

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2709/94

of 8 November 1994

opening an invitation to tender for the reduction in the levy on grain sorghum imported into Spain from third countries

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

Having regard to Council Regulation (EC) No 1799/94 of 18 July 1994 on special arrangements for imports of maize and sorghum into Spain for the year 1994⁽¹⁾, and in particular Articles 3 (2) and 8 thereof,

Whereas, as part of an agreement with the United States of America, the Community has undertaken to import a certain quantity of maize and grain sorghum into Spain in the years 1987 to 1993; whereas by Regulation (EC) No 532/94⁽²⁾ extending the measures taken under the above-mentioned agreement, the Council approved the extension of that agreement to 1994;

Whereas, pursuant to Article 3 (3) of Regulation (EC) No 1799/94, the levy reduction is to be applied to sorghum imported into Spain under cover of a licence valid in that Member State alone;

Whereas Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)⁽³⁾, as last amended by Regulation (EEC) No 2484/94⁽⁴⁾, provides in particular for a reduction of 60 % in the levy applicable to grain sorghum up to a quota of 100 000 tonnes per calendar year and of 50 % in excess of that quota; whereas, if that benefit is combined with the reduction provided for under this Regulation, this is likely to disturb the Spanish market for cereals; whereas such combined benefits should be ruled out for the sake of the satisfactory functioning of the invitation to tender;

Whereas Commission Regulation (EC) No 675/94 of 25 March 1994 laying down detailed rules for the application of the special arrangements for Council Regulations (EC) No 3640/93 and (EC) No 3670/93 concerning imports of maize and sorghum into Spain and of maize into Portugal⁽⁵⁾, as amended by Regulation (EC) No 2660/94⁽⁶⁾, lays down the special additional detailed rules necessary for

implementing the invitation to tender, in particular those relating to the lodging and release of the security to be lodged by operators to ensure compliance with their obligations and, in particular, the obligation to process or use the imported product on the Spanish market;

Whereas, in the light of current market needs in Spain, an invitation to tender for the reduction in the levy on imports of sorghum should be opened in the framework of these special arrangements for imports;

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

1. An invitation to tender is hereby opened for the reduction in the import levy referred to in Article 10 of Council Regulation (EEC) No 1766/92⁽⁷⁾ on grain sorghum to be imported into Spain.
2. Under this invitation to tender, the reduction in the import levy on grain sorghum provided for in Article 11 of Regulation (EEC) No 715/90 shall not apply.
3. The invitation to tender shall be open until 19 January 1995. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.
4. Regulation (EC) No 675/94 shall apply save as otherwise provided for in this Regulation.

Article 2

Import licences issued under these invitations to tender shall be valid from the date they are issued within the meaning of Article 6 (4) of Regulation (EC) No 675/94, until 30 April 1995.

Article 3

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

⁽¹⁾ OJ No L 189, 23. 7. 1994, p. 17.

⁽²⁾ OJ No L 68, 11. 3. 1994, p. 1.

⁽³⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁴⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽⁵⁾ OJ No L 83, 26. 3. 1994, p. 26.

⁽⁶⁾ OJ No L 284, 1. 11. 1994, p. 29.

⁽⁷⁾ OJ No L 181, 1. 7. 1992, p. 21.

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

Done at Brussels, 8 November 1994.

For the Commission
René STEICHEN
Member of the Commission

COMMISSION REGULATION (EC) No 2710/94

of 8 November 1994

opening an invitation to tender for the reduction in the levy on maize imported into Spain from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3640/93 of 17 December 1993 on special arrangements for imports of maize and sorghum into Spain for the year 1993⁽¹⁾, and in particular Articles 3 (2) and 8 thereof,Whereas, as part of an agreement with the United States of America, the Community has undertaken to import a certain quantity of maize and sorghum into Spain in 1993; whereas by Regulation (EC) No 532/94⁽²⁾ extending the measures taken under the abovementioned agreement, the Council approved the extension of that agreement to 1994;Whereas, within the framework of those rights and obligations, Commission Regulation (EC) No 10/94⁽³⁾ opened invitations to tender for the reduction in the levy on import of the quantities remaining in 1993; whereas these quantities were not covered by the invitations to tender; whereas, in the light of current market needs in Spain, the balance left for import should be earmarked for that country; whereas, to that end, a new invitation to tender should be opened;Whereas Commission Regulation (EC) No 675/94 of 25 March 1994 laying down detailed rules for the application of the special arrangements for Council Regulations (EC) No 3640/93, (EC) No 1799/94 and (EC) No 3670/93 concerning imports of maize and sorghum into Spain and of maize into Portugal⁽⁴⁾, as amended by Regulation (EC) No 2660/94⁽⁵⁾, lays down the special additional detailed rules necessary for implementing the invitation to tender, in particular those relating to the lodging and release of

the security to be lodged by operators to ensure compliance with their obligations and, in particular, the obligation to process or use the imported product on the Spanish market;

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

1. An invitation to tender is hereby opened for the reduction in the import levy referred to in Article 10 of Regulation (EEC) No 1766/92⁽⁶⁾ on maize to be imported into Spain, in addition to the invitations to tender opened by Regulation (EC) No 10/94.
2. The invitation to tender shall be open until 8 December 1994. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.
3. Regulation (EC) No 675/94 shall apply save as otherwise provided for in this Regulation.

Article 2

Import licences issued under these invitations to tender shall be valid from the date they are issued, within the meaning of Article 6 (4) of Regulation (EC) No 675/94, until 31 December 1994.

*Article 3*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 8 November 1994.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 333, 31. 12. 1993, p. 13.⁽²⁾ OJ No L 68, 11. 3. 1994, p. 1.⁽³⁾ OJ No L 4, 6. 1. 1994, p. 3.⁽⁴⁾ OJ No L 83, 26. 3. 1994, p. 26.⁽⁵⁾ OJ No L 284, 1. 11. 1994, p. 29.⁽⁶⁾ OJ No L 181, 1. 7. 1992, p. 21.

COMMISSION REGULATION (EC) No 2711/94**of 8 November 1994****opening an invitation to tender for the reduction in the levy on maize imported into Spain from third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1799/94 of 18 July 1994 on special arrangements for imports of maize and sorghum into Spain for the year 1994⁽¹⁾, and in particular Articles 3 (2) and 8 thereof,

Whereas, as part of an agreement with the United States of America, the Community has undertaken to import a certain quantity of maize and sorghum into Spain in the years 1987 to 1993; whereas by Regulation (EC) No 532/94⁽²⁾ extending the measures taken under the above-mentioned agreement, the Council approved the extension of that agreement to 1994;

Whereas, pursuant to Article 3 (3) of Regulation (EC) No 1799/94, the levy reduction is to be applied to maize imported into Spain under cover of a licence valid in that Member State alone;

Whereas Commission Regulation (EC) No 675/94 of 25 March 1994 laying down detailed rules for the application of the special arrangements for Council Regulations (EC) No 3640/93 and (EC) No 3670/93 concerning imports of maize and sorghum into Spain and of maize into Portugal⁽³⁾, as amended by Regulation (EC) No 2660/94⁽⁴⁾, lays down the special additional detailed rules necessary for implementing the invitation to tender, in particular those relating to the lodging and release of the security to be lodged by operators to ensure compliance with their obligations and, in particular, the obligation to process or use the imported product on the Spanish market;

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

Done at Brussels, 8 November 1994.

Whereas in the light of current market needs in Spain, an invitation to tender for the reduction in the levy on imports of maize should be opened in the framework of these special arrangements for imports;

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

1. An invitation to tender is hereby opened for the reduction in the import levy referred to in Article 10 of Council Regulation (EEC) No 1766/92⁽⁵⁾ on maize to be imported into Spain.
2. The invitation to tender shall be open until 19 January 1995. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.
3. Regulation (EC) No 675/94 shall apply save as otherwise provided for in this Regulation.

Article 2

Import licences issued under these invitations to tender shall be valid from the date they are issued, within the meaning of Article 6 (4) of Regulation (EC) No 675/94, until 30 April 1995.

Article 3

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

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 189, 23. 7. 1994, p. 17.

⁽²⁾ OJ No L 68, 11. 3. 1994, p. 1.

⁽³⁾ OJ No L 83, 26. 3. 1994, p. 26.

⁽⁴⁾ OJ No L 284, 1. 11. 1994, p. 29.

⁽⁵⁾ OJ No L 181, 1. 7. 1992, p. 21.

