

Official Journal

of the European Communities

ISSN 0378-6978

L 182

Volume 37

16 July 1994

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1733/94

of 11 July 1994

prohibiting the satisfying of claims with regard to contracts and transactions the performance of which was affected by the United Nations Security Council Resolution 757(1992) and related resolutions

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 228a thereof,

Having regard to the proposal from the Commission,

Having regard to Council Decision 94/366/PESC of 13 June 1994 on the common position defined by the Council on the basis of Article J.2 of the Treaty on European Union concerning prohibition of the satisfaction of the claims referred to in paragraph 9 of United Nations Security Council Resolution No 757(1992)⁽¹⁾,

Whereas, under Regulations (EEC) No 1432/92⁽²⁾, (EEC) No 2656/92⁽³⁾ and (EEC) No 990/93⁽⁴⁾, the Community has taken measures to prevent trade between the Community and the Federal Republic of Yugoslavia (Serbia and Montenegro);

Whereas, as a consequence of the embargo against the Federal Republic of Yugoslavia (Serbia and Montenegro), economic operators in the Community and third countries are exposed to the risk of claims by the Federal Republic of Yugoslavia (Serbia and Montenegro);

Whereas the United Nations Security Council has adopted Resolution 757(1992) of 30 May 1992 which, in its paragraph 9, deals with claims by the Federal Republic of Yugoslavia (Serbia and Montenegro) in relation to contracts and transactions the performance of which was affected by measures imposed by the Security Council pursuant to Resolution 757(1992) and related resolutions;

Whereas it is necessary to protect operators permanently against such claims and to prevent the Federal Republic

of Yugoslavia (Serbia and Montenegro) from obtaining compensation for the negative effects of the embargo,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation:

1. 'contract or transaction' means any transaction of whatever form and whatever the applicable law, whether comprising one or more contracts or similar obligations made between the same or different parties; for this purpose 'contract' includes a bond, financial guarantee and indemnity or credit whether legally independent or not and any related provision arising under or in connection with the transaction;
2. 'claim' means any claim, whether asserted by legal proceedings or not, made before or after the date of entry into force of this Regulation, under or in connection with a contract or transaction, and in particular includes:
 - (a) a claim for performance of any obligation arising under or in connection with a contract or transaction;
 - (b) a claim for extension or payment of a bond, financial guarantee or indemnity of whatever form;
 - (c) a claim for compensation in respect of a contract or transaction;
 - (d) a counterclaim;
 - (e) a claim for the recognition or enforcement, including by the procedure of exequatur, of a judgment, an arbitration award or an equivalent decision wherever made or given;

⁽¹⁾ OJ No L 165, 1. 7. 1994, p. 1.

⁽²⁾ OJ No L 151, 3. 6. 1992, p. 1, Regulation repealed by Regulation (EEC) No 990/93 (OJ No L 102, 28. 4. 1993, p. 14).

⁽³⁾ OJ No L 266, 12. 9. 1992, p. 27, Regulation repealed by Regulation (EEC) No 990/93 (OJ No L 102, 28. 4. 1993, p. 14).

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

3. 'measures decided on pursuant to United Nations Security Council Resolution 757(1992) and related resolutions' means measures of the United Nations Security Council or measures introduced by the European Communities or any State, country or international organization in conformity with, as required by, or in connection with the implementation of relevant decisions of the United Nations Security Council, or any action including any military action, authorized by the United Nations Security Council, in respect of the embargo of the Federal Republic of Yugoslavia (Serbia and Montenegro);

4. 'person or body in the Federal Republic of Yugoslavia (Serbia and Montenegro)' means:

- (a) the state of the Federal Republic of Yugoslavia (Serbia and Montenegro) or any public authority thereof;
- (b) any person in, or resident in the Federal Republic of Yugoslavia (Serbia and Montenegro);
- (c) any body having its registered office or headquarters in the Federal Republic of Yugoslavia (Serbia and Montenegro);
- (d) any body controlled directly or indirectly by one or more of the abovementioned persons or bodies.

Without prejudice to Article 2, performance of a contract or transaction shall also be regarded as having been affected by the measures decided on pursuant to United Nations Security Council Resolution 757(1992) and related resolutions where the existence or content of the claim results directly or indirectly from those measures.

Article 2

1. It shall be prohibited to satisfy or to take any step to satisfy a claim made by:

- (a) a person or body in the Federal Republic of Yugoslavia (Serbia and Montenegro) or acting through a person or body in the Federal Republic of Yugoslavia (Serbia and Montenegro);
- (b) any person or body acting, directly or indirectly, on behalf of or for the benefit of one or more persons or bodies in the Federal Republic of Yugoslavia (Serbia and Montenegro);
- (c) any person or body taking advantage of a transfer or rights of, or otherwise claiming through or under, one or more persons or bodies in the Federal Republic of Yugoslavia (Serbia and Montenegro);

(d) any other person or body referred to in paragraph 9 of United Nations Security Council Resolution 757(1992);

(e) any person or body making a claim arising from or in connection with the payment of a bond or financial guarantee or indemnity to one or more of the abovementioned persons or bodies,

under or in connection with a contract or transaction the performance of which was affected, directly or indirectly, wholly or in part, by the measures decided on pursuant to United Nations Security Council Resolution 757(1992) and related resolutions.

2. This prohibition shall apply within the Community and to any national of a Member State and any body which is incorporated or constituted under the law of a Member State.

Article 3

Without prejudice to the measures decided on pursuant to United Nations Security Council Resolution 757(1992) and related resolutions, Article 2 shall not apply:

- (a) to claims relating to contracts or transactions, with the exception of any bond, financial guarantee or indemnity, in respect of which the persons or bodies referred to in the said Article prove to a court in a Member State that the claim was accepted by the parties prior to the adoption of the measures decided on pursuant to United Nations Security Council Resolution 757(1992) and related resolutions, and that those measures have had no effect on the existence or content of the claim;
- (b) to claims for payment under an insurance contract in respect of an event occurring prior to the adoption of the measures referred to in Article 2 or under an insurance contract where such insurance is compulsory under the law of a Member State;
- (c) to claims for payment of sums paid into an account payment from which was blocked pursuant to the measures referred to in Article 2 provided that such payment does not concern sums paid under bonds in respect of contracts referred to in the said Article;
- (d) to claims relating to contracts of employment subject to the law of any Member State;
- (e) to claims for payment for goods which the persons or bodies referred to in Article 2 prove to a court in a Member State were exported prior to the adoption of the measures decided on pursuant to United Nations Security Council Resolution 757(1992) and related resolutions and that those measures have had no effect on the existence or content of the claim;

(f) to claims for sums which the persons or bodies referred to in Article 2 prove to a court in a Member State are due under any loan made prior to the adoption of the measures decided on pursuant to United Nations Security Council Resolution 757(1992) and related resolutions and that those measures have had no effect on the existence or content of the claim,

provided that the claim includes no amount, by way of interest, charge or otherwise, to compensate for the fact that performance was, as a result of those measures, not made in accordance with the terms of the relevant contract or transaction.

Article 4

In any proceedings for the enforcement of a claim, the onus of proving that satisfying the claim is not prohibited

by Article 2 shall be on the person seeking the enforcement of that claim.

Article 5

Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed.

Article 6

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

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

Done at Brussels, 11 July 1994.

For the Council

The President

Th. WAIGEL

COUNCIL REGULATION (EC) No 1734/94

of 11 July 1994

on financial and technical cooperation with the Occupied Territories

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130w thereof,

Having regard to the proposal from the Commission,

Acting in accordance with the procedure referred to in Article 189c of the Treaty (⁽¹⁾),

Whereas, having regard to the greater requirements that will be generated in the territories of the West Bank of the Jordan and the Gaza Strip, hereinafter referred to as the 'Occupied Territories', as a result of recent developments in the Middle East peace process, new measures in the form of economic and social cooperation should be implemented in the said Territories in order to foster sustainable economic and social development, taking account of the experience acquired by the Community as a major provider of aid to the Palestinian people;

Whereas to this end there should be a five-year programme (1994 to 1998); whereas this programme should be implemented with financing from the Community budget in the form of grants;

Whereas it is necessary to lay down the detailed arrangements and rules for administering the operations financed from the budget,

HAS ADOPTED THIS REGULATION:

Article 1

The Community shall implement financial and technical cooperation with the Occupied Territories under a five-year programme (1994 to 1998) with the aim of aiding their sustainable economic and social development.

Article 2

1. The priority areas for projects and measures implemented under the programme referred to in Article 1 shall be:

infrastructure, production, urban and rural development, education, health, the environment, services, foreign trade, the setting-up and improvement of institutions necessary

for the proper working of the public administration and the advancement of democracy and human rights.

2. Community aid may be given for investment projects, feasibility studies, technical assistance and training.

3. Community financing for projects and operations covered by this Regulation shall be in the form of grants.

4. In order to ensure consistency of cooperation and to improve complementarity between operations, Member States, the Commission and the European Investment Bank, hereafter referred to as the 'Bank' shall exchange any relevant information on financing that they envisage granting.

Possibilities for co-financing shall be sought when information is exchanged.

5. Member States, the Commission and the Bank shall also communicate, within the framework of the Committee referred to in Article 5, information in their possession on other bilateral and multilateral aid for the Occupied Territories.

6. At least once a year, the Commission and the Bank shall send the Member States the information collected from the administration of the Occupied Territories concerning the sectors and projects already known which could be supported under this Regulation.

Article 3

The aid referred to in this Regulation may be combined with the Bank financing from own resources and may be used for co-financing with Member States, non-member countries in the region, multilateral bodies or the Occupied Territories themselves. Wherever possible, the Community nature of the aid shall be preserved.

Article 4

1. Financing decisions on projects and operations under this Regulation shall be adopted in accordance with the procedure laid down in Article 5.

2. Financing decisions on overall allocations for technical cooperation, training and trade promotion shall be adopted in accordance with the procedures laid down in Article 5.

The Commission shall keep the Committee referred to in Article 5 regularly informed of the use made of these overall allocations.

