

Official Journal

of the European Communities

ISSN 0378-6978

L 30

Volume 37

3 February 1994

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- ★ Council Regulation (EC) No 230/94 of 24 January 1994 amending Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products 1
- ★ Council Regulation (EC) No 231/94 of 24 January 1994 amending Regulation (EEC) No 1765/92 establishing a support system for producers of certain arable crops 2
- ★ Council Regulation (EC) No 232/94 of 24 January 1994 amending Regulation (EEC) No 1765/92 establishing a support system for producers for certain arable crops 7
- ★ Council Regulation (EC) No 233/94 of 24 January 1994 amending Regulation (EEC) No 3013/89 on the common organization of the market in sheepmeat and goatmeat and Regulation (EEC) No 3493/90 laying down general rules for the grant of premiums to sheepmeat and goatmeat producers 9
- ★ Council Regulation (EC) No 234/94 of 24 January 1994 concerning a technical adaptation of Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) 11
- ★ Council Regulation (EC) No 235/94 of 24 January 1994 amending Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) 12
- Commission Regulation (EC) No 236/94 of 2 February 1994 fixing the export refunds on white sugar and raw sugar exported in its unaltered state 13
- ★ Commission Regulation (EC) No 237/94 of 2 February 1994 releasing securities lodged in respect of import licences under Regulation (EEC) No 2698/93 for pigmeat products 15

★ Commission Regulation (EC) No 238/94 of 2 February 1994 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the Interim Agreement between the Community and Bulgaria and Romania	16
Commission Regulation (EC) No 239/94 of 2 February 1994 authorizing the Italian intervention agency to put up for sale by tender 100 000 tonnes of durum wheat for export from the other Member States in the form of durum wheat meal to Algeria ...	21
Commission Regulation (EC) No 240/94 of 2 February 1994 authorizing the Greek intervention agency to put up for sale by tender 30 000 tonnes of durum wheat for export in the form of durum wheat meal to Algeria	26
Commission Regulation (EC) No 241/94 of 2 February 1994 authorizing the Italian intervention agency to put up for sale by tender 210 000 tonnes of durum wheat for export from the other Member States in the form of durum wheat meal to Algeria ...	31
Commission Regulation (EC) No 242/94 of 2 February 1994 authorizing the Greek intervention agency to put up for sale by tender 110 000 tonnes of durum wheat for export from the other Member States in the form of durum wheat meal to Algeria ...	36
★ Commission Regulation (EC) No 243/94 of 28 January 1994 amending Regulation (EEC) No 2294/92 on detailed rules for the application of the support system for producers of the oil seeds referred to in Council Regulation (EEC) No 1765/92	41
Commission Regulation (EC) No 244/94 of 2 February 1994 opening invitations to tender for the fixing of aid for the private storage of carcasses and half-carcasses of lamb	43
Commission Regulation (EC) No 245/94 of 2 February 1994 fixing the maximum export refund for white sugar for the 35th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1144/93	44
Commission Regulation (EC) No 246/94 of 2 February 1994 fixing the import levies on white sugar and raw sugar	45

II *Acts whose publication is not obligatory*

Commission

94/64/EC:

★ Commission Decision of 1 February 1994 amending Decision 93/663/EC concerning the specific financial contribution by the Community towards the eradication of foot-and-mouth disease in Italy	47
--	----

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 230/94

of 24 January 1994

amending Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Whereas Council Regulation (EEC) No 1079/77 of 17 May 1977 on a co-responsibility levy and on measures for expanding the market in milk and milk products ⁽³⁾ expired on 1 April 1993; whereas if a Member State wishes to strengthen, on its territory, the measures provided for in Council Regulation (EEC) No 2073/92 of 30 June 1992 on promoting consumption in the Community and expanding the markets for milk and milk products ⁽⁴⁾ provision should be made for the possibility of introducing a promotional levy on milk producers at national level;

Whereas such a provision has no implications for existing promotional levies authorized under Articles 92 and 93 of the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

The following Article is hereby added to Regulation (EEC) No 804/68 ⁽⁵⁾:

Article 24a

Without prejudice to the application of Articles 92 to 94 of the Treaty, a Member State may impose a promotional levy on its milk producers in respect of marketed quantities of milk or milk equivalent in order to finance the measures on promoting consumption in the Community, expanding the markets for milk and milk products and improving quality.

Article 2

This Regulation shall enter into force on the seventh day following that 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, 24 January 1994.

For the Council

The President

G. MORAITIS

⁽¹⁾ OJ No C 210, 4. 8. 1993, p. 22.

⁽²⁾ OJ No C 20, 21. 4. 1994.

⁽³⁾ OJ No L 131, 26. 5. 1977, p. 6.

⁽⁴⁾ OJ No L 215, 30. 7. 1992, p. 67.

⁽⁵⁾ OJ No L 148, 28. 6. 1968, p. 13. Regulation as last amended by Regulation (EEC) No 2071/92 (OJ No L 215, 30. 7. 1992, p. 64).

COUNCIL REGULATION (EC) No 231/94

of 24 January 1994

amending Regulation (EEC) No 1765/92 establishing a support system for producers of certain arable crops

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

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

Whereas Member States are required, for the operation of the support system for producers of certain arable crops introduced by Regulation (EEC) No 1765/92 ⁽⁴⁾, to establish regionalization plans based on objective criteria; whereas these criteria should be modified to give Member States a greater margin of manoeuvre without in any way departing from average yields in the past;

Whereas, given the risks involved with this greater margin of manoeuvre, specific provisions should be adopted covering cases where a Member State chooses to establish production regions separate from those of the base areas, in order to ensure that past yields are respected in practice;

Whereas differentiation of yields may be permitted for irrigated and non-irrigated areas, provided there is no extension of total irrigated area; whereas that objective may be achieved by introducing a maximum area, fixed by region of products; eligible for compensation based on the yield obtained from irrigated areas; whereas, Member States may also restrict such payments to a single crop of oilseeds; whereas Member States may instead of the maximum area grant compensation payments under a system of base areas that are separated for irrigated crops;

Whereas for the sake of efficiency set-aside should be on a rotational basis; whereas, for the purposes of applying this Regulation, a specific definition of rotation should be

adopted; whereas, however, to ensure that the system is better adapted to agronomic requirements there should be provision for other forms of set-aside, such as fixed set-aside, the combination of rotational and fixed set-aside ('mixed' set-aside), and rotational set-aside based on a frequency other than that laid down for rotational set-aside at the rate of 15 %; whereas, in order to guarantee the same degree of effectiveness where a type of set-aside other than rotational set-aside at 15 % is applied, a rate higher than 15 % should be laid down for those alternative forms of set-aside;

Whereas the compensation for set-aside should be increased;

Whereas in certain cases producers may wish to set aside more of their land than is compulsory; whereas this can be allowed; whereas in this connection special provisions must be adopted to enable account to be taken of areas set aside under Council Regulation (EEC) No 2328/91 of 15 July 1991 on improving the efficiency of agricultural structures ⁽⁵⁾; whereas Member States should be able not to utilize this option where specific circumstances of their agriculture so require;

Whereas there may be situations where transfer of set-aside obligations would allow more rational use of land and better tackling of environmental objectives; whereas given the real risk of a reduction in the impact of set-aside such transfers must be carefully supervised;

Whereas to give greater flexibility they should be facilitated but restricted to the immediate neighbourhood or to areas in certain regions, in particular for environmental reasons; whereas to offset possible differences in productivity between the farmers involved a higher set-aside rate should be imposed; whereas Member States should be allowed not to permit transfers within their territory;

Whereas Article 9 of Regulation (EEC) No 1765/92 defines what land is eligible for the compensatory payment; whereas to take account of certain specific situations where its provisions are unduly restrictive certain derogations from that Article must be permitted that

⁽¹⁾ OJ No C 265, 30. 9. 1993, p. 6.

⁽²⁾ OJ No C 315, 22. 11. 1993.

⁽³⁾ OJ No C 352, 30. 12. 1993, p. 41.

⁽⁴⁾ OJ No L 181, 1. 7. 1992, p. 12. Regulation as last amended by Regulation (EEC) No 1552/93 (OJ No L 154, 25. 6. 1993, p. 19).

⁽⁵⁾ OJ No L 218, 6. 8. 1991, p. 1.

should be managed by the Member States in line with their individual situations; whereas, however, the application of derogations may undermine the efficiency of the arrangements laid down by Regulation (EEC) No 1765/92, whereas, to reduce that risk, adequate measures should be laid down in order that, depending on the individual case, the total amount of eligible areas can be kept unchanged or any appreciable increase in that amount avoided;

Whereas the quality of products derived from arable crops, in particular durum wheat and sunflower, could be improved by the use of certified seed; whereas making the payment of compensation dependent on the use of such seed is a means of achieving that objective;

Whereas to facilitate industrial disposal of certain agricultural products it should be made possible for them to be grown on land set aside, where appropriate without compensation,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1765/92 is hereby amended as follows:

1. The following second subparagraph shall be added to Article 2 (6):

'Areas which are the subject of a special set-aside in accordance with the second indent of the preceding subparagraph shall not be taken into account in applying this paragraph'.

2. Article 3 (1) shall be replaced by the following:

Article 3

1. For the purpose of setting average yields to be used for calculation of the compensatory payment, each Member State shall establish a regionalization plan setting out the relevant objective criteria for determination of the separate production regions in order to arrive, where possible, at distinct homogeneous areas.

With this in mind, Member States shall take due account of specific situations in drawing up their regionalization plans. They may in particular adjust average yields in line with any structural differences between production regions.

They may also in their regionalization plans apply a different yield figure for maize than for other cereals.

- Where the yield for maize is higher than for other cereals a regional or individual base areas, as mentioned in Article 2 (2) and (3), shall be estab-

lished separately for maize, covering in the case of the regional base area, one or more maize production regions, at the choice of the Member State.

Member States may also, in the regions in question, establish regional or individual base areas separately for arable crops other than maize. In such cases, if the base area for maize is not reached in a given marketing year, the balance of hectares shall be allocated for the same marketing year to the corresponding base areas for arable crops other than maize.

- Where the yield for maize is equal to or less than that for other cereals, a base area may also be established separately for maize in accordance with the preceding indent. In such cases and if the Member State chooses to establish a base area for "arable crops other than maize":
 - if the base area for "maize" is not reached in a given marketing year, the balance of hectares shall be allocated for the same marketing year to the corresponding base areas for other crops,
 - if the base area for "arable crops other than maize" is not reached in a given marketing year, the balance of hectares shall be allocated for the same marketing year to the base area for "maize" concerned.

Should these base areas be exceeded, Article 2 (6) shall apply.

Member States may also in their regionalization plans set different yields for non-irrigated and irrigated land. Compensation paid on the basis of "irrigated" yields shall be granted within the limit of a ceiling set for each production region as defined in the regionalization plan. The ceiling shall be equal to the average area irrigated from 1989 to 1991 with a view to harvesting arable crops. The ceiling may be increased by newly irrigated areas devoted to the same crops in respect of which it has been established that investment began before 1 August 1992.

If applications for aid at the "irrigated" rate exceed the ceiling, compensation payments shall be reduced by 1,5 times the rate of overshoot recorded during the current marketing year. However, if the overrun is 10 % or more, the yield to be used for irrigated crops shall be that applicable to non-irrigated crops in the same region.

In the place of the ceiling arrangements referred to in this Article, Member States may grant compensation payments on the basis of an "irrigated" yield under a system of separated base areas established for areas bearing irrigated crops.

In that case, the irrigated base area shall be established in accordance with the rules set down for fixing the abovementioned ceiling, without however leading to any increase in the total base area of the Member State concerned.

Should these base areas be exceeded, Article 2 (6) shall apply.

The regionalization plan must in all cases ensure that the average yield of the Member State concerned established for the period and in accordance with the criteria referred to in paragraph 2 is respected.'

3. The third subparagraph of Article 3 (2) shall be replaced by the following:

'If a Member State decides to treat:

- maize separately from other cereals, the average cereals yield, which shall not be altered, shall be broken down between maize and other cereals,
- irrigated land separately from non-irrigated land, the corresponding average yield, which shall not be altered, shall be broken down between the two types.

Member States shall be authorized to limit eligibility for "irrigated" compensatory payments in a region to a single oilseed crop. In that case, a specific ceiling for the crop in question must be fixed for the region concerned and the rules governing ceilings shall apply.'

