

English edition

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2887/93

of 20 October 1993

imposing a definitive anti-dumping duty on imports of certain electronic weighing scales originating in Singapore and the Republic of Korea

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 12 thereof,

Having regard to the Commission proposal, submitted after consultation within the Advisory Committee as provided for under the above Regulation.

Whereas,

A. PROVISIONAL MEASURES

- (1) By Regulation (EEC) No 1103/93⁽²⁾ the Commission imposed a provisional anti-dumping duty on imports into the Community of retail electronic weighing scales (hereinafter referred to as 'REWS' originating in Singapore and the Republic of Korea (hereinafter 'Korea') and falling within CN code 8423 81 50. The provisional anti-dumping duty was extended for a maximum period of two months by Council Regulation (EEC) No 1967/93⁽³⁾.

B. SUBSEQUENT PROCEDURE

- (2) Following the imposition of the provisional anti-dumping duty, the cooperating Singaporean producer requested, and was granted, an opportunity to be heard by the Commission and made its views known in writing, as did two of the Korean producers concerned.

- (3) The Commission continued to seek and verify all information it deemed to be necessary for its definitive findings. The parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping duties and the definitive collection of the amounts secured by way of a provisional duty. They were also granted a period within which to make representations subsequent to these disclosures. Their representations were considered and, where appropriate, the Commission's findings were modified to take account of them.

C. DUMPING

1. Normal value

- (4) For the purpose of definitive findings normal value was established on the basis of the same methods as those used in the provisional determination of dumping. Certain calculation adjustments were made on the basis of submissions by the parties.

2. Export prices

- (5) One Korean producer which sold to its parent in Japan which in turn sold to its related company in the Community continued to contest the Commission's position that the export price was unreliable and should, therefore, be constructed in accordance with Article 2 (8) (b) of Regulation (EEC) No 2423/88. It argued that, in its case, the price of its related company in the Community to unrelated customers should be considered to be the price payable for the product sold for export to the Community, within the meaning of Article 2 (8) (a) of Regulation (EEC) No 2423/88, that the related company in the Community did not perform the functions of an importer and that the questionnaire addressed by the Commission to that company had thus received no reply.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 112, 6. 5. 1993, p. 20.

⁽³⁾ OJ No L 179, 22. 7. 1993, p. 1.

- (6) However, the Commission came to the conclusion that this price could not be regarded as the price mentioned in Article 2 (8) (a) of Regulation (EEC) No 2423/88, since it became clear, from the limited information made available to the Commission, that the related company in the Community was concerned with sales to unrelated customers by virtue of processing orders, performing marketing functions, invoicing these customers in the Community and receiving payment.

This related company therefore incurred costs normally borne by an importer. In these circumstances, the export price was constructed on the basis of the price to the first independent buyer, as provided for in Article 2 (8) (b) of Regulation (EEC) No 2423/88.

Consequently, the price actually paid to the related company in the Community by the first independent customer was adjusted by the costs of this related company, established according to Article 7 (7) (b) of Regulation (EEC) No 2423/88, on the basis of the abovementioned information, and a reasonable profit of 5 % as set out in recital 18 of Regulation (EEC) No 1103/93.

- (7) The Council confirms the findings and conclusions of the Commission on export prices as set out in recitals 13, 14, 17, 18 and 24 of Regulation (EEC) No 1103/93, on the content of which no substantial comment was made by the three remaining producers.

3. Comparison

- (8) One exporter claimed additional adjustments on normal value for warranty or guarantee terms, as well as adjustments for physical characteristics and sales staff salaries, but was not in a position to link the costs directly to the particular sales transactions regarding the product under consideration. The claim was consequently rejected by the Commission.
- (9) For one exporting producer, normal value was reduced by an allowance corresponding to import charges borne on materials physically incorporated in the like product when destined for domestic consumption and refunded when exported to the Community, as this claim was substantiated.
- (10) The findings and conclusions set out in recitals 14 and 24 of Regulation (EEC) No 1103/93 are also confirmed.

4. Dumping margins

- (11) The definitive examination of the facts showed the existence of dumping in respect of imports of the product concerned originating in Korea and Singapore.

- (12) The weighted average dumping margin definitively established for Teraoka Weigh-system PTE Ltd, Singapore, and expressed as a percentage of the free-at-Community-frontier value of imports, duty unpaid, is 10,8 %.

- (13) The weighted average dumping margins definitively established for each Korean producer concerned and expressed as a percentage of the free-at-Community-frontier value of imports, duty unpaid, are as follows :

— Cas Corporationb	9,3 %
— Han Instrumentation Technology Co. Ltd	7,2 %
— Descom Scales Manufacturing Co. Ltd	26,7 %.

- (14) In the case of companies which failed to cooperate in the investigation, the Council confirms the Commission's position as set out in recitals 16 and 28 of Regulation (EEC) No 1103/93. Consequently, the definitive dumping margin for non-cooperating companies should amount to 26,7 % for Korea and 31 % for Singapore.

D. INJURY

1. Cumulation

- (15) The effects of Korean and Singaporean imports had to be analysed cumulatively, as set out in recital 29 of Regulation (EEC) No 1103/93.

2. Determination of injury

- (16) The Commission concluded in its provisional findings, as set out in recitals 30 to 40 of Regulation (EEC) No 1103/93, that the Community industry had suffered material injury. No new facts concerning these findings were subsequently put forward in this connection. This conclusion is confirmed.

3. Causation of injury

- (17) The Commission pointed out in its preliminary conclusions that the substantial injury sustained by Community producers had been caused by dumped Korean and Singaporean imports (recitals 41 to 52 of Regulation (EEC) No 1103/93). No new arguments were put forward in this connection.

It is confirmed that the material injury sustained by Community producers has been caused by dumped Korean and Singaporean imports.

E. COMMUNITY INTEREST

- (18) In the Commission's provisional findings on imports of REWS originating in Singapore and Korea, as set out in recitals 53 and 54 of Regulation (EEC) No 1103/93, as well as in the Council's definitive findings on imports of REWS originating in Japan, as set out in recitals 94 to 98 of Council Regulation (EEC) No 993/93⁽¹⁾, the interests of the Community industry, of the consumers and of other industries and activities concerned have been considered. No new arguments were put forward in this connection.
- (19) Therefore, the findings of Regulation (EEC) No 1103/93 in this respect are confirmed.

F. DUTY

- (20) Provisional measures took the form of anti-dumping duties; these were imposed for the Korean and Singaporean producers at the level of the dumping margins established since the level necessary to remove injury exceeds the dumping margin as set out in recital 55 of Regulation (EEC) No 1103/93. No new arguments were put forward to contradict this approach.

Therefore, duties should be imposed at the level of the dumping margins definitively determined in recitals 12, 13 and 14 of this Regulation.

- (21) Accordingly, the following duties should be imposed:
- | | |
|--|---------|
| — Han Instrumentation Technology Co., Ltd, Seoul : | 7,2 % |
| — Cas Corporation, Seoul : | 9,3 % |
| — Teraoka Weigh-System PTE Ltd, Singapore : | 10,8 % |
| — Desoom Scales Manufacturing Co., Ltd, Seoul : | 26,7 %. |
- (22) In the case of firms which failed to cooperate in the investigation, the Commission considered in recital 57 of Regulation (EEC) No 1103/93 that the duty should be established on the basis of the facts available in accordance with Article 7 (7) (b) of Member Regulation (EEC) No 2423/88. It was considered that the most reasonable facts were those established during the investigation and that it would constitute a bonus for non-cooperation and could lead to circumvention of the anti-dumping measures should such firms be attributed a duty lower than the dumping margins established, as set out in recital 28 of Regulation (EEC) No 1103/93 for the cooperating Korean companies, namely 26,7 % definitively, and as set out in recital 16 of that Regulation for products originating from Singapore, 31 %.

G. COLLECTION OF PROVISIONAL DUTIES

- (23) In view of the nature and the level of the injury caused to the Community industry by the dumped imports and, since the Commission's provisional findings are, for the most part, definitively confirmed, it is necessary that amounts secured by way of provisional anti-dumping duties should be definitively collected to the extent of the duty rate definitively imposed,

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of electronic weighing scales for use in the retail trade which incorporate a digital display of the weight, unit price and price to be paid, whether or not including a means of printing these data, falling within CN code 8423 81 50 (Taric code : 8423 81 50 * 10) and originating in the Republic of Korea and Singapore.

2. The rate of the duty applicable to the net free-at-Community-frontier price, before duty, shall be as follows :

(a) Korea

Products manufactured by :

— Han Instrumentation Technology Co., Ltd, Seoul (Taric additional code 8700),	7,2 %
— Cas Corporation, Seoul (Taric additional code 8701),	9,3 %
— All others (Taric additional code 8702);	26,7 %

(b) Singapore

Products manufactured by :

— Teraoka Weigh-System PTE Ltd, Singapore (Taric additional code 8703),	10,8 %
— All others (Taric additional code 8704)	31,0 %.

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

Article 2

The amounts secured by way of provisional anti-dumping duty under Regulation (EEC) No 1103/93 shall be definitively collected at the duty rate definitively imposed. Amounts secured in excess of the definitive rate of duty shall be released.

Article 3

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

⁽¹⁾ OJ No L 104, 29. 4. 1993, p. 4.

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

Done at Luxembourg, 20 October 1993.

For the Council

The President

A. BOURGEOIS

COMMISSION REGULATION (EEC) No 2888/93

of 21 October 1993

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

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

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

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

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

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 18 and 19 October 1993 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the

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

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 1.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 192, 11. 7. 1992, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 192, 11. 7. 1992, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 192, 11. 7. 1992, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

⁽¹⁴⁾ OJ No L 263, 19. 9. 1991, p. 1.

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

Article 2

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 3

This Regulation shall enter into force on 22 October 1993.

