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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2078/94

of 18 August 1994

**laying down definitive measures on the issuing of STM licences for beef and veal
in trade with Spain**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 85 (3) thereof,

Whereas Commission Regulation (EEC) No 1112/93 of 6 May 1993 laying down detailed rules for the application of the supplementary trade mechanism in the beef and veal sector between the Community as constituted on 31 December 1985 and Spain and Portugal and repealing Regulations (EEC) No 3810/91 and (EEC) No 3829/92 ⁽¹⁾, as last amended Regulation (EC) No 936/94 ⁽²⁾, set the indicative ceilings applicable in the beef and veal sector and the maximum quantities for which STM licences may be issued every two months;

Whereas STM licences issued in response to applications lodged on 26 July 1994 in Spain have exhausted that fraction of the indicative ceiling set aside for the fourth two months of 1994 for live animals;

Whereas the Commission accordingly adopted, by an emergency procedure, appropriate interim protective measures by Regulation (EC) No 1835/94 ⁽³⁾; whereas definitive measures must be adopted;

Whereas, as a definitive measure as referred to in Article 85 (3) of the Act of Accession, the issue of STM licences

should be definitively discontinued in order to prevent any disturbance on the market;

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

1. The issue of STM licences is hereby suspended until 5 September 1994 for live animals of the bovine species, other than purebred breeding animals and animals for bullfights.

2. Further applications for STM licences may be lodged from 5 September 1994.

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, 18 August 1994.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 113, 7. 5. 1993, p. 10.

⁽²⁾ OJ No L 107, 28. 4. 1994, p. 27.

⁽³⁾ OJ No L 191, 27. 7. 1994, p. 18.

COMMISSION REGULATION (EC) No 2079/94

of 18 August 1994

amending 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 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 1880/94 ⁽²⁾, and in particular Article 17 (4) thereof,

Whereas Commission Regulation (EEC) No 3846/87 ⁽³⁾, as last amended by Regulation (EC) No 1622/94 ⁽⁴⁾, establishes, on the basis of the combined nomenclature, an agricultural product nomenclature for export refunds; whereas in footnote ⁽¹⁰⁾ to section 10 (Milk and milk products) it excludes casein and/or caseinates added to processed cheese from entitlement to a refund; whereas other matter is added for which refunds should not be granted; whereas such matter should therefore be excluded from entitlement to a refund and footnote ⁽¹⁰⁾ amended accordingly; whereas, for the same reasons, footnote ⁽¹⁰⁾ should be applied to grated or powdered cheese;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 3846/87 is hereby amended as follows:

1. The reference ⁽¹⁰⁾ is inserted after code 'ex 0406 20 — Grated or powdered cheese, of all kinds';

2. Footnote ⁽¹⁰⁾ to section 10 is replaced by the following:

⁽¹⁰⁾ Where the product contains non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate, the part corresponding to the added non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate will not be taken into account for the purpose of calculating the refund.

When completing customs formalities, the party concerned is to state, on the declaration provided for the purpose, whether or not non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate have been added and, if so, the actual content by weight of added non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate in 100 kilograms of finished product.

Article 2

This Regulation shall not apply to products falling within CN codes 0406 20 and 0406 30 for which the refund has been fixed in advance and which are exported under cover of a licence issued before 29 July 1994 and used from 12 September 1994.

Article 3

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

It shall apply from 12 September 1994.

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

Done at Brussels, 18 August 1994.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 21.

⁽³⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 170, 5. 7. 1994, p. 24.

COMMISSION REGULATION (EC) No 2080/94**of 19 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 18 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 20 August 1994.

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

Done at Brussels, 19 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 19 August 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ^(*)
0709 90 60	113,26 ^(*) ⁽²⁾
0712 90 19	113,26 ^(*) ⁽²⁾
1001 10 00	50,25 ⁽¹⁾ ⁽²⁾ ⁽¹¹⁾
1001 90 91	70,15
1001 90 99	70,15 ⁽²⁾ ⁽¹¹⁾
1002 00 00	103,03 ⁽²⁾
1003 00 10	104,21
1003 00 90	104,21 ⁽²⁾
1004 00 00	93,84
1005 10 90	113,26 ⁽²⁾ ⁽²⁾
1005 90 00	113,26 ⁽²⁾ ⁽²⁾
1007 00 90	115,25 ⁽²⁾
1008 10 00	28,96 ⁽²⁾
1008 20 00	34,08 ⁽²⁾ ⁽²⁾
1008 30 00	0 ⁽²⁾
1008 90 10	⁽²⁾
1008 90 90	0
1101 00 00	137,85 ⁽²⁾
1102 10 00	182,31
1103 11 10	111,57
1103 11 90	159,30
1107 10 11	135,75
1107 10 19	104,18
1107 10 91	196,37 ⁽¹⁰⁾
1107 10 99	149,48 ⁽²⁾
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 2081/94**of 19 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 18

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 20 August 1994.

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

Done at Brussels, 19 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 19 August 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 8	1st period 9	2nd period 10	3rd period 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*(ECU/tonne)*

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

COMMISSION REGULATION (EC) No 2082/94
of 19 August 1994
fixing the agricultural conversion rates

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 ⁽¹⁾, as last amended by Regulation (EC) No 3528/93 ⁽²⁾, and in particular Article 3 (1) thereof,

Whereas the agricultural conversion rates were fixed by Commission Regulation (EC) No 2057/94 ⁽³⁾;

Whereas Article 4 of Regulation (EEC) No 3813/92 provides that the agricultural conversion rate for a floating currency is to be adjusted where the monetary gap between it and the representative market rate exceeds certain levels; whereas, notwithstanding that Article 4, Article 4a of that Regulation applies until 31 December 1994;

Whereas the representative market rates are determined on the basis of reference periods established in accordance with Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates ⁽⁴⁾, as amended by Regulation (EC) No 547/94 ⁽⁵⁾;

Whereas, as a consequence of the exchange rates recorded during the reference period 16 to 20 August 1994, it is necessary on the one hand to fix the limits referred to in paragraphs 1 and 3 of Article 4a of Regulation (EEC) No 3813/92 at + 3,628 and - 1,372 and on the other hand to fix a new agricultural conversion rate for the Italian lira and the pound sterling;

Whereas Article 15 (3) of Regulation (EEC) No 1068/93 provides that an agricultural conversion rate fixed in

advance shall be adjusted if the gap between that rate and the agricultural conversion rate in force at the time of the operative event applicable for the currency concerned exceeds four points; whereas, in that event, the agricultural conversion rate fixed in advance is brought more closely into line with the rate in force, up to the level of a gap of four points with that rate; whereas the rate which replaces the agricultural conversion rate fixed in advance should be specified,

HAS ADOPTED THIS REGULATION:

Article 1

The agricultural conversion rates are fixed in Annex I hereto.

Article 2

In the case referred to in Article 15 (3) of Regulation (EEC) No 1068/93, the agricultural conversion rate fixed in advance shall be replaced by the ecu rate for the currency concerned, shown in Annex II:

— Table A, where the latter rate is higher than the rate fixed in advance,

or

— Table B, where the latter rate is lower than the rate fixed in advance.

Article 3

Regulation (EC) No 2057/94 is hereby repealed.

Article 4

This Regulation shall enter into force on 21 August 1994.

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

Done at Brussels, 19 August 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 211, 17. 8. 1994, p. 4.

⁽⁴⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁵⁾ OJ No L 69, 12. 3. 1994, p. 1.

