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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EEC) No 2789/93**

of 11 October 1993

**amending Regulations (EEC) No 2312/92 and (EEC) No 1148/93 laying down detailed rules for implementing the specific measures for supplying the French overseas territories with live bovine animals and breeding horses**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments<sup>(1)</sup>, as amended by Commission Regulation (EEC) No 3714/92<sup>(2)</sup>, and in particular Articles 4 (5) and 9 thereof,

Whereas Commission Regulation (EEC) No 131/92<sup>(3)</sup>, as last amended by Regulation (EEC) No 2596/93<sup>(4)</sup>, lays down common detailed rules for implementation of the specific measures for the supply of certain agricultural products to the French overseas departments;

Whereas Commission Regulation (EEC) No 2312/92<sup>(5)</sup>, as last amended by Regulation (EEC) No 1734/93<sup>(6)</sup>, and (EEC) No 1148/93<sup>(7)</sup>, as amended by Regulation (EEC) No 1734/93, lay down detailed rules for implementing the specific measures for supplying the French overseas departments with live bovine animals and breeding horses respectively;

Whereas, in the light of experience, it is necessary to alter the timetable for the submission of applications for, and the issue of, certificates, and to amend the period of their validity and the size of the security lodged by the party concerned;

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*

Regulation (EEC) No 2312/92 is hereby amended as follows:

1. Article 9 is amended as follows:

- (a) in paragraph 1, 'during the first five working days' is replaced by 'during the first 10 working days';
- (b) in paragraph 1 (b), 'ECU 30' is replaced by 'ECU 3';
- (c) in paragraph 2, 'on the 10th working day' is replaced by 'on the 15th working day';

2. Article 10 is replaced by the following text:

*Article 10*

Licences and certificates shall expire on the 90th day after their issue.'

*Article 2*

Regulation (EEC) No 1148/93 is hereby amended as follows:

1. Article 4 is amended as follows:

- (a) in paragraph 1, 'during the first five working days' is replaced by 'during the first 10 working days';
- (b) in paragraph 1 (b), 'ECU 30' is replaced by 'ECU 3';
- (c) in paragraph 2, 'by the 10th working day' is replaced by 'by the 15th working day';

2. Article 5 is replaced by the following text:

*Article 5*

The duration of validity of the aid certificates shall expire on the 90th day after their issue.'

*Article 3*

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

<sup>(1)</sup> OJ No L 356, 24. 12. 1991, p. 1.

<sup>(2)</sup> OJ No L 378, 23. 12. 1992, p. 23.

<sup>(3)</sup> OJ No L 15, 22. 1. 1992, p. 13.

<sup>(4)</sup> OJ No L 238, 23. 9. 1993, p. 24.

<sup>(5)</sup> OJ No L 222, 7. 8. 1992, p. 32.

<sup>(6)</sup> OJ No L 160, 1. 7. 1993, p. 32.

<sup>(7)</sup> OJ No L 116, 12. 5. 1993, p. 15.

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

Done at Brussels, 11 October 1993.

*For the Commission*  
René STEICHEN  
*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 2790/93**  
**of 11 October 1993**  
**on the supply of cereals as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management<sup>(1)</sup>, as last amended by Regulation (EEC) No 1930/90<sup>(2)</sup>, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management<sup>(3)</sup> lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain beneficiaries 12 500 tonnes of cereals;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid<sup>(4)</sup>, as amended by Regulation (EEC) No 790/91<sup>(5)</sup>; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, notably for logistical reasons, certain supplies are not awarded within the first and second deadlines for submission of tenders; whereas, in order to avoid republication of the notice of invitation to tender, a third deadline for submission of tenders should be opened,

HAS ADOPTED THIS REGULATION:

*Article 1*

Cereals shall be mobilized in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

*Article 2*

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

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

Done at Brussels, 11 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1.

<sup>(2)</sup> OJ No L 174, 7. 7. 1990, p. 6.

<sup>(3)</sup> OJ No L 136, 26. 5. 1987, p. 1.

<sup>(4)</sup> OJ No L 204, 25. 7. 1987, p. 1.

<sup>(5)</sup> OJ No L 81, 28. 3. 1991, p. 108.

