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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 302/93

of 8 February 1993

on the establishment of a European Monitoring Centre for Drugs and Drug Addiction

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 Economic and Social Committee ⁽³⁾,

Whereas, at its meeting in Dublin on 25 and 26 June 1990, the European Council:

- ratified the 'Guidelines for a European Plan to Combat Drugs' submitted to it by the European Committee to Combat Drugs (Celad), and in particular the recommendation that 'a study be conducted by experts on the existing sources of information, their reliability and their usefulness, and on the need for and possible scope of a European Drugs Monitoring Centre and the financial implications of setting up such a Centre, on the understanding that the brief of this Centre would cover not only the social and health aspects but also other drugs-related aspects, including trafficking and repression',
- stressed that it was the responsibility of each Member State to develop an appropriate drug demand reduction programme and considered that effective action by each Member State, supported by joint action of the Twelve and the Community, should be a main priority over the coming years;

Whereas the findings of the feasibility study on the Centre and the European Plan to Combat Drugs

submitted to the Rome European Council on 13 and 14 December 1990 should be borne in mind;

Whereas the European Council, at its meeting in Luxembourg on 28 and 29 June 1991, 'approved the setting up of a European Drugs Monitoring Centre on the understanding that the practical arrangements for its implementation, e.g. its size, institutional structure and computer systems, are still to be discussed and instructed Celad to continue work to that end and bring it rapidly to a successful conclusion, in liaison with the Commission and the other relevant political bodies';

Whereas the European Council, at its meeting in Maastricht on 9 and 10 December 1991, 'invited the institutions of the Community to employ all means to ensure that the act setting up the European Drugs Centre could be adopted before 30 June 1992';

Whereas the Community concluded, by Decision 90/611/EEC ⁽⁴⁾, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, hereinafter referred to as the 'Vienna Convention', and deposited a declaration of competence regarding Article 27 thereof ⁽⁵⁾;

Whereas the Council adopted Regulation (EEC) No 3677/90 ⁽⁶⁾ for the implementation by the Community of the system provided for in Article 12 of the aforementioned Vienna Convention for monitoring trade in certain substances;

Whereas the Council adopted Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering ⁽⁷⁾, which aims in particular to combat drug trafficking;

⁽¹⁾ OJ No C 43, 18. 2. 1992, p. 2.

⁽²⁾ OJ No C 150, 15. 6. 1992, p. 54.

⁽³⁾ OJ No C 223, 31. 8. 1992, p. 26.

⁽⁴⁾ OJ No L 326, 24. 11. 1990, p. 56.

⁽⁵⁾ OJ No L 326, 24. 11. 1990, p. 57.

⁽⁶⁾ OJ No L 357, 20. 12. 1990, p. 1. Regulation, as amended by Regulation (EEC) No 900/92 (OJ No L 96, 10. 4. 1992, p. 1).

⁽⁷⁾ OJ No L 166, 28. 6. 1991, p. 77.

Whereas objective, reliable and comparable information concerning drugs, drug addiction and their consequences is required at Community level to help provide the Community and the Member States with an overall view and thus give them added value when, in their respective areas of competence, they take measures or decide on action to combat drugs;

Whereas the drug phenomenon comprises many complex and closely interwoven aspects which cannot easily be dissociated; whereas, therefore, the Centre should be entrusted with the task of furnishing overall information which will help to provide the Community and its Member States with an overall view of the drug and drug addiction phenomenon; whereas this task should not prejudice the allocation of powers between the Community and its Member States with regard to the legislative provisions concerning drug supply and demand;

Whereas the Centre's organization and working methods must be consistent with the objective nature of the results sought, namely the comparability and compatibility of sources and methods in connection with drug information;

Whereas the information compiled by the Centre will concern priority areas whose content, scope and implementing arrangements should be defined;

Whereas, during the first three-year period, special attention will be given to demand and demand reduction;

Whereas, in their resolution of 16 May 1989 concerning a European network of health data on drug abuse⁽¹⁾, the Council and the Ministers for Health of the Member States meeting within the Council invited the Commission to take possible initiatives in this area;

Whereas a European information network on drugs and drug addiction should be set up, to be coordinated and led at Community level by the European Drugs Monitoring Centre;

Whereas Convention 108 of the Council of Europe for the Protection of Individuals with regard to Automatic Processing of Personal Data (1981) should be taken into account;

Whereas there already exist national, European and international organizations and bodies supplying information

of this kind, and whereas the Centre should be able to carry out its tasks in close cooperation with them;

Whereas the Centre must have legal personality;

Whereas it is necessary to ensure that the Centre carries out its information task and to confer jurisdiction for this purpose on the Court of Justice;

Whereas it is desirable to recognize the possibility of opening the Centre to non-Community countries which share the interest of the Community and the Member States in the attainment of these objectives, under agreements to be concluded between them and the Community;

Whereas this Regulation could, if necessary, be adapted after a three-year period with a view to a decision on the possible extension of the Centre's tasks, taking into account, in particular, the evolution of Community powers;

Whereas, for the adoption of this Regulation the Treaty provides for no powers to act other than those laid down in Article 235,

HAS ADOPTED THIS REGULATION:

Article 1

Objective

1. This Regulation establishes the European Monitoring Centre for Drugs and Drug Addiction (EDMC), hereinafter referred to as 'the Centre'.
2. The Centre's objective is to provide, in the areas referred to in Article 4, the Community and its Member States with objective, reliable and comparable information at European level concerning drugs and drug addiction and their consequences.
3. The statistical, documentary and technical information processed or produced is intended to help provide the Community and the Member States with an overall view of the drug and drug addiction situation when, in their respective areas of competence, they take measures or decide on action.
4. The Centre may not take any measure which in any way goes beyond the sphere of information and the processing thereof.

⁽¹⁾ OJ No C 185, 22. 7. 1989, p. 1.

5. The Centre shall not collect any data making it possible to identify individuals or small groups of individuals. It shall refrain from any transmission of information relating to specific named cases.

Article 2

Tasks

In order to achieve the objective set out in Article 1, the Centre shall perform the following tasks within its areas of activity:

A. Collection and analysis of existing data

It shall:

1. collect, register and analyse information, including data resulting from research, communicated by Member States as well as that emanating from Community, non-governmental national sources and competent international organizations;
2. carry out surveys, preparatory studies and feasibility studies, together with any pilot projects necessary to accomplish its tasks; organize meetings of experts and whenever necessary set up *ad hoc* working parties for the purpose; it shall set up and make available open scientific documentation resources and assist in the promotion of information activities;
3. provide an organizational and technical system capable of supplying information on similar or complementary programmes or action pursued by the Member States;
4. establish and coordinate, in consultation and in cooperation with the competent authorities and organizations in the Member States, the network referred to in Article 5;
5. facilitate exchanges of information between decision-makers, researchers, specialists and those involved in combating drugs in governmental and non-governmental organizations;

B. Improvement of data-comparison methods

6. ensure improved comparability, objectivity and reliability of data at European level by establishing indicators and common criteria of a non-binding nature, compliance with which may be recommended by the Centre, with a view to greater uniformity of the measurement methods used by the Member States and the Community;
7. facilitate and structure exchange of information, in terms of both quality and quantity (databases);

C. Dissemination of data

8. make the information produced by it available to the Community, the Member States and competent organizations;
9. ensure wide dissemination of work done in each Member State and by the Community itself, and, where appropriate, by non-Community countries or international organizations;
10. ensure wide dissemination of reliable non-confidential data, on the basis of data which it gathers it shall publish a yearly report on the state of the drugs problem;

D. Cooperation with European and international bodies and organizations and with non-Community countries

11. contribute to improving coordination between national and Community action in its areas of activity;
12. without prejudice to Member States' obligations with regard to transmission of information under the provisions of the United Nations Conventions on drugs, promote the incorporation of data on drugs and drug addiction gathered in the Member States or emanating from the Community into international monitoring and drug-control programmes, particularly those established by the United Nations Organization and its specialized agencies;
13. cooperate actively with the bodies referred to in Article 12.

Article 3

Work method

1. The Centre shall progressively carry out its tasks in the light of the objectives adopted in the three-year and annual work programmes and with due regard to the available resources.
2. In pursuing its activities, the Centre shall, in order to avoid duplication, take account of those already carried out by other existing or future institutions and agencies, notably the European Police Office (Europol), and shall ensure that it adds to their value.

Article 4

Priority areas of activity

The objectives and tasks of the Centre, as defined in Articles 1 and 2, shall be implemented following the order of priorities indicated in the Annex.

*Article 5***European Information Network on Drugs and Drug Addiction (Reitox)**

1. The Centre shall have at its disposal the European Information Network on Drugs and Drug Addiction (Reitox), a computer network forming the infrastructure for collecting and exchanging information and documentation; the network shall make use of, *inter alia*, an autonomous computer system linking the national drug information networks, the specialized centres in Member States and the information systems of the international or European organizations or bodies cooperating with the Centre.

2. In order to enable the network to be established as rapidly and efficiently as possible, the Member States shall, with in six months of the entry into force of this Regulation, notify the Centre of the main elements of their national information networks, including where appropriate the national monitoring centres, in the areas of activity mentioned in Article 4 and name any specialized Centres which in their judgment could make a useful contribution to the Centre's work.

3. The specialized centres shall be designated with the consent of the Member State in whose territory they are located, by a unanimous decision of the members of the management board, as referred to in the second subparagraph of Article 8 (2), for a period not exceeding the duration of each multiannual work programme as referred to in Article 8 (3). This designation shall be renewable.

4. The Centre may, with the consent of the Member State in whose territory the centres are located, enter into contractual relations, in particular subcontracting arrangements, with governmental or non-governmental specialized centres as referred to in paragraph 3, in order to fulfil any tasks which it may wish to entrust to them. With the consent of the respective Member States, it may also enter into contracts, on an *ad hoc* basis and for specific tasks, with bodies which are not part of Reitox.

5. The allocation of specific tasks to the specialized centres shall appear in the Centre's multiannual programme mentioned in Article 8 (3).

*Article 6***Protection and confidentiality of data**

1. Where on the basis of this Regulation personal data which do not enable natural persons to be identified are also forwarded to the Centre in accordance with national

law, such data may be used only for the stated purpose and under the conditions prescribed by the forwarding authority. This shall apply *mutatis mutandis* where personal data are communicated by the Centre to the competent authorities of the Member States or to international organizations and other European institutions.

2. Data on drugs and drug addiction provided to or by the Centre may be published subject to compliance with Community and national rules on the dissemination and confidentiality of information. Personal data may not be published or made accessible to the public.

3. Member States and the specialized centres shall be under no obligation to provide information classified as confidential under their national legislation.

*Article 7***Legal status**

The Centre shall have legal personality. It shall enjoy, in each Member State, the most extensive legal status granted to legal persons under their laws; in particular, it may purchase or dispose of movable and immovable property and may institute legal proceedings.