*ANNEX I***Agricultural conversion rates**

ECU 1 =	49,3070	Belgian and Luxembourg francs
	9,34812	Danish kroner
	2,35418	German marks
	346,789	Greek drachmas
	192,319	Spanish pesetas
	7,98191	French francs
	0,976426	Irish punt
	2 339,97	Italian lire
	2,65256	Dutch guilders
	239,331	Portuguese escudos
	0,953575	Pound sterling

*ANNEX II***Agricultural conversion rates fixed in advance and adjusted**

Table A			Table B		
ECU 1 =	47,4106	Belgian and Luxembourg francs	ECU 1 =	51,3615	Belgian and Luxembourg francs
	8,98858	Danish kroner		9,73763	Danish kroner
	2,26363	German marks		2,45227	German marks
	333,451	Greek drachmas		361,239	Greek drachmas
	184,922	Spanish pesetas		200,332	Spanish pesetas
	7,67491	French francs		8,31449	French francs
	0,938871	Irish punt		1,01711	Irish punt
	2 249,97	Italian lire		2 437,47	Italian lire
	2,55054	Dutch guilders		2,76308	Dutch guilders
	230,126	Portuguese escudos		249,303	Portuguese escudos
	0,916899	Pound sterling		0,993307	Pound sterling

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 25 July 1994

concerning the signing by the European Community of the Agreement relating to the implementation of Part XI of the 1982 United Nations Convention on the Law of the Sea and the provisional application by the Community of that Agreement and of Part XI of the Convention

(94/562/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof in conjunction with the first sentence of Article 228 (2),

Having regard to the proposal from the Commission,

Whereas the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea stemming from the informal consultations held by the United Nations Secretary-General has made the United Nations Convention on the Law of the Sea universally acceptable;

Whereas the European Community, in accordance with its Declaration on competence deposited at the moment of its signature of the United Nations Convention on the Law of the Sea on 7 December 1984 enjoys competence, with regard to the provisions of Part XI, in matters of commercial policy, including the control of unfair economic practices;

Whereas the Member States, as far as their competence is concerned, have made clear their intention to sign and, to the extent that it is possible for them to do so, provisionally apply the abovementioned Agreement and Part XI of the abovementioned Convention as modified by that Agreement;

Whereas, in accordance with Article 3 of the Agreement, the European Community may sign the abovementioned Agreement if a majority of its Member States are signatories,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea shall be signed by the Community as soon as the condition provided for in its Article 3 is fulfilled.
2. The President of the Council is hereby authorized to designate the person empowered to sign the Agreement.
3. The text of the Agreement is attached to this Decision.

Article 2

The Agreement referred to in Article 1 and Part XI of the United Nations Convention on the Law of the Sea shall be applied provisionally as early as possible but not before 16 November 1994.

Done at Brussels, 25 July 1994.

For the Council
The President
F.-CH. ZEITLER

AGREEMENT

relating to the implementation of part XI of the United Nations Convention on the Law of the Sea of 10 December 1982

THE STATES PARTIES TO THIS AGREEMENT,

RECOGNIZING the important contribution of the United Nations Convention on the Law of the Sea of 10 December 1982 (hereinafter referred to as 'the Convention') to the maintenance of peace, justice and progress for all peoples of the world,

REAFFIRMING that the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as 'the Area'), as well as the resources of the Area, are the common heritage of mankind,

MINDFUL of the importance of the Convention for the protection and preservation of the marine environment and of the growing concern for the global environment,

HAVING CONSIDERED the report of the Secretary-General of the United Nations on the results of the informal consultations among States held from 1990 to 1994 on outstanding issues relating to Part XI and related provisions of the Convention (hereinafter referred to as 'Part XI'),

NOTING the political and economic changes, including market-oriented approaches, affecting the implementation of Part XI,

WISHING to facilitate universal participation in the Convention,

CONSIDERING that an agreement relating to the implementation of Part XI would best meet that objective,

HAVE AGREED as follows:

Article 1

Implementation of Part XI

1. The States Parties to this Agreement undertake to implement Part XI in accordance with this Agreement.
2. The Annex forms an integral part of this Agreement.

Article 2

Relationship between this Agreement and Part XI

1. The provisions of this Agreement and Part XI shall be interpreted and applied together as a single instrument. In the event of any inconsistency between this Agreement and Part XI, the provisions of this Agreement shall prevail.
2. Articles 309 to 319 of the Convention shall apply to this Agreement as they apply to the Convention.

Article 3

Signature

This Agreement shall remain open for signature at United Nations Headquarters by the States and entities referred to in Article 305 (1) (a), (c), (d), (e) and (f), of the Convention for 12 months from the date of its adoption.

Article 4

Consent to be bound

1. After the adoption of this Agreement, any instrument of ratification or formal confirmation of or accession to the Convention shall also represent consent to be bound by this Agreement.
2. No State or entity may establish its consent to be bound by this Agreement unless it has previously established or establishes at the same time its consent to be bound by the Convention.
3. A State or entity referred to in Article 3 may express its consent to be bound by this Agreement by:
 - (a) signature not subject to ratification, formal confirmation or the procedure set out in Article 5;
 - (b) signature subject to ratification or formal confirmation, followed by ratification or formal confirmation;
 - (c) signature subject to the procedure set out in Article 5; or
 - (d) accession.
4. Formal confirmation by the entities referred to in Article 305 (1) (f), of the Convention shall be in accordance with Annex IX of the Convention.

5. The instruments of ratification, formal confirmation or accession shall be deposited with the Secretary-General of the United Nations.

Article 5

Simplified procedure

1. A State or entity which has deposited before the date of the adoption of this Agreement an instrument of ratification or formal confirmation of or accession to the Convention and which has signed this Agreement in accordance with Article 4 (3) (c), shall be considered to have established its consent to be bound by this Agreement 12 months after the date of its adoption, unless that State or entity notifies the depositary in writing before that date that it is not availing itself of the simplified procedure set out in this Article.

2. In the event of such notification, consent to be bound by this Agreement shall be established in accordance with Article 4 (3) (b).

Article 6

Entry into force

1. This Agreement shall enter into force 30 days after the date on which 40 States have established their consent to be bound in accordance with Articles 4 and 5, provided that such States include at least seven of the States referred to in paragraph 1 (a) of resolution II of the Third United Nations Conference on the Law of the Sea (hereinafter referred to as 'resolution II') and that at least five of those States are developed States. If these conditions for entry into force are fulfilled before 16 November 1994, this Agreement shall enter into force on 16 November 1994.

2. For each State or entity establishing its consent to be bound by this Agreement after the requirements set out in paragraph 1 have been fulfilled, this Agreement shall enter into force on the 30th day following the date of establishment of its consent to be bound.

Article 7

Provisional application

1. If on 16 November 1994 this Agreement has not entered into force, it shall be applied provisionally pending its entry into force by:

- (a) States which have consented to its adoption in the General Assembly of the United Nations, except any such State which before 16 November 1994 notifies

the depositary in writing either that it will not so apply this Agreement or that it will consent to such application only upon subsequent signature or notification in writing;

- (b) States and entities which sign this Agreement, except any such State or entity which notifies the depositary in writing at the time of signature that it will not so apply this Agreement;

- (c) States and entities which consent to its provisional application by so notifying the depositary in writing;

- (d) States which accede to this Agreement.

2. All such States and entities shall apply this Agreement provisionally in accordance with their national or internal laws and regulations, with effect from 16 November 1994 or the date of signature, notification of consent or accession, if later.

3. Provisional application shall terminate upon the date of entry into force of this Agreement. In any event, provisional application shall terminate on 16 November 1998 if at that date the requirement in Article 6 (1) of consent to be bound by this Agreement by at least seven of the States (of which at least five must be developed States) referred to in paragraph 1 (a) of resolution II has not been fulfilled.

Article 8

States Parties

1. For the purposes of this Agreement, 'States Parties' means States which have consented to be bound by this Agreement and for which this Agreement is in force.

2. This Agreement applies *mutatis mutandis* to the entities referred to in Article 305 (1) (c), (d), (e) and (f), of the Convention which become Parties to this Agreement in accordance with the conditions relevant to each, and to that extent 'States Parties' refers to those entities.

Article 9

Depositary

The Secretary-General of the United Nations shall be the depositary of this Agreement.

Article 10

Authentic texts

The original of this Agreement, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness whereof, the undersigned Plenipotentiaries, being duly authorized thereto, have signed this Agreement.

Done at New York, this ... day of July, one thousand nine hundred and ninety-four.

