

Official Journal

of the European Communities

ISSN 0378-6978

L 200

Volume 37

3 August 1994

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1988/94

of 27 July 1994

amending Regulation (EC) No 3637/93 opening and providing for the administration of Community tariff quotas bound in GATT for certain agricultural and industrial products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas, for newsprint, the Community has reached an agreement which provides in particular for the opening of a Community tariff quota for 650 000 tonnes, of which 600 000 tonnes are reserved, until 30 November of each year, exclusively for products from Canada, in accordance with Article XIII of the General Agreement on Tariffs and Trade; whereas this agreement provides equally for the obligation to increase, by 5 % that part of the quota reserved for imports from Canada, in the event that that

part is used up before the end of a given period of one year; whereas the quota of 650 000 tonnes was opened for 1994 by Council Regulation (EC) No 3637/93⁽¹⁾;

Whereas the economic data at present available gives rise to the belief that the requirements for importing newsprint from Canada could reach at level higher than the said volume of 600 000 tonnes; whereas the volume of that part of the quota reserved for these imports should be increased, therefore, by 30 000,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 (1) of Regulation (EC) No 3637/93 the table regarding order No 09.0015 shall be replaced by the following table:

Order No	CN code (a)	Description	Quota period	Quota volume	Rate of duty (%)
09.0015	4801 00 10	Newsprint ⁽¹⁾ : — from Canada	from 1 January to 31 December 1994	630 000 tonnes	0'

Article 2

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

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

Done at Brussels, 27 July 1994.

For the Council

The President

Th. WAIGEL

⁽¹⁾ OJ No L 334, 31. 12. 1993, p. 13.

COUNCIL REGULATION (EC) No 1989/94

of 27 July 1994

opening and providing for the administration of a Community tariff quota for rum, tafia and arrack originating in the African, Caribbean and Pacific (ACP) States (1994 to 1995)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Fourth ACP-EEC Convention⁽¹⁾ entered into force on 1 September 1991;

Whereas Protocol 6 thereof stipulates that products originating in the African, Caribbean and Pacific (ACP) States which fall within CN codes 2208 40 10, 2208 40 90, 2208 90 11 and 2208 90 19 shall, until the entry into force of a common organization of the market in spirits, be allowed into the Community free of customs duties under conditions such as to permit the development of traditional traffic flows between the ACP States and the Community and between the Member States; whereas the Community shall until 31 December 1995 fix each year the quantities which may be imported free of customs duties; whereas according to that protocol moreover, the quota for 1994 and 1995 will be the same as that for the previous year increased by 20 000 hectolitres of pure alcohol;

Whereas the annual quota volume for the period from 1 July 1993 to 30 June 1994 has been fixed at 224 827 hectolitres of pure alcohol; whereas this volume is to be increased by 10 000 hectolitres of pure alcohol for the second six months of 1994 and of 10 000 hectolitres of pure alcohol for the first six months of 1995; whereas the annual quota volume for the period 1 July 1994 to 30 June 1995 has been fixed at 224 827 hectolitres of pure alcohol;

Whereas equal and continuous access to the said quota should be ensured for all Community importers and the

rates laid down for the quotas should be applied consistently to all imports of the products in question into all the Member States until the quota is exhausted; whereas the decision for the opening of tariff quotas in fulfilment of its international obligations should be taken by the Community; whereas, to ensure the efficient common administration of these quotas, however, 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;

Whereas measures should be laid down to ensure that Protocol 6 is implemented under conditions such as to permit the development of traditional trade flows between the ACP States and the Community, and between the Member States;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of the quotas may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 July 1994 to 30 June 1995 the following products originating in the ACP States shall be imported into the Community free of customs duty within the limits of the relevant Community tariff quota shown below:

Order No	CN code	Description	Quota volume (in hl of pure alcohol)	Quota duty
09.1605	2208 40 10 2208 40 90 2208 90 11 2208 90 19	Rum, tafia and arrack	244 827	Free

⁽¹⁾ OJ No L 229, 17. 8. 1991, p. 3.

Article 2

The tariff quota referred to in Article 1 shall be administered by the Commission, which may take all administrative measures to ensure the effective administration thereof.

Article 3

If an importer presents in a Member State a declaration of entry for free circulation together with a request for preferential treatment for a product covered by this Regulation, and the declaration is accepted by the customs authorities, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements from the quota volume.

Requests to draw from the quota, indicating the date of acceptance of the said declarations, must be transmitted to the Commission without delay.

Drawings shall be granted by the Commission by reference to the date of acceptance by the customs authorities of the Member State concerned, of the declarations of entry for free circulation, provided the residual balance so permits.

If a Member State does not use the quantities drawn, it shall return them to the quota as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, allocation shall be made on

a pro rata basis. The Member States shall be informed by the Commission of the drawings granted.

Article 4

Each Member State shall ensure that importers of the products concerned have equal and continuous access to the quota as long as the residual balance so permits.

Article 5

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

Article 6

Council Regulation (EEC) No 3705/90 of 18 December 1990 on the safeguard measures provided for in the Fourth ACP-EEC Convention⁽¹⁾ shall apply to the products covered by this Regulation.

Article 7

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

It shall apply from 1 July 1994.

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

Done at Brussels, 27 July 1994.

For the Council

The President

Th. WAIGEL

⁽¹⁾ OJ No L 358, 21. 12. 1990, p. 4.

COMMISSION REGULATION (EC) No 1990/94

of 26 July 1994

adopting the implementing provisions for the rules laid down in the first paragraph of Article 8 of Council Decision 92/272/EEC on the dissemination and exploitation of knowledge resulting from the specific programmes of research aid technological development of the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision No 92/272/EEC of 29 April 1992 on the dissemination and exploitation of knowledge resulting from the specific programme of research and technological development of the Community⁽¹⁾, and particularly the second paragraph of Article 8 thereof,

Whereas, by its Decision 90/221/Euratom, EEC⁽²⁾, the Council has adopted a third Framework Programme for Community activities in the field of research and technological development for the period 1990-1994, which states that the measures for the dissemination and exploitation of knowledge, and in particular the definition and implementation of centralised action, shall be the subject of a decision by the Council;

Whereas such has been adopted under the form of Decision 92/272/EEC; and whereas Article 8 of that Decision sets out the rules applicable to the execution of the centralized action;

Whereas the Euratom Treaty contains detailed provisions for the dissemination of information which apply, *inter alia*, to nuclear research programmes;

Whereas, under the terms of the first paragraph of Article 8 of Decision 92/272/EEC, the rules set out are applicable while respecting pre-existing rights;

Whereas it is necessary to ensure the coherence of schemes for disseminating the knowledge resulting from specific programmes in the Framework Programme and that such coherence must be based on general rules which guarantee the protection of the legitimate interests of the public and private contracting parties and of the rights linked to the obtaining and exploitation of the results, as well as their exploitation in conformity with the Community's interests, particular with respect to its economic and social cohesion;

Whereas Article 130 f of the Treaty states that Community activities in the field of research and technological development are particularly aimed at strengthening the scientific and technological bases of European industry and encouraging it to become more competitive at international level;

Whereas shared-cost contracts have become the predominant means of implementing the Community's specific programmes of research and technological development and account for the greatest portion of the total financing allocated for the entire Framework Programme;

Whereas under these contracts work is often carried out by several partners from both industry and the specific world working in cooperation to implement one or more research and technological development projects and having ownership of the results, since the Community does not generally involve itself directly in the work carried out under contracts of this kind;

Whereas the increasing number of these multi-partner projects and the industrial component in various programmes has necessitated the adoption of harmonized contractual clauses concerning the dissemination and exploitation of knowledge in connection with research and development contracts concluded by the Commission and whereas account must be taken of the results of this contractual practice, particularly in view of the large number of contracts and partners involved and the rights which they have established;

Whereas the solutions adopted through this contractual practice are basically compatible with the rules set out in Article 8 of Decision 92/272/EEC;

Whereas on 11 May 1992 the Council and the Commission adopted a Joint Declaration on the negotiating approach in respect of the intellectual property aspects of scientific and technical agreements between the Community and non-member countries, which underlines in particular the need to safeguard the mutual interests of the parties to such agreements and to encourage the adoption of international standards;

Whereas the provisions set out in this Regulation are in conformity with the opinion issued by the committee set up by Decision 92/272/EEC,

(1) OJ No L 141, 23. 5. 1992, p. 1.

(2) OJ No L 117, 8. 5. 1990, p. 28.

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation adopts the arrangements for implementing the rules laid down in the first paragraph of Article 8 of Decision 92/272/EEC. It shall apply to knowledge resulting from the implementation of the programmes adopted to implement the third Framework Programme for Community activities in the field of research and technological development (1990 to 1994) through work undertaken directly or the cost of which is wholly supported by the Community (direct actions) or work undertaken under a shared-cost contract (shared-cost actions). It shall also apply to the information concerning and relevant to such knowledge.

2. For the purposes of this Regulation:

- (1) 'knowledge' means results and inventions, whether patentable or not, obtained either directly by the Community through its own research means, or in the execution of a research and technological development contract concluded between the Community and third parties;
- (2) 'background information' means information, excluding knowledge, and any rights related to such information, held by any contractor in the same or related fields to the research under his or her shared-cost contract;
- (3) 'shared-cost contract' means a research and technological development contract concluded between the Community and third parties under a shared-cost action;
- (4) 'contractor' means each party which has concluded a shared-cost contract with the Community, and any affiliated company of each party as defined in that contract;
- (5) 'co-contractors' means the parties having concluded the same shared-cost contract with the Community;
- (6) 'project' means one or several shared-cost contracts where the work covered has technical interdependence, and which the parties to those contracts agree to consider as such;
- (7) 'programme' means each of the programmes referred to in paragraph 1;
- (8) 'commercial conditions' means open market payment and other conditions;
- (9) 'favourable conditions' means conditions that have a value lower than commercial conditions;

- (10) 'transfer conditions' means conditions that have a value lower than favourable conditions, normally the cost of making licences and user rights available.

Article 2

1. Knowledge resulting from work under a shared-cost contract shall be owned by the contractor who carry out the work.

2. When two or more contractors undertake work under a shared-cost contract, they shall come to an agreement between themselves on the allocation of ownership rights over the knowledge concerned.

3. If, under the rules applicable, the persons employed or engaged by the contractors may claim rights over the knowledge, the contractors shall take appropriate steps or reach appropriate agreements to ensure that such rights may be exercised in a manner compatible with the proper fulfilment of their obligations under such shared-cost contract pursuant to this Regulation.

Article 3

1. Contractors shall ensure that knowledge belonging to them which could be used in an industrial or commercial application and whose nature justifies such a measure is protected to the extent required in the interests of the Community and the contractors concerned and in accordance with any applicable legal or contractual obligation.

2. At the request or with the agreement of the contractors the Commission may, to the extent required in the interests of the Community and of the said contractors, take adequate steps to protect the knowledge in a country of its choice, if the contractors are unable or unwilling to secure such protection on their own behalf of the knowledge belonging to them. In such an event the Commission shall take upon itself such obligations regarding the granting of licences for the use or exploitation of the knowledge in the country concerned as would have been assumed by the contractors had they protected the knowledge on their own behalf, and the contractors concerned shall be granted a non-exclusive licence in that country, under such conditions as may be set out in the shared-cost contract.

Article 4

1. Contractors participating in the same project shall, on a royalty-free basis, make available and grant licences and user rights to each other, in respect of knowledge, to the extent necessary for the proper implementation of the work carried out under their respective shared-cost contracts.

2. The knowledge generated by any contractor shall be made available to other contractors participating in the same programme and necessary user rights and licences granted on transfer conditions, to the extent required for the execution of such other contractor's own research and technological development work under their shared-cost contracts, provided that suitable arrangements required by the contractor are concluded to ensure that the knowledge will not be used for any other purpose than that for which it was supplied.

3. The same conditions as specified in paragraph 2 shall apply to contractors who are taking part in other programmes in associated fields or with related objectives and are established in the Community and engaged in research and technological development activities there, provided that their shared-cost contracts place the contractors under the obligation to provide equivalent access to their own knowledge.

4. Any person established in the Community engaged in research and technological development activities there shall be entitled to request, on favourable conditions, any licences or user rights concerning the knowledge which are necessary for the conduct of his or her research and technological development activities in fields identical or related to that covered by the shared-cost contract through which the knowledge is obtained.

There shall be no refusal to grant such licences and user rights other than for reasons stipulated in the shared-cost contracts and primarily concerned with both the major business interests of the owner of the knowledge and his or her co-contractors and the interests of the Community. The granting of such licences and user rights may however be refused if the owner of the knowledge or any of his licensees has taken or is taking adequate steps to exploit or commercialize the knowledge in the Community.

5. The Community shall, on its request and for the purposes of research by its Joint Research Centre, joint undertakings or any other structure set up on the basis of Article 130n of the Treaty, receive, free of charge, a non-exclusive and irrevocable licence for the use of the knowledge for research purposes, but shall keep this confidential and shall not be entitled to grant sub-licences.

Article 5

1. The contractors shall be required to develop, exploit or commercialize the knowledge which they own, or have it developed, exploited or commercialized within a

contractually agreed period, in accordance with the Community's interests and taking account of the objective of strengthening the international competitiveness of European industry and the economic and social cohesion of the Community.

The Commission may, with the agreement of the contractors concerned, take steps to encourage the use or exploitation of this knowledge in accordance with the interests of the Community.

2. All contractors taking part in the same project shall be entitled to exploit or commercialize knowledge resulting from that project and to have granted to them any licences and user rights regarding such knowledge which are necessary for the purposes of exploitation or commercialization. Such licences and user rights shall not confer the right to grant sub-licences except with the formal agreement of the owner of the knowledge, and no fee shall be payable for them, unless the shared-cost contracts stipulate other appropriate terms and exploitation arrangements based on the nature of the project and on the specific requirements of products generated by it, the commercial or non-commercial role of each contractor and his or her contribution to the project.