*Article 8***Management Board**

1. The Centre shall have a management board consisting of one representative from each Member State, two representatives from the Commission and two scientists particularly qualified in the field of drugs, designated by the European Parliament on the basis of their particular qualification in that field.

Each member of the management board may be assisted or represented by an alternative member. In the absence of the full member, the alternative member may exercise his right to vote. The management board may call in as non-voting observers representatives of international organizations with which the Centre cooperates in accordance with Article 12.

2. The chairman of the management board shall be elected by its members for a three-year period: his term of office shall be renewable once. The chairman shall take part in the voting. Each member of the management board shall have one vote.

The decisions of the management board shall be taken by a two-thirds majority of its members, except in the cases referred to in Article 5 (3), for which a unanimous decision by the members is required, and in paragraph 3 of this Article.

The management board shall draw up its own rules of procedure.

The management board shall meet at least once a year.

3. The management board shall adopt a three-year work programme on the basis of a draft submitted by the Centre's Director, after consulting the Scientific Committee and seeking the opinions of the Commission and of the Council. The first three-year programme shall be adopted unanimously, within nine months of the entry into force of this Regulation. The management board, acting by a majority of three-quarters of its members, shall decide whether subsequent three-year programmes are to be adopted by the majority laid down in the second subparagraph of paragraph 2 of this Article or by unanimity.

4. Under the three-year work programme, the management board shall each year adopt the Centre's annual work programme on the basis of a draft submitted by the Director, after consulting the Scientific Committee and seeking the Commission's opinion. The programme may be adjusted in the course of the year in accordance with the same procedure.

5. By 31 January each year at the latest, the management board shall adopt an annual general report on the activities of the Centre. The Director shall forward this report to the European Parliament, the Council, the Commission and the Member States.

Article 9

Director

1. The Centre shall be headed by a Director appointed by the management board on a proposal from the Commission for a five-year period, which shall be renewable. The Director shall be responsible for :

- preparing and implementing the decisions and programmes adopted by the Centre's management board,
- day-to-day administration,
- preparing the Centre's work programmes,
- the preparation of a statement of revenue and expenditure and on the implementation of the budget,
- the preparation and publication of the reports provided for in this Regulation,

— all staff matters,

— performance of the tasks referred to in Article 1 and 2.

2. The Director shall be accountable for his activities to the management board and shall attend its meetings.

3. The Director shall be the Centre's legal representative.

Article 10

Scientific Committee

1. The management board and the Director shall be assisted by a Scientific Committee which shall deliver an opinion where provided for in this Regulation on any scientific matter concerning the Centre's activities which the management board or the Director may submit to it.

The opinions of the Scientific Committee shall be published.

2. The Scientific Committee shall consist of one representative from each Member State. The management board may appoint up to six other members having regard to their particular qualifications.

3. Members shall serve on the Scientific Committee for a three-year period, which shall be renewable.

4. The Scientific Committee shall elect its chairman for a three-year period.

5. The Scientific Committee shall be convened by its chairman at least once a year.

Article 11

Budget

1. Estimates shall be drawn up of all the Centre's revenue and expenditure for each financial year, which shall correspond to the calendar year, and shall be entered in the Centre's budget.

2. By 15 February each year at the latest, the Director shall draw up a preliminary draft budget covering the operational expenditure and the programme of work anticipated for the following financial year, and shall forward this preliminary draft to the management board together with an establishment plan.

3. Revenue and expenditure shall be in balance.

4. The Centre's revenue shall, without prejudice to other resources, consist of a subsidy from the Community entered under a specific heading of the general budget of the European Communities (Commission Section), payments for services rendered and any financial contributions from the organizations and bodies and non-Community countries mentioned in Articles 12 and 13 respectively.

5. The Centre's expenditure shall include, *inter alia* :

- staff remuneration, administrative and infrastructure expenses, and operating costs,
- expenditure in support of the national information networks which form part of the Reitox network and expenditure relating to contracts with the specialized centres.

6. The management board shall adopt the draft budget and forward it to the Commission, which on that basis shall establish the relevant estimates in the preliminary draft general budget of the European Communities, which it shall put before the Council pursuant to Article 203 of the Treaty.

7. The management board shall adopt the Centre's final budget before the beginning of the financial year, adjusting it where necessary to the Community subsidy and the Centre's other resources.

8. The Director shall implement the budget.

9. Monitoring of the commitment and payment of all the Centre's expenditure and of the establishment and recovery of all the Centre's revenue shall be carried out by the Commission's financial controller.

10. By 31 March each year at the latest, the Director shall forward to the Commission, the management board and the Court of Auditors the accounts for all the Centre's revenue and expenditure in respect of the preceding financial year.

The Court of Auditors shall examine them in accordance with Article 206a of the Treaty.

11. The management board shall give a discharge to the Director in respect of the implementation of the budget.

12. The Financial Regulation applicable to the general budget of the European Communities shall apply to the Centre. The Council, acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament and the management board, may grant derogations from the Financial Regulation when then specific requirements of the functioning of the Centre so dictate.

Article 12

Cooperation with other organizations and bodies

Without prejudice to relations which the Commission may maintain pursuant to Article 229 of the Treaty, the Centre shall actively seek the cooperation of international organizations and other, particularly European, governmental and non-governmental agencies competent in the sector of drugs.

Article 13

Non-Community countries

1. The Centre shall be open to the participation of those non-Community countries which share the Community's interests and those of its Member States in the Centre's objectives and work, on the basis of agreements entered into between them and the Community on the basis of Article 235 of the Treaty.

2. The management board may take a decision on the involvement of experts proposed by non-Community countries in the *ad hoc* working parties provided for in Article 2 (2), subject to an undertaking from the interested parties to observe the rules referred to in Article 6.

Article 14

Privileges and immunities

The Protocol on the Privileges and immunities of the European Communities shall apply to the Centre.

Article 15

Staff Regulations

The staff of the Centre shall be subject to the regulations and rules applicable to the officials and other servants of the European Communities.

The Centre shall exercise in respect of its staff the powers devolved to the appointing authority.

The management board shall, in agreement with the Commission, adopt the appropriate implementing rules.

Article 16

Liability

1. The contractual liability of the Centre shall be governed by the law applicable to the contract in question. The Court of Justice shall have jurisdiction pursuant to an arbitration clause contained in a contract concluded by the Centre.

2. In the case of non-contractual liability, the Centre shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by the Centre or its servants in the performance of their duties. The Court of Justice shall have jurisdiction in disputes relating to compensating for any such damage.

3. The personal liability of servants towards the Centre shall be governed by the provisions applying to the staff of the Centre.

*Article 17***Jurisdiction fo the Court of Justice**

The Court of Justice shall have jurisdiction in actions brought against the Centre under the conditions provided for in Article 173 of the Treaty.

*Article 18***Report**

During the third year following the entry into force of this Regulation, the Commission shall forward to the European Parliament and to the Community a progress

report on the Centre's activities, together with proposals, if appropriate, to modify or extend its tasks, taking into account, in particular, the evolution of Community powers.

*Article 19***Entry into force**

This Regulation shall enter into force on the day following the decision of the competent authorities on the seat of the Centre.

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

Done at Brussels, 8 February 1993.

For the Council

The President

J. TRØJBORG

ANNEX

- A. The work of the Centre shall be carried out with due regard to the respective powers of the Community and its Member States in the area of drugs, as those powers are defined by the Treaty.

The information gathered by the Centre shall relate to the following priority areas :

1. demand and reduction of the demand for drugs ;
 2. national and Community strategies and policies (with special emphasis on international, bilateral and Community policies, action plans, legislation, activities and agreements) ;
 3. international cooperation and geopolitics of supply (with special emphasis on cooperation programmes and information on producer and transit countries) ;
 4. control of trade in narcotic drugs, psychotropic substances and precursors, as provided for in the relevant present or future international conventions and Community acts ⁽¹⁾ ;
 5. Implications of the drugs phenomenon for producer, consumer and transit countries, within areas covered by the Treaty, including money laundering, as laid down by the relevant present or future Community acts ⁽²⁾.
- B. The Commission shall make available to the Centre, for dissemination, the information and statistical data which it possesses pursuant to its powers.
- C. During the first three-year period special attention will be given to demand and demand reduction.

⁽¹⁾ — The relevant international conventions currently in force include, in particular, the United Nations Conventions, in so far as the Community is or could become party to them.

— The relevant Community acts currently in force include in particular Council Regulation (EEC) No 3677/90 of 13 December 1990 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances.

— This involves only information which the Member States are obliged to supply to the Commission on the basis of existing and future Community legislation.

⁽²⁾ — Of the relevant Community acts currently in force the one concerning money laundering is the Council Directive of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering.

— This involves only information which the Member States are obliged to supply to the Commission on the basis of existing and future Community legislation.

COUNCIL REGULATION (EEC) No 303/93

of 8 February 1993

opening and providing for the administration of Community tariff quotas for certain agricultural and fishery products originating in certain EFTA countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, in agreements concluded between the Community and certain EFTA countries and approved by Decisions 86/555/EEC, 86/557/EEC, 86/558/EEC and 86/559/EEC⁽¹⁾, the Community undertook to open each year, subject to certain conditions, Community tariff quotas at a reduced or zero rate of duty for a number of agricultural and fishery products originating in those countries; whereas those tariff quotas should be opened for 1993, and, where necessary, the conditions of eligibility laid down should be specified;

Whereas all Community importers should be ensured equal and continuous access to the said quotas and the duty rates laid down for the quota should be applied consistently to all imports of the product in question into all Member States until the quotas are exhausted;

Whereas the decision for the opening, in the execution of its international obligations, of tariff quotas should be taken by the Community; whereas, to ensure the efficiency of a common administration of these quotas, there is

no reasonable obstacle to authorizing the Member States to draw from the quota-volumes the necessary quantities corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within, and jointly represented by, the Benelux Economic Union, any operation concerning the administration of these quotas may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From the 1 January to 31 December 1993 the customs duties applicable to imports of the products listed below shall be suspended at the levels indicated below and within the limits of the Community tariff quotas as shown below:

(a) The following products, originating in Sweden:

| Order No | CN code (*) | Description | Amount of quota (in tonnes) | Quota duty (%) |
|----------|---------------|--|-----------------------------|----------------|
| 09.0601 | 0302 | Fish, fresh or chilled, excluding fish fillets and other fish meat falling within CN code 0304: | 3 500 | 0 |
| | | — Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>), excluding livers and roes: | | |
| | 0302 50 10 | — — Of the species <i>Gadus morhua</i> | | |
| | | — Other fish, excluding livers and roes: | | |
| 09.0603 | 0302 62 00 | — — Haddock (<i>Melanogrammus aeglefinus</i>) | 1 500 | 0 |
| | 0302 63 00 | — — Coalfish (<i>Pollachius virens</i>) | | |
| | 0304 | Fish fillets and other fish meat (whether or not minced), fresh chilled or frozen: | | |
| | 0304 10 | — Fresh or chilled: | | |
| | | — — Fillets: | | |
| | | — — — Other: | | |
| | ex 0304 10 31 | — — — — Of cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and of fish of the species <i>Boreogadus saida</i> : | | |
| | | — — — — — Of the species <i>Gadus morhua</i> | | |

