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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2281/94

of 22 September 1994

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 3179/93⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 1900/92⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 1901/92⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 1902/92⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾,

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁴⁾, no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 19 and 20 September 1994 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 285, 20. 11. 1993, p. 9.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 192, 11. 7. 1992, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 192, 11. 7. 1992, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 192, 11. 7. 1992, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

⁽¹⁴⁾ OJ No L 263, 19. 9. 1991, p. 1.

imported product, such amount to be fixed at a standard rate ; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

HAS ADOPTED THIS REGULATION :

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 3

This Regulation shall enter into force on 23 September 1994.

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

Done at Brussels, 22 September 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Minimum import levies on olive oil⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	79,00 ⁽²⁾
1509 10 90	79,00 ⁽²⁾
1509 90 00	92,00 ⁽²⁾
1510 00 10	77,00 ⁽²⁾
1510 00 90	122,00 ⁽⁴⁾

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

⁽²⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

⁽³⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽⁴⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	17,38
0711 20 90	17,38
1522 00 31	39,50
1522 00 39	63,20
2306 90 19	6,16

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

COMMISSION REGULATION (EC) No 2282/94

of 20 September 1994

amending Regulation (EEC) No 3536/91 setting the latest time of entry into storage for skimmed-milk powder sold under Regulation (EEC) No 3398/91

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 7 (5) thereof,Whereas Commission Regulation (EEC) No 3536/91 ⁽³⁾, as last amended by Regulation (EEC) No 2403/92 ⁽⁴⁾, limited the quantity of skimmed-milk powder released for sale to that taken into storage before 1 June 1991;

Whereas, in view of the quantity still available and the market situation, that date should be amended to 1 August 1991;

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

HAS ADOPTED THIS REGULATION:

Article 1

The date of '1 June 1991' referred to in Article 1 of Regulation (EEC) No 3536/91 is hereby replaced by '1 August 1991.'

*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, 20 September 1994.

For the Commission

René STEICHEN

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 335, 6. 12. 1991, p. 8.⁽⁴⁾ OJ No L 236, 19. 8. 1992, p. 5.

COMMISSION REGULATION (EC) No 2283/94

of 20 September 1994

amending Regulation (EEC) No 3378/91 laying down detailed rules for the sale of
butter from intervention stocks for export

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 6 (7) thereof,

Whereas Commission Regulation (EEC) No 3378/91 ⁽³⁾, as last amended by Regulation (EC) No 1655/94 ⁽⁴⁾, provides for quantities of butter in public storage to be made available to operators and invitations to tender to be organized in order, *inter alia*, to determine the minimum selling prices for butter intended for export either in the unaltered state or after processing; whereas Article 1 of the said Regulation stipulates that butter placed on sale must have entered into storage before 1 January 1992;

Whereas, in view of the development of butter stocks and of the quantities available, sales should be extended to butter entering into storage before 1 February 1992;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 (1) of Regulation (EEC) No 3378/91, '1 January 1992' is hereby replaced by '1 February 1992'.

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, 20 September 1994.

For the Commission

René STEICHEN

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 319, 21. 11. 1991, p. 40.

⁽⁴⁾ OJ No L 174, 8. 7. 1994, p. 19.

COMMISSION REGULATION (EC) No 2284/94**of 20 September 1994****amending Regulation (EEC) No 2839/93 on the special sale of intervention butter
for export to the Republics of the former Soviet Union**

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 Regula-
tion (EC) No 1880/94 ⁽²⁾, and in particular Article 6 (7)
thereof,

Whereas Commission Regulation (EEC) No 2839/93 ⁽³⁾,
as last amended by Regulation (EC) No 1653/94 ⁽⁴⁾,
provides for butter in public storage to be made available
to operators and the opening of invitations to tender in
order, in particular, to fix the minimum price for that
butter intended to be exported in the unaltered state to
the Republics created after the dissolution of the Soviet
Union; whereas Article 1 of that Regulation lays down
that the butter sold must have been placed in stock by the
intervention agency before 1 January 1992;

Whereas, given developments in butter stocks and the
quantities available these sales should be extended to
butter which entered into storage before 1 February 1992;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 (1) of Regulation (EEC) No 2839/93, '1
January 1992' is replaced by '1 February 1992'.

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, 20 September 1994.

For the Commission

René STEICHEN

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 260, 19. 10. 1993, p. 8.

⁽⁴⁾ OJ No L 174, 8. 7. 1994, p. 17.

