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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2935/94
of 2 December 1994
on the supply of corned beef 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 197 600 of corned beef;

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

Corned beef 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, 2 December 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 No** ⁽¹⁾: 387/94
2. **Programme**: 1994
3. **Recipient** ⁽²⁾: UNHCR, Boîte postale 2500, CH-1211 Genève 2 Dépôt (tel. (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**: corned beef
7. **Characteristics and quality of the goods** ⁽³⁾: OJ No C 114, 29. 4. 1991, p. 1 (under VII A (1))
8. **Total quantity**: Quantity specified in the tender for a total amount of ECU 197 600 in pursuance of Article 7 (3) (h) of Regulation (EEC) No 2200/87. The tender shall be expressed in kilogrammes of net product.
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁴⁾ ⁽⁵⁾: OJ No C 114, 29. 4. 1991, p. 1 (under VIII A (2) and VIII A (3))
Markings in English
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination ⁽⁶⁾
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**: 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**: ⁽⁷⁾
18. **Deadline for the supply**: 12. 3. 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 19. 12. 1994 (Brussels time)
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 3. 1. 1995 (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: ⁽⁷⁾
 - (c) deadline for the supply: 26. 3. 1995
22. **Amount of tendering security**: ECU 3 952
23. **Amount of delivery security**: ECU 19 760
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** ^(*): refunds only for products covered by product code 1602 50 31 125 or 1602 50 31 325, referred to in Commission Regulation (EC) No 3567/93 (OJ No L 327, 28. 12. 1993, p. 1). The refunds are those which are applicable at the date of expiry of the period allowed for the submission of tenders.

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) 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) Notwithstanding OJ No C 114, point VIIA. (3) (c) is replaced by the following : 'the words "European Community"'.
(⁶) 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.
- (⁷) The provisions of Article 9 (4) of Regulation (EEC) 2200/87 shall not be applicable.
- (⁸) The cartons shall be stacked 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 measuring 100 mm in width and of a thickness of 22 mm ;

a bottom deck consisting of three planks measuring 100 mm in width and of a thickness of 22 mm ;

three bearers measuring 100 mm in width and of a thickness of 22 mm ;

nine dowels : 100 × 100 × 78 mm minimum ;

the palletized cartons shall be covered by a shrink film of a thickness of at least 150 microns ;

the cartons must have reinforced protection consisting of four angles (35 × 35 mm) made of cardboard at least 3 mm thick placed on the four upper edges ;

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.

COMMISSION REGULATION (EC) No 2936/94

of 1 December 1994

re-establishing the levying of customs duties on certain industrial products originating in Indonesia, Thailand and China, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas, pursuant to Articles 1 and 6 of Regulation (EEC) No 3831/90, suspension of customs duties shall be accorded from 1 July to 31 December 1994 to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceilings fixed in column 6 of Annex I;

Whereas, as provided for in Article 7 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of the products of the order Nos and origins indicated in the table below, the individual ceiling is fixed at the levels indicated in that table; whereas that ceiling was reached, on the date indicated below, by charges of imports into the Community of the products in question:

Order No	Origin	Ceiling (ECU)	Date
10.0480	Indonesia	2 414 500	18. 10. 1994
10.1045	Thailand	1 480 000	26. 9. 1994
10.1045	China	1 480 000	11. 10. 1994

Whereas, it is appropriate to re-establish the levying of customs duties for the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The levying of customs duties, suspended from 1 July to 31 December 1994, pursuant to Regulation (EEC) No 3831/90, shall be re-established on imports into the Community of the products indicated in the table below:

Order No	CN code	Description	Origin
10.0480	3923 21 00	Sacks and bags (including cones) — of polymers of ethylene	Indonesia
10.1045	8516 50 00	Microwave ovens	Thailand China

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 22.

Article 2

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 6 December 1994.

