

# Official Journal

## of the European Communities

English edition

## Legislation

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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1500/94**  
**of 21 June 1994**  
**amending Commission Regulation (EEC) No 2454/93 laying down provisions for**  
**the implementation of Council Regulation (EEC) No 2913/92 establishing the**  
**Community Customs Code**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(1)</sup>, and in particular Article 249 thereof,

Having regard to the proposal from the Commission,

Whereas Article 20 (4) of Regulation (EEC) No 2913/92 stipulates that preferential tariff measures, whether contained in agreements which the Community has concluded with certain countries or groups of countries and which provide for the granting of preferential tariff treatment, or adopted unilaterally by the Community in respect of certain countries, groups of countries or territories, as well as autonomous suspensive measures providing for a reduction in, or relief from, import duties chargeable on certain goods, shall apply only at the declarant's request where the goods concerned fulfil the conditions laid down by those measures;

Whereas it is important to the operation of the Community's commercial policy to have comprehensive statistics on the volume of trade in goods benefiting from those measures;

Whereas, in order for such statistics to be of use, the codes entered in box 36 of the Single Administrative Document must be common to all the Member States;

Whereas the Member States should nevertheless be given the opportunity to adapt their customs computer systems;

whereas provision should therefore be made for a transitional period during which national codes which are compatible with Community codes may be used;

Whereas provision should be made for the recording, from 1 January 1996, of information relating to goods for which an export refund has been requested;

Whereas, in the absence of an opinion of the Customs Code Committee on the draft Regulation submitted by the Commission, the Council is required to adopt the necessary provisions,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes 37 and 38 to Regulation (EEC) No 2454/93<sup>(2)</sup> are hereby amended in accordance with the Annex to this Regulation.

*Article 2*

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

It shall apply from 1 January 1995.

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

Done at Luxembourg, 21 June 1994.

*For the Council*  
*The President*  
G. MORAITIS

<sup>(1)</sup> OJ No L 302, 19. 10. 1992, p. 1.

<sup>(2)</sup> OJ No L 253, 11. 10. 1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 655/94 (OJ No L 82, 25. 3. 1994, p. 15).

## ANNEX

1. Annex 37 to Regulation (EEC) No 2454/93 is hereby amended as follows:
  - (a) in Title I, point B.2. Particulars required — minimum list, insert '36' in the list of boxes to be used for a declaration for release for free circulation.
  - (b) The wording relating to box 36 in Title II, point C, shall be replaced by the following:

'36. Preference  
Enter the appropriate code.  
Until 1 January 1996, Member States may use codes other than those specified in Annex 38, provided that such codes enable statistics to be recorded at least as accurately as the codes specified in that Annex.'

2. In Annex 38 to Regulation (EEC) No 2454/93, the following wording referring to box 36 shall be inserted:

*Box 36: Preference*

The relevant codes are given below:

1. First digit of code

<i>Code</i>	<i>Tariff arrangement</i>
1	Normal tariff arrangement (no preference certificate)
2	Generalized System of Preferences (GSP)
3	Other tariff preferences (EUR 1, ATR or equivalent document)

2. Next two digits

<i>Code</i>	<i>Tariff arrangement</i>
00	None of the following
10	Tariff suspension
15	Tariff suspension with specified end-use
18	Tariff suspension with certificate confirming the special nature of the product
20	Tariff quota (1)
23	Tariff quota with specified end-use (1)
25	Tariff quota with certificate confirming the special nature of the product (1)
28	Tariff quota following outward processing (1)
40	Special end-use resulting from the Common Customs Tariff
50	Certificate confirming the special nature of the product.

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(1) Where the requested tariff quota is exhausted, Member States may allow the request to be valid for any other existing preference.

**COUNCIL REGULATION (EC) No 1501/94**  
**of 27 June 1994**

**temporarily suspending the autonomous Common Customs Tariff duties on a  
number of agricultural products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas production in the Community of the products specified in this Regulation is currently inadequate or non-existent; whereas producers thus cannot meet the needs of user industries in the Community;

Whereas in these cases, it is in the interest of the Community to suspend the autonomous Common Customs Tariff duties totally;

Whereas the decision for the suspension of these autonomous duties should be taken by the Community;

Whereas, in view of the difficulty of assessing accurately short-term trends in the economic situation in the relevant sectors, suspension measures should be taken only

temporarily by fixing their period of validity by reference to the interests of Community production,

HAS ADOPTED THIS REGULATION:

*Article 1*

The autonomous Common Customs Tariff duties for the products listed in the table appearing in the Annex shall be suspended at the level indicated in respect of each of them.

These suspensions shall apply from 1 July 1994 to 30 June 1995.

*Article 2*

This Regulation shall enter into force on 1 July 1994.

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

Done at Luxembourg, 27 June 1994.

*For the Council*

*The President*

C. SIMITIS

## ANNEX

CN code	Taric	Description of goods	Autonomous duties (%)
ex 0710 21 00	*10	Peas in pods, of the species <i>Pisum sativum</i> of the variety <i>Hortense axiphium</i> , frozen, of a thickness not exceeding 6 mm, to be used, in their pods, in the manufacture of prepared meals (a) (b)	0
ex 0711 90 60	*11 *91	Mushrooms, excluding mushrooms of the species <i>Agaricus</i> spp., provisionally preserved in brine, in sulphur water, or in other preservative solutions, but unsuitable in that state for immediate consumption, for the food-canning industry (a)	0
ex 0712 30 00	*17 *24	Mushrooms, excluding mushrooms of the species <i>Agaricus</i> spp., dried, whole or in identifiable slices or pieces, for treatment other than simple repacking for retail sale (a) (b)	0
ex 0713 33 90	*20	Beans, white, dried, of the species <i>Phaseolus vulgaris</i> , of which not more than 2 % by weight are retained by a screen with apertures of a diameter of 8 mm, for use in the food-canning industry (a)	0
ex 0804 10 00	*11 *21	Dates, fresh or dried, for the processing industry, other than for the production of alcohol (a)	0
ex 0804 10 00	*12 *22	Dates, fresh or dried, for packing for retail sale into immediate packings of a net content not exceeding 11 kg (a)	0
ex 0810 40 50	*10	Fruit of the species <i>Vaccinium sacrocarpon</i> , fresh	0
ex 0810 90 80	*10	Rose-hips, fresh	0
0811 90 50 0811 90 70 ex 0811 90 99	*66 *67	Fruit of the genus <i>Vaccinius</i> , whether or not cooked, frozen, not containing added sugar or other sweetening matter	0
ex 0811 90 99	*40	Rose-hips, whether or not cooked, frozen, not containing added sugar or other sweetening matter	0

(a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

(b) However, the suspension is not allowed where processing is carried out by retail or catering undertakings.

**COUNCIL REGULATION (EC) No 1502/94**

of 27 June 1994

**opening and providing for the administration of Community tariff quotas for certain industrial fisheries products (third series 1994)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas production in the Community of certain industrial fisheries products will remain in the course of 1994 unable to meet the specific requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type will depend to a considerable extent on imports from third countries; whereas the most urgent Community requirements for the products in question should be met immediately on the most favourable terms; whereas Community tariff quotas at zero duty should therefore be opened within the limits of appropriate volumes for a period up to 31 December 1994 or up to 30 June 1995 taking account of the need not to disturb the markets for such products nor the starting out or development of Community production;

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of

the products concerned into all Member States until the quotas have been used up;

Whereas the decision for the opening of autonomous tariff quotas should be taken by the Community; whereas, to ensure the efficiency of a common administration of these quotas, there is no obstacle to authorizing the Member States to draw from the quota-volumes the necessary quantities corresponding to actual imports; whereas, however, this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

From the date on which this Regulation enters into force until the date shown in the table below, the customs duties applicable to imports into the Community of the products listed below shall be suspended at the levels and within the limits of the Community tariff quotas shown below:

Order No	CN code <sup>(1)</sup>	Description	Amount of quota (in tonnes)	Quota duty (%)	Date of Expiry
09.2701	ex 0301 92 00 ex 0302 66 00 ex 0303 76 00	Eels ( <i>Anguilla spp.</i> ), live, fresh, chilled or frozen, intended for processing by curing or skinning enterprises or for use in the industrial manufacture of products falling within CN code 1604 (a)	5 000	0	30. 6. 1995
09.2881	ex 3901 90 00	Chlorosulphonated polyethylene	3 500	0	31. 12. 1994
09.2883	ex 2917 39 90	Benzene-1,2,4-tricarboxylic acid 1,2-anhydride	4 000	0	31. 12. 1994

<sup>(1)</sup> See Taric codes in the Annex.

(a) Checks on use for this specific purpose shall be carried out under the relevant Community provisions.

*Article 2*

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

*Article 3*

Where an importer presents a declaration covered by this Regulation for release for free circulation in a Member State, applying to take advantage of the preferential arrangements,

and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the appropriate quota volume.

Requests for drawings, indicating the date on which the entries were accepted, must be sent to the Commission without delay.



Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries for release for free circulation, to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota volume as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated among applicants pro rata. The Commission shall inform the Member States of the drawings made.

#### *Article 4*

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

#### *Article 5*

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

#### *Article 6*

This Regulation shall enter into force on 1 July 1994.

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

Done at Luxembourg, 27 June 1994.

*For the Council*

*The President*

C. SIMITIS

*ANNEX***Taric codes**

Order Nos	CN codes	Taric codes
09.2701	0301 92 00	'10
	0302 66 00	'10
	0303 76 00	'10
09.2881	ex 3901 90 00	'94
09.2883	ex 2917 39 90	'20

## COUNCIL REGULATION (EC) No 1503/94

of 27 June 1994

establishing a system of compensation for the additional costs incurred in the marketing of certain fishery products from the Azores, Madeira, the Canary Islands and the French department of Guiana as a result of their very remote location

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Having regard to the current difficulties of the European Union's fisheries sector, which are particularly aggravated by the cost of transporting fisheries products to markets on account of the remoteness and isolation of the outermost regions of the Community,

Whereas, by Decisions 89/687/EEC <sup>(4)</sup>, 91/314/EEC <sup>(5)</sup> and 91/315/EEC <sup>(6)</sup>, the Council established, as part of the Community's policy in favour of its outermost regions, programmes of options specific to the remote and insular nature of the French overseas departments (Poseidom), the Canary Islands (Poseican) and Madeira and the Azores (Poseima) respectively, laying down the general outlines of measures to be applied to take account of the special characteristics of, and constraints on, those regions;

Having regard to the success of similar initiatives which have already been undertaken,

Whereas those regions are suffering from specific development problems, in particular the additional costs incurred in the marketing of certain products as a result of their remoteness; whereas, in order to maintain the competitiveness of certain fishery products in relation to similar products from other Community regions, Community measures have been applied in the fisheries sector in 1992 and 1993 to compensate for the additional costs incurred in the processing of tuna in the Azores and Madeira and the production and freezing of tuna and the freezing and processing of sardines in the Canary Islands;

whereas a system of compensation for the additional costs incurred in the processing and marketing of those products should be provided for at Community level from 1994 and measures should therefore be adopted providing for the continuation of the existing measures, as well as an arrangement made for compensating the additional costs for the freezing and processing of mackerel in the Canary Islands;

Whereas measures should be laid down for the fisheries sector, under the Poseidom programme, to improve the marketing conditions for prawns produced in the French department of Guiana,

HAS ADOPTED THIS REGULATION:

*Article 1*

A system of compensation for the additional costs incurred in the marketing of certain fishery products from the Azores, Madeira, the Canary Islands and the French department of Guiana as a result of their very remote location is hereby established.

*Article 2*

1. For the Azores and Madeira, the system referred to in Article 1 shall consist of the payment of ECU 155 per tonne up to a maximum of 15 000 tonnes of tuna per year delivered to local industry, namely 10 000 tonnes for the Azores and 5 000 tonnes for Madeira.

2. For the Canary Islands, the system referred to in Article 1 shall consist of the payment of ECU 125 per tonne, up to a maximum of 10 400 tonnes per year, of tuna for marketing fresh, ECU 45 per tonne, up to a maximum of 3 500 tonnes per year, of frozen tuna, ECU 85 per tonne, up to a maximum of 10 500 tonnes per year, of sardines and mackerel for canning and ECU 45 per tonne, up to a maximum of 7 000 tonnes per year of sardines and mackerel for freezing.

3. For the French department of Guiana, the system referred to in Article 1 shall consist of the payment of ECU 865 per tonne of prawns, up to a maximum of 3 500 tonnes per year, for industrial fishing and ECU 930 per tonne of prawns, up to a maximum of 500 tonnes per year, for non-industrial fishing.

<sup>(1)</sup> OJ No C 4, 6. 1. 1994.

<sup>(2)</sup> OJ No C 128, 9. 5. 1994.

<sup>(3)</sup> OJ No C 133, 16. 5. 1994, p. 30.

<sup>(4)</sup> OJ No L 399, 30. 12. 1989, p. 39.

<sup>(5)</sup> OJ No L 171, 29. 6. 1991, p. 1.

<sup>(6)</sup> OJ No L 171, 29. 6. 1991, p. 10.

*Article 3*

The detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 32 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products<sup>(1)</sup>.

*Article 4*

The measures provided for in this Regulation are measures intended to stabilize the agricultural markets within the meaning of Article 3 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of

the common agricultural policy<sup>(2)</sup>. They are to be financed by the European Agricultural Guidance and Guarantee Fund, Guarantee Section.

*Article 5*

This Regulation is established for 1994. Before the end of that period, the Commission shall reassess the situation and, taking account of the budgetary implications, shall submit appropriate proposals if necessary.

*Article 6*

This Regulation shall enter into force on 1 July 1994.

It shall apply from 1 January 1994.

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

Done at Luxembourg, 27 June 1994.

*For the Council*

*The President*

C. SIMITIS

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

<sup>(2)</sup> OJ No L 94, 28. 4. 1970, p. 13.

## COMMISSION REGULATION (EC) No 1504/94

of 29 June 1994

## fixing the export refunds on white sugar and raw sugar exported in its unaltered 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 133/94 <sup>(2)</sup>, and in particular point (a) of the first subparagraph of Article 19 <sup>(4)</sup> thereof,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar <sup>(3)</sup>, as last amended by Regulation (EEC) No 1489/76 <sup>(4)</sup>, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar <sup>(5)</sup>; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar <sup>(6)</sup>, as last amended by Regulation (EC) No 1021/94 <sup>(7)</sup>; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas Council Regulation (EEC) No 990/93 <sup>(8)</sup> 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 representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 <sup>(9)</sup>, as amended by Regulation (EC) No 3528/93 <sup>(10)</sup>, 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 <sup>(11)</sup>, as amended by Regulation (EC) No 547/94 <sup>(12)</sup>;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

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, are hereby fixed to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 30 June 1994.

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

<sup>(2)</sup> OJ No L 22, 27. 1. 1994, p. 7.

<sup>(3)</sup> OJ No L 143, 25. 6. 1968, p. 6.

<sup>(4)</sup> OJ No L 167, 26. 6. 1976, p. 13.

<sup>(5)</sup> OJ No L 89, 10. 4. 1968, p. 3.

<sup>(6)</sup> OJ No L 50, 4. 3. 1970, p. 1.

<sup>(7)</sup> OJ No L 112, 3. 5. 1994, p. 13.

<sup>(8)</sup> OJ No L 102, 28. 4. 1993, p. 14.

<sup>(9)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(10)</sup> OJ No L 320, 22. 12. 1993, p. 32.

<sup>(11)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(12)</sup> OJ No L 69, 12. 3. 1994, p. 1.

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

Done at Brussels, 29 June 1994.

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

ANNEX

to the Commission Regulation of 29 June 1994 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund <sup>(1)</sup>
	— ECU/100 kg —
1701 11 90 100	32,20 <sup>(1)</sup>
1701 11 90 910	31,09 <sup>(1)</sup>
1701 11 90 950	<sup>(2)</sup>
1701 12 90 100	32,20 <sup>(1)</sup>
1701 12 90 910	31,09 <sup>(1)</sup>
1701 12 90 950	<sup>(2)</sup>
	— 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	35,67
1701 99 10 950	34,17
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3501

<sup>(1)</sup> 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 Regulation (EEC) No 766/68.

<sup>(2)</sup> 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).

<sup>(3)</sup> 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 1505/94****of 28 June 1994****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code <sup>(1)</sup>,Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(2)</sup>, as last amended by Regulation (EC) No 655/94 <sup>(3)</sup>, and in particular Article 173 (1) thereof,

Whereas Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation;

Whereas the result of applying the rules and criteria laid down in the abovementioned Articles to the elements

communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

The unit values provided for in Article 173 (1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 July 1994.

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

Done at Brussels, 28 June 1994.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*<sup>(1)</sup> OJ No L 302, 19. 10. 1992, p. 1.<sup>(2)</sup> OJ No L 253, 11. 10. 1993, p. 1.<sup>(3)</sup> OJ No L 82, 25. 3. 1994, p. 15.

## ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	0701 90 51 0701 90 59	New potatoes	48,55	1923	366,75	93,40	319,93	14116	38,51	92054	104,68	37,85
1.20	0702 00 10 0702 00 90	Tomatoes	47,91	1898	361,90	92,17	315,69	13929	38,00	90836	103,29	37,35
1.30	0703 10 19	Onions (other than seed)	39,30	1557	296,86	75,61	258,96	11426	31,17	74513	84,73	30,64
1.40	0703 20 00	Garlic	155,59	6165	1175,28	299,33	1025,24	45236	123,41	294995	335,46	121,31
1.50	ex 0703 90 00	Leeks	55,11	2191	416,83	106,38	362,51	15522	43,90	105358	119,58	42,20
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	57,81	2331	438,81	113,34	385,48	15133	43,14	104614	127,38	45,06
1.70	0704 20 00	Brussels sprouts	53,71	2172	405,33	104,22	354,64	14950	41,74	101870	116,85	40,02
1.80	0704 90 10	White cabbages and red cabbages	17,14	681	129,98	33,09	113,00	4877	13,79	31888	37,18	13,32
1.90	ex 0704 90 90	Sprouting broccoli or calabrese ( <i>Brassica oleracea</i> var. <i>italica</i> )	79,26	3206	598,09	153,78	523,30	22060	61,59	150316	172,41	59,05
1.100	ex 0704 90 90	Chinese cabbage	36,78	1463	279,14	71,12	243,78	10454	29,10	68223	79,83	28,31
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	40,96	1632	310,06	79,27	269,67	11511	32,39	78153	88,99	31,08
1.120	ex 0705 29 00	Endives	21,82	877	162,70	42,58	143,89	5690	17,51	39262	47,92	17,72
1.130	ex 0706 10 00	Carrots	16,90	673	128,33	32,72	111,98	4793	13,36	31281	36,73	12,98
1.140	ex 0706 90 90	Radishes	60,46	2405	458,53	116,76	398,62	17204	48,65	112485	131,17	47,01
1.150	0707 00 11 0707 00 19	Cucumbers	55,21	2193	417,12	106,57	364,08	15879	43,67	103026	119,50	42,86
1.160	0708 10 10 0708 10 90	Peas ( <i>Pisum sativum</i> )	286,11	11337	2161,23	550,45	1885,31	83185	226,95	542465	616,89	223,07
1.170		Beans:										
1.170.1	0708 20 10 0708 20 90	Beans ( <i>Vigna</i> spp., <i>Phaseolus</i> spp.)	108,31	4291	818,17	208,38	713,72	31491	85,91	205360	233,53	84,45
1.170.2	0708 20 10 0708 20 90	Beans ( <i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i> )	85,66	3394	647,07	164,80	564,46	24906	67,94	162415	184,69	66,79
1.180	ex 0708 90 00	Broad beans	92,83	3894	734,40	189,09	645,42	21793	71,04	142837	212,96	66,61
1.190	0709 10 00	Globe artichokes	61,64	2453	467,78	119,18	408,52	17518	48,77	114325	133,77	47,45
1.200		Asparagus:										
1.200.1	ex 0709 20 00	— green	605,00	23972	4569,95	1163,93	3986,52	175897	479,88	1147050	1304,42	471,70
1.200.2	ex 0709 20 00	— other	217,11	8646	1639,96	420,00	1429,46	63062	171,19	406332	470,91	167,19
1.210	0709 30 00	Aubergines (egg-plants)	95,92	3814	724,88	185,31	635,57	27371	75,84	177278	208,01	74,00
1.220	ex 0709 40 00	Ribbed celery ( <i>Apium graveolens</i> var. <i>dulce</i> )	80,83	3211	610,71	156,02	533,05	23248	63,94	150841	174,96	62,75
1.230	0709 51 30	Chantarelles	992,21	39315	7494,82	1908,88	6537,99	288476	787,02	1881187	2139,29	773,60
1.240	0709 60 10	Sweet peppers	99,92	3959	754,82	192,24	658,46	29053	79,26	189460	215,45	77,91
1.250	0709 90 50	Fennel	73,55	2966	558,22	144,18	490,38	19251	54,88	133083	162,05	57,33
1.260	0709 90 70	Courgettes	29,03	1156	220,33	56,18	192,26	8230	22,94	53707	63,06	22,28
1.270	ex 0714 20 10	Sweet potatoes, whole, fresh (intended for human consumption)	47,28	1873	357,16	90,96	311,56	13747	37,50	89648	101,94	36,86
2.10	ex 0802 40 00	Chestnuts ( <i>Castanea</i> spp.), fresh	83,78	3378	639,04	164,08	560,82	21691	62,54	145547	184,60	66,87
2.20												
2.30	ex 0804 30 00	Pineapples, fresh	42,15	1670	318,42	81,09	277,77	12256	33,43	79923	90,88	32,86
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	141,42	5603	1068,28	272,08	931,90	41118	112,18	268137	304,92	110,26



Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.50	ex 0804 50 00	Guavas and mangoes, fresh	104,96	4 158	792,83	201,93	691,61	30 516	83,25	199 000	226,30	81,83
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	47,61	1 894	361,32	92,05	315,55	13 531	37,67	88 307	103,33	36,65
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	41,57	1 647	314,06	79,99	273,97	12 088	32,98	78 830	89,64	32,41
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	42,65	1 690	322,19	82,05	281,05	12 401	33,83	80 869	91,96	33,25
2.70		Mandarins (including tangerines and satsumas), fresh ; clementines, wilkings and similar citrus hybrids, fresh :										
2.70.1	ex 0805 20 10	— Clementines	76,54	3 032	578,18	147,25	504,36	22 254	60,71	145 122	165,03	59,67
2.70.2	ex 0805 20 30	— Monreales and Satsumas	58,57	2 320	442,45	112,68	385,96	17 030	46,46	111 055	126,29	45,66
2.70.3	ex 0805 20 50	— Mandarins and wilkings	92,63	3 683	700,02	178,96	613,78	26 433	73,24	171 200	200,88	71,47
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	89,68	3 553	677,43	172,53	590,94	26 074	71,13	170 033	193,36	69,92
2.80	ex 0805 30 10	Lemons ( <i>Citrus limon</i> , <i>Citrus limonum</i> ), fresh	62,77	2 487	474,16	120,76	413,63	18 250	49,79	119 015	135,34	48,94
2.85	ex 0805 30 90	Limes ( <i>Citrus aurantifolia</i> ), fresh	140,75	5 577	1 063,24	270,80	927,50	40 924	111,65	266 871	303,48	109,74
2.90		Grapefruit, fresh :										
2.90.1	ex 0805 40 00	— white	41,31	1 636	312,05	79,47	272,21	12 010	32,76	78 324	89,07	32,20
2.90.2	ex 0805 40 00	— pink	57,08	2 261	431,17	109,81	376,12	16 595	45,27	108 223	123,07	44,50
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	123,84	4 907	935,46	238,25	816,03	36 006	98,23	234 799	267,01	96,55
2.110	0807 10 10	Water-melons	32,97	1 309	249,11	63,64	217,43	9 483	26,08	61 529	71,37	25,59
2.120		Melons (other than water-melons) :										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey dew (including Cantalene), Onteniente, Piel de Sapo (including Verde Liso), Rochet, Tendral, Futuro	34,80	1 379	262,93	66,96	229,36	10 120	27,61	65 996	75,05	27,13
2.120.2	ex 0807 10 90	— other	66,46	2 633	502,03	127,86	437,93	19 323	52,71	126 008	143,29	51,81
2.130	0808 10 31 0808 10 33 0808 10 39 0808 10 51 0808 10 53 0808 10 59 0808 10 81 0808 10 83 0808 10 89	Apples	67,18	2 662	507,51	129,26	442,72	19 534	53,29	127 385	144,86	52,38
2.140		Pears										
2.140.1	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Pears — Nashi ( <i>Pyrus pyrifolia</i> )	161,97	6 417	1 223,46	311,60	1 067,27	47 091	128,47	307 087	349,22	126,28
2.140.2	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Other	69,76	2 764	526,94	134,20	459,66	20 282	55,33	132 261	150,40	54,39

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.150	0809 10 00	Apricots	85,40	3 383	645,09	164,30	562,74	24 829	67,74	161 918	184,13	66,58
2.160	0809 20 20 0809 20 40 0809 20 60 0809 20 80	Cherries	137,15	5 434	1 036,03	263,86	903,76	39 876	108,79	260 041	295,72	106,93
2.170	ex 0809 30 90	Peaches	73,54	2 928	555,49	142,26	484,19	21 360	57,98	137 634	159,51	56,63
2.180	ex 0809 30 10	Nectarines	207,11	8 235	1 565,19	400,15	1 372,35	59 102	163,75	382 787	449,15	159,80
2.190	0809 40 11 0809 40 19	Plums	131,83	5 250	995,83	255,03	868,00	38 293	103,95	246 736	285,95	101,52
2.200	0810 10 10 0810 10 90	Strawberries	129,34	5 146	981,42	250,04	857,09	36 754	102,32	239 858	280,66	99,56
2.205	0810 20 10	Raspberries	1 232,1	49 408	9 305,36	2 396,74	8 133,50	344 866	961,01	2 323 153	2 685,64	922,33
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	102,94	4 142	776,64	201,08	684,00	27 469	82,98	185 034	226,07	78,92
2.220	0810 90 10	Kiwi fruit ( <i>Actinidia chinensis</i> Planch.)	104,50	4 140	789,39	201,05	688,61	30 383	82,89	198 137	225,32	81,48
2.230	ex 0810 90 80	Pomegranates	48,29	1 953	364,38	93,69	318,81	13 439	37,52	91 577	105,04	35,97
2.240	ex 0810 90 80	Khakis (including Sharon fruit)	372,68	14 767	2 815,13	716,99	2 455,73	108 354	295,61	706 593	803,53	290,57
2.250	ex 0810 90 30	Lychees	403,54	15 990	3 048,25	776,36	2 659,09	117 327	320,09	765 105	870,08	314,63

## COMMISSION REGULATION (EC) No 1506/94

of 27 June 1994

imposing provisional duties on imports of urea ammonium nitrate solution  
originating in Bulgaria and Poland

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(1)</sup>, as last amended by Council Regulation (EC) No 522/94<sup>(2)</sup> and in particular Article 11 thereof,

After consultations within the Advisory Committee,

Whereas :

## A. PROCEDURE

- (1) The Commission in May 1993 announced by way of a notice published in the *Official Journal of the European Communities*<sup>(3)</sup> the initiation of an anti-dumping proceeding concerning imports into the Community of urea-ammonium-nitrate solution ('UAN') originating in Bulgaria and Poland falling under CN code 3102 80 00.
- (2) This notice followed the receipt of a written complaint lodged by the European Fertilizer Manufacturer Association ('EFMA') allegedly representing a major proportion of the total Community production of UAN. The complaint contained evidence of dumping of the said product and of material injury resulting therefrom. This evidence was considered sufficient to justify the initiation of a proceeding.
- (3) The Commission officially advised the producers and exporters in the exporting countries and importers known to be concerned, the representatives of the exporting countries and the complainant. Parties directly concerned were given the opportunity to make their views known in writing and to request a hearing.
- (4) The Polish producers, one Polish exporter, one Bulgarian producer, one Bulgarian exporter, the complainant companies and two importers made their views known in writing.

- (5) The Commission sought and verified all information it deemed necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following :

(a) *Community producers*

DSM AGRO BV Netherlands,  
Grande Paroisse SA, France,  
Hydro Agri Rostock GmbH, Germany,  
Hydro Agri Sluiskil BV, Netherlands,  
Hydro Azoe France,  
Kemira BV, Netherlands,  
Stickstoffwerke AG, Germany.

(b) *Producers and exporters in Poland*

CIECH, Warsaw  
Zakłady Azotowe Kedzierzyn, Kedzierzyn  
(‘ZAK’)  
Zakłady Azotowe Pulawy, Pulawy (‘ZAP’)

(c) *Producers located in the analogue countries*

Duslo Statny Podnik, Duslo, Slovak Republic  
Severoceske Chemicke Zavody, Lovosice, Czech Republic

- (6) The investigation of dumping covered the period from 1 April 1992 to 31 March 1993.
- (7) With respect to the initiation of the anti-dumping proceeding, the Bulgarian exporter has argued that the Commission had illegally initiated the present anti-dumping investigation covering the total territory of the Community. In this context it was claimed, that, given that Bulgarian exports were made only to one Member State — France — during the investigation period, that the producers located in that Member State sold their product only locally and that imports of the product concerned into that Member State from producers located in other Member States were limited, the Commission should have investigated the effect of Bulgarian imports only with respect to that Member State in accordance with Article 4 (5) of Regulation (EEC) No 2423/88 (the ‘Basic Regulation’).
- (8) In this context, the Commission notes that although Bulgarian imports were made to one Member State only during the investigation period, in previous 12-month periods exports had also been made to other Member States. Furthermore, contrary to the allegations put forward by the Bulgarian exporter, the market of the Member State

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

<sup>(2)</sup> OJ No L 66, 10. 3. 1994, p. 10.

<sup>(3)</sup> OJ No C 123, 5. 5. 1993, p. 5.

concerned is supplied to a significant degree by imports from producers located in other Member States. Consequently, the Commission maintains that the effect of allegedly dumped Bulgarian imports on the industry concerned should be investigated Community-wide.

#### B. PRODUCT UNDER INVESTIGATION ; LIKE PRODUCT

- (9) The product concerned is urea-ammonium-nitrate solution, which is a mixture of urea and ammonium nitrate in water.

UAN is used as nitrogen ('N') fertilizer in agriculture and has an N-content of between 28 and 32 %.

Traditionally, UAN of different N-contents is used in different geographic regions in the Community but, fundamentally, there is no difference in the physical characteristics and the usage of the product.

- (10) The complaint and notice of initiation cover UAN of different grades as defined in recital (9). UAN produced and exported originating in Bulgaria and Poland is comparable to UAN produced by the Community industry and in particular has the same technical and physical characteristics and the same usage.

#### C. DUMPING

##### (a) General

- (11) With regard to the determination of dumping, Poland and the Czech and Slovak Republics — the last two being used as analogue countries for Bulgaria (see recital (24)) — have been regarded as market economies. Accordingly, normal value and, where appropriate, adjustments to export prices, such as for transport costs, were established using data relating to the producer's domestic sales prices or their respective costs.

##### (b) Poland

###### 1. Normal Value

- (12) The Commission established in its investigation that neither the Polish producers nor the Polish exporter had made any sales of UAN during investigation period or in previous years on the domestic market.

Consequently, the normal value was constructed in accordance with Article 2 (3) (b) (ii) of the Basic Regulation, on the basis of the producers full fixed and variable manufacturing costs to which an amount for selling general and administrative expenses ('SG&A') as well as a reasonable profit margin was added. Given the absence of any domestic sales on the domestic market of the product concerned and in accordance with Article 2 (3) (b) (ii) of the Basic Regulation, the SG&A and profit amounts to be used were based on the producers' domestic sales in the same business sector, namely fertilizers. Both producers had substantial sales of fertilizer on the domestic market in the investigation period.

- (13) One producer had made a series of adjustments to its manufacturing costs specifically for the purpose of the compilation of the production costs submitted to the Commission in the framework of the anti-dumping investigation. The producer concerned was not in a position to justify the adjustments made to supply documents supporting its claim. Therefore, the Commission at the provisional stage of the investigation and in accordance with Article 7 (7) (b) of the Basic Regulation has decided to use that producer's production costs as calculated in its internal cost accounting for the purpose of establishing the producer's normal value.

The other producer had not included any financing costs in the production costs submitted, although such costs had been incurred. The Commission, in accordance with Article 7 (7) (b) of the Basic Regulation, included those costs for the purpose of establishing the producer's normal value.

###### 2. Export prices

- (14) The two Polish producers have sold UAN for export to the Community via two sales routes :
- directly, to unrelated importers in the EC, and
  - indirectly, via the exporter located in Poland.

The exporter had handled all exports of chemicals before the market liberalization in Poland which started in 1989. During the investigation period the exporter handled a share of the total exports made by both producers.

For one of the producers the volume of product exported via the exporter represented a relatively minor share. The Commission concluded therefore that it would be appropriate to base the assessment of the export price on that producer's direct exports sales to the Community only — that is, on the balance of its sales.

For the other producer, the share exported via the exporter represented a significant share of total exports. Accordingly, the export price was established taking into account both the producer's export prices for direct sales transactions with independent importers in the Community and its sales to the exporter for further export to the Community.

- (15) As regards the export sales via the exporter, the Commission notes that it will further investigate the relationship between the producer and the exporter. At the present stage of the investigation, the Commission considered provisionally that the price paid by the exporter to the producer should be taken as the producer's export price, since it was sold by the producer for export to the Community.
- (16) With regard to exports made directly to independent importers in the Community, export prices were determined on the basis of the prices actually paid or payable.

In that respect, during the verification at the premises of one producer, the Commission was not satisfied as to the completeness of the reporting of this producer's export transactions. Accordingly the Commission adjusted this producer's export transactions and, in doing so based their assessment on the facts available in accordance with Article 7 (7) (b) of the Basic Regulation.

- (17) For sales made via the exporter the export prices were determined the basis of the prices actually paid or payable to the producer of the product concerned.

However, with respect to these sales, neither the exporter nor the producer could provide the appropriate information on the policy during the investigation period determining the commission paid by the producer to the exporter and deducted from the exporter's export price in order to determine the price paid or payable to the producer. Moreover, the specific amounts given in the response to the questionnaire did not correspond to the amounts actually paid. During the on-spot verification the latter were determined as substantially higher.

Accordingly, the Commission based its determination of the amount payable on the facts available in accordance with Article 7 (7) (b) of the Basic Regulation and used a commission rate of 4 %, which was the highest rate determined during the on-spot verification. It should be noted that this rate is still

lower than the rate applicable to sales by this producer of other fertilizer products via the exporter.

### 3. Comparison of export prices with normal value and dumping margins

- (18) As the normal value was constructed on the basis of the producers' production costs, the comparison between normal value and export price was made for identical product types according to different N-contents.
- (19) The export prices as established in recitals (14) to (17) were adjusted according to the actual transport, insurance, handling and ancillary costs as well as on the direct salespersons' salaries for the export sales, in accordance with Article 2 (9) and (10) of the Basic Regulation in order to establish the export prices at the ex-factory level — that is, at the same level as the normal value.
- (20) The ex-factory export prices of UAN were compared on a transaction-by transaction basis with the normal value established as described in recitals (12) and (13).

This comparison revealed that the ex-factory prices of all export transactions for both producers were below normal value, the dumping margin being equal to the amounts by which the normal value exceeded the export price. These amounts were aggregated for all export transactions and the overall dumping margin, as expressed as a percentage of the total CIF value free-at-Community-frontier, is as follows for the two producers located in Poland:

1. ZAK : 40,0 %
2. ZAP : 33,8 %.

- (21) For the case of any other exporting producer or exporter which failed to reply to the Commission's questionnaire or did not otherwise make itself known, dumping was determined on the basis of the facts available in accordance with the provisions of Article 7 (7) (b) of the Basic Regulation.

In that connection, the Commission considered that the higher dumping margin as determined for a producer which had cooperated in the framework of this investigation was appropriate.

This approach was considered necessary in order not to provide an unacceptable bonus for non-cooperation and to avoid creating an opportunity for circumvention.