COMMISSION REGULATION (EC) No 2712/94

of 8 November 1994

opening an invitation to tender for the reduction in the levy on grain sorghum imported into Spain from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3640/93 of 17 December 1993 on special arrangements for imports of maize and sorghum into Spain for the year 1993⁽¹⁾, and in particular Articles 3 (2) and 8 thereof,

Whereas, as part of an agreement with the United States of America, the Community has undertaken to import a certain quantity of maize and grain sorghum into Spain in 1993; whereas by Regulation (EC) No 532/94⁽²⁾ extending the measures taken under the abovementioned agreement, the Council approved the extension of that agreement to 1994;

Whereas, within the framework of those rights and obligations, Commission Regulation (EC) No 11/94⁽³⁾ opened invitations to tender for the reduction in the levy on import of the quantities remaining in 1993; whereas these quantities were not covered by the invitations to tender; whereas, in the light of current market needs in Spain, the balance left for import should be earmarked for that country; whereas, to that end, a new invitation to tender should be opened;

Whereas Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)⁽⁴⁾, as last amended by Regulation (EEC) No 235/94⁽⁵⁾, provides in particular for a reduction of 60 % in the levy applicable to grain sorghum up to a quota of 100 000 tonnes per calendar year and of 50 % in excess of that quota; whereas, if that benefit is combined with the reduction provided for under this Regulation, this is likely to disturb the Spanish market for cereals; whereas such combined benefits should be ruled out for the sake of the satisfactory functioning of the invitation to tender;

Whereas Commission Regulation (EC) No 675/94 of 25 March 1994 laying down detailed rules for the application of the special arrangements for Council Regulations (EC) No 3640/93, (EC) No 1799/94 and (EC) No 3670/93 concerning imports of maize and sorghum into Spain and

of maize into Portugal⁽⁶⁾, as amended by Regulation (EC) No 2660/94⁽⁷⁾, lays down the special additional detailed rules necessary for implementing the invitation to tender, in particular those relating to the lodging and release of the security to be lodged by operators to ensure compliance with their obligations and, in particular, the obligation to process or use the imported product on the Spanish market;

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

1. An invitation to tender is hereby opened for the reduction in the import levy referred to in Article 10 of Council Regulation (EEC) No 1766/92⁽⁸⁾ on grain sorghum to be imported into Spain, in addition to the invitations to tender opened by Regulation (EC) No 11/94.
2. Under this invitation to tender, the reduction in the import levy on grain sorghum provided for in Article 11 of Regulation (EEC) No 715/90 shall not apply.
3. The invitation to tender shall be open until 8 December 1994. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.
4. Regulation (EC) No 675/94 shall apply save as otherwise provided for in this Regulation.

Article 2

Import licences issued under these invitations to tender shall be valid from the date they are issued within the meaning of Article 6 (4) of Regulation (EC) No 675/94, until 31 December 1994.

Article 3

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

⁽¹⁾ OJ No L 333, 31. 12. 1993, p. 13.

⁽²⁾ OJ No L 68, 11. 3. 1994, p. 1.

⁽³⁾ OJ No L 4, 6. 1. 1994, p. 6.

⁽⁴⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁵⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽⁶⁾ OJ No L 83, 26. 3. 1994, p. 26.

⁽⁷⁾ OJ No L 284, 1. 11. 1994, p. 29.

⁽⁸⁾ OJ No L 181, 1. 7. 1992, p. 21.

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

Done at Brussels, 8 November 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 2713/94
of 8 November 1994

amending Regulation (EEC) No 2053/89 laying down detailed rules for the application of the minimum import price system for certain processed cherries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾ as last amended by Commission Regulation (EC) No 1490/94⁽²⁾, and in particular Article 9 (6) thereof,

Whereas Article 2 (3) of Commission Regulation (EEC) No 2053/89⁽³⁾, as last amended by Regulation (EEC) No 3821/92⁽⁴⁾, lays down the terms under which the weighted average of resale prices of certain processed cherries is considered to be the import price; whereas, in order to prevent any artificial reduction in protection, provision should be made for customs import charges corresponding to entry and indirect taxes actually paid on importation to be deducted from the resale prices recorded; whereas Article 2 (6) of that Regulation defines 'end user'; whereas manufacturers who put up the product in immediate packings cannot be covered by the term since even if such packaging and presentation results in a change in the CN code, it cannot be considered processing for the purposes of the provisions in question;

Whereas Article 6 of Regulation (EEC) No 2053/89 provides for a special control procedure; whereas experience shows that where that procedure is applied, the release of the goods for free circulation should only be authorized once the security laid down in Article 248 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽⁵⁾ has been lodged, as last amended by Regulation 2193/94⁽⁶⁾; whereas that security should be demanded if the customs authorities have doubts as to the authenticity of the import price, even prior to the checks provided for in the said Article 248; whereas, in the case of *a posteriori* checks, it should be made clear that steps are being taken to recover duties

owed in accordance with Article 220 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽⁷⁾; whereas, in addition, it should be made clear that interest is payable on duties owed under all control procedures;

Whereas Article 7 (1) of Regulation (EEC) No 2053/89 lays down the terms under which the minimum import price may be deemed to be observed; whereas experience shows that, to avoid distortion, account needs to be taken of the customs import charges actually paid and of the cost of any treatment the imported product undergoes after importation and prior to sale to the end user;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2053/89 is hereby amended as follows:

1. Article 2 is amended as follows:

(a) paragraph 3 is replaced by the following:

'3. Where it is found that prices on resale, directly or via commercial intermediaries, are, after deduction of the import duties actually paid, less than the minimum price as regards more than 15 % of any consignment imported, the weighted average of those adjusted prices shall be deemed the import price.'

(b) paragraph 6 is replaced by the following:

'6. For the purposes of this Regulation, the end user shall mean either a manufacturer who uses the product in question with a view to processing it, otherwise than by packaging it, into a product covered by a CN code other than that shown in the declaration of release for free circulation, or a retailer selling exclusively to consumers.'

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 161, 29. 6. 1994, p. 13.

⁽³⁾ OJ No L 195, 11. 7. 1989, p. 11.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 24.

⁽⁵⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽⁶⁾ OJ No L 235, 9. 9. 1994, p. 6.

⁽⁷⁾ OJ No L 302, 19. 10. 1992, p. 1.

2. Article 6 is replaced by the following:

Article 6

1. Where the customs authorities have well-founded doubts that the price shown in the declaration of release for free circulation reflects the actual import price, they shall authorize release for free circulation only after the importer has lodged the security referred to in Article 248 (1) of Regulation (EEC) No 2454/93 plus interest for the period of six months referred to in the second subparagraph. The rate of interest applicable shall be that in force under national law for the recovery of sums due.

Importers shall have six months within which to prove that the product has been disposed of under conditions which guarantee observance of the minimum import price. Failure to comply with the time limit shall entail the loss of the security, without prejudice to paragraph 2.

2. The time limit laid down in paragraph 1 may be extended by the competent authorities by up to three months on a duly justified application by the importer and provided that the security is adjusted accordingly;

3. Article 7 (1) is replaced by the following:

1. The minimum import price shall be deemed to be observed if the importer furnishes proof in respect of at least 95 % of the consignment imported that, at

all marketing stages including sale to end users, the product has been sold at a price at least equal to the minimum import price after deduction of customs import charges actually paid. If the product undergoes treatment after its release for free circulation and before its sale to the end user, the cost of such treatment shall be reflected in the selling price to the end user;

4. Article 10 is replaced by the following:

Article 10

Where, in the course of a check, the competent authorities find that the minimum import price has not been observed, they shall collect the duties owed in accordance with Article 220 of Regulation (EEC) No 2913/92. In establishing the amount of the duties to be recovered or remaining to be recovered, they shall take account of interest incurred from the date of release for free circulation of the goods until that of recovery. The rate of interest applied shall be that in force under national law for the recovery of the sums due.

Article 2

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

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

Done at Brussels, 8 November 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 2714/94

of 8 November 1994

amending Regulation (EEC) No 2054/89 laying down detailed rules for the application of the minimum import price system for dried grapes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Commission Regulation (EC) No 1490/94⁽²⁾, and in particular Article 9 (6) thereof,

Whereas Article 2 (3) of Commission Regulation (EEC) No 2054/89⁽³⁾, as last amended by Regulation (EEC) No 3821/92⁽⁴⁾, lays down the terms under which the weighted average of resale prices of dried grapes is considered to be the import price; whereas, in order to prevent any artificial reduction in protection, provision should be made for customs import charges corresponding to entry and indirect taxes actually paid on importation to be deducted from the resale prices recorded; whereas Article 2 (6) of that Regulation defines 'end user'; whereas manufacturers who put up the product in immediate packings cannot be covered by the term since even if such packaging and presentation results in a change in the CN code, it cannot be considered processing for the purposes of this Regulation;

Whereas Article 6 of Regulation (EEC) No 2054/89 provides for a special control procedure; whereas experience shows that where that procedure is applied, the release for free circulation of the goods should only be authorized once the security laid down in Article 248 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EC) No 2913/92 establishing the Community Customs Code⁽⁵⁾ has been lodged, as last amended by Regulation (EC) No 2193/94⁽⁶⁾; whereas that security must be demanded if the customs authorities have doubts as to the authenticity of the import price, even prior to the checks provided for in the said Article 248; whereas, in the case of *a posteriori* checks, it should be made clear that steps are being taken to recover duties owed in accordance with Article 220 of Council Regula-

tion (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽⁷⁾; whereas, in addition, it should be made clear that interest is payable on duties owed under all control procedures;

Whereas Article 7 (1) of Regulation (EEC) No 2054/89 lays down the terms under which the minimum import price may be deemed to be observed; whereas experience shows that, to avoid distortion, account must be taken of the customs import charges actually paid and of the cost of any treatment the imported product undergoes after importation and prior to sale to the end user;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2054/89 is hereby amended as follows:

1. Article 2 is amended as follows:

(a) paragraph 3 is replaced by the following:

'3. Where it is found that prices on resale, directly or via commercial intermediaries, are, after deduction of the customs import duties actually paid, less than the minimum price as regards more than 15 % of any consignment imported, the weighted average of those adjusted prices shall be deemed the import price.'

(b) paragraph 6 is replaced by the following:

'6. For the purposes of this Regulation, the end user shall mean either a manufacturer who uses the product in question with a view to processing it, otherwise than by packaging it, into a product covered by a CN code other than that shown in the declaration of release for free circulation, or a retailer selling exclusively to consumers.'

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 161, 29. 6. 1994, p. 13.

⁽³⁾ OJ No L 195, 11. 7. 1989, p. 14.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 24.