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

Done at Brussels, 21 October 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Minimum import levies on olive oil⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	79,00 (?)
1509 10 90	79,00 (?)
1509 90 00	92,00 (?)
1510 00 10	77,00 (?)
1510 00 90	122,00 (*)

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

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

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

(3) For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

(4) For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	17,38
0711 20 90	17,38
1522 00 31	39,50
1522 00 39	63,20
2306 90 19	6,16

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

COMMISSION REGULATION (EEC) No 2889/93

of 21 October 1993

laying down certain detailed rules for the application of Regulation (EEC) No 2019/93 as regards the supplements to the special premium for producers of beef and veal and to the premium for maintaining suckler cows

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2019/93 of 19 July 1993 introducing specific measures in respect of certain agricultural products for the benefit of the smaller Aegean Islands⁽¹⁾, and in particular Article 6 (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⁽²⁾, and in particular Article 6 thereof,

Whereas Regulation (EEC) No 2019/93 provides for specific measures to assist livestock production in the smaller Aegean Islands; whereas such measures involve, in the beef and veal sector, a supplement to the special premium for male bovine animals and to the premium for maintaining suckler cows as provided for respectively in Articles 4b and 4d of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽³⁾, as last amended by Regulation (EEC) No 125/93⁽⁴⁾; whereas provision should be made for those supplements to be granted under the rules applicable to those premium schemes;

Whereas Commission Regulation (EEC) No 3886/92⁽⁵⁾, as last amended by Regulation (EEC) No 1909/93⁽⁶⁾, specifies 1 January as the date of application of the agricultural conversion rate; whereas the specific measures entered into force on 1 August 1993; whereas it is therefore appropriate that the latter be the date used, for 1993, for the conversion of such aid into national currency;

Whereas certain producers had, by the date from which this Regulation applies, already submitted applications; whereas the submission of a new application for the supplement could complicate the administration of these

measures; whereas, therefore, the supplement should also be paid against those applications;

Whereas, in order to achieve the objectives set for the territories in question by Regulation (EEC) No 2019/93 and to take account of their specific needs, the competent authorities should be permitted to adopt additional provisions with regard to the granting of such aid;

Whereas provision should be made for the detailed rules to apply as from the entry into force of the scheme adopted for the smaller Aegean islands, that is, from 1 August 1993;

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

The supplement to the special premium for the fattening of male bovine animals, provided for in the first indent of Article 6 (1) of Regulation (EEC) No 2019/93 in respect of the smaller Aegean islands, shall be granted on the basis of the rules applicable to applications under the scheme for the special premium for beef and veal producers.

Article 2

The supplement to the premium for maintaining suckler cows, provided for in the second indent of Article 6 (1) of Regulation (EEC) No 2019/93 in respect of beef and veal producers in the smaller Aegean islands, shall be granted on the basis of the rules applicable to applications under the scheme for the premium for maintaining suckler cows.

Article 3

1. For 1993 and notwithstanding Article 53 of Regulation (EEC) No 3886/92, the conversion into national currency of the amount of the supplement provided for in Articles 1 and 2 shall be made by applying the agricultural conversion rate in force on 1 August 1993.

⁽¹⁾ OJ No L 184, 27. 7. 1993, p. 1.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽⁴⁾ OJ No L 18, 27. 1. 1993, p. 1.

⁽⁵⁾ OJ No L 391, 31. 12. 1992, p. 20.

⁽⁶⁾ OJ No L 173, 16. 7. 1993, p. 11.

2. The aid provided for in Articles 1 and 2 shall also be paid to producers who, on the date of application of this Regulation, have already submitted applications for the special premium and/or the premium for maintaining suckler cows in respect of 1993 and who fulfil the conditions of eligibility laid down for those premiums.

Article 4

1. The Greek authorities may adopt, as necessary, additional provisions with regard to the granting of the

supplements referred to in Articles 1 and 2. They shall inform the Commission of such action forthwith.

2. The Greek authorities shall notify the Commission each year, by 31 March at the latest, of the number of animals in respect of which the supplements have been applied for and granted.

Article 5

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 August 1993.

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

Done at Brussels, 21 October 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 2890/93
of 21 October 1993

fixing Community producer prices for carnations and roses for the application of the import arrangements for certain floricultural products originating in Cyprus, Israel, Jordan and Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) thereof,

Whereas, pursuant to Article 3 of the abovementioned Regulation (EEC) No 4088/87, Community producer prices applicable for fortnightly periods are fixed twice a year before 15 May and 15 October for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down certain detailed rules for the application of the arrangements for the import into the Community of certain flowers originating in Cyprus, Israel and Jordan⁽³⁾, as amended by Regulation (EEC) No 3556/88⁽⁴⁾, prices for roses are determined on the basis of the average daily prices recorded on the representative producer markets for the pilot varieties of quality grade 1 in the three preceding years; whereas for carnations those prices are fixed under the same conditions of the bloom and spray types; whereas, for the determination of the average, prices which differ by 40 % and more

from the average price recorded on the same market during the same period during the three preceding years are excluded;

Whereas the Community producer prices for the fortnightly periods to 5 June 1994 should be determined on the basis of data provided by the Member States;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer prices for large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations provided for in Article 3 of Regulation (EEC) No 4088/87 for the fortnightly periods 8 November 1993 to 5 June 1994 shall be as set out in the Annex hereto.

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, 21 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁴⁾ OJ No L 311, 17. 11. 1988, p. 8.

ANNEX

Community producer prices

(ECU/100 pieces)

Weeks	Period	Uniflorous carnations (bloom)	Multiflorous carnations (spray)	Large-flowered roses	Small-flowered roses
45/46	8. 11 – 21. 11. 1993	13,19	11,62	26,51	14,73
47/48	22. 11 – 5. 12. 1993	12,76	10,93	32,55	15,45
49/50	6. 12 – 19. 12. 1993	13,85	9,54	27,38	14,76
51/52	20. 12. 1993 – 2. 1. 1994	19,08	11,02	40,16	19,04
1/ 2	3. 1 – 16. 1. 1994	17,11	10,50	40,40	16,65
3/ 4	17. 1 – 30. 1. 1994	15,41	10,92	43,13	19,31
5/ 6	31. 1 – 13. 2. 1994	15,50	12,37	53,95	23,68
7/ 8	14. 2 – 27. 2. 1994	15,34	13,93	62,35	28,55
9/10	28. 2 – 13. 3. 1994	14,15	12,16	49,47	23,80
11/12	14. 3 – 27. 3. 1994	11,91	11,91	34,71	20,96
13/14	28. 3 – 10. 4. 1994	14,01	10,37	30,52	17,57
15/16	11. 4 – 24. 4. 1994	13,39	10,62	27,05	14,59
17/18	25. 4 – 8. 5. 1994	15,22	13,83	26,23	16,25
19/20	9. 5 – 22. 5. 1994	13,70	10,75	23,20	14,96
21/22	23. 5 – 5. 6. 1994	9,68	8,26	19,11	12,69

COMMISSION REGULATION (EEC) No 2891/93

of 21 October 1993

amending Regulation (EEC) No 1538/91 introducing detailed rules for implementing Regulation (EEC) No 1906/90 on certain marketing standards for poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1906/90 of 26 June 1990 on certain marketing standards for poultrymeat⁽¹⁾, as amended by Regulation (EEC) No 317/93⁽²⁾, and in particular Articles 7 and 9 thereof,

Whereas Commission Regulation (EEC) No 1538/91⁽³⁾, as last amended by Regulation (EEC) No 1980/92⁽⁴⁾, lays down the detailed rules for implementing marketing standards in the poultrymeat sector;

Whereas, in the light of experience, certain definitions concerning species, age, carcase presentation and anatomical conformation should be amended; whereas it is necessary to define the product 'magret' or 'maigret' in order to prevent fraudulent practices;

Whereas, with a view to the uniform application of Regulation (EEC) No 1538/91, the terms 'marketing' and 'batch' should be defined in the poultrymeat sector and the special tolerances concerning the monitoring of the use of poultry carcase definitions, of presentation names and of quality categories for carcasses and cuts should be amended;

Whereas, with a view to adjusting to the real situation in the sector, certain criteria governing farming conditions and quantitative thresholds for the optional indication of the farming method should be amended;

Whereas Article 14 of Regulation (EEC) No 1538/91 provides that the names and terms to be indicated are to be formulated in at least the language or languages of the Member State in which retailing or any other use takes place; whereas that provision should be amended in accordance with Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of

the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer⁽⁵⁾, as last amended by Directive 91/72/EEC⁽⁶⁾, in order to facilitate the marketing of poultrymeat in cases other than delivery of the poultrymeat to the ultimate consumer;

Whereas, in view of economic and technological developments in both the preparation of poultry and checks, and given that water content is of particular interest in the marketing of frozen or quick-frozen chickens, Community studies have indicated the need to adapt the relevant provisions; whereas, therefore, the maximum water content of frozen or quick-frozen chickens should be fixed and a monitoring system both in slaughterhouses and at all marketing stages should be defined without violating the principle of the free circulation of products in a single market;

Whereas water absorption in the production establishment should be verified and reliable methods for the determination of the content of water added during the preparation of carcasses of frozen or quick-frozen chickens should be established without a distinction being made between physiological liquid and other water originating from the preparation of the chickens given that such a distinction would encounter practical difficulties;

Whereas the marketing of non-conforming frozen or quick-frozen chickens without a suitable indication on the packaging should be prohibited; whereas, as a result, it is necessary to adopt practical rules with regard to the indications to be marked on individual and bulk packaging depending on their destination so as to facilitate checks and to ensure that they are not used other than for their intended use;

Whereas it is necessary to lay down the action to be taken if a check reveals an irregularity in a consignment, where the products do not satisfy the requirements of this Regulation; whereas a procedure should be established for the settlement of disputes which may arise from intra-Community consignments;

⁽¹⁾ OJ No L 173, 6. 7. 1990, p. 1.

⁽²⁾ OJ No L 37, 13. 2. 1993, p. 8.

⁽³⁾ OJ No L 143, 7. 6. 1991, p. 11.

⁽⁴⁾ OJ No L 198, 17. 7. 1992, p. 31.

⁽⁵⁾ OJ No L 33, 8. 2. 1979, p. 1.

⁽⁶⁾ OJ No L 42, 15. 2. 1991, p. 27.

Whereas, in the event of a dispute, the Commission should be able to take action on the spot and by adopting measures appropriate to the situation;

Whereas the harmonization of requirements concerning water content presupposes the designation of Community and national reference laboratories;

Whereas provisions should be made for the Member States to adopt practical methods to check the water content of frozen and quick-frozen chickens; whereas, with a view to ensuring the uniform application of that Regulation, provisions should be made for Member States to inform the Commission and the other Member States of the methods;

Whereas Article 12 of Regulation (EEC) No 1906/90 provides that Council Regulation (EEC) No 2967/76 of 23 November 1976 laying down common standards for the water content of frozen and deep-frozen chickens, hens and cocks⁽¹⁾, as last amended by Regulation (EEC) No 3204/83⁽²⁾, is to continue to apply until the implementation of the standards adopted pursuant to Article 7 of that Regulation; whereas measures for the implementation of those standards are included in this Regulation; whereas, therefore, that Regulation and Commission Regulation (EEC) No 2785/80 of 30 October 1980 introducing detailed rules for the application of Regulation (EEC) No 2967/76⁽³⁾, as last amended by Regulation (EEC) No 3759/85⁽⁴⁾, should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1538/91 is hereby amended as follows:

1. Article 1:

- relates solely to the Dutch version,
- the fourth indent of point 1 (a) is replaced by the following:
 - poussin, coquelet: chicken of less than 650 g carcass weight (expressed without giblets, head

and feet), chicken of 650 g to 750 g may be called "poussin" if the age at slaughter does not exceed 28 days. Member States may apply Article 11 for the checking of this slaughter age.';

— point 1 (c) is replaced by the following:

(c) Ducks (*Anas platyrhynchos* dom., *cairina muschata*), Mulard ducks (c.m.x.a.p.),

— young duck or duckling, (young) Muscovy duck, (young) Mulard duck: bird in which the tip of the sternum is flexible (not ossified),

— duck, Muscovy duck, Mulard duck: bird in which the tip of the sternum is rigid (ossified);

— point 2 (b) is replaced by the following:

(b) Quarter: leg quarter or breast quarter, obtained by a transversal cut of a half;

— point 2 (f) is replaced by the following:

(f) Chicken leg with a portion of the back: the weight of the back does not exceed 25 % of that of the whole cut;

— the following point (m) is inserted in point 2:

(m) magret, maigret: breast fillet of ducks and geese referred to in 3 comprising skin and sub-cutaneous fat covering the breast muscle, without the deep pectoral muscle;

— the following is inserted in point 2 after points (a) to (m)

'For the products listed under (e), (g) and (h) the wording "cuts shall be made at the joints" is to mean cuts made within the two lines delimiting the joints as shown in the graphical presentation in Annex Ia.';

2. the following Article 1a is inserted

Article 1 a

For the purposes of this Regulation:

"marketing" means holding or displaying for sale, offering for sale, selling, delivery or any other form of marketing;

"batch" means poultrymeat of the same species and type, the same class, the same production run, from the same slaughterhouse or cutting plant, situated in the same place, which are to be inspected. For the purposes of Article 8 and Annexes V and VI, a batch shall only comprise prepackages of the same nominal weight category.';

⁽¹⁾ OJ No L 339, 8. 12. 1976, p. 1.

