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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 3311/94
of 20 December 1994**

extending by one month the application of the agrimonetary arrangements in force on 31 December 1994 and fixing the agricultural conversion rates for the new Member States

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the proposal from the Commission,

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⁽¹⁾, and in particular Article 13 (2) thereof,

Having regard to the 1994 Act of Accession, and in particular Article 150 (1) thereof,

Whereas the provisions of Article 4a of Regulation (EEC) No 3813/92 and the correcting factor referred to in Article 1 (c) of that Regulation are limited to 31 December 1994; whereas the Commission has presented a report on the agrimonetary arrangements and proposals for the amendment of the said Regulation; whereas, in order to permit the Council to reach a decision on future agrimonetary policy taking account of the opinion of the European Parliament, the arrangements in force at the end of 1994 should be extended by one month;

Whereas, with effect from the date of entry into force of the Act of Accession, it is necessary to determine the initial agricultural conversion rates of the new Member States;

Whereas the fixing of certain amounts applicable under the Common Customs Tariff must derogate from the application of the correcting factor in order to accord with the other amounts concerned;

Whereas, as far as the initial agricultural conversion rate applicable for Austria is concerned, account must be taken of the close and long-established links which exist between the Austrian schilling and the German mark;

Whereas the measures provided for in this Regulation require measures at Community level to ensure uniform application in all Member States from 1 January 1995,

HAS ADOPTED THIS REGULATION:

Article 1

The application of Article 4a of Regulation (EEC) No 3813/92, of the correcting factor referred to in Article 1 (c) of that Regulation and of the provisions relating thereto is hereby extended to 31 January 1995.

However, the Commission may derogate from the application of the said correcting factor under the powers available to it by virtue of the acts concerning the common agricultural policy for each particular case, in order to lay down in ecus amounts applicable under the Common Customs Tariff.

Article 2

The agricultural conversion rates for the new Member States acceding to the European Union on 1 January 1995 shall initially be equal to the representative market rates established in accordance with Article 1 (d) of Regulation (EEC) No 3813/92 for the final reference period ending prior to the date of accession.

However, in the case of Austria, the agricultural conversion rate shall initially correspond to the monetary difference of the German mark applicable on the date of entry into force of the Act of Accession.

Article 3

This Regulation shall enter into force on 1 January 1995.

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1. Regulation as amended by Regulation (EC) No 3528/93 (OJ No L 320, 22. 12. 1993, p. 32).

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

Done at Brussels, 20 December 1994.

For the Council

The President

J. BORCHERT

COUNCIL REGULATION (EC) No 3312/94
of 22 December 1994
amending Regulation (EEC) No 3951/92 on the arrangements for imports of
certain textile products originating in Taiwan

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 3951/92 of 29 December 1992 on the arrangements for imports of certain textile products originating in Taiwan⁽¹⁾ established quantitative limits on the import of certain textile products originating in Taiwan;

Whereas, according to Article 2 of the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the Union is founded, hereinafter referred to as the Act of Accession, Regulation (EEC) No 3951/92 and, in particular, the limits set out in Annex II to that Regulation shall be applicable in the acceding countries, subject to their accession and on the date of entry into force of the Act of Accession relative to these acceding countries; whereas, in conformity with Article 30 and Article 169 of the Act of Accession, and Annex II thereto, the Community initiatives should none the less proceed with the necessary adaptation of Community legislation;

Whereas it is therefore appropriate to adjust the quantitative limits contained in Regulation (EEC) No 3951/92 to take into account the probable accession of Austria, Finland and Sweden, and to use for this purpose, in order to take into account the existing trade flows, the total level of imports of the products concerned in each of the acceding countries during 1993, the last year for which complete statistical data are available, as a basis for adjustment;

Whereas, therefore, subject to the accession of Austria, Finland and Sweden and from the date of entry into force to the Act of Accession, the quantitative limits for 1995

set out in Annex II to Regulation (EEC) No 3951/92 should be replaced by the quantitative limits indicated in Annex I to this Regulation, which represent an increase equivalent to the actual quantities imported into the acceding countries in 1993, including an appropriate growth rate;

Whereas, following the entry into force of the Treaty on European Union and the change of name from 'European Economic Community' to 'European Community', it is also appropriate to reflect this change in the model export certificate contained in Annex III to Regulation (EEC) No 3951/92,

HAS ADOPTED THIS REGULATION:

Article 1

The Community quantitative limits set out in Annex II to Regulation (EEC) No 3951/92, for the year 1995, shall be replaced by the quantitative limits, for the enlarged Community, set out in Annex I to this Regulation.

Article 2

Annex III to Regulation (EEC) No 3951/92 shall be replaced by the Annex set out in Annex II to this Regulation.

The Taiwan Textile Federation shall be authorized, during a transitional period that will end on 30 June 1995, to continue issuing the model of the certificate in use in 1994.

Article 3

This Regulation shall enter into force on 1 January 1995 subject to the entry into force, on that date, of the Treaty concerning the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union.

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

Done at Brussels, 22 December 1994.

For the Council

The President

H. SEEHOFER

⁽¹⁾ OJ No L 405, 31. 12. 1992, p. 6. Regulation as last amended by Regulation (EC) No 217/94 (OJ No L 28, 2. 2. 1994, p. 1).

ANNEX I

ANNEX II

Group	Category	Unit	Limit 1995
I A	2	tonnes	5 851
I A	2a	tonnes	409
I A	3	tonnes	8 254
I A	3a	tonnes	735
I B	4	1 000 pieces	10 564
I B	5	1 000 pieces	20 752
I B	6	1 000 pieces	5 382
I B	7	1 000 pieces	3 325
I B	8	1 000 pieces	8 791
II A	20	tonnes	255
II A	22	tonnes	8 251
II A	23	tonnes	4 883
II B	12	1 000 pairs	35 340
II B	13	1 000 pieces	2 736
II B	14	1 000 pieces	3 611
II B	15	1 000 pieces	2 355
II B	16	1 000 pieces	420
II B	17	1 000 pieces	833
II B	18	tonnes	1 790
II B	21	1 000 pieces	5 752
II B	24	1 000 pieces	3 925
II B	26	1 000 pieces	3 110
II B	27	1 000 pieces	1 698
II B	28	1 000 pieces	1 908
II B	68	tonnes	606
II B	73	1 000 pieces	1 606
II B	77	tonnes	361
II B	78	tonnes	4 337
II B	83	tonnes	969
III A	33	tonnes	1 410
III A	35	tonnes	6 700
III A	37	tonnes	16 318
III B	10	1 000 pairs	21 981
III B	67	tonnes	1 397
III B	74	tonnes	258
III B	91	tonnes	1 198
III B	97	tonnes	1 093
III B	97a	tonnes	498
III B	110	tonnes	4 228'

The footnotes to Annex II to Regulation (EEC) No 3951/92 remain unchanged.

1 Exporter (name, full address, country) Exportateur (nom, adresse complète, pays)	ORIGINAL	2 No
	3 Quota year Année contingentaire	4 Category number Numéro de catégorie
5 Consignee (name, full address, country) Destinataire (nom, adresse complète, pays)	EXPORT CERTIFICATE (Textile products)	
	6 Country of origin Pays d'origine	7 Country of destination Pays de destination
8 Place and date of shipment - Means of transport Lieu et date d'embarquement - Moyen de transport	9 Supplementary details Données supplémentaires	
10 Marks and numbers - Number and kind of packages - DESCRIPTION OF GOODS Marques et numéros - Nombre et nature des colis - DÉSIGNATION DES MARCHANDISES	11 Quantity (¹) Quantité (¹)	12 FOB Value (²) Valeur fob (²)
	ORIGINAL FOR APPLYING IMPORT LICENCE ONLY	
13 CERTIFICATION BY THE COMPETENT AUTHORITY - VISA DE L'AUTORITÉ COMPÉTENTE I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the category shown in box No 4 by the provisions regulating trade in textile products with the European Economic Community. Je soussigné certifie que les marchandises désignées ci-dessus ont été imputées sur la limite quantitative fixée pour l'année indiquée dans la case 3 pour la catégorie désignée dans la case 4 dans le cadre des dispositions régissant les échanges de produits textiles avec la Communauté économique européenne.		
14 Competent authority (name, full address, country) Autorité compétente (nom, adresse complète, pays)	At - À on - le	
Taiwan Textile Federation TTF Building 22, Ai Kuo East Road Taipei, Taiwan Telex: *23143 TTFROC Taipei Cable add.: "TTFROC" Taipei Tel.: 341-7251	(Signature)	(Stamp - Cachet)

(¹) Show net weight (kg) and also quantity in the unit prescribed for category where other than net weight - Indiquer le poids net en kilogrammes ainsi que la quantité dans l'unité prévue pour la catégorie si cette unité n'est pas le poids net.
(²) In the currency of the sale contract - Dans la monnaie du contrat de vente.

COUNCIL REGULATION (EC) No 3313/94
of 22 December 1994

establishing a transitional regime applicable to the importation into Austria, Finland and Sweden of certain textile products falling under Regulations (EEC) No 3951/92, (EEC) No 3030/93 and (EC) no 517/94

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 3951/92 of 29 December 1992 on the arrangements for imports of certain textile products originating in Taiwan ⁽¹⁾, Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries ⁽²⁾ and Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules ⁽³⁾ establish annual quantitative limits on the importation into the Community of certain textile products originating in certain third countries;

Whereas, according to Article 2 of the Act concerning the conditions of accession and the adjustments to the Treaties on which the Union is founded ⁽⁴⁾, hereinafter referred to as the 'Act of Accession', the said Regulations and in particular the quantitative limits which the institute, duly adjusted, when necessary, to take into account the enlargement of the European Union, shall be applicable to the acceding countries, subject to their accession and from the date of entry into force of the Act of Accession;

Whereas, in order to ensure a smooth transition between the import regime that existed and will exist in the acceding countries before and after the accession, it appears appropriate to allow, under certain conditions, the importation of products covered by Annex I of Regulation (EEC) No 3951/92 originating in and shipped from Taiwan before 1 January 1995 and destined for Austria, Finland and Sweden, and to provide therefore that these imports, for a transitional period not exceeding 31 March

1995, should be exempted from the scope of application of the rules of Regulation (EEC) No 3951/92, provided that the products in question are presented for release for free circulation before that date in Austria, Finland and Sweden, are exclusively intended for domestic consumption in these countries and would have been admitted into the territory of the acceding country concerned under the national import regime that would have been applied to them before the date of accession;

Whereas, in order to ensure a smooth transition between the import regime that existed and will exist in the acceding countries before and after the accession, it appears appropriate to allow, under certain conditions, the importation of products covered by Annex I of Regulation (EEC) No 3030/93 originating in and shipped from one of the countries listed in Annex II of Regulation (EEC) No 3030/93 before 1 January 1995 and destined for Austria, Finland and Sweden, and to provide therefore that these imports, for a transitional period not exceeding 31 March 1995, should be exempted from the scope of application of the rules of Regulation (EEC) No 3030/93, provided that the products in question are presented for release for free circulation before that date in Austria, Finland and Sweden, are exclusively intended for domestic consumption in these countries and would have been admitted into the territory of the acceding country concerned under the national import regime that would have been applied to them before the date of accession;

Whereas, in order to ensure a smooth transition between the import regime that existed and will exist in the acceding countries before and after the accession, it appears appropriate to allow, under certain conditions, the importation of products covered by Annex I of Regulation (EC) No 517/94 originating in and shipped from one of the countries listed in Annex II of Regulation (EC) No 517/94 before 1 January 1995 and destined for Austria, Finland and Sweden, and to provide therefore that these imports, for a transitional period not exceeding 31 March 1995, should be exempted from the scope of application of the rules of Regulation (EC) No 517/94, provided that the products in question are presented for release for free circulation before that date in Austria, Finland and Sweden, are exclusively intended for domestic consumption in these countries and would have been admitted into the territory of the acceding country concerned under the national import regime that would have been applied to them before the date of accession,

⁽¹⁾ OJ No L 405, 31. 12. 1992, p. 6. Regulation as last amended by Regulation (EC) No 217/94 (OJ No L 28, 2. 2. 1994, p. 1).

⁽²⁾ OJ No L 275, 8. 11. 1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 195/94 (OJ No L 29, 2. 2. 1994, p. 1).

⁽³⁾ OJ No L 67, 10. 3. 1994, p. 1. Regulation as last amended by Regulation (EC) No 2798/94 (OJ No L 297, 18. 11. 1994, p. 6).

⁽⁴⁾ OJ No C 241, 29. 8. 1994, p. 1.

HAS ADOPTED THIS REGULATION :

Article 1

Products covered by Annex I to Regulation (EEC) No 3951/92 originating in and shipped from Taiwan before 1 January 1995 and destined for Austria, Finland and Sweden shall not be subject to the provisions of Regulation (EEC) No 3951/92, provided that the products in question are presented for release for free circulation before 31 March 1995 in Austria, Finland and Sweden, are exclusively intended for domestic consumption in these countries and would have been admitted into the territory of the acceding countries concerned under the national import regime that would have been applied to them before the date of accession.

Article 2

Products covered by Annex I to Regulation (EEC) No 3030/93 originating in and shipped from one of the countries listed in Annex II of Regulation (EEC) No 3030/93 before 1 January 1995 and destined for Austria, Finland and Sweden shall not be subject to the provisions of Regulation (EEC) No 3030/93, provided that the products in question are presented for release for free circulation before 31 March 1995 in Austria, Finland and Sweden, are exclusively intended for domestic consumption in these countries and would have been admitted into the territory of the acceding countries concerned under the national import regime that would have been applied to them before the date of accession.

All products imported after the date of accession into the territory of the new Member States to which the Treaty establishing the European Community applies shall be subject to the provisions of Regulation (EEC) No 3030/93 and in particular to the quantitative limits established thereunder pending the signature and approval of the protocols amending the existing bilateral agreements or arrangements to take into account the accession of Austria, Finland and Sweden to the European Union provided for in Articles 75, 100 and 127 of the Act of Accession.

Article 3

Products covered by Annex I to Regulation (EC) No 517/94 originating in and shipped from one of the countries listed in Annex II of Regulation (EC) No 517/94 before 1 January 1995 and destined for Austria, Finland and Sweden shall not be subject to the provisions of Regulation (EC) No 517/94, provided that the products in question are presented for release for free circulation before 31 March 1995 in Austria, Finland and Sweden, are exclusively intended for domestic consumption in these countries and would have been admitted into the territory of the acceding countries concerned under the national import regime that would have been applied to them before the date of accession.

Article 4

This Regulation shall enter into force on 1 January 1995, subject to the entry into force on that date of the Treaty concerning the accession of Austria, Finland and Sweden to the European Union.

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

Done at Brussels, 22 December 1994.

For the Council

The President

H. SEEHOFER

COUNCIL REGULATION (EC) No 3314/94
of 22 December 1994
amending the Regulation (EEC) 1101/89 on structural improvements in inland
waterway transport

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the 1994 Act of Accession, and in particular Article 169 thereof,

Having regard to the proposal of the Commission,

Whereas the Council Regulation (EEC) No 1101/89 of 27 April 1989 on structural improvements in inland waterway transport⁽¹⁾, introduces a vessel-scapping scheme;

Whereas by Regulation (EC) N 844/94⁽²⁾ amending Regulation (EEC) No 1101/89, the Council specified the definition of vessels belonging to the active fleet by adding a new criterion consisting of the condition of having paid, for the vessel concerned, at least three times the annual contribution referred to in Article 4 of Regulation (EEC) No 1101/89;

Whereas this new criterion does not allow the inland waterway transporters of a new Member State, during the first three years following its accession, to propose the vessels of its fleet for scrapping and their use as compensation tonnage under Article 8 (1) of Regulation (EEC) No 1101/89; whereas as a consequence, it is necessary to provide for a derogation from this criterion for this period for the vessels of the fleet of a new Member State on the condition that, on 28 April 1994, the date on which Regulation (EC) No 844/94 entered into force, they were

registered in that State and used by a company established there;

Whereas pursuant to Article 2 (3) of the 1994 Treaty of Accession, the institutions of the European Community may adopt, before accession, the measures referred to in Article 169 of the Act of Accession such measures entering into force as from the date of entry into force of the said Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

In Regulation (EEC) No 1101/89 the following indent shall be inserted after the third subparagraph of Article 5 (1):

'The conditions of payment set out in Article 5 (1), third indent, introductory section, shall not apply, during a period of three years following the accession of a new Member State, to vessels belonging to the active fleet of that State which, on 28 April 1994, were registered and used by a company established there. The contribution specified in Article 4 (1) must, however, be paid for these vessels as from accession.'

Article 2

This Regulation shall enter into force on the same date as the 1994 Treaty of Accession.

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

Done at Brussels, 22 December 1994.

For the Council

The President

H. SEEHOFER

⁽¹⁾ OJ No L 116, 28. 4. 1989, p. 25. Regulation as last amended by Commission Regulation (EC) No 2812/94 (OJ No L 298, 19. 11. 1994, p. 22).

⁽²⁾ OJ No L 98, 16. 4. 1994, p. 1.

COUNCIL REGULATION (EC) No 3315/94

of 22 December 1994

amending Regulation (EEC) No 3118/93 laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the 1994 Act of Accession, and in particular Article 169 thereof,

Having regard to the proposal from the Commission,

Whereas pursuant to the Accession of Austria, Finland and Sweden, Regulation (EEC) No 3118/93⁽¹⁾ of 25 October 1993 should be amended in order to allocate and appropriate number of Community cabotage authorizations to Austria, Finland and Sweden;

Whereas by virtue of Article 13 of Protocol No 9 on road, rail and combined transport in Austria as annexed to the 1994 Act of Accession, Regulation (EEC) No 3118/93 shall only apply from 1 January 1997 to: (a) hauliers with a Community authorization issued by the competent authorities in Austria for the operation of national road haulage services in other Member States, and (b) hauliers with a Community authorization issued by the competent authorities in another Member State for the operation of national road haulage services in Austria;

Whereas the enlargement of the Community will result in an increase of the road haulage market; whereas an addition number of Community cabotage authorizations should therefore be fixed for the twelve present Member States;

Whereas, by reason of accession, a number of technical adjustments should also be made to Regulation (EEC) No 3118/93;

Whereas it is necessary to continue, temporarily, arrangements set up in the framework of the Agreement on the European Economic Area (EEA), so that the cabotage authorizations for the beginning of 1995 can be printed in due time;

Whereas by virtue of Article 2 (3) of the 1994 Treaty of Accession, the institutions of the Communities may adopt, before accession, the measures pursuant to Article 169 of the 1994 Act, such measures entering into

force subject to, and on the date of, the entry into force of the said Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3118/83 is hereby amended as follows:

1. In Article 2 (1), the third subparagraph shall be replaced by the following:

'A Community cabotage quota shall consist of cabotage authorizations, each valid for two months, in accordance with the following table:

<i>Year</i>	<i>Number of authorizations</i>
1994	30 000
1995	46 296
1996	60 191
1997	83 206
1 January to 30 June 1998	54 091'

2. The table in Article 2 (3) shall be replaced by the following:

	1995	1996	1997	1 January to 30 June 1998
'Belgium	3 647	4 742	6 223	4 045
Denmark	3 538	4 600	6 037	3 925
Germany	5 980	7 774	10 203	6 632
Greece	1 612	2 096	2 751	1 789
Spain	3 781	4 916	6 452	4 194
France	4 944	6 428	8 436	5 484
Ireland	1 645	2 139	2 808	1 826
Italy	4 950	6 435	8 445	5 490
Luxembourg	1 699	2 209	2 899	1 885
Netherlands	5 150	6 695	8 786	5 711
Austria	0	0	4 208	2 736
Portugal	2 145	2 789	3 661	2 380
Finland	1 774	2 307	3 029	1 969
Sweden	2 328	3 027	3 973	2 583
United Kingdom	3 103	4 034	5 295	3 442'

(¹) OJ No L 279, 12. 11. 1993, p. 1.

3. The texts at the top of pages (a) and (b) of Annexes I and II shall be replaced by the following:

'(Text to be worded in the official language(s) or one of the official languages of the Member State issuing the authorization)'

Pages (c), (d), (e) and (f) shall subsequently be deleted.

4. The centre of page (a) of Annexes I and II shall be replaced by the following:

'CABOTAGE Authorization No ...

for the national carriage of goods by road in a Member State of the European Community performed by a non-resident carrier (cabotage).

This authorization entitles

.....

.....⁽²⁾

to carry goods by means of a motor vehicle or a coupled combination of vehicles, within a Member State of the European Community other than that in which the holder of this authorization is established, and to move such vehicle or combination unladen over any part of the territory of the aforesaid Community, as laid down in Regulation (EEC) No 3118/93 and subject to the general provisions of this authorization.'

5. Footnote 1 on page (a) of Annexes I, II and III shall be replaced by the following:

'⁽¹⁾ Distinguishing signs of the country:

Belgium (B), Denmark (DK), Germany (D), Greece (GR), Spain (E), France (F), Ireland (IRL), Italy (I), Luxembourg (L), Netherlands (NL), Austria (A), Portugal (P), Finland (FIN), Sweden (S), United Kingdom (GB) (as from 1 January 1996: UK).'

6. The text at the top of pages (a) and (b) of Annex III shall be replaced by the following:

'(Text to be worded in the official language(s) or one of the official languages of the Member State issuing the book).'

7. The heading 'Column 6' on page (c) of Annex III shall be replaced by the following:

'Column 6: use the following distinguishing signs:

— Belgium : B
— Denmark : DK

— Germany : D
— Greece : GR
— Spain : E
— France : F
— Ireland : IRL
— Italy : I
— Luxembourg : L
— Netherlands : NL
— Portugal : P
— Finland : FIN
— Sweden : S
— United Kingdom : GB (as from 1 January 1996: UK)
and from 1 January 1997 :
— Austria : A.'

8. Annex IV shall be replaced by the Annex to this Regulation.

Article 2

1. Until 30 June 1995, the cabotage authorizations to be used by hauliers established in the present Member States shall correspond to the models in Annexes I and II of Regulation (EEC) No 3118/93. Until the same date, the cabotage authorizations to be used by hauliers established in Finland and Sweden shall correspond to the models in Annexes I and II of Appendix 2 to Annex XIII to the EEA Agreement, as amended by Decision 7/94 of the EEA Joint Committee⁽¹⁾.

2. The present Member States may authorize the use of books for record sheets specified in Annex III of Regulation (EEC) No 3118/93 until 31 December 1995 at the latest; the other Member States shall accept these books of record sheets on their territory until 31 December 1995. Until the same date, Finland and Sweden may authorize the use of books of record sheets specified in Annex III of Appendix 2 to Annex XIII to the EEA Agreement, as amended by Decision 7/94 of the EEA Joint Committee.

Article 3

This Regulation shall enter into force on the date of entry into force of the 1994 Treaty of Accession.

⁽¹⁾ OJ No L 160, 28. 6. 1994, p. 1.

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

Done at Brussels, 22 December 1994.

For the Council

The President

H. SEEHOFER

ANNEX

ANNEX IV

TRANSPORT OPERATIONS CARRIED OUT IN (QUARTER) (YEAR) UNDER COVER OF COMMUNITY CABOTAGE AUTHORIZATIONS ISSUED BY (DISTINGUISHING SIGN OF THE COUNTRY)

Country of loading and unloading	Number of	
	Tonnes carried	Tonnes-kilometres worked (in thousands)
D		
F		
I		
NL		
B		
L		
GB ⁽¹⁾		
IRL		
DK		
GR		
E		
P		
FIN		
S		
A ⁽²⁾		
Total cabotage :		

⁽¹⁾ As from 1 January 1996: UK.

⁽²⁾ Information on Austria only to be supplied as from the first quarter of 1997.

COUNCIL REGULATION (EC) No 3316/94

of 22 December 1994

amending Council Regulation (EC) No 355/94 by introducing a temporary derogation applicable to Austria with regard to reliefs from customs duties

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the 1994 Treaty of Accession and in particular Article 2 (3) thereof, and the 1994 Act of Accession and in particular Article 151 (2) thereof,

Having regard to the proposal from the Commission,

Whereas, on 5 September 1994, the Republic of Austria requested a derogation based on that applicable from 1 April 1994 to the Federal Republic of Germany pursuant to the second paragraph of Article 2 of Council Regulation (EC) No 355/94 of 14 February 1994 amending Regulation (EEC) No 918/83 setting up a Community system of reliefs from customs duties⁽¹⁾ and increasing the level of allowances for travellers coming from third countries;

Whereas that request is aimed in particular at maintaining until 1 January 1998 the limit currently applicable in the Republic of Austria to imports of goods by travellers entering its territory by a land frontier linking it to countries other than Member States and members of the European Free Trade Association (EFTA);

Whereas account should be taken of the economic difficulties likely to be caused in the Republic of Austria by the amount of the allowances in the case of the travellers concerned;

Whereas, however, it is necessary to prevent distortions of competition resulting from the application of different limits when the external frontiers linking the Community

to countries other than EFTA members are crossed; whereas it is important that the Federal Republic of Germany and the Republic of Austria should apply the same limit to imports of goods into their respective territories by travellers coming from the said countries,

HAS ADOPTED THIS REGULATION:

Article 1

The second paragraph of Article 2 of Regulation (EC) No 355/94 shall be replaced by the following:

'However, with regard to the Federal Republic of Germany and the Republic of Austria, this Regulation shall apply from 1 January 1998 for goods imported by travellers entering German or Austrian territory by a land frontier linking Germany or Austria to countries other than Member States and the EFTA members or, where applicable, by means of coastal navigation coming from the said countries.

However, those Member States shall apply an allowance of not less than ECU 75 to imports by the travellers referred to in the preceding paragraph from the entry into force of the 1994 Treaty of Accession.'

Article 2

This Regulation shall enter into force on the same date as the 1994 Treaty of Accession.

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

Done at Brussels, 22 December 1994.

For the Council

The President

H. SEEHOFER

⁽¹⁾ OJ No L 46, 18. 2. 1994, p. 5.

COUNCIL REGULATION (EC) No 3317/94

of 22 December 1994

laying down general provisions concerning the authorization of fishing in the waters of a third country under a fisheries agreement

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the Opinion of the European Parliament ⁽²⁾,

Having regard to the Opinion of the Economic and Social Committee ⁽³⁾,

Whereas, under Article 17 of Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits ⁽⁴⁾, the Council is required to take a decision on the general provisions concerning fishing permits applicable to Community fishing vessels operating in the waters of a third country under a fisheries agreement between the Community and that country;

Whereas, in order to ensure the effective and transparent management of fishing activities carried on by Community vessels under fishing agreements between the Community and third countries, it is necessary that each Member State should act to authorize those of its fishing vessels which have obtained a third-country fishing licence to carry on such activities and whereas fishing in third-country waters without such a licence must be prohibited in order that the Community's commitments *vis-à-vis* third countries may be honoured;

Whereas it is necessary to lay down the procedures to be followed by the Commission and the flag Member State to enable these activities to be managed, and to draw up the rules for implementing the said procedures,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down general provisions concerning fishing by Community fishing vessels in the waters of a third country under a fisheries agreement between the Community and that country, where such activities are made subject to the requirement of a fishing licence from that third country.

2. Only Community fishing vessels with a valid fisheries-agreement fishing permit may carry on their fishing

activities in the waters of a third country under a fisheries agreement between the Community and that country.

Article 2

For the purposes of this Regulation:

- (a) 'third-country fishing licence' shall mean a permit, in any form whatsoever, from the third country to carry on fishing activities in its fishing waters;
- (b) 'fisheries-agreement fishing permit' shall mean a fishing authorization, in any form whatsoever, granted to a Community fishing vessel by the flag Member State, under a fisheries agreement between the Community and a third country, to supplement the fishing licence referred to in Article 1 of Regulation (EC) No 3690/93 ⁽⁵⁾, which enables that vessel to carry on the fishing activities referred to in (a).

Article 3

The flag Member State shall grant and manage the fisheries-agreement fishing permits for fishing vessels flying its flag in accordance with the conditions laid down in this Regulation.

Article 4

1. The flag Member State shall not grant a fisheries-agreement fishing permit if the fishing vessel concerned does not have a fishing licence in accordance with Regulation (EC) No 3690/93 or if that licence has been temporarily or definitively withdrawn in accordance with Article 5 of that Regulation. Fisheries-agreement fishing permits already granted shall become null and void where the fishing licence issued to a given fishing vessel has been withdrawn definitively; it shall be suspended where the licence has been withdrawn temporarily.

2. The flag Member State shall immediately grant a fisheries-agreement fishing permit where the fishing vessel concerned has received a third-country fishing licence.

Article 5

1. The flag Member State shall send the Commission all applications for the issue to vessels flying its flag of third-country fishing licences to carry on fishing activities

⁽¹⁾ OJ No C 310, 16. 11. 1993, p. 13.

⁽²⁾ OJ No C 20, 24. 1. 1994, p. 54.

⁽³⁾ OJ No C 34, 2. 2. 1994, p. 73.

⁽⁴⁾ OJ No L 171, 6. 7. 1994, p. 7.

⁽⁵⁾ OJ No L 341, 31. 12. 1993, p. 93.

under the fishing possibilities granted to the Community pursuant to a fisheries agreement with a third country. It shall ensure that the applications comply with the terms of the agreement and with Community rules.

2. The Commission shall examine the applications from each Member State in the light of the fishing possibilities allocated to it pursuant to Community provisions and any conditions laid down in the fisheries agreement applicable to Community vessels. The Commission shall, no later than 10 working days from the date on which the Member State's application was received, or within the time limits laid down by the fisheries agreement, send to the third country concerned the applications for the issue of a third-country fishing licence to Community vessels wishing to carry on their fishing activities in its waters. Should the examination of an application by the Commission reveal that it does not meet the conditions laid down in this paragraph, the Commission shall immediately inform the Member State concerned that it cannot transmit all or part of the said application to the third country concerned, giving its reasons.

3. The Commission shall immediately inform the flag Member State of the fact that the third country concerned has granted a fishing licence to carry on fishing activities or of the third country's decision not to grant such a licence. In the latter case, the Commission shall carry out the relevant checks in consultation with the flag Member State and the third country concerned.

Article 6

1. Where the third country notifies the Commission that it has decided to suspend or withdraw a fishing licence in respect of a fishing vessel flying the flag of a Member State, the Commission shall forthwith inform the flag Member State thereof. The Commission shall carry out the relevant checks, in accordance with the procedures laid down in the fisheries agreement where appropriate, in consultation with the flag Member State and with the third country concerned and inform the flag Member State and, where appropriate, the third country of the outcome.

2. The suspension by a third country of a fishing licence which it has granted to the vessel concerned shall entail the suspension of the fisheries-agreement fishing

permit by the flag Member State for the entire period of suspension of the licence.

3. Where the fishing licence is withdrawn definitively by the third country, the flag Member State shall immediately withdraw the fisheries-agreement fishing permit granted to the vessel concerned.

Article 7

The flag Member State shall complete the record(s) referred to in Article 6 of Regulation (EC) No 3690/93 and enter therein all the data relating to the fisheries-agreement fishing permits which it has issued, insofar as the data have not already been collected under Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the fishing vessel register of the Community⁽¹⁾.

Article 8

Member States shall appoint the competent authorities for granting fisheries-agreement fishing permits and adopt appropriate measures to ensure that the system is effective. They shall notify to the other Member States and the Commission the name and address of these authorities. They shall inform the Commission of the measures taken not later than six months after this Regulation has come into force and, if any changes occur, as soon as possible.

Article 9

Detailed rules for applying Articles 5 and 6 shall be adopted in accordance with the procedure laid down in Article 18 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture⁽²⁾.

