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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 3009/94
of 8 December 1994
amending Regulation (EEC) No 830/92 by repealing the anti-dumping duty on
imports of certain polyester yarns originating in India

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 14 thereof,

Having regard to the proposal submitted by the Commission after consultation within the Advisory Committee,

Whereas :

A. PREVIOUS PROCEDURE

- (1) By Regulation (EEC) No 830/92⁽²⁾, the Council imposed a definitive anti-dumping duty on imports of certain polyester yarn falling within CN codes 5509 21 10, 5509 21 90, 5509 22 10, 5509 22 90, 5509 51 00 and 5509 53 00 originating in Taiwan, Indonesia, India, the People's Republic of China and Turkey.
- (2) In recital 60 of Regulation (EEC) No 830/92 the Council noted that the Commission would be ready to initiate without delay a review proceeding for the exporters who supplied sufficient evidence to the Commission that they had not exported the products concerned to the Community during the original investigation period (1 January to 31 December 1989), that they only started such exports after the said period or had a firm intention

of doing so and that they were not related to, or associated with, any of the companies subject to the anti-dumping duty (so-called newcomers).

B. REVIEW

- (3) Thirty Indian companies made themselves known to the Commission, claiming that they had not exported the product concerned during the investigation period and had only commenced doing so after that period. They also claimed that they were not related to any of the companies involved in the original investigation subject to the anti-dumping duties and requested a newcomer review be opened.
- (4) On request, these companies provided evidence of the facts they alleged. The evidence provided by seventeen of the producers concerned has been considered sufficient to justify the initiation of a review in accordance with the provisions of Articles 7 and 14 of Regulation (EEC) No 2423/88 (hereinafter referred to as 'the basic Regulation') and the Commission, after consultation of the Advisory Committee, initiated a review of Regulation (EEC) No 830/92 with regard to these producers⁽³⁾.
- (5) The notice of initiation also made provision for an extension of the review to any other producer in India, where warranted.
- (6) No request for review of the original injury findings was made and no indication was received that the circumstances of injury as originally established have changed.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1. Regulation as last amended by Regulation (EC) No 522/94 (OJ No L 66, 10. 3. 1994, p. 10).

⁽²⁾ OJ No L 88, 3. 4. 1992, p. 1.

⁽³⁾ OJ No C 339, 22. 12. 1992, p. 2.

(7) In the course of the investigation it was found that :

- (i) there had been a substantial increase in imports into the Community of the product concerned, (from 3 000 tonnes in the original investigation period to 11 000 tonnes in the year 1992), which could only be attributed to those producers concerned by the original investigation or other unknown companies ;
- (ii) export prices on average had decreased by more than 25 % since 1989 ;
- (iii) the Indian rupee over the same period had devalued by 70 % ;
- (iv) the Indian economy had been progressively liberalized leading to the removal of numerous internal barriers to trade, of taxes and of refund schemes.

(8) The potential impact of the two last elements on the price of the like product on the domestic market (increase in price of imported raw materials and certain reductions in import taxes) and the general development of the export price, put into question the continuing validity of the original findings regarding dumping, based on the situation in 1989, and the increased volume of exports cast doubt on the continuing representativity of the sample used at that time to establish normal value and export price.

(9) In these circumstances, the Commission considered that a review of the dumping established for all Indian producers was warranted.

C. PRESENT PROCEDURE

(10) In view of the large number of exporters concerned, some 43 from the original investigation and 17 newcomers, it was considered appropriate, as in the original investigation, to establish normal value and export price on the basis of a sample of companies in accordance with Article 2 (13) of the basic Regulation.

(11) With a view to ensuring that the results yielded by this sampling procedure would not be significantly different from that which would have resulted from an investigation of all Indian producers, the selection of this sample was based, in accordance with standard practice, on the criteria of volume of export and domestic sales of the like product, product-type mix both in India and the Community, size of the companies and their locations. On this basis, five producers were selected representing,

in total, approximately 33 % of the exports from India to the Community of the product concerned.