(⁽¹⁾) Opinion of the European Parliament of 11 February 1994 (OJ No C 61, 28. 2. 1994). Council common position of 4 March 1994 (OJ No C 137, 19. 5. 1994, p. 85) and Decision of the European Parliament of 4 May 1994 (not yet published in the Official Journal).

3. Decisions amending decisions adopted in accordance with the procedure provided for in Article 5 shall be taken by the Commission where they do not entail any substantial amendments or additional commitments in excess of 20 % of the original commitment.

Article 5

1. The Commission shall be assisted by the MED Committee set up pursuant to Article 6 of Council Regulation (EEC) No 1762/92 of 29 June 1992 on the implementation of the Protocols on financial and technical cooperation concluded by the Community with Mediterranean non-member countries ⁽¹⁾.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of the decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee;

(b) if the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If within three months from the date on which the matter was referred to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 6

1. The Commission shall take stock of the implementation of cooperation pursuant to this Regulation and report to the European Parliament and the Council once a year.

2. The Commission shall evaluate the main projects completed in order to establish whether the objectives fixed during the appraisal of these projects have been achieved and to establish guidelines for making future aid more effective. These evaluation reports shall be sent to the Member States and to the European Parliament.

Article 7

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, 11 July 1994.

For the Council
The President
Th. WAIGEL

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 1.

COUNCIL REGULATION (EC) No 1735/94

of 11 July 1994

on financial and technical cooperation with the Occupied Territories and amending Regulation (EEC) No 1763/92 concerning financial cooperation in respect of all Mediterranean non-member countries

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130w thereof,

Having regard to the proposal from the Commission,

Acting in accordance with the procedure referred to in Article 189c of the Treaty⁽¹⁾,

Whereas Regulation (EC) No 1734/94⁽²⁾ established a programme of financial and technical cooperation with the territories of the West Bank of the Jordan and the Gaza Strip, hereinafter referred to as 'the Occupied Territories';

Whereas, with a view to promoting the economic and social development of the Occupied Territories on a sustainable basis and in view of the considerable requirements likely to be generated by recent developments in the Middle East peace process, this programme should be supplemented by additional measures, namely those

provided for in Council Regulation (EEC) No 1763/92 of 29 June 1992 concerning financial cooperation in respect of all Mediterranean non-member countries⁽³⁾;

Whereas the application of Regulation (EEC) No 1763/92 should be extended to cover the Occupied Territories,

HAS ADOPTED THIS REGULATION:

Article 1

The following sentence is added to Article 1 (2) of Regulation (EEC) No 1763/92:

'It shall also apply to the territories of the West Bank of the Jordan and the Gaza Strip, referred to as the "Occupied Territories".'

Article 2

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

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

Done at Brussels, 11 July 1994.

*For the Council**The President*

Th. WAIGEL

⁽¹⁾ Opinion of the European Parliament of 11 February 1994 (OJ No C 61, 28. 2. 1994), Council common position of 4 March 1994 (OJ No C 137, 19. 5. 1994, p. 89) and Decision of the European Parliament of 4 May 1994 (not yet published in the Official Journal).

⁽²⁾ See page 4 of this Official Journal.

⁽³⁾ OJ No L 181, 1. 7. 1992, p. 5.

COMMISSION REGULATION (EC) No 1736/94

of 14 July 1994

ending the charges against the reference bases opened from 1 January 1994 to 30 June 1994, in the framework of generalized tariff preferences, by Council Regulation (EEC) No 3831/90 in respect of certain industrial products originating in China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3831/90 of 20 December 1990 ⁽¹⁾ applying generalized tariff preferences for 1991 in respect of certain industrial products originating in developing countries, extended for 1994 by Regulation (EC) No 3668/93 ⁽²⁾, and in particular Article 9 thereof,

Whereas, pursuant to Article 1 of Regulation (EEC) No 3831/90, customs duties on certain products originating in each of the countries or territories listed in Annex III are totally suspended from 1 January 1994 to 30 June 1994, and the products as such are, as a general rule, subject to statistical surveillance every three months on the reference base referred to in Article 8;

Whereas, as provided for in Article 8, where the increase of preferential imports of these products, originating in one or more beneficiary countries, threatens to cause economic difficulties in a region of the Community, the levying of customs duties may be reintroduced, once the Commission has had an appropriate exchange of informa-

tion with the Member States; whereas for this purpose the reference base to be considered is equal, as a general rule, to 6,615 % of the total importations into the Community, originating from third countries in 1988;

Whereas, in the case of the products of the CN codes indicated in the table and originating in China, the reference base is fixed at the level indicated in that table:

(in ecus)

CN code	Reference base
2907 15 00	694 000
8544	9 972 500

Whereas that reference base was reached on 31 March 1994 by charges of imports into the Community of the products in question originating in China; whereas the exchange of information organized by the Commission has demonstrated that continuance of the preference threatens to cause economic difficulties in a region of the Community; whereas, therefore, customs duties must be reintroduced for the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities charged against the reference bases opened from 1 January 1994 to 30 June 1994 by Regulation (EEC) No 3831/90 relating to the products originating in China and indicated in the table, shall cease to be allowed from 19 July 1994:

CN code	Description
2907 15 00	— — Naphthols and their salts
8544	Insulated (including enamelled or anodized) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fibre cables, made up of individually sheathed fibres, whether or not assembled with electric conductors or fitted with connectors:
	— Winding wire:
8544 11	— — Of copper:
8544 11 10	— — — Lacquered or enamelled
8544 11 90	— — — Other

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 22.

CN code	Description
8544 19	— — Other :
8544 19 10	— — — Lacquered or enamelled
8544 19 90	— — — Other
8544 20 00	— Coaxial cable and other coaxial electric conductors
8544 30	— Ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships :
8544 30 10	— — For use in civil aircraft
8544 30 90	— — Other
	— Other electric conductors, for a voltage not exceeding 80 V :
8544 41	— — Fitted with connectors :
8544 41 10	— — — Of a kind used for telecommunications
8544 41 90	— — — Other
8544 49	— — Other :
8544 49 20	— — — Of a kind used for telecommunications
8544 49 80	— — — Other
	— Other electric conductors, for a voltage exceeding 80 V but not exceeding 1 000 V :
8544 51 00	— — Fitted with connectors
8544 59	— — Other :
8544 59 10	— — — Wire and cables, with individual conductor wires of a diameter exceeding 0,51 mm
	— — — Other :
8544 59 20	— — — — For a voltage of 1 000 V
8544 59 80	— — — — For a voltage exceeding 80 V but less than 1 000 V
8544 60	— Other electric conductors, for a voltage exceeding 1 000 V :
8544 60 10	— — With copper conductors
8544 60 90	— — With other conductors
8544 70 00	— Optical fibre cables

Article 2

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

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

Done at Brussels, 14 July 1994.

For the Commission
 Christiane SCRIVENER
Member of the Commission

COMMISSION REGULATION (EC) No 1737/94

of 15 July 1994

amending Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and the Common Customs Tariff and Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 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 11 and Article 13 (6) thereof,

Whereas it has recently been detected that certain cereal products falling within CN code 1104 in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and the Common Customs Tariff⁽³⁾, as last amended by Commission Regulation (EC) No 1641/94⁽⁴⁾, for example clipped oats and lightly heat-treated cereals, cannot be properly classified by the competent authorities; whereas to remedy that situation the subdivisions of CN code 1104 should be amended accordingly;

Whereas in Commission Regulation (EEC) No 3846/87 of 17 December 1987, establishing an agricultural product nomenclature for export refunds⁽⁵⁾, as last amended by

Regulation (EC) No 1622/94⁽⁶⁾, the classification of maize (corn) flour falling within product codes 1102 20 10 100, 1102 20 10 300 and 1102 20 90 100 is made on the basis of fat content, referred to dry matter; whereas for the corresponding CN codes for these products namely ex 1102 20 10 and ex 1102 20 90 the classification of maize (corn) flour is made on the basis of fat content by weight; whereas for the sake of consistency these product codes in Regulation (EEC) No 3846/87 should be amended to be in agreement with the Combined Nomenclature;

Whereas footnote 3, requiring a minimum content of starch in a cereal-based compound feeding stuff to be eligible for a refund, foreseen for CN code ex 2309 10 was accidentally omitted for CN code ex 2309 90; whereas this footnote should be included; whereas in footnote 2, the reference to starch coming from cereal products is potentially confusing to the competent authorities and should therefore be deleted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The part of Annex I to Regulation (EEC) No 2658/87 relating to CN code 1104 shall be replaced by the Annex to this Regulation.

Article 2

In sector 3 of the Annex to Commission Regulation (EEC) No 3846/87, CN codes ex 1102 20 10 and ex 1102 20 90 shall be replaced by the following:

CN code	Description of goods	Product code
'ex 1102 20 10	— — Of a fat content not exceeding 1,5 % by weight: — — — Of a fat content, not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight^(*)	1102 20 10 200

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁴⁾ OJ No L 172, 7. 7. 1994, p. 12.

⁽⁵⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁶⁾ OJ No L 170, 5. 7. 1994, p. 24.

CN code	Description of goods	Product code
ex 1102 20 90	— — — Of a fat content, exceeding 1,3 % but not exceeding 1,5 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight (*)	1102 20 10 400
	— — Other : — — — Of a fat content, exceeding 1,5 % but not exceeding 1,7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight (*)	1102 20 90 200'

Article 3

In sector 5 of the Annex to Regulation (EEC) No 3846/87, CN code ex 2309 90 is replaced by the following :

CN code	Description of goods	Product code
'ex 2309 90	— Other : — — Other : — — — Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products : — — — — Containing starch, glucose syrup, maltodextrine or maltodextrine syrup : — — — — — Containing no starch or containing 10 % or less by weight of starch ⁽²⁾ ⁽³⁾ :	

Article 4

In sector 5 of the Annex to Regulation (EEC) No 3846/87 footnote 2 is replaced by the following :

⁽²⁾ Cereal products means the products falling within subheadings 0709 90 60 and 0712 90 19, Chapter 10, and heading Nos 1101, 1102, 1103 and 1104 (excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the Combined Nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the Combined Nomenclature is considered to be equal to the weight of this final products.