COMMISSION REGULATION (EC) No 2285/94

of 20 September 1994

amending Regulation (EEC) No 1609/88 as regards the latest date by which butter must have been taken into storage in order to be sold under Regulations (EEC) No 3143/85 and (EEC) No 570/88

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 6 (7) thereof,

Having regard to Council Regulation (EEC) No 985/68 of 15 July 1968 laying down general rules for intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EEC) No 2045/91 ⁽⁴⁾, and in particular Article 7a thereof,

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 3143/85 of 11 November 1985 on the sale at reduced prices of intervention butter intended for direct consumption in the form of concentrated butter ⁽⁵⁾, as last amended by Regulation (EC) No 1970/94 ⁽⁶⁾, the butter put up for sale must have been taken into storage before a date to be determined; whereas the same applies to butter sold under the arrangements laid down in Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other food stuffs ⁽⁷⁾, as last amended by Regulation (EC) No 3049/93 ⁽⁸⁾;

Whereas, in view of butter stocks and quantities available, the dates in Article 1 of Commission Regulation (EEC)

No 1609/88 ⁽⁹⁾, as last amended by Regulation (EC) No 1654/94 ⁽¹⁰⁾, should be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1609/88, the first and second subparagraphs are hereby replaced by the following:

'The butter referred to in Article 1 (1) of Regulation (EEC) No 3143/85 must have been taken into storage before 1 February 1992.

The butter referred to in Article 1 of Regulation (EEC) No 570/88 must have been taken into storage before 1 February 1992.'

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, 20 September 1994.

For the Commission

René STEICHEN

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 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 187, 13. 7. 1991, p. 1.

⁽⁵⁾ OJ No L 298, 12. 11. 1985, p. 9.

⁽⁶⁾ OJ No L 198, 30. 7. 1994, p. 112.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁸⁾ OJ No L 273, 5. 11. 1993, p. 7.

⁽⁹⁾ OJ No L 143, 10. 6. 1988, p. 23.

⁽¹⁰⁾ OJ No L 174, 8. 7. 1994, p. 18.

COMMISSION REGULATION (EC) No 2286/94

of 21 September 1994

imposing a provisional anti-dumping duty on imports of tungsten ores and concentrates, tungstic oxide, tungstic acid, tungsten carbide and fused tungsten carbide originating in the People's Republic of China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Investigations were carried out.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, as last amended by Regulation (EC) No 522/94⁽²⁾, and in particular Article 10 (6) thereof,

After consultations within the Advisory Committee as provided,

Whereas :

(2) The Commission terminated the anti-dumping proceedings concerning imports of ammonium paratungstate originating in the People's Republic of China or the Republic of Korea by Commission Decision 90/154/EEC⁽⁸⁾ and imports of tungsten metal powder originating in the People's Republic of China or the Republic of Korea by Commission Decision 90/155/EEC⁽⁹⁾.

(3) However, in the case of the other products in question, it was established that dumping was being practised, that the imports concerned were causing injury to Community industry and that definitive measures were required in the Community's interest.

A. Procedure

The Council imposed on imports originating in China definitive anti-dumping duties :

(1) On 15 December 1988 and 4 January 1989 the Commission published in the *Official Journal of the European Communities* five notices of initiation of anti-dumping proceedings concerning imports :

(a) of ammonium paratungstate falling within CN code 2841 80 00, originating in the People's Republic of China or the Republic of Korea⁽³⁾;

(b) of tungstic oxide and tungstic acid falling within CN code 2825 90 40 originating in the People's Republic of China⁽⁴⁾;

(c) of tungsten metal powder falling within CN code 8101 10 00 originating in the People's Republic of China or the Republic of Korea⁽⁵⁾;

(d) of tungsten carbide and fused tungsten carbide falling within CN code 2849 90 30 originating in the People's Republic of China or the Republic of Korea⁽⁶⁾;

(e) of tungsten ores and concentrates falling within CN code 2611 00 00 originating in the People's Republic of China and exported from his country or from Hong Kong⁽⁷⁾.

(a) of 37 % for tungsten ores and concentrates (Council Regulation (EEC) No 2735/90)⁽¹⁰⁾;

(b) of 35 % for tungstic oxide and tungstic acid (Council Regulation (EEC) No 2736/90)⁽¹¹⁾;

(c) of 33 % for tungsten carbide and fused tungsten carbide (Council Regulation (EEC) No 2737/90)⁽¹²⁾.

By Decisions 90/478/EEC⁽¹³⁾, 90/479/EEC⁽¹⁴⁾ and 90/480/EEC⁽¹⁵⁾ the Commission accepted price undertakings offered by the two Chinese exporters, China National Non-Ferrous Metals Import and Export Corporation (CNIEC) and China National Metals and Minerals Import and Export Corporation (Minmetals), for the products covered by the above Council Regulations. The Council consequently exempted imports of tungsten ores and concentrates, tungstic oxide and tungstic acid and tungsten carbide and fused tungsten carbide exported by CNIEC and Minmetals from the respective definitive anti-dumping duties.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 66, 10. 3. 1994, p. 10.

⁽³⁾ OJ No C 322, 15. 12. 1988, p. 4.

⁽⁴⁾ OJ No C 322, 15. 12. 1988, p. 5.

⁽⁵⁾ OJ No C 322, 15. 12. 1988, p. 6.

⁽⁶⁾ OJ No C 322, 15. 12. 1988, p. 7.

⁽⁷⁾ OJ No C 2, 4. 1. 1989, p. 5.

⁽⁸⁾ OJ No L 83, 26. 3. 1990, p. 117.

⁽⁹⁾ OJ No L 83, 26. 3. 1990, p. 124.