3. Each shared-cost contract shall specify the circumstances under which other contractors taking part in the same programme may have granted to them licences and user rights covering the knowledge resulting from that contract which is necessary for the exploitation or commercialization of the knowledge obtained under their project in the same programme on favourable conditions.

The same conditions shall apply to contractors who are taking part in other programmes in associated fields or with related aims and are established in the Community and engaged in research and development activities there, provided that their shared-cost contracts place the contractors under the obligation to provide equivalent access to their own knowledge on favourable conditions.

4. Any person established in the Community who has a legitimate interest in obtaining licences or rights to exploit or commercialize the knowledge shall be entitled to request that such licences or rights be granted to him or her on commercial conditions unless the owner of the knowledge or his or her licensees have taken adequate steps to exploit or commercialize the knowledge, or to have it exploited or commercialized, within the agreed period.

There shall be no refusal to grant the licences or user rights referred to in paragraph 3 and in this paragraph other than for reasons stipulated in the shared-cost contract and connected with the major business interests of the owner of the knowledge and his or her co-contractors and with the interests of the Community, subject to such business interests not abusively restricting the exploitation and commercialization of the knowledge in the Community. The granting of such licences and user rights may, in particular, be refused when they relate to products, or the manufacture thereof, or to services, which are or are about to become commercially available.

Article 6

1. The specific arrangements for implementing the rights and obligations under Articles 4 and 5, particularly regarding duration, shall be laid down in the shared-cost contracts.

2. When concluding subcontracts or associated contracts as defined in their shared-cost contract, contractors shall ensure, through the inclusion of appropriate clauses, that both the provisions, of this Regulation and their contractual obligations towards the Community are respected.

Article 7

All contractors shall use reasonable care and diligence to determine the extent to which the knowledge is or may be subject to contractual or legal limitations, obligations or restrictions that might limit or affect the dissemination of the knowledge and background information and thus substantially impede the smooth running of the project or the exploitation and commercialization of the knowledge obtained in the project.

They shall inform their co-contractors and other parties to the project of such contractual or legal limitations, obligations or restrictions before signing the shared-cost contract or without delay after work on the project has commenced, to enable the latter to assess the impact of those limitations, obligations and restrictions in accordance with a procedure to be set out in the shared-cost contracts.

Article 8

1. Knowledge resulting from work undertaken directly or the cost of which is wholly supported by the Community shall be owned by the Community except if otherwise provided in the relevant programme decision or contractual agreement.

2. The Commission shall ensure that knowledge belonging to the Community which could be used in an indus-

trial or commercial application and whose nature justifies such a measure is protected to the extent required by the interests of the Community and in accordance with any applicable legal or contractual obligation.

3. Knowledge belonging to the Community shall be made available to the contractors and to interested third parties established in the Community who need the knowledge for their research and technological development work or who undertake to exploit it in conformity with the Community's interests. Such provision of knowledge may be subject to appropriate conditions, particularly concerning the payment of fees.

Article 9

1. Each shared-cost contract shall specify conditions under which, upon request of the parties concerned and on payment of an appropriate fee, the background information held by a contractor may be made available to other contractors participating in the same project.

Within the same project, background information shall be made available and related user rights granted where and to the extent that such are necessary for the performance of the requesting party's research and technological development work under that project and the contractor holding the background information is free to disclose it and to grant the related user rights.

2. The shared-cost contracts shall also specify the conditions for making available against payment and upon request of other contractors participating in the same programme or in programmes in associated fields or with related aims, background information which is necessary for the use of the knowledge made available in accordance with Article 4 (2) and (3). Such conditions shall in particular take into account any restrictions to the diffusion or the availability of background information, as well as the legitimate interests of its holder.

Article 10

1. The Commission shall publish general information particularly concerning the aims, total estimated cost and financial contribution from the Community, duration of research and technological development work undertaken, together with general information on the progress to date and the results achieved by projects carried out under the programmes. The official designation of the bodies carrying out the work defined in the shared-cost contract shall also be published together with the names of the laboratories involved, unless the contractors forbid this on justified industrial or commercial grounds when that contract is signed.

When providing for such publication, the Commission shall respect the confidentiality of commercially sensitive information.

2. The contractors shall agree with the Commission on the specific procedures for the publication of knowledge or any information of a quality and interest which warrant wide dissemination, provided that there are no objections to publication on the grounds of legitimate commercial interests, protection of intellectual property rights or the confidential nature of the knowledge and information. They are required to provide the Commission with the information for publication as specified in paragraph 1.

Article 11

1. The contractors shall inform the Commission of the results of research and technological development work, indicate whether and to what extent they intend to have their intellectual property rights protected, and subsequently report on the action taken in this respect.

2. On completion of the research and technological development work undertaken under the shared-cost contracts, the contractors shall inform the Commission within a contractually agreed period of their intentions regarding dissemination and exploitation of the results and subsequently report on the action taken in this respect.

3. The Commission and the contractors concerned shall define a policy for the restricted and confidential dissemination of the reports concerning knowledge obtained in the execution of the shared-cost contracts to the governments of the Member States, taking account of the major commercial interests of both the said contractors and of the interests of the Community.

4. With the explicit agreement of the contractors concerned, the Commission may communicate the reports referred to in paragraphs 1, 2 and 3, confidentially to a non-member country or international organisation under a convention or agreement concerning the exchange of information concluded between the Community and the country or organisation in question.

Article 12

1. At the request of persons or bodies established in the Community and having a legitimate interest in conformity with the principles of this Regulation, the contractors shall provide them with all appropriate information on the existence of knowledge and the intellectual property rights related to such knowledge.

The Commission may inform these persons and bodies of the existence of this knowledge and these rights, to the extent that such knowledge and rights are explicitly

mentioned in the information provided pursuant to Article 10 (2).

2. The Commission may communicate confidentially to other Community institutions the reports referred to in Article 11 (3), to the extent properly required by them.

Article 13

1. Without prejudice to Article 10 and subject to conditions to be specified in the shared-cost contracts, the Commission and the contractors shall respect the confidential nature of the facts, information, knowledge, documents and other elements communicated to them confidentially, where disclosure could be prejudicial to one or the other of the parties.

2. When disclosing confidential information, under the provisions of this Regulation, the Commission and the contractors shall require the recipient to hold the information in confidence and to use it only for the purpose for which it was disclosed.

Article 14

For the entire duration of their shared-cost contract, and for a further two years following its expiry or termination, contractors shall, subject to Article 13, give reasonable and appropriate notification to standardization bodies on knowledge obtained under that shared-cost contract which may contribute to the development of European or international standards. The Commission shall inform the contractors as far as possible of any standardization work under way or planned.

Article 15

All communications or publications concerning progress to date or the results of work carried out under a shared-cost contract, including such communications or publications made in connection with seminars or conferences, must make appropriate mention of the programme under which the work was done or the results were obtained and the aid provided by the Community.

Article 16

1. If persons established in a non-member country are entitled to take part in work under a programme, the shared-cost contracts shall specify the terms of access to knowledge for these persons, on the basis of mutual advantage, taking account of the relevant provisions of the applicable agreements, the nature of the project and the scale of their participation in the programme in question.

2. Specific contractual arrangements shall implement the principles applicable to the participation of States having concluded with the Community an agreement associating them with a programme or part of a programme, in particular to ensure the compliance with the provisions of such agreement concerning dissemination, evaluation and exploitation of knowledge in the framework of the relevant programme or part of a programme.

3. In specific cases involving certain programmes centred on geographically-restricted areas of cooperation or economic development aid, provisions may be included in the programmes and contracts concerned authorising the dissemination of appropriate information

or the communication of certain knowledge to recipients not covered by agreements with the Community on scientific and technological cooperation. The specific arrangements for such dissemination shall be laid down in agreement with those possessing the knowledge concerned.

Article 17

This Regulation shall enter into force on the 20th 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, 26 July 1994.

For the Commission
Martin BANGEMANN
Member of the Commission

COMMISSION REGULATION (EC) No 1991/94
of 27 July 1994

**amending Regulation (EEC) No 3929/87 on harvest, production and stock
declarations relating to wine-sector products**

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

Having regard to Council Regulation (EEC) No 822/87 of
16 March 1987 on the common organization of the
market in wine ⁽¹⁾, as last amended by Regulation (EC) No
1891/94 ⁽²⁾, and in particular Article 3 ⁽⁴⁾ thereof,

Whereas implementation of the instruments relating to
distillation operations, in particular those referred to in
Article 39 of Regulation (EEC) No 822/87, requires a
detailed knowledge of information on the harvesting of
grapes and the volume of wine obtained after vinification,
broken down by category of product obtained, as well as
the yield per hectare of the areas under vines;

Whereas Article 13 of Commission Regulation (EEC) No
3929/87 on harvest, production and stock declarations
relating to wine-sector products ⁽³⁾, as last amended by
Regulation (EEC) No 605/92 ⁽⁴⁾, provides that the quanti-
ties of products to be entered in the declarations are to be
expressed in hectolitres of wine; whereas, however, in
order to take account of the particular situation of certain
vine growers who harvest grapes without themselves
making wine, the Member States should be authorized to

allow the quantities of grapes to be indicated in units of
weight in the harvest declaration, broken down by variety,
instead of giving an estimate of the volume of grapes
harvested by the producer;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph is hereby added to the end of
Article 13 of Regulation (EEC) No 3929/87:

'However, the Member States may make provision for
the quantities in the harvest declarations provided for
in Article 1 to be expressed in decitonnes instead of
hectolitres.'

Article 2

This Regulation shall enter into force on 1 September
1994.

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

Done at Brussels, 27 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 42.

⁽³⁾ OJ No L 369, 29. 12. 1987, p. 59.

⁽⁴⁾ OJ No L 65, 11. 3. 1992, p. 24.

COMMISSION REGULATION (EC) No 1992/94

of 29 July 1994

amending Regulation (EC) No 1213/94 concerning a protective measure applicable to imports of garlic from China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas improper licence applications must be prevented,

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS REGULATION:

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 3669/93⁽²⁾, and in particular Article 29 (2) thereof,

Article 1

Article 1 of Regulation (EC) No 1213/94 is hereby amended as follows:

Whereas, by Regulation (EC) No 1213/94⁽³⁾, on 27 May 1994 the Commission adopted a protective measure applicable to imports of garlic from China limiting the quantity for which import licences may be issued before 31 May 1995 to 10 000 tonnes, of which no more than 5 000 tonnes may be delivered before 31 August 1994;

1. paragraph 2 is replaced by the following:

'2. For licence applications lodged from 25 August 1994 to 24 May 1995, licences shall be issued for no more than a maximum monthly quantity.'

Whereas import licences have been issued for the first quantity of 5 000 tonnes since 2 June 1994, and, by Regulation (EC) No 1270/94⁽⁴⁾, the Commission has suspended the issuing of the certificates concerned until 31 August 1994;

2. the following 3, 4 and 5 paragraphs are added:

'3. For each month, the maximum quantity referred to in paragraph 2 shall be the sum of:

- (a) the quantities referred to in the Annex;
- (b) the quantities not claimed during the preceding month; and
- (c) the quantities not used, of which the Commission has been informed, under licences issued previously.

Whereas the reoccurrence of such demand after 1 September can only aggravate the situation which was the reason for Regulation (EC) No 1213/94; whereas that Regulation should be amended to provide for administration of the issuing of licences on a monthly basis;

4. Where the Commission establishes, on the basis of information forwarded to it by the Member States pursuant to Article 4 of Regulation (EEC) No 1859/93, that there is a risk of a maximum monthly quantity being exceeded, it shall lay down the conditions under which licences may be issued.

Whereas, therefore, monthly quantities for which licences may be issued from 1 September 1994 should be fixed for the remainder of the total quantity of 10 000 tonnes;

5. Operators may not submit more than two licence applications per month, separated by a minimum of five days, in respect of the products referred to in paragraph 1; each of those applications may not cover a quantity greater than 50 % of the monthly quantities given in the Annex.'

Whereas those monthly quantities must be increased, where applicable, by the quantities not claimed during the preceding month and by the quantities covered by licences which are not used or used only in part;

Article 2

This Regulation shall enter into force on 25 August 1994.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 26.

⁽³⁾ OJ No L 133, 28. 5. 1994, p. 36.

⁽⁴⁾ OJ No L 138, 2. 6. 1994, p. 32.

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

Done at Brussels, 29 July 1994.