⁽⁵⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽⁶⁾ OJ No L 235, 9. 9. 1994, p. 6.

⁽⁷⁾ OJ No L 302, 19. 10. 1992, p. 1.

2. Article 6 is replaced by the following :

Article 6

1. Where the customs authorities have well-founded doubts that the price shown in the declaration of release for free circulation reflects the actual import price, they shall authorize release for free circulation only after the importer has lodged the security referred to in Article 248 (1) of Regulation (EEC) No 2454/93 plus interest for the period of six months referred to in the second subparagraph. The rate of interest applicable shall be that in force under national law for the recovery of sums due.

Importers shall have six months within which to prove that the product has been disposed of under conditions which guarantee observance of the minimum import price. Failure to comply with the time limit shall entail the loss of the security, without prejudice to paragraph 2.

2. The time limit laid down in paragraph 1 may be extended by the competent authorities by up to three months on a duly justified application by the importer and provided that the security is adjusted accordingly.;

3. Article 7 (1) is replaced by the following :

1. The minimum import price shall be deemed to be observed if the importer furnishes proof in respect of at least 95 % of the consignment imported that, at

all marketing stages including sale to end users, the product has been sold at a price at least equal to the minimum import price after deduction of customs import charges actually paid. If the product undergoes treatment after its release for free circulation and before its sale to the end user, the cost of such treatment shall be reflected in the selling price to the end user.;

4. Article 10 is replaced by the following :

Article 10

Where, in the course of a check, the competent authorities find that the minimum import price has not been observed, they shall collect the duties owed in accordance with Article 220 of Regulation (EEC) No 2913/92. In establishing the amount of the duties to be recovered or remaining to be recovered, they shall take account of interest incurred from the date of release for free circulation of the goods until that of recovery. The rate of interest applied shall be that in force under national law for the recovery of the sums due.'

Article 2

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

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

Done at Brussels, 8 November 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 2715/94
of 8 November 1994

laying down specific rules on compensatory payments for certain irrigated arable crops

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops ⁽¹⁾, as last amended by Regulation (EC) No 920/94 ⁽²⁾, and in particular Article 12 thereof,

Having regard to Council Regulation (EC) No 231/94 of 24 January 1994 amending Regulation (EEC) No 1765/92 establishing a support system for producers of certain arable crops ⁽³⁾, and in particular Article 2 thereof,

Whereas Article 3 of Regulation (EEC) No 1765/92 allows regionalization plans to differentiate between irrigated and non-irrigated areas;

Whereas in order to prevent irrigated areas being extended, provision has been made for the establishment of a maximum area fixed by production region eligible for compensatory payments on the basis of the yield obtained in the irrigated areas; whereas detailed rules for the establishment of such areas should be laid down, in particular as regards the definition of 'irrigation';

Whereas, if in a region both the base area and the ceiling fixed for the irrigated areas are exceeded simultaneously, provision should be made so that only whichever adjustment reduces the compensatory payments more is applied;

Whereas as a result of the timing of the amendments to Regulation (EEC) No 1765/92 by Regulation (EC) No 231/94 relating to irrigated land, it was not possible for implementing rules to be introduced before producers had sown crops in respect of the 1994/95 marketing year; whereas the application of all the rules and sanctions contained in Regulation (EEC) No 1765/92 would, in the circumstances, be inappropriate for the 1994/95 marketing year; whereas specific measures are therefore necessary to facilitate the transition from the system established under Commission Regulation (EEC) No 1113/93 ⁽⁴⁾ to the new system;

Whereas this Regulation replaces Regulation (EEC) No 1113/93 in laying down as provisional, specific rules on

compensatory payment for certain irrigated arable crops; whereas that Regulation should therefore be repealed;

Whereas the Joint Management Committee for Cereals, Oils and Fats and Dried Fodder has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the marketing years 1995/96 and thereafter, the compensatory payments on the basis of 'irrigated' yield referred to in the fifth subparagraph of Article 3 (1) of Regulation (EEC) No 1765/92 shall be granted in accordance with the provisions of Articles 2 to 6 of this Regulation.

Article 2

The ceilings referred to in the fifth subparagraph of Article 3 (1) of Regulation (EEC) No 1765/92 shall be as set out in the Annex to this Regulation.

Article 3

Should both the ceiling as set out in the Annex to this Regulation and a base area as defined in Article 2 (2) of Regulation (EEC) No 1765/92 be exceeded simultaneously, only the higher of the two reductions provided for, respectively, in the first indent of Article 2 (6) of that Regulation and in the first sentence of the sixth subparagraph of Article 3 (1) thereof shall be made.

The first paragraph shall apply without prejudice to the second indent of Article 2 (6) or to the second sentence of the sixth subparagraph of Article 3 (1) of Regulation (EEC) No 1765/92.

Article 4

In the case of oilseeds, Member States shall, for the calculation of the regional reference amount referred to in Article 5 (1) (c) of Regulation (EEC) No 1765/92, be under the obligation to apply in respect of each region the same method for irrigated crops as for non-irrigated crops.

Article 5

1. Member States shall set rules for determining whether an area is irrigated in the course of a crop year. Those rules shall include:

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ No L 106, 27. 4. 1994, p. 14.

⁽³⁾ OJ No L 30, 3. 2. 1994, p. 2.

⁽⁴⁾ OJ No L 113, 7. 5. 1993, p. 14.

- the drawing-up of a list of arable crops for which compensatory payment at the irrigated yield rate may be granted,
- a description of the irrigation equipment that the farmer must hold; this must be commensurate with the area concerned and allow for the supply of sufficient water to ensure the normal development of the plant during its growing cycle,
- the fixing of the irrigation period to be taken into account.

2. In the 'area' aid applications, producers shall separate irrigated and non-irrigated areas. Member States shall check that applications for irrigated payment satisfy the rules set out in paragraph 1. Should they not do so, the penalties laid down in Commission Regulation (EEC) No 3887/92⁽¹⁾ shall be applied according to the area concerned.

Article 6

In regions where this Regulation applies:

- (a) the question as to whether a producer qualifies as a 'small producer' within the meaning of Article 8 of Regulation (EEC) No 1765/92 shall be determined on the basis of the content of his 'area' application as a whole and of the irrigated and non-irrigated yields;
- (b) compensatory payments for arable crops under the general or the simplified scheme shall be made on the basis of the irrigated yield for the corresponding areas, and of the non-irrigated yield for other areas;
- (c) compensatory payments for set-aside land shall be made on the basis of,
 - the average yield for the region, for the marketing year 1994/95,

- the non-irrigated yield for the region, for the marketing year 1995/96 and thereafter.

Article 7

For the 1994/95 marketing year the compensatory payments on the basis of the 'irrigated' yield shall be made in accordance with the provisions of Articles 2 to 8 of this Regulation. Article 3 (1) of Regulation (EEC) No 1765/92, save for the fifth subparagraph thereof, shall not apply for the 1994/95 marketing year.

Article 3 (6) of Regulation (EEC) No 1765/92 shall not apply for the 1994/95 marketing year in so far as any increase in the average yield results from the indication of newly irrigated areas in the ceiling referred to in the fifth subparagraph of Article 3 (1) of that Regulation.

Article 8

1. If the area for which compensatory payment is sought on the basis of a specific irrigated yield exceeds the ceiling set out in the Annex, the compensatory payments at the rate for the irrigated yield shall be proportionately reduced for the region in question.

2. Should both the ceiling as set out in the Annex and a base area as defined in Article 2 of Regulation (EEC) No 1765/92 be exceeded on the same occasion, only the higher of the two reductions provided for shall be made.

Article 9

Regulation (EEC) No 1113/93 is hereby repealed.

Article 10

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

It shall be applicable from the 1994/95 marketing year.

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

Done at Brussels, 8 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 391, 31. 12. 1992, p. 36.

ANNEX

GREECE

(in hectares)

Zone I	218 002
Zone II	4 057

FRANCE

(in hectares)

Region	Ceiling irrigated Total	Maize	Other cereals	Soya
Ain	16 615			5 000
Aisne	750			0
Allier A	5 155			283
Allier B	6 333			419
Alpes-de-Haute-Provence	7 223			1 117
Ardèche	2 830			123
Ariège	14 926			2 176
Aude A	9 032			1 797
Aude B	784			50
Aveyron	5 193			10
Cantal	1 397			0
Charente	28 874			55
Charente-Maritime	69 973			30
Cher	25 944			287
Côte-d'Or	1 200			1 200
Drôme	24 946			1 600
Eure-et-Loir	50 293			367
Gard	1 539			193
Haute-Garonne	54 883			8 550
Gers	76 526			9 500
Hérault	1 850			112
Indre	16 287			113
Indre-et-Loire	17 291			175
Isère	16 043			1 400
Jura B	3 818			543
Loir-et-Cher	25 905			150
Loire	7 496			0
Haute-Loire A	520			0
Haute-Loire B	449			0
Haute-Loire C	100			0
Loire-Atlantique	8 078			0
Loiret	48 009			342
Lot A	1 919			178
Lot B	5 801			137
Lot-et-Garonne	59 685			7 200
Maine-et-Loire	27 597			218
Mayenne	2 490			9
Nièvre	6 066			400
Puy-de-Dôme A	6 625			100
Puy-de-Dôme B	430			0
Pyrénées-Orientales	254			19

(in hectares)

