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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2807/94

of 14 November 1994

amending Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas Article 6 of Regulation (EEC) No 804/68 ⁽³⁾ provides for an intervention system for butter; whereas this system must be implemented, in particular, in such a way as to maintain the competitive position of butter on the market and provide for the most efficient possible storage; whereas the quality requirements to be observed in respect of butter constitute a determining factor for the attainment of these objectives;

Whereas Council Regulation (EEC) No 985/68 of 15 July 1968 laying down general rules for intervention on the market in butter and cream ⁽⁴⁾, provides for control measures when butter enters into storage and after a certain storage period; whereas technical advances, both at international level and in the Community, have resulted in methods for determining the quality of butter; whereas it is appropriate, therefore, to recognize such methods and, for the purpose of implementing the intervention system more efficiently and simplifying the rules, to lay down a single definition for butter covered by the intervention system; whereas the adoption of such a definition, as referred to in Article 27 of Regulation (EEC) No 804/68, will accordingly enable the measure in question to be repealed;

Whereas it is not appropriate to deviate from the specification for butter stipulated hitherto under the intervention system; whereas, in particular, in the case of the private storage aid referred to in Article 6 (2) of Regulation (EEC) No 804/68 a reference to national quality grades should be maintained as a condition of eligibility and the derogation in respect of salted butter provided for

in the second subparagraph of Article 8 (4) of Regulation (EEC) No 985/68 should continued to apply;

Whereas, in the interests of simplification and clarification, the other general rules laid down in Regulation (EEC) No 985/68 should be incorporated in Article 6 of Regulation (EEC) No 804/68 and Regulation (EEC) No 985/68 repealed accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 804/68 is hereby amended as follows:

1. Article 6 shall be replaced by the following:

Article 6

1. Throughout the milk year and under conditions to be determined, the intervention agency designated by each Member State shall buy in at the intervention price butter produced directly and exclusively from pasteurized cream in an approved undertaking in the Community, and

(a) meeting the following requirements:

- a minimum butterfat content, by weight, of 82 % and a maximum water content, by weight, of 16 %,
- an age at the time of buying in not exceeding a maximum to be fixed,
- conditions to be determined as regards the minimum quantity and packaging;

(b) meeting certain requirements to be determined regarding in particular:

- preservation; additional requirements may be laid down by the intervention agencies,
- free fatty acid content,
- peroxide content,
- microbiological standard,
- sensory characteristics (appearance, texture, taste and smell).

⁽¹⁾ OJ No C 83, 19. 3. 1994, p. 30.

⁽²⁾ OJ No C 128, 9. 5. 1994, p. 298.

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 13. Regulation as last amended by Regulation (EC) No 230/94 (OJ No L 30, 3. 2. 1994, p. 1).

⁽⁴⁾ OJ No L 169, 18. 7. 1968, p. 1. Regulation as last amended by Regulation (EEC) No 2045/91 (OJ No L 187, 13. 7. 1991, p. 1).

National quality grades to be determined by the Member States may be shown on the packaging of butter which meets national quality requirements.

The intervention price shall be that in force on the day of manufacture of the butter and shall apply to butter delivered to the cold store designated by the intervention agency.

Flat rate transport costs shall be borne, under conditions to be fixed, by the intervention agency if the butter is delivered to a cold store situated at a distance greater than a distance to be determined from the place where the butter was in store.

2. Aid for private storage shall be granted for :

- cream,
- butter produced in an approved undertaking of the Community of a minimum butterfat content, by weight, of 82 % and a maximum water content, by weight, of 16 %,
- butter produced in an approved undertaking of the Community of a minimum butterfat content, by weight, of 80 %, a maximum water content, by weight, of 16 % and a maximum salt content, by weight, of 2 %.

The butter must be classified according to national quality grades to be determined and must be marked accordingly.

The aid shall be fixed in the light of storage costs and the likely trend in prices for fresh butter and butter from stocks. Where, at the time of removal from storage, an adverse change unforeseeable at the time of entry into storage has occurred on the market, the aid may be increased.

Private storage aid shall be subject to the drawing-up of a storage contract concluded, in accordance with provisions to be laid down, by the intervention agency of the Member State on whose territory the cream or butter qualifying for the aid is stored. Where the market situation so requires, the Commission may decide, in accordance with the procedure laid down in Article 30, to remarket some or all of the cream or butter covered by private storage contracts.

3. Butter bought in by the intervention agencies shall be disposed of at a minimum price and under conditions to be determined so as to avoid disturbing

the balance on the market and to ensure purchasers equal treatment and access to the butter to be sold. Where the butter put up for sale is intended for export, special conditions may be laid down to ensure that the product is not diverted from its destination and to take account of requirements specific to such sales.

For butter kept in public storage which cannot be disposed of during a milk year under normal conditions, special measures may be taken. Where warranted by such measures, special measures shall also be taken with a view to maintaining possibilities of disposing of products which were subject to aid as referred to in paragraph 2.

4. The intervention arrangements shall be applied so as to :

- maintain the competitive position of butter on the market,
- safeguard the original quality of the butter as far as possible,
- ensure storage as rationally as possible.

5. For the purposes of this Article, "cream" means cream obtained directly and exclusively from cow's milk produced in the Community.

6. Detailed rules for the application of this Article and in particular the aid granted for private storage shall be adopted in accordance with the procedure laid down in Article 30.

2. Article 27 is hereby repealed.

Article 2

Regulation (EEC) No 985/68 is hereby repealed as from 1 March 1995. However, it shall continue to apply to ensure the fulfilment of obligations entered into prior to that date.

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 1 March 1995.

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

Done at Brussels, 14 November 1994.

For the Council

The President

J. BORCHERT

COMMISSION REGULATION (EC) No 2808/94**of 18 November 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 2288/94⁽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 21 November 1994.

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

Done at Brussels, 18 November 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 248, 23. 9. 1994, p. 13.

*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 n.º 1 do artigo 1.º

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 περιοχές 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 2809/94
of 18 November 1994
on the supply of milk products as food aid

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

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

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management ⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain recipients 4 025 tonnes of milk powder;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾, as amended by Regulation (EEC) No

790/91 ⁽⁵⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Milk products shall be mobilized in the Community, as Community food aid, for supply to the recipients listed in the Annexes in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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, 18 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX I**LOTS A, B and C**

1. **Operation Nos** ⁽¹⁾: see Annex II
2. **Programme** : 1994
3. **Recipient** ⁽²⁾ ⁽³⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland (tel. (31-70) 33 05 757 ; fax 36 41 701 ; telex 30960 EURON NL)
4. **Representative of the recipient** ⁽²⁾: to be designated by the recipient
5. **Place or countries of destination** : see Annex II
6. **Product to be mobilized** : vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾:
(see OJ No C 114, 29. 4. 1991, p. 1 (under I.B (1)))
8. **Total quantity** : 1 265 tonnes
9. **Number of lots** : three (see Annex II)
10. **Packaging and marking** ⁽⁷⁾ ⁽⁸⁾: 25 kg
See OJ No C 114, 29. 4. 1991, p. 1 (under I.B(2), I.A(2) (3) and I.B(3))
Language to be used for the marking : see Annex II
11. **Method of mobilization** : the Community market
Manufacture of skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the tender
12. **Stage of supply** : free at port of shipment
13. **Port of shipment** : —
14. **Port of landing specified by the recipient** : —
15. **Port of landing** : —
16. **Address of the warehouse and, if appropriate, port of landing** : —
17. **Period for making the goods available at the port of shipment** : 9 — 29. 1. 1995
18. **Deadline for the supply** : —
19. **Procedure for determining the costs of supply** : invitation to tender
20. **Date of expiry of the period allowed for submission of tenders** : 12 noon (Brussels time) on 5. 12. 1994
21. **In the case of a second invitation to tender** :
 - (a) deadline for the submission of tenders : 12 noon (Brussels time) on 19. 12. 1994
 - (b) period for making the goods available at the port of shipment : 23. 1 — 12. 2. 1995
 - (c) deadline for the supply : —
22. **Amount of tendering security** : ECU 20 per tonne
23. **Amount of delivery security** : 10 % of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, Bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles, (telex 22037 AGREC B ; fax (32-2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on application by the successful tenderer** ⁽⁹⁾: refund applicable on 10. 11. 1994, fixed by Commission Regulation (EC) No 2616/94 (OJ No L 279, 28. 10. 1994, p. 12)

LOTS D

1. **Operation Nos** ⁽¹⁾: See Annex II
2. **Programme**: 1994
3. **Recipient** ⁽²⁾: World Food Programme, Via Cristoforo Colombo 426, I-00145 Roma (telex 626675 I WFP)
4. **Representative of the recipient**: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾: (see OJ No C 114, 29. 4. 1991, p. 1, I.B.(1))
8. **Total quantity**: 1 960 tonnes
9. **Number of lots**: one (see Annex II)
10. **Packaging and marking** ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (I.A (2) (3), I.B (2) and I.B (3))
Language to be used for the marking: see Annex II
11. **Method of mobilization of product**: the Community market
Manufacture of skimmed milk powder, and the incorporation of vitamins, must be carried out after the award of the tender
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 9 — 29. 1. 1995
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 5. 12. 1994
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 19. 12. 1994
 - (b) period for making the goods available at the port of shipment: 23. 1 — 12. 2. 1995
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention Mr T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles; (telex 22037 AGREC B; fax (32-2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer** ^(*): refund applicable on 10. 11. 1994, fixed by Commission Regulation (EC) No 2616/94 (OJ No L 279, 28. 10. 1994, p. 12)

