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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 95/93

of 18 January 1993

on common rules for the allocation of slots at Community airports

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 84 (2) 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 there is a growing imbalance between the expansion of the air transport system in Europe and the availability of adequate airport infrastructure to meet that demand; whereas there is, as a result, an increasing number of congested airports in the Community;

Whereas the allocation of slots at congested airports should be based on neutral, transparent and non-discriminatory rules;

Whereas the requirement of neutrality is best guaranteed when the decision to coordinate an airport is taken by the Member State responsible for that airport on the basis of objective criteria;

Whereas under certain conditions, in order to facilitate operations, it is desirable that a Member State should be able to designate an airport as coordinated provided that principles of transparency, neutrality and non-discrimination are met;

Whereas the Member State responsible for the coordinated airport should ensure the appointment of a coordinator whose neutrality should be unquestioned;

Whereas transparency of information is an essential element for ensuring an objective procedure for slot allocation;

Whereas the principles governing the existing system of slot allocation could be the basis of this Regulation

provided that this system evolves in harmony with the evolution of new transport developments in the Community;

Whereas it is Community policy to facilitate competition and to encourage entrance into the market, as provided for in Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes ⁽⁴⁾, and whereas these objectives require strong support for carriers who intend to start operations on intra-Community routes;

Whereas the existing system makes provision for grandfather rights;

Whereas there should also be provisions to allow new entrants into the Community market;

Whereas it is necessary to make special provisions, under limited circumstances, for the maintenance of adequate domestic air services to regions of the Member State concerned;

Whereas it is also necessary to avoid situations where, owing to a lack of available slots, the benefits of liberalization are unevenly spread and competition is distorted;

Whereas it is desirable to make the best use of the existing slots in order to meet the objectives set out above;

Whereas it is desirable that third countries offer Community carriers equivalent treatment;

Whereas the application of the provisions of this Regulation shall be without prejudice to the competition rules on the Treaty, in particular Articles 85 and 86;

Whereas arrangements for greater cooperation over the use of Gibraltar airport were agreed in London on 2 December 1987 by the Kingdom of Spain and the United Kingdom in a joint declaration by the Ministers of Foreign Affairs of the two countries, and such arrangements have yet to come into operation;

⁽¹⁾ OJ No C 43, 19. 2. 1991, p. 3.

⁽²⁾ OJ No C 13, 20. 1. 1992, p. 446.

⁽³⁾ OJ No C 339, 31. 12. 1991, p. 41.

⁽⁴⁾ OJ No L 240, 24. 8. 1992, p. 8.

Whereas this Regulation should be reviewed after a fixed period of operation to assess its functioning,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

1. This Regulation shall apply to the allocation of slots at Community airports.
2. The application of this Regulation to the airport of Gibraltar is understood to be without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom with regard to the dispute over sovereignty over the territory in which the airport is situated.
3. Application of the provisions of this Regulation to Gibraltar airport shall be suspended until the arrangements in the joint declarations made by the Foreign Ministers of the Kingdom of Spain and the United Kingdom on 2 December 1987 have come into operation. The Governments of Spain and the United Kingdom will so inform the Council of that date.

Article 2

Definitions

For the purpose of this Regulation:

- (a) 'slot' shall mean the scheduled time of arrival or departure available or allocated to an aircraft movement on a specific date at an airport coordinated under the terms of this Regulation;
- (b) 'new entrant' shall mean:
 - (i) an air carrier requesting slots at an airport on any day and holding or having been allocated fewer than four slots at that airport on that day, or,
 - (ii) an air carrier requesting slots for a non-stop service between two Community airport where at most two other air carriers operate a direct service between these airports or airports systems on that day and holding or having been allocated fewer than four slots at that airport on that day for that non-stop service.

An air carrier holding more than 3 % of the total slots available on the day in question at a particular airport, or more than 2 % of the total slots available on the day in question in an airport system of which that airport forms part, shall not be considered as a new entrant at that airport;

- (c) 'direct air service' shall mean a service between two airports including stopovers with the same aircraft and same flight number;
- (d) 'scheduling period' shall mean either the summer or winter season as used in the schedules of air carriers;
- (e) 'Community air carrier' shall mean an air carrier with a valid operating licence issued by a Member State in accordance with Council Regulation (EEC) No 2407/92 of 23 July 1992 on licensing of air carriers⁽¹⁾;
- (f) 'coordinated airport' shall mean an airport where a coordinator has been appointed to facilitate the operations of air carriers operating or intending to operate at that airport;
- (g) 'fully coordinated airport' shall mean a coordinated airport where, in order to land or take off, during the periods for which it is fully coordinated, it is necessary for an air carrier to have a slot allocated by a coordinator;
- (h) 'airport system' shall mean two or more airports grouped together and serving the same city or conurbation, as indicated in Annex II to Regulation (EEC) No 2408/92.