For the Commission
René STEICHEN
Member of the Commission

ANNEX

(in tonnes)

Month	Periods of lodging of applications	Quantity
September	25. 8. 1994 — 23. 9. 1994	800
October	26. 9. 1994 — 24. 10. 1994	800
November	25. 10. 1994 — 23. 11. 1994	500
December	24. 11. 1994 — 23. 12. 1994	500
January	26. 12. 1994 — 24. 1. 1995	500
February	25. 1. 1995 — 21. 2. 1995	500
March	22. 2. 1995 — 24. 3. 1995	500
April	27. 3. 1995 — 21. 4. 1995	500
May	24. 4. 1995 — 24. 5. 1995	400

COMMISSION REGULATION (EC) No 1993/94

of 1 August 1994

amending Commission Regulation (EEC) No 1711/93 as regards the minimum price and compensatory payment to be paid to potato producers, and the premium to be paid to manufacturers of potato starch for the 1994/95 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as amended by Commission Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 8 thereof,

Having regard to Council Regulation (EEC) No 1543/93 of 28 June 1993 fixing the amount of the premium granted to producers of potato starch for the 1993/94, 1994/95 and 1995/96 marketing year⁽³⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EEC) No 1709/93⁽⁴⁾ adjusts the prices and amounts fixed in ecus in the cereals sector;

Whereas Commission Regulation (EEC) No 1711/93⁽⁵⁾ lays down detailed rules of application as regards the premium paid to producers of potato starch and the minimum price and compensatory payment to be paid to producers of potatoes intended for the manufacture of starch, on the basis of the starch content of the potatoes; whereas the amounts fixed in that Regulation should be adjusted for the 1994/95 marketing year;

Whereas the premium is paid to offset structural difficulties faced by the potato starch industry; whereas provision should be made to ensure that the minimum price is actually paid to growers in order to prevent any unfair competition which might disturb the starch market as a result of potatoes being supplied at a reduced price; whereas this cannot be achieved during the 1994/95 marketing year by measures designed to control production levels;

Whereas to this end it is appropriate to tighten the sanctions already provided for by making payment of the premium subject to proof that the minimum price has actually been paid for all the raw material applied; whereas the scale of sanctions should be amended accor-

dingly, while observing the principles of proportionality and freedom of choice for operators;

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

Annex II to Regulation (EEC) No 1711/93 is hereby replaced by the Annex to this Regulation.

Article 2

Article 7 is hereby replaced by the following:

'Article 7

The following payments shall be subject to the requirements set out below:

- in the case of the compensatory payment provided for in Article 8 (2) of Regulation (EEC) No 1766/92 to potato producers and the premium provided for in Article 1 of Regulation (EEC) No 1543/93 payable to potato starch producers in the Community, to the requirement that the starch producers provide proof that the potato starch has been produced in the Community during the marketing year concerned which begins on 1 July and ends on 30 June of the following year,
- in the case of the compensatory payment to potato producers, to the requirement that all the quantities for which payment is applied for have been paid for, at the delivered-to-factory stage, at a price not less than that referred to in Article 8 (1) of Regulation (EEC) No 1766/92 and in accordance with the rates set out in Annex II,
- in the case of the premium paid to potato starch producers, in accordance with the rates set out in Annex II, to the requirement that the latter have paid a price not less than that referred to in Article 8 (1) of Regulation (EEC) No 1766/92 to the potato producer, at the delivered-to-factory stage, for all the quantity of potatoes produced in the Community which they used in the manufacture of the starch.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 154, 25. 6. 1993, p. 4.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 80.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 84.

The proof referred to in the second and third subparagraphs shall be furnished by submission of the summary payment slip provided for in Article 6, accompanied either by certification of payment by the producer or by a voucher issued by the financial undertaking that made the payment on the order of the starch manufacturer and certifying that such payment has been made.'

Article 3

Article 10 (2) is hereby replaced by the following :

'2. Should be competent body establish that the obligations specified in Article 7 have not been met by the manufacturer, he shall, unless *force majeure*

applies, lose entitlement to premiums, in whole or in part, as follows :

- if the obligations have not been met for a quantity of starch less than 20 % of the total quantity produced during the marketing year in question, the amount of the premium granted shall be reduced by five times the percentage established,
- if the percentage in question is equal to or greater than 20, no premium shall be granted.'

Article 4

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

It shall apply from 1 July 1994.

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

Done at Brussels, 1 August 1994.

For the Commission
Hans VAN DEN BROEK
Member of the Commission

ANNEX

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

Peso bajo agua de 5 050 g de patatas (en gramos)	Tenor en fécula de patatas (en porcentaje)	Cantidad de patatas necesarias para la fabricación de 1 000 kg de fécula (en kilogramos)	Precio mínimo a percibir por los productores para 1 000 kg de patatas (en ecus)	Prima a percibir por el fabricante de fécula para 1 000 kg de patatas (en ecus)	Pago compensatorio que debe percibir el productor por 1 000 kg de patatas (en ecus)
Vægt under vand af 5 050 g kartofler (g)	Kartoflernes stivelsesindhold (vægtprocent)	Kartoffelmængde, der medgår til fremstilling af 1 000 kg stivelse (kg)	Producentens mindstepris pr. 1 000 kg kartofler (ECU)	Præmie at betale kartoffelstivelsesfabrikanten pr. 1 000 kg kartofler (ECU)	Udligningsbeløb, som producenten modtager for 1 000 kg kartofler (ECU)
Unterwassergewicht von 5 050 g Kartoffeln (in Gramm)	Stärkegehalt der Kartoffeln (in Prozent)	Zur Erzeugung von 1 000 kg Kartoffelstärke nötige Kartoffelmenge (in Kilogramm)	Dem Erzeuger für 1 000 kg Kartoffeln zu zahlender Mindestpreis (in ECU)	Dem Stärkeerzeuger für 1 000 kg Kartoffeln zu zahlende Prämie (in ECU)	Dem Erzeuger für 1 000 kg Kartoffeln zu zahlende Ausgleichszahlung (in ECU)
Βάρος υπό το ύδωρ 5 050 kg πατατών (σε γραμμάρια)	Περιεκτικότητα σε άμυλο των πατατών (%)	Ποσότητα πατατών απαραίτητη για παραγωγή 1 000 kg άμύλου (σε χιλιόγραμμα)	Ελάχιστη τιμή προς εισπραξη από τον παραγωγό για 1 000 kg πατατών (σε Ecu)	Πριμοδότηση προς πληρωμή στον παραγωγό για 1 000 kg πατατών (σε Ecu)	Εξισωτική πληρωμή που καταβάλλεται στον παραγωγό για 1 000 kg πατατών (σε Ecu)
Underwater weight of 5 050 g of potatoes (grams)	Starch content of potatoes (%)	Quantity of potatoes for the manufacture of 1 000 kg of starch (kg)	Minimum price to be paid to the potato producer per 1 000 kg of potatoes (ECU)	Premium to be paid to the starch producer per 1 000 kg of potatoes (ECU)	Compensatory payment to be paid to the starch producer per 1 000 kg potatoes (ECU)
Poids sous l'eau de 5 050 g de pommes de terre (en grammes)	Teneur en fécula de la pomme de terre (en pourcentage)	Quantité de pommes de terre nécessaire à la fabrication de 1 000 kg de fécula (en kilogrammes)	Prix minimal à percevoir par le producteur pour 1 000 kg de pommes de terre (en écus)	Prime à percevoir par le féculier pour 1 000 kg de pommes de terre (en écus)	Paiement compensatoire à percevoir par le producteur pour 1 000 kg de pommes de terre (en écus)
Peso sotto l'acqua di 5 050 g di patate (in grammi)	Tenore in fecola delle patate (in %)	Quantità di patate necessaria alla fabbricazione di 1 000 kg di fecola (in kg)	Prezzo minimo da percepire dal produttore per 1 000 kg di patate (in ECU)	Premio da percepire dal fabbricante di fecola per 1 000 kg di patate (in ECU)	Pagamento compensativo al produttore per 1 000 kg di patate (in ECU)
Onderwatergewicht van 5 050 g aardappelen (in g)	Zetmeelgehalte van de aardappelen (in %)	Hoeveelheid aardappelen benodigd voor de vervaardiging van 1 000 kg zetmeel (in kg)	Minimaal door de producent te ontvangen prijs per 1 000 kg aardappelen (in ecu)	Door de zetmeelproducent te ontvangen premie per 1 000 kg aardappelen (in ecu)	Aan de teler verschuldigd compensatiebedrag voor 1 000 kg aardappelen (in ecu)
Peso debaixo de água de 5 050 gr de batata (em grammas)	Teor de fécula de batata (em percentagem)	Quantidade de batata necessária ao fabrico de 1 000 kg de fécula (em quilogramas)	Preço mínimo a cobrar pelos produtores para 1 000 kg de batata (em ecus)	Subsídio a cobrar pelo produtor de fécula por 1 000 kg de batata (em ecus)	Pagamento compensatório a cobrar pelo produtor relativamente a 1 000 kg de batata (em ecus)
1	2	3	4	5	6
352	13,0	6 533	29,01	2,82	8,57
353	13,1	6 509	29,12	2,83	8,60
354	13,1	6 486	29,22	2,84	8,63
355	13,2	6 463	29,32	2,85	8,66
356	13,2	6 439	29,43	2,86	8,70
357	13,3	6 416	29,54	2,87	8,73
358	13,3	6 393	29,64	2,88	8,76
359	13,4	6 369	29,76	2,89	8,79
360	13,4	6 346	29,86	2,90	8,82
361	13,5	6 322	29,98	2,92	8,86
362	13,5	6 299	30,09	2,93	8,89
363	13,6	6 276	30,20	2,94	8,92
364	13,6	6 252	30,31	2,95	8,96
365	13,7	6 229	30,43	2,96	8,99
366	13,7	6 206	30,54	2,97	9,02
367	13,8	6 182	30,66	2,98	9,06

1	2	3	4	5	6
368	13,8	6 159	30,77	2,99	9,09
369	13,9	6 136	30,89	3,00	9,13
370	13,9	6 112	31,01	3,02	9,16
371	14,0	6 089	31,12	3,03	9,20
372	14,0	6 065	31,25	3,04	9,23
373	14,1	6 047	31,34	3,05	9,26
374	14,1	6 028	31,44	3,06	9,29
375	14,2	6 005	31,56	3,07	9,33
376	14,2	5 981	31,69	3,08	9,36
377	14,3	5 963	31,78	3,09	9,39
378	14,3	5 944	31,88	3,10	9,42
379	14,4	5 921	32,01	3,11	9,46
380	14,4	5 897	32,14	3,13	9,50
381	14,5	5 879	32,24	3,13	9,53
382	14,5	5 860	32,34	3,15	9,56
383	14,6	5 841	32,45	3,16	9,59
384	14,6	5 822	32,55	3,17	9,62
385	14,7	5 799	32,68	3,18	9,66
386	14,7	5 776	32,81	3,19	9,70
387	14,8	5 757	32,92	3,20	9,73
388	14,8	5 738	33,03	3,21	9,76
389	14,9	5 720	33,13	3,22	9,79
390	14,9	5 701	33,24	3,23	9,82
391	15,0	5 682	33,35	3,24	9,86
392	15,0	5 664	33,46	3,25	9,89
393	15,1	5 626	33,69	3,28	9,95
394	15,2	5 607	33,80	3,29	9,99
395	15,2	5 589	33,91	3,30	10,02
396	15,3	5 570	34,03	3,31	10,05
397	15,3	5 551	34,14	3,32	10,09
398	15,4	5 542	34,20	3,33	10,10
399	15,4	5 533	34,25	3,33	10,12
400	15,4	5 523	34,31	3,34	10,14
401	15,5	5 486	34,55	3,36	10,21
402	15,6	5 467	34,67	3,37	10,24
403	15,6	5 449	34,78	3,38	10,28
404	15,7	5 430	34,90	3,39	10,31
405	15,7	5 411	35,02	3,41	10,35
406	15,8	5 393	35,14	3,42	10,38
407	15,8	5 374	35,27	3,43	10,42
408	15,9	5 364	35,33	3,44	10,44
409	15,9	5 355	35,39	3,44	10,46
410	15,9	5 346	35,45	3,45	10,48
411	16,0	5 327	35,58	3,46	10,51
412	16,0	5 308	35,70	3,47	10,55
413	16,1	5 280	35,89	3,49	10,61
414	16,2	5 266	35,99	3,50	10,63
415	16,2	5 252	36,09	3,51	10,66
416	16,3	5 234	36,21	3,52	10,70
417	16,3	5 215	36,34	3,53	10,74
418	16,4	5 206	36,40	3,54	10,76
419	16,4	5 196	36,47	3,55	10,78
420	16,4	5 187	36,54	3,55	10,80
421	16,5	5 150	36,80	3,58	10,87
422	16,6	5 136	36,90	3,59	10,90
423	16,6	5 121	37,01	3,60	10,94
424	16,7	5 107	37,11	3,61	10,97
425	16,7	5 093	37,21	3,62	11,00
426	16,8	5 075	37,34	3,63	11,03
427	16,8	5 056	37,48	3,65	11,08
428	16,9	5 042	37,59	3,66	11,11
429	16,9	5 028	37,69	3,67	11,14
430	17,0	5 000	37,90	3,69	11,20
431	17,1	4 986	38,01	3,70	11,23
432	17,1	4 972	38,12	3,71	11,26
433	17,2	4 963	38,19	3,71	11,28
434	17,2	4 953	38,26	3,72	11,31
435	17,2	4 944	38,33	3,73	11,33

