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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1428/94

of 22 June 1994

altering the export refunds on white sugar and raw sugar exported in the natural state

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 the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1361/94⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1361/94 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁴⁾, as amended by Regulation (EC) No 3528/93⁽⁵⁾, are used to convert amounts expressed in third country currencies

and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁶⁾, as amended by Regulation (EC) No 547/94⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1361/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 June 1994.

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

Done at Brussels, 22 June 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 150, 16. 6. 1994, p. 5.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ No L 69, 12. 3. 1994, p. 1.

ANNEX

to the Commission Regulation of 22 June 1994 altering the export refunds on white sugar and raw sugar exported in the natural state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	32,20 ⁽¹⁾
1701 11 90 910	30,20 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	32,20 ⁽¹⁾
1701 12 90 910	30,20 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3501
	— ECU/100 kg —
1701 99 10 100	35,01
1701 99 10 910	35,01
1701 99 10 950	33,51
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3501

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of amended Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

⁽³⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

COMMISSION REGULATION (EC) No 1429/94

of 22 June 1994

providing for the grant of compensation to producers' organizations in respect of tuna delivered to the canning industry during the period 1 July to 30 September 1993

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products⁽¹⁾, as last amended by Council Regulation (EEC) No 1891/93⁽²⁾, and in particular Article 18 (8) thereof,

Whereas the compensating allowance referred to in Article 18 of Regulation (EEC) No 3759/92 is granted, under certain conditions, to Community tuna producers' organizations in respect of quantities of tuna delivered to the canning industry, during a calendar quarter for which prices are recorded, where the average quarterly price on the Community market and the free-at-frontier price plus any applicable countervailing charge are both lower than 93 % of the Community producer price for the product in question ;

Whereas examination of the situation on the Community market has shown that for all species of the product in question, during the period 1 July to 30 September 1993, both the average quarterly market price and the free-at-frontier price referred to in Article 18 of Regulation (EEC) No 3759/92 were lower than 93 % of the Community producer price in force as laid down in Commission Regulation (EEC) No 351/93 fixing, in respect of the 1993 fishing year, the Community producer price for tuna intended for the industrial manufacture of products falling within CN code 1604⁽³⁾ ;

Whereas the quantities eligible for the allowance, within the meaning of Article 18 (2) of Regulation (EEC) No 3759/92, may not under any circumstances exceed, for the quarter concerned, the limits laid down in paragraph 4 of that Article ;

Whereas, in the case of yellowfin tuna, weighing not more than 10 kilograms and skipjack tuna, none of these limits is exceeded and consequently there is no need to determine the maximum quantities in respect of which the allowance may be granted ;

Whereas the quantities sold and delivered during the quarter concerned to the canning industry established in the customs territory of the Community were in the case

of bigeye tuna, higher than those sold and delivered during the same quarter of the last three fishing years and, in the case of yellowfin tuna weighing more than 10 kilograms and albacore higher than 110 % of those sold and delivered during the same quarter of the 1984, 1985 and 1986 fishing years ; whereas these quantities exceed the limits laid down in the second indent of Article 18 (4) of Regulation (EEC) No 3759/92 for bigeye tuna and in the third indent for yellowfin tuna weighing more than 10 kilograms and albacore ; whereas the total quantities allocated to the producers' organization concerned should be determined in proportion to their respective production during the same quarter of the 1984, 1985 and 1986 fishing years ;

Whereas a decision to grant the compensating allowance for the period 1 July to 30 September 1993 should be adopted therefore for the products in question ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The compensating allowance referred to in Article 18 of Regulation (EEC) No 3759/92 shall be granted for the period 1 July to 30 September 1993 in respect of the products listed below :

Products	<i>(Ecu/tonne)</i>	
	Maximum amount of allowance within the meaning of the first and second indents of Article 18 (3) of Regulation (EEC) No 3759/92	
Yellowfin tuna, larger than 10 kg	86	
Yellowfin tuna, smaller than 10 kg	50	
Skipjack tuna	73	
Bigeye tuna	76	
Albacore tuna	165	

⁽¹⁾ OJ No L 388, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 172, 15. 7. 1993, p. 1.

⁽³⁾ OJ No L 41, 18. 2. 1993, p. 12.

Article 2

1. For each of the species the total quantities that may be eligible for the allowance are hereby limited as follows :

	<i>(tonnes)</i>
Yellowfin tuna, larger than 10 kg	17 442
Bigeye tuna	1 524
Albacore tuna	395

2. The allocation of the total quantities amongst the producers' organizations concerned is specified in the Annex hereto.

Article 3

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, 22 June 1994.

For the Commission
Yannis PALEOKRASSAS
Member of the Commission

ANNEX

Allocation among the producers' organizations of the quantities of tuna that may be eligible for the compensating allowance for the period 1 July to 30 September 1993, pursuant to Article 18 (5) of Regulation (EEC) No 3759/92, with quantities for each percentage tranche of allowance

Yellowfin tuna, > 10 kg

Producers' organization	Quantities eligible for allowance			Total quantities
	of 100 % (first indent of Article 18 (5))	of 95 % (second indent of Article 18 (5))	of 90 % (third indent of Article 18 (5))	
Organización de Productores Asociados de Grandes Congeladores (OPAGAC)	4 731	473	307	5 511
Organización de Productores de Tunidos Congelados (OPTUC)	4 766	0	0	4 766
Organisation de producteurs de thon congelé (Orthongel)	5 434	543	1 188	7 165
Total quantities	14 931	1 016	1 495	17 442

Albacore

Producers' organization	Quantities eligible for allowance			Total quantities
	of 100 % (first indent of Article 18 (5))	of 95 % (second indent of Article 18 (5))	of 90 % (third indent of Article 18 (5))	
Organización de Productores Asociados de Grandes Congeladores (OPAGAC)	69	7	22	98
Organización de Productores de Tunidos Congelados (OPTUC)	5	1	22	28
Organisation de producteurs de thon congelé (Orthongel)	25	0	0	25
Associação de Produtores de Atum e Similares dos Açores (APASA)	201	20	23	244
Total quantities	300	28	67	395

Bigeye tuna

Producers' organization	Quantities eligible for allowance			Total quantities
	of 100 % (first indent of Article 18 (5))	of 95 % (second indent of Article 18 (5))	of 90 % (third indent of Article 18 (5))	
Organización de Productores Asociados de Grandes Congeladores (OPAGAC)	866	0	0	866
Organización de Productores de Tunidos Congelados (OPTUC)	17	0	0	17
Organisation de producteurs de thon congelé (Orthongel)	50	0	0	50
Associação de Produtores de Atum e Similares dos Açores (APASA)	591	0	0	591
Total quantities	1 524	0	0	1 524

COMMISSION REGULATION (EC) No 1430/94

of 22 June 1994

amending Annexes I, II, III and IV of Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin⁽¹⁾, as last amended by Commission Regulation (EC) No 955/94⁽²⁾ and in particular Articles 6, 7 and 8 thereof,

Whereas, in accordance with Regulation (EEC) No 2377/90, maximum residue limits must be established progressively for all pharmacologically active substances which are used within the Community in veterinary medicinal products intended for administration to food-producing animals;

Whereas maximum residue limits should be established only after the examination within the Committee for Veterinary Medicinal Products of all the relevant information concerning the safety of residues of the substance concerned for the consumer of foodstuffs of animal origin and the impact of residues on the industrial processing of foodstuffs;

Whereas, in establishing maximum residue limits for residues of veterinary medicinal products in foodstuffs of animals origin, it is necessary to specify the animal species in which residues may be present, the levels which may be present in each of the relevant meat tissues obtained from the treated animal (target tissue) and the nature of the residue which is relevant for the monitoring of residues (marker residue);

Whereas, for the control of residues, as provided for in appropriate Community legislation, maximum residue limits should usually be established for the target tissues of liver or kidney; whereas, however, the liver and kidney are frequently removed from carcasses moving in international trade, and maximum residue limits should therefore also always be established for muscle or fat tissues;

Whereas, in the case of veterinary medicinal products intended for use in laying birds, lactating animals or honey bees, maximum residue limits must also be established for eggs, milk or honey;

Whereas doramectin should be inserted into Annex I to Regulation (EEC) No 2377/90;

Whereas acetyl cysteine should be inserted into Annex II to Regulation (EEC) No 2377/90;

Whereas, in order to allow for the completion of scientific studies, the duration of the validity of the provisional maximum residue limits previously defined in Annex III of Regulation (EEC) No 2377/90 should be extended for amitraz;

Whereas, chloramphenicol should be inserted in Annex IV of Regulation (EEC) No 2377/90;

Whereas a period of 60 days should be allowed before the entry into force of this Regulation in order to allow Member States to make any adjustment which may be necessary to the authorizations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Council Directive 81/851/EEC⁽³⁾, as last amended by Directive 93/40/EEC⁽⁴⁾ to take account of the provisions of this Regulation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee for the Adaptation to Technical Progress of the Directives on the Removal of Technical Barriers to Trade in the Veterinary Medicinal Products Sector,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, II, III, and IV of Regulation (EEC) No 2377/90 are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on the 60th day following its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 1.

⁽²⁾ OJ No L 108, 29. 4. 1994, p. 8.

⁽³⁾ OJ No L 317, 6. 11. 1981, p. 1.

⁽⁴⁾ OJ No L 214, 24. 8. 1993, p. 31.