## (c) Bulgaria

## 1. Normal value

(22) Bulgaria was considered to be a non-market economy country for purpose of the present anti-dumping investigation. Accordingly, the normal value to be compared with the Bulgarian export prices was established by the Commission based on prices and costs of a market economy analogue country, in accordance with Article 2 (5) of the Basic Regulation.

(23) In this respect the European Fertilizer Import Association ('EFIA') requested that Bulgaria should not be treated as a non-market economy country, as the Community was in the process of concluding an Interim Agreement with that country. However, since the exports originating in Bulgaria took place at a time when Bulgaria was a country to which Council Regulation (EEC) No 1765/82<sup>(1)</sup>, as last amended by Regulation (EEC) No 848/92<sup>(2)</sup>, applied, the Commission was required to establish normal value in accordance with the provisions of Article 2 (5) of the Basic Regulation — in the present case, by reference to prices and costs in a market economy, the former Czechoslovakia.

(24) The complainant companies had suggested that the former Czechoslovakia would be a reasonable choice — as an analogue country.

The Bulgarian exporter claimed that former Czechoslovakia should not be used as an analogue country as it now formed two independent countries. In this context, the Commission notes that for most of the investigation period former Czechoslovakia existed as one country and it is therefore concluded that the normal value could reasonably be based on the activities of the two UAN producers located in the Czech Republic and the Slovak Republic on the territory of former Czechoslovakia.

Moreover, on the basis of the investigation carried out, the Commission considers former Czechoslovakia to be an appropriate choice for an analogue country at the provisional stage because :

— there is a substantial domestic market for the product concerned, which is considered repre-

sentative as compared to the export quantities originating in Bulgaria,

— there are two domestic producers of a considerable size,

— there are significant imports of UAN from third countries,

— the production technology used by the domestic producers is comparable to that used in Bulgaria,

— the situation with respect to the access to raw materials in former Czechoslovakia is very similar to Bulgaria : both countries are supplied by Russia with natural gas, the most costly input, at world market prices, and

— the verification of the accounting data of the companies concerned satisfied the Commission that the data were reliable and in accordance with acceptable accounting standards.

In view of the above considerations the Commission considers it appropriate on balance to take former Czechoslovakia as the analogue country for Bulgaria in this specific anti-dumping investigation.

(25) Normal value has been based on the domestic sales prices and costs of the two producers which operate in former Czechoslovakia. Domestic sales prices were those paid or payable by independent customers net of all discounts, in accordance with Article 2 (3) (a) of the Basic Regulation.

In the case of one producer, part of the domestic prices were below its production costs and normal value was therefore determined in accordance with Article 2 (3) (b) (ii) of the Basic Regulation on the basis of the producer's full fixed and variable manufacturing costs, to which were added an amount for SG&A and a reasonable profit margin, as determined by the producer's profitable sales of the like product on the domestic market, and on the basis of the prices charged in the producer's remaining profitable sales.

## 2. Export price

(26) With regard to exports, all UAN export transactions since 1991 were handled by one Bulgarian exporter, namely Chimimport Investment and Fertilizer Inc. This exporter submitted information on its export transactions with independent importers in the Community. For these sales export prices were determined on the basis of the prices actually paid or payable.

<sup>(1)</sup> OJ No L 195, 5. 7. 1982, p. 1.

<sup>(2)</sup> OJ No L 89, 4. 4. 1992, p. 1.

3. *Comparison of export prices with normal value and dumping margins*

- (27) The product concerned sold on the domestic market in former Czechoslovakia has an N-content of 30 % whereas the exported product originating in Bulgaria has an N-content of 32 %. Otherwise the two products have the same physical characteristics and the same use as agricultural fertilizer. Consequently, when comparing the normal value and the export price the normal value was adjusted on the basis of the N-content of the two products concerned.
- (28) Furthermore, the export prices and the normal value as established in recitals (25) and (26) were adjusted according to the actual transport, insurance, handling, loading and ancillary costs in accordance with Article 2 (9) and (10) of the Basic Regulation in order to establish the export prices and value at the ex-factory level — that is to say, at the same level.
- (29) The adjusted export prices of UAN were compared on a transaction-by-transaction basis with the normal value as adjusted. This comparison revealed that the ex-factory prices of all export transactions of the Bulgarian exporter were below the normal value, the dumping margin being equal to the amounts by which the normal value exceeded the export price. These amounts were aggregated for all export transactions of the exporter concerned and the overall dumping margin expressed as a percentage of the total CIF value, free-to-Community-frontier is as follows for exports from Bulgaria :
- Chimimport Investment and Fertilizer Inc. 33,3 %
- (30) For any other exporting producer or exporter who failed to reply to the Commission's questionnaire or did not otherwise make itself known, dumping was determined on the basis of the facts available in accordance with the provisions of Article 7 (7) (b) of the Basic Regulation.

In this connection, the Commission considered that the dumping margin determined with regard to the exporter which had cooperated in the framework of this investigation was appropriate.

#### D. INJURY

##### (a) Volume of Community market

- (31) According to market research information, the information supplied in the framework of the present anti-dumping proceeding and import statis-

tics, total Community consumption of UAN slightly decreased from 2,9 million tonnes measured in 32 % N-UAN in 1991 to 2,8 million tonnes in 1992 and the investigation period. While an increase in the German market did occur, it could not fully compensate for the decrease in the French and Spanish markets.

##### (b) Cumulation of dumped Bulgarian and Polish imports

- (32) The Bulgarian exporter argued that exports originating from Bulgaria should not be cumulated with exports from Poland as Eurostat import statistics show a decreasing trend in Bulgarian imports into the Community from 1991 to 1992.
- (33) The Commission notes in general that the information collected in the present investigation from the producers and exporters concerned, located both in Bulgaria and in Poland is considered to be more accurate than Eurostat figures and that the information provided by the producers and exporters individually allows a specific and detailed assessment of the situation with respect to imports. In particular, the Commission has established that the information on imports into the Community provided by the Bulgarian exporter, which according to its own information is the only Bulgarian exporter of the product concerned, shows a substantial increase over the time period above at prices similar to those charged by the Polish producers.

Furthermore, it was established in the course of the investigation that UAN originating in Bulgaria and Poland as well as UAN produced in the Community had similar physical characteristics, was sold through similar if not identical channels and had the same end use as a fertilizer.

- (34) Consequently the Commission considers that the argument put forward by the Bulgarian exporter is not valid and that the imports of UAN originating in Bulgaria and Poland should in accordance with the normal practice of the Community institutions be aggregated.

##### (c) Volume and prices of dumped Bulgarian and Polish imports

- (35) The volume of dumped Bulgarian and Polish UAN imports into the EC, measured in tonnes shows a large increase over the period from 1991 to the

investigation period from nearly 500 000 tonnes of 32 % N-UAN in 1991 to more than 750 000 tonnes during the investigation period — an increase of more than 50 %.

On the basis of the total Community consumption, this development corresponds to a rise in market share held by dumped imports from 16 % in 1991 to more than 27 % in the investigation period.

The Commission considered it important to assess both developments above, namely total sales volumes and market share, in particular in the light of the short time span during which they occurred in order to evaluate the impact of the imports on the Community market in UAN.

(36) The prices of UAN imported from Bulgaria and Poland have declined by about 7 % between 1991 and 1992, a trend that continued in the investigation period. Those prices, which did not cover the production costs, have consistently undercut the prices of Community producers and have thus had a continuous and substantial depressive effect on Community producers' prices and sales revenues.

(37) A detailed evaluation of the prices charged by Bulgarian and Polish exporters and producers for UAN imports to the Community during the period of investigation as compared to those charged by Community producers at a comparable level of trade reveals that the Bulgarian and Polish exporters and producers substantially undercut the prices of their Community competitors. The comparison was carried out on the basis of the detailed transaction-by-transaction sales reports by the Bulgarian and Polish exporters and producers and the Community producers for identical UAN grades sold by both the Community producers and the Bulgarian and Polish producers, and revealed undercutting of around 7 % by the Bulgarian exporter and between 6 and 10 % by the Polish producers.

The price depression and the price undercutting rates have been especially harmful in the Community UAN market, which is a commodity market with little scope for product differentiation. Consequently, the Community producers have had little choice but to match the prices from those exporting countries in order to keep their position in the

market and keep the production facilities utilized at a relatively economical level.

(d) Community industry :

(38) Based on market research and the investigation conducted, the Commission concluded that the complainant producers represent a major proportion of the Community production of the product concerned (more than 65 %) within the meaning of Article 4 (5) of the Basic Regulation. The other producers located in the Community, namely in France, Italy, Spain and the United Kingdom, have not participated in the investigation.

(39) This industry, in response to the substantially increasing levels of dumped imports over a short period has adopted the strategy of following the price decreases of the exporting countries concerned in order to keep its position in the Community market.

In parallel, the Community industry reduced its production capacity by around 5 %, closing down two plants in France, in the period between 1991 and the investigation period. This trend has continued even since the investigation period.

These cuts in production capacity have allowed the Community industry to utilize its facilities at a more economical level. However, since it was forced to match the prices of the dumped imports, its financial situation has deteriorated considerably, leading to considerable financial losses in the investigation period. Indeed, the improved capacity utilization resulting from factory closures was not sufficient to compensate for the reduced turnover of the Community industry.

(40) As far as market share was concerned, the Community industry's strategy was successful, as its market share decreased only slightly from 40 % in 1991 to 38 % in 1992 and increased to 42 % in the investigation period. In line with this development the total production of the Community industry dropped from 1991 to 1992, to increase again in the investigation period to a level similar to that in 1991, namely around 1,2 millions tonnes of 32 % N-UAN and its sales volume dropped from 1991 to 1992 to increase again in the investigation period to a level similar to that in 1991, marginally less than 1,2 million tonnes of 32 % N-UAN.



**(e) Conclusion**

- (41) In conclusion, the significant price depression in the Community market and the negative development for the Community industry incurring significant financial losses, led the Commission to conclude that the Community UAN industry has been suffering material injury within the meaning of Article 4 (1) of the Basic Regulation.

**E. CAUSATION****(a) Effect of dumped imports**

- (42) The rapid increase in Bulgarian and Polish dumped imports over a short time at prices which undercut the Community producers' prices substantially, coincided with the depression of Community market prices for UAN between 1991 and the investigation period. Although the Community industry has not faced reduced sales volumes and market share, the stability in its position on the Community market could only be achieved by following the low prices of imports and, as a consequence, by incurring substantial and increasing losses between 1992 and the investigation period. Since UAN is a commodity, its market is highly price-sensitive. Consequently, the Community producers, when faced with low-priced imports of increasing volume, had no choice but to realign their prices to those of the dumped imports.

**(b) Other factors**

- (43) As was stated in recital (30), the Community market for UAN was fairly stable. The situation of the Community industry therefore cannot be attributed to a contraction in consumption.
- (44) Moreover, imports of UAN from other countries than Bulgaria and Poland have entered the Community in the period from 1991 to the investigation period but overall, these imports have decreased in volume. The main share of these imports originates in the United States of America. These US imports have substantially decreased in the above periods, from a volume corresponding to a 35 % market share in 1991 to a 10 % market share in the investigation period according to Eurostat information. The remaining imports have increased, but they are spread among several countries none of which has a significant share of the Community market overall.

**(c) Conclusion :**

- (45) Imports from countries other than Bulgaria and Poland have either increased from 1991 to the investigation period but remained low in absolute terms or have been significant but falling in the period from 1991 to the investigation period. Consequently, the Commission has concluded that high volume, low-priced dumped imports of UAN originating in Bulgaria and Poland, taken in isolation, have caused material injury to the Community industry particularly in the form of heavy financial losses in accordance with Article 4 (1) of the Basic Regulation.

**F. COMMUNITY INTEREST**

- (46) The purpose of anti-dumping measures is to remedy an unfair trading practice which has an injurious effect on a Community industry. Such a remedy should result in the re-establishment of a fair competitive situation which, as such, is in the interest of the Community.
- (47) In the framework of the investigation it has been established that the Community industry is facing an injurious situation in the form of substantial financial losses caused by significant and increasing volumes of dumped imports. Without a remedy the Community industry would be threatened in its viability, a consequence which has already been foreshadowed by the closure of several Community producers' UAN plants.
- (48) On the other hand, it is true that farmers have benefited in the short term from the low prices of dumped imports. However it must also be borne in mind that purchases of UAN account for a relatively small percentage of farmers' total costs. On balance, the possible gain of the farmers is not considered to be sufficient to deny the Community industry protection against unfair imports of UAN.
- (49) The Bulgarian exporter has claimed that taking anti-dumping action against Bulgarian UAN imports would not be consistent with the increased cooperation between the Community and Bulgaria. This argument has been extended to Polish imports by EFIA.

It was furthermore claimed by the Bulgarian exporter that any anti-dumping measures would have a catastrophic effect on the Bulgarian economy and would lead to a loss of employment and possibly to political destabilization.

- (50) In this context the Commission notes that the Community will pursue the aim of increasing its economic links with Bulgaria and Poland. At the same time, however, it expects Bulgarian and Polish producers and exporters to operate on the Community markets in accordance with international agreements on fair trade. With respect to the alleged effect on Bulgaria in particular, it should be noted that UAN exports to the Community represent only a small fraction of total Bulgarian exports. The Commission, therefore considers that it is not realistic to claim that anti-dumping measures imposed in order to re-establish fair trade in this market sector will have a significant impact on the overall economic activity in Bulgaria. This is equally true of the effect on the labour market in Bulgaria as its fertilizer production is not labour intensive. Furthermore, it should be noted that the imposition of anti-dumping measures should not remove products originating in the exporting countries concerned from the Community market but should only ensure that a fair competitive environment is re-established.
- (51) Finally, the contention that anti-dumping measures imposed with respect to UAN might economically and politically destabilize the country does not seem realistic.
- (52) In conclusion, it is considered that, on balance, it is in the interest of the Community to impose provisional anti-dumping measures concerning imports of UAN originating in Bulgaria and Poland.

#### G. PROVISIONAL DUTY

- (53) Based on the conclusions on dumping, injury, causality and Community interest above, the Commission had to consider what form and what level of anti-dumping measure would be required in order to restore fair competitive conditions on the Community's UAN market.

In the present circumstances, the overall loss-making situation of the Community's UAN industry had to be taken into account.

- (54) Accordingly, the Commission calculated the level of prices at which the Community industry would be able to cover its average costs of production and to obtain a reasonable return.

With respect to a reasonable level for profit, the Community industry has put forward a variety of profit targets used internally in the companies concerned. These targets vary significantly and, in a number of cases, were not established specifically for products but were the result of an overall group policy in the assessment of investment projects. In these circumstances, the Commission considered that particular account had also to be taken of the fact that the product concerned as well as the Community market are relatively mature needing only moderate amounts for investment and research and development. Therefore a profit rate of 5% on turnover was considered reasonable.

- (55) On a basis and, taking account of the Community industry's cost of production, a minimum import price was calculated which would permit the Community industry to raise its price to a profitable level.
- (56) It was established that the injury thresholds thus established are lower than the dumping margins of both producers located in Poland and of the exporter located in Bulgaria as established in recitals (19) and (29).
- (57) Given the material injury suffered by the Community industry in the form of financial losses, given the possibility of the absorption of an *ad-valorem* duty with a detrimental effect on the price situation in the Community market for this seasonal and highly price-sensitive product and given the existence of a number of import channels via third-country companies, the Commission considers it appropriate to impose a variable duty at the level which would permit the Community industry to raise its prices to profitable levels overall for imports invoiced directly by Bulgarian or Polish producers or by parties which have exported the product concerned during the investigation period and of a specific duty on the same basis for all other imports in order to avoid the circumvention of the anti-dumping measures.

#### H. FINAL PROVISION

- (58) In the interest of administration, a period should be fixed within which parties concerned may make their views known in writing. Furthermore, it should be stated that all findings made for the purpose of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive duty which the Commission may propose,

HAS ADOPTED THIS REGULATION :

*Article 1*

1. A provisional anti-dumping duty is hereby imposed on imports of urea ammonium nitrate solution originating in Bulgaria and Poland and falling within CN code 3102 80 00.

2. The amount of anti-dumping duty shall be the difference between the price of ECU 89 per tonne of product and the CIF price plus the duty payable per tonne of product in all cases where the CIF price plus the duty payable per tonne of product is less than the minimum import price and where the imports put into free circulation are directly invoiced to the importer by the following exporters or producers located in Bulgaria :

— Chimimport Investment and Fertilizer Inc., Sofia,  
— Agropolychim, Devnya,  
(Taric additional Code : 8791);

or in Poland :

— CIECH, Warsaw,  
— Zakłady Azotowe Kedzierzyn, Kedzierzyn,  
— Zakłady Azotowe Pulawy, Pulawy,  
(Taric additional Code : 8793).

3. For imports put into free circulation which are not directly invoiced by one of the exporters mentioned in

paragraph 2 to the importer, the following specific duty is set :

(a) for the product originating in Bulgaria : ECU 20 per tonne of product (Taric additional Code : 8792);

(b) for the product originating in Poland : ECU 22 per tonne of product (Taric additional Code : 8794) with the exception of the product certified as having been produced by Zakłady Azotowe Pulawy for which the specific duty is ECU 19 per tonne product (Taric additional Code : 8795)

4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

5. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

*Article 2*

The parties concerned may make known their views in writing within one month of the date of entry into force of this Regulation.

*Article 3*

This Regulation shall enter into force on the day following that 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, 27 June 1994.