Article 3

Conditions for airport coordination

1. A Member State shall be under no obligation to designate any airport as coordinated save in accordance with the provisions of this Article.
2. A Member State may, however, provide for any airport to be designated as a coordinated airport provided that principles of transparency, neutrality and non-discrimination are met.
3. (i) When air carriers representing more than a half of the operations at an airport and/or the airport authority consider that capacity is insufficient for actual or planned operations at certain periods or
 - (ii) when new entrants encounter serious problems in securing slots or
 - (iii) when a Member State considers it necessary,

the Member State shall ensure that a thorough capacity analysis is carried out, having regard to commonly recognized methods, as soon as possible at the airport with the purpose of determining possibilities of increasing the capacity in the short term through infrastructure or operational changes, and to determine the time frame envisaged to resolve the problems. The analysis, shall be updated periodically. Both the analysis and the method underlying it shall be made available to interested parties.

⁽¹⁾ OJ No L 240, 24. 8. 1992, p. 1.

4. If, after consultation with the air carriers using the airport regularly, their representative organizations, the airport authorities, air traffic control authorities and passengers' organizations where such organizations exist, the analysis does not indicate possibilities of resolving the serious problems in the short term, the Member State shall ensure that the airport shall be designated as fully coordinated for the periods during which capacity problems occur.

5. When a capacity sufficient to meet actual or planned operations is provided at a fully coordinated airport, its designation as a fully coordinated airport shall be lifted.

Article 4

The coordinator

1. The Member State responsible for a coordinated or fully coordinated airport shall ensure the appointment of a natural or legal person with detailed knowledge of air carrier scheduling coordination as airport coordinator after having consulted the air carriers using the airport regularly, their representative organizations and the airport authorities. The same coordinator may be appointed for more than one airport.

2. A Member State shall ensure that the coordinator carries out his duties under this Regulation in an independent manner.

3. The coordinator shall act in accordance with this Regulation in a neutral, non-discriminatory and transparent way.

4. The coordinator shall participate in such international scheduling conferences of air carriers as are permitted by Community law.

5. The coordinator shall be responsible for the allocation of slots.

6. The coordinator shall monitor the use of slots.

7. Where slots are allocated, the coordinator shall, on request and within a reasonable time, make available for review to all interested parties the following information:

- (a) historical slots by airline, chronologically, for all air carriers at the airport,
- (b) requested slots (initial submissions), by air carriers and chronologically, for all air carriers,
- (c) all allocated slots, and outstanding slot requests, listed individually in chronological order, by air carriers, for all air carriers,

(d) remaining available slots,

(e) full details on the criteria being used in the allocation.

8. The information in paragraph 7 shall be made available at the latest at the time of the relevant scheduling conferences and as appropriate during the conferences and thereafter.

Article 5

Coordination committee

1. A Member State shall ensure that in an airport that has been designated as fully coordinated a coordination committee is set up to assist, in a consultative capacity, the coordinator referred to in Article 4. Participation in this committee shall be open to at least the air carriers and/or their representative organizations using the airport(s) regularly, the airport authorities concerned and representatives of the air traffic control. The same coordination committee may be designated for more than one airport.

The tasks of the coordination committee shall be, *inter alia*, to advise on:

- possibilities for increasing the capacity determined in accordance with Article 6,
- improvements to traffic conditions prevailing at the airport in question,
- complaints on the allocation of slots as provided for in Article 8 (7),
- the methods of monitoring the use of allocated slots,
- guidelines for allocation of slots, taking into account local conditions,
- serious problems for new entrants as provided for in Article 10.

2. Paragraph 1 may be applied to airports designated as coordinated under the provisions of Article 3.

Article 6

Airport capacity

1. At an airport where slot allocation takes place, the competent authorities shall determine the capacity available for slot allocation twice yearly in cooperation with representatives of air traffic control, customs and immigration authorities and air carriers using the airport and/or their representative organizations and the airport coordinator, according to commonly recognized methods. Where the competent authority is not the airport authority it shall also be consulted.

This exercise shall be based on an objective analysis of possibilities of accommodating the air traffic, taking into account the different types of traffic at that airport.

The results of this exercise shall be provided to the airport coordinator in good time before the initial slot allocation takes place for the purpose of scheduling conferences.

2. Paragraph 1 may be applied to airports designated as coordinated under the provisions of Article 3.

Article 7

Information for the coordinator

Air carriers operating or intending to operate at a coordinated or fully coordinated airport shall submit to the coordinator relevant information requested by the coordinator.

Article 8

Process of slot allocation

1. (a) Subject to the provisions of Article 10, a slot that has been operated by an air carrier as cleared by the coordinator shall entitle that air carrier to claim the same slot in the next equivalent scheduling period.

(b) In a situation where all slot requests cannot be accommodated to the satisfaction of the air carriers concerned, preference shall be given to commercial air services and in particular to scheduled services and programmed non-scheduled services.

(c) The coordinator shall also take into account additional priority rules established by the air carrier industry and if possible additional guidelines recommended by the coordination committee allowing for local conditions, provided such guidelines respect Community law.

2. If a requested slot cannot be accommodated, the coordinator shall inform the requesting air carrier of the reasons therefore and shall indicate the nearest alternative slot.

3. The coordinator shall, at all times, endeavour to accommodate *ad hoc* slot requests for any type of aviation including general aviation. To this end, the slots available in the pool referred to in Article 10 but not yet allocated may be used, as may slots liberated at short notice.