LOT E

1. **Operation No⁽¹⁾** : 1754/93
2. **Programme** : 1993
3. **Recipient⁽²⁾** : Honduras
4. **Representative of the recipient** : Europe : Ambassade de Honduras, avenue des Gaulois 3, B-1040 Bruxelles (tel. (32 2) 734 00 00) Honduras : SECPLAN (Secreteria de Planificación, Coordinación y Presupuesto) Sr Orlando Funez Cruz, Edificio Banadesa. Comayaguela, Apartado Postal 1327 (fax (504) 38 17 77)
5. **Place or country of destination⁽³⁾** : Honduras
6. **Product to be mobilized** : vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods⁽⁴⁾** : see OJ No C 114, 29. 4. 1991, p. 1 (under I.B(1))
8. **Total quantity** : 650 tonnes
9. **Number of lots** : one
10. **Packaging and marking⁽¹⁾** : see OJ No C 114, 29. 4. 1991, p. 1 (under I.B.(2), I.A.(2) (3), I.B.(3)) markings in Spanish
11. **Method of mobilization** : the Community market
The skimmed-milk powder must be manufactured and the vitamins incorporated after the award of the tender
12. **Stage of supply** : free at destination
13. **Port of shipment** : —
14. **Port of landing specified by the recipient** : —
15. **Port of landing** : —
16. **Address of the warehouse and, if appropriate, port of landing** : Cia Almacenadora (COALSA), Bufalo, Villaneuva Km. 8, San Pedro de Sula, Sr. Douglas Ramirez (tel. (504) 53 18 88)
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage** : 9 — 22. 1. 1995
18. **Deadline for the supply** : 19. 2. 1995
19. **Procedure for determining the costs of supply** : tendering
20. **Date of expiry of the period allowed for submission of tenders** : 12 noon (Brussels time) on 5. 12. 1994
21. **In the case of a second invitation to tender** :
 - (a) deadline for the submission of tenders : 12 noon (Brussels time) on 19. 12. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 23. 1 — 5. 2. 1995
 - (c) deadline for the supply : 5. 3. 1995
22. **Amount of the tendering security** : ECU 20 per tonne
23. **Amount of the delivery security** : 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities⁽¹⁾** : Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles (telex 22037 AGREC B ; fax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer⁽⁴⁾** : refund applicable on 10. 11. 1994, fixed by Commission Regulation (EC) No 2616/94 (OJ No L 279, 28. 10. 1994, p. 12).

LOTS F and G

1. **Operation Nos** ⁽¹⁾: 1749/93 (lot F) and 1750/93 (lot G)
2. **Programme** : 1993
3. **Recipient** ⁽²⁾ : Nicaragua
4. **Representative of the recipient** : ENIMPORT (Sr Regi Delgadillo), carretera a Masaya, frente a camino de Oriente, Managua (tel. 67 10 32 ; fax 784843)
5. **Place or country of destination** ⁽³⁾ : Nicaragua
6. **Product to be mobilized** : vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁶⁾ : OJ No C 114, 29. 4. 1991, p. 1 (under I.B (1))
8. **Total quantity** : 1 000 tonnes
9. **Number of lots** : two (lot F : 500 tonnes ; lot G : 500 tonnes)
10. **Packaging and marking** ⁽⁷⁾ ⁽¹⁰⁾ : OJ No C 114, 29. 4. 1991, p. 1 (under I.A.(2) (3), I.B.(2) and I.B.(3))
Markings in Spanish
11. **Method of mobilization of product** : the Community market
The manufacture of the skimmed-milk powder and the incorporation of vitamins must be carried out after the award of the tender
12. **Stage of supply** : free at port of landing — landed
13. **Port of shipment** : —
14. **Port of landing specified by the recipient** : —
15. **Port of landing** : San Juan del Sur
16. **Address of the warehouse and, if appropriate, port of landing** : —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage** : 9 — 22. 1. 1995
18. **Deadline for the supply** : 19. 2. 1995
19. **Procedure for determining the costs of supply** : invitation to tender
20. **Date of expiry of the period allowed for submission of tenders** : 12 noon (Brussels time) on 5. 12. 1994
21. **In the case of a second invitation to tender** :
 - (a) deadline for the submission of tenders : 12 noon (Brussels time) on 19. 12. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 23. 1 — 5. 2. 1995
 - (c) deadline for the supply : 5. 3. 1995
22. **Amount of the tendering security** : ECU 20 per tonne
23. **Amount of the delivery security** : 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾ : Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles (telex 22037 AGREC B ; fax (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on request by the successful tenderer** ⁽⁴⁾ : refund applicable on 10. 11. 1994, fixed by Commission Regulation (EC) No 2616/94 (OJ No L 279, 28. 10. 1994, p. 12)

LOT H

1. **Operation No** ⁽¹⁾: 1652/93
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: UNRWA, Supply Division, Vienna International Centre, PO Box 700, A-1400 Vienna, Austria (telex 135310 UNRWA A; fax (1) 230 75 29)
4. **Representative of the recipient**: UNRWA Field Supply and Transport Officer, PO Box 484, Amman, Jordan, (tel. 962 (6) 74 19 14, 77 22 26; telex 23402 UNRWA JFO JO; fax 962 (6) 74 63 61)
5. **Place or country of destination** ⁽³⁾: Jordan
6. **Product to be mobilized**: whole milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁶⁾: (see OJ No C 114, 29. 4. 1991, p. 1 (under I.C (1))
8. **Total quantity**: 150 tonnes
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁷⁾ ⁽¹¹⁾: 1 kg sachets
See OJ No C 114, 29. 4. 1991, p. 1, (under I.C (2), I.C (3) and I.A (2) (1))
Markings in English
Supplementary markings: 'UNRWA — Date of expiry ...' (date of manufacture plus nine months)
11. **Method of mobilization**: the Community market
The whole milk powder must be manufactured after the award of the tender
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: UNRWA warehouses, Amman, Jordan
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 9 — 22. 1. 1995
18. **Deadline for the supply**: 19. 2. 1995
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 5. 12. 1994
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 19. 12. 1994
 - (b) period for making the goods available at the port of shipment in case of award of tender at port of shipment stage: 23. 1 — 5. 2. 1995
 - (c) deadline for the supply: 5. 3. 1995
22. **Amount of tendering security**: ECU 20 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles (telex 22037 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: refund applicable on 10. 11. 1994, fixed by Commission Regulation (EC) No 2616/94 (OJ No L 279, 28. 10. 1994, p. 12)

Notes :

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.

B3 and B4 : Radiation certificate and the certificate of origin must be legalized by the diplomatic representation in the country of origin of the goods.

- (⁴) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.

The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as amended by Regulation (EC) No 547/94 (OJ No L 69, 12. 3. 1994, p. 1), shall not apply to this amount.

- (⁵) Commission delegation to be contacted by the successful tenderer : OJ No C 114, 29. 4. 1991, p. 33 (lots E, F, and G : see Costa Rica).

- (⁶) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :

- health certificate (C 6 : the document must be legalized by the diplomatic representation in the country of origin of the goods),
- Veterinary certificate issued by an official entity stating that the product was processed with pasteurized milk, coming from healthy animals, processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 12 months prior to the processing.

Lots A, B and C : The veterinary certificate must state the temperature and duration of the pasteurization, the temperature and duration in the spray-drying tower and the expiry date for consumption.

- (⁷) Notwithstanding OJ No C 114, point I. B (3) (c) or I. C (3) (c) is replaced by the following : 'the words "European Community".'

- (⁸) Shipment to take place in 20-foot containers, condition FCL/FCL each containing 15 tonnes net. The supplier shall be responsible for the cost of making the containers available in the stack position to the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.

The provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.

The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying number of bags belonging to each shipping number as specified in the invitation to tender.

The successful tenderer has to seal each container with a numbered locktainer (Sysko locktainer 180 seal), number of which to be provided to the beneficiary's forwarder.

- (⁹) The supplier should send a duplicate of the original invoice to : Willis Corroon Scheuer, PO Box 1315, NL-1000 BH Amsterdam.

- (¹⁰) The bags shall be stacked, maximum 40, on wooden pallets (made of pine, fir or poplar wood) measuring not more than 1 200 × 1 400 mm, and with the following features :

- four-way entry, non reversible, with wings,
- a top deck consisting of a minimum of seven planks (width : 100 mm ; thickness : 22 mm),
- a bottom deck consisting of three planks (width : 100 mm ; thickness : 22 mm),
- three bearers (width : 100 mm ; thickness : 22 mm),
- nine dowels : 100 × 100 × 78 mm minimum.

The palletized bags shall be covered by a shrink film ('shrink wrapping' or 'stretch wrapping') of a thickness of at least 150 microns. The whole of the above must be bound, in each direction, by two nylon straps of a width of not less than 15 mm with plastic buckles.

The bags are further protected by board or wood placed between the bags and straps.

(¹¹) Placed in 20-foot containers. The free holding period for containers must be at least 15 days.