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

Done at Brussels, 1 December 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 2937/94

of 1 December 1994

re-establishing the levying of customs duties on certain textile products originating in India, Malaysia, Thailand and the Philippines, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries ⁽¹⁾, extended for 1994 by Regulation (EC) No 3668/93 ⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/90 provides that preferential tariff treatment shall be accorded from 1 July to 31 December 1994 for each category of products subjected in Annexes I and II thereto to individual ceilings within the limits of the quantities specified in column 8 of its Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes ;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level ;

Whereas, in respect of products of the order Nos and origins indicated in the table below and originating in India, the relevant ceilings were fixed at the levels indicated in that table ; whereas that ceiling was reached on the date indicated below, by charges of the imports into the Community of the products in question :

Order No	Origin	Ceiling	Date
40.0070	Malaysia	486 000 pieces	11. 10. 1994
40.0140	India	23 000 pieces	18. 10. 1994
40.0160	Thailand	49 500 pieces	23. 9. 1994
40.0180	India	56 tonnes	26. 8. 1994
40.0200	Thailand	116 tonnes	14. 9. 1994
40.0390	Philippines	50,5 tonnes	11. 10. 1994

Whereas it is appropriate to re-establish the levying of customs duties for the products in question,

HAS ADOPTED THIS REGULATION :

Article 1

The levying of customs duties, suspended from 1 July to 31 December 1994, pursuant to Regulation (EEC) No 3832/90, shall be re-established on imports into the Community of the products indicated in the table below :

Order No	Category (Unit)	CN code	Description	Origin
40.0070	7	6106 10 00 6106 20 00 6106 90 10 6206 20 00 6206 30 00 6206 40 00	Women's or girls' blouses, shirts and shirt-blouses, whether or not knitted or crocheted, of wool, cotton or man-made fibres	Malaysia

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 39.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 22.

Order No	Category (Unit)	CN code	Description	Origin
40.0140	14	6201 11 00 ex 6201 12 10 ex 6201 12 90 ex 6201 13 10 ex 6201 13 90 6210 20 00	Men's or boys' woven overcoats, rain and other coats, cloaks and capes, of wool, of cotton or of man-made textile fibres (other than parkas) (of category 21)	India
40.0160	16	6203 11 00 6203 12 00 6203 19 10 6203 19 30 6203 21 00 6203 22 80 6203 23 80 6203 29 18 6211 32 31 6211 33 31	Men's or boys' suits and ensembles, other than knitted or crocheted, of wool, of cotton or of man-made fibres, excluding ski suits; men's or boys' tracksuits with lining, with an outer shell of a single identical fabric, of cotton or of made-made fibres	Thailand
40.0180	18	6207 11 00 6207 19 00 6207 21 00 6207 22 00 6207 29 00 6207 91 6207 92 00 6207 99 00 6208 11 00 6208 19 10 6208 19 90 6208 21 00 6208 22 00 6208 29 00 6208 91 10 6208 91 90 6208 92 10 6208 92 90 6208 99 00	Men's and boys' singlets and other vests, underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, other than knitted or crocheted Women's and girls' singlets and other vests, slips, petticoats, briefs, panties, nightdresses, pyjamas, negligés, bathrobes, dressing gowns and similar articles, other than knitted or crocheted	India
40.0200	20	6302 21 00 6302 22 90 6302 29 90 6302 31 10 6302 31 90 6302 32 90 6302 39 90	Bed linen, other than knitted or crocheted	Thailand
40.0390	39	6302 51 10 6302 51 90 6302 53 90 ex 6302 59 00 6302 91 10 6302 91 90 6302 93 90 ex 6302 99 00	Table linen, toilet and kitchen linen, other than knitted or crocheted, other than of terry towelling or similar terry fabrics of cotton	Philippines

Article 2

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 6 December 1994.

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

Done at Brussels, 1 December 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 2938/94
of 2 December 1994
amending Regulation (EEC) No 2137/93 fixing the export refunds in the wine
sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 1891/94 ⁽²⁾, and in particular Article 56 (4) thereof,

Whereas, pursuant to Article 56 of Regulation (EEC) No 822/87, to the extent necessary to enable the products listed in Article 1 (2) of that Regulation to be exported in an economically significant quantity on the basis of the prices for those products on the world market, the difference between those prices and the prices in the Community may be covered by an export refund; whereas, however, refunds may be granted only for the products specified in Article 1 (2) of Council Regulation (EEC) No 345/79 of 5 February 1979 laying down general rules for granting export refunds on wine and criteria for fixing the amount of such refunds ⁽³⁾, as amended by Regulation (EEC) No 2009/81 ⁽⁴⁾;

Whereas, pursuant to Article 2 of Regulation (EEC) No 345/79, refunds are to be fixed having regard to the existing situation and future trends with regard to:

- (i) prices and availabilities of the products concerned on the Community market; and
- (ii) world market prices for these products;