*For the Commission*

Leon BRITTAN

*Member of the Commission*

## COMMISSION REGULATION (EC) No 1507/94

of 27 June 1994

re-establishing the levying of customs duties on certain industrial products originating in Thailand to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3831/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain industrial products originating in developing countries<sup>(1)</sup>, extended for 1994 by Regulation (EC) No 3668/93<sup>(2)</sup> and in particular Article 9 thereof,

Whereas, pursuant to Articles 1 and 6 of Regulation (EEC) No 3831/90, suspension of customs duties shall be accorded from 1 January to 30 June 1994 to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceilings fixed in column 6 of Annex I;

Whereas, as provided for in Article 7 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of the products of the order Nos and origins indicated in the table below, the individual ceiling is fixed at the levels indicated in that table; whereas that ceiling was reached, on the date indicated below, by charges of imports into the Community of the products in question:

Order No	Origin	Ceiling (ECU)	Date
10.1055	Thailand	2 315 500	28. 2. 1994

Whereas, it is appropriate to re-establish the levying of customs duties for the products in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

As from 3 July 1994, the levying of customs duties, suspended from 1 January to 30 June 1994, pursuant to Regulation (EEC) No 3831/90, shall be re-established on imports into the Community of the products indicated in the table below:

Order No	CN code	Description	Origin	
10.1055	8528 10 14	Television receivers (including video monitors and video projectors) whether or not combined in the same housing, with radio-broadcast receivers or sound or video recording or reproducing apparatus	Thailand	
	8528 10 16			
	8528 10 18			
	8528 10 22			
	8528 10 28			
	8528 10 52			- Colour
	8528 10 54			- - Television projection equipment
	8528 10 56			- - Apparatus incorporating a videophonic recorder or reproducer
	8528 10 58			- - Television receivers with integral tube
	8528 10 62			
	8528 10 66			
	8528 10 72			
	8528 10 76			

<sup>(1)</sup> OJ No L 370, 31. 12. 1990, p. 1.

<sup>(2)</sup> OJ No L 338, 31. 12. 1993, p. 22.

*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, 27 June 1994.

*For the Commission*  
Christiane SCRIVENER  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 1508/94**  
of 29 June 1994

**on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of boneless beef held by certain intervention agencies and intended for export, and repealing Regulation (EC) No 1066/94**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(1)</sup>, as last amended by Regulation (EC) No 1096/94<sup>(2)</sup>, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies<sup>(3)</sup>, as last amended by Regulation (EEC) No 1759/93<sup>(4)</sup>, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas Commission Regulation (EEC) No 2824/85 of 9 October 1985 laying down detailed rules for the sale of frozen boned beef from intervention stocks for export, either in the same state or after cutting and/or repackaging<sup>(5)</sup>, as amended by Regulation (EEC) No 251/93<sup>(6)</sup>, has provided for repackaging under certain conditions;

Whereas certain intervention agencies hold large stocks of boneless intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas, as there are outlets in certain third countries for the products concerned, part of the meat should be put up for sale in accordance with Regulations (EEC) No 2539/84 and (EEC) No 2824/85;

Whereas with a view to securing a regular and uniform tendering procedure, measures should be taken in addition to those laid down in Regulation (EEC) No 2173/79<sup>(7)</sup>, as last amended by Regulation (EEC) No 1759/93;

Whereas, it is appropriate to provide for the products to leave the Community within five months following the date of conclusion of the sale contract;

Whereas, as specified in Article 5 of Regulation (EEC) No 2539/84, lodging of securities should be required;

Whereas it is appropriate to specify that, in view of the prices which have been fixed in the context of this sale in order to permit the disposal of certain cuts, exports of such cuts should not be eligible for the refunds periodically fixed in the beef and veal sector;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 3002/92<sup>(8)</sup>, as last amended by Regulation (EEC) No 1938/93<sup>(9)</sup>;

Whereas Commission Regulation (EC) No 1066/94<sup>(10)</sup> should be repealed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. A sale shall be organized of approximately:
  - 7 000 tonnes of boneless beef held by the Irish intervention agency and bought in before 1 April 1993,
  - 8 000 tonnes of boneless beef held by the intervention agency of the United Kingdom and bought in before 1 June 1993,
  - 900 tonnes of boneless beef held by the Danish intervention agency and bought in before 1 September 1993,
  - 3 400 tonnes of boneless beef held by the French intervention agency and bought in before 1 August 1993.
2. This meat shall be for export.
3. Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulations (EEC) No 2539/84, (EEC) No 2824/85 and (EEC) No 3002/92.

The provisions of Commission Regulation (EEC) No 985/81<sup>(11)</sup> shall not apply to this sale.

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

<sup>(2)</sup> OJ No L 121, 12. 5. 1994, p. 9.

<sup>(3)</sup> OJ No L 238, 6. 9. 1984, p. 13.

<sup>(4)</sup> OJ No L 161, 2. 7. 1993, p. 59.

<sup>(5)</sup> OJ No L 268, 10. 10. 1985, p. 14.

<sup>(6)</sup> OJ No L 28, 5. 2. 1993, p. 47.

<sup>(7)</sup> OJ No L 251, 5. 10. 1979, p. 12.

<sup>(8)</sup> OJ No L 301, 17. 10. 1992, p. 17.

<sup>(9)</sup> OJ No L 176, 20. 7. 1993, p. 12.

<sup>(10)</sup> OJ No L 117, 7. 5. 1994, p. 7.

<sup>(11)</sup> OJ No L 99, 10. 4. 1981, p. 38.

4. By way of derogation from Article 8 (1) of Regulation (EEC) No 2173/79 a tender must be submitted to the intervention agency concerned in a closed envelope, bearing the reference to the Regulation concerned. The closed envelope must not be opened by the intervention agency before the expiry of the tender deadline referred to in paragraph 6.

5. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

6. Only those tenders shall be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 7 July 1994.

7. Particulars of the quantities and the places where the products are stored shall be available to interested parties at the addresses given in Annex II.

#### *Article 2*

Products sold under this Regulation shall leave the customs territory of the Community within five months following the date of conclusion of the sale contract.

#### *Article 3*

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 30 per 100 kilograms.

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be ECU 450 per 100 kilograms of boneless beef referred to under (a) in Annex I and ECU 230 per 100 kilograms of boneless beef referred to under (b) in Annex I.

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

Done at Brussels, 29 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

#### *Article 4*

In the case of the meat referred to under 1 (b), and 2 (b) in Annex I no export refund shall be granted.

#### *Article 5*

1. In the removal order referred to in Article 3 (1) (b) of Regulation (EEC) No 3002/92, the export declaration, and, where appropriate, the T5 control copy shall be entered:

Productos de intervención [Reglamento (CE) n° 1508/94];  
Interventionsprodukter [Forordning (EF) nr. 1508/94];  
Interventionserzeugnisse [Verordnung (EG) Nr. 1508/94];  
Προϊόντα παρεμβάσεως [κανονισμός (ΕΚ) αριθ. 1508/94];

Intervention products (Regulation (EC) No 1508/94);  
Produits d'intervention [Règlement (CE) n° 1508/94];  
Prodotti d'intervento [Regolamento (CE) n. 1508/94];  
Produkten uit interventievoorraden [Verordening (EG) nr. 1508/94];

Produtos de intervenção [Regulamento (CE) n° 1508/94].

2. With regard to the security provided for in Article 3 (2), compliance with the provisions of paragraph 1 shall constitute a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85<sup>(1)</sup>.

#### *Article 6*

Regulation (EC) No 1066/94 is hereby repealed.

#### *Article 7*

This Regulation shall enter into force on 7 July 1994.

<sup>(1)</sup> OJ No L 205, 3. 8. 1985, p. 5.

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

Precio mínimo expresado en ecus por tonelada (\*) — Mindstepriser i ECU/ton (\*) —  
Mindestpreise, ausgedrückt in ECU/Tonne (\*) — Ελάχιστες τιμές πώλησεως εκφραζόμενες σε Ecu  
ανά τόνο (\*) — Minimum prices expressed in ECU per tonne (\*) — Prix minimaux exprimés en  
écus par tonne (\*) — Prezzi minimi espressi in ecu per tonnellata (\*) — Minimumprijzen  
uitgedrukt in ecu per ton (\*) — Preço mínimo expresso em ecus por tonelada (\*)

1. IRELAND	2. UNITED KINGDOM	3. DANMARK			
a) Striploins	2 700	a) Striploins	2 300	a) Mørbrad med bimørbrad	4 950
Insides	2 650	Topsides	2 250	Filet med entrecôte og	
Outsides	2 250	Thick flanks	2 150	tyndsteg	2 600
Knuckles	2 400	Rumps	2 150	Tykstegsfilet med kappe	2 300
Rumps	2 250	b) Shins and shanks	900	Klump med kappe	2 250
Cube-rolls	2 900	Clod and sticking	800	Yderlår med lårtunge	2 300
b) Forequarters	850	Ponies	850		
Shins/shanks	850	Foreribs	750		
4. FRANCE					
a) Filet	4 900				
Faux filet	2 300				
Tende de tranche	2 550				
Tranche grasse	2 450				
Rumsteak	2 350				
Gîte à la noix	2 450				
Entrecôte	2 350				

(\*) Estos precios se entenderán netos con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) nº 2173/79.

(\*) Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

(\*) Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

(\*) Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

(\*) These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

(\*) Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) nº 2173/79.

(\*) Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.

(\*) Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

(\*) Estes preços aplicam-se a peso líquido, conforme o disposto no nº 1 do artigo 17º do Regulamento (CEE) nº 2173/79.



*ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ ΙΙ — ANNEX II — ANNEXE II —  
ALLEGATO II — BIJLAGE II — ANEXO II*

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —  
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses  
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli  
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de  
intervenção**

- IRELAND:** Department of Agriculture, Food and Forestry  
Agriculture House  
Kildare Street  
Dublin 2  
Tel. (01) 678 90 11, ext. 2278 and 3806  
Telex 93292 and 93607, telefax (01) 6616263, (01) 6785214 and (01) 6620198
- DANMARK:** EF-Direktoratet  
Nyropsgade 26  
DK-1602 København K  
Tlf. 33 92 70 00, telex 15137 EFDIR DK, fax 33 92 69 48
- UNITED KINGDOM:** Intervention Board for Agricultural Produce  
Fountain House  
2 Queens Walk  
Reading RG1 7QW  
Berkshire  
Tel. (0734) 58 36 26  
Telex 848 302, telefax (0734) 56 67 50
- FRANCE:** OFIVAL  
Tour Montparnasse  
33, avenue du Maine  
F-75755 Paris Cedex 15  
Tél. 45 38 84 00, télex 2054765 F
-

**COMMISSION REGULATION (EC) No 1509/94**  
of 29 June 1994  
amending Regulation (EEC) No 3472/85 on the buying-in and storage of olive oil  
by intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EC) No 3179/93<sup>(2)</sup>, and in particular Article 12 (4) thereof,

Whereas, with a view to encouraging a policy geared to the production of quality goods, the quality requirements for intervention should be made stricter; whereas, to that end, lampante grade oils with more than 6% acidity should be excluded from intervention, whilst the price reductions should be adjusted slightly in order to reflect the current market situation; whereas, for the sake of sound management of intervention, the price increases should also be adjusted in the case of better quality oils for which there are normally outlets on the market; whereas, in order to ensure market stability, the scale of price increases and reductions should be adjusted in two stages;

Whereas, to ensure improved monitoring of the quality of the oil offered for intervention, the analytical methods used to this end should be supplemented;

Whereas, by virtue of the analyses to be carried out on virgin oils other than lampante oils, an additional time limit for payment should be maintained;

Whereas the Management Committee for Oils and Fats did not deliver an opinion within the period set by its chairman,

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

Done at Brussels, 29 June 1994.

HAS ADOPTED THIS REGULATION:

*Article 1*

Commission Regulation (EEC) No 3472/85<sup>(3)</sup> is amended as follows:

1. In the second paragraph of Article 1, the words 'may not be more than 8 %' are replaced by 'may not be more than 6 %'.
2. In Article 2 (4) (a) the words 'in Annexes II, III, VIII, IX, XA and B and XI' are replaced by the words 'in Annexes II, III, IV, VIII, IX, XA and B and XI'.
3. In the second subparagraph of Article 3 (4) the words 'for the 1992/93 marketing year' are deleted.
4. The Annex to Regulation (EEC) No 3472/85 is replaced by the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 July 1994.

However, until 31 October 1994, Annex A to this Regulation shall apply instead of the Annex to Regulation (EEC) No 3472/85.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 285, 20. 11. 1993, p. 9.

<sup>(3)</sup> OJ No L 333, 11. 12. 1985, p. 5.

## ANNEX

(ECU/100 kg)

Description and quality as defined in the Annex to Regulation No 136/66/EEC (the degree of acidity represents the free fatty-acid content expressed as oleic acid/100 g of oil)	Price increase	Price reduction
Extra virgin olive oil	10,00	—
Virgin olive oil	4,00	—
Semi-fine virgin olive oil	—	—
Lampante virgin olive oil, 1°	—	9
Other lampante virgin olive oils — More than 1° to up to 6° acidity		Reduction increased by ECU 0,32 for each additional 10th of a degree of acidity

## ANNEX A

(ECU/100 kg)

Description and quality as defined in the Annex to Regulation No 136/66/EEC (the degree of acidity represents the free fatty-acid content expressed as oleic acid/100 g of oil)	Price increase	Price reduction
Extra virgin olive oil	13,50	—
Virgin olive oil	5,00	—
Semi-fine virgin olive oil	—	—
Lampante virgin olive oil, 1°	—	9,5
Other lampante virgin olive oils — More than 1° to up to 6° acidity		Reduction increased by ECU 0,32 for each additional 10th of a degree of acidity

## COMMISSION REGULATION (EC) No 1510/94

of 29 June 1994

amending Regulation (EC) No 1292/94 on the opening of a standing invitation to tender for the sale on the internal market of bread-making wheat held by the Greek intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas the last partial invitation to tender under Commission Regulation (EC) No 1292/94<sup>(5)</sup>, should be postponed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 2 (2) of Regulation (EC) No 1292/94 is replaced by the following:

'2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 28 July 1994.'

*Article 2*

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

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

Done at Brussels, 29 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 191, 31. 7. 1993, p. 76.

<sup>(4)</sup> OJ No L 21, 26. 1. 1994, p. 1.

<sup>(5)</sup> OJ No L 141, 4. 6. 1994, p. 10.

## COMMISSION REGULATION (EC) No 1511/94

of 29 June 1994

amending Regulation (EEC) No 2785/93 on the opening of a standing invitation to tender for the sale on the internal market of bread-making rye held by the Danish intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas the last partial invitation to tender under Commission Regulation (EEC) No 2785/93<sup>(5)</sup>, as amended by Regulation (EC) No 1111/94<sup>(6)</sup>, should be postponed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 2 (2) of Regulation (EEC) No 2785/93 is replaced by the following:

'2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 28 July 1994.'

*Article 2*

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

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

Done at Brussels, 29 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.  
<sup>(2)</sup> OJ No L 196, 5. 8. 1993, p. 22.  
<sup>(3)</sup> OJ No L 191, 31. 7. 1993, p. 76.  
<sup>(4)</sup> OJ No L 21, 26. 1. 1994, p. 1.  
<sup>(5)</sup> OJ No L 252, 9. 10. 1993, p. 21.  
<sup>(6)</sup> OJ No L 122, 17. 5. 1994, p. 1.

**COMMISSION REGULATION (EC) No 1512/94**  
**of 29 June 1994**  
**amending Regulation (EC) No 1293/94 on the opening of a standing invitation to**  
**tender for the sale on the internal market of common wheat fodder held by the**  
**Greek intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas the last partial invitation to tender under Commission Regulation (EC) No 1293/94 <sup>(5)</sup>, should be postponed ;

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

HAS ADOPTED THIS REGULATION :

*Article 1*

Article 2 (2) of Regulation (EC) No 1293/94 is replaced by the following :

'2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 28 July 1994.'

*Article 2*

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

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

Done at Brussels, 29 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 191, 31. 7. 1993, p. 76.

<sup>(4)</sup> OJ No L 21, 26. 1. 1994, p. 1.

<sup>(5)</sup> OJ No L 141, 4. 6. 1994, p. 11.

COMMISSION REGULATION (EC) No 1513/94  
of 29 June 1994

amending Regulation (EC) No 1020/94 on the opening of a standing invitation to tender for the sale on the internal market of common wheat-fodder held by the United Kingdom intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas the last partial invitation to tender under Commission Regulation (EC) No 1020/94<sup>(5)</sup>, as amended by Regulation (EC) No 1310/94<sup>(6)</sup>, should be postponed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 2 (2) of Regulation (EC) No 1020/94 is replaced by the following:

'2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 28 July 1994.'

*Article 2*

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

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

Done at Brussels, 29 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.  
<sup>(2)</sup> OJ No L 196, 5. 8. 1993, p. 22.  
<sup>(3)</sup> OJ No L 191, 31. 7. 1993, p. 76.  
<sup>(4)</sup> OJ No L 21, 26. 1. 1994, p. 1.  
<sup>(5)</sup> OJ No L 112, 3. 5. 1994, p. 12.  
<sup>(6)</sup> OJ No L 142, 7. 6. 1994, p. 17.

**COMMISSION REGULATION (EC) No 1514/94**

of 29 June 1994

**amending Regulation (EC) No 998/94 on the opening of a standing invitation to tender for the sale on the internal market of bread-making wheat held by the Belgian intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as amended by Commission Regulation (EEC) No 2193/93<sup>(2)</sup>, and in particular Article 5 thereof,Whereas Commission Regulation (EEC) No 2131/93<sup>(3)</sup>, as amended by Regulation (EC) No 120/94<sup>(4)</sup>, lays down the procedures and conditions governing the offer for sale of cereals held by intervention agencies;Whereas the last partial invitation to tender under Commission Regulation (EC) No 998/94<sup>(5)</sup>, as amended by Regulation (EC) No 1309/94<sup>(6)</sup>, should be postponed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 2 (2) of Regulation (EC) No 998/94 is replaced by the following:

'2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 28 July 1994.'

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

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

Done at Brussels, 29 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.<sup>(2)</sup> OJ No L 196, 5. 8. 1993, p. 22.<sup>(3)</sup> OJ No L 191, 31. 7. 1993, p. 76.<sup>(4)</sup> OJ No L 21, 26. 1. 1994, p. 1.<sup>(5)</sup> OJ No L 111, 30. 4. 1994, p. 66.<sup>(6)</sup> OJ No L 142, 7. 6. 1994, p. 16.



