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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1034/94

of 3 May 1994

amending Regulation (EEC) No 3886/92 as regards Community part-financing of the national premium additional to the suckler cow premium in accordance with Council Regulation (EC) No 3611/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS REGULATION:

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 3611/93⁽²⁾, and in particular Article 4d (8) thereof,

Whereas Regulation (EC) No 3611/93 extends Community part-financing of the national premium additional to the suckler cow premium to Member States in which the suckler cow population has a high proportion of beef animals; whereas a decision-making procedure should be established for determining, on the basis of the information available, the Member States which satisfy the conditions laid down and which may, therefore, have access to such part-financing;

Article 1

The following paragraph 3 is hereby inserted into Article 26 of Commission Regulation (EEC) No 3886/92⁽³⁾, as last amended by Regulation (EC) No 489/94⁽⁴⁾:

'3. The Commission shall decide by 1 August at the latest of each calendar year which Member States fulfil the conditions referred to in the last subparagraph of Article 4d (7) of Regulation (EEC) No 805/68 for the part-financing by the EAGGF of the additional national premium. With regard to the 1993 calendar year, the Commission shall decide by 15 May 1994 at the latest.'

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, 3 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.
⁽²⁾ OJ No L 328, 29. 12. 1993, p. 7.

⁽³⁾ OJ No L 391, 31. 12. 1992, p. 20.
⁽⁴⁾ OJ No L 62, 5. 3. 1994, p. 8.

COMMISSION REGULATION (EC) No 1035/94

of 3 May 1994

amending Regulation (EEC) No 2775/88 laying down detailed rules for the application of Article 5a of Council Regulation (EEC) No 729/70

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

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, as last amended by Regulation (EEC) No 2048/88 ⁽²⁾, and in particular to Article 5a thereof,

Whereas the re-examination of the existing situation in the Community as far as interest rates are concerned, shows a downward trend requiring an adjustment of the rate laid down by Commission Regulation (EEC) No 2775/88 ⁽³⁾, as last amended by Regulation (EEC) No 772/90 ⁽⁴⁾;

Whereas in view of Article 2 (2) of Regulation (EEC) No 2775/88, the monthly determination of expenditure relating to those interests is only provisional in order to allow a fast reimbursement to the Member States; that in view of Article 2 (1) of the same Regulation, the definitive calculation of the total amount due by the Commission for a budgetary year has to be executed on a yearly basis; that therefore it is appropriate that the fixed rate covers a complete budgetary year;

Whereas the European Agricultural Guidance and Guarantee (EAGGF) Funds Committee has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2775/88 is amended as follows:

1. In Article 1 (1) '8,8 %' is replaced by '7,0 %';
2. In Article 2 (1) '0,088' is replaced by '0,070';
3. In Article 2 (2) '0,0113' is replaced by '0,0089'.

Article 2

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

It is applicable to the expenditure financed with effect from 16 October 1993.

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

Done at Brussels, 3 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 185, 15. 7. 1988, p. 1.

⁽³⁾ OJ No L 249, 8. 9. 1988, p. 8.

⁽⁴⁾ OJ No L 83, 30. 3. 1990, p. 81.

COMMISSION REGULATION (EC) No 1036/94

of 3 May 1994

fixing, for April 1994, 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⁽¹⁾, as last amended by Regulation (EC) No 133/94⁽²⁾,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as amended by Regulation (EC) No 3528/93⁽⁴⁾,

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⁽⁵⁾, as amended by Regulation (EEC) No 2627/93⁽⁶⁾, 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 April 1994, 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 April 1994 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 with effect from 1 April 1994.

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

Done at Brussels, 3 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 94.

⁽⁶⁾ OJ No L 240, 25. 9. 1993, p. 19.