⁽²⁾ OJ No L 315, 15. 11. 1983, p. 17.

⁽³⁾ OJ No L 288, 31. 10. 1980, p. 13.

⁽⁴⁾ OJ No L 356, 31. 12. 1985, p. 64.

3. Article 2 (3) is replaced by the following:

'3. For all carcase presentations, if the head is not removed, trachea, oesophagus and crop may remain in the carcase.'

4. Article 7 is amended as follows:

— paragraph 1 is replaced by the following:

'1. Decisions arising from failure to comply with Articles 1, 2 and 6 may only be taken for the whole of the batch which has been checked in accordance with the provisions of this Article',

— paragraph 2 is deleted,

— the table contained in paragraph 3 is replaced by the following table:

'Batch size	Sample size	Tolerable number of defective units	
		Total	For Article 1 (1), 3, and 6 (1)
1	2	3	4
100 — 500	30	5	2
501 — 3 200	50	7	3
> 3 200	80	10	4

(1) Tolerance within each species, not from one species to another.'

— paragraphs 4 and 5 become paragraphs 3 and 4 and are replaced by the following:

4. In the checking of a batch of class A poultry-meat, the total tolerable number of defective units referred to in column 3 of the table of paragraph 3 is allowed. These defective units may also comprise, in the case of breast fillet, fillets with up to 2% in weight of cartilage (flexible tip of sternum).

However, the number of defective units not complying with the provisions of points 1 and 3 of provisions of Article 1 (1) and (3) as well as Article 6 (1) shall not exceed the figures shown in column 4 of the table contained in paragraph 3.

As regards point 3 of Article 1 (3), any defective unit shall not be considered tolerable unless it be of a weight of at least 240 g in the case of duck livers and of at least 385 g in the case of goose livers.

5. In the checking of a batch of class B poultry-meat, the tolerable number of defective units shall be doubled.'

5. Article 10 is amended as follows:

— paragraph 1 the introductory sentence is replaced by the following:

'1. In order to indicate types of farming with the exception of organic or biological farming, no other terms except those set out hereunder and the corresponding terms in the other Community languages listed in Annex III may appear on the labelling within the meaning of Article 1 (3) (a) of Directive 79/112/EEC, and in any case they may appear only if the relevant conditions specified in Annex IV are fulfilled',

— only to the Dutch version, relates

— paragraph 2 is replaced by the following:

'2. Mention of the age at slaughter of length of fattening period shall be permitted only when use is made of one of the terms referred to in paragraph 1 and for an age of not less than that indicated in Annex IV (b), (c) or (d). However, this provisions does not apply in the case of animals falling within the fourth indent of point 1 (a) of Article 1.'

6. Article 14 is replaced by the following:

Article 14

The names of the products and other terms provided for in this Regulation shall be indicated:

— in the case of sales to the ultimate consumer, in a language easily understood by purchasers as referred to in Article 14 of Council Directive 79/112/EEC in the Member State in which such sales take place; this provision shall not prevent such particulars from being indicated in various languages,

— in any other case, in one or more languages of the Community.'

7. The following Article 14a is inserted:

Article 14a

1. Without prejudice to paragraphs 6 and 10, frozen and quick-frozen chickens may be marketed by way of business or trade within the Community only if the water content does not exceed the technically unavoidable values determined by the method of analysis described in Annex V (drip method) or that in VI (chemical method).

2. The competent authorities designated by each Member State shall ensure that the slaughterhouses adopt all measures necessary to comply with the provisions of paragraph 1 and in particular that :

- samples for monitoring water absorption during chilling and water content of frozen and quick-frozen chickens are taken,
- results of the checks are recorded and kept for a period of one year,
- each batch is marked in such a way that its date of production can be identified; this batch mark must appear on the production record.

3. Regular checks in accordance with Annex VII on the water absorbed or checks in accordance with Annex V shall be carried out in the slaughterhouses at least once each working period of four hours.

Where these checks reveal that the amount of water absorbed is greater than the total water content permitted under the terms of this Regulation, account being taken of the water absorbed by the carcasses during the stages of processing which are not subject to checking, and where, in any case, the amount of water absorbed is greater than the levels referred to in point 9 of Annex VII, or in point 7 of Annex V, the necessary technical adjustments shall be made immediately by the slaughterhouse to the process.

4. In all cases referred to in the second subparagraph of paragraph 3 and in any case at least once a fortnight, checks on water content referred to in paragraph 1 shall be carried out, by sampling, on frozen and quick frozen chickens from each slaughterhouse according to Annexes V or VI, to be chosen by the competent authority of the Member State. These checks shall not be conducted for carcasses in respect of which proof is provided to the satisfaction of the competent authority that they are intended exclusively for export.

5. The checks referred to in paragraphs 3 and 4 shall be carried out by or under the responsibility of the competent authorities. The competent authorities may, in specific cases, apply the provisions of paragraph 3, and in particular of points 1 and 9 of Annex VII, and of paragraph 4 more stringently in respect of a given slaughterhouse, where this proves necessary to ensure compliance with the total water content permitted under this Regulation.

6. If the result of the checks referred to in paragraph 4 is in excess of the admissible limits, the batch concerned shall be deemed not to comply with this Regulation. In that event, however, the slaughterhouse concerned may request that a counter-analysis be

carried out using a method to be chosen by the competent authority of the Member State.

7. Where, if necessary after such counter-analysis, the batch in question is deemed not to comply with this Regulation, the competent authority shall take the appropriate measures aimed at allowing such a batch to be marketed within the Community only on condition such a batch to be marketed within the Community only on condition that both individual and bulk packaging of the carcasses concerned shall be marked by the slaughterhouse under the supervision of the competent authority with a tape or label bearing at least one of the following forms of wording in red capital letters :

“Contenido en agua superior al límite CEE”

“Vandindhold overstiger EØF-Normen”

“Wassergehalt über dem EWG-Höchstwert”

“Περιεκτικότητα σε νερό ανώτερη του ορίου ΕΟΚ”

“Water content exceeds EEC limit”

“Teneur en eau supérieure à la limite CEE”

“Tenore d'acqua superiore al limite CEE”

“Watergehalte hoger dan het EEG-maximum”

“Teor de água superior ao limite CEE”.

The batch referred to in the first subparagraph shall remain under the supervision of the competent authority until it is dealt with in accordance with the paragraph or otherwise disposed of. If it is certified to the competent authority that the batch referred to in the first subparagraph is to be exported, the competent authority shall take all necessary measures to prevent the batch in question from being marketed within the Community. The forms of wording provided for in the first subparagraph shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and indelible. They shall not in any way be hidden, obscured or interrupted by other written or pictorial matter. The letters shall be at least 1 cm high on the individual packaging and 2 cm on bulk packaging.

8. The Member State of destination may, where there are serious ground for suspecting irregularities, carry out non-discriminatory random checks of frozen or quick-frozen chickens in order to verify that a consignment meets the requirements of this Article.

9. The checks referred to in paragraph 8 shall be carried out at the place of destination of the goods or at another suitable place, provided that in the latter case the choice of the places is not at the border and interferes as little as possible with the routing of the goods and that the goods may proceed normally to their destination once the appropriate sample has been taken. However the products concerned shall not be sold to the final consumer until the result of the check is available.

Such checks shall be carried out as soon as possible so as not unduly to delay their placing on the market, or cause delays which might impair their quality.

Results of these checks and any subsequent decisions and the grounds for taking them shall be notified at the latest two working days after sampling to the consignor, the consignee or their representative. Decisions taken by the competent authority of the Member State of destination and the reasons for such decisions shall be notified to the competent authority of the Member State of dispatch.

If the consignor or his representative so requests, the said decisions and reasons shall be forwarded to him in writing with details of the rights of appeal which are available to him under the law in force in the Member State of destination and of the procedure and time limits applicable.

10. If the results of the checks referred to in paragraph 8 is in excess of the admissible limits, the holder of the batch concerned may request that a counter-analysis be carried out using a method of his choice in one of the reference laboratories listed in Annex VIII, or in any other laboratory approved for this purpose by the competent authorities. The expenses occasioned by this counter-analysis shall be borne by the holder of the batch. Tasks and competences of reference laboratories are provided for in Annex IX.

11. If, after a check carried out in accordance with paragraphs 8 and 9 and, if requested, after a counter-analysis, it is found that the frozen or quick-frozen chickens do not comply with this Article, the competent authority of the Member State of destination shall apply the procedures provided for in paragraph 7.

12. In the cases provided for in paragraphs 10 and 11, the competent authority of the Member State of destination shall contact the competent authorities of the Member State of dispatch without delay. The latter authorities shall take all necessary measures and notify the competent authority of the first Member State of the nature of the checks carried out, the decisions taken and the reasons for such decisions.

Where the checks referred to in paragraphs 8 and 10 show repeated irregularities, or where such checks, in the view of the Member State or dispatch, are being carried out without sufficient justification, the competent authorities of the Member States concerned shall inform the Commission.

The Commission, to the extent necessary to ensure uniform application of this Regulation or at the request of the competent authority of the Member

State of destination, and taking into account the nature of the infringements may:

- send a mission of experts to the establishment concerned, and in conjunction with the competent national authorities, carry out on-the-spot inspections, or
- request the competent authority of the Member State of dispatch to intensify its sampling of the products of the establishment concerned and if necessary to apply sanctions in accordance with Article 10 of Regulation (EEC) No 1906/90.

The Commission shall inform the Member States of its findings. Member States in whose territory an inspection is carried out shall give the experts all the assistance necessary for the performance of their tasks.

Pending the Commission's findings, the Member State of dispatch must, at the request of the Member State of destination, intensify checks on products coming from the establishment in question.