4. Slots may be freely exchanged between air carriers or transferred by an air carrier from one route, or type of service, to another, by mutual agreement or as a result of a

total or partial takeover or unilaterally. Any such exchanges or transfers shall be transparent and subject to confirmation of feasibility by the coordinator that:

- (a) airport operations would not be prejudiced;
- (b) limitations imposed by a Member State according to Article 9 are respected;
- (c) a change of use does not fall within the scope of Article 11.

5. Slots allocated to new entrants operating a service between two Community airports may not be exchanged or transferred between air carriers or by an air carrier from one route to another as provided for in paragraph 4 for a period of two seasons.

6. The Commission may establish, after consultations with air carriers, coordinators, and airport authorities, recommended standards for the automated systems which are used by the coordinators in order to ensure the proper implementation of Articles 4 and 7.

7. Where there are complaints about the allocation of slots, the coordination committee shall consider the matter and may make proposals to the coordinator in an attempt to resolve the problems.

8. If the problems cannot be resolved after consideration by the coordination committee, the Member State concerned may provide for mediation by an air carriers' representative organization or other third party.

Article 9

Regional services

1. A Member State may reserve certain slots at a fully coordinated airport for domestic scheduled services:

(a) on a route to an airport serving a peripheral or development region in its territory, any such route being considered vital for the economic development of the region in which the airport is located, on condition that:

- (i) the slots concerned are being used on that route at the time of entry into force of this Regulation;
- (ii) only one air carrier is operating on the route;
- (iii) no other mode of transport can provide an adequate service;
- (iv) the reservation of slots shall end when a second air carrier has established a domestic scheduled service on the route with the same number of frequencies as the first air carrier and operated it for at least a season;

(b) on routes where public service obligations have been imposed under Community legislation.

2. The procedures in Article 4 (1) (d) to 4 (1) (i) of Regulation (EEC) No 2408/92 shall be applied if another Community air carrier is interested in servicing the route and has not been able to obtain slots within one hour before or after the times requested of the coordinator.

3. The Member State shall communicate to the Commission a list of routes for which slots have been so reserved at a fully coordinated airport. This shall first be done at the entry into force of this Regulation. The Commission shall publish an overview of the routes concerned in the *Official Journal of the European Communities* not later than two months after the communication.

Article 10

Slot pool

1. At an airport where slot allocation takes place, a pool shall be set up for each coordinated period and shall contain newly created slots, unused slots and slots which have been given up by a carrier during, or by the end of, the season or which otherwise become available.

2. Any slot not utilized shall be withdrawn and placed in the appropriate slot pool unless the non-utilization can be justified by reason of the grounds of the grounding of an aircraft type, or the closure of an airport or airspace or other similarly exceptional case.

3. Slots which are allocated to an air carrier for the operation of a scheduled service or a programmed non-scheduled service on a particular moment of a day and for the same day of the week over a recognizable period up to one scheduling period shall not entitle that air carrier to the same series of slots in the next equivalent period, unless the air carrier can demonstrate to the satisfaction of the coordinator that they have been operated, as cleared by the coordinator, by that air carrier for at least 80 % of the time during the period for which they have been allocated.

4. Slots allocated to an air carrier before 31 January for the following summer season, or before 31 August for the following winter season, but which are returned to the coordinator for reallocation before those dates shall not be taken into account for the purposes of the usage calculation.

5. If the 80 % usage of the series of slots cannot be demonstrated, all the slots constituting that series shall be placed in the slot pool, unless the non-utilization can be justified on the basis of any of the following reasons:

(a) unforeseeable and irresistible cases outside the air carrier's control leading to, for example:

- grounding of the aircraft type generally used for the service in question, or
- closure of an airport or airspace;

(b) problems relating to the starting up of a new scheduled passenger service with aircraft of no more than eighty seats on a route between a regional airport and the coordinated airport and where the capacity does not exceed 30 000 seats per year, or

(c) serious financial damage for a Community air carrier concerned, with, as a result, the granting of a temporary licence by the licensing authorities pending financial reorganization of the air carrier in accordance with Article 5 (5) of Regulation (EEC) No 2407/92;

(d) an interruption of a series of non-scheduled services due to cancellations by tour operators, in particular outside the usual peak period, provided that overall slot usage does not fall below 70 %;

(e) an interruption of a series of services due to action intended to affect these services, which makes it practically and/or technically impossible for the air carrier to carry out operations as planned.

6. If serious problems continue to exist for new entrants, the Member State shall ensure that a meeting of the airport coordination committee is convened. The purpose of the meeting shall be to examine possibilities for remedying the situation. The Commission shall be invited to such a meeting.

7. Without prejudice to Article 8 (1) of Regulation (EEC) No 2408/92, slots placed in the pools shall be distributed among applicant carriers. 50 % of these slots shall be allocated to new entrants unless requests by new entrants are less than 50 %.

8. A new entrant which has been offered slots within two hours before or after the time requested but has not accepted this offer shall not retain the new entrant status.