Region	Ceiling irrigated Total	Maize	Other cereals	Soya
Rhône	6 992			648
Haute-Saône	977			977
Saône-et-Loire	532			136
Saône-et-Loire	2 959			757
Sarthe	24 295			77
Haute-Savoie	608			13
Seine-et-Marne	190			190
Deux-Sèvres	26 855			69
Somme	250			0
Tarn	23 299			5 859
Tarn-et-Garonne	43 330			6 200
Var	2 072			337
Vendée	45 875			25
Vienne	36 377			76
Vaucluse	1 102			102
Yonne	3 820			320
Hautes-Alpes	80	0		80
Bouches-du-Rhône	553	0		553
Dordogne A	30 387	26 796	3 177	539
Gironde A	35 738	35 400		440
Landes	105 475	103 318		2 805
Pyrénées-Atlantiques	22 150	19 608		3 306
Hautes-Pyrénées	30 034	28 677		1 765
Bas-Rhin	17 373	16 835		700
Haut-Rhin	41 181	39 620		2 030
Savoie	375	299		98

**COMMISSION REGULATION (EC) No 2716/94
of 8 November 1994**

fixing for the 1994/95 marketing year the minimum purchase price for oranges, mandarins, clementines and satsumas delivered for processing and the financial compensation payable after processing of these oranges, mandarins and clementines

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

Having regard to Council Regulation (EC) No 3119/93 of 8 November 1993 laying down special measures to encourage the processing of certain citrus fruits (⁽¹⁾), and in particular Article 10 thereof,

Whereas, pursuant to Articles 2 and 7 of Regulation (EC) No 3119/93, the minimum price which processors must pay, under the terms of the contracts, to producers is to be equal to the highest withdrawal price applying during periods of major withdrawals; whereas major withdrawals are carried out from January to April for oranges, in January and February for mandarins, in December and January for clementines and in November and December for satsumas;

Whereas, pursuant to Article 4 (1) and (2) of the said Regulation, financial compensation for oranges may not exceed the difference between the minimum price and the prices obtaining for the raw material in producer third countries; whereas financial compensation for mandarins and clementines for processing into juice is to be fixed at such a level that for each of those products the burden on the industry is equal to that on the industry for oranges, taking account of differences in juice yields;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1994/95 marketing year, the minimum prices to be paid to citrus fruit producers or producer organizations

delivering oranges, mandarins, clementines or satsumas for processing under contracts within the meaning of Article 2 of Regulation (EC) No 3119/93 shall be as follows:

Product	ECU/100 kg (net)
Oranges	13,53
Mandarins	12,64
Clementines	11,29
Satsumas	8,03

These minimum prices shall be for goods ex-producers' packing stations.

Article 2

For the 1994/95 marketing year, the financial compensation granted to processors following the processing for juice of oranges, mandarins and clementines shall be as follows:

Product	ECU/100 kg (net)
Oranges	10,78
Mandarins	10,47
Clementines	8,62

Article 3

The amounts referred to in Articles 1 and 2 shall apply only to products which satisfy at least the quality and minimum size requirements laid down for Class III.

Article 4

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

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

Done at Brussels, 8 November 1994.

For the Commission

René STEICHEN

Member of the Commission

(¹) OJ No L 279, 12. 11. 1993, p. 17.

COMMISSION REGULATION (EC) No 2717/94
of 8 November 1994

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of uniflorous (standard) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EC) No 1981/94⁽³⁾ opened and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EC) No 2578/94⁽⁴⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁵⁾, as last amended by Regulation (EEC) No 2917/93⁽⁶⁾, lays down the detailed rules for the application of the arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁷⁾, as amended by Regulation (EC) No 3528/93⁽⁸⁾, 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⁽⁹⁾, as amended by Regulation (EC) No 547/94⁽¹⁰⁾;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for uniflorous (standard) carnations originating in Israel; whereas the Common Customs Tariff duty should be re-established,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of uniflorous (standard) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 10 November 1994.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ No L 273, 25. 10. 1994, p. 4.

⁽⁵⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁶⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁸⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹⁰⁾ 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, 8 November 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 2718/94

of 8 November 1994

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of multiflorous (spray) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EC) No 1981/94⁽³⁾ opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EC) No 2578/94⁽⁴⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁵⁾, as last amended by Regulation (EEC) No 2917/93⁽⁶⁾, lays down the detailed rules for the application of the arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁷⁾, as amended by Regulation (EC) No 3528/93⁽⁸⁾, 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⁽⁹⁾, as amended by Regulation (EC) No 547/94⁽¹⁰⁾;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) (a) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for multiflorous (spray) carnations originating in Israel; whereas the Common Customs Tariff duty should be re-established,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of multiflorous (spray) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 10 November 1994.

⁽⁴⁾ OJ No L 273, 25. 10. 1994, p. 4.

⁽⁵⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁶⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁸⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹⁰⁾ OJ No L 69, 12. 3. 1994, p. 1.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 199, 2. 8. 1994, p. 1.

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

Done at Brussels, 8 November 1994.

For the Commission

René STEICHEN

Member of the Commission

**COMMISSION REGULATION (EC) No 2719/94
of 8 November 1994**

**suspending the preferential customs duties and re-establishing the Common
Customs Tariff duty on imports of large-flowered roses originating in Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EC) No 1981/94⁽³⁾ opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EC) No 2578/94⁽⁴⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁵⁾, as last amended by Regulation (EEC) No 2917/93⁽⁶⁾, lays down the detailed rules for the application of the arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁷⁾, as amended by Regulation (EC) No 3528/93⁽⁸⁾, 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⁽⁹⁾, as amended by Regulation (EC) No 547/94⁽¹⁰⁾;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) (a) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for large-flowered roses originating in Israel; whereas the Common Customs Tariff duty should be re-established,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of large-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel, the preferential customs duty fixed by Council Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 10 November 1994.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ No L 273, 25. 10. 1994, p. 4.

⁽⁵⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁶⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁸⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹⁰⁾ 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, 8 November 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 2720/94
of 8 November 1994

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of small-flowered roses originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EC) No 1981/94⁽³⁾ opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EC) No 2578/94⁽⁴⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁵⁾, as last amended by Regulation (EEC) No 2917/93⁽⁶⁾, lays down the detailed rules for the application of the arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁷⁾, as amended by Regulation (EC) No 3528/93⁽⁸⁾, 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⁽⁹⁾, as amended by Regulation (EC) No 547/94⁽¹⁰⁾;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for small-flowered roses originating in Israel; whereas the Common Customs Tariff duty should be re-established,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of small-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 10 November 1994.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ No L 273, 25. 10. 1994, p. 4.

⁽⁵⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁶⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁸⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹⁰⁾ 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, 8 November 1994.

For the Commission
René STEICHEN
Member of the Commission

COMMISSION REGULATION (EC) No 2721/94
of 8 November 1994
amending Regulation (EC) No 2617/94 introducing a countervailing charge on
fresh lemons originating in Argentina

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 the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EC) No 2617/94⁽³⁾ introduced a countervailing charge on fresh lemons originating in Argentina;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that Regulation is

amended; whereas if those conditions are taken into consideration, the countervailing charge on the import of fresh lemons originating in Argentina must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EC) No 2617/94 'ECU 8,46' is hereby replaced by 'ECU 20,11'.

Article 2

This Regulation shall enter into force on 9 November 1994.

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

Done at Brussels, 8 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 26.

⁽³⁾ OJ No L 279, 28. 10. 1994, p. 23.

COMMISSION REGULATION (EC) No 2722/94

of 8 November 1994

fixing the amount by which the levy on imports of rice from the Arab Republic of Egypt must be reduced

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1869/94 ⁽²⁾, and in particular Article 11 thereof,

Having regard to Council Regulation (EEC) No 1250/77 of 17 May 1977 on imports of rice from the Arab Republic of Egypt ⁽³⁾, and in particular Article 1 thereof,

Whereas Regulation (EEC) No 1250/77 provides that the levy calculated in accordance with Article 11 of Regulation (EEC) No 1418/76 is to be reduced by an amount to be fixed by the Commission each quarter; whereas this amount must be equal to 25 % of the average of the levies applied during a reference period;

Whereas, pursuant to Commission Regulation (EEC) No 2942/73 of 30 October 1973 laying down detailed rules for the application of Regulation (EEC) No 2412/73 ⁽⁴⁾, as last amended by Regulation (EEC) No 560/91 ⁽⁵⁾, the reference period is to be the quarter preceding the month in which the amount is fixed;

Whereas the levies to be taken into consideration are therefore those applicable during July, August and September 1994, for the amounts in force from 1 November 1994,

HAS ADOPTED THIS REGULATION:

Article 1

The amount referred to in Article 1 of Regulation (EEC) No 1250/77 by which the levy on imports of rice originating in and coming from the Arab Republic of Egypt is to be reduced shall be as set out in the Annex.

Article 2

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

At the request of interested parties it shall apply with from 1 November 1994.

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

Done at Brussels, 8 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 7.

⁽³⁾ OJ No L 146, 14. 6. 1977, p. 9.

⁽⁴⁾ OJ No L 302, 31. 10. 1973, p. 1.

⁽⁵⁾ OJ No L 62, 8. 3. 1991, p. 26.

