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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2064/94
of 17 August 1994
altering the export refunds on white sugar and raw sugar exported in the natural state

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

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 2034/94 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2034/94 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁴⁾, as amended by Regulation (EC) No 3528/93 ⁽⁵⁾, 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 ⁽⁶⁾, as amended by Regulation (EC) No 547/94 ⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 2034/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 August 1994.

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

Done at Brussels, 17 August 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 208, 11. 8. 1994, p. 5.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ No L 69, 12. 3. 1994, p. 1.

ANNEX

to the Commission Regulation of 17 August 1994 altering the export refunds on white sugar and raw sugar exported in the natural state

Product code	Amount of refund ⁽²⁾
	— ECU/100 kg —
1701 11 90 100	32,45 ⁽¹⁾
1701 11 90 910	30,44 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	32,45 ⁽¹⁾
1701 12 90 910	30,44 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3528
	— ECU/100 kg —
1701 99 10 100	35,28
1701 99 10 910	35,44
1701 99 10 950	33,94
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3528

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

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

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

COMMISSION REGULATION (EC) No 2065/94

of 16 August 1994

laying down detailed rules for the free supply of agricultural products held in intervention stocks to Georgia, Armenia, Azerbaijan, Kyrgyzstan and Tajikistan pursuant to Council Regulation (EC) No 1999/94

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1999/94 of 27 July 1994 on actions for the free supply of agricultural products to the people of Georgia, Armenia, Azerbaijan, Kyrgyzstan and Tajikistan⁽¹⁾, and in particular Article 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⁽²⁾, as amended by Regulation (EC) No 3528/93⁽³⁾, and in particular Article 6 (2) thereof,

Whereas Regulation (EC) No 1999/94 provides for the free supply of agricultural products to Armenia, Azerbaijan, Georgia, Kyrgyzstan and Tajikistan; whereas, with a view to implementing that measure, the conditions applicable, and in particular the common detailed rules of participation in tenders for the execution of the supplies, and the obligations to be met by successful tenderers should be laid down;

Whereas free supplies are foreseen in the form of agricultural products from intervention stocks without further processing and of products not available from intervention stocks but belonging to the same group of products; whereas, therefore, specific detailed rules should be laid down for supplies of processed products; whereas provisions should be made in particular for such supplies to be paid for in raw materials from intervention stocks;

Whereas, in the light of experience and the manifest difficulties previously encountered with the execution of operations of the same type, it is appropriate to provide that the award of the supply should not be determined systematically and uniquely on the basis of the lowest monetary offer, but may also take into consideration other fundamental elements proposed for the execution of the supply, presenting guarantees in particular for the proper conservation and hygienic condition of the products and for the conditions of their transport to the destination laid down; whereas, for this purpose, the offers must include all information necessary to evaluate the execution of the supply on the proposed terms;

Whereas provisions must also be made for a system of controls and securities to ensure that the supply operation is properly conducted;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 3002/92⁽⁴⁾, as last amended by Regulation (EEC) No 1938/93⁽⁵⁾; whereas, furthermore, proof that the products concerned have been taken over by the authorities of Georgia, Armenia, Azerbaijan, Kyrgyzstan and Tajikistan is to be provided by way of a special certificate;

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

Whereas, in application of Article 2 (4) of Regulation (EC) No 1999/94, no export refund shall be granted in respect of the exported products which are the subject of the supply;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Joint Management Committees,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation shall apply to the free supply of agricultural products from intervention stocks or of foodstuffs belonging to the same group of products to Georgia, Armenia, Azerbaijan, Kyrgyzstan and Tajikistan pursuant to Regulation (EC) No 1999/94, without prejudice to any additional provisions adopted for particular supplies.

Article 2

1. The costs of supply from the intervention stores to the appointed destination shall be determined by invitation to tender.

⁽¹⁾ OJ No L 201, 4. 8. 1994, p. 1.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁴⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽⁵⁾ OJ No L 176, 20. 7. 1993, p. 12.

2. Such costs shall cover the supply of the goods loaded onto the means of transport from the loading bay of the intervention agency store to the maritime port of unloading or to a point of take-over to be determined in the notice of invitation to tender.