**COMMISSION REGULATION (EC) No 1515/94**  
**of 29 June 1994**  
**fixing the export refunds on olive oil**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EC) No 3179/93<sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on export refunds and levies on olive oil<sup>(3)</sup>, and in particular the first sentence of Article 3 (1) thereof,

Whereas Article 20 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Regulation (EEC) No 1650/86 and Commission Regulation (EEC) No 616/72<sup>(4)</sup>, as last amended by Regulation (EEC) No 2962/77<sup>(5)</sup>;

Whereas the first indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 4 of Regulation (EEC) No 1650/86, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market;

Whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period;

Whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 5 of Regulation (EEC) No 1650/86, it may be decided that the refund shall be fixed by tender;

Whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 3 (1) of Regulation (EEC) No 1650/86 provides that the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(6)</sup>, as amended by Regulation (EC) No 3528/93<sup>(7)</sup>, 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<sup>(8)</sup>, as amended by Regulation (EC) No 547/94<sup>(9)</sup>;

Whereas Council Regulation (EEC) No 990/93<sup>(10)</sup> 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 Oils and Fats,

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

<sup>(2)</sup> OJ No L 285, 20. 11. 1993, p. 9.

<sup>(3)</sup> OJ No L 145, 30. 5. 1986, p. 8.

<sup>(4)</sup> OJ No L 78, 31. 3. 1972, p. 1.

<sup>(5)</sup> OJ No L 348, 30. 12. 1977, p. 53.

<sup>(6)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(7)</sup> OJ No L 320, 22. 12. 1993, p. 32.

<sup>(8)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(9)</sup> OJ No L 69, 12. 3. 1994, p. 1.

<sup>(10)</sup> OJ No L 102, 28. 4. 1993, p. 14.

HAS ADOPTED THIS REGULATION :

*Article 1*

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 July 1994.

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

Done at Brussels, 29 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

*ANNEX*

to the Commission Regulation of 29 June 1994 fixing the export refunds on olive oil

Product code	Amount of refund <sup>(1)</sup> <sup>(2)</sup>
1509 10 90 100	35,00
1509 10 90 900	55,00
1509 90 00 100	42,00
1509 90 00 900	67,00
1510 00 90 100	8,00
1510 00 90 900	27,00

<sup>(1)</sup> For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 as well as for exports to third countries.

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

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

## COMMISSION REGULATION (EC) No 1516/94

of 29 June 1994

fixing the maximum export refunds on olive oil for the 14th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 3142/93

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EC) No 3179/93<sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil<sup>(3)</sup>, and in particular Article 7 thereof,

Whereas Commission Regulation (EC) No 3142/93<sup>(4)</sup> issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Council Regulation (EEC) No 990/93<sup>(5)</sup> 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 Article 6 of Regulation (EC) No 3142/93 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Commu-

nity and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refunds for olive oil for the 14th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 3142/93 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 June 1994.

*Article 2*

This Regulation shall enter into force on 30 June 1994.

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

Done at Brussels, 29 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 285, 20. 11. 1993, p. 9.

<sup>(3)</sup> OJ No L 145, 30. 5. 1986, p. 8.

<sup>(4)</sup> OJ No L 281, 16. 11. 1993, p. 3.

<sup>(5)</sup> OJ No L 102, 28. 4. 1993, p. 14.

## ANNEX

to the Commission Regulation of 29 June 1994 fixing the maximum export refunds on olive oil for the 14th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 3142/93

*(ECU/100 kg)*

Product code	Amount of refund (1)
1509 10 90 100	38,00
1509 10 90 900	—
1509 90 00 100	45,00
1509 90 00 900	—
1510 00 90 100	10,00
1510 00 90 900	—

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

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

**COMMISSION REGULATION (EC) No 1517/94**

of 29 June 1994

**fixing the production refund for olive oil used in the manufacture of certain preserved foods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EC) No 3179/93<sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 591/79 of 26 March 1979 laying down general rules relating to the production refund for olive oil used in the manufacture of certain preserved foods<sup>(3)</sup>, as last amended by Regulation (EEC) No 2903/89<sup>(4)</sup>, and in particular Articles 3 and 5 thereof,

Whereas Article 2 of Council Regulation (EEC) No 591/79 provides for the granting of a production refund for olive oil used in the preserving industry;

Whereas under Article 3 of the abovementioned Regulation, without prejudice to the second subparagraph of Article 7 of the said Regulation, the Commission shall fix this refund every two months;

Whereas, by virtue of Article 5 of the Regulation cited above, where the tender system is employed for fixing the levy, the production refund shall be fixed on the basis of the minimum levies determined under the said system for

oils falling within subheading 1509 90 00 of the combined nomenclature and the export refunds valid for those same oils; whereas, however, if the oil employed for manufacture of the preserves was produced within the Community, the amount referred to above shall be increased by a sum equal to the consumption aid in force on the day the said refund is applied;

Whereas application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the months of July and August 1994, the amount of the production refund referred to in Article 2 of Regulation (EEC) No 591/79 shall be:

- ECU 81,08 per 100 kilograms for olive oil produced in the Community,
- ECU 41,50 per 100 kilograms for olive oil other than that referred to in the preceding indent.

*Article 2*

This Regulation shall enter into force on 1 July 1994.

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

Done at Brussels, 29 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 285, 20. 11. 1993, p. 9.

<sup>(3)</sup> OJ No L 78, 30. 3. 1979, p. 2.

<sup>(4)</sup> OJ No L 280, 29. 9. 1989, p. 3.

**COMMISSION REGULATION (EC) No 1518/94**  
**of 29 June 1994**  
**on precautionary measures in the sugar sector for July 1994**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Articles 5 and 155 thereof,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EC) No 133/94<sup>(2)</sup>,

Whereas the marketing year for the products covered by the sugar market organization begins on 1 July; whereas, despite all the Commission's efforts, the Council has not, to date, adopted the prices applicable to those products nor the amount of the repayment in respect of storage costs pursuant to Articles 2 (3), 3 (4), 4 (3), 5 (5) and 8 (4) of Regulation (EEC) No 1785/81; whereas, the Commission, in compliance with the tasks entrusted to it by the Treaty is therefore obliged to adopt the precautionary measures essential to ensure continuity of operation of the common agricultural policy as regards sugar; whereas those measures are taken as a precaution and are without prejudice to the Council's subsequent decisions for the 1994/95 marketing year;

Whereas, those precautionary measures should be aimed, in particular, at ensuring the continuity of the price arrangements and adopting amounts equal to the level of prices applied in the 1993/94 marketing year; whereas, however, as regards the flat-rate reimbursement of storage costs, account should be taken of the fall in current interest rates,

HAS ADOPTED THIS REGULATION:

*Article 1*

For July 1994, for the application of the price arrangements referred to in Title I of Regulation (EEC) No 1785/81, the following amounts shall be applied:

1. an intervention price for white sugar for the non-deficit areas of the Community: ECU 52,33 per 100 kilograms;
2. a derived intervention price for white sugar for the deficit areas of the Community:

- for all areas of the United Kingdom: ECU 53,54 per 100 kilograms;
  - for all areas of Ireland: ECU 53,54 per 100 kilograms;
  - for all areas of Italy: ECU 54,27 per 100 kilograms;
  - for all areas of Portugal: ECU 53,54 per 100 kilograms;
  - for all areas of Spain: ECU 53,73 per 100 kilograms;
3. an intervention price for raw sugar: ECU 43,37 per 100 kilograms.

*Article 2*

1. For July 1994, the prices for beet applicable in the Community shall be as follows:
  - (a) the basic price for beet delivered at the collection centre: ECU 39,48 per tonne;
  - (b) the minimum price for A beet: ECU 38,69 per tonne;
  - (c) the minimum price for B beet, subject to the application of Article 28 (5) of Regulation (EEC) No 1785/81: ECU 26,85 per tonne.

2. The prices for beet shall be for delivery at the collection centre and shall apply to beet of sound, fair and merchantable quality with a sugar content of 16 % at the reception point.

*Article 3*

For July 1994, the threshold prices referred to in Article 14 of Regulation (EEC) No 1785/81 shall be:

- (a) ECU 63,18 per 100 kilograms of white sugar;
- (b) ECU 53,99 per 100 kilograms of raw sugar;
- (c) ECU 6,80 per 100 kilograms of molasses.

*Article 4*

For July 1994, the amount of the flat-rate reimbursement referred to in Article 8 of Regulation (EEC) No 1785/81 shall be ECU 0,35 per month per 100 kilograms of white sugar.

*Article 5*

This Regulation shall enter into force on 1 July 1994.

It shall be without prejudice to any subsequent decisions to be taken, where appropriate, by the Council for the 1994/95 marketing year.

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

<sup>(2)</sup> OJ No L 22, 27. 1. 1994, p. 7.

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

Done at Brussels, 29 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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## COMMISSION REGULATION (EC) No 1519/94

of 29 June 1994

laying down precautionary measures for beef and veal for July 1994

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to Treaty establishing the European Community, and in particular Articles 5 and 155 thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1096/94<sup>(2)</sup>,

Whereas Council Regulation (EEC) No 2068/92<sup>(3)</sup> fixes the intervention prices for adult bovine animals for two annual periods from 1 July 1994 to 30 June 1996;

Whereas, pursuant to Article 3 (1) of Regulation (EEC) No 805/68, a guide price for adult bovine animals must be fixed annually, before the beginning of the marketing year, in order to ensure that trade arrangements continue to operate normally; whereas the 1993/94 marketing year, extended by Council Regulation (EC) No 719/94<sup>(4)</sup>, ends on 30 June 1994; whereas, in spite of all the Commission's efforts, the Council has not so far adopted the aforementioned price for the 1994/95 marketing year; whereas the Commission, under the responsibilities assigned to it by the Treaty, is required to take precautionary measures to ensure that trade arrangements continue to operate normally in July 1994, particularly in

respect of imports in the beef and veal sector; whereas such measures are taken as a precaution and are without prejudice to subsequent decisions adopted by the Council for the period 1 July 1994 to 30 June 1995;

Whereas, in order to fix the amount to be used to calculate the import levies, the price level applied in the 1993/94 marketing year should be adopted,

HAS ADOPTED THIS REGULATION:

*Article 1*

For July 1994, the amount to be used for the guide price for adult bovine animals, for calculation of the import levies, shall be fixed at ECU 197,42 per 100 kilograms live weight.

*Article 2*

This Regulation shall enter into force on 1 July 1994.

This Regulation shall apply without prejudice to any subsequent decisions to be adopted, where appropriate, by the Council for the period 1 July 1994 to 30 June 1995.

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

Done at Brussels, 29 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 121, 12. 5. 1994, p. 9.

<sup>(3)</sup> OJ No L 215, 30. 7. 1992, p. 58.

<sup>(4)</sup> OJ No L 87, 31. 3. 1994, p. 1.



## COMMISSION REGULATION (EC) No 1520/94

of 29 June 1994

## laying down precautionary measures for milk and milk products for July 1994

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Articles 5 and 155 thereof,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 230/94 <sup>(2)</sup>,

Whereas Council Regulation (EEC) No 2072/92 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1561/93 <sup>(4)</sup>, fixes the target prices for milk and the intervention prices for butter, skimmed-milk powder and Grana Padano Parmigiano Reggiano cheeses for two annual periods from 1 July 1993 to 30 June 1995; but not the threshold prices in respect of certain milk products; whereas, in spite of all the Commission's efforts, the Council to date has not taken decisions in respect of the said period 1 July 1994 to 30 June 1995; whereas the Commission, under the responsibilities assigned to it by the Treaty, is required to take precautionary measures to ensure that the import arrangements continue in July 1994; whereas such measures are taken on a precautionary basis and are without prejudice to subsequent decisions adopted by the Council for the period 1 July 1994 to 30 June 1995;

Whereas it is necessary therefore to determine the prices used as a basis for calculating the levies for the pilot projects laid down in Annex I to Council Regulation (EEC) No 2915/79 of 18 December 1979 determining the groups of products and the special provisions for calculating levies on milk and milk products <sup>(5)</sup>, as last amended by Regulation (EC) No 3423/93 <sup>(6)</sup>; whereas it is necessary, for that purpose, to fix amounts equal to the prices

already fixed by the Council by Regulation (EEC) No 2072/92, for July 1994,

HAS ADOPTED THIS REGULATION:

*Article 1*

For July 1994, the following amounts shall apply as the threshold prices referred to in Article 4 of Regulation (EEC) No 804/68 in respect of the pilot projects defined in Annex I to Regulation (EEC) No 2915/79:

Pilot product of group of products	ECU per 100 kg
1	55,90
2	191,61
3	260,34
4	97,95
5	128,59
6	308,31
7	367,38
8	308,79
9	584,64
10	332,95
11	307,20
12	92,93

*Article 2*

This Regulation shall enter into force on 1 July 1994.

This Regulation shall apply without prejudice to any subsequent decisions to be adopted, where appropriate, by the Council for the period 1 July 1994 to 30 June 1995.

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

Done at Brussels, 29 June 1994.

For the Commission

René STEICHEN

Member of the Commission

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

<sup>(2)</sup> OJ No L 30, 3. 2. 1994, p. 1.

<sup>(3)</sup> OJ No L 215, 30. 7. 1992, p. 65.

<sup>(4)</sup> OJ No L 154, 25. 6. 1993, p. 33.

<sup>(5)</sup> OJ No L 329, 24. 12. 1979, p. 1.

<sup>(6)</sup> OJ No L 312, 15. 12. 1993, p. 8.

## COMMISSION REGULATION (EC) No 1521/94

of 29 June 1994

## limiting the period of validity of export licences both with and without advance fixing of the export refund

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as amended by Commission Regulation (EEC) No 2193/93<sup>(2)</sup>, and in particular Articles 9 (2) and 13 (6) and the corresponding provisions of the other Regulations on the common organization of the markets in agricultural products,

Whereas, under the GATT Agreement, the volume of products receiving export refunds must be reduced by 21 % in six years; whereas that reduction must be applied over annual periods, generally beginning on 1 July and expiring on 30 June of the following year;

Whereas the GATT Agreement enters into force on 1 July 1995;

Whereas it appears necessary to make a distinction between quantities exported before and quantities exported after the date of entry into force, of the GATT Agreement; whereas in order to ensure that distinction is made, steps must be taken to make certain that licences issued under the current arrangements are used under those arrangements; whereas, to that end, the period of validity of licences issued under the current arrangements should be limited to 30 June 1995;

Whereas for certain products the annual periods (GATT marketing year) begin on dates other than 1 July; whereas the period of validity of licences for the products in question should be limited to the day before those dates to ensure that a distinction is made between the quantities exported under the current arrangements and those exported under the GATT arrangements;

Whereas the limitation of the period of validity of licences derogates from the provisions fixing the period of validity of licences for each sector; whereas that derogation also applies to licences issued under the tendering procedure;

Whereas the use of one of the arrangements referred to in Articles 4 and 5 of Council Regulation (EEC) No 565/80<sup>(3)</sup>, as amended by Regulation (EEC) No 2026/83<sup>(4)</sup>, may result in an extension of the period of

validity of licences; whereas it should be laid down that products placed under one of those arrangements must be withdrawn from that arrangement not later than the day before the beginning of the GATT marketing year for the product concerned; whereas that constitutes a derogation from the provisions fixing the period during which products may be placed under one of those arrangements;

Whereas the measure provided for in this Regulation is taken to ensure a harmonious transition between the current arrangements and the GATT arrangements; whereas this measure does not prejudge the method which will be used for administration of the GATT Agreement; whereas, in this context, measures will be taken as quickly as possible in order to avoid a disruption of trade;

Whereas the Management Committees concerned have not delivered an opinion within the time limits laid down by their Chairmen,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The period of validity of export licences with or without advance fixing of the refund and of advance fixing certificates whose period of validity goes beyond 30 June 1995 shall be limited to 30 June 1995.
2. However, by way of a derogation from paragraph 1:
  - for rice and wine products, the date 30 June 1995 shall be replaced by 31 August 1995,
  - for sugar products, the date 30 June 1995 shall be replaced by 30 September 1995,
  - for olive oil products, the date 30 June 1995 shall be replaced by 31 October 1995.

*Article 2*

1. Products, which on 30 June 1995 are covered by one of the arrangements referred to in Articles 4 and 5 of Regulation (EEC) No 565/80, shall be the subject of the export declaration, within the meaning of Article 30 of Commission Regulation (EEC) No 3665/87<sup>(5)</sup>.

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

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

<sup>(3)</sup> OJ No L 62, 7. 3. 1980, p. 5.

<sup>(4)</sup> OJ No L 199, 22. 7. 1983, p. 12.

<sup>(5)</sup> OJ No L 351, 14. 12. 1987, p. 1.

2. However, by way of a derogation from paragraph 1 :

- for rice and wine products, the date 30 June 1995 shall be replaced by 31 August 1995,
- for sugar products, the date 30 June 1995 shall be replaced by 30 September 1995,
- for olive oil products, the date 30 June 1995 shall be replaced by 31 October 1995.

*Article 3*

This Regulation shall not apply to :

- C sugar and C isoglucose,
- agricultural products exported in the form of goods not covered by Annex II to the Treaty as specified in Regulation (EC) No 1222/94<sup>(1)</sup>.

*Article 4*

To avoid disruption to trade, other measures that are necessary to take account of the particular circumstances relating to products covered by Annex II to the Treaty, shall be taken as necessary in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, or, as the case may be, in the corresponding articles of other common organizations of the market concerned.

*Article 5*

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

It shall apply to licences and certificates applied for from the date of its entry into force.

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

Done at Brussels, 29 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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<sup>(1)</sup> OJ No L 136, 31. 5. 1994, p. 5.

## COMMISSION REGULATION (EC) No 1522/94

of 29 June 1994

fixing the maximum export refund for white sugar for the fifth 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<sup>(1)</sup>, as last amended by Regulation (EC) No 133/94<sup>(2)</sup>, 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<sup>(3)</sup> 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 fifth partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 990/93<sup>(4)</sup> 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 fifth 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 38,228 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 30 June 1994.

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

Done at Brussels, 29 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 22, 27. 1. 1994, p. 7.

<sup>(3)</sup> OJ No L 112, 3. 5. 1994, p. 13.

<sup>(4)</sup> OJ No L 102, 28. 4. 1993, p. 14.