No refund is paid for cereals where the origin of the starch cannot be clearly established by analysis.'

Article 5

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities*.

Nevertheless, Article 1 shall apply from 1 January 1995.

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

Done at Brussels, 15 July 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

CN code	Description	Rate of duty		Supplementary unit
		Autonomous (%) or levy (AGR)	Conventional (%)	
1	2	3	4	5
1104	Cereal grains otherwise worked (for example, hulled, rolled, flaked, pearled, sliced or kibbled), except rice of heading No 1006; germ of cereals, whole, rolled, flaked or ground:			
	— Rolled or flaked grains:			
1104 11	— — Of barley:			
1104 11 10	— — — Rolled	23 (AGR)	—	—
1104 11 90	— — — Flaked	28 (AGR)	—	—
1104 12	— — Of oats:			
1104 12 10	— — — Rolled	23 (AGR)	—	—
1104 12 90	— — — Flaked	28 (AGR)	—	—
1104 19	— — Of other cereals:			
1104 19 10	— — — Of wheat	30 (AGR)	—	—
1104 19 30	— — — Of rye	25 (AGR)	—	—
1104 19 50	— — — Of maize	23 (AGR)	—	—
	— — — Other:			
1104 19 91	— — — — Flaked rice	23 (AGR)	—	—
1104 19 99	— — — — Other	23 (AGR)	—	—
	— Other worked grains (for example, hulled, pearled, sliced or kibbled):			
1104 21	— — Of barley:			
1104 21 10	— — — Hulled (shelled or husked)	23 (AGR)	—	—
1104 21 30	— — — Hulled and sliced or kibbled ('Grütze' or 'grutten')	23 (AGR)	—	—
1104 21 50	— — — Pearled	23 (AGR)	—	—
1104 21 90	— — — Not otherwise worked than kibbled	23 (AGR)	—	—
1104 21 99	— — — Other	23 (AGR)	—	—
1104 22	— — Of oats:			
1104 22 10	— — — Hulled (shelled or husked)	23 (AGR)	—	—
1104 22 30	— — — Hulled and sliced or kibbled ('Grütze' or 'grutten')	23 (AGR)	—	—
1104 22 50	— — — Pearled	23 (AGR)	—	—
1104 22 90	— — — Not otherwise worked than kibbled	23 (AGR)	—	—
1104 22 99	— — — Other	23 (AGR)	—	—
1104 23	— — Of maize (corn):			
1104 23 10	— — — Hulled (shelled or husked), whether or not sliced or kibbled	23 (AGR)	—	—
1104 23 30	— — — Pearled	23 (AGR)	—	—
1104 23 90	— — — Not otherwise worked than kibbled	23 (AGR)	—	—
1104 23 99	— — — Other	23 (AGR)	—	—
1104 29	— — Of other cereals:			
	— — — Hulled (shelled or husked), whether or not sliced or kibbled:			
1104 29 11	— — — — Of wheat	25 (AGR)	—	—
1104 29 15	— — — — Of rye	25 (AGR)	—	—
1104 29 19	— — — — Other	25 (AGR)	—	—

CN code	Description	Rate of duty		Supplementary unit
		Autonomous (%) or levy (AGR)	Conventional (%)	
1	2	3	4	5
	— — — Pearled :			
1104 29 31	— — — — Of wheat	25 (AGR)	—	—
1104 29 35	— — — — Of rye	25 (AGR)	—	—
1104 29 39	— — — — Other	25 (AGR)	—	—
	— — — Not otherwise worked than kibbled :			
1104 29 51	— — — — Of wheat	30 (AGR)	—	—
1104 29 55	— — — — Of rye	25 (AGR)	—	—
1104 29 59	— — — — Other	23 (AGR)	—	—
	— — — Other :			
1104 29 81	— — — — Of wheat	23 (AGR)	—	—
1104 29 85	— — — — Of rye	23 (AGR)	—	—
1104 29 89	— — — — Other	23 (AGR)	—	—
1104 30	— Germ of cereals, whole, rolled, flaked or ground :			
1104 30 10	— — Of wheat	30 (AGR)	—	—
1104 30 90	— — Of other cereals	30 (AGR)	—	—

COMMISSION REGULATION (EC) No 1738/94

of 15 July 1994

amending Regulation (EEC) No 2456/93 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 1096/94⁽²⁾, and in particular Article 6 (7) thereof,

Whereas Annexes V and VII to Commission Regulation (EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef⁽³⁾, as amended by Regulation (EC) No 3402/93⁽⁴⁾, lay down the provisions applicable to carcasses, half-carcasses and quarters, and specifications for intervention deboning respectively; whereas, as a result of material errors, the provisions relating to the period of refrigeration of carcasses, half-carcasses and quarters, and the specifications relating to the deboning of 'intervention brisket' cuts, should be rectified;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2456/93 is hereby amended as follows:

1. in paragraph 5 of Annex V '24 hours' is replaced by '48 hours';
2. in the first subparagraph of paragraph 2.1.3 of Annex VII, the last sentence is replaced by the following: 'Fat underlying the deckle and the sternum must be removed.'

Article 2

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

It shall apply from the second invitation to tender of July 1994.

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

Done at Brussels, 15 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 121, 12. 5. 1994, p. 9.

⁽³⁾ OJ No L 225, 4. 9. 1993, p. 4.

⁽⁴⁾ OJ No L 310, 14. 12. 1993, p. 3.

COMMISSION REGULATION (EC) No 1739/94

of 15 July 1994

amending Regulation (EC) No 3392/93 on detailed rules for the application of Council Regulation (EEC) No 1842/83 laying down general rules for the supply of milk and certain milk products at reduced prices to schoolchildren

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 230/94 ⁽²⁾, and in particular Article 26 ⁽⁴⁾ thereof,

Whereas Article 1 ⁽³⁾ of Council Regulation (EEC) No 1842/83 of 30 June 1983 laying down general rules for the supply of milk and certain milk products at reduced prices to schoolchildren ⁽³⁾, as last amended by Regulation (EEC) No 2748/93 ⁽⁴⁾, provides that the Community aid is to be established in line with the target price for milk applicable for the milk year concerned;

Whereas Council Regulation (EEC) No 2072/92 ⁽⁵⁾, as amended by Regulation (EEC) No 1561/93 ⁽⁶⁾, amends the target price for milk for the period from 1 July 1994 to 30 June 1995; whereas, as a result, the amounts of aid provided for in Article 4 ⁽¹⁾ of Commission Regulation (EC) No 3392/93 ⁽⁷⁾, as amended by Regulation (EC) No 211/94 ⁽⁸⁾, should be adjusted; whereas, nevertheless, this adjustment is without prejudice to any additional adjust-

ment as a result of a subsequent decision on the target price for milk taken by the Council;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 4 ⁽¹⁾ (a) and (b) of Regulation (EC) No 3392/93 is hereby replaced by the following:

- (a) ECU 24,50 per 100 kg for categories I and VII (whole milk products);
- (b) ECU 15,47 per 100 kg for category II (semi-skimmed milk) products⁹.

Article 2

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

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

Done at Brussels, 15 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 1.

⁽³⁾ OJ No L 183, 7. 7. 1983, p. 1.

⁽⁴⁾ OJ No L 249, 7. 10. 1993, p. 1.

⁽⁵⁾ OJ No L 215, 30. 7. 1992, p. 65.

⁽⁶⁾ OJ No L 154, 25. 6. 1993, p. 33.

⁽⁷⁾ OJ No L 306, 11. 12. 1993, p. 27.

⁽⁸⁾ OJ No L 27, 1. 2. 1994, p. 37.

COMMISSION REGULATION (EC) No 1740/94

of 15 July 1994

amending Regulations (EEC) No 1727/92 and (EEC) No 1728/92 laying down detailed rules for implementation of the specific arrangements for the supply of cereal products to the Azores and Madeira, and to the Canary Islands respectively, and establishing the forecast supply balance

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products ⁽¹⁾, as last amended by Commission Regulation (EEC) No 1974/93 ⁽²⁾, and in particular Article 10 thereof,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽³⁾, as last amended by Regulation (EEC) No 1974/93, and in particular Article 3 ⁽⁴⁾ thereof,

Whereas, pursuant to Article 2 of Regulation (EEC) No 1600/92, Commission Regulation (EEC) No 1727/92 ⁽⁵⁾, as last amended by Regulation (EC) No 1549/94 ⁽⁶⁾, establishes the forecast supply balance for cereal products for the Azores and Madeira for the 1993/94 marketing year; whereas, pending additional information to be provided by the competent authorities and in order to ensure the continuity of the specific supply arrangements, the balance provided for in Article 2 of Regulation (EEC) No 1600/92 should be adopted for a limited period of three months, on the basis of the quantities determined for the 1993/94 marketing year; whereas, as a result, the Annex to Regulation (EEC) No 1727/92 should be amended;

Whereas, pursuant to Article 2 of Regulation (EEC) No 1601/92, Commission Regulation (EEC) No 1728/92 ⁽⁶⁾, as last amended by Regulation (EC) No 1549/94, establishes the forecast supply balance for cereal products for

the Canary Islands for the 1993/94 marketing year; whereas, pending additional information to be provided by the competent authorities and in order to ensure the continuity of the specific supply arrangements, the balance provided for in Article 2 of Regulation (EEC) No 1601/92 should be adopted for a limited period of three months, on the basis of the quantities determined for the 1993/94 marketing year; whereas, as a result, the Annex to Regulation (EEC) No 1728/92 should be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1727/92 is hereby replaced by Annex I to this Regulation.

Article 2

The Annex to Regulation (EEC) No 1728/92 is hereby replaced by Annex II to this Regulation.

Article 3

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

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

Done at Brussels, 15 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.
⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.
⁽³⁾ OJ No L 173, 27. 6. 1992, p. 13.
⁽⁴⁾ OJ No L 179, 1. 7. 1992, p. 101.
⁽⁵⁾ OJ No L 166, 1. 7. 1994, p. 41.
⁽⁶⁾ OJ No L 179, 1. 7. 1992, p. 104.