ANNEX

SECTION 1

Costs to States Parties and institutional arrangements

1. The International Seabed Authority (hereinafter referred to as 'the Authority') is the organization through which States Parties to the Convention shall, in accordance with the regime for the Area established in Part XI and this Agreement, organize and control activities in the Area, particularly with a view to administering the resources of the Area. The powers and functions of the Authority shall be those expressly conferred upon it by the Convention. The Authority shall have such incidental powers, consistent with the Convention, as are implicit in, and necessary for, the exercise of those powers and functions with respect to activities in the Area.
2. In order to minimize costs to States Parties, all organs and subsidiary bodies to be established under the Convention and this Agreement shall be cost-effective. This principle shall also apply to the frequency, duration and scheduling of meetings.
3. The setting up and the functioning of the organs and subsidiary bodies of the Authority shall be based on an evolutionary approach, taking into account the functional needs of the organs and subsidiary bodies concerned in order that they may discharge effectively their respective responsibilities at various stages of the development of activities in the Area.
4. The early functions of the Authority upon entry into force of the Convention shall be carried out by the Assembly, the Council, the Secretariat, the Legal and Technical Commission and the Finance Committee. The functions of the Economic Planning Commission shall be performed by the Legal and Technical Commission until such time as the Council decides otherwise or until the approval of the first plan of work for exploitation.
5. Between the entry into force of the Convention and the approval of the first plan of work for exploitation, the Authority shall concentrate on :
 - (a) processing of applications for approval of plans of work for exploration in accordance with Part XI and this Agreement ;
 - (b) implementation of decisions of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea (hereinafter referred to as 'the Preparatory Commission') relating to the registered pioneer investors and their certifying States, including their rights and obligations, in accordance with Article 308 (5) of the Convention and resolution II, paragraph 13 ;
 - (c) monitoring of compliance with plans of work for exploration approved in the form of contracts ;
 - (d) monitoring and review of trends and developments relating to deep seabed mining activities, including regular analysis of world metal market conditions and metal prices, trends and prospects ;
 - (e) study of the potential impact of mineral production from the Area on the economies of developing land-based producers of those materials which are likely to be most seriously affected, with a view to minimizing their difficulties and assisting them in their economic adjustment, taking into account the work done in this regard by the Preparatory Commission ;
 - (f) adoption of rules, regulations and procedures necessary for the conduct of activities in the Area as they progress. Notwithstanding the provisions of Annex III, Article 17 (2) (b) and (c), of the Convention, such rules, regulations and procedures shall take into account the terms of this Agreement, the prolonged delay in commercial deep seabed mining and the likely pace of activities in the Area ;
 - (g) adoption of rules, regulations and procedures incorporating applicable standards for the protection and preservation of the marine environment ;
 - (h) promotion and encouragement of the conduct of marine scientific research with respect to activities in the Area and the collection and dissemination of the results of such research and analysis, when available, with particular emphasis on research related to the environmental impact of activities in the Area ;

- (i) acquisition of scientific knowledge and monitoring of the development of marine technology relevant to activities in the Area, particular technology relating to the protection and preservation of the marine environment;
- (j) assessment of available data relating to prospecting and exploration;
- (k) timely elaboration of rules, regulations and procedures for exploitation, including those relating to the protection and preservation of the marine environment.

6. (a) An application for approval of a plan of work for exploration shall be considered by the Council following the receipt of a recommendation on the application from the Legal and Technical Commission. The processing of an application for approval of a plan of work for exploration shall be in accordance with the provisions of the Convention, including Annex III thereof, and this Agreement, and subject to the following:

- (i) a plan of work for exploration submitted on behalf of a State or entity, or any component of such entity, referred to in resolution II, paragraph 1 (a) (ii) or (iii), other than a registered pioneer investor, which had already undertaken substantial activities in the Area prior to the entry into force of the Convention, or its successor in interest, shall be considered to have met the financial and technical qualifications necessary for approval of a plan of work if the sponsoring State or States certify that the applicant has expended an amount equivalent to at least US \$ 30 million in research and exploration activities and has expended no less than 10 % of that amount in the location, survey and evaluation of the area referred to in the plan of work. If the plan of work otherwise satisfies the requirements of the Convention and any rules, regulations and procedures adopted pursuant thereto, it shall be approved by the Council in the form of a contract. The provisions of section 3, paragraph 11, of this Annex shall be interpreted and applied accordingly;
- (ii) notwithstanding the provisions of resolution II, paragraph 8 (a), a registered pioneer investor may request approval of a plan of work for exploration within 36 months of the entry into force of the Convention. The plan of work for exploration shall consist of documents, reports and other data submitted to the Preparatory Commission both before and after registration and shall be accompanied by a certificate of compliance, consisting of a factual report describing the status of fulfilment of obligations under the pioneer investor regime, issued by the Preparatory Commission in accordance with resolution II, paragraph 11 (a). Such a plan of work shall be considered to be approved. Such an approved plan of work shall be in the form of a contract concluded between the Authority and the registered pioneer investor in accordance with Part XI and the this Agreement. The fee of US \$ 250 000 paid pursuant to resolution II, paragraph 7 (a), shall be deemed to be the fee relating to the exploration-phase pursuant to section 8, paragraph 3, of this Annex. Section 3, paragraph 11, of this Annex shall be interpreted and applied accordingly;
- (iii) in accordance with the principle of non-discrimination, a contract with a State or entity or any component of such entity referred to in subparagraph (a) (i) shall include arrangements which shall be similar to and no less favourable than those agreed with any registered pioneer investor referred to in subparagraph (a) (ii). If any of the States or entities or any components of such entities referred to in subparagraph (a) (i) are granted more favourable arrangements, the Council shall make similar and no less favourable arrangements with regard to the rights and obligations assumed by the registered pioneer investors referred to in subparagraph (a) (ii), provided that such arrangements do not affect or prejudice the interests of the Authority;
- (iv) a State sponsoring an application for a plan of work pursuant to the provisions of subparagraph (a) (i) or (ii) may be a State Party or a State which is applying this Agreement provisionally in accordance with Article 7, or a State which is a member of the Authority on a provisional basis in accordance with paragraph 12;
- (v) resolution II, paragraph 8 (c), shall be interpreted and applied in accordance with subparagraph (a) (iv).

(b) The approval of a plan of work for exploration shall be in accordance with Article 153 (3) of the Convention.

7. An application for approval of a plan of work shall be accompanied by an assessment of the potential environmental impacts of the proposed activities and by a description of a programme for oceanographic and baseline environmental studies in accordance with the rules, regulations and procedures adopted by the Authority.

8. An application for approval of a plan of work for exploration, subject to paragraph 6 (a) (i) or (ii), shall be processed in accordance with the procedures set out in section 3, paragraph 11, of this Annex.

9. A plan of work for exploration shall be approved for a period of 15 years. Upon the expiration of a plan of work for exploration, the contractor shall apply for a plan of work for exploitation unless the contractor has already done so or has obtained an extension for the plan of work for exploration. Contractors may apply for such extensions for periods of not more than five years each. Such extensions shall be approved if the contractor has made efforts in good faith to comply with the requirements of the plan of work but for reasons beyond the contractor's control has been unable to complete the necessary preparatory work for proceeding to the exploitation stage or if the prevailing economic circumstances do not justify proceeding to the exploitation stage.

10. Designation of a reserved area for the Authority in accordance with Annex III, Article 8, of the Convention shall take place in connection with approval of an application for a plan of work for exploration or approval of an application for a plan of work for exploration and exploitation.

11. Notwithstanding the provisions of paragraph 9, an approval plan of work for exploration which is sponsored by at least one State provisionally applying this Agreement shall terminate if such a State ceases to apply this Agreement provisionally and has not become a member on a provisional basis in accordance with paragraph 12 or has not become a State Party.