⁽¹⁰⁾ OJ No L 264, 27. 9. 1990, p. 1.

⁽¹¹⁾ OJ No L 264, 27. 9. 1990, p. 4.

⁽¹²⁾ OJ No L 264, 27. 9. 1990, p. 7.

⁽¹³⁾ OJ No L 264, 27. 9. 1990, p. 55.

⁽¹⁴⁾ OJ No L 264, 27. 9. 1990, p. 57.

⁽¹⁵⁾ OJ No L 264, 27. 9. 1990, p. 59.

B. Withdrawal of undertakings

- (4) Following a reminder of the need to submit six-monthly reports on exports to the Community of the products referred to in paragraph A (3) one of the two exporters who had signed the undertakings, CNIEC, stated that it was no longer able to export to the Community at the minimum prices laid down in the undertakings owing to the situation on the world market for tungsten and derivative products and changes which had been introduced in company management in China. It gave 20 days' notice that it would be withdrawing from its undertakings in accordance with the provisions thereof.

Shortly afterwards the other exporter, Minmetals, also withdrew from its undertakings following CNIEC's example. The exemption from anti-dumping duties applying to imports of the products in question exported by these two Chinese exporters by virtue of these undertakings is thus no longer justified.

The Commission informed the exporters that, in accordance with Article 10 (6) of Regulation (EEC) No 2423/88, it intended, following the withdrawal of their undertakings, to apply provisional anti-dumping duties on the basis of the facts established before the acceptance of the undertakings and invited them to submit their comments.

No comments on the imposition of the provisional duties were received during the time limit granted.

As regards the reasons put forward by the Chinese exporters for withdrawal of the undertakings, it should be noted that CNIEC and Minmetals had entered into these undertakings not only on their own behalf but also on behalf of their subsidiaries and export agents. If their right of control over their subsidiaries and export agents has indeed changed, provisional duties will have to be swiftly imposed as it will clearly be impossible to monitor their undertakings. This is reason enough to replace undertakings which no longer work by provisional anti-dumping duties on the basis of the same facts as those originally established. This is expressly provided for by Article 10 (6) of Regulation (EEC) No 2423/88. This provision acts as a safety net and is designed to ensure anti-dumping measures are effective. It cannot be transformed into a review procedure. The conditions for initiating such a procedure are laid down in Article

14 of the same Regulation. A detailed written explanation has been given to the Chinese exporters in question of the conditions and procedure for requesting such a review.

They have not provided any evidence to show that the original situation where dumping was being practised to the detriment of Community industry has changed. The argument that the prices given in the undertakings are higher than the world market prices quoted in the London Metal Bulletin (LMB) provides no new evidence. In Regulation (EEC) No 761/90 ⁽¹⁾, the Commission had already established that the prices quoted in the LMB did not appear to cover production costs in market economy countries. Moreover, the reason for this may lie in the fact that virtually all tungsten ores or ammonium paratungstate are supplied by a non-market economy country, i.e. China.

The Commission therefore takes the view that the imposition of provisional duties under the conditions laid down in Article 10 (6) of Regulation (EEC) No 2423/88 should be considered.

C. Community interest

- (5) The withdrawal of an undertaking is a voluntary act by a producer/exporter who thereby assumes the consequences which ensue, i.e. a change in the form of the anti-dumping measures from an undertaking to a duty. In such cases it is in the Community's interest to impose provisional duties to ensure that the imports into the Community by the company in question, which are no longer controlled through an undertaking, do not cause injury to Community industry. The Commission has no reason to believe at this point in time that the imposition of provisional duties on one or the other of the tungsten products in question would not be in the Community interest. The Commission consequently considers that provisional anti-dumping duties should be imposed.

D. Provisional duties

- (6) Accordance with Article 10 (6) of Regulation (EEC) No 2423/88 the provisional anti-dumping duties should be applied on the basis of the facts established before the acceptance of the undertaking. The rates of these duties shall be :

⁽¹⁾ OJ No L 83, 30. 3. 1990, p. 23.

- (a) 37 % on imports of tungsten ores and concentrates originating in the People's Republic of China;
- (b) 35 % on imports of tungstic oxide and tungstic acid originating in the People's Republic of China;
- (c) 33 % on imports of tungsten carbide and fused tungsten carbide originating in the People's Republic of China,

HAS ADOPTED THIS REGULATION:

Article 1

1. Provisional anti-dumping duties are hereby imposed:

- (a) on imports of tungsten ores and concentrates falling within CN code 2611 00 00 originating in the People's Republic of China and exported by China National Non-Ferrous Import and Export Corporation (CNIEC) or China National Metals and Minerals Import and Export Corporation (Minmetals) (additional Taric code 8432);
- (b) on imports of tungstic oxide and tungstic acid falling within CN code 2825 90 40 originating in the People's Republic of China and exported by China National Non-Ferrous Import and Export Corporation (CNIEC) or China National Metals and Minerals Import and Export Corporation (Minmetals) (additional Taric code 8481);
- (c) on imports of tungsten carbide and fused tungsten carbide falling within CN code 2849 90 30 originating in the People's Republic of China and exported by China National Non-Ferrous Import and Export Corporation (CNIEC) or China National Metals and Minerals Import and Export Corporation (Minmetals) (additional Taric code 8478).