(12) As in the original investigation, the Synthetic and Rayon Textile Export Promotion Council (SRTEPC), representing virtually all exporters in India of the product concerned, was informed of the companies selected, the criteria used and the intention of the Commission to apply the weighted average result of the investigation of the sample to all the Indian companies considered in the proceeding. Whilst the SRTEPC raised no objection to the sample or this methodology, three Indian producers maintained a request that individual dumping calculations be carried out for them.

(13) As individual consideration of these three Indian producers was not unduly burdensome and did not delay the investigation, the Commission investigated these three companies separately.

(14) The Commission carried out on-the-spot investigations at the premises of the following companies :

Sample companies :

Indo Rama Synthetics (India) Ltd,
Rajasthan Textile Mills (prop. Sutlej Cotton Mills),
The Eastern Spinning Mills Industries Ltd,
Sree Valliappa Textiles Ltd,
Coats Viyella (India) Ltd.

Companies requesting individual investigation :

Vardhman Spinning & General Mills Ltd,
Soundararaja Mills Ltd,
Deepak Spinners Ltd.

D. RESULT OF THE INVESTIGATION

1. Normal value

(15) Normal value was generally established on the basis of the comparable price actually paid or payable in the ordinary course of trade for the like product in India.

(16) Where a particular product type exported to the Community was not sold on the domestic market or where such sales were in insufficient quantities or were made at a loss, normal value was constructed on the basis of the cost of production plus a reasonable profit margin. The selling, general and administrative expenses included in the cost of production and profit margins were calculated by reference to the expenses incurred and the profits realized by the exporter concerned on profitable sales of other types of the like product sold in sufficient quantities on the domestic market.

(17) In one case it was not possible to follow this approach to establish a margin of profit as one exporter was found to have had no sales of the like product on the domestic market during the investigation period. In this case, the profit margin used was the weighted average profit realized on profitable sales of other types of the like product on the domestic market by all the other exporters investigated.

2. Export price

(18) Export prices were determined on the basis of the prices actually paid or payable for the product concerned sold for export to the Community.

3. Comparison

(19) The normal value by product type was compared with the export prices for the corresponding type on a transaction-by-transaction basis at an ex-works level and for the same level of trade. For the purpose of a fair comparison normal value was adjusted in accordance with the provisions of Article 2 (9) and (10) of the basic Regulation to take account of differences affecting price comparability and relating to import charges and indirect taxes and differences in selling expenses arising from conditions and terms of sale. Adjustments claimed for the above differences were limited to those for which satisfactory evidence was submitted that they had a direct relationship to the sales under consideration. In particular, allowance was granted under Article 2 (10) (b) of the basic Regulation in respect of import charges on raw materials physically incorporated in the like product, when destined for consumption in India and not collected in respect of the product exported to the Community.

4. Dumping margins

(20) The examination of the facts showed that the dumping margins, i.e. the amounts by which normal values, as established, exceeded the prices for export to the Community, were insignificant or non-existent and should therefore be regarded as *de minimis*.

(21) The weighted average margins of dumping for each exporter expressed as a percentage of the cif Community frontier price were as follows:

(i) *sample companies*:

Indo Rama Synthetics (India) Ltd :	1,97 % ;
Rajasthan Textile Mills (prop. Sutlej Cotton Mills) :	0,01 % ;
The Eastern Spinning Mills Industries Ltd :	0,00 % ;

Sree Valliappa Textiles Ltd :	0,67 % ;
Coats Viyella (India) Ltd :	0,32 % ;
Weighted average :	0,94 % .

(ii) *companies requesting individual investigation* :

Vardhman Spinning & General Mills Ltd :	0,80 % ;
Soundararaja Mills Ltd :	0,26 % ;
Deepak Spinners Ltd :	0,00 % .