1	2	3	4	5	6
436	17,3	4 930	38,44	3,74	11,36
437	17,3	4 916	38,55	3,75	11,39
438	17,4	4 902	38,66	3,76	11,42
439	17,4	4 888	38,77	3,77	11,46
440	17,5	4 874	38,88	3,78	11,49
441	17,5	4 860	39,00	3,79	11,52
442	17,6	4 846	39,11	3,80	11,56
443	17,6	4 832	39,22	3,81	11,59
444	17,7	4 818	39,34	3,83	11,62
445	17,7	4 804	39,45	3,84	11,66
446	17,8	4 790	39,57	3,85	11,69
447	17,8	4 776	39,68	3,86	11,73
448	17,9	4 762	39,80	3,87	11,76
449	17,9	4 748	39,92	3,88	11,79
450	18,0	4 720	40,15	3,90	11,86
451	18,1	4 706	40,27	3,92	11,90
452	18,1	4 692	40,39	3,93	11,94
453	18,2	4 685	40,45	3,93	11,95
454	18,2	4 679	40,50	3,94	11,97
455	18,2	4 673	40,56	3,94	11,98
456	18,3	4 645	40,80	3,97	12,06
457	18,4	4 631	40,92	3,98	12,09
458	18,4	4 617	41,05	3,99	12,13
459	18,5	4 607	41,14	4,00	12,16
460	18,5	4 598	41,22	4,01	12,18
461	18,6	4 584	41,34	4,02	12,22
462	18,6	4 570	41,47	4,03	12,25
463	18,7	4 561	41,55	4,04	12,28
464	18,7	4 551	41,64	4,05	12,30
465	18,7	4 542	41,73	4,06	12,33
466	18,8	4 523	41,90	4,07	12,38
467	18,9	4 509	42,03	4,09	12,42
468	18,9	4 495	42,16	4,10	12,46
469	19,0	4 481	42,29	4,11	12,50
470	19,0	4 467	42,43	4,13	12,54
471	19,1	4 458	42,51	4,13	12,56
472	19,1	4 449	42,60	4,14	12,59
473	19,2	4 437	42,71	4,15	12,62
474	19,2	4 425	42,83	4,16	12,66
475	19,3	4 414	42,94	4,18	12,69
476	19,3	4 402	43,05	4,19	12,72
477	19,4	4 390	43,17	4,20	12,76
478	19,4	4 379	43,28	4,21	12,79
479	19,5	4 367	43,40	4,22	12,82
480	19,5	4 355	43,52	4,23	12,86
481	19,6	4 343	43,64	4,24	12,89
481,6	19,6	4 337	43,70	4,25	12,91
482	19,7	4 335	43,72	4,25	12,92
483	19,7	4 332	43,75	4,25	12,93
483,2	19,7	4 332	43,75	4,25	12,93
484	19,8	4 325	43,82	4,26	12,95
484,8	19,8	4 318	43,89	4,27	12,97
485	19,9	4 317	43,90	4,27	12,97
486	19,9	4 311	43,96	4,28	12,99
486,4	19,9	4 309	43,98	4,28	13,00
487	20,0	4 305	44,02	4,28	13,01
488	20,0	4 299	44,08	4,29	13,03
489	20,1	4 294	44,14	4,29	13,04
490	20,1	4 290	44,18	4,30	13,05
491	20,2	4 287	44,21	4,30	13,06
492	20,2	4 285	44,23	4,30	13,07
493	20,3	4 283	44,25	4,30	13,07
494	20,3	4 280	44,28	4,31	13,08
495	20,4	4 278	44,30	4,31	13,09
496	20,4	4 276	44,32	4,31	13,10
497	20,5	4 273	44,35	4,31	13,11
498	20,5	4 271	44,37	4,32	13,11
499	20,6	4 266	44,43	4,32	13,13

1	2	3	4	5	6
500	20,6	4 262	44,47	4,32	13,14
501	20,7	4 259	44,50	4,33	13,15
502	20,7	4 257	44,52	4,33	13,15
503	20,8	4 255	44,54	4,33	13,16
504	20,8	4 252	44,57	4,33	13,17
505	20,9	4 248	44,61	4,34	13,18
506	20,9	4 243	44,67	4,34	13,20
507	21,0	4 238	44,72	4,35	13,21
508	21,0	4 234	44,76	4,35	13,23
509	21,1	4 229	44,81	4,36	13,24
509,9	21,1	4 224	44,87	4,36	13,26
510	21,1	4 224	44,87	4,36	13,26
511	21,2	4 219	44,92	4,37	13,27
511,8	21,2	4 215	44,96	4,37	13,29
512	21,3	4 214	44,97	4,37	13,29
513	21,3	4 209	45,03	4,38	13,30
513,7	21,3	4 206	45,06	4,38	13,31
514	21,4	4 204	45,08	4,38	13,32
515	21,4	4 199	45,13	4,39	13,34
515,6	21,4	4 196	45,17	4,39	13,35
516	21,5	4 194	45,19	4,39	13,35
517	21,5	4 189	45,24	4,40	13,37
517,5	21,5	4 187	45,26	4,40	13,37
518	21,6	4 184	45,30	4,40	13,38
519	21,6	4 180	45,34	4,41	13,40
519,4	21,6	4 178	45,36	4,41	13,40
520	21,7	4 175	45,39	4,41	13,41
521	21,7	4 170	45,45	4,42	13,43
521,3	21,7	4 168	45,47	4,42	13,44
522	21,8	4 165	45,50	4,42	13,45
523	21,8	4 160	45,56	4,43	13,46
523,2	21,8	4 159	45,57	4,43	13,46
524	21,9	4 155	45,61	4,44	13,48
525	21,9	4 150	45,67	4,44	13,49
525,1	21,9	4 150	45,67	4,44	13,49
526	22,0	4 145	45,72	4,45	13,51
527	22,0	4 140	45,78	4,45	13,53
528	22,1	4 135	45,83	4,46	13,54
528,8	22,1	4 131	45,88	4,46	13,56
529	22,2	4 130	45,89	4,46	13,56
530	22,2	4 125	45,94	4,47	13,58
530,6	22,2	4 122	45,98	4,47	13,59
531	22,3	4 119	46,01	4,47	13,60
532	22,3	4 114	46,07	4,48	13,61
532,4	22,3	4 112	46,09	4,48	13,62
533	22,4	4 111	46,10	4,48	13,62
534	22,4	4 108	46,13	4,49	13,63
534,2	22,4	4 108	46,13	4,49	13,63
535	22,5	4 103	46,19	4,49	13,65
536	22,5	4 098	46,25	4,50	13,67
537	22,6	4 093	46,30	4,50	13,68
537,8	22,6	4 089	46,35	4,51	13,70
538	22,7	4 088	46,36	4,51	13,70
539	22,7	4 083	46,42	4,51	13,72
539,6	22,7	4 080	46,45	4,52	13,73
540	22,8	4 078	46,47	4,52	13,73
541	22,8	4 076	46,50	4,52	13,74
541,4	22,8	4 075	46,51	4,52	13,74
542	22,9	4 072	46,54	4,53	13,75
543	22,9	4 066	46,61	4,53	13,77
543,2	22,9	4 066	46,61	4,53	13,77
544	23,0	4 061	46,67	4,54	13,79
545	23,0	4 056	46,73	4,54	13,81
and more'					

COMMISSION REGULATION (EC) No 1994/94

of 2 August 1994

on the application of a minimum price for certain soft fruits originating in Poland

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1988/93 of 19 July 1993 on the system of minimum import prices for certain soft fruits originating in Hungary, Poland, the Czech Republic, Slovakia, Romania and Bulgaria⁽¹⁾, and in particular Article 2 thereof,

Whereas, following the signing of the Association Agreements with Romania and Bulgaria, and in particular Article 2 thereof,

Whereas the Annex to Commission Regulation (EC) No 824/94 of 13 April 1994 fixing minimum import prices for certain soft fruit originating in Hungary, Poland, the Czech Republic, Slovakia, Romania and Bulgaria for the 1994/95 marketing year⁽²⁾ sets out the minimum prices for the products in question which apply as from 1 May 1994;

Whereas Article 4 of Commission Regulation (EEC) No 2140/93 of 28 July 1993 laying down detailed rules for the application of the minimum import price system for certain soft fruits originating in Hungary, Poland, the Czech Republic, Slovakia, Romania and Bulgaria and the minimum prices applicable until 30 April 1994⁽³⁾ provides that the Commission is to adopt any necessary measures if certain criteria are not complied with;

Whereas, on the basis of recent information received by the Commission relating to a two-week period, it is clear that, bearing in mind the quantities imported and the import price, one of the criteria is not being complied with in respect of fresh blackcurrants certain other soft fruit originating in Poland; whereas, as a matter of urgency, countervailing charges should therefore be implemented immediately for a period of two months for these products,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge is hereby introduced, for the periods indicated, on imports into the Community of the

products listed in the Annex hereto originating in Poland, equal to the difference between the minimum prices as fixed in the Annex to Regulation (EC) No 824/94 and the actual import price.

Article 2

1. The minimum import price shall be deemed not to be complied with when the import prices expressed in the currency of the Member State in which the product is released for free circulation is less than the minimum import price applicable on the day on which the declaration of release for free circulation is accepted.

2. The following factors shall constitute the import price:

- (a) the fob price in the country of origin; and
- (b) transport and insurance costs to the point of entry into the customs territory of the Community.

3. For the purposes of paragraph 2, 'fob price' means the price paid or to be paid for the quantity of products contained in a consignment including the cost of loading a consignment into a means of transport at the place of shipment in the country of origin and other costs incurred in that country. The fob price shall not include the cost of any services to be borne by the seller from the time that the products are placed on board the means of transport.

4. Payment of the price to the seller shall be effected not later than three months after the day on which the declaration of the release for free circulation is accepted by the customs authorities.

5. Where the factors referred to in paragraph 2 are expressed in a currency other than that of the importing Member State the provisions on the valuation of goods for customs purposes shall be applied when converting such currency into the currency of the importing Member State.

Article 3

1. At the time of completion of the customs import formalities for release for free circulation, the customs authorities shall compare the import price for each consignment with the minimum import price.

2. The import price shall be indicated on the declaration of release, for free circulation and the declaration shall be accompanied by all the documents required to verify the price.

⁽¹⁾ OJ No L 182, 24. 7. 1993, p. 4.

⁽²⁾ OJ No L 95, 14. 4. 1994, p. 5.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 98.

3. In cases where :

- (a) the invoice presented to the customs authorities has not been drawn up by the exporter in the country in which the products originated ;
or
- (b) the authorities are not satisfied that the price declared in the declaration reflects the actual import price ;
or
- (c) payment has not been effected within the time limit provided for in Article 2 (4) ;

the competent authorities shall take the necessary measures to determine the actual import price, in particular by reference to the importer's resale price.

Article 4

The importer shall retain evidence of payment to the seller. That evidence and all commercial documents, in particular invoices, contract and correspondence concerning the purchase and sale of the products, shall be kept available for examination by the customs authorities for a period of three years.

Article 5

1. This Regulation shall not apply to products for which it can be shown that they have left the country of origin before the date on which the minimum price applies.

2. The parties concerned shall provide proof, to the satisfaction of the competent authorities, that the condition set out in paragraph 1 has been complied with.

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

Done at Brussels, 2 August 1994.

However, the competent authorities may regard the products as having left the country of origin before the date in question if one of the following documents is submitted :

- in the case of transport by sea over waterway, the bill of lading showing that loading took place before that date,
- in the case of transport by rail, the consignment not accepted by the railways of the expediting country before that day,
- in the case of transport by road, the TIR (international road transport) carnet issued by the customs office in the country of origin before that day,
- in the case of transport by air, the air consignment not showing that the airline received the products before the day.

3. Paragraphs 1 and 2 shall apply only in so far as the declaration of release for free circulation has been accepted by the customs authorities not later than 25 days from the start of application of the minimum price per consignment of each of the products concerned imported.

Article 6

Commission Regulation (EEC) No 2169/93 ⁽¹⁾ is hereby repealed.

Article 7

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

For the Commission

Hans VAN DEN BROEK

Member of the Commission

⁽¹⁾ OJ No L 194, 3. 8. 1993, p. 24.

ANNEX

CN code	Description	Taric code	Period of application
ex 0810 30 10	Blackcurrants intended for processing	0810 30 10*10	3 August to 2 October 1994

COMMISSION REGULATION (EC) No 1995/94
of 2 August 1994
correcting Regulation (EC) No 1977/94 fixing additional amounts for
poultrymeat products

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

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat ⁽¹⁾, as last amended by the Regulation (EEC) No 1574/93 ⁽²⁾, and in particular Article 8 (4) thereof,

Whereas Commission Regulation (EC) No 1977/94 ⁽³⁾ has fixed the additional amounts for the products listed in Article 1 (1) of Regulation (EEC) No 2777/75;

Whereas a check has shown that the Annex to that Regulation is not in accordance with the opinion of the

relevant Management Committee; whereas the Regulation should therefore be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1977/94 is hereby replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 3 August 1994.

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

Done at Brussels, 2 August 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 152, 24. 6. 1993, p. 1.

⁽³⁾ OJ No L 198, 30. 7. 1994, p. 129.

ANNEX

to the Commission Regulation of 2 August 1994 correcting Regulation (EC) No 1977/94
fixing additional amounts for poultry meat products

(ECU/100 kg)

CN code	Origin of imports (*)	Additional amount
0207 39 11	01	50,00
0207 41 10	01	50,00 (?)

(*) Origin :

01 Brazil, Thailand and China.

(?) The additional amounts are not applicable to imported products pursuant to Council Regulation (EC) No 774/94 (OJ No L 91, 8. 4. 1994, p. 1) and Commission Regulation (EC) No 1431/94 (OJ No L 156, 23. 6. 1994, p. 9).

COMMISSION REGULATION (EC) No 1996/94

of 2 August 1994

fixing the export refunds on beef

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 1884/94⁽²⁾, and in particular Article 18 thereof,

Whereas Article 18 of Regulation (EEC) No 805/68 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 885/68⁽³⁾, as last amended by Regulation (EEC) No 427/77⁽⁴⁾, lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas Regulation (EEC) No 32/82⁽⁵⁾, as last amended by Regulation (EEC) No 3169/87⁽⁶⁾, Regulation (EEC) No 1964/82⁽⁷⁾, as amended by Regulation (EEC) No 3169/87, and Regulation (EEC) No 2388/84⁽⁸⁾, as last amended by Regulation (EEC) No 3661/92⁽⁹⁾, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products;

Whereas it follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below;

Whereas, given the current market situation in the Community and the possibilities of disposal in certain third countries in particular, export refunds should be

granted, on the one hand, on bovine animals intended for slaughter of a live weight greater than 220 kilograms and less than 300 kilograms, and, on the other on adult bovine animals of a live weight of at least 300 kilograms; whereas experience gained in recent years has shown that live pure-bred breeding animals weighing at least 250 kilograms in the case of females and 300 kilograms in that of males should be treated in the same way as other bovine animals, subject to certain special administrative formalities;

Whereas export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex under CN code 0201, on some frozen meat listed in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10;

Whereas, in view of the wide differences in products covered by CN codes 0201 20 90 700 and 0202 20 90 100 used for refund purposes, refunds should only be granted on cuts in which the weight of bone does not exceed one third;

Whereas, in the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland; whereas, to allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States; whereas there are possibilities for exporting such meat and also salted, smoked and dried meat to certain African, Near and Middle Eastern countries; whereas a refund should accordingly be set;

Whereas, in the case of certain other cuts and preserves of meat or offal shown in the Annex under CN codes 1602 50 31 to 1602 50 80, the Community share of international trade may be maintained by granting a refund corresponding to that at present available;

Whereas, in the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 27.