(¹) OJ No L 328, 22. 11. 1986, pp. 58, 77, 90 and 99.

| Order No | CN code (*) | Description | Amount of quota (in tonnes) | Quota duty (%) |
|----------|---------------|---|-----------------------------|----------------|
| 09.0605 | 1604 | Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs: | 250 | 0 |
| | 1604 12 | - Fish, whole or in pieces, but not minced: | | |
| | 1604 12 90 | - - Herrings: | | |
| 09.0607 | 1604 13 | - - - Other | 200 | 0 |
| | 1604 13 90 | - - Sardines, sardinella and brisling or sprats: | | |
| | 1604 19 | - - - Other | | |
| | 1604 19 99 | - - - - Other: | | |
| | 1604 20 | - - - - Other | | |
| | 1604 20 90 | - Other prepared or preserved fish: | | |
| 09.0609 | 1604 30 | - - Of other fish | 60 | 0 |
| | 1604 30 90 | - Caviar and caviar substitutes: | | |
| 09.0611 | 1605 | - - Caviar substitutes | 120 | 7,5 |
| | ex 1605 20 00 | Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved: | | |
| | | - Shrimps and prawns: | | |
| | | - Shelled, whether or not frozen, excluding shrimps and prawns of the Crangon variety | | |

(*) See Taric codes in the Annex.

(b) The following products, originating in Norway:

| Order No | CN code (*) | Description | Amount of quota (in tonnes) | Quota duty (%) |
|----------|--|---|-----------------------------|----------------|
| 09.0701 | ex 1504 20 10 ex 1504 30 19 ex 1516 10 90 | Oils and fats of marine animals, other than whale oil and sperm oil, in packings of a net capacity of more than 1 kg | 1 000 | 8,5 |
| 09.0707 | 0305 | Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; fish meal fit for human consumption: | 3 900 | 0 |
| | 0305 51 | - Dried fish, whether or not salted but not smoked: | | |
| | ex 0305 51 10 | - - Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>): | | |
| | 0305 59 | - - - dried, unsalted: | | |
| 09.0709 | 0305 59 11 | - Excluding of cod of the species <i>Gadus macrocephalus</i> | 3 000 | 0 |
| | 0305 30 19 | - - Other: | | |
| 09.0711 | ex 1604 13 90 | - - - Fish of the species <i>Boreogadus saida</i> : | 400 | 10 |
| | 1604 19 92 | - - - - Dried, unsalted | | |
| | ex 1604 19 93 | Fillets of cod of the species <i>Gadus morhua</i> and <i>Gadus ogac</i> , and fish fillets of the species <i>Boreogadus saida</i> , dried, salted or in brine | | |
| | 1904 19 94 | Prepared or preserved fish, including caviar and caviar substitutes prepared from fish eggs: | | |
| | 1604 19 95 | Other: | | |
| | 1604 19 98 | - Sardinella, brisling or sprats, not pre-fried in oil, deep-frozen | | |
| | ex 1604 20 90 | - - - - Other: | | |
| | - - - - - God (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) | | | |
| | - - - - - Coalfish (<i>Pollachius virens</i>) excluding smoked coalfish | | | |
| | - - - - - Hake (<i>Merluccius</i> spp., <i>Urophycis</i> spp.) | | | |
| | - - - - - Alaska pollack (<i>Theragra chalcogramma</i>) and (<i>Pollachius pollachius</i>) | | | |
| | - - - - - Other | | | |
| | Fish other than herring and smoked saithe | | | |

(*) See Taric codes in the Annex.

(c) The following products, originating in Austria :

| Order No | CN code (*) | Description | Amount of quota (in hl) | Quota duty (%) |
|----------|--------------------------------|-------------------------|-------------------------|------------------------------|
| 09.0801 | ex 2009 80 11 ex 2009 80 19 | Concentrated pear juice | 2 000 | 30 + AGR possibly applicable |

(*) See Taric codes in the Annex.

(d) The following products, originating in Switzerland :

| Order No | CN code (*) | Description | Amount of quota (in tonnes) | Quota duty (%) |
|----------|--------------------------------|---|-----------------------------|----------------|
| 09.0901 | ex 0809 20 40 ex 0809 20 80 | Table cherries excluding Morello cherries | 1 000 | 0 |

(*) See Taric codes in the Annex.

2. Imports of the products listed in paragraph 1 which already qualify for a lower or the same rate of customs duty under other preferential tariff arrangements may not be charged against the corresponding tariff quota.

3. Imports of the products referred to in paragraph 1 under order Nos 09.0601 to 09.0611, 09.0707, 09.0709 and 09.0711 shall not qualify for the quota unless the free-at-frontier price, which is determined by the Member States in accordance with Article 22 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products⁽¹⁾, shall be at least equal to the reference price, if such a price has been fixed by the Community, for the products or categories of products in question.

4. The Protocols on the definition of the concept of originating products and on methods of administrative cooperation, annexed to the Agreement between the European Economic Community on the one hand and the Kingdom of Sweden, the Kingdom of Norway, the Republic of Austria and the Swiss Confederation on the other, shall be applicable.

Article 2

The tariff quotas referred to in Article 1 shall be administered by the Commission, which may take any appropriate administrative measures in order to ensure efficient administration.

Article 3

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authori-

ties, the Member State concerned shall draw, from the quota volume by means of notification to the Commission, a quantity corresponding to those needs.

The requests for drawing, with the indication of the date of acceptance of the said declarations, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the corresponding quota volume.

If the quantities requested are greater than the available balance of the quota volume, allocation shall be made on a pro rata basis with respect to the requests. Member States shall be informed thereof by the Commission.

Article 4

Each Member State shall guarantee importers of the products in question equal and continuous access to the quotas as long as the balance of the corresponding quota volume allows.

Article 5

Member States and the Commission shall cooperate closely in order to ensure that this Regulation is complied with.

Article 6

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

⁽¹⁾ OJ No L 388, 31. 12. 1992, p. 1.

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

Done at Brussels, 8 February 1993.

For the Council

The President

J. TRØJBORG

ANNEX

Taric codes

| Order No | CN code | Taric code |
|----------|---|---|
| 09.0603 | ex 0304 10 31 | 0304 10 31 * 10 |
| 09.0611 | ex 1605 20 00 | 1605 20 00 * 91 1605 20 00 * 96 |
| 09.0701 | ex 1504 20 10 ex 1504 30 19 ex 1516 10 90 | 1504 20 10 * 90 1504 30 19 * 10 1516 10 90 * 11 |
| 09.0707 | ex 0305 51 10 | 0305 51 10 * 10 0305 51 10 * 20 |
| 09.0711 | ex 1604 13 90 ex 1604 19 93 ex 1604 20 90 | 1604 13 90 * 91 1604 13 90 * 99 1604 19 93 * 90 1604 20 90 * 30 1604 20 90 * 90 |
| 09.0801 | ex 2009 80 11 ex 2009 80 19 | 2009 80 11 * 40 2009 80 19 * 10 |
| 09.0901 | ex 0809 20 40 ex 0809 20 80 | 0809 20 40 * 10 0809 20 80 * 11 0809 20 80 * 31 0809 20 80 * 81 |

COMMISSION REGULATION (EEC) No 304/93
of 11 February 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 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 cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 3873/92 ⁽⁴⁾ 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 10 February 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 3873/92 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 12 February 1993.

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

Done at Brussels, 11 February 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 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 390, 31. 12. 1992, p. 118.

ANNEX

to the Commission Regulation of 11 February 1993 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 | 134,62 ^(?) ^(?) |
| 0712 90 19 | 134,62 ^(?) ^(?) |
| 1001 10 00 | 174,81 ^(?) ^(?) ⁽¹⁰⁾ |
| 1001 90 91 | 136,97 |
| 1001 90 99 | 136,97 ⁽¹¹⁾ |
| 1002 00 00 | 148,29 ^(?) |
| 1003 00 10 | 125,12 |
| 1003 00 20 | 125,12 |
| 1003 00 80 | 125,12 ⁽¹¹⁾ |
| 1004 00 00 | 114,34 |
| 1005 10 90 | 134,62 ^(?) ^(?) |
| 1005 90 00 | 134,62 ^(?) ^(?) |
| 1007 00 90 | 135,79 ^(?) |
| 1008 10 00 | 45,95 ⁽¹¹⁾ |
| 1008 20 00 | 78,27 ^(?) |
| 1008 30 00 | 36,08 ^(?) |
| 1008 90 10 | (?) |
| 1008 90 90 | 36,08 |
| 1101 00 00 | 205,30 ^(?) ⁽¹¹⁾ |
| 1102 10 00 | 220,33 ^(?) |
| 1103 11 30 | 282,78 ^(?) ⁽¹⁰⁾ |
| 1103 11 50 | 282,78 ^(?) ⁽¹⁰⁾ |
| 1103 11 90 | 220,57 ^(?) |

(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) 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 (OJ No L 166, 26. 6. 1991, p. 42) 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 305/93**of 11 February 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 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 premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 3874/92 ⁽⁴⁾ 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 10

February 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 12 February 1993.

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

Done at Brussels, 11 February 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 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 390, 31. 12. 1992, p. 121.

ANNEX

to the Commission Regulation of 11 February 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 | 1st period | 2nd period | 3rd period |
|------------|---------|------------|------------|------------|
| | 2 | 3 | 4 | 5 |
| 0709 90 60 | 0 | 0,63 | 0,63 | 0,59 |
| 0712 90 19 | 0 | 0,63 | 0,63 | 0,59 |
| 1001 10 00 | 0 | 0 | 0 | 0 |
| 1001 90 91 | 0 | 1,40 | 1,40 | 0 |
| 1001 90 99 | 0 | 1,40 | 1,40 | 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 | 0,63 | 0,63 | 0,59 |
| 1005 90 00 | 0 | 0,63 | 0,63 | 0,59 |
| 1007 00 90 | 0 | 0 | 0 | 6,25 |
| 1008 10 00 | 0 | 0 | 0 | 0 |
| 1008 20 00 | 0 | 0 | 0 | 0 |
| 1008 30 00 | 0 | 0 | 0 | 7,01 |
| 1008 90 90 | 0 | 0 | 0 | 7,01 |
| 1101 00 00 | 0 | 1,96 | 1,96 | 0 |

B. Malt

(ECU/tonne)

| CN code | Current | 1st period | 2nd period | 3rd period | 4th period |
|------------|---------|------------|------------|------------|------------|
| | 2 | 3 | 4 | 5 | 6 |
| 1107 10 11 | 0 | 2,49 | 2,49 | 0 | 0 |
| 1107 10 19 | 0 | 1,86 | 1,86 | 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 306/93

of 11 February 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 8 and 9 February 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 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 12 February 1993.