In view of the fact that the dumping margins established were all below 2 % they should be regarded as *de minimis*.

E. AMENDMENT OF THE REVIEWED MEASURES

(22) It is therefore concluded that, as the dumping margins established are *de minimis*, Regulation (EEC) No 830/92 should be amended and the duties imposed on imports of the product concerned from India should cease to apply.

(23) The exporters in India and the complainant have been informed of these findings.

(24) Since the review is limited to Indian producers, it does not affect the date on which the duties imposed on other countries by Regulation (EEC) No 830/92 will expire pursuant to Article 15 (1) of the basic Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

Article 1 of Regulation (EEC) No 830/92 is hereby amended as follows:

1. In paragraph 1, the word 'India' shall be deleted.
2. In paragraph 2, the line commencing 'India' and the list of companies under the heading 'INDIA' and the corresponding entries under the columns shall be deleted.

Article 2

This Regulation shall enter into force on the 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 December 1994.

For the Council

The President

G. REXRODT

COMMISSION REGULATION (EC) No 3010/94

of 12 December 1994

fixing the aid for the supply of products processed from fruit and vegetables to the Canary Islands under the arrangements provided for in Articles 2 and 3 of Council Regulation (EEC) No 1601/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽¹⁾, as last amended by Commission Regulation (EEC) No 1974/93⁽²⁾, and in particular Article 3 (4) thereof,

Whereas Annex XI to Commission Regulation (EC) No 2883/94 establishing the forecast supply balance for the Canary Islands for the agricultural products eligible for the special arrangements provided for in Articles 2 to 5 of Council Regulation (EEC) No 1601/92⁽³⁾ fixes for the period 1 July 1994 to 30 June 1995 the quantities of products processed from fruit and vegetables which may benefit from the supply arrangements, by means of either an exemption from the import levy or the granting of aid;

Whereas the abovementioned aid should be fixed taking account, in particular, of the cost of supply from the world market, the conditions arising from the geographical situation of the Canary Islands and current prices for exports of the products in question to third countries;

Whereas the common detailed rules for implementation of the arrangements for the supply of certain agricultural products to the Canary Islands are laid down by Commission Regulation (EC) No 2790/94⁽⁴⁾, as amended by Regulation (EC) No 2883/94; whereas that Regulation defines new detailed rules for the management of the arrangements, in particular, for the issue and period of validity of licences and certificates, the payment of aid and the monitoring and control of commercial operations carried out under the specific arrangements; whereas those provisions replace the detailed rules laid down by Commission Regulation (EEC) No 1695/92⁽⁵⁾, as last amended by Regulation (EEC) No 2596/93⁽⁶⁾, and apply in the various market sectors from 1 December 1994;

Whereas, therefore, Commission Regulation (EEC) No 2175/92 of 30 July 1992 laying down detailed rules for

the application of the specific measures for the supply of processed fruit and vegetable products to the Canary Islands⁽⁷⁾, as last amended by Regulation (EC) No 2428/94⁽⁸⁾, should be repealed from the same date;

Whereas the provisions of this Regulation should take effect on the date of entry into force of the Regulations laying down the common detailed rules for implementation of the arrangements and establishing the supply balance;

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

For the purposes of the Article 3 (2) of Regulation (EEC) No 1601/92, the aid for the supply of products processed from fruit and vegetables from the Community market to the Canary Islands in accordance with the supply balance established by Regulation (EC) No 2883/94 shall be as set out in the Annex hereto.

Article 2

The provisions of Regulation (EC) No 2790/94 shall apply.

Article 3

Regulation (EEC) No 2175/92 is hereby repealed.

Article 4

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

It shall apply with effect from 1 December 1994.

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 304, 29. 11. 1994, p. 18.

⁽⁴⁾ OJ No L 296, 17. 11. 1994, p. 23.

⁽⁵⁾ OJ No L 179, 1. 7. 1992, p. 1.

