

English edition

## Legislation

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 3401/93  
of 7 December 1993**

**amending, with respect to sprats and cod, Regulation (EEC) No 3919/92 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1993 and certain conditions under which they may be fished**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture<sup>(1)</sup>, and in particular Article 8 thereof,

Having regard to the proposal from the Commission,

Whereas under the terms of Article 8 (4) of Regulation (EEC) No 3760/92 it is incumbent upon the Council to determine the total allowable catches (TACs) by fishery or group of fisheries; whereas fishing opportunities should be distributed to Member States in accordance with the second subparagraph of Article 8 (4) (ii);

Whereas Regulation (EEC) No 3919/92<sup>(2)</sup> fixes, for certain fish stocks and groups of fish stocks, the TACs for 1993 and certain conditions under which they may be fished;

Whereas the International Baltic Sea Fisheries Commission has recommended an increase of the part of the sprat TAC allocated to the Community for 1993;

Whereas, by virtue of the application of the recommendations agreed during the 18th session of the Baltic Sea Fisheries Commission, the Community has obtained an additional quota of cod in the Baltic Sea for 1993;

Whereas Regulation (EEC) No 3919/92 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to this Regulation shall replace the corresponding items of the Annex to Regulation (EEC) No 3919/92.

*Article 2*

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

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

Done at Brussels, 7 December 1993.

*For the Council*

*The President*

G. COËME

<sup>(1)</sup> OJ No L 389, 31. 12. 1992, p. 1.

<sup>(2)</sup> OJ No L 397, 31. 12. 1992, p. 1. Regulation as amended by Regulation (EEC) No 927/93 (OJ No L 96, 22. 4. 1993, p. 1) and Regulation (EEC) No 3177/93 (OJ No L 285, 20. 11. 1993, p. 1).



**COMMISSION REGULATION (EC) No 3402/93  
of 13 December 1993**

**amending Regulation (EEC) No 2456/93 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EEC) No 125/93 <sup>(2)</sup>, and in particular Article 6 (7) thereof,

Whereas Commission Regulation (EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef <sup>(3)</sup> lays down in Annex III thereto the list of products which may be bought into intervention; whereas, given the buoyant nature of the beef and veal market in Great Britain, and with the view to reducing buying in in this region of the Community, the said list should be amended with the view to removing Category C class U products;

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*

In Annex III to Regulation (EEC) No 2456/93, 'United Kingdom, A. Great Britain' is hereby replaced by the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 January 1994.

It shall apply from the first invitation to tender in January 1994.

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

Done at Brussels, 13 December 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

UNITED KINGDOM

A. Great Britain

*Carcases, half-carcases:*

- Category C class R3
- Category C class R4

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 18, 27. 1. 1993, p. 1.

<sup>(3)</sup> OJ No L 225, 4. 9. 1993, p. 4.

**COMMISSION REGULATION (EC) No 3403/93**  
of 10 December 1993

**amending Regulation (EEC) No 2220/85 laying down common detailed rules for the application of the system of securities for agricultural products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 2193/93 <sup>(2)</sup>, and in particular Articles 5, 6 (2), 7 (3), 8 (5), 9 (2), 11 (4), 12 (3) and (6), 13 (6), 16 (2) and 17 (4) thereof, and the corresponding provisions of the other Regulations on the common organization of the market in agricultural products, and also to other provisions in the Regulations on the common organization of markets which, when applied in practice, call for a security,

Having regard to Council Regulation (EEC) No 525/77 of 14 March 1977 establishing a system of production aid for tinned pineapple <sup>(3)</sup>, as last amended by Regulation (EEC) No 1699/85 <sup>(4)</sup>, and in particular Article 8 thereof,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton <sup>(5)</sup>, as last amended by Regulation (EEC) No 1554/93 <sup>(6)</sup>, and in particular Article 5 (3) thereof,

Whereas Council Regulation (EEC) No 1491/85 of 23 May 1985 laying down special measures in respect of soya beans <sup>(7)</sup>, has been replaced by Regulation (EEC) No 3766/91 <sup>(8)</sup>; whereas Council Regulation (EEC) No 1079/77 of 17 May 1977 on a co-responsibility levy and on measures for expanding the markets in milk and milk products <sup>(9)</sup> has been repealed by Regulation (EEC) No 1029/93 <sup>(10)</sup>; whereas Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture <sup>(11)</sup> has been repealed by Regulation (EEC) No 3813/92 <sup>(12)</sup>; whereas Council Regulation

(EEC) No 1431/82 of 18 May 1982 laying down special measures for peas, fieldbeans and sweet lupins <sup>(13)</sup> has been replaced by Regulation (EEC) No 1765/92 <sup>(14)</sup>;

Whereas the references in Commission Regulation (EEC) No 2220/85 <sup>(15)</sup>, as last amended by Regulation (EEC) No 3745/89 <sup>(16)</sup>, to several Regulations should be updated;

Whereas Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates <sup>(17)</sup> lays down the operative events for agricultural conversion rates, in particular those applicable for securities; whereas the consequences of a modification of the agricultural conversion rate for a security on the day of the operative event should be taken into account;

Whereas Regulation (EEC) No 2220/85 provides for the forfeiture of a security or a part thereof; whereas the administrative costs of the forfeiture could exceed the amount of security to be forfeited; whereas the Member States' authorities should therefore be given the option of waiving forfeiture if the amount is very small;

Whereas to avoid discrimination within the Community it is appropriate to provide for the payment of interest where the forfeiture of a security has been postponed pending the outcome of an appeal procedure;

Whereas Regulation (EEC) No 2220/85 should be modified accordingly;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2220/85 is hereby amended as follows.

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

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

<sup>(3)</sup> OJ No L 73, 21. 3. 1977, p. 46.

<sup>(4)</sup> OJ No L 163, 22. 6. 1985, p. 12.

<sup>(5)</sup> OJ No L 211, 31. 7. 1981, p. 2.

<sup>(6)</sup> OJ No L 154, 25. 6. 1993, p. 23.

<sup>(7)</sup> OJ No L 151, 10. 6. 1985, p. 15.

<sup>(8)</sup> OJ No L 356, 24. 12. 1991, p. 17.

<sup>(9)</sup> OJ No L 131, 26. 5. 1977, p. 6.

<sup>(10)</sup> OJ No L 108, 1. 5. 1993, p. 4.

<sup>(11)</sup> OJ No L 164, 24. 6. 1985, p. 6.

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

<sup>(13)</sup> OJ No L 162, 12. 6. 1982, p. 28.

<sup>(14)</sup> OJ No L 181, 1. 7. 1992, p. 12.

<sup>(15)</sup> OJ No L 205, 3. 8. 1985, p. 5.

<sup>(16)</sup> OJ No L 364, 14. 12. 1989, p. 54.

<sup>(17)</sup> OJ No L 108, 1. 5. 1993, p. 106.

## 1. Article 1 is replaced by the following :

*Article 1*

This Regulation lays down the rules governing securities to be given, either under the following Regulations or under any implementing Regulations, unless other rules are laid down by those Regulations :

## (a) Regulations laying down the common organization of markets in certain agricultural products :

- Regulation (EEC) No 136/66/EEC (oils and fats) <sup>(1)</sup>,
- Regulation (EEC) No 804/86 (milk and milk products) <sup>(2)</sup>,
- Regulation (EEC) No 805/68 (beef and veal) <sup>(3)</sup>,
- Regulation (EEC) No 2358/71 (seeds) <sup>(4)</sup>,
- Regulation (EEC) No 1035/72 (fruit and vegetables) <sup>(5)</sup>,
- Regulation (EEC) No 2759/75 (pigmeat) <sup>(6)</sup>,
- Regulation (EEC) No 2771/75 (eggs) <sup>(7)</sup>,
- Regulation (EEC) No 2777/75 (poultrymeat) <sup>(8)</sup>,
- Regulation (EEC) No 1418/76 (rice) <sup>(9)</sup>,
- Regulation (EEC) No 1117/78 (dried fodder) <sup>(10)</sup>,
- Regulation (EEC) No 1785/81 (sugar) <sup>(11)</sup>,
- Regulation (EEC) No 426/86 (products processed from fruit and vegetables) <sup>(12)</sup>,
- Regulation (EEC) No 822/87 (wine) <sup>(13)</sup>,
- Regulation (EEC) No 3013/89 (sheepmeat and goatmeat) <sup>(14)</sup>,
- Regulation (EEC) No 1766/92 (cereals) <sup>(15)</sup>,
- Regulation (EEC) No 2075/92 (raw tobacco) <sup>(16)</sup>,
- Regulation (EEC) No 3759/92 (fishery and aquaculture products) <sup>(17)</sup>;

(b) Regulation (EEC) No 525/77 (pineapple preserve) <sup>(18)</sup>;(c) the system of aid for cotton as laid down in Regulation (EEC) No 2169/81 <sup>(19)</sup>;(d) Regulation (EEC) No 1765/92 (support system for producers of certain arable crops) <sup>(20)</sup>.

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

<sup>(2)</sup> OJ No L 148, 28. 6. 1968, 13.

<sup>(3)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(4)</sup> OJ No L 246, 5. 11. 1971, p. 1.

<sup>(5)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(6)</sup> OJ No L 282, 1. 11. 1975, p. 1.

<sup>(7)</sup> OJ No L 282, 1. 11. 1975, p. 49.

<sup>(8)</sup> OJ No L 282, 1. 11. 1975, p. 77.

<sup>(9)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(10)</sup> OJ No L 142, 30. 5. 1978, p. 1.

<sup>(11)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(12)</sup> OJ No L 49, 27. 2. 1986, p. 1.

<sup>(13)</sup> OJ No L 84, 27. 3. 1987, p. 1.

<sup>(14)</sup> OJ No L 289, 7. 10. 1989, p. 1.

<sup>(15)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(16)</sup> OJ No L 215, 30. 7. 1992, p. 70.

<sup>(17)</sup> OJ No L 388, 31. 12. 1992, p. 1.

<sup>(18)</sup> OJ No L 73, 21. 3. 1977, p. 46.