ANNEX

to the Commission Regulation of 8 November 1994 fixing the amount by which the levy on imports of rice from the Arab Republic of Egypt must be reduced

(ECU/tonne)

CN code	Amounts to be deducted
1006 10 21	77,06
1006 10 23	78,56
1006 10 25	78,56
1006 10 27	78,56
1006 10 92	77,06
1006 10 94	78,56
1006 10 96	78,56
1006 10 98	78,56
1006 20 11	96,32
1006 20 13	98,21
1006 20 15	98,21
1006 20 17	98,21
1006 20 92	96,32
1006 20 94	98,21
1006 20 96	98,21
1006 20 98	98,21
1006 30 21	123,12
1006 30 23	149,51
1006 30 25	149,51
1006 30 27	149,51
1006 30 42	123,12
1006 30 44	149,51
1006 30 46	149,51
1006 30 48	149,51
1006 30 61	131,12
1006 30 63	160,28
1006 30 65	160,28
1006 30 67	160,28
1006 30 92	131,12
1006 30 94	160,28
1006 30 96	160,28
1006 30 98	160,28
1006 40 00	26,54

COMMISSION REGULATION (EC) No 2723/94

of 8 November 1994

fixing the amount by which the variable component of the levy applicable to bran and sharps originating in Egypt must be reduced

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

Having regard to Council Regulation (EEC) No 1030/77 of 17 May 1977 concluding the Interim Agreement between the European Economic Community and the Arab Republic of Egypt⁽¹⁾, and in particular the second subparagraph of paragraph 3 of the exchange of letters relating to Article 13 of the Agreement,

Whereas the exchange of letters covered by Regulation (EEC) No 1030/77 provides that the variable component of the levy calculated in accordance with Article 2 of Commission Regulation (EEC) No 1620/93⁽²⁾ on the import and export system for products processed from cereals and rice, is to be reduced by an amount fixed by the Commission each quarter; whereas this amount must be equal to 60 % of the average of the levies in force during the three months preceding the month during which the amount is fixed;

Whereas the variable components applicable during July, August and September 1994 to the products falling within

CN codes 2302 10, 2302 20, 2302 30 and 2302 40 are to be taken into consideration, for the amounts in force from 1 November 1994,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts referred to in the second subparagraph of paragraph 3 of the exchange of letters covered by Regulation (EEC) No 1030/77 to be deducted from the variable component applicable to bran and sharps originating in Egypt shall be as set out in the Annex.

Article 2.

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

At the request of interested parties it shall apply with effect from 1 November 1994.

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

Done at Brussels, 8 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 126, 23. 5. 1977, p. 1.

⁽²⁾ OJ No L 155, 26. 6. 1993, p. 29.

ANNEX

to the Commission Regulation of 8 November 1994 fixing the amount by which the variable component of the levy applicable to bran and sharps originating in Egypt must be reduced

(ECU/tonne)

CN code	Amount
2302 10 10	24,61
2302 10 90	52,72
2302 20 10	24,61
2302 20 90	52,72
2302 30 10	24,61
2302 30 90	52,72
2302 40 10	24,61
2302 40 90	52,72

**COMMISSION REGULATION (EC) No 2724/94
of 8 November 1994**

**fixing the amount by which the variable component of the levy applicable to
bran and sharps originating in Algeria, Morocco and Tunisia must be reduced**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1512/76 of 24 June 1976 concluding the Agreement in the form of an exchange of letters relating to Article 22 of the Cooperation Agreement and Article 15 of the Interim Agreement between the European Economic Community and the Republic of Tunisia and concerning the import into the Community of bran and sharps originating in Tunisia ⁽¹⁾, and in particular the second subparagraph of paragraph 3 of the exchange of letters,

Having regard to Council Regulation (EEC) No 1518/76 of 24 June 1976 concluding the Agreement in the form of an exchange of letters relating to Article 21 of the Cooperation Agreement and Article 14 of the Interim Agreement between the European Economic Community and the People's Democratic Republic of Algeria and concerning the import into the Community of bran and sharps originating in Algeria ⁽²⁾, and in particular the second subparagraph of paragraph 3 of the exchange of letters,

Having regard to Council Regulation (EEC) No 1525/76 of 24 June 1976 concluding the Agreement in the form of an exchange of letters relating to Article 23 of the Cooperation Agreement and Article 16 of the Interim Agreement between the European Economic Community and the Kingdom of Morocco and concerning the import into the Community of bran and sharps originating in Morocco ⁽³⁾, and in particular the second subparagraph of paragraph 3 of the exchange of letters,

Whereas the Agreement in the form of an exchange of letters annexed to Regulations (EEC) No 1512/76, (EEC)

No 1518/76 and (EEC) No 1525/76 provides that the variable component of the levy calculated in accordance with Article 2 of Commission Regulation (EEC) No 1620/93 ⁽⁴⁾ on the import and export system for products processed from cereals and from rice is to be reduced by an amount fixed by the Commission each quarter; whereas this amount must be equal to 60 % of the average of the variable components of the levies in force during the three months preceding the month during which the amount is fixed;

Whereas the variable components applicable to the products falling within CN codes 2302 30 and 2302 40 during July, August and September 1994 have been taken into consideration for the amounts in force from 1 November 1994,

HAS ADOPTED THIS REGULATION:

Article 1

The amount referred to in the second subparagraph of paragraph 3 of the exchange of letters forming the Agreement annexed to Regulations (EEC) No 1512/76, (EEC) No 1518/76 and (EEC) No 1525/76 to be deducted from the variable component applicable to bran and sharps originating in Tunisia, Algeria and Morocco respectively, shall be as set out in the Annex hereto.

Article 2

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

At the request of interested parties it shall apply with effect from 1 November 1994.

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

Done at Brussels, 8 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 169, 28. 6. 1976, p. 19.

⁽²⁾ OJ No L 169, 28. 6. 1976, p. 37.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 53.

⁽⁴⁾ OJ No L 155, 26. 6. 1993, p. 29.

ANNEX

to the Commission Regulation of 8 November 1994 fixing the amount by which the variable component of the levy applicable to bran and sharps originating in Algeria, Morocco and Tunisia must be reduced

(ECU/tonne)

CN code	Amount
2302 30 10	24,61
2302 30 90	52,72
2302 40 10	24,61
2302 40 90	52,72

COMMISSION REGULATION (EC) No 2725/94**of 8 November 1994****fixing the maximum export refund for white sugar for the 24th 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 24th 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 24th 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 35,690 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 9 November 1994.

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

Done at Brussels, 8 November 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 2726/94**of 8 November 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 7

November 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 9 November 1994.

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

Done at Brussels, 8 November 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 8 November 1994 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period
	11	12	1	2
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
1001 90 91	0	0	10,21	8,24
1001 90 99	0	0	10,21	8,24
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	14,30	11,55
1102 10 00	0	0	0	0
1103 11 10	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period	4th period
	11	12	1	2	3
1107 10 11	0	0	18,17	14,67	14,67
1107 10 19	0	0	13,58	10,96	10,96
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EC) No 2727/94
of 8 November 1994

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

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

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 2681/94 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2681/94 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 2681/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 November 1994.

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

Done at Brussels, 8 November 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 285, 4. 11. 1994, p. 18.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ No L 69, 12. 3. 1994, p. 1.

ANNEX

to the Commission Regulation of 8 November 1994 altering the export refunds on white sugar and raw sugar exported in the natural state

Product code	Amount of refund ^(?)
	— ECU/100 kg —
1701 11 90 100	31,79 ⁽¹⁾
1701 11 90 910	28,98 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	31,79 ⁽¹⁾
1701 12 90 910	28,98 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3456
	— ECU/100 kg —
1701 99 10 100	34,56
1701 99 10 910	33,10
1701 99 10 950	33,10
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3456

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

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 21 October 1994

adapting, pursuant to Article 42 (3), Annexes II, III and IV to Council Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community

(94/721/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 42 (3) thereof,

Having regard to Council Directive 75/442/EEC of 15 July 1975 on waste⁽²⁾, as last amended by Directive 91/692/EEC⁽³⁾, and in particular Article 18 thereof,

Whereas in accordance with Article 42 (3) of Regulation (EEC) No 259/93, Annexes II, III and IV have to be adapted to reflect only those changes already agreed under the review mechanism of the OECD;

Whereas the Council of the OECD⁽⁴⁾ has decided in the framework of the review mechanism to modify the green, amber and red lists of wastes;

Whereas it is necessary to amend Annexes II, III and IV to the Regulation to reflect these modifications;

Whereas the Commission, in order to adapt Annexes II, III and IV to the abovementioned Regulation, is assisted in this task by the Committee established pursuant to Article 18 of Directive 75/442/EEC;

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

HAS ADOPTED THIS DECISION:

Article 1

Annexes II, III and IV to Regulation (EEC) No 259/93 are hereby replaced by the Annex to the present Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 October 1994.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

⁽¹⁾ OJ No L 30, 6. 2. 1993, p. 1.

⁽²⁾ OJ No L 194, 25. 7. 1975, p. 47.

⁽³⁾ OJ No L 377, 31. 12. 1991, p. 48.

⁽⁴⁾ OECD Council, 23 July 1993, Doc. Ref. C(93)74.
OECD Council, 28 July 1994, Doc. Ref. C(94)153.

ANNEX

ANNEX II

GREEN LIST OF WASTES (*)

Regardless of whether or not wastes are included on this list, they may not be moved as green wastes if they are contaminated by other materials to an extent which (a) increases the risks associated with the waste sufficiently to render it appropriate for inclusion in the amber or red lists, or (b) prevents the recovery of the waste in an environmentally sound manner.

GA. METAL AND METAL-ALLOY WASTES IN METALLIC, NON-DISPERSIBLE FORM (**)

The following waste and scrap of precious metals and their alloys :

- GA 010 ex 7112 10 — Of gold
 GA 020 ex 7112 20 — Of platinum (the expression "platinum" includes platinum, iridium, osmium, palladium, rhodium and ruthenium)
 GA 030 ex 7112 90 — Of other precious metal, e.g. silver
- NB* : Mercury is specifically excluded as a contaminant of these metals or their alloys or amalgams.