Article 10

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 1 January 1995.

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

Done at Brussels, 22 December 1994.

For the Council

The President

H. SEEHOFER

⁽¹⁾ OJ No L 19, 22. 1. 1994, p. 5.

⁽²⁾ OJ No L 389, 31. 12. 1992, p. 1.

COUNCIL REGULATION (EC) No 3318/94
of 22 December 1994
amending Regulation (EEC) No 3759/92 on the common organization of the
market in fishery products and aquaculture

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the accession of certain new members to the Union will require changes in the rules on the recognition of producers' organizations and amendments to the list of species eligible under the intervention mechanisms of the common organization of the market;

Whereas the producers' organizations are the pivot on which the common organization of the market turns; whereas, given current adverse market conditions, their role must be strengthened so that they can implement more quickly the measures to regulate supply and stabilize prices; whereas for this purpose the validity of any decisions taken by the Member States obliging non-members of these organizations to comply with their rules must be checked after the event;

Whereas, should the market be seriously disturbed, the activities of the producers' organizations must be supported so that the effectiveness of the measures adopted by them can be ensured to the greatest possible extent; whereas, to this end, non-members who trade within the area of activity of a representative producers' organization must be obliged to comply with the rules adopted by the said organization as regards restricting supply, in so far as provisions are adopted pursuant to Articles 22, 23 and 24 of Regulation (EEC) No 3759/92 ⁽⁴⁾, and in respect of the products concerned; whereas in this case the Member States must grant these non-members an indemnity under certain conditions;

Whereas, for various reasons, the average prices of the most important products have suffered an appreciable and lasting fall on the Community market; whereas this trend has a significant effect on producers' income; whereas, while continuing to observe the Community's international obligations, measures should accordingly be adopted that can better match supply to the needs of the market so that a fair income for producers can be ensured as far as possible; whereas encouraging the producers' organizations to improve the quality of their products contributes to the achievement of these aims; whereas specific recognition giving right to financial aid under certain circumstances must be provided for so as to assist the initiatives of the producers' organizations in this regard;

Whereas, in applying the Community withdrawal or selling prices for the products listed in Annex I, the producers' organizations may make use of a 10 % margin of tolerance above and below the said prices; whereas, when the said products are being imported, account must be taken when comparing the free-at-frontier price and the reference price of any use by the producers' organization of the 10 % tolerance margin below the Community prices; whereas the use of this lower tolerance margin must not be permitted where imports of the products in question are required to observe the reference price or are subject to a countervailing charge;

Whereas in a turbulent market the producers' organizations are frequently required to deal with significant withdrawals of certain products, which is likely to adversely affect their liquidity and thus their ability to implement other market support measures; whereas provision should accordingly be made for special financial compensation, under certain conditions, once significant withdrawals occur over a limited period;

Whereas, in the case of the tuna market, the supply requirements of the Community industry and the need to protect the income of producers justifies maintaining the tariff status of the products in question and the compensatory mechanism in accordance with the provisions in force; whereas, to ensure that production does not develop abnormally, with a consequent deterioration in associated costs, the conditions under which the said mechanism is triggered should be reviewed; whereas, furthermore, in the light of experience, the compensatory allowance scheme should be simplified so as to reduce the length of time required for payment of the allowance to the producers' organizations eligible for it,

⁽¹⁾ OJ No C 298, 26. 10. 1994, p. 18.

⁽²⁾ Opinion delivered on 15 December 1994 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 23 November 1994 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 388, 31. 12. 1992, p. 1.

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 3759/92 is hereby amended as follows :

1. The following Article shall be inserted after Article 4 :

Article 4a

Member States may exclusively recognize a producers' organization for a special area of activity if it is found to be representative under the terms of Article 5 (1).'

2. Article 5 (2) shall be replaced by the following :

'2. Before their decision enters into force, Member States shall notify to the Commission the rules which they intend to make obligatory pursuant to paragraph 1.

Where the Commission is unsure as to validity of the decision, it may ask the Member State in question within one month of receipt of the said notification to suspend application of the decision in whole or in part. In this case and within two months from that same date, the Commission :

- shall confirm that the rules notified may be made obligatory,
- or
- by means of a reasoned decision, declare null and void the extension of the rules decided by the Member State where it finds them to be incompatible with Community law. In this case the Commission decision shall apply from the date on which the request to suspend the rules was sent to the Member State.

The Commission shall inform the other Member States promptly at each stage of the procedure foreseen in this paragraph.'

3. The following Article shall be inserted after Article 5 :

Article 5a

1. Non-members who market, within the area for which a producers' organization is representative, one or more products for which measures have been adopted pursuant to Article 22, 23 or 24 of this Regulation may, for the period in which the said measures apply, be required to comply with the rules referred to in Article 5 (1) (a) and (b), should the producers'

organization concerned apply them to the products in question.

In this case the Member States may apply Article 5 (4) and (5) and grant non-members an indemnity under the terms laid down in Article 6.

2. At the start of each fishing year, the Member States shall prepare and notify to the Commission the updated list of the producers' organizations that fulfil the conditions for representativeness and the corresponding areas for which they are representative.

This list shall be published as an annex to the measures adopted by the Commission pursuant to Article 22, 23 or 24.'

4. The following chapter shall be inserted in Title II :

'Chapter 3

Specific measures to improve product quality

Article 7a

1. The Member States may grant specific recognition to producers' organizations as referred to in Article 4 (1) that market the products for which common marketing standards have been laid down by Regulations (EEC) No 103/76 (*) and (EEC) No 104/76 (**) and that have submitted a plan to improve the quality and the marketing of the products approved by the competent national authorities.

2. The primary purpose of the plan referred to in paragraph 1 shall be to include all stages of the production and marketing of the plan, shall provide for the following in particular :

- a marked improvement in the quality of products on board,
- optimal quality maintenance during unloading, transport and marketing of the products,
- application of adequate improvements shall have, in principle, an innovative nature.

3. The Member States shall forward to the Commission the plans that the producers' organizations submit to them. These plans may not be approved by the competent authority in the Member State until they have been sent to the Commission and 60 days have subsequently elapsed during which the Commission can request changes or reject the plan.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 32.

Article 7b

1. Article 7 notwithstanding, the Member States may grant the producers' organizations that have been specifically recognized under Article 7a (1) aid to facilitate the implementation of their plans to improve quality and marketing, unless the improvement is necessary to fulfil statutory requirements.

Entitlement to the aid in question shall be for the three years following the date on which specific recognition was granted.

2. The aid in the first, second and third years may not exceed 3 %, 2 % and 1 % respectively of the production value of the products covered by the plan and marketed by the producers' organizations. As a percentage of the research and administrative costs allocated by the organization to carry out the plan the aid may not be greater than 60 % in the first year, 50 % in the second year and 40 % in the third year.

The aid shall be paid in the year following that for which it was approved.

Fifty per cent of the aid granted shall be refunded by the European Agricultural Guidance and Guarantee Fund, Guidance Section.

3. The Member State shall monitor the implementation of the plans to improve quality and marketing which they have approved.

Each year they shall send the Commission, along with their application for payment of the Community contribution, a report describing progress as regards improvements in quality for each producers' organization benefiting from the specific recognition provided for in Article 7a.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 32.

(¹) OJ No L 20, 28. 1. 1976, p. 29. Regulation as last amended by Regulation (EEC) No 1935/93 (OJ No L 176, 20. 7. 1993, p. 2).

(²) OJ No L 20, 28. 1. 1976, p. 35. Regulation as last amended by Regulation (EEC) No 3162/91 (OJ No L 300, 31. 10. 1991, p. 1).

5. The following subparagraph shall be added to Article 12 (1) (a) and Article 14 (1):

'The 10 % margin of tolerance below the Community price may not be applied to products whose importa-

tion is subject to the terms of Article 22 (4) (b) and (c);'

6. The following Article shall be inserted after Article 12:

'Article 12a

1. Where, in a given calendar month, the withdrawals effected by a producers' organization, due to exceptional circumstances beyond their control, reach, in the case of a product listed in Annex I A or D, 10 % of the quantities of the said product placed on sale in the same month pursuant to the rules adopted by the producers' organization in accordance with Article 4 (1), the Member State shall grant the producers' organization concerned which so requested it special financial compensation, equivalent to 93 % of the withdrawal price applied by the said organization, for the quantities of the product in question withdrawn from the market which do not exceed 14 % of the quantities placed on sale in the month in question.

Eligibility for this special financial compensation shall be granted subject to compliance with the terms and rules laid down in Article 12 (1), (2), (4) and (5), except for the increase mentioned in Article 12 (1) (c), which shall be reduced to five.

Special financial compensation may not be granted for more than two successive calendar months and may be granted only for a maximum of three calendar months over the whole fishing year.

The quantities accepted for special financial compensation shall not be eligible for the financial compensation provided for in Article 12, nor for the carry-over aid provided for in Article 14.

2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 32.'

7. The word 'canning' in the heading of Chapter 3 of Title III shall be replaced by 'processing'.

8. Article 17 shall be replaced by the following:

'Article 17

1. The Council, acting by qualified majority on a proposal from the Commission, shall fix for each of the products listed in Annex III a Community producer price before the start of the fishing year. This price shall be established in accordance with the first and second indents of Article 9 (2).

In fixing this price, account shall also be taken of the need to

- consider the supply conditions for the Community processing industry,
- help support producers' incomes,
- avoid the creation of surpluses in the Community.

These prices shall apply throughout the Community and shall be fixed for each fishing year.

2. The Member States shall notify the Commission of the average prices recorded at representative wholesale markets or ports for products of Community origin as referred to in paragraph 1 which have defined commercial characteristics.

3. For the purposes of paragraph 2, the representative markets and ports in the Member States shall be those where a significant proportion of Community tuna production is marketed.

4. Detailed rules for the application of this Article, in particular the fixing of conversion factors for the various species, sizes and presentations of tuna and a list of the representative markets and ports referred to in paragraph 3, shall be adopted in accordance with the procedure laid down in Article 32.'

9. Article 18 shall be replaced by the following :

Article 18

1. An allowance may be granted to the producers' organizations for the quantities of products listed in Annex III caught by their members, then sold and delivered to processing industries established within the customs territory of the Community and intended for the industrial manufacture of products falling within CN code 1604. This allowance shall be granted when, for a given quarter,

- the average selling price recorded on the Community market
- and
- the free-at-frontier price referred to in Article 22 plus, where appropriate, the applicable counter-vailing charge

are both lower than a triggering threshold equivalent to 91 % of the Community producer price for the product in question.

The Member States shall prepare or update and notify to the Commission the list of the industries referred to in this paragraph before the start of each fishing year.

2. The amount of the allowance in any case may not exceed :

- either the difference between the triggering threshold and the average selling price of the product in question on the Community market,
- or a flat-rate amount equivalent to 12 % of this threshold.

3. The maximum total quantity of each of the products eligible for the allowance shall be limited to an amount equal to the average of the quantities sold and delivered, under the terms set out in paragraph 1, during the equivalent quarter in the three fishing years preceding the quarter for which the allowance is paid.

4. The amount of the allowance granted to each producers' organization shall be equal to :

- the ceiling laid down in paragraph 2 for the quantities of the product in question which have been disposed of in accordance with paragraph 1 and which do not exceed the average of the quantities sold and delivered under the same conditions by its members in the equivalent quarter in the three fishing years preceding the quarter for which the allowance is paid,
- 50 % of the ceiling laid down in paragraph 2 for the quantities of the product in question which exceed the quantities referred to in the first indent and which are equal to the surplus of the quantities resulting from the allocation of the quantities eligible pursuant to paragraph 3 among the producers' organizations.

The allocation shall be made proportionally between the producers' organizations in question on the basis of their respective average production in the equivalent quarter in the three fishing years preceding the quarter for which the allowance is paid.

5. The producers' organizations shall allocate the allowance granted to their members proportionally on the basis of the quantities produced by them and sold and delivered in accordance with paragraph 1.

6. Detailed rules for the application of this Article, in particular the amount and the conditions under which the allowance is granted, shall be adopted in accordance with the procedure laid down in Article 32.'

10. Annex I, point D is hereby replaced by the entry set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 22 December 1994.

For the Council
The President
H. SEEHOFER

ANNEX

ANNEX I

CN codes	Descriptions
D. Live, fresh or chilled products or products cooked by steaming or by boiling in water :	
ex 0306 23 10 ex 0306 23 31 and ex 0306 23 39	Shrimps of the species <i>Crangon crangon</i> and Deep-water prawn (<i>Pandalus borealis</i>)

COUNCIL REGULATION (EC) No 3319/94

of 22 December 1994

imposing a definitive anti-dumping duty on imports of urea ammonium nitrate solution originating in Bulgaria and Poland, exported by companies not exempted from the duty, and collecting definitively the provisional duty imposed

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 12 thereof,

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

Whereas :

A. PROVISIONAL MEASURES

- (1) The Commission, by Regulation (EC) No 1506/94⁽²⁾ (hereinafter referred to as the 'provisional duty Regulation'), imposed a provisional anti-dumping duty on imports into the Community of urea ammonium nitrate solution ('UAN') originating in Bulgaria and Poland, and falling within CN code 3102 80 00.
- (2) By Regulation (EC) No 2620/94⁽³⁾, the Council extended the validity of this duty until 31 December 1994.

B. SUBSEQUENT PROCEDURE

- (3) Following the imposition of the provisional anti-dumping duty,
 - the Bulgarian exporter, Chimimport, and the Bulgarian producer, Agropolychim Devnia,
 - the Polish exporter, CIECH, and the two Polish producers, Z.A. Kedzierzyn and Z.A. Pulawy,
 - the European Fertilizer Import Association ('EFIA'), and
 - the European Fertilizer Manufacturer Association ('EFMA'), i.e. the complainants,

submitted comments in writing. Parties who so requested were granted an opportunity to be heard by the Commission.

- (4) Upon request, parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping measures and the definitive collection of amounts secured by way of a provisional duty. They were also granted a reasonable period within which to make representations subsequent to the disclosure.
- (5) The parties' comments were considered, and the Commission altered its conclusions where deemed appropriate.
- (6) Owing to the complexity of the case, in particular due to the number of producers located in the Community and due to the fact that the Polish producers and exporter, as well as the producers located in the analogous country, were newly operating under market economy conditions, the investigation overran the normal duration of one year provided for in Article 7 (9) (a) of Regulation (EEC) No 2423/88 (hereafter referred to as the 'basic Regulation').

C. PRODUCT UNDER INVESTIGATION; LIKE PRODUCT

- (7) As no comments have been presented by any party regarding the product under consideration and the like product after the imposition of provisional anti-dumping measures, the findings set out in recitals 9 and 10 of the provisional duty Regulation are hereby confirmed.

D. DUMPING

1. Bulgaria

- (8) No new issues were raised by the Bulgarian interested parties concerning the determination of dumping. Therefore, the conclusions reached at the provisional stage are hereby confirmed.

The dumping margin for Bulgarian imports is therefore definitively determined at a level of 33,3 % expressed as a percentage of the free-Community frontier price.

⁽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 162, 30. 6. 1994, p. 16.

⁽³⁾ OJ No L 280, 29. 10. 1994, p. 1.

2. Poland

(a) Normal value

- (9) One Polish producer, Z.A. Pulawy ("ZAP"), as for the provisional determination, has submitted that the Commission should base the determination of normal value on the cost of production information specifically prepared by the company for its response to the questionnaire. However, ZAP did not supply any supporting information to show that this information better reflected the company's cost situation than its general cost accounting data.

With respect to certain substantial monthly variations in ZAP's unit cost of production as contained in the company's general cost accounting data, the company submitted supporting documentation after the imposition of the provisional anti-dumping measures. However, the company was not in a position to explain the underlying reasons for the cost variations in any satisfactory manner.

In these circumstances, it is considered that the cost of production information as contained in this producer's internal cost accounting records for the nine months during which the substantial variations did not occur, is representative and that the determination of the constructed normal value at the definitive stage should be based thereon.

(b) Export price

- (10) One producer, Z.A. Kedzierzyn ("ZAK"), has submitted that adjustments made by the Commission, in the light of the missing and contradictory information received, to certain export transaction prices at the provisional stage in order to take into account commissions paid to the exporter via which the sales transactions were made, were not justified. However, ZAK did not submit any information in support of this claim showing that the approach taken by the Commission at the provisional stage was not appropriate. Therefore, the approach taken at the provisional stage is hereby maintained with respect to ZAK's export price.
- (11) The other producer, i.e. ZAP, has made a submission concerning the completeness of the reporting of its export sales transactions. At the provisional stage, the Commission had not considered the reporting complete on the basis of the information available. However, at the definitive stage, in the light of the additional and conclusive information provided, it is considered appropriate to alter this approach and to base ZAP's export price on the information submitted without making the adjustment made at the provisional stage.

(c) Comparison

- (12) ZAP has requested that certain adjustments should be made in comparing its constructed normal value

to its export price. It should be noted that such adjustments can be granted in accordance with Article 2 (9) and (10) of the basic Regulation if there are differences affecting price comparability. In such circumstances, any claim must be proved to be justified. ZAP has not submitted any such justification, any quantification of its claim nor any supporting documentation. Therefore this claim has not been accepted.

(d) Conclusion

- (13) In the light of the approaches and conclusions set out above with respect to the determination of normal value, the export price and the comparison between the two, the dumping margins at the definitive stage expressed as a percentage of the free-at-Community frontier level are set at the following level:

ZAK : 40 %

ZAP : 27 %.

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

In this connection, it is considered that the highest dumping margin determined with regard to a producer which had cooperated in the framework of this investigation was appropriate.

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

3. General

- (15) In view of the approach taken with respect to the determination of the normal value for Bulgaria and Poland described above, the Commission considers it necessary to provide for a review of the measures imposed in this Regulation after one year if changes in the production cost structure of the producers located in the exporting countries warrant such a review.

E. INJURY

1. Volume of Community market

- (16) Concerning total Community consumption of UAN, no new information was received after the imposition of the provisional anti-dumping

measures. Therefore the size of this market provisionally established, i.e. 2,8 million tonnes in 1992 as well as in the investigation period measures in UAN with a nitrogen content of 32 %, is hereby confirmed.

2. Cumulation of dumped Bulgarian and Polish imports

- (17) Based on Community import statistics, the Bulgarian exporter and the Bulgarian producer have reiterated the argument already put forward at the provisional stage, namely that imports into the Community originating in Bulgaria should not have been cumulated with those of Poland (see recital 32 of the provisional duty Regulation).
- (18) It should be noted that Bulgarian imports of UAN in the investigation period represented a Community market share of about 7 %.

Given the justification provided in the provisional duty Regulation (see recitals (33) and (34) of that Regulation) and the market position reached by Bulgarian imports, it is hereby concluded at the definitive stage that all the elements that justify the cumulation of imports for the purposes of the injury assessment, notably a parallel trend in volumes and prices are present in this proceeding. In particular, neither the level of imports into the Community of UAN originating in Bulgaria or in Poland can be regarded as negligible.

3. Volume and prices of dumped Bulgarian and Polish imports

- (19) With respect to the imports concerned, EFIA has submitted that these imports replaced UAN imports from third countries and that overall imports of UAN into the Community declined. Therefore, EFIA has concluded that imports of Bulgarian and Polish origin cannot constitute an injury factor in the assessment of the situation of the Community industry.
- (20) With respect to the situation concerning import volumes as described above, it is noted that an assessment of import volumes alone is not sufficient in order to evaluate the injurious situation of the Community industry. Such an evaluation must also cover the analysis of the prices of these imports. Such an analysis was made for the determination of the provisional anti-dumping measures and it was concluded, as set out in recitals 36 and 37 of the provisional duty Regulation, that the prices of the imports concerned decreased substantially and were at a level substantially below the prices of the Community industry.

4. Situation of the Community industry

- (21) Following the adoption of the provisional duty Regulation, EFIA has submitted that the Community industry has not lost market share up to the investigation period. EFIA has concluded that this development is not compatible with the conclusion on the injurious situation reached by the Commission at the provisional stage.
- (22) It should be noted in this context that it is not considered necessary for all injury factors enumerated in Article 4 (2) (c) of the basic Regulation to show a negative trend in order to reach a conclusion that the Community industry has suffered material injury. The Community industry has kept its market share on the Community UAN market in 1992, slightly increasing it up to the investigation period as pointed out in recital 40 of the provisional duty Regulation. However, the stabilization of the market position of the Community industry could be achieved only by a substantial reduction in the Community industry's sales prices (see recitals 38 to 41 of the provisional duty Regulation). It is this price reduction that has led to a substantial reduction of the Community industry's turnover and, ultimately, to substantial financial losses.

5. Conclusion

- (23) In conclusion, the significant price depression registered on the Community market and the negative development of the Community industry's financial situation leading to significant financial losses, led the Commission to conclude at the provisional stage that the Community UAN industry has been suffering material injury within the meaning of Article 4 (1) of the basic Regulation.

This conclusion is hereby confirmed.

F. CAUSATION

1. Impact of the imports concerned

- (24) With respect to the causation of the Community industry's injury, EFIA stated that Bulgarian and Polish UAN import prices could not have caused injury to the Community industry. On the contrary, EFIA alleged that pricing behaviour between the companies of the Community industry caused substantial downward price movements and, ultimately, injury to the Community industry. EFIA has stated furthermore that the imports concerned were not substantial enough in volume to influence prices on the Community UAN market.

(25) With respect to the above submission by EFIA, the Commission established that there were variations between the prices obtained by different Community producers. However, as already pointed out in the provisional duty Regulation in recitals 36 and 37, the investigation has confirmed that the imports concerned consistently undercut the Community producers' prices. The detailed analysis of the prices obtained by the Community producers and the exporters' prices showed that the imports concerned did not merely follow price decreases of the Community producers but were consistently made at lower levels. Moreover, EFIA's claim that a combined volume of the UAN imports concerned, which represents 27 % of the Community market, is not sufficient in order to influence prices cannot be accepted, UAN being a commodity type product which is highly price sensitive.

(26) Finally, as far as the injurious situation of the Community industry is concerned, the investigation conducted revealed that the deterioration of the financial situation of the Community industry leading to substantial financial losses in the investigation period coincided with the surge of the low-priced imports concerned. In the light of the above, it is concluded that the imports concerned significantly contributed to the material injury suffered by the Community industry.

2. Other factors

(27) EFIA has further argued that a decrease in consumption and demand on the Community fertilizer market was the cause of the Community UAN-industry's problems. Moreover, EFIA stated that the production overcapacity of the fertilizer producers concerned and price decreases for intermediary products of UAN were the reason for the Community industry's injurious situation.

(28) With respect to the above arguments, the Commission notes that, while it cannot be excluded that the development of the Community fertilizer market, the industry's fertilizer production capacity and prices of intermediary products may have had some impact on the general situation of the Community UAN market and UAN industry, this cannot alter the fact that a continuous increase in import volumes of UAN originating in Bulgaria and Poland together with prices which substantially undercut the prices of the Community industry, contributed to, and caused to a large extent, the difficulties which the Community UAN industry faces. Moreover, it has to be pointed out that the claims made by EFIA were largely supported by information referring to the Community fertilizer

market as a whole, while the present anti-dumping proceeding deals specifically with UAN. In that respect, it must be emphasized that, contrary to the development of the market situation for other fertilizer products, the demand situation on the Community UAN market, as shown in the provisional duty Regulation, was relatively stable only showing a slight decrease up to and including the investigation period (see recital 31 of the provisional duty Regulation).

In the light of the above, it is concluded that the arguments and claims put forward by EFIA were based on statistical data which did not reflect the evolution of the UAN market and completely left aside a very significant reason of the Community industry's situation. Therefore, these arguments and claims have to be rejected.

3. Conclusion

(29) As no other arguments concerning the causation of the injury sustained by the Community industry were submitted after the imposition of the provisional anti-dumping measures and in the light of the above considerations, it is hereby concluded that the high volume, low-priced dumped imports of UAN originating in Bulgaria and Poland have, independently of other factors affecting the Community industry, caused material injury to that industry, particularly in the form of heavy financial losses.

G. COMMUNITY INTEREST

(30) EFIA has submitted in this respect, that as the Community interest cannot satisfy the total Community demand of UAN, the imposition of anti-dumping measures limiting the sources of supply is not in the Community interest.

(31) While this argument appears to be in contradiction with the argument put forward by EFIA concerning causality in recital 26 that the Community UAN industry has suffered injury due to its production overcapacity, it must be emphasized in any event that the aim of the imposition of anti-dumping measures is not to prevent imports of the product concerned into the Community. The aim is to eliminate the trade distorting effects of injurious dumping and restore effective competition.

With respect to the various sources of supply available to Community users, there were substantial imports of UAN from other third countries before the substantial increase of the dumped imports concerned, as was pointed out in the provi-

sional duty Regulation (see recital 44). These sources of supply are potentially still available at the present time and there is no reason to believe that a shortage of the product will occur, bearing in mind that the Community market will be potentially more attractive for suppliers from third countries once a fair competitive situation is re-established.

Given that no other arguments concerning the Community interest have been raised after the imposition of the provisional anti-dumping measures, it is hereby concluded that the imposition of anti-dumping measures is in the Community interest.

H. ANTI-DUMPING MEASURES

(32) After the imposition of the provisional duties, EFIA has submitted that the imposition of these duties was illegal, given the existence of a consultation clause in the trade agreements concluded between the Community and the two exporting countries.

(33) With respect to the two trade agreements concerned, these provide for the application of anti-dumping measures. Furthermore, the agreements specifically allow the imposition of anti-dumping measures in the case of particular urgency without prior consultation of the other party. It was concluded by the Commission that, given the length of the investigation carried out prior to the imposition of provisional anti-dumping measures and in view of the substantial dumping of exports and the consequent material injury inflicted on the Community industry established by the Commission, provisional anti-dumping measures had to be imposed urgently.

It is therefore confirmed that the course of action taken consequently conforms with the obligations of the Community as foreseen in the trade agreements with the two exporting countries.

(34) Based on the conclusions of dumping, injury, causality and Community interest reached above, consideration was given to the form and level of anti-dumping measures required in order to eliminate the trade distorting effect of the injurious dumping.

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

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

As far as the determination of the reasonable profit is concerned, EFMA has claimed that the profit rate used by the Commission in the provisional determination, i.e. at a level of 5 % on turnover, is too low. In particular, EFMA has put forward that such a rate would not allow the Community UAN industry to sustain production of UAN in the Community, that the target price calculated would not allow the Community UAN industry to finance necessary replacement and investment costs and, finally, that the same profit rate should be used in the UAN proceeding as in a previous regional anti-dumping proceeding, namely Commission Decision 94/293/EC⁽¹⁾, concerning imports of ammonium nitrate ('AN'), since AN is one of the two main ingredients of UAN.

(36) As far as the above claim by EFMA is concerned, the Community producers put forward in the response to the questionnaire a variety of profit targets used by the companies internally. These targets varied significantly among companies and in a number of cases were not established specifically for UAN but were the result of an overall group policy in the assessment of investment projects. In these circumstances, the Commission considered at the provisional stage that the Community industry had not specifically supported its claim on the level of a reasonable profit margin. After the provisional determinations, EFMA has supplied no new information.

For the provisional determination, the Commission derived the profit margin used by reference to the fact that the product concerned is a mature product needing only moderate funding for investment and research and development. No information has been received from EFMA justifying a different assessment at the definitive stage.

As far as the comparison with the regional AN case is concerned, the claim put forward by EFMA is not deemed justified. Indeed, the target price calculated in that anti-dumping proceeding took particular account of the production and sales situation of the regional industry concerned, which was not identical to the one of the Community UAN industry. In particular, the profit margin used in the AN anti-dumping proceeding was not applied on the actual costs of production of the industry concerned but on that industry's actual cost of production adjusted to exclude a cost increase during the investigation period due to factors other than dumped imports.

⁽¹⁾ OJ No L 129, 21. 5. 1994, p. 24.

In conclusion, the claim put forward by EFMA has not been found acceptable and the profit margin determined at the provisional stage should be maintained for the definitive determination.

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

I. UNDERTAKINGS

- (40) Having been informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping measures, the exporters and producers concerned located in Bulgaria and Poland have offered undertakings. However, the Commission considers only the offer of undertaking jointly made by the Bulgarian producer and exporter as acceptable as only this undertaking would ensure that the injury inflicted on the Community industry was removed by raising the export price to a non-injurious level. In these circumstances, the Commission has considered the offer of undertakings at a lower level by the Polish producers and exporter as unacceptable and has informed the exporters and producers concerned accordingly.

The undertakings offered by the Bulgarian producer and exporter were accepted by Commission Decision 94/825/EC⁽¹⁾.

Notwithstanding the acceptance of the undertaking, a residual duty should be imposed on imports originating in Bulgaria in order to avoid the circumvention of the anti-dumping measures.

J. COLLECTION OF THE PROVISIONAL DUTIES

- (41) In view of the dumping margins established, the injury caused to the Community industry and of the latter's precarious financial situation, it is considered necessary that the amounts secured by way of provisional anti-dumping duty for all companies should be collected definitively,

HAS ADOPTED THIS REGULATION :

Article 1

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

2. The amount of anti-dumping duty for imports originating in Bulgaria shall be ECU 20 per tonne product (Taric additional code : 8792) except for imports of the product directly invoiced to an unrelated importer after the entry into force of this Regulation by the following exporters or producers located in Bulgaria :

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

which shall be exempt from the duty subject to the above conditions pursuant to the acceptance of a joint undertaking by Commission Decision 94/825/EC.

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

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

⁽¹⁾ See page 115 of this Official Journal.

For imports put into free circulation which are not directly invoiced by one of the above exporters or producers located in Poland to the unrelated importer the following specific duty is set:

for the product originating in Poland: ECU 22 per tonne product (Taric additional code: 8794) with the exception of the product certified to be produced by Zakłady Azotowe Pulawy for which the specific duty is ECU 19 per tonne product (Taric additional code: 8795).

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

Article 2

The amounts secured by way of the provisional anti-dumping duty pursuant to Regulation (EC) No 1506/94 shall be definitively collected in full.

Article 3

This Regulation shall enter 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, 22 December 1994.

For the Council

The President

H. SEEHOFER

COUNCIL REGULATION (EC) No 3320/94

of 22 December 1994

on the consolidation of the existing Community legislation on the definition of the ecu following the entry into force of the Treaty on European Union

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the Opinion of the European Parliament ⁽²⁾,

Having regard to the Opinion of the European Monetary Institute,

Having regard to the Opinion of the Monetary Committee,

Whereas the definition of the currency composition of the ecu is contained in a wide variety of Community instruments and whereas consolidation by way of a regulation of the rules governing the said definition would be expedient for the transparency of Community law;

Whereas the following instruments, which concern the unit of account of the European Communities, are in force:

- Commission Decision No 3289/75/ECSC of 18 December 1975 on the definition and conversion of the unit of account to be used in decisions, recommendations, opinions and communications for the purposes of the Treaty establishing the European Coal and Steel Community ⁽³⁾;
- Council Regulation (EEC) No 3180/78 of 18 December 1978 changing the value of the unit of account used by the European Monetary Cooperation Fund ⁽⁴⁾;
- Council Regulation (EEC) No 3181/78 of 18 December 1978 relating to the European Monetary System ⁽⁵⁾;
- Decision of the Board of Governors of the European Investment Bank of 30 December 1977 amending the Statute of the European Investment Bank to take account of the adoption of a new definition of the Bank's unit of account;
- Council Regulation (EEC, Euratom) No 3308/80 of 16 December 1980 on the replacement of the European unit of account by the ecu in Community legal instruments ⁽⁶⁾;

— Decision of the Board of Governors of the European Investment Bank of 13 May 1981 amending the Statute of the European Investment Bank with respect to adoption of the ecu as the Bank's unit of account;

— 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 ⁽⁷⁾;

— Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates ⁽⁸⁾;

Whereas the definition of the composition of the ecu basket in terms of the currencies of the Member States was published in the C series of the *Official Journal of the European Communities* ⁽⁹⁾, in a Commission communication and not in a Council regulation;

Whereas Article 1 of Regulation (EEC) No 3180/78, defined the ecu as the sum of amounts of the currencies of the Member States; whereas that composition may be changed under conditions determined by the Council pursuant to Article 2 of the said Regulation;

Whereas Article 2 of the aforementioned Regulation has been superseded by Article 109g of the Treaty establishing the European Community which provides that the composition of the ecu basket in terms of the amounts of the currencies of the Member States shall not be changed with effect from the entry into force of the Treaty on European Union and that from the start of the third stage, the value of the ecu shall be irrevocably fixed in accordance with Article 109 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Definition of the ecu

The composition of the ecu basket in terms of the currencies of the Member States shall be the following:

⁽¹⁾ OJ No C 130, 12. 5. 1994, p. 7.