Where these measures are taken to deal with repeated irregularities on the part of an establishment, the Commission shall charge any expenses occasioned by the application of the indents of the third subparagraph to the establishment involved.

13. The Member States shall adopt the practical measures for the checks provided for in this Article. They shall inform the other Member States and the Commission before 1 November 1993 of these measures. Any relevant changes shall be communicated immediately to the other Member States and to the Commission.

8. Annexes I, III and IV are replaced by the corresponding Annexes to this Regulation;

9. Annexes Ia, V, VI, VII, VIII and IX are added by the corresponding Annexes to this Regulation.

Article 2

Regulations (EEC) No 2967/76 and (EEC) No 2785/80 are repealed.

Article 3

This Regulation shall enter into force on 1 December 1993.

Article 1 point 7 and Article 2 shall apply as from 1 March 1994.

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

Done at Brussels, 21 October 1993.

For the Commission
René STEICHEN
Member of the Commission

ANNEX I

ARTICLE 1.1 — NAMES OF POULTRY CARCASSES

E	F	D	DK	ESP	GR	I	NL	P
1. Chicken, broiler	Poulet (de chair)	Hähnchen	Kyiling, slagte- kylling	Pollo (de carne)	Κοτόπουλο Πτερυγοί και κότες (κρεατοπαραγωγή)	Pollo, « Broiler »	Kuiken, braadkui- ken	Frango
2. Cock, hen, casse- role, or boiling fowl	Coq, poule (à bouillir)	Suppenhuhn	Hane, høne, suppehøne	Gallo, gallina	Πτερυγοί και κότες (για δρασίμο)	Gallo, gallina Pollame da brodo	Haan, hen, soep- of stoofkip	Galo, galinha
3. Capon	Chapon	Kapaun	Kapaun	Capón	Καπόνια	Cappone	Kapoen	Capão,
4. Poussin, Coquelet	Poussin, coquelet	Stubenkükken	Poussin, Coquelet	Polluelo	Νεοσσός, πετεινάρι	Galletto	Piepkuiken	franguitos
1. (Young) turkey	Dindonneau, (jeune) dinde	(Junge) Pute, (Junger) Truthahn	(Mini)kalkun	Pavo (joven)	(Νεαροί) γάλοι και γαλοπούλες	(Giovane) tacchino	(Jonge) kalkoen	Peru
2. Turkey	Dinde (à bouillir)	Pute, Truthahn	Aviskalkun	Pavo	Γάλοι και γαλοπού- λες	Tacchino/a	Kalkoen	Peru adulto
1. (Young) duck, duckling, (Young) Muscovy duck (Young) Mulard duck	(Jeune) canard, caneton, (jeune) canard de barbarie (jeune) canard mulard	Frühmastente, Jungente, (Junge) Barbariente (!) (Junge) Mulardente	(Ung) and (Ung) berberieand (Ung) mulardand	Pato (joven o ana- dino), pato de Ber- beria (joven), Pato cruzado (joven)	(Νεαρές) πάπιες ή πατάκια, (νεαρές) πάπιες βαρβαρίας, (νεαρές) πάπιες mulard	(Giovane) Anatra (Giovane) Anatra muta (Giovane) Anatra « mulard »	(Jonge) eend (Jonge) Barbarijse eend (Jonge) „Mulard”- eend	Pato, pato <i>Barbary</i> , Pato <i>Mulard</i>
2. Duck, Muscovy duck, Mulard duck	Canard, canard de Barbarie (à bouil- lir), canard mulard (à bouillir)	Ente Barbariente (!) Mulardente	Avisand Berberieand Mulardand	Pato, pato de Ber- beria Pato cruzado	Πάπιες, πάπιες βαρβαρίας, πάπιες mulard	Anatra Anatra muta Anatra « mulard »	Eend Barbarijse eend „Mulard”-eend	Pato adulto, pato adulto <i>Barbary</i> , pato adulto <i>Mulard</i>
1. (Young) goose, gosling	(Jeune) oie ou oisin	Frühmastgans, (Junge) Gans	(Ung) gås	Oca (joven), ansarón	(Νεαρές) χήνες ή χηνάκια	(Giovane) oca	(Jonge) gans	Ganso
2. Goose	Oie	Gans	Avisgås	Oca	Χήνες	Oca	Gans	Ganso adulto
1. (Young) guinea fowl	(Jeune) pintade Pintadeau	(Junges) Perlhuhn	(Ung) perlehøne	Pintada (joven)	(Νεαρές) φραγκόκοτες	(Giovane) faraona	(Jonge) parelhoen	Pintada
2. Guinea fowl	Pintade	Perlhuhn	Avisperlehøne	Pintada	Φραγκόκοτες	Faraona	Parelhoen	Pintada adulta

(1) The term 'Flugente' may still be used until 31 December 1995.

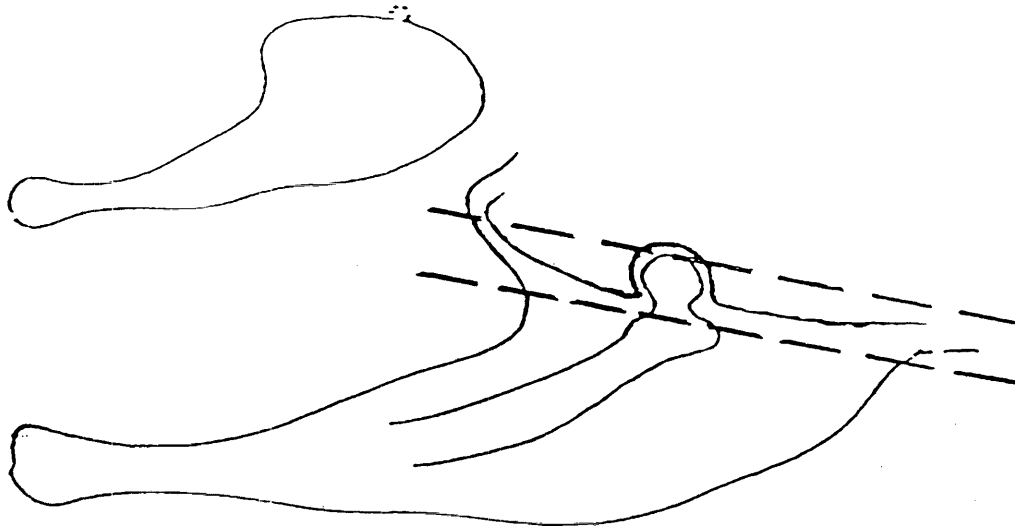
ARTICLE 1.2 — NAMES OF POULTRY PARTS

	E	F	D	DK	ESP	GR	I	NL	P
(a) Half		Demi ou moitié	Halbe oder halbes Viertel	Halvt	Medio	Μισά	Metà	Helft	Metade
(b) Quarter		Quart	(Vorder-, Hinter-) Viertel	Kvart	Cuarto	Τεταρτημόριο	Quarto	Kwart	Quarto
(c) Unseparated leg quarters		Quarts postérieurs non séparés	Hinterviertel am Stück	Sammenhængende lårstykker	Cuartos traseros unidos	Αδιαχώριστα τεταρτημόρια ποδιών	Cosciotto	Niet-gescheiden achterkwarten	Quartos de coxa não separados
(d) Breast		Poitrine, blanc ou filet sur os	Brust, halbe Brust halbierte Brust	Bryst	Pechuga	Στήθος	Petto con osso	Borst	Peito
(e) Leg		Cuisse	Schenkel, Keule	Helt lår	Muslo y contra-muslo	Πόδι	Coscia	Hele poot, hele dij	Perna inteira
(f) Chicken leg with a portion of the back		Cuisse de poulet avec une portion du dos	Hähnchenschenkel mit Rückenstück	Kyllingelår med en del af ryggen	Cuarto trasero de pollo	Πόδι από κοτόπουλο με ένα κομμάτι της ράχης	Coscetta	Poot/dij met rug-deel (bout)	Perna inteira de frango com uma porção do dorso
(g) Thigh		Haut de cuisse	Oberschenkel, Oberkeule	Overlår	Contramuslo	Μηρός (μρούτι)	Sovraccoscia	Bovenpoot, boven-dij	Coxa
(h) Drumstick		Pilon	Unterschenkel, Unterkeule	Underlår	Muslo	Κνήμη	Fuso	Onderpoot, onder-dij (Drumstick)	Perna
(i) Wing		Aile	Flügel	Vinge	Ala	Φτερόπυγα	Ala	Vleugel	Asa
(j) Unseparated wings		Ailes non séparées	Beide Flügel, ungetrennt	Sammenhængende vinger	Alas unidas	Αδιαχώριστες φτερόπυγες	Ali non separate	Niet-gescheiden vleugels	Asas não separadas
(k) Breast fillet		Filet de poitrine, blanc, filet, noix	Breustfilet, Filet aus der Brust	Brystfilet	Filete de pechuga	Φιλέτο στήθους	Filetto, fesa (taccchi-no)	Borstfilet	Carne de peito
(l) Breast fillet with wishbone		Filet de poitrine avec clavicule	Breustfilet mit Schlüsselbein	Brystfilet med ønskeben	Filete de pechuga con clavícula	Φιλέτο στήθους με κλειδοκόκαλο	Petto (con forcella), fesa (con forcella)	Borstfilet met vorkbeen	Carne de peito com fúrcula
(m) Magret, maigret		Magret, maigret	Magret, Maigret	Magret, maigret	Magret, maigret	Maigret, magret	Magret, maigret	Magret	Magret, maigret

ANNEX I A

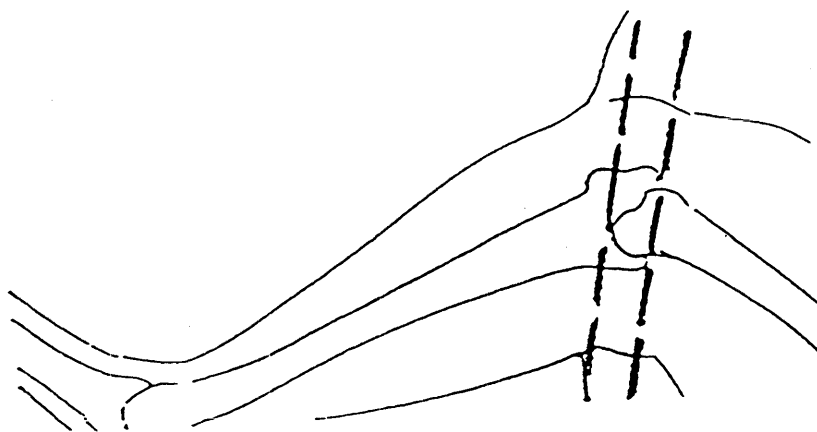
Cut separating thigh/leg and back

— delimitation of hip joint —



Cut separating thigh and drumstick

— delimitation of knee joint —



ANNEX II

ARTICLE 9 — CHILLING METHODS

	E	F	D	DK	ESP	GR	I	NL	P
1.	Air chilling	Refroidissement à l'air	Luftkühlung	Luftkøling	Refrigeración por aire	Ψύξη με άερα	Raffreddamento ad aria	Luchtkoeling	Refrigeração por ventilação
2.	Air spray chilling	Refroidissement par aspersion ventilée	Luft-Sprüh-Kühlung	Luftspraykøling	Refrigeración por aspersion ventilada	Ψύξη με ψεκασμό	Raffreddamento per aspersione e ventilazione	Lucht-sproeikoe-ling	Refrigeração por aspersion e ventilação
3.	Immersion chilling	Refroidissement par immersion	Tauchkühlung	Neddypningskø-ling	Refrigeración por inmersión	Ψύξη με βύθιση	Raffreddamento per immersione	Dompelkoeling	Refrigeração por imersão