3. The invitations to tender may relate to the quantity of products to be removed from intervention stocks as payment for the supply of processed products from the same group of products.

Article 3

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

Article 4

Tenders shall be submitted in writing to the address provided, before the date and time specified in the notice of invitation to tender.

Tenders must be placed inside two sealed envelopes. The inner envelope must bear, in addition to the address specified in the notice of invitation to tender, the number of the Regulation announcing the invitation to tender as well as the following: 'Submission from (business name) — To be opened only by the committee responsible for opening tenders'.

Article 5

1. Tenders submitted in response to invitations to tender for supplies as referred to in Article 2 (2) shall cover all costs relative to the delivery. They shall be expressed in ecus per tonne (gross).

2. Tenders in response to invitations to tender for supplies as referred to in Article 2 (3) shall cover the quantities of products to be removed from intervention stocks as payment for the supply and, where applicable, for the costs of processing, packaging and marking of a lot or group of lots specified in the notice of invitation to tender.

Article 6

1. Tenders shall be valid only where they:

(a) quote the precise reference to the regulation announcing the individual invitation to tender;

(b) give the name and address and in particular the telex and/or fax number of the tenderer, who must be established in the Community;

(c) cover an entire lot (net weight);

(d) indicate, where Article 2 (2) applies:

1. an amount per tonne (gross), expressed in ecus, for the complete supply of a lot;

2. the names and addresses of all forwarding agents and subcontractors to be used in the operation, on Community territory as well as in third countries;

3. the means of transport to be used, indicating all technical details (capacity, age, type of equipment, etc.);

4. the route, including border crossing points and indicating any points at which the goods are to be transferred from one means of transport to another; in this case the tenderer undertakes, in writing, to communicate the dates on which these transshipments will take place at least 10 days before the transshipment;

5. a detailed calculation showing the composition of the price offered;

(e) indicate, where Article 2 (3) applies:

1. the proposed quantity of product, expressed in tonnes (net weight), to be exchanged for a tonne (net) of finished product;

2. the exact address of the packaging plant (where applicable) and store at which the goods are to be kept prior to dispatch;

(f) are accompanied by proof that the tenderer has lodged, for each lot, a tendering security in national currency equivalent to ECU 100/tonne in favour of the agency designated in the invitation to tender. Such proof shall be furnished by means of the original document issued by the guarantor;

(g) are accompanied by a written undertaking by the financial institution which will lodge the supply security.

2. Tenders not submitted in accordance with this Article or stating terms other than those laid down in this Regulation shall be rejected.

3. Once submitted, tenders may be neither changed nor withdrawn after expiry of the time limit laid down for submission of tenders.

4. The amounts in ecus referred to in paragraph 1, in Article 8 and in Article 13 shall be converted into national currencies using the agricultural rate applicable on the final date for submission of tenders.

Article 7

1. Where tenders are to be addressed to an intervention agency, the agency concerned shall notify the Commission of tenders received within 24 hours of the expiry of the time limit laid down for the submission of tenders.

2. On the basis of the tenders submitted, the Commission may decide, with regard to each lot:

- not to make any award,
- or
- to award the supply contract on the basis of the price or quantities offered and other elements of the tender which provide the best assurances that the delivery will take place in good technical and hygienic conditions within the time limits laid down.

3. As soon as possible after the adoption of the decision taken in accordance with paragraph 2, the Commission shall inform all tenderers, by written telecommunication if necessary, of the outcome of their participation in the tendering procedure, and shall notify the successful tenderers of the supply which has been awarded to them.

4. The Commission shall inform the intervention agencies concerned of the results of the tender.

Article 8

Within five working days of the notification of the award pursuant to Article 7, successful tenderers shall lodge supply securities, constituted in accordance with Title III of Commission Regulation (EEC) No 2220/85⁽¹⁾, in favour of the designated intervention agency or the Commission. Proof of the lodging of a security shall be furnished by the original document issued by the guarantor.

Specific rules may be adopted in the case where a lot relates to several destinations and/or several products.

The amount of the supply security shall be fixed in each notice of invitation to tender.