⁽⁶⁾ OJ No L 238, 23. 9. 1993, p. 24.

⁽⁷⁾ OJ No L 217, 31. 7. 1992, p. 67.

⁽⁸⁾ OJ No L 259, 7. 10. 1994, p. 8.

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

Done at Brussels, 12 December 1994.

For the Commission
René STEICHEN
Member of the Commission

ANNEX

AMOUNTS OF AID REFERRED TO IN ARTICLE 1

(ECU/100 kg)

CN code	Amount of aid
2007 99	54
2008 20	41
2008 30	16
2008 40	0
2008 50	21
2008 70	15
2008 80	85
2008 92	31
2008 99	47

**COMMISSION REGULATION (EC) No 3011/94
of 12 December 1994**

laying down detailed rules for the application of Council Regulation (EC) No 774/94 as regards imports of 144 903 tonnes of quality common wheat and 147 345 tonnes of quality durum wheat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EC) No 1854/94 of 27 July 1994 laying down detailed rules for the application of Council Regulation (EC) No 774/94 in relation to import licences for quality wheat⁽²⁾, as amended by Regulation (EC) No 2547/94⁽³⁾, lays down special provisions on the organization of imports under the quota opened by the latter Regulation ;

Whereas, in view of the fact that only 7 752 tonnes of the 300 000 tonnes of quality wheat provided for in Regulation (EC) No 774/94 have been imported into the Community, a further period should be determined for the submission of applications for import licences under that quota ; whereas, to that end, special provisions should be laid down to define the standard reference quality for wheat to be imported as should provisions on controls of goods imported ; whereas, in order to avoid quantities being carried over into 1995, the cancellation of import licences should not be permitted ;

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. The period for the submission of applications for import licences for quality durum wheat falling within CN code 1001 10 00 and quality common wheat falling

within CN code 1001 90 99 and qualifying for the conditions laid down in Article 5 of Regulation (EC) No 774/94 shall commence on the thirtieth day following the entry into force of this Regulation. It shall expire at the end of the third day following that on which it commences.

Where the total quantity of either product for which import licences are requested up to the end of the period for the submission of applications referred to in the previous subparagraph is less than that referred to in paragraph 2, a second period for the submission of applications for import licences for the product concerned shall be opened from the seventh working day following the expiry of the period referred to in the previous subparagraph. That second period shall expire at the end of the third day following that on which it commences.

2. The total quantities which may be imported in accordance with this Regulation shall be 147 345 tonnes of durum wheat falling within CN code 1001 10 00 and 144 903 tonnes of common wheat falling within CN code 1001 90 99. The wheat imported must meet the minimum quality characteristics set out in the Annex hereto.

3. Regulation (EC) No 1854/94 shall apply.

Article 2

1. Without prejudice to Article 5 (2) of Regulation (EC) No 1854/94, the import guarantee referred to in the third indent of Article 2 (1) (c) thereof shall be released on production of proof that import has been carried out in compliance with the conditions on quantity and quality laid down. To that end, the goods to be imported shall be subject to controls by the competent body of the Member State of import.

2. The proof referred to in paragraph 1 shall be provided by the body responsible for controls in the Member State of import.

3. The customs authorities of the Member State of import shall take representative samples separately and shall keep them available for the Commission at the time the goods are released for free circulation in the Community.

⁽¹⁾ OJ No L 91, 8. 4. 1994, p. 1.

⁽²⁾ OJ No L 192, 28. 7. 1994, p. 31.

⁽³⁾ OJ No L 270, 21. 10. 1994, p. 7.

4. The costs of such controls and the cost of sampling shall be borne by the holder of the import licence.

Article 3

Notwithstanding Article 3 (5) of Regulation (EC) No 1854/94, applicants may under no circumstances withdraw their licence applications.

5. The reference methods for the controls provided for in paragraph 1 to determine the quality of the durum wheat and the common wheat shall be as described in Commission Regulation (EEC) No 1908/84⁽¹⁾.