## ANNEX

## LOT A

1. **Operation No** (1): 1661/92
2. **Programme** : 1991
3. **Recipient** (2) : Honduras
4. **Representative of the recipient** : Europe : Ambassade du Honduras, avenue des Gaulois 3, B-1040 Bruxelles (tel. (32 2) 734 00 00) ; Honduras : Secplan (Secretaría de Planificación, Coordinación y Presupuesto) Sr Orlando Funez Cruz, Edificio Banadesa, Comayaguela, Apartado Postal 1327 (fax (504) 38 17 77)
5. **Place or country of destination** (3) : Honduras
6. **Product to be mobilized** : common wheat
7. **Characteristics and quality of the goods** (3) (6) : see OJ No C 114, 29. 4. 1991, p. 1 (under IIA.1 (a))
8. **Total quantity** : 7 500 tonnes
9. **Number of lots** : one
10. **Packaging** : in bulk
11. **Method of mobilization** : the Community market
12. **Stage of supply** : free at port of landing — landed
13. **Port of shipment** : —
14. **Port of landing specified by the recipient** : —
15. **Port of landing** : Puerto Cortés
16. **Address of the warehouse and, if appropriate, port of landing** : —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage** : 15 — 28. 11. 1993
18. **Deadline for the supply** : 26. 12. 1993
19. **Procedure for determining the costs of supply** : tendering
20. **Date of expiry of the period allowed for submission of tenders** : 12 noon (Brussels time) on 26. 10. 1993
21. **A. In the case of a second invitation to tender** :
  - (a) deadline for the submission of tenders : 12 noon (Brussels time) on 9. 11. 1993
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 29. 11 — 12. 12. 1993
  - (c) deadline for the supply : 9. 1. 1994**B. In the case of a third invitation to tender** :
  - (a) deadline for the submission of tenders : 12 noon (Brussels time) on 23. 11. 1993
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 13 — 26. 12. 1993
  - (c) deadline for the supply : 23. 1. 1994
22. **Amount of the tendering security** : ECU 5 per tonne
23. **Amount of the delivery security** : 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** (1) : Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles ; telex AGREC 22037 B or AGREC 25670 B ; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04
25. **Refund payable on request by the successful tenderer** (4) : refund applicable on 26. 10. 1993, fixed by Commission Regulation (EEC) No 2677/93 (OJ No L 245, 1. 10. 1993, p. 33)

## LOT B

1. **Operation No** (1): 960/93
2. **Programme**: 1993
3. **Recipient** (2): Niger
4. **Representative of the recipient**:  
Office des Produits Vivriers du Niger (OPVN), BP 474, Niamey (tel. (227) 73 44 43; telefax 73 24 68; telex 5323 NI) Contact: Bankoula Abdoulaye, Directeur Général OPVN
5. **Place or country of destination** (3): Niger
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** (3): see OJ No C 114, 29. 4. 1991, p. 1 (under II.A.1 (a))
8. **Total quantity**: 5 000 tonnes
9. **Number of lots**: one, in two parts (B 1: 2 500 tonnes; B 2: 2 500 tonnes)
10. **Packaging and marking** (7) (8) (9): see OJ No C 114, 29. 4. 1991, p. 1 (under II.A.2 (a) and II.A.3) markings in French
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**:  
B 1: entrepôt OPVN Niamey  
B 2: entrepôt OPVN Birni N'Konni
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 15 — 28. 11. 1993
18. **Deadline for the supply**: 9. 1. 1994
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 26. 10. 1993
21. **A. In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 9. 11. 1993
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 29. 11 — 12. 12. 1993
  - (c) deadline for the supply: 23. 1. 1994**B. In the case of a third invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 23. 11. 1993
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 13 — 26. 12. 1993
  - (c) deadline for the supply: 6. 2. 1994
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** (1):  
Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B or AGREC 25670 B; telefax: (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04
25. **Refund payable on request by the successful tenderer** (4): refund applicable on 22. 10. 1993, fixed by Commission Regulation (EEC) No 2677/93 (OJ No L 245, 1. 10. 1993, p. 33)

*Notes :*

- (1) The operation number should be mentioned in all correspondence.
- (2) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (3) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.  
The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (4) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.  
The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106) shall not apply to this amount.
- (5) Commission delegation to be contacted by the successful tenderer : see OJ No C 114, 29. 4. 1991, p. 33. (Lot A : see Costa Rica.)
- (6) The successful tenderer shall supply to the beneficiary or its representative, on delivery, a fumigation certificate (before shipment).
- (7) Bagging must be carried out before shipment.
- (8) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (9) Notwithstanding OJ No C 114, point IIA.3 (c) is replaced by the following : 'the words "European Community"'.  