⁽²⁾ OJ No C 305, 31. 10. 1994, p. 146.

⁽³⁾ OJ No L 327, 19. 12. 1975, p. 4. Decision amended by Decision No 3334/81/ECSC (OJ No L 349, 23. 12. 1980, p. 27).

⁽⁴⁾ OJ No L 379, 30. 12. 1978, p. 1. Regulation amended by Regulation (EEC) No 2626/84 (OJ No L 247, 16. 9. 1984, p. 1) and Regulation (EEC) No 1971/89 (OJ No L 189, 4. 7. 1989, p. 1).

⁽⁵⁾ OJ No L 379, 30. 12. 1978, p. 2. Regulation amended by Regulation (EEC) No 3066/85 (OJ No L 290, 1. 11. 1985, p. 95).

⁽⁶⁾ OJ No L 345, 20. 12. 1980, p. 1.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1. Regulation amended by Regulation (EC) No 3528/93 (OJ No L 320, 22. 12. 1993, p. 32).

⁽⁸⁾ OJ No L 100, 1. 5. 1993, p. 106. Regulation as last amended by Regulation (EC) No 547/94 (OJ No L 69, 12. 3. 1994, p. 1).

⁽⁹⁾ OJ No C 241, 21. 9. 1989, p. 1.

German mark	30,6242
Pound Sterling	0,08784
French franc	1,332
Italian lira	151,8
Dutch guilder	0,2198
Belgian franc	3,301
Luxembourg franc	0,130
Danish krone	0,1976
Irish pound	0,008552
Greek drachma	1,440
Spanish Peseta	6,885
Portuguese escudo	1,393

*Article 2***Adaptation of the instruments of Community law applicable**

1. Regulation (EEC) No 3180/78 is hereby repealed.
2. In all the Community instruments applicable at the time of the entry into force of this Regulation, the definition of the ecu shall be that contained in Article 1 of this Regulation.

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, 22 December 1994.

For the Council

The President

H. SEEHOFER

COMMISSION REGULATION (EC) No 3321/94

of 30 December 1994

fixing the import levies on syrups and certain other products in the sugar sector

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,

Whereas Article 16 (1) of Regulation (EEC) No 1785/81 provides for charging a levy on imports of the products listed in Article 1 (1) of that Regulation;

Whereas the levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 must be calculated, where appropriate, at a standard rate on the basis of the sucrose content (including other sugars expressed as sucrose) of the product concerned and of the levy on white sugar; whereas, however, the levies on maple sugar and maple syrup are limited to the amount resulting from application of the rate of duty bound within GATT;

Whereas Article 7 of Commission Regulation (EEC) No 837/68 of 28 June 1968 on detailed rules for the application of levies on sugar⁽³⁾, as last amended by Regulation (EEC) No 1428/78⁽⁴⁾, provides that the basic amount of the levy for 100 kilograms of product must be fixed per percentage point of sucrose content;

Whereas the basic amount of the levy must be equal to one-hundredth of the average of the levies applicable to 100 kilograms of white sugar during the first 20 days of the month preceding the month for which the basic amount of the levy is fixed; whereas, however, the levy applicable to white sugar on the day of the fixing of the basic amount must be substituted for the average of the levies, where that levy differs by at least ECU 0,73 from that average;

Whereas the basic amount must be fixed each month; whereas it must, however, be altered during the period

between the day on which it is fixed and the first day of the month following the month for which the basic amount is applicable, if the levy on white sugar differs by at least ECU 0,73 from the average referred to above or from the levy on white sugar used to fix the basic amount; whereas, in this case, the basic amount must be equal to one-hundredth of the levy on white sugar used to calculate the alteration;

Whereas the basic amount thus fixed must be adjusted on the basis of variations in the threshold price for white sugar occurring between the month in which the basic amount is fixed and the period of application; whereas this adjustment, equal to one-hundredth of the difference between these two threshold prices, must be deducted from or added to the basic amount in the circumstances provided for in Article 7 (6) of Regulation (EEC) No 837/68;

Whereas the levy on the products referred to in Article 1 (1) (f) and (g) of Regulation (EEC) No 1785/81 comprises, under Article 16 (6) of that Regulation, a variable element and a fixed element, with the latter, per 100 kilograms of dry matter, being equal to one-tenth of the fixed element established pursuant to point B of Article 11 (1) of Council Regulation (EEC) No 1766/92⁽⁵⁾, as last amended by Regulation (EC) No 1866/94⁽⁶⁾, for the fixing of the import levy on the products falling within CN codes 1702 30 91, 1702 30 99, 1702 40 90 and 1702 90 50, and the variable element, per 100 kilograms of dry matter, being equal to 100 times the basic import levy applicable as from the first of each month in the case of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81; whereas the levy must be fixed each month;

Whereas as a consequence of the amendment of Article 1 (2) of Regulation (EEC) No 1785/81 and by virtue of Article 16 thereof, a levy is chargeable on imports of inuline syrup; whereas the levy is defined in paragraph 6 (a) of the said Article 16 as equal, per 100 kilograms of dry matter, to the levy fixed in accordance with paragraph 6 of that Article multiplied by a coefficient of 1,9;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 151, 30. 6. 1968, p. 42.

⁽⁴⁾ OJ No L 171, 28. 6. 1978, p. 34.

⁽⁵⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽⁶⁾ OJ No L 197, 30. 7. 1994, p. 1.

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽²⁾, as amended by Regulation (EC) No 3528/93⁽³⁾, 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⁽⁴⁾, as amended by Regulation (EC) No 547/94⁽⁵⁾ ;

Whereas it follows from the application of these provisions that the import levies on the products concerned should be as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies on the products listed in Article 1 (1) (d), (f), (g) and (h) of Regulation (EEC) No 1785/81 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 30 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁴⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁵⁾ OJ No L 69, 12. 3. 1994, p. 1.

ANNEX

to the Commission Regulation of 30 December 1994 fixing the basic amount of the import
levy on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of levy per 100 kg of dry matter ⁽¹⁾
1702 20 10	0,3477	—
1702 20 90	0,3477	—
1702 30 10	—	44,44
1702 40 10	—	44,44
1702 60 10	—	44,44
1702 60 90	0,3477	—
1702 90 30	—	44,44
1702 90 60	0,3477	—
1702 90 71	0,3477	—
1702 90 80	—	84,44
1702 90 90	0,3477	—
2106 90 30	—	44,44
2106 90 59	0,3477	—

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

**COMMISSION REGULATION (EC) No 3322/94
of 30 December 1994**

**fixing the export refunds on syrups and certain other sugar products 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 Article 19 (4) thereof,

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

Whereas Article 8 of Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; whereas the sucrose content of the product in question is determined in accordance with Article 13 of Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁵⁾, as last amended by Regulation (EC) No 2529/94⁽⁶⁾;

Whereas Article 7 of Regulation (EEC) No 766/68 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on sugar used in the chemical industry⁽⁷⁾, last amended by Commission Regu-

lation (EEC) No 464/91⁽⁸⁾, to the products listed in the Annex to the last mentioned Regulation;

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81;

Whereas Article 19 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) and (h) of that Regulation; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports; whereas, in the case of the products referred to in the said Article 1 (1) (f) and (g), the refund is to be granted only for products complying with the conditions in Article 3 of Commission Regulation (EEC) No 1469/77 of 30 June 1977 laying down rules for applying the levy and the refund in respect of isoglucose and amending Regulation (EEC) No 192/75⁽⁹⁾, as amended by Regulation (EEC) No 1714/88⁽¹⁰⁾; whereas, for the products referred to in Article 1 (1) (h), the refund shall be granted only for products complying with the conditions in Article 13b of Regulation (EEC) No 394/70;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁶⁾ OJ No L 269, 20. 10. 1994, p. 14.

⁽⁷⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁸⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽⁹⁾ OJ No L 25, 31. 1. 1975, p. 1.

⁽¹⁰⁾ OJ No L 152, 18. 6. 1988, p. 23.

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽¹⁾, as amended by Regulation (EC) No 3528/93 ⁽²⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽³⁾, as amended by Regulation (EC) No 547/94 ⁽⁴⁾;

Whereas the refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;

Whereas application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation;

Whereas Council Regulation (EEC) No 990/93 ⁽⁵⁾ 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 Management Committee for Sugar has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (1) (d), (f), (g) and (h) of Regulation (EEC) No 1785/81, exported in the natural state, shall be set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 30 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.
⁽²⁾ OJ No L 320, 22. 12. 1993, p. 32.
⁽³⁾ OJ No L 108, 1. 5. 1993, p. 106.
⁽⁴⁾ OJ No L 69, 12. 3. 1994, p. 1.
⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 30 December 1994 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg dry matter —
1702 40 10 100	28,94 ⁽²⁾ ⁽³⁾
1702 60 10 000	28,94 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
1702 60 90 000	0,2894 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
1702 90 30 000	28,94 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 000	0,2894 ⁽¹⁾ ⁽³⁾
1702 90 71 000	0,2894 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
1702 90 80 100	54,99 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 90 000	0,2894 ⁽¹⁾ ⁽³⁾ ⁽⁴⁾
	— ECU/100 kg dry matter —
2106 90 30 000	28,94 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
2106 90 59 000	0,2894 ⁽¹⁾ ⁽³⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

⁽²⁾ Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

⁽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.

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

⁽⁵⁾ Applicable only to products defined under Article 13 (3) of Regulation (EEC) No 394/70.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EC) No 3323/94
of 30 December 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 3037/94 ⁽³⁾, as last amended by Regulation (EC) No 3139/94 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 3037/94 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 ⁽⁵⁾, as amended by Regulation (EC) No 3528/93 ⁽⁶⁾, 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 ⁽⁷⁾, as amended by Regulation (EC) No 547/94 ⁽⁸⁾;

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

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 3037/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 30 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 322, 15. 12. 1994, p. 8.

⁽⁴⁾ OJ No L 332, 22. 12. 1994, p. 10.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 69, 12. 3. 1994, p. 1.

ANNEX

to the Commission Regulation of 30 December 1994 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	26,62 ⁽¹⁾
1701 11 90 910	25,68 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	26,62 ⁽¹⁾
1701 12 90 910	25,68 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,2894
	— ECU/100 kg —
1701 99 10 100	28,94
1701 99 10 910	28,94
1701 99 10 950	28,94
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,2894

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

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

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

COMMISSION REGULATION (EC) No 3324/94
of 30 December 1994
fixing the aid for cotton

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 paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Commission Regulation (EEC) No 4006/87⁽¹⁾,

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⁽²⁾, as last amended by Regulation (EEC) No 1554/93⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EC) No 3088/94⁽⁴⁾, as amended by Regulation (EC) No 3217/94⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EC) No 3088/94 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginning cotton provided for in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 44,861 per 100 kilograms.

Article 2

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 30 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 154, 25. 6. 1993, p. 23.

⁽⁴⁾ OJ No L 325, 17. 12. 1994, p. 50.

⁽⁵⁾ OJ No L 337, 24. 12. 1994, p. 56.

COMMISSION REGULATION (EC) No 3325/94
of 30 December 1994
fixing the rate of the aid for dried fodder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder⁽¹⁾, as last amended by Commission Regulation (EC) No 3496/93⁽²⁾, and in particular Article 5 (3) thereof,

Whereas, pursuant to Article 5 (1) of Regulation (EEC) No 1117/78, when the guide price is higher than the average world market price, aid is granted for dried fodder as described under Article 1 (b) and (c) of that Regulation and obtained from fodder plants harvested in the Community; whereas that aid takes account of a percentage of the difference between these two prices;

Whereas the guide price in the dried fodder sector was fixed by Council Regulation (EEC) No 1288/93⁽³⁾ and Commission Regulation (EC) No 538/94⁽⁴⁾;

Whereas Council Regulation (EEC) No 2065/92⁽⁵⁾, as amended by Regulation (EEC) No 1288/93, sets the percentage referred to in Article 5 of Regulation (EEC) No 1117/78 for the 1994/95 marketing year at 70 %;

Whereas the average world market price is determined for a bulk pelleted product, delivered to Rotterdam, of the standard quality for which the guide price has been fixed;

Whereas, pursuant to Council Regulation (EEC) No 1417/78 of 19 June 1978 on the aid system for dried fodder⁽⁶⁾, as last amended by Regulation (EEC) No 1110/89⁽⁷⁾, the average world market price for the products described in the first and third indents of Article 1 (b) of Regulation (EEC) No 1117/78 is to be determined on the basis of the most favourable actual purchase possibilities excepting those which cannot be considered representative of the real market trend; whereas offers

and quotations recorded during the first 25 days of the month in question for quantities that can be delivered during the following calendar month are to be used; whereas the average world market price thus determined is used to fix the aid rate applicable on the following month;

Whereas the necessary adjustments must be made in the case of offers and quotations not of the type referred to above; whereas these adjustments were defined in Article 3 of Commission Regulation (EEC) No 1528/78 of 30 June 1978 laying down detailed rules for the application of the system of aid for dried fodder⁽⁸⁾, as last amended by Regulation (EEC) No 1069/93⁽⁹⁾;

Whereas, in accordance with Article 3 of Regulation (EEC) No 1417/78, when no offer or quotation can be used to determine the average world market price, that price is determined on the basis of the sum of the value of competing products; whereas those products are defined in Article 3 (3) of Regulation (EEC) No 1528/78;

Whereas, pursuant to Article 11 of Regulation (EEC) No 1417/78, when forward prices differ from that applying in the month when the application is lodged, the aid rate is adjusted by a correcting amount calculated from the trend of forward prices;

Whereas, where the average world market price is determined in accordance with Article 3 of Regulation (EEC) No 1417/78, the corrective amount must be equal to the difference between the average world market price and the average forward world market price determined by applying the criteria laid down in Article 3 (3) of Regulation (EEC) No 1528/78 and valid for delivery during a month other than that in which the aid is introduced, adjusted by the percentage fixed pursuant to Article 5 (2) of Regulation (EEC) No 1117/78; whereas where the average forward world market price for one or more months cannot be determined by applying the criteria laid down in Article 3(3) of Regulation (EEC) No 1528/78, the corrective amount must be fixed for the month or months in question at a level such that the aid is equal to zero;

⁽¹⁾ OJ No L 142, 30. 5. 1978, p. 1.

⁽²⁾ OJ No L 319, 21. 12. 1993, p. 17.

⁽³⁾ OJ No L 132, 29. 5. 1993, p. 1.

⁽⁴⁾ OJ No L 68, 11. 3. 1994, p. 20.

⁽⁵⁾ OJ No L 215, 30. 7. 1992, p. 48.

⁽⁶⁾ OJ No L 171, 28. 6. 1978, p. 1.

⁽⁷⁾ OJ No L 118, 29. 4. 1989, p. 1.

⁽⁸⁾ OJ No L 179, 1. 7. 1978, p. 10.

⁽⁹⁾ OJ No L 108, 1. 5. 1993, p. 114.

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽¹⁾, as amended by Regulation (EC) No 3528/93⁽²⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽³⁾, as amended by Regulation (EC) No 547/94⁽⁴⁾;

Whereas the rate of the additional aid must be fixed once per month so as to ensure application of the aid from the first day of the month following the date of its fixing;

Whereas, when adopting the Decision on the reform of the common agricultural policy in 1992, the Council announced its intention of introducing new aid arrangements for the production of dried fodder based on aid fixed per tonne; whereas, during the negotiations on the agricultural prices for the 1994/95 marketing year, this was confirmed and a proposal for a Regulation has been submitted to the Council providing for the establishment of a new organization of the market in the sector in question to take effect from 1 April 1995 based on fixed-rate aid per tonne for specified maximum quantities;

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

Done at Brussels, 30 December 1994.

Whereas, given that the new arrangements referred to above are due to apply from 1 April 1995, the aid paid under the current arrangements for the period 1 April to 31 October 1995 should be fixed at zero;

Whereas, as the result of the applications of all these provisions to the offers and quotations which the Commission has recorded, the rate of the additional aid for dried fodder must be fixed as indicated in the table annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The rate of the aid referred to in Article 5 (3) of Regulation (EEC) No 1117/78 is fixed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1995.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽³⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁴⁾ OJ No L 69, 12. 3. 1994, p. 1.

ANNEX

to the Commission Regulation of 30 December 1994 fixing the rate of the aid for dried fodder

Aid applicable from 1 January 1995 to dried fodder:

(ECU/tonne)

	Fodder dehydrated by artificial heat drying Protein concentrates	Fodder otherwise dried
January 1995	62,119	37,439

Aid in case of advance fixing for the month of:

(ECU/tonne)

February 1995	61,925	37,245
March 1995	61,892	37,212
April 1995	0,000	0,000
May 1995	0,000	0,000
June 1995	0,000	0,000
July 1995	0,000	0,000
August 1995	0,000	0,000
September 1995	0,000	0,000
October 1995	0,000	0,000

COMMISSION REGULATION (EC) No 3326/94

of 21 December 1994

amending Council Regulation (EEC) No 2915/79 determining the groups of products and the special provisions for calculating levies on milk and milk products

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

Having regard to Council Regulation (EEC) No 234/79 of 5 February 1979 on the procedure for adjusting the Common Customs Tariff and Nomenclature used for agricultural products ⁽¹⁾, as amended by Regulation (EEC) No 3209/89 ⁽²⁾, and in particular Article 2 (1),

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 2807/94 ⁽⁴⁾, and in particular Article 14 (6) thereof,

Whereas Commission Regulation (EC) No 3115/94 of 20 December 1994 amending Annex I and II to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽⁵⁾, provides for amendments from 1 January 1995 in the case of certain cheeses falling within CN code 0406;

Whereas Article 14 of Regulation (EEC) No 804/68 provides for the application of an import levy on the products governed by that Regulation;

Whereas, pursuant to Article 14 (6) of Regulation (EEC) No 804/68, Council Regulation (EEC) No 2915/76 ⁽⁶⁾, as

last amended by Regulation (EC) No 3423/93 ⁽⁷⁾, determines the group of products and the special provisions for calculating levies on milk and milk products; whereas that Regulation needs to be amended as a result;

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

HAS ADOPTED THIS REGULATION:

Article 1

The groups of products in groups 7 and 10 of the Annex to Regulation (EEC) No 2915/79 are hereby replaced by those listed in the Annex hereto.

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 1 January 1995.

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

Done at Brussels, 21 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 34, 9. 2. 1979, p. 2.

⁽²⁾ OJ No L 312, 27. 10. 1989, p. 5.

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽⁴⁾ OJ No L 298, 19. 11. 1994, p. 1.

⁽⁵⁾ OJ No L 345, 31. 12. 1994, p. 1.

⁽⁶⁾ OJ No L 329, 24. 12. 1979, p. 1.

⁽⁷⁾ OJ No L 312, 15. 12. 1993, p. 8.

ANNEX

No of group	Groups of products according to the Combined Nomenclature	Pilot products for each group of product
7	0406 90 02 0406 90 03 0406 90 04 0406 90 05 0406 90 06 0406 90 07 0406 90 08 0406 90 09 0406 90 12 0406 90 14 0406 90 16 0406 90 18	Emmentaler cheese, whole, matured for three to four months with a fat content of 45 % by weight, in the dry matter, without packaging
10	0406 90 01 0406 90 21	Cheddar cheese, whole, matured for three months, with a fat content of 50 % by weight, in the dry matter, and water content by weight of the non-fatty matter greater than 50 % and not more than 57 %, without packaging

COMMISSION REGULATION (EC) No 3327/94
of 21 December 1994
amending Regulation (EEC) No 3846/87 establishing an agricultural product
nomenclature for export refunds

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 2807/94 ⁽²⁾, and in particular Article 17 (4) thereof,

Whereas Commission Regulation (EC) No 3115/94 of 20 December 1994 amending Annexes I and II to Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽³⁾, provides for amendments in the case of certain cheeses falling within CN code 0406 from 1 January 1995;

Whereas Commission Regulation (EC) No 3846/87 ⁽⁴⁾, as last amended by Regulation (EC) No 2079/94 ⁽⁵⁾, establishes, on the basis of the Combined Nomenclature, an agricultural product nomenclature for the refunds; whereas this nomenclature should be adjusted in line with the above amendment;

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

HAS ADOPTED THIS REGULATION:

Article 1

Section 10 of the Annex to Regulation (EEC) No 3846/87 is amended in accordance with the Annex to this Regulation.

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 1 January 1995.

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

Done at Brussels, 21 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 298, 19. 11. 1994, p. 1.

⁽³⁾ OJ No L 345, 31. 12. 1994, p. 1.

⁽⁴⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁵⁾ OJ No L 215, 20. 8. 1994, p. 2.

ANNEX

The data relating to subheadings 0406 90 13, 0406 90 15 and 0406 90 17 are replaced by:

CN code	Description of goods	Product code
	‘ – – – Emmentaler, Gruyère, Sbrinz, Bergkäse and Appenzell :	
	– – – – Of a fat content of 45 % or more by weight in the dry matter, natured for three months or more :	
0406 90 02	– – – – – Whole cheeses with a free-at-frontier value, per 100 kg net weight exceeding ECU 401,85 but not exceeding ECU 430,62 :	
	– – – – – – Emmentaler, Gruyère, Bergkäse	0406 90 02 100
	– – – – – – Other	0406 90 02 900
0406 90 03	– – – – – Whole cheeses with a free-at-frontier value, per 100 kg net weight exceeding ECU 430,62 :	
	– – – – – – Emmentaler, Gruyère, Bergkäse	0406 90 03 100
	– – – – – – Other	0406 90 03 900
0406 90 04	– – – – – Pieces packed in vacuum or inert gas, with rind on at least one side, of a net weight of 1 kg or more but less than 5 kg and with a free-at-frontier value exceeding ECU 430,62 but not exceeding ECU 459,39 :	
	– – – – – – Emmentaler, Gruyère, Bergkäse	0406 90 04 100
	– – – – – – Other	0406 90 04 900
0406 90 05	– – – – – Pieces packed in vacuum or inert gas, with rind on at least one side, of a net weight of 1 kg or more and with a free-at-frontier value exceeding ECU 459,39 per 100 kg net weight :	
	– – – – – – Emmentaler, Gruyère, Bergkäse	0406 90 05 100
	– – – – – – Other	0406 90 05 900
0406 90 06	– – – – – Pieces without rind, of a net weight of less than 450 g and with a free-at-frontier value exceeding ECU 499,67 per 100 kg net weight, packed in vacuum or inert gas, in packings bearing the description of the cheese, the fat content, the packer responsible and the country of manufacture :	
	– – – – – – Emmentaler, Gruyère, Bergkäse	0406 90 06 100
	– – – – – – Other	0406 90 06 900
	– – – – – – Other :	
0406 90 07	– – – – – – – Emmentaler	0406 90 07 000
0406 90 08	– – – – – – – Gruyère, Sbrinz :	
	– – – – – – – – Gruyère	0406 90 08 100
	– – – – – – – – Sbrinz	0406 90 08 900
0406 90 09	– – – – – – – Bergkäse, Appenzell :	
	– – – – – – – – Bergkäse	0406 90 09 100
	– – – – – – – – Appenzell	0406 90 09 900
	– – – – – – – Other :	
0406 90 12	– – – – – – – – Emmentaler	0406 90 12 000
0406 90 14	– – – – – – – Gruyère, Sbrinz :	
	– – – – – – – – Gruyère	0406 90 14 100
	– – – – – – – – Sbrinz	0406 90 14 900
0406 90 16	– – – – – – – Bergkäse, Appenzell :	
	– – – – – – – – Bergkäse	0406 90 16 100
	– – – – – – – – Appenzell	0406 90 16 900

COMMISSION REGULATION (EC) No 3328/94

of 21 December 1994

amending Regulation (EC) No 3846/87 establishing an agricultural product nomenclature for export refunds for fruit and vegetables

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 Commission Regulation (EC) No 2753/94⁽²⁾, and in particular Article 30⁽⁴⁾ thereof,

Whereas Commission Regulation (EC) No 3115/94 of 20 December 1994 amending Annexes I and II to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽³⁾ provides for changes as regards tomatoes falling within CN code 0702, oranges falling within CN code 0805 10, lemons falling within CN code 0805 30, grapes falling within CN code 0806, apples falling within CN code 0808 and peaches falling within CN code 0809 30;

Whereas Commission Regulation (EEC) No 3846/87⁽⁴⁾, as last amended by Regulation (EC) No 3327/94⁽⁵⁾, intro-

duces an agricultural product nomenclature for export refunds based on the combined nomenclature; whereas the former should be amended to bring it into line with the abovementioned changes;

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

Sector 11 of the Annex to Regulation (EEC) No 3846/87 is hereby amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 21 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 292, 12. 11. 1994, p. 3.

⁽³⁾ OJ No L 345, 31. 12. 1994, p. 1.

⁽⁴⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁵⁾ See page 43 of this Official Journal.

ANNEX

11. Fruit and vegetables

CN Code	Description of goods	Product code
ex 0702 00	Tomatoes, fresh or chilled :	
ex 0702 00 15	– From 1 January to 31 March :	
	– – “Extra”, Class, Class I and Class II (1)	0702 00 15 100
ex 0702 00 20	– From 1 to 30 April :	
	– – “Extra” Class, Class I and Class II (1)	0702 00 20 100
ex 0702 00 25	– From 1 to 14 May :	
	– – “Extra” Class, Class I and Class II (1)	0702 00 25 100
ex 0702 00 30	– From 15 to 31 May :	
	– – “Extra” Class, Class I and Class II (1)	0702 00 30 100
ex 0702 00 35	– From 1 June to 30 September :	
	– – “Extra” Class, Class I and Class II (1)	0702 00 35 100
ex 0702 00 40	– From 1 to 31 October :	
	– – “Extra” Class, Class I and Class II (1)	0702 00 40 100
ex 0702 00 45	– From 1 November to 20 December :	
	– – “Extra” Class, Class I and Class II (1)	0702 00 45 100
ex 0702 00 50	– From 21 to 31 December :	
	– – “Extra” Class, Class I and Class II (1)	0702 00 50 100
ex 0802	Other nuts, fresh or dried, whether or not shelled or pelled :	
	– Almonds :	
ex 0802 12	– – Shelled :	
0802 12 90	– – – Other	0802 12 90 000
	– Hazelnuts (<i>Corylus</i> spp.):	
0802 21 00	– – In shell	0802 21 00 000
0802 22 00	– – Shelled	0802 22 00 000
	– Walnuts :	
0802 31 00	– – In shell	0802 31 00 000
ex 0805	Citrus fruits, fresh or dried :	
ex 0805 10	– Oranges :	
	– – Sweet oranges, fresh :	
	– – – From 1 January to 31 March :	
ex 0805 10 01	– – – – Sanguines and semi-sanguines :	
	– – – – – “Extra” Class, Class I and Class II (2)	0805 10 01 200
	– – – – – Other :	
ex 0805 10 05	– – – – – Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins :	
	– – – – – – “Extra” Class, Class I and Class II (2)	0805 10 05 200
ex 0805 10 09	– – – – – Other :	
	– – – – – – “Extra” Class, Class I and Class II (2)	0805 10 09 200
	– – – From 1 to 30 April :	
ex 0805 10 11	– – – – Sanguines and semi-sanguines :	
	– – – – – “Extra” Class, Class I and Class II (2)	0805 10 11 200
	– – – – – Other :	
ex 0805 10 15	– – – – – Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins :	
	– – – – – – “Extra” Class, Class I and Class II (2)	0805 10 15 200
ex 0805 10 19	– – – – – Other :	
	– – – – – – “Extra” Class, Class I and Class II (2)	0805 10 19 200

CN Code	Description of goods	Product code
ex 0805 10 21	- - - From 1 to 15 May : - - - - Sanguines and semi-sanguines : - - - - - "Extra" Class, Class I and Class II (?) - - - - - Other :	0805 10 21 200
ex 0805 10 25	- - - - - Navels Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins : - - - - - "Extra" Class, Class I and Class II (?)	0805 10 25 200
ex 0805 10 29	- - - - - Other : - - - - - "Extra" Class, Class I and Class II (?)	0805 10 29 200
ex 0805 10 32	- - - From 16 May to 30 September : - - - - Sanguines and semi-sanguines : - - - - - "Extra" Class, Class I and Class II (?) - - - - - Other :	0805 10 32 200
ex 0805 10 34	- - - - - Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins : - - - - - "Extra" Class, Class I and Class II (?)	0805 10 34 200
ex 0805 10 36	- - - - - Other : - - - - - "Extra" Class, Class I and Class II (?)	0805 10 36 200
ex 0805 10 42	- - - From 1 to 15 October : - - - - Sanguines and semi-sanguines : - - - - - "Extra" Class, Class I and Class II (?) - - - - - Other :	0805 10 42 200
ex 0805 10 44	- - - - - Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins : - - - - - "Extra" Class, Class I and Class II (?)	0805 10 44 200
ex 0805 10 46	- - - - - Other : - - - - - "Extra" Class, Class I and Class II (?)	0805 10 46 200
ex 0805 10 51	- - - From 16 October to 30 November : - - - - Sanguines and semi-sanguines : - - - - - "Extra" Class, Class I and Class II (?) - - - - - Other :	0805 10 51 200
ex 0805 10 55	- - - - - Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins : - - - - - "Extra" Class, Class I and Class II (?)	0805 10 55 200
ex 0805 10 59	- - - - - Other : - - - - - "Extra" Class, Class I and Class II (?)	0805 10 59 200
ex 0805 10 61	- - - From 1 to 31 December : - - - - Sanguines and semi-sanguines : - - - - - "Extra" Class, Class I and Class II (?) - - - - - Other :	0805 10 61 200
ex 0805 10 65	- - - - - Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins : - - - - - "Extra" Class, Class I and Class II (?)	0805 10 65 200
ex 0805 10 69	- - - - - Other : - - - - - "Extra" Class, Class I and Class II (?)	0805 10 69 200
ex 0805 30	- Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>) and limes (<i>Citrus aurantifolia</i>):	
ex 0805 30 20	- - - Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>): - - - From 1 January to 31 May : - - - - Fresh ("Extra" Class, Class I and Class II) (?)	0805 30 20 100
ex 0805 30 30	- - - From 1 June to 31 October : - - - - Fresh ("Extra" Class, Class I and Class II) (?)	0805 30 30 100
ex 0805 30 40	- - - From 1 November to 31 December : - - - - Fresh ("Extra" Class, Class I and Class II) (?)	0805 30 40 100