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, 12 December 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

Minimum quality criteria for wheat imported under the quota opened by Council Regulation (EC) No 774/94

Quality criteria	Type of wheat	
	Durum wheat	Common wheat
	CN code 1001 10 00	CN code 1001 90 99
Minimum specific weight	80 kg/hl	78 kg/hl
'Mitadiné' grains	maximum 20,0 %	—
Matter which is not quality wheat grains of unimpaired quality of which :	maximum 10,0 %	maximum 10,0 %
— Broken and/or shrivelled grains	maximum 7,0 %	maximum 7,0 %
— Grains damaged by pests	maximum 2,0 %	maximum 2,0 %
— Grains affected with fusariosis and/or mottled grains	maximum 5,0 %	—
— Sprouted grains	maximum 0,5 %	maximum 0,5 %
Miscellaneous impurities (Schwarzbesatz)	maximum 1,0 %	maximum 1,0 %
Hagberg falling number	minimum 250	minimum 230
Protein content (13,5 % moisture content)	minimum 12,0 %	minimum 14,6 %

⁽¹⁾ OJ No L 178, 5. 7. 1984, p. 22.

COMMISSION REGULATION (EC) No 3012/94

of 12 December 1994

amending Regulation (EC) No 2150/94 fixing, for unginned cotton, the actual production for the 1993/94 marketing year, the estimated production and the provisional reduction in the aid for the 1994/95 marketing year and the amount by which the guide price is to be reduced for the 1995/96 marketing year and fixing the definitive reduction for the 1994/95 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular Protocol 4 on cotton, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽¹⁾, as last amended by Regulation (EEC) No 1554/93 ⁽²⁾, and in particular Article 11 thereof,

Whereas Commission Regulation (EC) No 2150/94 ⁽³⁾ fixes the provisional reduction in the aid pending the adoption by the Council of the amendment to Council Regulation (EEC) No 1964/87 of 2 July 1987 adjusting the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece ⁽⁴⁾, as last amended by Regulation (EC) No 2760/94 ⁽⁵⁾, in order to meet its commitment concerning the reduction in the maximum percentage reduction in the aid from 20 % to 18,5 %; whereas Regulation (EEC) No 1964/87 was amended accordingly by Regulation (EC) No 2760/94;

whereas, as a consequence, Regulation (EC) No 2150/94 should be amended to fix the definitive reduction for the 1994/95 marketing year;

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

HAS ADOPTED THIS REGULATION:

Article 1

The second indent of Article 1 (2) of Regulation (EC) No 2150/94 is hereby replaced by the following:

‘— the reduction in the aid is hereby fixed at ECU 23,843 per 100 kilograms.’

Article 2

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

It shall apply from the 1994/95 marketing year.

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

Done at Brussels, 12 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 23.

⁽³⁾ OJ No L 228, 1. 9. 1994, p. 31.

⁽⁴⁾ OJ No L 184, 3. 7. 1987, p. 14.

⁽⁵⁾ OJ No L 294, 15. 11. 1994, p. 1.

COMMISSION REGULATION (EC) No 3013/94

of 12 December 1994

amending Regulation (EC) No 1078/94 increasing to 1 500 000 tonnes the quantity of bread-making wheat held by the German intervention agency for which a standing invitation to tender for export has been opened

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 Commission Regulation (EC) No 1866/94⁽²⁾, and in particular Article 5 thereof,

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

Whereas Commission Regulation (EC) No 1078/94⁽⁵⁾, as last amended by Regulation (EC) No 2981/94⁽⁶⁾, opened a standing invitation to tender for the export of 1 200 000 tonnes of bread-making wheat held by the German intervention agency; whereas, in the communication of 1 December 1994, Germany informed the Commission of the intention of its intervention agency to increase by 300 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of bread-making wheat held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 1 500 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EC) No 1078/94 must therefore be amended;

Whereas special rules must be laid down to ensure that the operations are properly carried out and monitored;

Whereas to that end the Member States must provide for all additional measures compatible with the provisions in force to ensure that the operation takes place smoothly and that the Commission is kept informed;

Whereas the monitoring arrangements should accordingly be supplemented by the possibility of a sample being taken in the presence of both parties;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EC) No 1078/94 is replaced by the following:

Article 1

The German intervention agency may, on the conditions laid down in Regulation (EEC) No 2131/93, open a standing invitation to tender for the export of bread-making wheat held by it.'