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

Done at Brussels, 22 June 1994.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

A. In Annex I, point '2.1 Agents acting against endoparasites' the following modification is made:

2.1.1. Avermectins

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'2.1.1.3 Doramectin	Doramectin	Bovine	15 µ/kg 25 µ/kg	Liver, Fat	

B. In Annex II, point '2. Organic compounds' the following headings are added:

Pharmacologically active substance(s)	Animal species	Other provisions
'2.8 Acetyl cysteine	All food producing species'	

C. Annex III point '2.2 Agents acting against ectoparasites' is modified as follows:

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'2.2.1. Amitraz	Sum of amitraz and metabolites which are measured as 2,4-dimethylaniline	Porcine	50 µ/kg 200 µ/kg	Muscle Kidney, Liver	Provisional MRLs, expire on 1 July 1996'

D. In Annex IV, the following substance is added:

'4. Chloramphenicol'.

COMMISSION REGULATION (EC) No 1431/94

of 22 June 1994

laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 774/94 of 29 March 1994 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues⁽¹⁾, and in particular Article 7 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽²⁾, as last amended by Commission Regulation (EEC) No 1574/93⁽³⁾, and in particular Article 15 thereof,

Whereas Council Regulation (EC) No 774/94 opened, from 1 January 1994, new annual tariff quotas for certain poultry products; whereas the said quotas are to apply for an unspecified period;

Whereas the administration of the arrangements should be based on import licences; whereas, to that end, the detailed rules for submission of the applications and the information which must appear on the applications and licences, by way of derogation from Article 8 of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁴⁾, as last amended by Regulation (EC) No 3519/93⁽⁵⁾, should be laid down; whereas, in addition, provision should be made for the licences to be issued after a period of consideration, applying, where necessary, a single percentage of acceptance; whereas it is in the interest of importers and exporters to allow the licence application to be withdrawn after the coefficient of acceptance has been fixed;

Whereas Regulation (EC) No 774/94 provides for the levy to be fixed at 0 % for imports of certain poultry products, up to a certain quantity; whereas, in order to ensure the

regularity of imports, the quantity in question should be staggered over one year;

Whereas, to ensure that such quantities are used in accordance with traditional import flows to the Community market, they should be distributed according to the origin of the imports on the basis of imports during the last three years;

Whereas, in order to ensure proper administration of the system, the security for import licences under the said system should be fixed at ECU 50 per 100 kilograms; whereas, in view of the risk of speculation inherent in the system in the poultrymeat sector, precise conditions governing access by traders to the said system should be laid down;

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

HAS ADOPTED THIS REGULATION:

Article 1

All imports into the Community under the tariff quotas opened in Articles 3 and 4 of Regulation (EC) No 774/94 of products in the groups referred to in Annex I to this Regulation shall be subject to the presentation of an import licence.

The quantities of products to which these arrangements apply and the rate of reduction in the levy shall be those listed for each group in Annex I.

Article 2

The quantity fixed for each group shall be staggered over the year as follows:

For 1994:

- 50 % in the period 1 January to 30 September,
- 50 % in the period 1 October to 31 December.

For following years:

- 25 % in the period 1 January to 31 March,
- 25 % in the period 1 April to 30 June,

⁽¹⁾ OJ No L 91, 8. 4. 1994, p. 1.

⁽²⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽³⁾ OJ No L 152, 24. 6. 1993, p. 1.

⁽⁴⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 320, 22. 12. 1993, p. 16.

- 25 % in the period 1 July to 30 September,
- 25 % in the period 1 October to 31 December.

Article 3

The import licences referred to in Article 1 shall be subject to the following provisions :

- (a) Applicants for import licences must be natural or legal persons who, at the time applications are submitted, can prove to the satisfaction of the competent authorities in the Member States that they have imported or exported not less than 25 tonnes (product weight) of products falling within the scope of Regulation (EEC) No 2777/75 in 1992 and 1993. However, retail establishments or restaurants selling their products to final consumers are excluded from the benefits of this regime.
- (b) Licence applications must not involve more than one of the groups referred to in Annex I to this Regulation. They may involve several products covered by different CN codes ; in such cases, all the CN codes shall be indicated in section 16 and their descriptions in section 15 ;

Licence applications must relate to at least one tonne and to a maximum of 10 % of the quantity available for the group concerned and the periods specified in Article 2.

- (c) Section 8 of licence applications and licences shall show the country of origin ; licences shall carry with them an obligation to import from the country indicated.
- (d) Section 20 of licence applications and licences shall show one of the following :

Reglamento (CE) n° 1431/94,
Forordning (EF) nr. 1431/94,
Verordnung (EG) Nr. 1431/94,
Κανονισμός (ΕΚ) αριθ. 1431/94,
Regulation (EC) No 1431/94,
Règlement (CE) n° 1431/94,
Regolamento (CE) n. 1431/94,
Verordening (EG) nr. 1431/94,
Regulamento (CE) n° 1431/94.

- (e) Section 24 of licences shall show one of the following :

Levy fixed at 0 % pursuant to :

Reglamento (CE) n° 1431/94,
Forordning (EF) nr. 1431/94,
Verordnung (EG) Nr. 1431/94,
Κανονισμός (ΕΚ) αριθ. 1431/94,
Regulation (EC) No 1431/94,
Règlement (CE) n° 1431/94,
Regolamento (CE) n. 1431/94,
Verordening (EG) nr. 1431/94,
Regulamento (CE) n° 1431/94.

Article 4

1. Licence applications may be lodged only during the first 10 days of each period as specified in Article 2.

However, for the period 1 January to 30 September 1994 licence applications may be lodged only during the first 10 days of July 1994.

2. Licence applications shall only be admissible where the applicant declares in writing that he has not submitted and undertakes not to submit any applications, in respect of the current period, concerning products in the same group in the Member State in which his application is lodged or in another Member State ; where an applicant submits more than one application relating to products in the same group, all applications from that person shall be inadmissible.

However, in the case of groups 3 and 5, each applicant may lodge more than one application for import licences for products in one group, where such products originate in more than one country. Separate applications for each country of origin must be submitted simultaneously to the competent authority of a Member State. They shall be considered, as regards the maximum referred to in Article 3 (b) as well as application of the rule in the previous subparagraph, as a single application.

3. Member States shall notify the Commission, on the fifth working day following the end of the application submission period, of applications lodged for each of the products in the group in question. Such notification shall include a list of applicants and a statement of the quantities applied for in the group.

All notifications, including notification that there have been no applications, shall be made by telex or fax on the working day stipulated, drawn up on the model shown in Annex II in cases where no application is made, and on the models shown in Annexes II and III in cases where applications have been made.

4. The Commission shall decide as quickly as possible to what extent quantities may be awarded in respect of applications as referred to in Article 3.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage of acceptance for the quantities applied for. Where this percentage is less than 5 %, it is possible that the Commission will not award the quantities applied for and release the securities.

Exporters may withdraw their licence applications within 10 working days following publication of the single percentage of acceptance in the *Official Journal of the European Communities* if application of that percentage results in the fixing of a quantity less than 20 tonnes. The Member States shall inform the Commission thereof within five days following the withdrawal of the licence application and shall release the security.

The Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following period in the same year, and may transfer unused quantities between groups of the same product.

5. Licences shall be issued as quickly as possible after the Commission has taken its decision.

6. Licences issued shall be valid throughout the Community.

Article 5

For the purposes of Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 150 days from the date of actual issue.

However, licences shall not be valid beyond 31 December of the year of issue.

Import licences issued pursuant to this Regulation shall not be transferable.

Article 6

A security of ECU 50 per 100 kilograms shall be lodged for import licence applications for all products referred to in Article 1.

Article 7

Without prejudice to the provisions of this Regulation, Regulation (EEC) No 3719/88 shall apply.

However, Article 8 (4) of that Regulation notwithstanding, the quantity imported under this Regulation may not exceed that shown in sections 17 and 18 of the import licence. The figure 0 shall accordingly be entered in section 19 of the licence.

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, 22 June 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

0 % LEVY

Chicken

(tonnes)

Country	Group number	CN code	Annual quantities
Brazil	1	0207 41 10	7 100
		0207 41 41	
		0207 41 71	
Thailand	2	0207 41 10	5 100
		0207 41 41	
		0207 41 71	
Other	3	0207 41 10	3 300
		0207 41 41	
		0207 41 71	

Turkey

(tonnes)

Country	Group number	CN code	Annual quantities
Brazil	4	0207 42 10	1 800
		0207 42 11	
		0207 42 71	
Other	5	0207 42 10	700
		0207 42 11	
		0207 42 71	

ANNEX II

Application of Regulation (EC) No 1431/94

COMMISSION OF THE EUROPEAN COMMUNITIES

GD VI/D/3 — Poultry sector

Application for licences to import at 0 % levy	Date	Period
Member State : Dispatcher : Person to contact : Telephone : Fax :		

Group number	Quantity applied for

ANNEX III

Application of Regulation (EC) No 1431/94

COMMISSION OF THE EUROPEAN COMMUNITIES

GD VI/D/3 — Poultry sector

Application for licences to import at 0 % levy	Date	Period
Member State :		

Group number	CN code	Applicant (name and address)	Quantity <i>(tonnes)</i>
Total in tonnes for each group number			

COMMISSION REGULATION (EC) No 1432/94

of 22 June 1994

laying down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 774/94 of 29 March 1994 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues⁽¹⁾, and in particular Article 7 thereof,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽²⁾, as last amended by Regulation (EEC) No 1249/89⁽³⁾, and in particular Article 22 thereof,

Whereas Council Regulation (EC) No 774/94 opened, from 1 January 1994, new annual tariff quotas for certain pigmeat products; whereas the said quotas are to apply for an unspecified period;

Whereas, the administration of the arrangements should be based on import licences; whereas, to that end, the detailed rules for submission of the applications and the information which must appear on the applications and licences, by way of derogation from Article 8 of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁴⁾, as last amended by Regulation (EC) No 3519/93⁽⁵⁾, should be laid down; whereas, in addition, provision should be made for the licences to be issued after a period of consideration, applying, where necessary, a single percentage of acceptance; whereas, it is appropriate, in the interest of the operators, to provide for the possibility to withdraw the application for certificates after the fixing of a coefficient of acceptance;

Whereas Regulation (EC) No 774/94 provides for the levy to be fixed at 0 % for imports of certain pigmeat

products, up to a certain quantity; whereas, in order to ensure the regularity of imports, the quantity in question should be staggered over one year;

Whereas, in order to ensure proper administration of the system, the security for import licences under the said system should be fixed at ECU 30 per 100 kilograms; whereas, in view of the risk of speculation inherent in the system in the pigmeat sector, precise conditions governing access by traders to the said system should be laid down;

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

All imports into the Community under the tariff quotas opened in Article 2 of Regulation (EC) No 774/94 of products as referred to in Annex I to this Regulation shall be subject to the presentation of an import licence.