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

Lote	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción nº	País de destino	Lengua que se debe utilizar en la rotulación
Parti	Totalmængde (i tons)	Delmængde (i tons)	Aktion nr.	Bestemmelsesland	Mærkning på følgende sprog
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Bestimmungsland	Kennzeichnung in folgender Sprache
Παρτίδα	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Χώρα προορισμού	Γλώσσα που πρέπει να χρησιμοποιηθεί για τη σήμανση
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Country of destination	Language to be used for the marking
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action nº	Pays de destination	Langue à utiliser pour le marquage
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Paese di destinazione	Lingua da utilizzare per la marcatura
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Land van bestemming	Taal te gebruiken voor de opschriften
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Acção nº	País de destino	Lingua a utilizar na rotulagem
A	410	A 1 : 15	815/94	Sierra Leone	English
		A 2 : 200	816/94	Liberia	English
		A 3 : 90	818/94	Ghana	English
		A 4 : 15	819/94	Mali	Français
		A 5 : 15	820/94	Mali	Français
		A 6 : 30	821/94	Mali	Français
		A 7 : 45	822/94	Niger	Français
B	435	B 1 : 15	823/94	Madagascar	Français
		B 2 : 15	824/94	Ethiopia	English
		B 3 : 180	825/94	Egypt	English
		B 4 : 90	826/94	Egypt	English
		B 5 : 75	827/94	Liban	Français
		B 6 : 60	831/94	Bangladesh	English
C	420	C 1 : 60	832/94	Haïti	Français
		C 2 : 75	833/94	Haïti	Français
		C 3 : 165	834/94	Perú	Español
		C 4 : 45	835/94	Perú	Español
		C 5 : 45	836/94	Perú	Español
		C 6 : 30	837/94	Chile	Español
D	960	D 1 : 120	740/94	Ecuador	Español
		D 2 : 180	741/94	Ecuador	Español
		D 3 : 227	742/94	Ecuador	Español
		D 4 : 322	743/94	Guyana	English
		D 5 : 111	744/94	Mauritanie	Français

COMMISSION REGULATION (EC) No 2810/94
of 18 November 1994
on the supply of fishery products as food aid

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

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

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain recipients ECU 197 000 and 742 tonnes of fishery products;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽⁴⁾, as

amended by Regulation (EEC) No 790/91⁽⁵⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Fishery products shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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, 18 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOTS A, B, C, D and E

1. **Operation Nos** ⁽¹⁾: 921/94 (Lot A), 922/94 (Lot B), 923/94 (Lot C), 924/94 (Lot D) and 925/94 (Lot E).
2. **Programme**: 1994
3. **Recipient** ⁽²⁾: UNRWA Headquarters, Supply Division, Vienna International Centre, PO Box 700, A-1400 Vienna (telex 135310 UNRWA A — fax (1) 230 75 29)
4. **Representative of the recipient**: UNRWA Field Supply and Transport Officer,
Ashdod: West Bank, PO Box 19149, Jerusalem (tel. 972 (2) 89 05 55; telex 26194 UNRWA IL; fax 972 (2) 81 65 64)
Latakia: PO Box 4313, Damascus, SAR (tel. 963 (11) 666 02 17; telex 412006 UNRWA SY; fax 963 (11) 332 75 13)
Beirut: PO Box 947, Beirut, Lebanon (tel. 86 31 50; telex 21430/20177 UNRWA LE; fax (212) 478 10 55 (via satellite))
Amman: PO Box 484, Amman, Jordan (tel. 962 (6) 74 19 14 — 77 22 26; telex 23402 UNRWA JFO JO; fax 962 (6) 74 63 61)
5. **Place or country of destination** ⁽³⁾:
 - lots A and E: Israel (A: West Bank: E Gaza)
 - lot B: Syria
 - lot C: Lebanon
 - lot D: Jordan
6. **Product to be mobilized**: Sardines (*sardina pilchardus Walbaum*)
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾: Tinned headless sardines in vegetable oil, 1994 fishing, CN code 1604 13 19
8. **Total quantity**: 742 tonnes
9. **Number of lots**: five (lot A: 168 tonnes; lot B: 84 tonnes; lot C: 84 tonnes; lot D: 112 tonnes; lot E: 294 tonnes)
10. **Packaging and marking** ⁽⁷⁾ ⁽⁴⁾: OJ No C 114, 29. 4. 1991, p. 1 (under VIIIA (2) and VIIIA (3))
Type of tins: 'easy open'
Markings in English: ('mackerel' must be replaced by 'sardine')
Supplementary markings: 'Expiry date:' (date of manufacture plus four years)
In case the required markings cannot be printed on the tins, they must be printed either on an outer packaging of each tin or on self-adhesive labels fixed on the tins.
The expiry date and the date of manufacture shall be printed on the tins and not on the self-adhesive labels.
11. **Method of mobilization**: the Community market
12. **Stage of supply**: lots A, B and E: free at port of landing — landed; lots C and D: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: lots A and E: Ashdod; lot B: Latakia
16. **Address of the warehouse and, if appropriate, port of landing**: Lot C: UNRWA depots in Beirut, Lebanon; lot D: UNRWA depots in Amman, Jordan
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 9 — 22. 1. 1995
18. **Deadline for the supply**: lots A, B and E: 12. 2. 1995; lots C and D: 19. 2. 1995
19. **Procedure for determining the costs of supply**: tendering procedure
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 5. 12. 1994

21. **In the case of a second invitation to tender :**
 - (a) deadline for the submission of tenders : 12 noon (Brussels time) on 19. 12. 1994
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 23. 1 — 5. 2. 1995
 - (c) deadline for the supply : Lots A, B and E : 26. 2. 1995 ; lots C and D : 5. 3. 1995
22. **Amount of tendering security :** ECU 15 per tonne
23. **Amount of delivery security :** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities⁽¹⁾ :** Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200, rue de la Loi, B-1049 Bruxelles ; (telex 22037 AGREC B ; fax (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04)
25. **Refund payable on application by the successful tenderer⁽²⁾ :** —

LOT F

1. **Operation Nos ⁽¹⁾:** 386/94
2. **Programme :** 1994
3. **Recipient ⁽²⁾:** UNHCR, Boîte postale 2500, CH-1211 Genève 2 Dépôt (tél. (41 22) 739 81 37 ; fax 731 07 76 ; telex 412404 CHHCR (Mme Seinet))
4. **Representative of the recipient :** UNHCR Liaison Office c/o Hotel Razdan, Yerevan, Armenia (tel. (007 8852) 56 08 44 ; fax 15 14 50)
5. **Place or country of destination** Armenia
6. **Product to be mobilized :** mackerel in natural oil/brine
7. **Characteristics and quality of the goods ⁽³⁾:** steaks 'salmon style' (whole pieces mackerel without heads, guts and tail) 1994 fishing, CN code 1604 15 19
8. **Total quantity :** maximum possible quantity, net weight, for a total amount of ECU 19 000
9. **Number of lots :** one
10. **Packaging and marking ⁽⁴⁾:** OJ No C 114, 29. 4. 1991, p. 1 (under VIII.A (2) and VIII.A (3))
in tin cans of a net weight of maximum 400 g each packed in cartons weighing maximum 20 kg
Markings in English
Supplementary markings : 'Expiry date :'
In case the required markings cannot be printed on the tins, they must be printed either on an outer packaging of each tin or on self-adhesive labels fixed on the tins.
The expiry date and the date of manufacture shall be printed on the tins and not on the self-adhesive labels.
11. **Method of mobilization :** the Community market
12. **Stage of supply :** free at destination ⁽⁵⁾
13. **Port of shipment :** —
14. **Port of landing specified by the recipient :** —
15. **Port of landing :** lot A : Ashdod ; lot B : Latakia
16. **Address of the warehouse and, if appropriate, port of landing :** see point 4
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage :** ⁽¹⁰⁾
18. **Deadline for the supply :** 26. 2. 1995
19. **Procedure for determining the costs of supply :** tendering procedure
20. **Date of expiry of the period allowed for submission of tenders :** 12 noon on 5. 12. 1994 (Brussels time)
21. **In the case of a second invitation to tender :**
 - (a) deadline for the submission of tenders : 12 noon on 19. 12. 1994 (Brussels time)
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : ⁽¹⁰⁾
 - (c) deadline for the supply : 12. 3. 1995
22. **Amount of tendering security :** ECU 15 per tonne
23. **Amount of delivery security :** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities ⁽¹⁾:** Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles ; (telex 22037 AGREC B ; fax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on application by the successful tenderer ⁽⁶⁾:** —

Notes :

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.

The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following document :

— sanitary certificate.

- (⁴) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
- (⁵) Commission delegation to be contacted by the successful tenderer : see OJ No C 114, 29. 4. 1991, p. 33.
- (⁶) The sanitary certificate and the certificate of origin must be signed and stamped by a Syrian consulate, including a statement that consular fees and charges have been paid (action 922/94, lot B).
- (⁷) Lots A, C, D and E : Shipment to take place in 20-foot containers.

Lots A and E : the contracted shipping terms shall be considered full liner terms (liner in/liner out) free at port of landing container yard and are understood to cover 15 days — Saturdays, Sundays and official public and religious holidays excluded — free of container detention charges at the port of discharge taken from the day/time of the arrival of the vessel. The 15 days free of container detention charges should be clearly marked on the bill of landing. Bona fide detention charges levied in respect of container detention(s) in excess of the said 15 days as detailed above will be borne by UNRWA. UNRWA shall not pay/not be charged any container deposit fees.

After take over of the goods at the delivery stage, the recipient will bear all costs of shifting the containers for destuffing outside the port area and of returning them to the container yard.

Ashod : consignment to be stowed in 20-foot containers not more than 17 tonnes each, net.