CN Code	Description of goods	Product code
ex 0806	Grapes, fresh or dried :	
ex 0806 10	– fresh :	
	– – Table grapes :	
	– – – From 1 January to 14 July :	
ex 0806 10 21	– – – – Of the variety Emperor (<i>Vitis vinifera</i> c.v.), from 1 to 31 January :	
	– – – – – “Extra” Class and Class I ⁽³⁾	0806 10 21 200
ex 0806 10 29	– – – – Other :	
	– – – – – “Extra” Class and Class I ⁽³⁾	0806 10 29 200
ex 0806 10 30	– – – From 15 to 20 July :	
	– – – – “Extra” Class and Class I ⁽³⁾	0806 10 30 200
ex 0806 10 40	– – – From 21 July to 31 October :	
	– – – – “Extra” Class and Class I ⁽³⁾	0806 10 40 200
ex 0806 10 50	– – – From 1 November to 20 November :	
	– – – – “Extra” Class and Class I ⁽³⁾	0806 10 50 200
	– – – From 21 November to 31 December :	
ex 0806 10 61	– – – – Of the variety Emperor (<i>Vitis vinifera</i> c.v.), From 1 to 31 December :	
	– – – – – “Extra” Class and Class I ⁽³⁾	0806 10 61 200
ex 0806 10 69	– – – – Other :	
	– – – – – “Extra” Class and Class I ⁽³⁾	0806 10 69 200
ex 0808	Apples, pears and quinees, fresh :	
ex 0808 10	– Apples :	
	– – Other :	
	– – – From 1 January to 31 March :	
ex 0808 10 51	– – – – Of the variety Golden Delicious :	
	– – – – – Cider apples	
	– – – – – Other :	
	– – – – – – “Extra” Class, Class, I and Class II ⁽²⁾	0808 10 51 910
ex 0808 10 53	– – – – Of the variety Granny Smith :	
	– – – – – Cider apples	
	– – – – – Other :	
	– – – – – – “Extra” Class, Class I and Class II ⁽²⁾	0808 10 53 910
ex 0808 10 59	– – – – Other :	
	– – – – – Cider apples	
	– – – – – Other :	
	– – – – – – “Extra” Class, Class I and Class II ⁽²⁾	0808 10 59 910
	– – – From 1 April to 30 June :	
ex 0808 10 61	– – – – Of the variety Golden Delicious :	
	– – – – – Cider apples	
	– – – – – Other :	
	– – – – – – “Extra” Class, Class I and Class II ⁽²⁾	0808 10 61 910
ex 0808 10 63	– – – – Of the variety Granny Smith :	
	– – – – – Cider apples	
	– – – – – Other :	
	– – – – – – “Extra” Class, Class I and Class II ⁽²⁾	0808 10 63 910
ex 0808 10 69	– – – – Other :	
	– – – – – Cider apples	
	– – – – – Other :	
	– – – – – – “Extra” Class, Class I and Class II ⁽²⁾	0808 10 69 910
	– – – From 1 to 31 July :	
ex 0808 10 71	– – – – Of the variety Golden Delicious :	
	– – – – – Cider apples	
	– – – – – Other :	
	– – – – – – “Extra” Class, Class I and Class II ⁽²⁾	0808 10 71 910

CN Code	Description of goods	Product code
ex 0808 10 73	<ul style="list-style-type: none"> — — — — Of the variety Granny Smith : — — — — — Cider apples — — — — — Other : — — — — — “Extra” Class, Class I and Class II⁽²⁾ 	0808 10 73 910
ex 0808 10 79	<ul style="list-style-type: none"> — — — — Other : — — — — — Cider apples — — — — — Other : — — — — — “Extra” Class, Class I and Class II⁽²⁾ 	0808 10 79 910
ex 0808 10 92	<ul style="list-style-type: none"> — — — From 1 August to 31 December : — — — — Of the variety Golden Delicious : — — — — — Cider apples, other than those under 0808 10 10 — — — — — Other : — — — — — “Extra” Class, Class I and Class II⁽²⁾ 	0808 10 92 910
ex 0808 10 94	<ul style="list-style-type: none"> — — — — Of the variety Granny Smith : — — — — — Cider apples, other than those under 0808 10 10 — — — — — Other : — — — — — “Extra” Class, Class I and Class II⁽²⁾ 	0808 10 94 910
ex 0808 10 98	<ul style="list-style-type: none"> — — — — Other : — — — — — Cider apples, other than those falling within 0808 10 10 — — — — — Other : — — — — — “Extra” Class, Class I and Class II⁽²⁾ 	0808 10 98 910
ex 0809	Apricots, cherries, peaches (including nectarines), plums and sloes, fresh :	
ex 0809 30	<ul style="list-style-type: none"> — Peaches, including nectarines : — — From 1 January to 10 June : 	
ex 0809 30 11	<ul style="list-style-type: none"> — — — Nectarines : — — — — “Extra” Class, Class I and Class II⁽⁴⁾ 	0809 30 11 100
ex 0809 30 19	<ul style="list-style-type: none"> — — — Other : — — — — “Extra” Class, Class I and Class II⁽⁴⁾ — — From 11 to 20 June : 	0809 30 19 100
ex 0809 30 21	<ul style="list-style-type: none"> — — — Nectarines : — — — — “Extra” Class, Class I and Class II⁽⁴⁾ 	0809 30 21 100
ex 0809 30 29	<ul style="list-style-type: none"> — — — Other : — — — — “Extra” Class, Class I and Class II⁽⁴⁾ — — From 21 June to 31 July : 	0809 30 29 100
ex 0809 30 31	<ul style="list-style-type: none"> — — — Nectarines : — — — — “Extra” Class, Class I and Class II⁽⁴⁾ 	0809 30 31 100
ex 0809 30 39	<ul style="list-style-type: none"> — — — Other : — — — — “Extra” Class, Class I and Class II⁽⁴⁾ — — From 1 August to 30 September : 	0809 30 39 100
ex 0809 30 41	<ul style="list-style-type: none"> — — — Nectarines : — — — — “Extra” Class, Class I and Class II⁽⁴⁾ 	0809 30 41 100
ex 0809 30 49	<ul style="list-style-type: none"> — — — Other : — — — — “Extra” Class, Class I and Class II⁽⁴⁾ — — From 1 October to 31 December : 	0809 30 49 100
ex 0809 30 51	<ul style="list-style-type: none"> — — — Nectarines : — — — — “Extra” Class, Class I and Class II⁽⁴⁾ 	0809 30 51 100
ex 0809 30 59	<ul style="list-style-type: none"> — — — Other : — — — — “Extra” Class, Class I and Class II⁽⁴⁾ 	0809 30 59 100

⁽¹⁾ In accordance with Commission Regulation (EEC) No 778/83 (OJ No L 86, of 31. 3. 1983, p. 14).

⁽²⁾ In accordance with Commission Regulation (EEC) No 920/89 (OJ No L 97, 11. 4. 1989, p. 19).

⁽³⁾ In accordance with Commission Regulation (EEC) No 1730/87 (OJ No L 163, 23. 6. 1987, p. 25).

⁽⁴⁾ In accordance with Commission Regulation (EEC) No 3596/90 (OJ No L 350, 14. 12. 1990, p. 38).

COMMISSION REGULATION (EC) No 3329/94**of 21 December 1994****amending, in respect of products processed from fruit and vegetables, Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds**

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 12 (5) thereof,

Whereas Commission Regulation (EC) No 3115/94 of 20 December 1994 amending Annexes I and II to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽³⁾, provides for amendments in the case of certain cherries preserved by sugar falling within CN code 2006 and certain nuts falling within CN code 2008 ;

Whereas Commission Regulation (EEC) No 3846/87 ⁽⁴⁾, as last amended by Regulation (EC) No 3328/94 ⁽⁵⁾, establishes, on the basis of the Combined Nomenclature, an

agricultural product nomenclature for export refunds ;
whereas this nomenclature should be adjusted in line with the above amendment ;

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

HAS ADOPTED THIS REGULATION :

Article 1

In section 12 of the Annex to Regulation (EEC) No 3846/87, the details relating to CN codes 2006 and 2008 are hereby replaced by those in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 21 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 161, 29. 6. 1994, p. 13.

⁽³⁾ OJ No L 345, 31. 12. 1994, p. 1.

⁽⁴⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁵⁾ See page 45 of this Official Journal.

ANNEX

CN code	Description of goods	Product code
'ex 2006 00	Fruit, fruit peel and other part of plants preserved by sugar (drained, glacé or crystallized):	
	- Other:	
	- - with a sugar content exceeding 13 % by weight:	
2006 00 31	- - - Cherries	2006 00 31 000
	- - - Other:	
ex 2006 00 99	- - - - Other:	
	- - - - - Cherries	2006 00 99 100
ex 2008	Fruit and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:	
	- Nuts, ground nuts and other seeds, whether or not mixed together:	
ex 2008 19	- - Other, including mixtures:	
	- - - in immediate packings of a net content exceeding 1 kg:	
	- - - - Other:	
ex 2008 19 19	- - - - - Other:	
	- - - - - - Common hazelnuts (fruits of the species <i>Corylus avellana</i>), other than mixtures	2008 19 19 100
	- - - in immediate packings of a net content not exceeding 1 kg:	
	- - - - Other:	
ex 2008 19 99	- - - - - Other:	
	- - - - - - Common hazelnuts (fruit of the species <i>Corylus avellana</i>), other than mixtures	2008 19 99 100'

COMMISSION REGULATION (EC) No 3330/94

of 21 December 1994

on the tariff classification of certain poultry cuts and amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

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 Regulation (EEC) No 1574/93⁽²⁾, and in particular Articles 3 and 5 (3) thereof,

Whereas it has been found that classification of certain poultry cuts presents problems resulting from the absence of precise definitions in the tariff and statistical nomenclature set up by Council Regulation (EEC) No 2658/87⁽³⁾ as last amended by Commission Regulation (EEC) No 3115/94⁽⁴⁾; whereas these definitions should be laid down in order to assure uniform application of levies in the poultrymeat sector;

Whereas in application of Article 11 (1) of Regulation (EEC) No 2777/75 the tariff nomenclature applicable as a result of that Regulation is set out in the Combined Nomenclature; whereas it should therefore be amended;

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

For the purposes of applying levies in the poultrymeat sector, the following expressions shall have the meanings hereunder assigned to them:

1. 'Halves', for the purposes of subheadings 0207 39 13, 0207 39 33, 0207 39 57, 0207 39 61, 0207 39 63, 0207 41 11, 0207 42 11, 0207 43 21, 0207 43 23 and 0207 43 25: halves of poultry carcasses, obtained by a longitudinal cut in a plane along the sternum and the backbone;
2. 'Quarters', for the purposes of subheadings 0207 39 13, 0207 39 33, 0207 39 57, 0207 39 61, 0207 39 63, 0207 41 11, 0207 43 21, 0207 43 23 and 0207 43 25: leg quarters, or breast quarters, obtained by a transversal cut of a half;

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 152, 24. 6. 1993, p. 1.

⁽³⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁴⁾ OJ No L 345, 31. 12. 1994, p. 1.

3. 'Whole wings, with or without tips', for the purposes of subheadings 0207 39 15, 0207 39 35, 0207 39 65, 0207 41 21, 0207 42 21, 0207 43 31: poultry cuts consisting of the humerus, radius and ulna, together with the surrounding musculature. The tip, including the carpal bones, may or may not have been removed. The cuts shall be made at the joints;
4. 'Breasts', for the purposes of subheadings 0207 39 21, 0207 39 41, 0207 39 71, 0207 39 73, 0207 41 41, 0207 42 41, 0207 43 51 and 0207 43 53: poultry cuts consisting of the sternum and the ribs, distributed on both sides of it, together with the surrounding musculature;
5. 'Legs', for the purposes of subheadings 0207 39 23, 0207 39 75, 0207 39 77, 0207 41 51, 0207 43 61 and 0207 43 63: poultry cuts consisting of the femur, tibia and fibula together with the surrounding musculature. The two cuts shall be made at the joints;
6. 'Turkey drumsticks', for the purposes of subheadings 0207 39 43, 0207 42 51: turkey cuts consisting of the tibia and fibula together with the surrounding musculature. The two cuts shall be made at the joints;
7. 'Other turkey legs', for the purposes of subheadings 0207 39 45 and 0207 42 59: turkey cuts consisting of the femur together with the surrounding musculature or of the femur, tibia and fibula together with the surrounding musculature. The two cuts shall be made at the joints.

Article 2

Chapter 2 of Annex I to Regulation (EEC) No 2658/87 is hereby amended as follows:

1. Additional note 4 shall be replaced by the following:
 - '4. The following expressions shall have the meanings hereunder assigned to them:
 - (a) "Poultry cuts, with bone in", for the purposes of subheadings 0207 39 13 to 0207 39 23, 0207 39 33 to 0207 39 45, 0207 39 57 to 0207 39 77, 0207 41 11 to 0207 41 51, 0207 42 11 to 0207 42 59 and 0207 43 21 to 0207 43 63: the cuts specified therein, including all bones.

Poultry cuts as referred in (a) which have been partly boned shall fall within subheading 0207 39 25, 0207 39 47, 0207 39 83, 0207 41 71 or 0207 43 81.

- (b) "Halves", for the purposes of subheadings 0207 39 13, 0207 39 33, 0207 39 57, 0207 39 61, 0207 39 63, 0207 41 11, 0207 42 11, 0207 43 21, 0207 43 23 and 0207 43 25: halves of poultry carcasses, obtained by a longitudinal cut in a plane along the sternum and the backbone;
- (c) "Quarters", for the purposes of subheadings 0207 39 13, 0207 39 33, 0207 39 57, 0207 39 61, 0207 39 63, 0207 41 11, 0207 42 11, 0207 43 21, 0207 43 23 and 0207 43 25: leg quarters, or breast quarters, obtained by a transversal cut of a half;
- (d) "Whole wings, with or without tips", for the purposes of subheadings 0207 39 15, 0207 39 35, 0207 39 65, 0207 41 21, 0207 42 21, 0207 43 31: poultry cuts consisting of the humerus, radius and ulna, together with the surrounding musculature. The tip, including the carpal bones, may or may not have been removed. The cuts shall be made at the joints;
- (e) "Breasts", for the purposes of subheadings 0207 39 21, 0207 39 41, 0207 39 71, 0207 39 73, 0207 41 41, 0207 42 41, 0207 43 51 and 0207 43 53: poultry cuts consisting of the sternum and the ribs, distributed on both sides of it, together with the surrounding musculature;
- (f) "Legs", for the purposes of subheadings 0207 39 23, 0207 39 75, 0207 39 77, 0207 41 51, 0207 43 61 and 0207 43 63: poultry cuts consisting of the femur, tibia and fibula together with the surrounding musculature. The two cuts shall be made at the joints;
- (g) "Turkey drumsticks", for the purposes of subheadings 0207 39 43 and 0207 42 51: turkey cuts consisting of the tibia and fibula together with the surrounding musculature. The two cuts shall be made at the joints;
- (h) "Other turkey legs", for the purposes of subheadings 0207 39 45 and 0207 42 59: turkey cuts consisting of the femur together with the surrounding musculature or of the femur, tibia and fibula together with the surrounding musculature. The two cuts shall be made at the joints.
- (i) "Goose or duck paletots", for the purposes of subheadings 0207 39 81 and 0207 43 71: geese or ducks plucked and completely drawn, without heads or feet, with carcass bones (breastbone, ribs, backbone and sacrum) removed but with the femurs, tibias and humeri.
2. Additional note 7 shall be deleted. Additional note 8 shall become additional note 7.

Article 3

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 21 December 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 3331/94

of 21 December 1994

amending Regulation (EC) No 2027/94 fixing the reference prices applicable to wine sector products for 1994/95 and Regulation (EEC) No 3418/88 fixing the free-at-frontier reference prices applicable to import of certain wine products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 1891/94 ⁽²⁾, and in particular Articles 53 (6) and 54 (8) thereof,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽³⁾, as last amended by Commission Regulation (EC) No 3115/94 ⁽⁴⁾, and in particular Article 15 thereof,

Whereas Council Regulation (EEC) No 2658/87 established a goods nomenclature, hereinafter called the 'combined nomenclature', to meet, at one and the same time, the requirements both of the Common Customs Tariff and of the external trade statistics of the Community;

Whereas Article 12 of Regulation (EEC) No 2658/87 provides for the Commission to adopt each year by means of a Regulation, to apply from 1 January of the following year, a complete version of the combined nomenclature together with the corresponding autonomous and conventional rates of duty of the Common Customs Tariff, as it results from measures adopted by the Council or the Commission;

Whereas, as a consequence, it is necessary to express the descriptions of goods and tariff heading numbers which appear in Commission Regulation (EC) No 2027/94 of 8 August 1994 fixing the reference prices applicable to wine sector products for 1994/95 ⁽⁵⁾ and Commission Regulation (EEC) No 3418/88 of 28 October 1988 fixing the free-at-frontier reference prices applicable to imports of certain wine products with effect from 1 September 1988 ⁽⁶⁾, as last amended by Regulation (EC) No 2032/94 ⁽⁷⁾ according to the terms of the combined

nomenclature; whereas these adaptations do not call for any amendment of substance;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2027/94 is modified as follows:

1. Article 1 (A) 6 is replaced by the following:

'6. Liqueur wine within the meaning of Additional Note 4 (c) of Chapter 22 of the combined nomenclature falling within the following CN codes:

- (a) ex 2204 21 83, ex 2204 21 84, ex 2204 29 83 and ex 2204 29 84: ECU 59,22 per hectolitre;
- (b) ex 2204 21 87, ex 2204 21 88, ex 2204 21 89, ex 2204 21 91, ex 2204 21 92, ex 2204 21 93, ex 2204 21 94, ex 2204 29 87, ex 2204 29 88, ex 2204 29 89, ex 2204 29 91, ex 2204 29 92 and ex 2204 29 94:
 - (aa) 15 % vol with more than 130 grams but not more than 330 grams of total dry extract per litre: ECU 38,11 per hectolitre;
 - (bb) other: ECU 74,23 per hectolitre;
- (c) ex 2204 21 95, ex 2204 21 96, ex 2204 21 97, ex 2204 21 98, ex 2204 29 95, ex 2204 29 96 and ex 2204 29 98: ECU 90,81 per hectolitre;
- (d) ex 2204 21 99 and ex 2204 29 99: ECU 98,02 per hectolitre.'

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

'7. Liqueur wine within the meaning of Additional Note 4 (c) to Chapter 22 of the combined nomenclature intended for processing into products other than those falling within CN code 2204:

- (a) ex 2204 21 83, ex 2204 21 84, ex 2204 29 83 and ex 2204 29 84: ECU 59,82 per hectolitre;
- (b) ex 2204 21 87, ex 2204 21 88, ex 2204 21 89, ex 2204 21 91, ex 2204 21 92, ex 2204 21 93, ex 2204 21 94, ex 2204 28 87, ex 2204 29 88, ex 2204 29 89, ex 2204 29 91, ex 2204 29 92 and ex 2204 29 94: ECU 63,96 per hectolitre;

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 42.

⁽³⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁴⁾ OJ No L 345, 31. 12. 1994, p. 1.

⁽⁵⁾ OJ No L 206, 9. 8. 1994, p. 3.

⁽⁶⁾ OJ No L 301, 4. 11. 1988, p. 10.

⁽⁷⁾ OJ No L 207, 10. 8. 1994, p. 1.

- (c) ex 2204 21 95, ex 2204 21 96, ex 2204 21 97, ex 2204 21 98, ex 2204 29 95, ex 2204 29 96 and ex 2204 29 98 : ECU 77,39 per hectolitre ;
- (d) ex 2204 21 99 and ex 2204 29 99 : ECU 85,58 per hectolitre.'

Article 2

Annex, Table 22-02 of Regulation (EEC) No 3418/88 is modified as follows :

1. CN code '2204 21 25' is replaced by CN code '2204 21 79' ;
2. CN code '2204 21 29' is replaced by CN code '2204 21 80' ;
3. CN code '2204 21 35' is replaced by CN code '2204 21 83' ;
4. CN code '2204 21 39' is replaced by CN code '2204 21 84' ;
5. CN code '2204 21 41' is replaced by CN codes '2204 21 87
2204 21 88
2204 21 89
2204 21 91
2204 21 92
2204 21 93' ;
6. CN code '2204 21 49' is replaced by CN code '2204 21 94' ;
7. CN code '2204 21 51' is replaced by CN codes '2204 21 95
2204 21 96
2204 21 97' ;
8. CN code '2204 21 59' is replaced by CN code '2204 21 98' ;
9. CN code '2204 21 90' is replaced by CN code '2204 21 99' ;
10. CN code '2204 29 25' is replaced by CN codes '2204 29 62
2204 21 64
2204 21 65' ;
11. CN code '2204 29 29' is replaced by CN codes '2204 29 71
2204 21 72
2204 21 75' ;
12. CN code '2204 29 35' is replaced by CN code '2204 29 83' ;
13. CN code '2204 29 39' is replaced by CN code '2204 29 84' ;
14. CN code '2204 29 45' is replaced by CN code '2204 29 93' ;
15. CN code '2204 29 49' is replaced by CN code '2204 29 94' ;
16. CN code '2204 29 55' is replaced by CN code '2204 29 97' ;
17. CN code '2204 29 59' is replaced by CN code '2204 29 98' ;
18. CN code '2204 29 90' is replaced by CN code '2204 29 99' ;

Article 3

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 21 December 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 3332/94
of 21 December 1994

amending Regulation (EEC) No 2137/93 fixing the export refunds in the wine sector and Regulation (EEC) No 2253/92 laying down detailed rules for implementing the specific arrangements for supplying the Canary Islands with products of the wine-growing sector

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

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 1891/94 ⁽²⁾, and in particular Article 56 (4) thereof,

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 ⁽³⁾, as last amended by Commission Regulation (EEC) No 1974/93 ⁽⁴⁾, and in particular Articles 3 (4) and 7 (2) thereof,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽⁵⁾, as last amended by Commission Regulation (EC) No 3115/94 ⁽⁶⁾, and in particular Article 15 thereof,

Whereas Council Regulation (EEC) No 2658/87 established a goods nomenclature, hereinafter called the 'combined nomenclature', to meet, at one and the same time, the requirements both of the Common Customs Tariff and of the external trade statistics of the Community;

Whereas Article 12 of Regulation (EEC) No 2658/87 provides for the Commission to adopt each year by means of a Regulation, to apply from 1 January of the following year, a complete version of the combined nomenclature together with the corresponding autonomous and conventional rates of duty of the Common Customs Tariff, as it

results from measures adopted by the Council or the Commission;

Whereas, as a consequence, it is necessary to express the descriptions of goods and tariff heading numbers which appear in Commission Regulation (EEC) No 2137/93 of 28 July 1993 fixing the export refunds in the wine sector and repealing Regulation (EEC) No 646/86 ⁽⁷⁾, as last amended by Regulation (EC) No 2938/94 ⁽⁸⁾ and Commission Regulation (EEC) No 2253/92 of 31 July 1992 laying down detailed rules for implementing the specific arrangements for supplying the Canary Islands with products of the wine-growing sector ⁽⁹⁾, as last amended by Regulation (EC) No 1818/94 ⁽¹⁰⁾ according to the terms of the combined nomenclature; whereas these adaptations do not call for any amendment of substance;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 2137/93 is replaced by Annex I to this Regulation.

Article 2

Annexes I and II of Regulation (EEC) No 2253/92 are replaced by Annexes II and III to this Regulation.

Article 3

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 21 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.
⁽²⁾ OJ No L 197, 30. 7. 1994, p. 42.
⁽³⁾ OJ No L 173, 27. 6. 1992, p. 13.
⁽⁴⁾ OJ No L 180, 23. 7. 1993, p. 26.
⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.
⁽⁶⁾ OJ No L 345, 31. 12. 1994, p. 1.

⁽⁷⁾ OJ No L 191, 31. 7. 1993, p. 91.
⁽⁸⁾ OJ No L 310, 3. 12. 1994, p. 9.
⁽⁹⁾ OJ No L 219, 4. 8. 1992, p. 30.
⁽¹⁰⁾ OJ No L 190, 26. 7. 1994, p. 3.

ANNEX I

ANNEX

CN code	Product code	For export to ⁽¹⁾	Refund
2204 21 79 2204 21 83	110	01 ; 09	ECU 3,96/hl
2204 21 79 2204 21 80 2204 21 83 2204 21 84	190	01	ECU 1,30%/vol/hl ⁽²⁾
		09	ECU 1,19%/vol/hl ⁽²⁾
2204 21 79	910	01 ; 09	ECU 3,96/hl
2204 21 94 2204 21 98	910	01 ; 09	ECU 12,42/hl
2204 29 62 2204 29 64 2204 29 65 2204 29 83	110	01 ; 09	ECU 3,96/hl
2204 29 62 2204 29 64 2204 29 65 2204 29 71 2204 29 72 2204 29 75 2204 29 83 2204 29 84	190	01	ECU 1,30%/vol/hl ⁽²⁾
		09	ECU 1,19%/vol/hl ⁽²⁾
2204 29 62 2204 29 64 2204 29 65	910	01 ; 09	ECU 3,96/hl
2204 29 94 2204 29 98	910	01 ; 09	ECU 12,42/hl

⁽¹⁾ The destinations are as follows :

01 All countries of the African continent with the exception of those explicitly excluded under 09 ;

09 All other destinations with the exception of the following third countries and territories :

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| — all countries of the American continent within the meaning of Commission Regulation (EEC) No 208/93 (OJ No L 25, 2. 2. 1993, p. 11), | — Morocco, |
| — Algeria, | — Republics of Serbia and Montenegro, |
| — Australia, | — Slovenia, |
| — Bosnia-Herzegovina, | — South Africa, |
| — Croatia, | — Switzerland, |
| — Cyprus, | — the former Yugoslav Republic of Macedonia, |
| — Israel, | — Tunisia, |
| | — Turkey. |

⁽²⁾ Total alcoholic strength by volume as defined in Annex II to Regulation (EEC) No 822/87.

Note: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as last amended by Regulation (EEC) No 3329/94 (see page 50 in this Official Journal).

ANNEX II

ANNEX I

Quantities of the forecast supply balance for the Canary Islands of products of the wine-growing sector for the period 1 September 1994 to 31 August 1995

<i>(in hectolitres)</i>		
CN code	Description of goods	Volume
ex 2204 21 79 ex 2204 21 80 ex 2204 21 83 ex 2204 21 84	Wines : — — Originating in third countries : wines bearing only the name of the country of origin with no other indication or geographical designation — — Originating in the Community : table wine within the meaning of point 13 of Annex I to Regulation (EEC) No 822/87	} 129 500
ex 2204 29 62 ex 2204 29 64 ex 2204 29 65 ex 2204 29 71 ex 2204 29 72 ex 2204 29 75 ex 2204 29 83 ex 2204 29 84	Wines : — — Originating in third countries : wines bearing only the name of the country of origin with no other indication or geographical designation — — Originating in the Community : table wine within the meaning of point 13 of Annex I to Regulation (EEC) No 822/87	} 129 500
	Total	245 000'

ANNEX III

ANNEX II

Amounts of aid payable in respect of the products referred to in Annex I and coming from the Community market

(in ECU)

Product codes ⁽¹⁾	Note	Amounts of aid applicable to products coming from the Community
2204 21 79 110	(²)	3,96
2204 21 79 190	(³)	1,19
2204 21 79 910	(²)	3,96
2204 21 80 190	(³)	1,19
2204 21 83 110	(²)	3,96
2204 21 83 190	(³)	1,19
2204 21 84 190	(³)	1,19
2204 29 62 110	(²)	3,96
2204 29 62 190	(³)	1,19
2204 29 62 910	(²)	3,96
2204 29 64 110	(²)	3,96
2204 29 64 190	(³)	1,19
2204 29 64 910	(²)	3,96
2204 29 65 110	(²)	3,96
2204 29 65 190	(³)	1,19
2204 29 65 910	(²)	3,96
2204 29 71 190	(³)	1,19
2204 29 72 190	(³)	1,19
2204 29 75 190	(³)	1,19
2204 29 83 110	(²)	3,96
2204 29 83 190	(³)	1,19
2204 29 84 190	(³)	1,19

(¹) The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as last amended by Regulation (EC) No 3329/94 (see page 50 in this Official Journal).

(²) Ecu per hectolitre of product.

(³) Ecu per % volume and per hectolitre of product (total alcoholic strength by volume as defined in Annex II to Regulation (EEC) No 822/87).

COMMISSION REGULATION (EC) No 3333/94
of 21 December 1994
amending Regulation (EEC) No 3846/87 establishing an agricultural products
nomenclature for export refunds

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 1993 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1866/94 ⁽²⁾, and in particular Article 13 thereof,

Whereas Commission Regulation (EC) No 3115/94 of 20 December 1994 amending Annex I and II to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽³⁾, foresees an amendment for flour relating to CN code 1101 ;

Whereas Commission Regulation (EEC) No 3846/87 ⁽⁴⁾, as last amended by Regulation (EC) No 3329/94 ⁽⁵⁾, establishes, on the basis of the combined nomenclature, the nomenclature applicable to export refunds for agricultural

products ; whereas this nomenclature should be adapted accordingly to the abovementioned amendment ;

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

The data relating to CN code 110 of the agricultural product nomenclature for export refunds given in sector 1 of the Annex to Regulation (EEC) No 3846/87 are hereby replaced by that listed in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 21 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 345, 31. 12. 1994, p. 1.

⁽⁴⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁵⁾ See page 50 of this Official Journal.

ANNEX

CN code	Description of goods	Product code
'1101 00 00	Wheat or meslin flour :	
	- Wheat flour :	
1101 00 11	- - Of durum wheat	1101 00 11 000
1101 00 15	- - Of common wheat and spelt	
	- - Wheat flour :	
	- - - Of an ash content of 0 to 600 mg/100 g	1101 00 15 100
	- - - Of an ash content of 601 to 900 mg/100 g	1101 00 15 130
	- - - Of an ash content of 901 to 1 100 mg/100 g	1101 00 15 150
	- - - Of an ash content of 1 101 to 1 650 mg/100 g	1101 00 15 170
	- - - Of an ash content of 1 651 to 1 900 mg/100 g	1101 00 15 180
	- - - Of an ash content of more than 1 900 mg/100 g	1101 00 15 190
1101 00 90	- Meslin flour	1101 00 90 000'

**COMMISSION REGULATION (EC) No 3334/94
of 21 December 1994**

**amending Regulation (EEC) No 1767/82 laying down detailed rules for applying
specific import levies on certain milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 2807/94 ⁽²⁾, and in particular Article 14 (7) thereof,

Whereas Commission Regulation (EC) No 3115/94 of 20 December 1994 amending Annexes I and II to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽³⁾ provides from 1 January 1995 for amendments in the case of certain cheeses falling within CN code 0406; whereas Commission Regulation (EEC) No 1767/82 of 1 July 1982 laying down detailed rules for applying specific import levies on certain milk products ⁽⁴⁾, as last amended by Regulation (EC) No 659/94 ⁽⁵⁾ should be adjusted as a result;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1767/82 is hereby amended as follows:

1. In Annex I:

- (a) the CN codes ex 0406 90 13, ex 0406 90 15 and ex 0406 90 17 appearing:

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 298, 19. 11. 1994, p. 1.

⁽³⁾ OJ No L 345, 31. 12. 1994, p. 1.

⁽⁴⁾ OJ No L 196, 5. 7. 1982, p. 1.

⁽⁵⁾ OJ No L 82, 25. 3. 1994, p. 23.

— under point (c) are replaced by CN codes ex 0406 90 02, ex 0406 90 04 and ex 0406 90 18,

— under point (d) are replaced by CN codes ex 0406 90 03, ex 0406 90 05, ex 0406 90 06 and ex 0406 90 18;

- (b) the CN code 0406 90 11 appearing under point (i) is replaced by CN code 0406 90 01.

