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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1043/94

of 12 April 1994

amending Regulation (EC) No 3680/93 laying down certain conservation and management measures for fishery resources in the Regulatory Area as defined in the Convention on Future Multilateral Cooperation in the North West Atlantic Fisheries

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽¹⁾, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EC) No 3680/93 ⁽²⁾ lays down quotas for Member States in the NAFO Regulatory Area for 1994;

Whereas these quotas corresponded to the proposals adopted by NAFO at its annual meeting of 1993;

Whereas the NAFO Fisheries Commission, at its special meeting of February 1994, adopted a proposal for cod fishery in NAFO division 3NO for 1994, in the light of scientific evidence showing that a very high proportion of the biomass of this stock is undersized fish;

Whereas the NAFO Fisheries Commission proposed a derogation to the general 130 mm mesh size rule for nets made of polyamide;

Whereas Regulation (EC) No 3680/93 should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 3680/93 is hereby amended as follows:

1. In Article 4 (1), the following shall be added after the second paragraph:

'For the nets made of polyamide fibres the equivalent minimum mesh size shall be 120 mm. Vessels using these materials shall have aboard certificates, issued by the competent authorities of the flag Member State, certifying that the fibres in the net used are made of polyamide.'

2. The first page of Annex I shall be replaced by the Annex to this Regulation.

Article 2

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

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

Done at Luxembourg, 12 April 1994.

For the Council

The President

F. CONSTANTINOU

⁽¹⁾ OJ No L 389, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 341, 31. 12. 1993, p. 42.

ANNEX

ANNEX I

Stock			Member State	1994 quota (tonnes)
Species	Geographical region	Zone		
Cod	North-west Atlantic	NAFO 2 J + 3 KL	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Portugal United Kingdom Available for Member States	
			EC total	0
Cod	North-west Atlantic	NAFO 3 NO ⁽¹⁾	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Portugal United Kingdom Available for Member States	5 1 832 28
			EC total	2 213
Cod	North-west Atlantic	NAFO 3 M	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Portugal United Kingdom Available for Member States	513 1 574 221
			EC total	2 155 1 022 5 485

⁽¹⁾ There will be no direct fishing on this species, which will be caught only as a by-catch, without prejudice to the rules set out in Article 4 (3) hereof.

COMMISSION REGULATION (EC) No 1044/94**of 3 May 1994****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾, as last amended by Regulation (EC) No 655/94 ⁽³⁾, and in particular Article 173 (1) thereof,

Whereas Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation;

Whereas the result of applying the rules and criteria laid down in the abovementioned Articles to the elements

communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173 (1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 May 1994.

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

Done at Brussels, 3 May 1994.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽³⁾ OJ No L 82, 25. 3. 1994, p. 15.

ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	0701 90 51 0701 90 59	New potatoes	37,28	1 483	282,89	72,07	247,05	10 594	29,49	69 139	80,90	28,69
1.20	0702 00 10 0702 00 90	Tomatoes	80,11	3 187	607,88	154,87	530,87	22 765	63,37	148 566	173,84	61,66
1.30	0703 10 19	Onions (other than seed)	34,82	1 385	264,26	67,32	230,78	9 896	27,55	64 585	75,57	26,80
1.40	0703 20 00	Garlic	161,32	6 419	1 224,09	311,87	1 069,02	45 842	127,62	299 167	350,06	124,18
1.50	ex 0703 90 00	Leeks	55,11	2 191	416,83	106,38	362,51	15 522	43,90	105 358	119,58	42,20
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	57,81	2 331	438,81	113,34	385,48	15 133	43,14	104 614	127,38	45,06
1.70	0704 20 00	Brussels sprouts	53,71	2 172	405,33	104,22	354,64	14 950	41,74	101 870	116,85	40,02
1.80	0704 90 10	White cabbages and red cabbages	17,14	681	129,98	33,09	113,00	4 877	13,79	31 888	37,18	13,32
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>)	79,26	3 206	598,09	153,78	523,30	22 060	61,59	150 316	172,41	59,05
1.100	ex 0704 90 90	Chinese cabbage	36,78	1 463	279,14	71,12	243,78	10 454	29,10	68 223	79,83	28,31
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	40,96	1 632	310,06	79,27	269,67	11 511	32,39	78 153	88,99	31,08
1.120	ex 0705 29 00	Endives	21,82	877	162,70	42,58	143,89	5 690	17,51	39 262	47,92	17,72
1.130	ex 0706 10 00	Carrots	16,90	673	128,33	32,72	111,98	4 793	13,36	31 281	36,73	12,98
1.140	ex 0706 90 90	Radishes	60,46	2 405	458,53	116,76	398,62	17 204	48,65	112 485	131,17	47,01
1.150	0707 00 11 0707 00 19	Cucumbers	43,82	1 744	332,56	84,73	290,43	12 454	34,67	81 278	95,10	33,73
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	335,50	13 350	2 545,78	648,61	2 223,27	95 338	265,42	622 186	728,03	258,26
1.170		Beans :										
1.170.1	0708 20 10 0708 20 90	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)	123,26	4 905	935,34	238,30	816,85	35 028	97,51	228 596	267,48	94,88
1.170.2	0708 20 10 0708 20 90	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>)	141,79	5 642	1 075,96	274,13	939,65	40 294	112,18	262 963	307,70	109,15
1.180	ex 0708 90 00	Broad beans	92,83	3 894	734,40	189,09	645,42	21 793	71,04	142 837	212,96	66,61
1.190	0709 10 00	Globe artichokes	61,64	2 453	467,78	119,18	408,52	17 518	48,77	114 325	133,77	47,45
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	548,97	21 845	4 165,57	1 061,29	3 637,86	155 999	434,30	1 018 059	1 191,26	422,58
1.200.2	ex 0709 20 00	— other	176,40	7 185	1 343,87	339,07	1 171,98	48 656	140,62	335 619	380,68	133,56
1.210	0709 30 00	Aubergines (egg-plants)	97,75	3 890	741,77	188,98	647,80	27 779	77,33	181 287	212,13	75,25
1.220	ex 0709 40 00	Ribbed celery (<i>Apium graveolens</i> var. <i>dulce</i>)	67,44	2 683	511,76	130,38	446,93	19 165	53,35	125 075	146,35	51,91
1.230	0709 51 30	Chantarelles	597,24	24 693	4 608,56	1 140,32	3 976,20	164 183	486,99	1 109 159	1 280,76	465,59
1.240	0709 60 10	Sweet peppers	184,71	7 350	1 401,59	357,09	1 224,03	52 489	146,13	342 547	400,82	142,18
1.250	0709 90 50	Fennel	73,55	2 966	558,22	144,18	490,38	19 251	54,88	133 083	162,05	57,33
1.260	0709 90 70	Courgettes	29,03	1 156	220,33	56,18	192,26	8 230	22,94	53 707	63,06	22,28
1.270	ex 0714 20 10	Sweet potatoes, whole, fresh (intended for human consumption)	40,81	1 626	309,78	78,99	270,31	11 571	32,25	75 511	88,66	31,33
2.10	ex 0802 40 00	Chestnuts (<i>Castanea</i> spp.), fresh	83,78	3 378	639,04	164,08	560,82	21 691	62,54	145 547	184,60	66,87
2.20												
2.30	ex 0804 30 00	Pineapples, fresh	41,20	1 639	312,66	79,65	273,05	11 709	32,59	76 414	89,41	31,71
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	114,18	4 543	866,39	220,73	756,63	32 446	90,33	211 744	247,76	87,89

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.50	ex 0804 50 00	Guavas and mangoes, fresh	155,30	6 180	1 178,46	300,24	1 029,17	44 133	122,86	288 015	337,01	119,55
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	47,61	1 894	361,32	92,05	315,55	13 531	37,67	88 307	103,33	36,65
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	35,56	1 415	269,86	68,75	235,67	10 106	28,13	65 954	77,17	27,37
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	33,52	1 356	252,99	65,04	221,35	9 331	26,05	63 583	72,93	24,97
2.70		Mandarins (including tangerines and satsumas), fresh ; clementines, wilkings and similar citrus hybrids, fresh :										
2.70.1	ex 0805 20 10	— Clementines	96,21	3 827	729,66	185,80	634,33	27 377	77,43	179 000	208,74	74,80
2.70.2	ex 0805 20 30	— Monreales and Satsumas	63,23	2 516	479,79	122,24	419,00	17 968	50,02	117 260	137,20	48,67
2.70.3	ex 0805 20 50	— Mandarins and wilkings	101,89	4 059	773,35	197,21	674,81	28 887	80,53	188 510	221,34	78,23
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	62,42	2 484	473,68	120,68	413,68	17 739	49,38	115 768	135,46	48,05
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	42,90	1 707	325,58	82,95	284,33	12 192	33,94	79 571	93,10	33,02
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	130,19	5 181	987,92	251,70	862,77	36 997	103,00	241 447	282,52	100,22
2.90		Grapefruit, fresh :										
2.90.1	ex 0805 40 00	— white	33,13	1 318	251,45	64,06	219,59	9 416	26,21	61 455	71,91	25,50
2.90.2	ex 0805 40 00	— pink	55,47	2 207	420,90	107,23	367,58	15 762	43,88	102 869	120,37	42,70
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	110,50	4 397	838,49	213,63	732,27	31 401	87,42	204 928	239,79	85,06
2.110	0807 10 10	Water-melons	47,60	1 894	361,21	92,03	315,45	13 527	37,66	88 280	103,29	36,64
2.120		Melons (other than water-melons) :										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey dew (including Cantalene), Onteniente, Piel de Sapo (including Verde Liso), Rochet, Tendral, Futuro	62,48	2 486	474,14	120,80	414,08	17 756	49,43	115 881	135,59	48,10
2.120.2	ex 0807 10 90	— other	112,06	4 459	850,33	216,64	742,60	31 844	88,65	207 820	243,17	86,26
2.130	0808 10 31 0808 10 33 0808 10 39 0808 10 51 0808 10 53 0808 10 59 0808 10 81 0808 10 83 0808 10 89	Apples	60,43	2 405	458,59	116,83	400,49	17 174	47,81	112 078	131,14	46,52
2.140		Pears										
2.140.1	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Pears — Nashi (<i>Pyrus pyrifolia</i>)	180,50	7 182	1 369,63	348,95	1 196,12	51 292	142,79	334 738	391,68	138,94
2.140.2	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Other	62,90	2 503	477,28	121,60	416,81	17 874	49,76	116 646	136,49	48,41

