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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2822/93

of 15 October 1993

opening an invitation to tender for the sale of olive oil held by the Italian intervention agency

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2046/92⁽²⁾, and in particular Article 12 (4) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2754/78⁽³⁾, as amended by Regulation (EEC) No 2203/90⁽⁴⁾, provides that olive oil held by the intervention agencies shall be put up for sale by tender;

Whereas, pursuant to Article 12 (1) of Regulation No 136/66/EEC, the Italian intervention agency holds certain quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77⁽⁵⁾, as last amended by Regulation (EEC) No 3818/85⁽⁶⁾, laid down the conditions for the sale by tender on the Community market and for export of olive oil; whereas the state of the market in olive oil is at present favourable for the sale of part of the said oil;

Whereas special time limits should be laid down for withdrawal of the olive oil to expedite its placing on the market;

Whereas Article 20 of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates⁽⁷⁾ lays down that tenders submitted in response to invitations to tender be expressed in ecus and Articles 13 to 17 thereof provide for advance fixing of the agricultural conversion rates for the amounts concerned; whereas Article 10 of the said Regulation applies to the olive oil sector only as from the beginning of the 1993/94 marketing year; whereas it is accordingly necessary to specify the operative event for the agricultural conversion rate in the case of this invitation to tender;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Italian intervention agency, 'Azienda di Stato per gli interventi nel mercato agricolo', hereinafter referred to as 'AIMA', shall open an invitation to tender in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale on the Community market of the following quantities of olive oil:

- approximately 6 600 tonnes of ordinary virgin olive oil,
- approximately 2 300 tonnes of lampante virgin olive oil.

Article 2

The notice of invitation to tender shall be published on 19 October 1993.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the central office of AIMA, via Palestro 81, I-00185 Rome.

A copy of the notice of invitation to tender shall be sent without delay to the Commission.

Article 3

The tenders must reach AIMA at the central office, via Palestro 81, I-00185 Rome not later than 2 p.m. (local time) on 25 October 1993.

Tenders shall be admissible only if submitted by a natural or legal person who exercises an activity in the olive oil sector and is entered in that status as at 31 December 1992 in a public register of a Member State.

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

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 1.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 5.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 20.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

Article 4

1. With regard to lampante virgin olive oil, tenders shall be submitted for an oil of 3° acidity.
2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, increased or reduced in accordance with the scale below :
 - up to 3° acidity :
increase of ECU 0,32 for each tenth of a degree of acidity below 3°
 - above 3° up to 5° acidity :
reduction of ECU 0,32 for each tenth of a degree of acidity above 3°
 - above 5° acidity :
additional reduction of ECU 0,35 for each tenth of a degree of acidity above 5°.

Article 5

Not later than three days after the expiry of the time limit laid down for the submission of tenders, AIMA shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

Article 6

The minimum selling price per 100 kilograms of oil shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, on the basis of the tenders received, not later than the 10th working day after the expiry of each final date laid down for the submission of tenders. The decision fixing the minimum

selling price shall be notified forthwith to the Member State concerned.

Article 7

The olive oil shall be sold by AIMA not later than the fifth working day after the date of notification of the decision referred to in Article 6.

AIMA shall supply the agencies responsible for storage with a list of the lots remaining unsold.

Article 8

The product shall be withdrawn not later than 30 November 1993.

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be ECU 18 per 100 kilograms.

Article 9

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be ECU 3 per 100 kilograms.

Article 10

The operative event for the agricultural conversion rate applicable in the context of this invitation to tender shall be determined in accordance with the provisions of Article 10 of Regulation (EEC) No 1068/93.

Article 11

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, 15 October 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 2823/93

of 15 October 1993

opening an invitation to tender for the sale of olive oil held by the Spanish intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2046/92⁽²⁾, and in particular Article 12 (4) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2754/78⁽³⁾, as amended by Regulation (EEC) No 2203/90⁽⁴⁾, provides that olive oil held by the intervention agencies shall be put up for sale by tender;

Whereas, pursuant to Article 12 (1) of Regulation (EEC) No 136/66/EEC, the Spanish intervention agency holds certain quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77⁽⁵⁾, as last amended by Regulation (EEC) No 3818/85⁽⁶⁾, laid down the conditions for the sale by tender on the Community market and for export of olive oil; whereas the state of the market in olive oil is at present favourable for the sale of part of the said oil;

Whereas special time limits should be laid down for withdrawal of the olive oil to expedite its placing on the market;

Whereas Article 20 of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates⁽⁷⁾ lays down that tenders submitted in response to invitations to tender be expressed in ecus and Articles 13 to 17 thereof provide for advance fixing of the agricultural conversion rates for the amounts concerned; whereas Article 10 of the said Regulation applies to the olive oil sector only as from the beginning of the 1993/94 marketing year; whereas it is accordingly necessary to specify the operative event for the agricultural conversion rate in the case of this invitation to tender;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Spanish intervention agency, 'Servicio Nacional de Productos Agrarios', hereinafter referred to as 'Senpa' shall

open an invitation to tender in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale on the Community market of the following quantities of olive oil:

— approximately 6 500 tonnes of ordinary virgin olive oil.

By way of derogation from Article 5 (2) of Regulation (EEC) No 2960/77, Senpa shall, where the quantity of oil in a container exceeds 500 tonnes, be authorized to establish several lots with part only of that oil.

Article 2

The notice of invitation to tender shall be published on 19 October 1993.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the central office of Senpa, calle Beneficencia 8, Madrid 28004, Spain.

A copy of the notice of invitation to tender shall be sent without delay to the Commission.

Article 3

The tenders must reach Senpa, calle Beneficencia 8, Madrid 28004, Spain, not later than 2 p.m. (local time) on 25 October 1993. Tenders shall be admissible only if submitted by a natural or legal person who exercises an activity in the olive oil sector and is entered in that status as at 31 December 1992 in a public register of a Member State.

Article 4

Not later than three days after the expiry of the time limit laid down for the submission of tenders, Senpa shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

Article 5

The minimum selling price per 100 kilograms of oil shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, on the basis of the tenders received, not later than the 10th working day after the expiry of each final date laid down for the submission of tenders. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 6

The olive oil shall be sold by Senpa not later than the fifth working day after the date of notification of the decision referred to in Article 5.

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

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 1.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 5.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 20.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

Senpa shall supply the agencies responsible for storage with a list of the lots remaining unsold.

Article 7

The product shall be withdrawn not later than 30 November 1993.

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be ECU 18 per 100 kilograms.

Article 8

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be ECU 3 per 100 kilograms.

Article 9

The operative event for the agricultural conversion rate applicable in the context of this invitation to tender shall be determined in accordance with the provisions of Article 10 of Regulation (EEC) No 1068/93.

Article 10

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, 15 October 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 2824/93

of 15 October 1993

amending Regulation (EEC) No 1961/93 opening a standing invitation to tender for the export of maize held by the French intervention agency

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 procedures and conditions for the disposal of cereals held by the intervention agencies;

Whereas the final date of validity of export licences provided for in Commission Regulation (EEC) No 1961/93⁽⁴⁾, as last amended by Regulation (EEC) No 2624/93⁽⁵⁾; should be amended; whereas the last partial invitation to tender should be postponed and the deadline for the submission of tenders changed from Wednesday at 11 a.m. to Thursday at 9 a.m.;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 3 of Regulation (EEC) No 1961/93, '31 December 1993' is replaced by '31 January 1994'.

