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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2087/94
of 24 August 1994**

fixing the maximum export refund for white sugar for the 13th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1021/94

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 133/94⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

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

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

Whereas, following an examination of the tenders submitted in response to the 13th partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 990/93⁽⁴⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 13th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1021/94 the maximum amount of the export refund is fixed at ECU 38,024 per 100 kilograms.
2. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

Article 2

This Regulation shall enter into force on 25 August 1994.

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

Done at Brussels, 24 August 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 112, 3. 5. 1994, p. 13.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

COMMISSION REGULATION (EC) No 2088/94

of 24 August 1994

amending Regulation (EC) No 1843/94 increasing to 300 000 tonnes the quantity of durum wheat held by the Italian intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Community,

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 5 thereof,

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

Whereas Commission Regulation (EC) No 1843/94⁽⁵⁾, opened a standing invitation to tender for the export of 200 000 tonnes of durum wheat held by the Italian intervention agency; whereas, in the communication of 11 August 1994, Italy informed the Commission of the intention of its intervention agency to increase by 100 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of durum wheat held by the Italian intervention agency for which a standing invitation to tender for export has been opened should be increased to 300 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EC) No 1843/94 must therefore be amended;

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

Article 1

Article 2 of Regulation (EC) No 1843/94 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 300 000 tonnes of durum wheat to be exported to all third countries.

2. The regions in which the 300 000 tonnes of durum wheat are stored are stated in Annex I to this Regulation.'

Article 2

Annex I to Regulation (EC) No 1843/94 is replaced by the Annex hereto.

Article 3

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

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

Done at Brussels, 24 August 1994.

For the Commission

Karel VAN MIERT

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 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 192, 28. 7. 1994, p. 5.

ANNEX

ANNEX I

(tonnes)

Place of storage	Quantity
Ravenna	6 810
Verona	2 202
Siena	1 280
Vicenza	500
Rovigo	2 321
Napoli	15 647
La Spezia	5 733
Reggio Emilia	2 500
Ferrara	6 569
Bari	17 007
Ancona	32 734
Palermo	2 661
Perugia	3 000
Siracusa	10 274
Livorno	2 000
Catania	10 871
Grosseto	6 081
Agrigento	1 454
Macerata	5 875
Foggia	43 123
Potenza	9 241
Matera	6 000
Brindisi	4 823
Catanzaro	93 615
Caltanissetta	7 677

COMMISSION REGULATION (EC) No 2089/94

of 24 August 1994

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 133/94 ⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 ⁽⁴⁾ thereof,

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

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

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar ⁽⁶⁾, as last amended by Regulation (EC) No 1555/94 ⁽⁷⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

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

Whereas Council Regulation (EEC) No 990/93 ⁽⁸⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 25 August 1994.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 166, 1. 7. 1994, p. 52.

⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽¹⁰⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽¹¹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹²⁾ OJ No L 69, 12. 3. 1994, p. 1.

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

Done at Brussels, 24 August 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 24 August 1994 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund (1)
	— ECU/100 kg —
1701 11 90 100	32,45 (1)
1701 11 90 910	30,51 (1)
1701 11 90 950	(2)
1701 12 90 100	32,45 (1)
1701 12 90 910	30,51 (1)
1701 12 90 950	(2)
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3528
	— ECU/100 kg —
1701 99 10 100	35,28
1701 99 10 910	35,50
1701 99 10 950	34,00
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3528

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

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

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

COMMISSION REGULATION (EC) No 2090/94**of 24 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 23 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 25 August 1994.

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

Done at Brussels, 24 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 24 August 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>	
CN code	Third countries ⁽⁸⁾
0709 90 60	113,26 ⁽²⁾ ⁽³⁾
0712 90 19	113,26 ⁽²⁾ ⁽³⁾
1001 10 00	50,25 ⁽¹⁾ ⁽²⁾ ⁽¹¹⁾
1001 90 91	72,54
1001 90 99	72,54 ⁽²⁾ ⁽¹¹⁾
1002 00 00	103,03 ⁽⁴⁾
1003 00 10	104,21
1003 00 90	104,21 ⁽²⁾
1004 00 00	93,84
1005 10 90	113,26 ⁽²⁾ ⁽³⁾
1005 90 00	113,26 ⁽²⁾ ⁽³⁾
1007 00 90	115,25 ⁽⁴⁾
1008 10 00	28,96 ⁽²⁾
1008 20 00	34,08 ⁽⁴⁾ ⁽²⁾
1008 30 00	0 ⁽²⁾
1008 90 10	(7)
1008 90 90	0
1101 00 00	139,63 ⁽²⁾
1102 10 00	183,95
1103 11 10	113,65
1103 11 90	161,08
1107 10 11	140,00
1107 10 19	107,36
1107 10 91	196,37 ⁽¹⁰⁾
1107 10 99	149,48 ⁽²⁾
1107 20 00	172,41 ⁽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 2091/94