- (⁸) Notwithstanding OJ No C 114, point VIII.A. (3) (c) is replaced by the following : 'the words "European Community".'
 - (⁹) Notwithstanding Article 7 (3) (f) of Regulation (EEC) No 2200/87, one single tender corresponding to the foreseen supply stage shall be presented. However, the tender shall indicate distinctly an amount expressed in ecus relating to the total transport costs beyond the supply stage free at port of shipment.
 - (¹⁰) The provisions of Article 9 (4) of Regulation (EEC) 2200/87 shall not be applicable.
-

COMMISSION REGULATION (EC) No 2811/94
of 18 November 1994
on the supply of cereal-based weaning food as food aid

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

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

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management ⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain beneficiares 358 tonnes of cereal-based weaning food;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾, as amended by Regulation (EEC) No 790/91 ⁽⁵⁾; whereas it

is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereal-based weaning food shall be mobilized in the Community as Community food aid for supply to the recipients listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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, 18 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOT A

1. **Operation Nos** ⁽¹⁾: 847/94 (A1), 848/94 (A2), 849/94 (A3) and 850/94 (A4)
2. **Programme** : 1994
3. **Recipient** ⁽²⁾ :
Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland : (tel. (31 70) 33 05 757 ; fax 36 41 701 ; telex 30960 EURON NL)
4. **Representative of the recipient** ⁽³⁾ : to be designated by the recipient
5. **Place or country of destination** : Eritrea (A1) ; Angola (A2, A3 and A4)
6. **Product to be mobilized** : cereal-based weaning food
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾ : see OJ No C 34, 6. 2. 1993, p. 3 (II. C. (1) (b))
8. **Total quantity** : 358 tonnes
9. **Number of lots** : one (A1 : 250 tonnes ; A2 : 18 tonnes ; A3 : 18 tonnes ; A4 : 72 tonnes)
10. **Packaging and marking** ⁽⁸⁾ : OJ No C 34, 6. 2. 1993, p. 3 (II. C. (2) (b) and II. C. (3))
Markings in English (A1) and Portuguese (A2, A3 and A4)
11. **Method of mobilization** : the Community market
12. **Stage of supply** : free at port of shipment
13. **Port of shipment** : —
14. **Port of landing specified by the recipient** : —
15. **Port of landing** : —
16. **Address of the warehouse and, if appropriate, port of landing** : —
17. **Period for making the goods available at the port of shipment** : 9 — 29. 1. 1995
18. **Deadline for the supply** : —
19. **Procedure for determining the costs of supply** : invitation to tender
20. **Date of expiry of the period allowed for submission of tenders** : 12 noon (Brussels time) on 5. 12. 1994
21. **In the case of a second invitation to tender** :
 - (a) deadline for the submission of tenders : 12 noon (Brussels time) on 19. 12. 1994
 - (b) period for making the goods available at the port of shipment : 23. 1 — 12. 2. 1995
 - (c) deadline for the supply : —
22. **Amount of tendering security** : ECU 20 per tonne
23. **Amount of delivery security** : 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾ : Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles ; (telex 22037 AGREC B ; fax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾ : refunds applicable on 2. 12. 1994 (fixed in accordance with Article 4 (2), first subparagraph of Regulation (EEC) No 3035/80) (OJ No L 323, 29. 11. 1980, p. 27)

Notes :

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.
- The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as amended by Regulation (EC) No 547/94 (OJ No L 69, 12. 3. 1994, p. 1) shall not apply to this amount.
- (⁵) The supplier should send a duplicate of the original invoice to : Willis Corroon Scheuer, PO Box 1315, NL-1000 BH Amsterdam.
- (⁶) Shipment to take place in 20-foot containers, condition FCL/FCL. The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.
- The provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.
- The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying number of small packages belonging to each shipping number as specified in the invitation to tender.
- The successful tenderer has to seal each container with a numbered locktainer (sysko 180 seal), number of which to be provided to the beneficiary's forwarder.
- (⁷) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
- phytosanitary certificate.
-

COMMISSION REGULATION (EC) No 2812/94

of 18 November 1994

amending Council Regulation (EEC) No 1101/89 as regards the conditions which apply to the putting into service of new capacity in inland waterway transport

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1101/89 of 27 April 1989 on structural improvements in inland waterway transport ⁽¹⁾, as last amended by Regulation (EC) No 844/94 ⁽²⁾, and in particular Article 8 (1) (c) thereof,

Whereas, in recent years, the market trend in inland waterway transport has been unfavourable; whereas it has become apparent that, because it is possible to have vessels built at low cost in third countries, the ratio between the new tonnage and the old tonnage referred to in Article 8 (1) (a) of Regulation (EEC) No 1101/89, currently 1 : 1, does not exercise sufficient control over the emergence of new overcapacity, thereby jeopardizing the effects of Community scrapping measures; whereas, therefore, that ratio should be adjusted;

Whereas provision should be made, by way of a transitional arrangement, for the 1 : 1 ratio to continue to apply to vessels whose construction has reached a certain stage and which are put into service within six months of the entry into force of the abovementioned adjustment;

Whereas the measure set out in this Regulation has been the subject of consultations with the Member States and with organizations representing the inland waterway sector,

HAS ADOPTED THIS REGULATION:

Article 1

The three indents appearing in Article 8 (1) (a) of Regulation (EEC) No 1101/89 are replaced by the following:

⁽¹⁾ OJ No L 116, 28. 4. 1989, p. 25.

⁽²⁾ OJ No L 98, 16. 4. 1994, p. 1.

— the owner of the vessel to be brought into service scraps a tonnage of carrying capacity equivalent to one and a half times that of the new vessel, or

— where the owner scraps no vessel, he pays into the Fund covering his new vessel or into the Fund chosen by him in accordance with article 4 a special contribution equal to the scrapping premium fixed for a tonnage equal to one and a half times that of the new vessel, or

— where the owner scraps a tonnage smaller than one and a half times that of the new vessel to be brought into service, he pays into the Fund in question a special contribution equivalent to the scrapping premium corresponding at the time to the difference between one and a half times the tonnage of the new vessel and the tonnage scrapped.

Article 2

For vessels in respect of which the owner proves that:

— construction was underway on the date of publication of this Regulation, and that

— work already carried out by the date of publication of this Regulation represents at least 20 % of the steel weight or 50 tonnes, and that

— delivery and commissioning is to take place within the six months following the entry into force of this Regulation,

the conditions set out in Article 8 (1) (a) of Regulation (EEC) No 1101/89, as they applied before the entry into force of this Regulation, shall continue to apply, on request to the authorities of the Fund covering the vessel.

Article 3

This Regulation shall enter into force on the 20th 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 November 1994.

For the Commission

Marcelino OREJA

Member of the Commission

COMMISSION REGULATION (EC) No 2813/94**of 18 November 1994****amending Regulation (EEC) No 2837/93 laying down detailed rules for the application of Council Regulation (EEC) No 2019/93 with regard to the maintenance of olive groves in traditional olive-growing areas**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2019/93 of 19 July 1993 introducing specific measures for the smaller Aegean islands concerning certain agricultural products ⁽¹⁾, as amended by Commission Regulation (EC) No 822/94 ⁽²⁾, and in particular Article 11 (2) thereof,Whereas Commission Regulation (EEC) No 2837/93 of 18 October 1993 ⁽³⁾, as amended by Regulation (EC) No 3499/93 ⁽⁴⁾, provides for a minimum density of olive trees on areas qualifying for the aid;

Whereas experience in the application of the aid scheme shows that this provision has not achieved the objective of excluding from aid areas which should not be considered true olive groves on account of their low tree density; whereas, as a consequence, provision should be made for a higher minimum density of trees and for the way it is to be calculated;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (a) of Regulation (EEC) No 2837/93 is hereby replaced by the following:

- '(a) with a minimum density of 80 trees per hectare. The density shall be calculated in respect of each parcel of the holding under olive trees;'

*Article 2*This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 1995.

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

Done at Brussels, 18 November 1994.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 184, 27. 7. 1993, p. 1.⁽²⁾ OJ No L 95, 14. 4. 1994, p. 1.⁽³⁾ OJ No L 260, 19. 10. 1993, p. 5.⁽⁴⁾ OJ No L 319, 21. 12. 1993, p. 22.

COMMISSION REGULATION (EC) No 2814/94

of 18 November 1994

fixing the uniform coefficient of reduction for the determination of the quantity of bananas to be allocated to each Category C operator within the tariff quota for 1995

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas ⁽¹⁾, as amended by Commission Regulation (EC) No 3518/93 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 1442/93 of 10 June 1993 laying down detailed rules for the application of the arrangements for importing bananas into the Community ⁽³⁾, as last amended by Commission Regulation (EC) No 2444/94 ⁽⁴⁾, and in particular Article 4 (4) thereof,

Whereas Article 4 (4) of Regulation (EEC) No 1442/93 stipulates that the competent authorities of the Member States must inform the Commission before 9 November 1994 of the total quantity covered by applications from the Category C operators registered with them; whereas the quantities covered by applications for 1995 amount to 108 125 295 tonnes and exceed by 70 000 tonnes the tariff quota set pursuant to Article 19 (1) (c) of Regulation (EEC) No 404/93; whereas a uniform percentage reduc-

tion should be applied to the quantities requested by each operator;

Whereas this Regulation must enter into force immediately, taking account of the time limits laid down in Regulation (EEC) No 1442/93,

HAS ADOPTED THIS REGULATION:

Article 1

The quantity to be allocated to each Category C operator for 1995, within the tariff quota provided for in Articles 18 and 19 of Regulation (EEC) No 404/93, shall be calculated by applying to the quantity applied for by each operator a uniform coefficient of reduction of 0,000647397 pursuant to Article 4 (4) of Regulation (EEC) No 1442/93.

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, 18 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 15.

⁽³⁾ OJ No L 142, 12. 6. 1993, p. 6.

⁽⁴⁾ OJ No L 261, 11. 10. 1994, p. 3.