⁽³⁾ OJ No L 156, 4. 7. 1968, p. 2.

⁽⁴⁾ OJ No L 61, 5. 3. 1977, p. 16.

⁽⁵⁾ OJ No L 4, 8. 1. 1982, p. 11.

⁽⁶⁾ OJ No L 301, 24. 10. 1987, p. 21.

⁽⁷⁾ OJ No L 212, 21. 7. 1982, p. 48.

⁽⁸⁾ OJ No L 221, 18. 8. 1984, p. 28.

⁽⁹⁾ OJ No L 370, 19. 12. 1992, p. 16.

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

Whereas Commission Regulation (EEC) No 3846/87⁽⁵⁾, as last amended by Regulation (EC) No 1622/94⁽⁶⁾, establishes the agricultural product nomenclature for the purposes of export refunds;

Whereas, in order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought in line with those on fresh or chilled cuts other than those from adult male bovine animals;

Whereas experience has shown that in certain cases it is often difficult to determine the relevant quantities of beef, veal and other meat contained in prepared or preserved meat falling within CN code 1602 50; whereas exclusively beef and veal products should accordingly be set apart and a new heading should be created for mixtures of meats or offals; whereas checks on products other than mixtures of meat or offal should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products⁽⁷⁾, as amended by Regulation (EEC) No 2026/83⁽⁸⁾;

Whereas refunds on female animals should vary depending on their age in order to prevent abuses in the export of certain pure-bred breeding animals;

Whereas Council Regulation (EEC) No 990/93⁽⁹⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia und 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, notwithstanding the subdivision of the combined nomenclature for prepared and preserved meat, other than uncooked, falling within CN code 1602 50, experience has shown that it is possible to delete from the refund nomenclature several products falling within CN code 1602 50 31 and to amend the list of products falling within CN code 1602 50 80;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which export refunds as referred to in Article 18 of Regulation (EEC) No 805/68 are granted and the amount thereof shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 4 August 1994.

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

Done at Brussels, 2 August 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽³⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁴⁾ OJ No L 69, 12. 3. 1994, p. 1.

⁽⁵⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁶⁾ OJ No L 170, 5. 7. 1994, p. 24.

⁽⁷⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁸⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽⁹⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

<i>(ECU/100 kg)</i>			<i>(ECU/100 kg)</i>		
Product code	Destination (?)	Refund (°) (1°)	Product code	Destination (?)	Refund (°) (1°)
		— Live weight —			— Net weight —
0102 10 10 120	01	82,50	0201 20 20 120	02	108,50
0102 10 10 130	02	60,50		03	75,00
	03	42,50		04	37,50
	04	21,50	0201 20 30 110 (1)	02	107,50
0102 10 30 120	01	82,50		03	73,00
0102 10 30 130	02	60,50		04	36,50
	03	42,50	0201 20 30 120	02	79,00
	04	21,50		03	55,00
0102 10 90 120	01	82,50		04	27,50
0102 90 41 100	02	82,50	0201 20 50 110 (1)	02	187,00
0102 90 51 000	02	60,50		03	124,50
	03	42,50		04	62,00
	04	21,50	0201 20 50 120	02	138,00
0102 90 59 000	02	60,50		03	95,00
	03	42,50		04	47,50
	04	21,50	0201 20 50 130 (1)	02	107,50
0102 90 61 000	02	60,50		03	73,00
	03	42,50		04	36,50
	04	21,50	0201 20 50 140	02	79,00
0102 90 69 000	02	60,50		03	55,00
	03	42,50		04	27,50
	04	21,50	0201 20 90 700	02	79,00
0102 90 71 000	02	82,50		03	55,00
	03	55,50		04	27,50
	04	27,50	0201 30 00 050 (4)	05	96,00
0102 90 79 000	02	82,50	0201 30 00 100 (2)	02	267,50
	03	55,50		03	178,50
	04	27,50		04	89,50
		— Net weight —		06	228,50
0201 10 00 110 (1)	02	107,50	0201 30 00 150 (5)	10	141,50
	03	73,00		11	119,50
	04	36,50		03	107,50
0201 10 00 120	02	79,00	0201 30 00 190 (5)	02	109,50
	03	55,00		03	72,00
	04	27,50		04	36,00
0201 10 00 130 (1)	02	147,50		06	88,00
	03	99,00		07	77,00
	04	49,50			
0201 10 00 140	02	108,50			
	03	75,00			
	04	37,50			
0201 20 20 110 (1)	02	147,50			
	03	99,00			
	04	49,50			

<i>(ECU/100 kg)</i>			<i>(ECU/100 kg)</i>				
Product code	Destination (?)	Refund (°) (°)	Product code	Destination (?)	Refund (°) (°)		
		— Net weight —			— Net weight —		
0202 10 00 100	02	79,00	1602 50 10 120	02	121,50 (°)		
	03	55,00		03	97,50 (°)		
	04	27,50		04	97,50 (°)		
0202 10 00 900	02	108,50	1602 50 10 140	02	107,50 (°)		
	03	75,00		03	86,50 (°)		
	04	37,50		04	86,50 (°)		
0202 20 10 000	02	108,50	1602 50 10 160	02	86,50 (°)		
	03	75,00		03	69,50 (°)		
	04	37,50		04	69,50 (°)		
0202 20 30 000	02	79,00	1602 50 10 170	02	57,50 (°)		
	03	55,00		03	46,00 (°)		
	04	27,50		04	46,00 (°)		
0202 20 50 100	02	138,00	1602 50 10 190	02	57,50		
	03	95,00		03	46,00		
	04	47,50		04	46,00		
0202 20 50 900	02	79,00	1602 50 10 240	02	20,00		
	03	55,00		03	20,00		
	04	27,50		04	20,00		
0202 20 90 100	02	79,00	1602 50 10 260	02	16,00		
	03	55,00		03	16,00		
	04	27,50		04	16,00		
0202 30 90 100 (°)	05	96,50	1602 50 10 280	02	10,00		
0202 30 90 400 (°)	10	141,50		03	10,00		
	11	119,50		04	10,00		
	03	107,50	1602 50 31 125	01	110,00 (°)		
04	53,50	1602 50 31 135		01	69,50 (°)		
06	124,00			1602 50 31 195	01	34,00	
07	77,00		1602 50 31 325		01	98,00 (°)	
0202 30 90 500 (°)	02	109,50			1602 50 31 335	01	62,00 (°)
	03	72,00		1602 50 31 395		01	34,00
	04	36,00	1602 50 39 125			01	110,00 (°)
06	88,00	1602 50 39 135			01	69,50 (°)	
07	77,00			1602 50 39 195	01	34,00	
0202 30 90 900	07		77,00		1602 50 39 325	01	98,00 (°)
	0206 10 95 000	02	109,50			1602 50 39 335	01
		03	72,00	1602 50 39 395			01
04		36,00	1602 50 39 425		01		73,00 (°)
06	88,00	1602 50 39 435			01	46,00 (°)	
0206 29 91 000	02			109,50	1602 50 39 495	01	34,00
	03		72,00	1602 50 39 505		01	34,00
	04	36,00	1602 50 39 525			01	73,00 (°)
06	88,00	1602 50 39 535			01	46,00 (°)	
0210 20 90 100	08			88,00	1602 50 39 595	01	34,00
	09		52,00	01		73,00 (°)	
0210 20 90 300	02	109,50		01	46,00 (°)		
0210 20 90 500 (°)	02	109,50		01	34,00		

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination (7)	Refund (8) (10)	Product code	Destination (7)	Refund (8) (10)
		— Net weight —			— Net weight —
1602 50 39 615	01	34,00	1602 50 80 495	01	34,00
1602 50 39 625	01	15,00	1602 50 80 505	01	34,00
1602 50 39 705	01	20,00	1602 50 80 515	01	15,00
1602 50 39 805	01	16,00	1602 50 80 535	01	46,00 (9)
1602 50 39 905	01	10,00	1602 50 80 595	01	34,00
1602 50 80 135	01	69,50 (9)	1602 50 80 615	01	34,00
1602 50 80 195	01	34,00	1602 50 80 625	01	15,00
1602 50 80 335	01	62,00 (9)	1602 50 80 705	01	20,00
1602 50 80 395	01	34,00	1602 50 80 805	01	16,00
1602 50 80 435	01	46,00 (9)	1602 50 80 905	01	10,00

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to Commission Regulation (EEC) No 32/82.

(2) Entry under this subheading is subject to compliance with the condition laid down in Commission Regulation (EEC) No 1964/82.

(3) The refund on beef in brine is granted on the net weight of the meat, after deduction of the weight of the brine.

(4) OJ No L 336, 29. 12. 1979, p. 44.

(5) OJ No L 221, 19. 8. 1984, p. 28.

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86.

(7) The destinations are as follows:

01 Third countries.

02 North African, Near and Middle East third countries, west, Central, Eastern and Southern African third countries, Ukraine, Belarus, Moldova, Russia, Georgia, Armenia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kirghistan, except Cyprus, Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia.

03 Iceland, Norway, Finland, Faeroe Islands, Andorra, Gibraltar, Vatican City, Malta, Turkey, Estonia, Lesotho, Lithuania, Poland Czech Republic, Slovak Republic, Hungary, Romania, Bulgaria, Albania, Slovenia, Croatia, Bosnia-Herzegovina, Serbia and Montenegro, Territory of the Former of Macedonia, Ceuta, Melilla, Cyprus, Greenland, Pakistan, Sri Lanka, Burma, Thailand, Viet Nam, Indonesia, the Philippines, China, North Korea and Hong Kong and the destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87.

04 Austria, Sweden and Switzerland.

05 The United States of America, carried out in accordance with Commission Regulation (EEC) No 2973/79.

06 French Polynesia and New Caledonia.

07 Canada.

08 North, West, Central, East and Southern African third countries, except Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia.

09 Switzerland.

10 North African third countries, Near and Middle East, Central, Eastern and Southern African third countries, Ukraine, Belarus, Moldova, Russia, Georgia, Armenia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kirghistan, except Cyprus, Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia.

11 West African third countries.

(8) Article 7 of Regulation (EEC) No 885/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

(9) The refund is granted only on products manufactured under the arrangement provided for in Article 4 of Council Regulation (EEC) No 565/80.

(10) 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 countries are as defined in Commission Regulation (EC) No 3478/93 (OJ No L 317 of 18. 12. 1993, p. 32).

The descriptions corresponding to the product codes and the footnotes are set out in Commission Regulation (EEC) No 3846/87 as amended.

COMMISSION REGULATION (EC) No 1997/94**of 2 August 1994****fixing the import levies on cereals and on wheat or rye flour, groats and meal**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1866/94⁽²⁾, and in particular Articles 10 (5) and 11 (3) thereof,

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

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EC) No 1937/94⁽⁵⁾ and subsequent amending Regulations;

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

rate established during the reference period from 1 August 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 1937/94 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 3 August 1994.

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

Done at Brussels, 2 August 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 198, 30. 7. 1994, p. 36.

ANNEX

to the Commission Regulation of 2 August 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries (*)
0709 90 60	113,26 ⁽²⁾ ⁽³⁾
0712 90 19	113,26 ⁽²⁾ ⁽³⁾
1001 10 00	48,22 ⁽¹⁾ ⁽³⁾ ⁽¹¹⁾
1001 90 91	73,81
1001 90 99	73,81 ⁽⁹⁾ ⁽¹¹⁾
1002 00 00	103,03 ⁽⁹⁾
1003 00 10	105,90
1003 00 90	105,90 ⁽⁹⁾
1004 00 00	93,84
1005 10 90	113,26 ⁽²⁾ ⁽³⁾
1005 90 00	113,26 ⁽²⁾ ⁽³⁾
1007 00 90	114,34 ⁽⁴⁾
1008 10 00	31,01 ⁽⁹⁾
1008 20 00	34,08 ⁽⁴⁾ ⁽⁹⁾
1008 30 00	0 ⁽⁷⁾
1008 90 10	(?)
1008 90 90	0
1101 00 00	143,09 ⁽⁹⁾
1102 10 00	182,31
1103 11 10	110,88
1103 11 90	164,75
1107 10 11	142,26
1107 10 19	109,05
1107 10 91	199,38 ⁽¹⁰⁾
1107 10 99	151,73 ⁽⁹⁾
1107 20 00	175,03 ⁽¹⁰⁾

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

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

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

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

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

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

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

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

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

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

(11) The levy for the products falling within this code in accordance with Regulation (EC) No 774/94 is restricted under the conditions of this Regulation.

**COMMISSION REGULATION (EC) No 1998/94
of 2 August 1994**

fixing the premiums to be added to the import levies on cereals, flour and malt

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1866/94⁽²⁾, and in particular Article 12 (4) thereof,

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

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EC) No 1938/94⁽⁵⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 1

August 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 3 August 1994.

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

Done at Brussels, 2 August 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 198, 30. 7. 1994, p. 39.