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.150	0809 10 00	Apricots	154,35	6 189	1 165,71	300,24	1 018,91	43 202	120,39	291 030	336,44	115,54
2.160	0809 20 20 0809 20 40 0809 20 60 0809 20 80	Cherries	105,23	4 219	794,77	204,70	694,68	29 455	82,08	198 422	229,38	78,77
2.170	ex 0809 30 90	Peaches	114,52	4 557	869,00	221,40	758,92	32 544	90,60	212 384	248,51	88,15
2.180	ex 0809 30 10	Nectarines	234,31	9 324	1 777,93	452,97	1 552,70	66 583	185,36	434 524	508,44	180,36
2.190	0809 40 11 0809 40 19	Plums	142,90	5 686	1 084,37	276,27	947,00	40 609	113,05	265 019	310,10	110,00
2.200	0810 10 10 0810 10 90	Strawberries	129,34	5 146	981,42	250,04	857,09	36 754	102,32	239 858	280,66	99,56
2.205	0810 20 10	Raspberries	1 232,1	49 408	9 305,36	2 396,74	8 133,50	344 866	961,01	2 323 153	2 685,64	922,33
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	102,94	4 142	776,64	201,08	684,00	27 469	82,98	185 034	226,07	78,92
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	93,82	3 762	708,59	182,50	619,35	26 261	73,18	176 905	204,50	70,23
2.230	ex 0810 90 80	Pomegranates	48,29	1 953	364,38	93,69	318,81	13 439	37,52	91 577	105,04	35,97
2.240	ex 0810 90 80	Khakis (including Sharon fruit)	343,44	13 667	2 606,05	663,96	2 275,91	97 596	271,70	636 915	745,27	264,37
2.250	ex 0810 90 30	Lychees	666,22	26 511	5 055,29	1 287,98	4 414,87	189 319	527,06	1 235 507	1 445,70	512,84

COMMISSION REGULATION (EC) No 1045/94

of 4 May 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⁾, as amended by Regulation (EC) No 547/94⁽¹²⁾;

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 5 May 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.

⁽¹²⁾ OJ No L 69, 12. 3. 1994, p. 1.

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

Done at Brussels, 4 May 1994.

For the Commission
René STEICHEN
Member of the Commission

ANNEX

to the Commission Regulation of 4 May 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	31,00 ⁽¹⁾
1701 11 90 910	30,70 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	31,00 ⁽¹⁾
1701 12 90 910	30,70 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3370
	— ECU/100 kg —
1701 99 10 100	33,70
1701 99 10 910	34,56
1701 99 10 950	34,56
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3370

⁽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 1046/94

of 4 May 1994

deferring the final date for sowing maize and sorghum in certain areas

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 Article 12 thereof,

Whereas Article 10 (2) of Commission Regulation (EEC) No 1765/92, fixes 15 May as the final date applicable to the dates set by Member States for sowing and the submission of applications in respect of cereals;

Whereas, in certain cases, the aforementioned date does not allow sowings of maize and sorghum to be undertaken in suitable conditions; whereas, in accordance with the seventh indent of Article 12 of Regulation (EEC) No 1765/92, provision should therefore be made for an additional time limit by which to sow where the weather conditions in certain areas make such a time limit necessary; whereas the said time limit should not, however, compromise the efficiency required of the support system for producers of arable crops, nor upset the introduction of checks relating to this system; whereas it is therefore appropriate to fix 31 May as the time limit for the areas concerned;

Whereas deferring the sowing date for certain arable crops in certain areas does not constitute sufficient grounds for changing the date laid down for the lodging of 'area' aid applications as referred to in Article 6 (2) of Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes⁽³⁾ as amended by Regulation (EC) No 165/94⁽⁴⁾; whereas the procedure whereby producers confirm sowings to the competent authorities may be implicitly established with a view to simplifying matters;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1994/95 marketing year, the final date for sowing shall be postponed to 31 May 1994 in the case of maize and sorghum in areas to be defined by the Member State in accordance with the seventh indent of Article 12 of Regulation (EEC) No 1765/92 and located within the regions listed in the Annex hereto.

Article 2

Without prejudice to Commission Regulation (EEC) No 3887/92⁽⁵⁾:

- (a) the final date for confirming sowings to the competent authority shall be fixed at 31 May 1994;
- (b) the Member States may introduce an implicit confirmation procedure whereby no notification on the part of the producer is equivalent to a confirmation of sowing. By the same token, producers who have not carried out the sowings planned must signal that fact.

Article 3

Member States shall notify the Commission, not later than 31 May 1994, of the measures taken to apply this Regulation.

Article 4

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

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

Done at Brussels, 4 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 7.

⁽³⁾ OJ No L 355, 5. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 24, 29. 1. 1994, p. 6.

⁽⁵⁾ OJ No L 391, 31. 12. 1992, p. 36.

ANNEX

Crop	Member State	Areas
Maize (including sweetcorn)	France	Departments of Ain, Allier, Alpes-de-Haute-Provence, Ardèche, Ariège, Aude, Aveyron, Bas-Rhin, Bouches-du-Rhône, Calvados, Charente, Charente-Maritime, Corrèze, Côtes d'Armor, Nord, Creuse, Deux Sèvres, Dordogne, Drôme, Eure, Eure-et-Loir, Finistère, Gard, Gers, Gironde, Haut-Rhin, Haute-Garonne, Haute-Pyrénées, Haute-Savoie, Haute-Vienne, Hérault, Ile-et-Vilaine, Indre, Indre-et-Loire, Isère, Landes, Loire, Loire-Atlantique, Loir-et-Cher, Loiret, Lot, Lot-et-Garonne, Maine-et-Loire, Manche, Mayenne, Morbihan, Orne, Puy-de-Dôme, Pyrénées-Atlantiques, Rhône, Sarthe, Savoie, Seine-Maritime, Tarn, Tarn-et-Garonne, Var, Vaucluse, Vendée, Vienne
	Greece	Macedonia, Thrace
	Spain	The whole territory with the exception of the provinces of Huelva, Sevilla, Cadiz, Málaga, Córdoba, Jaen and the Canary Islands
	Italy	Centre, north-east and north-west (statistical regions)
	Portugal	Between Douro and Minho, Beira litoral, Alentejo, Ribatejo and Oeste
	United Kingdom	The whole territory with the exception of areas at an altitude higher than 250 metres in Scotland, England, Wales and Northern Ireland
	Netherlands	Region I
Sorghum	Italy	Centre (statistical region) Emilia-Romagna
	France	Departments of Ain, Allier, Alpes-de-Haute-Provence, Ardèche, Ariège, Aude, Aveyron, Bas-Rhin, Bouches-du-Rhône, Calvados, Charente, Charente-Maritime, Corrèze, Côtes d'Armor, Nord, Creuse, Deux Sèvres, Dordogne, Drôme, Eure, Eure-et-Loir, Finistère, Gard, Gers, Gironde, Haut-Rhin, Haute-Garonne, Haute-Pyrénées, Haute-Savoie, Haute-Vienne, Hérault, Ile-et-Vilaine, Indre, Indre-et-Loire, Isère, Landes, Loire, Loire-Atlantique, Loir-et-Cher, Loiret, Lot, Lot-et-Garonne, Maine-et-Loire, Manche, Mayenne, Morbihan, Orne, Puy-de-Dôme, Pyrénées-Atlantiques, Rhône, Sarthe, Savoie, Seine-Maritime, Tarn, Tarn-et-Garonne, Var, Vaucluse, Vendée, Vienne
	Greece	Thrace
	Portugal	Between Douro and Minho, Beira litoral, Alentejo, Ribatejo and Oeste

COMMISSION REGULATION (EC) No 1047/94

of 4 May 1994

amending Regulation (EC) No 494/94 and authorizing the French intervention agency to put up for sale by tender 555 000 tonnes of common wheat for export in the form of wheat flour

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 amended by Commission Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EC) No 494/94⁽³⁾, as last amended by Regulation (EC) No 928/94⁽⁴⁾, opens an invitation to tender for common wheat with a view to its export in the form of wheat flour;

Whereas, in present situation, it is appropriate to increase the quantity put up for tender;

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

Article 1 (1), (2) and (3) of Regulation (EC) No 494/94 is replaced by the following:

‘1. The French intervention agency is hereby authorized to issue a standing invitation to tender for the sale on the Community market of 555 000 tonnes of common wheat.

2. A maximum of 405 109 tonnes of wheat flour for human consumption must be exported to third countries, equal to the quantity of common wheat awarded divided by the coefficient referred to in Article 6.

3. The regions in which the 555 000 tonnes of common wheat are stored are listed in Annex I.’

Article 2

Annex I to Regulation (EC) No 494/94 is replaced by the Annex hereto.

Article 3

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

It shall apply to tenders submitted for the invitation to tender of 4 May 1994 and for subsequent invitations to tender.