Article 2

The quantity fixed in Annex I shall be staggered over the year as follows:

- 25 % in the period 1 January to 31 March,
- 25 % in the period 1 April to 30 June,
- 25 % in the period 1 July to 30 September,
- 25 % in the period 1 October to 31 December.

However, for the period from 1 January to 30 September 1994, the quantity fixed in Annex I shall amount to 5 250 tonnes.

Article 3

The import licences referred to in Article 1 shall be subject to the following provisions:

- (a) Applicants for import licences must be natural or legal persons who, at the time applications are submitted, can prove to the satisfaction of the competent authorities in the Member States that they have been active

⁽¹⁾ OJ No L 91, 8. 4. 1994, p. 1.

⁽²⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽⁴⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 320, 22. 12. 1993, p. 16.

in trade with third countries in products in the pigmeat sector for at least the preceding 12 months. However, retail establishments or restaurants selling their products to final consumers are excluded from the benefits of this regime.

- (b) Licence applications may relate to products covered by the two different CN codes and originating in only one country. In such cases, all the CN codes must be indicated in section 16 and their descriptions in section 15; a licence application must relate at least to 20 tonnes and at most to 10 % of the quantity available for the period specified in Article 2.
- (c) Section 8 of licence applications and licences shall show the country of origin. Licences shall carry with them an obligation to import from the country indicated.
- (d) Section 20 of licences applications and licences shall show one of the following:

Reglamento (CE) n° 1432/94,
 Forordning (EF) nr. 1432/94,
 Verordnung (EG) Nr. 1432/94,
 Κανονισμός (ΕΚ) αριθ. 1432/94,
 Regulation (EC) No 1432/94,
 Règlement (CE) n° 1432/94,
 Regolamento (CE) n. 1432/94,
 Verordening (EG) nr. 1432/94,
 Regulamento (CE) n° 1432/94.

- (e) Section 24 of licences shall show one of the following:

Levy fixed at 0 % pursuant to:

Reglamento (CE) n° 1432/94,
 Forordning (EF) nr. 1432/94,
 Verordnung (EG) Nr. 1432/94,
 Κανονισμός (ΕΚ) αριθ. 1432/94,
 Regulation (EC) No 1432/94,
 Règlement (CE) n° 1432/94,
 Regolamento (CE) n. 1432/94,
 Verordening (EG) nr. 1432/94,
 Regulamento (CE) n° 1432/94.

Article 4

1. Licence applications shall be lodged during the first 10 days only of each period as specified in Article 2.

However, for the period 1 January to 30 September 1994 licence applications may be lodged during the first 10 days of July 1994.

2. Licence applications shall only be admissible where the applicant declares in writing that he has not

submitted and undertakes not to submit any applications, in respect of the current period, concerning products fixed in Annex I in the Member State in which his applications is lodged or in another Member State; where an applicant submits more than one application relating to products fixed in Annex I, all applications from that person shall be inadmissible; however, each applicant may lodge several applications for import licences for products fixed in Annex I, if these products originate in different countries. The applications, one each for a single country of origin, should be submitted together to the competent authority of a Member State. They shall be considered, as regards the maximum referred to in Article 3 (b) as well as application of the rule of the present Article, as a single application.

3. Member States shall notify the Commission, on the third working day following the end of the application submission period, of applications lodged for each of the products fixed in Annex I. Such notification shall include a list of applicants and a statement of the quantities applied for in the Annex I.

All notifications, including notifications that there have been no applications, shall be made by telex or fax on the working day stipulated, drawn up on the model shown in Annex II in cases where no application is made, and on the models shown in Annexes II and III in cases where applications have been made.

4. The Commission shall decide as quickly as possible to what extent quantities may be awarded in respect of applications as referred to in Article 3.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage of acceptance in quantities applied for. In the case where the percentage is less than 5 %, the Commission can refuse all applications and the corresponding security shall be released immediately.

The exporter may withdraw his request for certificates within 10 working days after the publication of the single percentage of acceptance in the *Official Journal of the European Communities*, if the application of this rate leads to the fixation of a quantity smaller than 20 tonnes. The corresponding security shall be released immediately.

The Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following period for the same year.

5. Licences shall be issued as quickly as possible after the Commission has taken its decision.

6. Licences issued shall be valid throughout the Community.

Article 5

For the purposes of Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 150 days from the date of actual issue.

However, licences shall not be valid beyond 31 December of the year of issue.

Import licences issued pursuant to this Regulation shall not be transferable.

Article 6

A security of ECU 30 per 100 kilograms shall be lodged for import licence applications for all products referred to in Article 1.

Article 7

Without prejudice to the provisions of this Regulation, Regulation (EEC) No 3719/88 shall apply.

However, Article 8(4) of that Regulation notwithstanding, the quantity imported under this Regulation may not exceed that shown in sections 17 and 18 of the import licence. The figure 0 shall accordingly be entered in section 19 of the licence.

Article 8

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, 22 June 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

0 % LEVY

<i>(tonnes)</i>	
CN code	From 1 January to 31 December
0203 19 13 0203 29 15	7 000

ANNEX II

Application of Regulation (EC) No 1432/94

COMMISSION OF THE EUROPEAN COMMUNITIES		DG VI/D/3 — Pigmeat sector
Application for licences to import at 0 % levy	Date	Period
Member State : Dispatcher : Person to contact : Telephone : Fax :		
	Quantity applied for	

ANNEX III

Application of Regulation (EC) No 1432/94

COMMISSION OF THE EUROPEAN COMMUNITIES		DG VI/D/3 — Pigmeat sector
Application for licences to import at 0 % levy	Date	Period
Member State :		
	<i>(tonnes)</i>	
CN code	Applicant (name and address)	Quantity
Total in tonnes for product		

COMMISSION REGULATION (EC) No 1433/94

of 22 June 1994

amending Regulation (EC) No 1188/94 opening a standing invitation to tender for the sale of Parmigiano reggiano cheese held by the Italian intervention agency

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 ⁽¹⁾, as last amended by Regulation (EC) No 230/94 ⁽²⁾, and in particular Article 8 (5) thereof,

Whereas Article 1 of Commission Regulation (EC) No 1188/94 ⁽³⁾, provides for the sale by invitation to tender of Parmigiano reggiano cheese delivered into storage before 1 May 1993; whereas, given the development of stocks of this cheese and the quantities available, this sale should be extended to cheese delivered into storage before 1 June 1993; whereas, given the urgent nature of the said sale as a result of the age of the cheese in question, this amendment should be applied without delay;

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

'1 May 1993' in Article 1 of Regulation (EC) No 1188/94 is hereby replaced by '1 June 1993'.

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, 22 June 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 1.

⁽³⁾ OJ No L 132, 27. 5. 1994, p. 6.

COMMISSION REGULATION (EC) No 1434/94

of 22 June 1994

amending Regulation (EC) No 996/94 increasing to 500 000 tonnes the quantity of barley held by the Spanish intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Community,

Article 1

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

Article 2 of Regulation (EC) No 996/94 is replaced by the following :

Article 2

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 ;

1. The invitation to tender shall cover a maximum of 500 000 tonnes of barley to be exported to all third countries. Customs export formalities must be completed during the period 1 July to 30 September 1994.

Whereas Commission Regulation (EC) No 996/94⁽⁵⁾, opened a standing invitation to tender for the export of 300 000 tonnes of barley held by the Spanish intervention agency ; whereas, in a communication of 16 June 1994, Spain informed the Commission of the intention of its intervention agency to increase by 200 000 tonnes the quantity for which a standing invitation to tender for export has been opened ; whereas the total quantity of barley held by the Spanish intervention agency for which a standing invitation to tender for export has been opened should be increased to 500 000 tonnes ;

2. The regions in which the 500 000 tonnes of barley are stored are stated in Annex I to this Regulation.'

Article 2

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store ; whereas Annex I to Regulation (EC) No 996/94 must therefore be amended ;

Annex I to Regulation (EC) No 996/94 is replaced by the Annex hereto.

Article 3

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

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, 22 June 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 111, 30. 4. 1994, p. 60.

*ANNEX**ANNEX I*

(tonnes)

Place of storage	Quantity
Aragón	100 000
Castilla-La Mancha	40 000
Castilla y León	308 000
Cataluña	10 000
La Rioja	6 500
Navarra	30 000
País Vasco	5 500

COMMISSION REGULATION (EC) No 1435/94

of 22 June 1994

altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty

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 19 (1) and (2) thereof,

Whereas the rates of the refunds applicable from 1 June 1994 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Commission Regulation (EC) No 1248/94 ⁽³⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EC) No 1248/94 to the informa-

tion at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 1248/94 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 June 1994.

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

Done at Brussels, 22 June 1994.

For the Commission

Martin BANGEMANN

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 137, 1. 6. 1994, p. 28.