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## COMMISSION REGULATION (EEC) No 2791/93

of 11 October 1993

fixing the production levies in the sugar sector for the 1992/93 marketing year

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1548/93 <sup>(2)</sup>, and in particular Articles 28 (8) and 28a (5) thereof,

Whereas Article 7 (1) of Commission Regulation (EEC) No 1443/82 of 8 June 1982 laying down detailed rules for the application of the quota system in the sugar sector <sup>(3)</sup>, as last amended by Regulation (EEC) No 886/91 <sup>(4)</sup>, provides that the basic production levy and the B levy together with, if required, the coefficient referred to in Article 28a (2) of Regulation (EEC) No 1785/81 for sugar and isoglucose are to be fixed before 15 October in respect of the preceding marketing year;

Whereas Commission Regulation (EEC) No 2593/92 <sup>(5)</sup> increased, for the 1992/93 marketing year, the maximum amount referred to in the first indent of the second subparagraph of Article 28 (4) of Regulation (EEC) No 1785/81 to 37,5 % of the intervention price for white sugar;

Whereas the estimated total loss recorded in accordance with Article 28 (1) and (2) of Regulation (EEC) No 1785/81 necessitates, in respect of the 1992/93 marketing year, the retention of the maximum amounts referred to in Article 28 (3) of the said Regulation in so far as the basic production levy is concerned and the taking into account of an amount equal to 35,062 % of the intervention price for white sugar for the calculation of the B levy

in conformity with Article 28 (4) and (5) of the same Regulation;

Whereas the total uncovered loss recorded on the basis of the known information and in application of Article 28 (1) and (2) of Regulation (EEC) No 1785/81 is covered in its entirety by the receipts from the basic production levy and the B levy; whereas the coefficient referred to in Article 28a (2) of the said Regulation should not as a consequence be fixed for the 1992/93 marketing year;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The production levies in the sugar sector for the 1992/93 marketing year are hereby fixed as follows:

- (a) ECU 1,0602 per 100 kilograms of white sugar as the basic production levy on A sugar and B sugar;
- (b) ECU 18,5864 per 100 kilograms of white sugar as the B levy on B sugar;
- (c) ECU 0,4448 per 100 kilograms of dry matter as the basic production levy on A isoglucose and B isoglucose;
- (d) ECU 7,7981 per 100 kilograms of dry matter as the B levy on B isoglucose.

*Article 2*

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

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

Done at Brussels, 11 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 154, 25. 6. 1993, p. 10.

<sup>(3)</sup> OJ No L 158, 9. 6. 1982, p. 17.

<sup>(4)</sup> OJ No L 90, 11. 4. 1991, p. 15.

<sup>(5)</sup> OJ No L 259, 5. 9. 1992, p. 19.

**COMMISSION REGULATION (EEC) No 2792/93**  
**of 11 October 1993**  
**fixing the import levies on rice and broken rice**

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice <sup>(1)</sup>, as last amended by Regulation (EEC) No 1544/93 <sup>(2)</sup>, and in particular Article 11 (2) thereof,

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

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2666/93 <sup>(5)</sup>, as amended by Regulation (EEC) No 2734/93 <sup>(6)</sup>,

HAS ADOPTED THIS REGULATION :

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 12 October 1993.

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

Done at Brussels, 11 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(2)</sup> OJ No L 154, 25. 6. 1993, p. 5.

<sup>(3)</sup> OJ No L 80, 24. 3. 1987, p. 20.

<sup>(4)</sup> OJ No L 75, 21. 3. 1991, p. 29.

<sup>(5)</sup> OJ No L 245, 1. 10. 1993, p. 4.

<sup>(6)</sup> OJ No L 247, 5. 10. 1993, p. 11.