Article 11

Safeguard mechanism

1. Where a solution cannot be found under paragraph 2 and taking into account that competition between the air carriers concerned should not be distorted, an air carrier shall not be allowed to use the flexibility provided for in Article 8 (4) for the purpose of introducing one or more additional frequencies on a route between a fully coordinated airport within the Community and an airport in another Member State, if another Community air carrier, licensed by another Member State, has not been able, despite serious and consistent efforts, to obtain landing and departure slots which can reasonably be used for providing one or more additional frequencies on the route within two hours before or after the times requested of the coordinator.

This provision shall not apply if the air carrier using the flexibility provided for in Article 8 (4) does not exceed the frequencies of the other air carrier.

2. Taking into account that competition between the air carriers concerned should not be distorted, the Member States responsible for the fully coordinated airport referred to in paragraph 1 shall endeavour to facilitate an agreement between the air carriers concerned.

An alternative solution to the problem should be sought such as:

- endeavouring to ensure that the request for slots of the air carrier licensed by the other Member State is accommodated,
- the reasonable use by that carrier of the flexibility provided for in Article 8 (4).

3. A Member State concerned may request the Commission to investigate the application of this Article within two months of an air carrier informing the coordinator of its intention to use the flexibility provided for in Article 8 (4).

Article 12

General provisions

1. Whenever it appears that a third country, with respect to the allocation of slots at airports,

- (a) does not grant Community air carriers treatment comparable to that granted by Member States to air carriers from that country, or
- (b) does not grant Community air carriers *de facto* national treatment, or
- (c) grants air carriers from other third countries more favourable treatment than Community air carriers,

appropriate action may be taken to remedy the situation in respect of the airport or airports concerned, including the suspension wholly or partially of the obligations of this Regulation in respect of an air carrier of that third country, in accordance with Community law.

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

Done at Brussels, 18 January 1993.

2. Member States shall inform the Commission of any serious difficulties encountered, in law or in fact, by Community air carriers in obtaining slots at airports in third countries.

Article 13

Report and cooperation

1. The Commission shall submit a report to the European Parliament and the Council on the operation of this Regulation three years after its entry into force. This report should include *inter alia* the following elements:

- (a) the structure of the airline industry;
- (b) progress made by the industry in reducing the non-use of slots;
- (c) size of the slot pool, as defined in Article 10 (1), each season at selected airports;
- (d) volume of unsuccessful applications for slots each season at selected airports;
- (e) number of new entrants applying for slots each season at selected airports;
- (f) use of dispute procedures established within the terms of Article 8.

2. Member States and the Commission shall cooperate in the application of this Regulation, particularly as regards the collection of information for the report mentioned in paragraph 1.

Article 14

Revision

The Council shall decide on the continuation or revision of this Regulation by 1 July 1997, on the basis of a proposal from the Commission to be submitted no later than 1 January 1996.

Article 15

Entry into force

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

For the Council

The President

T. PEDERSEN

COMMISSION REGULATION (EEC) No 96/93

of 21 January 1993

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 Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1738/92 ⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁴⁾, and in particular Article 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 ⁽⁵⁾, and in particular Article 5 thereof,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 3873/92 ⁽⁶⁾ 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 20 January 1993, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1820/92 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 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 January 1993.

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

Done at Brussels, 21 January 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 390, 31. 12. 1992, p. 118.

ANNEX

to the Commission Regulation of 21 January 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries (*)
0709 90 60	134,67 ⁽²⁾ ⁽³⁾
0712 90 19	134,67 ⁽²⁾ ⁽³⁾
1001 10 00	175,52 ⁽¹⁾ ⁽⁵⁾ ⁽¹⁰⁾
1001 90 91	140,61
1001 90 99	140,61 ⁽¹¹⁾
1002 00 00	157,03 ⁽⁶⁾
1003 00 10	125,08
1003 00 20	125,08
1003 00 80	125,08 ⁽¹¹⁾
1004 00 00	114,34
1005 10 90	134,67 ⁽²⁾ ⁽³⁾
1005 90 00	134,67 ⁽²⁾ ⁽³⁾
1007 00 90	135,45 ⁽⁴⁾
1008 10 00	48,58 ⁽¹¹⁾
1008 20 00	80,34 ⁽⁴⁾
1008 30 00	39,27 ⁽⁵⁾
1008 90 10	(7)
1008 90 90	39,27
1101 00 00	209,61 ⁽⁸⁾ ⁽¹¹⁾
1102 10 00	233,50 ⁽⁸⁾
1103 11 30	284,48 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 50	284,48 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 90	225,39 ⁽⁸⁾

(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 and Commission Regulation (EEC) No 2622/71.

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

(8) On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

(9) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC, except if paragraph 4 of the same Article applies.

(10) An amount equal to the amount fixed by Regulation (EEC) No 1825/91 is to be levied in accordance with Article 101 (4) of Decision 91/482/EEC.

(11) Products falling within this code, imported from Poland, Czechoslovakia or Hungary 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 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

COMMISSION REGULATION (EEC) No 97/93

of 21 January 1993

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 Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1738/92 ⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁴⁾, and in particular Article 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 ⁽⁵⁾, and in particular Article 5 thereof,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 3874/92 ⁽⁶⁾ 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 20 January 1993, 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 referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 January 1993.