ANNEX

fixing, for April 1994, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector

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
	337,814	Greek drachmas
	192,319	Spanish pesetas
	2 274,93	Italian lire
	236,933	Portuguese escudos
	0,920969	Pound sterling

**COMMISSION REGULATION (EC) No 1037/94
of 3 May 1994**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organization of the market in cereals⁽¹⁾, as amended by Commission Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as amended by Regulation (EC) No 120/94⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies;

Whereas it is available to limit the period of validity of export licences issued from the entry into force of this Regulation in connection with the invitations to tender opened by Commission Regulations (EEC) No 1193/93⁽⁵⁾, as last amended by Regulation (EC) No 624/94⁽⁶⁾, (EEC) No 1195/93⁽⁷⁾, as last amended by Regulation (EC) No 863/94⁽⁸⁾, (EEC) No 1197/93⁽⁹⁾, as last amended by Regulation (EC) No 624/94, (EEC) No 1198/93⁽¹⁰⁾, as last amended by Regulation (EC) No 930/94⁽¹¹⁾, (EEC) No 1516/93⁽¹²⁾, as last amended by Regulation (EC) No 639/94⁽¹³⁾, and (EEC) No 1517/93⁽¹⁴⁾, as last amended by Regulation (EC) No 624/94;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 3 of Regulations (EEC) No 1193/93, (EEC) No 1195/93, (EEC) No 1197/93, (EEC) No 1198/93, (EEC) No 1516/93 and (EEC) No 1517/93 is hereby replaced by the following:

Article 3

The export licences shall be valid from their date of issue, within the meaning of Article 9 of Regulation (EEC) No 2131/93 until 30 June 1994.

Tenders submitted in response to this invitation to tender may not be accompanied by applications for export certificates under Article 44 of Commission Regulation (EEC) No 3719/88^(*).

(*) OJ No L 331, 2. 12. 1988, p. 1.

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, 3 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 122, 18. 5. 1993, p. 8.

⁽⁶⁾ OJ No L 78, 22. 3. 1994, p. 9.

⁽⁷⁾ OJ No L 122, 18. 5. 1993, p. 14.

⁽⁸⁾ OJ No L 99, 19. 4. 1994, p. 27.

⁽⁹⁾ OJ No L 122, 18. 5. 1993, p. 20.

⁽¹⁰⁾ OJ No L 122, 18. 5. 1993, p. 23.

⁽¹¹⁾ OJ No L 107, 28. 4. 1994, p. 4.

⁽¹²⁾ OJ No L 150, 22. 6. 1993, p. 24.

⁽¹³⁾ OJ No L 79, 23. 3. 1994, p. 17.

⁽¹⁴⁾ OJ No L 150, 22. 6. 1993, p. 27.

COMMISSION REGULATION (EC) No 1038/94**of 3 May 1994****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 ⁽¹⁾, as amended by Commission Regulation (EEC) No 2193/93 ⁽²⁾, and in particular Article 10 (5) and Article 11 (3) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as amended by Regulation (EC) No 3528/93 ⁽⁴⁾,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EC) No 819/94 ⁽⁵⁾ 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 2 May 1994, as regards floating currencies, should be used to calculate the levies ;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 819/94 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 4 May 1994.

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

Done at Brussels, 3 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 94, 13. 4. 1994, p. 16.

ANNEX

to the Commission Regulation of 3 May 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ^(*)
0709 90 60	99,56 ⁽²⁾ ⁽³⁾
0712 90 19	99,56 ⁽²⁾ ⁽³⁾
1001 10 00	9,11 ⁽¹⁾ ⁽³⁾
1001 90 91	92,32
1001 90 99	92,32 ⁽²⁾
1002 00 00	122,37 ⁽⁶⁾
1003 00 10	125,96
1003 00 90	125,96 ⁽²⁾
1004 00 00	100,83
1005 10 90	99,56 ⁽²⁾ ⁽³⁾
1005 90 00	99,56 ⁽²⁾ ⁽³⁾
1007 00 90	105,85 ⁽⁴⁾
1008 10 00	37,87 ⁽²⁾
1008 20 00	52,30 ⁽⁴⁾ ⁽²⁾
1008 30 00	0 ⁽²⁾
1008 90 10	(⁷)
1008 90 90	0
1101 00 00	166,80 ⁽²⁾
1102 10 00	208,87
1103 11 10	47,58
1103 11 90	190,75
1107 10 11	175,21
1107 10 19	133,67
1107 10 91	235,09 ⁽¹⁰⁾
1107 10 99	178,41 ⁽²⁾
1107 20 00	206,12 ⁽¹⁰⁾

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

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

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

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

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

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

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

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

⁽⁹⁾ Products falling within this code, imported from Poland or Hungary under the Agreements concluded between those countries and the Community and under the Interim Agreement between the Czech Republic, the Slovak Republic, Bulgaria and Romania and the Community and in respect of which EUR.1 certificates issued in accordance with Regulation (EC) No 121/94 or (EC) No 335/94 have been presented, are subject to the levies set out in the Annex to that Regulation.