of 24 August 1994

adopting a protective measure with regard to imports of garlic originating in Taiwan and Vietnam

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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,

Whereas Council Regulation (EEC) No 2707/72⁽³⁾ lays down the conditions for applying protective measures for fruit and vegetables;

Whereas pursuant to Commission Regulation (EEC) No 1859/93⁽⁴⁾, as amended by Regulation (EC) No 1662/94⁽⁵⁾, the release for free circulation in the Community of garlic imported from third countries is subject to presentation of an import licence;

Whereas on 8 August 1994 the Kingdom of Spain requested the Commission to take protective action over imports of garlic originating in third countries other than China; whereas this request was supplemented by additional information;

Whereas, by Regulation (EC) No 1213/94⁽⁶⁾, as amended by Regulation (EC) No 1992/94⁽⁷⁾, 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 issued before 31 August 1994; whereas it became necessary from 2 June 1994 to suspend the issue of licences until 31 August 1994, and subsequently to provide, in Regulation (EC) No 1992/94, amending Regulation (EC) No 1213/94, for a monthly management system for issuing licences up to 31 May 1995;

Whereas current applications for licences to import garlic originating in Taiwan and Vietnam considerably exceed the traditional volume of imports originating in those

countries; whereas in the first seven months of 1994 the import licences issued were for a total of 21 213 tonnes not including China; whereas this quantity represents 84 % of total imports, not including China, in 1993; whereas leaving the current situation unchanged could therefore cause serious disturbance on the Community market, liable to endanger achievement of the objectives of Article 39 of the EC Treaty and those of Regulation (EC) No 1213/94;

Whereas, according to information received by the Commission, garlic originating in third countries is being offered at particularly low prices which are 50 % to 60 % below the average Community price in 1992, the year before the garlic crisis, and at the same time 10 % below current production costs, and transactions involving products of Community origin from the 1994/95 marketing year are therefore practically impossible; whereas this situation is causing serious harm to Community producers;

Whereas, therefore, the issue of import licences should be suspended for the period strictly necessary to eliminate the said disturbance in respect of products originating in Taiwan and Vietnam;

Whereas, pursuant to Article 3 (3) of Regulation (EEC) No 2707/72, the special position of products in transit to the Community should be taken into account,

HAS ADOPTED THIS REGULATION:

Article 1

The issue of import licences for garlic (CN code 0703 20 00), originating in Taiwan and Vietnam, as referred to in Regulation (EEC) No 1859/93, is hereby suspended until 31 May 1995.

Article 2

1. Article 1 shall not apply to applications for licences intended to cover products which are proved, when the application is submitted, to have been in transit to the Community before this Regulation entered into force.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 26.

⁽³⁾ OJ No L 291, 28. 12. 1972, p. 3.

⁽⁴⁾ OJ No L 170, 13. 7. 1993, p. 10.

⁽⁵⁾ OJ No L 176, 9. 7. 1994, p. 1.

⁽⁶⁾ OJ No L 133, 28. 5. 1994, p. 36.

⁽⁷⁾ OJ No L 200, 3. 8. 1994, p. 11.

2. Products shall be considered as in transit to the Community if :

- they left Taiwan or Vietnam before this Regulation entered into force, and
- they are accompanied by a transport document which is valid from the place of loading in Taiwan or Vietnam up to the place of unloading in the Community and was made out before this Regulation entered into force.

3. The parties concerned shall provide proof, to the satisfaction of the competent authorities, that the conditions set out in paragraph 2 have been complied with.