12. Upon the entry into force of this Agreement, States and entities referred to in Article 3 of this Agreement which have been applying it provisionally in accordance with Article 7 and for which it is not in force may continue to be members of the Authority on a provisional basis pending its entry into force for such, States and entities, in accordance with the following subparagraphs:

- (a) if this Agreement enters into force before 16 November 1996, such States and entities shall be entitled to continue to participate as members of the Authority on a provisional basis upon notification to the depositary of the Agreement by such a State or entity of its intention to participate as a member on a provisional basis. Such membership shall terminate either on 16 November 1996 or upon the entry into force of this Agreement and the Convention for such member, whichever is earlier. The Council may, upon the request of the State or entity concerned, extend such membership beyond 16 November 1996 for a further period or periods not exceeding a total of two years provided that the Council is satisfied that the State or entity concerned has been making efforts in good faith to become a party to the Agreement and the Convention;
- (b) if this Agreement enters into force after 15 November 1996, such States and entities may request the Council to grant continued membership in the Authority on a provisional basis for a period or periods not extending beyond 16 November 1998. The Council shall grant such membership with effect from the date of the request if it is satisfied that the State or entity has been making efforts in good faith to become a party to the Agreement and the Convention;
- (c) States and entities which are members of the Authority on a provisional basis in accordance with subparagraph (a) or (b) shall apply the terms of Part XI and this Agreement in accordance with their national or internal laws, regulations and annual budgetary appropriations and shall have the same rights and obligations as other members, including:
 - (i) the obligation to contribute to the administrative budget of the Authority in accordance with the scale of assessed contributions;
 - (ii) the right to sponsor an application for approval of a plan of work for exploration. In the case of entities whose components are natural or juridical persons possessing the nationality of more than one State, a plan of work for exploration shall not be approved unless all the States whose natural or juridical persons comprise those entities are States Parties or members on a provisional basis;
- (d) notwithstanding the provisions of paragraph 9, an approved plan of work in the form of a contract for exploration which was sponsored pursuant to subparagraph (c) (ii) by a State which was a member on a provisional basis shall terminate if such membership ceases and the State or entity has not become a State Party;
- (e) if such a member has failed to make its assessed contributions or otherwise failed to comply with its obligations in accordance with this paragraph, its membership on a provisional basis shall be terminated.

13. The reference in Annex III, Article 10, of the Convention to performance which has not been satisfactory shall be interpreted to mean that the contractor has failed to comply with the requirements of an approved plan of work in spite of a written warning or warnings from the Authority to the contractor to comply therewith.

14. The Authority shall have its own budget. Until the the end of the year following the year during which this Agreement enters into force, the administrative expenses of the Authority shall be met through the budget of the United Nations. Thereafter, the administrative expenses of the Authority shall be met by assessed contributions of its members, including any members on a provisional basis, in accordance with Articles 171 (a), and 173 of the Convention and this Agreement, until the Authority has sufficient funds from other sources to meet those expenses. The Authority shall not exercise the power referred to in Article 174 paragraph (1), of the Convention to borrow funds to finance its administrative budget.

15. The Authority shall elaborate and adopt, in accordance with Article 162 paragraph (2) (o) (ii), of the Convention, rules, regulations and procedures based on the principles contained in sections 2, 5, 6, 7 and 8 of this Annex, as well as any additional rules, regulations and procedures necessary to facilitate the approval of plans of work for exploration or exploitation, in accordance with the following subparagraphs:

- (a) the Council may undertake such elaboration any time it deems that all or any of such rules, regulations or procedures are required for the conduct of activities in the Area, or when it determines that commercial exploitation is imminent, or at the request of a State whose national intends to apply for approval of a plan of work for exploitation;
- (b) if a request is made by a State referred to in subparagraph (a) the Council shall, in accordance with Article 162 (2), (o), of the Convention, complete the adoption of such rules, regulations and procedures within two years of the request;
- (c) if the Council has not completed the elaboration of the rules, regulations and procedures relating to exploitation within the prescribed time and an application for approval of a plan of work for exploitation is pending, it shall none the less consider and provisionally approve such plan of work based on the provisions of the Convention and any rules, regulations and procedures that the Council may have adopted provisionally, or on the basis of the norms contained in the Convention and the terms and principles contained in this Annex as well as the principle of non-discrimination among contractors.

16. The draft rules, regulations and procedures and any recommendations relating to the provisions of Part XI, as contained in the reports and recommendations of the Preparatory Commission, shall be taken into account by the Authority in the adoption of rules, regulations and procedures in accordance with Part XI and this Agreement.

17. The relevant provisions of Part XI, section 4, of the Convention shall be interpreted and applied in accordance with this Agreement.

SECTION 2

The Enterprise

1. The Secretariat of the Authority shall perform the functions of the Enterprise until it begins to operate independently of the Secretariat. The Secretary-General of the Authority shall appoint from within the staff of the Authority an interim Director-General to oversee the performance of these functions by the Secretariat.

These functions shall be:

- (a) monitoring and review of trends and developments relating to deep-seabed mining activities, including regular analysis of world metal market conditions and metal prices, trends and prospects;
- (b) assessment of the results of the conduct of marine scientific research with respect to activities in the Area, with particular emphasis on research related to the environmental impact of activities in the Area;
- (c) assessment of available data relating to prospecting and exploration, including the criteria for such activities;
- (d) assessment of technological developments relevant to activities in the Area, in particular technology relating to the protection and preservation of the marine environment;
- (e) evaluation of information and data relating to areas reserved for the Authority;
- (f) assessment of approaches to joint-venture operations;
- (g) collection of information on the availability of trained manpower;
- (h) study of managerial policy options for the administration of the Enterprise at different stages of its operations.

2. The Enterprise shall conduct its initial deep seabed mining operations through joint ventures. Upon the approval of a plan of work for exploitation for an entity other than the Enterprise, or upon receipt by the Council of an application for a joint-venture operation with the Enterprise, the Council shall take up the issue of the functioning of the Enterprise independently of the Secretariat of the Authority. If joint-venture operations with the Enterprise accord with sound commercial principles, the Council shall issue a directive pursuant to Article 170 (2) of the Convention providing for such independent functioning.
3. The obligation of States Parties to fund one mine site of the Enterprise as provided for in Annex IV, Article 11 (3) of the Convention shall not apply and States Parties shall be under no obligation to finance any of the operations in any mine site of the Enterprise or under its joint-venture arrangements.
4. The obligations applicable to contractors shall apply to the Enterprise. Notwithstanding the provisions of Article 153 (3) and Annex III, Article 3 (5) of the Convention, a plan of work for the Enterprise upon its approval shall be in the form of a contract concluded between the Authority and the Enterprise.
5. A contractor which has contributed a particular area to the Authority as a reserved area has the right of first refusal to enter into a joint-venture arrangement with the Enterprise for exploration and exploitation of that area. If the Enterprise does not submit an application for a plan of work for activities in respect of such a reserved area within 15 years of the commencement of its functions independent of the Secretariat of the Authority or within 15 years of the date on which that area is reserved for the Authority, whichever is the later, the contractor which contributed the area shall be entitled to apply for a plan of work for that area provided it offers in good faith to include the Enterprise as a joint-venture partner.
6. Article 170 (4), Annex IV and other provisions of the Convention relating to the Enterprise shall be interpreted and applied in accordance with this section.

SECTION 3

Decision-making

1. The general policies of the Authority shall be established by the Assembly of collaboration with the Council.
2. As a general rule, decision-making in the organs of the Authority should be by consensus.
3. If all efforts to reach a decision by consensus have been exhausted, decisions by voting in the Assembly on questions of procedure shall be taken by a majority of members present and voting, and decisions on questions of substance shall be taken by a two-thirds majority of members present and voting, as provided for in Article 159 (8) of the Convention.
4. Decisions of the Assembly on any matter for which the Council also has competence or on any administrative, budgetary or financial matter shall be based on the recommendations of the Council. If the Assembly does not accept the recommendation of the Council on any matter, it shall return the matter to the Council for further consideration. The Council shall reconsider the matter in the light of the views expressed by the Assembly.
5. If all efforts to reach a decision by consensus have been exhausted, decisions by voting in the Council on questions of procedure shall be taken by a majority of members present and voting, and decisions on questions of substance, except where the Convention provides for decisions by consensus in the Council, shall be taken by a two-thirds majority of members present and voting, provided that such decisions are not opposed by a majority in any one of the chambers referred to in paragraph 9. In taking decisions the Council shall seek to promote the interests of all the members of the Authority.
6. The Council may defer the taking of a decision in order to facilitate further negotiation whenever it appears that all efforts at achieving consensus on a question have not been exhausted.
7. Decisions by the Assembly on the Council having financial or budgetary implications shall be based on the recommendations of the Finance Committee.
8. The provisions of Article 161 (8) (b) and (c) of the Convention shall not apply.