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

Done at Brussels, 11 February 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 ⁽²⁾ |

⁽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 Commission Regulation (EEC) No 3094/92 (OJ No L 311, 28. 10. 1992, p. 20), as amended by Regulation (EEC) No 3839/92 (OJ No L 387, 31. 12. 1992, p. 71), 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 amended Regulation (EEC) No 3094/92 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

COMMISSION REGULATION (EEC) No 307/93

of 11 February 1993

opening a standing invitation to tender for the supply to Albania of 30 000 tonnes of bread-making common wheat held in the Rouen region by the French intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 3860/91 of 23 December 1991 on an emergency measure for the free supply of certain agricultural products to Albania ⁽¹⁾,

On the terms laid down in Regulation (EEC) No 694/92, the French intervention agency shall open a standing invitation to tender for the supply to Albania of bread-making common wheat held in the Rouen region by the said agency.

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽²⁾, as last amended by Regulation (EEC) No 1738 ⁽³⁾, and in particular Article 7 (6) thereof,

Article 2

Whereas Commission Regulation (EEC) No 694/92 ⁽⁴⁾ provides that contracts for the supply of cereals under Regulation (EEC) No 3860/91 are to be allocated by invitation to tender;

The invitation to tender shall cover 30 000 tonnes of bread-making common wheat in bulk to be supplied from the port of Caen-Blainville or Rouen, cif (ex-ship), to the Albanian port of Durres.

Whereas Commission Regulation (EEC) No 1570/77 ⁽⁵⁾, as last amended by Regulation (EEC) No 606/92 ⁽⁶⁾, lays down in particular quality criteria for bread-making common wheat accepted for intervention;

Article 3

Whereas a standing invitation to tender should be opened for the supply of an instalment of bread-making common wheat held by the French intervention agency;

1. Tenders may relate only to the entire lot of 30 000 tonnes specified in the notice of invitation to tender provided for in Article 13 of Regulation (EEC) No 694/92, in accordance with the delivery specifications in Annex III hereto.

Whereas experience has shown the need to be sure that the scheduling of deliveries is respected; that therefore an amount should be deducted from the performance guarantee in certain cases of delayed deliveries;

2. Notwithstanding Article 11 (3) of Regulation (EEC) No 694/92 when delivery delays occur, for each day of delay 0,05 % of the security specified in Article 8 of that Regulation shall be forfeit in respect of the quantities delivered late. If such delays exceed a period of five days, the percentage forfeit shall amount to 0,1 % for each day of delay.

Whereas staggered delivery of lots imposes additional burdens on the recipients and is a hindrance as regards other deliveries; whereas a specific penalty of ECU 2 per tonne should be imposed, without prejudice to the provisions on security of Article 8 of Regulation (EEC) No 694/92;

3. The part of the security, referred to in Article 8 of Regulation (EEC) No 694/92, corresponding to any additional costs incurred by the Community, pursuant to Article 9 (2) of that Regulation or to the corresponding Articles relating to the other sectors, shall also be forfeit.

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

4. The provisions of the preceding paragraphs shall apply where delivery delay is attributable to the operator.

Article 4

1. The time limit for the submission of tenders in response to the first partial invitation to tender shall be 11 a. m., Brussels time, on 18 February 1993.

2. The time limit for the submission of tenders in response to the second and last partial invitation to tender shall be 11 a. m., Brussels time, on 4 March 1993.

⁽¹⁾ OJ No L 362, 31. 12. 1991, p. 85.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽⁴⁾ OJ No L 74, 20. 3. 1992, p. 39.

⁽⁵⁾ OJ No L 174, 14. 7. 1977, p. 18.

⁽⁶⁾ OJ No L 65, 11. 3. 1992, p. 25.

3. Notwithstanding Article 13 of Commission Regulation (EEC) No 694/92 the intervention agency concerned shall publish, at least three days before the date laid down for the first partial invitation to tender, a notice of invitation.

Article 5

Tenders must be submitted to the French intervention agency.

The French intervention agency shall forward tenders to the Commission in accordance with the model in Annex I hereto.

Article 6

The taking-over certificate referred to in Article 9 (3) of Regulation (EEC) No 694/92 shall take the form shown in Annex II.

Certificates shall be issued after unloading of the goods.

Article 7

1. The successful tenderer shall undertake to provide the Albanian authorities with the documents required for supply purposes as specified in the notice of invitation to tender drawn up by the French intervention agency.

2. The successful tenderer shall regularly inform the Albanian authorities, the intervention agency holding the products involved and the Commission of the progress of the supply operation as far as the take-over stage.

Article 8

The Member States concerned shall take all appropriate measures to ensure that no refund is applied within the framework of the supply, in particular by specifying this on the export licence.

Article 9

For the purposes of entering EAGGF expenditure in the accounts, the book value of the product referred to in Article 1 is hereby fixed at ECU 52 per tonne.

Article 10

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, 11 February 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Standing invitation to tender for the supply to Albania of 30 000 tonnes of bread-making common wheat held in the Rouen region by the French intervention agency

(Regulation (EEC) No 307/93)

| Tenderer number | Quantity (tonnes) | Supply cost applied for (ECU/tonne) |
|-----------------|-------------------|-------------------------------------|
| 1 | 2 | 3 |
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| etc. | | |

ANNEX II**SUPPLY BY SEA****TAKING-OVER CERTIFICATE**

I, the undersigned:
(name, first name, business name)

acting on behalf of the Albanian Government, hereby certify that the goods mentioned below have been taken over:

— Name of vessel:

— Place and date of taking-over:

— Product:

— Tonnage taken over:

Remarks or reservations:

.....

.....

ANNEX III**Delivery specifications**

Delivery in bulk, cif (ex-ship) to the Albanian port of Durres.

One lot of 30 000 tonnes in three shipments:

- 10 000 tonnes: arrival date between 1 and 3 March 1993,
- 10 000 tonnes: arrival date between 11 and 13 March 1993,
- 10 000 tonnes: arrival date between 21 and 23 March 1993.

An individual lot must be delivered as a single consignment at the port of destination. If this requirement is not met the intervention agency of the Member State concerned shall impose a penalty of ECU 2 per tonne.

The deliveries may take place before the dates laid down on the initiative of the successful tenderer and under his responsibility if the necessary conditions are met for unloading and removal in the port of Durres.

If no bid has been accepted on 18 February 1993, the above dates should be postponed by seven days.

The same should apply if no bid has been accepted on 25 February 1993.

COMMISSION REGULATION (EEC) No 308/93
of 11 February 1993

laying down detailed rules for the application of the arrangements applicable to the importation into the Community of sheepmeat and goatmeat products originating in Bosnia-Herzegovina, Croatia, Slovenia and the former Yugoslav Republic of Macedonia concerning the year 1993

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

Having regard to Council Regulation (EEC) No 3125/92 of 26 October 1992 on the arrangements applicable to the importation into the Community of sheepmeat and goatmeat products originating in Bosnia-Herzegovina, Croatia, Slovenia, Montenegro, Serbia and the former Yugoslav Republic of Macedonia⁽¹⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 3125/92 partly suspends the administration of the import arrangements laid down in the 1981 Agreement between the Community and the Socialist Federal Republic of Yugoslavia on trade in the sheepmeat and goatmeat sector⁽²⁾ and of the 1990 Adjustment Agreement⁽³⁾ and provides, on a temporary basis, for the exclusive administration of the arrangements by the Community, with the quantities agreed in that Agreement being distributed among the new Republics created from that Republic; whereas Article 3 of Regulation (EEC) No 3125/92 provides that detailed rules are to be adopted for this new administration;

Whereas steps should be taken, to that end, to determine the distribution of the quantities among the various Republics and the procedures to be followed for the issue of import licences and in particular the model to be used for the document showing the origin of the quantities;

Whereas, however, no quantities should be fixed for Serbia and Montenegro for as long as the prohibition provided for in Council Regulation (EEC) No 1432/92⁽⁴⁾,

as last amended by Regulation (EEC) No 3534/92⁽⁵⁾, remains in force;

Whereas the 1981 Agreement between the Community and the Socialist Federal Republic of Yugoslavia provided for a limitation of exports to Greece during certain sensitive periods; whereas similar agreements with other third countries also provide for such a limitation; whereas such agreements have been extended until the end of 1993; whereas the sound management of the market requires that a limitation be placed also, during sensitive periods and for 1993, on exports to Greece from the new Republics which constituted the former Yugoslavia, pending a clarification of relations with the third countries in question;

Whereas steps should be taken also to determine the authorities issuing the document showing the origin of the quantities in the various Republics;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Under the arrangements laid down in Regulation (EEC) No 3125/92, of the quantities of sheepmeat and goatmeat products provided for in the 1981 Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia, a quantity of 3 200 tonnes shall be distributed annually among the following new Republics created from that Republic as follows:

(tonnes carcase equivalent)

| CN code | Description | Third countries concerned and quantities | | | |
|------------|---|--|---------|----------|---------------------------------------|
| | | Bosnia Herzegovina | Croatia | Slovenia | Former Yugoslav Republic of Macedonia |
| 0104 | Live sheep and goats: | 0 | 0 | 0 | 100 |
| 0104 10 30 | — Live lamb up to a year old ⁽¹⁾ | | | | |
| 0104 10 80 | — Other live sheep other than pure-bred breeding animals ⁽¹⁾ | | | | |
| 0104 20 90 | — Live goats other than pure-bred breeding animals ⁽¹⁾ | | | | |
| 0204 | Meat of sheep or goats: | 850 | 450 | 50 | 1 750 |
| | — fresh or chilled | | | | |
| | — frozen | 0 | 0 | 0 | 0 |

⁽¹⁾ For products falling within CN subheadings 0104 10 30, 0104 10 80 and 0104 20 90, the net mass (live weight) / carcase mass (carcase equivalent weight) conversion coefficient to be used is 0,47.

⁽¹⁾ OJ No L 313, 30. 10. 1992, p. 3.

⁽²⁾ OJ No L 137, 23. 5. 1981, p. 29.

⁽³⁾ OJ No L 95, 12. 4. 1990, p. 1.

⁽⁴⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁵⁾ OJ No L 358, 8. 12. 1992, p. 16.

2. However, with regard to the Republics referred to above for which slaughterhouses approved in respect of exportation to the Community do not yet exist, the quantities of meat shall be converted into quantities of live animals, expressed as carcase weight.