## ANNEX

## to the Commission Regulation of 11 October 1993 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies (*)		
	Arrangement in Regulation (EEC) No 3877/86 (1)	ACP Bangladesh (1) (2) (3)	Third countries (except ACP) (3)
1006 10 21	—	142,13	291,47
1006 10 23	—	147,93	303,07
1006 10 25	—	147,93	303,07
1006 10 27	227,30	147,93	303,07
1006 10 92	—	142,13	291,47
1006 10 94	—	147,93	303,07
1006 10 96	—	147,93	303,07
1006 10 98	227,30	147,93	303,07
1006 20 11	—	178,57	364,34
1006 20 13	—	185,82	378,84
1006 20 15	—	185,82	378,84
1006 20 17	284,13	185,82	378,84
1006 20 92	—	178,57	364,34
1006 20 94	—	185,82	378,84
1006 20 96	—	185,82	378,84
1006 20 98	284,13	185,82	378,84
1006 30 21	—	221,50	466,85
1006 30 23	—	278,83	581,44
1006 30 25	—	278,83	581,44
1006 30 27	436,08	278,83	581,44
1006 30 42	—	221,50	466,85
1006 30 44	—	278,83	581,44
1006 30 46	—	278,83	581,44
1006 30 48	436,08	278,83	581,44
1006 30 61	—	236,25	497,20
1006 30 63	—	299,30	623,31
1006 30 65	—	299,30	623,31
1006 30 67	467,48	299,30	623,31
1006 30 92	—	236,25	497,20
1006 30 94	—	299,30	623,31
1006 30 96	—	299,30	623,31
1006 30 98	467,48	299,30	623,31
1006 40 00	—	61,37	128,75

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

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

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

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

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

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

**COMMISSION REGULATION (EEC) No 2793/93****of 11 October 1993****fixing the premiums to be added to the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice <sup>(1)</sup>, as last amended by Regulation (EEC) No 1544/93 <sup>(2)</sup>, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2667/93 <sup>(3)</sup>, as amended by Regulation (EEC) No 2735/93 <sup>(4)</sup>;

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

*Article 1*

The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 12 October 1993.

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

Done at Brussels, 11 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(2)</sup> OJ No L 154, 25. 6. 1993, p. 5.

<sup>(3)</sup> OJ No L 245, 1. 10. 1993, p. 7.

<sup>(4)</sup> OJ No L 247, 5. 10. 1993, p. 13.

## ANNEX

to the Commission Regulation of 11 October 1993 fixing the premiums to be added to the import levies on rice and broken rice

CN code	<i>(ECU/tonne)</i>			
	Current 10	1st period 11	2nd period 12	3rd period 1
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

**COMMISSION REGULATION (EEC) No 2794/93****of 11 October 1993****fixing the import levies on cereals and on wheat or rye flour, groats and meal**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as amended by Regulation (EEC) No 2193/93<sup>(2)</sup>, and in particular Articles 10 (5) and 11 (3) thereof,

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

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2703/93<sup>(4)</sup> and subsequent amending Regulations;

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

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2703/93 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 12 October 1993.

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

Done at Brussels, 11 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 196, 5. 8. 1993, p. 22.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 245, 1. 10. 1993, p. 108.

## ANNEX

## to the Commission Regulation of 11 October 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries <sup>(*)</sup>
0709 90 60	95,59 <sup>(*)</sup> <sup>(*)</sup>
0712 90 19	95,59 <sup>(*)</sup> <sup>(*)</sup>
1001 10 00	69,63 <sup>(1)</sup> <sup>(*)</sup>
1001 90 91	86,12
1001 90 99	86,12 <sup>(*)</sup>
1002 00 00	114,05 <sup>(*)</sup>
1003 00 10	120,43
1003 00 20	120,43
1003 00 80	120,43 <sup>(*)</sup>
1004 00 00	90,76
1005 10 90	95,59 <sup>(*)</sup> <sup>(*)</sup>
1005 90 00	95,59 <sup>(*)</sup> <sup>(*)</sup>
1007 00 90	101,92 <sup>(*)</sup>
1008 10 00	22,72 <sup>(*)</sup>
1008 20 00	30,10 <sup>(*)</sup>
1008 30 00	28,70 <sup>(*)</sup>
1008 90 10	<sup>(7)</sup>
1008 90 90	28,70
1101 00 00	159,37 <sup>(*)</sup>
1102 10 00	197,18
1103 11 30	142,80
1103 11 50	142,80
1103 11 90	182,20
1107 10 11	164,17
1107 10 19	125,42
1107 10 91	225,25 <sup>(10)</sup>
1107 10 99	171,05 <sup>(*)</sup>
1107 20 00	197,55 <sup>(10)</sup>

<sup>(1)</sup> Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

<sup>(\*)</sup> In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.

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

<sup>(\*)</sup> Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

<sup>(\*)</sup> Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

<sup>(\*)</sup> The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

<sup>(7)</sup> The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

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

<sup>(\*)</sup> Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

<sup>(10)</sup> In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.