**COMMISSION REGULATION (EC) No 1523/94  
of 29 June 1994**

**fixing the import levies on live cattle and on beef and veal other than frozen**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(1)</sup>, as last amended by Regulation (EC) No 1096/94<sup>(2)</sup>, and in particular Article 12 (8) thereof,

Whereas, pursuant to Article 9 of Regulation (EEC) No 805/68, a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas in respect of bovine animals the basic levy is determined on the basis of the difference between the guide price and the Community free-at-frontier offer price plus the amount of the customs duty; whereas the Community free-at-frontier offer price is determined in the light of the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period for bovine animals and for the fresh or chilled meat specified in section (a) of the Annex to the said Regulation under CN codes 0201 10 00, 0201 10 90, 0201 20 20 to 0201 20 50, account being taken in particular of the position with respect to supply and demand, of world market prices for frozen meat of a category which is competitive with fresh or chilled meat and of past experience;

Whereas if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;
- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;
- (c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;
- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas if it is found that the price of adult bovine animals on representative Community markets is equal to

or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;
- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;
- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;
- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas pursuant to Article 10 (4) of Regulation (EEC) No 805/68 the basic levy on the meat specified in sections (a), (c) and (d) of the Annex hereto is equal to the basic levy determined for bovine animals, multiplied by a standard coefficient fixed for each of the products in question; whereas these coefficients are fixed by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff<sup>(3)</sup>, as last amended by Regulation (EEC) No 3661/92<sup>(4)</sup>;

Whereas the Council has not to date adopted the guide prices for adult bovine animals for the 1994/95 marketing year, which commences on 1 July 1994; whereas the price factors determined by Commission Regulation (EC) No 1519/94<sup>(5)</sup> should accordingly be taken into account for the calculation of the levies in order to ensure that the import arrangements continue to operate in the sector concerned;

Whereas Regulation (EEC) No 586/77 stipulates that the basic levy is to be calculated according to the method set out in its Article 3 and on the basis of all the representative free-at-frontier offer prices of the Community determined for the products of each of the categories and cuts specified in Article 2 and established principally by reference to the prices specified in the customs documents accompanying products imported from third countries or from other information concerning export prices obtaining in those third countries;

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

<sup>(2)</sup> OJ No L 121, 12. 5. 1994, p. 9.

<sup>(3)</sup> OJ No L 75, 23. 3. 1977, p. 10.

<sup>(4)</sup> OJ No L 370, 19. 12. 1992, p. 16.

<sup>(5)</sup> See page 45 of this Official Journal.

Whereas, however, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account; offer prices should also be excluded when the movement of prices in general or the information available suggests that they are unrepresentative of the true trend of prices in the country of origin;

Whereas in cases where for one or more categories of bovine animals or cuts of meat a free-at-frontier offer price cannot be established, the most recent available price should be used for the calculation;

Whereas if the free-at-frontier offer price differs by less than ECU 0,60 per 100 kilograms of live weight from that previously used for the calculation of the levy, the latter price should be retained;

Whereas pursuant to Article 10 (3) of Regulation (EEC) No 805/68 a special basic levy is determined for certain third countries on the basis of the difference between the guide price and the average price recorded over a certain period plus the amount of the customs duty;

Whereas Commission Regulation (EEC) No 611/77<sup>(1)</sup>, as last amended by Regulation (EEC) No 1049/92<sup>(2)</sup>, provides that the special levy on products originating in and coming from Austria, Sweden and Switzerland should be determined on the basis of the weighted average of the prices of adult bovine animals recorded on the representative markets of those third countries; whereas the weighting coefficients and representative markets are specified in the Annexes to Regulation (EEC) No 611/77;

Whereas Council Decision 92/232/EEC of 1 October 1991 on the conclusion of an Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Austria concerning the adjustment of the Community import arrangements applicable to certain beef and veal sector products originating in Austria<sup>(3)</sup> lays down new provisions on preferential imports under a separate tariff quota; whereas this must be taken into account when the levies are fixed;

Whereas the levy is not collected in respect of imports under the quotas opened by Commission Regulations (EC) No 212/94<sup>(4)</sup> and (EC) No 957/94<sup>(5)</sup> and by Council Regulations (EC) No 129/94<sup>(6)</sup>, (EC) No 774/94<sup>(7)</sup> and (EC) No 775/94<sup>(8)</sup>;

Whereas the average price is not to be used for calculating the special levy unless it is at least ECU 1,21 per 100 kilograms of live weight more than the free-at-frontier

offer price determined in accordance with Article 10 (2) of Regulation (EEC) No 805/68;

Whereas if the average price differs by less than ECU 0,60 per 100 kilograms of live weight from that previously used to calculate the levy, the latter may be retained;

Whereas in cases where one or more of the abovementioned third countries adopt, for reasons of health for example, measures affecting the prices recorded on their markets, the Commission may use the latest prices recorded before the entry into force of such measures;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on the representative market or markets of each Member State in respect of the various categories of adult bovine animals or of meat from such animals, after taking into account the size of each of these categories and the relative size of the bovine herd of each Member State;

Whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community<sup>(9)</sup>, as last amended by Regulation (EC) No 1155/94<sup>(10)</sup>;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets; whereas, for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day; whereas in respect of Italy the price of each category and quantity is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax' are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex;

<sup>(1)</sup> OJ No L 77, 25. 3. 1977, p. 14.

<sup>(2)</sup> OJ No L 111, 29. 4. 1992, p. 7.

<sup>(3)</sup> OJ No L 111, 29. 4. 1992, p. 16.

<sup>(4)</sup> OJ No L 27, 1. 2. 1994, p. 38.

<sup>(5)</sup> OJ No L 108, 29. 4. 1994, p. 13.

<sup>(6)</sup> OJ No L 22, 27. 1. 1994, p. 1.

<sup>(7)</sup> OJ No L 91, 8. 4. 1994, p. 1.

<sup>(8)</sup> OJ No L 91, 8. 4. 1994, p. 4.

<sup>(9)</sup> OJ No L 77, 25. 3. 1977, p. 1.

<sup>(10)</sup> OJ No L 129, 21. 5. 1994, p. 5.

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures ;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices ;

Whereas for such period as the price of adult bovine animals recorded on representative Community markets differs by less than ECU 0,24 per 100 kilograms of live weight from the price previously used, the latter is retained ;

Whereas the levies must be so fixed that obligations arising from international agreements concluded by the Community continue to be fulfilled ; whereas the levies fixed must be consistent with interim agreements entered into by the Community ; whereas account should also be taken of Council Regulation (EC) No 3698/93 of 22 December 1993 concerning the arrangements applicable to the import into the Community of products originating in the Republics of Bosnia-Herzegovina, Croatia and Slovenia and the former Yugoslav Republic of Macedonia<sup>(1)</sup>, which provides for reductions in the levies on certain products of the beef and veal sector imported into the Community ; whereas Commission Regulation (EC) No 250/94<sup>(2)</sup> establishes detailed rules for the importation of these products ;

Whereas, in addition, account must be taken of Decision 94/1/ECSC, EC of the Council and Commission<sup>(3)</sup>, concerning the conclusion of the Agreements on the European Economic Area, between the European Community, the European Coal and Steel Community and their Member States, on the one hand, and Austria, Finland, Iceland, Norway, Sweden and Liechtenstein, on the other hand, hereafter referred to as the 'EEA Agreement' ; whereas the Bilateral Agreements on agriculture between the Community, on the one hand, and Austria and Finland, on the other hand, enter into force at the same time as the EEA Agreement ; whereas Commission Regulation (EC) No 266/94<sup>(4)</sup>, as amended by Regulation (EC) No 394/94<sup>(5)</sup>, lays down for 1994 detailed rules for the application of the import arrangements for these products originating in Sweden ;

Whereas Council Regulation (EEC) No 715/90<sup>(6)</sup>, as last amended by Regulation (EC) No 235/94<sup>(7)</sup>, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural

products originating in the African, Caribbean and Pacific States ;

Whereas Council Regulations (EC) No 3491/93<sup>(8)</sup> and (EC) No 3492/93<sup>(9)</sup>, on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republics of Hungary and Poland, of the other part, and Council Regulation (EEC) No 520/92 of 27 February 1992 on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part<sup>(10)</sup>, as amended by Regulation (EEC) No 2235/93<sup>(11)</sup>, and in particular Article 1 thereof introduce arrangements for reducing import levies on certain products ; whereas Commission Regulation (EC) No 1390/94<sup>(12)</sup>, lays down detailed rules for applying the import arrangements provided for in these agreements as regards beef ;

Whereas Council Regulations (EC) No 3641/93<sup>(13)</sup> and (EC) No 3642/93<sup>(14)</sup> on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Bulgaria and Romania, of the other part ; whereas Commission Regulation (EC) No 1389/94<sup>(15)</sup> lays down detailed rules for applying the arrangements provided for in these agreements as regards beef ;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community<sup>(16)</sup> no levies shall apply on imports of products originating in the overseas countries and territories ;

Whereas the various cuts of beef and veal are defined in Regulation (EEC) No 586/77 ;

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature ;

Whereas the levies and special levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month ; whereas these levies may be altered in the period between two fixings where the basic levy or special basic levy is altered, or in the case of changes in the prices recorded on Community representative markets ;

<sup>(1)</sup> OJ No L 344, 31. 12. 1993, p. 1.

<sup>(2)</sup> OJ No L 31, 4. 2. 1994, p. 8.

<sup>(3)</sup> OJ No L 1, 3. 1. 1994, p. 1.

<sup>(4)</sup> OJ No L 32, 5. 2. 1994, p. 9.

<sup>(5)</sup> OJ No L 53, 24. 2. 1994, p. 13.

<sup>(6)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(7)</sup> OJ No L 30, 3. 2. 1994, p. 12.

<sup>(8)</sup> OJ No L 319, 21. 12. 1993, p. 1.

<sup>(9)</sup> OJ No L 319, 21. 12. 1993, p. 4.

<sup>(10)</sup> OJ No L 56, 29. 2. 1992, p. 9.

<sup>(11)</sup> OJ No L 200, 10. 8. 1993, p. 5.

<sup>(12)</sup> OJ No L 152, 18. 6. 1994, p. 20.

<sup>(13)</sup> OJ No L 333, 31. 12. 1993, p. 16.

<sup>(14)</sup> OJ No L 333, 31. 12. 1993, p. 17.

<sup>(15)</sup> OJ No L 152, 18. 6. 1994, p. 20.

<sup>(16)</sup> OJ No L 263, 19. 9. 1991, p. 1.

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(1)</sup>, as amended by Regulation (EC) No 3528/93<sup>(2)</sup>, 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<sup>(3)</sup>, amended by Regulation (EC) No 547/94<sup>(4)</sup>;

Whereas, having regard to the provisions of the aforementioned Regulation, and in particular to the information and quotations known to the Commission, the levies on live cattle and beef and veal other than frozen meat should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies on live cattle and beef and veal other than frozen meat shall be as set out in the Annex to the present Regulation.

*Article 2*

This Regulation shall enter into force on 1 July 1994.

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

Done at Brussels, 29 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 320, 22. 12. 1993, p. 32.

<sup>(3)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(4)</sup> OJ No L 69, 12. 3. 1994, p. 1.



## ANNEX

## to the Commission Regulation of 29 June 1994 fixing the import levies on live cattle and on beef and veal other than frozen

(ECU/100 kg)

CN code	Croatia / Slovenia / Bosnia-Herzegovina / Former Yugoslav Republic of Macedonia <sup>(1)</sup>	Austria <sup>(2)</sup>	Sweden/Switzerland	Other third countries <sup>(3)</sup>
— Live weight —				
0102 90 05	—	17,086	0,000	131,433 <sup>(4)</sup>
0102 90 21	—	17,086	0,000	131,433 <sup>(4)</sup>
0102 90 29	—	17,086	0,000	131,433 <sup>(4)</sup>
0102 90 41	—	17,086	0,000	131,433 <sup>(4)</sup> <sup>(5)</sup>
0102 90 49	—	17,086	0,000	131,433 <sup>(4)</sup> <sup>(5)</sup>
0102 90 51	23,058	17,086	0,000	131,433 <sup>(4)</sup>
0102 90 59	23,058	17,086	0,000	131,433 <sup>(4)</sup>
0102 90 61	—	17,086	0,000	131,433 <sup>(4)</sup>
0102 90 69	—	17,086	0,000	131,433 <sup>(4)</sup>
0102 90 71	23,058	17,086	0,000	131,433 <sup>(4)</sup>
0102 90 79	23,058	17,086	0,000	131,433 <sup>(4)</sup>
— Net weight —				
0201 10 00	43,811	32,464	0,000 <sup>(7)</sup>	249,723 <sup>(4)</sup> <sup>(5)</sup>
0201 20 20	43,811	32,464	0,000 <sup>(7)</sup>	249,723 <sup>(4)</sup> <sup>(5)</sup>
0201 20 30	35,049	25,971	0,000 <sup>(7)</sup>	199,778 <sup>(4)</sup> <sup>(5)</sup>
0201 20 50	52,573	38,957	0,000 <sup>(7)</sup>	299,667 <sup>(4)</sup> <sup>(5)</sup>
0201 20 90	—	48,696	0,000 <sup>(7)</sup>	374,583 <sup>(4)</sup> <sup>(5)</sup>
0201 30 00	—	55,701	0,000 <sup>(7)</sup>	428,471 <sup>(4)</sup> <sup>(5)</sup>
0206 10 95	—	55,701	0,000	428,471 <sup>(4)</sup>
0210 20 10	—	48,696	0,000	374,583
0210 20 90	—	55,701	0,000	428,471
0210 90 41	—	55,701	0,000	428,471
0210 90 90	—	55,701	0,000	428,471
1602 50 10	—	55,701	0,000	428,471
1602 90 61	—	55,701	0,000	428,471

<sup>(1)</sup> In accordance with amended Regulation (EEC) No 715/90, levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.

<sup>(2)</sup> No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

<sup>(3)</sup> This levy is applicable only to products complying with the provisions of Commission Regulation (EC) No 250/94.

<sup>(4)</sup> This levy is applicable only to products complying with the provisions of the Agreement between the EEC and Austria (OJ No L 111, 29. 4. 1992, p. 21).

<sup>(5)</sup> Products falling within this code, imported from Poland and Hungary under the Agreements concluded between those countries and the Community and the Interim Agreements between the Czech Republic, the Slovak Republic, Bulgaria and Romania and the Community and the Interim Agreements 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 Commission Regulation (EEC) No 2697/93, amended, or Regulation (EC) No 346/94 have been presented, are subject to the levies foreseen in those Regulations.

<sup>(6)</sup> Products falling within this code, imported from Poland or Hungary under the Agreements concluded between those countries and the Community and the Interim Agreements between the Czech Republic, the Slovak Republic and the Community, and in respect of which EUR.1 certificates issued in accordance with Commission Regulation (EC) No 358/94 (OJ No L 46, 18. 2. 1994, p. 34) have been presented, are subject to the levies foreseen in that Regulation.

<sup>(7)</sup> The levy may be reduced in accordance with the Agreement between the Community and Sweden (OJ No L 346, 31. 12. 1993, p. 36) and Regulation (EC) No 266/94.

**COMMISSION REGULATION (EC) No 1524/94**  
**of 29 June 1994**  
**fixing the import levies on frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EC) No 1096/94 <sup>(2)</sup>, and in particular Article 12 (8) thereof,

Whereas, pursuant to Article 9 of Regulation (EEC) No 805/68, a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas, in respect of the types of frozen meat listed in section (b) of the Annex to the said Regulation under CN codes 0202 10 00 and 0202 20 10, the basic levy is determined on the basis of the difference between:

- the guide price multiplied by a coefficient representing the ratio existing in the Community between the price of fresh meat of a category competitive with the frozen meat in question, presented in the same form, and the average price of adult bovine animals, and
- the Community free-at-frontier offer price for frozen meat, plus the amount of the customs duty and a standard amount representing the specific costs of the import operations;

Whereas, by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of the levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff <sup>(3)</sup>, as last amended by Regulation (EEC) No 3661/92 <sup>(4)</sup>, the abovementioned coefficient, calculated in accordance with the rules laid down in Article 11 (2) (a) of Regulation (EEC) No 805/68, has been fixed at 1,69 units of account and the standard amount referred to in Article 11 (2) (b) of the said Regulation has been fixed at ECU 6,65;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;
- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;

(c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;

(d) 0 % where the market price is more than 106 % of the guide price;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is equal to or less than the guide price, the levy applicable equals the following percentage of the basic levy:

(a) 100 % where the market price is more than or equal to 98 % of the guide price;

(b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;

(c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;

(d) 114 % where the market price is less than 90 % of the guide price;

Whereas the Council has not to date adopted the guide prices for adult bovine animals for the 1994/95 marketing year, which commences on 1 July 1994; whereas the price factors determined by Commission Regulation (EC) No 1519/94 <sup>(5)</sup> should accordingly be taken into account for the calculation of the levies in order to ensure that the import arrangements continue to operate in the sector concerned;

Whereas the Community free-at-frontier offer price for frozen meat is determined by reference to the world market price based on the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period preceding the fixing of the basic levy, taking into account in particular:

- foreseeable developments on the market in frozen meat,
- the most representative prices on third country markets for fresh and chilled meat of a category which is competitive with frozen meat,
- past experience;

Whereas the basic levy on the types of frozen meat listed in section (b) of the Annex to Regulation (EEC) No 805/68 under CN codes 0202 20 50, 0202 20 90, 0202 30 10, 0202 30 50 and 0202 30 90 is equal to the basic levy fixed for the products falling within CN codes 0202 10 00 and 0202 20 10, multiplied by a standard

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

<sup>(2)</sup> OJ No L 121, 12. 5. 1994, p. 9.

<sup>(3)</sup> OJ No L 75, 23. 3. 1977, p. 10.

<sup>(4)</sup> OJ No L 370, 19. 12. 1992, p. 16.