Article 2

1. Applications for licences to import the quantities referred to in Article 1 shall be submitted to the competent authorities of the Member States, within the 10 days of each quarter.

2. Applications for import licences shall :

- be accompanied by a document of origin, a model of which is set out in Annex I, complying with Article 3, issued at most one month previously by one of the issuing authorities listed in Annex II,
- contain an indication of the price level proposed for importation of the quantities.

The competent authorities of the Member States shall keep the document of origin for three years.

3. Import licences may be issued for each of the first three quarters of the year within the limits of a quarter of the quantities laid down in respect of each Republic. For the fourth quarter, import licences for the said products may be issued within the limits of the balance remaining available.

However, in respect of Greece, and for 1993, import licences may be issued only up to a limit of 320 tonnes for the first quarter and 128 tonnes for the fourth quarter, for all the four Republics.

Article 3

1. The document of origin referred to in Article 2 shall be drawn up in one original and three copies of different colours and shall consist of a form, a model of which is shown in Annex I.

The form shall measure approximately 210 × 297 mm. The original shall be drawn up on paper which shall show up any tampering by mechanical or chemical means.

2. The forms shall be printed and completed in one of the Community languages.

3. Each document shall bear a serial number in the top right-hand box. The copies shall bear the same number as the original.

4. The issuing authority shall keep two copies and return the original and one copy to the applicant.

Article 4

1. The issuing authorities listed in Annex II must :

- (a) be recognized as such by the exporting third country ;
- (b) undertake to provide the Commission and the Member States, at their request, with any information that can be used for verifying the accuracy of the particulars shown on the documents of origin and on the import licence applications.

2. The Commission shall revise the list if an issuing authority ceases to be recognized or fails to fulfil one of the obligations incumbent on it or if a new issuing authority is designated.

Article 5

1. Applications for import licences broken down by product and by country of origin shall be forwarded by the Member States to the Commission at the latest by the 16th day of each quarter.

2. The Commission shall decide by product and by origin :

- (a) to authorize the issue of licences for all the quantities applied for and forwarded to it ; or
- (b) to reduce such quantities by a single percentage.

3. Licences shall be issued on the 30th day of each quarter.

Article 6

1. Import licences shall be valid for three months from their date of issue within the meaning of Article 21 (1) of Commission Regulation (EEC) No 3719/88⁽¹⁾.

2. Licence applications and licences shall bear in Box 8 the name of the Republic of origin. In the case of products falling within CN codes 0104 10 30, 0104 10 80 and 0104 20 90, licence applications and licences shall bear in Boxes 17 and 18 particulars of the net mass and the number of animals to be imported.

A licence shall make it compulsory to import products from the country indicated.

3. Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, only the quantity indicated in Box 17 of the import licence may be put into free circulation ; the number '0' shall be entered to this effect in Box 19 of the said licence.

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

4. Import licences issued in respect of the quantities referred to in paragraph 1 shall bear in Box 24 one of the following entries :

- Exacción limitada a cero (aplicación del Reglamento (CEE) n° 3943/92)
- Importafgift begrænset til nul (jf. forordning (EØF) nr. 3943/92)
- Beschränkung der Abschöpfung auf Null (Anwendung der Verordnung (EWG) Nr. 3943/92)
- Εισφορά περιοριζόμενη στο μηδέν (εφαρμογή του κανονισμού (ΕΟΚ) αριθ. 3943/92)
- Levy limited to zero (application of Regulation (EEC) No 3943/92)
- Prélèvement limité à zéro (application du règlement (CEE) n° 3943/92)
- Prelievo limitato a zero (applicazione del regolamento (CEE) n. 3943/92)
- Heffing beperkt tot nul (toepassing van Verordening (EEG) nr. 3943/92)
- Direito nivelador limitado a zero (aplicação do Regulamento (CEE) n° 3943/92).

Article 7

The level of the security relating to the import licences shall be :

- ECU 0,5 per animal for live animals,
- ECU 2 per 100 kg net mass for other products.

Article 8

Member States shall notify the Commission by telex or fax, at the latest on the 15th day following the date of issue, of the quantities, by product and by origin, in respect of which import licences have been issued under this Regulation.

Article 9

By way of derogation to the timing referred to in Article 2 (1) and Article 5 (1) 2 and 3 the following provisions shall apply for the first quarter of 1993 :

- applications for import licences shall be submitted to the competent authorities of each Member State at the latest on 17 February 1993,
- applications for import licences broken down by product and country of origin shall be forwarded by the Member States to the Commission at the latest on 20 February 1993,
- licences shall be issued by 28 February 1993 at the latest.

Article 10

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

It is applicable until 31 December 1993.

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

Done at Brussels, 11 February 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

| | | |
|---|-------------------------------------|-------------------|
| 1. Exporter (name, full address, country) | 2. No of deliverance | ORIGINAL |
| | 3. ISSUING AUTHORITY | |
| 4. Consignee (name, full address, country) | 5. Country of exportation | |
| | 6. Country of destination | |
| | 7. Means of transport at the outset | |
| Document of origin to accompany application for a licence to import sheep, goats, sheepmeat and goatmeat into the European Economic Community | | |
| Expiry date | | |
| 8. Marks, numbers, number and kind of packages ; description of goods ; nature and presentation of the products : whether the meat is fresh, chilled or frozen ; number of livestock | | 9. CN code |
| | | 10. Net mass (kg) |
| 11. Net mass (kg) (in words) | | |
| <p>12. CERTIFICATION BY THE ISSUING AUTHORITY</p> <p>I hereby certify that the quantity shown on this document of origin representing ... kg carcase mass ⁽¹⁾ of the total quantity covered by Regulation (EEC) No 308/93 originates in ...</p> <p style="text-align: center;">Place Date</p> <p style="text-align: center;"><i>(Stamp of the issuing authority)</i> <i>(Signature)</i></p> | | |

To be completed by typewriter or in block capitals.

⁽¹⁾ Use the conversion coefficients given in Regulation (EEC) No 3943/92.

*ANNEX II***List of authorities in exporting countries empowered to issue documents of origin**

Croatia : Euroinspekt, Zagreb, Croatia

Slovenia : Inspect, Ljubljana, Slovenia

Former Yugoslav Republic of Macedonia : Economic Chamber of Macedonia

Bosnia-Herzegovina : Economic Chamber of Bosnia and Herzegovina.

COMMISSION REGULATION (EEC) No 309/93

of 10 February 1993

laying down detailed rules for the free supply of agricultural products held in intervention stocks to the people of Albania pursuant to Council Regulation (EEC) No 3106/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3106/92 of 26 October 1992 on an emergency measure for the free supply of agricultural products to the people of Albania⁽¹⁾, and in particular Article 5 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⁽²⁾, and in particular Article 6 (2) thereof,

Whereas Regulation (EEC) No 3106/92 provided for an emergency measure for the supply of agricultural products to the people of Albania; whereas, with a view to implementing that measure, the provisions applicable and in particular the common detailed rules on participation in invitations to tender, the execution of supplies and the obligations to be met by successful tenderers should be laid down;

Whereas the free supplies are envisaged in that Regulation in the form of agricultural products supplied from intervention stocks without further processing and of products not available from intervention stocks but belonging to the same group of products; whereas, therefore, provision should be made for the specific detailed rules applicable to supplies of processed products; whereas provision should be made in particular for these supplies to be paid for in raw materials from intervention stocks;

Whereas such detailed implementing rules of application must also provide for arrangements on controls and securities to ensure that the supply operation is properly conducted;

Whereas, in the case of a tendering procedure which relates to the determination of the costs of packaging and transport of products made available from public intervention stocks, it is appropriate to use the closing date for the submission of tenders as the operative event for the agricultural conversion rate;

HAS ADOPTED THIS REGULATION:

Article 1

The provisions of this Regulation shall apply for the purpose of the free supply of agricultural products held in

intervention stocks or of foodstuffs belonging to the same group of products to the people of Albania, pursuant to Regulation (EEC) No 3106/92, without prejudice to further provisions adopted, where appropriate, for particular supplies.

Article 2

1. The costs of supply from the intervention stores to the appointed destination laid down shall be determined by invitation to tender.
2. Such costs shall cover the supply of goods loaded into conveyances ex-store of the intervention agency, to the maritime port of unloading or to a point of reception by the Albanian authorities, to be determined.
3. The invitations to tender may cover the quantity of products to be removed from intervention stocks as payment for the supply of processed products from the same group of products.

Article 3

Participation in tendering procedures shall be open on equal terms both to any natural person who is a national of a Member State and established in the Community and to any company which is established in accordance with the laws of a Member State of which the registered office, central administration or main establishment is in a Member State.

Article 4

Tenders shall be forwarded to the intervention agency concerned by letter or any other written means of telecommunication specified in the notice of invitation to tender.

Article 5

1. Tenders submitted in response to invitations to tender for supplies as referred to in Article 2 (2) shall cover all the costs of transport and, where applicable, packaging, labelling and marking of a lot or group of lots specified in the notice of invitation to tender. They shall be expressed in ecus per tonne.

⁽¹⁾ OJ No L 312, 29. 10. 1992, p. 2.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 1.

2. Tenders in response to invitations to tender for supplies as referred to in Article 2 (3) shall cover the quantities of products to be removed from intervention stocks as payment for the supply.

Article 6

1. Tenders shall be valid only where they :
 - (a) quote the precise reference to the regulation announcing the individual invitation to tender ;
 - (b) give the same and address and in particular the telex and/or telefax number of the tenderer ;
 - (c) cover an entire lot (net weight) ;
 - (d) state, where Article 5 (1) applies, an amount per tonne expressed in ecus for the whole supply ;
 - (e) state, where Article 5 (2) applies, the proposed quantities of products expressed in tonnes (net weight) ;
 - (f) state the port of shipment in the Community in the case of transport by sea ;
 - (g) state the exact address of the packaging plant (where applicable) and store at which the goods are to be kept prior to despatch ;
 - (h) are accompanied by proof that the tenderer has lodged a tendering security in favour of the intervention agency in accordance with Title III of Commission Regulation (EEC) No 2220/85⁽¹⁾. Such proof shall be furnished by means of a document issued by the guarantor.
2. Tenders not submitted in accordance with this Article or stating terms other than those laid down in this Regulation shall be rejected.
3. Once submitted, tenders may be neither changed nor withdrawn.

Article 7

1. The intervention agency concerned shall notify the Commission of tenders received within 24 hours of the expiry of the time limit laid down for the submission of tenders.
2. On the basis of the tenders received :
 - either the supply contract shall be awarded to the tenderer submitting the tender quoting either the lowest amount or the smallest quantity ; in the event of the contract of a tie the contract shall be awarded by drawing lots, or
 - where appropriate, no award shall be made, in particular where tenders submitted quote prices exceeding those normally charged on the market.