COMMISSION REGULATION (EC) No 2815/94
of 18 November 1994

**amending Regulation (EC) No 1213/94 as regards the issue of licences for the
import of garlic from China during December 1994 and January 1995**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as amended by Commission Regulation (EC) No 2753/94⁽²⁾, and in particular Article 29 (2) thereof,

Whereas, by Regulation (EC) No 1213/94 of 27 May 1994 concerning a protective measure applicable to imports of garlic from China⁽³⁾, as amended by Regulation (EC) No 1992/94⁽⁴⁾, the Commission fixed the monthly quantities for which licences for the import of garlic from China may be issued for the period from 1 September 1994 to 31 May 1995;

Whereas, in order to permit the issue of import licences to operators from the new Member States from January 1995, the maximum quantities for December 1994 and January 1995 and the corresponding periods for the submission of licence applications should be amended,

HAS ADOPTED THIS REGULATION:

Article 1

The lines 'December' and 'January' of the Annex to Regulation (EC) No 1213/94 are hereby replaced by the following:

Month	Periods of lodging of applications	Quantity
'December	24. 11. 1994 — 2. 1. 1995	667
January	3. 1. 1995 — 24. 1. 1995	333'

Article 2

The 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 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 292, 12. 11. 1994, p. 3.

⁽³⁾ OJ No L 133, 28. 5. 1994, p. 36.

⁽⁴⁾ OJ No L 200, 3. 8. 1994, p. 11.

COMMISSION REGULATION (EC) No 2816/94
of 18 November 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 17

November 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 19 November 1994.

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

Done at Brussels, 18 November 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 18 November 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 11	1st period 12	2nd period 1	3rd period 2
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
1001 90 91	0	1,15	13,65	11,34
1001 90 99	0	1,15	13,65	11,34
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	1,61	18,07	15,38
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 11	1st period 12	2nd period 1	3rd period 2	4th period 3
1107 10 11	0	2,05	24,30	20,19	20,19
1107 10 19	0	1,53	18,15	15,08	15,08
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 2817/94
of 18 November 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 2795/94 ⁽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 17 November 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 19 November 1994.

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

Done at Brussels, 18 November 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 296, 17. 11. 1994, p. 40.

ANNEX

to the Commission Regulation of 18 November 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	31,34 ⁽¹⁾
1701 11 90	31,34 ⁽¹⁾
1701 12 10	31,34 ⁽¹⁾
1701 12 90	31,34 ⁽¹⁾
1701 91 00	36,83
1701 99 10	36,83
1701 99 90	36,83 ⁽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.

COUNCIL REGULATION (EC) No 2818/94

of 17 November 1994

extending the provisional anti-dumping duty on imports of furfuraldehyde
originating in the People's Republic of China

THE COUNCIL OF THE EUROPEAN UNION,

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 sub-
sidized imports from countries not members of the Euro-
pean Community ⁽¹⁾, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas Commission Regulation (EC) No 1783/94 ⁽²⁾
imposed a provisional anti-dumping duty on imports of
furfuraldehyde originating in the People's Republic of
China;

Whereas examination of the facts has not yet been
completed and the Commission has informed the expor-
ters known to be concerned of its intention to propose an

extension of the validity of the provisional duty for an
additional period of two months;

Whereas the exporters have raised no objections,

HAS ADOPTED THIS REGULATION:

Article 1

The validity of the provisional anti-dumping duty on
imports of furfuraldehyde originating in the People's
Republic of China imposed by Regulation (EC)
No 1783/94 is hereby extended for a period of two
months and shall expire on 22 January 1995. It shall
cease to apply if, before this date, the Council adopts defi-
nitive measures or the proceeding is terminated pursuant
to Article 9 of Regulation (EEC) No 2423/88.

Article 2

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, 17 November 1994.

*For the Council**The President*

G. O. PFEFFERMANN

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1. Regulation as last amended by
Regulation (EC) No 522/94 (OJ No L 66, 10. 3. 1994, p. 10).

⁽²⁾ OJ No L 186, 21. 7. 1994, p. 11.

COUNCIL REGULATION (EC) No 2819/94

of 17 November 1994

imposing a definitive anti-dumping duty on imports of potassium permanganate originating in the People's Republic of China

THE COUNCIL OF THE EUROPEAN UNION,

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⁾, and in particular Articles 12, 14 and 15 thereof,

Having regard to the proposal from the Commission submitted after consultation within the Advisory Committee,

Whereas :

A. PROCEDURE

(1) The proceeding was first initiated by notice published in the *Official Journal of the European Communities*⁽²⁾. In November 1986, the Commission, by Decision 86/589/EEC⁽³⁾, *inter alia* accepted a price undertaking offered by the exporter in the People's Republic of China in connection with the anti-dumping proceeding concerning imports of potassium permanganate.

(2) After failure of the exporter in the People's Republic of China to comply with the undertaking, the Commission withdrew its acceptance of the undertaking and reimposed a provisional anti-dumping duty by Regulation (EEC) No 360/88⁽⁴⁾ and decided⁽⁵⁾ to reopen the anti-dumping investigation concerning imports of potassium permanganate originating in the People's Republic of China. The Council, by Regulation (EEC) No 1531/88⁽⁶⁾, imposed a definitive anti-dumping duty on imports of potassium permanganate originating in the People's Republic of China. The amount of the duty imposed was equal to either the amount by which the free-at-Community-frontier-price per kilogram net, before duty, is less than ECU 2,25 or 20 % of that price per kilogram net, free-at-Community frontier, before duty, whichever is the higher.

(3) Following the publication in December 1992⁽⁷⁾ of a notice of the impending expiry of the measures in force, the Commission received a request for a review lodged by the European Chemical Industry Council (Cefic), on behalf of producers allegedly representing the totality of the Community production of potassium permanganate.

(4) Subsequently, in a notice published in the *Official Journal of the European Communities*⁽⁸⁾, the Commission announced a review of the anti-dumping measures in force.

(5) The Commission notified the exporter and importers known to be concerned, the representatives of the exporting country and the complainant Community producers, and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.

(6) All complainant Community producers replied to the questionnaire and made their views known in writing.

(7) Neither the Chinese Government nor the exporter in the People's Republic of China nor the related importers known to exist in the Community nor any unrelated importers replied to the questionnaire.

(8) The Commission sought and verified all information it deemed necessary for the purpose of a determination. Normal value had to be determined on the basis of domestic prices in an analogous country (see recital 29). Consequently investigations have been carried out at the premises of the following companies :

— complainant Community producers :

— Chemie AG (Germany),

— Industrial Química del Nalón (Spain),

— reference country :

— Carus Chemical Company, Ottawa, Illinois, USA.

(9) The investigation of dumping covered the period from 1 July 1992 to 30 June 1993 (the investigation period).

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1. Regulation as last amended by Regulation (EC) No 522/94 (OJ No L 66, 10. 3. 1994, p. 10).

⁽²⁾ OJ No C 63, 18. 3. 1986, p. 5.

⁽³⁾ OJ No L 339, 2. 12. 1986, p. 32.

⁽⁴⁾ OJ No L 35, 9. 2. 1988, p. 13.

⁽⁵⁾ OJ No C 37, 9. 2. 1988, p. 3.

⁽⁶⁾ OJ No L 138, 3. 6. 1988, p. 1.

⁽⁷⁾ OJ No C 319, 5. 12. 1992, p. 4.

⁽⁸⁾ OJ No C 248, 11. 9. 1993, p. 9.

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

- (10) The product covered by the complaint and for which the review investigation was initiated is potassium permanganate falling within CN code 2841 60 10 (before 1992 the CN code was ex 2841 60 00). It is identical to the product which was the subject of the previous investigation and for which the definitive duty was imposed.
- (11) Potassium permanganate is a strong oxidizing agent and is used for potable water treatment, waste water treatment, chemical manufacture and processing, aquaculture, metal refining and metal surface cleaning, disinfectant in agriculture and veterinary practices, flue gas purification, process gas deodorization, bleaching and special treatment in textile industry, odour abatement, radioactive decontamination, gas turbine engine cleaning, manufacture of printed circuit boards and submarine air purification.

The product can be manufactured in three grades, technical, free flowing and pharmaceutical. All grades are obtained from the same production process, show the same chemical properties and are interchangeable in all uses. The material is assigned to the specific grade according to demand and after having performed the different analyses needed.

- (12) The investigation showed that the product produced and sold by the Community producers on the Community market is identical in its chemical characteristics to the potassium permanganate imported from the People's Republic of China. It is therefore considered as being a like product within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88 (hereinafter referred to as the 'basic Regulation').

C. COMMUNITY INDUSTRY

- (13) Until 1990, there was only one Community producer. The other producer, the producer located in the former German Democratic Republic, became part of the Community industry in the course of the German unification.

For the German producer, unification implied fundamental institutional changes towards a market economy. From the beginning of the economic, monetary and social union on 1 July 1990, it had to adapt to market conditions. It was part of the former combine 'VEB Chemiekombinat Bitterfeld'

and is now offered for privatization by the 'Treuhandanstalt', the German State-holding company.

On a Community level, during the period preceding formal unification (1 July 1990 until 2 October 1990), rules governing trade with the former German Democratic Republic were geared towards free access of Community products to the former German Democratic Republic and towards equivalent access to the Community for products of the latter (Council Regulation (EEC) No 1794/90⁽¹⁾). By Commission Regulation (EEC) No 1795/90⁽²⁾ the former German Democratic Republic was regarded, for implementation purposes, as forming a part of the Community. With formal unification on 3 October 1990, the former German Democratic Republic became part of the Community.