ANNEX

to the Commission Regulation of 22 June 1994 altering the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

	— Rate of refund in ECU/100 kg —
White sugar :	35,01
Raw sugar :	32,20
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose) :	$35,01 (*) \times \frac{S^{(1)}}{100}$ or
	the rate fixed above for 100 kg of white or raw sugar used for the dissolution
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion :	
Molasses :	—
Isoglucose ⁽²⁾ :	35,01 ⁽²⁾

(1) 'S' represents in 100 kilograms of syrup

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

(2) Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

(3) Amount of refund per 100 kilograms of dry matter.

(4) The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

COMMISSION REGULATION (EC) No 1436/94

of 22 June 1994

fixing the maximum export refund for white sugar for the fourth partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1021/94

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 the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EC) No 1021/94 of 29 April 1994 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1021/94, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the fourth partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 990/93⁽⁴⁾ prohibits trade between the European Community and the

Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the fourth partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1021/94 the maximum amount of the export refund is fixed at ECU 37,516 per 100 kilograms.
2. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

Article 2

This Regulation shall enter into force on 23 June 1994.

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

Done at Brussels, 22 June 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 112, 3. 5. 1994, p. 13.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

COMMISSION REGULATION (EC) No 1437/94**of 22 June 1994****altering the export refunds on syrups and certain other sugar sector products
exported in the natural state**

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 19 (4) thereof,Whereas the refunds on syrups and certain other sugar products were fixed by Regulation (EC) No 1237/94 ⁽³⁾;

Whereas it follows from applying the rules, criteria and other provisions contained in amended Regulation (EC)

No 1237/94 to the information at present available to the Commission that the export refunds at present in force should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The refunds to be granted on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, as fixed in the Annex to Regulation (EC) No 1237/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 June 1994.

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

Done at Brussels, 22 June 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 137, 1. 6. 1994, p. 5.

ANNEX

to the Commission Regulation of 22 June 1994 altering the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg dry matter —
1702 40 10 100	35,01 ^(?) ^(?)
1702 60 10 000	35,01 ^(?) ^(?)
	— ECU/1 % sucrose × 100 kg —
1702 60 90 000	0,3501 ⁽¹⁾ ^(?)
	— ECU/100 kg dry matter —
1702 90 30 000	35,01 ^(?) ^(?)
	— ECU/1 % sucrose × 100 kg —
1702 90 60 000	0,3501 ⁽¹⁾ ^(?)
1702 90 71 000	0,3501 ⁽¹⁾ ^(?)
1702 90 90 900	0,3501 ⁽¹⁾ ^(?) ^(*)
	— ECU/100 kg dry matter —
2106 90 30 000	35,01 ^(?) ^(?)
	— ECU/1 % sucrose × 100 kg —
2106 90 59 000	0,3501 ⁽¹⁾ ^(?)

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

^(?) Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

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

^(*) The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92.

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as last amended by Regulation (EC) No 607/94 (OJ No L 77, 19. 3. 1994, p. 5).

COMMISSION REGULATION (EC) No 1438/94

of 22 June 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 21 June 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 23 June 1994.

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

Done at Brussels, 22 June 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 22 June 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	100,02 ⁽²⁾ ⁽³⁾
0712 90 19	100,02 ⁽²⁾ ⁽³⁾
1001 10 00	48,07 ⁽¹⁾ ⁽³⁾
1001 90 91	96,37
1001 90 99	96,37 ⁽²⁾
1002 00 00	123,94 ⁽²⁾
1003 00 10	125,96
1003 00 90	125,96 ⁽²⁾
1004 00 00	104,34
1005 10 90	100,02 ⁽²⁾ ⁽³⁾
1005 90 00	100,02 ⁽²⁾ ⁽³⁾
1007 00 90	106,75 ⁽⁴⁾
1008 10 00	38,35 ⁽²⁾
1008 20 00	55,09 ⁽⁴⁾ ⁽⁹⁾
1008 30 00	0 ⁽⁷⁾
1008 90 10	(7)
1008 90 90	0
1101 00 00	172,47 ⁽²⁾
1102 10 00	212,55
1103 11 10	107,96
1103 11 90	196,42
1107 10 11	182,42
1107 10 19	139,05
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 1439/94

of 22 June 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 21 June 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 23 June 1994.

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

Done at Brussels, 22 June 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 22 June 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	1st period	2nd period	3rd period
	6	7	8	9
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	1,02	1,17	0
1001 90 99	0	1,02	1,17	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	2,49	1,18	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	1st period	2nd period	3rd period	4th period
	6	7	8	9	10
1107 10 11	0	1,82	2,08	0	0
1107 10 19	0	1,36	1,56	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 1440/94
of 22 June 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 1424/94 ⁽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 21 June 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 23 June 1994.

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

Done at Brussels, 22 June 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 155, 22. 6. 1994, p. 20.

ANNEX

to the Commission Regulation of 22 June 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	32,91 ⁽¹⁾
1701 11 90	32,91 ⁽¹⁾
1701 12 10	32,91 ⁽¹⁾
1701 12 90	32,91 ⁽¹⁾
1701 91 00	38,30
1701 99 10	38,30
1701 99 90	38,30 ⁽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 1441/94

of 22 June 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 1236/94 ⁽⁵⁾, as last amended by Regulation (EC) No 1425/94 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1236/94 to the information 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 21 June 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 amended Regulation (EC) No 1236/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 June 1994.

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

Done at Brussels, 22 June 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 137, 1. 6. 1994, p. 3.

⁽⁶⁾ OJ No L 155, 22. 6. 1994, p. 22.

ANNEX

to the Commission Regulation of 22 June 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	0,3830	—
1702 20 90	0,3830	—
1702 30 10	—	47,67
1702 40 10	—	47,67
1702 60 10	—	47,67
1702 60 90	0,3830	—
1702 90 30	—	47,67
1702 90 60	0,3830	—
1702 90 71	0,3830	—
1702 90 90	0,3830	—
2106 90 30	—	47,67
2106 90 59	0,3830	—

⁽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 21 April 1994

**giving discharge to the Commission in respect of the management of the ECSC
for the financial year 1992**

(94/350/ECSC)

THE EUROPEAN PARLIAMENT,

- having regard to the following amounts contained in the accounts of the ECSC as at 31 December 1992⁽¹⁾, the report of the Court of Auditors of 30 June 1993, confirming that the accounts present a true picture of the financial situation of the European Coal and Steel Community at 31 December 1992, and the results of ECSC operations in the financial year ending on the same date,
1. Grants the Commission discharge in respect of the management of the ECSC for the 1992 financial year (attaching, by way of information, the figures relating to the implementation of the operating budget for the 1992 financial year);
 2. Instructs its President to forward this decision and the resolution containing its comments to the Commission, the Council, the Court of Auditors and the ECSC Consultative Committee and to have them published in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 21 April 1994.

The Secretary-General

Enrico VINCI

The President

Dr Egon KLEPSCH

⁽¹⁾ The relevant tables are included after this Decision (source : OJ No C 220, 14. 8. 1993, p. 3).

Balance sheets at 31 December 1992 and 31 December 1991

(amounts in ecus)

— Before allocation of profit —

ASSETS

	31 December 1992	31 December 1991
Balance with central banks	530 675	1 081 028
Loans and advances to credit institutions :		
— repayable on demand	56 203 772	34 036 866
— with agreed maturity dates or periods of notice	651 975 632	803 286 645
— loans	3 433 388 311	3 239 875 489
<i>Total</i>	4 141 567 715	4 077 199 000
Loans and advances to customers :		
— loans	4 267 090 339	4 276 210 661
— levy	14 719 767	13 845 058
— fines	1 615 162	1 754 070
<i>Total</i>	4 283 425 268	4 291 809 789
Bonds and other fixed-income securities :		
— issued by public bodies	1 220 874 572	1 069 105 622
— issued by other borrowers (including own-debt securities : 67 638 521 in 1992 and 88 954 023 in 1991)	267 724 137	244 402 965
<i>Total</i>	1 488 598 709	1 313 508 587
Tangible and intangible assets	6 523 098	6 021 801
Other assets	7 696 871	10 722 601
Prepayments and accrued income	342 872 269	335 432 183
TOTAL ASSETS	10 271 214 605	10 035 774 989

— Before allocation of profit —

LIABILITIES

	31 December 1992	31 December 1991
LIABILITIES <i>VIS-À-VIS</i> THIRD PARTIES		
Amounts owed to credit institutions :		
— repayable on demand	5 840 231	0
— with agreed maturity dates or periods of notice	—	85 978 663
— borrowings	2 985 338 811	2 936 886 431
<i>Total</i>	2 991 179 042	3 022 865 094
Debts evidenced by certificates	4 341 279 392	4 202 296 133
Other liabilities	365 986 897	107 922 528
Accruals and deferred income	284 938 605	284 484 893
Provisions for liabilities and charges	5 805 666	7 084 687
Commitments for the ECSC Operating Budget	1 283 153 200	1 288 934 244
TOTAL LIABILITIES <i>VIS-À-VIS</i> THIRD PARTIES	9 272 342 802	8 913 587 579
NET ASSETS		
Provisions for financing the ECSC Operating Budget	307 348 557	385 058 170
RESERVES :		
— Guarantee fund	429 885 000	482 885 000
— Special reserve	188 980 000	188 980 000
— Former pension fund	57 469 977	56 150 435
<i>Total</i>	676 334 977	728 015 435
Value adjustment reserve	13 294 511	7 773 845
Surplus brought forward	20 418	166 085
Surplus for the financial year	1 873 340	1 173 875
NET TOTAL	998 871 803	1 122 187 410
TOTAL LIABILITIES	10 271 214 605	10 035 774 989