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

**COMMISSION REGULATION (EC) No 1039/94
of 3 May 1994**

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⁽¹⁾, as amended by Commission Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as amended by Regulation (EC) No 3528/93⁽⁴⁾,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1681/93⁽⁵⁾ 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 2 May 1994, 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 4 May 1994.

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

Done at Brussels, 3 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 11.

ANNEX

to the Commission Regulation of 3 May 1994 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 5	1st period 6	2nd period 7	3rd period 8
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 90	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 10	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EC) No 1040/94**of 3 May 1994****adopting interim protective measures on applications for STM licences in the beef and veal sector submitted for the day of 3 May 1994 for trade with Spain**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 85 (1) thereof,

Whereas Commission Regulation (EEC) No 1112/93 of 6 May 1993 laying down detailed rules for the application of the supplementary trade mechanism in the beef and veal sector between the Community as constituted on 31 December 1985 and Spain and Portugal and repealing Regulations (EEC) No 3810/91 and (EEC) No 3829/92 ⁽¹⁾, as last amended by Regulation (EC) No 936/94 ⁽²⁾, set the indicative ceilings applicable in the beef and veal sector and the maximum quantities for which STM licences may be issued in May and June 1994;

Whereas Article 85 (1) of the Act of Accession makes provision for the Commission to take the interim protective measures necessary where the indicative ceiling for the year in course or part of it is reached or exceeded;

Whereas an examination of licence applications lodged for the day of 3 May 1994 shows that the quantities applied for are likely to bring about a serious disturbance

of the market for live animals; whereas, as an interim protective measure, licences should only be issued for up to a given percentage of the quantities applied for and no further certificates issued for the time being,

HAS ADOPTED THIS REGULATION:

Article 1

For live animals of the bovine species, other than pure-bred breeding animals and animals for bullfights:

1. applications for STM licences for the following products submitted for the day of 3 May 1994 and notified to the Commission shall be accepted for 100 % for Spain;
2. the issuing of STM licences in response to applications submitted from 4 May 1994 onwards is suspended for the time being.

Article 2

This Regulation shall enter into force on 4 May 1994.

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

Done at Brussels, 3 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 113, 7. 5. 1993, p. 10.

⁽²⁾ OJ No L 107, 28. 4. 1994, p. 27.

COMMISSION REGULATION (EC) No 1041/94
of 3 May 1994
fixing the import levies on white sugar and raw sugar

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 ⁽¹⁾, as last amended by Regulation (EC) No 133/94 ⁽²⁾, and in particular Article 16 (8) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as amended by Regulation (EC) No 3528/93 ⁽⁴⁾, and in particular Article 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1695/93 ⁽⁵⁾, as last amended by Regulation (EC) No 1032/94 ⁽⁶⁾;

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

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 2 May 1994, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 4 May 1994.

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

Done at Brussels, 3 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 40.

⁽⁶⁾ OJ No L 112, 3. 5. 1994, p. 41.

ANNEX

to the Commission Regulation of 3 May 1994 fixing the import levies on white sugar and raw sugar*(ECU/100 kg)*

CN code	Levy ⁽¹⁾
1701 11 10	34,54 ⁽¹⁾
1701 11 90	34,54 ⁽¹⁾
1701 12 10	34,54 ⁽¹⁾
1701 12 90	34,54 ⁽¹⁾
1701 91 00	40,46
1701 99 10	40,46
1701 99 90	40,46 ⁽²⁾

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

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

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

COMMISSION REGULATION (EC) No 1042/94

of 3 May 1994

altering the basic amount of the import levies on syrups and certain other products 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 ⁽¹⁾, as last amended by Regulation (EC) No 133/94 ⁽²⁾, and in particular Article 16 (8) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as amended by Regulation (EC) No 3528/93 ⁽⁴⁾, and in particular Article 5 thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 980/94 ⁽⁵⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 980/94 to the informa-

tion known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 2 May 1994, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to Regulation (EC) No 980/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 May 1994.