Consequently, since 1 July 1990, all German producers form a part of the Community industry. The complainant producers manufacture the total Community output of potassium permanganate. Therefore, they comprise the Community industry within the meaning of Article 4 (5) of the basic Regulation.

D. PRESENT SITUATION IN THE COMMUNITY MARKET

- (14) In order to establish whether the expiry of the measures in force would lead again to injury or threat of injury, it was first necessary to examine the present economic situation of the Community industry.

Production

- (15) The total Community production of potassium permanganate decreased by 74 % from 1989 to the investigation period. This figure is influenced by the adjustment of the German producer to market conditions, which took place to a large part in just one year (1990 to 1991). However, comparing 1991 and the investigation period, production of the Community industry fell by 52 %.

Production capacity and utilization rate

- (16) The capacity remained stable at 7 500 metric tonnes (MT) per year. The utilization rate dropped from 75,8 % in 1989 to 33,9 % in the investigation period.

⁽¹⁾ OJ No L 166, 29. 6. 1990, p. 1.

⁽²⁾ OJ No L 166, 29. 6. 1990, p. 3.

Sales

- (17) Sales of the Community industry on the Community market declined from 1989 to the investigation period by nearly 50 %. This rate is higher than the drop in consumption of 36 % during this period.

Stocks

- (18) Stocks decreased from 1 132 MT (1989) to 785 MT (investigation period), passing a peak in 1991 with 1 349 MT. This decrease was caused by sales made from stocks, meanwhile the Community industry stopped producing for certain periods, in 1992 and in the investigation period.

Employment

- (19) Thus the reduction of the stocks was at the expense of employment, which decreased by 37,3 % from 1989 to the investigation period. The transitional situation in the eastern part of Germany accounted for 70 % of this decrease. However, these figures do not include temporary lay-offs and short-time working, which had to be introduced to bridge stand-still periods in the factories.

Community consumption and market share held by the Community industry

- (20) The apparent consumption in the Community market, based on imports and sales volume of the Community industry decreased from 4 459 MT in 1989 to 2 641 MT in the investigation period, a drop of 41 %. However the statistical data 1989 to 1991 include 'other Manganates', which account for 14 % of the imports recorded under CN code ex 2841 60 00. These adjusted import figures for the years 1989 to 1991 result in an adjustment to the drop in consumption to 36 %.

The reduction in sales of the Community industry (see recital 17) was higher than the shrinking of the market and therefore resulted in a loss of its market share of 7,8 percentage points.

Price trends

- (21) Net sales prices showed an increase on average by 6,8 % from 1990 to the investigation period. However this figure is influenced by the special and singular developments in the course of the German unification (see recital 13). Since then, the

German producer has had to adjust to market economy conditions and increased its prices by more than 12 % from a much lower base than on the Community market until, in the investigation period, prices of the Community industry worked out on the same level. By contrast, the other Community producer, which was not affected by such influences, showed a steady fall in prices from 1990 to the investigation period of 13 %. Therefore it can be concluded that, overall in the Community, market prices have been depressed.

Profitability

- (22) Due to the special situation of the German producer (see recital 13), no average profit/loss margin is available for 1989. The average loss margin for the Community producers was 1,8 % in 1990. This loss margin reached 15,1 % in the investigation period. The Community producers were not able to regain profitability, since sales were made at a loss from 1990 to the investigation period.

Investments

- (23) For more than five years, only small amounts have been invested by the Community industry in replacements and minor upgrades of single parts of the factories. Due to the stand-still periods (see recital 18), wear and tear of the production facilities was less than under normal production conditions. More significant amounts invested by Chemie AG, the producer in the eastern part of Germany, in the investigation period were necessary to increase productivity. To prepare for privatization, the former combine was split up and restructured, which led to the separation of formerly integrated chemical processes. Investments were aimed at substituting these lost internal links. However this brought no gains in productivity or efficiency.

Conclusion

- (24) It was accordingly concluded that, in spite of the measures in force, the Community industry continued to show clear signs of economic difficulties. The Community industry experienced a considerable drop of sales in terms of both volume and market share. These developments, combined with continued sales at losses and price depression, heavily affected production and employment figures.

E. THE BEHAVIOUR OF THE EXPORTERS CONCERNED

- (25) It was also necessary to examine the behaviour of the exporters concerned. However, the lack of cooperation from the Chinese Government, the Chinese exporter and all known importers (recital 7) made any accurate assessment difficult.

Volume and market share of imports from the People's Republic of China

- (26) Imports from the People's Republic of China increased from 433 MT in 1989 to 448 MT in the investigation period. That is in contrast to the development of consumption (recital 20) which decreased significantly.

In terms of market share, Chinese imports rose from 9,7 % in 1989 to 16,9 % in the investigation period.

However the real market share was almost certainly higher. The statistics recorded imports from non-member countries which have no, or very small, production, of the like product. For example, imports from North Korea have been recorded, while apparently no production exists in this country. Similarly most of the imports statistically registered to originate in India must have a different origin since the three plants known to exist in India have a very small capacity of less than 40 tonnes a year each, which is just 26 % of the Indian import volume according to Eurostat. In addition, a customs investigation in 1991 proved that potassium permanganate was fraudulently declared to originate in Hong Kong or Taiwan, although it was established that no production existed in these countries. The results of this investigation are not reflected in Eurostat statistics.

Consequently, if the imports from India, North Korea and Taiwan suspected of having a different origin were to be attributed to the People's Republic of China, its market share in the Community would approach 40 %.

Sales prices

- (27) It was investigated whether the exporting producer was undercutting the prices of the Community producers during the investigation period. Based on Eurostat data, cif prices for Chinese product were undercutting the prices of the Community producers during the investigation period by 11,5 %.

The findings of the investigation confirmed that Eurostat prices for imports of potassium permanganate from China into the Community are not in line with actual prices quoted for Chinese material. Indeed, the complainants submitted evidence that, during the investigation period, real prices for the Chinese product were much lower than reported in Eurostat. In support of this, they attached to the complaint quotations for Chinese product at an average cif price significantly below the Eurostat figures. In addition, the attribution of imports of the like product of suspected Chinese origin actually recorded to originate from other non-member countries (see recital 26) already results in a lower price level for Chinese product, since average prices for imports from India (ECU 1,4 per kg), Thailand (ECU 1,3 per kg) and Hong Kong (ECU 1,1 per kg) are significantly below the prices reported for imports from China in Eurostat.

Thus, it was concluded that Eurostat figures were not an appropriate basis for a calculation of price undercutting in the present case and that actual undercutting must have been higher than appeared from the statistical figures.

Conclusion

- (28) Chinese imports increased their market share and price undercutting continued despite the anti-dumping duty in force. It was therefore considered necessary to examine whether dumping was occurring which contributed to the deteriorated situation of the Community industry described above and whether the expiry of the anti-dumping duty would lead again to a recurrence of dumping and injury.

F. RECURRENCE OF DUMPING

I. Reference country

- (29) The People's Republic of China is a non-market economy country. Therefore normal value had to be based on data obtained in a market economy country, in accordance with Article 2 (5) of the basic Regulation. The complainants suggested the United States of America (USA) for this purpose.

The Commission considered that the US product is alike in all respects to potassium permanganate manufactured in China. Furthermore, the USA is the biggest market world-wide. Since potassium permanganate is a homogenous product, imports to the USA, which accounted for about 25 to 30 % market share in the investigation period, backed by

substantial capacities in the exporting countries, ensured that price levels were in reasonable proportion to production costs. Furthermore, potassium permanganate competes for numerous applications with other oxidizing agents such as ozone and pure oxygen, which tends to have a reducing effect on prices of potassium permanganate.

In addition, the USA was already chosen as the analogous country in the initial case. Finally, production in other countries is not operational (Brazil) or has not yet started (Japan), has only a minor size (India), is near to closure (Czechoslovakia) or is situated in non-market economy countries (Russian Federation and Ukraine). Consequently, the USA remained the sole appropriate and reasonable choice.

II. Normal value

- (30) Normal value was determined on the basis of prices in the ordinary course of trade at which the potassium permanganate was actually sold for consumption on the US market.

No distinction was made between sales to distributors and sales to end-users since there was no differentiation in terms of prices. Therefore, normal value was determined on the basis of the weighted average sales in the investigation period.

III. Export price

- (31) In view of the non-cooperation of the Chinese producer/exporter and of the related importers known to exist in the Community, the facts available had to be used in accordance with Article 7 (7) (b) of the basic Regulation.
- (32) It was examined whether Eurostat figures could be considered as a basis for establishing export price.

For the forecast needed for the determination of recurrence of dumping, Eurostat figures could not be taken into account. They were influenced by the change of tariff headings and the attribution of imports to non-member countries with no, or a very small, production, as set out in recital 27. Thus, prices which would be applied for Chinese exports to the Community if the duty were allowed to expire could not be deducted from this source.

The price information supplied by the complainants was considered for the determination of the

export price. The quotations were considered reliable. The same price level appears to be applied for Chinese exports to Morocco. Prices for exports of Chinese product to the United States are higher, since they are most likely influenced by the anti-dumping duty of 128,9 % imposed in 1991 on imports of Chinese product into the United States.

- (33) The price information is confirmed by additional quotations and information on the price at which Chinese potassium permanganate was actually sold. This information had been requested and received from the complainants. It shows that the quotes initially supplied were not exceptional but part of a consistent pricing policy. The exporter/producer in China was aware of the price level which was alleged in the complaint and had the opportunity to make comments on it.