<sup>(5)</sup> See page 45 of this Official Journal.

coefficient fixed for each of the products in question ;  
whereas these coefficients were fixed in Annex II to  
Regulation (EEC) No 586/77 ;

Whereas, for the purpose of fixing the free-at-frontier  
offer prices, offer prices that do not correspond to real  
purchasing possibilities or that relate to unrepresentative  
quantities should not be taken into account ; whereas  
offer prices should also be excluded when the movement  
of prices in general or the information available gives  
reason to believe that they are unrepresentative of the true  
trend of prices in the country of origin ;

Whereas, where the free-at-frontier offer price for frozen  
meat differs by less than one unit of account per 100 kilo-  
grams from that previously used for the calculation of the  
levy, the latter price should be retained ;

Whereas pursuant to Article 12 (6) of Regulation (EEC)  
No 805/68 the price of adult bovine animals on represen-  
tative Community markets is the price established on the  
basis of prices recorded over a period to be determined on  
the representative market or markets of each Member  
State for the various categories of adult bovine animals or  
of meat from such animals, taking into account the size of  
each of these categories and the relative size of the bovine  
herd of each Member State ;

Whereas the representative markets, categories and quali-  
ties of products and weighting coefficients are fixed in  
Annex II to Commission Regulation (EEC) No 610/77 of  
18 March 1977 on the determination of prices of adult  
bovine animals on representative Community markets  
and the survey of prices of certain other cattle in the  
Community<sup>(1)</sup>, as last amended by Regulation (EC) No  
1155/94<sup>(2)</sup> ;

Whereas, for Member States with several representative  
markets, the price of each category and quality is equal to  
the arithmetic mean of the prices recorded on each of  
those markets ; for representative markets held several  
times in one period of seven days, the price of each cat-  
egory and quality is equal to the arithmetic mean of the  
prices recorded on each market day ; whereas in respect of  
Italy the price of each category and quality is equal to the  
average, weighted by the special weighting coefficients  
fixed in Annex II to Regulation (EEC) No 610/77, of the  
prices recorded in the surplus and deficit zones ; whereas  
the price recorded in the surplus zone is equal to the  
arithmetic mean of the prices recorded on each of the  
markets within that zone ; whereas in respect of the  
United Kingdom the weighted average prices of adult  
bovine animals recorded on the representative markets of  
Great Britain on the one hand and Northern Ireland on  
the other are adjusted by the coefficient fixed in the  
abovementioned Annex II ;

<sup>(1)</sup> OJ No L 77, 25. 3. 1977, p. 1.

<sup>(2)</sup> OJ No L 129, 21. 5. 1994, p. 5.

Whereas prices for the different categories and qualities  
not obtained from prices which are 'live weight excluding  
tax', are multiplied by the live weight conversion coeffi-  
cients fixed in Annex II to the said Regulation and, in the  
case of Italy, are first increased or reduced by the correc-  
tive amounts fixed in the said Annex ;

Whereas if one or more Member States, for veterinary or  
health reasons for example, adopt measures affecting the  
normal trend of prices recorded on their markets, the  
Commission may disregard the prices recorded on the  
market or markets in question, or use the latest prices  
recorded on the market or markets in question before the  
entry into force of such measures ;

Whereas, in the absence of information, prices recorded  
on representative Community markets are determined  
mainly by reference to the most recently recorded prices ;

Whereas, for such period as the price of adult bovine  
animals recorded on representative Community markets  
differs by less than ECU 0,24 per 100 kilograms of live  
weight from the price previously used, the latter is  
retained ;

Whereas Council Regulation (EEC) No 715/90<sup>(3)</sup>, as last  
amended by Regulation (EC) No 235/94<sup>(4)</sup>, lays down the  
arrangements applicable on agricultural products and  
certain goods resulting from the processing of agricultural  
products originating in the African, Caribbean and Pacific  
States ;

Whereas Council Regulations (EC) No 3491/93<sup>(5)</sup> and  
(EC) No 3492/93<sup>(6)</sup>, on certain procedures for applying  
the Europe Agreement establishing an association  
between the European Communities and their Member  
States, of the one part, and the Republics of Hungary and  
Poland, of the other part, and Council Regulation (EEC)  
No 520/92 of 27 February 1992 on certain rules for  
applying the Interim Agreement on trade and trade-  
related matters between the European Economic Commu-  
nity and the European Coal and Steel Community, of the  
one part, and the Czech and Slovak Federal Republic, of  
the other part<sup>(7)</sup>, as amended by Regulation (EEC) No  
2235/93<sup>(8)</sup>, and in particular Article 1 thereof introduce  
arrangements for reducing import levies on certain  
products ; whereas Commission Regulation (EC) No  
1390/94<sup>(9)</sup> lays down detailed rules for applying the  
arrangements provided for in these agreements as regards  
beef ;

<sup>(3)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(4)</sup> OJ No L 30, 3. 2. 1994, p. 12.

<sup>(5)</sup> OJ No L 319, 21. 12. 1993, p. 1.

<sup>(6)</sup> OJ No L 319, 21. 12. 1993, p. 4.

<sup>(7)</sup> OJ No L 56, 29. 2. 1992, p. 9.

<sup>(8)</sup> OJ No L 200, 10. 8. 1993, p. 5.

<sup>(9)</sup> OJ No L 152, 18. 6. 1994, p. 20.

Whereas Council Regulations (EC) No 3641/93<sup>(1)</sup> and (EC) No 3642/93<sup>(2)</sup> on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Bulgaria and Romania, of the other part; whereas Commission Regulation (EC) No 1389/94<sup>(3)</sup>, lays down detailed rules for applying the arrangements provided for in these agreements as regards beef;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community<sup>(4)</sup>, no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas the various cuts of frozen meat are defined in Regulation (EEC) No 586/77;

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas the levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month; whereas these levies may be altered in the period between two fixings where the basic levy is altered, or in these case of changes in the prices recorded on Community representative markets;

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

Done at Brussels, 29 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(5)</sup>, as amended by Regulation (EC) No 3528/93<sup>(6)</sup>, 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<sup>(7)</sup>, amended by Regulation (EC) No 547/94<sup>(8)</sup>;

Whereas, having regard to the provisions of the aforementioned Regulations, and in particular to the information and quotations known to the Commission, the levies on frozen beef and veal should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

*Article 1*

The import levies on frozen beef and veal shall be as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 1 July 1994.

<sup>(1)</sup> OJ No L 333, 31. 12. 1993, p. 16.

<sup>(2)</sup> OJ No L 333, 31. 12. 1993, p. 17.

<sup>(3)</sup> OJ No L 152, 18. 6. 1994, p. 16.

<sup>(4)</sup> OJ No L 263, 19. 9. 1991, p. 1.

<sup>(5)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(6)</sup> OJ No L 320, 22. 12. 1993, p. 32.

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

<sup>(8)</sup> OJ No L 69, 12. 3. 1994, p. 1.

## ANNEX

to the Commission Regulation of 29 June 1994 fixing the import levies on frozen beef and veal <sup>(1)</sup> <sup>(2)</sup>

*(ECU/100 kg)*

CN code	Levy
	— Net weight —
0202 10 00	153,889 <sup>(3)</sup>
0202 20 10	153,889 <sup>(3)</sup>
0202 20 30	123,111 <sup>(3)</sup>
0202 20 50	192,361 <sup>(3)</sup>
0202 20 90	230,833 <sup>(3)</sup>
0202 30 10	192,361 <sup>(3)</sup>
0202 30 50	192,361 <sup>(3)</sup>
0202 30 90	264,689 <sup>(3)</sup>
0206 29 91	264,689

<sup>(1)</sup> In accordance with amended Regulation (EEC) No 715/90, levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.

<sup>(2)</sup> No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

<sup>(3)</sup> Products falling within this code, imported from Poland or Hungary under the Agreements concluded between those countries and the Community and the Interim Agreements between the Czech Republic, the Slovak Republic, Bulgaria, Romania and the Community, and in respect of which EUR.1 certificates issued in accordance with Commission Regulation (EEC) No 2697/93, amended, or Regulation (EC) No 346/94 have been presented, are subject to the levies foreseen in those Regulations.

**COMMISSION REGULATION (EC) No 1525/94**  
**of 29 June 1994**  
**fixing the import levies on milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 230/94 <sup>(2)</sup>, and in particular Article 14 (8) thereof,

Whereas Article 14 of Regulation (EEC) No 804/68 provides for charging a levy on imports of the products listed in Article 1 of that Regulation; whereas these products may be divided into groups; whereas the product groups and the pilot groups and the pilot product for each of these groups are set out in Annex I to Council Regulation (EEC) No 2915/79 of 18 December 1979 determining the groups of products and the special provisions for calculating levies on milk and milk products <sup>(3)</sup>, as last amended by Regulation (EC) No 3423/93 <sup>(4)</sup>;

Whereas the levy on the products in any one group must be equal to the threshold price for the pilot product less the free-at-frontier price;

Whereas the Council has not to date adopted the prices for certain milk products for the 1994/95 marketing year, which commences on 1 July 1994; whereas the price factors determined by Commission Regulation (EC) No 1520/94 <sup>(5)</sup> should accordingly be taken into account for the calculation of the levies in order to ensure that the import arrangements continue to operate in the sector concerned;

Whereas, however, Regulation (EEC) No 2915/79 lays down special provisions for calculating the levy on certain assimilated products; whereas these products are listed and the method of calculating the levy on them described in Annex II and in Articles 2 to 12 of that Regulation respectively;

Whereas, as provided for in Regulation (EEC) No 2915/79, the component of the levy established using a factor expressing the weight ratio existing between the milk components contained in the product on the one hand and the product itself on the other is, for products containing sugar or other sweeteners, calculated by multiplying the basic amount by the quantity of milk components contained in the product;

Whereas Article 12 of Regulation (EEC) No 2915/79 provides that for certain products originating in or coming from certain third countries a specific levy is to be applied; whereas the levy applicable to those products is fixed in Annex I to Commission Regulation (EEC) No 1767/82 <sup>(6)</sup>, as last amended by Regulation (EC) No 659/94 <sup>(7)</sup>;

Whereas, for as long as it is found that on importation into the Community the price of an assimilated product for which the levy is not equal to the levy on its pilot product is considerably lower than the price which would obtain if the ratio to the price of the pilot product were normal, the levy must be equal to the sum of two components:

- one component equal to the amount resulting from the provisions of Articles 2 to 7 of Regulation (EEC) No 2915/79 applicable to the assimilated product in question,
- an additional component fixed at a level which, the composition and quality of the assimilated product being taken into account, makes it possible to re-establish normal price ratios for imports into the Community;

Whereas Article 14(3) of Regulation (EEC) No 804/68 provides that the levy on products in respect of which the customs duty has been bound within GATT must be limited to the amount resulting from that binding;

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

<sup>(2)</sup> OJ No L 30, 3. 2. 1994, p. 1.

<sup>(3)</sup> OJ No L 329, 24. 12. 1979, p. 1.

<sup>(4)</sup> OJ No L 312, 15. 12. 1993, p. 8.

<sup>(5)</sup> See page 46 of this Official Journal.

<sup>(6)</sup> OJ No L 196, 5. 7. 1982, p. 1.

<sup>(7)</sup> OJ No L 82, 25. 3. 1994, p. 23.

Whereas Commission Regulation (EEC) No 1073/68 <sup>(1)</sup>, as amended by Regulation (EEC) No 222/88 <sup>(2)</sup>, provides that a free-at-frontier price must be established for each of the pilot products defined in Annex I to Regulation (EEC) No 2915/79; whereas these prices must be determined for products of good marketable quality;

Whereas the free-at-frontier prices must be established on the basis of the most favourable purchasing opportunities in international trade for the products listed in Article 1 of Regulation (EEC) No 804/68 other than assimilated products for which the levy is not equal to the levy on the related pilot products; whereas, when recording these purchasing opportunities, the Commission must take account of all information obtained direct or through the Member States concerning prices for delivery of third-country products free-at-Community-frontier and prices on third-country markets;

Whereas Commission Regulation (EEC) No 788/86 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1525/90 <sup>(4)</sup>, specifies the free-at-Spanish-frontier values of certain cheeses imported from and originating in Switzerland;

Whereas, however, no account should be taken of information relating to small quantities which are not representative of trade in the products in question and quantities in respect of which price trends in general or other information available to it lead the Commission to believe that the price in question is unrepresentative of the real trend of the market;

Whereas the prices used must be adjusted where they are not quoted free-at-Community-frontier or where they do not apply to products of good marketable quality; whereas the adjustment in respect of an assimilated product the levy on which is equal to the levy on its pilot product must be effected in such a way as to allow, in particular, for differences in composition, maturity, quality and presentation between the assimilated product and the related pilot product; whereas adjustments relating to composition must be calculated by multiplying the difference between the milk component content of the pilot product and that of the assimilated product in question by the value attributed in international trade to one unit of weight of the milk component in question; whereas, when the other adjustments are being effected, the difference between the value attributed on the Community market to each of the relevant characteristics of the pilot product and the value attributed on that market to the corresponding characteristics of the assimilated product in question must be taken into account;

Whereas, if no information on prices is available, the free-at-frontier price may, by way of exception, be established on the basis of the value of the raw materials contained in the pilot product in question (calculated on the basis of the prices of milk products for which prices are available), average processing costs and average yields;

Whereas, in exceptional circumstances, a free-at-frontier price may remain unchanged for a limited period where the new level of the price for a given quality or a specific origin, used as a basis for establishing the previous free-at-frontier price, has not reached the Commission to enable it to establish the next free-at-frontier price and if the Commission considers that the prices which are available could lead to sudden and considerable changes in the free-at-frontier price because they are not sufficiently representative of real market trends;

Whereas, in accordance with Article 19 (1) of Regulation (EEC) No 804/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas Article 8 of Regulation (EEC) No 1073/68 provides that the levies are fixed every fortnight; whereas they may be altered in the intervening period if necessary; whereas the levy remains valid until another becomes applicable;

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose <sup>(5)</sup>, as amended by Regulation (EEC) No 222/88, stipulates that the treatment provided for lactose and lactose syrup falling within CN code 1702 10 90 by Regulation (EEC) No 804/68 and by the provisions adopted for the application of that Regulation is to be extended to lactose and lactose syrup falling within CN code 1702 10 10; whereas consequently the levy fixed for products falling within CN code 1702 10 90 also applies to products falling within CN code 1702 10 10; whereas to ensure that the provision in question is properly applied these products and the levy thereon should be explicitly mentioned in the list of levies;

Whereas Council Regulations (EC) No 3491/93 <sup>(6)</sup> and (EC) No 3492/93 <sup>(7)</sup>, on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republics of Hungary and Poland, of the other part, and Council Regulation (EEC) No 520/92 of 27 February 1992 on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part <sup>(8)</sup>, as amended by Regulation (EEC) No 2235/93 <sup>(9)</sup>, and in particular Article 1 thereof introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 584/92 <sup>(10)</sup>, as last amended by Regulation (EC) No 3550/93 <sup>(11)</sup>, lays down detailed rules for applying the arrangements provided for in these agreements as regards milk and milk products;

<sup>(1)</sup> OJ No L 180, 26. 7. 1968, p. 25.

<sup>(2)</sup> OJ No L 28, 1. 2. 1988, p. 1.

<sup>(3)</sup> OJ No L 74, 19. 3. 1986, p. 20.

<sup>(4)</sup> OJ No L 144, 7. 6. 1990, p. 15.

<sup>(5)</sup> OJ No L 281, 1. 11. 1975, p. 20.

<sup>(6)</sup> OJ No L 319, 21. 12. 1993, p. 1.

<sup>(7)</sup> OJ No L 319, 21. 12. 1993, p. 4.

<sup>(8)</sup> OJ No L 56, 29. 2. 1992, p. 9.

<sup>(9)</sup> OJ No L 200, 10. 8. 1993, p. 5.

<sup>(10)</sup> OJ No L 62, 7. 3. 1992, p. 34.

<sup>(11)</sup> OJ No L 324, 24. 12. 1993, p. 15.

Whereas, in addition, account must be taken of Decision 94/1/ECSC, EC of the Council and Commission<sup>(1)</sup>, concerning the conclusion of the Agreements on the European Economic Area, between the European Community, the European Coal and Steel Community and their Member States, on the one hand, and Austria, Finland, Iceland, Norway, Sweden and Liechtenstein, on the other hand, hereafter referred to as the 'EEA Agreement'; whereas the Bilateral Agreements on agriculture between the Community, on the one hand, and Austria and Finland, on the other hand, enter into force at the same time as the EEA Agreement; whereas Commission Regulation (EEC) No 1316/93<sup>(2)</sup>, as amended by Regulation (EEC) No 2762/93<sup>(3)</sup>, lays down detailed rules for the application of the import arrangements for these products originating in Sweden;

Whereas Council Regulations (EC) No 3641/93<sup>(4)</sup> and (EC) No 3642/93<sup>(5)</sup> on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Bulgaria and Romania, of the other part; whereas Commission Regulation (EC) No 385/94<sup>(6)</sup>, lays down detailed rules for applying the arrangements provided for in these agreements as regards milk and milk products;

Whereas Council Regulation (EEC) No 715/90<sup>(7)</sup>, as last amended by Regulation (EC) No 235/94<sup>(8)</sup>, lays down the arrangements applicable to agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the

overseas countries and territories with the European Economic Community<sup>(9)</sup>, no levies shall apply on products originating in the overseas countries and territories;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(10)</sup>, as amended by Regulation (EC) No 3528/93<sup>(11)</sup>, 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<sup>(12)</sup>, as amended by Regulation (EC) No 547/94<sup>(13)</sup>;

Whereas it follows from applying these provisions that the levies on milk and milk products should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 July 1994.

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

Done at Brussels, 29 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 1, 3. 1. 1994, p. 1.

<sup>(2)</sup> OJ No L 132, 29. 5. 1993, p. 73.

<sup>(3)</sup> OJ No L 251, 8. 10. 1993, p. 7.

<sup>(4)</sup> OJ No L 333, 31. 12. 1993, p. 16.

<sup>(5)</sup> OJ No L 333, 31. 12. 1993, p. 17.

<sup>(6)</sup> OJ No L 50, 22. 2. 1994, p. 7.

<sup>(7)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(8)</sup> OJ No L 30, 3. 2. 1994, p. 12.

<sup>(9)</sup> OJ No L 263, 19. 9. 1991, p. 1.

<sup>(10)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(11)</sup> OJ No L 320, 22. 12. 1993, p. 32.

<sup>(12)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(13)</sup> OJ No L 69, 12. 3. 1994, p. 1.