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

Done at Brussels, 3 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 111, 30. 4. 1994, p. 24.

ANNEX

to the Commission Regulation of 3 May 1994 altering the basic amount of the import levy
on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of levy per 100 kg of dry matter ⁽¹⁾
1702 20 10	0,4046	—
1702 20 90	0,4046	—
1702 30 10	—	48,63
1702 40 10	—	48,63
1702 60 10	—	48,63
1702 60 90	0,4046	—
1702 90 30	—	48,63
1702 90 60	0,4046	—
1702 90 71	0,4046	—
1702 90 90	0,4046	—
2106 90 30	—	48,63
2106 90 59	0,4046	—

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

II

(Acts whose publication is not obligatory)

EUROPEAN PARLIAMENT

DECISION OF THE EUROPEAN PARLIAMENT

of 9 March 1994

on the regulations and general conditions governing the performance of the
Ombudsman's duties

(94/262/ECSC, EC, Euratom)

THE EUROPEAN PARLIAMENT,

Having regard to the Treaties establishing the European Communities, and in particular Article 138e (4) of the Treaty establishing the European Community Article 20d (4) of the Treaty establishing the European Community, Article 107d (4) of the Treaty establishing the European Atomic Energy Community,

Having regard to the opinion of the Commission,

Having regard to the Council's approval,

Whereas the regulations and general conditions governing the performance of the Ombudsman's duties should be laid down, in compliance with the provisions of the Treaties establishing the European Communities ;

Whereas the conditions under which a complaint may be referred to the Ombudsman should be established as well as the relationship between the performance of the duties of Ombudsman and legal or administrative proceedings ;

Whereas the Ombudsman, who may also act on his own initiative, must have access to all the elements required for the performance of his duties ; whereas to that end Community institutions and bodies are obliged to supply the Ombudsman, at his request, with any information which he requests of them, unless there are duly substantial grounds for secrecy, and without prejudice to the ombudsman's obligation not to divulge such information ; whereas the Member States' authorities are obliged to provide the Ombudsman with all necessary information save where such information is covered by laws or regula-

tions on secrecy or by provisions preventing its being communicated ; whereas if the Ombudsman finds that the assistance requested is not forthcoming, he shall inform the European Parliament, which shall make appropriate representations ;

Whereas it is necessary to lay down the procedures to be followed where the Ombudsman's enquiries reveal cases of maladministration ; whereas provision should also be made for the submission of a comprehensive report by the Ombudsman to the European Parliament at the end of each annual session ;

Whereas the Ombudsman and his staff are obliged to treat in confidence any information which they have acquired in the course of their duties ; whereas the Ombudsman is, however, obliged to inform the competent authorities of facts which he considers might relate to criminal law and which have come to this attention in the course of his enquiries ;

Whereas provision should be made for the possibility of cooperation between the Ombudsman and authorities of the same type in certain Member States, in compliance with the national laws applicable ;

Whereas it is for the European Parliament to appoint the Ombudsman at the beginning of its mandate and for the duration thereof, choosing him from among persons who are Union citizens and offer every requisite guarantee of independence and competence ;

Whereas conditions should be laid down for the cessation of the Ombudsman's duties ;

Whereas the Ombudsman must perform his duties with complete independence and give a solemn undertaking before the Court of Justice of the European Communities that he will do so when taking up his duties; whereas activities incompatible with the duties of Ombudsman should be laid down as should the remuneration, privileges and immunities of the Ombudsman;

Whereas provisions should be laid down regarding the officials and servants of the Ombudsman's secretariat which will assist him and the budget thereof; whereas the seat of the Ombudsman should be that of the European Parliament;

Whereas it is for the Ombudsman to adopt the implementing provisions for this Decision; whereas furthermore certain transitional provisions should be laid down for the first Ombudsman to be appointed after the entry into force of the Treaty on European Union,