Article 2

Article 2 of Regulation (EC) No 1078/94 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 1 500 000 tonnes of bread-making wheat to be exported to all third countries.
2. The regions in which the 1 500 000 tonnes of bread-making wheat are stored are stated in Annex I to this Regulation.'

Article 3

The following Article 5 is inserted:

Article 5

1. Before the lot awarded is removed, the intervention agency and the successful tenderer shall take a reference sample in accordance with the method laid down in Commission Regulation (EEC) No 689/92⁽⁷⁾ and shall analyse that sample.
 - (a) Where the final results of the analysis of the sample indicate a difference between the quality of the bread-making wheat to be removed and the quality as described in the notice of invitation to tender, which nevertheless remains within a limit of up to:
 - 2 kg/hl for the specific weight, which must not however be less than 72 kg/hl,
 - one percentage point for the moisture content,
 - 10 points for the Hagberg falling index,

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 120, 11. 5. 1994, p. 12.

⁽⁶⁾ OJ No L 315, 8. 12. 1994, p. 4.

- one percentage point for the protein content,
- half a percentage point for the impurities referred to in points B.2 and B.4 of the Annex to Regulation (EEC) No 689/92,
- half a percentage point for the impurities referred to in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentages admissible for noxious grains and ergot however remaining unchanged,

the following provisions shall apply:

- (i) the intervention agency shall, that same day, inform the Commission thereof in accordance with Annex III, as well as the storer and the successful tenderer;
- (ii) the successful tenderer may:
 - either agree to take over the lot with its characteristics as established,
 - or refuse to take over the lot in question. In that case the successful tenderer shall, that same day, inform the intervention agency and the Commission thereof in accordance with Annex IV.

Once these formalities have been completed, he shall be immediately released from all his obligations relating to the lot in question, including the securities.

The lot in question shall then be put up for sale again under a future invitation to tender at the quality established.

- (b) Where the final results of the analysis of the sample indicate that the quality is below the limits laid down in (a):

- the intervention agency shall, that same day, inform the Commission thereof in accordance with Annex III, as well as the storer and the successful tenderer,
- the successful tenderer shall give official notice, that same day, to the intervention agency of the impossibility of taking over the lot in question and shall inform the Commission thereof, that same day, in accordance with Annex IV. Once these formalities have been completed, he shall be immediately released from all his obligations relating to the lot in question, including the securities.

2. All risks shall be borne by the successful tenderer from the time of removal.

(*) OJ No L 74, 20. 3. 1992, p. 18.

Article 4

Annex I to Regulation (EC) No 1078/94 is replaced by the Annex hereto.

Article 5

The following Annex IV is hereby added to Regulation (EC) No 1078/94:

ANNEX IV

Communication of refusal of lots under the standing invitation to tender for the export of 1 500 000 tonnes of bread-making wheat held by the German intervention agency

Article 5 (1) of Regulation (EC) No 1078/94

- Name of successful tenderer:
- Date of award of contract:
- Date of refusal of lot by successful tenderer:

Lot No	Quantity in tonnes	Address of silo	Reason for refusal to take over
			<ul style="list-style-type: none"> — Specific weight (kg/hl) — % sprouted grains — % miscellaneous impurities (Schwarzbesatz) — % of matter which is not basic cereal of unimpaired quality — Other'

Article 6

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

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

Done at Brussels, 12 December 1994.