The following ferrous waste and scrap of iron or steel :

- GA 040 7204 10 Waste and scrap of cast iron
 GA 050 7204 21 Waste and scrap of stainless steel
 GA 060 7204 29 Waste and scrap of other alloy steels
 GA 070 7204 30 Waste and scrap of tinned iron or steel
 GA 080 7204 41 Turnings, shavings, chips, milling waste, filings, trimmings and stampings, whether or not in bundles
 GA 090 7204 49 Other ferrous waste and scrap
 GA 100 7204 50 Re-melting scrap ingots
 GA 110 ex 7302 10 Used iron and steel rails

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

- GA 120 7404 00 Copper waste and scrap
 GA 130 7503 00 Nickel waste and scrap
 GA 140 7602 00 Aluminium waste and scrap
 GA 150 ex 7802 00 Lead waste and scrap
 GA 160 7902 00 Zinc waste and scrap
 GA 170 8002 00 Tin waste and scrap
 GA 180 ex 8101 91 Tungsten waste and scrap
 GA 190 ex 8102 91 Molybdenum waste and scrap
 GA 200 ex 8103 10 Tantalum waste and scrap
 GA 210 8104 20 Magnesium waste and scrap
 GA 220 ex 8105 10 Cobalt waste and scrap
 GA 230 ex 8106 00 Bismuth waste and scrap
 GA 240 ex 8107 10 Cadmium waste and scrap

(*) Wherever possible, the code number of the Harmonized Commodity Description and Coding System, established by the Brussels Convention of 14 June 1983 under the auspices of the Customs Cooperation Council (Harmonized System) is listed opposite an entry. This code may apply to both wastes and products. This Regulation does not include items which are not wastes. Therefore, the code — used by customs officials in order to facilitate their procedures as well as by others — is only provided here to help in identifying wastes that are listed and subject to this Regulation. However, corresponding official Explanatory Notes as issued by the Customs Cooperation Council should be used as interpretative guidance to identify wastes covered by generic headings. The indicative "ex" identifies a specific item contained within a heading of the Harmonized System code.

The code in bold in the first column is the OECD code : it consists of two letters (one for the list : Green, Amber or Red and one for the category of waste : A, B, C ...) followed by a number.

(**) "Non-dispersible" does not include any wastes in the form of powder, sludge, dust or solid items containing encased hazardous waste liquids.

GA 250 ex 8108 10	Titanium waste and scrap
GA 260 ex 8109 10	Zirconium waste and scrap
GA 270 ex 8110 00	Antimony waste and scrap
GA 280 ex 8111 00	Manganese waste and scrap
GA 290 ex 8112 11	Beryllium waste and scrap
GA 300 ex 8112 20	Chromium waste and scrap
GA 310 ex 8112 30	Germanium waste and scrap
GA 320 ex 8112 40	Vanadium waste and scrap
ex 8112 91	Wastes and scrap of :
GA 330	— Hafnium
GA 340	— Indium
GA 350	— Niobium
GA 360	— Rhenium
GA 370	— Gallium
GA 380	— Thallium
GA 390 ex 2844 30	Thorium waste and scrap
GA 400 ex 2804 90	Selenium waste and scrap
GA 410 ex 2804 50	Tellurium waste and scrap
GA 420 ex 2805 30	Rare earths waste and scrap

GB. METAL BEARING WASTES ARISING FROM MELTING, SMELTING AND REFINING OF METALS

GB 010	2620 11	Hard zinc spelter
GB 020		Zinc containing drosses :
GB 021		— Galvanizing slab zinc top dross (> 90 % Zn)
GB 022		— Galvanizing slab zinc bottom dross (> 92 % Zn)
GB 023		— Zinc die cast dross (> 85 % Zn)
GB 024		— Hot dip galvanizers slab zinc dross (batch) (> 92 % Zn)
GB 025		— Zinc skimmings
GB 030		Aluminium skimmings
GB 040 ex 2620 90		Slags from precious metals and copper processing for further refining
GB 050		Tantalum bearing tin slags with less than 0,5 % tin

GC. OTHER WASTES CONTAINING METALS

GC 010		Electrical assemblies consisting only of metals or alloys
GC 020		Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery
GC 030 ex 8908 00		Vessels and other floating structures for breaking up, properly emptied of any cargo and other materials arising from the operation of the vessel which may have been classified as a dangerous substance or waste
GC 040		Motor vehicle wrecks, drained of liquids
GC 050		Spent catalysts :
GC 051		— Fluid catalytic cracking (FCC) catalysts
GC 052		— Precious metal bearing catalysts
GC 053		— Transition metal catalysts (e.g. chromium, cobalt, copper, iron, nickel, manganese, molybdenum, tungsten, vanadium, zinc)
GC 060	2618 00	Granulated slag arising from the manufacture of iron and steel
GC 070 ex 2619 00		Slag arising from the manufacture of iron and steel (*)

(*) This entry covers the use of such slags as a source of titanium dioxide and vanadium.

GD. WASTES FROM MINING OPERATIONS: THESE WASTES TO BE IN NON-DISPERSIBLE FORM

GD 010	ex 2504 90	Natural graphite waste
GD 020	ex 2514 00	Slate waste, whether or not roughly trimmed or merely cut, by sawing or otherwise
GD 030	2525 30	Mica waste
GD 040	ex 2529 30	Leucite, nepheline and nepheline synite waste
GD 050	ex 2529 10	Feldspar waste
GD 060	ex 2529 21	Fluospar waste
	ex 2529 22	
GD 070	ex 2811 22	Silica wastes in solid form excluding those used in foundry operations

GE. GLASS WASTE IN NON-DISPERSIBLE FORM

GE 010	ex 7001 00	Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses
GE 020		Fibre glass wastes

GF. CERAMIC WASTES IN NON-DISPERSIBLE FORM

GF 010		Ceramic wastes which have been fired after shaping, including ceramic vessels (before and/or after use)
GF 020	ex 8113 00	Cermet waste and scrap (metal ceramic composites)
GF 030		Ceramic based fibres not elsewhere specified or included

GG. OTHER WASTES CONTAINING PRINCIPALLY INORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND ORGANIC MATERIALS

GG 010		Partially refined calcium sulphate produced from flue gas desulphurization (FGD)
GG 020		Waste gypsum wallboard or plasterboard arising from the demolition of buildings
GG 030	ex 2621	Bottom ash and slag tap from coal-fired power plants
GG 040	ex 2621	Coal-fired power plants fly ash
GG 050		Anode butts of petroleum coke and/or bitumen
GG 060	ex 2803	Spent activated carbon
GG 070	3103 20	Basic slag arising from the manufacture of iron or steel suitable for phosphate fertiliser and other use
GG 080	ex 2621 00	Slag from copper production, chemical stabilized, having a high iron content (above 20 %) and processed according to industrial specifications (e. g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications
GG 090		Sulphur in solid form
GG 100		Limestone from the production of calcium cyanamide (having a pH less than 9)
GG 110	ex 2621 00	Neutralized red mud from alumina production
GG 120		Sodium, potassium, calcium chlorides
GG 130		Carborundum (silicon carbide)
GG 140		Broken concrete
GG 150	ex 2620 90	Lithium-tantalum and lithium-niobium containing glass scraps

GH. SOLID PLASTIC WASTES

Including, but not limited to :

- GH 010** 3915 Waste, parings and scrap of plastics of :
- GH 011** ex 3915 10 — Polymers of ethylene
- GH 012** ex 3915 20 — Polymers of styrene
- GH 013** ex 3915 30 — Polymers of vinyl chloride
- GH 014** ex 3915 90 — Polymerized or co-polymers : for example :
- Polypropylene
 - Polyethylene terephthalate
 - Acrylonitrile copolymer
 - Butadiene copolymer
 - Styrene copolymer
 - Polyamides
 - Polybutylene terephthalates
 - Polycarbonates
 - Polyphenylene sulphides
 - Acrylic polymers
 - Paraffins (C10 — C13) (*)
 - Polyurethane (not containing chlorofluorocarbons)
 - Polysiloxalanes (silicones)
 - Polymethyl methacrylate
 - Polyvinyl alcohol
 - Polyvinyl butyral
 - Polyvinyl acetate
 - Polymers of fluorinated ethylene (Teflon, PTFE)
- GH 015** ex 3915 90 — Resins or condensation products, for example :
- Urea formaldehyde resins
 - Phenol formaldehyde resins
 - Melamine formaldehyde resins
 - Epoxy resins
 - Alkyd resins
 - Polyamides

GI. PAPER, PAPERBOARD AND PAPER PRODUCT WASTES

- GI 010** 4707 Waste and scrap of paper or paperboard :
- GI 011** 4707 10 — Of unbleached kraft paper or paperboard or of corrugated paper or paperboard
- GI 012** 4707 20 — Of other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass
- GI 013** 4707 30 — Of paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter)
- GI 014** 4707 90 — Other, including but not limited to :
1. Laminated paperboard
 2. Unsorted waste and scrap

GJ. TEXTILE WASTES

- GJ 010** 5003 Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock)
- GJ 011** 5003 10 — Not carded or combed
- GJ 012** 5003 90 — Other

(*) These cannot be polymerized and are used as plasticizers.