ANNEX

to the Commission Regulation of 2 August 1994 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	<i>(ECU/tonne)</i>			
	Current 8	1st period 9	2nd period 10	3rd period 11
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	1,02	1,02
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

CN code	<i>(ECU/tonne)</i>				
	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 29 March 1994

on the conclusion of an Agreement in the form of Exchanges of Letters between the European Community and the European Bank for Reconstruction and Development on the contribution of the Community to the Nuclear Safety Account

(94/479/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas the precarious situation in the field of nuclear safety in several countries of central and eastern Europe and of the former Soviet Union requires international efforts in order to enhance the level of nuclear safety in these countries as part of a coordinated strategy; whereas the Community, through its technical assistance programmes Phare and Tacis, devotes considerable means to this end; whereas the Commission has also submitted a proposal for a Decision amending Decision 77/270/Euratom, to authorize the Commission to contract Euratom borrowings in order to contribute to the financing required for improving the degree of efficiency and safety of nuclear power stations in certain non-Member countries;

Whereas as a complement to the efforts already undertaken a multilateral fund, called the Nuclear Safety Account, has been established with the European Bank for Reconstruction and Development which aims at the financing of short term measures to enhance the level of

nuclear safety in the countries in question; whereas the European Council in its meeting in Lisbon as well as the Council in its conclusions of 7 December 1992 have expressed the wish that the Community contribute to this fund;

Whereas the Commission must make sure that the operations carried out under the Nuclear Safety Account of the European Bank for Reconstruction and Development are coordinated with the European Union's nuclear safety strategy for the countries of central and eastern Europe and of the former Soviet Union;

Whereas, in order to determine the most suitable aid strategies, nuclear safety has to be viewed as part of the problem of the overall energy options of the countries of central and eastern Europe and of the former Soviet Union; noting in this context the conclusions of the report drawn up jointly in June 1993 by the World Bank, the International Energy Agency and the European Bank for Reconstruction and Development;

Whereas recipient countries must respect the principal international safety agreements, subscribe to the Vienna and Paris international conventions on the civil liability of operators and, to this end, establish appropriate rules governing insurance;

Whereas recipient countries must have independent safety authorities, be planning to replace their most unsafe nuclear power stations, draw up energy-saving measures, intend to phase in genuine energy pricing and have an overall energy programme in preparation;

⁽¹⁾ Opinion delivered on 11 March 1994 (OJ No C 91, 28. 3. 1994).

Whereas therefore any material assistance, considered a necessity in the short term, for the most dangerous power stations — mainly those with RBMK and VVER-230 reactors — where they are essential to electricity generation in the recipient country, must always be conditional on the existence or the preparation of a plan for the early shut-down of those power stations ;

Whereas the Commission, as part of the budgetary procedure, will draw up an annual report for the European Parliament and the Council on the operations carried out under the European Bank for Reconstruction and Development's Nuclear Safety Account and their compatibility with the European Union's nuclear safety strategy ;

Whereas the Council has authorized the Commission to negotiate an Agreement providing for a contribution of the Community to the Nuclear Safety Account ; whereas that Agreement should be approved ;

Whereas the Agreement in question will contribute to the achievement of the Community's objectives ; whereas the Treaty does not provide, for the adoption of this Decision, powers other than those of Article 235,

HAS DECIDED AS FOLLOWS :

Article 1

The Agreement in the form of Exchanges of Letters between the European Community and the European

Bank for Reconstruction and Development on the contribution of the Community to the Nuclear Safety Account is hereby approved on behalf of the Community.

The texts of the Exchanges of Letters are attached to this Decision.

Article 2

The Community shall be represented in the Assembly of contributors and, if need be, in the Operating Committee of the Nuclear Safety Account, by the Commission which shall appoint its representatives.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 29 March 1994.

For the Council
The President
G. MORAITIS

AGREEMENT**in the form of Exchanges of Letters between the European Community and the European Bank for Reconstruction and Development on the contribution of the Community to the Nuclear Safety account**

Letter No 1

A. Letter by Contributor to the President of the Bank

Dear Sir,

I am writing to acknowledge your communication regarding the establishment by the European Bank for Reconstruction and Development ('the Bank') of the Nuclear Safety Account ('the Account') to be governed by the Rules which had previously been adopted by consensus among the representatives of the G7 governments.

1. I am pleased to confirm that the European Community wishes to make a contribution to the Account in accordance with the Rules in the aggregate amount of ECU 20 million on the basis of domestic laws and regulations and in accordance with annual budgetary appropriations.
2. To the extent it is available by legislative action the contribution will be paid in cash or in non-interest bearing promissory notes in ecus in one instalment during the 1993 calendar year.
3. I confirm that the terms used herein have the meaning attributed to them in the Rules.

Sincerely yours

Letter No 2

B. Reply by the President of the Bank

Dear Sir,

Thank you for your letter of concerning the contribution of the European Community to the Nuclear Safety Account in the aggregate amount of ECU 20 million.

This is to confirm that the Bank will be pleased to accept this contribution for inclusion in the Account pursuant to the Rules governing the Account.

Sincerely yours

Letter No 3

C. Side letter to be sent jointly with the letter confirming the contribution

Dear Sir,

As a complement to my letter confirming the European Community's commitment to make a contribution of ECU 20 million in 1993 to the Nuclear Safety Account, in accordance with Article II, Section 2.02 of the Rules, the Commission, on behalf of the European Community, asks the Bank, in its capacity as administrator and operator of the Account, to confirm its agreement to the following provisions which will form an integral part of the Contribution Agreement :

1. The Commission and the Bank shall closely coordinate on nuclear safety assistance projects and related policy orientations, ensuring the cohesion and the complementarity of the activities generated by the Nuclear Safety Account in relation to the Community's Phare and Tacis nuclear safety assistance programmes. To this end, beyond the information received through normal channels of operation of the Account, particularly in the context of meetings of the Assembly of Donors or of the Operating Committee, the Commission and the Bank will arrange for a regular exchange of views and experience on nuclear safety assistance projects of mutual interest as well as for any other useful means of coordination.

2. As regards the financial operations of the Nuclear Safety Account to the extent that it is related to the Community's contribution, the Commission may forward all relevant information to the European Court of Auditors. Moreover, the Bank will supply all supplementary information that the Commission or the Court of Auditors may wish to receive.

In particular, the reports of the external auditors of the Bank on the Nuclear Safety Account, to be established in accordance with Article IV, Section 4.04 of the Rules, shall be made available to the Commission and, through it, to the European Court of Auditors. In case they consider it appropriate, the Commission and the European Court of Auditors, according to their respective competences, will be entitled to verify the financial operations of the Nuclear Safety Account to the extent that it is related to the Community's contribution.

3. As concerns the procurement arrangements pursuant to the Rules, the Commission understands that the Bank accepts the understanding whereby, upon conclusion of this Contribution Agreement, no discrimination will be made between individual Member States of the European Community, irrespective of their having concluded individual Contribution Agreements with the Bank or not, as far as the awarding of procurement contracts for services or supplies are concerned in the course of operations of the Nuclear Safety Account.

Sincerely yours

Letter No 4

D. Side letter of reply by the President of the Bank

Dear Sir,

As a complement to my letter accepting the contribution of the European Community to the Nuclear Safety Account, I am pleased to confirm the agreement of the Bank to the provisions contained in the side letter to your letter of ...

Sincerely yours

**Notice concerning the Agreement with the EBRD on the contribution of the
Community to the Nuclear Safety Account**

The Agreement in the form of Exchanges of Letters between the European Community and the European Bank for Reconstruction and Development on the contribution of the Community to the Nuclear Safety Account, which the Council decided to conclude on 29 March 1994 ⁽¹⁾, was signed on 27 April 1994.

⁽¹⁾ See page 35 of this Official Journal.

COUNCIL RECOMMENDATION

of 11 July 1994

on the broad guidelines of the economic policies of the Member States and of the Community

(94/480/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 103 (2) thereof,

Having regard to the recommendation from the Commission,

Having regard to the opinion of the Monetary Committee,

Having regard to the conclusions of the European Council of 24 and 25 June 1994,

HEREBY RECOMMENDS :

Article 103 of the Treaty provides the framework for economic policy coordination from the start of Stage II of the process towards economic and monetary Union. The economic policy guidelines adopted under that Article will constitute the reference for the conduct of the economic policies in the Community and in the Member States.

An economic recovery is currently under way in the Community. The key task of economic policy will be to sustain and to strengthen this recovery in the coming quarters, and to ensure that it lays the ground for strong employment growth. Furthermore, growth must be sustainable and take due account of the environment. To sustain the recovery, it will be necessary to maintain progress towards price stability and thereby to create the conditions for low interest rates. Budgetary policy will play a crucial role in this respect, by making budgetary positions sustainable again and by contributing to the necessary increase in national saving. Equally important will be the continuation of the structural adjustment reforms currently under way. The improvement in the economic situation must constitute a spur to step up efforts in these two areas and not to lead to complacency and a reduced determination. The errors of the previous economic cycle must not be repeated.

The current set of policy guidelines develops more concretely those adopted last December to take into account the economic outlook and the specific situation of the Member States. Their implementation will contribute to the improvement of the current policy mix, by

fostering budgetary consolidation and by sustaining wage moderation and by easing the stabilization burden placed on monetary policy. If the policy mix is improved upon as inflationary expectations subside and budgetary consolidation progresses, and if effective structural adjustment efforts are implemented, the Community can return to sustained rates of growth and employment creation. Under these conditions, it should be possible to stabilize unemployment in the course of 1995 and to place it on a downward trend thereafter.

The present guidelines, adopted under Article 103 (2) of the Treaty, will constitute the reference for the conduct of the economic policies in the Community and in the Member States. They re-affirm the goal identified in the December 1993 guidelines of substantially increasing employment over the next few years to reduce the current high level of unemployment. The present guidelines confirm the medium-term strategy outlined last December to bring the Community economy back to a path of stronger, durable and more employment-creating growth.

Price and exchange rate stability

The favourable price trends which have been recorded over the past year, and the progress which is expected to be made in 1994 and 1995, will pave the way for the resumption of sustainable non-inflationary growth in the near-term. Macro-economic and financial policies should be firmly directed towards securing price stability as the norm in the Community. The return to, and maintenance of, price stability requires wage and budgetary trends to be consistent with this objective. A rate of inflation of no more than 2 to 3 % should be reached in most Member States at the latest by 1996, as a step towards price stability in the Community.

The commitment to sustaining low inflation depends, to a large extent, on the conduct of macro-economic and structural policies. The results obtained until now also reflect the working of the internal market and the effects of competition policy. To reduce further inflationary pressures and expectations, it is necessary that all policies are predictable, credible, and time-consistent. Success in this respect will help achieve lower interest rates. Price stability is also an essential ingredient of exchange rate stability.

lity between Member States. In turn, such exchange rate stability, when soundly based, can help in the achievement of price stability.

Member States which have already achieved inflation rates, reflected in consumer price indices, in the range proposed by the guidelines are Belgium, Denmark, Germany, France, Ireland, Luxembourg, the Netherlands and the United Kingdom. In most of these countries, wage trends have developed in a manner consistent with price stability. These countries should consolidate the gains made on inflation and should continue the cautious policies necessary to secure stable prices in the medium term.

Inflation in the other Member States has yet to decline into the range set by the guidelines. It is essential that, as their economies recover, possible lagged effects of past depreciations do not put price stability under threat. In all countries, additional efforts are required in order both to reduce inflation and to maintain price stability over the medium term.

Disinflation in Greece needs to be reinforced. A fundamental condition for lowering inflation and achieving price stability in Greece is the correction of budgetary imbalances. Credible policies for budgetary adjustment should be pursued in order to dispel adverse inflation expectations and to support the external stability of the drachma.

All Member States should ensure that policies are consistent with and support exchange rate stability within the Community. This is necessary to reap the full benefits of the increase in economic integration.

Sound public finances

As proposed in the December 1993 economic policy guidelines, from 1995 onwards budgetary policy will have to lay the ground for more investment and growth. The first priority will be making budgetary positions sustainable again; budgetary deficits should be brought within the reference value of 3 % of GDP, defined in the Treaty. Current forecasts indicate that, while the prospects for moving deficits within the reference value of 3 % of GDP by 1996/97 may now be more favourable, this will not be possible without a determined commitment to fiscal adjustment. At the Community level, the limits on EC spending and revenue agreed at the Edinburgh Council must be respected.

The deterioration in the public finances experienced since 1990 has led to worrying budgetary positions in most Member States and there is an urgent need to return to a path of sustained reductions in fiscal imbalances. Restoration of confidence requires that, as the recovery gets under way, the budgetary consolidation plans envisaged in convergence programmes are implemented and that, should deviations emerge, additional measures are taken to ensure that the targets of these plans for 1994 and beyond are met. Member States should use any room for manoeuvre created by stronger rates of economic growth, or lower interest rates, than those underlying the budgetary forecasts to accelerate the pace of consolidation. It is necessary to exploit the improving economic situation to implement a fundamental reversal in the path of budgetary deficits recorded since the early part of the decade. This would reinforce the authorities' commitment to budgetary consolidation and would improve the credibility of their actions.

Budgetary policy can make an important contribution to growth and employment creation not only by pursuing the priority goal of budgetary consolidation. In addition, it can help through re-orienting tax receipts and expenditure towards support of viable public and private investment and other spending conducive to stronger economic growth. At the same time, and where necessary, Member States should aim at modifying their tax structures in ways which are likely to favour employment and benefit the environment.

It is essential that budgetary consolidation should continue as the economic recovery progresses. The budgets for 1995 should therefore constitute a clear confirmation that fiscal consolidation is under way.