Article 2

In Article 4 (2) of Regulation (EEC) No 1961/93 'Wednesday at 11 a.m.' is replaced by 'Thursday at 9 a.m.'.

Article 3

In Article 4 (3) of Regulation (EEC) No 1961/93, '27 October 1993' is replaced by '25 November 1993'.

Article 4

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, 15 October 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 191, 31. 7. 1993, p. 76.
⁽⁴⁾ OJ No L 177, 21. 7. 1993, p. 15.
⁽⁵⁾ OJ No L 240, 25. 9. 1993, p. 11.

COMMISSION REGULATION (EEC) No 2825/93

of 15 October 1993

laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards the fixing and granting of adjusted refunds in respect of cereals exported in the form of certain spirit drinks

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 (5) thereof,Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, and in particular Article 6 (2) thereof,

Whereas Article 13 (5) of Regulation (EEC) No 1766/92 provides that, in so far as it is necessary to take account of the particular features of the production of certain spirituous beverages obtained from cereals, the criteria for granting export refunds may be adapted to this particular situation; whereas it would appear necessary to provide for such adjustment for certain spirit drinks where, on the one hand, the price of cereals at the moment of export is not linked to the price of cereals at the moment of production and, on the other hand, the final product derives from a mixture of numerous products, so that it has become impossible to monitor the identity of the cereals incorporated in the final product for exportation, all the more so since those spirit drinks are also subject to compulsory ageing of at least three years;

Whereas difficulties of this nature have been encountered in particular in respect of Scotch whisky, Irish whiskey and Spanish whisky;

Whereas the usual system of refunds should, as far as possible, be applied on a similar basis; whereas a refund should therefore be paid for cereals meeting the conditions provided for in Article 9 (2) of the Treaty used pro rata in terms of the quantities of spirit drinks exported; whereas, to this end, the quantities of such distilled cereals should be multiplied by an overall, flat-rate coefficient calculated on the basis of national statistics supplied by the Member States concerned; whereas use of the ratio between the total quantities of spirit drinks concerned

which have been exported and the total quantities which have been sold seems to afford a fair and simple basis; whereas it is necessary to define what is meant by 'total quantities exported' and 'total quantities marketed'; whereas, for the purpose of determining the quantities of cereals distilled and the coefficient, the quantities subject to inward processing arrangements should be excluded;

Whereas it is necessary to make provision for the coefficient to be adjusted in particular to guard against the possibility that payments of the refunds might serve to increase stocks abnormally;

Whereas Article 13 (2) of Regulation (EEC) No 1766/92 provides for the possibility of differentiating the refund according to destination; whereas, therefore, objective criteria should be provided for which would lead to the abolition of the refund for certain destinations;

Whereas the day determining the applicable refund rate should be fixed; whereas that day should be linked in the first instance to the time at which the cereals are placed under control and, for the quantities distilled subsequently, to each fiscal distillation period; whereas before the refund is paid proof must be furnished in the form of a distillation declaration that the cereals have been distilled; whereas such a declaration must contain the information necessary for the calculation of the refunds; whereas the first day of each fiscal distillation period may also be the operative event for the agricultural conversion rate pursuant to Article 6 of Regulation (EEC) No 3813/92;

Whereas it is necessary for the purposes of this Regulation to record that the products have left the Community and in certain cases to identify their destination as well; whereas it is thus necessary to employ the definition of exportation set out in Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽⁴⁾ and to use the evidence provided for in Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁵⁾, as last amended by Regulation (EEC) No 1708/93⁽⁶⁾;

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽⁵⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁶⁾ OJ No L 159, 1. 7. 1993, p. 77.

Whereas, in order to establish the coefficient, it should be compulsory to provide proof that the quantities of spirit drinks have been exported; whereas it is appropriate to provide that Article 2 of Council Regulation (EEC) No 754/76 of 25 March 1976 on the customs treatment applicable to goods returned to the customs territory of the Community ⁽¹⁾, as last amended by Regulation (EEC) No 1147/86 ⁽²⁾, should apply to goods returning to Community territory if the special conditions are met;

Whereas the Member States should be required to pass on the necessary information to the Commission;

Whereas, in order to guarantee continuity in the system of granting export refunds for the products concerned, this Regulation should apply from 1 July 1993, with the exception of the new provisions relating to declaration and controls and certain rates and coefficients introduced by this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down detailed rules for fixing and granting export refunds for cereals exported in the form of spirit drinks as referred to in Article 13 (5) of Regulation (EEC) No 1766/92 and for which a compulsory ageing period of at least three years is part of the manufacturing process.

2. Save as otherwise provided in Article 6 (1), Council Regulation (EEC) No 3035/80 ⁽³⁾ shall not apply to the spirit drinks referred to in paragraph 1.

Article 2

The refunds referred to in Article 1 may be granted for cereals meeting the conditions laid down in Article 9 (2) of the Treaty and used in the production of the spirit drinks falling within CN codes 2208 30 91 and 2208 30 99 manufactured in accordance with Council Regulation (EEC) No 1576/89 ⁽⁴⁾.

⁽¹⁾ OJ No L 89, 2. 4. 1976, p. 1.

⁽²⁾ OJ No L 105, 22. 4. 1986, p. 1.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 160, 12. 6. 1989, p. 1.

Article 3

For the purposes of this Regulation:

- (a) 'given distillation period' means a period corresponding to a distillation period agreed between the beneficiary and the customs authorities or other competent authorities for the purposes of checks on excise duty (fiscal period);
- (b) 'total quantities exported' means the quantities of spirit drinks fulfilling the terms of Article 9 (2) of the Treaty and exported to a destination for which the refund applies. The evidence to be furnished shall be that specified in Article 13 of this Regulation;
- (c) 'total quantities marketed' means the quantities of spirit drinks fulfilling the terms of Article 9 (2) of the Treaty which have been finally dispatched from production or storage facilities with a view to their sale for human consumption;
- (d) 'placed under control' means the placing under a customs control procedure, or under an administrative procedure offering equivalent assurances, of cereals intended for the manufacture of the spirit drinks referred to in Article 2.

Article 4

1. The quantities of cereals eligible for the refund shall be the quantities placed under control and distilled by those entitled to the refund during a given distillation period, weighted by a coefficient to be fixed annually for each Member State concerned and applicable to all eligible parties concerned; the coefficient shall express the average ratio between the total quantities exported and the total quantities marketed of the spirit drinks concerned, on the basis of the trend noted in those quantities during the number of years corresponding to the average ageing period of the spirit drink in question.

For the purpose of determining the quantities of cereals distilled and the coefficient, quantities which have been subject to inward processing arrangements shall be excluded.

2. When the coefficient is calculated, account shall also be taken of variations in the stocks of one of the spirit drinks in question.

3. The coefficient may differ according to the cereal used.

4. The competent bodies shall at regular intervals check on the volume actually exported and on the volume of stocks.

Article 5

The coefficient referred to in Article 4 (1) shall be fixed before 1 July each year.

It shall apply from 1 July until 30 June of the following year.

The coefficient shall be fixed in accordance with information supplied by the Member States on the period 1 January to 31 December of the years preceding the year of fixing.

Article 6

1. The rate of the refund applicable shall be that fixed in accordance with Article 4 of Regulation (EEC) No 3035/80.

2. The rate of the refund and the agricultural conversion rate shall be those applicable on the day on which the cereals are placed under control.