2. The rate of duty shall be:

- (a) 37 % of the net free-at-Community-frontier price, before customs clearance, of tungsten ores and concentrates;
- (b) 35 % of the net free-at-Community-frontier price, before customs clearance, of tungstic oxide and tungstic acid;
- (c) 33 % of the net free-at-Community-frontier price, before customs clearance, of tungsten carbide and fused tungsten carbide.

The free-at-Community-frontier price shall be net if the actual conditions of payment provide for payment within 30 days of the arrival of the goods on the Community's customs territory. It shall be increased by 1 % for each further month by which the period for payment is extended.

3. The release for free circulation in the Community of the goods referred to in paragraph 1 shall be subject to the provision of a security equivalent to the amount of the provisional duty.

4. The provisions in force concerning customs duties shall apply.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2423/88, the parties concerned may make known their views in writing and apply to be heard by the Commission within one month of the entry into force of this Regulation.

Article 3

This Regulation shall enter into force on the 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, 21 September 1994.

For the Commission

Leon BRITTAN

Member of the Commission

COMMISSION REGULATION (EC) No 2287/94**of 22 September 1994****amending Regulation (EC) No 2162/94 opening a standing invitation to tender
for the export of barley held by the United Kingdom intervention agency**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 1866/94⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as amended by Regulation (EC) No 120/94⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas on 12 September 1994 the United Kingdom notified the Commission that it wished to amend the Annex to Regulation (EC) No 2162/94⁽⁵⁾, as amended by Regulation (EC) No 2213/94⁽⁶⁾, whereas it is possible to accede to that request;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 2162/94 is replaced by the Annex hereto.

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, 22 September 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 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 230, 3. 9. 1994, p. 3.

⁽⁶⁾ OJ No L 238, 13. 9. 1994, p. 12.

*ANNEX**'ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
England	426 000
Scotland	256 000'

COMMISSION REGULATION (EC) No 2288/94
of 22 September 1994
amending Regulation (EEC) No 1627/89 on the buying-in of beef by invitation to tender

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1884/94 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽³⁾, as last amended by Regulation (EC) No 2200/94 ⁽⁴⁾, buying-in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;

Whereas the application of Article 6 (2), (3) and (4) of Regulation (EEC) No 805/68 and the need to limit intervention to the buying-in of the quantities necessary to ensure reasonable support for the market result, on the basis of the prices of which the Commission is aware, in

an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying-in is open by invitation to tender, and the list of the quality groups which may be bought in;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 26 September 1994.

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

Done at Brussels, 22 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 27.

⁽³⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁴⁾ OJ No L 236, 10. 9. 1994, p. 7.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1

Member States or regions of a Member State and quality groups referred to in Article 1 (1)

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er} paragraphe 1

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1

In artikel 1, lid 1 bedoelde Lid-Staten of gebieden van een Lid-Staat en kwaliteitsgroepen

Estados-membros ou regiões de Estados-membros e grupos de qualidades referidos no nº 1 do artigo 1º

Estados miembros o regiones de Estados miembros	Categoría A			Categoría C		
Medlemsstat eller region	Kategori A			Kategori C		
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A			Kategorie C		
Κράτος μέλος ή περιοχή κράτους μέλους	Κατηγορία Α			Κατηγορία Γ		
Member States or regions of a Member State	Category A			Category C		
États membres ou régions d'États membres	Catégorie A			Catégorie C		
Stati membri o regioni di Stati membri	Categoria A			Categoria C		
Lid-Staat of gebied van een Lid-Staat	Categorie A			Categorie C		
Estados-membros ou regiões de Estados-membros	Categoria A			Categoria C		
	U	R	O	U	R	O
Great Britain					×	
Ireland					×	×
Northern Ireland					×	

COMMISSION REGULATION (EC) No 2289/94
of 22 September 1994
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EC) No 1957/94 ⁽⁵⁾, as last amended by Regulation (EC) No 2279/94 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EC) No 1957/94 to the information known to the Commission that the levies

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 21 September 1994, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 September 1994.

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

Done at Brussels, 22 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 198, 30. 7. 1994, p. 88.

⁽⁶⁾ OJ No L 247, 22. 9. 1994, p. 25.

ANNEX

to the Commission Regulation of 22 September 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	33,01 ⁽¹⁾
1701 11 90	33,01 ⁽¹⁾
1701 12 10	33,01 ⁽¹⁾
1701 12 90	33,01 ⁽¹⁾
1701 91 00	41,73
1701 99 10	41,73
1701 99 90	41,73 ⁽²⁾

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

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

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

COMMISSION REGULATION (EC) No 2290/94

of 22 September 1994

altering the basic amount of the import levies on syrups and certain other products in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 2138/94⁽⁵⁾, as last amended by Regulation (EC) No 2280/94⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2138/94 to the informa-

tion known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 21 September 1994, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EC) No 2138/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 September 1994.