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

Done at Brussels, 4 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 62, 5. 3. 1994, p. 27.

⁽⁴⁾ OJ No L 107, 28. 4. 1994, p. 1.

*ANNEX**ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
Bordeaux	15 000
Dijon	10 300
Nantes	20 000
Nancy	30 000
Orléans	15 000
Paris	98 000
Poitiers	14 000
Rouen	197 000
Ghent (Belgium)	155 000'

COMMISSION REGULATION (EC) No 1048/94

of 4 May 1994

fixing the maximum export refund for white sugar for the 47th 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 47th 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 47th 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 37,110 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 5 May 1994.

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

Done at Brussels, 4 May 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 1049/94**of 4 May 1994****fixing the import levies on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as amended by Commission Regulation (EEC) No 2193/93 ⁽²⁾, and in particular Article 10 (5) and Article 11 (3) thereof,

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

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EC) No 819/94 ⁽⁵⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market

rate established during the reference period from 3 May 1994, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 819/94 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 May 1994.

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

Done at Brussels, 4 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 94, 13. 4. 1994, p. 16.

ANNEX

to the Commission Regulation of 4 May 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ⁽⁸⁾
0709 90 60	99,56 ⁽²⁾ ⁽³⁾
0712 90 19	99,56 ⁽²⁾ ⁽³⁾
1001 10 00	9,11 ⁽¹⁾ ⁽³⁾
1001 90 91	92,32
1001 90 99	92,32 ⁽⁹⁾
1002 00 00	122,37 ⁽⁶⁾
1003 00 10	125,96
1003 00 90	125,96 ⁽⁹⁾
1004 00 00	100,83
1005 10 90	99,56 ⁽²⁾ ⁽³⁾
1005 90 00	99,56 ⁽²⁾ ⁽³⁾
1007 00 90	105,85 ⁽⁴⁾
1008 10 00	37,87 ⁽⁹⁾
1008 20 00	52,30 ⁽⁴⁾ ⁽⁹⁾
1008 30 00	0 ⁽³⁾
1008 90 10	(7)
1008 90 90	0
1101 00 00	166,80 ⁽⁹⁾
1102 10 00	208,87
1103 11 10	49,64
1103 11 90	190,75
1107 10 11	175,21
1107 10 19	133,67
1107 10 91	235,09 ⁽¹⁰⁾
1107 10 99	178,41 ⁽⁹⁾
1107 20 00	206,12 ⁽¹⁰⁾

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.

⁽³⁾ Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 1,81/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

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

⁽⁸⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽⁹⁾ Products falling within this code, imported from Poland or Hungary under the Agreements concluded between those countries and the Community and under the Interim Agreement between the Czech Republic, the Slovak Republic, Bulgaria and Romania and the Community and in respect of which EUR.1 certificates issued in accordance with Regulation (EC) No 121/94 or (EC) No 335/94 have been presented, are subject to the levies set out in the Annex to that Regulation.

⁽¹⁰⁾ In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.

COMMISSION REGULATION (EC) No 1050/94

of 4 May 1994

fixing the premiums to be added to the import levies on cereals, flour and malt

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as amended by Commission Regulation (EEC) No 2193/93 ⁽²⁾, and in particular Article 12 (4) thereof,

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

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1681/93 ⁽⁵⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market

rate established during the reference period from 3 May 1994, as regards floating currencies, should be used to calculate the levies;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums to be added to the levies fixed in advance for the import in respect of the products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 May 1994.

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

Done at Brussels, 4 May 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽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. 11.

ANNEX

to the Commission Regulation of 4 May 1994 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 5	1st period 6	2nd period 7	3rd period 8
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
1001 90 91	0	0	1,48	0
1001 90 99	0	0	1,48	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	2,07	1,39
1102 10 00	0	0	0	0
1103 11 10	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
1107 10 11	0	0	2,63	0	0
1107 10 19	0	0	1,97	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 26 April 1994

appointing a member of the Economic and Social Committee

(94/263/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 193 to 195 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 165 to 167 thereof,

Having regard to the Convention on certain institutions common to the European Communities, and in particular Article 5 thereof,

Having regard to the Council Decision of 24 September 1990 appointing the members of the Economic and Social Committee for the period ending on 20 September 1994⁽¹⁾,

Whereas Article 55 of the Rules of Procedure of the Economic and Social Committee lays down that membership shall cease, *inter alia*, when a person becomes a member of a Community institution;

Whereas a seat has become vacant on the aforementioned Committee following the election of Mr Georgios Rafto-

poulos to the European Parliament, as notified to the Council on 16 December 1993;

Having regard to the nominations submitted by the Greek Government on 9 February 1994,

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Giannis Papamichail is hereby appointed member of the Economic and Social Committee in place of Mr Georgios Raftopoulos for the remainder of the latter's term of office, which runs until 20 September 1994,

Done at Luxembourg, 26 April 1994.

For the Council

The President

G. MORAITIS

⁽¹⁾ OJ No L 290, 23. 10. 1990, p. 13.

COUNCIL DECISION**of 26 April 1994****appointing an alternate member of the Committee of the Regions****(94/264/EC)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 198a thereof,

Having regard to the Council Decision of 26 January 1994 appointing the members and alternate members of the Committee of the Regions for the period 26 January 1994 to 25 January 1998 ⁽¹⁾,

Whereas a seat of alternate member on the Committee has become vacant following the resignation of Mr Matteo Graziano, which was brought to the Council's attention on 24 March 1994;

Having regard to the proposal from the Italian Government,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Giuseppe Firrarello is hereby appointed an alternate member of the Committee of the Regions in place of Mr Matteo Graziano for the remainder of the latter's term of office, which expires on 25 January 1998.

Done at Luxembourg, 26 April 1994.

For the Council

The President

G. MORAITIS

⁽¹⁾ OJ No L 31, 4. 2. 1994, p. 29.

COUNCIL DECISION
of 26 April 1994
appointing a member of the Committee of the Regions
(94/265/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 198a thereof,

Having regard to the Council Decision of 26 January 1994 appointing the members and alternate members of the Committee of the Regions for the period 26 January 1994 to 25 January 1998 ⁽¹⁾,

Whereas a seat on the Committee has become vacant following the resignation of Mr Tarcisio Andreolli, which was brought to the Council's attention on 7 April 1994;

Having regard to the proposal from the Italian Government,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Tarcisio Grandi is hereby appointed a member of the Committee of the Regions in place of Mr Tarcisio Andreolli for the remainder of the latter's term of office, which expires on 25 January 1998.

Done at Luxembourg, 26 April 1994.

For the Council
The President
G. MORAITIS

⁽¹⁾ OJ No L 31, 4. 2. 1994, p. 29.

COMMISSION

COMMISSION DECISION

of 21 December 1993

on the proposal to award aid to SST-Garngesellschaft mbH, Thüringen

(Only the German text is authentic)

(Text with EEA relevance)

(94/266/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having given notice to the parties concerned to submit their comments as provided for in the said Article 93, and having regard to those comments,

Whereas :

I

The Commission decided on 6 April 1993 to open the procedure provided for in Article 93 (2) of the EC Treaty in respect of the German authorities' proposal to grant DM 4 669 000 in aid to SST-Garngesellschaft mbH, a family-owned company located in Brattendorf, *Land* Thüringen, towards the cost of the installation of new facilities for the production of polyester staple fibre. The entire output of the new plant would supply the company's spinning mill for the production of specialized polyester yarn that is not produced elsewhere in the Community. The aid has an overall intensity of 30,2 %, with total investment costs amounting to DM 15 460 000.

Notwithstanding that the proposed aid would be provided under regional aid schemes that have been authorized by the Commission, the proposal was not properly notified to the Commission pursuant to Article 93 (3) of the EC Treaty in accordance with the pre-notification requirement set out in the Code on aid to the synthetic fibre industry⁽¹⁾ (hereinafter referred to as 'the Code').

In deciding to open the procedure, the Commission also pointed out that there were doubts as to whether the aid

was required to compensate for the economic disadvantages caused by the division of Germany, as was claimed by the German authorities. Furthermore, the aided investment was going to result in new production capacity rather than a significant reduction as required by the Code.

The German Government was informed of the Commission's decision by letter dated 19 April 1993. Other interested parties were informed by publication of the letter⁽²⁾.

II

The German Government submitted comments by letters dated 7 June, 14 July and 2 December 1993 and at meetings with the Commission on 7 July, 6 October and 30 November 1993.

The German authorities noted that, before economic and monetary unification with the Federal Republic of Germany on 1 July 1990, the production of synthetic fibres and investment decisions in the former German Democratic Republic were largely under the control of a single organization, the Chemiefaserkombinat 'Wilhelm Pieck', in Schwarza. Production was limited to fibres and yarns of only three of the polymers covered by the Code : polyamide, polyacrylonitrile and polyester. Polypropylene fibre was imported from Czechoslovakia and Bulgaria in accordance with Comecon agreements.

The German authorities stated that, between 1985 and 1989, synthetic fibre production in the new Länder was as follows :

⁽¹⁾ OJ No C 346, 30. 12. 1992, p. 2.

⁽²⁾ OJ No C 210, 4. 8. 1993, p. 9.

Production

(tonnes)

Type of fibres/yarns	Year				
	1985	1986	1987	1988	1989
Polyamide yarn	42 903	46 279	48 561	53 493	54 691
Polyamide staple	5 634	5 970	6 066	5 253	6 289
Polyester yarn	26 470	25 845	25 737	25 388	26 266
Polyester staple	43 509	35 332	43 603	42 406	44 435
Acrylic staple	36 430	36 717	35 024	48 456	58 635
Total	154 946	150 143	158 991	174 996	190 316

1989 production levels, against a total production capacity of 192 000 tonnes, did not change significantly before economic and monetary union with the Federal Republic on 1 July 1990.