However, as regards the quantities distilled in each of the fiscal distillation periods following that in which the placing under control occurred, those rates shall be those valid on the first day of each fiscal distillation period concerned.

Article 7

1. Where the situation on the world market or the specific requirements of certain markets so dictate, the refund shall be abolished for certain destinations.

2. If the refund is abolished pursuant to the first paragraph, or if it is reintroduced, the coefficient referred to in Article 4 (1) shall be reduced or increased, as appropriate, in proportion to the ratio between the quantities exported the previous year to the destinations for which the refund is abolished or reintroduced and the total quantities exported that year.

Article 8

For the purposes of this Regulation, cereals may be replaced by malt.

In that case the coefficient for calculating the barley equivalent of malt shall be 1,30.

However, where the malt that is placed under control is green malt with a moisture content of between 43 and 47 %, the coefficient for calculating the equivalent weight of malt with a moisture content of 7 % shall be 0,57.

Article 9

1. Only distillers established in the Community shall be entitled to the refund.

2. The distiller shall communicate to the competent authorities prior to the commencement of each fiscal distillation period a declaration including all the particulars necessary for determining the refund, in particular :

- (a) a description of the cereals or malt in accordance with the nomenclature of the common customs tariff, where necessary broken down by homogeneous lot ;
- (b) the net weight of the products and the moisture content, broken down for each lot listed under (a) ;
- (c) confirmation that the cereals fulfil the conditions laid down in Article 9 (2) of the Treaty ;
- (d) the place of storage and distillation.

During the fiscal distillation period the declaration may be updated as the distillation process proceeds in order to take account of the larger or smaller quantities actually being distilled.

3. After each fiscal distillation period the distiller shall lodge with the competent authorities a declaration, hereinafter called a 'distillation declaration', in which he confirms that he has distilled, during the distillation period concerned, the cereals set out in the declaration referred to in paragraph 2, in order to produce one of the spirit drinks in question ; he shall indicate the quantity of distilled products obtained. This declaration shall be certified by the authorities carrying out the placing under control.

4. The refund shall be paid once proof has been furnished that the cereals have been placed under control and distilled.

5. The weight of cereals to be taken into consideration for calculation of the payment shall be the net weight, if the moisture content is not more than 15 %. If the moisture content of the cereals used is more than 15 % but not more than 16 %, the weight to be taken into consideration shall be the net weight reduced by 1 %. If the moisture content of the cereals used is more than 16 % but not more than 17 %, the reduction shall be 2 %. If the moisture content of the cereals used is more than 17 % the reduction shall be two percentage points for each percentage point of moisture above 15 %.

The weight of malt other than green malt, as referred to in Article 8, which is to be taken into consideration for calculation of the payment shall be the net weight, if the moisture is not more than 7 %. If the moisture content of the malt used is more than 7 % but not more than 8 %, the weight to be taken into consideration shall be the net weight reduced by 1 %. If the moisture content of the malt used is more than 8 % the reduction shall be two percentage points for each percentage point of moisture above 7 %.

The Community reference method for determining the moisture content of cereals and malt intended for production of the spirit drinks referred to in this Regulation shall be that shown in Annex II to Commission Regulation 1908/84⁽¹⁾.

Article 10

Member States shall take the measures necessary to verify the accuracy of the declarations referred to in Article 9 and those relating to the physical control of the cereals, the distillation process and the use of the distilled product obtained.

Article 11

1. The by-products of processing shall be exempt from control if it has been established that they do not exceed the quantity of by-products normally obtained.
2. No refund shall be granted where the cereals or malt are not of sound and fair merchantable quality.

Article 12

1. The refund shall be paid by the Member State in which the declarations referred to in Article 9 are accepted.
2. The refund shall be paid only on written application by the trader. Member States may prescribe a special form to be used for this purpose.
3. Except in cases of *force majeure* the documents required for the granting of the refund must be lodged within 12 months of the day on which the authorities carrying out the placing under control accepted the distillation declaration, otherwise entitlement to the refund shall be lost.

Article 13

1. For the purposes of Article 4, proof shall be provided that the quantities of spirit drinks which fulfil the conditions laid down in Article 9 (2) of the Treaty have been exported.
2. The proof applicable shall be that provided for in Regulation (EEC) No 3665/87.
3. For the purposes of this Regulation, 'export' means :
 - export within the meaning of Articles 161 and 162 of Regulation (EEC) No 2913/92,
 - and
 - deliveries to destinations covered by Article 34 of Regulation (EEC) No 3665/87.
4. Products having been placed in a victualling warehouse approved pursuant to Article 38 of Regulation

(EEC) No 3665/87 shall also be considered to have been exported. When products have been placed in such warehouses, Articles 38 to 41 of the abovementioned Regulation shall apply *mutatis mutandis*.

Article 14

1. Spirit drinks shall be deemed to have been exported on the day on which customs export formalities were completed.
2. The declaration submitted when the customs export formalities are completed must contain :
 - (a) a description of the spirit drinks concerned, in accordance with the combined nomenclature ;
 - (b) the quantities, expressed in litres of pure alcohol, of spirit drinks being exported ;
 - (c) a description of, or other reference to, the composition of the spirit drinks such that the type of cereals used can be determined ;
 - (d) the Member State of production.
3. For the purposes of paragraph 2 (c), if the spirit drink is obtained from different types of cereals and it results from a subsequent blending it shall be sufficient to state this in the declaration.

Article 15

1. For a quantity of a spirit drink to be deemed to have been exported, the proof referred to in Article 13 must be submitted to the designated authorities within six months of the date on which the customs export formalities are completed.
2. If proof has not been produced within the prescribed time limit despite the exporter's best endeavours to obtain it within that time limit, extensions to the time limit, not exceeding six months altogether, may be granted.

However, if proof of export is provided outside the time limit which would permit the export operation to be included with exports performed during the same calendar year, the export operation in question shall be aggregated with exports performed during the following calendar year.

Article 16

1. Where the Community transit procedure applies, the drinks referred to in Article 13 (1) shall be placed under the Community external transit procedure.
2. For the purposes of Regulation (EEC) No 754/76, the spirit drinks referred to in Article 13 (1) shall be deemed to be goods in respect of which the requisite customs export formalities for the granting of export refunds have been completed. Such drinks may not be placed in free circulation unless an amount corresponding to the export refund paid is reimbursed.

⁽¹⁾ OJ No L 178, 5. 7. 1984, p. 22.

Article 17

Where Article 7 applies, proof must also be provided that the spirit drinks concerned have reached the destination for which the refund was fixed.

In that event, the proof of importation into a third country in respect of which the refund applies shall be the proof provided for in Articles 17 and 18 of Regulation (EEC) No 3665/87.

Article 18

1. The Member States concerned shall inform the Commission of the names and addresses of the bodies competent to apply this Regulation.

2. The Member States concerned shall provide the Commission with the following information before 16 July each year;

- (a) the quantities of cereals and malt fulfilling the terms of Article 9 (2) of the Treaty and distilled in the period from 1 January to 31 December of the preceding year, broken down in accordance with the combined nomenclature;
- (b) the quantities of cereals and malt, broken down in accordance with the combined nomenclature, which were the subject of inward processing arrangements during the same period;
- (c) the quantities of spirit drinks covered by Article 2, broken down in accordance with the categories given in Article 19, including both quantities exported and quantities marketed during the same period;
- (d) the quantities of spirit drinks produced under inward processing arrangements and exported to third countries during the same period, broken down in accordance with the categories given in Article 19;
- (e) the quantities of spirit drinks in store on 31 December of the preceding year and the quantities produced during that period.