9. (a) Each group of States elected under paragraph 15 (a) to (c) shall be treated as a chamber for the purpose of voting in the Council. The developing States elected under paragraphs 15 (d) and (e) shall be treated as a single chamber for the purposes of voting in the Council.
- (b) Before electing the members of the Council, the Assembly shall establish lists of countries fulfilling the criteria for membership in the groups of States in paragraph 15 (a) to (d). If a State fulfils the criteria for membership in more than one group, it may only be proposed by one group for election to the Council and it shall represent only that group in voting in the Council.
10. Each group of States in paragraph 15 (a) to (d) shall be represented in the Council by those members nominated by that group. Each group shall nominate only as many candidates as the number of seats required to be filled by that group. When the number of potential candidates in each of the groups referred to in paragraph 15 (a) to (e) exceeds the number of seats available in each of those respective groups, as a general rule, the principle of rotation shall apply. States members of each of those groups shall determine how this principle shall apply in those groups.
11. (a) The Council shall approve a recommendation by the Legal and Technical Commission for approval of a plan of work unless by a two-thirds majority of its members present and voting, including a majority of members present and voting in each of the chambers of the Council, the Council decides to disapprove a plan of work. If the Council does not take a decision on a recommendation for approval of a plan of work within a prescribed period, the recommendation shall be deemed to have been approved by the Council at the end of that period. The prescribed period shall normally be 60 days unless the Council decides to provide for a longer period. If the Commission recommends the disapproval of a plan of work or does not make a recommendation, the Council may nevertheless approve the plan of work in accordance with its rules of procedure for decision-making on questions of substance.
- (b) The provisions of Article 162 (2) (j), of the Convention shall not apply.
12. Where a dispute arises relating to the disapproval of a plan of work, such dispute shall be submitted to the dispute settlement procedures set out in the Convention.
13. Decisions by voting in the Legal and Technical Commission shall be by a majority of members present and voting.
14. Part XI, section 4, subsections B and C, of the Convention shall be interpreted and applied in accordance with this section.
15. The Council shall consist of 36 members of the Authority elected by the Assembly in the following order:
- (a) four members from among those States Parties which, during the last five years for which statistics are available, have either consumed more than 2 per cent in value terms of total world consumption or have had net imports of more than 2 per cent in value terms of total world imports of the commodities produced from the categories of minerals to be derived from the Area, provided that the four members shall include one State from the Eastern European region having the largest economy in that region in terms of gross domestic product and the State, on the date of entry into force of the Convention, having the largest economy in terms of gross domestic product, if such States wish to be represented in this group;
- (b) four members from among the eight States Parties which have made the largest investments in preparation for and in the conduct of activities in the Area, either directly or through their nationals;
- (c) four members from among States Parties which, on the basis of production in areas under their jurisdiction, are major net exporters of the categories of minerals to be derived from the Area, including at least two developing States whose exports of such minerals have a substantial bearing upon their economies;
- (d) six members from among developing States Parties, representing special interests. The special interests to be represented shall include those of States with large populations, States which are land-locked or geographically disadvantaged, island States, States which are major importers of the categories of minerals to be derived from the Area, States which are potential producers of such minerals and least developed States;
- (e) 18 members elected according to the principle of ensuring an equitable geographical distribution of seats in the Council as a whole, provided that each geographical region shall be at least one member elected under this subparagraph. For this purpose, the geographical regions shall be Africa, Asia, Eastern Europe, Latin America and the Caribbean and Western Europe and Others.
16. The provisions of Article 161 (1) of the Convention shall not apply.

SECTION 4

Review Conference

The provisions relating to the Review Conference in Article 155 (1), (3) and (4), of the Convention shall not apply. Notwithstanding the provisions of Article 314 (2) of the Convention, the Assembly, on the recommendation of the Council, may undertake at any time a review of the matters referred to in Article 155 (1) of the Convention. Amendments relating to this Agreement and Part XI shall be subject to the procedures contained in Articles 314, 315 and 316 of the Convention, provided that the principles, regime and other terms referred to in Article 155 (2) of the Convention shall be maintained and the rights referred to in paragraph 5 of that Article shall not be affected.

SECTION 5

Transfer of technology

1. In addition to the provisions of Article 144 of the Convention, transfer of technology for the purposes of Part XI shall be governed by the following principles:
 - (a) the Enterprise, and developing States wishing to obtain deep seabed mining technology, shall seek to obtain such technology on fair and reasonable commercial terms and conditions on the open market, or through joint-venture arrangements;
 - (b) if the Enterprise or developing States are unable to obtain deep seabed mining technology, the Authority may request all or any of the contractors and their respective sponsoring State or States to cooperate with it in facilitating the acquisition of deep seabed mining technology by the Enterprise or its joint venture, or by a developing State or States seeking to acquire such technology on fair and reasonable commercial terms and conditions, consistent with the effective protection of intellectual property rights. States Parties undertake to cooperate fully and effectively with the Authority for this purpose and to ensure that contractors sponsored by them also cooperate fully with the Authority;
 - (c) as a general rule, States Parties shall promote international technical and scientific cooperation with regard to activities in the Area either between the parties concerned or by developing training, technical assistance and scientific cooperation programmes in marine science and technology and the protection and preservation of the marine environment.
2. The provisions of Annex III, Article 5, of the Convention shall not apply.

SECTION 6

Production policy

1. The production policy of the Authority shall be based on the following principles:
 - (a) development of the resources of the Area shall take place in accordance with sound commercial principles;
 - (b) the provisions of the General Agreement on Tariffs and Trade, its relevant codes and successor or superseding agreements shall apply with respect to activities in the Area;
 - (c) in particular, there shall be no subsidization of activities in the Area except as may be permitted under the agreements referred to in subparagraph (b). Subsidization for the purpose of these principles shall be defined in terms of the agreements referred to in subparagraph (b);
 - (d) there shall be no discrimination between minerals derived from the Area and from other sources. There shall be no preferential access to markets for such minerals or for imports of commodities produced from such minerals, in particular:
 - (i) by the use of tariff or non-tariff barriers and
 - (ii) given by States Parties to such minerals or commodities produced by their state enterprises or by natural or juridical persons which possess their nationality or are controlled by them or their nationals;
 - (e) the plan of work for exploitation approved by the Authority in respect of each mining area shall indicate an anticipated production schedule which shall include the estimated maximum amounts of minerals that would be produced per year under the plan of work;
 - (f) the following shall apply to the settlement of disputes concerning the provisions of the agreements referred to in subparagraph (b):
 - (i) where the States Parties concerned are parties to such agreements, they shall have recourse to the dispute settlement procedures of these agreements;
 - (ii) where one or more of the States Parties concerned are not parties to such agreements, they shall have recourse to the dispute settlement procedures set out in the Convention;
 - (g) in circumstances where a determination is made under the agreements referred to in subparagraph (b) that a State Party has engaged in subsidization which is prohibited or has resulted in adverse effects on the interests of another State Party and appropriate steps have not been taken by the relevant State Party or States Parties, a State Party may request the Council to take appropriate measures.