ANNEX I

'ANNEX

Azores and Madeira : supply balance for cereals for July, August and September 1994

(in tonnes)

Product	Azores	Madeira
Common bread wheat	8 500	5 750
Feed wheat	—	1 000
Barley	11 500	1 250
Durum wheat	750	1 750
Maize	16 500	8 750
Malt	250	550
Total	37 500	19 050'

ANNEX II

'ANNEX

Canary Islands : supply balance for cereals for July, August and September 1994

(in tonnes)

Product	CN code	Canary Islands
Common wheat	1001 90	38 500
Durum wheat	1001 10	1 000
Barley	1003	4 750
Oats	1004	250
Maize	1005	45 000
Durum wheat meal	1103 11 10	1 075
Maize meal	1103 13	5 000
Meal of other cereals	1103 19	300
Pellets	1103 21 to 1103 29	375
Malt	1107	4 125
Total		100 375'

COMMISSION REGULATION (EC) No 1741/94**of 15 July 1994****amending Regulation (EEC) No 2225/92 on the detailed rules for the implementation of the specific arrangements for the supply of hops to Madeira**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira with regard to certain agricultural products⁽¹⁾, as last amended by Commission Regulation (EEC) No 1974/93⁽²⁾, and in particular Article 10 thereof,

Whereas Commission Regulation (EEC) No 2225/92⁽³⁾, as amended by Regulation (EEC) No 1716/93⁽⁴⁾, lays down the forecast supply balance for hops exempt from import levies when imported from third countries or eligible for Community aid; whereas the aid for these quantities should be fixed for the period 1 July 1994 to 30 June 1995;

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

Article 1

Article 1 of Regulation (EEC) No 2225/92 is replaced by the following text:

Article 1

For the purposes of Articles 2 and 3 of Regulation (EEC) No 1600/92, the forecast supply balance for hops falling within CN code 1210 and exempt from import levies when imported directly into Madeira from third countries or eligible for Community aid is hereby fixed at 10 tonnes for the period 1 July 1994 to 30 June 1995.'

Article 2

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

It shall apply from 1 July 1994.

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

Done at Brussels, 15 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 218, 1. 8. 1992, p. 91.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 101.

COMMISSION REGULATION (EC) No 1742/94

of 15 July 1994

amending Regulation (EEC) No 2224/92 on the detailed rules for the implementation of the specific arrangements for the supply of hops to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽¹⁾, as last amended by Commission Regulation (EEC) No 1974/93⁽²⁾, and in particular Article 3 (4) thereof,

Article 1 of Regulation (EEC) No 2224/92 is replaced by the following text:

Article 1

Whereas Commission Regulation (EEC) No 2224/92⁽³⁾, as amended by Regulation (EEC) No 1717/93⁽⁴⁾, lays down the forecast supply balance for hops exempt from import levies when imported from third countries or eligible for Community aid; whereas the aid for these quantities should be fixed for the period 1 July 1994 to 30 June 1995;

For the purposes of Articles 2 and 3 of Regulation (EEC) No 1601/92, the forecast supply balance for hops falling within CN code 1210 and exempt from import levies when imported directly into the Canary Islands from third countries or eligible for Community aid is hereby fixed at 500 tonnes for the period 1 July 1994 to 30 June 1995.'

Article 2

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

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

It shall apply from 1 July 1994.

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

Done at Brussels, 15 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 218, 1. 8. 1992, p. 89.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 102.

COMMISSION REGULATION (EC) No 1743/94

of 15 July 1994

fixing the export refunds on beef

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1096/94 ⁽²⁾, and in particular Article 18 thereof,

Whereas Article 18 of Regulation (EEC) No 805/68 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 885/68 ⁽³⁾, as last amended by Regulation (EEC) No 427/77 ⁽⁴⁾, lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas Regulation (EEC) No 32/82 ⁽⁵⁾, as last amended by Regulation (EEC) No 3169/87 ⁽⁶⁾, Regulation (EEC) No 1964/82 ⁽⁷⁾, as amended by Regulation (EEC) No 3169/87, and Regulation (EEC) No 2388/84 ⁽⁸⁾, as last amended by Regulation (EEC) No 3661/92 ⁽⁹⁾, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products;

Whereas it follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below;

Whereas, given the current market situation in the Community and the possibilities of disposal in certain third countries in particular, export refunds should be

granted, on the one hand, on bovine animals intended for slaughter of a live weight greater than 220 kilograms and less than 300 kilograms, and, on the other on adult bovine animals of a live weight of at least 300 kilograms; whereas experience gained in recent years has shown that live pure-bred breeding animals weighing at least 250 kilograms in the case of females and 300 kilograms in that of males should be treated in the same way as other bovine animals, subject to certain special administrative formalities;

Whereas export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex under CN code 0201, on some frozen meat listed in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10;

Whereas, in view of the wide differences in products covered by CN codes 0201 20 90 700 and 0202 20 90 100 used for refund purposes, refunds should only be granted on cuts in which the weight of bone does not exceed one third;

Whereas, in the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland; whereas, to allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States; whereas there are possibilities for exporting such meat and also salted, smoked and dried meat to certain African, Near and Middle Eastern countries; whereas a refund should accordingly be set;

Whereas, in the case of certain other cuts and preserves of meat or offal shown in the Annex under CN codes 1602 50 31 to 1602 50 80, the Community share of international trade may be maintained by granting a refund corresponding to that at present available;

Whereas, in the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 121, 12. 5. 1994, p. 9.

⁽³⁾ OJ No L 156, 4. 7. 1968, p. 2.

⁽⁴⁾ OJ No L 61, 5. 3. 1977, p. 16.

⁽⁵⁾ OJ No L 4, 8. 1. 1982, p. 11.

⁽⁶⁾ OJ No L 301, 24. 10. 1987, p. 21.

⁽⁷⁾ OJ No L 212, 21. 7. 1982, p. 48.

⁽⁸⁾ OJ No L 221, 18. 8. 1984, p. 28.

⁽⁹⁾ OJ No L 370, 19. 12. 1992, p. 16.

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

Whereas Commission Regulation (EEC) No 3846/87⁽⁵⁾, as last amended by Regulation (EC) No 607/94⁽⁶⁾, establishes the agricultural product nomenclature for the purposes of export refunds;

Whereas, in order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought in line with those on fresh or chilled cuts other than those from adult male bovine animals;

Whereas experience has shown that in certain cases it is often difficult to determine the relevant quantities of beef, veal and other meat contained in prepared or preserved meat falling within CN code 1602 50; whereas exclusively beef and veal products should accordingly be set apart and a new heading should be created for mixtures of meats or offals; whereas checks on products other than mixtures of meat or offal should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products⁽⁷⁾, as amended by Regulation (EEC) No 2026/83⁽⁸⁾;

Whereas refunds on female animals should vary depending on their age in order to prevent abuses in the export of certain pure-bred breeding animals;

Whereas Council Regulation (EEC) No 990/93⁽⁹⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia und Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

Whereas, notwithstanding the subdivision of the combined nomenclature for prepared and preserved meat, other than uncooked, falling within CN code 1602 50, experience has shown that it is possible to delete from the refund nomenclature several products falling within CN code 1602 50 31 and to amend the list of products falling within CN code 1602 50 80;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which export refunds as referred to in Article 18 of Regulation (EEC) No 805/68 are granted and the amount thereof shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 19 July 1994.

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

Done at Brussels, 15 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.
⁽²⁾ OJ No L 320, 22. 12. 1993, p. 32.
⁽³⁾ OJ No L 108, 1. 5. 1993, p. 106.
⁽⁴⁾ OJ No L 69, 12. 3. 1994, p. 1.
⁽⁵⁾ OJ No L 366, 24. 12. 1987, p. 1.
⁽⁶⁾ OJ No L 77, 19. 3. 1994, p. 5.
⁽⁷⁾ OJ No L 62, 7. 3. 1980, p. 5.
⁽⁸⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽⁹⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination (?)	Refund (8) (10)	Product code	Destination (?)	Refund (8) (10)
		— Live weight —			— Net weight —
0102 10 10 120	01	82,50	0201 20 20 120	02	108,50
0102 10 10 130	02	60,50		03	75,00
	03	42,50		04	37,50
	04	21,50	0201 20 30 110 (1)	02	107,50
0102 10 30 120	01	82,50		03	73,00
0102 10 30 130	02	60,50		04	36,50
	03	42,50	0201 20 30 120	02	79,00
	04	21,50		03	55,00
0102 10 90 120	01	82,50		04	27,50
0102 90 41 100	02	82,50	0201 20 50 110 (1)	02	187,00
0102 90 51 000	02	60,50		03	124,50
	03	42,50		04	62,00
	04	21,50	0201 20 50 120	02	138,00
0102 90 59 000	02	60,50		03	95,00
	03	42,50		04	47,50
	04	21,50	0201 20 50 130 (1)	02	107,50
0102 90 61 000	02	60,50		03	73,00
	03	42,50		04	36,50
	04	21,50	0201 20 50 140	02	79,00
0102 90 69 000	02	60,50		03	55,00
	03	42,50		04	27,50
	04	21,50	0201 20 90 700	02	79,00
0102 90 71 000	02	82,50		03	55,00
	03	55,50		04	27,50
	04	27,50	0201 30 00 050 (4)	05	96,00
0102 90 79 000	02	82,50	0201 30 00 100 (2)	02	267,50
	03	55,50		03	178,50
	04	27,50		04	89,50
		— Net weight —		06	228,50
0201 10 00 110 (1)	02	107,50	0201 30 00 150 (6)	10	141,50
	03	73,00		11	119,50
	04	36,50		03	107,50
0201 10 00 120	02	79,00		04	53,50
	03	55,00		06	124,00
	04	27,50		07	77,00
0201 10 00 130 (1)	02	147,50	0201 30 00 190 (6)	02	109,50
	03	99,00		03	72,00
	04	49,50		04	36,00
0201 10 00 140	02	108,50		06	88,00
	03	75,00		07	77,00
	04	37,50			
0201 20 20 110 (1)	02	147,50			
	03	99,00			
	04	49,50			