2. In Annex III:

- (a) the first subparagraph of part B is replaced by the following:

'As regards Emmentaler, Gruyère, Bergkäse, Sbrinz, Appenzell, Vacherin Mont d'Or, Fromage fribourgeois or Tête de Moine falling within subheadings ex 0406 90 02, ex 0406 90 03, ex 0406 90 04, ex 0406 90 05, ex 0406 90 06 and ex 0406 90 18 of the combined nomenclature';

- (b) the CN code 0406 90 11 appearing under G and H is replaced by CN code 0406 90 01.

3. In Annex IV:

- (a) CN code 0406 90 11 appearing in the item regarding Australia and New Zealand is replaced by CN code 0406 90 01;

- (b) in the item regarding Switzerland, code ex 0406 90 17 for Appenzell and codes 0406 90 13 and 0406 90 15, are replaced by codes ex 0406 90 02, ex 0406 90 03, ex 0406 90 04, ex 0406 90 05 and ex 0406 90 06;

- (c) code ex 0406 90 17 appearing in the item on Switzerland for Fromage fribourgeois, Vacherin Mont d'Or, Tête de Moine, is replaced by code 0406 90 18.

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 1 January 1995.

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

Done at Brussels, 21 December 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 3335/94
of 30 December 1994

amending Regulation (EC) No 2117/94 and increasing to 1 028 911 tonnes the amount of cereals held by the Spanish intervention agency for which a standing invitation to tender for resale on the internal market 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 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 Commission Regulation (EC) No 2117/94 ⁽⁵⁾, as last amended by Regulation (EC) No 3031/94 ⁽⁶⁾, opened a standing invitation to tender for the resale on the internal market of 895 911 tonnes of cereals held by the Spanish intervention agency;

Whereas in the present situation on the market the quantity of cereals held by the Spanish intervention agency put

up for sale on the internal market of the Community should be increased to 1 028 911 tonnes;

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

In Article 1 of Regulation (EC) No 2117/94 '806 053 tonnes of barley' is replaced by '939 053 tonnes of barley'.

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, 30 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. 7.

⁽⁶⁾ OJ No L 321, 14. 12. 1994, p. 22.

COMMISSION REGULATION (EC) No 3336/94
of 30 December 1994

amending Regulation (EC) No 258/94 and increasing to 109 400 tonnes the amount of durum wheat held by the Greek intervention agency for which a standing invitation to tender for resale on the internal market 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 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 Commission Regulation (EC) No 258/94 ⁽⁵⁾, as amended by Regulation (EC) No 3058/94 ⁽⁶⁾, opened a standing invitation to tender for the resale on the internal market of 64 400 tonnes of durum wheat held by the Greek intervention agency;

Whereas in the present situation on the market the quantity of durum wheat held by the Greek intervention

agency put up for sale on the internal market of the Community should be increased to 109 400 tonnes;

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

In Article 1 of Regulation (EC) No 2581/94 '64 400 tonnes' is replaced by '109 400 tonnes'.

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, 30 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 273, 25. 10. 1994, p. 8.

⁽⁶⁾ OJ No L 323, 16. 12. 1994, p. 14.

COMMISSION REGULATION (EC) No 3337/94

of 23 December 1994

amending or repealing certain Regulations in the milk and milk products sector following the accession of Austria, Finland and Sweden

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Norway, Austria, Finland and Sweden ⁽¹⁾, and in particular Article 169 (2) thereof,

Whereas, pursuant to Article 2 (3) of the Treaty of Accession, the institutions of the European Union may adopt before accession the measures referred to in Article 169 of the Act of Accession, which will enter into force subject to and on the date of entry into force of the Treaty of Accession ;

Whereas, in the milk and milk products sector, the following Regulations must be adjusted :

- Commission Regulation (EEC) No 1624/76 of 2 July 1976 concerning special arrangements for the payment of aid for skimmed-milk powder denatured or processed into compound feedingstuffs in the territory of another Member State ⁽²⁾, as amended by Regulation (EEC) No 3733/92 ⁽³⁾,
- Commission Regulation (EEC) No 2315/76 of 24 September 1976 on the sale of butter from public stocks ⁽⁴⁾, as last amended by Regulation (EEC) No 1756/93 ⁽⁵⁾,
- Commission Regulation (EEC) No 776/78 of 18 April 1978 on the application of the lowest rate of refund on exports of dairy products and repealing and amending certain Regulations ⁽⁶⁾, as last amended by Regulation (EEC) No 222/88 ⁽⁷⁾,
- Commission Regulation (EEC) No 1725/79 of 26 July 1979 on the rules for granting aid to skimmed milk processed into compound feedingstuffs and skim-

med-milk powder intended for feed for calves ⁽⁸⁾, as last amended by Regulation (EC) No 3025/94 ⁽⁹⁾,

- Commission Regulation (EEC) No 2967/79 of 18 December 1979 laying down the conditions under which certain cheeses benefiting from preferential import treatment are to be processed ⁽¹⁰⁾, as last amended by Regulation (EEC) No 222/88,
- Commission Regulation (EEC) No 2191/81 of 31 July 1981 on the granting of aid for the purchase of butter by non-profit-making institutions and organizations ⁽¹¹⁾, as last amended by Regulation (EC) No 2029/94 ⁽¹²⁾,
- Commission Regulation (EEC) No 2729/81 of 14 September 1981 laying down special rules implementing the system of import and export licences and the advance fixing of refunds in respect of milk and milk products ⁽¹³⁾, as last amended by Regulation (EEC) No 110/93 ⁽¹⁴⁾,
- Commission Regulation (EEC) No 1767/82 of 1 July 1982 laying down detailed rules for applying specific import levies on certain milk products ⁽¹⁵⁾, as last amended by Regulation (EC) No 659/94 ⁽¹⁶⁾,
- Commission Regulation (EEC) No 1953/82 of 6 July 1982 laying down special conditions for the export of certain cheeses to certain third countries ⁽¹⁷⁾, as last amended by Regulation (EEC) No 222/88,
- Commission Regulation (EEC) No 3143/85 of 11 November 1985 on the sale at reduced prices of intervention butter intended for direct consumption in the form of concentrated butter ⁽¹⁸⁾, as last amended by Regulation (EC) No 3041/94 ⁽¹⁹⁾,

⁽¹⁾ OJ No C 241, 29. 8. 1994, p. 21.

⁽²⁾ OJ No L 180, 6. 7. 1976, p. 9.

⁽³⁾ OJ No L 380, 24. 12. 1992, p. 17.

⁽⁴⁾ OJ No L 261, 25. 9. 1976, p. 12.

⁽⁵⁾ OJ No L 161, 2. 7. 1993, p. 48.

⁽⁶⁾ OJ No L 105, 19. 4. 1978, p. 5.

⁽⁷⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁸⁾ OJ No L 199, 7. 8. 1979, p. 1.

⁽⁹⁾ OJ No L 321, 14. 12. 1994, p. 9.

⁽¹⁰⁾ OJ No L 336, 29. 12. 1979, p. 23.

⁽¹¹⁾ OJ No L 213, 1. 8. 1981, p. 20.

⁽¹²⁾ OJ No L 206, 9. 8. 1994, p. 7.

⁽¹³⁾ OJ No L 272, 26. 9. 1981, p. 19.

⁽¹⁴⁾ OJ No L 15, 23. 1. 1993, p. 14.

⁽¹⁵⁾ OJ No L 196, 5. 7. 1982, p. 1.

⁽¹⁶⁾ OJ No L 82, 25. 3. 1994, p. 23.

⁽¹⁷⁾ OJ No L 212, 21. 7. 1982, p. 5.

⁽¹⁸⁾ OJ No L 298, 12. 11. 1985, p. 9.

⁽¹⁹⁾ OJ No L 322, 15. 12. 1994, p. 15.

- Commission Regulation (EEC) No 1589/87 of 5 June 1987 on the sale by tender of butter to intervention agencies ⁽¹⁾, as last amended by Regulation (EEC) No 1756/93,
- Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽²⁾, as last amended by Regulation (EC) No 3049/93 ⁽³⁾,
- Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽⁴⁾, as last amended by Regulation (EEC) No 1756/93,
- Commission Regulation (EEC) No 1150/90 of 4 May 1990 laying down detailed rules for the application of the arrangements applicable to imports of certain milk products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT) ⁽⁵⁾, as last amended by Regulation (EEC) No 2975/90 ⁽⁶⁾,
- Commission Regulation (EEC) No 3378/91 of 20 November 1991 laying down detailed rules for the sale of butter from intervention stocks for export and amending Regulation (EEC) No 569/88 ⁽⁷⁾, as last amended by Regulation (EC) No 2283/94 ⁽⁸⁾,
- Commission Regulation (EEC) No 3398/91 of 20 November 1991 on the sale by invitation to tender of skimmed-milk powder for the manufacture of compound feedingstuffs and amending Regulation (EEC) No 569/88 ⁽⁹⁾, as last amended by Regulation (EEC) No 1759/93,
- Commission Regulation (EEC) No 584/92 of 6 March 1992 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Interim Agreements between the Community and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic ⁽¹⁰⁾, as last amended by Regulation (EEC) No 3550/93 ⁽¹¹⁾,
- Commission Regulation (EEC) No 2839/93 of 18 October 1993 on the special sale of intervention butter for export to the Republics of the former Soviet Union ⁽¹²⁾, as last amended by Regulation (EC) No 2284/94 ⁽¹³⁾,
- Commission Regulation (EC) No 1588/94 of 30 June 1994 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Interim Agreements between the Community of the one part and Bulgaria and Romania of the other part ⁽¹⁴⁾, as amended by Regulation (EC) No 3109/94 ⁽¹⁵⁾;

Whereas, in the abovementioned sector, the following Regulations must be repealed :

- Commission Regulation (EEC) No 3677/81 of 22 December 1981 laying down detailed rules for the provision of administrative assistance in connection with the export of cheeses eligible for special treatment on import into Finland ⁽¹⁶⁾, as amended by Regulation (EEC) No 222/88,
- Commission Regulation (EEC) No 1316/93 of 28 May 1993 laying down detailed rules of application for the management of an annual quota of 1 000 tonnes of cheese and curds opened by the Community to Sweden ⁽¹⁷⁾, as amended by Regulation (EEC) No 2762/93 ⁽¹⁸⁾,

HAS ADOPTED THIS REGULATION :

Article 1

1. The following is added to Article 2 (2) of Regulation (EEC) No 1624/76 :

‘Valvonnalan alaiseksi tarkoitettu ja josta on asetettava vakuus [asetus (ETY) N:o 1624/76]

Avsett att ställas under kontroll mot säkerhet (förordning (EEG) nr 1624/76)’.

2. The following is added to Article 4 (3) of Regulation (EEC) No 2315/76 :

‘Asetuksen (ETY) N:o 2191/81 tarkoituksiin tarkoitettu voi

Smör avsett att användas i enlighet med förordning (EEG) nr 2191/81’.

⁽¹⁾ OJ No L 146, 6. 6. 1987, p. 27.

⁽²⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽³⁾ OJ No L 273, 5. 11. 1993, p. 7.

⁽⁴⁾ OJ No L 45, 21. 2. 1990, p. 8.

⁽⁵⁾ OJ No L 114, 5. 5. 1990, p. 21.

⁽⁶⁾ OJ No L 283, 16. 10. 1990, p. 16.

⁽⁷⁾ OJ No L 319, 21. 11. 1991, p. 40.

⁽⁸⁾ OJ No L 248, 23. 9. 1994, p. 5.

⁽⁹⁾ OJ No L 320, 22. 11. 1991, p. 16.

⁽¹⁰⁾ OJ No L 62, 7. 3. 1992, p. 34.

⁽¹¹⁾ OJ No L 324, 24. 12. 1993, p. 15.

⁽¹²⁾ OJ No L 260, 19. 10. 1993, p. 8.

⁽¹³⁾ OJ No L 248, 23. 9. 1994, p. 6.

⁽¹⁴⁾ OJ No L 167, 1. 7. 1994, p. 8.

⁽¹⁵⁾ OJ No L 328, 20. 12. 1994, p. 45.

⁽¹⁶⁾ OJ No L 367, 23. 12. 1981, p. 12.

⁽¹⁷⁾ OJ No L 132, 29. 5. 1993, p. 73.

⁽¹⁸⁾ OJ No L 251, 8. 10. 1993, p. 7.

3. In Annex I to Regulation (EEC) No 776/78, the words '0406 Cheese and curd Austria' are deleted.

4. Regulation (EEC) No 1725/79 is amended as follows:

1. The following is added to Article 4 (4) (b):

'Rehuseosten valmistukseen tarkoitettu seos — asetus (ETY) N:o 1725/75

Blandning avsedd för framställning av foderblandningar — förordning (EEG) nr 1725/79'.

2. The following is added to Article 7 (2):

'Asetuksen (ETY) N:o 1725/79 nojalla — rehuseokset, jotka on tarkoitettu maataloille tai rehuseoksilla tapahtuvaan jalostukseen, kasvatukseen tai lihotukseen

Enligt förordning (EEG) nr 1725/79 — foderblandningar avsedda att användas i ett jordbruksföretag, eller för uppfödning eller gödning'.

5. The following is added to Article 2 (3) of Regulation (EEC) No 2967/79:

'Loppukäyttö: asetus (ETY) N:o 1535/77 ja (ETY) N:o 2967/79

Särskilt användningsområde: förordningar (EEG) nr 1535/77 och (EEG) nr 2967/79'.

6. Article 4 of Regulation (EEC) No 2191/81 is amended as follows:

1. The following is added to the first paragraph:

'Asetuksen (ETY) N:o 2191/81 mukaisesti alennettuun hintaan myyty voi

Smör till nedsatt pris i enlighet med förordning (EEG) nr 2191/81'.

2. The following is added to the second paragraph:

'Jälleenmyynti kielletty

Återförsäljning förbjuden'.

7. Regulation (EEC) No 2729/81 is amended as follows:

1. The following is added to Article 6 (1):

'Erityisvienti [asetus (ETY) N:o /]

Särskild export (förordning (EEG) nr)'.

2. The following is added to Article 6 (2) (a):

'Viedään ilman vientipalautusta

Att exporteras utan exportbidrag'.

3. The following is added to Article 13 (2):

'Ennakkovahvistus vain maitoainesosan osalta

Förutfastställelse av bidrag endast för mjölkdelen',

or

'Ennakkovahvistus vain sokeriainesosan osalta

Förutfastställelse av bidrag endast för sockerdelen'.

4. The following is added to Article 16 (1):

'Ohjeellinen määrä

Normkvantitet'.

5. The following is added to Article 16 (2):

'Lisätodistus

Kompletterande licens'.

6. In the 'Destination' column in Annex I, the words 'Austria and' are deleted.

8. Regulation (EEC) No 1767/82 is amended as follows:

1. In Annex I, points (e), (f) and (l) are deleted.

2. Annex III is amended as follows:

— point B (4) is deleted;

— the words 'and (l)' in the introductory sentence of point D are deleted;

— in point D (2), the words 'and Finland' are deleted;

— in point D (5), the words 'Austria, Finland and' are deleted.

3. In Annex IV the headings 'Austria' and 'Finland' are deleted.

9. Regulation (EEC) No 1953/82 is amended as follows:

1. In Article 1, the words 'Austria or' are deleted.

2. The first paragraph of Article 2 is deleted.

3. In Article 6 (1), the reference to Annex I is deleted.

4. In Article 6 (2) the word 'Austria' is deleted.

5. In Article 8 (1), the reference to Annex I is deleted.

6. Annex I is deleted.

10. Regulation (EEC) No 3143/85 is amended as follows:

1. The following is added to Article 3 (2):

'Voiöljyn valmistukseen tarkoitettu voi [asetus (ETY) N:o 3143/85]

Smör för tillverkning av smörolja eller koncentrerat smör (förordning (EEG) nr 3143/85)'.
'

2. The following is added to the first subparagraph of Article 5 (4):

'Voiöljy' tai 'ruuanlaittoon tarkoitettu voiöljy' tai 'ruuanlaittoon ja leivontaan tarkoitettu voiöljy' tai 'ruuanlaittoon tarkoitettu voi'

Smörolja eller koncentrerat smör för matlagning och bakning'.

3. The following is added to the second subparagraph of Article 5 (4):

'Voista saatu ghee
Ghee'.

4. The following is added to the first indent of Article 12 (a):

'Tarkoitettu jalostettavaksi voiöljyksi ja sen jälkeen välittömästi kulutukseen [asetus (ETY) N:o 3143/85]

För tillverkning av smörolja eller koncentrerat smör och därpå följande direkt förbrukning (förordning (EEG) nr 3143/85)'.
'

5. The following is added to the first indent of Article 12 (b):

'Tarkoitettu pakattavaksi ja sen jälkeen välittömästi kulutukseen

Avsett att förpackas för direkt förbrukning (förordning (EEG) nr 3143/85)'.
'

6. The following is added to the first indent of Article 12 (c):

'Tarkoitettu välittömään kulutukseen [asetus (ETY) N:o 3143/85]

För direkt förbrukning (förordning (EEG) nr 3143/85)'.
'

11. The following addresses are added to the Annex to Regulation (EEC) No 1589/87:

— Agrarmarkt Austria
Dresdner Straße 70
A-1201 Wien
[tel.: (43-1) 3 31 51-309/312 (Zertifikate): (43-1) 3 31 51-318 (Beihilfen), Telefax: (43-1) 3 31 51-399];

— Maa- ja Metsätalousministeriö/Interventioyksikkö
Maatalouspolitiikan osasto
Mariankatu 23
PL 232
FIN-00171 Helsinki
[Puhelin: (358-0) 160 4221, telekopio (358-0) 160 4290]

— Statens jordbruksverk
S-551 82 Jönköping
[tel.: (46-36) 15 58 00, fax: (46-36) 11 18 60].

12. Regulation (EEC) No 570/88 is amended as follows:

1. The following is added to Article 8 (a):

'Yksinomaan asetuksen (ETY) N:o 570/88 4 artiklassa tarkoitettuihin lopputuotteisiin sisältyväksi tarkoitettu voiöljy

Koncentrerat smör avsett att användas uteslutande i någon av de produkter som anges i artikel 4 i förordning (EEG) nr 570/88'.

2. The following is added to Article 8 (b):

'Yksinomaan asetuksen (ETY) N:o 570/88 4 artiklassa tarkoitettuihin lopputuotteisiin sisältyväksi tarkoitettu voi

Smör avsett att användas uteslutande i någon av de produkter som anges i artikel 4 i förordning (EEG) nr 570/88'.

3. The following is added to Article 8 (c):

'Yksinomaan asetuksen (ETY) N:o 570/88 kaavassa B tarkoitettuihin lopputuotteisiin sisältyväksi tarkoitettu merkkiaineita sisältävä kerma

Grädde, till vilken spårämnen tillsatts, för användning uteslutande i någon av de produkter som anges i artikel 4 formel B i förordning (EEG) nr 570/88'.

4. The following is added to Article 9 (d):

'Asetuksen (ETY) N:o 570/88 9 artiklassa tarkoitettu välituote, joka on tarkoitettu yksinomaan saman asetuksen 4 artiklassa tarkoitettuihin lopputuotteisiin sisältyväksi

Mellanprodukt som avses i artikel 9 i förordning (EEG) nr 570/88 avsedd att användas uteslutande i någon av de produkter som anges i artikel 4 i samma förordning'.

5. The following are added to Annex VIII, under the points indicated:

(a) in the first indent of point A (a):

'Merkittäväksi ja asetuksen (ETY) N:o 570/88 3 artiklan a kohdan mukaisesti valmistettavaksi tarkoitettu voi

Smör till vilket spårämnen skall tillsättas och som skall användas i enlighet med artikel 3 a i förordning (EEG) nr 570/88';

(b) in the first indent of point A (b):

'Voiöljyksi ja merkittäväksi tarkoitettu asetuksen (ETY) N:o 570/88 3 artiklan a kohdan mukaisesti valmistettu voi

Smör som skall koncentreras och tillsätts spårämnen och som skall användas i enlighet med artikel 3 a i förordning (EEG) nr 570/88';

(c) in the first indent of point A (c):

'Asetuksen (ETY) N:o 570/88 9 artiklassa tarkoitettun välituotteen valmistukseen tarkoitettu merkkiaineita sisältävä voi

Smör som har tillsatts spårämnen för framställning av en sådan mellanprodukt som avses i artikel 9 i förordning (EEG) nr 570/88';

(d) in the first indent of point A (d):

'Asetuksen (ETY) N:o 570/88 9 artiklassa tarkoitettun välituotteen valmistukseen tarkoitettu merkkiaineita sisältävä voiöljy

Koncentrerat smör som har tillsatts spårämnen för framställning av en sådan mellanprodukt som avses i artikel 9 i förordning (EEG) nr 570/88';

(e) in the first indent of point A (e):

— Asetuksen (ETY) N:o 570/88 4 artiklassa tarkoitettuihin lopputuotteisiin sisältyväksi tarkoitettu merkkiaineita sisältävä voi

— Asetuksen (ETY) N:o 570/88 4 artiklassa tarkoitettuihin lopputuotteisiin sisältyväksi tarkoitettu merkkiaineita sisältävä voiöljy

— Asetuksen (ETY) N:o 570/88 4 artiklassa tarkoitettuihin lopputuotteisiin sisältyväksi tarkoitettu välituote

— Smör som har tillsatts spårämnen och som skall användas i sådana slutprodukter som avses i artikel 4 i förordning (EEG) nr 570/88

— Koncentrerat smör som har tillsatts spårämnen och som skall användas i sådana slutprodukter som avses i artikel 4 i förordning (EEG) nr 570/88

— Mellanprodukter som skall användas i sådana slutprodukter som avses i artikel 4 i förordning (EEG) nr 570/88';

(f) in the first indent of point A (f):

'Asetuksen (ETY) N:o 570/88 4 artiklan 2 kohdassa tarkoitettuihin tuotteisiin sisältyväksi tarkoitettu merkkiaineita sisältävä kerma

Grädde som tillsatts spårämnen och som skall användas i sådana produkter som avses i artikel 4.2 i förordning (EEG) nr 570/88';

(g) in the first indent of point B (a):

'Voiöljyksi tarkoitettu ja asetuksen (ETY) N:o 570/88 3 artiklan b kohdan mukaisesti valmistettu voi

Smör avsett att koncentreras och användas i enlighet med artikel 3 b i förordning (EEG) nr 570/88';

(h) in the first indent of point B (b):

— Asetuksen (ETY) N:o 570/88 3 artiklan b kohdan mukaiseen valmistukseen tarkoitettu voi

— Asetuksen (ETY) N:o 570/88 3 artiklan b kohdan mukaiseen valmistukseen tarkoitettu voiöljy

— Smör avsett att användas i enlighet med artikel 3 b i förordning (EEG) nr 570/88

— Koncentrerat smör avsett att användas i enlighet med artikel 3 b i förordning (EEG) nr 570/88';

(i) in the first indent of point B (c):

— Asetuksen (ETY) N:o 570/88 9 artiklan mukaisen välituotteen valmistukseen tarkoitettu voi

— Asetuksen (ETY) N:o 570/88 9 artiklan mukaisen välituotteen valmistukseen tarkoitettu voiöljy

— Smör avsett att användas vid framställning av en sådan mellanprodukt som avses i artikel 9 i förordning (EEG) nr 570/88

— Koncentrerat smör avsett att användas vid framställning av en sådan mellanprodukt som avses i artikel 9 i förordning (EEG) nr 570/88';

(j) in the first indent of point B (d):

— Asetuksen (ETY) N:o 570/88 4 artiklassa tarkoitettuihin lopputuotteisiin sisältyväksi tarkoitettu voi

— Asetuksen (ETY) N:o 570/88 4 artiklassa tarkoitettuihin lopputuotteisiin sisältyväksi tarkoitettu voiöljy

— Asetuksen N:o 570/88 4 artiklassa tarkoitettuihin lopputuotteisiin sisältyväksi tarkoitettu välituote

— Smör avsett att användas i sådana slutprodukter som avses i artikel 4 i förordning (EEG) nr 570/88 eller

— Koncentrerat smör avsett att användas i sådana slutprodukter som avses i artikel 4 i förordning (EEG) nr 570/88

— Mellanprodukter avsedda att användas i sådana slutprodukter som avses i artikel 4 i förordning (EEG) nr 570/88';

13. Regulation (EEC) No 429/90 is amended as follows:

1. The following is added to Article 10 (3):

— Voiöljy — asetus (ETY) N:o 429/90

— Voiöljy ruoanlaittoon ja leivontaan — asetus (ETY) N:o 429/90

— Smörolja — förordning (EEG) nr 429/90

— Koncentrerat smör för matlagning och bakning — förordning (EEG) nr 429/90'.

2. The following is added to Article 14:

'Pakattu ja yhteisössä välittömästi kulutukseen tarkoitettu voiöljy (vähittäiskaupan haltuun otettavia)

Förpackat koncentrerat smör för direkt förbrukning inom gemenskapen (avsett för detaljhandeln)'.

14. The following is added to Article 3 (d) of Regulation (EEC) No 1150/90:

'Alennettu maksu 50 %, AKT/MMA -tuote — asetus (ETY) N:o 715/90

Avgiften nedsatt med 50 %, AVS/ULT-varor — förordning (EEG) nr 715/90'.

15. Regulation (EEC) No 3378/91 is amended as follows:

1. The following is added to Article 9 (1):

'Asetuksen (ETY) N:o 3378/81 mukaisesti vietäväksi tarkoitettu voi

Smör för export enligt förordning (EEG) nr 3378/91'.

2. The following is added to Article 10 (3):

'Jalostettavaksi tarkoitettu voi — asetus (ETY) N:o 3378/91

Smör för beredning (förordning (EEG) nr 3378/91)'.

3. The following is added to the second subparagraph of Article 10 (4):

'Asetuksen (ETY) N:o 3378/81 mukaisesti vietäväksi tarkoitettu voiöljy

Koncentrerat smör för export enligt förordning (EEG) nr 3378/91'.

4. The following is added to the first indent of Article 13 (a):

'Tarkoitettu jalostettavaksi ja vietäväksi [asetus (ETY) N:o 3378/91]

Avsett för beredning och därpå följande export (förordning (EEG) nr 3378/91)'.

5. The following is added to the first indent of Article 13 (b):

'Vietäväksi tarkoitettu voiöljy [asetus (ETY) N:o 3378/91]

Koncentrerat smör för export (förordning (EEG) nr 3378/91)'.

6. The following is added to Article 14 (2):

'Ilman korvausta [asetus (ETY) N:o 3378/91]

Utan exportbidrag (förordning (EEG) nr 3378/91)'.

16. The following is added to Article 14 of Regulation (EEC) No 3398/91:

'Tarkoitettu denaturoitavaksi tai jalostettavaksi [asetus (ETY) N:o 3398/91]

Avsett att denatureras eller beredas (förordning (EEG) nr 3398/91)'.

17. Regulation (EEC) No 584/92 is amended as follows:

1. The following is added to Article 3 (d):

'Asetus (ETY) N:o 584/92

Förordning (EEG) nr 584/92'.

2. The following is added to Article 3 (e):

'Asetuksessa (ETY) N:o 584/92 säädetty maksun alennus

Avgift nedsatt i enlighet med förordning (EEG) nr 584/92'.

18. Regulation (EEC) No 2839/93 is amended as follows:

1. The following is added to Article 10 (2):

'Ilman korvausta [asetus (ETY) N:o 2839/93]

Utan exportbidrag (förordning (EEG) nr 2839/93)'.

2. The following is added to Article 10 (3):

'Tarkoitettu vietäväksi entisen Neuvostoliiton tasavaltoihin

Avsett för export till de före detta Sovjetrepublikerna'.

3. The following is added to the Annex:

— Agrarmarkt Austria
Dresdner Straße 70
A-1201 Wien

[tel.: (43-1) 3 31 51-309/ (Zertifikate): (43-1) 3 31 51-309/312 (Zertifikate): (43-1) 3 31 51-318 (Beihilfen), Telefax: (43-1) 3 31 51-399],

— Maa- ja Metsätalousministeriö/Interventioyksikkö
Maatalouspolitiikan osasto
Mariankatu 23
PL 232

FIN-00171 Helsinki
[Puhelin: (358-0) 160 4221, Telekopio (358-0) 160 4290]

— Statens jordbruksverk
S-551 82 Jönköping
[tel.: (46-36) 15 58 00, fax: (46-36) 11 18 60].

19. The following is added to Article 3 (d) and (e) of Regulation (EC) No 1588/94:

'Asetus (EY) N:o 1588/94

Förordning (EG) nr 1588/94'.

Article 2

The following Regulations are hereby repealed:

— Regulation (EEC) No 3677/81,

— Regulation (EEC) No 1316/93.

Article 3

This Regulation shall enter into force on 1 January 1995, subject to entry into force of the Treaty of Accession of Norway, Austria, Finland and Sweden.

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

Done at Brussels, 23 December 1994.

For the Commission
René STEICHEN
Member of the Commission

COMMISSION REGULATION (EC) No 3338/94
of 27 December 1994
fixing the sluice-gate prices and levies for poultrymeat

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 Regulation (EEC) No 1574/93⁽²⁾, and in particular Articles 3 and 7 (1) thereof,

Whereas the sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2777/75 must be fixed quarterly in advance in accordance with methods of calculation laid down in Council Regulation (EEC) No 2778/75 of 29 October 1975 laying down rules for calculating the levy and the sluice-gate price for poultrymeat⁽³⁾, as last amended by Regulation (EEC) No 3714/92⁽⁴⁾;

Whereas, since the sluice-gate prices and levies for poultrymeat were, by Commission Regulation (EC) No 2332/94⁽⁵⁾, last fixed for the period 1 October to 31 December 1994, they must be fixed anew for the period 1 January to 31 March 1995; whereas such prices and levies should in principle be calculated by reference to feed-grain prices for the period 1 July to 30 November 1994;

Whereas, when the sluice-gate prices applicable from 1 October, 1 January and 1 April are being fixed, trends in world market prices for feed grain are to be taken into account only if the price of the quantity of feed grain required varies by at least a specified minimum in relation to that used to calculate the sluice-gate price for the preceding quarter; whereas, by Regulation (EEC) No 2778/75, this minimum was set at 3 %;

Whereas the price of the quantity of feed grain required for the production of poultry other than fowls varies by

more than 3 % from that used for the preceding quarter; whereas this variation must accordingly be taken into account in fixing sluice-gate prices for the period 1 January to 31 March 1995;

Whereas, when the levies applicable from 1 October, 1 January and 1 April are being fixed, changes in world market prices for feed grain should be taken into account only if at the same time a new sluice-gate price is fixed;

Whereas, since a new sluice-gate price is to be fixed changes in world market prices for feed grain must be taken into account in fixing the levies;

Whereas, by Council Regulation (EEC) No 715/90⁽⁶⁾, on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States), as last amended by Regulation (EC) No 2484/94⁽⁷⁾, special import arrangements were introduced involving a reduction to 50 % in levies within the framework of fixed amounts or annual quotas, in particular for certain poultrymeat products;

Whereas Council Regulation (EEC) No 3833/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain agricultural products originating in developing countries⁽⁸⁾, as last amended by Regulation (EC) No 3282/94⁽⁹⁾, partially or totally suspends Common Tariff duties, in particular on certain poultrymeat products;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁰⁾, no levies shall apply on imports of products originating in the overseas countries and territories;

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 152, 24. 6. 1993, p. 1.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 84.

⁽⁴⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽⁵⁾ OJ No L 254, 30. 9. 1994, p. 4.