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

Done at Brussels, 15 October 1993.

3. The Member States concerned shall also provide the Commission with the information listed under (a) to (d) for each calendar quarter before 16 October, 16 January and 16 April, where available.

Article 19

For the purposes of Article 18:

- (a) 'grain whisky' means whisky made from malt and cereals;
- (b) 'malt whisky' means whisky made exclusively from malt;
- (c) 'Irish whiskey, category A' means whiskey made from malt and cereals, with at least 30 % malt;
- (d) 'Irish whiskey, category B' means whiskey made from barley and malt, with at least 30 % malt;
- (e) the percentages of the various types of cereals used in the manufacture of the spirit drinks referred to in Article 14 (3) shall be determined on the basis of the total quantities of the various types of cereals used in manufacturing the spirit drinks referred to in Article 2.

Article 20

The provisions of Articles 1, 4 (1) and 10 of Commission Regulation (EEC) No 1842/81⁽¹⁾ shall remain applicable between 1 July 1993 and the date of application of Articles 8, 9 (2), (3) and (5) and 10 of this Regulation.

Article 21

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

It shall apply with effect from 1 July 1993, with the exception of Articles 8, 9 (2), (3) and (5) and 10, which shall apply from the first fiscal distillation period after the entry into force of this Regulation.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 183, 4. 7. 1981, p. 10.

COMMISSION REGULATION (EEC) No 2826/93

of 15 October 1993

amending Regulation (EEC) No 3149/92 laying down detailed rules for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3730/87 of 10 December 1987 laying down the general rules for the supply of food from intervention stocks to designated organizations for distribution to the most deprived persons in the Community⁽¹⁾, and in particular Article 6 thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽²⁾, and in particular Article 6 (2) thereof,

Whereas Commission Regulation (EEC) No 3149/92⁽³⁾, amended by Regulation (EEC) No 3550/92⁽⁴⁾, lays down detailed rules of Regulation (EEC) No 3730/87;

Whereas Regulation (EEC) No 3813/92 provides for application of the agricultural conversion rate to express in national currencies agricultural prices and amounts fixed in ecus; whereas, because of the existence of financial limits laid down for the implementation of the annual plan for the supplies based on conversion rates on 1 October, the agricultural conversion rate applicable on that date should in order to preserve the resources allocated to each Member State, be used to determine the volumes of products made available from intervention and to convert costs relating to supplies under the scheme in question;

Whereas, in the light of experience and in order to ensure improved utilization of the available resources, it should be specified that in no circumstance may product carriage costs give rise to payments in the form of products;

Whereas, for the purposes of sound management of the system, provision should also be made that where products are not available in the Member State in which they are required, an invitation to tender is to be organized to determine the most favourable conditions under which their supply, and intra-Community transport in particular, may be undertaken; whereas it is likewise necessary in such cases to permit the mobilization of

products and their supply to charitable organizations without first operating transfers between intervention stocks located in different Member States;

Whereas, lastly, it is necessary to specify, on the one hand, the obligations of the persons contracted to supply the products and, on the other, as regards the lodging and release of the securities, the terms applicable to communication between Member States concerning the implementation of the annual plan;

Whereas provision should be made for this Regulation to apply at the beginning of the period of execution of the distribution plan; namely 1 October 1993;

Whereas the measures provided for in this Regulation are in accordance with the opinion of all the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3149/92, is hereby amended as follows:

1. The following sentence is added to the first subparagraph of Article 4 (2):

'The call for tenders shall specify the nature and characteristics of the product to be supplied.'

2. In Article 4, paragraph 3 is replaced by the following:

'3. The Member States may make provision for the supply to entail in addition the carriage of the products to the warehouses of the charitable organization and, where appropriate, their distribution to the recipients. However, in such cases the carriage shall be the subject of a specific provision in the call for tenders mentioned in paragraph 2 and shall constitute a separate part of the tenderer's bid involving payment in cash. Furthermore, the carriage costs may not be the subject of payment in the form of products.'

3. The second subparagraph of Article 5 (1) is replaced by the following:

'Conversion into national currency of the accounting value of the products made available from intervention shall be carried out using the agricultural conversion rate applicable on the 1 October of the year of implementation of the plan.'

⁽¹⁾ OJ No L 352, 15. 12. 1987, p. 1.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 313, 30. 10. 1992, p. 50.

⁽⁴⁾ OJ No L 361, 10. 12. 1992, p. 19.

4. In Article 6, paragraph 2 is replaced by the following :

'2. Where Article 4 (3) is applied, the Member State shall obtain reimbursement of the carriage costs on the basis of the rates fixed in Annex II.'

5. Article 6 (4) is replaced by the following :

'4. The costs referred to in paragraphs 1, 2 and 3 shall be reimbursed to the Member States within the limits of the financial resources available to implement the plan in each Member State.

The costs referred to in paragraphs 1, 2 and 3 may not be the subject of a payment in the form of products.'

6. Article 7 is replaced by the following :

Article 7

1. When products included in the plan are not available from intervention in the Member State where such products are required, the Member State in question shall submit an application to the Commission to take over stocks available at the supplying intervention agency. That application shall provide all the information required for carrying out the supply operation, including information on the products, on the location of the stocks and on the quantities involved. The Commission may reject the operation or request amendments.

The requesting Member State to which the products are to be supplied shall issue or have issued a call for tenders to determine the least expensive supply terms. At least three bidders shall tender. Intra-Community transport costs shall be the subject of a bid involving payment in cash and may not be the subject of payment in the form of products.

2. The intra-Community transport costs shall be defrayed by the Community and reimbursed to the Member State on the basis of the rates fixed in Annex II. The application for reimbursement shall include all necessary supporting documents, particularly those concerning transport and the distances covered. The expenditure shall be set off against the appropriations referred to in Article 2 (3) (c). Where the appropriations have been fully allocated, any additional Community financing to cover intra-Community transport costs shall be provided in accordance with Article 6 (4).

3. The call for tenders shall mention the option whereby an operator may submit a bid for placement on the Community market of the agricultural products or foodstuffs to be supplied and for takeover of the products from the supplying intervention agency, without transfer to the applicant Member State. In these circumstances, no intra-Community transport costs shall be paid to the person awarded the supply contract.

The applicant Member State shall provide the supplier Member State with the name of the person contracted to supply the products.

4. Before the goods are removed, the contractor undertaking the supply operation shall lodge a security equal to the intervention buying-in price applicable on the day fixed for taking over the products, plus 10 %.

The security shall be lodged in accordance with Title III of Commission Regulation (EEC) No 2220/85 (*).

For the purposes of Title V of that Regulation, the primary requirement shall be completion of the supply operation in the Member State of destination.

Presentation of a takeover document issued by the intervention agency of destination shall constitute proof of supply of the products.

5. In the case of transfer, the Member State of destination shall provide the supplier Member State with the name of the person contracted to carry out the operation.

The responsible authority shall ensure that the goods have been insured appropriately.