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

3. Within seven working days of the closing date for the submission of tenders, the Commission shall inform the Member States individually which tenders have been accepted and which supply contracts have been awarded.

Article 8

The intervention agencies concerned shall inform all tenderers of the outcome of their tenders at the earliest opportunity. They shall forward declarations of award by written telecommunication immediately to the successful tenderers.

Article 9

Within five working days of notification of the award pursuant to Article 8, successful tenderers shall lodge supply securities in favour of the intervention agency concerned in accordance with Title III of Regulation (EEC) No 2220/85. Proof of the lodging of a security shall be furnished by a document issued by the guarantor.

Securities shall be equal to the intervention buying-in price for the whole product to be removed, adjusted (where appropriate) in accordance with the monthly increases applicable on the closing date for the submission of tenders, plus 10 %.

Article 10

1. Except in cases of *force majeure*, successful tenderers shall bear all risks to which the goods may be subject, and in particular their loss or deterioration, up to the appointed supply stage.
2. The successful tenderer shall apply to the recipient's representative referred to in the notice of invitation to tender for a certificate in accordance with the model in the Annex, to the effect that the quantity delivered has been taken over.

Where the recipient issues no such certificate, the Commission shall designate the body authorized to issue such certificates in accordance with the abovementioned model.

Article 11

1. Successful tenderers shall submit applications for payment of the supply to the intervention agency referred to in Article 4.

Such applications shall be accompanied by :

- export licences referred to in Article 14,
- single administrative documents,
- where applicable, T 5 control copies,
- transport documents,
- the originals take over certificates.

2. In the case of invitations to tender pursuant to Article 5 (1), the supply costs shall be paid in respect of the quantity stated in the take over certificate and certified by the body responsible for verification at destination on the certificate of conformity provided for in Article 12 (2).

3. In the case of invitations to tender pursuant to Article 5 (2), the basic product for which a contract is awarded shall be made available to the successful tenderer on presentation of proof of lodging of the security provided for in Article 9.

4. If takeover at the delivery stage is delayed owing to circumstances beyond the control of the successful tenderer, the additional costs may be reimbursed by the Commission on the basis of supporting documents.

5. The agricultural conversion rate to be applied for the purpose of this Regulation is that in force on the closing date for the submission of offers in the tendering procedure.

Article 12

1. Successful tenderers shall undergo any verifications conducted by or on behalf of the intervention agency of the Member State in which where applicable the place of packaging, labelling and storage before despatch is located, as that place has been designated by the successful tenderer in his tender. Such verification shall relate to the quantity, quality, packaging, labelling and marking of the supplies.

On competition of verification, the agency shall issue a certificate of conformity.

2. Verification of conformity of the supply as regards quantity, quality, packaging, labelling and marking shall be carried out in the country of destination by a control agency or company designated by the agency mentioned in paragraph 1 in agreement with the successful tenderer. A certificate of conformity shall be issued on completion of such verification and shall be forwarded direct to the intervention agency.

3. The control agencies or companies entrusted with verification shall take representative samples before loading in the Community and at destination, and shall keep them for the Commission.

4. In the case of inland transport, the agency referred to in paragraph 1 shall ensure that seals are affixed to the means of transport at the time of loading.

5. The costs of inspection and sampling shall be borne by the successful tenderer.

Article 13

1. The primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall entail the following:

(a) in the case of the tendering security, maintenance of the tender and the lodging of the supply security provided for in Article 9 hereof;

(b) in the case of the supply security, actual delivery of the lots up to the supply stage in a state substantially unchanged as compared with:

— the quality at the time of removal from the intervention store (supplies as provided for in Article 2(2) hereof or with

— the quality specified in the notice of invitation to tender (supplies as provided for in Article 2(3)).

2. Tendering securities shall be released where:

— the tender has been rejected,

— the supply security has been lodged.

3. Supply securities shall be released once the successful tenderers have provided proof of compliance with their obligations by presenting the documents referred to in Article 11 (1) and this compliance has been confirmed by the certificate provided for in Article 12 (2) received by the intervention agency.

4. When delays in delivery occur, for each day of delay 0,05 % of the security specified in Article 9 shall be forfeit in respect of the quantities delivered late. If such delays exceed a period of five days, the percentage forfeit shall amount to 0,1 % for each day of delay.

These provisions shall apply where delivery delay is attributable to the successful tenderer.

Article 14

1. Section 20 of the export licences shall contain the remark: 'Humanitarian aid — Council Regulation (EEC) No 3106/92. Not eligible for export refunds.'

2. The single administrative document and the control document or T 5 control copy issued pursuant to Article 3 of Regulation (EEC) No 3002/92⁽¹⁾ shall include the following remarks:

— 'Commission Regulation (EEC) No 309/93 of 10 February 1993 laying down detailed rules for the free supply of agricultural products held in intervention stocks to the people of Albania pursuant to Council Regulation (EEC) No 3106/92',

— 'Not eligible for export refunds'.

Article 15

1. The intervention agency or agencies holding the products shall publish a notice of invitation to tender specifying in particular:

— the additional clauses and conditions,

— the lots and names and addresses of stores,

⁽¹⁾ OJ No L 301, 17. 10. 1992, p. 17.

- the main physical and technical characteristics of the various lots,
- the places and precise delivery stages laid down for supply at destination,
- the time limits laid down for supply.

2. In the case of invitations to tender as provided for in Article 2 (3), notices of invitation to tender shall also specify:

- the lot or groups of lots to be taken over in payment for the supply,

- the characteristics of the processed product to be supplied, namely type, quantity, quality, packaging and labelling requirements, etc.

Such notices, together with any amendments, shall be forwarded to the Commission before the expiry of the first closing date for the submission of tenders.

Article 16

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, 10 February 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

TAKEOVER CERTIFICATE

I, the undersigned,
(name, first name, position of authority)

acting on behalf of.....

hereby certify that the following goods have been taken over :

| | |
|--|--|
| Product : | |
| Packaging : | |
| Total quantity in tonnes (net) : | |
| Place and date of takeover : | |
| Rail wagon numbers / name of boat / registration numbers of heavy goods vehicles (!) : | |
| Name and address of transport company : | |

Name of monitoring agency :

.....

.....

Name and signature of its on-the-spot representative :

.....

.....

Observations or reservations :

.....

.....

.....

.....

.....

Signature
(Stamp)

(!) Delete where inapplicable.

COMMISSION REGULATION (EEC) No 310/93

of 11 February 1993

on the issuing of a standing invitation to tender for the resale on the internal market of 33 000 tonnes of common wheat of bread making quality held by the Greek intervention agency

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 7 (6) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals ⁽³⁾, as last amended by Regulation (EEC) No 2203/90 ⁽⁴⁾, provides that cereals held by the intervention agency are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82 ⁽⁵⁾, as last amended by Regulation (EEC) No 3043/91 ⁽⁶⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 33 000 tonnes of common wheat of bread making quality held by the Greek intervention agency should be issued;

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 Greek intervention agency shall issue a standing invitation to tender for the resale on the internal market of 33 000 tonnes of common wheat of bread making quality

held by it in accordance with Regulation (EEC) No 1836/82.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 25 February 1993.
2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 29 April 1993.
3. Tenders must be lodged with the Greek intervention agency:

YDAGEP, Ministry of Agriculture,
Domestic Market Directorate,
241 Acharnon Street,
GR-10 446 Athens
(telex : 221735 YDAG GR).

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the Greek intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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, 11 February 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 139, 24. 5. 1986, p. 36.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 5.

⁽⁵⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁶⁾ OJ No L 288, 18. 10. 1991, p. 21.

COMMISSION REGULATION (EEC) No 311/93

of 11 February 1993

**suspending the issuing of STM licences for fresh fruit and vegetables in trade
between Portugal and the other Member States**

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, and in particular Article 252 (1) thereof,

Whereas Commission Regulation (EEC) No 1406/92 of 27 May 1992 laying down certain indicative ceilings and certain additional detailed rules for the application of the supplementary trade mechanism to trade in fruit and vegetables between Portugal and the other Member States⁽¹⁾ fixes the target ceilings provided for in Article 251 (1) of the Act of Accession for certain fruit and vegetables;

Whereas Article 252 of the Act of Accession provides that if the trend in intra-Community trade shows a significant increase in imports effected or foreseeable and if that situation should result in the target ceiling being reached or exceeded, the Commission is to decide on the interim protective measures that are necessary in accordance with

emergency procedures, without prejudice to definitive measures to be adopted subsequently;

Whereas the target ceiling for oranges fixed for the period 1 December 1992 to 28 February 1993 has been exceeded; whereas any further issuing of licences for the products in question should be suspended by way of an interim protective measure,

HAS ADOPTED THIS REGULATION:

Article 1

The issuing of STM licences for oranges falling within CN codes 0805 10 41, 0805 10 45 and 0805 10 49 is hereby suspended until 28 February 1993.

Article 2

This Regulation shall enter into force on 12 February 1993.

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

Done at Brussels, 11 February 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 146, 28. 5. 1992, p. 57.

COMMISSION REGULATION (EEC) No 312/93
of 11 February 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 last amended by Regulation (EEC) No 292/93 ⁽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 10 February 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 12 February 1993.

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

Done at Brussels, 11 February 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 34, 10. 2. 1993, p. 16.

ANNEX

to the Commission Regulation of 11 February 1993 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

| CN code | Levy ⁽¹⁾ |
|------------|----------------------|
| 1701 11 10 | 39,35 ⁽¹⁾ |
| 1701 11 90 | 39,35 ⁽¹⁾ |
| 1701 12 10 | 39,35 ⁽¹⁾ |
| 1701 12 90 | 39,35 ⁽¹⁾ |
| 1701 91 00 | 45,49 |
| 1701 99 10 | 45,49 |
| 1701 99 90 | 45,49 ⁽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 313/93
of 11 February 1993
fixing the aid for cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic 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 2053/92⁽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 (EEC) No 3868/92⁽⁴⁾, as last amended by Regulation (EEC) No 273/93⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 3868/92 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 unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 68,794 per 100 kilograms.

Article 2

This Regulation shall enter into force on 12 February 1993.

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

Done at Brussels, 11 February 1993.

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 215, 30. 7. 1992, p. 12.

⁽⁴⁾ OJ No L 390, 31. 12. 1992, p. 106.

⁽⁵⁾ OJ No L 30, 6. 2. 1993, p. 61.