## ANNEX

## to the Commission Regulation of 29 June 1994 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note (°)	Import levy	CN code	Note (°)	Import levy
0401 10 10		17,09	0403 10 16	(°)	2,0703/kg + 26,22
0401 10 90		15,88	0403 10 22		25,57
0401 20 11		23,16	0403 10 24		30,22
0401 20 19		21,95	0403 10 26		72,33
0401 20 91		27,81	0403 10 32	(°)	0,1953/kg + 25,01
0401 20 99		26,60	0403 10 34	(°)	0,2418/kg + 25,01
0401 30 11		69,92	0403 10 36	(°)	0,6629/kg + 25,01
0401 30 19		68,71	0403 90 11		121,70
0401 30 31		133,33	0403 90 13		176,40
0401 30 39		132,12	0403 90 19		214,28
0401 30 91		222,56	0403 90 31	(°)	1,1445/kg + 26,22
0401 30 99		221,35	0403 90 33	(°)	1,6915/kg + 26,22
0402 10 11	(°)	121,70	0403 90 39	(°)	2,0703/kg + 26,22
0402 10 19	(°)(°)	114,45	0403 90 51		25,57
0402 10 91	(°)(°)	1,1445/kg + 26,22	0403 90 53		30,22
0402 10 99	(°)(°)	1,1445/kg + 18,97	0403 90 59		72,33
0402 21 11	(°)	176,40	0403 90 61	(°)	0,1953/kg + 25,01
0402 21 17	(°)	169,15	0403 90 63	(°)	0,2418/kg + 25,01
0402 21 19	(°)(°)	169,15	0403 90 69	(°)	0,6629/kg + 25,01
0402 21 91	(°)(°)	214,28	0404 10 02		24,66
0402 21 99	(°)(°)	207,03	0404 10 04		176,40
0402 29 11	(°)(°)(°)	1,6915/kg + 26,22	0404 10 06		214,28
0402 29 15	(°)(°)	1,6915/kg + 26,22	0404 10 12		121,70
0402 29 19	(°)(°)	1,6915/kg + 18,97	0404 10 14		176,40
0402 29 91	(°)(°)	2,0703/kg + 26,22	0404 10 16		214,28
0402 29 99	(°)(°)	2,0703/kg + 18,97	0404 10 26	(°)	0,2466/kg + 18,97
0402 91 11	(°)	38,14	0404 10 28	(°)	1,6915/kg + 26,22
0402 91 19	(°)	38,14	0404 10 32	(°)	2,0703/kg + 26,22
0402 91 31	(°)	47,68	0404 10 34	(°)	1,1445/kg + 26,22
0402 91 39	(°)	47,68	0404 10 36	(°)	1,6915/kg + 26,22
0402 91 51	(°)	133,33	0404 10 38	(°)	2,0703/kg + 26,22
0402 91 59	(°)	132,12	0404 10 48	(°)	0,2466/kg
0402 91 91	(°)	222,56	0404 10 52	(°)	1,6915/kg + 6,04
0402 91 99	(°)	221,35	0404 10 54	(°)	2,0703/kg + 6,04
0402 99 11	(°)	51,95	0404 10 56	(°)	1,1445/kg + 6,04
0402 99 19	(°)	51,95	0404 10 58	(°)	1,6915/kg + 6,04
0402 99 31	(°)(°)	1,2970/kg + 22,60	0404 10 62	(°)	2,0703/kg + 6,04
0402 99 39	(°)(°)	1,2970/kg + 21,39	0404 10 72	(°)	0,2466/kg + 18,97
0402 99 91	(°)(°)	2,1893/kg + 22,60	0404 10 74	(°)	1,6915/kg + 25,01
0402 99 99	(°)(°)	2,1893/kg + 21,39	0404 10 76	(°)	2,0703/kg + 25,01
0403 10 02		121,70	0404 10 78	(°)	1,1445/kg + 25,01
0403 10 04		176,40	0404 10 82	(°)	1,6915/kg + 25,01
0403 10 06		214,28	0404 10 84	(°)	2,0703/kg + 25,01
0403 10 12	(°)	1,1445/kg + 26,22	0404 90 11		121,70
0403 10 14	(°)	1,6915/kg + 26,22	0404 90 13		176,40

CN code	Note (°)	Import levy	CN code	Note (°)	Import levy
0404 90 19		214,28	0406 90 31	(°) (*)	161,37
0404 90 31		121,70	0406 90 33	(°) (*)	161,37
0404 90 33		176,40	0406 90 35	(°) (*)	161,37
0404 90 39		214,28	0406 90 37	(°) (*)	161,37
0404 90 51	(1)	1,1445/kg + 26,22	0406 90 39	(°) (*)	161,37
0404 90 53	(1) (2)	1,6915/kg + 26,22	0406 90 50	(°) (*)	161,37
0404 90 59	(1)	2,0703/kg + 26,22	0406 90 61	(°) (*)	368,40
0404 90 91	(1)	1,1445/kg + 26,22	0406 90 63	(°) (*)	368,40
0404 90 93	(1) (2)	1,6915/kg + 26,22	0406 90 69	(°) (*)	368,40
0404 90 99	(1)	2,0703/kg + 26,22	0406 90 73	(°) (*)	161,37
0405 00 11	(3)	229,15	0406 90 75	(°) (*)	161,37
0405 00 19	(3)	229,15	0406 90 76	(°) (*)	161,37
0405 00 90		279,56	0406 90 78	(°) (*)	161,37
0406 10 20	(3) (*)	202,62	0406 90 79	(°) (*)	161,37
0406 10 80	(3) (*)	258,09	0406 90 81	(°) (*)	161,37
0406 20 10	(3) (*)	368,40	0406 90 82	(°) (*)	161,37
0406 20 90	(3) (*)	368,40	0406 90 84	(°) (*)	161,37
0406 30 10	(3) (*)	163,91	0406 90 85	(°) (*)	161,37
0406 30 31	(3) (*)	152,64	0406 90 86	(°) (*)	161,37
0406 30 39	(3) (*)	163,91	0406 90 87	(°) (*)	161,37
0406 30 90	(3) (*)	260,63	0406 90 88	(°) (*)	161,37
0406 40 10	(3) (*)	140,95	0406 90 93	(°) (*)	202,62
0406 40 50	(3) (*)	140,95	0406 90 99	(°) (*)	258,09
0406 40 90	(3) (*)	140,95	1702 10 10		66,89
0406 90 11	(3) (*)	213,70	1702 10 90		66,89
0406 90 13	(3) (*)	138,77	2106 90 51		66,89
0406 90 15	(3) (*)	138,77	2309 10 15		88,26
0406 90 17	(3) (*)	138,77	2309 10 19		114,58
0406 90 19	(3) (*)	368,40	2309 10 39		107,01
0406 90 21	(3) (*)	213,70	2309 10 59		87,50
0406 90 23	(3) (*)	161,37	2309 10 70		114,58
0406 90 25	(3) (*)	161,37	2309 90 35		88,26
0406 90 27	(3) (*)	161,37	2309 90 39		114,58
0406 90 29	(3) (*)	161,37	2309 90 49		107,01
			2309 90 59		87,50
			2309 90 70		114,58

(1) The levy on 100 kg of product falling within this code is equal to the sum of the following:

- (a) the amount per kilogram shown, multiplied by the weight of lactic matter contained in 100 kg of product; and  
(b) the other amount indicated.

(2) The levy on 100 kg of product falling within this code is equal to:

- (a) the amount per kilogram shown, multiplied by the weight of the dry lactic matter contained in 100 kg of product plus, where appropriate,  
(b) the other amount indicated.

(3) Products falling within this code and imported from a third country

- for which an IMA 1 certificate, issued in accordance with Regulation (EEC) No 1767/82, is presented,  
— for which an EUR 1 certificate, issued in accordance with amended Regulation (EEC) No 1316/93 for Sweden, amended Regulation (EEC) No 584/92 for Poland, the Czech and Slovak Republics and Hungary and Commission Regulation (EC) No 385/94 (OJ No L 50, 22. 2. 1994, p. 7) for Bulgaria and Romania, is presented,

shall be subject to the levies defined in the said Regulations, respectively.

(\*) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.

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

COMMISSION REGULATION (EC) No 1526/94  
of 29 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 <sup>(1)</sup>, as amended by Commission Regulation (EEC) No 2193/93 <sup>(2)</sup>, 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 <sup>(3)</sup>, as amended by Regulation (EC) No 3528/93 <sup>(4)</sup>,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EC) No 819/94 <sup>(5)</sup> and subsequent amending Regulations;

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

rate established during the reference period from 28 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 30 June 1994.

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

Done at Brussels, 29 June 1994.

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

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

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

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

<sup>(4)</sup> OJ No L 320, 22. 12. 1993, p. 32.

<sup>(5)</sup> OJ No L 94, 13. 4. 1994, p. 16.

## ANNEX

to the Commission Regulation of 29 June 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries <sup>(*)</sup>
0709 90 60	104,36 <sup>(2)</sup> <sup>(3)</sup>
0712 90 19	104,36 <sup>(2)</sup> <sup>(3)</sup>
1001 10 00	49,98 <sup>(1)</sup> <sup>(4)</sup>
1001 90 91	99,26
1001 90 99	99,26 <sup>(2)</sup>
1002 00 00	125,67 <sup>(6)</sup>
1003 00 10	127,72
1003 00 90	127,72 <sup>(2)</sup>
1004 00 00	104,34
1005 10 90	104,36 <sup>(2)</sup> <sup>(3)</sup>
1005 90 00	104,36 <sup>(2)</sup> <sup>(3)</sup>
1007 00 90	109,14 <sup>(4)</sup>
1008 10 00	38,35 <sup>(2)</sup>
1008 20 00	55,09 <sup>(4)</sup> <sup>(7)</sup>
1008 30 00	0 <sup>(2)</sup>
1008 90 10	<sup>(7)</sup>
1008 90 90	0
1101 00 00	176,52 <sup>(2)</sup>
1102 10 00	212,55
1103 11 10	110,92
1103 11 90	200,47
1107 10 11	187,56
1107 10 19	142,90
1107 10 91	238,22 <sup>(10)</sup>
1107 10 99	180,75 <sup>(2)</sup>
1107 20 00	208,85 <sup>(10)</sup>

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

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

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

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

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

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

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

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

<sup>(9)</sup> Products falling within this code, imported from Poland 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.

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

**COMMISSION REGULATION (EC) No 1527/94****of 29 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 <sup>(1)</sup>, as amended by Commission Regulation (EEC) No 2193/93 <sup>(2)</sup>, and in particular Article 12 (4) thereof,

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

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1681/93 <sup>(5)</sup> and subsequent amending Regulations;

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

rate established during the reference period from 28 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 30 June 1994.

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

Done at Brussels, 29 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

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

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

<sup>(4)</sup> OJ No L 320, 22. 12. 1993, p. 32.

<sup>(5)</sup> OJ No L 159, 1. 7. 1993, p. 11.

## ANNEX

to the Commission Regulation of 29 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	6,32	10,05	10,05
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0
1102 10 00	0	0	0	0
1103 11 10	0	0	0	0
1103 11 90	0	0	0	0

## B. Malt

*(ECU/tonne)*

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

## COMMISSION REGULATION (EC) No 1528/94

of 29 June 1994

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice<sup>(3)</sup>, as last amended by Regulation (EEC) No 1544/93<sup>(4)</sup>, and in particular Article 12 (4) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy<sup>(5)</sup>, as amended by Regulation (EC) No 3528/93<sup>(6)</sup>,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation

(EC) No 1211/94<sup>(7)</sup>, as last amended by Regulation (EC) No 1499/94<sup>(8)</sup>;

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74<sup>(9)</sup>, as last amended by Regulation (EEC) No 1740/78<sup>(10)</sup>, the levies at present in force must therefore 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 processed from cereals and rice covered by Commission Regulation (EEC) No 1620/93<sup>(11)</sup> as fixed in the Annex to amended Regulation (EC) No 1211/94 are hereby altered to the amounts set out in the Annex.

*Article 2*

This Regulation shall enter into force on 30 June 1994.

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

Done at Brussels, 29 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(4)</sup> OJ No L 154, 25. 6. 1993, p. 5.

<sup>(5)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(6)</sup> OJ No L 320, 22. 12. 1993, p. 32.

<sup>(7)</sup> OJ No L 133, 28. 5. 1994, p. 30.

<sup>(8)</sup> OJ No L 161, 29. 6. 1994, p. 30.

<sup>(9)</sup> OJ No L 168, 25. 6. 1974, p. 7.

<sup>(10)</sup> OJ No L 202, 26. 7. 1978, p. 8.

<sup>(11)</sup> OJ No L 155, 26. 6. 1993, p. 29.

## ANNEX

to the Commission Regulation of 29 June 1994 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies (7)	
	ACP	Third countries (other than ACP)
1102 20 10	189,22	195,26
1102 20 90	107,22	110,24
1102 13 10	189,22	195,26
1103 13 90	107,22	110,24
1103 29 40	189,22	195,26
1104 19 50	189,22	195,26
1104 23 10	168,19	171,21
1104 23 30	168,19	171,21
1104 23 90	107,22	110,24
1104 30 90	78,84	84,88
1106 20 90	165,61 (2)	189,79
1108 12 00	169,24	189,79
1108 13 00	169,24	189,79 (3)
1108 14 00	84,62	189,79
1108 19 90	84,62 (2)	189,79
1702 30 51	220,75	317,47
1702 30 59	169,24	235,73
1702 30 91	220,75	317,47
1702 30 99	169,24	235,73
1702 40 90	169,24	235,73
1702 90 50	169,24	235,73
1702 90 75	231,26	327,98
1702 90 79	160,83	227,32
2106 90 55	169,24	235,73
2303 10 11	210,24	391,58

(2) In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States:

- products falling within CN code ex 0714 10 91,
- products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
- flours and meal of arrow-root falling within CN code 1106 20,
- arrow-root starch falling within CN code 1108 19 90.

(3) Pursuant to amended Regulation (EEC) No 3834/90, the levy on importation into the Community of products of CN code 1108 13 00 is reduced by 50 % within the limit of a fixed quantity of 5 000 tonnes.

(7) 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)

## COMMISSION

## COMMISSION DECISION

of 29 June 1994

amending for the third time Decision 94/178/EC concerning certain protection measures relating to classical swine fever in Germany and repealing Decisions 94/27/EC and 94/28/EC

(94/365/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas as a result of outbreaks of classical swine fever in different parts of Germany, the Commission adopted Decision 94/178/EC of 23 March 1994 concerning certain protection measures relating to classical swine fever in Germany and repealing Decisions 94/27/EC and 94/28/EC<sup>(3)</sup> as last amended by Decision 94/331/EC<sup>(4)</sup>;

Whereas an increased number of outbreaks of classical swine fever have occurred in Bundesland Lower Saxony; whereas some of the outbreaks have occurred in parts with a high density of pigs;

Whereas in the light of the evolution of the situation it is possible to amend measures established by Decision 94/178/EC;

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

HAS ADOPTED THIS DECISION:

*Article 1*

1. In Article 1, paragraph 1, the last sentence is deleted.
2. In Article 1, paragraph 2 is replaced by:
  - '2. Germany shall ensure that:
    - (a) no pigs leave from the area described in Annex I;
    - (b) no pigs enter the area described in Annex I. The restriction referred to under (b) shall not apply to:
      - (i) pigs for slaughter brought directly to a slaughterhouse situated in the said area where the pigs shall be slaughtered within 48 hours;
      - (ii) the transit of pigs by road and rail without unloading or stopping.'
3. In Article 1, paragraph 3 (e), third line, the words 'Annex I' are replaced by 'Annex II'.
4. In Article 1, paragraph 5, second indent, the words 'within 10 days or certification' are deleted.

<sup>(1)</sup> OJ No L 224, 18. 8. 1990, p. 29.

<sup>(2)</sup> OJ No L 62, 15. 3. 1993, p. 49.

<sup>(3)</sup> OJ No L 83, 26. 3. 1994, p. 54.

<sup>(4)</sup> OJ No L 146, 11. 6. 1994, p. 24.

5. In Article 1, the following is added :

'7. Germany shall not send to other Member States pigs for slaughter originating from a holding situated in the area outside the area described in Annex I unless the pigs come from an epidemiological unit where no live pigs have been introduced during the 30-day period immediately prior to the dispatch of the pigs in question.'

6. In Article 2, second line, the words 'Annex II' are replaced by 'Annex I'.

7. In Article 4, paragraphs 1 and 2, the certificate must be completed by the following : 'as amended by Decision 94/365/EC'.

8. In Article 5, paragraph 1 (a), second line, the words 'Annex II' are replaced by 'Annex I'.

9. In Article 5, paragraph 1 (b), first line, the words 'Annex II' are replaced by 'Annex I'.

10. Annex I is replaced by :

*Annex I*

All parts of the territory of Lower Saxony, Germany situated inside the line formed by :

- the A1 motorway from Gross Mackenstedt in direction east until it crosses the River Weser,
- the River Weser in direction south until it reaches the border between Lower Saxony and Nordrhein Westfalia,
- the border between Lower Saxony and Nordrhein Westfalia in direction west until it reaches the River Hunte,
- the River Hunte in direction north until it reaches Lake Dümmer,
- from the mouth of the River Hunte at Lake Dümmer, the border between Kreis Vechta and Kreis Osnabrück in direction west and north until it crosses the National Road No 213,
- the National Road No 213 in direction east until Löningen,
- the local road from Löningen in direction north through Wachtum, Lindern, Peheim, Markhausen, Gehlenberg, Neuscharrel to the Küstenkanal,

- the Küstenkanal in direction east until it reaches the border of Kreis Ammerland and following this border to the south edge of this Kreis,
- from the south edge of Kreis Ammerland following the border of Kreis Oldenburg until the motorway triangle Ahlhorn,
- from the motorway triangle Ahlhorn following the border of Kreis Oldenburg to the A1 motorway at Gross Mackenstedt.'

11. Annex II is replaced by :

*Annex II*

Bundesland Niedersachsen'.

12. In Annex V, Chapter I, first line, the words 'Annex II' are replaced by 'Annex I'.

13. In Annex V, Chapter II, first line, the words 'Annex II' are replaced by 'Annex I'.

14. Annex VI is deleted.

*Article 2*

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

*Article 3*

This decision is addressed to the Member States.

Done at Brussels, 29 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

**CORRIGENDA**

**Corrigendum to Commission Regulation (EC) No 1395/94 of 17 June 1994 establishing a minimum import price for sour cherries**

*(Official Journal of the European Communities No L 152 of 18 June 1994)*

On page 32 in Article 6 (3), last line:

*for:* '... 1 August 1993.'

*read:* '... 1 July 1994.'

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