For the Commission

René STEICHEN

Member of the Commission

*ANNEX**ANNEX I*

	<i>(tonnes)</i>
Place of storage	Quantity
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	733 522
Hessen/Rheinland-Pfalz/ Baden-Württemberg/Saarland/Bayern	219 638
Berlin/Brandenburg/ Mecklenburg-Vorpommern	184 234
Sachsen/Sachsen-Anhalt/Thüringen	362 446'

COMMISSION REGULATION (EC) No 3014/94**of 12 December 1994****amending Regulation (EC) No 2113/94 on the opening of a standing invitation to tender for the sale on the internal market of barley held by the Luxembourg intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas the last partial invitation to tender under Commission Regulation (EC) No 2113/94⁽⁵⁾ should be postponed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 (2) of Regulation (EC) No 2113/94 is replaced by the following:

'2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 4 April 1995.'

Article 2

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

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

Done at Brussels, 12 December 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 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 224, 30. 8. 1994, p. 3.

COMMISSION REGULATION (EC) No 3015/94
of 12 December 1994

amending Regulation (EC) No 2118/94 on the opening of a standing invitation to tender for the sale on the internal market of cereals held by the German intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas the last partial invitation to tender under Commission Regulation (EC) No 2118/94⁽⁵⁾, as last amended by Regulation (EC) No 2953/94⁽⁶⁾, should be postponed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 (2) of Regulation (EC) No 2118/94 is replaced by the following:

'2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 4 April 1995.'

Article 2

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

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

Done at Brussels, 12 December 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 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 224, 30. 8. 1994, p. 8.

⁽⁶⁾ OJ No L 312, 6. 12. 1994, p. 2.

COMMISSION REGULATION (EC) No 3016/94
of 12 December 1994

amending Regulation (EC) No 2120/94 on the opening of a standing invitation to tender for the sale on the internal market of cereals held by the French intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas the last partial invitation to tender under Commission Regulation (EC) No 2120/94⁽⁵⁾, as last amended by Regulation (EC) No 2952/94⁽⁶⁾, should be postponed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 (2) of Regulation (EC) No 2120/94 is replaced by the following:

'2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 4 April 1995.'

Article 2

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

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

Done at Brussels, 12 December 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 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 224, 30. 8. 1994, p. 10.

⁽⁶⁾ OJ No L 312, 6. 12. 1994, p. 1.

COMMISSION REGULATION (EC) No 3017/94**of 12 December 1994****discontinuing the additional amounts for products in the egg sector**

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Regulation (EEC) No 1574/93 ⁽²⁾, and in particular Article 8 (4) thereof,

Whereas, for certain of the products specified in Article 1 of Regulation (EEC) No 2771/75, additional amounts were fixed by Commission Regulation (EC) No 2782/94 of 16 November 1994, fixing the additional amounts for products in the egg sector ⁽³⁾;

Whereas, from the regular review of the dates serving as a basis for the determination of average offer prices for the abovementioned products, it appears that the free-at-frontier offer prices for these products are no longer below the sluice-gate price; whereas the conditions set

out in Article 8 (4) of Regulation (EEC) No 2771/75 are not satisfied; whereas it is therefore necessary to discontinue additional amounts laid down in Regulation (EC) No 2782/94;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2782/94 is hereby repealed.

Article 2

This Regulation shall enter into force on 13 December 1994.

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

Done at Brussels, 12 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 152, 24. 6. 1993, p. 1.

⁽³⁾ OJ No L 296, 17. 11. 1994, p. 6.