ANNEX III

ARTICLE 10 (1) — TYPES OF FARMING

	E	F	D	DK	ESP	GR	I	NL	P
a)	Fed with ... % of ... Oats fe goose	Alimenté avec ... % de ... Oie nourrie à l'avoine	Mast mit ... % ... Hafermastgans	Fodret med ... % ... Havrefodret gås	Alimentado con ... % Oca engordada con avena	Έχει τραφεί με ... % ... Χήνα που παχαινε-ται με βρώμη	Alimentato con il ... % di ... Oca ingrassata con avena	Gevoed met ... % ... Met haver vetge-meste gans	Alimentado com ... % de ... Ganso engordado com aveia
b)	Extensive indoor (barn-reared)	Élevé à l'intérieur : système extensif	Extensive Boden-haltung	Ekstensivt staldop-dræt (skrabe ...)	Sistema extensivo en gallinero	Εκτακτικής εκτροφής	Estensivo al coperto	Scharrel ... binnengehouden	Produção extensiva em interior
c)	Free range	Sortant à l'extérieur	Auslaufhaltung	Fritgående	Gallinero con salida libre	Ελεύθερης βοσκής	All'aperto	Scharrel ... met uitloop	Produção em semi-liberdade
d)	Traditional free range	Fermier-élevé en plein air	Bäuerliche Aus-laufhaltung	Frilands ...	Granja al aire libre	Πτηνοτροφείο περιορισμένης βοσκής	Rurale all'aperto	Boerenscharrel ... met uitloop Hoeve ... met uit-loop	Produção ao ar livre
e)	Free range — total freedom	Fermier-élevé en liberté	Bäuerliche Frei-landhaltung	Frilands ... opdrættet i fuld fri-hed	Granja de cría en libertad	Πτηνοτροφείο απε-ριόριστης τροφοής	Rurale in libertà	Boerenscharrel ... met vrije uitloop Hoeve ... met vrije uitloop	Produção em liber-dade

ANNEX IV

(a) *Feed ration*

Reference to the following particular feed ingredients may only be made where :

- in the case of cereals, they account for at least 65 % in weight of the feed formula given during the greater part of the fattening period, which may include not more than 15 % of cereal by-products ; however, where reference is made to one specific cereal, it shall account for at least 35 % of the feed formula used, and for at least 50 % in the case of maize,
- in the case of pulses or green vegetables they account for at least 5 % in weight of the feed formula given during most of the fattening period,
- in the case of dairy products, they account for at least 5 % in weight of the feed formula given during the finishing stage.

The term 'Oats fed goose' may however be used where the geese are fed during the finishing stage of three weeks not less than 500 g of oats per day.

(b) *'Extensive indoor' (barn reared)*

This term may only be used where :

- the stocking rate per m² floor space does not exceed in the case of
 - chickens : 12 birds but not more than 25 kg liveweight,
 - ducks, guinea fowl, turkeys : 25 kg liveweight,
 - geese : 15 kg liveweight,
- the birds are slaughtered in the case of :
 - chickens at 56 days or later,
 - turkeys at 70 days or later,
 - geese at 112 days or later,
 - peking ducks : 49 days or later,
 - Muscovy ducks : 70 days or later for females, 84 days or later for males,
 - female mulard ducks : 65 days or later,
 - guinea fowl : 82 days or later.

(c) *Free range*

This term may only be used where :

- the stocking rate in the house and the age of slaughter are in accordance with the limits fixed under (b), except for chickens, for which the stocking rate may be increased to 13, but not more than 27,5 kg liveweight per m² and for capons, for which the stocking rate shall not exceed 7,5 m², and not more than 27,5 kg liveweight per m²,
- the birds have had during at least half their lifetime continuous daytime access to open-air runs comprising an area mainly covered by vegetation of not less than :
 - 1 m² per chicken or guinea fowl
 - 2 m² per duck
 - 4 m² per turkey or goose.

In the case of guinea fowls, open-air runs may be replaced by a perchery having a floor surface of at least that of the house and a height of at least 2 m. Perches of at least 10 cm length are available per bird in total (house and perchery),

- the feed formula used in the fattening stage contains at least 70 % of cereals,
- the poultryhouse is provided with popholes of a combined length at least equal to 4 m per 100 m² surface of the house.

(d) *Traditional free range*

This term may only be used where :

- the indoor stocking rate per m² does not exceed in the case of :
 - chickens : 12 but not more than 25 kg liveweight ; however, in the case of mobile houses not exceeding 150 m² floor space and which remain open at night, the stocking rate may be increased to 20, but not more than 40 kg liveweight per m²,

- capons : 6,25 (up to 91 days of age : 12) but not more than 35 kg liveweight,
- Muscovy and Peking ducks : 8 males but not more than 35 kg liveweight, 10 females but not more than 25 kg liveweight,
- Mulard ducks : 8 but not more than 35 kg liveweight,
- guinea fowl : 13 but not more than 23 kg liveweight,
- turkeys : 6,25 (up to seven weeks of age : 10) but not more than 35 kg liveweight,
- geese : 5 (up to six weeks of age : 10), 3 during last three weeks of fattening if kept in clausturation, but not more than 30 kg liveweight,
- the total usable area of poultryhouses at any single production site does not exceed 1 600 m²,
- each poultryhouse does not contain more than :
 - 4 800 chickens,
 - 5 200 guinea fowl,
 - 4 000 female Muscovy or Peking ducks or 3 200 male Muscovy or Peking ducks or 3 200 Mulard ducks,
 - 2 500 capons, geese and turkeys,
- the poultryhouse is provided with propholes of a combined length at least equal to 4 m per 100 m² surface of the house,
- there is continuous day-time access to open-air runs at least as from the age of
 - six weeks in the case of chickens, and capons,
 - eight weeks in the case of ducks, geese, guinea fowl and turkeys,
- open-air runs comprise an area mainly covered by vegetation amounting to at least :
 - 2 m² per chicken or Muscovy or Peking duck or guinea fowl,
 - 3 m² per Mulard duck,
 - 4 m² per capon, as from 92 days (2 m² up to 91st day),
 - 6 m² per turkey,
 - 10 m² per goose.

In the case of guinea fowls, open-air runs may be replaced by a perchery having a floor surface of at least double that of the house and a height of at least 2 m. Perches of at least 10 cm length are available per bird in total (house and perchery),
- the birds fattened are of a strain recognized as being slow growing,
- the feed formula used in the fattening stage contains at least 70 % of cereals,
- the minimum age at slaughter is :
 - 81 days for chickens,
 - 150 days for capons,
 - 49 days for Peking ducks,
 - 70 days for female Muscovy ducks,
 - 84 days for male Muscovy ducks,
 - 92 days for Mulard ducks,
 - 94 days for guinea fowl,
 - 140 days for turkeys and roasting geese,
 - 95 days for geese intended for the production of foie gras and 'magret',
- finition in clausturation does not exceed :
 - for chickens after 90 days of age : 15 days,
 - for capons after 125 days of age : 4 weeks,
 - for geese and mulards ducks intended for the production of foie gras and magret, after 70 days of age : 4 weeks.

(e) *Free-rang — total freedom*

The use of this term shall require conformity with the criteria set out under (d), except that the birds shall have continuous day-time access to open-air runs of unlimited area.

ANNEX V

DETERMINATION OF THAW LOSS

(Drip test)

1. *Object and scope*

This method shall be used to determine the amount of water lost from frozen or quick-frozen chickens during thawing. If this drip loss, expressed as a percentage by weight of the carcase (including all the edible offal contained in the pack) exceeds the limit value laid down in paragraph 7, it is considered that excess water has been absorbed during processing. The technique shall not be applicable to poultry which has been treated with polyphosphates or similar substances, the effect of which is to increase water retention. Poultry having been treated with such substances shall be subjected to the method of analysis described in Annex VI.

2. *Definition*

Drip loss determined by this method shall be expressed as a percentage of the total weight of the frozen or quick-frozen carcase, including edible offal.

3. *Principle*

The frozen or quick-frozen carcase, including edible offal present, shall be allowed to thaw under controlled conditions which allow the weight of water lost to be calculated.

4. *Apparatus*

- 4.1. Scales capable of weighing up to 5 kg with an accuracy better than approximately 1 g.
- 4.2. Plastic bags large enough to hold the carcase and having a secure means of fixing the bag.
- 4.3. Thermostatically controlled water-bath with equipment capable of holding the carcasses as described in 5.5 and 5.6. The water-bath shall contain a volume of water not less than eight times that of the poultry to be checked and shall be capable of maintaining the water at a temperature of 42 plus or minus 2 °C.
- 4.4. Filter paper or other absorbent paper towels.

5. *Technique*

- 5.1. Twenty carcasses shall be removed at random from the quantity of poultry to be checked. Until each can be tested as described in 5.2 to 5.11, they shall be kept at a temperature no higher than - 18 °C.
- 5.2. The outside of the pack shall be wiped to remove superficial ice and water. The pack and its content shall be weighed to the nearest gram : this weight shall be M_0 .
- 5.3. The carcase, together with any edible offal sold with it, shall be removed from the outer wrap, which shall be dried and weighed to the nearest gram : this weight shall be M_1 .
- 5.4. The weight of frozen carcase plus offal shall be calculated by subtracting M_1 from M_0 .
- 5.5. The carcase, including the edible offal, shall be placed in a strong, waterproof plastic bag with the abdominal cavity facing towards the bottom, closed end of the bag. The bag shall be of sufficient length so as to ensure that it can be fixed securely when in the water-bath but shall not be unduly wide as to allow the carcase to move from the vertical position.
- 5.6. The part of the bag containing the carcase and edible offal shall be completely immersed in a water-bath and shall remain open, enabling as much air as possible to escape. It shall be held vertically, if necessary by guide bars or by extra weights put in the bag, such that water from the bath cannot enter it. The individual bags shall not touch each other.
- 5.7. The bag shall be left in the water-bath, maintained at 42 plus or minus 2 °C throughout, with continuous movement of the bag or continuous agitation of the water, until the thermal centre of the carcase (the deepest part of the breast muscle close to the breast bone, in chickens without giblets, or the middle of the giblets in chickens with giblets) reaches at least 4 °C, measured in two randomly chosen carcasses. The carcasses should not remain in the water-bath for longer than is necessary to reach 4 °C. The required period of immersion, for carcasses stored at - 18 °C is of the order of :

Weight class (g)	Weight of carcass ± offal (g)	Indicative immersion time in minutes	
		Chickens without offal	Chickens with offal
< 800	< 825	77	92
850	825 — 874	82	97
900	875 — 924	85	100
950	925 — 974	88	103
1 000	975 — 1 024	92	107
1 050	1 025 — 1 074	95	110
1 100	1 050 — 1 149	98	113
1 200	1 150 — 1 249	105	120
1 300	1 250 — 1 349	111	126
1 400	1 350 — 1 449	118	133

Thereafter, an increase of seven minutes for each additional 100 g is required. If the suggested period of immersion is passed without reaching + 4 °C, in the two carcasses which are checked, the thawing process shall be continued until they do reach + 4 °C in the thermal centre.