<sup>(19)</sup> OJ No L 211, 31. 7. 1981, p. 2.

<sup>(20)</sup> OJ No L 181, 1. 7. 1992, p. 12.

## 2. Article 7 is repealed.

## 3. Article 12 is replaced by the following :

*Article 12*

1. The security shall be lodged in the currency of the Member State where the relevant competent authority is situated.

2. If the total sum of a security required expressed in the currency of the Member State concerned has increased owing to a modification of the agricultural conversion rate for the security entering into force on the date of the operative event, the security is accepted on the basis of the agricultural conversion rate in force the day before the modification if the deficit amounts to less than ECU 20 expressed in national currency using the new agricultural conversion rate.

3. An offer for which a tender security lodged showing a deficit of ECU 20 or more owing to a modification as referred to in paragraph 2, shall be accepted as valid for the quantity actually covered by that security, unless before the moment at which the offers are examined with a view to deciding on the result of the tender, the tenderer undertakes in writing to supplement the deficit and does so within five working days following the closing date of the tender, except in cases of *force majeure*.

Such reduction of the quantity of the offer shall not be considered as a breach of any minimum quantity provision in the specific Regulation.

4. The provisions of Article 5 (1) and (2) may also be applied to the supplementation of a deficit caused by a modification as referred to in paragraph 2 of this Article.

Notwithstanding Article 5 (3), these provisions may also be applied to the supplementing of securities for import or export licence or advance fixing certificates.

## 4. Article 29 is replaced by the following :

*Article 29*

1. Once the competent authority is aware of circumstances giving rise to forfeiture of the security, in whole or in part, it shall without delay demand the party required to meet the obligation to pay the sum forfeited, allowing up to 30 days from the day of receipt of demand for payment.



Where payment has not been made at the end of this period, the competent authority shall :

- (a) without delay clear any security of the type described in Article 8 (1) (a) to the appropriate account ;
- (b) without delay require the guarantor described in Article 8 (1) (b) to pay, allowing up to 30 days from the day of receipt of demand for payment ;
- (c) without delay take steps to :
  - (i) convert the securities described in Article 8 (2) (a), (c), (d) and (e) into money sufficient to recover the sum due ;
  - (ii) clear pledged cash deposits to its own account.

The competent authority may without delay clear any security of the type described in Article 8 (1) (a) to the appropriate account without first requiring the person concerned to effect payment.

2. The competent authority may waive the forfeiture of an amount less than ECU 20, provided that similar national provisions for comparable cases are laid down by law, regulation or administrative action.

3. Without prejudice to paragraph 1, where the decision to forfeit a security is taken but on appeal is subsequently postponed in accordance with national law, the party concerned shall pay interest on the sum actually forfeited over the period starting 30 days from the day of receipt of the demand for payment as referred to in the first subparagraph of paragraph 1 and

ending on the day prior to the payment of the sum actually forfeited.

The rate of interest applicable is calculated according to the provisions of national law, but shall in no case be lower than the interest rate applicable in case of recovery of national amounts.

The paying agencies shall deduct the interest paid from the expenditure of the European Agricultural Guidance and Guarantee Fund (EAGGF) in accordance with the provisions of Council Regulation (EEC) No 352/78 (\*).

Member States may claim periodically a supplementation of the security in respect of the interest involved.

Where a security has been forfeited and the amount already credited to the EAGGF and, following the outcome of an appeal procedure, the sum forfeited in whole or in part, including interest at a rate in accordance with national law, is to be repaid, the sum to be repaid shall be borne by the EAGGF unless the repayment of the security is attributable to the negligence or serious mistake of administrative authorities or other bodies of the Member State.

(\* ) OJ No L 50, 22. 2. 1978, p. 1.'

#### Article 2

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

The provisions of Article 29 (3) of Regulation (EEC) No 2220/85 as inserted by Article 1 (4) of that Regulation, shall apply to securities given on or after that date.

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

Done at Brussels, 10 December 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

**COMMISSION REGULATION (EC) No 3404/93**  
of 10 December 1993

**on rules for the application of Council Regulation (EEC) No 2019/93 introducing specific measures for the smaller Aegean islands, as regards the growing of potatoes for human consumption and seed potatoes**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2019/93 of 19 July 1993 introducing specific measures for the smaller Aegean Islands concerning certain agricultural products<sup>(1)</sup>, and in particular Article 8 (3) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy<sup>(2)</sup>, and in particular Articles 6 (2) and 9 (1) thereof,

Whereas Article 8 of Regulation (EEC) No 2019/93 states that aid per hectare shall be granted annually for the cultivation of potatoes for human consumption and seed potatoes up to a maximum area cultivated and harvested of 3 200 hectares per year; whereas rules should be laid down for the application of that Article, including the terms on which the aid is granted, control procedures and penalties for failure to comply with these provisions;

Whereas Commission Regulation (EEC) No 3824/92 of 28 December 1992 laying down the prices and amounts fixed in ecus to be amended as a result of the monetary realignments<sup>(3)</sup>, as last amended by Regulation (EEC) No 1663/93<sup>(4)</sup>, established the list of prices and amounts to which, under the automatic dismantling arrangements for negative monetary gaps, the coefficient of 1,013088 set by Commission Regulation (EEC) No 537/93<sup>(5)</sup>, as amended by Regulation (EEC) No 1331/93<sup>(6)</sup>, is applied from the beginning of the 1993/94 marketing year; whereas Article 2 of Regulation (EEC) No 3824/92 provides for the resulting price and amount reductions for each sector to be determined and for the reduced prices to be fixed; whereas the amount of the aid provided for in Article 8 of Regulation (EEC) No 2019/93 should therefore be adjusted in accordance with those provisions;

Whereas Regulation (EEC) No 3813/92 introduced new agrimonetary arrangements from 1 January 1993; whereas under these arrangements Article 11 (1) of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates<sup>(7)</sup> specifies that in the case of aid per hectare the operative event for the agricultural conversion rate is the commencement of the marketing year for which the aid is granted; whereas in the case of potatoes the operative event should be differentiated by crop type, namely early maincrop and seed;

Whereas before the aid provided for in Article 8 of Regulation (EEC) No 2019/93 can be granted, applications for aid will have to be lodged by interested producers; whereas a time limit should be set for the lodging of applications so that the field checks required to guarantee proper application of the rules can be carried out; whereas this date should vary according to the purpose for which potatoes are grown; whereas the growing cycle of the potato dictates that three different dates should be specified; whereas to simplify management of the aid the final date for lodging applications should be authorized as the date for the operative event;

Whereas arrangements must be made for checking on proper execution of the implementing arrangements made by the Greek authorities; whereas these authorities should make periodic notifications to the Commission;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The aid provided for in Article 8 of Regulation (EEC) No 2019/93 for cultivation of potatoes for human

<sup>(1)</sup> OJ No L 184, 27. 7. 1993, p. 1.

<sup>(2)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 29.

<sup>(4)</sup> OJ No L 158, 30. 6. 1993, p. 18.

<sup>(5)</sup> OJ No L 57, 10. 3. 1993, p. 18.

<sup>(6)</sup> OJ No L 132, 29. 5. 1993, p. 114.

<sup>(7)</sup> OJ No L 108, 1. 5. 1993, p. 106.

consumption of CN codes 0701 90 51, 0701 90 59 and 0701 90 90 and of seed potatoes of CN code 0701 10 00 shall be paid on areas :

- (a) of a minimum size of 0,2 hectares ;
- (b) sown and given all normal cultivation treatment ; and
- (c) for which an aid application has been lodged as specified in Article 2 of this Regulation, the application serving as a declaration of area cultivated.

The amount of the aid, reduced in accordance with the provisions of Article 2 of Regulation (EEC) No 3824/92, shall be ECU 494 per hectare.

2. Payment of the aid for seed potatoes shall also be conditional on certification of the harvested potatoes in accordance with the provisions of Council Directive 66/403/EEC<sup>(1)</sup>. If certification is not obtained, the application is deemed to be an application for aid for the cultivation of potatoes for human consumption.

3. It shall be possible, in cases where crops do not reach maturity, for the Greek authority to authorize continuing entitlement to aid as a result of *force majeure* or natural disaster substantially affecting the area cultivated by the applicant.

Cases of *force majeure* or natural disaster shall be notified within 10 working days of their occurrence to the authority and substantiating evidence shall be furnished within one month of that notification.

Greece shall notify to the Commission without delay the cases it recognizes as being of *force majeure* or natural disaster such as to justify continuing entitlement to the aid.

#### Article 2

- 1. Producers wishing to receive the aid shall lodge an application with the Greek authority.
- 2. Applications shall be made during a period set by the Greek authority ending on :
  - (a) 30 September of each year, for potatoes to be cropped between 1 November and 31 March of the following

year. For potatoes to be cropped before 1 April 1994 the closing date shall be 31 December 1993 ;

- (b) 10 March of each year, for potatoes to be cropped between 1 April and 31 July of that year ;
- (c) 15 May of each year, for potatoes to be cropped between 1 August and 31 October of that year.

3. Except in cases of *force majeure* late application shall occasion a 20 % reduction in the aid. Applications more than 20 days late shall be invalid.

4. Applications shall give at least the following information :

- (a) the applicant's name, first name and address ;
- (b) the area cultivated in hectares and ares and its cadastral reference or an indication recognized as equivalent by the authority responsible for field checks ;
- (c) the date of planting ;
- (d) the type of potato (early, maincrop or seed) ;
- (e) the scheduled cropping date.

5. If the total area covered by aid applications exceeds the maximum area stipulated in Article 8 of Regulation (EEC) No 2019/93, the Greek authority shall determine a uniform reduction coefficient to be applied to each application.

#### Article 3

1. Greece shall carry out the administrative and field checks needed for effective verification in compliance with the terms on which aid is granted.

2. In each prefecture field checks shall cover at least 10 % of the applications submitted. Should a significant number of irregularities be discovered in a prefecture the competent authority shall make additional checks during the year in question and increase the percentage of applications to be checked in the following year in that prefecture.