Whereas account must also be taken of the costs referred to in that Article, of the economic aspects of the proposed exports, of the objectives defined in the said Article and of the need to avoid disturbances on the Community market; whereas, however, when fixing the amount of the refunds applicable to liqueur wines, account should be taken of the difference between Community prices and world market prices in respect only of wine and musts used in the manufacture of liqueur wines, since no such difference is recorded in respect of the other products used in the manufacture of the wines in question;

Whereas, pursuant to Article 3 of Regulation (EEC) No 345/79, Community market prices must be determined

on the basis of the most advantageous export prices; whereas the prices referred to in Article 3 (2) must be taken into account when the prices in international trade are being determined;

Whereas the international trade situation or the specific requirements of certain markets may make it necessary to vary the refund according to the use or destination of a specific product;

Whereas, in view of the accession of Sweden and Finland to the Community on 1 January 1995, provision should be made, in order to avoid speculative practices, for those destinations to be excluded from eligibility for refunds until the end of 1994;

Whereas Commission Regulation (EEC) No 3389/81 ⁽⁵⁾, as last amended by Regulation (EC) No 1343/94 ⁽⁶⁾, lays down the detailed rules for the application of export refunds on wine;

Whereas, applying the abovementioned rules to the present market situation, in particular to the prices of wines in the Community and on the world market, the refunds should be fixed as shown in the Annex hereto and Commission Regulation (EEC) No 2137/93 ⁽⁷⁾, as amended by Regulation (EC) No 1344/94 ⁽⁸⁾, fixing the export refunds on wine, should be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 2137/93 is replaced by the Annex hereto.

Article 2

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

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 42.

⁽³⁾ OJ No L 54, 5. 3. 1979, p. 69.

⁽⁴⁾ OJ No L 195, 18. 7. 1981, p. 6.

⁽⁵⁾ OJ No L 341, 28. 11. 1981, p. 24.

⁽⁶⁾ OJ No L 146, 11. 6. 1994, p. 7.

⁽⁷⁾ OJ No L 191, 31. 7. 1993, p. 91.

⁽⁸⁾ OJ No L 146, 11. 6. 1994, p. 9.

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

Done at Brussels, 2 December 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

CN code	Product code	For export to ⁽¹⁾	Refund
2204 21 25 2204 21 35 2204 29 25 2204 29 35	110	01 ; 09	ECU 3,96/hl ⁽²⁾
2204 21 25 2204 21 29 2204 21 35 2204 21 39 2204 29 25 2204 29 29 2204 29 35 2204 29 39	190	01	ECU 1,30/%/vol/hl ⁽³⁾
		09	ECU 1,19/%/vol/hl ⁽³⁾
2204 21 25 2204 29 25	910	01 ; 09	ECU 3,96/hl
2204 21 49 2204 21 59 2204 29 49 2204 29 59	910	01 ; 09	ECU 12,42/hl

⁽¹⁾ The destinations are as follows :

01 All countries of the African continent with the exception of those explicitly excluded under 09 ;

09 All other destinations with the exception of the following third countries and territories :

- all countries of the American continent within the meaning of Commission Regulation (EEC) No 208/93 (OJ No L 25, 2. 2. 1993, p. 11),
- Algeria,
- Australia,
- Austria,
- Cyprus,
- Israel,
- Morocco,
- South Africa,
- Switzerland,
- Tunisia,
- Turkey,
- Bosnia-Herzegovina, Croatia, Slovenia and the former Yugoslav Republic of Macedonia, the Republics of Serbia and Montenegro,
- Sweden,
- Finland.

⁽²⁾ Potential alcoholic strength by volume as defined in Annex II to Regulation (EEC) No 822/87.

⁽³⁾ Total alcoholic strength by volume as defined in Annex II to Regulation (EEC) No 822/87.

NB : The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as amended by Regulation (EC) No 2079/94 (OJ No L 215, 20. 8. 1994, p. 2).