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

Done at Brussels, 21 January 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 390, 31. 12. 1992, p. 121.

ANNEX

to the Commission Regulation of 21 January 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 1	1st period 2	2nd period 3	3rd period 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 20	0	0	0	0
1003 00 80	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

B. Malt

(ECU/tonne)

CN code	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 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 (EEC) No 98/93

of 21 January 1993

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2046/92⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 1900/92⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 1901/92⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 1902/92⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾,

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

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⁽¹⁴⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, however, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 18 and 19 January 1993 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 1.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 192, 11. 7. 1992, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 192, 11. 7. 1992, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 192, 11. 7. 1992, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

⁽¹⁴⁾ OJ No L 263, 19. 9. 1991, p. 1.

HAS ADOPTED THIS REGULATION:

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 3

This Regulation shall enter into force on 22 January 1993.

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

Done at Brussels, 21 January 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Minimum import levies on olive oil⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	79,00 ⁽²⁾
1509 10 90	79,00 ⁽²⁾
1509 90 00	92,00 ⁽²⁾
1510 00 10	77,00 ⁽²⁾
1510 00 90	122,00 ⁽⁴⁾

⁽¹⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC. However, an amount equal to the amount fixed by Regulation (EEC) No 3094/92 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

⁽²⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

(a) Lebanon : ECU 0,60 per 100 kg ;

(b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

⁽³⁾ For imports of oil falling within this CN code :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽⁴⁾ For imports of oil falling within this CN code :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	17,38
0711 20 90	17,38
1522 00 31	39,50
1522 00 39	63,20
2306 90 19	6,16

⁽¹⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC. However, an amount equal to the amount fixed by Regulation (EEC) No 3148/91 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

COMMISSION REGULATION (EEC) No 99/93
of 21 January 1993
fixing additional amounts for poultrymeat products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat ⁽¹⁾, as last amended by the Regulation (EEC) No 3714/92 ⁽²⁾, and in particular Article 8 (4) thereof,

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

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

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

Whereas, pursuant to Commission Regulation (EEC) No 2261/69 ⁽⁷⁾, as last amended by Regulation (EEC) No 3986/87, the import levies on slaughtered ducks and

geese originating in and coming from Romania are not increased by an additional amount;

Whereas, pursuant to Commission Regulation (EEC) No 2474/70 ⁽⁸⁾, as amended by Regulation (EEC) No 3986/87, the import levies on slaughtered turkeys originating in and coming from Poland are not increased by an additional amount;

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

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

Whereas the 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

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

Article 2

This Regulation shall enter into force on 22 January 1993.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

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

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 24.

⁽⁵⁾ OJ No L 107, 8. 5. 1968, p. 7.

⁽⁶⁾ OJ No L 376, 31. 12. 1987, p. 7.

⁽⁷⁾ OJ No L 286, 14. 11. 1969, p. 24.

⁽⁸⁾ OJ No L 265, 8. 12. 1970, p. 13.

⁽⁹⁾ OJ No L 232, 12. 10. 1972, p. 3.

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

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

Done at Brussels, 21 January 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 21 January 1993 fixing additional amounts for poultry-meat products

(ECU/100 kg)		
CN code	Origin of imports (1)	Additional amount
0207 39 11	01	50,00
0207 41 10	01	50,00
0207 10 31	02	20,00
0207 22 10	02	20,00
0207 10 39	02	20,00
0207 22 90	02	20,00

(1) Origin :

01 Brazil and Thailand.

02 United States of America.

COMMISSION REGULATION (EEC) No 100/93
of 21 January 1993
fixing the export refunds on eggs

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Regulation (EEC) No 1235/89 ⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Whereas Article 9 of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 2774/75 ⁽³⁾ lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas the present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the egg sector;

Whereas Council Regulation (EEC) No 1432/92 ⁽⁴⁾, as last amended by Regulation (EEC) No 3534/92 ⁽⁵⁾, prohibits trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽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 3819/92 ⁽⁷⁾;

Whereas it follows from applying these rules and criteria to the present situation on the market in eggs that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

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

The list of codes of products for which, when they are exported, the export refund referred to in Article 9 of Regulation (EEC) No 2771/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1993.

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

Done at Brussels, 21 January 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 68.

⁽⁴⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁵⁾ OJ No L 358, 8. 12. 1992, p. 16.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 17.

ANNEX

to the Commission Regulation of 21 January 1993 fixing the export refunds on eggs

Product code	Destination ⁽¹⁾	Amount of refund ⁽²⁾
		ECU/100 units
0407 00 11 000	02	5,20
0407 00 19 000	05	3,80
	06	3,00
		ECU/100 kg
0407 00 30 000	03	32,00
	04	18,00
0408 11 10 000	01	96,00
0408 19 11 000	01	47,00
0408 19 19 000	01	51,00
0408 91 10 000	01	90,00
0408 99 10 000	01	15,00

⁽¹⁾ The destinations are as follows :

01 All destinations,

02 All destinations except the United States of America,

03 Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, the Republic of Yemen, and Hong Kong,