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination (7)	Refund (8) (10)	Product code	Destination (7)	Refund (8) (10)
		— Net weight —			— Net weight —
0202 10 00 100	02	79,00	1602 50 10 120	02	121,50 (9)
	03	55,00		03	97,50 (9)
	04	27,50		04	97,50 (9)
0202 10 00 900	02	108,50	1602 50 10 140	02	107,50 (9)
	03	75,00		03	86,50 (9)
	04	37,50		04	86,50 (9)
0202 20 10 000	02	108,50	1602 50 10 160	02	86,50 (9)
	03	75,00		03	69,50 (9)
	04	37,50		04	69,50 (9)
0202 20 30 000	02	79,00	1602 50 10 170	02	57,50 (9)
	03	55,00		03	46,00 (9)
	04	27,50		04	46,00 (9)
0202 20 50 100	02	138,00	1602 50 10 190	02	57,50
	03	95,00		03	46,00
	04	47,50		04	46,00
0202 20 50 900	02	79,00	1602 50 10 240	02	20,00
	03	55,00		03	20,00
	04	27,50		04	20,00
0202 20 90 100	02	79,00	1602 50 10 260	02	16,00
	03	55,00		03	16,00
	04	27,50		04	16,00
0202 30 90 100 (*)	05	96,50	1602 50 10 280	02	10,00
0202 30 90 400 (*)	10	141,50		03	10,00
	11	119,50		04	10,00
	03	107,50	1602 50 31 125	01	110,00 (9)
	04	53,50	1602 50 31 135	01	69,50 (9)
	06	124,00	1602 50 31 195	01	34,00
	07	77,00	1602 50 31 325	01	98,00 (9)
0202 30 90 500 (9)	02	109,50	1602 50 31 335	01	62,00 (9)
	03	72,00	1602 50 31 395	01	34,00
	04	36,00	1602 50 39 125	01	110,00 (9)
	06	88,00	1602 50 39 135	01	69,50 (9)
	07	77,00	1602 50 39 195	01	34,00
0202 30 90 900	07	77,00	1602 50 39 325	01	98,00 (9)
0206 10 95 000	02	109,50	1602 50 39 335	01	62,00 (9)
	03	72,00	1602 50 39 395	01	34,00
	04	36,00	1602 50 39 425	01	73,00 (9)
	06	88,00	1602 50 39 435	01	46,00 (9)
0206 29 91 000	02	109,50	1602 50 39 495	01	34,00
	03	72,00	1602 50 39 505	01	34,00
	04	36,00	1602 50 39 525	01	73,00 (9)
	06	88,00	1602 50 39 535	01	46,00 (9)
0210 20 90 100	08	88,00	1602 50 39 595	01	34,00
	09	52,00			
0210 20 90 300	02	109,50			
0210 20 90 500 (9)	02	109,50			

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination (7)	Refund (8) (10)	Product code	Destination (7)	Refund (8) (10)
		— Net weight —			— Net weight —
1602 50 39 615	01	34,00	1602 50 80 495	01	34,00
1602 50 39 625	01	15,00	1602 50 80 505	01	34,00
1602 50 39 705	01	20,00	1602 50 80 515	01	15,00
1602 50 39 805	01	16,00	1602 50 80 535	01	46,00 (9)
1602 50 39 905	01	10,00	1602 50 80 595	01	34,00
1602 50 80 135	01	69,50 (9)	1602 50 80 615	01	34,00
1602 50 80 195	01	34,00	1602 50 80 625	01	15,00
1602 50 80 335	01	62,00 (9)	1602 50 80 705	01	20,00
1602 50 80 395	01	34,00	1602 50 80 805	01	16,00
1602 50 80 435	01	46,00 (9)	1602 50 80 905	01	10,00

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to Commission Regulation (EEC) No 32/82.

(2) Entry under this subheading is subject to compliance with the condition laid down in Commission Regulation (EEC) No 1964/82.

(3) The refund on beef in brine is granted on the net weight of the meat, after deduction of the weight of the brine.

(4) OJ No L 336, 29. 12. 1979, p. 44.

(5) OJ No L 221, 19. 8. 1984, p. 28.

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86.

(7) The destinations are as follows:

01 Third countries.

02 North African, Near and Middle East third countries, West, Central East and Southern African third countries, except Cyprus, Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia.

03 European third countries, Ceuta, Melilla, Cyprus, Greenland, Pakistan, Sri Lanka, Burma, Thailand, Viet Nam, Indonesia, the Philippines, China, North Korea and Hong Kong and the destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87, except Austria, Sweden and Switzerland.

04 Austria, Sweden and Switzerland.

05 The United States of America, carried out in accordance with Commission Regulation (EEC) No 2973/79.

06 French Polynesia and New Caledonia.

07 Canada.

08 North, West, Central, East and Southern African third countries, except Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia.

09 Switzerland.

10 North African third countries, Near and Middle East, Central, East and Southern African third countries, except Cyprus, Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia.

11 West African third countries.

(8) Article 7 of Regulation (EEC) No 885/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

(9) The refund is granted only on products manufactured under the arrangement provided for in Article 4 of Council Regulation (EEC) No 565/80.

(10) 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.

NB: The countries are as defined in Commission Regulation (EC) No 3478/93 (OJ No L 317 of 18. 12. 1993, p. 32).

The descriptions corresponding to the product codes and the footnotes are set out in Commission Regulation (EEC) No 3846/87 as amended.

COMMISSION REGULATION (EC) No 1744/94

of 15 July 1994

determining the extent to which applications lodged in July 1994 for import licences for certain milk products and products covered by the arrangements provided for in the European Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary and the Interim Agreement concluded with the Czech Republic and Slovak Federal Republic can be accepted

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

Having regard to Commission Regulation (EEC) No 584/92 of 6 March 1992 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Interim Agreements between the Community and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic⁽¹⁾, as last amended by Regulation (EC) No 3550/93⁽²⁾, and in particular Article 4 (5) thereof,

Whereas applications for import licences lodged for the products referred to in Regulation (EEC) No 584/92 concern quantities greater than those available for certain products; whereas, therefore, in accordance with the new rules applicable from 1 July 1993, reduction percentages

should be fixed for certain of the quantities applied for the period 1 July to 30 September 1994,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences for products falling within the CN codes listed in the Annex hereto, lodged under Regulation (EEC) No 584/92 for the period 1 July to 30 September 1994, shall be accepted, per country of origin, up to the percentages indicated.

Article 2

This Regulation shall enter into force on 20 July 1994.

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

Done at Brussels, 15 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 62, 7. 3. 1992, p. 34.

⁽²⁾ OJ No L 324, 24. 12. 1993, p. 15.

ANNEX

Total quantities available for the period 1 July to 30 September 1994

Country	Poland			Czech Republic			Slovak Republic			Hungary
	0402 10 19 0402 21 19 0402 21 99	0405 00 11 0405 00 19 butter	0406 cheese	0402 10 19 0402 21 19 0402 21 91	0405 00 11 0405 00 19 butter	ex 0406 40-Niva ex 0406 90- Moravsky block (*)	0402 10 19 0402 21 19 0402 21 91	0405 00 11 0405 00 19 butter	ex 0406 40-Niva ex 0406 90- Moravsky block (*)	
in %	3,5	4,9	4,7	42,2	3,5	4,3	8,0	4,3	28,6	16,0

(*) Primator, Otava, Javor, Uzeny block, Kaskhaval, Akawi, Istambul, Jadel Hermelin, Ostepek, Koliba, Inovec.

(*) Cream-white, Hajdu, Marvany, Ovari, Pannonia, Trappista, Bakony, Bacsikai, Ban, Delicacy cheese 'Moson', Delicacy cheese 'Pelso', Goya, Ham-shaped, Karavan, Lajta, Parenyica, Sed, Tihany.

COMMISSION REGULATION (EC) No 1745/94**of 15 July 1994****determining the extent to which applications for import licences introduced under the annual cheese quota opened by the Community to Sweden may be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Commission Regulation (EEC) No 1316/93 of 28 May 1993 laying down detailed rules of application for the management of an annual quota of 1 000 tonnes of cheese and curds opened by the Community to Sweden⁽¹⁾, as amended by Regulation (EEC) No 2762/93⁽²⁾, and in particular Article 4 (4) thereof,

1. Applications for import licences for cheeses falling within CN code 0406 introduced in respect of the period 1 July to 30 September 1994 pursuant to Regulation (EEC) No 1316/93 shall be accepted up to a percentage of 5,45 %.

Whereas applications for import licences introduced for the cheeses referred to in Regulation (EEC) No 1316/93 cover quantities in excess of those available; whereas a single percentage reduction should therefore be fixed for the quantities applied for in respect of the third period of 1 July to 30 September 1994,

2. During the first 10 days of the period 1 October to 31 December 1994 applications for import licences may be introduced in respect of the quantity referred to in Article 1 of Regulation (EEC) No 1316/93.

Article 2

This Regulation shall enter into force on 20 July 1994.

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

Done at Brussels, 15 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 132, 29. 5. 1993, p. 73.

⁽²⁾ OJ No L 251, 8. 10. 1993, p. 7.

COMMISSION REGULATION (EC) No 1746/94**of 15 July 1994****on import licences for milk and milk products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT)**

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

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural goods originating in the ACP States or in the overseas countries and territories (OCT) ⁽¹⁾, as modified by amended Regulation (EC) No 235/94 ⁽²⁾, and in particular Article 27 thereof,

Whereas Article 4 (4) of Commission Regulation (EEC) No 1150/90 ⁽³⁾, as modified by Regulation (EEC) No 2975/90 ⁽⁴⁾, provides that the Commission is to decide to what extent quantities may be awarded in respect of applications for import licences; whereas, however, imports must not exceed the quotas;

Whereas applications for licences have been made for a total quantity not greater than that available; whereas, therefore, all applications submitted should be accepted,

HAS ADOPTED THIS REGULATION:

Article 1

Licence applications lodged pursuant to Article 4 of Regulation (EEC) No 1150/90 from 1 to 10 July 1994 and notified to the Commission shall be accepted.