4. The following paragraph shall be added to Article 3:

'6. Should a Member State, pursuant to paragraph 1, choose to establish production regions the demarcation of which does not correspond to that of regional base areas, it shall send the Commission a summary statement of aid applications and the yields pertaining to these. If it emerges from this information that, in a Member State, the average yield resulting from the regionalization plan applied in 1993, in accordance with Article 3 (2), is exceeded, all compensatory payments to be made in that Member State for the following marketing year shall be reduced in proportion to the overrun which has been recorded. However, this provision shall not apply where the quantity for which aid applications were made, expressed in tonnes of cereals, does not exceed that resulting from the product of the total base areas of the Member State by the aforementioned average yield.

Member States may decide to ascertain whether there has been any exceeding of the average yield for each

base area. In such cases, the provisions of this paragraph must be applied to the compensatory payments to be paid in each base area concerned.'

5. The second subparagraph of Article 7 (1) shall be replaced by the following:

'The rotational set-aside requirement shall be 15 % as from the 1993/94 marketing year. For the purposes of this Regulation, the concept of rotation shall be defined in accordance with the procedure in Article 23 of Regulation (EEC) No 1766/92.

Any form of set-aside other than that referred to above shall be carried out at the rotational set-aside rate plus five percentage points. However, a rate increased by only three percentage points shall be authorized in the cases referred to in Regulation (EEC) No 1541/93.'

6. Article 7 (5) shall be replaced by the following:

'5. The compensation for the set-aside obligation shall be ECU 57 multiplied by the average cereal yield worked out in the regionalization plan. Compensation shall be paid on the number of hectares needed to meet the requirement set out in paragraph 1. In the case of Portugal, compensation shall take account of the aid granted under Regulation (EEC) No 3653/90.'

7. In Article 7 paragraph 6 shall be deleted and the following paragraphs 6 and 7 shall be added:

'6. To help reduce production, producers may be granted the compensation provided for in paragraph 5 on land set aside in excess of their obligation in order to better control production. In such cases, the area set aside may not exceed the area under arable crops for which compensatory payment is requested. In this connection, the special set-aside referred to in Article 2 (6) shall be regarded as an area under arable crops for which compensatory payment is required. Member States may prescribe a lower set-aside limit for a specific reason with respect to their agriculture such as protection of the environment or the risk of excessive reduction of farming in certain areas.

By way of derogation from the previous subparagraph, producers who, pursuant to Regulation (EEC) No 2328/91, have set aside a greater area of land than that on which they intend to grow eligible arable crops, and who have not recommenced the growing of crops on that land, may, at the end of the period of commitment referred to in Article 2 (3) of the abovementioned Regulation, continue to set aside land which they had already set aside pursuant to this measure for a further period of 60 months. Payment

of the set-aside shall then be established at the rate of ECU 40 per tonne for the portion exceeding that under arable crops for which compensatory payment is requested. In this connection, the special set-aside referred to in Article 2 (6) shall be regarded as an area under arable crops for which compensatory payment is requested. This option shall also be available to producers whose set-aside requirement ended in September 1993 and who, in view of the uncertainty about future rules, have recommenced the growing of crops on that land with a view to a 1994 harvest. However, Member States shall be free not to apply this option for the same reasons as those in the previous subparagraph.

7. A producer may transfer a set-aside requirement to another producer in the same Member State :

- if under national environmental rules a producer setting aside some of his arable land is required to reduce his livestock. The Member State may prohibit transfers across the boundaries of regions as indicated in Article 2 (2),
- under a plan presented in advance to the Commission, which shall verify that it does not affect the effectiveness of the set-aside scheme. Transfers under such plans shall be restricted to a maximum distance of 20 km or be made within a particular area for which, in particular, specific environmental objectives are sought. The set-aside rate referred to in the second subparagraph of paragraph 1 shall be increased by five percentage points. However, in the cases referred to in Regulation (EEC) No 1541/93, this increase shall be limited to three percentage points.

A Member State may decide not to apply the scheme provided for in this indent.

If the transfer is made to another yield region, the area to be set aside shall be adjusted accordingly.

The entitlement to compensation of a producer transferring his set-aside obligation shall be conditional on full execution of that obligation by the producer to whom it is transferred.

Transfer of obligations shall be subject to the rules applied to the holding on which the land is actually set aside.

8. Article 9 shall be replaced by the following :

'Article 9

Applications for the compensatory payment and set-aside declarations may not be made in respect of land that on 31 December 1991 was under permanent pasture, permanent crops or trees or was used for non-agricultural purposes.

Member States may, on terms to be determined, depart from these provisions under certain specific circumstances, in particular for areas subject to restructuring programmes or for areas subject to standard rotations of multi-annual arable crops with those crops listed in Annex I. In such cases, they shall take action to prevent any significant increase in the total eligible agricultural area. This may in particular involve deeming previously eligible areas ineligible as an offsetting measure.

Member States may also depart from the provisions of the first subparagraph under certain specific circumstances relating to one or other form of public intervention where such intervention results in a farmer growing crops on land previously regarded as ineligible in order to continue his normal agricultural activity and if the intervention in question means that land originally eligible ceases to be so with the result that the total amount of eligible land is not increased significantly.

Moreover, Member States may, in certain cases not covered by the previous two subparagraphs, depart from the first subparagraph if they provide proof in a plan submitted to the Commission that the total amount of eligible land remains unchanged.'

9. In Article 12, the first indent shall be replaced by the following :

- those relating to the establishment and management of base areas and ceilings for irrigated crops, and those concerning the application of Article 2 (4)'.

10. In Article 12, the third indent shall be replaced by the following :

- those relating to the determination of the amounts and the payment of the compensatory aids ; without prejudice to Article 11 (1), these rules should provide the possibility for Member States to make the granting of specific aid for arable crops subject to the use of certified seed.'

11. In Article 12, the fifth indent shall be replaced by the following :

- those determining the eligibility requirements for the durum wheat supplement; these rules shall provide the possibility for Member States to make the granting of the supplement provided for in Article 4 (3) subject to the use of certified seed.'

12. In Article 12, the eighth indent shall be replaced by the following :

- those relating to set-aside; these rules shall define in particular forms of set-aside other than rotational, the minimum annual set-aside period and the measures to be taken in favour of the environment where, for certain climatic reasons, these measures may be replaced by other more appropriate measures; in addition, these rules shall establish the conditions :

- for the transfer of set-aside,
- for implementing the set-aside of a holding located in a number of production regions, and also any exemptions to be laid down, in particular in the case of "secano" rather than "regadio" production areas the fulfilment of the set-aside obligation relating to a "regadio" area, totally or partially in a "secano" area, taking account of yield differences.'

13. In Article 12, the ninth indent shall be replaced by the following :

— those relating to the conditions for applying :

- Article 7 (4); these conditions may include the growing of products without compensation,
- Article 9; these conditions shall specify under what circumstances the provisions of Article 9 may be waived and Member States' obligation to refer envisaged action to the Commission for approval. These derogations may, in the case of the new German Länder, cover certain forms of restructuring applied to 2 500 hectares on which arable crops are grown with a view to the 1993/94 harvest.'

Article 2

If specific measures are necessary to facilitate transition from the present system to that established by this Regulation, measures shall be adopted in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92.

Article 3

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

It shall apply as from the 1994/95 marketing year. As regards the provisions concerning set-aside, it shall apply forthwith to set-aside carried out with a view to that marketing year.

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

Done at Brussels, 24 January 1994.

For the Council

The President

G. MORAITIS

COUNCIL REGULATION (EC) No 232/94

of 24 January 1994

amending Regulation (EEC) No 1765/92 establishing a support system for producers for certain arable crops

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

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

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

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

Whereas the European Community concluded an Agreement, in the framework of the General Agreement on Tariffs and Trade, with the United States of America, concerning certain oilseeds; whereas the Agreement took the form of a Memorandum of Understanding on oilseeds approved by Decision 93/355/EEC ⁽³⁾; whereas it is necessary to amend Regulation (EEC) No 1765/92 ⁽⁴⁾, in order to give effect to the terms of that Memorandum of Understanding; whereas it would be appropriate to apportion the areas agreed in the Memorandum of Understanding between Member States in the form of national reference areas which reflect historic data and developments within the context of the reform of the Common Agricultural Policy;

Whereas Regulation (EEC) No 1765/92 could lead to an increase in sowings of soya beans, rape seed and colza seed and sunflower seed, so that adjustments should be made to the benefits accruing to producers under that Regulation in respect of crop-specific oilseed payments; whereas maximum guaranteed areas should be established for those crops; whereas in the event of an increase in sowings of those crops above the level of the maximum guaranteed areas, the compensatory payments should be reduced; whereas the reduction in the compensatory payments should be such as to discourage a level of sowing in excess of the maximum guaranteed areas; whereas the cultivation of confectionary sunflower seed should be excluded from the benefits of such support with effect from sowings for harvest in 1994,

Article 1

Regulation (EEC) No 1765/92 is hereby amended as follows:

1. the following subparagraphs shall be added at the end of Article 5 (1):

- (e) from the 1994/95 marketing year, maximum guaranteed areas (MGA) shall be established for the crop-specific oilseed payments. They shall be equal in size to the areas of land set out in Annex IV, reduced by the rate of rotational set-aside applicable for that marketing year, or by 10 % if that rate is less than 10 %. If after the application of Article 2 (6) first indent those maximum guaranteed areas are exceeded, the Commission shall reduce the final regional reference amounts for oilseeds in accordance with the provisions of subparagraphs (f) and (g);
- (f) if the area of oilseeds already determined as eligible for compensatory payments in any year exceeds such maximum guaranteed areas, the Commission shall reduce, by 1 % for each percentage point by which the maximum guaranteed area is exceeded, the relevant final regional reference amounts for that year. With effect from the 1994/95 marketing year, if the maximum guaranteed area is exceeded by more than a threshold percentage, special rules shall apply. Up to the threshold percentage, the reduction of the final regional reference amounts shall be uniform in all Member States. Beyond the threshold percentage, appropriate additional reductions shall apply in those Member States which have exceeded the national reference areas set out in Annex V, reduced by the rate referred to in subparagraph (e). The Commission shall, in accordance with the procedure laid down in Article 38 of Regulation 136/66/EEC, establish the size and distribution of the appropriate reductions to be applied and shall, in particular, ensure that the weighted average reduction for the Community has a whole is equal to the percentage by which the maximum guaranteed area has been exceeded;
- (g) the threshold percentage provided for in subparagraph (f) shall be 0 %. By 31 December 1996 the Commission shall submit a report to the European Parliament and to the Council on the application of this provision accompanied, if necessary, by an appropriate proposal;

⁽¹⁾ OJ No C 266, 1. 10. 1993, p. 12.

⁽²⁾ OJ No C 329, 6. 12. 1993.

⁽³⁾ OJ No L 147, 18. 6. 1993, p. 25.

⁽⁴⁾ OJ No L 181, 1. 7. 1992, p. 12. Regulation as last amended by Regulation (EEC) No 1552/93 (OJ No L 154, 25. 6. 1993, p. 19).

(h) if the compensatory payment is reduced in accordance with the provisions of subparagraphs (f) and (g), the Commission shall reduce the relevant final regional reference amounts for the following marketing year by the same percentage unless the Maximum Guaranteed Area is not exceeded in that year, in which case the Commission may determine that such a reduction shall not apply.';

2. the following paragraphs shall be added at the end of Article 5:

'4. Producers of confectionary sunflower seed, sown for harvest after 30 June 1994, shall be excluded from the benefit of the support provided for under the terms of this Article.

5. By no later than 31 December 1996, the Commission shall publish a report concerning developments with regard to the by-products of oilseeds cultivated on set-aside land, and on the uses, other than as feedingstuffs, for these by-products. The report shall also contain an account of experience in monitoring the separation of oilseeds for human or animal consumption and for non-food uses. The report shall be accompanied, if necessary, by an appropriate proposal.';

3. the following indent shall be added at the end of the first paragraph of Article 12:

'— those relating to compliance with the Memorandum of Understanding on Oilseeds approved by Decision 93/355/EEC (*), and in particular to the provisions in respect of the cultivation of oilseeds on set-aside land.

(*) OJ No L 147, 18. 6. 1993, p. 25.';

4. the following Annexes shall be added to the Regulation:

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

Done at Brussels, 24 January 1994.