- 5.8. The bag and its content shall be removed from the bath of water; the bottom of the bag shall be pierced to allow any water produced on thawing to drain. The bag and its content shall be allowed to drip for one hour at an ambient temperature of between + 18 °C and + 25 °C.
- 5.9. The thawed carcass shall be removed from the bag and the pack containing offal (if present) shall be removed from the abdominal cavity. The carcass shall be dried inside and out with filter paper or paper towels. The bag containing the offal shall be pierced and, once any water has drained away, the bag and thawed offal shall also be dried as carefully as possible.
- 5.10. The total weight of thawed carcass, offal and pack shall be determined to the nearest gram and expressed as M_2 .
- 5.11. The weight of the pack which contains the offal shall be determined to the nearest gram and expressed as M_3 .

6. Calculation of result

The amount of water lost through thawing as a percentage by weight of the frozen or quick-frozen carcass (including offal) shall be given by:

$$\frac{M_0 - M_1 - M_2}{M_0 - M_1 - M_3} \times 100$$

7. Evaluation of result

If the average water loss on thawing for the 20 carcasses in the sample exceeds the percentages given below, it is considered that the amount of water absorbed during processing exceeds the limit figure.

The percentages are in the case of:

- air chilling: 1,5 %,
- air spray chilling: 3,3 %,
- immersion chilling: 5,1 %.

ANNEX VI

DETERMINATION OF THE TOTAL WATER CONTENT OF CHICKENS

(Chemical test)

1. *Object and scope*

This method shall be used to determine the total water content of frozen and quick-frozen chickens. The method shall involve determination of the water and protein contents of samples from the homogenized poultry carcass. The total water content as determined shall be compared with the limit value given by the formulae indicated in paragraph 6.4, to determine whether or not excess water has been taken up during processing. If the analyst suspects the presence of any substance which may interfere with the assessment, it shall be for him or her to take the necessary appropriate precautions.

2. *Definitions*

'Carcass': the poultry carcass with bones, cartilage and offals eventually contained in the carcass.

'Offal': liver, heart, gizzard and neck.

3. *Principle*

Water and protein contents shall be determined in accordance with recognized ISO (International Organization for Standardization) methods or other methods or analysis approved by the Council.

The highest permissible total water content of the carcass will be estimated from the protein content of the carcass, which can be related to the physiological water content.

4. *Apparatus and reagents*

4.1. Scales for weighing the carcass and wrappings, capable of weighing with an accuracy better than ± 1 g.

4.2. Meat-axe or saw for cutting carcasses into pieces of appropriate size for the mincer.

4.3. Heavy-duty mincing machine and blender capable of homogenizing complete frozen or quick-frozen poultry pieces.

Note: No special mincer shall be recommended. It should have sufficient power to mince frozen or quick-frozen meat and bones to produce a homogeneous mixture corresponding to that obtained from a mincer fitted with a 4 mm hole disc.

4.4. Apparatus as specified in ISO 1442, for the determination of water content.

4.5. Apparatus as specified in ISO 937, for the determination of protein content.

5. *Procedure*

5.1. Seven carcasses shall be taken at random from the quantity of poultry to be checked and in each case kept frozen until analysis in accordance with 5.2 to 5.6 begins.

It may be conducted either as an analysis of each of the seven carcasses, or as an analysis of a composite sample of the seven carcasses.

5.2. The preparation shall be commenced within the hour following the removal of the carcasses from the freezer.

5.3. (a) The outside of the pack shall be wiped to remove superficial ice and water. Each carcass shall be weighed and removed from any wrapping material. After cutting up of the carcass into smaller pieces, any wrapping material around the edible offal shall be removed and ice adhering to the carcass, shall be determined to the nearest gram after deduction of the weight of any wrapping material removed to give 'P₁'.

(b) In the case of a composite sample analysis, the total weight of the seven carcasses, prepared in accordance with 5.3 (a), shall be determined to give 'P₇'.

- 5.4. (a) The whole carcass of which the weight is P_1 shall be minced in a mincer as specified under 4.3 (and, if necessary, mixed with the use of a blender as well) to obtain a homogenous material from which a sample representative of each carcass may then be taken.
- (b) In the case of a composite sample analysis, all seven carcasses of which the weight is P_7 shall be minced in a mincer as specified under 4.3 (and, if necessary, mixed with the use of a blender as well) to obtain a homogenous material from which two samples representative of the seven carcasses may then be taken.
- The two samples are to be analysed as described in 5.5 and 5.6.
- 5.5. A sample of the monogenized material shall be taken and used immediately to determine the water content in accordance with ISO 1442 to give the water content 'a %'.
- 5.6. A sample of the homogenized material shall also be taken and used immediately to determine the nitrogen content in accordance with ISO 937. This nitrogen content shall be converted to crude protein content 'b %' by multiplying it by the factor 6,25.

6. Calculation of results

- 6.1. (a) The weight of water (W) in each carcass shall be given by $aP_1/100$ and the weight of protein (RP) by $bP_1/100$, both of which are to be expressed in grams.
- The sums of the weights of water (W_7) and the weights of protein (RP_7) in the seven carcasses analysed shall be determined.
- (b) In the case of a composite sample analysis, the average content of water and protein from the two samples analysed shall be determined to give a % and b %, respectively. The weight of the water (W_7) in the seven carcasses shall be given by $aP_7/100$, and the weight of protein (RP_7) by $bP_7/100$, both of which are to be expressed in grams.
- 6.2. The average weight of water (W_A) and protein (RP_A) shall be calculated by dividing W_7 and RP_7 , respectively, by seven.
- 6.3. The theoretical physiological water content in grams as determined by this method may be calculated by the following formula:
- chickens : $3,53 \times RP_A + 23$
- 6.4. (a) Air chilling
- Assuming that the minimum technically unavoidable water content absorbed during preparation amounts to 2 % (1), the highest permissible limit for the total water content (W_G) in grams as determined by this method shall be given by the following formula (including confidence interval):
- chickens : $W_G = 3,65 \times RP_A + 42$.
- (b) Air-spray chilling:
- Assuming that the minimum technically unavoidable water content absorbed during preparation amounts to 4,5 % (1), the highest permissible limit for the total water content (W_G) in grams as determined by this method shall be given by the following formula (including confidence interval):
- chickens : $W_G = 3,79 \times RP + 42$.
- (c) Immersion chilling
- Assuming a technically unavoidable water absorption during preparation of 7 % (1), the highest permissible limit for the total water content (W_G) in grams as determined by this method shall be given by the following formula (including confidence interval):
- chickens : $W_G = 3,93 \times RP_A + 42$.
- 6.5. If the average water content (W_A) of the seven carcasses as calculated under 6.2 does not exceed the value given in 6.4 (W_G), the quantity of poultry subjected to the check shall be considered up to standard.

(1) Calculated on the basis of the carcass exclusive of absorbed extraneous water.

*ANNEX VII***Check on absorption of water in the production establishment**

1. At least once each working period of four hours :
select at random 25 carcasses from the evisceration line immediately after evisceration and the complete removal of the offals and before the first washing.
2. If necessary, remove the neck by cutting, leaving the neck skin attached to the carcass.
3. Identify each carcass individually. Weigh each carcass and record its weight to the nearest gram.
4. Re-hang the test carcasses on the evisceration line to continue through the normal processes of washing, chilling, dripping, etc.
5. Remove identified carcasses at the end of the drip line without allowing them any longer time to drip than that allowed normally for poultry from the lot from which the sample was taken.
6. The sample shall consist of the first 20 carcasses recovered. They shall be re-weighed. Their weight to the nearest gramme shall be recorded against the weight recorded on first weighing. The test shall be declared void if less than 20 identified carcasses are recovered.
7. Remove identification from sample carcasses and allow the carcasses to proceed through normal packing operations.
8. Determine percentage moisture absorption by subtracting the total weight of these same carcasses after washing, chilling and dripping, dividing the difference by the initial weight and multiplying by 100.
9. The result shall not exceed the following percentages of the initial weight of the carcass or any other figure allowing compliance with the maximum total extraneous water content :

— air chilling :	0,1 %,
— air-spray chilling :	2,0 %,
— immersion chilling :	4,5 %.

ANNEX VIII

LIST OF REFERENCE LABORATORIES

Community reference laboratory :

Spelderholt, Centre for Poultry Research and Information Services
(COVP-DLO)
Spelderholt 9
P.O. Box 15
NL-7360 AA Beekbergen

National reference laboratories :*Belgium*

Faculteit Diergeneeskunde
Vakgroep „Diergeneeskundig toezicht op eetwaren”
Universiteit Gent
Wolterslaan 1
B-9000 Gent

Denmark

Veterinærdirektoratets Laboratorium
Howitzvej 13
DK-2000 Frederiksberg

Germany

Bundesanstalt für Fleischforschung
Institut für Chemie und Physik
EC—Baumanstraße 20
D-95326 Kulmbach

Greece

Ministry of Agriculture
Veterinary Laboratory of Patra
59, Terpsitheas Str.
GR-264 42 Patra

Spain

Centro de Alimentacion Nacional
(Instituto de Salud Carlos III)
Ctra de Majadahonda a Pozuelo Km 2
E-28220 Madrid

France

Unité hygiène et qualité des produits avicoles
Laboratoire central de recherches avicoles et porcines
Centre National d'études vétérinaires et alimentaires
Beaucemaine — B.P. 53
F-22400 Ploufragan

Ireland

Dairy Science Laboratory
Department of Agriculture, Food and Forestry
Model Farm Road
Cork

Italy

Istituto de l'Ispettorato Centrale Repressione
Frodi di Roma
Via G. Raggini 19
I-00149 Roma

Luxembourg

Laboratoire National de Santé
Rue du Laboratoire, 42
L-1911 Luxembourg

Netherlands

TNO-voeding
Postbus 360
NL-3700 AJ Zeist

Portugal

I.Q.A. Instituto de Qualidade Alimentar
Av. Conde Valbona, 98
P-1000 Lisboa

United Kingdom

Food Science Laboratory,
Ministry of Agriculture, Fisheries and Food,
Norwich Research Park,
Colney,
Norwich,
NR4 7UQ.