COMMISSION REGULATION (EEC) No 314/93
of 11 February 1993
amending Regulation (EEC) No 3518/86 on specific surveillance measures
applicable to imports of orange juice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Economic 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 (EEC) No 1569/92 ⁽²⁾, and
in particular Article 18 (2) thereof,

Whereas Commission Regulation (EEC) No 3518/86 ⁽³⁾,
as last amended by Regulation (EEC) No 1052/88 ⁽⁴⁾, as a
specific surveillance measure made import licences for
orange juice compulsory;

Whereas the conditions for marketing orange juice falling
within CN code 2009 11 99 are characterized by strong
competition from third countries offering large quantities
at prices lower than those in the Community; whereas, as
a result, that CN code should be added to the list of

subheadings referred to in Article 1 of Regulation (EEC)
No 3518/86,

HAS ADOPTED THIS REGULATION:

Article 1

The list of CN codes in the first subparagraph of Article 1
of Regulation (EEC) No 3518/86 is hereby replaced by
the following:

'2009 11 11, 2009 11 19, 2009 11 99, 2009 19 11 and
2009 19 19'.

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, 11 February 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 166, 20. 6. 1992, p. 5.

⁽³⁾ OJ No L 325, 10. 11. 1986, p. 14.

⁽⁴⁾ OJ No L 103, 22. 4. 1988, p. 24.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 22 December 1992

concerning the financial aid from the Community for the operations of the Community Coordinating Institute for control of foot-and-mouth disease vaccines (Central Veterinary Institute, Lelystad, Netherlands)

(Only the Dutch text is authentic)

(93/84/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field⁽¹⁾, as amended by Decision 92/337/EEC⁽²⁾, and in particular Article 28 thereof,

Whereas Council Decision 91/665/EEC of 11 December 1991 on the designation of a Community coordinating institute for foot-and-mouth disease vaccines and determining the functions and duties of the institute⁽³⁾, has appointed the Central Veterinary Institute, Lelystad, the Netherlands, to be that Institute;

Whereas all the functions and duties to be carried out by the Community Coordinating Institute have been determined in Article 2 of that Decision;

Whereas therefore provisions should be made for Community financial aid to Lelystad to enable it to carry out the functions and duties provided for in that Decision;

Whereas in the first instance, Community financial aid should be provided for a period of three years;

Whereas in accordance with Article 40 of Council Decision 90/424/EEC, checks provided for in Articles 8 and 9 of Council Regulation (EEC) No 729/70 of 21 April 1970 concerning the financing of the common agricultural

policy⁽⁴⁾, as amended by Regulation (EEC) No 2048/88⁽⁵⁾, shall apply; whereas certain particular provisions should be made;

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

In order to carry out the functions and duties provided for in Article 2 of Council Decision 91/665/EEC, the Central Veterinary Institute, Lelystad, shall be provided with financial aid to a maximum of ECU 700 000 per annum for the years 1992, 1993, 1994.

Article 2

For each of the years referred to in Article 1, financial aid shall be paid to the Institute according to the following schedule:

- 50 % of the amount stated above shall be paid within 60 days from the start of operations,
- the balance shall be paid within 60 days from receipt by the Commission of the reports referred to in Article 3 and all appropriate documents supporting the expenses incurred by the Institute.

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 19.

⁽²⁾ OJ No L 187, 7. 7. 1992, p. 45.

⁽³⁾ OJ No L 368, 31. 12. 1991, p. 19.

⁽⁴⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁵⁾ OJ No L 185, 15. 7. 1988, p. 1.

Article 3

1. The duties carried out by the Institute shall be the subject of the following reports:

(a) *technical report*

The technical report will describe the work which has been carried out.

(b) *financial report*

The financial report will state the expenses which have been incurred by the Institute to carry out the functions and duties referred to in Article 2 of Council Decision 91/665/EEC.

2. Technical and financial reports must be sent to the Commission within sixty (60) days from the end of each of the periods covered by this Decision.

On the basis of above reports, the Commission shall provide the Standing Veterinary Committee with the results of the action undertaken each year.

Article 4

Without prejudice to the provisions of Articles 8 and 9 of Regulation (EEC) No 729/70, the Commission shall be

entitled to have access to the premises of the Central Veterinary Institute in order to verify the execution and fulfilment of the functions and duties carried out. For audit purposes, the Commission and the Court of Auditors shall be entitled to have access to all books, documents, papers and archives concerning the expenses incurred by the Central Veterinary Institute in connection with the functions and duties carried out. For this purpose, the Central Veterinary Institute will keep separate analytical accounting records.

Article 5

This Decision is addressed to the Netherlands.

Done at Brussels, 22 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION

of 22 December 1992

fixing the Community financial contribution for the control of foot-and-mouth disease in Morocco, in relation to supply of vaccine

(93/85/EEC)

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

Having regard to Council Decision 90/424/EEC of 26 June 1990, concerning expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 92/337/EEC ⁽²⁾ and, in particular, Articles 8 and 13 thereof,

Whereas outbreaks of foot-and-mouth disease have occurred in Morocco since 1991; whereas this development in the disease situation in Morocco constitutes a danger to the Community;

Whereas it is appropriate to provide assistance to Morocco for the control of foot-and-mouth disease in accordance with Articles 8 and 13 of Decision 90/424/EEC;

Whereas, by letter of 26 May 1992, the Kingdom of Morocco has undertaken to introduce certain measures to eradicate the disease from its territory;

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 Kingdom of Morocco may obtain a financial contribution from the Community for the acquisition of vaccine against foot-and-mouth disease for the programme to be carried out in 1992, in the provinces of Tanger, Tetouan, Larache, Chefchaouen, Al Hoceima, Nador, Oujda, Kenitra, Sidi Kacem, Taounate, Tarza, Fez and Meknes.

Article 2

The financial contribution mentioned in Article 1 shall be given on the condition that the authorities in Morocco establish the following measures:

1. a systematic programme of vaccination of susceptible species in the provinces specified in Article 1, as follows:
 - all sheep and goats to be vaccinated twice annually,
 - all cattle to be vaccinated annually,
 using vaccine which includes a potent well-tried strain of subtype 01, which has been demonstrated, to the satisfaction of the Community Coordinating Institute

for foot-and-mouth disease vaccines (CCI), to protect against the local virus strain;

2. application of a suitable mark to the animals to show that they have been vaccinated;
3. an epidemiological study of each outbreak of disease, to identify the origin and possible extent of spread of infection;
4. area restrictions to limit the spread of disease out of an infected area;
5. the vaccine shall meet the following criteria:
 - it must comply fully with the provisions of the European *Pharmacopoeia*,
 - the manufacturer shall provide the necessary data to the Community Coordinating Institute to enable it to verify that the vaccine meets the required standards.

Article 3

The Community financial contribution shall be ECU 1 million.

Article 4

1. The financial contribution for the Community shall be given:
 - after receipt by the Commission of a report relating to the implementation of actions defined in Article 2,
 - after presentation of supporting documents relating to the purchase of vaccine used in conformity with Article 1.
2. The report and document mentioned in paragraph 1 shall be sent by the Kingdom of Morocco no later than 31 March 1993.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 22 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 19.

⁽²⁾ OJ No L 187, 7. 7. 1992, p. 45.

COMMISSION DECISION

of 22 December 1992

amending Decision 92/25/EEC concerning the animal health conditions and veterinary certification of imports of fresh meat from Zimbabwe

(93/86/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat and meat products from third countries⁽¹⁾, as last amended by Regulation (EEC) No 1601/92⁽²⁾, and in particular Articles 14 and 15 thereof,

Whereas Commission Decision 92/25/EEC⁽³⁾, as last amended by Decision 92/503/EEC⁽⁴⁾, lays down the animal health conditions and veterinary certification of imports of fresh meat from Zimbabwe; whereas this Decision provides that Member States shall authorize imports of boned carcass meat of bovine animals from the regions of Mashonaland West, Mashonaland East, Makoni and Midlands Province in Zimbabwe;

Whereas the situation has improved in relation to foot-and-mouth disease and now it is possible to amend further the regionalization in Zimbabwe thereby allowing importation into the Community of fresh boned meat from Mashonaland Central;

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

In Article 1 (1) 'the veterinary regions of Mashonaland West, Mashonaland East, Makoni and Midlands Province, excluding the districts of Gokwe, Zvishavane and Mberengwa' are replaced by 'the veterinary regions of Mashonaland West, Mashonaland East, Mashonaland Central, Makoni and Midlands Province excluding the districts of Gokwe, Zvishavane and Mberengwa'.

Article 2

The Annex to Decision 92/25/EEC is replaced by the Annex to this Decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 22 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽³⁾ OJ No L 10, 16. 1. 1992, p. 52.

⁽⁴⁾ OJ No L 307, 23. 10. 1992, p. 55.

ANNEX

ANIMAL HEALTH CERTIFICATE

for boned fresh meat ⁽¹⁾ of domestic animals of the bovine species, excluding offal, intended for consignment to the European Economic Community

Country of destination :

Reference number of the public health certificate ⁽²⁾ :

Exporting country : Zimbabwe (veterinary regions of Mashonaland West, Mashonaland East, Mashonaland Central, Makoni and Midlands Province, excluding the districts Gokwe, Zvishavane and Mberengwa)

Ministry :

Department :

Reference :

(Optional)

I. Identification of meat

Meat of :

Nature of cuts ⁽³⁾ :

Nature of packaging :

Number of cuts or packages :

Net weight :

II. Origin of meat

Address(es) and veterinary approval number(s) of the approved slaughterhouse(s) ⁽²⁾ :

.....

Address(es) and veterinary approval number(s) of the approved cutting plant(s) ⁽²⁾ :

.....

Address(es) and veterinary approval number(s) of the approved cold store(s) ⁽²⁾ :

.....

III. Destination of meat

The meat will be sent from :

(Place of loading)

to :

(Country and place of destination)

by the following means of transport ⁽⁴⁾ :

Name and address of consignor :

.....

Name and address of consignee :

.....

⁽¹⁾ Fresh meat means all parts fit for human consumption from domestic bovine animals, excluding offal, which have not undergone any preserving process; however, chilled and frozen meat shall be considered as fresh meat.

⁽²⁾ Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in application of Article 19 (a) of Directive 72/462/EEC.

⁽³⁾ Only boned fresh meat from bovine animals, from which all bones and the major accessible lymphatic glands have been removed is authorized for importation.

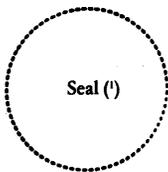
⁽⁴⁾ For railway wagons or lorries the registration number should be given, for aircraft the flight number and for ships the name.