Article 9

Except in cases of *force majeure*, successful tenderers shall bear all risks to which the goods may be subject, and in particular their loss or deterioration, up to the appointed supply stage.

Article 10

1. Applications for payment of the supply shall be accompanied by:

(a) in the case where Article 2 (2) applies:

- the export licences referred to in Article 14,
- the single administrative documents referred to in Article 14,

- where applicable, T 5 control copies,
- transport documents,
- the original of the take-over certificate for the quantities effectively delivered, issued by the recipient, endorsed by the control body at destination;

(b) in the case where Article 2 (3) applies:

- a certificate of quality furnished at the time of loading on the means of transport, under the responsibility of the body authorized for this purpose,
- the original take-over certificate issued by the successful tenderer for the transport of the supply.

2. In the case of invitations to tender pursuant to Article 2 (2), the supply costs shall be paid in respect of the quantity stated in the take-over certificate and certified by the body responsible for verification at destination on the certificate of conformity provided for in Article 11 (2).

3. In the case of invitations to tender pursuant to Article 2 (3), the basic product for which a contract is awarded shall be made available to the successful tenderer on presentation of proof of lodging of the security provided for in Article 8.

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

Article 11

1. Successful tenderers shall undergo any controls conducted by or on behalf of the intervention agency of the Member State in which the place of packaging, where applicable, and storage before dispatch is located, as designated by the successful tenderer in his offer. Such controls shall relate to the quantity, quality, identity, health status, and, where applicable, packaging and marking of the supply.

On completion of the controls, the agency shall issue a certificate of conformity. It is responsible financially and administratively if the quality delivered does not conform to the norms prescribed for intervention or to the description laid down in the call for tenders for the supply.

2. Verification of conformity of the supply as regards quantity, quality and, where applicable, health status, packaging and marking shall be carried out in the country of destination by a control agency or company designated by the Commission. A certificate of conformity, or where applicable non-conformity, specifying the details and results of the controls carried out, shall be issued to the successful tenderer on completion of such verification and shall also be forwarded directly to the intervention agency or to the Commission.

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

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

4. In the case of overland transport, the agency referred to in paragraph 1 shall ensure that seals are affixed to the means of transport at the time of loading. In the case of transshipment, a control agency or company, designated by the Commission, shall carry out a verification of the integrity of the seals on the means of transport arriving at the points of transshipment, and shall seal the means of transport used after the transshipment.

5. The costs of the controls referred to in paragraph 1 and samples taken before loading shall be borne by the successful tenderer.

6. The costs of the controls referred to in paragraphs 2, 3 and 4 shall be borne by the Community.

Article 12

1. The security referred to in Article 6 (1) (f) shall be released if the tender is not accepted. The primary requirements within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be :

- (a) a requirement not to withdraw the tender ;
- (b) the lodging of the supply security referred to in paragraph 2 for the quantity provided for in the notice of invitation to tender for each lot ;
- (c) taking over the quantities for which the security referred to in paragraph 2 has been lodged.

2. Before taking over the product, the successful tenderer shall lodge a security with the intervention agency or the Commission of an amount per tonne (net weight) fixed in the notice of invitation to tender, in respect of the quantities to be taken over for each lot.

The primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be the supply of the full quantity of the product in a state substantially unchanged as compared with :

- the quality at the time of removal from the intervention store (supplies as provided for in Article 2 (2)), or with
- the quality specified in the notice of invitation to tender (supplies as provided for in Article 2 (3)).

3. Successful tenderers shall take over the goods in accordance with the rules of the intervention agency applicable to removal from storage.

4. Securities as defined in paragraph 2 shall be released in accordance with the conditions laid down in the notice

of invitation to tender or, in instalments of 20 % each time proof is presented that 20 % of a lot has been delivered in accordance with the rules provided for in tender regulation, in the same condition as that in which they were taken over at the intervention store. Securities shall be forfeit on a pro rata basis in respect of quantities for which no proof has been presented.

5. When delays in delivery occur, an amount of ECU 1 per tonne shall be withheld from the security for each day of delay in respect of the quantities delivered late. If such delays exceed a period of 11 days, the amount deducted shall be increased to ECU 1,5 per tonne for each additional day of delay. These provisions shall apply where delivery delay is attributable to the successful tenderer.