2. The principles contained in paragraph 1 shall not affect the rights and obligations under any provision of the agreements referred to in paragraph 1 (b), as well as the relevant free trade and customs union agreements, in relations between States Parties which are parties to such agreements.
3. The acceptance by a contractor of subsidies other than those which may be permitted under the agreements referred to in paragraph 1 (b) shall constitute a violation of the fundamental terms of the contract forming a plan of work for the carrying out of activities in the Area.
4. Any State Party which has reason to believe that there has been a breach of the requirements of paragraphs 1 (b) to (d) or 3 may initiate dispute settlement procedures in conformity with paragraph 1 (f) or (g).
5. A State Party may at any time bring to the attention of the Council activities which in its view are inconsistent with the requirements of paragraph 1 (b) to (d).
6. The Authority shall develop rules, regulations and procedures which ensure the implementation of the provisions of this section, including relevant rules, regulations and procedures governing the approval of plans of work.
7. The provisions of Article 151 (1) to (7) and (9), Article 162 (2) (q), Article 165 (2) (n), and Annex III, Article 6 (5), and Article 7 of the Convention shall not apply.

SECTION 7

Economic assistance

1. The policy of the Authority of assisting developing countries which suffer serious adverse effects on their export earnings or economies resulting from a reduction in the price of an affected mineral or in the volume of exports of that mineral, to the extent that such reduction is caused by activities in the Area, shall be based on the following principles :
 - (a) the Authority shall establish an economic assistance fund from a portion of the funds of the Authority which exceeds those necessary to cover the administrative expenses of the Authority. The amount set aside for this purpose shall be determined by the Council from time to time, upon the recommendation of the Finance Committee. Only funds from payments received from contractors, including the Enterprise, and voluntary contributions shall be used for the establishment of the economic assistance fund ;
 - (b) developing land-based producer States whose economies have been determined to be seriously affected by the production of minerals from the deep seabed shall be assisted from the economic assistance fund of the Authority ;
 - (c) the authority shall provide assistance from the fund to affected developing land-based producer States, where appropriate, in cooperation with existing global or regional development institutions which have the infrastructure and expertise to carry out such assistance programmes ;
 - (d) the extent and period of such assistance shall be determined on a case-by-case basis. In doing so, due consideration shall be given to the nature and magnitude of the problems encountered by affected developing land-based producer States.
2. Article 151 (10) of the Convention shall be implemented by means of measures of economic assistance referred to in paragraph 1. Article 160 (2) (1), Article 162 (2) (n), Article 164 (2) (d), Article 171, subparagraph (f), and Article 173 (2) (c) of the Convention shall be interpreted accordingly.

SECTION 8

Financial terms of contracts

1. The following principles shall provide the basis for establishing rules, regulations and procedures for financial terms of contracts :
 - (a) The system of payments to the Authority shall be fair both to the contractor and to the Authority and shall provide adequate means of determining compliance by the contractor with such system ;
 - (b) the rates of payments under the system shall be within the range of those prevailing in respect of land-based mining of the same or similar minerals in order to avoid giving deep-seabed miners an artificial competitive advantage or imposing on them a competitive disadvantage ;
 - (c) the system should not be complicated and should not impose major administrative costs on the Authority or on a contractor. Consideration should be given to the adoption of a royalty system or a combination of a royalty and profit-sharing system. If alternative systems are decided upon, the contractor has the right to choose the system applicable to its contract. Any subsequent change in choice between alternative systems, however, shall be made by agreement between the Authority and the contractor ;
 - (d) an annual fixed fee shall be payable from the date of commencement of commercial production. This fee may be credited against other payments due under the system adopted in accordance with subparagraph (c). The amount of the fee shall be established by the Council ;

- (e) the system of payments may be revised periodically in the light of changing circumstances. Any changes shall be applied in a non-discriminatory manner. Such changes may apply to existing contracts only at the election of the contractor. Any subsequent change in choice between alternative systems shall be made by agreement between the Authority and the contractor;
 - (f) disputes concerning the interpretation or application of the rules and regulations based on these principles shall be subject to the dispute settlement procedures set out in the Convention.
2. The provisions of Annex III, Article 13 (3) to (10) of the Convention shall not apply.
3. With regard to the implementation of Annex III, Article 13 (2) of the Convention, the fee for processing applications for approval of a plan of work limited to one phase, either the exploration phase or the exploitation phase, shall be US \$ 250 000.

SECTION 9

Finance Committee

1. There is hereby established a Finance Committee. The Committee shall be composed of 15 members with appropriate qualifications relevant to financial matters. States Parties shall nominate candidates of the highest standards of competence and integrity.
2. No two members of the Finance Committee shall be nationals of the same State Party.
3. Members of the Finance Committee shall be elected by the Assembly and due account shall be taken of the need for equitable geographical distribution and the representation of special interests. Each group of States referred to in section 3, paragraph 15 (a), (b), (c) and (d) of this Annex shall be represented on the Committee by at least one member. Until the Authority has sufficient funds other than assessed contributions to meet its administrative expenses, the membership of the Committee shall include representatives of the five largest financial contributors to the administrative budget of the Authority. Thereafter, the election of one member from each group shall be on the basis of nomination by the members of the respective group, without prejudice to the possibility of further members being elected from each group.
4. Members of the Finance Committee shall hold office for a term of five years. They shall be eligible for re-election for a further term.
5. In the event of the death, incapacity or resignation of a member of the Finance Committee prior to the expiration of the term of office, the Assembly shall elect for the remainder of the term a member from the same geographical region or group of States.
6. Members of the Finance Committee shall have no financial interest in any activity relating to matters upon which the Committee has the responsibility to make recommendations. They shall not disclose, even after the termination of their functions, any confidential information coming to their knowledge by reason of their duties for the Authority.
7. Decisions by the Assembly and the Council on the following issues shall take into account recommendations of the Finance Committee:
 - (a) draft financial rules, regulations and procedures of the organs of the Authority and the financial management and internal financial administration of the Authority;
 - (b) assessment of the contributions of members to the administrative budget of the Authority in accordance with Article 160 (2) (e) of the Convention;
 - (c) all relevant financial matters, including the proposed annual budget prepared by the Secretary-General of the Authority in accordance with Article 172 of the Convention and the financial aspects of the implementation of the programmes of work of the Secretariat;
 - (d) the administrative budget;
 - (e) financial obligations of States Parties arising from the implementation of this Agreement and Part XI as well as the administrative and budgetary implications of proposals and recommendations involving expenditure from the funds of the Authority;
 - (f) rules, regulations and procedures on the equitable sharing of financial and other economic benefits derived from activities in the Area and the decisions to be made thereon.
8. Decisions in the Finance Committee on questions of procedure shall be taken by a majority of members present and voting. Decisions on questions of substance shall be taken by consensus.
9. The requirement of Article 162 (21) (y) of the Convention to establish a subsidiary organ to deal with financial matters shall be deemed to have been fulfilled by the establishment of the Finance Committee in accordance with this section.

COMMISSION

COMMISSION DECISION

of 27 July 1994

on the quantities of controlled substances allowed for essential uses in the Community pursuant to Council Regulation (EEC) No 549/91 on substances that deplete the ozone layer

(94/563/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 594/91 of 4 March 1991 on substances that deplete the ozone layer⁽¹⁾, as amended by Regulation (EEC) No 3952/92⁽²⁾,

Whereas, because of concern for the ozone layer, the Commission has decided to phase out certain controlled substances earlier than stated in the Montreal Protocol, commencing on 1 January 1995;

Whereas Regulation (EEC) No 594/91, as amended states the Commission shall determine any essential uses which may be permitted in the Community after 31 December 1994 and any quantities of controlled substances which may be produced, placed on the market or used for their own account by producers for these purposes;

Whereas those essential uses have to be decided for chlorofluorocarbons, in accordance with Articles 10 (2) and 11 (2), halons, in accordance with Articles 10 (3) and 11 (3) and carbon tetrachloride, in accordance with Articles 10 (4) and 11 (4) of Regulation (EEC) No 594/91;

Whereas the criteria applied to assessing essential uses are in line with Decision IV/25 of the Fourth Meeting of the Parties to the Montreal Protocol and are:

(a) that a use of a controlled substance should qualify as 'essential' only if:

(i) it is necessary for the health, safety or is critical for the functioning of society (encompassing cultural and intellectual aspects); and

(ii) there are no available technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health;

(b) that production and consumption, if any, of a controlled substance for essential uses should be permitted only if:

(i) all economically feasible steps have been taken to minimize the essential use and associated emission of the controlled substance; and

(ii) the controlled substance is not available in sufficient quantity and quality from existing stocks of banked or recycled controlled substances, also bearing in mind the developing countries' need for controlled substances;

Whereas after receiving a certain number of applications from Member States, the Commission, assisted by the management committee established pursuant to Article 12 of Regulation (EEC) No 594/91, retained only those limited applications which were considered to meet the essential use criteria in line with the abovementioned Montreal Protocol Decision IV/25;

Whereas the identified essential uses fall into four categories, notably: medical uses, solvent uses, laboratory uses and other uses; whereas the quantitatively most important essential use is the medical use of MDIs for the Treatment of asthma and other chronic obstructive diseases, as endorsed by the UNEP Technology and Economic Assessment Panel (TEAP) in their March 1994 recommendations to the Parties of the Montreal Protocol;

Whereas this Decision has been taken according to the committee procedure set out in Article 12 of Regulation (EEC) No 594/91, as amended;

⁽¹⁾ OJ No L 67, 14. 3. 1991, p. 1.