However, the competent authority may regard the products as having left Taiwan or Vietnam before the entry into force of this Regulation if one of the following documents is submitted :

- in the case of transport by sea, the bill of lading showing that loading took place before that date,
- in the case of transport by rail, the consignment note accepted by the Vietnamese or Taiwanese railways before that date,
- in the case of transport by road, the TIR (international road transport) carnet issued by the Vietnamese or Taiwanese customs office before that date,
- in the case of transport by air, the air consignment note showing that the airline received the products before that date.

Article 3

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

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

Done at Brussels, 24 August 1994.

For the Commission

Karel VAN MIERT

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 1 June 1994

authorizing the granting of aid by Germany to the coal industry in 1994

(Only the German text is authentic)

(94/573/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 3632/93/ECSC of 28 December 1993 establishing Community rules for State aid to the coal industry⁽¹⁾, and in particular Articles 2 (1) and 9 thereof,

Whereas :

I

In a letter dated 28 December 1993 the German Government sent the Commission notification, pursuant to Article 9 (1) of Decision No 3632/93/ECSC, of the financial support which it intended to grant to the coal industry in 1994.

In letters dated 4 and 8 March 1994 Germany supplied additional information on two measures not linked to current production.

Under Decision No 3632/93/ECSC, the Commission must give a ruling on the following financial measures :

— aid totalling DM 179,1 million to Ruhrkohle AG to cover exceptional costs ;

— aid totalling DM 170,1 million to the companies Ruhrkohle AG, Saarbergwerke AG, Gewerkschaft Auguste Viktoria, Sophia Jacoba GmbH and Preussag to cover exceptional costs.

These two measures planned by Germany comply with the provisions of Article 1 (1) of Decision No 3632/93/ECSC.

The Commission must therefore give a ruling under Article 9 of that Decision on whether they comply with the objectives and implementing criteria set out in that Decision and whether they are compatible with the proper functioning of the common market.

II

The aid which the German Government intends to grant to Ruhrkohle AG to cover exceptional costs is intended to cover the deficit incurred by the undertaking as a result of closures of uncompetitive production capacity between 1987 and 1993.

This aid is to be used as follows : DM 19,1 million for paying social-welfare benefits resulting from workers taking early retirement and for the supply of free coal to workers who lose their jobs as a result of restructuring and to workers entitled to such supply before the restructuring ; exceptional expenditure totalling DM 109,6 million on workers who lose their jobs as a result of

⁽¹⁾ OJ No L 329, 30. 12. 1993, p. 12.

restructuring; exceptional intrinsic depreciation totalling DM 49,4 million resulting from restructuring; and DM 1 million for backfilling pits in compliance with the laws in force.

This aid complies with Article 5 of Decision No 3632/93/ECSC only if it does not exceed the costs.

After verification of the information submitted by Germany, the Commission finds that the aid covers 71 % of the costs.

III

The aid totalling DM 170,1 million to the companies of the German coal industry to cover exceptional costs covers the costs of pumping out pits closed down since 1967.

This pumping-out is essential in order to allow mining to continue at pits close to these disused workings. This aid will be paid to Ruhrkohle AG, Saarbergwerke AG, Gewerkshaft Auguste Viktoria, Sophia Jacoba GmbH and Preussag.

This aid complies with Article 5 of Decision No 3632/93/ECSC only if it does not exceed the costs.

After verification of the contracts concluded between the public authorities and the undertakings and of the information supplied by Germany, the Commission finds that the abovementioned aid does not exceed the costs.

IV

The abovementioned aid measures will reduce the costs borne by the undertakings and improve their financial balance. They will help the undertakings to continue their activities and, therefore, satisfy the objectives in Article 2 (1) of Decision No 3632/93/ECSC.

Consequently, the aid which is the subject of this Decision is compatible with the proper functioning of the common market.

This Decision shall apply without prejudice to the obligation placed on Germany under Article 8 of Decision No

3632/93/ECSC to submit a modernization, rationalization and restructuring plan for the industry in accordance with Article 3 (2) and/or an activity-reduction plan in accordance with Article 4,

HAS ADOPTED THIS DECISION :

Article 1

Germany is hereby authorized to grant aid totalling DM 349,2 million to the German coal industry for the 1994 calendar year, as follows :

- aid totalling DM 179,1 million to Ruhrkohle AG to cover exceptional costs ;
- aid totalling DM 170,1 million to the companies Ruhrkohle AG, Saarbergwerke AG, Gewerkschaft Auguste Viktoria, Sophia Jacoba GmbH and Preussag to cover exceptional costs.