IV. Comparison

- (34) Normal value has been compared to the export prices of Chinese potassium permanganate at ex-works level. For the People's Republic of China, ex-works was taken as ex-national border in accordance with normal practice for non-market economy countries.

For the purpose of ensuring a fair comparison, normal value has been adjusted in accordance with Article 2 (9) (a) of the basic Regulation. Deductions were made for freight costs, packing and salesmen's salaries. Similarly the export price has been adjusted deducting estimated amounts for ocean freight and insurance.

V. Dumping margin

- (35) The comparison resulted in a dumping margin of ECU 1,26 per kilogram.

G. RECURRENCE OF INJURY

- (36) In the light of the above and in order to assess the likely effect of the expiry of the measures in force, the following was considered :
- (37) Product from the People's Republic of China was found to be sold to the Community at prices which significantly undercut those of the Community industry thereby gaining an increased market share.

I. Effect of dumped imports

- (38) A clear correlation was found between the evolution of the Community industry market share and the Chinese import market share according to statistical figures. In fact, while the former lost 7,8 percentage points the latter gained at least 7 percentage points between 1989 and the investigation period, despite the existence of anti-dumping measures. It is evident that these imports which were found to have been dumped have continued to injure the Community industry and it can therefore be expected that the expiry of measures will only lead to further deterioration of an already weakened Community industry.

- (39) In addition, market access in the USA is now more difficult for the Chinese exporter/producer due to higher anti-dumping measures taken in 1991 by the US authorities (from 39,0 to 128,9 %). This will inevitably increase the pressure on the Community market should the measures currently in force expire whereby the Chinese exporter/producer has the capacity (approximately 5 000 to 6 000 MT/year) to meet the entire demand in the Community.

II. Effect of other factors

- (40) Apparent consumption of potassium permanganate in the Community fell by 36 %. The Community industry would have been in a better position to adapt to this decrease in demand if it had not continued to be affected by unfair trading practices, which should have been the case since anti-dumping measures were in force. Instead the Community industry lost market shares since imports of the like product originating from the People's Republic of China at low prices continued, thus not allowing the intended relief.

Imports from third countries other than the People's Republic of China fell in terms of volume from 1 664 MT (1989) to 1 023 MT (investigation period). The market share represented by these imports during the period considered remained relatively stable, increasing only slightly to 38,7 %. However, the import volumes from India, Hong Kong and Taiwan accounting for more than 23 % market share are to a large part most likely attributable to the People's Republic of China (recital 26). Imports from the USA represent 15 % of the market, but at a price level considerably above those of Asian imports. Therefore imports, other than Chinese, had, if any, a limited influence on market conditions for potassium permanganate. Under these conditions, it was considered that only

a very limited part of imports other than Chinese imports could have contributed to the difficult state of the Community industry, while the Chinese imports taken in isolation have clearly been a cause of this difficult state.

III. Conclusion

- (41) In the light of the new dumping and injury findings, it was concluded that the expiry of the measures currently in force would lead to recurrence and even aggravation of injury caused by dumping and that the nature of these measures has to be reconsidered in order to take account of the new dumping and injury findings.

H. COMMUNITY INTEREST

- (42) The purpose of anti-dumping measures is, in general, to eliminate distortion of competition arising from dumping practices and thus re-establish open and effective competition on the Community market. In considering the Community interest, account has been taken of the position of the Community potassium permanganate industry and of the users of potassium permanganate. In this respect it is also recalled that in the previous investigation, the adoption of measures was considered to be in the interest of the Community.
- (43) The Community industry will have to cease production of potassium permanganate if it cannot quickly regain market share and profitability. This would not be possible under the current price pressure and this will be increased should the measures be removed.
- (44) The Community industry was prevented from regaining profitability during the past period of anti-dumping measures because of ongoing dumping. In 1986 and 1987, a breach of the undertaking led to the imposition of the definitive duties (Regulation (EEC) No 1531/88) and, up to 1991, circumvention of the anti-dumping measures eroded their intended effect and left no breathing space to the Community producers which they required to develop new markets and to make the investment needed for necessary productivity gains. The Community industry would be deprived of its efforts already undertaken to develop these markets and would not be in a position to make the possible future productivity improvements involving significant investment if the measures currently in force were to be removed and no action taken in order to remove the further injury caused by dumping established during the investigation.

(45) As far as the users of potassium permanganate are concerned, an anti-dumping duty will have a limited effect, since the addition to the costs of products for which potassium permanganate is used will be very small. It has to be considered that, without measures, the Community industry would disappear, while its maintenance on the market will ensure competition between the Community producers and imports from other non-member countries which will have a beneficiary effect on price levels. In addition, since the new applications for the product include drinking water and waste water purification, and the customers in this case are not big industries but municipalities, stability of supply is an important objective. Therefore it is in the interest of the users and, more particularly, the general public that the Community industry remains as a reliable supplier of this product and is not forced out of the market.

(46) After considering the various interests involved, it is concluded to be in the Community interest to maintain definitive anti-dumping measures in force which should, however, be adapted to eliminate the injurious effects of increase in dumping. These measures should take the form of anti-dumping duties. As already in the past (see recital 26) appropriate steps should be taken in order to avoid duty evasion and in this context it was considered that a fixed amount in ecu per kilogram constitutes the most appropriate type of anti-dumping duty.

I. DUTY

(47) When calculating the amount of duty necessary to provide adequate protection to the Community industry from continued injurious dumping, it was considered that any measure should allow the

Community industry to cover the costs of production and to obtain a reasonable profit.

(48) For this purpose a minimum price level was established by adding to the cost of production of the Community industry a profit margin of 5 % of the cost of production which is considered a minimum return on sales under current market conditions for the industry sector in question.

An injury margin was then calculated on the basis of a comparison between this minimum price and the average free-at-Community-frontier value of the Chinese imported like product.

(49) As the injury margin found was higher than the dumping margin, the anti-dumping duty should be based on the latter pursuant to Article 13 (3) of the basic Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of potassium permanganate falling within CN code 2841 60 10 and originating in the People's Republic of China.
2. The amount of duty is ECU 1,26 per kilogram.
3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

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

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

Done at Brussels, 17 November 1994.

For the Council

The President

G. O. PFEFFERMANN

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 10 November 1994

appointing a member and an alternate member of the Committee of the Regions

(94/748/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas a member's seat and an alternate member's seat have become vacant on the Committee of the Regions following the resignations of, respectively, Mr Joseph Fischer and Ms Ulrike Riedel, which were notified to the Council on 8 November 1994;

Having regard to the proposal from the German Government,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Rupert von Plottnitz is hereby appointed a member of the Committee of the Regions in place of Mr Joseph Fischer for the remainder of the latter's term of office, which runs until 25 January 1998;

Ms Priska Hintz is hereby appointed an alternate member of the Committee of the Regions in place of Ms Ulrike Riedel for the remainder of the latter's term of office, which runs until 25 January 1998.

Done at Brussels, 10 November 1994.

For the Council

The President

U. SEILER-ALBRING

⁽¹⁾ OJ No L 31, 4. 2. 1994, p. 29.

COUNCIL DECISION
of 10 November 1994
appointing a member of the Committee of the Regions

(94/749/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas a member's seat has become vacant on the Committee of the Regions following the resignation of Mr Christoph Bergner, notified to the Council on 8 November 1994 ;

Having regard to the proposal from the German Government,

HAS DECIDED AS FOLLOWS :

Sole Article

Mr Jürgen Gramke is hereby appointed a member of the Committee of the Regions in place of Mr Christoph Bergner for the remainder of the latter's term of office, which runs until 25 January 1998.

Done at Brussels, 10 November 1994.

For the Council

The President

U. SEILER-ALBRING

⁽¹⁾ OJ No L 31, 4. 2. 1994, p. 29.

COUNCIL DECISION
of 10 November 1994
appointing an alternate member of the Committee of the Regions

(94/750/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas an alternate member's seat on the Committee has become vacant following the resignation of Mr Johann Böhm, which was brought to the Council's attention on 8 November 1994;

Having regard to the proposal from the German Government,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Erwin Huber is hereby appointed an alternate member of the Committee of the Regions in place of Mr Johann Böhm for the remainder of his term of office, which expires on 25 January 1998.

Done at Brussels, 10 November 1994.

For the Council
The President
U. SEILER-ALBRING

⁽¹⁾ OJ No L 31, 4. 2. 1994, p. 29.

COMMISSION

COMMISSION DECISION

of 14 November 1994

authorizing Member States to permit temporarily the marketing of forest reproductive material not satisfying the requirements of Council Directives 66/404/EEC and 71/161/EEC

(94/751/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/404/EEC of 14 June 1966 on the marketing of forest reproductive material ⁽¹⁾, as last amended by Directive 90/654/EEC ⁽²⁾ and in particular Article 15 thereof,

Having regard to Council Directive 71/161/EEC of 30 March 1971 on external quality standards for forest reproductive material marketed within the Community ⁽³⁾, as last amended by Directive 90/654/EEC, and in particular Article 15 thereof,

Having regard to the requests submitted by certain Member States,

Whereas production of reproductive material of the species set out in the Annexes is at present insufficient in all Member States, as well as in Austria, for which the Council has stated the equivalence of the reproductive material there harvested, with the result that their requirements for reproductive material conforming to the provisions of Directives 66/404/EEC and 71/161/EEC cannot be met;

Whereas third countries are not in a position to supply sufficient reproductive material of the relevant species which can afford the same guarantees as Community reproductive material and which conforms to the provisions of the abovementioned Directives;

Whereas the Member States should therefore be authorized to permit, for a limited period, the marketing of reproductive material of the relevant species which

satisfies less stringent requirements to cover the shortage of reproductive material satisfying the requirements of Directive 66/404/EEC or 71/161/EEC;

Whereas, for genetic reasons, the reproductive material must be collected at places of origin within the natural range of the relevant species and the strictest possible guarantees should be given to ensure the identity of the material;

Whereas, furthermore, reproductive material should be marketed only if it is accompanied by a document bearing certain details of the reproductive material in question;

Whereas each of the Member States should furthermore be authorized to permit the marketing in its territory of seed and plants which satisfy less stringent requirements in respect of provenance, as laid down in Directive 66/404/EEC or seed which satisfies less stringent requirements in respect of specific purity as laid down in Directive 71/161/EEC, if the marketing of such material has been authorized in the other Member States under this Decision;

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

1. Member States are authorized to permit the marketing in their territory of seed which does not satisfy the requirements in respect of provenance in Directive 66/404/EEC on the terms set out in Annex I hereto and on condition that the proof specified in Article 2 is furnished with regard to the place of provenance of the seed and the altitude at which it was collected.