COMMISSION REGULATION (EC) No 3018/94
of 12 December 1994
fixing additional amounts for poultrymeat products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries⁽³⁾, as last amended by Regulation (EEC) No 3821/92⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Commission Regulation (EEC) No 565/68⁽⁵⁾, as last amended by Regulation (EEC) No 3986/87⁽⁶⁾, the import levies on slaughtered fowls, ducks and geese originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Commission Regulation (EEC) No 2261/69⁽⁷⁾, as last amended by Regulation (EEC) No 3986/87, the import levies on slaughtered ducks and geese originating in and coming from Romania are not increased by an additional amount;

Whereas, pursuant to Commission Regulation (EEC) No 2474/70⁽⁸⁾, as amended by Regulation (EEC) No 3986/87,

the import levies on slaughtered turkeys originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Commission Regulation (EEC) No 2164/72⁽⁹⁾, as amended by Regulation (EEC) No 3987/87⁽¹⁰⁾, the import levies on slaughtered fowls and geese originating in and coming from Bulgaria are not increased by an additional amount;

Whereas Council Regulation (EC) No 774/94⁽¹¹⁾ has opened Community tariff quotas for certain agricultural products and fixed the levies to be applied on imports of those products; whereas Commission Regulation (EC) No 1431/94⁽¹²⁾, as amended by Regulation (EC) No 2389/94⁽¹³⁾, has established the detailed rules of the import regime for poultrymeat laid down in Regulation (EC) No 774/94;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for poultrymeat products indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 13 December 1994.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 152, 24. 6. 1993, p. 1.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 24.

⁽⁵⁾ OJ No L 107, 8. 5. 1968, p. 7.

⁽⁶⁾ OJ No L 376, 31. 12. 1987, p. 7.

⁽⁷⁾ OJ No L 286, 14. 11. 1969, p. 24.

⁽⁸⁾ OJ No L 265, 8. 12. 1970, p. 13.

⁽⁹⁾ OJ No L 232, 12. 10. 1972, p. 3.

⁽¹⁰⁾ OJ No L 376, 31. 12. 1987, p. 20.

⁽¹¹⁾ OJ No L 91, 8. 4. 1994, p. 1.

⁽¹²⁾ OJ No L 156, 23. 6. 1994, p. 9.

⁽¹³⁾ OJ No L 255, 1. 10. 1994, p. 104.

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

Done at Brussels, 12 December 1994.

For the Commission
René STEICHEN
Member of the Commission

ANNEX

to the Commission Regulation of 12 December 1994 fixing additional amounts for poultry meat products

(ECU/100 kg)

CN code	Origin of imports ⁽¹⁾	Additional amount
0207 39 11	01	70,00
0207 41 10	01	70,00 ⁽²⁾

⁽¹⁾ Origin :

01 Brazil, Thailand and China.

⁽²⁾ The additional amounts are not applicable to imported products pursuant to Council Regulation (EC) No 774/94 and Commission Regulation (EC) No 1431/94.

COMMISSION REGULATION (EC) No 3019/94
of 12 December 1994
fixing the import levies on white sugar and raw sugar

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 133/94 ⁽²⁾, and in particular Article 16 ⁽⁸⁾ thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as amended by Regulation (EC) No 3528/93 ⁽⁴⁾, and in particular Article 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EC) No 1957/94 ⁽⁵⁾, as last amended by Regulation (EC) No 3008/94 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EC) No 1957/94 to the information known to the Commission that the levies

at present in force should be altered to the amounts set out in the Annex hereto;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 9 December 1994, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 December 1994.

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

Done at Brussels, 12 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 198, 30. 7. 1994, p. 88.

⁽⁶⁾ OJ No L 317, 10. 12. 1994, p. 12.

ANNEX

to the Commission Regulation of 12 December 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	30,15 ⁽¹⁾
1701 11 90	30,15 ⁽¹⁾
1701 12 10	30,15 ⁽¹⁾
1701 12 90	30,15 ⁽¹⁾
1701 91 00	36,68
1701 99 10	36,68
1701 99 90	36,68 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42), as last amended by Regulation (EEC) No 1428/78 (OJ No L 171, 28. 6. 1978, p. 34).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

⁽³⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.