In Member States where interest payments constitute a significant budgetary item and where the debt ratio is high and increasing (Belgium, Greece and Italy), decisive efforts should be undertaken to reduce budget deficits, mainly through the containment of the growth of primary current spending. Among the countries having convergence programmes, Belgium, Denmark, Germany, France, the Netherlands, Portugal and the United Kingdom must follow up with determination the budgetary consolidation programmes already announced or implemented. Ireland and Luxembourg need to continue the progress already achieved.

In Greece, a determination to achieve fiscal consolidation through credible policies in a multiannual framework is crucial. Policies, aimed in particular at enhancing tax collection and restraining spending, should be quickly translated into concrete actions.

In Italy, following the progress made in 1993, it is necessary to strengthen the efforts to promote budgetary adjustment in a medium-term framework.

In Spain, the sharp deterioration in the budgetary position which took place in 1993 makes it necessary to embark upon a multiannual path of fiscal consolidation, thereby updating the 1992 convergence programme as already announced by the Government.

In certain Member States significant improvements in tax administration (for example, simplification of the tax system, more effective fight against tax evasion, etc.) are essential conditions to promote budgetary adjustment, while in some other countries there is also a continuing need to contain current expenditure pressures, including social security outlays.

A more dynamic Community economy

All Member States must increase their efforts aimed at improving the functioning of their economies along the lines indicated in the Commission's White Paper on 'Growth, competitiveness and employment' and, in particular, in the action plan adopted by the European Council in December 1993.

Member States should ensure that their economies will reap fully the benefits of the internal market and of international trade. Community firms, particularly SMEs, should be encouraged to improve their organization, their R&D efforts and their awareness of emerging opportunities, especially in the most dynamic world markets. Continued attention should be devoted to improving the competitive environment in which firms operate. Privatization, to the extent that Member States judge it compatible with their objectives, could further the progress already made in this direction.

The Community, for its part, will continue to implement those parts of the action plan falling under its competence (e.g. trans-European networks, maintenance of an open trading system, involving rigorous enforcement of rules on state aids and competition, improved research and development efforts, etc.). The combined efforts of Member States and of the Community will increase the dynamism and the competitiveness of the Community's economy.

Structural measures for creating more employment

Structural policies should be directed towards ensuring that growth delivers more and better jobs. They should

also equip the workforce with the skills needed for those jobs and the capacity to adapt to change. Priorities include :

- improving *training and education* which must be focused on ensuring a match between skills and the new jobs that will be available. Central to this will be the need to foster a new attitude towards the balance between work, training and leisure. This involves :
 - better basic education, particularly problem solving and adaptability,
 - easing the school to work transition,
 - employer involvement,
 - life-long training,
- making *markets, particularly labour markets* and regulations much more flexible. This means looking anew at the whole range of policy areas that affect the operation of the labour market, including labour law, taxation, social security policy, to ensure that :
 - equity objectives are achieved in a way that does not adversely affect the functioning of labour markets,
 - labour market regulation, housing or other policies do not act as a constraint on labour mobility,
 - obstacles to more flexible working time are dismantled,
- stepping up *active labour market policies*. These should target help towards particular groups (long-term and young unemployed), to counter the problem of exclusion and to remove potential inflationary bottlenecks,
- fully *exploiting the job-creating potential of SMEs*,
- promoting *liberalization measures* aimed at sheltered sectors of the economy, including, where appropriate, the liberal professions,
- *improving the use of labour* as a factor of production by reducing non-wage costs, especially on the low-paid, who are the hardest hit. In most Member States, measures are contemplated or are being implemented which aim at reducing the non-wage costs of employment for certain categories of workers, notably lower paid workers and young people. These steps should be pursued with determination, consistent with the objective of budgetary consolidation,
- ensuring that *environmental costs* are better reflected in prices throughout the economy and maintaining the principle according to which the polluter should pay,

— *pay policies*, beyond being consistent with the inflation targets, should contribute to making room for stronger investment and increased employment. Given the present high level of unemployment throughout the Community, any real wage increases should fall short of productivity increases; current trends suggest that this is already occurring in the Community. The policy task will be to ensure that the conditions are created whereby present trends are sustained over many years. Real wage increases should reflect changes in demand and supply between sectors and different areas of the Union. In some sectors of the economy, the need to maintain or create jobs may require in the short run a decrease in real wages.

Wage moderation should be maintained in all Member States. This is especially necessary as the projected recovery gains strength. Pay agreements in Member States need to be consistent with the proposals of the guidelines and they should be built upon to sustain wage moderation in the medium term. This is especially the case where unemployment is projected to decline. Wage moderation would help to secure these labour market gains and would pave the way for further employment growth in the medium term.

In the Member States, especially where unemployment might still increase this year, various specific measures are either planned or implemented to encourage employment

opportunities and to halt the deterioration in the labour market. Whatever the effectiveness of these measures to create employment in the short term, it is essential that these policies are actively pursued and that their contribution to strengthening job creation is enhanced. As the recovery gains momentum, the benefits from these policies will become visible.

The Commission's White Paper has helped to stimulate the debate on growth, competitiveness and employment in numerous countries. Many Member States have taken measures consistent with the strategy proposed in the White Paper, as set out in the report of the Economic Policy Committee to the Ecofin Council. But as that report makes clear, much remains to be done to improve the employment situation and the efficiency of European labour markets.

Done at Brussels, 11 July 1994.

For the Council

The President

Th. WAIGEL

COUNCIL DECISION
of 25 July 1994
appointing the Secretary-General of the Council of the European Union
(94/481/ECSC, EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 151 (2) thereof,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 30 (2) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 121 (2) thereof,

Having regard to the Council Decision of 29 June 1994 extending the term of office of Mr Ersbøll as Secretary-General of the Council of the European Union,

Whereas the new Secretary-General of the Council of the European Union should be appointed,

Article 1

Mr Jürgen TRUMPF is hereby appointed Secretary-General of the Council of the European Union for a period of five years with effect from 1 September 1994.

Article 2

This Decision shall be notified to Mr Jürgen TRUMPF by the President of the Council.

It shall also be published in the *Official Journal of the European Communities*.

Done at Brussels, 25 July 1994.

For the Council

The President

F.-CH. ZEITLER

COMMISSION

COMMISSION DECISION

of 20 July 1994

on the Community's financial contribution to a programme for the control of organisms harmful to plants and plant products in the Azores 1994

(Only the Portuguese text is authentic)

(94/482/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by the Commission Regulation (EEC) No 1974/93 ⁽²⁾, and in particular Article 33 thereof,

Whereas Commission Decision 93/522/EEC ⁽³⁾ defines what measures are eligible for Community financing as regards programmes for the control of organisms harmful to plants and plant products in the French overseas departments, the Azores and Madeira;

Whereas agricultural production conditions in the Azores call for particular attention, and action must be taken or reinforced as regards crop production, in particular the phytosanitary aspects for this region;

Whereas action to be taken or reinforced on the phytosanitary side is particularly costly;

Whereas the programme of action is to be presented to the Commission by the relevant Portuguese authorities; whereas this programme specifies the objectives to be achieved, the measures to be carried out, their duration

and their cost so that the Community may contribute to financing them;

Whereas the Community's financial contribution may cover up to 75 % of eligible expenditure, protective measures for bananas excluded;

Whereas the technical information provided by Portugal has enabled the Standing Committee on Plant Health to analyse the situation accurately and comprehensively;

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

HAS ADOPTED THIS DECISION:

Article 1

The Community's financial contribution to the official programme for the control of organisms harmful to plants and plant products on the Azores presented for 1994 by the relevant Portuguese authorities is hereby approved.

Article 2

The official programme shall relate to the control of *Popillia Japonica New*. On the island of Terceira in order to avoid its spread to other parts of the Community and to progressively tend to its total eradication on this island.

The programme covers the 1994 period and forms part of a larger programme, spread over several years, of specific phytosanitary measures for the Azores.

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 251, 8. 10. 1993, p. 35.

Article 3

The Community contribution to financing the programme is limited to 75 % maximum of expenditure on eligible measures as defined by Commission Decision 93/522/EEC, and is set for 1994 at ECU 500 000 out of total expenditure of ECU 666 666 (VAT excluded).

The schedule of programme costs and their financing is set out as Annex I to this Decision. If the total eligible expenditure for 1994 presented by Portugal was less than the forecast amount of ECU 666 666, the Community's contribution would be reduced in proportion.

The Community will reimburse up to the amount specified in the first paragraph, at the financial rate of the ecu on 1 March 1994, i.e. ECU 1 = Esc 197,279.

Article 4

An advance of ECU 200 000, amounting to 40 % of the Community contribution, shall be paid to the Member State.

Article 5

The Community contribution shall be for expenditure on eligible measures in connection with operations covered by the programme concerning which provisions have been enacted in Portugal for which the necessary financial resources have been specifically committed at the latest during a period running from a date six months

before the date of notification of this Decision and ending on 31 December 1994. On pain of loss of entitlement to Community financing, Portugal shall stop payments in connection with those operations by 1 August 1995 at the latest.

Article 6

Specific provisions relating to the financing of the programme, provisions on compliance with Community policies and the information to be provided to the Commission by the Member State are set out in Annex II.

Article 7

Public contracts in connection with investments covered by this Decision must be awarded in compliance with Community law, in particular the Directives coordinating procedures for awarding public works and supply contracts, and Articles 30, 52 and 59 of the EC Treaty.

Article 8

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 20 July 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

FINANCIAL TABLE FOR 1994

(ECU 1000)(¹)

Eligible expenditure for 1994	
<hr/>	
1. Allocation by action :	
— biological control	428,425
— quarantine	126,725
— chemical control	50,689
— technical training	48,155
— operating expenses (collective control)	<u>12,672</u>
Total	666,666
<hr/>	
2. Contribution by parties :	
— EC	500,000
— Portugal	<u>166,666</u>
Total	666,666

⁽¹⁾ Rate: ECU 1 — Ecs 197,279 (1 March 1994).

ANNEX II

I. PROVISIONS ON THE IMPLEMENTATION OF THE PROGRAMME

A. Provisions on the financial implementation

1. The Commission's intention is to establish real cooperation with the authorities responsible for the implementation of the programme for the control of organisms harmful to plants and plant products receiving a Community financial contribution and referred to herein as 'the programme'. In line with the programme those authorities are indicated below.

Commitment and payments

2. Portugal guarantees that, for all action co-financed by the Commission, all public and private bodies involved in its management and implementation shall keep accounts in standard form of all transactions in order to facilitate monitoring of expenditure by the Community and the national authorities responsible for surveillance.
3. The initial budgetary commitment shall be based on an indicative financial plan ; this commitment shall be made for one year.
4. The commitment will be made when the decision approving assistance is adopted by the Standing Committee on Plant Health under the procedure mentioned in Article 16a of Council Directive 77/93/EEC (¹).
5. Following commitment a first advance of not more than 40 % of the amount committed may be made.
6. The balance of the amount committed is paid as two equal payments, each of 20 % of the total amount committed. The first part of the balance is paid upon presentation to the Commission of an interim report of activity. The second and final part of the balance is paid upon presentation to the Commission and subject to its approval of the detailed total expenditure made and of the final report.

Authorities responsible for the implementation of the programme

— Central administration :

Instituto de Protecção da Produção
Agro-Alimentar (IPPAA)
Centro Nacional de Protecção da Produção Agrícola (CNPPA)
Quinta do Marquês
P-2780 Oeiras

— Local administration :

Região Autónoma dos Açores
Secretaria Regional da Agricultura e Pescas
Direcção Regional do Desenvolvimento Agrário
Vinha Brava
P-9700 Angra do Heroísmo, Ilha Terceira

7. The actual expenditure incurred shall be notified to the Commission broken down by type of action or sub-programme in a way demonstrating the link between the indicative financial plan and expenditure actually incurred. If Portugal keeps suitable computerized accounts this will be acceptable.
8. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by Portugal, which will also be responsible for repayment to the Commission of any excess amount.
9. All commitments and payments shall be made in ecus.

Financial schedules for Community support frameworks and amounts of Community aid shall be expressed in ecus at the rate fixed by this Decision. Payment shall be made to the following account :

Banco Comercial dos Açores
Rua de Sé — 9700 Angra do Heroísmo
Nº conta — 6/312/3637875
NIB — 001200060312363787541
Titular — Direcção Regional do Desenvolvimento Agrario

(¹) OJ No L 26, 31. 1. 1977, p. 20.

Financial control

10. Inspections may be carried out by the Commission or the Court of Auditors should it so request. Portugal and the Commission shall immediately exchange all relevant information in regard to the outcome of an inspection.
11. For three years following the last payment relating to the assistance the authority responsible for implementation shall keep available to the Commission all documentary evidence of expenditure incurred.
12. When it submits applications for payment Portugal shall make available to the Commission all official reports relating to supervision of the measures in question.

Reduction, suspension and withdrawal of aid

13. Portugal and the recipients of aid shall declare that Community funds are used for the intended purposes. If implementation of a measure appears to require only part of the financial assistance allotted the Commission shall immediately recover the amount due. In cases of dispute the Commission shall examine the case within the partnership framework, asking Portugal or the other authorities designated by Portugal for implementation of the measure to submit their comments within two months.
14. The Commission may reduce or suspend aid for a measure if the examination confirms the existence of an irregularity, in particular of a substantial modification affecting the nature or conditions of implementation of the measure for which approval by the Commission has not been sought.

Recovery of undue payments

15. All sums unduly paid must be reimbursed to the Commission by the designated authority indicated in point 8. Interest may be levied on sums not reimbursed. If for any reason the designated authority indicated in point 8 does not reimburse the Community, Portugal shall pay the amount to the Commission.