04 All destinations except those of 03,

05 Saudi Arabia, Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, the Republic of Yemen and Iran,

06 All destinations except the United States of America and those of 05 above.

⁽²⁾ Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EEC) No 101/93**of 21 January 1993****discontinuing the additional amounts for products in the egg sector**

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

Having regard to Council Regulation (EEC) No 2771/75
of 29 October 1975 on the common organization of the
market in eggs ⁽¹⁾, as last amended by Regulation (EEC)
No 1235/89 ⁽²⁾, and in particular Article 8 (4) thereof,

Whereas, for certain of the products specified in Article 1
of Regulation (EEC) No 2771/75, additional amounts
were fixed by Commission Regulation (EEC) No 3329/92
of 18 November 1992, fixing the additional amounts for
products in the egg sector ⁽³⁾;

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

out in Article 8 (4) of Regulation (EEC) No 2771/75 are
not satisfied; whereas it is therefore necessary to discon-
tinue additional amounts laid down in Regulation (EEC)
No 3329/92;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3329/92 is hereby repealed.

Article 2

This Regulation shall enter into force on 22 January
1993.

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

Done at Brussels, 21 January 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 334, 19. 11. 1992, p. 19.

COMMISSION REGULATION (EEC) No 102/93
of 21 January 1993
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 (EEC) No 3814/92 ⁽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⁾, and in particular Article 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 29/93 ⁽⁴⁾, as amended by Regulation (EEC) No 38/93 ⁽⁵⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 29/93 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 20 January 1993, 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 22 January 1993.

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

Done at Brussels, 21 January 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 5, 9. 1. 1993, p. 14.

⁽⁵⁾ OJ No L 6, 12. 1. 1993, p. 8.

ANNEX

to the Commission Regulation of 21 January 1993 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	39,85 ⁽¹⁾
1701 11 90	39,85 ⁽¹⁾
1701 12 10	39,85 ⁽¹⁾
1701 12 90	39,85 ⁽¹⁾
1701 91 00	46,00
1701 99 10	46,00
1701 99 90	46,00 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68.

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

⁽³⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC. However, an amount equal to the amount fixed by Regulation (EEC) No 1870/91 B to be levied in accordance with Article 101 (4) of the abovementioned Decision.

COMMISSION REGULATION (EEC) No 103/93

of 21 January 1993

fixing 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 Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾ provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand, and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas export possibilities exist for a quantity of 50 000 tonnes of rye flour of certain destinations; whereas the procedure laid down in Article 9 (4) of Commission Regulation (EEC) No 891/89⁽⁴⁾, as last amended by Regulation (EEC) No 3570/92⁽⁵⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities

were fixed in Commission Regulation No 162/67/EEC⁽⁶⁾, as last amended by Regulation (EEC) No 468/92⁽⁷⁾;

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

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 3819/92⁽⁹⁾;

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

Whereas Council Regulation (EEC) No 1432/92⁽¹⁰⁾ as last amended by Regulation (EEC) No 3534/92⁽¹¹⁾, prohibits trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

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 export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 January 1993.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 362, 11. 12. 1992, p. 51.

⁽⁶⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁷⁾ OJ No L 53, 28. 2. 1992, p. 15.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 17.

⁽¹⁰⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽¹¹⁾ OJ No L 358, 8. 12. 1992, p. 16.

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

Done at Brussels, 21 January 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 21 January 1993 fixing export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refund (2)	Product code	Destination (1)	Amount of refund (2)
0709 90 60 000	—	—	1005 90 00 000	04	84,00
0712 90 19 000	—	—		02	0
1001 10 00 200	—	—	1007 00 90 000	—	—
1001 10 00 400	04	50,00	1008 20 00 000	—	—
	02	20,00	1101 00 00 100	01	82,00
1001 90 91 000	01	0	1101 00 00 130	01	77,00
1001 90 99 000	04	50,00	1101 00 00 150	01	71,00
	05	21,00	1101 00 00 170	01	66,00
	02	20,00	1101 00 00 180	01	62,00
1002 00 00 000	03	21,00	1101 00 00 190	—	—
	02	20,00	1101 00 00 900	—	—
1003 00 10 000	01	0	1102 10 00 500	01	125,00 (3)
1003 00 20 000	04	66,00	1102 10 00 700	—	—
	02	20,00	1102 10 00 900	—	—
1003 00 80 000	04	66,00	1103 11 30 200	01	140,00
	02	20,00	1103 11 30 900	01	0
1004 00 00 200	—	—	1103 11 50 200	01	140,00
1004 00 00 400	—	—	1103 11 50 400	01	120,00
1005 10 90 000	—	—	1103 11 50 900	01	0
			1103 11 90 200	01	82,00
			1103 11 90 800	—	—

(1) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Poland.

(2) Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

(3) Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEC) No 891/89, as last amended by Regulation (EEC) No 3570/92 in respect of a quantity of 50 000 tonnes of rye flour destined for all third countries.

