International Coffee Agreement 1983, as extended by resolutions Nos 347, 352 and 355, is due to expire on 30 September 1993 ;

It is considered that the International Coffee Agreement should be extended for a further period to maintain the International Coffee Organization as a forum for international cooperation on coffee matters and to allow time for the negotiation of a new Agreement,

RESOLVES :

1. That the International Coffee Agreement 1983, as extended, shall be further extended for a period of one additional year from 1 October 1993 to 30 September 1994.
2. That the International Coffee Agreement 1983, as extended, shall continue in force as from 1 October 1993 in accordance with the provisions of paragraph 1 of this Resolution among those Contracting Parties which have notified their acceptance, in accordance with their laws and regulations, of such further extension to the Secretary-General of the United Nations by 30 September 1993, if on that date such Contracting Parties represent at least 20 exporting members holding a majority of the votes of the exporting members, and at least 10 importing members holding a majority of the votes of the importing members. The votes for this purpose shall be calculated as at 30 June 1993. Such notifications shall be signed by the Head of State or Government, or Minister for Foreign Affairs, or made under full powers signed by one of the foregoing. In the case of an international organization, the notification shall be signed by a representative duly authorized in accordance with the rules of the Organization, or made under full powers signed by such a representative.
3. That a notification by a contracting party containing an undertaking to apply the extended Agreement provisionally, in accordance with its laws and regulations, which is received by the Secretary-General of the United Nations not later than 30 September 1993 shall be regarded as equal in effect to a notification of acceptance of the further extension of the International Coffee Agreement 1983, as extended. Such Contracting Party shall enjoy all the rights and assume all the obligations of a member. However, if formal notification of acceptance of the further one-year extension of the International Coffee Agreement 1983, as extended, is not received by the Secretary-General of the United Nations by 31 March 1994 or such later date as the Council may determine, such Contracting Party shall as of that date cease to participate in the Agreement.
4. That any Contracting Party to the International Coffee Agreement 1983, as extended, which has not made the notifications provided for in paragraphs 2 and 3 of this resolution, may accede to the Agreement by 31 March 1994 or such later date as the Council may determine on condition that on depositing its instrument of accession such Contracting Party undertakes to fulfil all its previous obligations under the Agreement with retroactive effect from 1 October 1993.
5. That if the requirements for the continuation in force for a further period of one year of the International Coffee Agreement 1983, as extended, have not been met in accordance with the provisions of paragraphs 2 and 3 of this resolution, those Governments which have notified acceptance or provisional application of such further extension shall meet to decide :
 - (a) whether the Agreement should continue in force among themselves, and, if so, to establish the conditions for the continued operation of the Organization ; or
 - (b) whether to make arrangements for the liquidation of the Organization in accordance with the provisions of paragraph 4 of Article 68 of the Agreement.
6. To request the Executive Director to convey this resolution to the Secretary-General of the United Nations.

COUNCIL DECISION

of 13 September 1993

changing the import arrangements established by Regulation (EEC) No 3420/83 and applied in the Benelux to certain State-trading countries in respect of various products

(93/506/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

(EEC) No 3420/83; whereas the Council has not yet taken a decision on this proposal;

Having regard to the Treaty establishing the European Economic Community,

Whereas, for the above reasons, certain products originating in the third countries referred to in Regulation (EEC) No 3420/83 can no longer be imported into certain Member States since 1 January 1993 unless there is exceptional application of Articles 7 *et seq.* of that Regulation;

Having regard to the proposal from the Commission,

Whereas, in accordance with Article 7 (1) of Regulation (EEC) No 3420/83, Belgium, acting on behalf of the Benelux countries, has informed the other Member States and the Commission that it considers that changes should be made, pursuant to that Regulation, to the import arrangements applied in the Benelux to certain State-trading countries in respect of various products;

Whereas Regulation (EEC) No 3420/83⁽¹⁾ concerns import arrangements for products originating in State-trading countries, not liberalized at Community level;

Whereas the measure proposed entails the abolition of quantitative restrictions; whereas such a measure may, in the context of purely national arrangements, jeopardize the establishment of the common arrangements referred to above aimed at freeing all products at Community level except those subject to Community quotas and surveillance measures; whereas, pending the implementation of the common arrangements, the Benelux should be authorized to open import facilities temporarily for only small quantities to cover its immediate requirements,

Whereas it was laid down by the Council in Regulation (EEC) No 2456/92 of 13 July 1992 fixing the import quotas to be opened by Member States in respect of State-trading countries in 1992⁽²⁾ that the provisions of Article 3 (2) of Regulation (EEC) No 3420/83, stipulating automatic extension of the previous year's quotas, would not be applicable for 1993; whereas this was done on the assumption that Community provisions covering the national restrictions which exist pursuant to Regulation (EEC) No 3420/83 would be implemented by 31 December 1992;

HAS ADOPTED THIS DECISION:

Whereas, to that end, the Commission put before the Council on 10 November 1992 a proposal for a Regulation concerning the uniform common rules applicable to imports from certain third countries, repealing Regulations (EEC) No 1765/82⁽³⁾, (EEC) No 1766/82⁽⁴⁾ and

Article 1

Under the import arrangements laid down in Regulation (EEC) No 3420/83, the Benelux shall open import facilities, by way of exception, for the following products originating in certain State-trading countries:

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

⁽²⁾ OJ No 252, 31. 8. 1992, p. 1.