3. Greece shall determine and notify to the Commission criteria for selecting the areas to be checked. Those criteria must ensure selection of a representative sample.

4. Field checks shall include measurement of all areas covered by the application in question.

<sup>(1)</sup> OJ No 125, 11. 7. 1966, p. 2320/66.

*Article 4*

1. If checking reveals a difference of up to 10 % or one hectare, whichever is less, between the area declared and that found, the aid shall be calculated on the basis of the area found less the excess found.

2. If the excess is beyond the limit specified in paragraph 1 the application for the year in question shall be refused and the applicant debarred from aid for the following year.

3. If checking cannot be carried out for reasons attributable to the applicant, paragraph 2 shall apply except in cases of *force majeure*. The applicant must notify the substantiating evidence for *force majeure* to the Greek authority within 10 days following that set for the check.

*Article 5*

The rate to be used for conversion into national currency of the aid per hectare indicated in Article 1 shall be the agricultural conversion rate in force on the last day for lodging applications indicated in Article 2 (2).

*Article 6*

1. Greece shall notify to the Commission, by 30 October of each year, its estimates of total areas for which aid will be applied for in respect of the following year, distinguishing between early, maincrop and seed potatoes.

2. Greece shall notify to the Commission each year, by 30 August for early potatoes and by 31 December for maincrop and seed potatoes :

- (a) the total of the areas for which aid has been requested ;
- (b) the reduction coefficient applied, if necessary ;
- (c) the area checked ;
- (d) the number of irregularities found and the area involved in each prefecture.

*Article 7*

1. If aid has been paid without due entitlement the competent authority shall recover the amount plus interest from the date of payment to that of actual recovery. The rate of interest applied shall be that in force under Greek law for similar recoveries.

2. If aid has to be recovered because of an error made by the applicant deliberately or by serious negligence the competent authority shall recover the amount paid plus 20 %, without prejudice to exaction of interest as indicated in paragraph 1. The applicant shall be debarred from aid for the following year.

3. Aid recovered and interest thereon shall be made over to the disbursing agency, which shall deduct the amount constituting Community financing from payments due from the European Agricultural Guidance and Guarantee Fund.

*Article 8*

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

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

Done at Brussels, 10 December 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

## COMMISSION REGULATION (EC) No 3405/93

of 13 December 1993

laying down detailed rules under Council Regulation (EEC) No 1765/92 as regards the reporting of market prices and offers by certain Member States and the subsequent assessment by the Commission of the observed reference price of oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops <sup>(1)</sup>, as last amended by Regulation (EEC) No 1552/93 <sup>(2)</sup>, and in particular Article 5 (1) (d) thereof,

Whereas owing to fluctuations in market prices and offers for oil seeds, prices and offers in relation to oil seeds need to be reported by certain Member States to the Commission on a regular basis;

Whereas the Member States concerned should adjust those prices and offers so that they correspond to oil seeds of a specified quality;

Whereas in the absence of prices and offers for oil seeds, Member States should also report to the Commission on a regular basis prices and offers for oils and meals derived from oil seeds processed within the Community;

Whereas in order to determine a regional reference amount as required by Article 5 (1) (d) of Regulation (EEC) No 1765/92 it is necessary for the Commission to assess the observed reference price of oil seeds on a regular basis, by reference to prices and offers reported to it in respect of Community representative markets;

Whereas Community representative markets should be defined as those on which oil seeds for delivery to centres of demand are traded, centres of demand being places where purchasers are actively competing for the purchase of oil seeds;

Whereas if less than two prices or offers are available for the assessment of the observed reference price, the Commission should make its assessment by reference to prices and offers in relation to oils and meals obtained from the processing of oil seeds in the Community, reduced by the processing costs;

Whereas to avoid distortions in the observed reference price the Commission should exclude from its assessment any prices or offers which are not representative;

Whereas it is necessary that Member States should know which prices and offers the Commission has taken into account in assessing the observed reference price;

Whereas it is necessary to repeal Commission Regulation No 225/67/EEC <sup>(3)</sup>, as last amended by Regulation (EEC) No 2869/87 <sup>(4)</sup>;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the purposes of this Regulation:

- a Community representative market is a market in which oil seeds for delivery to a centre of demand are traded,
- a centre of demand is a place where purchasers are actively competing for oil seeds.

*Article 2*

1. The Member States listed at Annex I shall report to the Commission:

- periodically, and at least twice per month, the prices paid and offers made by buyers and sellers being quoted on their markets for colza and rape seed, for sunflower seeds and for soya beans in bulk and for oils and meals derived from the processing of those oil seeds in the Community,
- immediately, any prices paid and offers made by buyers and sellers not previously reported, quoted on their markets for colza and rape seed, for sunflower

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 12.

<sup>(2)</sup> OJ No L 154, 25. 6. 1993, p. 19.

<sup>(3)</sup> OJ No 136, 30. 6. 1967, p. 2919/67.

<sup>(4)</sup> OJ No L 273, 26. 9. 1987, p. 16.

seed and for soya beans in bulk and for oils and meals derived from the processing of those oil seeds in the Community during the period from 1 July 1993 to the date of entry into force of this Regulation.

They shall specify to the extent possible, in respect of each category of oil seeds, oils and meals, the market in question, details as to the quality of the seeds, the terms, the place of delivery and any other relevant information.

2. Where prices and offers being quoted in a market do not relate, or have not been adjusted to relate, to oil seeds of a quality as specified in Annex II, those prices and offers shall be adjusted by the relevant Member State so as to correspond to oil seeds of the quality specified.

#### Article 3

1. In order to determine a final regional reference amount as required by Article 5 (1) (d) of Regulation (EEC) No 1765/92, the Commission shall, on a monthly basis, assess the observed reference price of oil seeds by reference to the following in order of preference:

- (i) those prices and offers reported to it under Article 2 (1) in respect of Community representative markets for delivery to a centre of demand, which relate to colza and rape seed, to sunflower seed and to soya beans in bulk;
- (ii) any other prices and offers of which the Commission is aware, being quoted on Community representative markets for delivery to a centre of demand, for colza and rape seed, for sunflower seed and for soya beans in bulk.

2. The Commission may exclude from its assessment:

- any price or offer for colza, rape seed or sunflower seed which does not relate to a delivery to be effected within 30 days following the date of assessment of the observed reference price,
- any price or offer for soya beans which does not relate to a delivery to be effected within two months following the date of assessment of the observed reference price,
- any price or offer in respect of a purchase of less than 500 tonnes of oil seeds,
- any price or offer relating to oil seeds of a quality not usually sold on the open market,
- any price or offer which is not representative of the true level of prices and offers in the Community

representative market in question for oil seeds in bulk, taking into account the general trend in prices and offers in that market and any other relevant information available.

#### Article 4

If less than two prices or offers are available in a month for the assessment of the observed reference price under Article 3, the Commission may make its assessment by reference to the following in order of preference:

- (i) those price and offers reported to it under Article 2 (1) in respect of Community representative markets;
- (ii) any other prices and offers of which the Commission is aware, being quoted on Community representative markets,

which relate to oils and meals obtained from the processing of oil seeds in the Community, taking into account the quantities of oils and meals derived from such processing, reduced by the amount corresponding to the cost of processing specified in Annex III.

The Commission shall:

- (a) exclude from its assessment any price or offer which is not representative of the true level of prices and offers in the representative market in question, taking into account the general trend in prices and offers in that market and any other relevant information available;
- (b) exclude from its assessment any price or offer in respect of oil which does not relate to the crude product, of which the content of free fatty acids does not exceed 2 % in the case of colza and rape seed and sunflower seed, or 1,25 % in the case of soya beans.

#### Article 5

The Commission shall inform Member States monthly of the prices and offers which it takes into account in assessing the observed reference price of oil seeds.

#### Article 6

Commission Regulation No 225/67/EEC is hereby repealed.

#### Article 7

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, 13 December 1993.

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

ANNEX I

Member States required to report prices and offers under Article 2 of Regulation (EC) No 3405/93:

	Colza & rape seed	Colza & rape seed oil	Colza & rape seed meal	Sunflower seed	Sunflower seed oil	Sunflower seed meal	Soja beans	Soya beans oil	Soya beans meal
Denmark	×	×	×	—	—	—	—	—	—
Germany	× <sup>(1)</sup>	×	×	—	×	×	—	×	×
Spain	—	—	—	×	×	×	—	—	—
France	×	×	×	×	×	×	—	×	×
Italy	—	—	—	×	×	×	×	×	×
Netherlands	—	×	×	—	×	×	×	×	×
United Kingdom	×	×	×	—	—	—	—	—	—

(<sup>1</sup>) Hamburg, Würzburg and Dresden.

*ANNEX II*

**Oil seed quality standard for the purposes of Article 2 (2) of Regulation (EC) No 3405/93 :**

	Impurity	Moisture	Oil content
Colza and rape seed	2 %	9 %	40 %
Sunflower seed	2 %	9 %	44 %
Soya beans	1 % (!)	14 %	18 %

(!) To apply except when in a Member State another recognized commercial standard applies.

*ANNEX III*

**Amounts of oil and meals obtained from, and cost incurred by, oil seed processing**

*(by 100 kg of oil seeds)*

	Processing cost (Ecu)	Amount of oil (kg)	Amount of meals (kg)
Colza and rape seed	2,5-3,5	40	56
Shelled sunflower seed	3,0-3,5	42	39
Unshelled sunflower seed	3,0-3,5	42	56
Soya beans	2,0-2,5	18	78



## COMMISSION REGULATION (EC) No 3406/93

of 13 December 1993

establishing the varieties of Indica rice for the purposes of intervention

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice <sup>(1)</sup>, as last amended by Regulation (EEC) No 1544/93 <sup>(2)</sup>, and in particular Article 5 (5) thereof,

Whereas Article 5 (5) of Regulation (EEC) No 1418/76 defines the rice varieties that may be considered Indica varieties; whereas only varieties having certain morphological and qualitative characteristics can match to this definition; whereas those characteristics should accordingly be established and the varieties which currently meet them be listed;

Whereas provision should be made, however, for procedures to supplement the aforementioned list each year on the basis of suitable analytical methods and an appropriate sampling system;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. For the purpose of applying Article 5 (2) of Regulation (EEC) No 1418/76, the varieties of Indica rice shall be those having the following characteristics after the husk has been removed:

(a) morphological characteristics:

- grain length: not less than 6,6 mm,
- length/width ratio of not less than 3:1,
- total absence of pearl or striation in the case of at least 60 % of the grains of milled rice sampled;

(b) qualitative characteristics:

- a glutinosity value not exceeding 2,50 g/cm,
- a consistency value of not less than 0,85 kg/cm<sup>2</sup>,
- an amylose content of not less than 21 %.