Article 2

Germany shall notify the Commission by 30 September 1995 of the amounts of aid actually paid pursuant to this Decision in 1994.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 1 June 1994.

For the Commission

Marcelino OREJA

Member of the Commission

COMMISSION DECISION

of 1 June 1994

authorizing the grant by the United Kingdom of aid to the coal industry for the last quarter of the 1993/94 financial year and for the 1994/95 financial year

(Only the English text is authentic)

(94/574/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 3632/93/ECSC of 28 December 1993 establishing Community rules for State aid to the coal industry⁽¹⁾, and in particular Articles 2 (1) and 9 thereof,

Whereas :

I

By letter of 30 March 1994, the United Kingdom sent the Commission a modernization, rationalization and restructuring plan for the coal industry in accordance with Article 8 (1) of Decision No 3632/93/ECSC.

In the same letter, the United Kingdom notified the Commission, in accordance with Article 9 (1) of Decision No 3632/93/ECSC, of the financial support which it intends to grant to the coal industry during the last quarter of the 1993/94 financial year and the 1994/95 financial year.

In accordance with Decision No 3632/93/ECSC, the Commission is required to :

- give its opinion on whether the modernization, rationalization and restructuring plan is in conformity with the general and specific objectives of Decision No 3632/93/ECSC ;
- take a decision on the carrying-over to the last quarter of the 1993/94 financial year of a sum totalling £2 187 759,71 and to the 1994/95 financial year of a sum totalling £116 354 577,43 of a provision authorized by the Commission until 31 December 1993 and intended to cover operating losses of underground coal-mining undertakings.

The financial support which the United Kingdom proposes to grant to the coal industry falls within the

scope of Article 1 (1) of the Decision. The Commission is therefore required to decide, in accordance with Article 9 (4) of the Decision, whether the support is in conformity with the objectives and criteria of the Decision and is compatible with the proper functioning of the common market.

II

The modernization, rationalization and restructuring plan notified by the United Kingdom needs to be examined in the light of the general objectives laid down in Article 2 (1) and the specific criteria and objectives laid down in Articles 3 and 4 of Decision No 3632/93/ECSC.

This plan is based on the White Paper on the prospects for coal published by the United Kingdom on 25 March 1993.

Its main objective is to make the United Kingdom coal industry fully competitive with coal prices on international markets and to privatize British Coal in the near future.

To achieve that objective, the industry must strengthen the restructuring process, as a result of which a large number of underground mines are having to be closed, or production in them stopped and the installations moth-balled.

Some pits which are not currently competitive need to be rationalized to enable production to become competitive. To this end, the United Kingdom Government has provided for the constitution of a provision not exceeding a total of £120 million to cover the operating losses of those pits temporarily by means of operating aid. This aid should enable the pits to find a market among power stations for the disposal of their production.

The United Kingdom has put before Parliament a Bill on the privatization of British Coal and the creation of an independent body to be responsible, among other things, for issuing operating licences under a transparent, non-discriminatory scheme which would guarantee fair competition between all coal-mining undertakings.

(¹) OJ No L 329, 30. 12. 1993, p. 12.

The modernization, rationalization and restructuring plan notified by the United Kingdom, the aim of which is to make coal produced in the United Kingdom fully competitive with imported coal and to abolish all aid, meets the objective of the first indent of Article 2 (1) of Decision No 3632/93/ECSC, namely, in the light of coal prices on international markets, to make further progress towards economic viability with the aim of achieving degression of aids.

By allowing certain pits the time required to improve their competitiveness, it is possible to avoid the closure of those pits in the short term, which therefore helps to solve the social and regional problems created by total or partial reductions in the activity of production units, in accordance with the objectives set out in the second indent of Article 2 (1) of Decision No 3632/93/ECSC.

The plan provides for appropriate measures and sustained efforts to obtain a downward trend in production costs over the period from 1994 to 31 March 1998 so as to bring the selling price of all coal produced in the United Kingdom after that date into line with that of coal prices on international markets.

The Commission has taken account, in its evaluation, of the conformity of the plans with the general and specific objectives, the degree of effort towards modernization, rationalization, restructuring and reduction in activity made by the United Kingdom coal industry during the period of application of Commission Decision No 2064/86/ECSC⁽¹⁾.