Dispatch declarations issued by the supplier intervention agency shall include one of the following inscriptions :

- *Transferencia de productos de intervención — aplicación del apartado 5 del artículo 7 del Reglamento (CEE) n° 3149/92.*
- *Overførsel af interventionsprodukter — Anvendelse af artikel 7, stk. 5, i forordning (EØF) nr. 3149/92.*
- *Transfer von Interventionserzeugnissen — Anwendung von Artikel 7 Absatz 5 der Verordnung (EWG) Nr. 3149/92.*
- *Μεταφορά προϊόντων παρεμβάσεως — εφαρμογή του άρθρου 7 παράγραφος 5 του κανονισμού (ΕΟΚ) αριθ. 3149/92.*
- *Transfer of intervention products — Application of Article 7 (5) of Regulation (EEC) No 3149/92.*
- *Transfert de produits d'intervention — Application de l'article 7 paragraphe 5 du règlement (CEE) n° 3149/92.*
- *Trasferimento di prodotti di intervento — Applicazione dell'articolo 7, paragrafo 5 del regolamento (CEE) n. 3149/92.*
- *Overdracht van interventieprodukten — toepassing van artikel 7, lid 5, van Verordening (EEG) nr. 3149/92.*
- *Transferência de produtos de intervenção — aplicação do n° 5 do artigo 7° do Regulamento (CEE) n° 3149/92.*

6. The calculation of any losses shall be entered in the accounts in accordance with the provisions of Article 2 (2) of Commission Regulation (EEC) No 3597/90 (**).

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

(**) OJ No L 350, 14. 12. 1990, p. 43.

7. Article 8 is replaced by the following :

Article 8

The amounts laid down in Articles 6 (1) and 7 (2) shall be converted into national currency using the agricultural conversion rate applicable on 1 October of the year in which the plan is carried out.'

8. The following Article is added :

Article 8a

Requests for payment shall be submitted to the competent authorities of each Member State within a period of four months following the completion of the operation in question. A 20 % reduction shall be made in the case of requests submitted beyond the time limit, except in the case of force majeure. Requests made more than ten months after the completion of the operation shall not be accepted.

The competent authorities shall make the payment within a period of two months following receipt of the payment request.'

9. The following sentence is added at the end of the third indent of Article 9 :

'The checks carried out on the premises of the designated organizations shall be concerned with a minimum of 5 % of the expenditure incurred under the annual plan.'

10. Article 10 is replaced by the following :

Article 10

No later than 31 March each year, the Member States shall send the Commission a report on the implementation of the plan on their territory during the previous year. The progress report shall include :

- the amounts of the various products withdrawn from intervention stocks,
- the type, quantity and value of goods distributed to the recipients, specifying separately unprocessed goods, processed goods and goods obtained by substitution together with the processing coefficients,
- the transport and transfer costs,
- administrative costs,
- the number of recipients over the course of the year.

The report shall specify the verification measures that have been applied to ensure that the goods have achieved their intended objective. This report shall mention the type and the number of checks carried out on the premises of the final beneficiaries of the plan.'

Article 2

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

It shall apply with effect from 1 October 1993.

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

Done at Brussels, 15 October 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 2827/93
of 15 October 1993

amending Regulation (EEC) No 936/93 as regards the special temporary allowance for the transport of certain fresh fruit and vegetables originating in Greece

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3438/92 of 23 November 1992 laying down special measures for the transport of certain fresh fruit and vegetables originating in Greece⁽¹⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 3438/92 introduces a special temporary allowance in 1992 and 1993 for consignments transported by refrigerated lorry, vessel or wagon from Greece to Member States other than Italy, Spain or Portugal of the fresh fruit and vegetables referred to in Article 1 of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽²⁾, as last amended by Regulation (EEC) No 638/93⁽³⁾;

Whereas Commission Regulation (EEC) No 936/93 laying down detailed rules for the application of Council Regulations (EEC) No 525/92 and (EEC) No 3438/92 as regards special measures for the transport of certain fresh fruit and vegetables from Greece⁽⁴⁾, as amended by Regulation (EEC) No 1827/93⁽⁵⁾, lays down the level of the special temporary allowance;

Whereas the additional cost of transporting fresh fruit and vegetables to other Member States has increased conside-

rably, in particular owing to the extension of the embargo against the former Yugoslavia to include transit; whereas, therefore, the fixed allowance for consignments dispatched during the final quarter of 1993 should be increased;

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

HAS ADOPTED THIS REGULATION:

Article 1

The figure of 'ECU 2,3' referred to in Article 1 (1) of Regulation (EEC) No 936/93 is hereby replaced by 'ECU 4'.

Article 2

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

It shall apply to consignments dispatched from 1 October 1993.

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

Done at Brussels, 15 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 350, 1. 12. 1992, p. 1.

⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽³⁾ OJ No L 69, 20. 3. 1993, p. 7.

⁽⁴⁾ OJ No L 96, 22. 4. 1993, p. 22.

⁽⁵⁾ OJ No L 167, 9. 7. 1993, p. 12.

COMMISSION REGULATION (EEC) No 2828/93

of 15 October 1993

laying down common rules on verification of the use and/or destination of imported products falling within CN codes 1515 90 59 and 1515 90 99

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 2046/92 ⁽²⁾, and in particular Article 16 (6) thereof,

Whereas the Annex to Regulation No 136/66/EEC lays down the descriptions and definitions of the olive oils and olive residue oils marketed within each Member State and traded between the Member States and with third countries;

Whereas Commission Regulation (EEC) No 2658/91 ⁽³⁾, as last amended by Regulation (EEC) No 620/93 ⁽⁴⁾, lays down the characteristics of olive oils and olive residue oils and the relevant methods of analysis;

Whereas Council Regulation (EEC) No 2658/87 ⁽⁵⁾, whose Annexes I and II were last amended by Commission Regulation (EEC) No 2505/93 ⁽⁶⁾, provides that oils falling within CN codes 1515 90 59 and 1515 90 99 are to be subject to import duties equal to 15 % of the customs value;

Whereas the physico-chemical characteristics of the oils falling within the abovementioned tariff heading are such as to prevent their being marketed as products accepted for marketing as olive oil; whereas, however, these characteristics may be modified simply by mixing with other oils; whereas, therefore, to ensure that the system of levies on olive oil imports is applied correctly, measures must be taken to ensure that oils falling within CN codes 1515 90 59 and 1515 90 99 cannot be diverted from the uses to which they must be put;

Whereas Commission Regulation (EEC) No 3566/92 ⁽⁷⁾, on the documents to be used for the purpose of implementing Community measures entailing verification of the use and/or destination of goods supplies the customs instruments needed in order to monitor the movement of imported oils within the Community and to prevent their

being diverted to uses not provided for in the agricultural legislation applicable to the sector in question; whereas applying that Regulation in the case of imports of oils falling within CN codes 1515 90 59 and 1515 90 99 may reduce the risk which currently exists until the special rules for the application of the Common Customs Tariff are amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

The placing in free circulation of oils falling within CN codes 1515 90 59 and 1515 90 99 shall be subject to the issue of a T5 control copy in accordance with the procedure laid down in Commission Regulation (EEC) No 3566/92.

The customs office where the customs formalities for release to free circulation are completed shall issue the T5 control copy after a security has been provided which is equal to the difference between the amount of customs duties paid and the amount of the minimum levy applicable, on the day on which the import declaration is accepted, to olive oil falling within CN code 1509 10 10, plus the amount of the security referred to in Article 17 of Commission Regulation (EEC) No 2677/85 ⁽⁸⁾ applicable on the same date to the product.

Article 2

Member States shall take all necessary steps to ensure that:

- the destination and/or use of the oils is verified,
- products placed in free circulation are not stored with other oils or fats.