ANNEX IV

Areas to be taken into account for the calculation of oilseeds maximum guaranteed areas

Member State/oilseed area in hectare	1994/95	1995/96 and subsequent years
Spain, sunflower	1 411 000	—
Portugal, sunflower	122 000	—
EC 12, other	3 966 000	—
Total	—	5 128 000

ANNEX V

National reference area

		(in '000 ha)
	1994/95	1995/96 and subsequent years
Belgium	6	6
Denmark	236	236
Germany	929	929
Greece	26	26
France	1 730	1 730
Ireland	5	5
Italy	542	542
Luxembourg	2	2
Netherlands	7	7
United Kingdom	385	385
Spain:		
sunflower	1 411	
other	26	
Total		1 168
Portugal:		
sunflower	122	
other	1	
Total		93'

Article 2

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

It shall apply with effect from 1 January 1994.

For the Council
The President
G. MORAITIS

COUNCIL REGULATION (EC) No 233/94

of 24 January 1994

amending Regulation (EEC) No 3013/89 on the common organization of the market in sheepmeat and goatmeat and Regulation (EEC) No 3493/90 laying down general rules for the grant of premiums to sheepmeat and goatmeat producers

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Whereas experience has shown that Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽³⁾ should be simplified and amended in certain respects;

Whereas the individual ceiling placed on the premium has limited the number of eligible ewes and goats;

Whereas this measure renders nugatory limits per head for the purpose of determining the amount of premiums to be paid in the sector, without affecting the right to premiums which producers already enjoy; whereas, therefore, provision should be made for the possibility of rectifying individual limits;

Whereas, within the framework of the production of sheepmeat and goatmeat, environmental protection has become an important element which must be taken into consideration; whereas Member States should thus have the possibility of limiting or abolishing payments under the premium scheme for producers of sheepmeat and goatmeat, if the producer in question does not fully comply with the rules fixed by the Member States with respect to the environment, subject to compliance with the proportionality principle;

Whereas these amendments entail an amendment to Council Regulation (EEC) No 3493/90 of 27 November 1990 laying down general rules for the granting of premiums to sheepmeat and goatmeat producers⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3013/89 shall be amended as follows:

⁽¹⁾ OJ No C 20, 24. 1. 1994.

⁽²⁾ OJ No C 34, 2. 2. 1994.

⁽³⁾ OJ No L 289, 7. 10. 1989, p. 1. Regulation as last amended by Regulation (EEC) No 363/93 (OJ No L 42, 19. 2. 1993, p. 1).

⁽⁴⁾ OJ No L 337, 4. 12. 1990, p. 7. Regulation as last amended by Regulation (EEC) No 2070/92 (OJ No L 215, 30. 7. 1992, p. 63).

1. Article 5 (7) shall be replaced by the following:

'7. Until the end of the 1994 marketing year premiums for producers of sheepmeat and goatmeat referred to in this Regulation shall be paid at the full rate within the limit of 1 000 animals per producer in the less-favoured areas within the meaning of Article 3 (3), (4) and (5) of Directive 75/268/EEC and within the limit of 500 animals in other areas.

Outside the limits indicated in the first subparagraph, the premiums payable shall until the end of the 1994 marketing year, be fixed at 50 % of the amount to be calculated.

In the case of groups, associations or other forms of cooperation between producers, the limits indicated in the first subparagraph shall be applied individually to each of the member farmers.'

2. The following paragraph shall be added to Article 5a:

'6. Member States shall recalculate the individual limits in such a way that quantities above the limits of 500 and 1 000 referred to in Article 5 (7) are reduced by 50 %. These recalculated limits shall apply with effect from the 1995 marketing year.'

3. The following new Article shall be inserted:

Article 5d

Member States may apply appropriate environmental protection measures on the basis of the specific situation of the land used for the production of sheep and goats eligible for benefit under the premium scheme.

Member States which avail themselves of this possibility shall impose penalties appropriate to and commensurate with the seriousness of the ecological consequences of any breach of these measures. Such penalties may provide for the reduction or, where necessary the abolition of the benefits linked to the respective premium schemes. Member States shall inform the Commission of the measures they take pursuant to this Article.'

Article 2

Article 2 (1) of Regulation (EEC) No 3493/90 shall be deleted.

Article 3

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

It shall apply from the 1994 marketing year.

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

Done at Brussels, 24 January 1994.

For the Council

The President

G. MORAITIS

COUNCIL REGULATION (EC) No 234/94

of 24 January 1994

concerning a technical adaptation of Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas the African, Caribbean and Pacific States (ACP States) are granted exemption from customs duties for pineapples, avocados, guavas, mangoes and mangosteens pursuant to the Fourth ACP-EEC Convention⁽¹⁾ and Regulation (EEC) No 715/90⁽²⁾;

Whereas, under Regulation (EEC) No 638/93⁽³⁾, with effect from 1 January 1993, the abovementioned products are included in Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽⁴⁾ and avocados, guavas, mangoes and mangosteens are withdrawn from Council Regulation (EEC) No 827/68 of 28 June 1968 on the common organization of the market in certain products listed in Annex II to the Treaty⁽⁵⁾;

Whereas, the following the abovementioned amendment to Regulation (EEC) No 1035/72, a technical adaptation should be made to Regulation (EEC) No 715/90; whereas that adaptation should include the products in question in the table given in Article 15 listing fruit and vegetables

which may be imported free of customs duties; whereas that adaptation should take effect on the same date as the amendment to Regulation (EEC) No 1035/72,

HAS ADOPTED THIS REGULATION:

Article 1

The following products are hereby inserted in the table given in Article 15 (1) of Regulation (EEC) No 715/90:

CN code	Description
0804 30 00	Pineapples
0804 40	Avocados
0804 50 00	Guavas, mangoes and mangosteens.

Article 2

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

It shall apply from 1 January 1993.

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

Done at Brussels, 24 January 1994.

For the Council

The President

G. MORAITIS

⁽¹⁾ OJ No L 229, 17. 8. 1991, p. 2.

⁽²⁾ OJ No L 84, 30. 3. 1990, p. 85. Regulation as last amended by Regulation (EEC) No 444/92 (OJ No L 52, 27. 2. 1992, p. 7).

⁽³⁾ OJ No L 69, 20. 3. 1993, p. 7.

⁽⁴⁾ OJ No L 118, 20. 5. 1972, p. 1. Regulation as last amended by Regulation (EEC) No 746/93 (OJ No L 77, 31. 3. 1993, p. 4).

⁽⁵⁾ OJ No L 151, 30. 6. 1968, p. 16. Regulation as last amended by Regulation (EEC) No 2430/93 (OJ No L 223, 2. 9. 1993, p. 9).

COUNCIL REGULATION (EC) No 235/94**of 24 January 1994****amending Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 715/90⁽¹⁾ laid down the arrangements applicable to agricultural products and to certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or the overseas countries and territories;

Whereas by letter of 8 October 1993 Eritrea stated that, after becoming independent on 24 May 1993, it intended to continue its participation in the Fourth ACP-EEC Convention as a contracting party; whereas in its Decision No 1/93 the ACP-EEC Council of Ministers expressed its agreement thereto;

Whereas the list in Annex I to Regulation (EEC) No 715/90 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Eritrea' shall be inserted in Annex I to Regulation (EEC) No 715/90.

Article 2

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

It shall apply from 24 May 1993.

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

Done at Brussels, 24 January 1994.

For the Council

The President

G. MORAITIS

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85. Regulation as last amended by Regulation (EC) No 234/94 (See page 11 of this Official Journal).

COMMISSION REGULATION (EC) No 236/94

of 2 February 1994

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as last amended by Regulation (EEC) No 1684/92⁽⁷⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas Council Regulation (EEC) No 990/93⁽⁸⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁹⁾, as amended by Regulation (EC) No 3528/93⁽¹⁰⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹¹⁾;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 3 February 1994.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 176, 30. 6. 1992, p. 31.

⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽¹⁰⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽¹¹⁾ OJ No L 108, 1. 5. 1993, p. 106.

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

Done at Brussels, 2 February 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 2 February 1994 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	32,99 ⁽¹⁾
1701 11 90 910	31,68 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	32,99 ⁽¹⁾
1701 12 90 910	31,68 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3586
	— ECU/100 kg —
1701 99 10 100	35,86
1701 99 10 910	35,75
1701 99 10 950	35,75
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3586

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

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

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

COMMISSION REGULATION (EC) No 237/94

of 2 February 1994

releasing securities lodged in respect of import licences under Regulation (EEC)
No 2698/93 for pigmeat products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 519/92 of 27 February 1992 on certain procedures for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Hungary, of the other part⁽¹⁾, as last amended by Regulation (EEC) No 2234/93⁽²⁾, and in particular Article 1 thereof,

Whereas Commission Regulation (EEC) No 2698/93 of 5 March 1992⁽³⁾ amended by Regulation (EC) No 3560/93⁽⁴⁾ lays down detailed rules for the application to pigmeat products of the arrangements provided for in the Interim Agreement concluded by the Community with the Republic of Hungary;

Whereas Community operators submitted their import licence applications for the period 1 July to 30 September 1993 during the first ten days of July 1993; whereas at that time supplies to the market for pigmeat in Hungary were very regular and sufficient; whereas the operators were therefore convinced that the situation would remain unchanged in subsequent months, so enabling them to meet their obligations under import licences issued on 23 July 1993;

Whereas a meat shortage has occurred in Hungary, caused in particular by a decrease in pig headage, thereby considerably reducing the availability of pigmeat and obliging the Hungarian market to obtain supplies from other

countries; whereas, moreover, the imbalance between production and demand has caused market prices in Hungary to increase; whereas, as a result of these unforeseeable events, Community operators are unable to obtain supplies on the Hungarian market to make up all the quantities mentioned in import licences;

Whereas provision should accordingly be made for the release of the securities lodged pursuant to Article 6 of Regulation (EEC) No 2698/93 in respect of unused import licences;

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

HAS ADOPTED THIS REGULATION:

Article 1

Securities lodged in respect of import licences issued on 23 July 1993 for products covered by groups 1, 2, 3 and 4 in Annex I to Regulation (EEC) No 2698/93 but not imported before the expiry of the term of validity of those licences shall be released.

Article 2

This Regulation shall enter into force on the seventh 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, 2 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽²⁾ OJ No L 200, 10. 8. 1993, p. 4.

⁽³⁾ OJ No L 245, 1. 10. 1993, p. 80.

⁽⁴⁾ OJ No L 324, 24. 12. 1993, p. 42.

COMMISSION REGULATION (EC) No 238/94

of 2 February 1994

laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the Interim Agreement between the Community and Bulgaria and Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3641/93 of 20 December 1993 on certain procedures for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community of the one part, and the Republic of Bulgaria of the other part⁽¹⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3642/93 of 20 December 1993 on certain procedures for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community of the one part, and Romania of the other part⁽²⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽³⁾, as last amended by Regulation (EEC) No 1249/89⁽⁴⁾, and in particular Article 22 thereof,

Whereas the Interim Agreement on trade and trade-related matters between the Community and the Republic of Bulgaria⁽⁵⁾, signed in Brussels on 8 March 1993, entered into force on 31 December 1993; whereas the Interim Agreement on trade and trade-related matters between the Community and Romania⁽⁶⁾, signed in Brussels on 1 February 1993, entered into force on 1 May 1993; whereas the said Agreements provide for a reduction in the import levy for meat of domestic swine, fresh, chilled or frozen, falling within CN codes 0203, 1601 00 and 1602 within certain quantity limits; whereas it is necessary therefore to lay down certain detailed rules of application in this respect;

Whereas the measures adopted for applying the Interim Agreements laid down in this Regulation must take effect on 1 January 1994; whereas they must, however, be limited initially to the first two quarters of 1994 in order to take account of the Additional Protocols to the Interim Agreements which have been signed between the

Community and the abovementioned two countries and pending clarification of certain other factors relating to the exact timing of the introduction of the Community concessions;

Whereas, while bearing in mind the provisions of the Interim Agreement Intended to guarantee the origin of the product, the administration of the said arrangements should be based on import licences; whereas, to that end, the detailed rules for submission of the applications and the information which must appear on the applications and licences, by way of derogation from Article 8 of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products⁽⁷⁾, as last amended by Regulation (EC) No 3519/93⁽⁸⁾, should be laid down; whereas, in addition, provision should be made for the certificates and licences to be issued after a period of consideration, applying, where necessary, a single percentage reduction;

Whereas, in order to ensure proper administration of the system, the security for import licences under the said system should be fixed at ECU 30 per 100 kg; whereas, in view of the likelihood of speculation inherent in the system in the pigmeat sector, precise conditions governing access by operators to the said system should be laid down;

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

HAS ADOPTED THIS REGULATION:

Article 1

All imports into the Community under the arrangements provided for in Article 15 (2) and (4) of the Interim Agreements of products in groups 14, 15, 16 and 17 referred to in Annex I to this Regulation shall be subject to the presentation of an import licence.