The plan submitted by the United Kingdom therefore conforms to the specific objectives set out in Articles 3 and 4 of Decision No 3632/93/ECSC.

III

By Decision 94/333/ECSC⁽²⁾ the Commission authorized the United Kingdom, in accordance with Decision No 2064/86/ECSC, to constitute a provision for 1993 totalling £120 million to cover operating losses incurred by underground coal-mining undertakings.

Decision 94/333/ECSC, which covered the period up to 31 December 1993, established that, if the United Kingdom decided to grant aid beyond that date, it should notify the aid to the Commission in accordance with Decision No 3632/93/ECSC.

By letter of 16 May 1994, the United Kingdom notified the Commission, in accordance with Article 2 of Decision 94/333/ECSC, that the aid actually paid to beneficiaries

from the provision of £120 million for the 1993 calendar year amounted to £1 457 662,86 and that, of the balance of £118 542 337,14, the sum of £2 187 759,71 was being carried over to the last quarter of the 1993/94 financial year which expired on 31 March 1994 and the sum of £116 354 577,43 to the 1994/95 financial year.

The Commission is therefore required to take a decision on these two financial measures.

IV

The sums of £2 187 759,71 and £116 354 577,43 which the United Kingdom plans to grant to its coal industry are intended to cover the difference between production costs and the selling prices, which are freely agreed between the contracting parties in the light of world market conditions, of undertakings and production units eligible for operating aid in accordance with Article 3 of Decision No 3632/93/ECSC.

This aid should enable the above pits and undertakings to find a market among power stations for the disposal of their production during the rationalization period. In the absence of this aid, these pits would be condemned to closing in the short term, which would increase the severity of the social and regional problems related to the decline of this industry.

This aid has to be approved, in accordance with Article 9 (4), by the Commission, which takes a decision in particular, on the basis of the general objectives and criteria set out in Article 2 and the specific criteria set out in Article 3 of Decision No 3632/93/ECSC. In accordance with Article 9 (6), the Commission, in its assessment, checks whether the measures proposed are in conformity with the plans submitted in accordance with Article 8 and with the objectives set out in Article 2.

The aid will help, in the light of coal prices on international markets, to make further progress towards economic viability. The facts that the aid is of a temporary nature and is limited to the period leading up to the privatization of the British Coal Corporation and that its aim is to render those production units competitive with imported coal mean that the aid will be degressive. It will also help to solve the social and regional problems created by the closure of the production units. It is therefore in conformity with the objectives of Decision No 3632/93/ECSC.

The proposed aid will not, according to the United Kingdom notification, exceed, for any contractual quantity, the difference between the production costs and the foreseeable revenue. The amount of operating aid per tonne may not lead to delivery prices for Community coal which are lower than those charged for coal of similar quality originating in non-member countries.

(¹) OJ No L 177, 1. 7. 1986, p. 1.

(²) OJ No L 147, 14. 6. 1994, p. 11.

The United Kingdom will ensure that the aid does not create any discrimination within the meaning of Article 4 (b) of the ECSC Treaty between producers, between purchasers or between consumers.

In assessing these measures, the Commission has taken account of the fact that they are part of the modernization, rationalization and restructuring plan for the United Kingdom coal industry.

With regard to the provision, the United Kingdom will inform the Commission each month, for control purposes, of the payments actually made, the quantities covered and the recipient undertakings.

V

In the light of the foregoing and on the basis of the information supplied by the United Kingdom, the proposed operating aid for the coal industry is compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market.

This Decision does not prejudice the compatibility with the Treaties of any contracts which might be concluded between coal and electricity producers,

HAS ADOPTED THIS DECISION :

Article 1

The United Kingdom is hereby authorized to carry over to the last quarter of the 1993/94 financial year the provision authorized until 31 December 1993 for a sum total-

ling £2 187 759,71 to cover operating losses of underground coal-mining undertakings.

Article 2

The United Kingdom is hereby authorized to carry over to the 1994/95 financial year the provision authorized until 31 December 1993 for a sum totalling £116 354 577,43 to cover operating losses of underground coal-mining undertakings.

Article 3

The United Kingdom shall inform the Commission each month of the payments actually made to beneficiaries from the financial provisions provided for in Articles 1 and 2 of this Decision together with the quantities of coal covered and the names of the recipient undertakings.