Article 3

Products placed in free circulation shall be regarded as having met the requirements concerning use and/or destination where, except cases of *force majeure*, within 12 months:

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

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 1.

⁽³⁾ OJ No L 248, 5. 9. 1991, p. 1.

⁽⁴⁾ OJ No L 66, 18. 3. 1993, p. 29.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁶⁾ OJ No L 267, 14. 9. 1992, p. 1.

⁽⁷⁾ OJ No L 362, 11. 12. 1992, p. 11.

⁽⁸⁾ OJ No L 254, 25. 9. 1985, p. 5.

— the have been placed, either in the unaltered state or after processing, in packagings with a content of not more than five litres as oils other than olive oils,

or

— they have been used or processed into products other than olive oils.

The intervention agency shall be responsible for verifying the use and/or destination of the products concerned, unless the competent authorities of the Member States designate another control body.

The security referred to in Article 1 shall be released on presentation of the T5 control copy duly certified by the bodies which checked the operations in respect of which the T5 control copy was issued.

Article 4

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

This Regulation shall also apply to products which, on the date on which it enters into force, have been placed in free circulation but are still stored in customs warehouses.

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

Done at Brussels, 15 October 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 2829/93

of 15 October 1993

fixing the maximum buying-in price and the quantities of beef bought in for the 101st partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 125/93 ⁽²⁾, and in particular Article 6 (8) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef ⁽³⁾, an invitation to tender was opened by Article 1 (1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽⁴⁾, as last amended by Regulation (EEC) No 2773/93 ⁽⁵⁾;

Whereas, in accordance with Article 13 (1) of Regulation (EEC) No 2456/93, a maximum buying-in price is to be fixed for quality R 3, where appropriate, for each partial invitation to tender in the light of the tenders received; whereas, in accordance with Article 13 (2) of that Regulation, a decision may be taken not to proceed with the tendering procedure; whereas, in accordance with Article 14 of that Regulation, only tenders lower than or equal to the maximum price are to be accepted, without, however, exceeding the average national or regional market price plus the amount mentioned in paragraph 1;

Whereas, after examination of the tenders submitted for the 101st partial invitation to tender and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68,

of the requirements for reasonable support of the market and the seasonal trend in slaughterings and prices, it has been decided not to proceed with the tendering procedure for category A and to fix the maximum buying-in price and the quantities which may be accepted into intervention for category C;

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

For category A, no award shall be made against the 101st partial invitation to tender opened by Article 1 (1) of Regulation (EEC) No 1627/89.

Article 2

For category C:

in the Member States or regions of Member States which meet the conditions laid down in Article 6 (2) of Regulation (EEC) No 805/68:

- the maximum buying-in price is hereby fixed at ECU 233 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 2 271 tonnes,
- the maximum buying-in price per 100 kilograms of carcasses or half-carcasses of quality R3 is hereby fixed at ECU 229,645 in Northern Ireland.

Article 3

This Regulation shall enter into force on 18 October 1993.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 18, 27. 1. 1993, p. 1.

⁽³⁾ OJ No L 225, 4. 9. 1993, p. 4.

⁽⁴⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁵⁾ OJ No L 252, 9. 10. 1993, p. 1.

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

Done at Brussels, 15 October 1993.

For the Commission
René STEICHEN
Member of the Commission

COMMISSION REGULATION (EEC) No 2830/93

of 15 October 1993

amending Regulations (EEC) No 1192/93, (EEC) No 1193/93, (EEC) No 1194/93, (EEC) No 1195/93, (EEC) No 1196/93, (EEC) No 1197/93, (EEC) No 1198/93, (EEC) No 1513/93, (EEC) No 1514/93, (EEC) No 1515/93, (EEC) No 1516/93 and (EEC) No 1517/93 opening standing invitations to tender for the export of cereals held by the intervention agencies

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 procedures and conditions for the disposal of cereals held by the intervention agencies;

Whereas, in view of allowing the execution of exports, both the period for completion of customs export formalities and the final date of validity of export licences provided for in Commission Regulations (EEC) No 1192/93⁽⁴⁾, (EEC) No 1193/93⁽⁵⁾ and (EEC) No 1194/93⁽⁶⁾, as last amended by Regulation (EEC) No 2625/93⁽⁷⁾, Regulation (EEC) No 1195/93⁽⁸⁾, as last amended by Regulation (EEC) No 2751/93⁽⁹⁾, Regulation (EEC) No 1196/93⁽¹⁰⁾, as last amended by Regulation (EEC) No 2656/93⁽¹¹⁾, Regulation (EEC) No 1197/93⁽¹²⁾, (EEC) No 1198/93⁽¹³⁾, (EEC) No 1513/93⁽¹⁴⁾, (EEC) No 1514/93⁽¹⁵⁾, (EEC) No 1515/93⁽¹⁶⁾, (EEC) No 1516/93⁽¹⁷⁾ and (EEC) No 1517/93⁽¹⁸⁾, as last amended by Regulation (EEC) No 2625/93, should be amended; whereas the last partial invitation to tender should be postponed and the deadline for the submission of tenders changed from Wednesday at 1 p.m. to Thursday at 9 a.m.;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 (1) of Regulations (EEC) No 1192/93, (EEC) No 1193/93, (EEC) No 1194/93, (EEC) No 1195/93,

(¹) OJ No L 181, 1. 7. 1992, p. 21.
(²) OJ No L 196, 5. 8. 1993, p. 22.
(³) OJ No L 191, 31. 7. 1993, p. 76.
(⁴) OJ No L 122, 18. 5. 1993, p. 5.
(⁵) OJ No L 122, 18. 5. 1993, p. 8.
(⁶) OJ No L 122, 18. 5. 1993, p. 11.
(⁷) OJ No L 240, 25. 9. 1993, p. 13.
(⁸) OJ No L 122, 18. 5. 1993, p. 14.
(⁹) OJ No L 249, 7. 10. 1993, p. 7.
(¹⁰) OJ No L 122, 18. 5. 1993, p. 17.
(¹¹) OJ No L 244, 30. 9. 1993, p. 3.
(¹²) OJ No L 122, 18. 5. 1993, p. 20.
(¹³) OJ No L 122, 18. 5. 1993, p. 23.
(¹⁴) OJ No L 150, 22. 6. 1993, p. 15.
(¹⁵) OJ No L 150, 22. 6. 1993, p. 18.
(¹⁶) OJ No L 150, 22. 6. 1993, p. 21.
(¹⁷) OJ No L 150, 22. 6. 1993, p. 24.
(¹⁸) OJ No L 150, 22. 6. 1993, p. 27.

(EEC) No 1196/93, (EEC) No 1197/93, (EEC) No 1198/93, (EEC) No 1513/93, (EEC) No 1514/93, (EEC) No 1515/93, (EEC) No 1516/93 and (EEC) No 1517/93, the second sentence is hereby replaced by the following:

'The customs export formalities must be completed during the period from 1 July 1993 to 31 January 1994'.

Article 2

In Article 3 of Regulations (EEC) No 1192/93, (EEC) No 1193/93, (EEC) No 1194/93, (EEC) No 1195/93, (EEC) No 1196/93, (EEC) No 1197/93, (EEC) No 1198/93, (EEC) No 1513/93, (EEC) No 1514/93, (EEC) No 1515/93, (EEC) No 1516/93 and (EEC) No 1517/93, '31 December 1993' is replaced by '31 January 1994'.