The quantities of products to which these arrangements apply and the rate of reduction in the levy shall be those listed by group in Annex I.

⁽¹⁾ OJ No L 333, 31. 12. 1993, p. 16.

⁽²⁾ OJ No L 333, 31. 12. 1993, p. 17.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽⁴⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽⁵⁾ OJ No L 323, 23. 12. 1993, p. 2.

⁽⁶⁾ OJ No L 81, 2. 4. 1993, p. 2.

⁽⁷⁾ OJ No L 331, 1. 12. 1988, p. 1.

⁽⁸⁾ OJ No L 320, 22. 12. 1993, p. 16.

Subject to the provisions of Article 2, the rate of reduction in the levy shall be that in force during the period in which applications are submitted.

Article 2

For the period 1 January to 30 June 1994 the quantities fixed for the groups referred to in Article 1 shall be allocated in two equal tranches of 50 % applicable on 1 January and 1 April.

Article 3

The import licences referred to in Article 1 shall be subject to the following provisions:

(a) applicants for import licences must be natural or legal persons who, at the time applications are submitted, must prove to the satisfaction of the competent authorities in the Member States that they have been active in trade with third countries in products in the pigmeat sector for at least the preceding 12 months. However, retail establishments or restaurants selling their products to final consumers are excluded from the benefits of this regime;

(b) the licence application may contain only one of the group numbers referred to in Annex I to this Regulation. The application may relate to several products covered by different CN codes and originating in one of the countries covered by this Regulation. In such cases, all the CN codes shall be indicated in section 16 and their designation in section 15.

A licence application must relate to at least one tonne and to a maximum of 25 % of the quantity available for the group concerned and the period as specified in Article 2;

(c) section 8 of licence applications and licences shall show the country of origin; licences shall carry with them an obligation to import from the country indicated;

(d) section 20 of licence applications and licences shall show one of the following:

Reglamento (CE) n° 238/94

Forordning (EF) nr. 238/94

Verordnung (EG) Nr. 238/94

Κανονισμός (ΕΚ) αριθ. 238/94

Regulation (EC) No 238/94

Règlement (CE) n° 238/94

Regolamento (CE) n. 238/94

Verordening (EG) nr. 238/94

Regulamento (CE) n° 238/94;

(e) section 24 of licences shall show one of the following:

Reglamento (CE) n° 238/94

Forordning (EF) nr. 238/94

Verordnung (EG) Nr. 238/94

Κανονισμός (ΕΚ) αριθ. 238/94

Regulation (EC) No 238/94

Règlement (CE) n° 238/94

Regolamento (CE) n. 238/94

Verordening (EG) nr. 238/94

Regulamento (CE) n° 238/94.

Article 4

1. Licence applications shall be lodged during the first 10 days only of each period as specified in Article 2.

For the period 1 January to 31 March 1994 licence applications shall be lodged during the first ten days of February 1994.

2. Licence applications shall only be admissible where the applicant declares in writing that he has not submitted and undertakes not to submit any applications, in respect of the current period, concerning products in the same group in the Member State in which his application is lodged or in other Member States; where an applicant submits more than one application relating to products in the same group, all applications from that person shall be inadmissible.

3. The Member State shall notify the Commission, on the third working day following the end of the application submission period, of applications lodged for each of the products in the groups. Such notification shall include a list of applicants and a statement of the quantities applied for in each group.

All notifications, including notifications that there have been no applications, shall be made by telex or fax on the working day stipulated, drawn up on the model shown in Annex II in cases where no application is made, and on the models shown in Annexes II and III in cases where applications have been made.

4. The Commission shall decide as quickly as possible to what extent quantities may be awarded in respect of applications as referred to in Article 3.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage reduction in quantities applied for.

If the overall quantity for which applications have been submitted is less than the quantity available, the Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following period.

5. Licences shall be issued as quickly as possible after the Commission has taken its decision.

6. Licences issued shall be valid throughout the Community.

Article 5

For the purposes of Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 150 days from the date of actual issue.

Import licences issued pursuant to this Regulation shall not be transferable.

Article 6

A security of ECU 30 per 100 kilograms shall be lodged for import licence applications for all products referred to in Article 1.

Article 7

Without prejudice to the provisions of this Regulation, Regulation (EEC) No 3719/88 shall apply.

However, Article 8 (4) of that Regulation notwithstanding, the quantity imported under this Regulation may not exceed that shown in sections 17 and 18 of the import licence. The figure 0 shall accordingly be entered in section 19 of the licence.

Article 8

The imported products shall be placed in free circulation on presentation of an EUR 1 certificate issued by the exporting country in accordance with Protocol 4 annexed to the Interim Agreements.

Article 9

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

It shall apply from 1 January 1994.

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

Done at Brussels, 2 February 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

A. Products originating in Bulgaria

Levy reduction of 40 %

(tonnes)

Group No	CN code	1 January to 30 June 1994
14	0203 11 10 0203 29 55 (*)	80

(*) Excluding tenderloin presented alone.

B. Products originating in Romania

I. Levy reduction of 50 %

(tonnes)

Group No	CN code	1 January to 30 June 1994
15	1601 00 91 1601 00 99	330
16	1602 41 10 1602 42 10 1602 49 11 1602 49 13 1602 49 15 1602 49 19 1602 49 30 1602 49 50	545

II. Levy reduction of 40 %

(tonnes)

Group No	CN code	1 January to 30 June 1994
17	0203 11 10 0203 12 11 0203 12 19 0203 19 11 0203 19 13 0203 19 15 0203 19 55 (*) 0203 19 59 0203 21 10 0203 22 11 0203 22 19 0203 29 11 0203 29 13 0203 29 15 0203 29 55 (*) 0203 29 59	4 910

(*) Excluding tenderloin presented alone.

Application of Regulation (EC) No 238/94

Application of Regulation (EC) No 238/94

COMMISSION OF THE EUROPEAN COMMUNITIES		DG VI/D/3-Pigmeat sector	
Request for import licences at reduced levies		Date	Period
Member State			
Group No	CN code	Declarer (name and address)	Quantity (tonnes)
		Total tonnes of group number	

COMMISSION REGULATION (EC) No 239/94

of 2 February 1994

authorizing the Italian intervention agency to put up for sale by tender 100 000 tonnes of durum wheat for export from the other Member States in the form of durum wheat meal to Algeria

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾ lays down the procedures and conditions for the disposal of cereals held by intervention agencies;

Prices for durum wheat on the Community's internal market are very high due to a fall in total production caused by the drought in Spain and a reduction in land down to durum wheat in France; whereas the Community's durum wheat meal industry must continue to be able to export in order to keep up normal trade flows to Algeria; whereas, therefore, provision should be made for Italian intervention stocks to be used to supply the Community export meal industry during the period 1 January to 30 April 1994 at competitive prices;

Whereas the above situation requires the measure to be implemented as a matter of urgency;

Whereas a conversion rate should be set to determine the quantity of durum wheat meal to be exported on the basis of the durum wheat used;

Whereas the specific nature of the operation requires greater flexibility in the mechanisms and obligations governing the resale of intervention stocks and the exclusion of any refund or monthly increase; whereas special procedures must be laid down to ensure that the operations are properly carried out and monitored; whereas to that end provision should be made for a system of securities to ensure that the aims of the measure are achieved without placing excessive burdens on operators; whereas derogations should accordingly be made from certain rules, in particular those laid down in Regulation (EEC) No 2131/93;

Whereas, to ensure that the operation is carried out smoothly and to avoid any disturbance of the market, it

should be stipulated that securities may be released only after presentation of proof of arrival;

Whereas, where removal of the durum wheat is delayed by more than five days or the release of one of the required securities is delayed for reasons imputable to the intervention agency, Italy should pay compensation;

Whereas the Member States are to take all additional measures compatible with the provisions in force to ensure that the scheme operates smoothly and that the Commission is kept informed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The Italian intervention agency is hereby authorized to issue an invitation to tender for the sale on the Community market of 100 000 tonnes of durum wheat in accordance with Article 4 of Regulation (EEC) No 2131/93.

2. A maximum of 68 000 tonnes of durum wheat meal for human consumption must be exported to Algeria, equal to the quantity of durum wheat awarded divided by the coefficient referred to in Article 6. This maximum quantity may not come from Italy or Greece. The competent authorities of the Member States shall ensure that the abovementioned quantity of meal is not exceeded. To that end they shall supply each other with the necessary information.

3. The regions in which the 100 000 tonnes of Italian durum wheat are stored are listed in Annex I.

4. The Italian intervention agency shall prepare a notice of invitation to tender indicating for each lot or, where appropriate, each part lot:

— the location,

— and, at least the following:

- the maximum percentage of wholly or partially mitadine grains,
- the specific weight,
- the moisture content,

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

- the Hagberg falling number,
- the impurity, mottled grain and sprouted grain contents,
- the protein content.

5. It shall publish the notice of invitation to tender at least three days before the date set for the first partial invitation to tender.

Article 2

Subject to the provisions of this Regulation, the sales of durum wheat referred to in Article 1 shall take place in accordance with the procedure and conditions laid down in Regulation (EEC) No 2131/93.

Article 3

1. The time limit for submitting tenders for the first partial invitation to tender shall be 1 p.m. (Brussels time) on Wednesday, 9 February 1994.

2. The time limit for submitting tenders for the subsequent partial invitations to tender shall be 1 p.m. (Brussels time) each Wednesday.

The time limit for the last partial invitation to tender shall be 23 March 1994.

3. Tenders must be submitted to the Italian intervention agency.

Article 4

1. Interested parties shall submit a tender to the competent Italian authorities either in writing against an acknowledgment of receipt or by telex, telegram or fax.

2. The tender shall indicate:

- the reference of the invitation to tender,
- the name, full address and telex or fax number of the tenderer,
- the quantity of durum wheat to be exported in the form of meal,
- the proposed purchasing price per tonne in eucs.

3. Tenders shall be valid only if they are accompanied by:

- an application for an export licence for Algeria for durum wheat meal falling within Product code 1103 11 10 200,
- proof that the tenderer has lodged a security of ECU 5 per tonne,
- an undertaking from the operator that he will transfer the durum wheat awarded to the country from which the meal will be exported.

4. Tenders not submitted in accordance with paragraphs 1, 2 and 3 or which contain conditions other than those laid down in the invitation to tender shall be invalid.

5. Tenders may not be withdrawn.

Article 5

1. No export refund shall be granted for exports carried out pursuant to this Regulation.

2. Customs export formalities for durum wheat meal equivalent to that which would be obtained from the cereals awarded must be completed within 60 days of the date of the award and not later than 30 April 1994.

3. Export licences issued under this invitation to tender must bear the following entry in Section 22:

'Invitation to tender opened by Regulation (EC) No 239/94 — Tender dated ...'

4. Notwithstanding Article 9 of Commission Regulation (EEC) No 3719/88⁽¹⁾, the rights deriving from the licence referred to in this Article shall not be transferable.

Article 6

For the determination of the quantity of durum wheat meal to be exported, the quantity of durum wheat awarded shall be delivered by a coefficient of 1,48.

Article 7

1. The Italian intervention agency shall inform the Commission of the tenders received within two hours of the expiry of the time limit for the submission of tenders. The information must be sent in the form laid down in Annex II to one of the telex or fax numbers listed in Annex III.

Where no tenders are received, the agency shall inform the Commission within the time limit laid down in subparagraph 1.

2. It shall inform the Commission on a monthly basis of the quantities of durum wheat removed pursuant to this Regulation.

Article 8

On the basis of the tenders submitted and notified, the Commission shall decide, in accordance with the procedure laid down for in Article 23 of Council Regulation (EEC) No 1766/92:

- either to fix a minimum selling price,
- or not to proceed with the invitation to tender.

Where a minimum selling price is fixed, the contract shall be awarded to the tenderer submitting offers at or above that minimum price.

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

To take account of the cost of transport between the warehouse in which the durum wheat awarded is stored and the port of export declared by the tenderer, when fixing the minimum selling price a differential may be allowed between tenderers submitted for export from Italy and Greece and tenders submitted for the export of durum wheat meal from the other Member States.