Article 2

This Regulation shall enter into force on 23 July 1994.

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

Done at Brussels, 15 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 12.

⁽³⁾ OJ No L 114, 5. 5. 1990, p. 21.

⁽⁴⁾ OJ No L 283, 16. 10. 1990, p. 16.

COMMISSION REGULATION (EC) No 1747/94

of 15 July 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 1561/94 ⁽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 14 July 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 1561/94 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 16 July 1994.

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

Done at Brussels, 15 July 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 166, 1. 7. 1994, p. 74.

ANNEX

to the Commission Regulation of 15 July 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ⁽¹⁾
0709 90 60	113,71 ⁽²⁾ ⁽³⁾
0712 90 19	113,71 ⁽²⁾ ⁽³⁾
1001 10 00	49,40 ⁽¹⁾ ⁽³⁾
1001 90 91	78,67
1001 90 99	78,67 ⁽²⁾
1002 00 00	103,32 ⁽⁴⁾
1003 00 10	105,65
1003 00 90	105,65 ⁽²⁾
1004 00 00	93,93
1005 10 90	113,71 ⁽²⁾ ⁽³⁾
1005 90 00	113,71 ⁽²⁾ ⁽³⁾
1007 00 90	117,12 ⁽⁴⁾
1008 10 00	26,16 ⁽²⁾
1008 20 00	36,17 ⁽⁴⁾ ⁽²⁾
1008 30 00	0 ⁽²⁾
1008 90 10	(7)
1008 90 90	0
1101 00 00	148,49 ⁽²⁾
1102 10 00	182,76
1103 11 10	111,54
1103 11 90	169,78
1107 10 11	150,91
1107 10 19	115,51
1107 10 91	198,94 ⁽¹⁰⁾
1107 10 99	151,39 ⁽²⁾
1107 20 00	174,64 ⁽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 1748/94

of 15 July 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 (EC) No 1562/94 ⁽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 14 July 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 16 July 1994.

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

Done at Brussels, 15 July 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 166, 1. 7. 1994, p. 77.

ANNEX

to the Commission Regulation of 15 July 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 7	1st period 8	2nd period 9	3rd period 10
0709 90 60	0	0	1,02	0
0712 90 19	0	0	1,02	0
1001 10 00	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	1,02	0
1005 90 00	0	0	1,02	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0
1102 10 00	0	0	0	0
1103 11 10	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

(ECU/tonne)

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

COMMISSION REGULATION (EC) No 1749/94

of 15 July 1994

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1544/93⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽⁵⁾, as amended by Regulation (EC) No 3528/93⁽⁶⁾,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation

(EC) No 1560/94⁽⁷⁾, as last amended by Regulation (EC) No 1728/94⁽⁸⁾;

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽⁹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹⁰⁾, the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Commission Regulation (EEC) No 1620/93⁽¹¹⁾ as fixed in the Annex to amended Regulation (EC) No 1560/94 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 16 July 1994.

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

Done at Brussels, 15 July 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 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 154, 25. 6. 1993, p. 5.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁷⁾ OJ No L 166, 1. 7. 1994, p. 70.

⁽⁸⁾ OJ No L 181, 15. 7. 1994, p. 21.

⁽⁹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹⁰⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽¹¹⁾ OJ No L 155, 26. 6. 1993, p. 29.

ANNEX

to the Commission Regulation of 15 July 1994 altering the import levies on products processed from cereals and rice

(ECU / tonne)			(ECU / tonne)		
CN code	Import levies (7)		CN code	Import levies (7)	
	ACP	Third countries (other than ACP)		ACP	Third countries (other than ACP)
0714 10 10 (1)	101,23	107,88	1104 21 50	262,15	268,19
0714 10 91	104,86 (2) (6)	104,86	1104 21 90	106,96	109,98
0714 10 99	103,05	107,88	1106 20 10	101,23 (2)	107,88
0714 90 11	104,86 (2) (6)	104,86	2302 10 10	41,20	47,20
0714 90 19	103,05 (2)	107,88	2302 10 90	88,29	94,29
1102 90 10	188,75	194,79	2302 20 10	41,20	47,20
1103 19 30	188,75	194,79	2302 20 90	88,29	94,29
1103 29 20	188,75	194,79	2302 30 10	41,20 (6)	47,20
1104 11 10	106,96	109,98	2302 30 90	88,29 (6)	94,29
1104 11 90	209,72	215,76	2302 40 10	41,20	47,20
1104 21 10	167,78	170,80	2302 40 90	88,29	94,29
1104 21 30	167,78	170,80			

(1) 6 % *ad valorem*, subject to certain conditions.

(2) In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States :

- products falling within CN code ex 0714 10 91,
- products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
- flours and meal of arrow-root falling within CN code 1106 20,
- arrow-root starch falling within CN code 1108 19 90.

(6) 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.

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

(6) Under the terms of Regulation (EEC) No 3763/91 the levy does not apply to wheat bran originating in the African, Caribbean and Pacific States (ACP) and directly imported into the French department of Réunion.

COMMISSION REGULATION (EC) No 1750/94
of 15 July 1994
fixing the import levies on white sugar and raw sugar

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

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EC) No 1573/94 ⁽⁵⁾, as last amended by Regulation (EC) No 1731/94 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EC) No 1573/94 to the information known to the Commission that the levies

at present in force should be altered to the amounts set out in the Annex hereto;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 14 July 1994, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 July 1994.

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

Done at Brussels, 15 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 166, 1. 7. 1994, p. 99.

⁽⁶⁾ OJ No L 181, 15. 7. 1994, p. 27.

ANNEX

to the Commission Regulation of 15 July 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy (°)
1701 11 10	34,15 (°)
1701 11 90	34,15 (°)
1701 12 10	34,15 (°)
1701 12 90	34,15 (°)
1701 91 00	41,01
1701 99 10	41,01
1701 99 90	41,01 (°)

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

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

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

COMMISSION DECISION No 1751/94/ECSC

of 15 July 1994

imposing a definitive anti-dumping duty on imports into the Community of hematite pig-iron, originating in Brazil, Poland, Russia and Ukraine

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2424/88/ECSC of 29 July 1988 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community⁽¹⁾, and in particular Article 12 thereof,

Having informed the EC-Poland Association Council in accordance with Article 33 of the Europe Agreement between the EC and Poland and no solution having been found thereunder,

After consultations within the Advisory Committee as provided for by the above Decision,

Whereas :

A. PROVISIONAL MEASURES

- (1) The Commission, by Decision No 67/94/ECSC⁽²⁾ imposed a provisional anti-dumping duty on imports of hematite pig-iron, originating in Brazil, Poland, Russia and Ukraine.
- (2) The Commission by Decision No 1022/94/ECSC extended the period of validity of the provisional measures for a further two months⁽³⁾.

B. SUBSEQUENT PROCEDURE

- (3) Following the imposition of the provisional anti-dumping duty, exporters from Poland, Russia and the Government of Ukraine as well as organizations representing foundries within the Community requested and were granted an opportunity to be heard by the Commission and made submissions expressing their views which were taken into account as considered appropriate.
- (4) Upon request, the parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive measures and the definitive

collection of amounts secured by way of a provisional duty. They were also granted a period within which to make representations subsequent to the disclosure.

- (5) The oral and written comments submitted by the parties were considered and, where appropriate, the Commission's findings were modified to take account of them.

C. LIKE PRODUCT

- (6) It has been stated by some foundries and associations in the Community (users of the product concerned) that the major Community producer uses inputs other than hematite iron for the production of its foundry pig-iron, that this product could not serve the same purposes as the imported pig-iron produced from hematite iron ore, and that therefore this producer's foundry pig-iron and the imported foundry pig-iron are not like products within the meaning of Article 2 (12) of Decision No 2424/88/ECSC. They further argued that on this basis the producer in question should be excluded from the list of Community producers and that the proceeding should be terminated.

The Commission has established that, although the major EC producer does indeed use input other than hematite iron ore for its production of foundry pig-iron, its product has the same essential physical, technical and chemical characteristics as foundry pig-iron made from hematite iron ore, and the available evidence shows that the products are interchangeable. These products are therefore considered like products within the meaning of Article 2 (12) of the said Decision.

It must also be stated that the term hematite pig-iron although derived from the iron ore from which it is normally produced i.e. hematite (an ore which lends itself in particular to the production of foundry pig-iron), is also commonly used to distinguish this type of pig-iron from spheroidal pig-iron, which has quite different technical and chemical properties. Hematite pig-iron is also described as pig-iron for grey casting.

The Commission therefore confirms its conclusions on like product as outlined in Commission Decision No 67/94/ECSC.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 18.

⁽²⁾ OJ No L 12, 15. 1. 1994, p. 5.

⁽³⁾ OJ No L 112, 3. 5. 1994, p. 19.

D. DUMPING

- (7) No new arguments on dumping has been received since the imposition of the provisional measures.

Consequently, the preliminary determination on dumping as regards imports of the product concerned from Brazil, Poland, Russia and Ukraine are confirmed.

E. INJURY

- (8) The Government of Ukraine submitted data which referred to exports which took place after the investigation period and does not alter the determination of injury suffered by the Community industry (see recitals 28 to 46 inclusive of Decision No 67/94/ECSC).

As no new evidence regarding injury and causation to the Community industry was received, the Commission confirms the conclusion on injury reached in Commission Decision No 67/94/ECSC.

F. COMMUNITY INTEREST

- (9) The Committee of the European Foundry Associations, and the German and British foundry associations argued that the introduction of provisional anti-dumping measures in the form of a variable duty on imports of hematite pig-iron had already increased the price for this product to such a level that the Community foundries would lose their competitive edge on the world market. This in turn would lead to a loss of employment in the foundry industry that would be significantly higher than that of the Community pig-iron producers had the Commission not introduced protective measures.

The arguments advanced included the sharp increases in the price of the type of scrap used by the foundries (a raw material used in addition to, or as a substitute for hematite pig-iron for the production of grey cast iron) as well as the strong pressures exercised by the automotive industry on the foundries to lower their prices.