The German authorities explained that, after unification, the Chemiefaserkombinat Schwarza was broken up and efforts were started to restructure the synthetic fibre industry in the new Länder. That meant releasing decision making as to investments and products from the constraints imposed by the planned economy of the former GDR, and reducing production capacity, which has previously been fully used, to the level of forecast consumption in the new Länder, estimated at approximately 150 000 tonnes.

The German authorities stated that the technology of the facilities under the control of the Chemiefaserkombinat and the economic structure of the industry generally was out of line with the rest of the Community because the management of the production facilities concerned had been unable to respond to movements in the market or to decide investment strategy without political consent which took into account wider factors, such as the development of the industry elsewhere in the Eastern bloc. Accordingly, while synthetic fibre producers elsewhere in the Community had been able to restructure and rationalize their activities by exploiting new technology, developing new products and entering new markets, this had not been possible for the industry in the former GDR. As a result, restructuring the industry in the new Länder would involve adaptation of the facilities of the successor companies to the Chemiefaserkombinat as well as fresh investments by new companies such as SST.

The German authorities illustrated the effect of State control on the industry by noting that, while synthetic fibre producers elsewhere in the Community had responded to changing demand by progressively in-

creasing their capacity for the production of polypropylene staple fibre and filament yarn (from 104 000 tonnes in 1992), no polypropylene fibre or yarn had been produced in the former GDR.

Furthermore, although the German authorities now considered over-optimistic their earlier estimates of the size of the overall reduction in capacity that would result from the restructuring of the industry in the new Länder, they were certain that the process would place a heavy burden on the new Länder with significant job losses, causing considerable economic and social hardship in the areas affected. The Land Thüringen had been particularly badly affected by the restructuring of the synthetic fibre and textile industries with a job loss of over 85 % between 1 January 1991 and 31 December 1992.

The German authorities stated that the investment in question was an element in the strategy by which the synthetic fibre industry in the former GDR was being restructured. By the end of 1994, the net effect of restructuring, taking account of the investment in question, would be a reduction of approximately 25 % on the total capacity of the former GDR.

By type of fibre, this total is made up as follows :

capacity	(tonnes)
Polyamide yarn	44 875
Polyester yarn	27 000
Polyester staple	39 200
Acrylic staple	20 000
Polypropylene fibre	12 000
Total	143 075

By company, the total is made up as follows :

	Polyamide yarn	Polyester yarn	Polyester staple	Acrylic staple	Polypropy- lene staple
Märkische Faser AG			30 000	20 000	
Rhône-Poulenc Rhotex	1 875				
Thüringischen Faser AG	15 000		9 200		
SST-Garngesellschaft					
Hoechst	5 000	27 000			
Lausitzer Teppichfaserwerk	23 000				12 000
Total	44 875	27 000	39 200	20 000	12 000

III

The only party to submit written comments under the Article 93 (2) procedure was the Apparel, Knitwear and Textiles Alliance, by a letter dated 29 September 1993. The German Government did not reply to the letter.

Oral comments were received from the International Rayon and Synthetic Fibres Committee.

IV

The aid in question undoubtedly constitutes aid within the meaning of Article 92 (1) of the EC Treaty, as it would allow SST-Garngesellschaft mbH to carry out the planned investment without having to bear all of the cost. Furthermore, as there is intra-Community trade in polyester staple (approximately 165 000 tonnes of unprocessed fibres in 1992 and approximately 6 000 tonnes of processed fibres), the proposed aid would be likely to distort competition and affect trade among the Member States.

The aid in question totals DM 4 669 000, with an intensity of 30,2 %, a grant of DM 3 410 000 under the joint Federal Government/*Länder* scheme for improving regional economic structures, for which the 22nd general plan⁽¹⁾ was recently approved by the Commission, with an intensity of 22,08 %, and DM 1 259 000 in the form of an investment tax allowance under the arrangement whose extension was also recently authorized by the Commission⁽²⁾ with an intensity of 8,14 %. For both schemes, the intensity of the aid is below the levels authorized by the Commission.

However, as the aid would benefit a producer of synthetic fibres, it could only be considered compatible with the common market if it did not adversely affect trading conditions to an extent contrary to the common interest.

Since 1977, aid to the synthetic fibre industry has been subject to constraints. The current version of the Code relates to the production and texturization of four fibres — polyester, polyamide, acrylic and polypropylene — irrespective of the end-use, and to their polymerization where integrated with fibre production in terms of the machinery involved. The Code states clearly that authorization of proposals to grant aid to synthetic fibre producers is conditional on a significant reduction in the production capacity of the prospective beneficiary. SST itself does not currently produce any synthetic fibres so that a capacity reduction is not possible. The aid does not meet the requirements of the Code. Also, the German authorities did not provide any detailed arguments in support of their view that Article 92 (2) (c) should be applied to the proposed aid. As this is a new investment, and in the absence of any convincing arguments to the contrary, there does not seem to be any evidence to suggest that any aid is required to compensate for economic disadvantages caused by the division of Germany, over and above the aid schemes authorized by the Commission pursuant to Article 92 (3). Therefore, Article 92 (2) (c) does not apply.

However, without prejudice to the Code, the Commission recognizes the unique and exceptional structure of the synthetic fibre industry of the former GDR. In particular, the Commission accepts that the industry was united under the control of a single holding company, the Chemiefaserkombinat, which specifically determined the nature and scale of investments within the industry as well as the location of production facilities and that those operating in the industry were constrained by the need to conform with political objectives rather than market forces.

The Commission also recognizes the inefficiency and uncompetitiveness of the industry of the former GDR as a result of its existing within the constructive framework of a planned economy and outside commercial markets, and the consequent need for restructuring.

⁽¹⁾ Not yet published in the Official Journal.

⁽²⁾ OJ No C 71, 13. 3. 1993, p. 6.

Furthermore, the Commission acknowledges the specific contribution that the investment for which the regional aid is proposed would make to the cohesion of the Community. In particular, it would create 80 jobs in an area that has suffered heavy job losses since the unification of Germany and is among the regions eligible for support from 1994 onwards under Objective 1 of the Structural Funds.

In view of the socio-economic situation (per capita GDP/PPS is considerably lower than 75 % of the Community average), Thüringen may be classed as a region eligible for regional aid by virtue of Article 92 (3) (a) of the EC Treaty.

Accordingly, the Commission is prepared to take into account the strategy by which the synthetic fibre industry of the former GDR is being restructured in considering the proposal to award aid to SST, in the light of the common interest in improving, through the reduction of capacity, the rate of capacity utilization in the production of synthetic fibres in the Community.

Between 1978 — the first full year in which aid to the synthetic fibre industry in the Community was subject to constraints — and 1992, there was a reduction of around 25 % in the total capacity of the industry as synthetic fibre producers, sometimes benefiting from State aid, restructured or moved away from synthetic fibres into other activities. The reduction excludes the effect of the addition of the capacity of the former GDR after 1 July 1990, the date of the economic and monetary unification of Germany, and does not take account of changes in capacity for the production of polypropylene fibre which, as noted earlier, was not produced in the former GDR in accordance with Comecon agreements.

During that period, the average rate of capacity utilization for Community production of synthetic fibres covered by the Code rose from approximately 63 % in 1977 to approximately 82 % in 1989. The average rate of capacity utilization has since fallen to 80 %, partly as a result of unification of Germany and the addition of the production capacity of the former GDR that had been under Communist control in the Chemiefaserkombinat.

The Commission accepts that the strategy by which the synthetic fibre industry of the former GDR is being

restructured, of which the investment in question is an element, will result in a net reduction of 25 %, bringing the total capacity down from 192 000 tonnes to 143 075 tonnes. As a reduction of this scale was achieved in the rest of the Community between 1977 and 1992, this is a significant reduction and is therefore in the common interest.

In view of all those considerations and without prejudice to the Code, the Commission concludes that, as a specific element of the strategy by which the synthetic fibre industry of the former GDR is being restructured which will reduce its capacity to 143 075 tonnes, the proposed aid to SST is compatible with the common market,

HAS ADOPTED THIS DECISION:

Article 1

The award of aid totalling DM 4 669 000 to SST-Garngesellschaft mbH for the installation of facilities for the production of polyester staple fibre is compatible with the common market and may benefit from the measures provided in the joint Federal Government/Länder scheme for the improvement of regional economic structures and the investment tax allowance scheme.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 21 December 1993.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION

of 21 March 1994

concerning the conclusion of Protocol 2 to the Agreement among the European Atomic Energy Community, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America on cooperation in the engineering design activities for the International Thermonuclear Experimental Reactor (ITER), by the Commission for and on behalf of the Community

(94/267/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Whereas the Council, in its Decision of 21 March 1994 approved the conclusion of Protocol 2 to the Agreement among the European Atomic Energy Community, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America on cooperation in the engineering design activities for the International Thermonuclear Experimental Reactor (ITER),

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 2 to the Agreement among the European Atomic Energy Community, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America on cooperation in the engineering design activities for the International Thermonuclear Experimental Reactor (ITER) is hereby concluded on behalf of the Community.

The text of Protocol 2, together with the negotiators' shared views, is appended to this Decision.

Article 2

The Member of the Commission responsible for science, research and development or his designated representative is authorized to sign Protocol 2 for the purpose of binding the European Atomic Energy Community.

Done at Brussels, 21 March 1994.