The Italian intervention agency shall inform all tenderers in writing of the result of their tender as soon as the Commission has adopted the decision referred to in paragraph 1.

Article 9

1. The successful tenderer shall notify the storer and the Italian intervention agency in writing at least ten days in advance of his intention to remove the merchandise.

2. Before the lot awarded is removed, the Italian intervention agency and the successful tenderer shall take a reference sample in accordance with the method laid down in Commission Regulation (EEC) No 689/92⁽¹⁾.

Where the final results of the analysis of the sample indicate a significant difference between the quality of the durum wheat to be removed and the quality as described in the notice of invitation to tender referred to in Article 1 of this Regulation, the successful tenderer may refuse the merchandise.

A significant difference shall be a specific weight of less than 76 kg/hl, a level of broken grains of more than 9 % and a discrepancy of one percentage point for the moisture content, ten points for the Hagberg falling index, one percentage point for the protein content, ten percentage points for the impurities referred to under B.2, B.3 and B.4 and a half a percentage point for the impurities referred to under B.5, the percentage admissible for noxious grains, damaged grains and ergot, however, remaining as laid down in the Annex to Regulation (EEC) No 689/92.

3. Where the successful tenderer refuses the merchandise, as provided for in the second subparagraph of paragraph 2 above, the Italian intervention agency shall supply him with another lot of intervention durum wheat of the requisite quality, at no extra charge, within eight days.

4. If removal of the durum wheat is delayed by more than five days with relation to the date of acceptance of the lot to be removed by the successful tenderer for

reasons imputable to the intervention agency, Italy shall be responsible for the payment of compensation.

5. All risks and storage costs shall be borne by the successful tenderer from the time of removal.

Article 10

The successful tenderer shall pay for the durum wheat before removing it at the price indicated in the tender. The payment due for each of the lots to be removed shall be indivisible.

Article 11

1. The security referred to in Article 4 (3) must be released for the corresponding quantities of durum wheat as soon as the operator concerned has supplied proof that the durum wheat has been transferred to the country in which the customs formalities for the export of the meal have been completed and for which the tender has not been accepted.

2. The obligation to export from the Community and import into Algeria shall be covered by a security amounting to ECU 50 per tonne of durum wheat of which ECU 25 per tonne shall be lodged upon issue of the licence for the export of meal for the corresponding quantity of durum wheat and the balance of ECU 25 per tonne before removal of the cereals.

Notwithstanding Article 15 (2) of Commission Regulation (EEC) No 3002/92⁽²⁾, the amount of ECU 50 per tonne of durum wheat corresponding to the processed meal must be released within 15 working days of the date on which the successful tenderer submits proof that the meal has arrived in Algeria.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the time limits specified herein shall confer an entitlement to compensation from Italy amounting to ECU 0,015 per 10 tonnes of meal for each day's delay. Such compensation shall not be charged to the European Agricultural Guidance and Guarantee Fund (EAGGF).

4. The primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽³⁾ shall be payment of the purchase price for the durum wheat and export of the durum wheat meal within the time limit laid down under cover of the export licence referred to in Article 4 (3).

⁽¹⁾ OJ No L 74, 20. 3. 1992, p. 18.

⁽²⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽³⁾ OJ No L 205, 3. 8. 1985, p. 5.

Article 12

1. Notwithstanding Article 12 of Regulation (EEC) No 3002/92, the export licence for the durum wheat meal must bear the words:

- Sémola de trigo duro de intervención sin derecho a restitución, destinada a Argelia — Reglamento (CE) n° 239/94,
- Groft mel fra intervention uden restitutionsydelse bestemt for Algeriet — Forordning (EF) nr. 239/94,
- Feinhartweizengrieß ohne Ausfuhrerstattung, Bestimmung Algerien — Verordnung (EG) Nr. 239/94,
- Σιμιγδάλι σκληρού σίτου που δεν παρέχει δικαίωμα επιστροφής προοριζόμενο για την Αλγερία — Κανονισμός (ΕΚ) αριθ. 239/94,
- Semolina of durum wheat not eligible for refund, bound for Algeria — Regulation (EC) No 239/94,
- Semoule de blé dur d'intervention ne donnant pas droit à restitution, destinée à l'Algérie — Règlement (CE) n° 239/94,
- Semolini di frumento duro non dante diritto a restituzione, destinato all'Algeria — Regolamento (CE) n. 239/94,
- Griesmeel zonder recht op restitutie, bestemd voor Algerije — Verordening (EG) nr. 239/94,

- Sêmolos de trigo duro que não dá direito a uma restituição, destinado à Argélia — Regulamento (CE) n° 239/94.

2. The use of one of the customs warehousing or free zone schemes is prohibited.

Article 13

The Italian intervention agency shall take all necessary steps to ensure compliance with the provisions of this Regulation. It shall inform the Commission weekly, within the Management Committee for Cereals, of the progress of the invitation to tender.

Article 14

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, 2 February 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Regions in which durum wheat is stored in Italy

(tonnes)	
Region of storage	Quantities
Piemonte	15 734
Emilia Romagna	24 000
Liguria	5 413
Lombardia	4 769
Toscana	17 844
Lazio	29 130
Sicilia	3 110

ANNEX II

Standing invitation to tender for 100 000 tonnes of durum wheat held by the Italian intervention agency for export in the form of durum wheat meal

1	2	3	4	5	6	7
Registration number of the tender	Lot No	Quantity in tonnes	Offer price (ECU/tonne) ⁽¹⁾	Increases (+) and reductions (-) (ECU/tonne) p.m.	Place of processing	Port of export
1						
2						
3						
etc.						

⁽¹⁾ This price includes the increases and reductions applicable to the lot for which the tender is submitted.

ANNEX III

The only telex and fax numbers in Brussels to be used are :

DG IV/C/1 (for the attention of Mr Thibault/Mr Brus):

— telex : 22037 AGREC B
22070 AGREC B (Greek characters)

— fax : 295 25 15
296 10 97
296 20 05

COMMISSION REGULATION (EC) No 240/94

of 2 February 1994

authorizing the Greek intervention agency to put up for sale by tender 30 000 tonnes of durum wheat for export in the form of durum wheat meal to Algeria

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾ lays down the procedures and conditions for the disposal of cereals held by intervention agencies;

Prices for durum wheat on the Community's internal market are very high due to a fall in total production caused by the drought in Spain and a reduction in land down to durum wheat in France; whereas the Community's durum wheat meal industry must continue to be able to export in order to keep up normal trade flows to Algeria; whereas, therefore, provision should be made for intervention stocks to be used to supply the Community export meal industry during the period 1 January to 30 April 1994 at competitive prices;

Whereas the above situation requires the measure to be implemented as a matter of urgency;

Whereas a conversion rate should be set to determine the quantity of durum wheat meal to be exported on the basis of the durum wheat used;

Whereas the specific nature of the operation requires greater flexibility in the mechanisms and obligations governing the resale of intervention stocks and the exclusion of any refund or monthly increase; whereas special procedures must be laid down to ensure that the operations are properly carried out and monitored; whereas to that end provision should be made for a system of securities to ensure that the aims of the measure are achieved without placing excessive burdens on operators; whereas derogations should accordingly be made from certain rules, in particular those laid down in Regulation (EEC) No 2131/93;

Whereas, to ensure that the operation is carried out smoothly and to avoid any disturbance of the market, it

should be stipulated that securities may be released only after presentation of proof of arrival;

Whereas, where removal of the durum wheat is delayed by more than five days or the release of one of the required securities is delayed for reasons imputable to the intervention agency, Greece should pay compensation;

Whereas the Member States are to take all additional measures compatible with the provisions in force to ensure that the scheme operates smoothly and that the Commission is kept informed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The Greek intervention agency is hereby authorized to issue an invitation to tender for the sale on the Community market of 30 000 tonnes of durum wheat in accordance with Article 4 of Regulation (EEC) No 2131/93.

2. A maximum of 20 000 tonnes of durum wheat meal for human consumption must be exported to Algeria, equal to the quantity of durum wheat awarded divided by the coefficient referred to in Article 6. This maximum quantity may not come from Italy or Greece. The competent Greek authorities shall ensure that the abovementioned quantity of 20 000 tonnes of meal is not exceeded. To that end they shall supply each other with the necessary information.

3. The regions in which the 30 000 tonnes of durum wheat are stored are listed in Annex I.

4. The Greek intervention agency shall prepare a notice of invitation to tender indicating for each lot or, where appropriate, each part lot:

— the location,

— and, at least the following:

— the maximum percentage of wholly or partially mitadine grains,

— the specific weight,

— the moisture content,

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

- the Hagberg falling number,
- the impurity, mottled grain and sprouted grain contents,
- the protein content.

5. It shall publish the notice of invitation to tender at least three days before the date set for the first partial invitation to tender.

Article 2

Subject to the provisions of this Regulation, the sales of durum wheat referred to in Article 1 shall take place in accordance with the procedure and conditions laid down in Regulation (EEC) No 2131/93.

Article 3

1. The time limit for submitting tenders for the first partial invitation to tender shall be 1 p.m. (Brussels time) on Wednesday, 9 February 1994.

2. The time limit for submitting tenders for the subsequent partial invitations to tender shall be 1 p.m. (Brussels time) each Wednesday.

The time limit for the last partial invitation to tender shall be 23 March 1994.

3. Tenders must be submitted to the Greek intervention agency.

Article 4

1. Interested parties shall submit a tender to the competent Greek authorities either in writing against an acknowledgment of receipt or by telex, telegram or fax.

2. The tender shall indicate :

- the reference of the invitation to tender,
- the name, full address and telex or fax number of the tenderer,
- the quantity of durum wheat to be exported in the form of meal,
- the proposed purchasing price per tonne in eucs.

3. Tenders shall be valid only if they are accompanied by :

- an application for an export licence for Algeria for durum wheat meal falling within Product code 1103 11 10 200,
- proof that the tenderer has lodged a security of ECU 5 per tonne.

4. Tenders not submitted in accordance with paragraphs 1, 2 and 3 or which contain conditions other than those laid down in the invitation to tender shall be invalid.

5. Tenders may not be withdrawn.

Article 5

1. No export refund shall be granted for exports carried out pursuant to this Regulation.

2. Customs export formalities for durum wheat meal equivalent to that which would be obtained from the cereals awarded must be completed within 45 days of the date of the award and not later than 30 April 1994.

3. Export licences issued under this invitation to tender must bear the following entry in Section 22 :

'Invitation to tender opened by Regulation (EC) No 240/94 — Tender dated ...'

4. Notwithstanding Article 9 of Commission Regulation (EEC) No 3719/88⁽¹⁾, the rights deriving from the licence referred to in this Article shall not be transferable.

Article 6

For the determination of the quantity of durum wheat meal to be exported, the quantity of durum wheat awarded shall be delivered by a coefficient of 1,48.

Article 7

1. The Greek intervention agency shall inform the Commission of the tenders received within two hours of the expiry of the time limit for the submission of tenders. The information must be sent in the form laid down in Annex II to one of the telex or fax numbers listed in Annex III.

Where no tenders are received, the agency shall inform the Commission within the time limit laid down in subparagraph 1.

2. It shall inform the Commission on a monthly basis of the quantities of durum wheat removed pursuant to this Regulation.

Article 8

1. On the basis of the tenders submitted and notified, the Commission shall decide, in accordance with the procedure laid down for in Article 23 of Council Regulation (EEC) No 1766/92 :

- either to fix a minimum selling price,
- or not to proceed with the invitation to tender.

2. Where a minimum selling price is fixed, the contract shall be awarded to the tenderer submitting offers at or above that minimum price.

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

3. The competent Greek authorities shall inform all tenderers in writing of the result of their tender as soon as the Commission has adopted the decision referred to in paragraph 1.

Article 9

1. The successful tenderer shall notify the storer and the intervention agency in writing at least ten days in advance of his intention to remove the merchandise.

2. Before the lot awarded is removed, the intervention agency and the successful tenderer shall take a reference sample in accordance with the method laid down in Commission Regulation (EEC) No 689/92⁽¹⁾.

Where the final results of the analysis of the sample indicate a significant difference between the quality of the durum wheat to be removed and the quality as described in the notice of invitation to tender referred to in Article 1 of this Regulation, the successful tenderer may refuse the merchandise.