Article 4

This Decision is addressed to the United Kingdom.

Done at Brussels, 1 June 1994.

For the Commission

Marcelino OREJA

Member of the Commission

COMMISSION DECISION

of 20 July 1994

determining the control procedure under Council Regulation (EEC) No 259/93 as regards certain shipments of waste to certain non-OECD countries

(Text with EEA relevance)

(94/575/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community⁽¹⁾, and in particular Article 17 (3) thereof,

Whereas Article 1 (3) (a) of Regulation (EEC) No 259/93 excludes from the scope of application of the Regulation shipments of waste destined for recovery only and listed in Annex II thereto, except as provided for by, *inter alia*, Article 17 (1), (2) and (3);

Whereas in accordance with Article 17 (1) the Commission has notified to every country to which the OECD Council Decision of 30 March 1992 on the control of transfrontier movements of wastes destined for recovery operations does not apply the list of waste included in Annex II to Regulation (EEC) No 259/93, and has requested confirmation that such waste is not subject to control in the country of destination or has asked that such country indicate where such waste should be subject to the control procedures which apply to waste listed in Annex III or IV to the Regulation, or to the procedure laid down in Article 15 thereof;

Whereas certain countries have indicated that such waste should be subject to one of those control procedures;

Whereas the Commission has notified those cases to the Committee established pursuant to Article 18 of Council Directive 75/442/EEC of 15 July 1975 on waste⁽²⁾, as last amended by Directive 91/692/EEC⁽³⁾;

Whereas under Article 17 (3), where such waste is subject to control in the country of destination or upon request of such a country exports of such waste to that country shall be subjected to control;

Whereas the Commission is required to determine, in consultation with the country of destination, which of the control procedures shall apply,

HAS ADOPTED THIS DECISION:

Article 1

1. The control procedure applicable to wastes listed in Annex III to Regulation (EEC) No 259/93 shall apply to exports to the countries listed in Annex A to this Decision with respect to those categories of waste listed in Annex II to the aforesaid Regulation which are also set out in Annex A.

2. The control procedure applicable to wastes listed in Annex IV to Regulation (EEC) No 259/93 shall apply to exports to the countries listed in Annex B to this Decision with respect to those categories of waste listed in Annex II to the aforesaid Regulation which are also set out in Annex B.

3. The control procedure laid down in Article 15 of Regulation (EEC) No 259/93 shall apply to exports to the countries listed in Annex C to this Decision with respect to those categories of waste listed in Annex II to the aforesaid Regulation which are also set out in Annex C.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 July 1994.

For the Commission

Leon BRITTAN

Member of the Commission

⁽¹⁾ OJ No L 30, 6. 2. 1993, p. 1.

⁽²⁾ OJ No L 194, 25. 7. 1975, p. 39.

⁽³⁾ OJ No L 377, 31. 12. 1991, p. 48.

ANNEX A

Countries to which shipments of certain categories of waste listed in Annex II (the 'green' list) to Council Regulation (EEC) No 259/93 should be carried out under the control procedure applying to waste listed in Annex III (the 'amber' list) to the Regulation are set out below. The categories of waste listed in Annex II which are covered are also given

MACAU: All types.

POLAND: All types except:

The following types included in section K ('Wastes arising from agro-food industries'):

- 2301 00 Dried, sterilized and stabilized flours, meals and pellets, of meat or meat offal, of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption but fit for animal feed or other purposes; greaves
- 2302 00 Bran, sharps and other residues, whether or not in the form of pellets derived from the shifting, milling or other working of cereals or of leguminous plants
- 2303 00 Residues of starch manufacture and similar residues, beet-pulp, bagasse and other waste of sugar manufacture, brewing or distilling dregs and waste, whether or not in the form of pellets
- 2304 00 Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil, used for animal feed
- 2305 00 Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of ground-nut (peanut) oil, used for animal feed
- 2306 00 Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetable oil, used for animal feed.