For the Commission

The President

Jacques DELORS

PROTOCOL 2

the Agreement among the European Atomic Energy Community, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America on cooperation in the engineering design activities for the International Thermonuclear Experimental Reactor

THE EUROPEAN ATOMIC ENERGY COMMUNITY (EURATOM), THE GOVERNMENT OF JAPAN, THE GOVERNMENT OF THE RUSSIAN FEDERATION, AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA ('THE PARTIES'),

HAVING REGARD to the Agreement on cooperation in the engineering design activities (EDA) for an International Thermonuclear Experimental Reactor (ITER), concluded among the Parties on July 21, 1992 ('the Agreement'), and in particular to Article 3 thereof,

HAVING INITIATED the EDA under Protocol 1 to the Agreement, also concluded among the Parties on July 21, 1992, and having the intent to complete jointly the EDA under Protocol 2,

HAVE AGREED AS FOLLOWS:

Section 1

Scope

The Parties shall complete jointly the activities identified in Article 2 of the Agreement. These activities shall be conducted in accordance with technical objectives of ITER adopted pursuant to the provisions of the Agreement.

Section 2

Special working group

A special working group shall be established which, assisted by the Director, shall submit proposals to the Council on approaches to joint implementation for decisions by the Parties on future construction, operation, exploitation and decommissioning of ITER, as specified in Article 2 (e) of the Agreement.

Section 3

Implementation of the work programme

1. The Director shall implement the work programme and its updatings after approval of the Council in accordance with the schedules provided therein for the various tasks.

2. The technical description of a task, the task assignment, and the terms and conditions of its execution, developed in conformance with guidelines for implementation of task assignments established by the Council, shall form the subject of a task agreement. The task agreement shall be drawn up by the Director and signed by the Director and the Leader of the Home Team to whom the task has been assigned. Task agreements shall be

concluded in accordance with the approved work programme and its updatings.

3. Each Home Team Leader shall ensure that access, for the purpose of interaction, monitoring of work in progress and evaluation of quality control, to the sites and premises where a task assigned to a Home Team is being carried out, as well as to the personnel performing and documents concerning the task, is not unreasonably denied either to the Director or to members of the Joint Central Team authorized by the Director. The Home Team Leader shall be notified in a timely fashion of such intended access. The detailed arrangements for this access shall be specified in the Task Agreement.

Section 4

Secondment agreements

1. For the purposes of this section,

— 'seconding party' means the party which makes a person available to the Joint Central Team in accordance with Article 8 (2) of the Agreement, irrespective of whether that party is the employer or not of that person;

— 'seconded person' or 'seconded personnel' means one or several persons made available by the seconding party to the Joint Central Team.

2. After the selection of a person in accordance with Article 8 (2) of the Agreement, the employer of that person shall second such person without any undue delay to the Joint Central Team. In respect of each seconded person a specific secondment agreement shall be drawn up by the Director and signed by the Director, the seconded person, that person's employer and the entity operating the joint work site to which that person shall be assigned. If the employer and the seconding party are

different entities, the seconding party shall endorse the secondment agreement(s) to indicate it has made the seconded personnel available to the Joint Central Team as described in Article 8 (2) of the Agreement. The secondment agreement for the Director shall be co-signed by the chair of the Council.

The secondment agreement shall state the work and the joint work site to which the secondment person shall be assigned, that person's reporting responsibility, and that the seconded person and that person's employer will comply with the provisions of Articles 8 (2) and 15 of the Agreement and of this paragraph to the extent they concern the secondment, and that the seconded person will comply with the internal rules regarding safety and security to be observed on the premises of the joint work site. The duration of a secondment agreement may not exceed that of this Protocol.

Section 5

Termination of the work and final reporting

When approving the work programme and its annual updatings, the Council, assisted by the Director, shall provide for a timely and coordinated termination of the work to be carried out under the Agreement including the final reporting; if actions by the parties are needed or otherwise appropriate, then the Council, assisted by the Director, shall make suitable proposals.

Section 6

Resources

The resources required for the implementation of this Protocol shall be made available by the Parties in accordance with the applicable provisions of the agreement.

Section 7

Duration

This Protocol shall enter into force upon signature of the Parties and shall remain in force for the duration of the Agreement.

Done at Vienna, on 21 March 1994 in quadruplicate.

*For the European
Atomic Energy Community:*

Corrado PIRZIO BIROLI

*For the Government
of Japan:*

Kunisada KUME

*For the Government
of the Russian Federation:*

Nikolai S. CHEVEREV

*For the Government
of the United States of America:*

John B. RITCH III

Negotiators' shared views

At the conclusion of their work on the final draft of Protocol 2 on this date, the negotiators shared the following views :

1. *Detailed technical objectives*

Detailed technical objectives of ITER referred to in Section 1 of Protocol 2 are adopted by the Parties acting through the Council. The Council adopted those detailed technical objectives on 15 and 16 December 1992. (Attachment 1)

2. *Guidelines for implementation of task assignments*

The guidelines for implementation of task assignments referred to in Section 3 of Protocol 2 are adopted by the Council. The Council adopted such guidelines on 22 April 1993. (Attachment 2)

3. *Secondment agreements*

The secondment agreements referred to in Section 4 of Protocol 2 should be as uniform as practicable and reflect the guidelines for secondment agreements, set forth in the attachment hereto. (Attachment 3)

If the seconding party is not the employer of the seconded person, it will use its best efforts to ensure that the employer of the said seconded person complies with the provisions of Section 4 of Protocol 2 and the guidelines.

4. *Financing*

With regard to Section 6 of Protocol 2 :

(1) each Party will bear its costs relating to :

- (a) the participation of its members and experts in the work and the meetings of the Council, the TAC, the MAC, and the SWGs, including the costs for travel and subsistence ;
- (b) the secondment of its personnel to the joint work sites ;
- (c) the execution of tasks assigned to its Home Team in accordance with Section 3 of Protocol 2 ; and
- (d) the organization of workshops taking place on its territory and the participation of its Home Team personnel in workshops, including travel expenses and subsistence ;

(2) in applying Article 14 of the Agreement, the Council will take account of the overall level of resources that each host party has offered as support for its joint work site ;

(3) other expenditures, considered by the Council to be necessary for the satisfactory completion of Protocol 2, will be financed through the Joint Fund.

5. *Monitoring of the ITER EDA*

The coherence between the general constraints set out in Section 1 of Attachment 1 and progress of work shall be validated on a yearly basis, pursuant to Article 16 of the Agreement. In particular, the technical approaches and the accuracy of the assessment of the cost of construction of ITER shall be verified, as foreseen at point 1 (f) of Annex A to the Agreement, also on the basis of domestic data related to the main components of the facility. These evaluations may lead the ITER Council to readjust, if necessary, the constraints or the technical solutions.

6. *Outline design*

The Council has endorsed the TAC-4 response that 'the outline design (Attachment 4) will provide a sound basis for continued engineering design work after (1) modest further optimization of the major machine parameters to provide a reserve against cost increases, (2) modification of the engineering approach in certain areas, and (3) a broadening of technical capabilities so as to achieve greater operational flexibility.'

ATTACHMENT 1

ITER DETAILED TECHNICAL OBJECTIVES

1. General constraints

The ITER detailed technical objectives approaches, including appropriate margins, should be compatible with the aim of maintaining the cost of the device within the limits comparable to those indicated in the final report of the ITER CDA as well as keeping its impact in long-range fusion research and development.

ITER should be designed to operate safely and to demonstrate the safety and environmental potential of fusion power.

2. Performance and testing

Plasma Performance

ITER should have a confinement capability to reach controlled ignition. The estimates of confinement capability of ITER should be based, as in the CDA procedure, on established favourable modes of operation.

ITER should:

- demonstrate controlled ignition and extended burn for a duration sufficient to achieve stationary conditions on all time scales characteristic of plasma process and plasma wall interactions, and sufficient for achieving stationary conditions for nuclear testing of blanket components. This can be fulfilled by pulses with flat-top duration in the range of 1 000s. For testing particular blanket designs, pulses of approximately 2 000s are desirable,
- aim at demonstrating steady state operation using non-inductive current drive in reactor-relevant plasmas.

Engineering performance and testing

ITER should:

- demonstrate the availability of technologies essential for a fusion reactor (such as superconducting magnets and remote maintenance),
- test components for a reactor (such as systems to exhaust power and particles from the plasma),
- test design concepts of tritium breeding blankets relevant to a reactor. The tests foreseen on modules include the demonstration of a breeding capability that would lead to tritium self-sufficiency in a reactor, the extraction of high-grade heat, and electricity generation.

3. Design requirements

The choice of parameters of the basic device should be consistent with margins that give confidence in achieving the required plasma and engineering performance. The design should be sufficiently flexible to provide access for the introduction of advanced features and new capabilities, and to allow for optimizing plasma performance during operation. The design should be confirmed by the scientific and technological database available at the end of the EDA.

An inductive pulse flat-top capability, under ignited conditions, of approximately 1 000s should be provided. In view of the ultimate goal of steady state operation. ITER should be designed to be compatible with non-inductive current drive, and the heating system required for ignition in the first phase of operation should have current drive capability.

To carry out nuclear and high heat flux component testing at conditions relevant to a fusion power reactor:

- the average neutron wall loading should be about 1 MW/m²,
- the machine should be designed to be capable of at least 1MW a/m² to carry out longer-time integral and materials tests.

It is desirable to operate at higher flux and fluence levels. Within the engineering margins, the ITER designers should examine the implications and possibilities of exploiting a wider range of operational regimes. The design of the permanent components of the machine should not preclude achieving fluence levels up to 3 MWa/m². For the second phase of operation, the design should include the capability of replacing the shield with a breeding blanket.