A significant difference shall be a specific weight of less than 76 kg/hl, a level of broken grains of more than 9 % and a discrepancy of one percentage point for the moisture content, ten points for the Hagberg falling index, one percentage point for the protein content, ten percentage points for the impurities referred to under B.2, B.3 and B.4 and a half a percentage point for the impurities referred to under B.5, the percentage admissible for noxious grains, damaged grains and ergot, however, remaining as laid down in the Annex to Regulation (EEC) No 689/92.

3. Where the successful tenderer refuses the merchandise, as provided for in the second subparagraph of paragraph 2 above, the intervention agency shall supply him with another lot of intervention durum wheat of the requisite quality, at no extra charge, within eight days.

4. If removal of the durum wheat is delayed by more than five days with relation to the date of acceptance of the lot to be removed by the successful tenderer for reasons imputable to the intervention agency, the Member State shall be responsible for the payment of compensation.

5. All risks and storage costs shall be borne by the successful tenderer from the time of removal.

Article 10

The successful tenderer shall pay for the durum wheat before removing it at the price indicated in the tender. The payment due for each of the lots to be removed shall be indivisible.

Article 11

1. The security lodged pursuant to Article 13 (4) of Regulation (EEC) No 2131/93 must be released for the corresponding quantities of durum wheat once the licences for the export of meal have been issued to the successful tenderers and for the quantities for which the tender has not been accepted.

2. The obligation to export from the Community and import into Algeria shall be covered by a security amounting to ECU 50 per tonne of durum wheat of which ECU 25 per tonne shall be lodged upon issue of the licence for the export of meal for the corresponding quantity of durum wheat and the balance of ECU 25 per tonne before removal of the cereals.

Notwithstanding Article 15 (2) of Commission Regulation (EEC) No 3002/92⁽²⁾, the amount of ECU 50 per tonne of durum wheat corresponding to the processed meal must be released within 15 working days of the date on which the successful tenderer submits proof that the meal has arrived in Algeria.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the time limits specified herein shall confer an entitlement to compensation from Greece amounting to ECU 0,015 per 10 tonnes of meal for each day's delay. Such compensation shall not be charged to the European Agricultural Guidance and Guarantee Fund (EAGGF).

4. The primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽³⁾ shall be payment of the purchase price for the durum wheat and export of the durum wheat meal within the time limit laid down under cover of the export licence referred to in Article 4 (3).

⁽¹⁾ OJ No L 74, 20. 3. 1992, p. 18.

⁽²⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽³⁾ OJ No L 205, 3. 8. 1985, p. 5.

Article 12

1. Notwithstanding Article 12 of Regulation (EEC) No 3002/92, the export licence for the durum wheat meal must bear the words:

- Sémola de trigo duro de intervención sin derecho a restitución, destinada a Argelia — Reglamento (CE) n° 240/94,
- Groft mel fra intervention uden restitutionsydelse bestemt for Algeriet — Forordning (EF) nr. 240/94,
- Feinhartweizengrieß ohne Ausfuhrerstattung, Bestimmung Algerien — Verordnung (EG) Nr. 240/94,
- Συμιγδάλι σκληρού σίτου που δεν παρέχει δικαίωμα επιστροφής προοριζόμενο για την Αλγερία — Κανονισμός (ΕΚ) αριθ. 240/94,
- Semolina of durum wheat not eligible for refund, bound for Algeria — Regulation (EC) No 240/94,
- Semoule de blé dur d'intervention ne donnant pas droit à restitution, destinée à l'Algérie — Règlement (CE) n° 240/94,
- Semolini di frumento duro non dante diritto a restituzione, destinato all'Algeria — Regolamento (CE) n. 240/94,

- Griesmeel zonder recht op restitutie, bestemd voor Algerije — Verordening (EG) nr. 240/94,
- Sêmolos de trigo duro que não dá direito a uma restituição, destinado à Argélia — Regulamento (CE) n° 240/94.

2. The use of one of the customs warehousing or free zone schemes is prohibited.

Article 13

The Greek intervention agency shall take all necessary steps to ensure compliance with the provisions of this Regulation. It shall inform the Commission weekly, within the Management Committee for Cereals, of the progress of the invitation to tender.

Article 14

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, 2 February 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Greece : regions of storage

(tonnes)	
Region of storage	Quantities
Magnissia	8 548
Pella	2 500
Larissa	13 878
Kavala	1 100
Kozani	2 148
Thessaloniki	1 826

ANNEX II

Standing invitation to tender for 30 000 tonnes of durum wheat held by the Greek intervention agency for export in the form of durum wheat meal to Algeria

1	2	3	4	5	6	7
Registration number of the tender	Lot No	Quantity in tonnes	Offer price (ECU/tonne) (¹)	Increases (+) and reductions (-) (ECU/tonne) p.m.	Place of processing	Port of export
1						
2						
3						
etc.						

(¹) This price includes the increases and reductions applicable to the lot for which the tender is submitted.

ANNEX III

The only telex and fax numbers in Brussels to be used are :

DG IV/C/1 (for the attention of Mr Thibault/Mr Brus) :

— telex : 22037 AGREC B
22070 AGREC B (Greek characters)

— fax : 295 25 15
296 10 97
296 20 05

COMMISSION REGULATION (EC) No 241/94

of 2 February 1994

authorizing the Italian intervention agency to put up for sale by tender 210 000 tonnes of durum wheat for export from the other Member States in the form of durum wheat meal to Algeria

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾ lays down the procedures and conditions for the disposal of cereals held by intervention agencies;

Prices for durum wheat on the Community's internal market are very high due to a fall in total production caused by the drought in Spain and a reduction in land down to durum wheat in France; whereas the Community's durum wheat meal industry must continue to be able to export in order to keep up normal trade flows to Algeria; whereas, therefore, provision should be made for intervention stocks to be used to supply the Community export meal industry during the period 1 January to 30 April 1994 at competitive prices;

Whereas the above situation requires the measure to be implemented as a matter of urgency;

Whereas a conversion rate should be set to determine the quantity of durum wheat meal to be exported on the basis of the durum wheat used;

Whereas the specific nature of the operation requires greater flexibility in the mechanisms and obligations governing the resale of intervention stocks and the exclusion of any refund or monthly increase; whereas special procedures must be laid down to ensure that the operations are properly carried out and monitored; whereas to that end provision should be made for a system of securities to ensure that the aims of the measure are achieved without placing excessive burdens on operators; whereas derogations should accordingly be made from certain rules, in particular those laid down in Regulation (EEC) No 2131/93;

Whereas, to ensure that the operation is carried out smoothly and to avoid any disturbance of the market, it

should be stipulated that securities may be released only after presentation of proof of arrival;

Whereas, where removal of the durum wheat is delayed by more than five days or the release of one of the required securities is delayed for reasons imputable to the intervention agency, Italy should pay compensation;

Whereas the Member States are to take all additional measures compatible with the provisions in force to ensure that the scheme operates smoothly and that the Commission is kept informed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The Italian intervention agency is hereby authorized to issue an invitation to tender for the sale on the Community market of 210 000 tonnes of durum wheat in accordance with Article 4 of Regulation (EEC) No 2131/93.

2. A maximum of 140 000 tonnes of durum wheat meal for human consumption must be exported to Algeria, equal to the quantity of durum wheat awarded divided by the coefficient referred to in Article 6. The competent Italian authorities shall ensure that the quantity of 140 000 tonnes of meal is not exceeded.

3. The regions in which the 210 000 tonnes of Italian durum wheat are stored are listed in Annex I.

4. The Italian intervention agency shall prepare a notice of invitation to tender indicating for each lot or, where appropriate, each part lot:

— the location,

— and, at least the following:

— the maximum percentage of wholly or partially mitadine grains,

— the specific weight,

— the moisture content,

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

- the Hagberg falling number,
- the impurity, mottled grain and sprouted grain contents,
- the protein content.

5. It shall publish the notice of invitation to tender at least three days before the date set for the first partial invitation to tender.

Article 2

Subject to the provisions of this Regulation, the sales of durum wheat referred to in Article 1 shall take place in accordance with the procedure and conditions laid down in Regulation (EEC) No 2131/93.

Article 3

1. The time limit for submitting tenders for the first partial invitation to tender shall be 1 p.m. (Brussels time) on Wednesday, 9 February 1994.

2. The time limit for submitting tenders for the subsequent partial invitations to tender shall be 1 p.m. (Brussels time) each Wednesday.

The time limit for the last partial invitation to tender shall be 23 March 1994.

3. Tenders must be submitted to the Italian intervention agency.

Article 4

1. Interested parties shall submit a tender to the competent Italian authorities either in writing against an acknowledgment of receipt or by telex, telegram or fax.

2. The tender shall indicate:

- the reference of the invitation to tender,
- the name, full address and telex or fax number of the tenderer,
- the quantity of durum wheat to be exported in the form of meal,
- the proposed purchasing price per tonne in eucs.

3. Tenders shall be valid only if they are accompanied by:

- an application for an export licence for Algeria for durum wheat meal falling within Product code 1103 11 10 200,
- proof that the tenderer has lodged a security of ECU 5 per tonne.

4. Tenders not submitted in accordance with paragraphs 1, 2 and 3 or which contain conditions other than those laid down in the invitation to tender shall be invalid.

5. Tenders may not be withdrawn.

Article 5

1. No export refund shall be granted for exports carried out pursuant to this Regulation.

2. Customs export formalities for durum wheat meal equivalent to that which would be obtained from the cereals awarded must be completed within 45 days of the date of the award and not later than 30 April 1994.

3. Export licences issued under this invitation to tender must bear the following entry in Section 22:

'Invitation to tender opened by Regulation (EC) No 241/94 — Tender dated ...'

4. Notwithstanding Article 9 of Commission Regulation (EEC) No 3719/88⁽¹⁾, the rights deriving from the licence referred to in this Article shall not be transferable.

Article 6

For the determination of the quantity of durum wheat meal to be exported, the quantity of durum wheat awarded shall be delivered by a coefficient of 1,48.

Article 7

1. The Italian intervention agency shall inform the Commission of the tenders received within two hours of the expiry of the time limit for the submission of tenders. The information must be sent in the form laid down in Annex II to one of the telex or fax numbers listed in Annex III.

Where no tenders are received, the Greek agency shall inform the Commission within the time limit laid down in subparagraph 1.

2. It shall inform the Commission on a monthly basis of the quantities of durum wheat removed pursuant to this Regulation.

Article 8

1. On the basis of the tenders submitted and notified, the Commission shall decide, in accordance with the procedure laid down for in Article 23 of Council Regulation (EEC) No 1766/92:

- either to fix a minimum selling price,
- or not to proceed with the invitation to tender.

Where a minimum selling price is fixed, the contract shall be awarded to the tenderer submitting offers at or above that minimum price.

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

2. Where a minimum selling price is fixed, the contract shall be awarded to the tenderer or tenderers submitting offers at or above that minimum price.

3. The competent Italian authority shall inform all tenderers in writing of the result of their tender as soon as the Commission has adopted the decision referred to in paragraph 1.

Article 9

1. The successful tenderer shall notify the storer and the Italian intervention agency in writing at least ten days in advance of his intention to remove the merchandise.

2. Before the lot awarded is removed, the Italian intervention agency and the successful tenderer shall take a reference sample in accordance with the method laid down in Commission Regulation (EEC) No 689/92⁽¹⁾.

Where the final results of the analysis of the sample indicate a significant difference between the quality of the durum wheat to be removed and the quality as described in the notice of invitation to tender referred to in Article 1 of this Regulation, the successful tenderer may refuse the merchandise.

A significant difference shall be a specific weight of less than 76 kg/hl, a level of broken grains of more than 9 % and a discrepancy of one percentage point for the moisture content, ten points for the Hagberg falling index, one percentage point for the protein content, ten percentage points for the impurities referred to under B.2, B.3 and B.4 and a half a percentage point for the impurities referred to under B.5, the percentage admissible for noxious grains, damaged grains and ergot, however, remaining as laid down in the Annex to Regulation (EEC) No 689/92.

3. Where the successful tenderer refuses the merchandise, as provided for in the second subparagraph of paragraph 2 above, the Italian intervention agency shall supply him with another lot of intervention durum wheat of the requisite quality, at no extra charge, within eight days.

4. If removal of the durum wheat is delayed by more than five days with relation to the date of acceptance of the lot to be removed by the successful tenderer for reasons imputable to the intervention agency, the Member State shall be responsible for the payment of compensation.