- (10) To take account of the strong views expressed by and on behalf of the foundries, the Commission entered into active dialogue with the associations in order to be able to reach a proper and balanced decision with respect to the Community interests involved.
- (11) The information supplied by the foundry associations permitted the following conclusions:

The total production of the Community foundries during the years 1990, 1991 and 1992 was 8 824 000 tonnes, 8 706 000 tonnes and 8 181 000 tonnes respectively.

The production directly related to grey cast iron (the type of product that is produced from hematite pig-iron) was 5 890 000 tonnes in 1990, 5 728 000 tonnes in 1991 and 5 345 000 tonnes in 1992.

The percentage of production relating to grey cast iron was therefore 67 % for 1990 and 66 % for both 1991 and 1992.

The total number of people employed during each of the three years was 160 130, 167 597 and 152 553.

On the basis of the available evidence, the Commission assumed that 66 % to 67 % of this workforce was involved in the production of grey cast iron.

During 1993, the year before the entry into force of the provisional measures concerned, the price of scrap used by foundries increased steadily, an increase which only recently seems to have come to a halt.

The data provided to the Commission show that the price of scrap in Germany during 1993 increased from ECU 93/tonne in January 1993 to ECU 117/tonne in December. Similar increases were recorded in France: from ECU 92/tonne to ECU 109/tonne, in Italy: from ECU 102/tonne to ECU 135/tonne and in the UK: from ECU 80/tonne to ECU 120/tonne.

During the same year the prices of hematite pig-iron decreased slightly in Germany from ECU 236/tonne to ECU 234/tonne and from ECU 208/tonne to ECU 190/tonne in France, remained steady in Italy at ECU 176-177/tonne and showed a slight increase in the UK from ECU 158/tonne to ECU 168/tonne.

The data show, furthermore, that hematite pig-iron accounted for 8,3 % of the cost of production of foundry products in Germany, 15 % of the cost in France, 11 % in Italy and 3,5 % in the United Kingdom.

- (12) Against this background, the Commission has concluded that the introduction of a minimum price of ECU 149 (CIF Community frontier) on imports of hematite pig-iron from the countries concerned will not negatively affect the cost of production of the foundries in the Community.

The present level of the market prices of hematite pig-iron appears to be caused, first and foremost, by the increasing scarcity of the scrap which is used in combination and partially as substitution for the hematite pig-iron. A continuation of this scarcity might be expected due to the increasing use of electrical furnaces for the production of steel as these furnaces can make greater use of scrap than the traditional blast furnace. This scarcity has, as a consequence, an increasing demand for pig-iron.

Under these circumstances, it can be concluded that the introduction of definitive measures similar to those provisionally imposed, will have no negative effect on the end users of the product concerned, and will provide the Community producers of hematite with a safety net in the event of a recurrence of the situation in which the Community industry suffered material injury caused by the dumping practiced by the exporting countries concerned.

- (13) The Commission, therefore, confirms its preliminary conclusions that the interests of the Community call for protective measures against imports of hematite pig-iron, originating in Brazil, Poland, Russia and Ukraine.
- (14) In view of the evolutionary character of the market situation with regard to the product concerned, and of the Community interest to safeguard the competitiveness of its end users, it appears necessary to closely monitor further developments and possible negative effects on such end-users and to envisage that, in accordance with the provisions of Article 14 of Commission Decision No 2424/88/ECSC, a review will be initiated at any appropriate point in time.

G. UNDERTAKINGS

- (15) The Commission has received an offer of an undertaking within the meaning of Article 10 (2) of Commission Decision No 2424/88/ECSC on behalf of the Polish producers of the product concerned.

This offer is in the form of a minimum price undertaking at the level of ECU 149/tonne (cif Community frontier).

Taking into consideration the principal of equal treatment for all producers and exporters of hematite pig-iron in each of the countries concerned, the fact that the measures proposed will in this case have the same effect as a minimum price undertaking, but without the added difficulties of moni-

oring and control, the Commission considered, after consultation with the Member States, that the offer of an undertaking should not be accepted in this particular instance.

H. DEFINITIVE MEASURES

- (16) The provisional findings of the Commission having been confirmed, the definitive measures should be the same as those determined in the provisional Decision,

HAS ADOPTED THIS DECISION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports into the Community of hematite pig-iron falling within CN code 7201 10 19, originating in Brazil, Poland, Russia and Ukraine.
2. The amount of the duty shall be the difference between the price of ECU 149/tonne and the accepted customs value (free at EC frontier) in all cases where this value is less than the above price.
3. For the purpose of calculating the duty payable, the minimum price shall be converted into the relevant national currency at an exchange rate established in the same way as that used for a calculation of customs value.
4. The provisions in force concerning customs duties shall apply.

Article 2

1. The amounts secured by way of provisional anti-dumping duty pursuant to Commission Decision No 67/94/ECSC shall be collected at the level of the duty definitively imposed and any amount secured in excess of the amount of the anti-dumping duty definitively imposed shall be released.
2. The provisions of Article 1 (4) above shall also apply for the definitive collection of the amounts provisionally determined.

Article 3

1. This Decision shall enter into force on the day following its publication in the *Official Journal of the European Communities*.
2. This Decision shall be subject to review in accordance with the provisions of Article 14 of Commission Decision No 2424/88/ECSC after a period of one year has elapsed.

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

Done at Brussels, 15 July 1994.

For the Commission

Leon BRITTAN

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 June 1994

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(94/440/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽¹⁾, as last amended by Regulation (EC) No 235/94⁽²⁾, in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽³⁾, as last amended by Regulation (EEC) No 1084/94⁽⁴⁾, and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 June 1994, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia the quantities available from

these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 June 1994, should be fixed within the scope of the total quantity of 57 242 tonnes, fixed by Commission Regulation (EC) No 578/94⁽⁵⁾;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries⁽⁶⁾, as last amended by Council Regulation (EEC) No 1601/92⁽⁷⁾,

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 June 1994 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

- 950,00 tonnes originating in Botswana,
- 120,00 tonnes originating in Madagascar,
- 250,00 tonnes originating in Zimbabwe,
- 470,00 tonnes originating in Namibia;

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 12.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 120, 11. 5. 1994, p. 30.

⁽⁵⁾ OJ No L 74, 17. 3. 1994, p. 6.

⁽⁶⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽⁷⁾ OJ No L 173, 27. 6. 1992, p. 13.

Italy:

- 30,00 tonnes originating in Madagascar;

Netherlands:

- 300,00 tonnes originating in Botswana,
- 76,00 tonnes originating in Madagascar;

United Kingdom:

- 1 270,00 tonnes originating in Botswana,
- 112,00 tonnes originating in Swaziland,
- 400,00 tonnes originating in Zimbabwe,
- 700,00 tonnes originating in Namibia.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80

during the first 10 days of July 1994 in respect of the following quantities of boned beef and veal:

— Botswana :	11 231,00 tonnes
— Kenya :	142,00 tonnes
— Madagascar :	6 847,00 tonnes
— Swaziland :	2 956,00 tonnes
— Zimbabwe :	4 115,00 tonnes
— Namibia :	6 150,00 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 17 June 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION DECISION

of 28 June 1994

amending the supplement to the addendum to the Community support framework for Community structural assistance in Portugal on the improvement of the conditions under which agricultural and forestry products are processed and marketed

(Only the Portuguese text is authentic)

(94/441/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 866/90 of 29 March 1990 on improving the processing and marketing conditions for agricultural products⁽¹⁾, as last amended by Regulation (EC) No 3669/93⁽²⁾, and in particular Article 7 (2) thereof,

Having regard to Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾, and in particular Article 8 (5) thereof,

Having consulted the Committee for the Development and Conversion of Regions,

Whereas, by Decision 89/642/EEC⁽⁵⁾, the Commission adopted the Community support framework for structural assistance for Portugal;

Whereas the measures covered by Council Regulation (EEC) No 866/90 and Council Regulation (EEC) No 867/90 of 29 March 1990 on improving the processing and marketing conditions for forestry products⁽⁶⁾ may, pursuant to Title III of Regulation (EEC) No 2052/88, be taken into consideration by the Commission in establishing Community support frameworks;

Whereas, by Decision 92/77/EEC⁽⁷⁾, the Commission adopted an addendum to the Community support framework for Community structural assistance in Portugal on the improvement of the conditions under which agricultural and forestry products are processed and marketed;

Whereas, by Decision 93/471/EEC⁽⁸⁾, as amended by Decision 93/666/EC⁽⁹⁾, the Commission adopted a supplement to the addendum to the Community support

framework for Community structural assistance in Portugal on the improvement of the conditions under which agricultural and forestry products are processed and marketed;

Whereas Commission Decision C(93)4099 of 30 December 1993 extends the validity of the Community support framework for Objective 1 structural measures in Portugal until 30 June 1994 to make it possible to commit certain appropriations which may be made available again at the start of 1994, in particular those relating to the implementation of Council Regulation (EEC) No 355/77;

Whereas the Member State has given notice of its intention to adopt a new breakdown of the Community financial contribution by sector of activity, which requires a revision of the financing table concerning the Community contribution;

Whereas all the amendments to Community support framework for Community structural assistance in Portugal on the improvement of the conditions under which agricultural and forestry products are processed and marketed are in conformity with Commission Decision 90/342/EEC of 7 June 1990 on the selection criteria to be adopted for investments for improving the processing and marketing conditions for agricultural and forestry products⁽¹⁰⁾;

Whereas the Commission is prepared to examine the possibility of the other Community lending instruments contributing to the financing of the supplement to the addendum in accordance with the specific provisions governing them;

Whereas, in accordance with Article 10 (2) of Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹¹⁾, this Decision is to be sent as a declaration of intent to the Member State;

⁽¹⁾ OJ No L 91, 6. 4. 1990, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 26.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 370, 19. 12. 1989, p. 37.

⁽⁶⁾ OJ No L 91, 6. 4. 1990, p. 7.

⁽⁷⁾ OJ No L 31, 7. 2. 1992, p. 36.

⁽⁸⁾ OJ No L 222, 1. 9. 1993, p. 48.