HAS DECIDED AS FOLLOWS:

Article 1

1. The regulations and general conditions governing the performance of the Ombudsman's duties shall be as laid down by this Decision in accordance with Article 138e (4) of the Treaty establishing the European Community, Article 20d (4) of the Treaty establishing the European Coal and Steel Community and Article 107d (4) of the Treaty establishing the European Atomic Energy Community.
2. The Ombudsman shall perform his duties in accordance with the powers conferred on the Community institutions and bodies by the Treaties.
3. The Ombudsman may not intervene in cases before courts or question the soundness of a court's ruling.

Article 2

1. Within the framework of the aforementioned Treaties and the conditions laid down therein, the Ombudsman shall help to uncover maladministration in the activities of the Community institutions and bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role, and make recommendations with a view to putting an end to it. No action by any other authority or person may be the subject of a complaint to the Ombudsman.
2. Any citizen of the Union or any natural or legal person residing or having its registered office in a Member State of the Union may, directly or through a Member of the European Parliament, refer a complaint to the Ombudsman in respect of an instance of maladministration in the activities of Community institutions or bodies, with the exception of the Court of Justice and the

Court of First Instance acting in their judicial role. The Ombudsman shall inform the institution or body concerned as soon as a complaint is referred to him.

3. The complaint must allow the person lodging the complaint and the object of the complaint to be identified; the person lodging the complaint may request that his complaint remain confidential.
4. A complaint shall be made within two years of the date on which the facts on which it is based came to the attention of the person lodging the complaint and must be preceded by the appropriate administrative approaches to the institutions and bodies concerned.
5. The Ombudsman may advise the person lodging the complaint to address it to another authority.
6. Complaints submitted to the Ombudsman shall not affect time limits for appeals in administrative or judicial proceedings.
7. When the Ombudsman, because of legal proceedings in progress or concluded concerning the facts which have been put forward, has to declare a complaint inadmissible or terminate consideration of it, the outcome of any enquiries he has carried out up to that point shall be filed without further action.
8. No complaint may be made to the Ombudsman that concerns work relationships between the Community institutions and bodies and their officials and other servants unless all the possibilities for the submission of internal administrative requests and complaints, in particular the procedures referred to in Article 90 (1) and (2) of the Staff Regulations, have been exhausted by the person concerned and the time limits for replies by the authority thus petitioned have expired.
9. The Ombudsman shall as soon as possible inform the person lodging the complaint of the action he has taken on it.

Article 3

1. The Ombudsman shall, on his own initiative or following a complaint, conduct all the enquiries which he considers justified to clarify any suspected maladministration in the activities of Community institutions and bodies. He shall inform the institution or body concerned of such action, which may submit any useful comment to him.
2. The Community institutions and bodies shall be obliged to supply the Ombudsman with any information he has requested of them and give him access to the files concerned. They may refuse only on duly substantial grounds of secrecy.

They shall give access to documents originating in a Member State and classed as secret by law or regulation only where that Member State has given its prior agreement.

They shall give access to other documents originating in a Member State after having informed the Member State concerned. In both cases, in accordance with Article 4, the Ombudsman may not divulge the content of such documents.

Officials and other servants of Community institutions and bodies must testify at the request of the Ombudsman; they shall speak on behalf of and in accordance with instructions from their administrations and shall continue to be bound by their duty of professional secrecy.

3. The Member States' authorities shall be obliged to provide the Ombudsman, whenever he may so request, via the Permanent Representations of the Member States to the European Communities, with any information that may help to clarify instances of maladministration by Community institutions or bodies unless such information is covered by laws or regulations on secrecy or by provisions preventing its being communicated. Nonetheless, in the latter case, the Member State concerned may allow the Ombudsman to have this information provided that he undertakes not to divulge it.

4. If the assistance which he requests is not forthcoming, the Ombudsman shall inform the European Parliament, which shall make appropriate representations.

5. As far as possible, the Ombudsman shall seek a solution with the institution or body concerned to eliminate the instance of maladministration and satisfy the complaint.