5. All risks and storage costs shall be borne by the successful tenderer from the time of removal.

Article 10

The successful tenderer shall pay for the durum wheat before removing it at the price indicated in the tender. The payment due for each of the lots to be removed shall be indivisible.

Article 11

1. The security lodged pursuant to Article 13 (4) of Regulation (EEC) No 2131/93 must be released for the corresponding quantities of durum wheat once the licences for the export of meal have been issued to the successful tenderers and for the quantities for which the tender has not been accepted.

2. The obligation to export from the Community and import into Algeria shall be covered by a security amounting to ECU 50 per tonne of durum wheat of which ECU 25 per tonne shall be lodged upon issue of the licence for the export of meal for the corresponding quantity of durum wheat and the balance of ECU 25 per tonne before removal of the cereals.

Notwithstanding Article 15 (2) of Commission Regulation (EEC) No 3002/92⁽²⁾, the amount of ECU 50 per tonne of durum wheat corresponding to the processed meal must be released within 15 working days of the date on which the successful tenderer submits proof that the meal has arrived in Algeria.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the time limits specified herein shall confer an entitlement to compensation from Italy amounting to ECU 0,015 per 10 tonnes of meal for each day's delay. Such compensation shall not be charged to the European Agricultural Guidance and Guarantee Fund (EAGGF).

4. The primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽³⁾ shall be payment of the purchase price for the durum wheat and export of the durum wheat meal within the time limit laid down under cover of the export licence referred to in Article 4 (3).

⁽¹⁾ OJ No L 74, 20. 3. 1992, p. 18.

⁽²⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽³⁾ OJ No L 205, 3. 8. 1985, p. 5.

Article 12

1. Notwithstanding Article 12 of Regulation (EEC) No 3002/92, the export licence for the durum wheat meal must bear the words:

- Sémola de trigo duro de intervención sin derecho a restitución, destinada a Argelia — Reglamento (CE) n° 241/94,
- Groft mel fra intervention uden restitutionsydelse bestemt for Algeriet — Forordning (EF) nr. 241/94,
- Feinhartweizengrieß ohne Ausfuhrerstattung, Bestimmung Algerien — Verordnung (EG) Nr. 241/94,
- Συμιγδάλι σκληρού σίτου που δεν παρέχει δικαίωμα επιστροφής προοριζόμενο για την Αλγερία — Κανονισμός (ΕΚ) αριθ. 241/94,
- Semolina of durum wheat not eligible for refund, bound for Algeria — Regulation (EC) No 241/94,
- Semoule de blé dur d'intervention ne donnant pas droit à restitution, destinée à l'Algérie — Règlement (CE) n° 241/94,
- Semolini di frumento duro non dante diritto a restituzione, destinato all'Algeria — Regolamento (CE) n. 241/94,

- Griesmeel zonder recht op restitutie, bestemd voor Algerije — Verordening (EG) nr. 241/94,
- Sêmolos de trigo duro que não dá direito a uma restituição, destinado à Argélia — Regulamento (CE) n° 241/94.

2. The use of one of the customs warehousing or free zone schemes is prohibited.

Article 13

The Italian intervention agency shall take all necessary steps to ensure compliance with the provisions of this Regulation. It shall inform the Commission weekly, within the Management Committee for Cereals, of the progress of the invitation to tender.

Article 14

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, 2 February 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

ITALY : regions of storage

(tonnes)	
Region of storage	Quantities
Toscana	24 351
Marche	43 184
Lazio	32 288
Campania	3 000
Lucania	20 963
Puglia	40 000
Sardegna	21 218
Sicilia	24 996

ANNEX II

Standing invitation to tender for 210 000 tonnes of durum wheat held by the Italian intervention agency for export in the form of durum wheat meal to Algeria

1	2	3	4	5	6	7
Registration number of the tender	Lot No	Quantity in tonnes	Offer price (ECU/tonne) ⁽¹⁾	Increases (+) and reductions (-) (ECU/tonne) p.m.	Place of processing	Port of export
1						
2						
3						
etc.						

⁽¹⁾ This price includes the increases and reductions applicable to the lot for which the tender is submitted.

ANNEX III

The only telex and fax numbers in Brussels to be used are :

DG IV/C/1 (for the attention of Mr Thibault/Mr Brus) :

— telex : 22037 AGREC B
22070 AGREC B (Greek characters)

— fax : 295 25 15
296 10 97
296 20 05

COMMISSION REGULATION (EC) No 242/94

of 2 February 1994

authorizing the Greek intervention agency to put up for sale by tender 110 000 tonnes of durum wheat for export from the other Member States in the form of durum wheat meal to Algeria

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾ lays down the procedures and conditions for the disposal of cereals held by intervention agencies;

Prices for durum wheat on the Community's internal market are very high due to a fall in total production caused by the drought in Spain and a reduction in land down to durum wheat in France; whereas the Community's durum wheat meal industry must continue to be able to export in order to keep up normal trade flows to Algeria; whereas, therefore, provision should be made for Greek intervention stocks to be used to supply the Community export meal industry during the period 1 January to 30 April 1994 at competitive prices;

Whereas the above situation requires the measure to be implemented as a matter of urgency;

Whereas a conversion rate should be set to determine the quantity of durum wheat meal to be exported on the basis of the durum wheat used;

Whereas the specific nature of the operation requires greater flexibility in the mechanisms and obligations governing the resale of intervention stocks and the exclusion of any refund or monthly increase; whereas special procedures must be laid down to ensure that the operations are properly carried out and monitored; whereas to that end provision should be made for a system of securities to ensure that the aims of the measure are achieved without placing excessive burdens on operators; whereas derogations should accordingly be made from certain rules, in particular those laid down in Regulation (EEC) No 2131/93;

Whereas, to ensure that the operation is carried out smoothly and to avoid any disturbance of the market, it

should be stipulated that securities may be released only after presentation of proof of arrival;

Whereas, where removal of the durum wheat is delayed by more than five days or the release of one of the required securities is delayed for reasons imputable to the intervention agency, Greece should pay compensation;

Whereas the Member States are to take all additional measures compatible with the provisions in force to ensure that the scheme operates smoothly and that the Commission is kept informed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The Greek intervention agency is hereby authorized to issue an invitation to tender for the sale on the Community market of 110 000 tonnes of durum wheat in accordance with Article 4 of Regulation (EEC) No 2131/93.

2. A maximum of 72 000 tonnes of durum wheat meal for human consumption must be exported to Algeria, equal to the quantity of durum wheat awarded divided by the coefficient referred to in Article 6. This maximum quantity may not come from Italy or Greece. The competent authorities shall ensure that the abovementioned quantity of 20 000 tonnes of meal is not exceeded. To that end they shall supply each other with the necessary information.

3. The regions in which the 110 000 tonnes of Greek durum wheat are stored are listed in Annex I.

4. The Greek intervention agency shall prepare a notice of invitation to tender indicating for each lot or, where appropriate, each part lot:

— the location,

— and, at least the following:

- the maximum percentage of wholly or partially mitadine grains,
- the specific weight,
- the moisture content,

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

- the Hagberg falling number,
- the impurity, mottled grain and sprouted grain contents,
- the protein content.

5. It shall publish the notice of invitation to tender at least three days before the date set for the first partial invitation to tender.

Article 2

Subject to the provisions of this Regulation, the sales of durum wheat referred to in Article 1 shall take place in accordance with the procedure and conditions laid down in Regulation (EEC) No 2131/93.

Article 3

1. The time limit for submitting tenders for the first partial invitation to tender shall be 1 p.m. (Brussels time) on Wednesday, 9 February 1994.
2. The time limit for submitting tenders for the subsequent partial invitations to tender shall be 1 p.m. (Brussels time) each Wednesday.

The time limit for the last partial invitation to tender shall be 23 March 1994.

3. Tenders must be submitted to the Greek intervention agency.

Article 4

1. Interested parties shall submit a tender to the competent Greek authorities either in writing against an acknowledgment of receipt or by telex, telegram or fax.
2. The tender shall indicate :
 - the reference of the invitation to tender,
 - the name, full address and telex or fax number of the tenderer,
 - the quantity of durum wheat to be exported in the form of meal,
 - the proposed purchasing price per tonne in eucs.
3. Tenders shall be valid only if they are accompanied by :
 - an application for an export licence for Algeria for durum wheat meal falling within Product code 1103 11 10 200,
 - proof that the tenderer has lodged a security of ECU 5 per tonne,
 - an undertaking from the operator that he will transfer the durum wheat awarded to the country from which the meal will be exported.
4. Tenders not submitted in accordance with paragraphs 1, 2 and 3 or which contain conditions other than those laid down in the invitation to tender shall be invalid.

5. Tenders may not be withdrawn.

Article 5

1. No export refund shall be granted for exports carried out pursuant to this Regulation.
2. Customs export formalities for durum wheat meal equivalent to that which would be obtained from the cereals awarded must be completed within 45 days of the date of the award and not later than 30 April 1994.
3. Export licences issued under this invitation to tender must bear the following entry in Section 22 :

‘Invitation to tender opened by Regulation (EC) No 242/94 — Tender dated ...’
4. Notwithstanding Article 9 of Commission Regulation (EEC) No 3719/88 ⁽¹⁾, the rights deriving from the licence referred to in this Article shall not be transferable.

Article 6

For the determination of the quantity of durum wheat meal to be exported, the quantity of durum wheat awarded shall be delivered by a coefficient of 1,48.

Article 7

1. The Greek intervention agency shall inform the Commission of the tenders received within two hours of the expiry of the time limit for the submission of tenders. The information must be sent in the form laid down in Annex II to one of the telex or fax numbers listed in Annex III.

Where no tenders are received, the agency shall inform the Commission within the time limit laid down in subparagraph 1.

2. It shall inform the Commission on a monthly basis of the quantities of durum wheat removed pursuant to this Regulation.

Article 8

On the basis of the tenders submitted and notified, the Commission shall decide, in accordance with the procedure laid down for in Article 23 of Council Regulation (EEC) No 1766/92 :

- either to fix a minimum selling price,
- or not to proceed with the invitation to tender.

Where a minimum selling price is fixed, the contract shall be awarded to the tenderer submitting offers at or above that minimum price.

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

To take account of cost of transport between the warehouse in which the durum wheat awarded is stored and the port of export declared by the tenderer, when fixed the minimum selling price a differential may be allowed between tenders submitted for export from Italy and Greece and tenders submitted for the export of durum wheat meal from the other Member States.

The Greek intervention agency shall inform all tenderers in writing of the result of their tender as soon as the Commission has adopted the decision referred to in paragraph 1.

Article 9

1. The successful tenderer shall notify the storer and the Greek intervention agency in writing at least ten days in advance of his intention to remove the merchandise.

2. Before the lot awarded is removed, the Greek intervention agency and the successful tenderer shall take a reference sample in accordance with the method laid down in Commission Regulation (EEC) No 689/92⁽¹⁾.

Where the final results of the analysis of the sample indicate a significant difference between the quality of the durum wheat to be removed and the quality as described in the notice of invitation to tender referred to in Article 1 of this Regulation, the successful tenderer may refuse the merchandise.

A significant difference shall be a specific weight of less than 76 kg/hl, a level of broken grains of more than 9 % and a discrepancy of one percentage point for the moisture content, ten points for the Hagberg falling index, one percentage point for the protein content, ten percentage points for the impurities referred to under B.2, B.3 and B.4 and a half a percentage point for the impurities referred to under B.5, the percentage admissible for noxious grains, damaged grains and ergot, however, remaining as laid down in the Annex to Regulation (EEC) No 689/92.

3. Where the successful tenderer refuses the merchandise, as provided for in the second subparagraph of paragraph 2 above, the Greek intervention agency shall supply him with another lot of intervention durum wheat of the requisite quality, at no extra charge, within eight days.

4. If removal of the durum wheat is delayed by more than five days with relation to the date of acceptance of the lot to be removed by the successful tenderer for reasons imputable to the Greek intervention agency, the

Greece shall be responsible for the payment of compensation.

5. All risks and storage costs shall be borne by the successful tenderer from the time of removal.

Article 10

The successful tenderer shall pay for the durum wheat before removing it at the price indicated in the tender. The payment due for each of the lots to be removed shall be indivisible.

Article 11

1. The security referred to in Article 4 (3) must be released for the corresponding quantities of durum wheat as soon as the operator concerned has supplied proof that the durum wheat has been transferred to the country in which the customs formalities for the export of the meal have been completed and for which the tender has not been accepted.