COMMISSION REGULATION (EC) No 2939/94**of 2 December 1994****laying down detailed rules for the application of Council Regulation (EEC) No 105/76 on the recognition of producers' organizations in the fishing industry**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products⁽¹⁾, as last amended by Regulation (EEC) No 1891/93⁽²⁾,

Having regard to Council Regulation (EEC) No 105/76 of 19 January 1976 on the recognition of producers' organizations in the fishing industry⁽³⁾, as amended by Commission Regulation (EEC) No 3940/87 of 21 December 1987⁽⁴⁾, and in particular Articles 2 (2) and 3 thereof,

Whereas Commission Regulation (EEC) No 2062/80 of 31 July 1980, on the conditions for granting or withdrawing recognition of producers' organizations and associations thereof in the fishing industry⁽⁵⁾, as last amended by Regulation (EEC) No 3527/92⁽⁶⁾, requires extensive amendment; whereas it should therefore be replaced;

Whereas the terms and procedure for recognizing, for refusing to recognize and for withdrawing recognition from producers' organizations should be laid down in order to provide for uniform application of the rules of the common organization of the market in fishery and aquaculture products;

Whereas a producers' organization must, under Article 2 of Regulation (EEC) No 105/76, be sufficiently active economically to be recognized; whereas the circumstances indicating that this condition can be regarded as satisfied should be defined;

Whereas a general framework should be settled for the rules on production and marketing which the members of a producers' organization are required to observe in accordance with Article 4 (1) of Council Regulation (EEC) No 3759/92, hereinafter referred to as 'the basic Regulation';

Whereas the Member States should monitor the activities of producers' organizations;

Whereas the information which an applicant for recognition must provide should be laid down; whereas time limits should be set for granting, refusing and withdrawing recognition and for keeping the Commission informed; whereas aid given under Article 7 of the basic Regulation should be recovered if recognition has been fraudulently applied for or made use of;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down the terms and procedure for recognizing producers' organizations and associations of producers' organizations and for withdrawing recognition from them.
2. For the purposes of this Regulation, the term 'producers' organization' is defined in the first paragraph of Article 4 (1) of the basic Regulation.

Article 2

1. The requirement laid down in Article 2 (1) (a) of Regulation (EEC) No 105/76, that a producers' organization must show that it is sufficiently active economically, shall be satisfied if the area covered by the application for recognition is judged by the Member State, on the basis of its size, of the total capacity of fishing vessels operating from it and the regularity and size of the landings there, to be of sufficient importance, and
 - (a) the number of vessels operated by members of the producers' organization is at least 20 % of the total number of vessels established in that area;or
 - (b) as regards the species or group of species for which recognition is sought the producers' organization disposes of either
 - (i) at least 15 % by weight of the total production in its area, or
 - (ii) at least 30 % by weight of the total production in a major port or market in its area, the Member State concerned designating major ports and markets for this purpose.

⁽¹⁾ OJ No L 388, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 172, 15. 7. 1993, p. 1.

⁽³⁾ OJ No L 20, 28. 1. 1976, p. 39.

⁽⁴⁾ OJ No L 373, 31. 12. 1987, p. 6.

⁽⁵⁾ OJ No L 200, 1. 8. 1980, p. 82.

⁽⁶⁾ OJ No L 358, 8. 12. 1992, p. 5.

The figure in (i) may be set at between 15 and 30 %, and the figure in (ii) may be set at between 30 and 50 % by the Member State in the interests of more efficient management.

2. The Member States shall decide which of the criteria laid down in paragraph 1 (a), 1 (b) (i) and 1 (b) (ii) shall apply. Their decisions shall be notified to the Commission and to any interested party.

Article 3

1. The rules on marketing and production adopted by a producers' organization in accordance with the second indent of the second subparagraph of Article 4 (1) of the basic Regulation shall be drawn up in writing.

2. The rules on production shall include a requirement that, unless in the opinion of the Member States it is inappropriate, a production plan is to be drawn up before the end of the first month of the fishing year including steps to tailor supply to demand.

3. The rules on marketing shall cover at least the following:

- (a) the quality, size or weight and presentation of products offered for sale;
- (b) sampling, receptacles for sales purposes, packaging and labelling, and the use of ice;
- (c) the conditions under which products are placed on the market.

4. In accordance with the first indent of the second subparagraph of Article 4 (1) of the basic Regulation, the requirement that members are to dispose of their total output through their producers' organization can be waived if products are disposed of in accordance with common rules established in advance, in those circumstances the common rules must as a minimum require that the producers' organization's withdrawal prices be applied.

5. Notwithstanding the first indent of the second subparagraph of Article 4 (1) of the basic Regulation, the quantities of products for which members of a producers' organization have concluded contracts before becoming members do not have to be disposed of through the producers' organization, provided that the members have informed the producer organization of the extent and duration of the contracts before being admitted, and provided that the producer organization has agreed to waive the requirement.