THAILAND: 1. The following types included in section A ('Metal and metal-alloy wastes in metallic, non-dispersible form'):

(a) The following waste and scrap of non-ferrous metals and their alloys:

- 7503 00 Nickel waste and scrap,
- 7802 00 Lead waste and scrap,
- 8105 10 Cobalt waste and scrap,
- 8107 10 Cadmium waste and scrap,
- 8110 00 Antimony waste and scrap,
- 8112 11 Beryllium waste and scrap,
- 8112 20 Chromium waste and scrap,
- 8112 40 Vanadium waste and scrap,
- 8112 91 Wastes and scrap of:
 - Hafnium,
 - Indium,
 - Niobium,
 - Rhenium,
 - Gallium,
 - Thallium,

2805 30 Thorium and rare earths waste and scrap,

2804 90 Selenium waste and scrap,

2804 50 Tellurium waste and scrap.

2. All types included in section B ('Other metal-bearing wastes arising from melting, smelting and refining of metals').

3. The following types included in section C ('Wastes from mining operations'):

- 2529 21 Feldspar; leucite; nepheline and nepheline syenite; fluor spar — containing by weight 97 % or less of calcium fluoride.

4. All types included in section D ('Solid plastic wastes').
 5. All types included in section F ('Glass waste in non-dispersible form').
 6. All types included in section G ('Ceramic wastes in non-dispersible form').
 7. All types included in section I ('Rubber wastes').
 8. The following types included in section M ('Other wastes'):
 - 2621 Coal fired power station fly ash, bottom ash and slag tap:
 - Waste straw,
 - Broken concrete,
 - Spent catalysts:
 - Fluid catalytic cracking (FCC) catalysts,
 - Precious metal bearing catalysts,
 - Transition metal catalysts,
 - Deactivated fungus mycelium from penicillin production to be used as animal feed.
 - 2618 00 Granulated slag arising from the manufacture of iron and steel.
 - 2619 00 Slag arising from the manufacture of iron and steel.
 - 3103 20 Basic slag arising from the manufacture of iron and steel for phosphate fertilizers and other use.
 - 2621 00 Slag arising from copper production, chemically stabilized, having a high iron content and processed according to industrial specifications mainly for construction and abrasive applications.
 - 2621 00 Neutralized red mud from alumina production.
 - 2621 00 Spent activated carbon,
 - Sulphur in solid form.
-

ANNEX B

Countries to which shipments of certain categories of waste listed in Annex II (the 'green' list) to Council Regulation (EEC) No 259/93 should be carried out under the control procedure applying to waste listed in Annex IV (the 'red' list) of the Regulation are set out below. The categories of waste listed in Annex II which are covered are also given :

- ARGENTINA : All types.
- BRAZIL :
1. The following types of waste included under section A ('Metal and metal-alloy wastes in metallic, non-dispersible form')
 - (a) The following ferrous waste and scrap ingots of iron or steel :
 - 7204 10 Waste and scrap of cast iron,
 - 7204 21 Waste and scrap of stainless steel,
 - 7204 29 Waste and scrap of other alloy steels,
 - 7204 30 Waste and scrap of tinned iron or steel,
 - 7204 41 Turnings, shavings, chips, milling waste, filings trimmings and stampings, whether or not in bundles,
 - 7204 49 Other ferrous scrap and waste,
 - 7204 50 Remelting scrap ingots.
 - (b) The following waste and scrap of non-ferrous metals and their alloys :
 - 7404 00 Copper waste and scrap,
 - 7503 00 Nickel waste and scrap,
 - 7602 00 Aluminium waste and scrap,
 - ex 7802 00 Lead waste and scrap,
 - 7902 00 Zinc waste and scrap,
 - ex 8102 91 Molybdenum waste and scrap,
 - ex 8103 10 Tantalum waste and scrap,
 - 8104 20 Magnesium waste and scrap,
 - ex 8108 10 Titanium waste and scrap,
 - ex 8111 00 Manganese waste and scrap,
 - ex 8112 20 Chromium waste and scrap,
 - ex 8112 40 Vanadium waste and scrap.
 2. The following types of waste included under Section M ('Other wastes') :
 - 2618 00 Granulated slag arising from the manufacture of iron and steel,
 - ex 2619 00 Slag arising from the manufacture of iron and steel.
- CROATIA : All types.
- CZECH REPUBLIC : All types.
- ESTONIA :
1. The following types included in section A ('Metal and metal-alloy wastes in metallic, non-dispersible form')

The following waste and scrap of non-ferrous metals and their alloys :

 - 7802 00 Lead waste and scrap,
 - 8107 10 Cadmium waste and scrap,
 - 8110 00 Antimony waste and scrap,
 - 8112 11 Beryllium waste and scrap,
 - 8112 91 Thallium waste and scrap,
 - 2805 30 Thorium and rare earths waste and scrap,
 - 2804 90 Selenium waste and scrap,
 - 2804 50 Tellurium waste and scrap.