4. Operation requirements

The ITER operation should be divided into two phases :

- the first phase, the basic performance phase, is expected to last a decade including a few thousand hours of full DT operation. This phase should address the issues of controlled ignition, extended burn, steady state operation, and the testing of blanket modules. It is assumed that for this phase there will be an adequate supply of tritium from external sources.
- Controlled ignition experiments in ITER will address confinement, stability and impurity control in alpha particle heated plasmas. Extended burn experiments will address, in addition, the control of fusion power production and plasma profiles and the exhaust of helium ash.
- The aim of current drive experiments in this phase should be the demonstration of steady state operation in plasmas having alpha particle heating power at least comparable to the externally applied power. Using the heating systems in their current drive mode, non-inductive current drive should be implemented for profile and burn control, for achieving modes of improved confinement, and for assessing the conditions and power requirements for the above type of steady state operation. Depending on the outcome of these experiments, additional current drive power may have to be installed.
- Functional tests of blanket modules in this phase should consist of a few thousand hours of integral burn time, in parallel with the physics programme, including continuous test campaigns of three to six days at a neutron wall loading of about 1MW/m^2 .
- the second phase, enhanced performance phase, is also expected to last a decade, with emphasis placed on improving overall performance and carrying out a higher fluence component and materials testing programme. This phase should address high availability operation and advanced modes of plasma operation, and may address reactor-relevant blanket segment demonstration. Operation during this phase should include continuous testing campaigns lasting one to two weeks, and should accumulate a fluence of at least 1MWa/m^2 .

A decision on incorporating breeding for this phase should be decided on the basis of the availability of tritium from external sources, the results of breeder blanket testing, and experience with plasma and machine performance.

The implementation of the enhanced performance phase should be made following a review of the results from the basic performance phase and an assessment of the relative value of the proposed elements of the programme.

*ATTACHMENT 2***GUIDELINES FOR IMPLEMENTATION OF TASK ASSIGNMENTS****A. Approval and revision of task agreements**

1. Each task agreement exceeding 300 IUA in value shall be concluded only after the task with its technical description and assignment to a Party has been approved by the ITER Council.
2. Task Agreements equal to or below 300 IUA in value may be concluded directly between the Director and the Home Team Leader concerned. The Director shall promptly inform the other three Home Team Leaders of such task agreements.
3. The total value of task agreements equal to or below 300 IUA assigned by the mechanism established in paragraph 2 above should not exceed 3 000 IUA in any period between meetings of MAC.
4. Revisions to task agreements to incorporate minor technical changes within the scope of work already approved by the Council may be implemented upon agreement of the Director and the affected Home Team Leader. Task scope changes up to a limit of approximately 300 IUA or 20 %, whichever is smaller, per task may also be implemented upon agreement of the Director and the Home Team Leader. Tasks concerning work whose results are no longer required may be terminated by mutual consent of the Director and the Home Team Leader affected ; the ITER credit for such tasks must be revised appropriately. All revisions other than 1. minor technical changes, 2. scope changes less than or equal to 300 IUA and 3. termination as defined above must be approved by the Council through procedures defined in the agreement for new task assignments ; in these cases, the Director shall adjust the ITER credit as appropriate.
5. All revisions or task agreements not requiring Council approval must be reported to the Council.

B. Task identification, definition and valuation

In identifying and defining tasks, the following guidelines shall apply :

1. While acting in close interaction with the Home Team Leaders to identify tasks, the Director shall also establish the ITER credits that the Parties undertaking the tasks would receive. This interaction should, as far as possible, lead to a common understanding on feasible, effective approaches to identification and definition and the valuation of the tasks.
2. Before the list of these tasks is sent to the Home Team Leaders for formal response, the Director should inform the Home Team Leaders of the list of tasks together with the credits the Party undertaking each of the tasks would obtain ; any Party with an interest in performing a task should rapidly inform the Director so that if more than one Party expresses such an interest, the Director shall, in close interaction with Home Team Leaders, identify how these interests could best be taken into account, either through splitting into smaller tasks, parallel efforts or joint efforts.
3. Within two months after receipt from the Director of the list and technical description of tasks, each Party shall for those tasks in which it has an interest, make a formal response providing the following information :
 - (a) a description of its capability to meet the specifications and schedules as well as the availability of necessary resources, facilities and know-how ;
 - (b) an identification of where the work would be performed ; however, where it is not possible to provide such information due to the iterative nature of a Party's contracting procedures, the Party shall give the Director an indication of the type of performing institutions likely to be involved with final notification immediately upon selection of the performing institutions ;
 - (c) an evaluation of the technical risk and, in case of high technical risk, possible suggestions for parallel efforts.
4. On the basis of the above information and of the guiding principles set out in Annex B, 1 (C) to the Agreement and these guidelines, the Director shall propose in the work programme to be submitted periodically by the Director to the Council pursuant to Article 11 of the Agreement, the assignment of tasks to each of the Home Teams.

5. In concluding particular task agreements, consideration will be given by the Director to including in the ITER credit the relevant work that pertains to those tasks and was initiated by the Party after the signature of the ITER EDA Agreement and Protocol 1.
6. Within each task system area, there should be a reasonable balance of tasks shared among the Parties. In assessing this balance, the qualitative characteristics of the tasks to be assigned, e.g. the nature of test facilities and the level of technology, should be taken into account.
7. Where no Party expresses an interest in performing a particular task, the Director shall, through close interaction with the Home Team Leaders, attempt to interest at least one of the Parties. If the Director fails to interest one of the Parties, he may appeal to the ITER Council, in accordance with Article 21 (1).
8. For some individual tasks, parallel efforts by more than one Party may be justified because of high perceived technical risk or uncertainty, which could involve staged assignments.
9. The ITER Director shall, in close interaction with the Home Team Leaders, ensure that the disaggregation of work into tasks covered by task agreements does not exceed what is necessary to ensure an efficient execution of the work, bearing in mind the need to ensure a reasonable sharing of the work between the parties. Each task agreement shall describe a reasonable, coherent, self-contained scope of work with well defined interfaces.
10. The distribution of design work between the JCT and the Home Teams should, in general, respect the principle that the JCT should perform only that work which can be more appropriately performed by a central team. The total ITER credit for design tasks assigned to the Home Teams is understood to be the equivalent of about 500 professional-person years.

C. Selection criteria

1. Expressions of interest to perform a task should be considered for selection only if they document the capability to meet the specifications and schedules as well as the availability of necessary facilities and know-how.

Before rejecting any expression of interest on the grounds that the technical requirements are not satisfied, the ITER Director shall inform the relevant Home Team Leader, who for a short period will be given the opportunity to revise the Party's proposal.

2. The selection from among those expressions of interest that meet these technical requirements shall be based primarily on :
 - (a) technical experience and capability of the proposed implementing institutions ;
 - (b) technical risk of the proposed approach ; and
 - (c) demonstrated understanding of the technical and managerial requirements.

Other factors, such as the need to maintain a reasonable balance of tasks in a task system area, the priorities assigned by the Parties to the work, or the quality of the proposed approach, should be taken into account as appropriate.

D. Role of MAC

MAC shall meet as frequently as necessary to ensure that the Director's proposals are acted upon quickly between Council meetings. Electronic and other communications should be used to ensure rapid approval by the Council of MAC's unanimous recommendations ; other cases require Council approval according to the normal Council of Procedure.

E. Inadequate performance by a Party on design and R&D tasks

1. Inadequate performance by a Party on a task assigned to it is defined as the Home Team's inability to make adequate progress toward completing the task as specified in the task agreement or the Home Team's inability to achieve an adequate standard of design or workmanship in performing the task.

Each task agreement should contain a standard article describing the broad principles concerning inadequate performance contained herein.

2. When a Home Team Leader becomes aware of the possibility of inadequate performance on a task assigned to his Party, he shall immediately notify the Director.

3. If the Director considers there to be a likelihood of inadequate performance on a task, the Director shall issue a formal 'notice of inadequate performance' to the Home Team leader concerned specifying :

— why the Director considers the might be inadequate performance on the task ;

and

— a reasonable period within which the Home Team concerned should demonstrate, to the Director's satisfaction, that adequate performance can be achieved.

For tasks assigned to the Parties whose credit is equal to or below 300 IUA, the Director may then proceed directly to reassign the task to another Party.

4. For tasks whose credit exceeds 300 IUA, a copy of the formal notice of inadequate performance shall be sent to the Council for information.

If, at the end of the period specified in the notice, adequate performance cannot be demonstrated, the Director shall make a proposal concerning the future of the task to the Council.

5. When the Director, having followed the procedure in point 4, proposes to reassign part or all of a task to another Party, his proposal to the Council shall identify the following :

— the work to be reassigned, and its relationship to the original task,

— the Party to whom the work will be reassigned,

— the number of ITER credits to be reassigned,

— the information and hardware and equipment to be provided by the inadequate performing Party relative to the work completed ; business confidential information that had already been provided to the JCT with an obligation concerning its confidentiality shall be provided to the Party taking over the task ; business confidential information that had not been provided to the JCT need not be transferred to the Party taking over the task.

6. Where a task has been reassigned or cancelled in whole or in part following inadequate performance, the Director shall make every effort to assign remaining ITER task in a manner that maintains the principle of approximately equal sharing of tasks as defined in Annex B. In doing so, no work will be withdrawn from a Party performing that work satisfactorily.

F. Reuse of facilities and other assets resulting from a completed task agreement

In his call to the Parties for expressions of interest in a task, the Director shall include, when appropriate, an element dealing with any reuse for the facilities and other assets resulting from completion of such a task agreement within the EDA period. Any specific Article within the task agreement shall be negotiated by the Director and the Home Team Leader(s) concerned.

Terminology

The following definitions are used in the development of the guidelines for the implementation of task assignments.

Task : that work which is performed by the Joint Central Team (JCT) or a Home Team. A task which is assigned to a Home Team is the subject of a task agreement, of which there may be hundreds. A task assigned to one Home Team may involve other Home Teams.