**Profit-and-loss accounts for the years ending 31 December 1992
and 31 December 1991**

(amounts in ecus)

CHARGES

	31 December 1992	31 December 1991
Interest payable and similar charges		
— interest	942 239 470	853 945 655
— issuing costs and redemption premiums	11 540 426	16 185 304
<i>Total</i>	<u>953 779 896</u>	<u>870 130 959</u>
Commissions payable	2 243 917	2 419 396
Net losses on financial operations :		
— foreign-exchange losses	217 196	0
— losses on securities	3 514 185	3 163 224
— value adjustments in respect of securities	0	0
<i>Total</i>	<u>3 731 381</u>	<u>3 163 224</u>
Administrative expenses	5 000 000	5 000 000
Value adjustments in respect of tangible assets	782 977	895 511
Other operating charges	572 287	751 705
Value adjustments in respect of loans and advances and provisions for contingent liabilities and for commitments :		
— value adjustment in respect of loans and advances	92 673 296	1 000 069
— allocation to the provision for liabilities and charges	355 166	1 946 642
<i>Total</i>	<u>93 028 462</u>	<u>2 946 711</u>
TOTAL OPERATIONS CHARGES	1 059 138 920	885 307 506
Extraordinary charges	277 845	444 491
Allocation to the reserve for exchange differences	5 520 666	633 848
Legal commitments for the financial year	477 217 432	454 375 588
Allocation to the provision for financing the ECSC operating budget	<u>235 733 395</u>	<u>313 304 101</u>
TOTAL CHARGES	1 777 888 258	1 654 065 534
Surplus for the financial year	<u>1 873 340</u>	<u>1 173 875</u>
TOTAL	1 779 761 598	1 655 239 409

REVENUE

	31 December 1992	31 December 1991
Interest receivable and similar income :		
— interest (including interest on fixed-income securities : 124 484 602 in 1992 and 125 091 970 in 1991)	1 162 894 880	1 081 577 404
— issuing and redemption premiums	8 824 756	12 670 676
<i>Total</i>	1 171 719 636	1 094 248 080
Net profit on financial operations :		
— foreign-exchange profits	10	23 286
— profits on securities	8 986 656	8 931 669
— value adjustments in respect of securities	318 420	20 110 244
<i>Total</i>	9 305 086	29 065 199
Value adjustments in respect of loans and advances and provisions :		
— withdrawal of value adjustments in respect of loans and advances	1 534 081	10 676 489
— transfer from the provision for liabilities and charges	1 789 949	324 254
<i>Total</i>	3 324 030	11 000 743
Other operating income	1 197 236	720 849
TOTAL OPERATING INCOME	1 185 545 988	1 135 034 871
Conversion difference	5 520 666	- 633 848
Income relating to the operating budget	222 251 936	207 401 206
Transfer from the provision for financing the ECSC operating budget	313 304 101	311 851 569
Transfer from the provision for fines to be collected	138 907	317 915
Transfer from the Guarantee Fund	53 000 000	—
TOTAL INCOME	1 779 761 598	1 655 239 409

Implementation of the ECSC Operating Budget

(in ecus)

	31 December	
	1992	1991
IMPLEMENTATION OF THE BUDGET		
Expenditure :		
— Administrative expenditure	5 000 000	5 000 000
— Legal commitments	477 217 432	454 375 588
— Miscellaneous	243 505	73 086
<i>Total</i>	482 460 937	459 448 674
Revenue :		
— Levy	146 473 186	175 054 804
— Fines	—	—
— Deposits	8	18 348
— Cancellations of legal commitments	75 768 132	32 311 852
— Miscellaneous	11 937	16 202
— Surplus from the last budget	59 804 101	91 351 569
— Net balance from the last financial year	253 500 000	220 500 000
<i>Total</i>	535 557 364	519 252 775
BUDGET OUT-TURN	53 096 427	59 804 101

(in ecus)

	31 December	
	1992	1991
Result on non-budgetary operations	131 510 308	254 673 875
Budget out-turn	53 096 427	59 804 101
Withdrawal from the Guarantee Fund	53 000 000	—
<i>Total</i>	237 606 735	314 477 976
Allocation to the provisions for financing the operations budget for the following financial year :		
— Surplus from the implementation of the budget	53 096 427	59 804 101
— Contingency reserve	131 636 968	—
— Net balance	—	253 500 000
— Extraordinary revenue (1993 budget)	51 000 000	—
SURPLUS BEFORE ALLOCATION	1 873 340	1 173 875

RESOLUTION

on the report of the Court of Auditors on the accounts of the European Coal and Steel Community at 31 December 1992 and on the report (annexed to the annual ECSC report for the 1992 financial year) of the Court of Auditors on the management of the accounts and the financial management of the ECSC

THE EUROPEAN PARLIAMENT,

- having regard to the ECSC financial report for the 1992 financial year, submitted by the Commission, and in particular the balance sheet and profit and loss accounts of the ECSC at 31 December 1992,
 - having regard to the report of the Court of Auditors on the accounts of the ECSC at 31 December 1992 and the annex containing the report on the management of the accounts and the financial management of the European Coal and Steel Community (C3-0153/94),
 - having regard to the report of the Committee on Budgetary Control (A3-0178/94),
- A. whereas the Court of Auditors has found that the financial statements of the ECSC at 31 December 1992 give a true and fair view of the results of its operations for the year then ended,

General matters

1. Welcomes the new positive attitude on the part of the Commission to the provision of information for the rapporteur responsible for the ECSC discharge report;

Security of lendings

2. Notes with concern the 'value adjustments' in the ECSC 1992 accounts, totalling approximately ECU 90 million, relating to bad debts in the steel sector;
3. Observes that the financial ratios of the ECSC relating to its reserves neared the lower end of the recommended range at the end of 1992 as a result of value adjustments for bad debts; considers however that, on the basis of its accounts, the ECSC remains, for the time being, financially sound;
4. Calls on the Commission to take immediate action to reinstate its financial ratios at least to their current level in case it is required to absorb any further bad debts;

5. Calls on the Commission to study the possibility of reinstating a non-specific provision for bad debts in its balance sheet, along the lines suggested by the Court of Auditors, and to inform Parliament of its considerations by 30 June 1994;
6. Considers that problems of non-repayment of loans are probably inevitable in a period of crisis such as the present; believes that the Commission has so far managed ECSC risk in a generally satisfactory manner;
7. Stresses that where political considerations influence decisions on recovery of debts, the matter should be one of open political debate in the final decision taken by a democratically mandated body;

Research policy

8. Notes extensive and direct contradiction between the positions of the Court of Auditors and the Commission on the subject of ECSC research policy; invites both institutions to examine the position of the other in an open-minded fashion;
9. Finds that the Commission's diffusion of technical information resulting from ECSC research projects is satisfactory;
10. Calls on the Commission to report to it by 30 September 1994 on the effectiveness of ECSC policy in achieving the objectives set for it in the ECSC Treaty and providing an assessment of its successes and failures in layman's terms;
11. Expresses its concern at the Court of Auditors' finding that there has been an excessive and unnecessary proliferation of small but similar research projects funded by the ECSC; reminds the Commission of its duty to ensure maximum value for money for the European taxpayer and its consequent obligation to streamline and rationalize research programmes as much as possible;
12. Notes with concern the Court of Auditors' opinion that the distribution of research subsidies corresponds more to a need to ensure 'fair shares for all' rather than objective research needs, a view corroborated by

a close correlation between relative shares between levy contributions and research funding between Member States; asks the Commission to confirm categorically that project selection is completely free of such considerations;

13. Calls upon the Commission to report to its relevant committees on the future of ECSC research in view of the forthcoming expiry of the ECSC Treaty;

Investments in buildings

14. Believes that it is appropriate for the ECSC to invest a small proportion of its reserves in real estate where the return on the investment is in line with comparable financial investments and where the ECSC does not bear the risk of losses in the capital value of property, subject to the existing limitations placed by the Commission on such investments;

15. Is concerned at the lack of budgetary transparency connected with the current technique whereby ECSC property investments are on-sold to the EC by way of rent payments made from the general EC budget to the ECSC budget; believes that the nature of the transaction is not immediately apparent to the EC budgetary authority and the taxpayer at large in the current presentation of the budget; calls upon the Commission to make appropriate changes;

Bagnoli

16. Deplores the fact that the Commission has not yet recovered any of the interest rate subsidies inappropriately paid out to the Bagnoli project; renews its insistence that the Commission take urgent steps to recover the funds due as soon as possible; asks the Commission to report on progress on this matter to its Committee on Budgetary Control by 30 June 1994.

DECISION OF THE EUROPEAN PARLIAMENT

of 21 April 1994

giving discharge to the Commission in respect of the financial management of the fifth European Development Fund for the financial year 1992

(94/351/EC)

THE EUROPEAN PARLIAMENT,

- having regard to the EC Treaty,
 - having regard to the second ACP-EEC Convention ⁽¹⁾,
 - having regard to the balance sheets and revenue and expenditure accounts of the fifth, sixth and seventh European Development Funds for the 1992 financial year (COM(93)0234),
 - having regard to the report of the Court of Auditors concerning the financial year 1992 and the replies of the institutions ⁽²⁾,
 - having regard to the recommendation of the Council of 25 March 1994 (C3-0150/94),
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (A3-0257/94),
1. Grants discharge to the Commission in respect of the financial management of the fifth European Development Fund for the financial year 1992 on the basis of the following amounts :
 - Annual revenue
 - Contributions paid ECU 0,00
 - Sundry receipts ECU 0,00
 - Annual expenditure ECU 137 989 336,90 ;
 2. Records its observations in the resolution which forms part of this decision ;
 3. Instructs its President to forward this decision and the resolution containing its observations to the Commission, the Council, the Court of Auditors and the European Investment Bank and to have them published in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 21 April 1994.