2. The methods to test for the characteristics laid down in paragraph 1 are set out in Annex II.

3. Varieties meeting the morphological and qualitative characteristics specified in the first paragraph above shall be those set out in Annex I.

*Article 2*

1. Member States wishing to have new varieties of rice included in Annex I shall submit to the Commission not later than 20 December of each year an application stating the name of the variety and its reference in the national catalogue of agricultural plant varieties.

2. Having submitted an application in accordance with the provisions of paragraph 1, the Member States shall supply a sample of unhusked certified seed of each of the varieties for which an application is made to one only of the laboratories listed in Annex III and indicated by the Commission by 31 December of each year at the latest.

The sample, weighing at least five kilograms, shall have been produced in a Member State during the year.

*Article 3*

1. The laboratory responsible for processing the rice shall, having carried out germination tests and having processed the rice, send samples labelled with a code to all the laboratories listed in Annex III and shall send the Commission a notification under enabling the samples to be decoded.

2. The sample to be sent to the laboratories for analysis shall consist of at least 100 grams of husked rice and at least 750 grams of milled rice. Samples shall consist of entire grains only, and entire but chalky grains shall be eliminated from samples of milled rice.

*Article 4*

1. The Commission shall determine the characteristics of the varieties using the arithmetical mean of the results of the analysis carried out, after excluding the highest figure and the lowest.

2. Should two or more applications for the inclusion of a single variety be received, its characteristics shall be determined according to the mean of the test results, as set out in paragraph 1.

3. The Commission shall inform the Member States of the results of the analyses before 31 March of each year.

Any inclusion of new varieties shall be decided before that date in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 1418/76.

*Article 5*

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

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

<sup>(2)</sup> OJ No L 154, 25. 9. 1993, p. 5.

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

Done at Brussels, 13 December 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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*ANNEX I*

- Artiglio
  - Bluebelle E
  - Dedalo
  - Galdo
  - Icaro
  - Idra
  - Lemont
  - Mida
  - Pegaso
  - Puntal
  - Rea
  - Star
  - Thaibonnet = L 202
-

## ANNEX II

## METHODS OF ANALYSIS

## A. MORPHOLOGICAL CHARACTERISTICS

The following method shall be used to measure the rice grains and to check for the absence of pearl or striation :

1. a number of entire grains will be drawn from the sample ;
2. an average shall be established by taking two measurements of 100 grains each ;
3. the result shall be expressed rounded up or down to one decimal place.

## B. QUALITATIVE CHARACTERISTICS

## (a) Standardized procedure for the use of the Instron Food Tester to determine the glutinosity of cooked rice

1. *Purpose*

This method may be used for assessing the glutinosity of cooked rice with the Instron Food Tester.

2. *Scope*

Cooked wholly milled rice.

3. *Definitions*

The following definitions apply for the purposes of this method.

- 3.1. Glutinosity: tendency of cooked rice grains to adhere to each other.
- 3.2. Wholly milled rice: as defined in paragraph 1 (d) of Annex A to Regulation (EEC) No 1418/76.

4. *Principle*

Measurement of the effort required to overcome the resistance to the separation of two plane surfaces of smooth steel between which some grains of cooked rice have been compressed with a given force for a given duration.

5. *Apparatus*

- 5.1. Instron Food Tester, operating, for compression and traction, at a constant speed of 0,5 cm/min, provided with a loading cell having a measuring range of 0 to 5 kg.
- 5.2. Piston, adaptable to the loading cell of the Instron Food Tester (5.1), provided with a square smooth steel base.
- 5.3. Smooth-surfaced steel plate placed axially in relation to the piston (5.2.) and firmly on the base of the Instron Food Tester.
- 5.4. 25-ml beakers.
- 5.5. Electric water bath provided with a non-airtight lid and a perforated plate on which the beakers (5.4) are placed. The level of water in the vessel must be such that, during boiling, it does not rise above the perforated plate.
- 5.6. Balance, accurate to 0,1 grams
- 5.7. Glass rod.
- 5.8. Watch glasses, 6 cm in diameter.
- 5.9. Timer.
- 5.10. Spatula.
- 5.11. Plastic bags or other recipients capable of containing 2 grams of cooked rice and preventing dehydration thereof.

6. *Procedure*

## 6.1. Heating of bath

Adjust the temperature of the bath (5.5) so as to keep the water bubbling vigorously.

## 6.2. Preparation for cooking

For each determination: prepare two beakers (5.4) by introducing into each a sample of 8 grams of wholly milled rice (entire grains only), weighed to within 0,1 grams, with 12 ml of distilled water. Stir gently with the glass rod (5.7), cover the beakers with watch glasses (5.8).

**6.3. Cooking**

Take the lid off the cooking vessel, place the beakers on the perforated plate and quickly replace the lid. Switch on the timer (5.9). After 20 minutes turn off the heat and leave everything undisturbed for 10 minutes. Remove the beakers from the cooking vessel and invert them onto the watch glasses. Allow to cool for at least one hour.

**6.4. Adjustment of the Instron Food Tester**

Adjust the Instron Food Tester (5.1) according to the manufacturer's instructions, ensuring that the response of the loading cell corresponds to values between 0 and 640 grams and the speed to 0,5 cm/min.

**6.5. Measurement with the Instron Food Tester**

Remove the cooked rice from each beaker and, using the spatula (5.10), discard the extreme upper and lower layers. Prepare eight samples weighing 2 grams each, four from each beaker, weighed to within 0,1 grams, keeping them in the plastic bags (5.11) until they are to be measured. Place one sample, axially in relation to the piston (5.2) on the steel plate (5.3), piling the rice as closely as possible without pressure. Cause the piston to descend at a constant speed of 0,5 cm/min, until the compression force on the rice registers 640 grams. Stop the movement of the piston for 10 seconds then draw it back at the same speed.

Calculate the area beneath the curve defined (on the ordinate) by the tractive force in grams and (on the abscissa) by the distance covered by the piston in cm during the phase in which a positive tractive force value was exerted. The area represents the effort expressed in grams × cm.

**7. Repeatability**

The difference between the results of two determinations (two series of eight measurements) must not exceed 15 % of the mean value.

**(b) Standardized procedure for the use of the Instron Food Tester to determine the consistency of cooked rice****1. Purpose**

This method may be used for assessing the consistency of cooked rice with the Instron Food Tester.

**2. Scope**

Cooked wholly milled rice.

**3. Definitions**

The following definitions apply for the purposes of this method.

3.1. Consistency: resistance to mastication of cooked rice.

3.2. Wholly milled rice: as defined in paragraph 1 (d) of Annex A to Regulation (EEC) No 1418/76.

**4. Principle**

Measurement of the effort required to extrude wholly milled cooked rice through a perforated plate.

**5. Apparatus**

5.1. Instron Food Tester, operating, for compression, at a constant speed of 10 cm/min.

5.2. 50 cm<sup>2</sup> model of the Ottawa texture measuring system cell, modified, if necessary, to reduce the section to 15 % of the original area, with a perforated plate insert.

5.3. Piston, adaptable to the loading cell of the Instron Food Tester (5.1).

5.4. 100-ml tall beakers.

5.5. Electric water bath, fitted with a non-airtight lid and a perforated plate on which the beakers (5.4) are placed. The level of water in the bath must be such that, during boiling, it does not rise above the perforated plate.

5.6. Balance, accurate to 0,1 grams.

5.7. Glass rod.

5.8. Watch glasses, 6 cm in diameter.

5.9. Timer.

5.10. Spatula.

5.11. Plastic bags or other recipients capable of containing 17 grams of cooked rice and preventing dehydration thereof.

## 6. Procedure

### 6.1. Heating of bath

Adjust the temperature of the bath (5.5) so as to keep the water bubbling vigorously.

### 6.2. Preparation for cooking

For each determination: prepare two beakers (5.4) by introducing into each a sample of 20 grams of wholly milled rice (entire grains only), weighed to within 0,1 grams, with 38 ml of distilled water. Stir gently with the glass rod (5.7), cover the beakers with watch glasses (5.8).

### 6.3. Cooking

Take the lid off the bath, place the beakers on the perforated plate and quickly replace the lid. Switch on the timer (5.9). After 20 minutes turn off the heat and leave everything undisturbed for 10 minutes. Remove the beakers from the bath and invert them on to the watch glasses. Allow to cool to room temperature.

### 6.4. Adjustment of the Instron Food Tester

Adjust the Instron Food Tester (5.1) according to the manufacturer's instructions, ensuring that the response of the loading cell corresponds to values between 5 and 10 kg and the speed to 10 cm/min.

### 6.5. Measurement with the Instron Food Tester

Remove the cooked rice and prepare six samples weighing 17 grams each, three for each of the two beakers, weighed to within 0,1 grams, keeping them in the plastic bags (5.11) until they are to be measured. Place one sample in the Ottawa cell (5.2) and cause the piston (5.3) to descend at a speed of 10 cm/min, recording continuously the effort required to extrude the sample of cooked rice.

The consistency of the sample is taken to be equal to the effort (in/kg) expressed by the mean value of the plateau of the extrusion curve.

## 7. Repeatability

The difference between the results of two determinations (six measurements each) must not exceed 10 % of their mean value.

## (c) Amylose content

Determined according to ISO standard 6647.