**COMMISSION REGULATION (EEC) No 2795/93  
of 11 October 1993**

**fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as amended by Regulation (EEC) No 2193/93<sup>(2)</sup>, and in particular Article 12 (4) thereof,

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

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1681/93<sup>(4)</sup> and subsequent amending Regulations;

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

rate established during the reference period from 8 October 1993, as regards floating currencies, should be used to calculate the levies;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 12 October 1993.

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

Done at Brussels, 11 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 196, 5. 8. 1993, p. 22.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 159, 1. 7. 1993, p. 11.



## ANNEX

to the Commission Regulation of 11 October 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

*(ECU/tonne)*

CN code	Current	1st period	2nd period	3rd period
	10	11	12	1
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0
1102 10 00	0	0	0	0
1103 11 30	0	0	0	0
1103 11 50	0	0	0	0
1103 11 90	0	0	0	0

## B. Malt

*(ECU/tonne)*

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

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DIRECTIVE 93/84/EEC

of 30 September 1993

amending Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 90 (3) thereof,

Whereas Commission Directive 80/723/EEC<sup>(1)</sup>, as amended by Directive 85/413/EEC<sup>(2)</sup>, introduced a system whereby Member States were placed under an obligation to ensure that financial relations between public authorities and public undertakings are transparent; whereas that Directive required certain financial information to be retained by Member States and supplied to the Commission when requested;

Whereas Directive 80/723/EEC contains provisions, particularly in Articles 3 and 5, which may facilitate the Commission's task in meeting the obligations it has assumed;

Whereas public undertakings play an important role in the economies of Member States; whereas the need for transparency of financial relations between the Member States and their public undertakings has proved greater than before, on account of developments in the competitive situation in the common market, especially as the Community is moving towards close economic integration and social cohesion;

Whereas the Member States have adopted a Single European Act which in turn has led to the creation of the Single Market with effect from 1 January 1993; whereas this will lead to greater competitive pressures and to a need for the Commission to be vigilant in ensuring that the full benefits of the Single Market are achieved; whereas the Single Market makes it increasingly necessary

to ensure that an equality of opportunity exists between both public and private undertakings;

Whereas it has been established that a significant part of the financial flows between a State and its public undertakings pass through a variety of forms of financial transfers and do not simply take the form of capital or quasi-capital injections;

Whereas it is predominantly in the manufacturing sector that the Commission has established that a considerable amount of aid has been granted to undertakings but not notified pursuant to Article 93 (3) of the Treaty; whereas the first<sup>(3)</sup>, second<sup>(4)</sup> and third<sup>(5)</sup> State aid surveys confirm that large amounts of State aid continue to be granted illegally;

Whereas a reporting system based on *ex post facto* checks of the financial flows between public authorities and public undertakings will enable the Commission to fulfil its obligations; whereas that system of control must cover specific financial information; whereas such information is not always publicly available and, as it is found in the public arena, is insufficiently detailed to allow a proper evaluation of the financial flows between the State and public undertakings;

Whereas all of the information requested can be regarded as being proportional to the objective pursued, taking account of the fact that such information is already subject to the disclosure obligations under the Fourth Council Directive 78/660/EEC<sup>(6)</sup> concerning the annual accounts of companies, as last amended by Directive 90/605/EEC<sup>(7)</sup>;

<sup>(1)</sup> OJ No L 195, 29. 7. 1980, p. 35.

<sup>(2)</sup> OJ No L 229, 28. 8. 1985, p. 20.

<sup>(3)</sup> ISBN 92-825-9535.

<sup>(4)</sup> ISBN 9-826-0386.

<sup>(5)</sup> ISBN 92-826-4637.

<sup>(6)</sup> OJ No L 222, 14. 8. 1978, p. 11.

<sup>(7)</sup> OJ No L 317, 16. 11. 1990, p. 60.