6. Supply securities shall be released once the successful tenderers have provided proof of compliance with their obligations by presenting the documents referred to in Article 10 (1) and, in the case where Article 5 (2) applies, this compliance has been confirmed by the certificate provided for in Article 11 (2).

Article 13

The amount referred to at Article 6 (1) (d) (1), multiplied by the quantity effectively taken over, shall be paid to the successful tenderer at the date of the total take over of a lot or product upon presentation of the proof of the constitution of a security for an equivalent amount in favour of the intervention agency or the Commission.

Article 14

1. Section 20 of the export licences shall contain the remark : 'Council Regulation (EC) No 1999/94. Not eligible for export refunds.'

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

- 'Commission Regulation (EC) No 2065/94 of 16 August 1994 laying down detailed rules for the free supply of agricultural products held in intervention stocks to Georgia, Armenia, Azerbaijan, Kyrgyzstan and Tajikistan pursuant to Council Regulation (EC) No 1999/94',
- 'Not eligible for export refund'.

Article 15

1. Notices of invitation to tender shall specify in particular :

- the additional clauses and conditions,
- the lots and names and addresses of stores,

- the minimum quantity of product to be removed from storage per store,
- the main physical and technical characteristics of the various lots,
- the places and precise delivery stages laid down for the supply at destination,
- the time limits laid down for the supply.
- the lot or group of lots to be taken over in payment for the supply,
- the characteristics of the processed product to be supplied, namely type, quantity, quality, packaging, etc.

Article 16

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

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, 16 August 1994.

For the Commission

Martin BANGEMANN

Member of the Commission

COMMISSION REGULATION (EC) No 2066/94

of 17 August 1994

repealing Regulation (EC) No 3088/93 adopting exceptional support measures for the market in pigmeat in Germany

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

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Article 20 thereof,

Whereas because of the outbreak of classical swine fever in certain production regions in Germany animal health measures were adopted by Commission Decision 94/178/EC⁽³⁾, as last amended by Decision 94/365/EC⁽⁴⁾, concerning certain protection measures relating to classical swine fever in Germany; whereas exceptional support measures for the market in pigmeat were adopted for that Member State by Commission Regulation (EC) No 3088/93⁽⁵⁾, as last amended by Regulation (EC) No 1795/94⁽⁶⁾;

Whereas, in view of the progress achieved on the animal health side, the exceptional market support measures can now be closed down; therefore, Regulation (EC) No 3088/93 needs to be repealed, retaining the possibility to process the delivered pigs which are still in store;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 3088/93 is hereby repealed. However, the provisions of Article 3 (a) concerning the use of the delivered and slaughtered pigs for processing shall continue to apply for pigs stored as carcasses, half-carcasses or cuts on the day of the entry into force of this Regulation.

Article 2

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

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

Done at Brussels, 17 August 1994.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 83, 26. 3. 1994, p. 54.

⁽⁴⁾ OJ No L 162, 30. 6. 1994, p. 70.

⁽⁵⁾ OJ No L 277, 10. 11. 1993, p. 30.

⁽⁶⁾ OJ No L 186, 21. 7. 1994, p. 37.

COMMISSION REGULATION (EC) No 2067/94**of 17 August 1994****amending for the third time Regulation (EC) No 1393/94 adopting exceptional support measures for the market in pigmeat in the Netherlands**

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 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Article 20 thereof,

Whereas, because of the outbreak of classical swine fever in certain regions in Belgium, which are located in the border area to the Netherlands, exceptional support measures for the market in pigmeat were adopted for the Netherlands in Commission Regulation (EC) No 1393/94⁽³⁾, as last amended by Regulation (EC) No 1794/94⁽⁴⁾;

Whereas it is necessary to adjust the buying-in price for piglets to the present market situation taking into account the decrease in market prices;

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

Article 1

Regulation (EC) No 1393/94 is hereby amended as follows :

In Article 4, paragraph 2, 'ECU 31' is replaced by 'ECU 26' and 'ECU 26' is replaced by 'ECU 22'.