6. If the Ombudsman finds there has been maladministration, he shall inform the institution or body concerned, where appropriate making draft recommendations. The institution or body so informed shall send the Ombudsman a detailed opinion within three months.

7. The Ombudsman shall then send a report to the European Parliament and to the institution or body concerned. He may make recommendations in his report. The person lodging the complaint shall be informed by the Ombudsman of the outcome of the inquiries, of the opinion expressed by the institution or body concerned and of any recommendations made by the Ombudsman.

8. At the end of each annual session the Ombudsman shall submit to the European Parliament a report on the outcome of his inquiries.

Article 4

1. The Ombudsman and his staff, to whom Article 214 of the Treaty establishing the European Community, Article 47 (2) of the Treaty establishing the European Coal and Steel Community and Article 194 of the Treaty establishing the European Atomic Energy Community shall apply, shall be required not to divulge information

or documents which they obtain in the course of their inquiries. They shall also be required to treat in confidence any information which could harm the person lodging the complaint or any other person involved, without prejudice to paragraph 2.

2. If, in the course of inquiries, he learns of facts which he considers might relate to criminal law, the Ombudsman shall immediately notify the competent national authorities via the Permanent Representations of the Member States to the European Communities and, if appropriate, the Community institution with authority over the official or servant concerned, which may apply the second paragraph of Article 18 of the Protocol on the Privileges and Immunities of the European Communities. The Ombudsman may also inform the Community institution or body concerned of the facts calling into question the conduct of a member of their staff from a disciplinary point of view.

Article 5

Insofar as it may help to make his enquiries more efficient and better safeguard the rights and interests of persons who make complaints to him, the Ombudsman may cooperate with authorities of the same type in certain Member States provided he complies with the national law applicable. The Ombudsman may not by this means demand to see documents to which he would not have access under Article 3.

Article 6

1. The Ombudsman shall be appointed by the European Parliament after each election to the European Parliament for the duration of the parliamentary term. He shall be eligible for reappointment.

2. The Ombudsman shall be chosen from among persons who are Union citizens, have full civil and political rights, offer every guarantee of independence, and meet the conditions required for the exercise of the highest judicial office in their country or have the acknowledgement competence and experience to undertake the duties of Ombudsman.

Article 7

1. The Ombudsman shall cease to exercise his duties either at the end of this term of office or on his resignation or dismissal.

2. Save in the event of his dismissal, the Ombudsman shall remain in office until his successor has been appointed.

3. In the event of early cessation of duties, a successor shall be appointed within three months of the office's falling vacant for the remainder of the parliamentary term.

Article 8

An Ombudsman who no longer fulfils the conditions required for the performance of his duties or is guilty of serious misconduct may be dismissed by the Court of Justice of the European Communities at the request of the European Parliament.

Article 9

1. The Ombudsman shall perform his duties with complete independence, in the general interest of the Communities and of the citizens of the Union. In the performance of his duties he shall neither seek nor accept instructions from any government or other body. He shall refrain from any act incompatible with the nature of his duties.

2. When taking up his duties, the Ombudsman shall give a solemn undertaking before the Court of Justice of the European Communities that he will perform his duties with complete independence and impartiality and that during and after his term of office he will respect the obligations arising therefrom, in particular his duty to behave with integrity and discretion as regards the acceptance, after he has ceased to hold office, of certain appointments or benefits.

Article 10

1. During his term of office, the Ombudsman may not engage in any other political or administrative duties, or any other occupation, whether gainful or not.

2. The Ombudsman shall have the same rank in terms of remuneration, allowances and pension as a judge at the Court of Justice of the European Communities.

3. Articles 12 to 15 and Article 18 of the Protocol on the Privileges and Immunities of the European Communities shall apply to the Ombudsman and to the officials and servants of his secretariat.

Article 11

1. The Ombudsman shall be assisted by a secretariat, the principal officer of which he shall appoint.

2. The officials and servants of the Ombudsman's secretariat shall be subject to the rules and regulations applicable to officials and other servants of the European Communities. Their number shall be adopted each year as part of the budgetary procedure⁽¹⁾.

3. Servants of the European Communities and of the Member States appointed to the Ombudsman's secretariat shall be seconded in the interests of the service and guaranteed automatic reinstatement in their institution of origin.