Article 3

In Article 4 (2) of Regulations 1192/93, (EEC) No 1193/93, (EEC) No 1194/93, (EEC) No 1195/93, (EEC) No 1196/93, (EEC) No 1197/93, (EEC) No 1198/93, (EEC) No 1513/93, (EEC) No 1514/93, (EEC) No 1515/93, (EEC) No 1516/93 and (EEC) No 1517/93 'Wednesday at 1 p.m.' is hereby replaced by 'Thursday at 9 a.m.'

Article 4

In Article 4 (3) of Regulations (EEC) No 1192/93, (EEC) No 1193/93, (EEC) No 1194/93, (EEC) No 1195/93, (EEC) No 1196/93, (EEC) No 1197/93, (EEC) No 1198/93, (EEC) No 1513/93, (EEC) No 1514/93, (EEC) No 1515/93, (EEC) No 1516/93 and (EEC) No 1517/93, '28 October 1993' is hereby replaced by '25 November 1993'.

Article 5

Article 6 of Regulations 1192/93, (EEC) No 1193/93, (EEC) No 1194/93, (EEC) No 1195/93, (EEC) No 1196/93, (EEC) No 1197/93, (EEC) No 1198/93, (EEC) No 1513/93, (EEC) No 1514/93, (EEC) No 1515/93, (EEC) No 1516/93 and (EEC) No 1517/93 is hereby replaced by the following:

Article 6

Notwithstanding Article 17 (3) of Regulation (EEC) No 2131/93, the security referred to in the second indent of Article 17 (2) of the said Regulation shall not be released until proof is furnished that the

customs export formalities have taken place during the period from 1 July 1993 to 31 January 1994.

Article 6

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, 15 October 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 2831/93
of 15 October 1993

fixing, for September 1993, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector

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⁾,

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⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽⁴⁾, as amended by Regulation (EEC) No 2627/93 ⁽⁵⁾, and in particular Article 1 (3) thereof,

Whereas Article 1 (2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural conversion rates applicable during the month of storage ;

whereas that specific rate must be fixed each month for the previous month ;

Whereas application of these provisions will lead to the fixing, for September 1993, of the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The specific agricultural conversion rate to be used to convert the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 into each of the national currencies for September 1993 shall be as indicated in the Annex hereto.

Article 2

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

It shall apply from 1 September 1993.

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

Done at Brussels, 15 October 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. 94.

⁽⁵⁾ OJ No L 240, 25. 9. 1993, p. 19.

ANNEX

fixing, for September 1993, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector

Agricultural conversion rates		
ECU 1 =	48,5563	Belgian and Luxembourg francs
	9,34812	Danish kroner
	2,35418	German marks
	7,98191	French francs
	0,976426	Irish punt
	2,65256	Dutch guilders
	322,728	Greek drachmas
	190,382	Spanish pesetas
	2 166,58	Italian lire
	236,933	Portuguese escudos
	0,920969	Pound sterling

COMMISSION REGULATION (EEC) No 2832/93

of 15 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 ⁽¹⁾, as amended by Regulation (EEC) No 2193/93 ⁽²⁾, and in particular Articles 10 (5) and 11 (3) thereof,Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾,Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2703/93 ⁽⁴⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 14

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 16 October 1993.

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

Done at Brussels, 15 October 1993.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.⁽⁴⁾ OJ No L 245, 1. 10. 1993, p. 108.

ANNEX

to the Commission Regulation of 15 October 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ^(*)
0709 90 60	94,34 ^{(2) (3)}
0712 90 19	94,34 ^{(2) (3)}
1001 10 00	70,70 ^{(1) (2)}
1001 90 91	86,29
1001 90 99	86,29 ⁽²⁾
1002 00 00	114,05 ⁽⁶⁾
1003 00 10	120,43
1003 00 20	120,43
1003 00 80	120,43 ⁽²⁾
1004 00 00	91,02
1005 10 90	94,34 ^{(2) (3)}
1005 90 00	94,34 ^{(2) (3)}
1007 00 90	101,92 ⁽⁴⁾
1008 10 00	22,72 ⁽²⁾
1008 20 00	30,10 ⁽⁴⁾
1008 30 00	28,70 ⁽⁵⁾
1008 90 10	(7)
1008 90 90	28,70
1101 00 00	158,32 ⁽²⁾
1102 10 00	197,18
1103 11 30	142,80
1103 11 50	142,80
1103 11 90	181,15
1107 10 11	164,48
1107 10 19	125,65
1107 10 91	225,25 ⁽¹⁰⁾
1107 10 99	171,05 ⁽²⁾
1107 20 00	197,55 ⁽¹⁰⁾

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

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

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 2833/93**of 15 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⁽¹⁾, as amended by Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 12 (4) thereof,Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾,Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1681/93⁽⁴⁾ and subsequent amending Regulations;

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

rate established during the reference period from 14 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 16 October 1993.

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

Done at Brussels, 15 October 1993.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 11.

ANNEX

to the Commission Regulation of 15 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

COMMISSION REGULATION (EEC) No 2834/93

of 15 October 1993

laying down transitional measures for the management of base areas in the new German *Länder*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops⁽¹⁾, as last amended by Regulation (EEC) No 1552/93⁽²⁾, and in particular Article 16 thereof,

Whereas Article 2 (6) of Regulation (EEC) No 1765/92 provides for a reduction in the area eligible for compensatory payments and special set-aside without compensation where the sum of the areas for which aid is claimed by producers exceeds the regional base area;

Whereas a base area was fixed for each German *Land*; whereas, in each of the new German *Länder*, areas for which aid applications were submitted in 1993/94 exceed the respective base area by levels ranging from 1,20 % in Brandenburg to 16,83 for Mecklenburg-Western Pomerania; whereas the average overrun in the five new *Länder* is 9,76 %;

Whereas the change from the planned economy existing in the new *Länder* before unification to a market economy has been carried out practically without a transitional period; whereas, therefore, implementation of the reform comes at a time when agricultural production structures are in the process of change; whereas this situation and the loss of traditional markets in the countries of eastern Europe led to a significant and unforeseen fall in livestock production and a reduction in the areas previously used for fodder production when Regulation (EEC) No 1765/92 was adopted;

Whereas, given this situation, a solution must be found which will not allow the strictness of the existing legislation to cause the failure of the restructuring of the agricultural sector in the new *Länder* but which does not increase the base area which is a key element in the

reform of arable farming; whereas a transitional measure, gradually introducing the penalties provided for in Article 2 (6) of Regulation (EEC) No 1765/92, would appear to be most appropriate measure in the circumstances; whereas this measure should only be applied for the 1993/94, 1994/95 and 1995/96 marketing years;

Whereas, however, the measures provided for in this Regulation should not be applied where the base area is exceeded by only a small margin; whereas, therefore, a minimum overrun threshold should be established and discrimination between producers in the new *Länder* should be avoided;

Whereas the relevant management committees have not delivered opinions within the time limits set by their chairmen,

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding Article 2 (6) of Regulation (EEC) No 1765/92 where the base area in the *Länder* of Berlin, Brandenburg Mecklenburg-West Pomerania, Saxony, Saxony-Anhalt and Thuringia is exceeded by more than 1 %, the proportionate reduction in the areas eligible for compensatory payments and the special set-aside shall be 10, 20 and 50 % for the 1993/94, 1994/95 and 1995/96 marketing years respectively and 100 % from the 1996/97 marketing year.

However, application of the above paragraph shall not result in a proportionate reduction in the areas eligible for compensatory payments and the special set-aside of less than 1 %.