The Secretary-General

Enrico VINCI

The President

Dr Egon KLEPSCH

⁽¹⁾ OJ No L 347, 22. 12. 1980, p. 1.⁽²⁾ OJ No C 309, 16. 11. 1993.

DECISION OF THE EUROPEAN PARLIAMENT

of 21 April 1994

giving discharge to the Commission in respect of the financial management of the sixth European Development Fund for the financial year 1992

(94/352/EC)

THE EUROPEAN PARLIAMENT,

- having regard to the EC Treaty,
 - having regard to the third ACP-EEC Convention ⁽¹⁾,
 - having regard to the balance sheets and revenue and expenditure accounts of the fifth, sixth and seventh European Development Funds for the 1992 financial year (COM(93)0234),
 - having regard to the report of the Court of Auditors concerning the financial year 1992 and the replies of the institutions ⁽²⁾,
 - having regard to the recommendation of the Council of 25 March 1994 (C3-0151/94),
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (A3-0257/94),
1. Grants discharge to the Commission in respect of the financial management of the sixth European Development Fund for the financial year 1992 on the basis of the following amounts :
 - Annual revenue
 - Contributions paid ECU 1 650 259 399,63
 - Sundry receipts ECU 50 967 550,61
 - Annual expenditure ECU 914 829 311,80 ;
 2. Records its observations in the resolution which forms part of this decision ;
 3. Instructs its President to forward this decision and the resolution containing its observations to the Commission, the Council, the Court of Auditors and the European Investment Bank and to have them published in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 21 April 1994.

The Secretary-General

Enrico VINCI

The President

Dr Egon KLEPSCH

⁽¹⁾ OJ No L 86, 31. 1. 1986, p. 1.⁽²⁾ OJ No C 309, 16. 11. 1993.

DECISION OF THE EUROPEAN PARLIAMENT**of 21 April 1994****giving discharge to the Commission in respect of the financial management of the seventh European Development Fund for the financial year 1992**

(94/353/EC)

THE EUROPEAN PARLIAMENT,

- having regard to the EC Treaty,
 - having regard to the fourth ACP-EEC Convention ⁽¹⁾,
 - having regard to the balance sheets and revenue and expenditure accounts of the fifth, sixth and seventh European Development Funds for the 1992 financial year (COM(93)0234),
 - having regard to the report of the Court of Auditors concerning the financial year 1992 and the replies of the institutions ⁽²⁾,
 - having regard to the recommendation of the Council of 25 March 1994 (C3-0152/94),
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (A3-0257/94),
1. Grants discharge to the Commission in respect of the financial management of the seventh European Development Fund for the financial year 1992 on the basis of the following amounts :
 - Annual revenue
 - Contributions paid ECU 0,00
 - Sundry receipts ECU 0,00
 - Annual expenditure ECU 888 830 691,23 ;
 2. Records its observations in the resolution which forms part of this decision ;
 3. Instructs its President to forward this decision and the resolution containing its observations to the Commission, the Council, the Court of Auditors and the European Investment Bank and to have them published in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 21 April 1994.

The Secretary-General

Enrico VINCI

The President

Dr Egon KLEPSCH

⁽¹⁾ OJ No L 229, 17. 8. 1991, p. 1.⁽²⁾ OJ No C 309, 16. 11. 1993.

RESOLUTION

containing the observations which form part of the decisions granting discharge to the Commission in respect of the financial management of the fifth, sixth and seventh European Development Funds for the 1992 financial year

THE EUROPEAN PARLIAMENT,

- having regard to Articles 137 and 206 of the EC Treaty,
- having regard to Articles 67, 70 and 73 of the Financial Regulations applicable respectively to the fifth, sixth and seventh EDFs, under which the Commission is required to take all appropriate steps to act on the observations appearing in the discharge decisions,
- having regard to the motion for a resolution by Mr Mitolo and others on aid to Somalia (B3-1281/92),
- having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (A3-0257/94),

1. Takes note of :

- (a) the assurance given by the Commission concerning the Community character of the operation involving sending Belgian UN troops to Somalia ;
- (b) the Commission's undertaking to use EDF appropriations solely to finance Community operations, ie those covered by Community legislation and, in particular, the Lomé Conventions ;
- (c) the plan submitted by the Commission for the inclusion of the EDF in the budget ;
- (d) the Commission's undertaking to refer to the European Parliament, for information, any decision of a political nature concerning changes in allocations ;

2. Calls on the Commission to act on the recent discharge decisions and observations of the Court of Auditors ;

3. Instructs its President to forward this resolution containing its observations to the Commission, the Council, the Court of Auditors and the European Investment Bank and to have it published in the *Official Journal of the European Communities* (L series).

DECISION OF THE EUROPEAN PARLIAMENT

of 21 April 1994

giving discharge to the Management Board of the European Centre for the Development of Vocational Training in respect of the implementation of its budget for the 1992 financial year

(94/354/EC)

THE EUROPEAN PARLIAMENT,

- having regard to the EC Treaty and in particular Article 206 thereof,
- having regard to the statement of accounts of the European Centre for Development of Vocational Training and the report of the Court of Auditors on this subject (C3-0489/93),
- having regard to the Council Decision of 21 March 1994 (C3-0148/94),
- having regard to the report of the Committee on Budgetary Control (A3-0180/94),

1. Notes the following figures for the accounts of the European Centre Development of Vocational Training :

1992 Financial year	<i>Ecu</i>
<i>Revenue</i>	
	10 623 587,86
1. Subsidy from the Commission	10 491 722,30
2. Bank interest	126 302,67
3. Other	5 562,89
<i>Expenditure</i>	
1. Final budget appropriations	10 838 000,00
2. Commitments	10 623 587,86
3. Unused appropriations	214 412,14
4. Payments	8 953 347,35
5. Carry-overs from 1991	2 070 750,67
6. Payments against appropriations carried over	1 816 883,28
7. Appropriations carried over and cancelled (5-6)	253 867,39
8. Carry-overs to 1993	1 670 240,51
9. Cancellations (1-4-8)	214 412,14

- 2. Notes that the Council adopted the Centre's new financial regulation on 30 June 1993 ; asks the Centre to pursue its efforts to bring its administrative procedures into line with that regulation ;
- 3. Stresses that the subsidy from the European Community budget must be paid over in instalments by the fifteenth day of each quarter and in accordance with actual requirements ; asks the Centre to ensure that its forecasts of the real needs for each quarter are as accurate as possible ;
- 4. Calls upon the Centre to report, in the framework of the discharge procedure relating to financial year 1993, on its efforts to elicit the widest possible range of suitable applicants for its study contracts ;
- 5. Calls upon the Centre henceforward to report to Parliament each year on its management of study contracts, and invites the Court of Auditors to extend its annual audits to this area ;
- 6. Notes that the Centre has issued a call for tenders to carry out the study requested by Parliament in 1993 to ascertain the extent to which the Centre fulfills its statutory goals and to recommend possible improvements, and looks forward to receiving the completed study in due course ;
- 7. Notes the relatively high level of carry-overs of appropriations and of subsequent cancellation of such carry-overs ; suggests that the Centre's capacity to absorb appropriations be examined in the context of the report referred to above ;

8. Is disturbed to learn that a staff member of the Centre was seconded to Commission duties relating to the Phare programme from 1990 to 1992; recalls that the duty of the Centre is to provide support to the Commission in the area of vocational training within the European Community; calls therefore upon the Commission and the Centre in future not to allow the Centre's staff to be assigned to duties which do not correspond to this description;
9. Recalls that under the Centre's new financial provisions Parliament will be required to include in its discharge decisions an assessment of the responsibility of the Management Board's budgetary management during the year in question; therefore asks the Court of Auditors to ensure that its annual audits provide the information necessary to enable Parliament to fulfill this obligation;
10. Gives discharge to the Management Board of the European Centre for Development of Vocational Training, in respect of the implementation of its budget for the 1992 financial year, on the basis of the report of the Court of Auditors;
11. Instructs its President to forward this decision to the Management Board of the European Centre for Development of Vocational Training, the Council, the Commission and the Court of Auditors and to have it published in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 21 April 1994.