4. In matters concerning his staff, the Ombudsman shall have the same status as the institutions within the meaning of Article 1 of the Staff Regulations of Officials of the European Communities.

Article 12

The Ombudsman's budget shall be annexed to section I (Parliament) of the general budget of the European Communities.

Article 13

The seat of the Ombudsman shall be that of the European Parliament⁽²⁾.

Article 14

The Ombudsman shall adopt the implementing provisions for this Decision.

Article 15

The first Ombudsman to be appointed after the entry into force of the Treaty on European Union shall be appointed for the remainder of the parliamentary term.

Article 16

The European Parliament shall make provision in its budget for the staff and material facilities required by the first Ombudsman to perform his duties as soon as he is appointed.

Article 17

This Decision shall be published in the *Official Journal of the European Communities*. It shall enter into force on the date of its publication.

Done at Strasbourg, 9 March 1994.

For the European Parliament

The President

Egon KLEPSCH

⁽¹⁾ A joint statement by the three institutions will set out guiding principles for the number of staff employed by the Ombudsman and the status as temporary or contract staff of those carrying out enquiries.

⁽²⁾ See Decision taken by common agreement between the Representatives of the Governments of the Member States on the location of the seats of the institutions and of certain bodies and departments of the European Communities (OJ No C 341, 23. 12. 1992, p. 1).

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

RULES OF PROCEDURE OF THE EFTA SURVEILLANCE AUTHORITY

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the first paragraph of Article 108 of the Agreement on the European Economic Area and to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, in particular Article 13 thereof,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

CHAPTER I

THE ORGANIZATION OF WORK OF THE EFTA SURVEILLANCE AUTHORITY

Article 1

The Members of the EFTA Surveillance Authority shall act collectively in accordance with the present rules and, in acting so, constitute the College.

Article 2

In the performance of its official functions, the College shall be assisted by eight departments, namely the executive secretariat, five directorates, the legal service and administration.

The College shall establish a table of duties, in which the functions of the departments are so defined as to minimize overlapping and duplication.

Article 3

The departments shall work in close cooperation.

Before submitting a proposal for a decision to the College, the department preparing the proposal shall consult all other departments which, according to the table of duties or from the nature of the subject, are concerned in the matter. The legal service shall be consulted on proposals for legal instruments and

measures which may have legal implications. Administration shall be consulted on proposals which may have budgetary implications.

The department preparing a proposal shall endeavour to reach agreement with the department(s) consulted on a single proposal. In the event of disagreement, the differing views expressed by the latter department(s) shall be mentioned when submitting the proposal to the College.

Article 4

The College may set up interdepartmental working groups to deal with particular matters. It shall appoint the chairperson of any such group and determine the mandate and method of operation of the group.

CHAPTER II

MEETINGS OF THE COLLEGE

Article 5

Meetings of the College shall be convened by the President.

The College shall, as a general rule, meet once a week. Additional meetings shall be held whenever necessary.

Article 6

The President shall issue the draft agenda for a meeting. Any item put forward by a Member for inclusion must be placed on the draft agenda.

Unless otherwise decided, the draft agenda and the necessary working documents must be distributed to the Members at least three working days before the day of the meeting.

If requested by a Member, the College shall defer the discussion of an item on the draft agenda to a later meeting, unless the deferment would, due to stipulated time limits, prevent the College from taking a decision on the matter.

The College, having before in the draft agenda and any requests for amendments thereto, shall approve the agenda at the meeting. It may decide unanimously to discuss a question which is not on the draft agenda or in respect of which the necessary working documents have been distributed after the stipulated time limit.

Article 7

The President shall take the chair at meetings.

Article 8

Three Members present shall constitute a quorum.

Article 9

Meetings of the College shall not be public. Deliberations shall be and shall remain confidential.

Article 10

Save as otherwise decided by the College, the Executive Secretary shall attend meetings.

The President may, on his own initiative or at the request of a Member, invite certain officials of the EFTA Surveillance Authority to be present for the whole or part of a meeting and to speak.

The College may, by way of exception, decide to hear any other person at a meeting.