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## ANNEX III

### LIST OF LABORATORIES

1. INSTITUUT VOOR GRAAN, MEEL EN BROOD TNO  
Lawickse Allee 15  
6701 AN Wageningen (Nederland).
  2. LABORATOIRE DE TECHNOLOGIE DES CEREALES  
CIRAD, Département des cultures annuelles  
2, Place Pierre Viala  
34060 Montpellier Cedex 1 (France).
  3. INSTITUTO DE AGROQUÍMICA Y TECNOLOGÍA DE LOS ALIMENTOS  
C/Jaime Roig 11  
Valencia (España).
  4. ENTE NAZIONALE RISI — CENTRO DI RICERCHE SUL RISO  
Mortara (Italia).
  5. INSTITUTO DE PROTECÇÃO DA PRODUÇÃO  
AGRO-ALIMENTAR (IPPAA)  
Avenida Conde de Valbom, 96-98  
1000 — Lisboa (Portugal).
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## COMMISSION REGULATION (EC) No 3407/93

of 13 December 1993

amending Regulation (EEC) No 3554/90 adopting provisions for the establishment of the list of vessels exceeding eight metres length overall which are permitted to fish for sole within certain areas of the Community using beam trawls whose aggregate length exceeds nine metres

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources<sup>(1)</sup>, as last amended by Regulation (EEC) No 3919/92<sup>(2)</sup>, and in particular Article 15 thereof,

Whereas Commission Regulation (EEC) No 3554/90<sup>(3)</sup> adopts provisions for the establishment of the list of vessels exceeding eight metres length overall which, pursuant to Article 9 (3) (c) of Regulation (EEC) No 3094/86, are permitted to fish for sole within certain areas of the Community using beam trawls of an aggregate length exceeding nine metres;

Whereas the authorities of certain Member States have requested amendments to the annual list of vessels meeting the conditions laid down in Article 1 of that Regulation; whereas those amendments relate to the replacement, addition and/or withdrawal of vessels and to the technical characteristics of certain vessels on that list; whereas the requests from the national authorities contain all the information necessary pursuant to Article 2 of Regulation (EEC) No 3554/90;

Whereas updating the list by means of Commission regulations is not conducive to the effective management of fishing opportunities on account of the delays imposed by the legislative process;

Whereas those delays would be eliminated by simplifying the procedure for amending this list, whereby the

Commission would directly notify the Member States of the decisions taken in that regard;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 2 of Regulation (EEC) No 3554/90, paragraphs 2 and 3 are replaced by the following:

'2. A request to include, exclude or replace a vessel on the list or to amend the information relating to such a vessel shall include all information necessary to evaluate its compliance with the conditions set out in Article 1. It shall also include the name of the vessel, its external identification letters and numbers, its port of registry, its radio call sign, the make and type of engine and the engine power in kW.

The Commission shall evaluate the information supplied in accordance with paragraph 1 and with the first subparagraph above. If the request meets the abovementioned provisions, the Commission shall notify all the Member States of its decision.

3. The Commission shall regularly publish, for information, an up-to-date list which takes account of the approved amendments referred to in this Article.'

*Article 2*

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

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

Done at Brussels, 13 December 1993.

*For the Commission*

Yannis PALEOKRASSAS

*Member of the Commission*

<sup>(1)</sup> OJ No L 288, 11. 10. 1986, p. 1.

<sup>(2)</sup> OJ No L 397, 31. 12. 1992, p. 1.

<sup>(3)</sup> OJ No L 346, 11. 12. 1990, p. 11.

**COMMISSION REGULATION (EC) No 3408/93**

of 13 December 1993

**adopting further transitional measures relating to the detailed rules for the application of the support system for producers of oil seeds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops<sup>(1)</sup>, as last amended by Regulation (EEC) No 1552/93<sup>(2)</sup>, and in particular Articles 12 and 16 thereof,

Whereas Article 11 (2) of Regulation (EEC) No 1765/92 provides for the payment of an advance to producers applying for an oil seeds compensation payment; whereas that payment should be made once entitlement thereto has been established by the Member States;

Whereas Article 11 (3) of Regulation (EEC) No 1765/92 states that in order to qualify for the abovementioned advance payment, producers must fulfil certain obligations, including submitting an application with a detailed cultivation plan for the holding showing areas sown to oil seeds; whereas the Commission has adopted Regulation (EEC) No 3887/92<sup>(3)</sup>, providing for an integrated administration and control system with a single aid application; whereas payments should be made as early as possible to producers of winter rape meeting the conditions laid down in Regulation (EEC) No 1765/92;

Whereas only producers not opting for the simplified scheme referred to in Article 8 of Regulation (EEC) No 1765/92 are entitled to apply for the oil seeds compensation payment provided for in Article 5 of that Regulation and accordingly to receive advances on that payment; whereas such producers are accordingly required to set aside part of the land of their holdings;

Whereas the Commission cannot yet fix for 1994/95 the projected regional reference amount referred to in Article 5 (c) of Regulation (EEC) No 1765/92; whereas this situation should not, however, be allowed to affect the interests of rape seed producers sowing in 1993 with a view to a harvest in 1994, and in particular their possible entitlement to payment of advances;

Whereas Article 16 of Regulation (EEC) No 1765/92 provides for specific measures to facilitate the transition

from the system in force to that established by that Regulation; whereas, in view of the foregoing, detailed rules should be adopted as a transitional measure for applications for advances for producers sowing winter rape in order to forestall difficulties relating to that crop; whereas it is sufficient in the circumstances for producers to provide minimum details, namely the total area under winter rape, together with an undertaking to provide any other information required in due time;

Whereas any change in the area sown to winter rape would give rise to a disproportionate number of specific checks to ascertain that entitlement to payment of the advance continues to apply; whereas such changes should therefore be limited to those made inevitable by a failure to plant the crop on account of agronomical factors or weather conditions; whereas in that case only new sowing of oil seeds enables the abovementioned difficulties to be avoided;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. By way of a transitional measure, for the 1994/95 marketing year, and without prejudice to Article 2 (1) (c) of Commission Regulation (EEC) No 2294/92<sup>(4)</sup>, the Member States may set a closing date for producers sowing winter rape to submit applications for advances on compensatory payments for oil seeds.

2. The closing date referred to in paragraph 1 above may not be later than the date for the submission of applications for compensatory payments referred to in Article 2 (1) (c) of Regulation (EEC) No 2294/92.

*Article 2*

Where Article 1 applies, the payment of the advance provided for in Article 11 (2) of Regulation (EEC) No 1765/92 shall be subject to a written declaration by the producer including at least a statement of:

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 12.<sup>(2)</sup> OJ No L 154, 25. 6. 1993, p. 19.<sup>(3)</sup> OJ No L 391, 31. 12. 1992, p. 36.<sup>(4)</sup> OJ No L 221, 6. 8. 1992, p. 22.

- (a) the total area sown to winter rape for which they apply for an advance payment ;
- (b) their irrevocable commitment to :
- submit an application for the compensatory payment in due time in accordance with the detailed rules laid down in Regulation (EEC) No 3887/92,
  - meet their obligation to set aside land and all the requirements laid down in Regulation (EEC) No 2294/92,
  - forego the option of the simplified scheme open to small producers,
  - not resow as a main crop the corresponding areas for that marketing year, except for agronomical or climatic reasons duly recognized by the competent authority of the Member State. In the latter case, the producer must resow an oil seed.

#### *Article 3*

Where Article 2 applies, the Member States shall be authorized to pay producers meeting the requirements laid down an advance equal to 50 % of the projected regional reference amount, calculated on the basis of figures forwarded to the Commission with their regionalization plans as they stand at the date referred to in Article 1 (1).

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

Done at Brussels, 13 December 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

#### *Article 4*

1. No advances shall be paid to producers excluded from the arable crop producers' support scheme in 1993/94, pursuant to the provisions of the third paragraph of Article 9 (2) of Regulation (EEC) No 3887/92.
2. The Member States shall conduct the necessary administrative checks before paying any advances.

#### *Article 5*

1. The Member States shall take the necessary measures to ensure that producers' undertakings as set out in Article 2 above are met and to prevent areas for which the advance payment provided for in this Regulation is requested from receiving compensatory payments in respect of any other crop during the 1994/95 marketing year.
2. The Member States shall notify the Commission of measures taken pursuant to this Regulation, and in particular those referred to in paragraph 1, no later than 30 days after the closing date for the submission of applications for advances.

#### *Article 6*

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



**COMMISSION REGULATION (EC) No 3409/93**

of 13 December 1993

introducing management measures for imports of certain bovine animals for 1994

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1157/92 of 28 April 1992 authorizing the implementation of management measures relating to imports of live bovine animals<sup>(1)</sup>, and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(2)</sup>, as last amended by Regulation (EEC) No 125/93<sup>(3)</sup>, and in particular Article 15 (2) thereof,

Whereas, as a result of large production surpluses and other factors reducing outlets and in view of the potential for export to third countries, there is an imbalance between supply and demand on the Community beef and veal market; whereas an analysis of the sector for 1994 shows that the situation is unlikely to improve in the short term;

Whereas experience gained and forecasts for 1994 show that, in the absence of Community measures, massive imports into the Community of live bovine animals of up to 160 kg are likely to occur, due, in particular, to the economically favourable stockfarming conditions existing in certain third countries; whereas such imports are likely to greatly exceed both the traditional annual level of imports and the absorption capacity of the Community market; whereas, therefore, the beef and veal market would be threatened with serious disturbance endangering, in particular, market prices and producers incomes and making public intervention more difficult;

Whereas, in order to take better account of market supply needs, instead of traditional protective measures such as that adopted by Commission Regulation (EEC) No 1023/91 of 24 April 1991 suspending the issuing of import licences for live animals of the bovine species<sup>(4)</sup>, other appropriate management measures should be intro-

duced in accordance with Article 1 of Regulation (EEC) No 1157/92;

Whereas the total absorption capacity of the Community market in 1994 is estimated at a maximum of 425 000 head other than pure-bred breeding animals;

Whereas, in view of imports planned under certain preferential arrangements for 1994, i.e. 257 400 head included in the proposed 1994 Council estimate concerning young male bovine animals weighing 300 kg or less and intended for fattening for the period 1 January to 31 December 1994, and under the Interim Agreements conclude with the Republic of Poland, the Republic of Hungary and the former Czech and Slovak Federal Republic, 167 600 head should be admitted for import at the full levy in 1994;

Whereas the Commission will closely monitor developments on the beef and veal market so as to be able to react immediately to any changes in the relevant economic criteria;

Whereas, in order to take account to the greatest possible extent of the traditional structure of the Community veal market, imports of animals weighing 80 kg or less must be limited;

Whereas experience shows that limiting imports can give rise to speculative import applications; whereas, in order to guarantee that the planned measures function correctly, most of the quantities available should be reserved for so-called traditional importers of live bovine animals; whereas, so as not to introduce rigidity into trade relations in the sector, a second allocation should be made available for operators able to show that they are carrying out a genuine activity involving a significant number of animals; whereas verification of those criteria requires that all applications from the same operator be submitted in the same Member State;

Whereas, so as to avoid speculation, access to the quota should be denied to operators no longer carrying out an activity in the beef and veal sector on 1 January 1994;

<sup>(1)</sup> OJ No L 122, 7. 5. 1992, p. 4.