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

Done at Brussels, 22 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 228, 1. 9. 1994, p. 4.

⁽⁶⁾ OJ No L 247, 22. 9. 1994, p. 27.

ANNEX

**to the Commission Regulation of 22 September 1994 altering the basic amount of the
import levy on syrups and certain other products in the sugar sector**

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of levy per 100 kg of dry matter ⁽¹⁾
1702 20 10	0,4173	—
1702 20 90	0,4173	—
1702 30 10	—	49,52
1702 40 10	—	49,52
1702 60 10	—	49,52
1702 60 90 10 ⁽²⁾	—	94,09
1702 60 90 90 ⁽³⁾	0,4173	—
1702 90 30	—	49,52
1702 90 60	0,4173	—
1702 90 71	0,4173	—
1702 90 90 10 ⁽⁴⁾	—	94,09
1702 90 90 90 ⁽⁵⁾	0,4173	—
2106 90 30	—	49,52
2106 90 59	0,4173	—

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

⁽²⁾ Taric code : Inulin syrup. For the purposes of classification under this subheading, 'Inulin syrup' means the immediate product obtained by hydrolysis of inulin or oligofructoses.

⁽³⁾ Taric code : CN code 1702 60 90, other than inulin syrup.

⁽⁴⁾ Taric code : Inulin syrup. For the purposes of classification under this subheading, 'Inulin syrup' means the immediate product, other than that falling within subheading 1702 60 90, obtained by hydrolysis of inulin or oligofructoses, containing by weight in the dry state at least 10 % fructose in free form or as sucrose.

⁽⁵⁾ Taric code : CN code 1702 90 90, other than inulin syrup.

COMMISSION REGULATION (EC) No 2291/94

of 22 September 1994

fixing the export refunds 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 the third subparagraph of Article 13 (2) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas the refunds must be fixed taking into account the factors referred to in Article 2 of Commission Regulation (EEC) No 1533/93 of 22 June 1993 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, amended by Regulation (EC) No 120/94⁽⁴⁾;

Whereas export possibilities exist for a quantity of 135 000 tonnes of hard wheat meal to certain destinations; whereas the procedure laid down in Article 9 (4) of Commission Regulation (EEC) No 891/89⁽⁵⁾, as last amended by Regulation (EC) No 1755/94⁽⁶⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EEC) No 1533/93;

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

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁷⁾, as amended by Regulation (EC) No 3528/93⁽⁸⁾, 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⁽⁹⁾, as amended by Regulation (EC) No 547/94⁽¹⁰⁾;

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

Whereas Council Regulation (EEC) No 990/93⁽¹¹⁾ 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 Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 September 1994.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁶⁾ OJ No L 183, 19. 7. 1994, p. 7.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁸⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹⁰⁾ OJ No L 69, 12. 3. 1994, p. 1.

⁽¹¹⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Done at Brussels, 22 September 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 22 September 1994 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refund (2)	Product code	Destination (1)	Amount of refund (2)
0709 90 60 000	—	—	1007 00 90 000	—	—
0712 90 19 000	—	—	1008 20 00 000	—	—
1001 10 00 200	—	—	1101 00 00 100	01	40,00
1001 10 00 400	04	10,00	1101 00 00 130	01	38,00
	02	5,00	1101 00 00 150	01	35,00
1001 90 91 000	—	—	1101 00 00 170	01	32,00
1001 90 99 000	03	17,00	1101 00 00 180	01	30,00
	02	10,00	1101 00 00 190	—	—
1002 00 00 000	03	17,00	1101 00 00 90Q	—	—
	02	10,00	1102 10 00 500	01	50,00
1003 00 10 000	—	—	1102 10 00 700	—	—
1003 00 90 000	03	37,00	1102 10 00 900	—	—
	02	10,00	1103 11 10 200	04	27,00 (3) (4)
1004 00 00 200	—	—		02	17,00 (3) (5)
1004 00 00 400	—	—	1103 11 10 400	01	0 (3)
1005 10 90 000	—	—	1103 11 10 900	—	—
1005 90 00 000	03	40,00	1103 11 90 200	01	12,00 (3)
	02	0	1103 11 90 800	—	—

(1) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 04 Algeria.

(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.

(3) No refund is granted when this product contains compressed meal.

(4) Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEC) No 891/89, in respect of a quantity of 100 000 tonnes of hard wheat meal destined for Algeria.

(5) Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEC) No 891/89, in respect of a quantity of 35 000 tonnes of hard wheat meal destined for other third countries.