GJ 020	5103	Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock
GJ 021	5103 10	— Noils of wool or of fine animal hair
GJ 022	5103 20	— Other waste of wool or of fine animal hair
GJ 023	5103 30	— Waste of coarse animal hair
GJ 030	5202	Cotton waste (including yarn waste and garnetted stock)
GJ 031	5202 10	— Yarn waste (including thread waste)
GJ 032	5202 91	— Garnetted stock
GJ 033	5202 99	— Other
GJ 040	5301 30	Flax tow and waste
GJ 050 ex	5302 90	Tow and waste (including yarn waste and garnetted stock) of true hemp (<i>Cannabis sativa</i> L.)
GJ 060 ex	5303 90	Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie)
GJ 070 ex	5304 90	Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus <i>Agave</i>
GJ 080 ex	5305 19	Tow, noils and waste (including yarn waste and garnetted stock) of coconut
GJ 090 ex	5305 29	Tow, noils and waste (including yarn waste and garnetted stock) of abaca (<i>Manila</i> hemp or <i>Musa textilis</i> Nee)
GJ 100 ex	5305 99	Tow, noils and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included
GJ 110	5505	Waste (including noils, yarn waste and garnetted stock) of man-made fibres
GJ 111	5505 10	— Of synthetic fibres
GJ 112	5505 20	— Of artificial fibres
GJ 120	6309 00	Worn clothing and other worn textile articles
GJ 130 ex	6310	Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials
GJ 131 ex	6310 10	— Sorted
GJ 132 ex	6310 90	— Other

GK. RUBBER WASTES

GK 010	4004 00	Waste, parings and scrap of rubber (other than hard rubber) and granules obtained therefrom
GK 020	4012 20	Used pneumatic tyres
GK 030 ex	4017 00	Waste and scrap of hard rubber (for example, ebonite)

GL. UNTREATED CORK AND WOOD WASTES

GL 010 ex	4401 30	Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
GL 020	4501 90	Cork waste ; crushed, granulated or ground cork

GM. WASTES ARISING FROM AGRO-FOOD INDUSTRIES

GM 070 ex	2307	Wine lees
GM 080 ex	2308	Dried and sterilized vegetable waste, residues and by-products, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included
GM 090	1522	Degras ; residues resulting from the treatment of fatty substances or animal or vegetable waxes

- GM 100** 0506 90 Waste of bones and horn-cones, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinized
- GM 110** ex 0511 91 Fish waste
- GM 120** 1802 00 Cocoa shells, husks, skins and other cocoa waste
- GM 130** Waste from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption

GN. WASTES ARISING FROM TANNING AND FELLMONGERY OPERATIONS AND LEATHER USE

- GN 010** ex 0502 00 Waste of pigs', hogs' or boars' bristles and hair or of badger hair and other brush-making hair
- GN 020** ex 0503 00 Horsehair waste, whether or not put up as a layer with or without supporting material
- GN 030** ex 0505 90 Waste of skins and other parts of birds, with their feathers or down, of feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation
- GN 040** ex 4110 00 Parings and other waste of leather or of composition leather, not suitable for the manufacture of leather articles, excluding leather sludges

GO. OTHER WASTES CONTAINING PRINCIPALLY ORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND INORGANIC MATERIALS

- GO 010** ex 0501 00 Waste of human hair
- GO 020** Waste straw
- GO 030** Deactivated fungus mycelium from penicillin production to be used as animal feed
- GO 040** Waste photographic film base and waste photographic film not containing silver
- GO 050** Single-use cameras without batteries

ANNEX III

AMBER LIST OF WASTES (*)

Regardless of whether or not wastes are included on this list, they may not be moved as amber wastes if they are contaminated by other materials to an extent which (a) increases the risks associated with the waste sufficiently to render it appropriate for inclusion in the red list, or (b) prevents the recovery of the waste in an environmentally sound manner.

AA. METAL BEARING WASTES

AA 010 ex 2619 00	Dross, scalings and other wastes from the manufacture of iron and steel (**)
AA 020 ex 2620 19	Zinc ashes and residues (**)
AA 030 2620 20	Lead ashes and residues (**)
AA 040 ex 2620 30	Copper ashes and residues (**)
AA 050 ex 2620 40	Aluminium ashes and residues (**)
AA 060 ex 2620 50	Vanadium ashes and residues (**)
AA 070 2620 90	Ashes and residues (**) containing metals or metal compounds not elsewhere specified or included
AA 080	Thallium waste and residues (**)
AA 090 ex 2804 80	Arsenic waste and residues (**)
AA 100 ex 2805 40	Mercury waste and residues (**)
AA 110	Residues from alumina production not elsewhere specified or included
AA 120	Galvanic sludges
AA 130	Liquors from the pickling of metals
AA 140	Leaching residues from zinc processing, dusts and sludges such as jarosite, hematite, goethite, etc.
AA 150	Precious metal bearing residues in solid form which contain traces of inorganic cyanides
AA 160	Precious metal ash, sludge, dust and other residues such as :
AA 161	— Ash from incineration of printed circuit boards
AA 162	— Photographic film ash
AA 170	Lead-acid batteries, whole or crushed
AA 180	Used batteries or accumulators, whole or crushed, other than lead-acid batteries, and waste and scrap arising from the production of batteries and accumulators, not otherwise specified or included

AB. WASTES CONTAINING PRINCIPALLY INORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND ORGANIC MATERIALS

AB 010 2621 00	Slag, ash and residues (**), not elsewhere specified or included
AB 020	Residues arising from the combustion of municipal/household wastes
AB 030	Wastes from non-cyanide based systems which arise from surface treatment of metals

(*) Wherever possible, the code number of the Harmonized Commodity Description and Coding System, established by the Brussels Convention of 14 June 1983 under the auspices of the Customs Cooperation Council (Harmonized System) is listed opposite an entry. This code may apply to both wastes and products. This Regulation does not include items which are not wastes. Therefore, the code — used by customs officials in order to facilitate their procedures as well as by others — is only provided here to help in identifying wastes that are listed and subject to this Regulation.

However, corresponding official Explanatory Notes as issued by the Customs Cooperation Council should be used as interpretative guidance to identify wastes covered by generic headings.

The indicative "ex" identifies a specific item contained within a heading of the Harmonized System code.

The code in bold in the first column is the OECD : it consists of two letters (one for the list : Green ; Amber or Red and one for the category of waste : A, B, C, ...) followed by a number.

(**) This listing includes wastes in the form of ash, residue, slag, dross, skimming, scaling, dust, powder, sludge and cake, unless a material is expressly listed elsewhere.

AB 040 ex 7001 00	Glass waste from cathode-ray tubes and other activated glasses
AB 050 ex 2529 21	Calcium fluoride sludge
AB 060	Other inorganic fluorine compounds in the form of liquids or sludges
AB 070	Sands used in foundry operations
AB 080	Waste catalysts not on the green list
AB 090	Waste hydrates of aluminium
AB 100	Waste alumina
AB 110	Basic solutions
AB 120	Inorganic halide compounds, not elsewhere specified or included
AB 130	Used blasting grit
AB 140	Gypsum arising from chemical industry processes
AB 150	Unrefined calcium sulphite and calcium sulphate from flue gas desulphurization (FGD)

AC. WASTES CONTAINING PRINCIPALLY ORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND INORGANIC MATERIALS

AC 010 ex 2713 90	Waste from the production/processing of petroleum coke and bitumen, excluding anode butts
AC 020	Asphalt cement wastes
AC 030	Waste oils unfit for their originally intended use
AC 040	Leaded petrol (gasoline) sludges
AC 050	Thermal (heat transfer) fluids
AC 060	Hydraulic fluids
AC 070	Brake fluids
AC 080	Antifreeze fluids
AC 090	Waste from production, formulation and use of resins, latex, plasticizers, glues and adhesives
AC 100 ex 3915 90	Nitrocellulose
AC 110	Phenols, phenol compounds including chlorophenol in the form of liquids or sludges
AC 120	Polychlorinated naphthalenes
AC 130	Ethers
AC 140	Triethylamine catalyst for setting foundry sands
AC 150	Chlorofluorocarbons
AC 160	Halons
AC 170	Treated cork and wood wastes
AC 180 ex 4110 00	Leather dust, ash, sludges and flours
AC 190	Fluff – light fraction from automobile shredding
AC 200	Organic phosphorous compounds
AC 210	Non-halogenated solvents
AC 220	Halogenated solvents
AC 230	Halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations
AC 240	Wastes arising from the production of aliphatic halogenated hydrocarbons (such as chloromethanes, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)
AC 250	Surface active agents (surfactants)
AC 260	Liquid pig manure; faeces
AC 270	Sewage sludge

AD. WASTES WHICH MAY CONTAIN EITHER INORGANIC OR ORGANIC CONSTITUENTS

AD 010	Wastes from the production and preparation of pharmaceutical products
AD 020	Wastes from the production, formulation and use of biocides and phytopharmaceuticals
AD 030	Wastes from the manufacture, formulation and use of wood preserving chemicals
	Wastes that contain, consist of or are contaminated which any of the following :
AD 040	— Inorganic cyanides, excepting precious metal-bearing residues in solid form containing traces of inorganic cyanides
AD 050	— Organic cyanides
AD 060	Waste oils/water, hydrocarbons/water mixtures, emulsions
AD 070	Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
AD 080	Wastes of an explosive nature, when not subject to specific other legislation
AD 090	Wastes from production, formulation and use of reprographic and photographic chemicals and materials not elsewhere specified or included
AD 100	Wastes from non-cyanide based systems which arise from surface treatment of plastics
AD 110	Acidic solutions
AD 120	Ion exchange resins
AD 130	Single-use cameras with batteries
AD 140	Wastes from industrial pollution control devices for cleaning of industrial off-gases, not elsewhere specified or included
AD 150	Naturally occurring organic material used as a filter medium (such as bio-filters)
AD 160	Municipal/household wastes

ANNEX IV

RED LIST OF WASTES

"Containing" or "contained with", when used in this list, means that the substance referred to is present to an extent which (a) renders the waste hazardous, or (b) renders it not suitable for submission to a recovery operation.