ANNEX IX**Competences and tasks of Community reference laboratory**

1. The Community reference laboratory referred to in Annex VIII is responsible for the following tasks:
 - supplying information on analytical methods and comparative testing regarding the water content of poultrymeat to the national reference laboratories,
 - coordinating the application by the national reference laboratories of the methods referred to in the first indent above, by organizing comparative testing in particular,
 - coordinating the development of new analytical methods and informing the national reference laboratories of progress made in this area,
 - providing scientific and technical assistance to the Commission, especially in cases where the results of analyses are contested between Member States.
2. The Community reference laboratory shall satisfy the following operating conditions:
 - that staff are qualified and have sufficient knowledge of the techniques applied in the analysis of water content,
 - that the equipment and substances necessary for carrying out the tasks laid down in point 1 are available,
 - that an appropriate administrative structure is in place,
 - that the confidential nature of certain subjects, results and reports is observed by staff,
 - that the principles of good laboratory practice accepted internationally are followed.

Tasks of national reference laboratories

The national reference laboratories listed in Annex VIII are responsible for the following tasks:

- coordinating the activities of the national laboratories responsible for analyses of water content in poultrymeat,
 - assisting the competent authority in the Member State to organize the system for monitoring water content in poultrymeat,
 - organizing comparative tests between the various national laboratories referred to in the first indent above,
 - ensuring that the information supplied by the Community reference laboratory is disseminated to the competent authority in the relevant Member State and to the national laboratories referred to in the first indent above,
 - collaborate with the Community reference laboratory.
-

COMMISSION REGULATION (EEC) No 2892/93

of 21 October 1993

amending Regulation (EEC) No 1729/92 laying down detailed implementing rules for the specific measures for supplying the Canary Islands with products from the eggs and poultrymeat sectors, regarding the amounts of aid

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

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992, introducing, specific measures for the Canary Islands concerning certain agricultural products ⁽¹⁾, as amended by Regulation (EEC) No 3714/92 ⁽²⁾, and in particular Article 3 ⁽⁴⁾ thereof,

Whereas Commission Regulation (EEC) No 1729/92 ⁽³⁾, as last amended by Regulation (EEC) No 1731/93 ⁽⁴⁾, fixed the amounts of the aid for the supply to the archipelago, on the one hand, of meat and eggs, and on the other hand, of chicks and hatching eggs originating in the rest of the Community; whereas such aid must be fixed taking into account in particular the costs of supply from the world market, conditions due to the geographical situation of the archipelago and the basis of the current prices on export to third countries for the animals or products concerned;

Whereas it follows from applying these rules and criteria to the present situation on the market in poultrymeat that the amounts of aid for such deliveries should be adjusted, taking account of their current volume and ensuring that the share of supplies from the Community is maintained,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EEC) No 1729/92 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 November 1993.

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

Done at Brussels, 21 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 107.

⁽⁴⁾ OJ No L 160, 1. 7. 1993, p. 12.

ANNEX

ANNEX II

Amounts of aid granted for products referred to in Annex I and coming from the Community market

Product code	Amount of aid (ECU/100 kg net)
0207 21 10 000	38
0207 21 90 100	42
0207 21 90 900	25
0207 22 10 000	25
0207 22 90 000	25
0207 41 10 110	8
0207 41 10 990	50
0207 41 11 000	43
0207 41 21 000	10
0207 41 41 000	35
0207 41 51 000	50
0207 41 71 100	40
0207 41 71 200	40
0207 41 71 300	40
0207 41 71 400	5
0207 42 10 110	8
0207 42 10 990	45
0207 42 11 000	25
0207 42 21 000	10
0207 42 41 000	34
0207 42 51 000	15
0207 42 59 000	33
0207 42 71 100	13
0207 43 15 110	8
0207 43 15 990	50
0207 43 21 000	40
0207 43 31 000	15
0207 43 53 000	40
0207 43 63 000	43
0408 11 10 000	65
0408 91 10 000	63

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

COMMISSION REGULATION (EEC) No 2893/93
of 21 October 1993
fixing the import levies on white sugar and raw sugar

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1548/93 ⁽²⁾, and in particular Article 16 (8) thereof,

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1695/93 ⁽⁴⁾, as last amended by Regulation (EEC) No 2852/93 ⁽⁵⁾;

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

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 20 October 1993, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 October 1993.

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

Done at Brussels, 21 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. 40.

⁽⁵⁾ OJ No L 261, 20. 10. 1993, p. 25.

ANNEX

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

(ECU/100 kg)

CN code	Levy (1)
1701 11 10	35,74 (1)
1701 11 90	35,74 (1)
1701 12 10	35,74 (1)
1701 12 90	35,74 (1)
1701 91 00	42,48
1701 99 10	42,48
1701 99 90	42,48 (2)

(1) The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42), as last amended by Regulation (EEC) No 1428/78 (OJ No L 171, 28. 6. 1978, p. 34).

(2) In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

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

COMMISSION REGULATION (EEC) No 2894/93
of 21 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 20

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 22 October 1993.

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

Done at Brussels, 21 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 21 October 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>	
CN code	Third countries (*)
0709 90 60	90,82 (*) (*)
0712 90 19	90,82 (*) (*)
1001 10 00	68,10 (*) (*)
1001 90 91	83,16
1001 90 99	83,16 (*)
1002 00 00	112,74 (*)
1003 00 10	120,43
1003 00 20	120,43
1003 00 80	120,43 (*)
1004 00 00	91,02
1005 10 90	90,82 (*) (*)
1005 90 00	90,82 (*) (*)
1007 00 90	100,35 (*)
1008 10 00	19,73 (*)
1008 20 00	27,03 (*)
1008 30 00	25,60 (*)
1008 90 10	(*)
1008 90 90	25,60
1101 00 00	153,94 (*)
1102 10 00	196,02
1103 11 30	139,34
1103 11 50	139,34
1103 11 90	176,77
1107 10 11	158,90
1107 10 19	121,48
1107 10 91	225,25 ⁽¹⁰⁾
1107 10 99	171,05 (*)
1107 20 00	197,55 ⁽¹⁰⁾

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

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

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

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

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

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

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

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

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

⁽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 2895/93

of 21 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 20 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 22 October 1993.

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

Done at Brussels, 21 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 21 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	7,56
1001 90 99	0	0	0	7,56
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	9,30
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	13,46	13,46
1107 10 19	0	0	0	10,05	10,05
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 2896/93
of 21 October 1993
fixing the export refunds 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 ⁽¹⁾, as last amended by Regulation (EEC) No 1544/93 ⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 17 ⁽²⁾ thereof,

Whereas Article 17 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas Commission Regulation (EEC) No 1361/76 ⁽⁴⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when

the export refund on rice and broken rice is being calculated;

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

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁵⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁶⁾;

Whereas it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

Whereas Council Regulation (EEC) No 990/93 ⁽⁷⁾ prohibits trade between the European Economic Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 5.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ No L 102, 28. 4. 1993, p. 14.

ADOPTED THIS REGULATION :

listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 1

Article 2

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those

This Regulation shall enter into force on 22 October 1993.

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

Done at Brussels, 21 October 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 21 October 1993 fixing the export refunds on rice and broken rice

<i>(ECU/tonne)</i>			<i>(ECU/tonne)</i>		
Product code	Destination (1)	Amount of refunds (2)	Product code	Destination (1)	Amount of refunds (2)
1006 20 11 000	01	194,00	1006 30 65 100	01	243,00
1006 20 13 000	01	194,00		02	249,00
1006 20 15 000	01	194,00		03	254,00
1006 20 17 000	—	—		04	243,00
1006 20 92 000	01	194,00	1006 30 65 900	01	243,00
1006 20 94 000	01	194,00		04	243,00
1006 20 96 000	01	194,00	1006 30 67 100	—	—
1006 20 98 000	—	—	1006 30 67 900	—	—
1006 30 21 000	01	194,00	1006 30 92 100	01	243,00
1006 30 23 000	01	194,00		02	249,00
1006 30 25 000	01	194,00		03	254,00
1006 30 27 000	—	—		04	243,00
1006 30 42 000	01	194,00	1006 30 92 900	01	243,00
1006 30 44 000	01	194,00		04	243,00
1006 30 46 000	01	194,00	1006 30 94 100	01	243,00
1006 30 48 000	—	—		02	249,00
1006 30 61 100	01	243,00		03	254,00
	02	249,00		04	243,00
	03	254,00	1006 30 94 900	01	243,00
	04	243,00		04	243,00
1006 30 61 900	01	243,00	1006 30 96 100	01	243,00
	04	243,00		02	249,00
1006 30 63 100	01	243,00		03	254,00
	02	249,00		04	243,00
	03	254,00	1006 30 96 900	01	243,00
	04	243,00		04	243,00
1006 30 63 900	01	243,00	1006 30 98 100	—	—
	04	243,00	1006 30 98 900	—	—
			1006 40 00 000	—	—

(1) The destinations are identified as follows:

01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,

02 Zones I, II, III, VI, Ceuta and Melilla,

03 Zones IV, VII c), Canada and Zone VIII excluding Surinam, Guyana and Madagascar,

04 Destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1).

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

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

COMMISSION REGULATION (EEC) No 2897/93
of 21 October 1993

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁴⁾ are used to convert amounts expressed in third country currencies

and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁵⁾;

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

Whereas Council Regulation (EEC) No 990/93 ⁽⁶⁾ prohibits trade between the European Economic Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 October 1993.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Done at Brussels, 21 October 1993.

For the Commission
René STEICHEN
Member of the Commission

ANNEX

to the Commission Regulation of 21 October 1993 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refund (2)	Product code	Destination (1)	Amount of refund (2)
0709 90 60 000	—	—	1005 90 00 000	03	35,00
0712 90 19 000	—	—		04	15,00
1001 10 00 200	04	60,00		02	0
	02	0	1007 00 90 000	—	—
1001 10 00 400	—	—	1008 20 00 000	—	—
1001 90 91 000	01	0	1101 00 00 100	01	77,50
1001 90 99 000	03	48,00	1101 00 00 130	01	72,00
	02	15,00	1101 00 00 150	01	66,00
1002 00 00 000	03	25,00	1101 00 00 170	01	61,00
	02	15,00	1101 00 00 180	01	57,00
1003 00 10 000	01	0	1101 00 00 190	—	—
1003 00 20 000	03	59,00	1101 00 00 900	—	—
	02	15,00	1102 10 00 500	01	77,50
1003 00 80 000	03	59,00	1102 10 00 700	—	—
	02	15,00	1102 10 00 900	—	—
1004 00 00 200	—	—	1103 11 30 200	01	65,00 (3)
1004 00 00 400	—	—	1103 11 30 900	—	—
1005 10 90 000	—	—	1103 11 50 200	01	65,00 (3)
			1103 11 50 400	—	—
			1103 11 50 900	—	—
			1103 11 90 200	01	65,00 (3)
			1103 11 90 800	—	—

(1) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 04 Zones I, III b), VIII a), Cuba and Hungary.

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

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

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

COMMISSION REGULATION (EEC) No 2898/93**of 21 October 1993****fixing the corrective amount applicable to the refund on cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

Done at Brussels, 21 October 1993.