NB: The zones are those defined in Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION DIRECTIVE 94/44/EC

of 19 September 1994

adapting to technical progress Council Directive 82/130/EEC on the approximation of the laws of the Member States concerning electrical equipment for use in potentially explosive atmospheres in mines susceptible to firedamp

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

Having regard to Council Directive 82/130/EEC of 15 February 1982 on the approximation of the laws of the Member States concerning electrical equipment for use in potentially explosive atmospheres in mines susceptible to firedamp ⁽¹⁾ as last amended by European Parliament and Council Directive 94/9/EC ⁽²⁾, and in particular Article 7 thereof,

Whereas in view of the present state of technical progress, it is now necessary to adapt the contents of the harmonized standards referred to in Annex A of Directive 82/130/EEC;

Whereas in view of the nature of the equipment mentioned above, it is necessary to provide for a transition period in order to allow the industry to adapt to the amendments of standards;

Whereas the measures provided for in this Directive are in accordance with the opinion delivered by the Restricted Committee of the Safety and Health Commission for the Mining and other Extractive Industries,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex A of Directive 82/130/EEC is replaced by Annex A in the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply

with this Directive not later than 30 September 1995 and shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference all the time of their official publication. The procedure for such reference shall be adopted by the Member States.

Member States shall communicate to the Commission the texts of the provisions of national law which they have already adopted or adopt in the field governed by this Directive.

2. However, until 30 June 2003, Member States shall continue to apply the measures provided for in Article 4 of Directive 82/130/EEC as regards the equipment for which conformity to the harmonized standards is attested by the certificate of conformity referred to in Article 8 of Directive 82/130/EEC, provided that this certificate was issued before 1 January 1997.

Article 3

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

Done at Brussels, 19 September 1994.

For the Commission

Padraig FLYNN

Member of the Commission

⁽¹⁾ OJ No L 59, 2. 3. 1982, p. 10.

⁽²⁾ OJ No L 100, 19. 4. 1994, p. 1.

ANNEX

ANNEX A

HARMONIZED STANDARDS

The harmonized standards to which equipment must conform, depending on the type of protection, are the European Standards referred to in the table below.

Certificates issued on the basis of the standards listed in the table below shall be referred to as "generation D certificates". The letter D shall appear at the beginning of the serial number of each such certificate.

EUROPEAN STANDARDS

(drawn up by Cenelec, 35 rue de Stassart, B-1050 Brussels)

Number	Title	Edition	Date
EN 50014	Electrical apparatus for potentially explosive atmospheres : General requirements Amendment 1 Amendment 2 Amendments 3 and 4 Amendment 5	1	March 1977 July 1979 June 1982 December 1982 February 1986
EN 50015	Electrical apparatus for potentially explosive atmospheres : Oil immersion "o" Amendment 1	1	March 1977 July 1979
EN 50016	Electrical apparatus for potentially explosive atmospheres : Pressurized apparatus "p" Amendment 1	1	March 1977 July 1979
EN 50017	Electrical apparatus for potentially explosive atmospheres : Powder filling "q" Amendment 1	1	March 1977 July 1979
EN 50018	Electrical apparatus for potentially explosive atmospheres : Flameproof enclosure "d" Amendment 1 Amendment 2 Amendment 3	1	March 1977 July 1979 December 1982 November 1985
EN 50019	Electrical apparatus for potentially explosive atmospheres : Increased safety "e" Amendment 1 Amendment 2 Amendment 3 Amendment 4 Amendment 5	1	March 1977 July 1979 September 1983 December 1985 October 1989 August 1990
EN 50020	Electrical apparatus for potentially explosive atmospheres : Intrinsic safety "i" Amendment 1 Amendment 2 Amendment 3 Amendment 4 Amendment 5	1	March 1977 July 1979 December 1985 May 1990 May 1990 May 1990

Number	Title	Edition	Date
EN 50028	Electrical apparatus for potentially explosive atmospheres : Encapsulation "m"	1	February 1987
EN 50033	Electrical apparatus for potentially explosive atmospheres : Caplights	2	March 1991'

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 5 September 1994

authorizing the Federal Republic of Germany to permit temporarily the marketing of velvet bent seed not satisfying the requirements of Council Directive 66/401/EEC

(94/640/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ⁽¹⁾, as last amended by Directive 92/19/EEC ⁽²⁾, and in particular Article 17 thereof,

Having regard to Commission Directive 86/109/EEC of 27 February 1986, limiting the marketing of seed of certain species of fodder plants and oil and fibre plants to seed which has been officially certified as 'basic seed' or 'certified seed' ⁽³⁾, as last amended by Directive 91/376/EEC ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the request submitted by the Federal Republic of Germany,

Whereas in Germany the production of seed of velvet bent satisfying the requirements of Directive 66/401/EEC has been insufficient in 1994 and therefore is not adequate to meet that country's needs;

Whereas it is not impossible to cover this demand satisfactorily with such seed from other Member States or from third countries satisfying all the requirements laid down in Directive 66/401/EEC;

Whereas the Federal Republic of Germany should therefore be authorized to permit for a period expiring on 31 July 1995 the marketing of seed of the abovementioned species which does not satisfy the requirements laid down in the said Directive;

Whereas, moreover, other Member States, which are able to supply the Federal Republic of Germany with such seed not satisfying the requirements of the said Directive

should be authorized to permit the marketing of such seed;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The Federal Republic of Germany is authorized to permit, for a period expiring on 31 July 1995, the marketing in its territory of a maximum of 0,3 tonnes of commercial seed of velvet bent (*Agrostis canina* L.).