<sup>(2)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(3)</sup> OJ No L 18, 27. 1. 1993, p. 1.

<sup>(4)</sup> OJ No L 105, 25. 4. 1991, p. 50.

Whereas the importation of 167 600 head during a single short period might excessively restrict economy freedom and would not adequately supply the market in view of the cyclical nature of market needs; whereas, therefore, different import periods should be laid down;

Whereas administrative and technical procedures for the allocation between the eligible operators and for the issue and use of import licences must be established; whereas Commission Regulation (EEC) No 3719/88<sup>(1)</sup>, as amended by Regulation (EEC) No 1963/93<sup>(2)</sup>, lays down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products; whereas Commission Regulation (EEC) No 2377/80<sup>(3)</sup>, as last amended by Regulation (EEC) No 2867/93<sup>(4)</sup>, lays down special detailed rules for the application of the system of import and export licences in the beef and veal sector; whereas the correct functioning of the management measures laid down by this Regulation requires derogations from certain provisions of the abovementioned Regulations;

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

Imports into the Community, at full levy, of live bovine animals falling within CN codes 0102 90 05, 0102 90 21 and 0102 90 29, as referred to in Article 1 (1) (a) of Regulation (EEC) No 805/68 shall be subject to the management measures laid down in this Regulation.

#### Article 2

1. Import licences for 1994 may be issued in respect of not more than 167 600 animals falling within CN code 0102 90 05.
2. The quantity referred to in paragraph 1 shall be split into two parts, as follows:
  - (a) the first part, equal to 70 %, i.e. 117 320 head, shall be allocated among importers who can furnish proof of having imported animals falling within CN code 0102 90 10<sup>(5)</sup> or CN code 0102 90 05 during 1991, 1992 and 1993 at the full levy and who are entered in the official register of a Member State;
  - (b) the second part, equal to 30 %, i.e. 50 280 head shall be allocated among importers who can furnish proof of having imported and/or exported at least 100 live

bovine animals falling within CN code 0102 90 apart from those under (a), during 1993 and who are entered in the official register of a Member State.

3. The 117 320 head shall be allocated among the eligible importers in proportion to their imports of animals within the meaning of Article 1 at the full levy during 1991, 1992 and 1993 proven in accordance with paragraph 5.
4. The 50 280 head shall be allocated in proportion to the quantities applied for by the eligible importers.
5. Proof of import and export shall be provided exclusively by means of the customs document of release for free circulation or the export document.

#### Article 3

1. Importers who on 1 January 1994 were no longer engaged in any activity in the beef and veal sector shall not qualify for allocation pursuant to Article 2 (2) (a).
2. Companies formed by mergers of companies each having rights under Article 2 (3) shall benefit from the same rights as the companies from which they were formed.

#### Article 4

1. Licence applications may be presented only in the Member State in which the applicant is registered.
2. For the purposes of Article 2 (2) (a), importers shall present the import applications to the competent authorities together with the proof referred to in Article 2 (5) by 14 January 1994 at the latest.

After verification of the documents presented, Member States shall forward to the Commission, by 28 January 1994 at the latest, a list of importers who meet the conditions for acceptance, showing in particular their names and addresses and the numbers of animals imported at the full levy during each of the reference year.

3. For the purposes of Article 2 (2) (b), importers may lodge import applications until 14 January 1994 together with the proof referred to in Article 2 (5).

Only one application may be lodged by each applicant. Where the same applicant lodges more than one application, all applications from that person shall be inadmissible. Applications may not concern a quantity larger than the available quantity.

After verification of the documents presented, Member States shall forward to the Commission, by 28 January 1994 at the latest, a list of applicants and the quantities requested.

<sup>(1)</sup> OJ No L 331, 2. 12. 1988, p. 1.

<sup>(2)</sup> OJ No L 177, 21. 7. 1993, p. 19.

<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(4)</sup> OJ No L 262, 21. 10. 1993, p. 26.

<sup>(5)</sup> CN Code valid until 1 January 1993.

4. All notifications, including notifications of nil applications, shall be made by telex or fax, drawn up on the basis of the models in Annexes I and II in the case where applications have been lodged.

#### *Article 5*

1. The Commission shall decide to what extent applications may be accepted.
2. As regards the applications referred to in Article 4 (3), if the quantities in respect of which applications are made exceed the quantities available, the Commission shall reduce the quantities applied for by a fixed percentage.

If the reduction referred to in the preceding subparagraph results in a quantity of less than 200 head per application, the allocation shall be by drawing lots, by batches of 200 head.

#### *Article 6*

1. Imports of the quantities allocated in accordance with Article 5 shall be subject to the presentation of an import licence.
2. Licence applications may be presented only in the Member State in which the import application was lodged.
3. Licence applications and licences shall contain in section 20, one of the following entries:

Reglamento (CE) n° 3409/93  
 Forordning (EF) nr. 3409/93  
 Verordnung (EG) Nr. 3409/93  
 Κανονισμός (ΕΚ) αριθ. 3409/93  
 Regulation (EC) No 3409/93  
 Règlement (CE) n° 3409/93  
 Regolamento (CE) n. 3409/93

Verordening (EG) nr. 3409/93  
 Regulamento (CE) n° 3409/93

Article 4 a (1) of Regulation (EEC) No 2377/80 shall not apply.

4. Notwithstanding Article 4 a (2) of Regulation (EEC) No 2377/80, at the request of importers licences shall be issued:

- from 14 to 25 February 1994 for up to 25 % of the quantities allocated,
- from 18 April to 30 June 1994 up to 100 % of the quantities allocated,
- from 3 to 12 October 1994 for the remaining quantities but for a maximum of 30 % of the quantities allocated.

The number of animals for which a licence is issued shall be expressed in units. Where necessary, numbers shall be rounded up or down, as the case may be.

5. After each period mentioned in paragraph 4, Member States shall communicate to the Commission the quantities covered by the licences issued during the period in question.

6. Notwithstanding Article 4 (c) of Regulation (EEC) No 2377/80, import licences shall be valid for 90 days from the date of actual issue.

7. Licences issued shall be valid throughout the Community.

8. Article 8 (4) of Regulation (EEC) No 3719/88 shall not apply.

#### *Article 7*

The security provided for in Article 6 (2) of Regulation (EEC) No 2377/80 shall be lodged when the licence is issued.

#### *Article 8*

This Regulation shall enter into force on 1 January 1994.

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

Done at Brussels, 13 December 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

*ANNEX I*

EC Fax No (0032-2) 296 60 27

**Application of Article 2 (2) (a) of Regulation (EC) No 3409/93**

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI D.2 — BEEF AND VEAL SECTOR

**APPLICATION FOR IMPORT**

Date : ..... period : .....

Member State : .....

Serial number	Applicant (name and address)	Quantity imported (head)			Total for the three years
		1991	1992	1993	
<b>Total</b>					

Member State : Fax No .....

Tel. : .....

*ANNEX II*

EC Fax No (0032-2) 296 60 27

**Application of Article 2 (2) (b) of Regulation (EC) No 3409/93**

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COMMISSION OF THE EUROPEAN COMMUNITIES DG VI D.2 — BEEF AND VEAL SECTOR

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**APPLICATIONS FOR IMPORT**

Date : ..... period : .....

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Member State : .....

Serial number	Applicant (name and address)	Quantity (head)
<b>Total</b>		

Member State : Fax No .....

Tel. : .....

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## COMMISSION REGULATION (EC) No 3410/93

of 13 December 1993

amending Regulation (EEC) No 55/87 establishing the list of vessels exceeding eight metres in length overall permitted to use beam trawls within certain coastal areas of the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources<sup>(1)</sup>, as last amended by Regulation (EEC) No 3034/92<sup>(2)</sup>, and in particular Article 15 thereof,

Whereas Commission Regulation (EEC) No 55/87<sup>(3)</sup>, as last amended by Regulation (EEC) No 1378/93<sup>(4)</sup>, establishes the list of vessels whose authorized overall length exceeds eight metres pursuant to Article 9 (3) (6) of Regulation (EEC) No 3094/86 that are permitted to use beam trawls within certain coastal areas of the Community;

Whereas the authorities of certain Member States have requested amendments to the Annex to Regulation (EEC) No 55/87 concerning vessels meeting the conditions laid down in Article 1 (2) of that Regulation; whereas those amendments relate to the replacement, addition and/or withdrawal of vessels and to the technical characteristics of certain vessels on that list; whereas the requests from those national authorities contain all the information necessary pursuant to Article 3 of Regulation (EEC) No 55/87;

Whereas updating the list by means of Commission regulations does not permit the effective management of

fishing opportunities by virtue of the delays imposed by the legislative process;

Whereas these delays would be eliminated by simplifying the procedure for amending this list, whereby the Commission would directly notify the Member States of the decisions taken in this regard;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 3 (4) of Regulation (EEC) No 55/87 is hereby replaced by the following:

'4. The Commission shall evaluate the information supplied in accordance with paragraphs 1, 2 and 3. If the application conforms with the abovementioned provisions it shall notify all the Member States of its decision.'