Prevention and detection of irregularities

16. The partners shall observe a code of conduct drawn up by Portugal in order to ensure that any irregularity in the provision of the assistance programme is detected. Portugal shall ensure that:
 - suitable action is taken in this area,
 - any amount unduly paid as a result of an irregularity is recovered,
 - action is taken to prevent irregularities.

B. Monitoring and assessment*I. Monitoring Committee***1. Establishment**

A Monitoring Committee for the programme shall be set up by Portugal and the Commission. It shall review implementation of the programme at regular intervals and, in appropriate cases, propose any adjustments required.

2. The composition, operation and frequency of meetings of the Committee shall be decided by the Commission within three months of its establishment.

3. Competence of Monitoring Committee

The Committee :

- shall have as its general responsibility the satisfactory progress of the programme towards attainment of the objectives set. Its competence shall embrace the programme measures and the Community aid granted. It shall keep watch on respect for the regulatory provisions, including those on eligibility of operations and projects,
- shall, on the basis of information on the selection of projects already approved and implemented, reach an opinion on application of the selection criteria set out in the operational programme,
- shall propose any action required to accelerate implementation of the programme in the event of time lost as shown by the information furnished periodically by the interim monitoring and assessment indicators,

- may, in agreement with the Commission representative(s), adjust the financing plans within a limit of 15 % of the Community contribution to a sub-programme or measure for the entire period, or 20 % for any year, provided that the total amount scheduled in the programme is not exceeded. Care must be taken to see that the main objectives of the programme are not thereby jeopardized,
- shall give its opinion on the adjustments proposed to the Commission,
- shall issue an opinion on technical assistance projects scheduled in the programme,
- shall give its opinion on draft annual implementation reports,
- shall report regularly and at least twice a year to the Standing Committee on Plant Health on the progress of the programme and expenditure incurred.

II. *Monitoring and assessment of the programme during the implementation period (continuous monitoring and assessment)*

1. The national agency responsible for implementation shall also be responsible for continuous monitoring and assessment of the programme.
2. Continuous monitoring means an information system on the state of progress of the programme. Continuous monitoring will cover the measures contained in the programme. It involves reference to the financial and physical indicators structured so as to permit assessment of the correspondence between expenditure on each measure and predefined physical indicators showing the degree of realization.
3. Continuous assessment of an operational programme will involve analysis of the quantitative results of implementation on the basis of operational, legal and procedural considerations. The purpose is to guarantee correspondence between measures and programme objectives.

Implementation report and scrutiny of the programme

4. Portugal shall notify to the Commission, within three months of adoption of the programme, the name of the authority responsible for compilation and presentation of the annual implementation report. Three months after its appointment this authority shall present to the Commission a proposal for standard presentation of implementation reports.

The annual report on the present programme will be presented by the competent authority to the Commission and to the Standing Committee on Plant Health before 31 August 1995. On the basis of the information therein Portugal may where appropriate, apply for a new programme for future years.

5. The Commission may jointly with Portugal call in an independent assessor who shall, on the basis of the continuous monitoring, carry out the continuous assessment defined at 3 above. He may submit proposals for adjustment of the sub-programmes and/or measures, modification of the selection criteria for projects, etc., in the light of difficulties encountered in the course of implementation. On the basis of monitoring of management he shall issue an opinion on the administrative measures to be taken.

III. *Retrospective assessment of economic impact*

The final report shall contain a concise evaluation of the entire programme (degree of achievement of physical and qualitative objectives and of progress accomplished). A first assessment of the immediate phytosanitary and economic impact should be made on the basis of the indicators agreed.

C. **Information and publicity**

In the framework of this programme, the agency appointed as responsible for the programme shall ensure that it is adequately publicized.

It shall in particular take action to :

- make potential recipients and professional organizations aware of the possibilities offered under the programme measures,
- make the general public aware of the Community's role in the programme.

Portugal and the agency responsible for implementation shall consult the Commission on initiatives envisaged in this area, possibly through the Monitoring Committee. They shall regularly notify the Commission of information and publicity measures adopted, either by an annual report or through the Monitoring Committee.

The national legal provisions on confidentiality of information shall be complied with.

II. COMPLIANCE WITH COMMUNITY POLICIES

Community policies applying in this field must be complied with.

The programme shall be implemented in accordance with the provisions on coordination of and compliance with Community policies. The following information must be supplied by Portugal.

1. Award of public contracts

The 'public contracts' ⁽¹⁾ questionnaire must be completed for :

- public contracts above the ceilings set by the 'supplies' and 'works' Directives that are awarded by contract-awarding authorities as defined in these Directives and are not covered by the exemptions specified therein,
- public contracts below these ceilings where they constitute components of a single piece of work or of uniform supplies of a value above the ceiling. By 'a single piece of work' is meant a complex of building or civil engineering works intended in itself to fulfil an economic or technical function.

The ceilings in force are the ones at the date of the notification of this Decision.

2. Protection of the environment

(a) *General information :*

- description of the main environmental features and problems of the region concerned, giving a description of the important conservation areas (sensitive zones),
- a comprehensive description of the major beneficial and harmful effects that the programme, given the investments planned, is likely to have on the environment,
- a description of the action planned to prevent, reduce or offset any serious harmful effects on the environment,
- a report on consultations with the responsible environmental authorities (opinion of the Ministry of the Environment or its equivalent) and, if there were any such consultations, with the public concerned.

(b) *Description of planned activities*

For programme measures liable to have a significantly harmful effect on the environment :

- the procedures which will be applied for assessing individual projects during implementation of the programme,
- the mechanisms planned for monitoring environmental impact during implementation, assessing results and eliminating, reducing or offsetting harmful effects.

⁽¹⁾ Notice C(88) 2510 to the Member States, on monitoring of compliance with procurement rules in the case of projects and programmes financed by the Structural Funds and financial instruments (OJ No C 22, 28. 1. 1989, p. 3).

COMMISSION DECISION

of 20 July 1994

approving an amendment to the Spanish programme of agricultural income aid for farmers in Andalusia

(94/483/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 768/89 of 21 March 1989 establishing a system of transitional aids to agricultural income ⁽¹⁾, and in particular Article 7 (3) thereof,

Having regard to Commission Regulation (EEC) No 3813/89 of 19 December 1989 laying down detailed rules for the application of the system of transitional aids to agricultural income ⁽²⁾, as amended by Regulation (EEC) No 1110/91 ⁽³⁾, and in particular Article 10 (3) thereof,

Whereas on 9 March 1993 the Spanish authorities notified the Commission of their intention to establish a programme of agricultural income aid for farmers in Andalusia; whereas the Commission approved the programme in its Decision 93/223/EEC ⁽⁴⁾;

Whereas Article 15 of Regulation (EEC) No 768/89 provides that that Regulation is to apply until 31 March 1993 and that no programme of agricultural income aid is to be approved after that date; whereas, therefore, in accordance with Article 7 (1) of the same Regulation, after that date the Commission can only approve technical amendments to programmes of aid to agricultural income;

Whereas on 21 March 1994 the Spanish authorities notified the Commission that they had made some technical errors when drawing up the programme, in particular with regard to the calculation of the flat-rate basis for monitoring agricultural work units;

Whereas these errors must be corrected; whereas as a result of these errors and the need to correct them the Spanish authorities made no income aid payments between the date of entry into force of the Decision approving the programme and the deadline for benefiting from the funds entered in the Community budget for 1993 for the programme;

Whereas the Spanish authorities have requested that the amount entered in the Community budget for 1993 should be entered in the Community budget for 1994;

whereas it seems appropriate to grant this request, given that it is not of a nature to alter the substance of the Decision of 26 March 1993 approving the programme;

Whereas the Management Committee for Agricultural Income Aid was consulted on 19 July 1994 on the measure provided for in this Decision;

Whereas the EAGGF Committee was consulted on 19 July 1994 on the maximum amounts that can be charged to the Community budget each year under the programme approved,

HAS ADOPTED THIS DECISION:

Article 1

The programme of agricultural income aid for farmers in Andalusia notified to the Commission by the Spanish authorities on 9 March 1993, as amended by the communication of 21 March 1994, is hereby approved.

Article 2

The maximum amounts that may be charged to the Community budget each year under this Decision are as follows:

(ECU)

1993	none
1994	11 142 000
1995	4 216 000
1996	3 312 000
1997	2 409 000

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 84, 29. 3. 1989, p. 8.

⁽²⁾ OJ No L 371, 20. 12. 1989, p. 17.

⁽³⁾ OJ No L 110, 1. 5. 1991, p. 72.

⁽⁴⁾ OJ No L 95, 21. 4. 1993, p. 37.

COMMISSION DECISION

of 20 July 1994

approving an amendment to the Spanish programme of agricultural income aid
for farmers in the Basque Country

(94/484/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 768/89 of 21 March 1989 establishing a system of transitional aids to agricultural income ⁽¹⁾, and in particular Article 7 (3) thereof,

Having regard to Commission Regulation (EEC) No 3813/89 of 19 December 1989 laying down detailed rules for the application of the system of transitional aids to agricultural income ⁽²⁾, as amended by Regulation (EEC) No 1110/91 ⁽³⁾, and in particular Article 10 (3) thereof,

Whereas on 12 February 1992 the Spanish authorities notified the Commission of their intention to establish a programme of agricultural income aid for farmers in the Basque Country; whereas the Commission approved the programme in its Decision 92/343/EEC ⁽⁴⁾;

Whereas Article 15 of Regulation (EEC) No 768/89 provides that that Regulation is to apply until 31 March 1993 and that no programme of agricultural income aid is to be approved after that date; whereas, therefore, in accordance with Article 7 (1) of the same Regulation, after that date the Commission can only approve technical amendments to programmes of aid to agricultural income;

Whereas on 21 March 1994 the Spanish authorities notified the Commission that they had made some technical errors when drawing up the programme, and that the first period of application of the programme had shown there to be a risk that the consequences of these errors were a threat to its success; whereas as result of these errors and the need to correct them the Spanish authorities did not make income aid payments at the pace that had been planned;

Whereas the Spanish authorities have requested that the scheduling of budget allocations provided for by the Decision approving the programme should be altered without altering the total amount chargeable to the Community budget; whereas it seems appropriate to grant these technical requests since they are not of a

nature to alter the substance of the Decision of 9 June 1992 approving the programme;

Whereas the Management Committee for Agricultural Income Aid was consulted on 19 July 1994 on the measure provided for in this Decision;

Whereas the EAGGF Committee was consulted on 19 July 1994 on the maximum amounts that can be charged to the Community budget each year under the programme approved,

HAS ADOPTED THIS DECISION:

Article 1

The programme of agricultural income aid for farmers in the Basque Country notified to the Commission by the Spanish authorities on 12 February 1992, as amended by the communication of 21 March 1994, is hereby approved.

Article 2

The maximum amounts that may be charged to the Community budget each year under this Decision are as follows:

(ECU)

1994	1 300 000
1995	910 000
1996	790 000
1997	18 000

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 84, 29. 3. 1989, p. 8.

⁽²⁾ OJ No L 371, 20. 12. 1989, p. 17.

⁽³⁾ OJ No L 110, 1. 5. 1991, p. 72.

⁽⁴⁾ OJ No L 188, 8. 7. 1992, p. 40.

COMMISSION DECISION

of 20 July 1994

approving an amendment to the Spanish programme of agricultural income aid for farmers in Castile-León

(94/485/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 768/89 of 21 March 1989 establishing a system of transitional aids to agricultural income ⁽¹⁾, and in particular Article 7 (3) thereof,

Having regard to Commission Regulation (EEC) No 3813/89 of 19 December 1989 laying down detailed rules for the application of the system of transitional aids to agricultural income ⁽²⁾, as amended by Regulation (EEC) No 1110/91 ⁽³⁾, and in particular Article 10 (3) thereof,

Whereas on 4 December 1992 the Spanish authorities notified the Commission of their intention to establish a programme of agricultural income aid for farmers in Castille y León; whereas the Commission approved the programme in its Decision 93/207/EEC ⁽⁴⁾;

Whereas Article 15 of Regulation (EEC) No 768/89 provides that that Regulation is to apply until 31 March 1993 and that no programme of agricultural income aid is to be approved after that date; whereas, therefore, in accordance with Article 7 (1) of the same Regulation, after that date the Commission can only approve technical amendments to programmes of aid to agricultural income;

Whereas on 21 March 1994 the Spanish authorities notified the Commission that they had experienced technical problems in processing individual applications for income aid between the date of entry into force of the Decision approving the programme and the deadline for benefiting from the funds entered in the Community budget for 1993 for the programme and that consequently no aid payments had been made between these two dates;

Whereas the Spanish authorities have requested that the amount entered in the Community budget for 1993 should be entered in the Community budget for 1994; whereas it seems appropriate to grant this request, given that it is not of a nature to alter the substance of the Decision of 16 March 1993 approving the programme;

Whereas the Management Committee for Agricultural Income Aid was consulted on 19 July 1994 on the measure provided for in this Decision;

Whereas the EAGGF Committee was consulted on 19 July 1994 on the maximum amounts that can be charged to the Community budget each year under the programme approved,

HAS ADOPTED THIS DECISION:

Article 1

The programme of agricultural income aid for farmers in Castile-León notified to the Commission by the Spanish authorities on 4 December 1992, as amended by the communication of 21 March 1994, is hereby approved.

Article 2

The maximum amounts that may be charged to the Community budget each year under this Decision are as follows:

	(ECU)
1993	none
1994	16 937 000
1995	6 408 000

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 84, 29. 3. 1989, p. 8.

⁽²⁾ OJ No L 371, 20. 12. 1989, p. 17.

⁽³⁾ OJ No L 110, 1. 5. 1991, p. 72.

⁽⁴⁾ OJ No L 88, 8. 4. 1993, p. 48.