Article 2

The other Member States are hereby authorized to permit, subject to the conditions laid down in Article 1, the marketing in their territory of the seed authorized to be marketed under Article 1.

Article 3

Member States shall immediately notify the Commission of the quantities of seed marketed in their territory pursuant to this Decision. The Commission shall inform the other Member States thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 5 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2298/66.

⁽²⁾ OJ No L 104, 22. 4. 1992, p. 61.

⁽³⁾ OJ No L 93, 8. 4. 1986, p. 21.

⁽⁴⁾ OJ No L 203, 26. 7. 1991, p. 108.

COMMISSION DECISION

of 8 September 1994

**laying down rules applicable to veterinary checks to be carried out on products
imported into certain Greek islands from third countries**

(Only the Greek text is authentic)

(94/641/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries⁽¹⁾, as last amended by Directive 92/118/EEC⁽²⁾, and in particular Article 17 thereof,

Whereas the Greek authorities have submitted to the Commission the plan provided for in the second paragraph of Article 17 of Directive 90/675/EEC;

Whereas, on the basis of that plan, the list of authorized island entry points, the special duties of operators and the inspection procedure to be used should be laid down;

Whereas the rules laid down are adequate to ensure that the products concerned are consumed locally and not re-shipped elsewhere in the Community;

Whereas Article 17 of Directive 90/675/EEC provides for the adoption of certain specific provisions regarding the checks provided for in Chapter I of the said Directive, by way of substitution of certain provisions of that Chapter; whereas, for reasons of clarity, the provisions of Chapter I of Directive 90/675/EEC which should remain applicable should be laid down;

Whereas the provisions of this Decision do not prejudice the application of Community or national rules on the financing of checks;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of Article 17 of Directive 90/675/EEC, the authorized island entry points in Greece shall be as listed in Annex I hereto.

⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 62, 15. 3. 1993, p. 49.

Article 2

Each entry point referred to in Article 1 shall be under the responsibility of a competent authority with official veterinarians at its disposal.

Article 3

The importer or his representative must:

- notify the competent authority in writing and in advance of the type and quantity of product he wishes to import, the country of provenance and the office where the goods are to be cleared through customs,
- keep a register endorsed by the competent authority showing the quantities of products he has imported and the names and addresses of the purchasers,
- inform the purchaser(s) that the products are for local consumption only,
- inform the purchaser(s) that, in the case of resale, the purchaser(s) must inform the new purchaser(s), where the latter is a commercial operator, that the products are for local consumption only.

Article 4

The official veterinarian shall carry out the checks in accordance with Annex II.

Article 5

In Chapter I of Directive 90/675/EEC, Articles 12 to 16 and Article 18 shall continue to apply.

Article 6

1. The Greek authorities shall take the appropriate administrative or penal measures against any infringements of this Decision committed by a natural or legal person.

2. The Greek authorities shall notify the Commission once a year of the origin and quantities of products imported under the arrangements provided for in this Decision.

Article 7

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 8 September 1994.

For the Commission

René STEICHEN

Member of the Commission

*ANNEX I***List of island entry points**

1. Rhodes and airport
2. Kos and airport
3. Kalimnos
4. Mitilini and airport
5. Mirina (Limnos) and airport
6. Khios and airport
7. Samos and airport
8. Ermoupolis (Siros)
9. Argostoli
10. Iraklio (Crete) and airport
11. Khania (Crete) and airport
12. Corfu and airport

*ANNEX II***Veterinary checks**

1. The official veterinarian must check :
 - (a) the accompanying certificates and documents ;
 - (b) the identity of the products ;
 - (c) the packaging and marking ;
 - (d) the quality and state of preservation of the products ;
 - (e) the transport conditions and, in the case of carriage by refrigerated means of transport, the temperature of the means of transport and the internal temperature of the product ;
 - (f) any damage.
 2. The official veterinarian must make a regular inspection of the places of storage to check on the preservation of the products.
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COMMISSION DECISION**of 8 September 1994****fixing the Community financial contribution to the implementation of a fourth programme for the exchange of officials competent for veterinary matters**

(94/642/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 94/370/EC ⁽²⁾, and in particular Article 34 (6) thereof,

Whereas, as part of the new strategy on veterinary checks, it is important to set up programmes for the exchange of officials competent for veterinary matters in order to ensure growing confidence between veterinary services;

Whereas Article 22 of Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries ⁽³⁾, as last amended by Directive 92/118/EEC ⁽⁴⁾, and Article 21 of Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽⁵⁾, as last amended by Decision 92/438/EEC ⁽⁶⁾, provide, in particular, for the organization of programmes for the exchange of officials empowered to carry out checks on products and live animals coming from third countries;Whereas the results and the experience gained from the implementation of the first three exchange programmes pursuant to Commission Decisions 91/280/EEC ⁽⁷⁾, 93/88/EEC ⁽⁸⁾ and 93/511/EEC ⁽⁹⁾ should be taken into account;

Whereas the Community financial contribution should be laid down so as to facilitate the implementation of this fourth programme;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The programme for the exchange of officials competent for veterinary matters set out in the Annex shall receive a financial contribution from the Community.