Article 2

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

It shall apply with effect from the 1993/94 marketing year.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 19.

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

Done at Brussels, 15 October 1993.

For the Commission

René STEICHEN

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DIRECTIVE 93/72/EEC

of 1 September 1993

adapting to technical progress for the nineteenth time Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances

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

Having regard to Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances ⁽¹⁾, as last amended by Commission Directive 93/21/EEC ⁽²⁾, and in particular Articles 28 and 29 thereof,

Whereas Annex I of Council Directive 67/548/EEC contains a list of dangerous substances, together with particulars of the classification and labelling procedures in respect of each substance and whereas Council Directive 92/32/EEC ⁽³⁾ amended the provisions relating to the classification and labelling of dangerous substances;

Whereas, therefore, it is necessary to revise the classification of certain substances in Annex I and, further, to include, where appropriate in Annex I, the EEC number;

Whereas Germany requested a change in the labelling of a number of substances and notified the Commission accordingly under Article 23 of Directive 67/548/EEC as amended by Directive 79/831/EEC ⁽⁴⁾;

Whereas examination of the list of dangerous substances in the said Annex I has shown that this list needs to be adapted in the light of present scientific and technical knowledge;

Whereas the provisions of this Directive are in accordance with the opinion of the Committee on the Adaptation to

Technical Progress of the Directives for the Elimination of Technical Barriers to Trade in Dangerous Substances and Preparations,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 67/548/EEC is replaced by Annex I to this Directive.

Article 2

1. Not later than 1 July 1994 the Member States shall implement the laws, regulations and administrative provisions necessary to comply with this Directive.
2. Member States shall immediately inform the Commission thereof.
3. 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, 1 September 1993.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

⁽¹⁾ OJ No 196, 16. 8. 1967, p. 1.

⁽²⁾ OJ No L 110, 4. 5. 1993, p. 20.

⁽³⁾ OJ No L 154, 5. 6. 1992, p. 1.

⁽⁴⁾ OJ No L 259, 15. 10. 1979, p. 10.

ANNEX

The Annex will be published in *Official Journal of the European Communities* No L 258 A of 16 October 1993.

(See notice on the inside back cover of this Official Journal)

COMMISSION DECISION

of 14 October 1993

repealing Decision 91/654/EEC on certain protective measures regarding molluscs and crustaceans from the United Kingdom

(93/529/EEC)

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market⁽¹⁾, as last amended by Directive 92/118/EEC⁽²⁾, and in particular Article 9 (4) thereof,

Whereas, by Decision 91/654/EEC of 12 December 1992 on certain protective measures regarding molluscs and crustaceans from the United Kingdom⁽³⁾, the Commission adopted protective measures in respect of certain batches of crustaceans and molluscs from Scotland;

Whereas application by the United Kingdom of Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of live bivalve molluscs⁽⁴⁾ and Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products⁽⁵⁾ means that Decision 91/654/EEC is no longer relevant; whereas, under these conditions for reasons of legal clarity Decision 91/654/EEC should be repealed;

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

Decision 91/654/EEC is hereby repealed.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 14 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 395, 30. 12. 1989, p. 13.

⁽²⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ No L 350, 19. 12. 1991, p. 59.

⁽⁴⁾ OJ No L 268, 24. 9. 1991, p. 1.

⁽⁵⁾ OJ No L 268, 24. 9. 1991, p. 15.

COMMISSION DECISION

of 15 October 1993

amending Decision 93/387/EEC laying down special conditions for the import of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Morocco

(93/530/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and placing on the market of live bivalve molluscs⁽¹⁾, and in particular Article 9 (4) thereof,

Whereas Commission Decision 93/287/EEC of 7 June 1993 laying down special conditions for the import of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Morocco⁽²⁾ establishes the list of

the dispatch establishments approved for export to the European Community;

Whereas the Moroccan competent authorities officially approved additional dispatch establishments in accordance with Article 9 (3) (c) of Directive 91/492/EEC;

Whereas point I of Annex C to Decision 93/387/EEC should therefore be amended accordingly;

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

Point I in Annex C to Decision 93/387/EEC is hereby replaced as follows:

'I. Dispatch establishments

Name and address	Approval number	Approval given until ⁽¹⁾
Najmat Allah, Nador	01-10-065	—
Marost, Nador	01-10-066	—
Viapo Maroc, Nador	01-10-078	31.12.1995
Société Aquacole de la Moulouya, Essaidia	01-10-070	—
SOMECOP, Tetouan	03-10-080	—
Société Damjiguend S.A., Tanger	04-10-079	31.12.1995
Qualidia Marée, Qualidia	08-10-081	31.12.1995

(¹) Date of validity of the approval, where appropriate.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 15 October 1993.

For the Commission

René STEICHEN

Member of the Commission

(¹) OJ No L 268, 24. 9. 1991, p. 1.

(²) OJ No L 166, 8. 7. 1993, p. 40.

COMMISSION DECISION

of 15 October 1993

concerning certain protection measures relating to African swine fever in Portugal

(93/531/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION :

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, as last amended by Directive 92/118/EEC⁽²⁾, and in particular Article 10 (4) thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view the completion of the internal market⁽³⁾, as last amended by Directive 92/118/EEC, and in particular Article 9 (4) thereof,

Whereas since 9 August 1993 several outbreaks of African swine fever have been declared in different parts of Portugal ;

Whereas in view of the trade in live pigs, fresh pigmeat and certain meat-based products these outbreaks are liable to endanger the herds of other Member States ;

Whereas Portugal had been declared free of African swine fever in March 1993 ; whereas this disease has now reappeared ;

Whereas Article 9a (1) of Council Directive 64/432/EEC⁽⁴⁾, Article 8a (1) of Council Directive 72/461/EEC⁽⁵⁾ and Article 7a (1) of Council Directive 80/215/EEC⁽⁶⁾ state that a Member State in whose territory African swine fever has been recorded within the previous 12 months shall not export live pigs, pigmeat and pigmeat products covered by the aforementioned Directives ;

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

Article 1

Portugal shall not send to other Member States live animals of the porcine species coming from its territory.

Article 2

1. Portugal shall not send to other Member States fresh pigmeat and pigmeat products obtained from pigs coming from holdings situated on its territory.

2. The restrictions described in paragraph 1 shall not apply to meat products which have undergone one of the treatments laid down in Article 4 (1) (a) of Directive 80/215/EEC.

3. Meat products produced in accordance with the provisions of paragraph 2 and consigned from Portugal shall be accompanied by a health certificate referred to in Article 3 (9) (b) (ii) of Council Directive 77/99/EEC⁽⁷⁾.

The certificate shall bear the following words :

'Products conforming to Commission Decision 93/531/EEC of 15 October 1993 concerning certain protection measures relating to African swine fever in Portugal.'

Article 3

The Commission will follow developments in the situation and may amend this Decision in the light of such developments.

Article 4

The Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 5

This Decision is applicable until 10 November 1993.

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ No L 395, 30. 12. 1989, p. 13.

⁽⁴⁾ OJ No 121, 29. 7. 1964, p. 1977/64.

⁽⁵⁾ OJ No L 302, 31. 12. 1972, p. 24.

⁽⁶⁾ OJ No L 47, 21. 2. 1980, p. 4.

⁽⁷⁾ OJ No L 26, 31. 1. 1977, p. 85.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 15 October 1993.

For the Commission

René STEICHEN

Member of the Commission