Article 11

Minutes shall be taken of all meetings of the College.

The draft minutes shall be submitted to the Members for approval at a subsequent meeting. The approved minutes shall be authenticated by the signature of the President and counter-signed by the Executive Secretary.

CHAPTER III

DECISIONS OF THE EFTA SURVEILLANCE AUTHORITY

Article 12

Decisions of the EFTA Surveillance Authority shall be taken at meetings of the College, by means of written procedure in accordance with Article 14 or by delegation in accordance with Article 15.

Article 13

For a decision to be taken at a meeting of the College, at least three votes in favour of the decision shall be required.

Article 14

On a proposal by a Member, the College may take a decision by means of a written procedure.

For this purpose, the text of the proposed decision shall be distributed to all Members, with a time limit of at least five working days or, in exceptional cases and subject to authorization by the President, at least three working days for them to submit comments on the proposal.

Any Member may, in the course of the written procedure, request that the proposal be discussed at a meeting. In such case, the matter shall be placed on the agenda of the next meeting of the College. If due to the provisions of Article 6 the matter cannot be decided on at that meeting, it shall be placed on the agenda for the following meeting.

Where it is established that the distribution of the proposal is known to all Members, the proposal shall be deemed to be agreed to by the College at the end of the time limit set for the submission of comments, provided that by that time at least three Members have expressed their approval of the proposal and that no request has been made that the proposal be discussed at a meeting. An agreement shall be recorded in the minutes of the next meeting.

Article 15

Subject to the principle of collegiate responsibility being respected in full, the College may empower a Member to take, in its name and subject to its control, clearly defined measures of management or administration and to adopt the definitive text of a decision the substance of which has been determined by the College. Before periods during which a sufficient number of Members to constitute a quorum will not be on duty, one or more Members shall be authorized to take any urgent decision that may be required.

Officials may also be empowered to take clearly defined measures of management or administration if this proves indispensable for the EFTA Surveillance Authority to properly fulfil its tasks.

Powers conferred in accordance with this Article may not be sub-delegated, except to the extent expressly laid down in the enabling decision.

The provisions of this Article shall be without prejudice to rules concerning delegation in respect of financial matters and staff administration.

CHAPTER IV

PREPARATION AND IMPLEMENTATION OF DECISIONS

Article 16

The College may assign to a Member responsibility for the preparation and implementation of its decisions in a particular field. In such cases, the department concerned shall take its instructions from that Member.

Article 17

The Executive Secretary shall assist the president in preparing the meetings of the College, in implementing the decision-making procedures and in ensuring, where applicable, the communication and publication of decisions of the EFTA Surveillance Authority.

To this end he/she shall ensure that the rules are complied with regarding preparation and submission of documents which the Members are to consider and shall, where applicable, take the necessary steps to ensure official notification of decisions of the EFTA Surveillance Authority and their publication in the EEA Section of and the EEA Supplement to the *Official Journal of the European Communities*.

Article 18

Legal instruments adopted by the College, at a meeting or by written procedure, shall be authenticated in the language or languages in which they are to be authentic by the signature of the President and the countersignature of the Member designated in accordance with Article 16 or, where no such designation has been made, of the Executive Secretary.

The texts of such instruments shall be annexed to the minutes in which their adoption is recorded.

Article 19

Legal instruments adopted by delegation procedure shall be authenticated in the language or languages in which they are to be authentic by the signature of the Member of official empowered, and the countersignature of the Executive Secretary.

CHAPTER V

DEPUTIZING

Article 20

If the President or another Member is prevented from exercising his functions, they shall be exercised by one of the other Members chosen in the order laid down by the College.

Article 21

Save as otherwise decided by the College, where a Director or the Executive Secretary is prevented from exercising his/her functions or duties, they shall be exercised by a subordinate official in the order laid down by the Director and the Executive Secretary, respectively.

CHAPTER VI

FINAL PROVISION

Article 22

These Rules of Procedure, which are authentic in the English language, shall be published in the EEA Section of and the EEA Supplement to the *Official Journal of the European Communities*.

Done at Brussels, 7 January 1994.

For the Surveillance Authority

The President

Knut ALMESTAD