Article 2

1. Member States shall designate the authorities responsible for the exchange programme.
2. The Member States of origin shall:
 - continue to pay their officials during the exchange programme,
 - cover the subsistence expenses of their officials according to their national rules; the Member States shall ensure that the subsistence expenses of their officials take account of the situation in the host Member State,
 - in accordance with their national rules, cover the travel expenses of their officials, equal to one return trip from place of origin to destination, as well as the travel expenses in the host Member State between the place where the provision of the information referred to in the second indent of paragraph 3 takes place and the first inspection post to which they are assigned and between the latter and the second inspection post to which they are assigned, and all other trips made for the purposes of the exchange programme by means of public transport,
 - provide, where appropriate, suitable language training for their officials,
 - inform their officials, prior to departure, of the financial conditions as well as the nature and organization of their exchange programme.
3. The host Member States shall:
 - adopt the necessary measures to ensure the integration of the guest officials,
 - provide information on general organization and inspection procedures for the guest officials, taking account of both national and Community rules.

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 19.⁽²⁾ OJ No L 168, 2. 7. 1994, p. 31.⁽³⁾ OJ No L 373, 31. 12. 1990, p. 1.⁽⁴⁾ OJ No L 62, 15. 3. 1993, p. 49.⁽⁵⁾ OJ No L 268, 24. 9. 1991, p. 56.⁽⁶⁾ OJ No L 243, 25. 8. 1992, p. 27.⁽⁷⁾ OJ No L 142, 6. 6. 1991, p. 40.⁽⁸⁾ OJ No L 36, 12. 2. 1993, p. 48.⁽⁹⁾ OJ No L 239, 24. 9. 1993, p. 29.

Article 3

1. The Community contribution shall cover the expenditure referred to in the second and third indents of Article 2 (2). It shall also cover the expenditure incurred under the fourth indent of Article 2 (2), up to a maximum of ECU 1 500 per official receiving language training.

2. Member States may receive an advance payment equal to 50 % of the Community's financial contribution, provided that they present to the Commission, before 1 October 1994, a written confirmation issued by the competent authority referred to in Article 2 (1) showing that the expenditure provided for in Article 2 has been committed in accordance with national rules.

Article 4

1. The expenditure referred to in Article 3 (1) shall be reimbursed to the Member States by the Commission on presentation of supporting documents before 31 March 1995.

2. The supporting documents referred to in paragraph 1 shall include, in particular:

- the particulars of the exchange official,
- the report of the competent authority referred to in Article 5 (1),
- a written confirmation issued by the host Member State,
- a statement of the invoices relating to expenses incurred by the Member State of origin,

- a copy of the national rules in the Member State of origin with regard to the expenditure provided for in respect of the exchange programme,
- for the costs of language training, a statement of the invoices relating to expenses incurred by the Member State of origin.

These expense invoices may be required by the Commission at any future audit.

Article 5

1. The Commission shall draw up a technical and financial report before 30 April 1995 based on the reports submitted before 31 March 1995 by the authorities responsible for coordination in the Member States. Those reports shall include a section devoted to the comments of the officials who have participated in the exchange programme.

2. The experience gained shall be used to improve and develop future programmes.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 8 September 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

I. GENERAL POINTS

1. As a rule, the officials to be considered shall be qualified veterinarians actually involved in the inspection of products and live animals from non-member countries. They should in any case have experience in inspection work, including work done within their organization.
2. In the host country, the officials shall act as observers in offices inspecting products and/or live animals from non-member countries, although work may be assigned to them by the head of the office and carried out under his charge. However, the authorities of the host Member State may, with the agreement of the authorities of the Member State of origin, decide that officials should be engaged in active work in the host department; to this end they shall be authorized to fulfil the tasks related to the functions assigned to them. In such cases, the civil liability of foreign officials in the exercise of their functions shall be the same as that of officials of the host Member State for the duration of the exchange. Officials shall be subject to the usual rules on confidentiality and to the disciplinary rules of the office to which they are assigned. They shall make an undertaking to this effect.

II. DURATION

1. The exchange period shall begin around 1 October 1994 and shall end at the latest on 1 March 1995.
2. The exchange shall last three weeks, including the period of information provision referred to in the second indent of Article 2 (3). The exchange programme shall include assignment to two inspection posts.

III. TABLE SHOWING ALLOCATION OF OFFICIALS

Member State of origin	Officials concerned	Host Member State
Belgium	1	Portugal
Denmark	1	Ireland
Germany	3	France Luxembourg Netherlands
Greece	3	Italy (2) Netherlands
Spain	4	Germany Italy Portugal United Kingdom
France	3	Italy (2) Spain
Ireland	1	Denmark
Luxembourg	1	Germany
Italy	5	Germany Greece France Netherlands United Kingdom
Netherlands	3	Germany Spain United Kingdom
Portugal	4	Belgium Greece Spain France
United Kingdom	2	Greece Portugal