The Secretary-General

Enrico VINCI

The President

Dr Egon KLEPSCH

DECISION OF THE EUROPEAN PARLIAMENT

of 21 April 1994

giving discharge to the Administrative Board of the European Foundation for the Improvement of Living and Working Conditions in respect of the implementation of its budget for the 1992 financial year

(94/355/EC)

THE EUROPEAN PARLIAMENT,

- having regard to the EC Treaty and in particular Article 206 thereof,
- having regard to the statement of accounts of the European Foundation for the Improvement of Living and Working Conditions and the report of the Court of Auditors on this subject (C3-0488/93),
- having regard to the Council Decision of 21 March 1994 (C3-0149/94),
- having regard to the report of the Committee on Budgetary Control (A3-0181/94),

1. Notes the following figures for the accounts of the European Foundation for the Improvement of Living and Working Conditions :

1992 Financial year	<i>Ecu</i>
<i>Revenue</i>	
1. Subsidy from the Commission	11 122 643,82
2. Bank interests	10 874 103,35
3. Other	186 798,86
	61 741,61
<i>Expenditure</i>	
1. Final budget appropriations	10 785 000,00
2. Commitments	10 547 620,16
3. Unused appropriations	237 379,84
4. Payments	8 646 761,76
5. Carry-overs from 1991	2 046 216,81
6. Payments against appropriations carried over	1 959 720,19
7. Appropriations carried over and cancelled (5-6)	104 496,62
8. Carry-overs to 1993	1 900 858,40
9. Cancellations (1-4-8)	237 379,84

- 2. Notes that the Council adopted the Foundation's new financial regulation on 30 June 1993; asks the Foundation to pursue its efforts to bring its administrative procedures into line with that regulation;
- 3. Stresses that the subsidy from the European Community budget must be paid over in instalments by the fifteenth day of each quarter and in accordance with actual requirements; asks the Foundation to ensure that its forecasts of the real needs for each quarter are as accurate as possible;
- 4. Notes that there has been no formal reply the Irish Government to the Foundation's repeated approaches aimed at reaching an agreement concerning ownership of the land on which the Foundation's new building is located;
- 5. Therefore asks the Commission to present a report to its Committee on Budgetary Control in time for the 1995 budgetary procedure outlining the situation and making proposals in respect of ownership of the land on which the Foundation's new building is sited;
- 6. Notes the detailed data supplied in response to its request for a report on the Foundation's management of contracts over the period from 1983 to 1992; instructs its Committee on Budgetary Control to analyse those data and report back to it as appropriate; calls upon the Foundation henceforward to report annually to Parliament on its management of contracts, and invites the Court of Auditors to extend its annual audit to this area;

7. Recalls that under the Foundation's new financial provisions Parliament will be required to include in its discharge decisions an assessment of the responsibility of the Administrative Board's budgetary management during the financial year in question ; therefore asks the Court of Auditors to ensure that its annual audits provide the information necessary to enable Parliament to fulfill this obligation ;
8. Gives discharge to the European Foundation for the Improvement of Living and Working Conditions in respect of the implementation of its budget for the 1992 financial year, on the basis of the report of the Court of Auditors ;
9. Instructs its President to forward this decision to the Administrative Board of the European Foundation for the Improvement of Living and Working Conditions, the Council, the Commission and the Court of Auditors and to have it published in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 21 April 1994.

The Secretary-General

Enrico VINCI

The President

Dr Egon KLEPSCH

COMMISSION

COMMISSION DECISION

of 20 May 1994

laying down detailed rules for the application of Council Directive 91/493/EEC,
as regards own health checks on fishery products

(Text with EEA relevance)

(94/356/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION :

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products⁽¹⁾, and in particular Article 6 (3) thereof,

Whereas, in accordance with Article 6 (3) of the said Directive, rules must be laid down for the application of the principles on which own-checks are based ; whereas it is necessary to define what is meant by the identification of critical points and the establishment and implementation of methods for monitoring and checking such critical points ;

Whereas laboratories must be approved by the competent authorities on equivalent terms in all the Member States ;

Whereas keeping a written record or a record otherwise registered must entail keeping complete documentation containing all information relating to the establishment of own-checks and the results of those checks ;

Whereas the design and introduction of own-checks will differ from one establishment to another ; whereas it is therefore necessary to propose, in the form of guidelines, a model of a logical approach intended to facilitate the uniform application of Article 6 (1) of Directive 91/493/EEC ;

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

1. 'Own-checks' as referred to in the second subparagraph of Article 6 (1) of Directive 91/493/EEC means all those actions aimed at ensuring and demonstrating that a fishery product satisfies the requirements of that Directive. Those actions must correspond to an approach internal to the establishment ; they must be developed and implemented by the persons responsible for each production unit, or under their management, in accordance with the general principles set out in the Annex hereto.

2. As part of the internal approach referred to in paragraph 1, establishments may use guides of good manufacturing practice drawn up by appropriate professional organizations and acceptable to the competent authorities.

3. The persons responsible for the establishment must ensure that all staff concerned by own-checks receive adequate training in order to effectively participate in their implementation.

Article 2

1. 'Critical point' as referred to in the first indent of the second subparagraph of Article 6 (1) of Directive 91/493/EEC means any point, step or procedure at which control can be applied and a food safety hazard can be prevented, eliminated or reduced to acceptable levels. All

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 15.

critical points which are useful for ensuring compliance with the hygiene requirements of that Directive must be identified.

For the purpose of identifying these critical points, Chapter I of the Annex hereto shall apply.

2. The critical points are specific to each establishment depending on the raw materials it uses and on its manufacturing processes, structures and equipment, end products and marketing system.

Article 3

'Monitoring and checking such critical points' as referred to in the second indent of the second subparagraph of Article 6 (1) of Directive 91/493/EEC includes all those set observations and/or measurements necessary to ensure that critical points are kept under control. Monitoring and checking critical points does not include verifying that end products conform with the standards laid down in Directive 91/493/EEC.

For the purpose of introducing and implementing monitoring and checking, Chapter II of the Annex hereto shall apply.

Article 4

1. Sampling for laboratory analysis as referred to in the third indent of the second subparagraph of Article 6 (1) of Directive 91/493/EEC is intended to confirm that the own-checks system complies effectively with Articles 1, 2 and 3 of this Decision.

2. The persons responsible for the establishment must make provision for a sampling programme which, though not concerning systematically every production batch, nevertheless allows:

- (a) validation of the own-checks system when first set up;
- (b) if necessary, revalidation of the system in case of a change to the characteristics of the product or to the manufacturing process;
- (c) verification, at specified intervals, that all provisions are still appropriate and properly applied.

3. Own-checks system shall be confirmed in accordance with the provisions set out in Chapter III of the Annex.

Article 5

For the approval of laboratories mentioned in the third indent of the second subparagraph of Article 6 (1) of

Directive 91/493/EEC, the competent authorities of the Member States shall take into account the requirements of EN 45 001 standards or equivalent requirements. However, for the approval of establishments' internal laboratories, the competent authorities may base themselves on less restrictive principles inspired by the relevant points in Annex B to Council Directive 88/320/EEC⁽¹⁾.

Article 6

1. In order to keep 'a written record or a record registered in an indelible fashion', as referred to in the fourth indent of the second subparagraph of Article 6 (1) of Directive 91/493/EEC, the persons responsible for the establishment must document all information relating to the implementation of own-checks and their verification.

2. The documentation referred to in paragraph 1 must include two types of information to be kept for submission to the competent authority:

(a) a detailed and comprehensive document including:

- description of the product,
- description of the manufacturing process indicating critical points,
- for each critical point, identified hazards, assessment of risks and control measures,
- procedures for monitoring and checking at each such critical point, with indication of critical limits for parameters that need to be controlled and corrective action to be taken in case of loss of control,
- procedures for verification and review.

In the case provided for in Article 1 (2), this document may be the guide of good practice drawn up by the professional organization concerned.

(b) records of the observations and/or measurements referred to in Article 3, results of the verification activities referred to in Article 4, reports and written accounts of decisions relating to corrective action when taken. An appropriate document management system must provide, in particular, for the easy retrieval of all documents relating to an identified production batch.

Article 7

The competent authorities shall ensure appropriate training of inspection staff authorized to perform official

⁽¹⁾ OJ No L 145, 11. 6. 1988, p. 35.

checks to allow them to assess the own-checks system set up by the persons responsible for the establishment on the basis of the documents submitted.

Article 8

Member States shall inform the Commission of any difficulties in the application of this Decision which will be reviewed one year following its adoption, in the light of experience acquired.

Article 9

This Decision is addressed to the Member States.

Done at Brussels, 20 May 1994.

For the Commission

René STEICHEN

Member of the Commission

*ANNEX***GENERAL PRINCIPLES**

It is recommended that a model of a logical approach be followed, of which the following principles form the essential components :

- identification of hazards, analysis of risks and determination of measures necessary to control them,
- identification of critical points,
- establishment of critical limits for each critical point,
- establishment of monitoring and checking procedures,
- establishment of corrective action to be taken when necessary,
- establishment of verification and review procedures,
- establishment of documentation concerning all procedures and records.

Such a model, or the principles on which it is based, should be used with the flexibility appropriate to each situation.

CHAPTER I**IDENTIFICATION OF CRITICAL POINTS**

It is recommended to proceed to the following activities in sequence.

1. Assembly of a multidisciplinary team

This team, which involves all parts of the enterprise concerned with the product, needs to include the whole range of specific knowledge and expertise appropriate to the product under consideration, its production (manufacture, storage, and distribution), its consumption and the associated potential hazards.

Where necessary, the team will be assisted by specialists who will help it to solve its difficulties as regards assessment and control of critical points.

The team may consist of :

- a quality control specialist who understands the biological, chemical or physical hazards connected with a particular product group,
- a production specialist who has responsibility for, or is closely involved with, the technical process of manufacturing the product under study,
- a technician who has a working knowledge of the hygiene and operation of the process plant and equipment,
- any other person with specialist knowledge of microbiology, hygiene and food technology.

One person may fulfil several of these roles, provided all relevant information is available to the team and is used to ensure that the own-checks system developed is reliable. Where expertise is not available in the establishment, advice should be obtained from other sources (consultancy, guides of good manufacturing practices, etc.).

2. Description of the product

The end product should be described in terms of :

- composition (e.g. raw materials, ingredients, additives, etc.),
- structure and physico-chemical characteristics (e.g. solid, liquid, gel, emulsion, Aw, Ph, etc.),
- processing (e.g. heating, freezing, drying, salting, smoking, etc. and to what extent),
- packaging (e.g. hermetic, vacuum, modified atmosphere),
- storage and distribution conditions,
- required shelf life (e.g. sell by date and best before date),
- instructions for use,
- any microbiological or chemical criteria applicable.

3. Identification of intended use

The multidisciplinary team should also define the normal or expected use of the product by the customer and the consumer target groups for which the product is intended. In specific cases, the suitability of the product for particular groups of consumers, such as institutional caterers, travellers, etc. and for vulnerable groups of the population may have to be considered.