⁽²⁾ OJ No L 405, 31. 12. 1992, p. 41.

Whereas the list of essential uses and the quantities of the controlled substances are hereby given in Annex for the information of producer and user industries;

Whereas the quantities of each controlled substance to be produced by each producer shall be presented in a Commission decision at a later stage,

HAS ADOPTED THIS DECISION:

Article 1

1. The agreed essential uses and the total quantities of chlorofluorocarbons, halons and carbon tetrachloride to

be placed on the market or used for their own account by producers in 1995 are presented in the Annex.

2. This Decision shall apply as follows:

Control period: 1 January to 31 December 1995.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 July 1994.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

ANNEX

LIST OF EUROPEAN COMMUNITY ESSENTIAL USES FOR 1995 AND TOTAL QUANTITIES
FOR THE EUROPEAN COMMUNITY

A. Medical uses

CFCs

- (i) Production of metered dose inhalers (MDIs) for the treatment of asthma and other chronic obstructive pulmonary diseases. *CFC 11, 12, 113, 114 Quantity: 9 160 tonnes*
- (ii) Cleaning of medical prosthetics. *CFC 113 Quantity: 199 tonnes*
- (iii) Solvent use to prepare silicone solution for dip-coating of medical devices. *CFC 113 Quantity: 43 tonnes*
- (iv) Diluent use for ethylene oxide in sterilization of chloramphenicol powder used in eye ointments. *CFC 12 Quantity: 0,4 tonnes*

B. Solvent uses

B.1. CFC

- (i) Active reagents used to develop fingerprints on paper. *CFC 113 Quantity: 10 tonnes*
- (ii) Inert solvent use for the manufacture of reverse osmosis membrane in the manufacture of food and pharmaceutical products. *CFC 113 Quantity: 10 tonnes*

B.2. Carbon tetrachloride (CCl₄)

- (i) Production of chlorinated rubber, chlorinated paraffin and as an intermediate product for plant treatment preparations. *Quantity: 100 tonnes*
- (ii) Production of chlorinated rubber. *Quantity: 20 tonnes*
- (iii) Production of fibre optics. *Quantity: 10 tonnes*
- (iv) Solvent use for NCl₃ in chlorine production. *Quantity: 520 tonnes*
- (v) Purification and absorption distillation of chlorine. *Quantity: 50 tonnes*
- (vi) Production of terephthaloyldichloride. *Quantity: 72 tonnes*

C. Laboratory uses

Laboratory uses are identified at this time to include the use in laboratories of : equipment calibration ; use as extraction solvents, diluents, or carriers for chemical analysis ; biochemical research ; inert solvents for chemical reactions, as a carrier of laboratory chemicals and other critical analytical and laboratory purposes.

Specific examples of these are :

C.1. CFCs

- (i) Use of *CFC 113* in the extraction of organic compounds.
- (ii) Quality testing of drying filters in refrigeration systems (ASHRAE SPC 63.2P, DIN 8948 et 8949).
CFC 113
- (iii) Research and development of alternative propellants for polyurethane hard foams. *CFC 11*
- (iv) Use of *CFC 113* in the analysis of oil content in water. (Paris Convention DS/R 209)

C.2. Carbon tetrachloride (CCl₄)

- (i) Use in water analysis (directive 79/869/CEE, Paris Convention DS/R 209)
- (ii) Use in the testing of gas filters (directive 89/686/CEE, DS/EN 141).
- (iii) Use in halogenation reaction in research laboratories.
- (iv) Use as standards for control of chemical products and monitoring of organic pollution of water, air, ect.
- (v) Use as an extraction agent and solvent for analysis for unforeseeable purposes.
- (vi) Laboratory and research uses in general: research on ODSs thermodynamics, thermophysics, chemistry kinetics and toxicology.

Total EC quantity:

— CFCs:	240 tonnes
— Carbon tetrachloride:	220 tonnes

D. Miscellaneous uses

- (i) Use of CFC 11: as a heat transfer fluid for uranium enrichment. CFC 11 Quantity: 30 tonnes
-

COMMISSION DECISION**of 27 July 1994****amending Decision 92/469/EEC authorizing methods for grading pig carcasses in Denmark****(Only the Danish text is authentic)****(94/564/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses ⁽¹⁾, as last amended by Regulation (EC) No 3513/93 ⁽²⁾, and in particular Article 5 (2) thereof,

Whereas the Commission, by Decision 92/469/EEC ⁽³⁾, has authorized methods for grading pig carcasses in Denmark;

Whereas the amendments concerning the standard presentation of pig carcasses introduced by Regulation (EC) No 3513/93 to Regulation (EEC) No 3220/84 as from 1 July 1994 allow to delete, as from the same date, the derogation from the standard presentation provided for in Article 3 of Decision 92/469/EEC;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 92/469/EEC is hereby amended as follows:

1. Article 3 is deleted;
2. Article 4 becomes Article 3, Article 5 becomes Article 4 and Article 6 becomes Article 5.

Article 2

This Decision is addressed to the Kingdom of Denmark.

It shall apply with effect from 1 July 1994.

Done at Brussels, 27 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 301, 20. 11. 1984, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 5.

⁽³⁾ OJ No L 265, 11. 9. 1992, p. 39.

COMMISSION DECISION

of 27 July 1994

amending Decision 89/50/EEC authorizing methods for grading pig carcasses in France

(Only the French text is authentic)

(94/565/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses ⁽¹⁾, as last amended by Regulation (EC) No 3513/93 ⁽²⁾, and in particular Article 5 (2) thereof,Whereas the Commission, by Decision 89/50/EEC ⁽³⁾, as last amended by Decision 93/248/EEC ⁽⁴⁾, authorized methods for grading pig carcasses in France;

Whereas Article 2 of Regulation (EEC) No 3220/84 lays down that Member States may be authorized to provide for a presentation of pig carcasses different from the standard presentation defined in the same Article where commercial practice or technical requirements warrant this;

Whereas in France the technical requirements relating to the use of the grading method and, consequently, commercial practice, necessitate the attachment of the flare fat, kidneys, diaphragm, and possibly the tongue at the carcass; whereas this should be taken into account in adjusting to the weight for standard presentation; whereas Commission Decision 89/50/EEC should be amended accordingly;

Whereas it is appropriate to apply the amendments from 1 July 1994, the date of entering into force of the amendments introduced by Regulation (EC) No 3513/93 to Regulation (EEC) No 3220/84;

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

HAS ADOPTED THIS DECISION:

Article 1

Article 1a of Decision 89/50/EEC is hereby replaced by the following:

'Article 1a

Notwithstanding the standard presentation referred to in Article 2 of Regulation (EEC) No 3220/84, the pig carcasses can be presented with the flare fat, kidneys, diaphragm and with or without the tongue before being weighed and graded. In order to establish quotations for pig carcasses on a comparable basis, the recorded hot weight shall be decreased by 2,3 % in cases where the tongue is removed and by 2,9 % where the tongue is attached to the carcass.'