*Article 2*

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

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

Done at Brussels, 13 December 1993.

*For the Commission*

Yannis PALEOKRASSAS

*Member of the Commission*

<sup>(1)</sup> OJ No L 288, 11. 10. 1986, p. 1.

<sup>(2)</sup> OJ No L 307, 23. 10. 1992, p. 1.

<sup>(3)</sup> OJ No L 8, 10. 1. 1987, p. 1.

<sup>(4)</sup> OJ No L 136, 5. 6. 1993, p. 13.

**COMMISSION REGULATION (EC) No 3411/93**  
of 13 December 1993

**amending Regulation (EEC) No 1725/79 on the rules for granting aid to skimmed milk processed into compound feedingstuffs and skimmed-milk powder intended for feed for calves**

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EEC) No 2071/92 <sup>(2)</sup>, and in particular Article 10 (3) thereof,

Whereas, pursuant to Article 4 (1) of Commission Regulation (EEC) No 1725/79 <sup>(3)</sup>, as last amended by Regulation (EEC) No 495/93 <sup>(4)</sup>, the granting of aid for skimmed-milk powder processed into compound feedingstuffs is conditional upon the requirement that the latter contain not less than 50 kg of powder per 100 kg of the finished product;

Whereas paragraph 1a of that Article lays down, however, that the said minimum quantity shall be fixed at 35 kilograms for the period 1 February to 31 December 1993; whereas the trend on the market in skimmed-milk

powder justifies maintaining this derogation until 31 March 1994;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 4 (1a) of Regulation (EEC) No 1725/79, the words 'between 1 February and 31 December 1993' are replaced by 'between 1 February 1993 and 31 March 1994'.

*Article 2*

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

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

Done at Brussels, 13 December 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 215, 30. 7. 1992, p. 83.

<sup>(3)</sup> OJ No L 199, 7. 8. 1979, p. 1.

<sup>(4)</sup> OJ No L 52, 4. 3. 1993, p. 12.

## COMMISSION REGULATION (EC) No 3412/93

of 13 December 1993

reintroducing customs duties on products of CN codes 7202 41 and 70202 49 originating in the Republics of Croatia, Bosnia-Herzegovina and Slovenia and in the territory of the former Yugoslav Republic of Macedonia for which tariff ceilings were opened by Council Regulation (EEC) No 478/83

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

Having regard to Council Regulation (EEC) No 478/93 of 25 February 1993 establishing ceilings and Community surveillance for imports of certain products originating in the Republics of Croatia, Bosnia-Herzegovina, Slovenia and the territory of the former Yugoslav Republic of Macedonia<sup>(1)</sup>, and in particular Article 1 (4) thereof;

Whereas, pursuant to Article 1 of that Regulation, the Republics of Croatia, Bosnia-Herzegovina, Slovenia and the territory of the former Yugoslav Republic of Macedonia should benefit from preferential tariff arrangements, in particular subject to tariff ceilings; whereas Article 1 (4) provides that once the ceilings are reached the Commission may adopt a regulation to reintroduce the levying of the customs duties actually applied *vis-à-vis* third countries until the end of the calendar year;

Whereas imports of the products specified in the Annex to this Regulation originating in the said Republics and eligible for tariff preference have been charged against the ceiling up to the total amount; whereas the situation on

the Community market for these products requires the reintroduction of customs duties *vis-à-vis* the Republics in question;

Whereas the levying of customs duties for these products should therefore be reintroduced,

HAS ADOPTED THIS REGULATION:

*Article 1*

From 17 December 1993, the levying of customs duties suspended for 1993 by Regulation (EEC) No 478/93 shall be reintroduced on imports into the Community of the products shown in the Annex, originating in the Republics of Croatia, Bosnia-Herzegovina, Slovenia and the territory of the former Yugoslav Republic of Macedonia.

*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, 13 December 1993.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

<sup>(1)</sup> OJ No L 51, 3. 3. 1993, p. 9.



## ANNEX

Order No	CN code	Description
(1)	(2)	(3)
04.0050	7202 41	— Ferro-chromium :
	7202 41 10	— — Containing by weight more than 4 % of carbon :
	7202 41 90	— — — Containing by weight more than 4 % but not more 6 % of carbon
	7202 49	— — — Containing by weight more than 6 % of carbon
	7202 49 10	— — Other :
	7202 49 50	— — — Containing by weight more than 0,05 % of carbon
	7202 49 90	— — — Containing by weight more than 0,05 % but not more than 0,5 % of carbon
		— — — Containing by weight more than 0,5 % but not more than 4 % of carbon

## COMMISSION REGULATION (EC) No 3413/93

of 13 December 1993

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 1548/93<sup>(2)</sup>,

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

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

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

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

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

HAS ADOPTED THIS REGULATION :

*Article 1*

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

*Article 2*

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

It shall apply from 1 November 1993.

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

Done at Brussels, 13 December 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

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

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

<sup>(4)</sup> OJ No L 159, 1. 7. 1993, p. 94.

<sup>(5)</sup> OJ No L 240, 25. 9. 1993, p. 19.

*ANNEX*

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

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Agricultural conversion rates		
ECU 1 =	49,3070	Belgian and Luxembourg francs
	9,34812	Danish kroner
	2,35418	German marks
	7,98191	French francs
	0,976426	Irish punt
	2,65256	Dutch guilders
	328,567	Greek drachmas
	190,382	Spanish pesetas
	2 222,98	Italian lire
	236,933	Portuguese escudos
	0,920969	Pound sterling

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## COMMISSION REGULATION (EC) No 3414/93

of 13 December 1993

## amending for the second time Regulation (EC) No 3088/93 adopting exceptional support measures for the market in pigmeat in Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975, on the common organization of the market in pigmeat<sup>(1)</sup>, as last amended by Commission Regulation (EEC) No 1249/89<sup>(2)</sup>, and in particular Article 20 thereof,

Whereas because of the outbreak of classical swine fever in certain production regions in Germany, exceptional support measures for the market in pigmeat were adopted for that Member State in Commission Regulation (EC) No 3088/93<sup>(3)</sup>, as last amended by Regulation (EC) No 3336/93<sup>(4)</sup>;

Whereas the application of Regulation (EC) No 3088/93 has shown the need to specify the average weight of eligible animals and to introduce proportionality rules as regards the granting of the aid in cases where the average weight requirement is not met; whereas it is necessary to apply these provisions with effect from the beginning of the exceptional measures in order to ensure equal treatment of all participants;

Whereas the zones in which the exceptional support measures for the market are applied are those set out in Annex I to Commission Decision 93/566/EC<sup>(5)</sup>; whereas that Annex is amended regularly; whereas, as a result, that Annex should be used for the application of Regulation (EC) No 3088/93;

Whereas it is necessary to adjust the aid granted when the animals are delivered to the present market situation taking account of the increase in market prices from 29 November 1993;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 3088/93 is hereby amended as follows:

- (<sup>1</sup>) OJ No L 282, 1. 11. 1975, p. 1.  
 (<sup>2</sup>) OJ No L 129, 11. 5. 1989, p. 12.  
 (<sup>3</sup>) OJ No L 277, 10. 11. 1993, p. 30.  
 (<sup>4</sup>) OJ No L 299, 4. 12. 1993, p. 20.  
 (<sup>5</sup>) OJ No L 273, 5. 11. 1993, p. 60.

1. In the first, second and third indents of Article 1 (1) 'weighing more than' is replaced by 'weighing not less than'.

2. Article 2 (1) is replaced by the following text:

'1. Only pigs, piglets and young piglets raised in the zones listed in Annex I to Decision 93/566/EC can be delivered, provided the veterinary provisions laid down in Article 1 (1) of that Decision are still applicable in the zones on the day of delivery of the animals.'

3. Article 4 is replaced by the following:

*Article 4*

1. The aid provided for in Article 1 (1) for live pigs shall be ECU 110 per 100 kilograms slaughtered weight, at farm gate.

2. The aid for the delivery of piglets shall be ECU 28 per head; the aid for the delivery of young piglets shall be ECU 22,5 per head.

3. The aid for live pigs shall be multiplied by a coefficient of 0,83.'

4. The following Article 4a is inserted:

*Article 4a*

Where the average weight per lot is

— in the case of live pigs, less than 110 kilograms but greater than 106 kilograms,

— in the case of piglets, less than 25 kilograms but greater than 24 kilograms,

— in the case of young piglets, less than 8 kilograms but greater than 7,6 kilograms.

the aid referred to in Article 1 (1) shall be reduced by 15 %.

5. The Annex is deleted.

*Article 2*

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

It shall apply as from 29 November 1993; however, Article 1 (1) and (4) shall apply as from 29 October 1993.

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

Done at Brussels, 13 December 1993.

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

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## COMMISSION REGULATION (EC) No 3415/93

of 13 December 1993

## amending for the first time Regulation (EC) No 3337/93 adopting exceptional support measures for the market in pigmeat in Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat<sup>(1)</sup>, as last amended by Regulation (EEC) No 1249/89<sup>(2)</sup>, and in particular Article 20 thereof,

Whereas, because of the outbreak of classical swine fever in one production region in Belgium, exceptional support measures for the market in pigmeat were adopted for that Member State in Commission Regulation (EC) No 3337/93<sup>(3)</sup>;

Whereas the application of Regulation (EC) No 3337/93 has shown the need to specify the average weight of eligible animals and to apply this provision with effect from the beginning of the application of the exceptional measures;

Whereas with effect from 25 November 1993 the Belgian veterinary authorities have reduced the protection zones in which the marketing of live pigs is temporarily forbidden; whereas, as a result, it is necessary to reduce the number of animals that may be purchased and to replace the Annex I to Regulation (EC) No 3337/93 by a new Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 3337/93 is hereby amended as follows:

1. In Article 1 (1) 'weighing more than' is replaced by 'weighing not less than'.
2. Article 1 (2) and (3) are replaced by the following:
  2. The purchase of the first 158 200 live pigs and first 80 500 piglets shall be financed from the Community budget.
  3. Belgium is hereby authorized to purchase, in addition, at its own expense and on the terms laid down in this Regulation, 67 800 live pigs and 34 500 piglets.
3. In Article 4 (1) 'live pigs weighing more than' is replaced by 'live pigs weighing not less than'.
4. Annex I is replaced by the Annex to this Regulation.