4. Construction of a flow diagram (Description of manufacturing process)

Whatever the format chosen all steps involved in the process, including delays during or between steps, from receiving the raw materials to placing the end product on the market, through preparation, processing, packaging, storage and distribution, should be studied in sequence and presented in a detailed flow diagram with sufficient technical data.

Types of data may include but are not limited to :

- plan of working premises and ancillary premises,
- equipment layout and characteristics,
- sequence of all process steps (including the incorporation of raw materials, ingredients or additives and delays during or between steps),
- technical parameters of operations (in particular time and temperature, including delays),
- flow of products (including potential cross-contamination),
- segregation of clean and dirty areas (or high/low risk areas),
- cleaning and disinfection procedures,
- hygienic environment of the establishment,
- personnel routes and hygiene practices,
- product storage and distribution conditions.

5. On-site confirmation of flow diagram

After the flow diagram has been drawn up, the multidisciplinary team should confirm it on site during operating hours. Any observed deviation must result in an amendment of the original flow diagram to make it accurate.

6. Listing of hazards and control measures

Using the confirmed flow diagram as a guide, the team should :

- (a) list all potential biological, chemical or physical hazards that may be reasonably expected to occur at each process step (including acquisition and storage of raw materials and ingredients and delays during manufacture).

A hazard is a potential to cause harm to health and is anything covered by the hygiene objectives of Directive 91/493/EEC. Specifically, it can be any of the following :

- unacceptable contamination (or recontamination) of a biological (micro-organisms, parasites), chemical or physical nature of raw materials, intermediate products or final products,
- unacceptable survival or multiplication of pathogenic micro-organisms and unacceptable generation of chemicals in intermediate products, final products, production line or line environment,
- unacceptable production or persistence of toxins or other undesirable products of microbial metabolism.

For inclusion in the list, hazards must be of a nature such that their elimination or reduction to acceptable levels is essential to the to the production of safe food.

(b) consider and describe what control measures, if any, exist which can be applied for each hazard.

Control measures are those actions and activities that can be used to prevent hazards, eliminate them or reduce their impact or occurrence to acceptable levels.

More than one control measure may be required to control an identified hazard and more than one hazard may be controlled by one control measure. For instance, pasteurization or controlled heat treatment may provide sufficient assurance of reduction of the level of both *salmonella* and *listeria*.

Control measures need to be supported by detailed procedures and specifications to ensure their effective implementation. For instance, detailed cleaning schedules, precise heat treatment specifications, maximum concentrations of preservatives used in compliance with the applicable Community rules on additives and in particular Directive 89/107/EEC (1).

7. Methods for identification of critical points

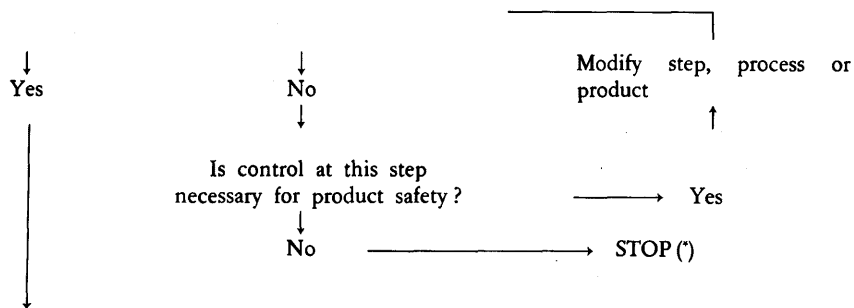
The identification of a critical point for the control of a hazard requires a logical approach. Such an approach can be facilitated by the use of the following decision tree (other methods can be used by the team, according to their knowledge and experience).

Decision tree for the identification of critical points

Answer each question in sequence, at each step and for each identified hazard.

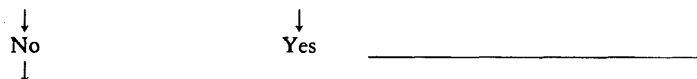
Question 1

Are control measures in place for the hazard?



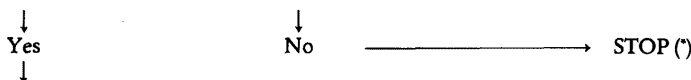
Question 2

Does that step eliminate or reduce the hazard to an acceptable level?



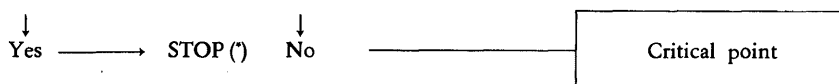
Question 3

Could contamination occur at, or hazard increase to, an unacceptable level?



Question 4

Will a subsequent step eliminate or reduce the hazard to an acceptable level?



(*) The step is not a critical point. Proceed to next step.

(1) OJ No L 40, 11. 2. 1989, p. 27.

For the application of the decision tree, each process step identified in the flow diagram should be considered in sequence. At each step, the decision tree must be applied to each hazard that may be reasonably expected to occur or be introduced and each control measure identified.

Application of the decision tree should be flexible and requires common sense, having consideration for the whole manufacturing process in order to avoid, whenever possible, unnecessary critical points.

8. Action to be taken following identification of a critical point

The identification of critical points has two consequences for the multidisciplinary team which should then :

- ensure that appropriate control measures are effectively designed and implemented. In particular, if a hazard has been identified at a step where control is necessary for product safety and no control measure exists at that step, or at any other, then the product or process should be modified at that step, or at any other, then the product or process should be modified at that step, or at an earlier or later stage, to include a control measure,
- establish and implement a monitoring and checking system at each critical point.

CHAPTER II :

ESTABLISHMENT AND IMPLEMENTATION OF MONITORING AND CHECKING CRITICAL POINTS

An appropriate monitoring and checking system is essential to ensure the effective control of each critical point.

To develop such a system, it is recommended to proceed to the following activities :

1. Establishment of critical limits for each control measure associated with each critical point

Each control measure associated with a critical point should give rise to the specification of critical limits.

Those critical limits correspond to the extreme values acceptable with regard to product safety. They separate acceptability from unacceptability. They are set for observable or measurable parameters which can readily demonstrate that the critical point is under control ; they should be based on substantiated evidence that chosen values will result in process control.

Examples of such parameters include temperature, time, pH, moisture level, additive, preservative or salt level, sensory parameters such as visual appearance or texture, ect.

In some cases, to reduce the risk of exceeding a critical limit due to process variations, it may be necessary to specify more stringent levels (i.e. target levels) to assure that critical limits are observed.

Critical limits may be derived from a variety of sources. When not taken from regulatory standards (e.g. frozen storage temperature) or from existing and validated guides of good manufacturing practices, the team should ascertain their validity relative to the control of identified hazard and critical points.

2. Establishment of a monitoring and checking system for each critical point

An essential part of own-checks is a programme of observations or measurements performed at each critical point to ensure compliance with specified critical limits. The programme should describe the methods, the frequency of observations or measurements and the recording procedure.

Observations or measurements must be able to detect loss of control at critical points and provide information in time for corrective action to be taken.

Observations or measurements can be made continuously or discontinuously. When observations or measurements are not continuous, it is necessary to establish a frequency of observations or measurements which provides reliable information.

The programme of observations or measurements should properly identify for each critical point :

- who is to perform monitoring and checking,
- when monitoring and checking is performed,
- how monitoring and checking is performed.

3. Establishment of a corrective action plan

Observations or measurements may indicate :

- that the parameter monitored tends to deviate from its specified critical limits, indicating a trend toward loss of control. Appropriate corrective action to maintain control must be taken before the occurrence of hazard,
- that the parameter monitored has deviated from its specified critical limits, indicating a loss of control. It is necessary to take appropriate corrective action to regain control.

Corrective action has to be planned in advance by the multidisciplinary team, for each critical point, so that it can be taken without hesitation when a deviation is observed.

Such corrective action should include :

- proper identification of the person(s) responsible for the implementation of the corrective action,
- description of means and action required to correct the observed deviation,
- action to be taken with regard to products that have been manufactured during the period when the process was out of control,
- written record of measures taken.

CHAPTER III :

VERIFICATION OF OWN-CHECKS SYSTEMS

Own-checks system verification is necessary to ensure that they are working effectively. The multidisciplinary team should specify the methods and procedures to be used.

Usable methods may include in particular random sampling and analysis, reinforced analysis or tests at selected critical points, intensified analysis of intermediate or final products, surveys on actual condition during storage, distribution and sale and on actual use of the product.

Verification procedures may include : inspection of operations, validation of critical limits, review of deviations, corrective action and measures taken with regard to the product, audits of the own-check system and its records.

Verification should provide for confirmation of the suitability of the own-checks system established and ensure, afterwards, with an appropriate frequency, that the provisions laid down are still being properly applied.

In addition, it is necessary to review the system, to ensure that it is (or will be) still valid in case of change.

Examples of change include :

- change in raw material or in product, processing conditions (factory layout and environment, process equipment, cleaning and disinfection programme),
- change in packaging, storage or distribution conditions,
- change in consumer use,
- receipt of any information on a new hazard associated with the product.

Where necessary, such a review must result in the amendment of the provisions laid down.

Any change to the own-checks system arising should be fully incorporated into the documentation and record-keeping system in order to ensure that accurate up-to-date information is available.

Where criteria are specified in regulations, such criteria are to be used as reference values for the verification process.

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 1097/94 of 11 May 1994 on transitional measures concerning the allocation of quotas in the tobacco sector for the 1994 harvest

(Official Journal of the European Communities No L 121 of 12 May 1994)

On page 11 in the Annex:

for: '200 tonnes from Group I, "flue-cured", to Group II, "light flue-cured".'

read: '200 tonnes from Group I, "flue-cured", to Group II, "light air-cured".'