Article 2

This Decision is addressed to the French Republic.

It shall apply with effect from 1 July 1994.

Done at Brussels, 27 July 1994.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 301, 20. 11. 1984, p. 1.⁽²⁾ OJ No L 320, 22. 12. 1993, p. 5.⁽³⁾ OJ No L 20, 25. 1. 1989, p. 27.⁽⁴⁾ OJ No L 115, 11. 5. 1993, p. 22.

COMMISSION DECISION

of 27 July 1994

**amending Decision 87/131/EEC authorizing a method for grading pig carcasses
in the Netherlands**

(Only the Dutch text is authentic)

(94/566/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses ⁽¹⁾, as last amended by Regulation (EC) No 3513/93 ⁽²⁾, and in particular Article 5 (2) thereof,Whereas the Commission, by Decision 87/131/EEC ⁽³⁾, as last amended by Decision 92/100/EEC ⁽⁴⁾, has authorized a method for grading pig carcasses in the Netherlands;

Whereas the amendments concerning the standard presentation of pig carcasses introduced by Regulation (EC) No 3513/93 to Regulation (EEC) No 3220/84 as from 1 July 1994 allow to delete as from the same date, the derogation from the standard presentation provided for in Article 1a of Decision 87/131/EEC;

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

HAS ADOPTED THIS DECISION:

Article 1

Article 1a of Decision 87/131/EEC is hereby deleted.

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

It shall apply with effect from 1 July 1994.

Done at Brussels, 27 July 1994.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 301, 20. 11. 1984, p. 1.⁽²⁾ OJ No L 320, 22. 12. 1993, p. 5.⁽³⁾ OJ No L 51, 20. 2. 1987, p. 50.⁽⁴⁾ OJ No L 39, 15. 2. 1992, p. 44.

COMMISSION DECISION

of 27 July 1994

amending Decision 88/234/EEC authorizing methods for grading pig carcasses in the United Kingdom

(Only the English text is authentic)

(94/567/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses⁽¹⁾, as last amended by Regulation (EC) No 3513/93⁽²⁾, and in particular Article 5 (2) thereof,

Whereas Commission Decision 88/234/EEC⁽³⁾, as last amended by Decision 94/336/EC⁽⁴⁾, has introduced several grading methods for use in the United Kingdom;

Whereas the United Kingdom has requested the Commission to authorize the use of a new method for grading pig carcasses in Northern Ireland and the use of new formulae for calculating the lean meat content of carcasses under existing grading methods applied in Northern Ireland; whereas the information required pursuant to Article 3 of Commission Regulation (EEC) No 2967/85 of 24 October 1985 laying down detailed rules for the application of the Community scale for grading pig carcasses⁽⁵⁾ has been submitted; whereas evaluation of the request has shown the conditions for authorizing the said method of grading and the new formulae to be fulfilled;

Whereas it is appropriate to apply the amendments from 1 July 1994, the date of entering into force of the amendments introduced by Regulation (EC) No 3513/93 to Regulation (EEC) No 3220/84;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 88/234/EEC is hereby amended as follows:

1. the following indent is added to Article 1a:

— the apparatus termed "Fat-O-Meater (FOM)" and assessment methods related thereto, details of which are given in Part 3 of Annex IA¹.

2. Annex IA is amended as follows:

(a) point 3 of Part 1 is replaced by the following:

3. The lean meat content of the carcass shall be calculated according to the following formula:

$$\hat{y} = 77,6 - 0,95 x_1 - 0,99 x_2 + 0,03 x_3$$

where:

$\hat{y}$ = the estimated percentage of lean meat in the carcass,

x_1 = the thickness of back-fat (including rind) in millimetres, measured six centimetres off the midline of the carcass at the last rib (measurement known as "P₂"),

⁽¹⁾ OJ No L 301, 20. 11. 1984, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 5.

⁽³⁾ OJ No L 105, 26. 4. 1988, p. 15.

⁽⁴⁾ OJ No L 150, 16. 6. 1994, p. 34.

⁽⁵⁾ OJ No L 285, 25. 10. 1985, p. 39.

x_2 = the thickness of back-fat (including rind) in millimetres, measured at six centimetres off the midline of the carcass, between the third and fourth last ribs (measurement known as "rib-fat"),

x_3 = x_2 squared.

The formula shall be valid for carcasses weighing between 60 and 86 kilograms.';

(b) point 3 of Part 2 is replaced by the following :

'3. The lean meat content of the carcass shall be calculated according to the following formula :

$$\hat{y} = 81,4 - 0,75 x_1 - 1,79 x_2 + 0,05 x_3$$

where :

$\hat{y}$ = the estimated percentage of lean meat in the carcass,

x_1 = the thickness of back-fat (including rind) in millimetres, measured six centimetres off the midline of the carcass at the last rib (measurement known as "P₂"),

x_2 = the thickness of back-fat (including rind) in millimetres, measured at six centimetres off the midline of the carcass, between the third and fourth last ribs (measurement known as "rib-fat"),

x_3 = x_2 squared.

The formula shall be valid for carcasses weighing between 60 and 86 kilograms.';

(c) the following Part 3 is added :

'PART 3

Fat-O-Meater (FOM)

1. Grading of pig carcasses shall be carried out by means of the apparatus termed "Fat-O-Meater (FOM)".

2. The apparatus shall be equipped with a probe of six millimetres diameter containing a photodiode of the Siemens SFH 950/960 type and having an operating distance of between 3 and 103 millimetres. The results of the measurements are converted into estimated lean meat content of means of a computer.

3. The lean meat content of the carcass shall be calculated according to the following formula :

$$\hat{y} = 76,6 - 1,91 x_1 - 0,39 x_2 + 0,04 x_3 + 0,06 x_4$$

where :

$\hat{y}$ = the estimated percentage of lean meat in the carcass,

x_1 = the thickness of back-fat (including rind) in millimetres, measured six centimetres off the midline of the carcass at the last rib (measurement known as "P₂"),

x_2 = the thickness of back-fat (including rind) in millimetres, measured at six centimetres off the midline of the carcass, between the third and fourth last ribs (measurement known as "rib-fat"),

x_3 = x_1 squared,

x_4 = the thickness of muscle in millimetres, measured at the same time and in the same place as x_2 (measurement known as "rib-muscle").

The formula shall be valid for carcasses weighing between 60 and 86 kilograms.'

Article 2

This Decision is addressed to the United Kingdom.

It shall apply with effect from 1 July 1994.

Done at Brussels, 27 July 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION DECISION**of 3 August 1994****suspending the buying in of butter in certain Member States****(Only the Danish, German, French, Dutch and English texts are authentic)****(94/568/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 94/476/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 Belgium, Denmark, Germany, France, Luxembourg, the Netherlands, Great Britain and 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 Belgium, Denmark, Germany, France, Luxembourg, the Netherlands, Great Britain and Northern Ireland.

Article 2

Decision 94/476/EC is hereby repealed.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the United Kingdom.

Done at Brussels, 3 August 1994.

For the Commission

Hans VAN DEN BROEK

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 199, 2. 8. 1994, p. 45.

CORRIGENDA

Corrigendum to Council Regulation (EC) No 1874/94 of 27 July 1994 fixing, for the 1994/95 marketing year, the derived intervention prices for white sugar, the intervention price for raw sugar, the minimum prices for A and B beet, the threshold prices and the amount of compensation for storage costs

(Official Journal of the European Communities No L 197 of 30 July 1994)

On page 13 in Article 1, last line :

for: '(e) ECU 53,27 for all the areas in the Italy.'

read: '(e) ECU 54,27 for all the areas in Italy.'

Corrigendum to Commission Regulation (EC) No 1854/94 of 27 July 1994 laying down detailed rules for the application of Council Regulation (EC) No 774/94 in relation to import licences for quality wheat

(Official Journal of the European Communities No L 192 of 28 July 1994)

On page 31 in the fourth indent of Article 2 (1) (c):

for: '... each time of wheat, ...',

read: '... each type of wheat, ...'.