⁽⁶⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁷⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽⁸⁾ OJ No L 370, 31. 12. 1990, p. 86.

⁽⁹⁾ OJ No L 348, 31. 12. 1994.

⁽¹⁰⁾ OJ No L 263, 19. 9. 1991, p. 1.

Whereas Council Regulations (EC) No 3491/93⁽¹⁾ and (EC) No 3492/93⁽²⁾, on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republics of Hungary and Poland, of the other part, and Council Regulation (EEC) No 520/92 of 27 February 1992 on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part⁽³⁾, as amended by Regulation (EEC) No 2235/93⁽⁴⁾, and in particular Article 1 thereof introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 2699/93⁽⁵⁾, as last amended by Regulation (EC) No 3026/94⁽⁶⁾, lays down detailed rules for applying the arrangements provided for in these agreements as regards poultrymeat;

Whereas Council Regulations (EC) No 3641/93⁽⁷⁾ and (EC) No 3642/93⁽⁸⁾ lay down certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Bulgaria and Romania, of the other part; whereas Commission Regulation (EC) No 1559/94⁽⁹⁾, as last amended by Regulation (EC) No 3027/94⁽¹⁰⁾, lays down detailed rules for applying the arrangements provided for in these Agreements as regards poultrymeat;

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⁾, 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 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

1. The levies provided for in Article 3 of Regulation (EEC) No 2777/75 in respect of the products specified in Article 1 (1) of that Regulation and the sluice-gate prices provided for in Article 7 of that Regulation in respect of the like products shall be fixed in the Annex.

2. However, for products falling within CN codes 0207 31, 0207 39 90, 0207 50, 0210 90 71, 0210 90 79, 1501 00 90, 1602 31, 1602 39 19, 1602 39 30 and 1602 39 90, for which the rate of duty has been bound under GATT, the levies shall be limited to the amount resulting from that binding.

Article 2

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 27 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 319, 21. 12. 1993, p. 1.

⁽²⁾ OJ No L 319, 21. 12. 1993, p. 4.

⁽³⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁴⁾ OJ No L 200, 10. 8. 1993, p. 5.

⁽⁵⁾ OJ No L 245, 1. 10. 1993, p. 88.

⁽⁶⁾ OJ No L 321, 14. 12. 1994, p. 10.

⁽⁷⁾ OJ No L 333, 31. 12. 1993, p. 16.

⁽⁸⁾ OJ No L 333, 31. 12. 1993, p. 17.

⁽⁹⁾ OJ No L 166, 1. 7. 1994, p. 62.

⁽¹⁰⁾ OJ No L 321, 14. 12. 1994, p. 12.

⁽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.

ANNEX

to the Commission Regulation of 27 December 1994 fixing the sluice-gate prices and levies for poultrymeat (*) (*)

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 units	ECU/100 units	%
0105 11 11	22,10	5,00	—
0105 11 19	22,10	5,00	—
0105 11 91	22,10	5,00	—
0105 11 99	22,10	5,00	—
0105 19 10	98,37	16,99	—
0105 19 90	22,10	5,00	—
	ECU/100 kg	ECU/100 kg	
0105 91 00	76,57	20,21 (*)	—
0105 99 10	85,95	30,47	—
0105 99 20	111,80	31,01 (*)	—
0105 99 30	101,78	23,65 (*)	—
0105 99 50	117,59	32,40	—
0207 10 11	96,20	25,39 (*)	—
0207 10 15	109,39	28,87 (*)	—
0207 10 19	119,19	31,45 (*) (*)	—
0207 10 31	145,40	33,78 (*)	—
0207 10 39	159,38	37,03 (*)	—
0207 10 51	101,11	35,84 (*) (*)	—
0207 10 55	122,78	43,53 (*) (*)	—
0207 10 59	136,42	48,36 (*) (*)	—
0207 10 71	159,71	44,30 (*) (*)	—
0207 10 79	150,43	46,74 (*) (*)	—
0207 10 90	167,99	46,28	—
0207 21 10	109,39	28,87 (*) (*)	—
0207 21 90	119,19	31,45 (*) (*)	—
0207 22 10	145,40	33,78 (*)	—
0207 22 90	159,38	37,03 (*)	—
0207 23 11	122,78	43,53 (*) (*)	—
0207 23 19	136,42	48,36 (*) (*)	—
0207 23 51	159,71	44,30 (*) (*)	—
0207 23 59	150,43	46,74 (*) (*)	—
0207 23 90	167,99	46,28	—
0207 31 10	1 597,10	443,00	3 (*)
0207 31 90	1 597,10	443,00	3 (*)
0207 39 11	280,12	83,08 (*)	—
0207 39 13	131,11	34,60 (*)	—
0207 39 15	90,48	25,90 (*)	—
0207 39 17	62,64	17,93 (*)	—
0207 39 21	180,49	47,64 (*)	—
0207 39 23	169,55	44,75 (*)	—

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 kg	ECU/100 kg	%
0207 39 25	278,40	79,68	—
0207 39 27	62,64	17,93 (*)	—
0207 39 31	305,34	70,94 (*)	—
0207 39 33	175,32	40,73 (*)	—
0207 39 35	90,48	25,90 (*)	—
0207 39 37	62,64	17,93 (*)	—
0207 39 41	232,64	54,05 (*)	—
0207 39 43	109,05	25,34 (*)	—
0207 39 45	196,29	45,60 (*)	—
0207 39 47	278,40	79,68 (*)	—
0207 39 51	62,64	17,93 (*)	—
0207 39 53	315,90	98,15 (*) (9)	—
0207 39 55	280,12	83,08 (*) (9)	—
0207 39 57	150,06	53,20	—
0207 39 61	165,47	51,41 (*) (9)	—
0207 39 63	184,79	50,91	—
0207 39 65	90,48	25,90 (*) (9)	—
0207 39 67	62,64	17,93 (*) (9)	—
0207 39 71	225,65	70,11 (*) (9)	—
0207 39 73	180,49	47,64 (*) (9)	—
0207 39 75	218,12	67,77 (*) (9)	—
0207 39 77	169,55	44,75 (*) (9)	—
0207 39 81	191,25	63,20 (*) (9)	—
0207 39 83	278,40	79,68	—
0207 39 85	62,64	17,93 (*) (9)	—
0207 39 90	160,08	45,82	10
0207 41 10	280,12	83,08 (*) (7)	—
0207 41 11	131,11	34,60 (*)	—
0207 41 21	90,48	25,90 (*)	—
0207 41 31	62,64	17,93 (*)	—
0207 41 41	180,49	47,64 (*) (7)	—
0207 41 51	169,55	44,75 (*) (9)	—
0207 41 71	278,40	79,68 (*) (9) (7)	—
0207 41 90	62,64	17,93 (*) (9)	—
0207 42 10	305,34	70,94 (*) (7)	—
0207 42 11	175,32	40,73 (*) (7)	—
0207 42 21	90,48	25,90 (*)	—
0207 42 31	62,64	17,93 (*)	—
0207 42 41	232,64	54,05 (*)	—
0207 42 51	109,05	25,34 (*)	—
0207 42 59	196,29	45,60 (*)	—
0207 42 71	278,40	79,68 (*) (7)	—
0207 42 90	62,64	17,93	—
0207 43 11	315,90	98,15 (*) (9)	—

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 kg	ECU/100 kg	%
0207 43 15	280,12	83,08 (*) (2)	—
0207 43 21	150,06	53,20	—
0207 43 23	165,47	51,41 (*) (2)	—
0207 43 25	184,79	50,91	—
0207 43 31	90,48	25,90 (*) (2)	—
0207 43 41	62,64	17,93 (*) (2)	—
0207 43 51	225,65	70,11 (*) (2)	—
0207 43 53	180,49	47,64 (*) (2)	—
0207 43 61	218,12	67,77 (*) (2)	—
0207 43 63	169,55	44,75 (*) (2)	—
0207 43 71	191,25	63,20 (*) (2)	—
0207 43 81	278,40	79,68	—
0207 43 90	62,64	17,93 (*) (2)	—
0207 50 10	1 597,10	443,00	3 (3)
0207 50 90	160,08	45,82	10
0209 00 90	139,20	39,84	—
0210 90 71	1 597,10	443,00	3
0210 90 79	160,08	45,82	10
1501 00 90	167,04	47,81	18
1602 31 11	290,80	67,56	17 (2)
1602 31 19	306,24	87,65	17
1602 31 30	167,04	47,81	17
1602 31 90	97,44	27,89	17
1602 39 11	275,30	82,72	—
1602 39 19	306,24	87,65	17 (2)
1602 39 30	167,04	47,81	17
1602 39 90	97,44	27,89	17

(1) The levy on products covered by CN codes 0207, 1602 31 and 1602 39 originating in the ACP countries and listed in Article 6 of Regulation (EEC) No 715/90 is reduced by 50 % within the limits of the quotas referred to in that Regulation.

(2) The duty of the Common Customs Tariff on products falling within this code, imported under Regulation (EC) No 1798/94, is limited under the conditions laid down in this Regulation.

(3) Products imported under the Interim Agreements concluded between Hungary, Poland, the Czech Republic, the Slovak Republic, Romania and Bulgaria or originating in the developing countries and listed in Regulation (EEC) No 3833/90 are suspended and no levy is to be collected.

(4) Products falling within this code, imported from Poland, Hungary, the Czech Republic and the Slovak Republic under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 2699/93 have been presented, are subject to the levies set out in the Annex to that Regulation.

(5) Products falling within this code, imported from Bulgaria and Romania under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR. 1 certificates issued in accordance with Regulation (EC) No 1559/94 have been presented, are subject to the levies set out in the Annex to that Regulation.

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

(7) The levy on products falling within this code, imported under Council Regulation (EC) No 774/94 and Commission Regulation (EC) No 1431/94, is limited under the conditions laid down in this Regulation.

COMMISSION REGULATION (EC) No 3339/94

of 28 December 1994

altering the export refunds on cereals and on wheat or rye flour, groats and meal

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1866/94 ⁽²⁾, and in particular the fourth subparagraph of Article 13 (2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EC) No 3184/94 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2481/94 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 (a), (b) and (c) of Regulation (EEC) No 1766/92, exported in the natural state, as fixed in the Annex to Regulation (EC) No 3184/94 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 28 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 335, 23. 12. 1994, p. 74.

⁽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 28 December 1994 altering the export refunds on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>			<i>(ECU/tonne)</i>		
Product code	Destination (1)	Amount of refund (2)	Product code	Destination (1)	Amount of refund (2)
0709 90 60 000	—	—	1007 00 90 000	—	—
0712 90 19 000	—	—	1108 20 00 000	—	—
1001 10 00 200	—	—	1101 00 11 000	—	—
1001 10 00 400	—	—	1101 00 15 100	01	25,00
1001 90 91 000	—	—	1101 00 15 130	01	24,00
1001 90 99 000	03	13,00	1101 00 15 150	01	22,00
	02	10,00	1101 00 15 170	01	20,00
1002 00 00 000	03	13,00	1101 00 15 180	01	19,00
	02	10,00	1101 00 15 190	—	—
1003 00 10 000	—	—	1101 00 90 000	—	—
1003 00 90 000	03	35,00	1102 10 00 500	01	25,00
	02	10,00	1102 10 00 700	—	—
1004 00 00 200	—	—	1102 10 00 900	—	—
1004 00 00 400	—	—	1103 11 10 200	01	0 (3)
1005 10 90 000	—	—	1103 11 10 400	01	0 (3)
1005 90 00 000	03	40,00	1103 11 10 900	—	—
	02	0	1103 11 90 200	01	0 (3)
			1103 11 90 800	—	—

(1) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Liechtenstein, Ceuta and Melilla.

(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.

(3) No refund is granted when this product contains compressed meal.

NB: The zones are those defined in Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EC) No 3340/94
of 30 December 1994
fixing the agricultural conversion rates

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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⁽¹⁾, as last amended by Regulation (EC) No 3528/93⁽²⁾, and in particular Article 3 (1) thereof,

Having regard to Council Regulation (EC) No 3311/94 of 20 December 1994 extending by one month the application of the agrimonetary arrangements in force on 31 December 1994 and fixing the agricultural conversion rates for the new Member States⁽³⁾, and in particular Article 2 thereof,

Whereas the agricultural conversion rates were fixed by Commission Regulation (EC) No 3131/94⁽⁴⁾; whereas agricultural conversion rates for the Finnish mark, the Austrian schilling and the Swedish krona must be fixed from the date of the entry into force of the Act of Accession of the new Member States concerned, in accordance with the rules laid down in Regulation (EC) No 3311/94;

Whereas Article 4 of Regulation (EEC) No 3813/92 provides that the agricultural conversion rate for a floating currency is to be adjusted where the monetary gap between it and the representative market rate exceeds certain levels; whereas, notwithstanding that Article 4, Article 4a of that Regulation applies until 31 December 1994; whereas Regulation (EC) No 3311/94 extends these provisions until 31 January 1995;

Whereas the representative market rates are determined on the basis of reference periods established in accordance with Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates⁽⁵⁾, as amended by Regulation (EC) No 547/94⁽⁶⁾;

Whereas, as a consequence of the exchange rates recorded during the reference period 21 to 30 December 1994, it is necessary of the one part to fix the limits referred to in paragraphs 1 and 3 of Article 4a of Regulation (EEC) No 3813/92 at + 4,006 and - 0,994 and of the other

part to fix a new agricultural conversion rate for the Greek drachma and Spanish peseta;

Whereas Article 15 (3) of Regulation (EEC) No 1068/93 provides that an agricultural conversion rate fixed in advance shall be adjusted if the gap between that rate and the agricultural conversion rate in force at the time of the operative event applicable for the currency concerned exceeds four points; whereas, in that event, the agricultural conversion rate fixed in advance is brought more closely into line with the rate in force, up to the level of a gap of four points with that rate; whereas the rate which replaces the agricultural conversion rate fixed in advance should be specified,

HAS ADOPTED THIS REGULATION:

Article 1

The agricultural conversion rates are fixed in Annex I hereto.

Article 2

In the case referred to in Article 15 (3) of Regulation (EEC) No 1068/93, the agricultural conversion rate fixed in advance shall be replaced by the ecu rate for the currency concerned, shown in Annex II:

— Table A, where the latter rate is higher than the rate fixed in advance,

or

— Table B, where the latter rate is lower than the rate fixed in advance.

Article 3

Regulation (EC) No 3131/94 is hereby repealed.

Article 4

This Regulation shall enter into force on 1 January 1995.

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽³⁾ See page 1 of this Official Journal.

⁽⁴⁾ OJ No L 330, 21. 12. 1994, p. 55.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ 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, 30 December 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Agricultural conversion rates

ECU 1 =	49,3070	Belgian and Luxembourg francs
	9,34812	Danish kroner
	2,35418	German marks
	354,617	Greek drachmas
	239,331	Portuguese escudos
	7,98191	French francs
	7,02071	Finnish marks
	2,65256	Dutch guilders
	0,976426	Irish punt
	2 383,42	Italian lire
	16,5658	Austrian schillings
	193,683	Spanish pesetas
	10,9857	Swedish Kroner
	0,953575	Pound sterling

ANNEX II

Agricultural conversion rates fixed in advance and adjusted

Table A			Table B		
ECU 1 =	47,4106	Belgian and Luxembourg francs	ECU 1 =	51,3615	Belgian and Luxembourg francs
	8,98858	Danish kroner		9,73763	Danish kroner
	2,26363	German marks		2,45227	German marks
	340,978	Greek drachmas		369,393	Greek drachmas
	230,126	Portuguese escudos		249,303	Portuguese escudos
	7,67491	French francs		8,31449	French francs
	6,75068	Finnish marks		7,31324	Finnish marks
	2,55054	Dutch guilders		2,76308	Dutch guilders
	0,938871	Irish punt		1,01711	Irish punt
	2 291,75	Italian lire		2 482,73	Italian lire
	15,9287	Austrian schillings		17,2560	Austrian schillings
	186,234	Spanish pesetas		201,753	Spanish pesetas
	10,5632	Swedish Kroner		11,4434	Swedish Kroner
	0,916899	Pound sterling		0,993307	Pound sterling

COMMISSION REGULATION (EC) No 3341/94
of 27 December 1994
fixing the export refunds on fruit and vegetables

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 3290/94⁽²⁾, and in particular Article 30 (4) thereof,

Whereas Article 30 of Regulation (EEC) No 1035/72 provides that, to the extent necessary to allow economically significant quantities to be exported, the difference between prices in international trade for the products referred to in that Article and prices for the products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2518/69 of 9 December 1969 laying down general rules for the granting of refunds on exports of fruit and vegetables and criteria for fixing their amounts⁽³⁾, as amended by Regulation (EEC) No 2455/72⁽⁴⁾, provides that when refunds are being fixed, account must be taken of the existing situation and future trends with regard to prices and availabilities of fruit and vegetables on the Community market on the one hand and prices in international trade on the other; whereas account must also be taken of the costs indicated in (b) of that Article and of the economic aspects of the proposed exports;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2518/69, when prices on the Community market are being determined account must be taken of the prices which are most favourable from the exportation point of view; whereas, when prices in international trade are being determined, the quotations and prices referred to in paragraph 2 of that Article must be taken into account;

Whereas the situation with regard to international trade or the specific requirements of certain markets may make it necessary to vary the refund for a given product according to the destination of that product;

Whereas tomatoes, fresh lemons, fresh sweet oranges, apples, peaches and nectarines of the common quality standards 'Extra' Class, Class I and Class II, table grapes of the common quality standards 'Extra' Class and Class I, almonds and hazelnuts, and unshelled walnuts may at present be exported in economically significant quantities;

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

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

Whereas it follows from applying these detailed rules to the present market situation and to its future trends, and in particular to quotations and prices for fruit and vegetables in the Community and in international trade that the refunds should be as set out in the Annex hereto;

Whereas account should be taken of the amendments, introduced by Commission Regulation (EC) No 3328/94⁽¹⁰⁾, amending Commission Regulation (EEC) No 3846/87⁽¹¹⁾, establishing an agricultural product nomenclature for export refunds, to the agricultural product nomenclature for export refunds in respect of tomatoes, oranges, lemons, grapes, apples and peaches, applicable from 1 January 1995;

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

Export refunds in the fruit and vegetables sector shall be fixed at the amounts specified in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1995.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 94.

⁽³⁾ OJ No L 318, 18. 12. 1969, p. 17.

⁽⁴⁾ OJ No L 266, 25. 11. 1972, p. 7.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁸⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ OJ No L 69, 12. 3. 1994, p. 1.

⁽¹⁰⁾ See page 45 of this Official Journal.

⁽¹¹⁾ OJ No L 366, 24. 12. 1987, p. 1.

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

Done at Brussels, 27 December 1994.

For the Commission
René STEICHEN
Member of the Commission

ANNEX

to the Commission Regulation of 27 December 1994 fixing the export refunds on fruit and vegetables

<i>(ECU/100 kg net)</i>			<i>(ECU/100 kg net)</i>		
Product code	Destination of refund (1)	Amounts of refunds (2)	Product code	Destination of refund (1)	Amounts of refunds (2)
0702 00 15 100	04	4,50	0805 10 69 200	01	11,00
0702 00 20 100	04	4,50	0805 30 20 100	04	13,50
0702 00 25 100	04	4,50	0805 30 30 100	04	13,50
0702 00 30 100	04	4,50	0805 30 40 100	04	13,50
0702 00 35 100	04	4,50	0806 10 21 200	04	4,84
0702 00 40 100	04	4,50	0806 10 29 200	04	4,84
0702 00 45 100	04	4,50	0806 10 30 200	04	4,84
0702 00 50 100	04	4,50	0806 10 40 200	04	4,84
0802 12 90 000	04	9,67	0806 10 50 200	04	4,84
0802 21 00 000	04	11,30	0806 10 61 200	04	4,84
0802 22 00 000	04	21,80	0806 10 69 200	04	4,84
0802 31 00 000	04	14,00	0808 10 51 910	02	8,00
0805 10 01 200	01	11,00	0808 10 53 910	02	8,00
0805 10 05 200	01	11,00	0808 10 59 910	02	8,00
0805 10 09 200	01	11,00	0808 10 61 910	02	8,00
0805 10 11 200	01	11,00	0808 10 63 910	02	8,00
0805 10 15 200	01	11,00	0808 10 69 910	02	8,00
0805 10 19 200	01	11,00	0808 10 71 910	02	8,00
0805 10 21 200	01	11,00	0808 10 73 910	02	8,00
0805 10 25 200	01	11,00	0808 10 79 910	02	8,00
0805 10 29 200	01	11,00	0808 10 92 910	02	8,00
0805 10 32 200	01	11,00	0808 10 94 910	02	8,00
0805 10 34 200	01	11,00	0808 10 98 910	02	8,00
0805 10 36 200	01	11,00	0809 30 11 100	03	—
0805 10 42 200	01	11,00	0809 30 19 100	03	—
0805 10 44 200	01	11,00	0809 30 21 100	03	—
0805 10 46 200	01	11,00	0809 30 29 100	03	—
0805 10 51 200	01	11,00	0809 30 31 100	03	—
0805 10 55 200	01	11,00	0809 30 39 100	03	—
0805 10 59 200	01	11,00	0809 30 41 100	03	—
0805 10 61 200	01	11,00	0809 30 49 100	03	—
0805 10 65 200	01	11,00	0809 30 51 100	03	—
			0809 30 59 100	03	—

(1) The destinations are as follows:

01 Switzerland, Greenland, Norway, Iceland, Malta, Poland, the Czech Republic, the Slovak Republic, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Bosnia-Herzegovina, Croatia, Slovenia, the former Yugoslav Republic of Macedonia,

02 Norway, Iceland, the Faroe Islands, Greenland, Malta, Syria, Poland, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Bosnia-Herzegovina, Croatia, Slovenia, the former Yugoslav Republic of Macedonia, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia, Uruguay, Paraguay, Argentina, Mexico, Costa Rica, the countries and territories of Africa other than South Africa, countries of the Arabian peninsula (Saudi Arabia, Bahrain, Qatar, Oman, the United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm, al Qaiwain, Fujairah and Ras al Khaimah), Kuwait, Yemen), Iran, Jordan, Hong Kong, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia and Vietnam,

03 all destinations excluding Switzerland,

04 all destinations.

(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.

COMMISSION REGULATION (EC) No 3342/94

of 27 December 1994

fixing the export refunds for products processed from fruit and vegetables as provided for in Article 12 of Council Regulation (EEC) No 426/86

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 Regulation (EC) No 3290/94⁽²⁾, and in particular Article 12 (2) and (5) thereof,

Whereas, pursuant to Article 12 (1) of Regulation (EEC) No 426/86, to the extent necessary to enable the products referred to in Article 1 (1) (a) of the said Regulation to be exported in economically significant quantities on the basis of prices for those products on the world market, the difference between those prices and prices within the Community may be covered by an export refund; whereas Article 12 (3) of Regulation (EEC) No 426/86 provides that in cases where the refund for sugars incorporated in the products listed in Article 1 (1) (b) of the Regulation is not sufficient to permit export of the products, the refund fixed pursuant to Article 12 (1) shall apply for such exports;

Whereas, pursuant to Article 2 of Council Regulation (EEC) No 519/77 of 14 March 1977 laying down general rules for granting export refunds on products processed from fruit and vegetables and criteria for fixing the amount of such refunds⁽³⁾, account should be taken, when refunds are being fixed, of the existing situation and future trends with regard to, on the one hand, prices and availabilities on the Community market of products processed from fruit and vegetables and, on the other hand, prices ruling in international trade; whereas account should also be taken of the costs referred to in subparagraph (b) of the said Article and of the economic aspect of the proposed exports;

Whereas, in accordance with Article 3 of Regulation (EEC) No 519/77, account should be taken, when prices on the Community market are being determined, of the ruling prices which are most favourable from the point of view of exportation; whereas, when prices in international trade are being determined, account should be taken of the prices referred to in paragraph 2 of the said Article;

Whereas when the application of the rules referred to above results in an amount of refund which for products listed in Article 1 (1) (b) of Regulation (EEC) No 426/86 is supposed to be lower than the refund for the added sugars pursuant to Article 11 of the same Regulation, no refund should be fixed; whereas, in such cases, the refunds for added sugars should apply;

Whereas the nonfixing of refunds for peeled tomatoes to be exported to the USA entails the application of the provisions of Article 16 of Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁴⁾, as last amended by Regulation (EC) No 2955/94⁽⁵⁾;

Whereas Council Regulation (EEC) No 990/93⁽⁶⁾ prohibits trade between the European Economic Community and the Federal Republic of Yugoslavia (Serbia und Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

Whereas application of the abovementioned rules and criteria to the current market situation, and in particular to the prices of products processed from fruit and vegetables on the Community market and in international trade entails fixing an appropriate refund;

Whereas account should be taken of the amendments, introduced by Commission Regulation (EC) No 3329/94⁽⁷⁾ amending Commission Regulation (EEC) No 3846/87⁽⁸⁾, establishing an agricultural product nomenclature for export refunds, to the agricultural product nomenclature for export refunds in respect of certain preserved cherries and certain hazelnuts, applicable from 1 January 1995;

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

⁽¹⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽²⁾ OJ No L 312, 6. 12. 1994, p. 5.

⁽³⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁴⁾ See page 50 of this Official Journal.

⁽⁵⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 94.

⁽³⁾ OJ No L 73, 21. 3. 1977, p. 24.

HAS ADOPTED THIS REGULATION :

Article 1

1. The export refunds referred to in Article 12 of Regulation (EEC) No 426/86 shall be as set out in Annex hereto.
2. The non-fixing of a refund rate for peeled tomatoes, as defined in Annex, to be exported to the United States

of America shall be taken into consideration for the application of Article 16 of Regulation (EEC) No 3665/87.

3. Where no refund is fixed for a product listed in Annex, that product may, where applicable, benefit from any export refund applicable to added sugars pursuant to Article 11 of Regulation (EEC) No 426/86.

Article 2

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 27 December 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 27 December 1994 fixing the export refunds for products processed from fruit and vegetables as provided for in Article 12 of Council Regulation (EEC) No 426/86

(ECU/100 kg net)

Product code	Destination of the exports ⁽¹⁾	Refund ⁽²⁾ ⁽³⁾
0812 10 00 100	01	13,30
2002 10 10 100	02	15,00
2006 00 31 000	01	30,22
2006 00 99 100	01	30,22
2008 19 19 100		21,80
2008 19 99 100		21,80
2009 11 99 110		2,10
2009 19 99 110		2,10
2009 11 99 120		4,20
2009 19 99 120		4,20
2009 11 99 130		6,30
2009 19 99 130		6,30
2009 11 99 140		8,40
2009 19 99 140		8,40
2009 11 99 150		10,50
2009 19 99 150		10,50

⁽¹⁾ For the following destinations :

- 01 All destinations except North America ;
- 02 All destinations except the United States of America.

⁽²⁾ Amounts shown shall apply to products obtained from fruit harvested within the Community.

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

COMMISSION REGULATION (EC) No 3343/94
of 28 December 1994
fixing the import levies on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 2807/94 ⁽²⁾, and in particular Article 14 (8) thereof,

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

Whereas the levy on the products in any one group must be equal to the threshold price for the pilot product less the free-at-frontier price; whereas the threshold price for the 1994/95 milk year was fixed by Council Regulation (EC) No 1882/94 ⁽⁵⁾;

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

Whereas, as provided for in Regulation (EEC) No 2915/79, the component of the levy established using

a factor expressing the weight ratio existing between the milk components contained in the product on the one hand and the product itself on the other is, for products containing sugar or other sweeteners, calculated by multiplying the basic amount by the quantity of milk components contained in the product;

Whereas Article 12 of Regulation (EEC) No 2915/79 provides that for certain products originating in or coming from certain third countries a specific levy is to be applied; whereas the levy applicable to those products is fixed in Annex I to Commission Regulation (EEC) No 1767/82 ⁽⁶⁾, as last amended by Regulation (EC) No 3334/94 ⁽⁷⁾;

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

— one component equal to the amount resulting from the provisions of Articles 2 to 7 of Regulation (EEC) No 2915/79 applicable to the assimilated product in question,

— an additional component fixed at a level which, the composition and quality of the assimilated product being taken into account, makes it possible to re-establish normal price ratios for imports into the Community;

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 298, 19. 11. 1994, p. 1.

⁽³⁾ OJ No L 329, 24. 12. 1979, p. 1.

⁽⁴⁾ OJ No L 312, 15. 12. 1993, p. 8.

⁽⁵⁾ OJ No L 197, 30. 7. 1994, p. 24.

⁽⁶⁾ OJ No L 196, 5. 7. 1982, p. 1.

⁽⁷⁾ See page 62 of this Official Journal.

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

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

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

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

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

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

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

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

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

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

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

⁽¹⁾ OJ No L 180, 26. 7. 1968, p. 25.

⁽²⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽³⁾ OJ No L 74, 19. 3. 1986, p. 20.

⁽⁴⁾ OJ No L 144, 7. 6. 1990, p. 15.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽⁶⁾ OJ No L 319, 21. 12. 1993, p. 1.

⁽⁷⁾ OJ No L 319, 21. 12. 1993, p. 4.

⁽⁸⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁹⁾ OJ No L 200, 10. 8. 1993, p. 5.

⁽¹⁰⁾ OJ No L 62, 7. 3. 1992, p. 34.

⁽¹¹⁾ OJ No L 324, 24. 12. 1993, p. 15.

Whereas, in addition, account must be taken of Council and Commission Decision 94/1/ECSC, EC⁽¹⁾ concerning the conclusion of the Agreements on the European Economic Area, between the European Community, the European Coal and Steel Community and their Member States, on the one hand, and Austria, Finland, Iceland, Norway, Sweden and Liechtenstein, on the other hand, hereafter referred to as the 'EEA Agreement';

Whereas Council Regulations (EC) No 3641/93⁽²⁾ and (EC) No 3642/93⁽³⁾ on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Bulgaria and Romania, of the other part; whereas Commission Regulation (EC) No 1588/94⁽⁴⁾, as amended by Regulation (EC) No 3109/94⁽⁵⁾, lays down detailed rules for applying the arrangements provided for in these agreements as regards milk and milk products;

Whereas Council Regulation (EEC) No 715/90⁽⁶⁾, as last amended by Regulation (EC) No 2484/94⁽⁷⁾; lays down the arrangements applicable to agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽⁸⁾, no levies shall apply on

products originating in the overseas countries and territories;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁹⁾, as amended by Regulation (EC) No 3528/93⁽¹⁰⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹¹⁾, as amended by Regulation (EC) No 547/94⁽¹²⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 28 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 1, 3. 1. 1994, p. 1.

⁽²⁾ OJ No L 333, 31. 12. 1993, p. 16.

⁽³⁾ OJ No L 333, 31. 12. 1993, p. 17.

⁽⁴⁾ OJ No L 167, 1. 7. 1994, p. 8.

⁽⁵⁾ OJ No L 328, 20. 12. 1994, p. 45.

⁽⁶⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁷⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽⁸⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 1.

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

⁽¹¹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹²⁾ OJ No L 69, 12. 3. 1994, p. 1.