IV. Attestation of health

I, the undersigned, official veterinarian, certify that:

1. the boned fresh meat described above is obtained from :
 - (a) animals which were born and reared in the Republic of Zimbabwe and have remained in the veterinary region of Mashonaland West, Mashonaland East, Mashonaland Central, Makoni and Midlands Province, excluding the districts Gokwe, Zvishavane and Mberengwa for at least 12 months preceding slaughter or since birth in the case of animals less than 12 months old ;
 - (b) animals which bore, in accordance with the legal provisions, a mark indicating their region of origin that is for the veterinary region of Mashonaland West, northern part brand 'L' and for Mashonaland West, southern part, brand 'HL' for Mashonaland East brand 'H', for Mashonaland Central brand 'C' and Makoni brand 'UM', for Midlands Province, excluding the districts Gokwe, Zvishavane and Mberengwa the brand 'J' or 'JJ' ;
 - (c) animals which have not been vaccinated against foot-and-mouth disease during the preceding 12 months ;
 - (d) animals which on the way to the slaughterhouse and while awaiting slaughter therein have not come into contact with animals not satisfying the requirements laid down in the decisions of the European Economic Community currently in force as regards export of their meat to a Member State, and if they were conveyed by vehicle or container the latter was cleaned and disinfected before loading ;
 - (e) animals which when subjected to an ante-mortem health inspection at the slaughterhouse during the 24 hours preceding slaughter which included examination of the mouth and feet showed no symptoms of foot-and-mouth disease ;
 - (f) animals which have been slaughtered on different days from those on which animals which do not comply with the conditions required for export of their meat to the European Economic Community were slaughtered ;
 - (g) animals which were slaughtered between and (dates of slaughter) ;
2. the boned fresh meat described above :
 - (a) originates from carcasses which have matured at a room temperature of more than + 2 °C for at least 24 hours after slaughter and before the bones were removed ;
 - (b) has had the major lymphatic glands removed ;
 - (c) has, during all stages of its production, boning, and storage been kept strictly separate from meat not conforming to the requirements laid down in the decisions of the European Economic Community currently in force as regards export of meat to a Member State (with the exception of meat packed in boxes or cartons and kept in special storage areas).

Done at, on
 (Place) (Date)



.....
 (Signature of official veterinarian)
 (Name in capital letters, title and qualification of signatory)

(1) The colour of the seal/stamp must be different to the colour of the printed text.

COMMISSION DECISION

of 22 December 1992

on specific financial contributions from the Community for the eradication of Newcastle disease in Germany

(Only the German text is authentic)

(93/87/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 92/337/EEC ⁽²⁾, and in particular Articles 3 and 4 thereof,

Whereas an outbreak of Newcastle disease has occurred in Germany in the month of December 1991; whereas the appearance of this disease is a serious danger to the Community's poultry and, in order to help eradicate the disease as rapidly as possible, the Community has the possibility of making good the losses so caused;

Whereas, as soon as the presence of Newcastle disease was officially confirmed the German authorities took appropriate measures which included the measures as listed in Article 3 (2) of Decision 90/424/EEC; whereas such measures were notified by the German authorities;

Whereas the conditions for Community financial assistance have been met;

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

For the outbreak of Newcastle disease that occurred during the month of December 1991 Germany may obtain Community financial assistance. The financial contribution by the Community shall be:

- 50 % of the costs incurred by Germany in compensating owners for the slaughter, destruction of poultry and poultry products as appropriate,
- 50 % of the costs incurred by Germany for the cleaning, disinsectization and disinfection of the holding and equipment,
- 50 % of the costs incurred by Germany in compensating owners for the destruction of contaminated feedingstuffs and contaminated equipment.

Article 2

1. The Community financial contribution shall be granted after supporting documents have been submitted.
2. The documents referred to in paragraph 1 shall be sent by Germany no later than six months from the notification of this Decision.

Article 3

The Commission will follow developments in the disease situation and, if necessary, due to the evolution of the disease a new Decision will be adopted in accordance with the provisions laid down in Article 3 (4) of Council Decision 90/424/EEC.

Article 4

This Decision is addressed to Germany.

Done at Brussels, 22 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 19.

⁽²⁾ OJ No L 187, 7. 7. 1992, p. 45.

COMMISSION DECISION

of 22 December 1992

fixing the Community financial contribution to the implementation of a second programme for the exchange of officials competent for veterinary matters

(93/88/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION :

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 92/337/EEC ⁽²⁾, and in particular Article 34,

Whereas, as part of the new strategy on veterinary checks, it is important to set up programmes for the exchange of officials competent for veterinary matters in order to ensure growing confidence between veterinary services ;

Whereas Article 22 of Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries ⁽³⁾, as last amended by Decision 92/438/EEC ⁽⁴⁾, and Article 21 of Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽⁵⁾ provide, in particular, for the organization of programmes for the exchange of officials empowered to carry out the checks on products and live animals coming from third countries ;

Whereas the results and the experience gained from the implementation of the first exchange programme under Commission Decision 91/280/EEC ⁽⁶⁾ should be taken into account ;

Whereas the Community financial contribution should be laid down so as to facilitate the implementation of this second programme ;

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

Article 1

The programme for the exchange of officials competent for veterinary matters set out in the Annex shall receive a financial contribution from the Community.

Article 2

1. Member States shall designate the authorities responsible for the exchange programme.

2. The Member States of origin shall :

— continue to pay their officials during the exchange programme,

— cover the subsistence expenses of their officials according to their national rules ; the Member States shall ensure that the subsistence expenses of their officials take account of the situation in the host Member State,

— in accordance with their national rules, cover the travel expenses of their officials, equal to two return trips from place of origin to destination, as well as the travel expenses in the host Member State between the place where the information referred to in the second indent of paragraph 3 takes place and the first inspection post to which they are assigned and between the latter and the second inspection post to which they are assigned,

— provide, where appropriate, suitable language training for their officials,

— inform their officials, prior to departure, of the financial and conditions as well as the nature and organization of their exchange programme.

3. The host Member States shall :

— adopt the necessary measures to ensure the integration of the guest officials,

— provide information on general organization and inspection procedures for the guest officials, taking account of both national and Community rules.

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 19.

⁽²⁾ OJ No L 187, 7. 7. 1992, p. 45.

⁽³⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽⁴⁾ OJ No L 243, 25. 8. 1992, p. 27.

⁽⁵⁾ OJ No L 268, 24. 9. 1991, p. 56.

⁽⁶⁾ OJ No L 142, 6. 6. 1991, p. 40.

Article 3

1. The Community contribution shall cover the expenditure of the Member States of origin referred to in the second and third indents of Article 2 (2). It shall also cover the expenditure of the Member States of origin under the fourth indent of Article 2 (2), up to a maximum of ECU 1 000 per official receiving language training.

2. Member States may receive an advance payment equal to 50 % of the Community's financial contribution, provided that they present to the Commission, before 1 October 1992, a certificate issued by the competent authority referred to in Article 2 (1) showing that the expenditure provided for in Article 2 has been committed, together with supporting documents relating to the expenditure conforming to national regulations.

Article 4

1. The expenditure referred to in Article 3 shall be reimbursed to the Member States by the Commission on presentation of supporting documents.

2. The supporting documents referred to in paragraph 1 shall include, in particular:

- the particulars of the exchange official,
- a certificate issued by the host Member State,
- a description of the costs incurred by the Member State of origin,

- a copy of the appropriate national rules in force in the Member State of origin with regard to the expenditure foreseen for the exchange programme,
- for the costs of language training, a certificate issued by the Member State of origin.

Article 5

1. The Commission shall draw up a technical and financial report before 31 March 1993 based on the reports submitted before 15 February 1993 by the authorities responsible for coordination in the Member States. Those reports shall include a section devoted to the comments of the officials who have participated in the exchange programme.

2. The experience gained shall be used to improve and develop future programmes.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 22 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

I. General points

1. As a rule, the officials to be considered shall be qualified veterinarians actually involved in the inspection of products and live animals from non-member countries. They should in any case have experience in inspection work, including work done within their organization.
2. In the host country, the officials shall act as observers in offices inspecting products and/or live animals from non-member countries, although work may be assigned to them by the head of the office and carried out under his charge. However, the authorities of the host Member State may, with the agreement of the authorities of the Member State of origin, decide that officials should be engaged in active work in the host department; to this end they shall be authorized to fulfil the tasks related to the functions assigned to them. In such cases, the civil liability of foreign officials in the exercise of their functions shall be the same as that of officials of the host Member State for the duration of the exchange. Officials shall be subject to the usual rules on confidentiality and to the disciplinary rules of the office to which they are assigned. They shall make an undertaking to this effect.

II. Duration

1. The exchange programme shall begin around 15 September 1992.
2. The exchange shall last two months, including the period of information provision referred to in the second indent of Article 2 (3). The exchange programme shall include assignment to two inspection posts.

III. Table showing allocation of officials

| Member State of origin | Officials concerned | Host Member State |
|------------------------|---------------------|---|
| Belgium | 1 | Denmark 1 |
| Denmark | 1 | Germany 1 |
| Germany | 5 | Belgium 1 Spain 1 Netherlands 1 Portugal 1 United Kingdom 1 |
| Spain | 1 | Belgium 1 |
| France | 1 | Netherlands 1 |
| Ireland | 1 | United Kingdom 1 |
| Luxembourg | 1 | Belgium 1 |
| Netherlands | 4 | Spain 1 France 1 Italy 1 United Kingdom 1 |
| Portugal | 1 | Italy 1 |
| United Kingdom | 3 | Germany 1 France 1 Netherlands 1 |

COMMISSION DECISION

of 22 December 1992

fixing the Community financial contribution for the control of foot-and-mouth disease in Morocco, in relation to epidemiological studies

(Only the English text is authentic)

(93/89/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field⁽¹⁾, as last amended by Decision 92/337/EEC⁽²⁾, and in particular Article 12 thereof,

Whereas foot-and-mouth disease is a serious infectious disease which creates barriers to trade in live animals;

Whereas foot-and-mouth disease is present in Morocco where it presents a threat of spread of the disease into the Community;

Whereas the infrastructure for the control of foot-and-mouth disease in Morocco is not well established, particularly in respect of expertise and facilities for diagnosis and serological surveys;

Whereas to facilitate the strengthening of the infrastructure, the Commission should make a financial contribution to the training of Moroccan veterinarians, and for the subsequent survey work; whereas the Pirbright Laboratory, United Kingdom, can provide such training and support;

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

Community financial assistance shall be given to the Pirbright Laboratory to provide assistance to Morocco for

- training two veterinarians in use of Elisa tests for serology and identification of the FMD antigen, for a period of two months,
- organization of collection and analysis of serological samples for a period of ten months, subsequent to the training in the previous indent.

Article 2

The Community shall reimburse the costs of the measures referred to in Article 1, limited to a maximum of ECU 40 000 in accordance with the terms of Article 3 of this Decision.

Article 3

1. The duties carried out by the Laboratory shall be the subject of the following reports:

(a) *technical report*

A technical report to describe the work which has been carried out;

(b) *financial report*

The financial report to state the expenses which have been incurred by the laboratory to carry out the duties referred to in Article 1.

2. Technical and financial reports must be sent to the Commission within sixty (60) days from the end of the period covered by this Decision.

Article 4

This Decision is addressed to the United Kingdom.

Done at Brussels, 22 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 19.⁽²⁾ OJ No L 187, 7. 7. 1992, p. 45.