Whereas, in order to limit the administrative burden on Member States, the reporting system should make use of both publicly available data and information available majority shareholders; whereas the presentation of consolidated reports is to be permitted; whereas incompatible aid to major undertakings operating in the manufacturing sector will have the greatest distortive effect on competition in the common market; whereas, therefore, such a reporting system may at present be limited to undertakings with a yearly turnover of more than ECU 250 million;

Whereas, although the Commission, when notifying the Directive in 1980, took the view that movements of funds within a public undertaking or group of public undertakings were not subject to the requirements of Directive 80/723/EEC, the inclusion of such information is called for by the new requirements of economic life, which is often influenced by State intervention via public undertakings; whereas, as has been underlined in the case-law of the Court of Justice since 1980<sup>(1)</sup>, infringements of the provisions of Article 93 (3) by Member States have increased appreciably, thereby making the Commission's monitoring tasks in the field of competition more and more difficult; whereas the Commission's powers of vigilance must therefore be increased,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

Directive 80/723/EEC is amended as follows:

1. in Article 2, the following indent is added:

— "public undertakings operating in the manufacturing sector" means:

all undertakings whose principal area of activity, defined as being at least 50 % of total annual turnover, is in manufacturing. These undertakings are those whose operations fall to be included in Section D — Manufacturing (being subsection DA up to and including subsection DN) of the NACE (Rev. 1) classification<sup>(\*)</sup>.

<sup>(\*)</sup> OJ No L 83, 3. 4. 1993;

2. Article 5a is inserted as follows:

#### Article 5a

1. Member States whose public undertakings operate in the manufacturing sector shall supply the financial information as set out in paragraph 2 to the

Commission on an annual basis within the timetable contained in paragraph 4.

2. The financial information required for each public undertaking operating in the manufacturing sector and in accordance with paragraph 3 shall be as follows:

- (i) the annual report and annual accounts, in accordance with the definition of Council Directive 78/660/EEC<sup>(\*)</sup>. The annual accounts and annual report include the balance sheet and profit/loss account, explanatory notes, together with accounting policies, statements by directors, segmental and activity reports. Moreover, notices of shareholders' meetings and any other pertinent information shall be provided.

The following details, in so far as not disclosed in the annual report and annual accounts of each public undertaking, shall also be provided:

- (ii) the provision of any share capital or quasi-capital funds similar in nature to equity, specifying the terms of its or their provision (whether ordinary, preference, deferred or convertible shares and interest rates; the dividend or conversion rights attaching thereto);
- (iii) non-refundable grants, or grants which are only refundable in certain circumstances;
- (iv) the award to the enterprise of any loans, including overdrafts and advances on capital injections, with a specification of interest rates and the terms of the loan and its security, if any, given to the lender by the enterprise receiving the loan;
- (v) guarantees given to the enterprise by public authorities in respect of loan finance (specifying terms and any charges paid by enterprises for these guarantees);
- (vi) dividends paid out and profits retained;
- (vii) any other forms of State intervention, in particular, the forgiving of sums due to the State by a public undertaking, including *inter alia* the repayment of loans, grants, payment of corporate or social taxes or any similar charges.

3. The information required by paragraph 2 shall be provided for all public undertakings whose turnover for the most recent financial year was more than ECU 250 million.

The information required above shall be supplied separately for each public undertaking including those located in the Member States, and shall include, where appropriate, details of all intra- and inter-group transactions between different public undertakings, as well as transactions conducted direct between public undertaking and the State. The share capital referred to in

<sup>(1)</sup> See, for example, the Judgments in Case 290/83 Commission v. France [1985] ECR, 439 (agriculture credit fund), Joined Cases 67, 68 and 70/85 Van der Kooy v. Commission [1988] ECR, p. 219, Case 303/88 Italy v. Commission [1991] ECR-I, p. 1433 (ENI-Lanerossi) and Case C-305/89 Italy v. Commission [1991] ECR-I, p. 1603 (IRI, Finmeccanica and Alfa Romeo).

paragraph 2 (ii) shall include share capital contributed by the State direct and any share capital received contributed by a public holding company or other public undertaking (including financial institutions), whether inside or outside the same group, to a given public undertaking. The relationship between the provider of the finance and the recipient shall always be specified. Similarly, the reports required in paragraph 2 shall be provided for each individual public undertakings separately, as well as for the (sub-)holding company which consolidates several public undertakings in so far as the consolidated sales of the (sub-)holding company lead to its being classified as "manufacturing".

Certain public enterprises split their activities into several legally distinct undertakings. For such enterprises the Commission is willing to accept one consolidated report. The consolidation should reflect the economic reality of a group of enterprises operating in the same or closely related sectors. Consolidated reports from diverse, and purely financial, holdings shall not be sufficient.

4. The information required under paragraph 2 shall be supplied to the Commission on an annual basis. The information in respect of the financial year 1992 shall be forwarded to the Commission within two months of publication of this Directive.