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 21 December 1992

amending the guarantees for the introduction of molluscs into zones for which a programme for *Bonamia ostreae* and *Marteilia refringens* has been approved

(93/55/EEC)

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

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽¹⁾, and in particular Article 10 (3) thereof,

Whereas, following the approval of a programme for *Bonamia ostreae* and *Marteilia refringens* in accordance with Article 10 (2) of Directive 91/67/EEC, the introduction of molluscs into the zones or farms to which the programme applies is subject to the rules set out in Article 8 of the said Directive;

Whereas the Commission has approved, in particular by its Decision 92/528/EEC of 9 November 1992, a programme for *Bonamia ostreae* and *Marteilia refringens* for Great Britain and Northern Ireland⁽²⁾;

Whereas identical plans submitted by other Member States are being scrutinized by the Commission;

Whereas the application of the rules laid down in Article 8 (1) (a) of Directive 91/67/EEC creates difficulties for the supply of the zones concerned; whereas it is necessary to adopt, in accordance with Article 10 (3) of the said Directive, amendments to the guarantees provided for;

Whereas the provision of this Decision shall be reviewed by 30 June 1993 in the light of an opinion from the Scientific Veterinary Committee;

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

HAS ADOPTED THIS DECISION:

Article 1

Derogating from the rules referred to in Article 8 (1) (a) of Directive 91/67/EEC, the introduction into zones for which a programme for *Bonamia ostreae* and *Marteilia refringens* has been approved, shall be allowed for batches of molluscs originating from other zones for which such a programme has been approved or from zones without such an approved programme. In both cases the molluscs must be accompanied by a movement document completed by the official service, certifying that the molluscs originate from an area where there has been no history of bonamiosis (*Bonamia ostreae*) or marteiliosis (*Marteilia refringens*) in the previous two years, confirmed by tests carried out at intervals adapted to the development of the pathogens in question in accordance with the procedures recommended by the Scientific Veterinary Committee.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 46, 19. 2. 1991, p. 1.

⁽²⁾ OJ No L 332, 18. 11. 1992, p. 25.

COMMISSION DECISION
of 21 December 1992
approving the programme concerning bonamiosis and marteiliosis submitted by
Ireland

(Only the English text is authentic)

(93/56/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 91/67/EEC governing the placing on the market of aquaculture animals and products⁽¹⁾, and in particular Article 10 thereof,

Whereas Member States may submit to the Commission a programme designed to enable them, with regard to certain diseases affecting molluscs, to obtain the status of approved zone;

Whereas Ireland on 19 October 1992 has submitted a programme concerning bonamiosis and marteiliosis for its territory;

Whereas these programmes specify the geographical zones concerned, the measures to be taken by the official services, the procedures to be followed by the approved laboratories, the prevalence of the disease concerned and the measures to combat these diseases where detected;

Whereas these programmes, after scrutiny, appear to be in conformity with the requirements laid down in Article 10 of Council Directive 91/67/EEC;

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

HAS ADOPTED THIS DECISION:

Article 1

The programme concerning bonamiosis and marteiliosis by Ireland is hereby approved.

Article 2

Ireland shall bring into force the laws, regulations and administrative provisions necessary to comply with the programme referred to in Article 1 by 1 January 1993.

Article 3

This Decision is addressed to Ireland.

Done at Brussels, 21 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 46, 19. 2. 1991, p. 1.

COMMISSION DECISION

of 21 December 1992

approving the programme concerning bonamiosis and marteiliosis submitted by
the United Kingdom for Jersey

(Only the English text is authentic)

(93/57/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Directive 91/67/EEC concern-
ing the animal health conditions governing the placing
on the market of aquaculture animals and products⁽¹⁾,
and in particular Article 10 thereof,Whereas Regulation (EEC) No 706/73 of the Council of
12 March 1973 concerning the Community arrangements
applicable to the Channel Islands and the Isle of Man for
trade in agricultural products⁽²⁾, as amended by Regula-
tion (EEC) No 1174/86⁽³⁾ lays down that the veterinary
legislation shall apply to these Islands under the same
conditions as in the United Kingdom for the products
imported into the islands or exported from the islands to
the Community;Whereas Member States may submit to the Commission a
programme designed to enable them, with regard to
certain diseases affecting molluscs, to obtain the status of
approved zone;Whereas the United Kingdom, by letter dated 9 October
1992, has submitted a programme concerning bonamiosis
and marteiliosis for Jersey;Whereas these programmes specify the geographical
zones concerned, the measures to be taken by the official
services, the procedures to be followed by the approved
laboratories, the prevalence of the disease concerned and
the measures to combat these diseases where detected;
whereas, the measures to be taken by the official services
relate mainly to detailed investigations which must showthat the zones concerned do not contain any molluscs
belonging to susceptible vector or carrier species;Whereas this programme, after scrutiny, appears to be in
conformity with the requirements laid down in Article 10
of Council Directive 91/67/EEC;Whereas the measures provided for in this Decision are in
accordance with the opinion of the Standing Veterinary
Committee,

HAS ADOPTED THIS DECISION:

*Article 1*The programme concerning bonamiosis and marteiliosis
for Jersey, submitted by the United Kingdom, is hereby
approved.*Article 2*The United Kingdom shall bring into force the laws,
regulations and administrative provisions necessary to
comply with the programme referred to in Article 1 by
1 January 1993.*Article 3*

This Decision is addressed to the United Kingdom.