ANNEX

to the Commission Regulation of 28 December 1994 fixing the import levies on milk and milk products

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

CN code	Note (°)	Import levy	CN code	Note (°)	Import levy
0401 10 10		16,78	0403 10 16	(¹)	2,0705/kg + 25,18
0401 10 90		15,57	0403 10 22		25,21
0401 20 11		22,80	0403 10 24		29,91
0401 20 19		21,59	0403 10 26		71,76
0401 20 91		27,50	0403 10 32	(¹)	0,1917/kg + 23,97
0401 20 99		26,29	0403 10 34	(¹)	0,2387/kg + 23,97
0401 30 11		69,35	0403 10 36	(¹)	0,6572/kg + 23,97
0401 30 19		68,14	0403 90 11		118,49
0401 30 31		132,45	0403 90 13		177,48
0401 30 39		131,24	0403 90 19		214,30
0401 30 91		221,31	0403 90 31	(¹)	1,1124/kg + 25,18
0401 30 99		220,10	0403 90 33	(¹)	1,7023/kg + 25,18
0402 10 11	(²)	118,49	0403 90 39	(¹)	2,0705/kg + 25,18
0402 10 19	(²)(³)	111,24	0403 90 51		25,21
0402 10 91	(¹)(³)	1,1124/kg + 25,18	0403 90 53		29,91
0402 10 99	(¹)(³)	1,1124/kg + 17,93	0403 90 59		71,76
0402 21 11	(²)	177,48	0403 90 61	(¹)	0,1917/kg + 23,97
0402 21 17	(²)	170,23	0403 90 63	(¹)	0,2387/kg + 23,97
0402 21 19	(²)(³)	170,23	0403 90 69	(¹)	0,6572/kg + 23,97
0402 21 91	(²)(³)	214,30	0404 10 02		25,04
0402 21 99	(²)(³)	207,05	0404 10 04		177,48
0402 29 11	(¹)(²)(³)	1,7023/kg + 25,18	0404 10 06		214,30
0402 29 15	(¹)(³)	1,7023/kg + 25,18	0404 10 12		118,49
0402 29 19	(¹)(³)	1,7023/kg + 17,93	0404 10 14		177,48
0402 29 91	(¹)(³)	2,0705/kg + 25,18	0404 10 16		214,30
0402 29 99	(¹)(³)	2,0705/kg + 17,93	0404 10 26	(¹)	0,2504/kg + 17,93
0402 91 11	(²)	35,40	0404 10 28	(¹)	1,7023/kg + 25,18
0402 91 19	(²)	35,40	0404 10 32	(¹)	2,0705/kg + 25,18
0402 91 31	(²)	44,25	0404 10 34	(¹)	1,1124/kg + 25,18
0402 91 39	(²)	44,25	0404 10 36	(¹)	1,7023/kg + 25,18
0402 91 51	(²)	132,45	0404 10 38	(¹)	2,0705/kg + 25,18
0402 91 59	(²)	131,24	0404 10 48	(²)	0,2504/kg
0402 91 91	(²)	221,31	0404 10 52	(²)	1,7023/kg + 6,04
0402 91 99	(²)	220,10	0404 10 54	(²)	2,0705/kg + 6,04
0402 99 11	(²)	52,41	0404 10 56	(²)	1,1124/kg + 6,04
0402 99 19	(²)	52,41	0404 10 58	(²)	1,7023/kg + 6,04
0402 99 31	(¹)(³)	1,2882/kg + 21,56	0404 10 62	(²)	2,0705/kg + 6,04
0402 99 39	(¹)(³)	1,2882/kg + 20,35	0404 10 72	(²)	0,2504/kg + 17,93
0402 99 91	(¹)(³)	2,1768/kg + 21,56	0404 10 74	(²)	1,7023/kg + 23,97
0402 99 99	(¹)(³)	2,1768/kg + 20,35	0404 10 76	(²)	2,0705/kg + 23,97
0403 10 02		118,49	0404 10 78	(²)	1,1124/kg + 23,97
0403 10 04		177,48	0404 10 82	(²)	1,7023/kg + 23,97
0403 10 06		214,30	0404 10 84	(²)	2,0705/kg + 23,97
0403 10 12	(¹)	1,1124/kg + 25,18	0404 90 11		118,49
0403 10 14	(¹)	1,7023/kg + 25,18	0404 90 13		177,48

CN code	Note (°)	Import levy	CN code	Note (°)	Import levy
0404 90 19		214,30	0406 90 23	(°) (°)	152,56
0404 90 31		118,49	0406 90 25	(°) (°)	152,56
0404 90 33		177,48	0406 90 27	(°) (°)	152,56
0404 90 39		214,30	0406 90 29	(°) (°)	152,56
0404 90 51	(°)	1,1124/kg + 25,18	0406 90 31	(°) (°)	152,56
0404 90 53	(°) (°)	1,7023/kg + 25,18	0406 90 33	(°) (°)	152,56
0404 90 59	(°)	2,0705/kg + 25,18	0406 90 35	(°) (°)	152,56
0404 90 91	(°)	1,1124/kg + 25,18	0406 90 37	(°) (°)	152,56
0404 90 93	(°) (°)	1,7023/kg + 25,18	0406 90 39	(°) (°)	152,56
0404 90 99	(°)	2,0705/kg + 25,18	0406 90 50	(°) (°)	152,56
0405 00 11	(°)	227,84	0406 90 61	(°) (°)	369,97
0405 00 19	(°)	227,84	0406 90 63	(°) (°)	369,97
0405 00 90		277,96	0406 90 69	(°) (°)	369,97
0406 10 20	(°) (°)	193,57	0406 90 73	(°) (°)	152,56
0406 10 80	(°) (°)	249,28	0406 90 75	(°) (°)	152,56
0406 20 10	(°) (°)	369,97	0406 90 76	(°) (°)	152,56
0406 20 90	(°) (°)	369,97	0406 90 78	(°) (°)	152,56
0406 30 10	(°) (°)	158,31	0406 90 79	(°) (°)	152,56
0406 30 31	(°) (°)	145,53	0406 90 81	(°) (°)	152,56
0406 30 39	(°) (°)	158,31	0406 90 82	(°) (°)	152,56
0406 30 90	(°) (°)	255,03	0406 90 84	(°) (°)	152,56
0406 40 10	(°) (°)	143,61	0406 90 85	(°) (°)	152,56
0406 40 50	(°) (°)	143,61	0406 90 86	(°) (°)	152,56
0406 40 90	(°) (°)	143,61	0406 90 87	(°) (°)	152,56
0406 90 01	(°) (°)	211,82	0406 90 88	(°) (°)	152,56
0406 90 02	(°) (°)	161,83	0406 90 93	(°) (°)	193,57
0406 90 03	(°) (°)	161,83	0406 90 99	(°) (°)	249,28
0406 90 04	(°) (°)	161,83	1702 10 10		62,97
0406 90 05	(°) (°)	161,83	1702 10 90		62,97
0406 90 06	(°) (°)	161,83	2106 90 51		62,97
0406 90 07	(°) (°)	161,83	2309 10 15		85,85
0406 90 08	(°) (°)	161,83	2309 10 19		111,44
0406 90 09	(°) (°)	161,83	2309 10 39		103,94
0406 90 12	(°) (°)	161,83	2309 10 59		84,67
0406 90 14	(°) (°)	161,83	2309 10 70		111,44
0406 90 16	(°) (°)	161,83	2309 90 35		85,85
0406 90 18	(°) (°)	161,83	2309 90 39		111,44
0406 90 19	(°) (°)	369,97	2309 90 49		103,94
0406 90 21	(°) (°)	211,82	2309 90 59		84,67
			2309 90 70		111,44

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

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

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

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

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

- for which an IMA 1 certificate, issued in accordance with amended Regulation (EEC) No 1767/82, is presented,
— for which an EUR 1 certificate, issued in accordance with amended Regulation (EEC) No 584/92 for Poland, the Czech and Slovak Republics and Hungary and Regulation (EC) No 1588/94 for Bulgaria and Romania, is presented,
shall be subject to the levies defined in the said Regulations, respectively.

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

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

COMMISSION REGULATION (EC) No 3344/94

of 29 December 1994

fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex II to the Treaty

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 the third subparagraph of Article 13 (2) thereof,Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EC) No 1869/94⁽⁴⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Whereas Article 13 (1) of Regulation (EEC) No 1766/92 and Article 17 (1) of Regulation (EEC) No 1418/76 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund;

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EC) No 2296/94⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EEC) No 1418/76 as appropriate;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;Whereas Council Regulation (EEC) No 990/93⁽⁸⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1 (1) of Regulation (EEC) No 1418/76, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EEC) No 1418/76 respectively, are hereby fixed as shown in the Annex to this Regulation.

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 1 January 1995.

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

Done at Brussels, 29 December 1994.

For the Commission

Karel VAN MIERT

Member of the Commission⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽⁴⁾ OJ No L 197, 30. 7. 1994, p. 7.⁽⁵⁾ OJ No L 136, 31. 5. 1994, p. 5.⁽⁶⁾ OJ No L 249, 24. 9. 1994, p. 9.⁽⁷⁾ OJ No L 275, 29. 9. 1987, p. 36.⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 29 December 1994 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products (1)	Rate of refund per 100 kg of basic product (2)
1001 10 00	Durum wheat : – used unprocessed : – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in all other cases – used in the form of : – pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 – hulled grains of CN code 1104 and starch of CN code 1108 – germ of CN code 1104 – gluten of CN code 1109 – other (except flours of CN code 1101 and groats and meal of CN code 1103)	— — — — — — —
1001 90 99	Common wheat and meslin : – used unprocessed : – on exports of goods falling within CN code 1902 11 and 1902 19 to the United States of America – in all other cases – used in the form of : – pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 – hulled grains of CN code 1104 and starch of CN code 1108 – germ of CN code 1104 – gluten of CN code 1109 – other (except flours of CN code 1101, and groats and meal of CN code 1103)	1,268 1,951 1,171 1,756 0,683 — 1,951
1002 00 00	Rye : – used unprocessed – used in the form of : – groats, meal and pellets of CN code 1103, or pearled grains of CN code 1104 – rolled or flaked grains and hulled grains of CN code 1104 – germ of CN code 1104 – starch of CN code 1108 19 90 – gluten of CN code 2303 10 90 – other (except flours of CN code 1102)	5,456 3,274 4,910 1,851 5,288 — 5,456
1003 00 90	Barley : – used unprocessed – used in the form of : – flours of CN code 1102, groats and meal of CN code 1103, or rolled, flaked or pearled grains of CN code 1104 – pellets of CN code 1103 – germs of CN code 1104 – starch of CN code 1108 19 90 – gluten of CN code 2303 10 90 – other	4,497 3,148 2,698 1,851 5,288 — 4,497

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾
1004 00 00	Oats : – used unprocessed – used in the form of : – – pellets of CN code 1103, and pearled grains of CN code 1104 – – rolled or flaked grains and hulled grains of CN code 1104 – – germs of CN code 1104 – – starch of CN code 1108 19 90 – – gluten of CN code 2303 10 90 – – other	6,185 3,711 5,567 1,851 5,288 — 6,185
1005 90 00	Maize (Corn) : – used unprocessed – used in the form of : – – flours of CN codes 1102 20 10 and 1102 20 90 – – groats and meal of CN code 1003 and rolled or flaked grains of CN code 1104 – – pellets of CN code 1103 – – hulled or perled grains of CN code 1104 – – germs of CN code 1104 – – starch of CN code 1108 12 00 – – gluten of CN code 2303 10 11 – – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ – – other ⁽³⁾	5,288 3,702 4,230 3,173 4,759 1,851 5,288 2,115 5,288 5,288
1006 20	Round grain husked rice Medium grains husked rice Long grain husked rice	21,313 18,975 18,975
ex 1006 30	Round grain wholly-milled rice Medium grain wholly-milled rice Long grain wholly-milled rice	27,500 27,500 27,500
1006 40 00	Broken rice : – used unprocessed – used in the form of : – – flour of CN code 1102 30, groats and meal or pellets of CN code 1103 – – flaked grains of CN 1104 19 91 – – starch of CN code 1108 19 10 – – other	6,200 6,200 3,720 6,200 —
1007 00 90	Sorghum	4,497
1101 00 00	Wheat or meslin flour : – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in all other cases	1,560 2,400
1102 10 00	Rye flour	7,475
1103 11 10	Groats and durum wheat meal : – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in all other cases	— —
1103 11 90	Common wheat groats and spelt : – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in all other cases	1,560 2,400

(¹) The quantities of semi-processed products used must be multiplied, as the case may be, by the coefficients shown in Annex I to Commission Regulation (EEC) No 1620/93 (OJ No L 155, 26. 6. 1993, p. 29).

(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.

(³) For syrups of CN codes 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 3345/94

of 29 December 1994

fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EC) No 2807/94⁽²⁾, and in particular Article 17 (4) thereof,

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EC) No 2296/94⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas Article 4 (3) of Regulation (EC) No 1222/94 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid

for skimmed milk processed into casein or caseinates⁽⁵⁾, as last amended by Regulation (EEC) No 1435/90⁽⁶⁾;

Whereas Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs⁽⁷⁾, as last amended by Regulation (EC) No 3049/93⁽⁸⁾, lay down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

Whereas Council Regulation (EEC) No 990/93⁽⁹⁾ 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 Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.
2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.
3. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only when the conditions laid down in Regulation (EEC) No 990/93 are observed.

Article 2

This Regulation shall enter into force on 1 January 1995.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 298, 19. 11. 1994, p. 1.

⁽³⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ No L 249, 24. 9. 1994, p. 9.

⁽⁵⁾ OJ No L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ No L 138, 31. 5. 1990, p. 8.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁸⁾ OJ No L 273, 5. 11. 1993, p. 7.

⁽⁹⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Done at Brussels, 29 December 1994.

For the Commission

Karel VAN MIERT

Member of the Commission

ANNEX

to the Commission Regulation of 29 December 1994 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

		<i>(ECU/100 kg)</i>
CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2):	
	a) On exportation of goods of CN code 3501 b) On exportation of other goods	— 60,00
ex 0402 21 19	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3):	
	a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported b) On exportation of other goods	56,77 104,50
ex 0405 00	Butter, with a fat content by weight of 82 % (PG 6):	
	a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported	39,00
	b) On exportation of goods of CN code 2106 90 99 containing 40 % or more by weight of milk fat c) On exportation of other goods	166,00 160,00

COMMISSION REGULATION (EC) No 3346/94
of 30 December 1994

fixing the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty

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 market in sugar⁽¹⁾, as last amended by Regulation (EC) No 133/94⁽²⁾, and in particular Article 19 (4) (a) and (7) thereof,

Whereas Article 19 (1) and (2) of Regulation (EEC) No 1785/81 provides that, for the products listed in Article 1 (1) (a), (c), (d), (f) and (g) of that Regulation, an export refund may be granted when these goods are exported in the form of goods listed in Annex I to that same Regulation; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds for certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EC) No 2296/94⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾ 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. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

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 1 January 1995.

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

Done at Brussels, 30 December 1994.

For the Commission

Karel VAN MIERT

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 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ No L 249, 24. 9. 1994, p. 9.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 30 December 1994 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

	— Rate of refund in ECU/100 kg —
White sugar :	28,94
Raw sugar :	26,62
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose) :	$28,94^{(*)} \times \frac{S^{(1)}}{100}$ or the rate fixed above for 100 kg of white or raw sugar used for the dissolution
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion :	
Molasses :	—
Isoglucose ^(?) :	28,94 ^(?)
<p>(¹) 'S' represents in 100 kilograms of syrup — the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure, — the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.</p> <p>(²) Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.</p> <p>(³) Amount of refund per 100 kilograms of dry matter.</p> <p>(⁴) The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).</p>	

COMMISSION REGULATION (EC) No 3347/94

of 30 December 1994

fixing the reduced levy on imports into Finland and Portugal of certain quantities of raw sugar intended for Finnish and Portuguese refineries

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 the Act of Accession of Norway, Austria, Finland and Sweden to the European Union, and in particular Article 16 (5) thereof,

Whereas Article 16 a (1) of Regulation (EEC) No 1785/81 provides for a reduced rate levy to apply during the 1994/95 marketing year to Portuguese imports of certain quantities of raw sugar originating in specified third countries and for use by Portuguese refineries;

Whereas Article 16 a (2) of Regulation (EEC) No 1785/81 stipulates that this reduced levy is to equal the intervention price for raw sugar as indicated in Article 3 (2) of that Regulation applicable when the sugar is imported, less an amount equal to the average of the spot prices, adjusted where necessary to the cif stage, quoted on the London market during the first 20 days of the month preceding that for which the reduced levy amount is set;

Whereas pursuant to Article 16 a (5) the reduced levy is to be set each month for the following month;

Whereas under Article 3 of Commission Regulation (EC) No 3300/94 of 21 December 1994 laying down transitional measures to apply in the sugar sector following the accession of Austria, Finland and Sweden⁽²⁾, during the period from 1 January to 30 June 1995, the reduced levy

for Finland referred to in Article 16a (2a) of Regulation (EEC) No 1785/81 is to be that established, fixed and applied in accordance with paragraphs 3, 4 and 5 of the said Article 16a for Portugal;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽³⁾, as amended by Regulation (EC) No 3528/93⁽⁴⁾, 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⁽⁵⁾, as amended by Regulation (EC) No 547/94⁽⁶⁾;

Whereas application of the abovementioned provisions gives a reduced rate import levy for the raw sugar concerned of the amount indicated in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The reduced levy on imports into Finland and Portugal of the quantities of raw sugar for refining (CN codes 1701 11 10 and 1701 12 10) indicated in Article 16 a of Regulation (EEC) No 1785/81 shall, for standard quality, be ECU 19,19 per 100 kg.

Article 2

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 30 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 341, 30. 12. 1994, p. 39.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ No L 69, 12. 3. 1994, p. 1.

COMMISSION REGULATION (EC) No 3348/94

of 30 December 1994

fixing the production refund for white sugar used in the chemical industry

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 9 (6) thereof,

Whereas pursuant to Article 9 (3) of Regulation (EEC) No 1785/81 it may be decided to grant production refunds on the products listed in Article 1 (1) (a) and (f) and on the syrups listed in Article 1 (1) (d) thereof which are in one of the situations referred to in Article 9 (2) of the Treaty and which are used in the manufacture of certain products of the chemical industry;

Whereas Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on certain sugar products used in the chemical industry⁽³⁾, as last amended by Commission Regulation (EEC) No 464/91⁽⁴⁾, establishes the framework within which the production refunds may be determined and lists the chemical products of which the manufacture makes it possible to grant a production refund for the basic products used in their manufacture; whereas Articles 5, 6 and 7 of Regulation (EEC) No 1010/86 provide that the production refund granted for raw sugar, sucrose syrups and unprocessed isoglucose shall be derived from the refund fixed for white sugar according to a method of calculation peculiar to each of these basic products;

Whereas Commission Regulation (EEC) No 1729/78 of 24 July 1978 laying down detailed rules of application in respect of the production refund for sugar used in the chemical industry⁽⁵⁾, as last amended by Regulation (EEC) No 464/91, specifies the method to be used for

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁴⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽⁵⁾ OJ No L 201, 25. 7. 1978, p. 26.

establishing the production refund; whereas Article 1 of Regulation (EEC) No 1729/78 provides that the production refund for white sugar shall be fixed at three-monthly intervals for the periods beginning 1 July, 1 October, 1 January and 1 April; whereas the application of the abovementioned method entails fixing the production refund as stated in Article 1 for the period referred to therein;

Whereas the amendment of the definition of white sugar and raw sugar referred to in Article 1 (2) (a) and (b) of Regulation (EEC) No 1785/81 has the consequence that flavoured sugars or sugars containing added colouring agents or other substances are no longer considered as falling within these definitions but are to be considered as 'other sugars'; whereas Article 1 of Regulation (EEC) No 1010/86 provides for these sugars to be eligible as basic products to the production refund; whereas a method of calculation based on their sucrose content should be laid down for establishing the production refund applicable to these products;

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

HAS ADOPTED THIS REGULATION:

Article 1

The production refund per 100 kilograms of white sugar referred to in Article 4 of Regulation (EEC) No 1010/86 is hereby fixed at ECU 28,508 for the quarter 1 January to 31 March 1995.

Article 2

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 30 December 1994.

For the Commission
René STEICHEN
Member of the Commission

COMMISSION REGULATION (EC) No 3349/94
of 30 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 3229/94⁽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 29 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 31 December 1994.

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

Done at Brussels, 30 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 337, 24. 12. 1994, p. 81.

ANNEX

to the Commission Regulation of 30 December 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy (°)
1701 11 10	29,51 (°)
1701 11 90	29,51 (°)
1701 12 10	29,51 (°)
1701 12 90	29,51 (°)
1701 91 00	35,11
1701 99 10	35,11
1701 99 90	35,11 (°)

(°) 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).

(°) 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.

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

COMMISSION REGULATION (EC) No 3350/94
of 30 December 1994
fixing the import levies on rice and broken rice

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 (2) thereof,

Having regard to Commission Regulation (EEC) No 833/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports of rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20

and 1006 30 ⁽³⁾, as last amended by Regulation (EEC) No 674/91 ⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EC) No 2147/94 ⁽⁵⁾, as last amended by Regulation (EC) No 3179/94 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 30 December 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 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 75, 21. 3. 1991, p. 29.

⁽⁵⁾ OJ No L 228, 1. 9. 1994, p. 23.

⁽⁶⁾ OJ No L 335, 23. 12. 1994, p. 64.

ANNEX

to the Commission Regulation of 30 December 1994 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies (°)		
	Arrangement in Regulation (EEC) No 3877/86 (°)	ACP Bangladesh (¹) (²) (³) (⁴)	Third countries (except ACP and Bangladesh) (⁵)
1006 10 21	—	147,13	301,47
1006 10 23	—	147,37	301,95
1006 10 25	—	147,37	301,95
1006 10 27	226,46	147,37	301,95
1006 10 92	—	147,13	301,47
1006 10 94	—	147,37	301,95
1006 10 96	—	147,37	301,95
1006 10 98	226,46	147,37	301,95
1006 20 11	—	184,82	376,84
1006 20 13	—	185,12	377,44
1006 20 15	—	185,12	377,44
1006 20 17	283,08	185,12	377,44
1006 20 92	—	184,82	376,84
1006 20 94	—	185,12	377,44
1006 20 96	—	185,12	377,44
1006 20 98	283,08	185,12	377,44
1006 30 21	—	229,25	482,35
1006 30 23	—	273,88	571,54
1006 30 25	—	273,88	571,54
1006 30 27	428,66	273,88	571,54
1006 30 42	—	229,25	482,35
1006 30 44	—	273,88	571,54
1006 30 46	—	273,88	571,54
1006 30 48	428,66	273,88	571,54
1006 30 61	—	244,50	513,71
1006 30 63	—	293,99	612,69
1006 30 65	—	293,99	612,69
1006 30 67	459,52	293,99	612,69
1006 30 92	—	244,50	513,71
1006 30 94	—	293,99	612,69
1006 30 96	—	293,99	612,69
1006 30 98	459,52	293,99	612,69
1006 40 00	—	50,89	107,79

(¹) Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

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

(³) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

(⁴) The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulations (EEC) No 3491/90 and (EEC) No 862/91.

(⁵) The levy on imports of rice of the long-grain aromatic Basmati variety is applicable under the arrangements laid down in amended Regulation (EEC) No 3877/86.

(⁶) No import levy applies to products originating in the OCT pursuant to Article 101 (1) of Decision 91/482/EEC, subject to the provisions of Decision 93/127/EEC.

COMMISSION REGULATION (EC) No 3351/94**of 30 December 1994****fixing the import levies on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EC) No 3035/94 ⁽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 29 December 1994, as regards floating currencies, should be used to calculate the levies ;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 3035/94 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 30 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 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 321, 14. 12. 1994, p. 28.

ANNEX

to the Commission Regulation of 30 December 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>	
CN code	Third countries ^(*)
0709 90 60	85,00 ⁽²⁾ ⁽³⁾
0712 90 19	85,00 ⁽²⁾ ⁽³⁾
1001 10 00	9,39 ⁽¹⁾ ⁽³⁾ ⁽¹¹⁾
1001 90 91	72,74
1001 90 99	72,74 ⁽⁹⁾ ⁽¹¹⁾
1002 00 00	109,20 ⁽⁹⁾
1003 00 10	84,18
1003 00 90	84,18 ⁽⁹⁾
1004 00 00	93,98
1005 10 90	85,00 ⁽²⁾ ⁽³⁾
1005 90 00	85,00 ⁽²⁾ ⁽³⁾
1007 00 90	88,27 ⁽⁴⁾
1008 10 00	34,07 ⁽⁷⁾
1008 20 00	34,80 ⁽⁴⁾ ⁽⁹⁾
1008 30 00	0 ⁽⁷⁾
1008 90 10	⁽⁷⁾
1008 90 90	0
1101 00 00	139,73 ⁽⁹⁾
1102 10 00	190,77
1103 11 10	49,17
1103 11 90	161,96
1107 10 11	140,36
1107 10 19	107,62
1107 10 91	160,72 ⁽¹⁰⁾
1107 10 99	122,84 ⁽⁹⁾
1107 20 00	141,36 ⁽¹⁰⁾

- ⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.
- ⁽²⁾ In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.
- ⁽³⁾ Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 1,81/tonne.
- ⁽⁴⁾ Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.
- ⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.
- ⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).
- ⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).
- ⁽⁸⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.
- ⁽⁹⁾ Products falling within this code, imported from Poland or Hungary under the Agreements concluded between those countries and the Community and under the Interim Agreement between the Czech Republic, the Slovak Republic, Bulgaria and Romania and the Community and in respect of which EUR.1 certificates issued in accordance with amended Regulation (EC) No 121/94 or (EC) No 335/94 have been presented, are subject to the levies set out in the Annex to that Regulation.
- ⁽¹⁰⁾ In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.
- ⁽¹¹⁾ The levy for the products falling within this code in accordance with Regulation (EC) No 774/94 is restricted under the conditions of this Regulation.

COMMISSION REGULATION (EC) No 3352/94**of 30 December 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 29

December 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 1 January 1995.

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

Done at Brussels, 30 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 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 30 December 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
	1	2	3	4
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	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0
1102 10 00	0	0	0	0
1103 11 10	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period	4th period
	1	2	3	4	5
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EC) No 3353/94

of 30 December 1994

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EC) No 1869/94⁽⁴⁾, 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⁽⁵⁾, as amended by Regulation (EC) No 3528/93⁽⁶⁾,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EC) No 3275/94⁽⁷⁾;

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne

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

Done at Brussels, 30 December 1994.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.
⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.
⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.
⁽⁴⁾ OJ No L 197, 30. 7. 1994, p. 7.
⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.
⁽⁶⁾ OJ No L 320, 22. 12. 1993, p. 32.
⁽⁷⁾ OJ No L 339, 29. 12. 1994, p. 69.

of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽⁸⁾, as last amended by Regulation (EEC) No 1740/78⁽⁹⁾, the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Commission Regulation (EEC) No 1620/93⁽¹⁰⁾ as fixed in the Annex to Regulation (EC) No 3275/94 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 1 January 1995.

For the Commission

René STEICHEN

Member of the Commission

⁽⁸⁾ OJ No L 168, 25. 6. 1974, p. 7.
⁽⁹⁾ OJ No L 202, 26. 7. 1978, p. 8.
⁽¹⁰⁾ OJ No L 155, 26. 6. 1993, p. 29.

ANNEX

to the Commission Regulation of 30 December 1994 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies (°)	
	ACP	Third countries (other than ACP)
1103 21 00	132,10	138,14
1104 19 10	132,10	138,14
1104 29 11	97,61	100,63
1104 29 31	117,42	120,44
1104 29 91	74,86	77,88
1104 30 10	55,04	61,08
1108 11 00	161,46	182,01
1109 00 00	293,56	474,90
2302 10 10	33,83	39,83
2302 10 90	72,50	78,50
2302 20 10	33,83	39,83
2302 20 90	72,50	78,50
2302 30 10	33,83 (°)	39,83 (°)
2302 30 90	72,50 (°)	78,50 (°)
2302 40 10	33,83	39,83 (°)
2302 40 90	72,50	78,50 (°)

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

(°) Under the terms of Regulation (EEC) No 3763/91 the levy does not apply to wheat bran originating in the African, Caribbean and Pacific States (ACP) and directly imported into the French department of Réunion.

COMMISSION DIRECTIVE 94/77/EC
of 20 December 1994
amending Council Directive 70/524/EEC concerning additives in feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs⁽¹⁾, as last amended by Commission Directive 94/50/EC⁽²⁾, and in particular Article 7 thereof,

Whereas Directive 70/524/EEC provides for regular amendment of the content of its Annexes to take account of advances in scientific and technical knowledge; whereas the Annexes were consolidated by Commission Directive 91/248/EEC⁽³⁾;

Whereas a new additive belonging to the group of antibiotics has been successfully tested in certain Member States; whereas this new use should be authorized provisionally at national level in anticipation of this approval at Community level;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee for Feedingstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex II to Directive 70/524/EEC is hereby amended as set out in the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive by 30 November 1995 at the latest. They shall immediately inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of domestic law which they adopt in the field governed by this Directive.

Article 3

This Directive shall enter into force on the 20th day following its publication in *the Official Journal of the European Communities*.

Done at Brussels, 20 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 270, 14. 12. 1970, p. 1.

⁽²⁾ OJ No L 297, 18. 11. 1994, p. 27.

⁽³⁾ OJ No L 124, 18. 5. 1991, p. 1.

ANNEX

Annex II to Directive 70/524/EEC is hereby amended as follows:
In part A 'antibiotics' the following item is added:

No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Other provisions	Period of authorization
					mg/kg of complete feedingstuff	Maximum content		
32	Ardacin	$C_{61}H_{80}N_{10}O_{10}Cl_4$ (Glycopeptide) Na salt of 10 component complex: Factor A: 16-36 % Factor B: 15-30 % Components C + C ₁ : 20-50 % Component C ₂ : 5-14 % Component D: 0-5 % HP-4: 0-10 % produced by <i>Kibdelosporangium aridum</i> (ATCC 39323). Ardacin content in the authorized prepara- tion: 25 %	Chickens for fattening	—	3	7	—	30. 11. 1995

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 12 December 1994

accepting an undertaking offered in connection with the anti-dumping proceeding concerning imports of urea ammonium nitrate solution originating in Bulgaria and Poland

(94/825/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community ⁽¹⁾, as last amended by Regulation (EC) No 522/94 ⁽²⁾, and in particular Article 10 thereof,

After consultation within the Advisory Committee,

Whereas :

(1) The Commission, by Regulation (EC) 1506/94 ⁽³⁾ (hereinafter referred to as the 'provisional duty Regulation'), imposed a provisional anti-dumping duty on imports into the Community of urea-ammonium-nitrate solution ('UAN') originating in Bulgaria and Poland, and falling under CN code 3102 80 00. By Regulation (EC) No 2620/94 ⁽⁴⁾, the Council extended the validity of this duty for a period not exceeding two months.

(2) In the subsequent procedure it was established that definitive anti-dumping measures should be taken in order to eliminate injurious dumping. The

findings and conclusions on all aspects of the investigation are set out in Council Regulation (EC) 3319/94 ⁽⁵⁾.

(3) Having been informed of those conclusions, the Bulgarian producer and exporter offered an undertaking with regard to the import prices to independent customers in the Community pursuant to Article 10 of Regulation (EEC) No 2423/88. According to this undertaking, import prices will be at a non-injurious level as established in the framework of the present anti-dumping proceeding.

(4) In addition, since the Bulgarian producer and exporter have undertaken to submit detailed and regular sales information to the Commission and not to enter into direct or indirect compensatory arrangements with their customers, it has been concluded that the correct observance of the undertaking can be effectively monitored by the Commission.

(5) In view of the provisions of Article 15 of Regulation (EEC) No 2423/88, the undertaking should enter into force on the same date as the definitive anti-dumping duty imposed by Regulation (EC) 3319/94 in the present proceeding.

(6) In those circumstances, the undertaking offered is considered acceptable and the investigation can, therefore, be terminated with respect to the Bulgarian producer and exporter concerned.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 66, 10. 3. 1994, p. 10.