RA. WASTES CONTAINING PRINCIPALLY ORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND INORGANIC MATERIALS

- RA 010** Wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB) and/or polychlorinated terphenyl (PCT) and/or polybrominated biphenyl (PBB), including any other polybrominated analogues of these compounds, at a concentration level of 50 mg/kg or more
- RA 020** Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolytic treatment

RB. WASTES CONTAINING PRINCIPALLY INORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND ORGANIC MATERIALS

- RB 010** Asbestos (dusts and fibres)
- RB 020** Ceramic-based fibres of physico-chemical characteristics similar to those of asbestos

RC. WASTES WHICH MAY CONTAIN EITHER INORGANIC OR ORGANIC CONSTITUENTS

Wastes that contain, consist of or are contaminated with any of the following:

- RC 010** – Any congener of polychlorinated dibenzo-furan
- RC 020** – Any congener of polychlorinated dibenzo-dioxin
- RC 030** Leaded anti-knock compounds sludges
- RC 040** Peroxides other than hydrogen peroxide'
-

COMMISSION DECISION
of 25 October 1994
approving the programme concerning bonamiosis and marteiliosis submitted by
France

(Only the French text is authentic)

(94/722/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽¹⁾, as amended by Directive 93/54/EEC⁽²⁾, and in particular Article 10 thereof,

Whereas Member States may submit to the Commission a programme to obtain the status of an approved zone, free of certain diseases affecting molluscs;

Whereas on 4 May 1993 France submitted a programme concerning bonamiosis and marteiliosis; whereas, by letter dated 14 October, France submitted further information on the approval of French coastal zones in respect of these diseases;

Whereas the programme specifies the geographical zones concerned, the measures to be taken by the official services, the procedures to be followed by the approved laboratories, the prevalence of the diseases in question and the measures to combat these diseases where detected;

Whereas the programme meets the requirements laid down in Article 10 of Directive 91/67/EEC;

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

HAS ADOPTED THIS DECISION:

Article 1

The programme concerning bonamiosis and marteiliosis submitted by France is hereby approved.

Article 2

France shall bring into force the laws, regulations and administrative provisions necessary to comply with the programme referred to in Article 1.

Article 3

This Decision is addressed to France.

Done at Brussels, 25 October 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 46, 19. 2. 1991, p. 1.

⁽²⁾ OJ No L 175, 19. 7. 1993, p. 34.

COMMISSION DECISION

of 26 October 1994

amending Chapter 3 of Annex I to Council Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC

(Text with EEA relevance)

(94/723/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC⁽¹⁾, as amended by Commission Decision 94/466/EC⁽²⁾, and in particular the second paragraph of Article 15 thereof,

Whereas, in the light of experience gained in the application of the provisions laid down, the conditions governing trade in and imports of hides and skins of ungulates not covered by Directive 64/433/EEC or 72/462/EEC should be amended; whereas Chapter 3 of Annex I to that Directive should be redrafted accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

Chapter 3 of Annex I to Directive 92/118/EEC is hereby replaced by the Annex hereto.

Article 2

This Decision shall enter into force on 1 December 1994.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 26 October 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽²⁾ OJ No L 190, 26. 7. 1994, p. 26.

ANNEX

CHAPTER 3

Hides and skins of ungulates (*) not covered by Directive 64/433/EEC or 72/462/EEC and which have not undergone certain tanning processes

I. A. The provisions of this chapter do not apply to :

- hides or skins of ungulates covered by Directive 64/433/EEC or 72/462/EEC,
- hides or skins having undergone the complete process of tanning,
- "wet blue",
- "pickled pelts",
- "limed hides" (treated with lime and in brine at a pH of 12 to 13 for at least eight hours).

B. Within the scope defined in A, the provisions of this chapter apply to fresh, chilled and treated hides and skins.

For the purpose of this Decision, "treated hides and skins" means hides and skins which have been :

- dried, or
- dry-salted or wet-salted for at least 14 days prior to dispatch, or
- salted for seven days in sea salt with the addition of sodium carbonate to 2 %, or
- drying for 42 days at a temperature of at least 20 °C, or
- preserved by a process other than tanning, to be determined in accordance with the procedure laid down in Article 18.

II. *Intra-Community trade*

A. Trade in fresh or chilled hides and skins is subject to the same animal health conditions as those applicable to fresh meat pursuant to Directive 72/461/EEC.

B. Trade in treated hides and skins is authorized on condition that each consignment is accompanied by a commercial document as provided for in the last indent of Article 4 (2) (a) certifying that :

- the hides and skins have been treated in accordance with point I.B, and
- the consignment has not been in contact with any other animal product or live animals presenting a risk of spreading a serious transmissible disease.

III. *Importations*

A. Fresh or chilled hides and skins may only be imported from third countries or a part of a third country from which imports of all categories of fresh meat of the corresponding species are authorized pursuant to Community legislation.

B. Imports of fresh or chilled hides and skins must meet animal health conditions to be determined in accordance with the procedure laid down in Article 18 and must be accompanied by an animal health certificate as provided for in Article 10 (2) (c).

C. Imports of treated hides or skins from the third countries listed in Part 1 of the Annex to Decision 79/542/EEC (**) are authorized on condition that each consignment is accompanied by a certificate of a model to be determined by the Commission in accordance with the procedure laid down in Article 18, to the effect that :

- (a) either where the hides or skins come from animals originating in a region of a third country or in a third country not subject, pursuant to Community regulations, to restrictions as a result of an outbreak of a serious transmissible disease to which the animals of the species concerned are susceptible, they have been treated in accordance with point I.B ;

or

where the hides or skins come from other regions of a third country or other third countries, they are treated as laid down in point I.B, third and fourth indents ;

and

(*) "Hides and skins of ungulates" means the integuments of ungulates.

(**) OJ No L 146, 14. 06. 1979, p. 15. Decision as last amended by Commission Decision 94/59/EC (OJ No L 27, 1. 2. 1994, p. 53).

- (b) the consignment has not been in contact with any other animal product or with live animals presenting a risk of spreading a serious transmissible disease.
- D. However, in the case of imports from any third country of hides or skins of ruminants treated in accordance with point I.B and which have been kept separate for 21 days or have undergone transport for 21 uninterrupted days, the certificate provided for in point C is replaced by a declaration to the effect that or proving that those requirements have been met, of a model to be determined by the Commission in accordance with the procedure laid down in Article 18.'
-

COMMISSION DECISION

of 31 October 1994

derogating from the definition of the concept of 'originating products' to take account of the special situation of Montserrat with regard to connections and contact elements for wire and cables falling within CN code 8536 90 10

(94/724/EC)

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

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾, and in particular Article 30 (8) of Annex II thereto,

Whereas Article 30 of Annex II to Decision 91/482/EEC, concerning the definition of the concept of 'originating products' and methods of administrative cooperation provides that derogations from the rules of origin may be adopted where the development of existing industries or the creation of new industries in a country or territory justifies them;

Whereas the Government of Montserrat has requested a derogation from the rules of origin for connections and contact elements for wire and cables, which for a temporary period could not satisfy the rules of origin laid down in Annex II to Decision 91/482/EEC;

Whereas granting a derogation would not cause any serious injury to an economic sector of the Community, or of one or more Member States; whereas a temporary derogation could make a positive contribution in respect of employment;

Whereas Article 30 of Annex II to Decision 91/482/EEC, and in particular paragraph 7 (b) thereof, provides for an automatically granting of the derogation in case certain conditions are fulfilled;

Whereas it concerns non-sensitive materials or products covered by the generalized system of preferences (GSP) applied by the Community at the time of the request; whereas the requested annual quantity is not exceeding 1 % in value of average Community imports of the materials or products in question over the last three years for which statistics are available at the time of the request; whereas the company concerned has present plans for progressive sourcing from the EC which will avoid the need for such a derogation in future; whereas the relevant conditions of Article 30 (7) (b) are therefore respected in the present case;

Whereas according to Article 30 (8) of Annex II to Decision 91/482/EEC the procedure laid down in Council Decision 90/523/EEC of 8 October 1990 on the proce-

cedure concerning derogations from the rules of origin set out in Protocol 1 to the fourth ACP-EEC Convention⁽²⁾, is to apply *mutatis mutandis* to the overseas countries and territories; whereas therefore a draft of the measures to be taken was submitted to the Committee on the Customs Code — Origin Section — which voted in favour of this Decision,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from the provisions of Annex II to Decision 91/482/EEC, connections and contact elements for wire and cables falling within CN code 8536 90 10 shall be considered as originating in Montserrat when they are processed there from non-originating materials, subject to the conditions set out in this Decision.

Article 2

The derogation provided for in Article 1 shall relate to an annual quantity of 21 000 kilograms exported from Montserrat to the Community during the period 1 November 1994 to 31 October 1999.

Article 3

The competent authorities of Montserrat shall take the necessary steps to carry out quantitative checks on exports referred to in Article 2 and shall forward to the Commission every three months a statement of the quantities in respect of which movement certificates EUR.1 have been issued pursuant to this Decision and the serial numbers of those certificates.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 31 October 1994.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽²⁾ OJ No L 290, 23. 10. 1990, p. 33.