2. The following types included in section D ('Solid Plastic Wastes'):
- (a) Waste parings and scrap of plastics:
- 3915 30 — Of polymers of vinyl chloride.
- (b) Resins and condensation products of:
- Urea formaldehyde resins,
 - Phenol formaldehyde resins,
 - Melamine formaldehyde resins,
 - Epoxy resins,
 - Alkyd resins,
 - Polyamides.
3. The following types included in section I ('Rubber Wastes'):
- 4012 20 Used pneumatic tyres.
4. The following types included in section M ('Other wastes'):
- Motor vehicle wrecks, drained of fluids,
 - Anode butts of petroleum coke and bitumen,
 - Flue gas desulphurization (FDG) gypsum,
 - Coal-fired power station fly ash, bottom ash and slag tap,
 - Spent catalysts:
 - Fluid catalytic cracking (FCC) catalysts,
 - Precious metal bearing catalysts,
 - Transition metal catalysts.
- 2618 00 Granulated slag arising from the manufacture of iron and steel,
- 2619 00 Slag arising from the manufacture of iron and steel,
- 2621 00 Slag arising from copper production, chemically stabilized, having a high iron content and processed according to industrial specifications mainly for construction and abrasive applications,
- 2621 00 Neutralized red must from alumina production,
- 2621 00 Spent activated carbon,
- Sulphur in solid form,
 - Sodium, calcium, potassium chlorides.

ISRAEL :	All types.
LITHUANIA :	All types.
MALAYSIA :	All types.
MALTA :	All types.
SLOVAK REPUBLIC :	All types.
TRINIDAD AND TOBAGO :	All types.

ANNEX C

Countries to which shipments of certain categories of waste listed in Annex II (the 'green' list) to Council Regulation (EEC) No 259/93 should be carried out under the control procedure laid down in Article 15 thereof are set out below. The categories of waste listed in Annex II which are covered are also given

BELARUS: All types.

COMMISSION DECISION

of 29 July 1994

on the extension to non-members of certain rules adopted by the producers' association Anacef in the fishery and aquaculture products sector

(Only the Spanish text is authentic)

(94/576/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products⁽¹⁾, as last amended by Regulation (EEC) No 1891/93⁽²⁾, and in particular Article 5 (2) thereof,

Whereas the Spanish authorities notified the Commission on 6 July 1994 of their intention to extend to non-members the rules adopted by the producers' organization Anacef in the area for which they are representative ;

Whereas the rules notified are in accordance with Community law and in particular with Regulation (EEC) No 3759/92 and with Commission Regulation (EEC) No 3190/82 of 29 November 1982 laying down detailed rules for the extension of certain rules adopted by producers' organizations in the fisheries sector to non-members⁽³⁾; whereas the rules now notified may therefore be extended as proposed,

HAS ADOPTED THIS DECISION :

Article 1

The rules adopted by the producers' organization Anacef in the fishery and aquaculture products sector may be made binding on non-members of that organization.

These rules are listed in the Annex to this Decision.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 29 July 1994.

For the Commission

Hans VAN DEN BROEK

Member of the Commission⁽¹⁾ OJ No L 388, 31. 12. 1992, p. 1.⁽²⁾ OJ No L 172, 15. 7. 1993, p. 1.⁽³⁾ OJ No L 388, 30. 11. 1982, p. 11.

*ANNEX***1. Title**

— Extension to non-members of certain rules adopted by the producers' organization Anacef in the fishery and aquaculture products sector.

2. Producers' organization responsible

Organización de Productores Anacef,
c/ Luis Morote, 6
E-35007 Las Palmas de Gran Canaria.

3. Area covered by this measure

All ports in Spain.

4. Period of application of the measure

Date of this Decision to 31 December 1994.

5. Production and marketing rules

It is forbidden to produce more than 5 % of octopus of less than 300 grams in each entire load of frozen octopus disembarked ; this applies to every disembarkation from a boat holding a fishing licence relating to cephalopods.