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2326/66.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 48.

⁽³⁾ OJ No L 87, 17. 4. 1971, p. 14.

2. Member States are authorized to permit the marketing in their territory of plants produced in the Community from the abovementioned seed.

Article 2

1. The proof referred to in Article 1 (1) shall be deemed to be furnished where the reproductive material is of the category 'source-identified reproductive material' as defined in the Organization for Economic Cooperation and Development (OECD) scheme for the control of forest reproductive material moving in international trade, or of another category defined in that scheme.

2. Where the OECD scheme referred to in paragraph 1 is not used at the place of provenance of the reproductive material, other official evidence shall be admissible.

3. Where official evidence cannot be provided, Member States may accept other non-official evidence.

Article 3

Member States are authorized on the terms set out in Annex II hereto, to permit the marketing in their territory of seed which does not satisfy the requirements relating to specific purity in Annex I to Directive 71/161/EEC, provided that the document required pursuant to Article 9 of Directive 66/404/EEC bears the wording:

'Seed not satisfying the standards in respect of specific purity'.

Article 4

The Member States other than the applicant Member States are also authorized to permit, on the terms set out in Annexes I and II respectively and for the purposes

intended by the applicant Member States, the marketing in their territory of the seeds and plants authorized to be marketed under this Decision.

Article 5

The authorizations provided for in Articles 1 (1) and 3 in so far as they concern the first placing of forest reproductive material on the market of the Community, shall expire on 30 November 1995. Such authorizations, in so far as they concern subsequent placing on the market of the Community, shall expire on 31 December 1997.

Article 6

With regard to the first placing on the market of forest reproductive material, as referred to in Article 5, Member States shall, by 1 January 1996, notify the Commission of the quantities of such material satisfying less stringent requirements which have been approved for marketing in their territory under this Decision. The Commission shall inform the other Member States thereof.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 14 November 1994.

For the Commission

René STEICHEN

Member of the Commission

LEGEND

1. *Member States*

B	=	Kingdom of Belgium
D	=	Federal Republic of Germany
DK	=	Kingdom of Denmark
E	=	Kingdom of Spain
F	=	French Republic
GB	=	United Kingdom
GR	=	Greece
I	=	Italian Republic
IRL	=	Ireland
L	=	Grand Duchy of Luxembourg
NL	=	Kingdom of the Netherlands
P	=	Republic of Portugal

2. *States of provenance*

A	=	Austria
BG	=	Bulgaria
CDN	=	Canada
CH	=	Switzerland
CROATIA (Vallée de la Save)	=	Croatia (Sava valley)
CZ (Sudètes)	=	Czech Republic (Sudeten)
D (neue Bundesländer)	=	Germany (new <i>Länder</i>)
EU	=	European Union
H	=	Hungary
J	=	Japan
N	=	Norway
PL	=	Poland
PL (Ca.)	=	Poland (Carpathians)
R	=	Romania
SK	=	Slovak Republic
SL (Vallée de la Save)	=	Slovenia (Sava valley)
S	=	Sweden
TR	=	Turkey
UKRAINE	=	Ukraine
USA	=	United States of America

3. *Other abbreviations*

max. alt.	=	maximum altitude
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*ANEXO I — BILAG I — ANLAGE I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I —
ALLEGATO I — BIJLAGE I — ANEXO I*

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Fagus sylvatica L.		Larix decidua Mill.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	3 000	PL, R (max. alt. 900 m) SK	40	PL (max. alt. 900 m) SK CZ (Sudètes)
D	10 000	D (neue Bundesländer) CZ, R, CH	100	D (neue Bundesländer) CZ
DK	23 900	CH, R, SL, H, SK, CZ	—	—
E	2 165	EU, CZ	15	CZ
F	15 000	EU	150	PL (zones VI-7 et VII-8) CZ (Sudètes)
GB	7 000	EU, H, SL, R, BG, A, CROATIA	100	PL, SL, CROATIA, CZ, SK, A
GR	—	—	—	—
I	2 000	J	—	—
IRL	600	R	—	—
L	500	L	—	—
NL	10 000	R, CZ, SK	50	CZ, SK
P	2	P, EU	2	P, EU

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Picea abies Karst.		Pinus nigra Arn.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	80	PL (Ca.), R (max. alt. 900 m) SK (max. alt. 900 m) CZ (max. alt. 900 m)	50	SL
D	100	CZ, SK, R, D (neue Bundesländer), PL, UKRAINE, H	400	D (neue Bundesländer) SL
DK	—	—	150	SL, TR
E	55	EU, CZ	1 420	EU
F	50	PL	—	—
GB	250	R, CZ, SK	50	SL, A
GR	—	—	—	—
I	—	—	—	—
IRL	150	R	—	—
L	—	—	—	—
NL	50	CZ	60	A, CROATIA, SL
P	1	EU	250	P, EU

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Pinus sylvestris L.		Quercus borealis Michx.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	—	—	10 000	CROATIA (vallée de la Save) SL (vallée de la Save) SK, PL, CZ
D	100	D (neue Bundesländer) PL	4 000	D (neue Bundesländer) USA, CZ, SK
DK	180	N, S	5 000	PL
E	1 660	EU, CZ	10 570	EU, CZ, USA
F	20	PL (zone II-1 et 2)	10 000	F
GB	250	EU	3 000	EU, CDN, H, SL CROATIA, CZ, SK, USA
GR	—	—	—	—
I	—	—	—	—
IRL	—	—	200	USA
L	—	—	—	—
NL	—	—	10 000	PL, R
P	10	P, EU	10 000	P, EU

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Quercus pedunculata Ehrh.		Quercus sessiliflora Sal.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	5 000	EU, PL, SK CROATIA (vallée de la Save) SL (vallée de la Save) CZ	5 000	CROATIA (vallée de la Save) SL (vallée de la Save) PL, SK, CZ
D	10 000	CROATIA, H, D (neue Bundesländer)	—	—
DK	22 500	S, PL	62 000	N, PL
E	8 160	EU	2 910	EU
F	12 000	F	25 000	F
GB	25 000	EU, PL, H, SL, CROATIA, CZ, SK, BG	25 000	EU, H, N, CZ, SK, CROATIA, SL, PL
GR	—	—	—	—
I	2 000	J	2 000	J
IRL	6 000	PL, H, CZ	—	—
L	1 000	L	300	L
NL	50 000	PL, R	25 000	R, PL
P	4 500	P, EU	—	—

*ANEXO II — BILAG II — ANLAGE II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II —
ALLEGATO II — BIJLAGE II — ANEXO II*

Especies Arter Arten Είδη Species Espèces Specie Soorten Espécies	Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	kg
Quercus pedunculata Ehrh.	D GB	25 000 5 000
Quercus Sessiliflora Sal.	D GB	20 000 5 000

COMMISSION DECISION**of 18 November 1994****amending Decision 94/654/EC adopting the forecast supply balance for banana production, consumption, imports and exports for the Community for 1994**

(94/752/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas ⁽¹⁾, as amended by Commission Regulation (EC) No 3518/93 ⁽²⁾, and in particular Articles 16 and 20 thereof,Whereas Commission Decision 94/654/EC ⁽³⁾ lays down the forecast supply balance for 1994; whereas on 10 September 1994, certain Community production regions and ACP States were victims of hurricane 'Debbie'; whereas, on the basis of an examination of the situation and a reliable estimate of the consequences of hurricane 'Debbie' for the production and availability of bananas from those regions for the Community market until at least the end of 1994, the forecast supply balance for 1994 should be adjusted;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 94/654/EC is hereby replaced by the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 November 1994.

For the Commission

René STEICHEN

Member of the Commission

*ANNEX***PROVISIONAL BALANCE SHEET FOR BANANAS 1994**

	(tonne/net weight)
EC production	607 100
Imports : Traditional ACP	648 500
Tariff quota	2 171 400
Gross consumption	3 427 000
Exports	26 000
Net consumption	3 401 000

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.⁽²⁾ OJ No L 320, 22. 12. 1993, p. 15.⁽³⁾ OJ No L 254, 30. 9. 1994, p. 90.

CORRIGENDA

Corrigendum to Commission Decision 94/675/EC of 18 October 1994 amending Commission Decision 93/436/EEC laying down specific conditions for importing fishery products from Chile

(Official Journal of the European Communities No L 268 of 19 October 1994)

On page 25, in the Annex, after Number 08090 insert:

'08091	Macrogel Ltda Talcahuano	30. 4. 1995'
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