*Article 2*

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

It shall apply as from 25 November 1993; however, Article 1 (1) and (3) shall apply as from 22 November 1993.

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

Done at Brussels, 13 December 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 129, 11. 5. 1989, p. 12.

<sup>(3)</sup> OJ No L 299, 4. 12. 1993, p. 23.

*ANNEX**ANNEX I*

## (a) Part of:

1. the municipalities of Torhout and Zedelgem located east of the A 17 motorway;
2. the municipality of Oostkamp located east of the A 17 motorway and south of the E 40 motorway;
3. the municipality of Beernem located south of the E 40 motorway;
4. the municipality of Aalter located south of the E 40 motorway and west of the N 37 national road;
5. the municipality of Rulselede located east of the N 37 national road;
6. the municipality of Tielt located north of the N 37 national road;
7. the municipality of Pittem located north of the N 37 and N 35 national roads;
8. the municipality of Ardoole located north of the N 35 national road;
9. the municipality of Lichtervelde located north of the N 35 national road and east of the A 17 motorway.

## (b) The municipality of Wingene.

**COMMISSION REGULATION (EC) No 3416/93**

of 13 December 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 Community,

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

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

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 10

December 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 14 December 1993.

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

Done at Brussels, 13 December 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

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

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

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



## ANNEX

## to the Commission Regulation of 13 December 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>	
CN code	Third countries <sup>(1)</sup>
0709 90 60	82,13 <sup>(2)</sup> <sup>(3)</sup>
0712 90 19	82,13 <sup>(2)</sup> <sup>(3)</sup>
1001 10 00	0 <sup>(1)</sup> <sup>(3)</sup>
1001 90 91	88,50
1001 90 99	88,50 <sup>(2)</sup>
1002 00 00	113,74 <sup>(6)</sup>
1003 00 10	119,25
1003 00 20	119,25
1003 00 80	119,25 <sup>(2)</sup>
1004 00 00	92,22
1005 10 90	82,13 <sup>(2)</sup> <sup>(3)</sup>
1005 90 00	82,13 <sup>(2)</sup> <sup>(3)</sup>
1007 00 90	98,31 <sup>(4)</sup>
1008 10 00	26,56 <sup>(2)</sup>
1008 20 00	26,48 <sup>(4)</sup>
1008 30 00	25,02 <sup>(5)</sup>
1008 90 10	<sup>(7)</sup>
1008 90 90	25,02
1101 00 00	161,77 <sup>(2)</sup>
1102 10 00	197,54
1103 11 30	29,46
1103 11 50	29,46
1103 11 90	184,92
1107 10 11	168,41
1107 10 19	128,58
1107 10 91	223,14 <sup>(10)</sup>
1107 10 99	169,48 <sup>(2)</sup>
1107 20 00	195,71 <sup>(10)</sup>

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

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

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

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

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

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

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

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

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

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

**COMMISSION REGULATION (EC) No 3417/93**

of 13 December 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 Community,

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

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

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

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

rate established during the reference period from 10 December 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 14 December 1993.

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

Done at Brussels, 13 December 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

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

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

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

## ANNEX

to the Commission Regulation of 13 December 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
	12	1	2	3
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0
1102 10 00	0	0	0	0
1103 11 30	0	0	0	0
1103 11 50	0	0	0	0
1103 11 90	0	0	0	0

## B. Malt

*(ECU/tonne)*

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

**COMMISSION DIRECTIVE 93/111/EC**

of 10 December 1993

**amending Directive 93/10/EEC relating to materials and articles made of regenerated cellulose film intended to come into contact with foodstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/109/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to materials and articles intended to come into contact with foodstuffs<sup>(1)</sup>, and in particular Article 3 thereof,Whereas Article 2 of Commission Directive 92/15/EEC<sup>(2)</sup> prohibits, as from 1 July 1994, the trade in and use of regenerated cellulose film which is intended to come into contact with foodstuffs and which does not comply with Council Directive 83/229/EEC<sup>(3)</sup>;Whereas Article 5 of Commission Directive 93/10/EEC<sup>(4)</sup> prohibits, as from 1 January 1994, the trade in and use of the same products which comply neither with this Directive nor with Directive 83/229/EEC;

Whereas Article 5 of Directive 93/10/EEC should therefore be amended to eliminate the inconsistency between the dates specified in Directives 92/15/EEC and 93/10/EEC;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Foodstuffs,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

The second indent of Article 5 (1) of Directive 93/10/EEC is replaced by the following:

- prohibit, as from 1 January 1994, the trade in and use of regenerated cellulose film which is intended to come into contact with foodstuffs and which complies with neither this Directive nor Directive 83/229/EEC, other than film which Directive 92/15/EEC prohibits as from 1 July 1994.

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

Done at Brussels, 10 December 1993.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*<sup>(1)</sup> OJ No L 40, 11. 2. 1989, p. 38.<sup>(2)</sup> OJ No L 102, 16. 4. 1992, p. 44.<sup>(3)</sup> OJ No L 123, 11. 5. 1983, p. 31.<sup>(4)</sup> OJ No L 93, 17. 4. 1993, p. 27.

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 9 December 1993

terminating an anti-dumping procedure and giving notice that anti-dumping measures concerning imports into the Community of outboard motors originating in Japan shall lapse

(93/672/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not member of the European Economic Community<sup>(1)</sup>, and in particular Articles 9 and 15 (5) thereof,

After consultation within the Advisory Committee as provided for by the above Regulation,

Whereas :

## A. PROCEDURE

- (1) In August 1992 the Commission gave notice that it was initiating a review<sup>(2)</sup> of anti-dumping measures concerning imports of certain kinds of outboard motors originating in Japan. This review has been undertaken pursuant to Article 15 of Regulation (EEC) No 2423/88 at the request of a large section of the Community industry concerned, represented by OMC, of Bruges, Belgium, and SELVA of Tirano, Italy.

- (2) The Commission officially notified the exporters and importers assumed to be concerned, the representative of the exporting country and the complainants, and informed the parties concerned that they could submit their comments in writing or could request hearings.

- (3) The Commission has gathered all the information it required and has carried out on-the-spot inspections on the premises of the complainant Community producers and of a number of importers.

## B. WITHDRAWAL OF COMPLAINT, TERMINATION OF REVIEW, LAPSE OF MEASURES

- (4) At this stage in the procedure the review has produced no evidence to show that any new injury would be sustained if the measures in force lapsed.

- (5) The Commission has also been informed by the complainant Community producers that one of them, which accounts for 95 % of their total production, was intending to transfer its production activities outside the Community and that they were withdrawing their complaint and their request for a review of the anti-dumping measures concerning outboard motors originating in Japan.

- (6) The Commission therefore considers that the anti-dumping procedure concerning imports of outboard motors originating in Japan should be terminated and gives notices, pursuant to Article 15 (5) of Regulation (EEC) No 2423/88 that these measures shall lapse and expire,

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 1.

<sup>(2)</sup> OJ No C 204, 12. 8. 1992, p. 4.

HAS DECIDED AS FOLLOWS:

*Article 1*

The anti-dumping procedure concerning imports of certain kinds of outboard motors originating in Japan is hereby terminated.

*Article 2*

The anti-dumping measures concerning imports of certain kinds of outboard motors originating in Japan shall lapse.

*Article 3*

This Decision shall take effect on the day following its publication in the *Official Journal of the European Communities*.

Done at Brussels, 9 December 1993.

*For the Commission*

Leon BRITTAN

*Member of the Commission*

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## COMMISSION DECISION

of 10 December 1993

fixing the flat-rate reduction to advances on the entry of agricultural expenditure in the accounts in the event of non-compliance with the provisions relating to the forwarding of the annual questionnaire on the application of the arrangements for additional levies in the milk sector introduced by Council Regulation (EEC) No 3950/92

(93/673/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EEC) No 536/93 of 9 March 1993 laying down detailed rules on the application of the additional levy on milk and milk products <sup>(1)</sup>, as amended by Regulation (EEC) No 1756/93 <sup>(2)</sup>, and in particular the fourth indent of Article 8 thereof,

Whereas the implementation of the additional levy arrangements introduced by Council Regulation (EEC) No 3950/92 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1560/93 <sup>(4)</sup>, requires the fixing of the amount of the flat-rate reduction referred to in the abovementioned fourth indent of Article 8,

HAS ADOPTED THIS DECISION :

*Article 1*

Where the questionnaire annexed to Regulation (EEC) No 536/93 has not been forwarded by 1 September of each year, the Commission shall, *vis-à-vis* the Member States concerned, make a reduction in respect of the month of September to advances on expenditure as booked of 1 % of the overall amount paid to the Member State concerned for the milk and milk products sector under the previous budget year.

*Article 2*

Where, on the basis of the data notified in response to the questionnaire annexed to Regulation (EEC) No 536/93, the calculation of the levy owing to the Community is incorrect by more than 10 %, the Commission shall, *vis-à-vis* the Member States concerned, make a reduction to advances on expenditure as booked of 0,5 % of the overall amount paid to the Member State concerned for the milk and milk products sector under the budget year preceding that in which the calculation was shown to be incorrect.

*Article 3*

Where the questionnaire annexed to Regulation (EEC) No 536/93 has not been duly completed, the Commission shall, *vis-à-vis* the Member States concerned, make a reduction to advances on expenditure as booked of 0,04 % for each item of missing data of the overall amount paid to the Member State concerned for the milk and milk products sector under the previous budget year.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 10 December 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 57, 10. 3. 1993, p. 12.

<sup>(2)</sup> OJ No L 161, 2. 7. 1993, p. 48.

<sup>(3)</sup> OJ No L 405, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 154, 25. 6. 1993, p. 30.