Article 2

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

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

Done at Brussels, 17 August 1994.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.
⁽³⁾ OJ No L 152, 18. 6. 1994, p. 27.
⁽⁴⁾ OJ No L 186, 21. 7. 1994, p. 35.

COMMISSION REGULATION (EC) No 2068/94
of 17 August 1994
amending Regulation (EC) No 1805/94 on the supply of milk products as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1930/90 ⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Commission Regulation (EC) No 1805/94 ⁽³⁾ issued an invitation to tender for the supply, as food aid, of 4 275 tonnes of milk powder; whereas some of the conditions specified in the Annex to the Regulation should be altered,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EC) No 1805/94 is hereby amended as follows :

for lot E, point 21 of Annex I is replaced by the following :

‘21. In the case of a second invitation to tender :

- (a) Deadline for the submission of tenders : 12 noon (Brussels time) on 22. 8. 1994 ;
- (b) Period for making the goods available at the port of shipment stage in case of award of tender at port of shipment stage : 26. 9. - 9. 10. 1994 ;
- (c) Deadline for the supply : 30. 10. 1994.’

Article 2

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

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

Done at Brussels, 17 August 1994.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 189, 23. 7. 1994, p. 33.

**COMMISSION REGULATION (EC) No 2069/94
of 17 August 1994**

**fixing the maximum export refund for white sugar for the 12th partial invitation
to tender issued within the framework of the standing invitation to tender
provided for in Regulation (EC) No 1021/94**

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

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

Whereas Commission Regulation (EC) No 1021/94 of 29 April 1994 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1021/94, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 12th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 12th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1021/94 the maximum amount of the export refund is fixed at ECU 37,976 per 100 kilograms.

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

Article 2

This Regulation shall enter into force on 18 August 1994.

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

Done at Brussels, 17 August 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 112, 3. 5. 1994, p. 13.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

COMMISSION REGULATION (EC) No 2070/94**of 17 August 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 last amended by Regulation (EC) No 1866/94 ⁽²⁾, and in particular Articles 10 (5) and 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 1937/94 ⁽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 16 August 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 1937/94 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 18 August 1994.

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

Done at Brussels, 17 August 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 198, 30. 7. 1994, p. 36.

ANNEX

to the Commission Regulation of 17 August 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Third countries ^(*)
0709 90 60	113,26 ⁽²⁾ ⁽³⁾
0712 90 19	113,26 ⁽²⁾ ⁽³⁾
1001 10 00	48,22 ⁽¹⁾ ⁽³⁾ ⁽¹¹⁾
1001 90 91	70,15
1001 90 99	70,15 ⁽²⁾ ⁽¹¹⁾
1002 00 00	103,03 ⁽⁶⁾
1003 00 10	104,21
1003 00 90	104,21 ⁽⁹⁾
1004 00 00	93,84
1005 10 90	113,26 ⁽²⁾ ⁽³⁾
1005 90 00	113,26 ⁽²⁾ ⁽³⁾
1007 00 90	115,25 ⁽⁴⁾
1008 10 00	31,01 ⁽²⁾
1008 20 00	34,08 ⁽⁴⁾ ⁽⁹⁾
1008 30 00	0 ⁽⁵⁾
1008 90 10	0
1008 90 90	0
1101 00 00	136,28 ⁽⁹⁾
1102 10 00	182,31
1103 11 10	111,57
1103 11 90	157,73
1107 10 11	135,75
1107 10 19	104,18
1107 10 91	196,37 ⁽¹⁰⁾
1107 10 99	149,48 ⁽⁹⁾
1107 20 00	172,41 ⁽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.

(¹¹) The levy for the products falling within this code in accordance with Regulation (EC) No 774/94 is restricted under the conditions of this Regulation.

COMMISSION REGULATION (EC) No 2071/94**of 17 August 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 last amended by Regulation (EC) No 1866/94 ⁽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 1938/94 ⁽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 16

August 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 18 August 1994.

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

Done at Brussels, 17 August 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 198, 30. 7. 1994, p. 39.

ANNEX

to the Commission Regulation of 17 August 1994 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	8	9	10	11
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	3,75	3,75
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	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0
1102 10 00	0	0	0	0
1103 11 10	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	8	9	10	11	12
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