⁽⁹⁾ OJ No L 303, 10. 12. 1993, p. 30.

⁽¹⁰⁾ OJ No L 163, 29. 6. 1990, p. 71.

⁽¹¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

Whereas, in accordance with Article 20 (1) and (2) of Regulation (EEC) No 4253/88 budgetary commitments relating to the contribution from the Structural Funds to the financing of the operations covered by the Community support framework will be made on the basis of subsequent Commission decisions approving the operations concerned;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee for Agricultural Structures and Rural Development,

HAS ADOPTED THIS DECISION:

Article 1

The supplement to the addendum to the Community support framework for Community structural assistance in Portugal intended to improve the conditions under which agricultural and forestry products are processed and marketed, covering the period from 1 January 1991 to 31 December 1993 is hereby amended as follows:

Article 2 (b) of Decision 93/471/EEC is replaced by the following:

- (b) an indicative financing plan specifying, in 1991 prices indexed to 1993 prices, the total cost of the priorities adopted for joint action by the Community and the Member State concerned, ECU 275 051 916 for the whole period, and the financial arrangements envisaged for budgetary assistance from the Community broken down as follows:

	<i>(in ECU)</i>
1. Forestry products	3 480 247
2. Meat	14 640 708
3. Milk and milk products	19 741 992
4. Eggs and poultry	1 493 286
5. Livestock markets	1 769 836
6. Cereals (including rice)	6 107 859
7. Oilseeds (olive oil)	3 144 612
8. Wines and alcohols	36 785 914
9. Fruit and vegetables	29 142 622
10. Flowers and plants	267 866
11. Potatoes	1 447 836
12. Sugar cane	0
13. Hops	375 879
Total	118 398 657

The resultant national financing requirement, approximately ECU 32 450 602 for the public sector and ECU 124 202 657 for the private sector, may be partially covered by Community loans from the European Investment Bank and other lending instruments.'

Article 2

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 28 June 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION DECISION

of 1 July 1994

setting up a conciliation procedure in the context of the clearance of the accounts of European Agricultural Guidance and Guarantee Fund (EAGGF) Guarantee Section

(94/442/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EEC) No 729/70 of the Council of 21 April 1970 on the financing of the common agricultural policy⁽¹⁾, as last amended by Regulation (EEC) No 2048/88⁽²⁾, and in particular Article 5 (3) thereof,

Whereas it is intended to reform the clearance procedures for EAGGF Guarantee Section accounts and to submit to the Council a proposal for certain amendments to Regulation (EEC) No 729/70 whereby, in particular, before any decision is taken by the Commission to refuse financing by the Community of expenditure disbursed by the Member State, the two parties are to endeavour to conciliate their respective positions;

Whereas the rules in force concerning the clearance of accounts do not preclude the Commission from setting up conciliation machinery; whereas a conciliation body should therefore be set up in order to permit a reconciliation of the positions of the Commission and a Member State when these differ, and the detailed rules governing its operation should be established;

Whereas the Fund Committee has given a favourable opinion on the measures proposed in this Decision,

HAS ADOPTED THIS DECISION:

Article 1

1. For the purposes of the clearance of EAGGF Guarantee Section accounts, a Conciliation Body, hereinafter referred to as the 'Body', is hereby set up in the Commission. Its tasks shall be:

- (a) to examine any matter referred to it by a Member State which, following inspections pursuant to Article

9 of Regulation (EEC) No 729/70 and bilateral discussion of the findings of such inspections, receives formal notification from the competent Commission departments, with reference to this Decision, of the conclusion that certain items of expenditure incurred by that Member State are not chargeable to the EAGGF Guarantee Section,

- (b) to try to reconcile the divergent positions of the Commission and the Member State concerned, and
- (c) at the end of its investigations, to draw up a report on the outcome of its efforts at reconciliation, making any remarks it deems useful should all or some of the points of dispute remain unresolved.

2. For the purposes of the subsequent stages of the accounts clearance procedure:

- (a) the position of the Body shall be without prejudice to the Commission's final decision on the clearance of the accounts and shall not affect the Member State's right to institute proceedings under Article 173 of the Treaty;
- (b) the fact of not referring a matter to the Body shall not be prejudicial to a Member State which receives notification from the Commission within the meaning of paragraph 1 (a).

Article 2

1. A Member State must refer a matter to the Body within thirty working days of its receipt of notification as referred to in Article 1 (1) (a), by sending a reasoned request for conciliation to the Secretariat of the Conciliation Body, the address of which will be notified to the Member States through the EAGGF Committee.

2. A request for conciliation is admissible only where the financial adjustment recommended by the Commission in respect of a budget heading:

either,

- exceeds ECU 0,5 million; or
- represents more than 25 % of the Member State's total annual expenditure under the budget heading concerned.

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 185, 15. 7. 1988, p. 1.

In addition, if, during the bilateral discussions referred to in Article 1 (1) (a), the Member State claims, and demonstrates, that the matter is one of principle relating to the application of Community rules, the Chairman of the Body may declare a request for conciliation to be admissible.

3. The Secretariat of the Body shall acknowledge receipt of the request for conciliation.

4. The Body shall conduct its investigations as informally and promptly as possible, basing itself on the evidence in the dossier and on a fair hearing of the Commission staff and national authorities concerned. At the end of its investigations it shall send them the report referred to in Article 1 (1) (c).

5. Where, within four months of a case being referred to it, the Body has failed to reconcile the positions of the Commission and the Member State, the conciliation procedure is deemed to have failed. The report referred to in Article 1 (1) (c) shall state the reasons why the positions could not be reconciled.

6. The report drawn up within the stipulated limit shall be sent:

- to the Member State which referred the matter to the Body;
- to the other Member States in the framework of the EAGGF Committee; and
- to the Commission when the accounts clearance decision is proposed.

Article 3

1. The Body shall be composed of five members selected from among eminent persons offering every guarantee of independence and highly qualified in EAGGF Guarantee Section matters. They must be nationals of different Member States.

The Chairman and the members shall be appointed by the Commission after the matter has been referred to the EAGGF Committee under Article 14 (1) (a) of Regulation (EEC) No 729/70.

By the same procedure, the Commission shall appoint substitute members who meet the criteria referred to in the first subparagraph, and who may be called upon in the order listed by the Commission.

The names of the Chairman, the members and the substitute members shall be published in the 'C' series of the *Official Journal of the European Communities*.

2. The members of the Body shall be remunerated having regard to the complexity of the questions likely to be raised and to the time which they will be required to dedicate to the task.

3. The term of office of the members of the Body shall be three years. It shall be renewable.

After expiry of the three-year period, the members of the Body shall remain in office until they are replaced or until their term is renewed.

4. Before the expiry of the three-year period, a term of office may be terminated as a result of voluntary or compulsory resignation, or death. In such cases a substitute shall be appointed for the remainder of the term by the first available substitute member.

A member who no longer meets the conditions required for the accomplishment of his duties with the Body or who commits a serious offence or who, for whatever reason, declares that he is unavailable for an indeterminate period may be retired by the Commission after consultation of the EAGGF Committee.

5. If a member declares himself unavailable for a stated period, the Chairman may decide that he be replaced for that period by a substitute member.

Article 4

1. The Body shall meet at the headquarters of the Commission. In his absence, and without prejudice to Article 3 (4), the oldest member shall take the Chair.

The secretariat of the Body shall be provided by Commission staff.

2. No member may take part in the work of the Body or sign a report if, in an earlier office, he has been personally involved in the matter at issue.

3. Without prejudice to paragraph 2, reports must be adopted by an absolute majority of members present, the quorum being three.

The reports shall be signed by the Chairman and members who have taken part in the deliberations. They shall be registered by the secretariat.

Article 5

1. The members of the Body shall carry out their duties quite independently, neither seeking nor accepting instructions from any government or body.

2. Without prejudice to Article 214 of the Treaty, the members of the Body may not disclose any information acquired by them in the course of their work for the Body. Such information is confidential and covered by the obligation of professional secrecy.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 1 July 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION DECISION

of 5 July 1994

suspending the buying-in of butter in certain Member States

(Only the Danish, German, French and English texts are authentic)

(94/443/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 230/94 ⁽²⁾, and in particular the first subparagraph of Article 7a (1) and Article 7a (3) thereof,

Whereas Council Regulation (EEC) No 777/87 ⁽³⁾, as last amended by Regulation (EEC) No 1634/91 ⁽⁴⁾, sets out the circumstances under which the buying-in of butter and skimmed milk powder may be suspended and subsequently resumed and, where suspension takes place, the alternative measures that may be taken;

Whereas Commission Regulation (EEC) No 1547/87 ⁽⁵⁾, as last amended by Regulation (EEC) No 2011/91 ⁽⁶⁾, lays down the criteria on the basis of which the buying-in of butter by invitation to tender is to be opened and suspended in a Member State or, as regards the United Kingdom and the Federal Republic of Germany, in a region;

Whereas Commission Decision 94/364/EC ⁽⁷⁾ suspends buying-in of butter in certain Member States; whereas information on market prices shows that the condition laid down in Article 1 (3) of Regulation (EEC) No 1547/87 is currently met in Denmark, Germany, France, Great Britain and in Northern Ireland; whereas the list of

Member States where that suspension applies must be adapted accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

The buying-in of butter by invitation to tender as provided for in Article 1 (3) of Regulation (EEC) No 777/87 is hereby suspended in Denmark, Germany, France, Great Britain and Northern Ireland.

Article 2

Decision 94/364/EC is hereby repealed.

Article 3

This Decision is addressed to the Kingdom of Denmark, the Federal Republic of Germany, the French Republic and the United Kingdom.

Done at Brussels, 5 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 1.

⁽³⁾ OJ No L 78, 20. 3. 1987, p. 10.

⁽⁴⁾ OJ No L 150, 15. 6. 1991, p. 26.

⁽⁵⁾ OJ No L 144, 4. 6. 1987, p. 12.

⁽⁶⁾ OJ No L 185, 11. 7. 1991, p. 5.

⁽⁷⁾ OJ No L 159, 28. 6. 1994, p. 64.