2. The obligation to export from the Community and import into Algeria shall be covered by a security amounting to ECU 50 per tonne of durum wheat of which ECU 25 per tonne shall be lodged upon issue of the licence for the export of meal for the corresponding quantity of durum wheat and the balance of ECU 25 per tonne before removal of the cereals.

Notwithstanding Article 15 (2) of Commission Regulation (EEC) No 3002/92⁽²⁾, the amount of ECU 50 per tonne of durum wheat corresponding to the processed meal must be released within 15 working days of the date on which the successful tenderer submits proof that the meal has arrived in Algeria.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the time limits specified herein shall confer an entitlement to compensation from Greece amounting to ECU 0,015 per 10 tonnes of meal for each day's delay. Such compensation shall not be charged to the European Agricultural Guidance and Guarantee Fund (EAGGF).

4. The primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽³⁾ shall be payment of the purchase price for the durum wheat and export of the durum wheat meal within the time limit laid down under cover of the export licence referred to in Article 4 (3).

⁽¹⁾ OJ No L 74, 20. 3. 1992, p. 18.

⁽²⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽³⁾ OJ No L 205, 3. 8. 1985, p. 5.

Article 12

1. Notwithstanding Article 12 of Regulation (EEC) No 3002/92, the export licence for the durum wheat meal must bear the words:

- Sémola de trigo duro de intervención sin derecho a restitución, destinada a Argelia — Reglamento (CE) n° 242/94,
- Groft mel fra intervention uden restitutionsydelse bestemt for Algeriet — Forordning (EF) nr. 242/94,
- Feinhartweizengrieß ohne Ausfuhrerstattung, Bestimmung Algerien — Verordnung (EG) Nr. 242/94,
- Συμγδάλι σκληρού σίτου που δεν παρέχει δικαίωμα επιστροφής προοριζόμενο για την Αλγερία — Κανονισμός (ΕΚ) αριθ. 242/94,
- Semolina of durum wheat not eligible for refund, bound for Algeria — Regulation (EC) No 242/94,
- Semoule de blé dur d'intervention ne donnant pas droit à restitution, destinée à l'Algérie — Règlement (CE) n° 242/94,
- Semolini di frumento duro non dante diritto a restituzione, destinato all'Algeria — Regolamento (CE) n. 242/94,

- Griesmeel zonder recht op restitutie, bestemd voor Algerije — Verordening (EG) nr. 242/94,
- Sêmolos de trigo duro que não dá direito a uma restituição, destinado à Argélia — Regulamento (CE) n° 242/94.

2. The use of one of the customs warehousing or free zone schemes is prohibited.

Article 13

The Greek intervention agency shall take all necessary steps to ensure compliance with the provisions of this Regulation. It shall inform the Commission weekly, within the Management Committee for Cereals, of the progress of the invitation to tender.

Article 14

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, 2 February 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Regions in which durum wheat is stored in Greece

(tonnes)	
Region of storage	Quantities
Magnissia	13 446
Kastoria	9 186
Florina	3 214
Chalkidiki	3 035
Evvia	510
Viotia	386
Larissa	46 485
Karditsa	1 549
Thessaloniki	8 294
Kilkis	2 583
Fthiotida	2 965
Samothraki	682
Imathia	1 180
Serres	4 940
Xanthi	9 490
Evrou	2 055

ANNEX II

Standing invitation to tender for 110 000 tonnes of durum wheat held by the Greek intervention agency for export in the form of durum wheat meal to Algeria

1	2	3	4	5	6	7
Registration number of the tender	Lot No	Quantity in tonnes	Offer price (ECU/tonne) ⁽¹⁾	Increases (+) and reductions (-) (ECU/tonne) p.m.	Place of processing	Port of export
1						
2						
3						
etc.						

⁽¹⁾ This price includes the increases and reductions applicable to the lot for which the tender is submitted.

ANNEX III

The only telex and fax numbers in Brussels to be used are:

DG IV/C/1 (for the attention of Mr Thibault/Mr Brus):

— telex: 22037 AGREC B
22070 AGREC B (Greek characters)

— fax: 295 25 15
296 10 97
296 20 05

COMMISSION REGULATION (EC) No 243/94

of 28 January 1994

amending Regulation (EEC) No 2294/92 on detailed rules for the application of the support system for producers of the oil seeds referred to in Council Regulation (EEC) No 1765/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops ⁽¹⁾, as last amended by Regulation (EC) No 232/94 ⁽²⁾, and in particular Articles 5 (4) and 12 thereof,

Whereas Article 5 (4) of Regulation (EEC) No 1765/92 excludes from the benefit of the support provided for pursuant to that Article producers of confectionery sunflower seed sown for harvest after 30 June 1994; whereas it is necessary to specify which varieties of sunflower seed constitute confectionery sunflower seed; whereas it is therefore necessary to amend Commission Regulation (EEC) No 2294/92 ⁽³⁾, as last amended by Regulation (EEC) No 2776/93 ⁽⁴⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2294/92 is amended as follows:

1. the following Article is inserted after Article 3:

'Article 3a

For the purposes of Article 5 (4) of Regulation (EEC) No 1765/92, the varieties of sunflower seed which constitute confectionery sunflower seed are as set out in Annex IIa.';

2. the Annex hereto is inserted as Annex IIa.

Article 2

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

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

Done at Brussels, 28 January 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ See page 7 of this Official Journal.

⁽³⁾ OJ No L 221, 6. 8. 1992, p. 28.

⁽⁴⁾ OJ No L 252, 9. 10. 1993, p. 7.

*ANNEX**ANNEX II a*

Varieties of sunflower seed which constitute confectionery sunflower seed within the meaning of Article 5 (4) of Regulation (EEC) No 1765/92:

Agripro 3450

Agrosur

Dahlgren 954

Dahlgren D-131 (Toma)

Dahlgren D-151

Dahlgren D-171

Dahlgren D-181

Dahlgren D-1950

Dahlgren D-1998

Diset

Hagen Seed SG 9011

Hagen Seed SG 9054

Hagen Seed SG 9211

Interstate (IS) 8004

Kelisur

Royal Hybrid 381

Royal Hybrid 2141

Royal Hybrid 3801

Royal Hybrid 3831

Royal Hybrid 4381

RRC 995

RRC 2211

RRC 2232

RRC 4211

SIGCO 826

SIGCO 828

SIGCO 829

SIGCO 830

SIGCO 954

SIGCO 964

SIGCO 974

SIGCO 995

Toma

Triumph 505C+

Triumph 515C

Triumph 660C

Triumph 520C

USDA Hybrid 924

COMMISSION REGULATION (EC) No 244/94

of 2 February 1994

opening invitations to tender for the fixing of aid for the private storage of
carcasses and half-carcasses of lamb

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 363/93⁽²⁾, and in particular Article 7 (3) thereof,Whereas Commission Regulation (EEC) No 3446/90 of 27 November 1990 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat⁽³⁾, as last amended by Regulation (EC) No 3533/93⁽⁴⁾, provides in particular for detailed rules on the invitation to tender;Whereas Commission Regulation (EEC) No 3447/90 of 28 November 1990 on special conditions for the granting of private storage aid for sheepmeat and goatmeat⁽⁵⁾, as last amended by Regulation (EEC) No 1258/91, provides in particular the minimum quantities in respect of which a tender may be submitted;

Whereas the application of Article 7 (3) of Regulation (EEC) No 3013/89 results in the opening of invitations to tender for private storage aid;

Whereas that Article provides for the application of these measures on the basis of the situation of each quotation

zone; whereas it is appropriate consequently to open tenders separately for each of the zones where the conditions are fulfilled,

HAS ADOPTED THIS REGULATION:

Article 1

Invitations to tender are opened in Belgium, Denmark, Germany, France, Great Britain, Italy, Spain, Greece, the Netherlands, Ireland, and Northern Ireland for aid to private storage for carcasses and half-carcasses of lamb.

Subject to the provisions of Regulation (EEC) No 3447/90 tenders may be submitted to the intervention agencies of the Member States concerned.

Article 2

Tenders must be submitted not later than 2 p.m. on 11 February 1994 to the relevant intervention agency.

Article 3

This Regulation shall enter into force on 3 February 1994.

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

Done at Brussels, 2 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 42, 19. 2. 1993, p. 1.

⁽³⁾ OJ No L 333, 30. 11. 1990, p. 39.

⁽⁴⁾ OJ No L 321, 23. 12. 1993, p. 9.

⁽⁵⁾ OJ No L 333, 30. 11. 1990, p. 46.

COMMISSION REGULATION (EC) No 245/94

of 2 February 1994

fixing the maximum export refund for white sugar for the 35th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1144/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EEC) No 1144/93 of 10 May 1993 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1144/93, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 35th partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 990/93⁽⁴⁾ prohibits trade between the European Community and the

Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 35th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1144/93 the maximum amount of the export refund is fixed at ECU 38,390 per 100 kilograms.

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

Article 2

This Regulation shall enter into force on 3 February 1994.

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

Done at Brussels, 2 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 116, 12. 5. 1993, p. 5.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

COMMISSION REGULATION (EC) No 246/94**of 2 February 1994****fixing the import levies on white sugar and raw sugar**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1695/93 ⁽⁵⁾, as last amended by Regulation (EC) No 221/94 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1695/93 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 1 February 1994, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 3 February 1994.

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

Done at Brussels, 2 February 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 40.

⁽⁶⁾ OJ No L 28, 2. 2. 1994, p. 17.

ANNEX

to the Commission Regulation of 2 February 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	35,00 ⁽¹⁾
1701 11 90	35,00 ⁽¹⁾
1701 12 10	35,00 ⁽¹⁾
1701 12 90	35,00 ⁽¹⁾
1701 91 00	41,07
1701 99 10	41,07
1701 99 90	41,07 ⁽²⁾

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

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 1 February 1994

amending Decision 93/663/EC concerning the specific financial contribution by the Community towards the eradication of foot-and-mouth disease in Italy

(Only the Italian text is authentic)

(94/64/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field⁽¹⁾, as last amended by Commission Decision 93/439/EEC⁽²⁾ and, in particular, Article 11 thereof,

Whereas outbreaks of foot-and-mouth disease have occurred in certain regions of Italy from February to June 1993;

Whereas the appearance of this disease is a serious danger to the Community's livestock 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 foot-and-mouth disease was officially confirmed the Italian authorities took appropriate measures which include the measures as listed in Article 3 (2) of Decision 90/424/EEC and the appropriate provisions of Council Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control of foot-and-mouth disease⁽³⁾ as last amended by Commission Decision 92/380/EEC⁽⁴⁾; whereas such measures were notified by the Italian authorities;

Whereas by Decision 93/230/EEC⁽⁵⁾, the Community made a financial contribution to the eradication of foot-and-mouth disease in Italy;

Whereas this contribution was continued for a further period by Commission Decision 93/663/EC⁽⁶⁾ which also introduced additional control measures on the movement of animals of susceptible species in the province of Caserta; whereas it is appropriate to amend those control measures to take account of the present disease situation, and the reduction of the measures, introduced by Commission Decision 93/180/EEC of 26 March 1993 concerning certain protective measures with regard to foot-and-mouth disease in Italy and repealing Decision 93/168/EEC⁽⁷⁾ as last amended by Decision 93/419/EEC⁽⁸⁾;

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

Decision 93/663/EC is hereby amended as follows:

⁽¹⁾ OJ No L 244, 18. 8. 1990, p. 19.

⁽²⁾ OJ No L 203, 13. 8. 1993, p. 34.

⁽³⁾ OJ No L 315, 26. 11. 1985, p. 11.

⁽⁴⁾ OJ No L 198, 17. 7. 1992, p. 54.

⁽⁵⁾ OJ No L 97, 23. 4. 1993, p. 35.

⁽⁶⁾ OJ No L 303, 10. 12. 1993, p. 24.

⁽⁷⁾ OJ No L 75, 30. 3. 1993, p. 21.

⁽⁸⁾ OJ No L 191, 28. 7. 1993, p. 131.

1. In Article 1 (c) 'Article 3.3' shall be replaced by 'Article 3'.

Article 2

This Decision is addressed to Italy.

2. Article 2 (3) shall be deleted.

Done at Brussels, 1 February 1994.

3. Article 3 (1) and (2) shall be deleted.

4. In Article 3, paragraph 3, shall be numbered paragraph 1 and '30 November' shall be replaced by '31 December'.

For the Commission

René STEICHEN

Member of the Commission