For 1993 and subsequent years, the information shall be provided within 15 working days of the date of publication of the annual report of the public undertaking concerned. In any case, and specifically for undertakings which do not publish an annual report, the required information shall be submitted not later than nine months following the end of the undertaking's financial year.

In order to assess the number of companies covered by this reporting system, Member States shall supply to the Commission a list of the companies covered by

this Article and their turnover, within two months of publication of this Directive. The list is to be updated by 31 March of each year.

5. This Article is applicable to companies owned or controlled by the Treuhandanstalt only from the expiry date of the special reporting system set up for Treuhandanstalt investments.

6. Member States will furnish the Commission with any additional information that it deems necessary in order to complete a thorough appraisal of the data submitted.

(\*) OJ No L 222, 14. 8. 1978, p. 11.

#### *Article 2*

Member States shall adopt the provisions necessary to comply with this Directive by 1 November 1993. They shall inform the Commission thereof immediately.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

#### *Article 3*

This Directive is addressed to the Member States.

Done at Brussels, 30 September 1993.

*For the Commission*

Karel VAN MIERT

*Vice-President*

## COMMISSION DECISION

of 21 September 1993

on financial aid from the Community within the framework of the Community action concerning reserves of foot-and-mouth disease vaccines

(Only the English, French, German and Italian texts are authentic)

(93/527/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field <sup>(1)</sup>, as last amended by Commission Decision 93/439/EEC <sup>(2)</sup>, and in particular Article 14 thereof,

Whereas, in conformity with Council Decision 91/666/EEC of 11 December 1991 establishing Community reserves of foot-and-mouth disease vaccines <sup>(3)</sup>, the constitution of banks of antigens is a part of the Community action to establish Community reserves of foot-and-mouth disease vaccines;

Whereas, in accordance with Article 3 of the said Decision the Institute for Animal Health, Pirbright (United Kingdom), the Laboratoire de pathologie bovine du centre national d'études vétérinaires et alimentaires, Lyon (France), Bayer AG, Cologne (Germany), and the Istituto Zooprofilattico Sperimentale, Brescia (Italy), have been nominated as antigen banks, to provide storage for the Community reserves;

Whereas all the functions and duties to be carried out by the antigen banks in connection with the vaccine reserves have been determined in Article 4 of that Decision;

Whereas therefore provisions should be made for Community financial aid to the banks to enable them to carry out the functions and duties provided for in that Decision;

Whereas in the first instance, Community financial aid should be provided for a period of one year; whereas this will be reviewed with a view to extension prior to expiry of the initial period;

Whereas in accordance with Article 40 of Council Decision 90/424/EEC, checks provided for in Articles 8 and 9 of Council Regulation (EEC) No 729/70 of 21 April 1970 concerning the financing of the common agricultural policy <sup>(4)</sup>, as last amended by Regulation (EEC)

No 2048/88 <sup>(5)</sup>, shall apply; whereas, moreover, certain particular provisions should be made;

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 Community shall provide financial assistance to the antigen banks provided for in Article 3 (1) of Decision 91/666/EEC up to a maximum of ECU 700 000.

*Article 2*

1. To meet the objectives of Article 1, the Commission shall conclude a contract, in the name of the European Economic Community, with each of the antigen banks.
2. The Director-general of the Directorate-General for Agriculture shall be authorized to sign the contracts on behalf of the Commission of the European Communities.
3. The contracts referred to in Article 1 shall have a duration of one year.
4. The financial aid provided for in Article 1 shall be paid to the antigen banks in accordance with the terms of the contracts provided for in paragraph 1.

*Article 3*

This Decision is addressed to France, Germany, Italy and the United Kingdom.

Done at Brussels, 21 September 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 224, 18. 8. 1990, p. 19.

<sup>(2)</sup> OJ No L 203, 13. 8. 1993, p. 34.

<sup>(3)</sup> OJ No L 368, 31. 12. 1991, p. 21.

<sup>(4)</sup> OJ No L 94, 28. 4. 1970, p. 13.

<sup>(5)</sup> OJ No L 185, 15. 7. 1988, p. 1.

**CORRIGENDA**

**Corrigendum to Commission Regulation (EEC) No 2152/93 of 30 July 1993 fixing the export refunds on beef**

*(Official Journal of the European Communities No L 191 of 31 July 1993)*

On page 122, in the Annex, in the column headed 'Refund (\*)<sup>(10)</sup>', against 'Product code 0201 20 30 110 (\*)', Destination 02':

for: '118,00',

read: '118,50'.

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