Done at Brussels, 21 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 46, 19. 2. 1991, p. 1.⁽²⁾ OJ No L 68, 15. 3. 1973, p. 1.⁽³⁾ OJ No L 107, 24. 4. 1986, p. 1.

COMMISSION DECISION

of 21 December 1992

approving the programme concerning bonamiosis and marteiliosis submitted by the United Kingdom for Guernsey

(Only the English text is authentic)

(93/58/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽¹⁾, and in particular Article 10 thereof,Whereas Regulation (EEC) No 706/73 of the Council of 12 March 1973 concerning the Community arrangements applicable to the Channel Islands and the Isle of Man for trade in agricultural products⁽²⁾, as amended by Regulation (EEC) No 1174/86⁽³⁾ lays down that the veterinary legislation shall apply to these Islands under the same conditions as in the United Kingdom for the products imported into the islands or exported from the islands to the Community;

Whereas Member States may submit to the Commission a programme designed to enable them, with regard to certain diseases affecting molluscs, to obtain the status of approved zone;

Whereas the United Kingdom, by letter dated 9 October 1992, has submitted a programme concerning bonamiosis and marteiliosis for Guernsey;

Whereas these programmes specify the geographical zones concerned, the measures to be taken by the official services, the procedures to be followed by the approved laboratories, the prevalence of the disease concerned and the measures to combat these diseases where detected; whereas, the measures to be taken by the official services relate mainly to detailed investigations which must show

that the zones concerned do not contain any molluscs belonging to susceptible vector or carrier species;

Whereas this programme, after scrutiny, appears to be in conformity with the requirements laid down in Article 10 of Council Directive 91/67/EEC;

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

HAS ADOPTED THIS DECISION:

Article 1

The programme concerning bonamiosis and marteiliosis for Guernsey, submitted by the United Kingdom, is hereby approved.

Article 2

The United Kingdom shall bring into force the laws, regulations and administrative provisions necessary to comply with the programme referred to in Article 1 by 1 January 1993.

Article 3

This Decision is addressed to the United Kingdom.

Done at Brussels, 21 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 46, 19. 2. 1991, p. 1.⁽²⁾ OJ No L 68, 15. 3. 1973, p. 1.⁽³⁾ OJ No L 107, 24. 4. 1986, p. 1.

COMMISSION DECISION**of 21 December 1992****approving the programme concerning bonamiosis and marteiliosis submitted by
the United Kingdom for the Isle of Man****(Only the English text is authentic)****(93/59/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, and in particular Article 10 thereof,

Whereas Regulation (EEC) No 706/73 of the Council of 12 March 1973 concerning the Community arrangements applicable to the Channel Islands and the Isle of Man for trade in agricultural products ⁽²⁾, as amended by Regulation (EEC) No 1174/86 ⁽³⁾ lays down that the veterinary legislation shall apply to these Islands under the same conditions as in the United Kingdom for the products imported into the islands or exported from the islands to the Community;

Whereas Member States may submit to the Commission a programme designed to enable them, with regard to certain diseases affecting molluscs, to obtain the status of approved zone;

Whereas the United Kingdom, by letter dated 9 October 1992, has submitted a programme concerning bonamiosis and marteiliosis for the Isle of Man;

Whereas these programmes specify the geographical zones concerned, the measures to be taken by the official services, the procedures to be followed by the approved laboratories, the prevalence of the disease concerned and the measures to combat these diseases where detected; whereas, the measures to be taken by the official services relate mainly to detailed investigations which must show

that the zones concerned do not contain any molluscs belonging to susceptible vector or carrier species;

Whereas this programme, after scrutiny, appears to be in conformity with the requirements laid down in Article 10 of Council Directive 91/67/EEC;

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

HAS ADOPTED THIS DECISION:

Article 1

The programme concerning bonamiosis and marteiliosis for the Isle of Man, submitted by the United Kingdom, is hereby approved.

Article 2

The United Kingdom shall bring into force the laws, regulations and administrative provisions necessary to comply with the programme referred to in Article 1 by 1 January 1993.

Article 3

This Decision is addressed to the United Kingdom.

Done at Brussels, 21 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 46, 19. 2. 1991, p. 1.

⁽²⁾ OJ No L 68, 15. 3. 1973, p. 1.

⁽³⁾ OJ No L 107, 24. 4. 1986, p. 1.

CORRIGENDA**Corrigendum to Council Regulation (EEC) No 356/92 of 10 February 1992 amending Regulation No 136/66/EEC on the establishment of a common organization of the market in oils and fats**

(Official Journal of the European Communities No L 39 of 15 February 1992)

On page 2, in the Annex, the title and points 4, 5 and 6, first and second lines :

for: '... olive-residue oil ...',

read: '... olive-pomace oil ...'.

Corrigendum to Council Directive 92/21/EEC of 31 March 1992 on the masses and dimensions of motor vehicles of category m₁

(Official Journal of the European Communities No L 129 of 14 May 1992)

On page 4 in Annex 1, point 4.3.1.1., last line :

for: '... in the case exceed 3 500 kg.'

read: '... in no case exceed 3 500 kg.'