⁽³⁾ OJ No L 195, 5. 7. 1982, p. 1. Regulation as last amended by Regulation (EEC) No 848/92 (OJ No L 89, 4. 4. 1993, p. 1).

⁽⁴⁾ OJ No L 195, 5. 7. 1982, p. 21. Regulation as last amended by Regulation (EEC) No 1409/86 (OJ No L 128, 14. 5. 1986, p. 25).

	People's Republic of China	Vietnam	North Korea	Mongolia
Prepared explosives other than propellant powders (CN code 3602 00 00)	(¹)	(¹)	(¹)	(¹)
Gloves, mittens and mitts, specially designed for use in sports (CN code 4203 21 00)	71 700 pairs	(¹)	(¹)	(¹)
Ceramic hearth or floor tiles, of stoneware or of earthenware or fine pottery (CN code ex 6907 90 10)	(¹)	(¹)	(¹)	(¹)
Tubes and pipes, seamless, of iron (other than cast iron) or non-alloy steel (CN codes ex 7304 20 91, ex 7304 31 10, ex 7304 31 91, ex 7304 31 99, ex 7304 39 10, ex 7304 39 20, ex 7304 39 51, ex 7304 39 59, ex 7304 90 10 and ex 7304 90 90)	(¹)	(¹)	(¹)	(¹)

(¹) p.m. : these goods are imported in accordance with the relevant provisions of Regulation (EEC) No 3420/83.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg.

Done at Brussels, 13 September 1993.

For the Council

The President

Ph. MAYSTADT

Information concerning the entry into force of the Decision of the Joint Committee set up pursuant to Article 13 of the Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation and the entry into force of the amendment to the Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation

The instruments of ratification necessary for :

- the entry into force of the Decision of the Joint Committee set up pursuant to Article 13 of the Agreement between the European Economic Community, the Kingdom of Sweden and the Kingdom of Norway on civil aviation were deposited with the General Secretariat of the Council, in accordance with Article 14 (3) of that Agreement and part III of the Decision of the Joint Committee dated 26 March 1993 on 9 August and 16 August 1993 respectively. The Decision accordingly enters into force on 16 August 1993,
 - the entry into force of the amendment to the Agreement between the European Economic Community, the Kingdom of Sweden and the Kingdom of Norway on civil aviation were deposited on 9 August and 10 September 1993 respectively. In accordance with Article 23 (3) of the Agreement, the amendment to the Agreement enters into force on 10 September 1993.
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COMMISSION

COMMISSION DECISION

of 21 September 1993

on protection measures in relation to Venezuelan equine encephalomyelitis in Mexico and amending Council Decision 79/542/EEC

(93/507/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC⁽¹⁾, as last amended by Decision 92/438/EEC⁽²⁾, and in particular Article 18 thereof,

Having regard to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae⁽³⁾, as last amended by Directive 92/36/EEC⁽⁴⁾, and in particular Article 12 thereof,

Whereas the presence of Venezuelan equine encephalomyelitis has been confirmed in Mexico;

Whereas the appearance of Venezuelan equine encephalomyelitis in Mexico constitutes a serious threat to equidae of the Member States, taking into account the various movements of equidae;

Whereas accordingly, it is necessary to prohibit the re-admission of registered horses after temporary export, the temporary admission and the import of equidae from Mexico;

Whereas, for the sake of clarity, Council Decision 79/542/EEC⁽⁵⁾, last amended by Commission Decision

93/435/EEC⁽⁶⁾, should be amended to bring it into line with the measures provided for;

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 Member States shall prohibit the temporary admission of registered horses, the re-admission of registered horses after temporary export and the import of equidae from Mexico.

Article 2

In Part I of the Annex to Decision 79/542/EEC, the line referring to Mexico is hereby amended as follows:

a reference to footnote⁽⁶⁾ is added under the sub-heading 'Live animals' in the column for 'Special remarks'.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 21 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 56.

⁽²⁾ OJ No L 243, 25. 8. 1992, p. 27.

⁽³⁾ OJ No L 224, 18. 8. 1990, p. 42.

⁽⁴⁾ OJ No L 157, 10. 6. 1992, p. 28.

⁽⁵⁾ OJ No L 146, 14. 6. 1979, p. 15.

⁽⁶⁾ OJ No L 201, 11. 8. 1993, p. 28.