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁴⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁵⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 22 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 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

ANNEX

to the Commission Regulation of 21 October 1993 fixing the corrective amount applicable to the refund on cereals

(ECU/tonne)

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

(1) The destinations are identified as follows:

- 01 all third countries,
- 02 other third countries.

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

COMMISSION REGULATION (EEC) No 2899/93
of 21 October 1993
fixing the export refunds on 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 the fourth subparagraph third of Article 13 (2) thereof,

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

Whereas the refunds must be fixed taking into account the factors referred to in Article 2 of Commission Regulation 1533/93⁽³⁾ laying down detailed rules on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals;

Whereas the refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question; whereas the said quantities are laid down in Regulation (EEC) No 1533/93;

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁴⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies;

whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁵⁾;

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

Whereas Council Regulation (EEC) No 990/93⁽⁶⁾ prohibits trade between the European Economic Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

Whereas in follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1 (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 22 October 1993.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Done at Brussels, 21 October 1993.

For the Commission
René STEICHEN
Member of the Commission

ANNEX

to the Commission Regulation of 21 October 1993 fixing the export refunds on malt

(ECU/tonne)

Product code	Refund (')
1107 10 19 000	62,00
1107 10 99 000	85,00
1107 20 00 000	99,00

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

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

COMMISSION REGULATION (EEC) No 2900/93

of 21 October 1993

fixing the corrective amount applicable to the refund on 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 13 (4) thereof,

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

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

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

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

convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁵⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 13 (4) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 October 1993.

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

Done at Brussels, 21 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1993, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

ANNEX

to the Commission Regulation of 21 October 1993 fixing the corrective amount applicable to the refund on malt

(ECU/tonne)

Product code	Current	1st period	2nd period	3rd period	4th period	5th period
	10	11	12	1	2	3
1107 10 11 000	0	0	0	0	0	0
1107 10 19 000	0	0	0	0	0	0
1107 10 91 000	0	0	0	0	0	0
1107 10 99 000	0	0	0	0	0	0
1107 20 00 000	0	0	0	0	0	0

(ECU/tonne)

Product code	6th period	7th period	8th period	9th period	10th period	11th period
	4	5	6	7	8	9
1107 10 11 000	0	0	0	0	0	0
1107 10 19 000	0	0	0	0	0	0
1107 10 91 000	0	0	0	0	0	0
1107 10 99 000	0	0	0	0	0	0
1107 20 00 000	0	0	0	0	0	0

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 18 October 1993

approving certain amendments to the Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances (Bonn Agreement)

(93/540/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas by Decision 84/358/EEC ⁽⁴⁾ the Council approved on 28 June 1984 the Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances signed in Bonn on 13 September 1983;

Whereas at their first meeting held in Bonn from 19 to 22 September 1989 the Contracting Parties to the Agreement agreed on a number of amendments designed to include in the Agreement provisions concerning pollution surveillance activities, in order to ensure implementation of paragraphs 46 to 50 of the Ministerial Declaration adopted at the Second international conference for the protection of the North Sea held in London on 24 and 25 November 1987;

Whereas the Contracting Parties also decided to amend the demarcation zone of the Skagerrak, as set out in Article 2 (a) of the Agreement;

Whereas the amendments can come into force only when they have been approved by all the Contracting Parties, in accordance with Article 16 (2) of the Agreement,

HAS DECIDED AS FOLLOWS :

Article 1

The amendments to the Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances, (Bonn Agreement) adopted by the Contracting Parties at their first meeting held in Bonn from 19 to 22 September 1989, are hereby approved on behalf of the European Economic Community.

The text of the Decision concerning these amendments is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the European Economic Community, notify the Depositary Government referred to in Article 16 (2) of the Agreement of the adoption of the instrument of approval.

Done at Luxembourg, 18 October 1993.

For the Council

The President

A. BOURGEOIS

⁽¹⁾ OJ No C 114, 5. 5. 1992, p. 13.

⁽²⁾ OJ No C 42, 15. 2. 1993, p. 36.

⁽³⁾ OJ No C 287, 4. 11. 1992, p. 1.

⁽⁴⁾ OJ No L 188, 16. 7. 1984, p. 7.

DECISION
of 22 September 1989
concerning amendments of the agreement

THE CONTRACTING PARTIES to the Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances, done at Bonn on 13 September 1983 (hereinafter referred to as 'the Agreement');

RECALLING Article 1 of the Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances, done at Bonn on 13 September 1983, according to which the Agreement shall apply whenever the presence or the prospective presence of oil or other harmful substances polluting or threatening to pollute the sea within the North Sea presents a grave and imminent danger to the coast or related interests of one or more Contracting Parties;

RECALLING paragraph XVI, subparagraphs 46 to 50 of the Ministerial Declaration of the Second International Conference on the Protection of the North Sea, held in London from 24-25 November 1987;

RECOGNIZING that the Agreement does not contain provisions referring to the use of surveillance as an aid to detecting pollution and to preventing violations of anti-pollution regulations;

DESIRING to extend the scope of the Agreement to such activities;

RECOGNIZING ALSO the need to adjust the southern geographical limit of the Skagerrak as defined in Article 2 of the Agreement;

HAVE AGREED to amend the Agreement as follows:

Article I

Article 1 of the Agreement shall be amended to read as follows:

'This Agreement shall apply:

- (1) whenever the presence or the prospective presence of oil or other harmful substances polluting or threatening to pollute the sea within the North Sea area, as defined in Article 2 of this Agreement, presents a grave and imminent danger to the coast or related interests of one or more Contracting Parties and
- (2) to surveillance conducted in the North Sea area as an aid to detecting and combating such pollution and to preventing violations of anti-pollution regulations.'

Article II

Article 2 of the Agreement shall be amended to read as follows:

'For the purpose of this Agreement the North Sea area means the North Sea proper southwards of latitude 61° N, together with:

- (a) the Skagerrak, the limit of which is determined east of the Skaw by the latitude 57° 44' 43" N;
- (b) the English Channel and its approaches eastwards of a line drawn fifty nautical miles to the west of a line joining the Scilly Isles and Ushant.'

Article III

Article 3 of the Agreement shall be amended to read as follows:

'(1) The Contracting Parties consider that the matters referred to in Article 1 of this Agreement call for active co-operation between them.

(2) The Contracting Parties shall jointly develop and establish guidelines for the practical, operational and technical aspects of joint action and coordinated surveillance as referred to in Article 6A.'

Article IV

Article 4 of the Agreement shall be amended to read as follows:

'Contracting Parties undertake to inform the other Contracting Parties about:

- (a) their national organization for dealing with pollution of the kind referred to in Article 1 paragraph 1 of this Agreement, and for enforcing pollution regulations;
- (b) the competent authorities responsible for receiving and dispatching reports of such pollution and for dealing with questions concerning measures of mutual assistance and coordinated surveillance between Contracting Parties;
- (c) their national means for avoiding or dealing with such pollution, which might be made available for international assistance;
- (d) new ways in which such pollution may be avoided and about new effective measures to deal with it;
- (e) major pollution incidents of this kind dealt with;
- (f) new developments in the technology of conducting surveillance;

- (g) their experience in the use of surveillance means and techniques in the detection of pollution and the prevention of violations of anti-pollution regulations, including use in cooperation with other Contracting Parties ;
- (h) information of mutual interest derived from their surveillance activities ;
- (i) their national programmes for surveillance, including cooperative arrangements with other Contracting Parties.'

Article V

A new Article 6A shall be added to the Agreement as follows :

'Surveillance shall be carried out, as appropriate, by the Contracting Parties in their zone of responsibility or zones of joint responsibility referred to in Article 6 of this Agreement. The Contracting Parties may bilaterally or multilaterally conclude agreements on or make arrangements for cooperation in the organization of surveillance in the whole or part of the zones of the Parties concerned.'

Article VI

Article 8 of the Agreement shall be amended to read as follows :

- (1) The provisions this Agreement shall not be interpreted as in any way prejudicing the rights and obligations of the Contracting Parties under international law, especially in the field of the prevention and combating of marine pollution.
- (2) In no case shall the division into zones referred to in Article 6 of this Agreement be invoked as a precedent or argument in any matter concerning sovereignty or jurisdiction.
- (3) The division into zones referred to in Article 6 of this Agreement shall in no way restrict the rights of Contracting Parties to carry out in accordance with

international law surveillance activities beyond the limits of their zones.'

Article VII

Article 9 of the Agreement shall be amended to read as follows :

'(1) In the absence of an agreement concerning the financial arrangements governing actions of Contracting Parties to deal with pollution which might be concluded on a bilateral or multilateral basis or on the occasion of a joint combating operation, Contracting Parties shall bear the costs of their respective actions in dealing with pollution in accordance with subparagraph (a) or subparagraph (b) below :

- (a) If the action was taken by one Contracting Party at the express request of another Contracting Party, the Contracting Party requesting such assistance shall reimburse to the assisting Contracting Party the costs of its action ;
- (b) If the action was taken by a Contracting Party on its own initiative, this Contracting Party shall bear the costs of its action.

(2) The Contracting Party requesting assistance may cancel its request at any time, but in that case it shall bear the costs already incurred or committed by the assisting Contracting Party.

(3) Unless otherwise specified in bilateral or multilateral agreements or arrangements, each Contracting Party shall bear the costs of its surveillance activities carried out in accordance with Article 6A.'

Article VIII

The Contracting Parties shall notify the Depositary Government of their approval of these amendments in accordance with Article 16, paragraph 2 of the Agreement.

COUNCIL DECISION
of 18 October 1993
appointing a member of the Economic and Social Committee

(93/541/Euratom, EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 193 to 195 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 165 to 167 thereof,

Having regard to the Convention on certain Institutions common to the European Communities, and in particular Article 5 thereof,

Having regard to the Council Decision of 24 September 1990 appointing the members of the Economic and Social Committee for the period ending on 20 September 1994⁽¹⁾,

Whereas a seat has become vacant on the Economic and Social Committee following the election of Mr Robert Delorozoy as a Member of the European Parliament, notified to the Council on 4 May 1993,

Having regard to the nominations submitted by the French Government on 13 July 1993,

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Roger Seguy is hereby appointed member of the Economic and Social Committee in place of Mr Robert Delorozoy for the remainder of the latter's term of office, which runs until 20 September 1994.

Done at Luxembourg, 18 October 1993.

For the Council
The President
A. BOURGEOIS

⁽¹⁾ OJ No L 290, 23. 10. 1990, p. 13.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2753/93 of 6 October 1993 terminating the issue of advance-fixing certificates for the refund for the export of certain pigmeat products

(Official Journal of the European Communities No L 249 of 7 October 1993)

On page 11 Article 2 shall read as follows :

'Article 2

1. Applications for certificates for the advance-fixing of the refund for products referred to in Article 1, submitted between 1 and 6 October 1993, shall be granted at the rate of 23,5 %.
 2. From 7 October 1993, no further applications may be lodged.'
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