Task system area : a group of tasks that comprise a natural ITER system, of which there may be ten(s).

Task assignment : the process by which tasks are assigned to each of the Home Teams and the JCT.

Task agreement : the agreement document that contains the technical description of the task, the results of the task assignment process, and the terms and conditions of its execution.

Staged assignment : an approach to assigning those tasks whose technical complexity or risk warrants a step-by-step assignment process in which conceptualizing, designing, developing, and testing (or other steps) may be successively assigned either to the same party or multiple parties or to a narrowing set of parties in which case the initial tasks involve multiple parties but subsequent tasks are refined to involve fewer parties.

Design tasks : those tasks needed to carry out the design (both engineering and physics design) activities to be assigned to both the JCT and Home Teams, and whose cost estimate was included within the estimated US \$ 250 million in January 1989 for design work in the final report of the ITER conceptual design activities (CDA).

Technology R&D tasks : those tasks supporting the design which include the Basic Technology R&D and the Specific Engineering R&D as defined in the abovementioned Final Report and whose total cost was estimated to be about US \$ 750 million in January 1989 (US \$ 400 and 350 million respectively) in that Report.

Work programme : introduced in Article 11, the work programme is understood to be an evolving document receiving regular refinement throughout the EDA.

ITER credits : the value in ITER units of account (IUA) (equivalent to US \$ 1 000 at January 1989 values) attributed to a particular design or technology R&D task by the ITER Director at the time the task is sent to the Home Team Leaders with a request for expressions of interest. The only corrections to this value will be those related to changes in the scope of the task. The sum of all such credits should be comparable with the estimates in the final report of the CDA.

ATTACHMENT 3

GUIDELINES FOR SECONDMENT AGREEMENTS

- (a) The seconded personnel shall remain employees of their existing employers and the contract of employment between the seconded personnel and its employer shall subsist during the secondment. The employer shall continue to pay its seconded personnel their salaries and other related expenditure such as social charges, allowances, fees and cost reimbursement according to the legislation and rules applicable to the employer ;
 - (b) the employer shall ensure that accident insurance and other insurance in favor of the seconded person which exist by virtue of the conditions of employment remain valid during the secondment to the Joint Central Team. The employer will immediately inform its responsible departments and its insurers of the secondment. If an existing insurance protection of the seconded person is affected, the employer will be responsible for re-establishing an equivalent insurance protection ;
 - (c) during the secondment, the leave regulations of the employer will be valid and shall be communicated to the Director. The timing and duration of leave during the secondment shall be arranged with the Director who shall notify the employer. In accordance with paragraph (b), the regulations of the existing employer in regard to sick leave shall remain valid during the period of the secondment ; and
 - (d) the employer of the seconded personnel shall, with regard to the careers of its seconded personnel, give due consideration to the performance of these seconded personnel during their secondment to the Joint Central Team.
-

ATTACHMENT 4

OUTLINE DESIGN

The Council took note of the TAC report on the outline design and, by endorsing a recommendation made by TAC, considered that the outline design report constitutes an acceptable basis for consideration by the Parties to proceed toward the conclusion of Protocol 2, although it is recognized that the detailed technical design will have to involve in order to address the concerns that have been identified by TAC.

Consequently, the Council asks the Director to address each of the recommendations on the outline design in the TAC report.

In particular, as recommended by the TAC, the Council requests the Director and JCT to conduct a sensitivity analysis to determine the optimum way to achieve a reduction in cost while minimizing the impact on the performance margin.

ITER outline design

I. *Introduction*

This report describes the outline design for ITER developed during the first 18 months of the ITER EDA. A coherent design has been developed which satisfies with appropriate safety margins the agreed programmatic and detailed technical objectives of ITER. The estimated cost of constructing ITER for the basic technical objectives of ITER. The estimated cost of constructing ITER for the basic performance phase is within limits comparable to those indicated in the final report of the ITER CDA.

The outline design now provides a basis for the continued engineering design work, for focusing ITER research and development, and for other related activities within the scope of the ITER EDA Agreement.

II. *Programmatic and technical objectives*

The overall programmatic objective of ITER, as defined in the ITER EDA Agreement, is to demonstrate the scientific and technological feasibility of fusion energy for peaceful purposes. ITER would accomplish this by demonstrating controlled ignition and extended burn of deuterium-tritium plasmas, with steady state as an ultimate goal, by demonstrating technologies essential to a reactor in an integrated system, and by performing integrated testing of the high-heat-flux and nuclear components required to utilize fusion energy for practical purposes.

Detailed technical objectives along with the technical approaches to determine the best practicable way to achieve the programmatic objective of ITER have been adopted by the ITER Council, under the terms of Protocol 1 of the ITER EDA Agreement.

The main characteristics and parameters of the outline design for ITER follow from the agreed programmatic and detailed technical objectives. The statement of detailed technical objectives establishes two phases of operation as necessary to meet the programmatic objective, the basic performance phase and an enhanced performance phase. The outline design provides the design for basic performance and allows for a future incorporation of features which could be needed to achieve the objectives of the enhanced Performance Phase.

The size, configuration and performance of the plasma in the outline design are set to meet the objective of demonstrating controlled ignition providing and inductive pulse flak-top capacity, under ignited conditions, of approximately 1000s. The characteristics of the in-vessel components and the overall scale of the Tokamak follow from this objective and from the design objectives set for carrying out nuclear and high-heat-flux component tests at conditions relevant to a fusion power reactor.

The outline design incorporates safety and technical margins consistent with this major step in fusion development.

III. *Main elements of the outline design*

III.1. *Principal parameters*

The principal parameters of the outline design for ITER are listed in Table 1:

Table 1:

Principal parameters of the ITER outline design

Fusion power (nominal)	1,5 GW
Burn time (nominal)	1 000 seconds
Plasma current	24 MA
Major radius (nominal) (*)	7,7 m
Plasma minor radius (maximum)	3,0 m
Elongation	1,6
Divertor configuration	Single null X
Toroidal field (at nominal major radius)	6 Tesla
Toroidal field ripple at plasma edge (maximum)	$\pm 2 \%$

(*) The nominal major radius is the barycenter of the standard plasma configuration.

The main features of the outline design are shown in cross section and in 3-D in figures 1 and 2.

III.2. Physics basis

Physics studies of the core of the plasma, based on statistical analysis and scalings of experimental results from leading fusion devices, indicating that the outline design provides good assurance of sustained and controlled ignition under a range of conditions and operating scenarios. The ignition domain is resilient to the key areas of physics uncertainties — achievable plasma confinement, plasma impurity levels and thermal helium removal. The overall machine parameters are set at the minimum size necessary to provide reasonable safety margins and to avoid the risk of harm from instabilities or disruptions.

III.3. Superconducting coils and mechanical structure

The ITER objectives dictate the use in ITER of superconducting magnet technology. The design of the overall magnet system is integrated with that of the mechanical structure in order to minimize stress under the planned operating conditions. The system comprises 24 toroidal field coils, a central solenoid and six external poloidal field coils. The toroidal coils are bucked on the central solenoid in order to provide the maximum volt second capability and a balance of electromechanical forces. The toroidal field coils are layer wound allowing for structural stiffness to be provided by steel shear plates between each conductor layer. The central solenoid is also layer wound with a thick-walled conductor which provides the necessary structural strength. The poloidal coil system is flexible enough to accommodate a wide variety of plasma configuration which could be of interest in the enhanced performance phase.

III.4. Vacuum vessel

The vacuum vessel is a double wall structure fabricated from 24 toroidally continuous segments, welded between posts and filled with metal balls and coolant. It also acts as a shielding component and containment structure. Access ports are provided at three levels, upper (for shield-blanket installation and replacement) equatorial (for heating and current drive, blanket module testing, remote handling and diagnostics), and lower (for divertor operations, pumping).