⁽³⁾ OJ No L 162, 30. 6. 1994, p. 16.

⁽⁴⁾ OJ No L 280, 29. 10. 1994, p. 1.

⁽⁵⁾ See page 20 of this Official Journal.

- (7) The producer and exporter concerned were informed of the essential facts and considerations on the basis of which the definitive anti-dumping measures were proposed and have had the opportunity to comment on all aspects of the investigation. Accordingly should the undertaking be withdrawn or should the Commission have reason to believe that the undertaking has been violated, it may, where the interests of the Community so require, apply provisional anti-dumping duties forthwith under Article 10 (6) of Regulation (EEC) 2423/88 and, subsequently definitive anti-dumping duties could be imposed by the Council.
- (8) When the Advisory Committee was consulted on the acceptance of the undertakings offered, several Member States raised objections. Therefore, in accordance with Article 9 and 10 (1) of Regulation (EEC) No 2423/88, the Commission sent a report to the Council on the results of the consultations and a proposal that the investigation be terminated by the acceptance of undertakings. Consequently, in accordance with the said Articles 9 and 10 (1) this Decision will only take effect and be published if the Council does not decide otherwise within one month,

HAS DECIDED AS FOLLOWS:

The undertaking offered by Agropolychim, Devnya and Chimimport Investment and Fertilizer Inc., Sofia in connection with the anti-dumping proceeding concerning imports of urea ammonium nitrate solution originating in Bulgaria and Poland and falling within CN code 3102 80 00 is hereby accepted. This acceptance shall take effect on the date of entry into force of Council Regulation (EC) No 3319/94.

Article 2

The investigation in connection with the anti-dumping proceeding referred to in Article 1 is hereby terminated in respect of the companies named in that Article.

Done at Brussels, 12 December 1994.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION

of 20 December 1994

allocating import quotas for the fully halogenated chlorofluorocarbons 11, 12, 113, 114 and 115, the other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride and 1,1,1-trichloroethane for the period 1 January to 31 December 1995

(94/826/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 594/91 of 4 March 1991 on substances that deplete the ozone layer ⁽¹⁾, as amended by Regulation (EEC) No 3952/92 ⁽²⁾,

Whereas Article 3 of Regulation (EEC) No 594/91 states that the release into free circulation of the chlorofluorocarbons 11, 12, 113, 114 and 115, the other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride and 1,1,1-trichloroethane imported into the Community from third countries is to be subject to quantitative limits;

Whereas an increase of these quantitative limits may not lead to a Community consumption of controlled substances beyond the quantitative limits established according to the Montreal Protocol on substances that deplete the ozone layer;

Whereas the release into free circulation in the Community of the aforesaid substances imported from non-Parties is prohibited in accordance with Article 5 of the aforesaid Regulation;

Whereas the Commission is required under Article 3 (2) of Regulation (EEC) No 594/91, in accordance with the procedure set out in Article 12, to allocate quotas to undertakings that request import quotas;

Whereas the Commission has published a notice to importers in the European Community of controlled substances that deplete the ozone layer ⁽³⁾ regarding the same Regulation and has thereby received applications for import quotas;

Whereas after the 1 January 1995 the only imports of virgin ozone depleting substances for non-feedstock uses will be for 1,1,1-trichloroethane;

Whereas the applications for the import quotas of 1,1,1-trichloroethane exceed the import quotas available for allocation under Article 3 (2) as amended, by 558 %;

Whereas the Commission consequently cannot fully satisfy the applications and has to allocate import quotas to the applicants, taking primarily the different environmental impact of the potential imports, the individual background of the applicants in importing the respective substances and the amounts applied for into consideration;

Whereas some companies which have applied for an import quota for 1995 did not import any of these substances before, while others imported large quantities of substances in the reference year and/or in the following years;

Whereas some of the applications from the producers of ODS in the Community have been made for specific contingency purposes of possible breakdown of production, technical failure and non-availability of the substances in the Community;

Whereas the quantity released into free circulation in the Community for such specified contingency purposes shall only be authorized if an equivalent amount of the same substance will not be produced in the Community in the same control period;

Whereas the allocations of the individual quotas to the applicants must be based on the principles of continuity, equality and proportionality;

Whereas Article 12 of the same Regulation sets out the procedure according to which decisions can be taken concerning the implementation of the Regulation;

Whereas the measures provided for in this Decision are in accordance with the opinion of the committee referred to in Article 12 of the same Regulation,

⁽¹⁾ OJ No L 67, 14. 3. 1991, p. 1.

⁽²⁾ OJ No L 405, 31. 12. 1992, p. 41.

⁽³⁾ OJ No C 215, 5. 8. 1994, p. 2.

HAS ADOPTED THIS DECISION :

Article 1

1. The quotas, set out below, of chlorofluorocarbons 11, 12, 113, 114 and 115, the other fully halogenated chlorofluorocarbons, halons and carbon tetrachloride permitted under Annex II of the Regulation are only for virgin or recovered substances and are only authorized for feedstock uses, for destruction or for reclamation as defined in the notice to importers in the European Community of controlled substances.

2. The amount of chlorofluorocarbons 11, 12, 113, 114 and 115 controlled by Regulation (EEC) No 594/91 and indicated in Group I of Annex I thereto which may be released into free circulation in the European Community in 1995 and which is imported from sources outside the Community shall be 2820 ODP-weighted tons.

3. The amount of the other fully halogenated chlorofluorocarbons controlled by Regulation (EEC) No 594/91 and indicated in Group II of Annex I thereto which may be released into free circulation in the European Community in 1995 and which is imported from sources outside the Community shall be 32 ODP-weighted tons.

4. The amount of halons controlled by Regulation (EEC) No 594/91 and indicated in Group III of Annex I thereto which may be released into free circulation in the European Community in 1995 and which is imported from sources outside the Community shall be 1880 ODP-weighted tons.

5. The amount of carbon tetrachloride controlled by Regulation (EEC) No 594/91 and indicated in Group IV of Annex I thereto which may be released into free circulation in the European Community in 1995 and which is imported from sources outside the Community shall be 6697 ODP-weighted tons.

6. The amount of 1,1,1-trichloroethane controlled by Regulation (EEC) No 594/91 and indicated in Group V of Annex I thereto which may be released into free circulation in the European Community in 1995 and which is imported from sources outside the Community shall be 3663 ODP-weighted tons.

Article 2

1. The amount of virgin chlorofluorocarbons 11, 12, 114, 113 and 115 to be used as feedstock, controlled by Regulation (EEC) No 594/91 and indicated in Group I of Annex I thereto which may be released into free circulation by the producers of ozone depleting substances in the European Community in 1995 for specific contin-

gency purposes of a possible breakdown of production, technical failure and in the case of the substance not being available in the Community shall be 1 600 ODP weighted tons, this amount is already included in the quantity given in Article 1 (2).

This amount of virgin chlorofluorocarbons 11, 12, 114, 113 and 115 to be used as feedstock can only be released into free circulation by producers if such a request is justified and approved by the relevant Member State for these contingency purposes as defined above and in addition only if a written undertaking is given to the Commission that an equivalent amount of the same substance shall not be produced in the Community by a Community producer in the same control period.

2. The amount of virgin carbon tetrachloride to be used as feedstock, controlled by Regulation (EEC) no 594/91 and indicated in Group IV of Annex I thereto which may be released into free circulation by the producers of ozone depleting substances in the European Community in 1995 for specific contingency purposes of a possible breakdown of production, technical failure and in the case of the substance not being available in the Community shall be 3 250 ODP weighted tons, this amount is already included in the quantity given in Article 1 (5).

This amount of virgin carbon tetrachloride to be used as feedstock can only be released into free circulation by producers if such a request is justified and approved by the relevant Member State for these contingency purposes as defined above and in addition only if a written undertaking is given to the Commission that an equivalent amount of the same substance shall not be produced in the Community by a Community producer in the same control period.

3. The amount of virgin 1,1,1-trichloroethane controlled by Regulation (EEC) No 594/91 and indicated in Group V of Annex I thereto which may be released into free circulation by the producers of ozone depleting substances in the European Community in 1995 for specific contingency purposes of a possible breakdown of production, technical failure and in the case of the substance not being available in the Community shall be 800 ODP weighted tons, this amount is already included in the quantity given in Article 1 (6).

This amount of virgin 1,1,1-trichloroethane can only be released into free circulation by producers if such a request is justified and approved by the relevant Member State for these contingency purposes as defined above and in addition only if a written undertaking is given to the Commission that an equivalent amount of the same substance shall not be produced in the Community by a Community producer in the same control period.

Article 3

The allocation of import quotas for the chlorofluorocarbons 11, 12, 113, 114 and 115, the other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride and 1,1,1-trichloroethane during the period 1 January to 31 December 1995 shall be as indicated in Annex 3⁽¹⁾ hereto.

Companies allocated quota for the release into free circulation of recovered substances shall, with the support of the relevant Member State, be able to request additional quota during 1995 should their initial quota be fully used. The Commission, in accordance with the Article 12 of Regulation No 594/91, shall deliver an opinion on any such request.

The undertakings authorized to import controlled substances in accordance with the quantities set out in Annex 3 are listed in Annex 2.

Article 4

This Decision is addressed to the companies listed in Annex I hereto.

Done at Brussels, 20 December 1994.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

⁽¹⁾ Annex 3 is not published because it contains confidential commercial information.

ANEXO 1 / BILAG 1 / ANHANG 1 / ΠΑΡΑΡΤΗΜΑ 1 / ANNEX 1 / ANNEXE 1 / ALLEGATO 1 /
BIJLAGE 1 / ANEXO 1

Asia Contact International
Monsieur P. Duchemin
1, rue Vannier
F-37300 Joué-lès-Tours

Aldrich Chemical Co. Ltd.
Dr C. D. Hewitt
The Old Brickyard
New Road
Gillingham
GB-Dorset SP8 4JL

Bie & Berntsen A/S
Hr M. Hermann
Sandbækvej 7
DK-2610 Rødovre

Caldic Chemie BV
De Heer F. Meulenbeld
Blaak, 22
NL-3011 TA Rotterdam

Cerberus Guinard
Monsieur J. R. Deschamps
Zoning industriel
617, rue Fourny
BP 20
F-78531 Buc Cedex

Chemical Industries of Northern Greece
Mr G. Amorgianos
PO Box 10 183
GR-54110 Thessaloniki

Cogal Belgium NV
De Heer Vanfleteren
Europark-Noord, 49
B-9100 Sint-Niklaas

Dehon Service
Monsieur C. Brian
26, avenue du Petit Parc
F-94683 Vincennes Cedex

Disachim
Madame E. Bertrand
4, rue de l'Archade
F-75008 Paris

Elf Atochem SA
Monsieur J. L. Codron
4, cours Michelet - Cedex 42
F-92091 Paris-La Défense

Fluka Chemicals
Mr C. Hewitt
The Old Brickyard
New Road
Gillingham
GB-Dorset SP8 HJL

Friogas SA
D. J. M. Dehon
Poligono Industrial SEPES - Parcela 10
E-46500 Sagunto (Valencia)

Galco SA
Monsieur M. Gaufres
Avenue Carton de Wiart, 79
B-1090 Bruxelles

Gamma Chimica SpA
Sig. A. Meggiolaro
Via Bergamo, 7
I-20020 Lainate MI

GHC Gerling Holz & Co.
Handels GmbH
Herrn Holz
Ruhrstraße 113
D-22761 Hamburg

Guido Tazzetti & Co SpA
Dr. Franco Rossi
Strada Settimo, 266
I-10156 Torino

Hoechst AG
Herrn Dr. Debrodt
Postfach 80 03 20
D-65903 Frankfurt am Main

H. K. Wentworth Limited
Mr C. J.W. Gutch
Wentworth House,
Blakes Road
Wargrave
GB-Berkshire RG10 8AW

HRP Refrigerants Ltd
Mr P. L. Wells
Gellingford Industries
Pontypridd
GB-Mid Glamorgan CF37 5SX

ICI Chemicals and Polymers Ltd
Mr A. J. Elphick
PO Box 13
The Heath
Runcorn
GB-Cheshire WA7 4QF

Harlow Chemical Company
Mr C.B. Jackson
Templefields
Harlow
GB-Essex CM20 2BH

K. & K. Greef Limited
Mr S. J. Wigham
Suffolk House
George Street
GB-Croydon CR9 3QL

Lambert Rivière SA
Madame d'Ovidio
17, avenue Louison Bobet
Val de Fontenay
F-94132 Fontenay-sous-Bois Cedex

Libra Products Ltd
Mr P. Chong
The Pavilions
Holly Lane Industrial Estate
Atherstone
GB-Warwickshire CV9 2QZ

Merck
Herrn Dr. Hesse
Frankfurter Straße 250
D-64293 Darmstadt

MSB Metron Semiconductors Benelux
Mevrouw A. Vermast
Kabelstraat 19
NL-1322 AD Almere

MSD Deutschland GmbH
Herrn H. Jung
Saturnstraße 48
D-85609 Aschheim München

MSF Metron Semiconductors Fran
Monsieur H. de Boishebert
Zoning industriel La Marinière
6, rue B. Palissey
BP 1222
F-91912 Évry Cedex 9

MSL Metron Semiconductors Ltd
Mrs C. Truel
12 Dunlop Square
Deans South West Industrial Estate
Livingstone
GB-West Lothian EH54 8SB

National Refrigerants of America Ltd
Mr Sweeney
Units 14-15
Park Street
Aston
GB-Birmingham B6 5SH

Olin Hunt Speciality Products NV
B. Van Gucht
Steenlandlaan Kaai, 1111
B-9130 Beveren Kallo

Orchidis/PCB
Monsieur Y. Merolle
11, rue Auguste-Perret
F-94000 Créteil Cedex

Pacific Scientific Ltd
Mr M. Diprose
Seven Centre
8 Boston Drive
Bourne End
GB-Buckinghamshire SL8 5YS

Petrasol BV
De Heer W. Sparenburg
Postbus 222
NL-4200 AE Gorinchem

Promosol
Monsieur J. Micozzi
BP 27
F-94363 Bry-sur-Marne Cedex

Pyrene Company Limited
Mr E. A. Lyon
Pyrene House
297 Kingston Road
Livingstone
GB-Surrey KT22 7LS

Refrigerant Products Limited
Mr J. E. Poole
N9 Central Park Estate
Westinghouse Road
Trafford Park
GB-Manchester M3 2ER

Rhône-Poulenc Chemicals
Mr B. Paul
St Andrews Road,
Avonmouth
GB-Bristol BS11 9YF

Samuel Banner & Co. Ltd
Mrs C. Hall
59/61 Sandhills Lane
GB-Liverpool L5 9XL

SFEME SA
Monsieur P. Bilger
BP 1250
Les Linards
F-03104 Montluçon Cedex

Sigma-Aldrich
Monsieur Denis Micol
F-38290 Saint-Quentin-Fallavier

SJB Chem./Min. Products BV
C. Lauryssen
Postbus 322
NL-3233 ZG Oostvoorne

Solvay SA
Monsieur F. Grosskopf
12, cours Albert 1^{er}
F-75383 Paris Cedex

Superti Srl
Via Degli Ottoboni, 46
I-20148 Milano

Twinstar Chemicals Ltd
Mr R. G. Stichbury
Cunnigham House
Westfield Lane
GB-Harrow HA3 9ED

Hyma Bulk Chemicals SA
Mr V. Georgoulis
Mitropoleos Street 12-14
GR-10563 Athens

Zeneca Agro Chemicals
Dr P. Plant
Fernhurst
Haslemere
GB-Surrey GU27 3JE

Vos BV
Dr E. Wetzels
Postbus 160
NL-2400 AD Alphen a/d Rijn

Westab Service GmbH
Herrn H. Kraef

Stresemannstraße 80
D-47051 Duisburg

Wood Group
Mr T. Knowles
Crombie Place
GB-Aberdeen AB1 3PJ

Wormald Ansul Ltd
Mr J. Hall
Wormald Park
Grimshaw Lane
Newton Heath
GB-Manchester M40 2WI

ANNEX 2**GROUP I**

Importers of virgin chlorofluorocarbons 11, 12, 113, 114 and 115 allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for the use as feedstock

Dehon (F)
Friogas (E)
GHC Gerling (D)

Importers of virgin chlorofluorocarbons 11, 12, 113, 114 and 115 allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for the use as feedstock for contingency purposes

Zeneca/ICI (UK)

The licences are allocated to Zeneca in the first instance. However, should ICI apply for any import licences in this category they will only be given if Zeneca is to ultimately receive the material concerned.

Importers of recovered chlorofluorocarbons 11, 12, 113, 114 and 115 allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for reclamation

Cogal (B)
Dehon Service (F)
Elf Atochem (F)
Friogas (E)
HRP Refrigerants (UK)
ICI Klea (UK)
Libra Products (UK)
National Refrigerants (UK)
Promosol (F)
Refrigerant Products (UK)
Rhône-Poulenc (UK)
Guido Tazzetti (I)

Importers of recovered chlorofluorocarbons 11, 12, 113, 114 and 115 allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for destruction

Hoechst (D)
ICI Klea (UK)
Solvay (F)
Westab (D)

GROUP II

Importers of recovered fully halogenated chlorofluorocarbons allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for reclamation

Dehon Service (F)
Friogas (E)
National Refrigerants (UK)

Importers of recovered fully halogenated chlorofluorocarbons allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for destruction

ICI Klea (UK)

GROUP III

Importers of recovered halons allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for reclamation

Cerberus Guinard (F)
Dehon Service (F)
Elf Atochem (F)
Friogas (E)
Galco/Cogal (B)
ICI Klea (UK)
Pacific Scientific (UK)
Pyrene (UK)
SFEME (F)
Wood Group (UK)
Wormald Ansul (UK)

GROUP IV

Importers of virgin carbon tetrachloride allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for the use as feedstock

Chemical Industries (G)
Harlow (UK)
Merck (D)

Importers of virgin carbon tetrachloride allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for the use as feedstock for contingency purposes

ICI Klea (UK)
Rhône-Poulenc (UK)

GROUP V

Importers of virgin 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for the use as feedstock

Aldrich (UK)
Elf Atochem (F)
MSB Metron (NL)
MSD (D)
MSF (F)
MSL (UK)
Olin-Hunt (B)
Sigma-Aldrich (F)

Importers of virgin 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for the use as non-feedstock

ACI Contact International (F)
Bie & Berntsen (DA)
Caldic (NL)
Disachim (F)
Fluka (UK)
Gamma (I)
HK Wentworth (UK)
K&K Horgen/Greef (UK)
Lambert Rivière (F)
Libra Products (UK)
Orchidis (F)
Petrasol (NL)
Samuel Banner (UK)
SJB (NL)
Superti (I)
Vos (NL)
Xyma (D)

Importers of virgin 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for the use as non-feedstock for contingency purposes

Elf Atochem (F)

ICI Klea (UK)

Importers of recovered 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for reclamation

Elf Atochem (F)

Guido Tazzeti (I)

ICI Klea (UK)

Libra Products (UK)

Twinstar Chemicals (UK)

Westab (D)

Importers of recovered 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for destruction

Elf Atochem (F)

COMMISSION DECISION

of 20 December 1994

on the allocation of quantities of controlled substances allowed for essential uses in the Community in 1995, under Council Regulation (EEC) No 594/91, as amended, on substances that deplete the ozone layer

(94/827/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, especially Article 130s,

Having regard to Council Regulation (EEC) No 594/91 of 4 March 1991 on substances that deplete the ozone layer⁽¹⁾ as amended through Decision (EEC) No 3952/92⁽²⁾,

Whereas because of state of the concern for the ozone layer the Commission has decided to phase out certain controlled substances earlier than in the Montreal Protocol commencing on 1 January 1995;

Whereas Regulation (EEC) No 594/91 as amended states the Commission shall determine any essential uses which may be permitted in the Community after 31 December 1994 and any quantities of controlled substances which may be produced, placed on the market or used for their own account by producers for these purposes;

Whereas those essential uses have to be decided for chlorofluorocarbons, as per Articles 10 (1) and 11 (1), fully halogenated chlorofluorocarbons, as per Articles 10 (2) and 11 (2), halons, as per Articles 10 (3) and 11 (3), carbon tetrachloride, as per Articles 10 (4) and 11 (4) of Regulation (EEC) No 594/91;

Whereas the criteria applied to assessing essential uses are in line with Decision IV/25 of the Fourth Meeting of the Parties to the Montreal Protocol and are:

- (a) that a use of a controlled substance should qualify as 'essential' only if:
- (i) it is necessary for the health, safety or is critical for the functioning of society (encompassing cultural and intellectual aspects); and
 - (ii) there are no available technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health;

(b) that production and consumption, if any, of a controlled substance for essential uses should be permitted only if:

- (i) all economically feasible steps have been taken to minimize the essential use and associated emission of the controlled substance; and
- (ii) the controlled substance is not available in sufficient quantity and quality from existing stocks of banked or recycled controlled substances, also bearing in mind the developing countries' need for controlled substances;

Whereas the Commission has published Decision 94/563/EC⁽³⁾ on the quantities of controlled substances allowed for essential uses in the Community determined on the basis of limited applications from Member States which were considered to meet the essential use criteria in line with the above mentioned Montreal Protocol Decision IV/25;

Whereas the Commission has published a notice to users in the European Community of controlled substances allowed for essential uses in the Community in 1995⁽⁴⁾ regarding Council Regulation (EEC) No 594/91, as amended, and has thereby received applications for quantities of controlled substances for essential uses for 1995;

Whereas in the framework of the Montreal Protocol nomination and assessment procedures for essential uses, Parties are requested to identify those users who may take advantage of those essential uses in 1995;

Whereas the Council's common position of the 8 June 1994 on the Commission Proposal COM(93) 202 final⁽⁵⁾ foresees in Articles 3, 4 and 7 a procedure whereby the requirements for essential uses can be met accordingly and the Commission shall issue licences to those users identified, according to Article 7, and in accordance with the Committee procedure set out in Article 12 of Regulation (EEC) No 594/91;

⁽¹⁾ OJ No L 67, 14. 3. 1991, p. 1.

⁽²⁾ OJ No L 405, 31. 12. 1992, p. 41.

⁽³⁾ OJ No L 215, 20. 8. 1994, p. 21.

⁽⁴⁾ OJ No C 253, 10. 9. 1994, p. 4.

⁽⁵⁾ OJ No C 301, 27. 10. 1994, p. 1.

Whereas in order to meet those essential laboratory uses identified in Decision 94/563/EC, the Commission shall identify those distributors who may supply the controlled substances for this purpose;

Whereas consequently under this framework a producer may be authorized by the competent authority of the Member State in which its relevant production is situated, to produce the controlled substances for the purpose of meeting the licensed demands presented by the identified users, and that the competent authority of the Member State concerned shall in turn notify the Commission well in advance of any such authorization;

Whereas the identified essential uses fall into four categories, notably: medical uses, solvent uses, laboratory uses and other uses; whereas the quantitatively most important essential use is the medical use of MDIs for the treatment of asthma and other chronic obstructive diseases, as endorsed by the UNEP Technology and Economic Assessment Panel (TEAP) in their March 1994 recommendations to the Parties of the Montreal Protocol;

Whereas Article 12 of Regulation (EEC) No 594/91 sets out the procedure according to which decisions can be taken concerning the implementation of the Regulation;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 12 of the same Regulation;

Whereas the list of essential uses and the quantities of the controlled substances are hereby given in Annex for the information of producer and user industries,

HAS ADOPTED THIS DECISION:

Article 1

Those companies who may take advantage of those essential uses for their own account in 1995 are presented in Annex 2. The allocation of essential use quotas for chlorofluorocarbons 11, 12, 113, 114 and 115, the other fully halogenated chlorofluorocarbons, halons and carbon tetrachloride during the period 1 January to 31 December 1995 shall be as indicated in the Annex 3⁽¹⁾ hereto.

Article 2

Those companies who may take advantage of the essential uses exemption for laboratory uses, as specified in Decision 94/563/EC.

Article 3

1. This Decision is addressed to the companies listed in Annex 1.

2. This Decision shall apply as follows:

Control period: from 1 January 1995 to 31 December 1995.

Done at Brussels, 20 December 1994.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

⁽¹⁾ Annex 3 is not published because it contains commercially sensitive information.

ANEXO 1 / BILAG 1 / ANHANG 1 / ΠΑΡΑΡΤΗΜΑ 1 / ANNEX 1 / ANNEXE 1 / ALLEGATO 1 /
BIJLAGE 1 / ANEXO 1

3M Health Care Ltd
Mr. A.J. Maynard
3M House
Morley Street
Loughborough
GB-Leicestershire LE11 1EP

Akzo Nobel Chemicals BV
De Heer J. Boon
Welplaatweg 12
NL-3197 KS Rotterdam

Laboratorio Aldo-Unión SA
Dr. José Sabater Sanmartí
Angel Guimerà n° 123-125
E-08950 Esplugues de Llobregat
(Barcelona)

Sigma Aldrich Company Ltd.
Dr. C. D. Hewitt
Tjheöd Brickyard
New Road
Gillingham
GB-Dorset SP& 4JL

Alcan Deutschland GmbH
Herrn T. Rohling
Werk Göttingen
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ANNEX 2

A. MEDICAL USES

(i) Production of metered dose inhalers (MDI's) for the treatment of asthma and other chronic obstructive pulmonary diseases (CFC 11, CFC 12, CFC 113, CFC 114).

(in tonnes)

Company	Quantity
3M (UK)	514
Aldo-Union (E)	57,2
Astra (E)	17
Bespak (UK)	156
Boehringer (D)	825
CCL Industries (UK)	591
Chiesi Farmaceutics (I)	120
Fisons Pharmaceuticals (UK)	489
G. Pohl-Boskamp (D)	10
Gas Servei (E)	140
Glaxo (UK)	3 624
I.G. Sprühtechnik (D)	174,5
Lacer (E)	0,834
Liquid Carbonic (E)	800
Norton (IR)	667
Pharmasol (UK)	6
Resolution Chemicals (UK)	3
Schering-Plough (B)	167
Servier (F)	124
Valeas (I)	187
Valois (F)	136
Vari (I)	1,7
Total	8 810,234

(ii) Cleaning of medical prosthetics (CFC 113).

(in tonnes)

Company	Quantity
Cordis (F)	30
Dideco (I)	10
Dimso-Stryker (F)	0,75
Domilens (F)	1,2
Fresenius-Smad (F)	80
Medinov (F)	1,4
Total	123,35

(iii) Solvent use to prepare silicone solution for dipcoating of medical devices (CFC 113).

(in tonnes)

Company	Quantity
Dideco (I)	10
Terumo (B)	13
Total	23

(iv) Diluent use for ethylene oxide in sterilization of chloramphenicol powder used in eye-ointments (CFC 12).

(in tonnes)

Company	Quantity
Parke-Davis & Co. Ltd (UK)	0,4224
Total	0,4224

B. SOLVENT USES**B.1. CFCs :**

(i) Active reagents used to develop fingerprints on paper (CFC 113).

(in tonnes)

Company	Quantity
Home Office (UK)	9
Total	9

(ii) Inert solvent use for the manufacture of reverse osmosis membrane in the manufacture of food and pharmaceutical products (CFC 113).

(in tonnes)

Company	Quantity
PCI (UK)	10
Total	10

B.2. Carbon tetrachloride (CCl₄):

(i) Production of chlorinated rubber, chlorinated paraffin and as intermediate product for plant treatment preparations.

(ii) Production of chlorinated rubber.

(in tonnes)

Company	Quantity
Caffaro (I)	20
Total	20

(iii) Production of fibre optics.

(iv) Solvent use for NCI₃ in chlorine production.

(in tonnes)

Company	Quantity
Albermarle (F)	20
Rhône-Poulenc (F)	500
Total	520

*(v) Purification and absorption distillation of chlorine.**(in tonnes)*

Company	Quantity
Akzo Nobel (NL)	50
Total	50

*(vi) Production of terephthaloyldichloride.**(in tonnes)*

Company	Quantity
Akzo Aramid (NL)	72
Total	72

C. LABORATORY USES**C.1. CFCs***(in tonnes)*

Company	Quantity
Acros Chimica NV (B)	0,425
Agmarin (GR)	0,03
Ausimont (I)	0,2
Bacacos P. (GR)	0,035
Bie & Bern. (DK)	1,5
Carlo Erba (F)	2,1
Carlo Erba (I)	6,4
Fisons Sc. (UK)	7,8
Fluorochem (UK)	0,269
Hoechst (DK)	0,8
J. T. Baker (NL)	20
Liquid Carbonic (E)	25
Merck (D)	76
Merck (UK)	12
Prolabo (F)	5
Promochem (D)	33
Rathburn Chemicals (UK)	6
Riedel (D)	16
Roumboulakis M. (GR)	0,035
SDS (F)	4
Sigma-Aldrich (F)	0,18
Sigma-Aldrich (D)	1,94
Sigma-Aldrich (UK)	2,101
Struers (DK)	0,45
Vel (B)	0,02
Total	221,3

*(i) Use of CFC 113 in the extraction of organic compounds:**(ii) Quality testing of drying filters in refrigeration systems (CFC 113):**(iii) Research and development of alternative propellants for polyurethane hard foams (CFC 11):**(iv) Use of CFC 113 in the analysis of oil content in water:*

C.2. Carbon tetrachloride

<i>(in tonnes)</i>	
Company	Quantity
Acros Chimica NV (B)	0,3
Agmartin (GR)	0,035
Bacacos P. (GR)	0,03
Bie & Bern. (DK)	1,9
Carlo Erba (F)	6,5
Carlo Erba (I)	20,5
Fisons Pharm. (UK)	1
Fisons Sc. (UK)	1,5
J. T. Baker (NL)	20
Merck (D)	80
Merck (UK)	23
Prolabo (F)	13,5
Promochem (D)	3
Rathburn Chemicals (UK)	3
Ringsted (DK)	250 liters
Roumboulakis M. (GR)	0,035
SDS (F)	20
Sigma-Aldrich (F)	0,333
Sigma-Aldrich (D)	2,5
Sigma-Aldrich (UK)	1,6
Struers (DK)	0,4
Vel (B)	5
Total	205,033 + 250 liters

- (i) *Use in water analysis:*
- (ii) *Use in the testing of gas filters:*
- (iii) *Use in halogenation reaction in research laboratories:*
- (iv) *Use as standards for control of chemical products and monitoring of organic pollution of water, air, etc.:*
- (v) *Use as an extraction agent and solvent for analysis for unforeseeable purposes:*
- (vi) *Laboratory and research uses general: research on ODSs thermodynamics, thermophysics, chemistry kinetics and toxicology:*

D. MISCELLANEOUS USES

<i>(in tonnes)</i>	
Company	Quantity
Eurodif Prod. (F)	30
Total	30

*ANEXO 4 / BILAG 4 / ANHANG 4 / ΠΑΡΑΡΤΗΜΑ 4 / ANNEX 4 / ANNEXE 4 / ALLEGATO 4 /
BIJLAGE 4 / ANEXO 4*

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CORRIGENDA**Corrigendum to Commission Regulation (EC) No 3277/94 of 28 December 1994 amending
Regulation (EC) No 2869/94 fixing the export refunds on beef**

(Official Journal of the European Communities No L 339 of 29 December 1994)

On page 75, in the Annex, against 'Product code 0201 30 00 150 (*)', in the column headed 'Destination':

for: '10',

read: '09';

for: '11',

read: '10';

for: '09',

read: '07'.

Against 'product code 0201 30 00 190 (*)', in the column headed 'Destination':

for: '10',

read: '02'.