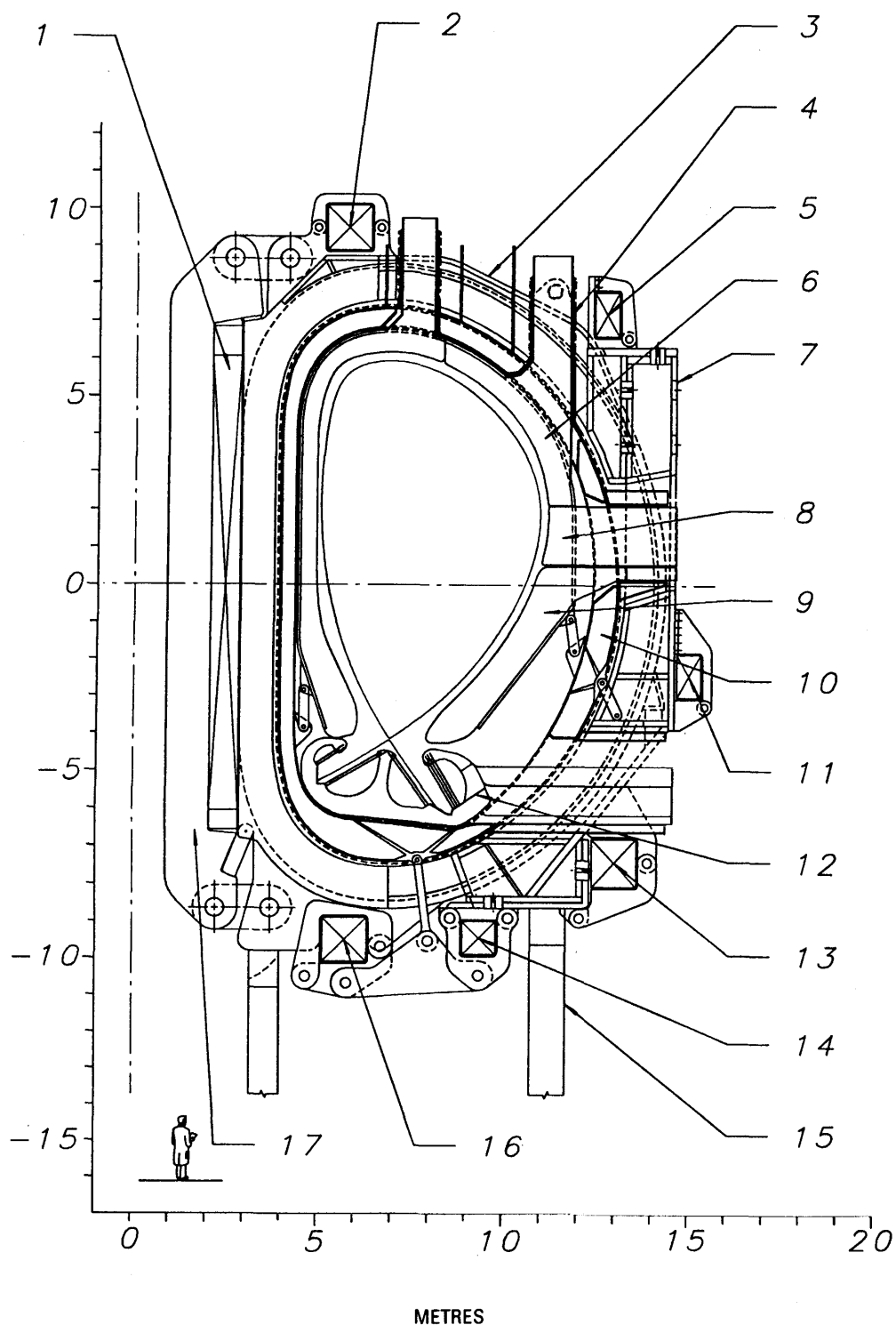
III.5. First wall and shield-blanket

The first wall forms a part of a low temperature (200 °C), water-cooled shield-blanket using conventional structural materials. The principal material is stainless steel; copper is used for the high-heat-flux surfaces so as to ensure good safety margins at the reference wall loading for the basic performance phase. The shield-blanket is divided into separate inboard and outboard components and subdivided toroidally to allow installation and replacement through the upper access ports. The first wall is coated with low-Z-material.

The test blanket modules are installed through the outer port. They are operated separately from the shield-blanket and could be removed independently.

Provision is made in the outline design for a future incorporation of a breeding blanket which could be needed to meet the objectives of the enhanced performance phase. The shield and blanket are both self supporting, independent components.

Figure 1

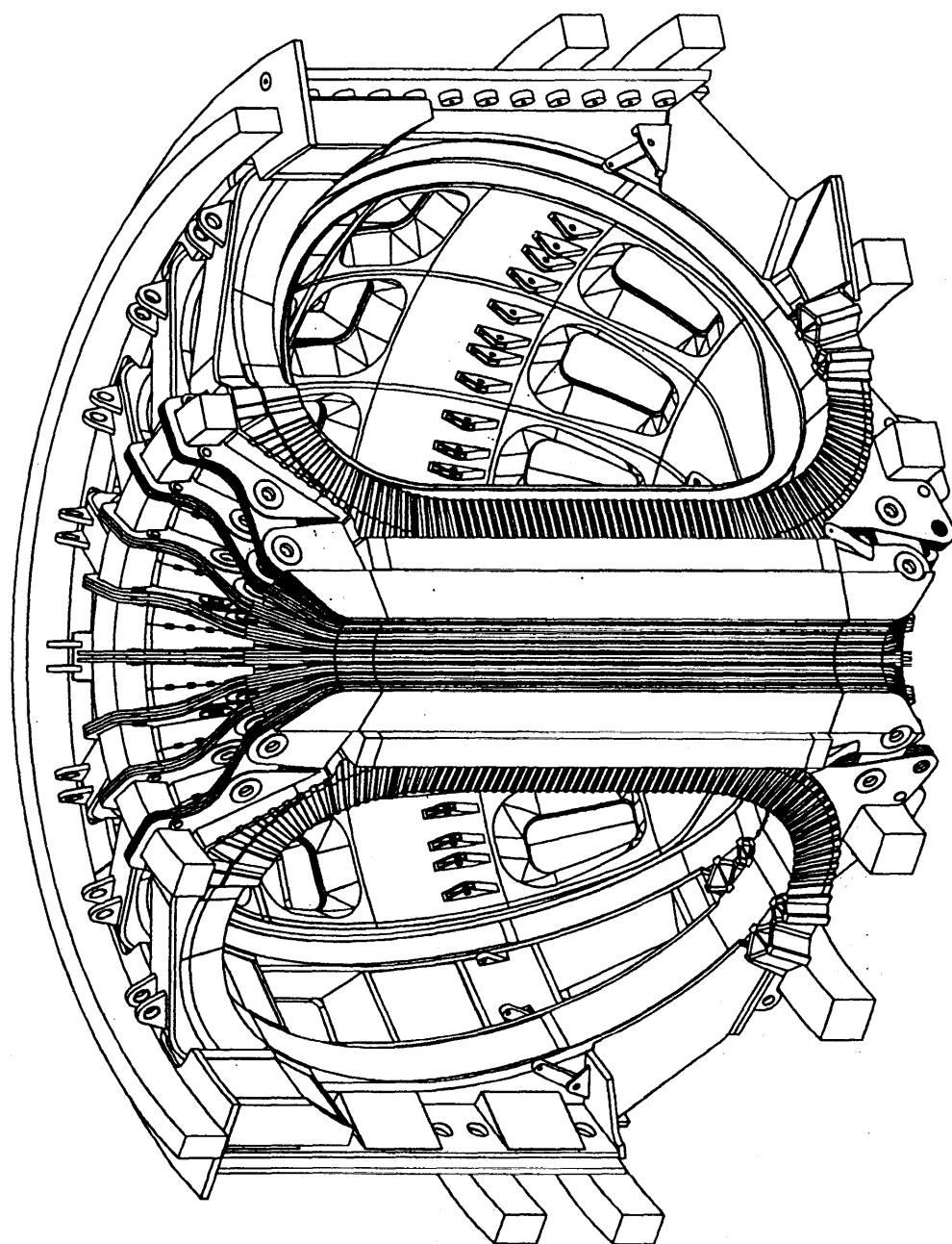


METRES

1. Central solenoid CS
2. Poloidal field coil PF2
3. Toroidal field coil
4. Upper port closeout
5. Poloidal field coil PF3
6. Shield
7. Mechanical structure
8. Removable shield for R.H. access
9. Removable shield module

10. Vacuum vessel
11. Poloidal field coil PF4
12. Divertor
13. Poloidal field coil PF5
14. Poloidal field coil PF6
15. Machine support structure
16. Poloidal field coil PF7
17. Bucking cylinder

Figure 2



III.6. Divertor

The outline design incorporates an advanced divertor concept in which power is transferred from the plasma edge to the walls of the divertor chamber before it reaches the divertor plates. The divertor comprises a modular structure with each module containing a cooled array of baffles to intercept the power. The coolant used is compatible with that of shielding blanket.

III.7. Heating and current drive

About 50 MW of additional heating is provided in the outline design. The design is based on ion cyclotron frequency waves but is compatible with other forms of heating and current-drive such as electron cyclotron waves and neutral beam injection. ICRF design is such that the antenna is able to launch a travelling wave (fast wave) with current drive capability. The total power could be increased up to 100 MW or more without changing the antenna.

III.8. Cryostat

The cryostat is a filled, double-walled steel structure which acts also as a shielding component and containment structure.

III.9. Safety and environment

The ITER experimental device will be the first fusion facility integrating major elements of a thermonuclear reactor. ITER is designed to operate safely and to demonstrate the safety and environmental potential of fusion power. Specific features of the outline design include:

- fast fuel recycling to minimize tritium inventory,
- several barriers of confinement for radioactive materials including the shield-blanket, the vacuum vessel and the cryostat,
- incorporation of technical and physics margins.

Analysis to date shows that the the outline design is consistent with the anticipated regulatory limits for routine as well as accidental exposure to the public.

IV. Estimated costs of construction

On the basis of work done to date, the costs of constructing ITER according to the outline design are estimated at US \$ 5,6 billion (January 1989 values). A preliminary cost breakdown in main components are listed in Table 2.

Table 2:

ITER outline design — estimated costs of construction

<i>in million US \$ (January 1989 values)</i>	
Superconducting magnet systems	1 733
Vacuum vessel, blanket, divertor	495
Cryostat, cryoplant, vacuum and heat transport	580
Heating, fuelling, power supply and other plant	799
Buildings and structures	590
Assembly equipment and assembly	470
<i>Sub-total</i>	<i>4 667</i>
Contingency (20 %)	933
Total	5 600

The cost estimate is based on the specific features of the design which meets the technical objectives of the basic performance phase and does not include the ITER team. The estimates are indicative at this early stage of the project and will be updated as the work of the EDA proceeds. Firm cost data can only be determined when the detailed design, including industrial cost estimates, is complete.

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 861/94 of 15 April 1994 on the supply of vegetable oil as food aid**

(Official Journal of the European Communities No L 99 of 19 April 1994)

On page 25, in Annex II, lot E, under :

- column 'Partial quantities (in tonnes)' :
after 'E2 : 30', add 'E3 : 30',
 - column 'Opération No' :
after '108/94', add '109/94',
 - column 'Country of destination' :
after 'Algérie', add 'Algérie'.
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