Article 4

Each applicant for recognition shall supply the following to the satisfaction of the Member State concerned:

- (a) the constitution of the producers' organization;
- (b) its rules;
- (c) the names of the persons with authority to act for and on behalf of the producers' organization;
- (d) details of those of its activities which support the request for recognition;
- (e) evidence that it complies with Article 2.

Article 5

1. So long as a producers' organization is recognized, the Member State concerned shall monitor its activities, with particular regard both to this Regulation and to Article 4 of Regulation (EEC) No 105/76.

2. If a producers' organization either fails to fulfil its obligations or fails to provide the information the Member State needs, the Member State may withdraw or refuse recognition.

3. If recognition is withdrawn because the producers' organization concerned has either applied for or made use of recognition fraudulently, any aid given under Article 7 of the basic Regulation shall be recovered by the Member State.

Article 6

1. Within two months of receiving a request for recognition the Member State shall inform the producers' organization in writing of its decision. If recognition is refused, the Member State shall give reasons for the refusal.

2. Intent to withdraw recognition of an existing producers' organization shall be notified by the Member State to the producers' organization at least two weeks before recognition is withdrawn, giving reason for the withdrawal.

3. The Member State shall inform the Commission within two months of any decision to grant, withdraw or refuse recognition of a producers' organization.

Article 7

Regulation (EEC) No 2062/80 is repealed.

Article 8

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 2 December 1994.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

COMMISSION REGULATION (EC) No 2940/94

of 2 December 1994

fixing the aid for the supply of olive oil products to the Canary Islands under the arrangements provided for in Articles 2 and 3 of Council Regulation (EEC) No 1601/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Annex IX of Commission Regulation (EC) No 2883/94 of 28 November 1994 ⁽³⁾ establishing the forecast supply balance for the Canary Islands for the agricultural products eligible for the special arrangements provided for in Articles 2 to 5 of Commission Regulation (EEC) No 1601/92 fixes for the period 1 November 1994 to 30 June 1995 the quantities of olive oil products which may benefit from the supply arrangements, by means of either an exemption from the import levy or the granting of aid, pursuant to Article 3 of Regulation (EEC) No 1601/92;

Whereas, under Article 3 of Regulation (EEC) No 1601/92, coverage of the olive oil requirements of the Canary Islands is to be ensured, in terms of quantity, price and quality, on terms equivalent to the advantage resulting from exemption from import duties by the mobilization of Community olive oil, which implies the grant of aid for such deliveries; whereas that aid must be fixed with reference, in particular, to the costs of various sources of supply and the prices applied to exports to third countries; whereas these objectives involve varying the rate of aid in accordance with the type of product;

Whereas the common detailed rules for implementation of the arrangements for the supply of certain agricultural products to the Canary Islands are laid down by Commission Regulation (EC) No 2790/94 ⁽⁴⁾, as amended by Regulation (EC) No 2883/94; whereas that Regulation defines new detailed rules for the management of the arrangements, in particular, for the issue and period of

validity of licences and certificates, the payment of aid and the monitoring and control of commercial operations carried out under the specific arrangements; whereas those provisions replace the detailed rules laid down by Commission Regulation (EEC) No 1695/92 ⁽⁵⁾, as last amended by Regulation (EEC) No 2596/93 ⁽⁶⁾, and apply in the various market sectors from 1 December 1994;

Whereas, therefore, Commission Regulation (EEC) No 2025/92 of 22 July 1992 on detailed rules for the application of the specific supply measures for the Canary Islands as regards olive oil and establishing the forecast supply balance ⁽⁷⁾, as last amended by Regulation (EC) No 2662/94 ⁽⁸⁾, should be repealed from the same date;

Whereas the provisions of this Regulation should take effect on the date of entry into force of the Regulations laying down the common detailed rules for implementation of the arrangements and establishing the supply balance;

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

For the purposes of Article 3 (2) of Regulation (EEC) No 1601/92, the aid for the supply of olive oil from the Community to the Canary Islands in accordance with the forecast supply balance established by Regulation (EC) No 2883/94 shall be equal, for each type of oil:

— to the average of the maximum export refund amounts set by tendering procedure for oil in small containers in the course of the month preceding that of submission of the certificate application, plus ECU 1 per 100 kg; or

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 304, 29. 11. 1994, p. 18.

⁽⁴⁾ OJ No L 296, 17. 11. 1994, p. 23.

⁽⁵⁾ OJ No L 179, 1. 7. 1992, p. 1.

⁽⁶⁾ OJ No L 238, 23. 9. 1993, p. 24.

⁽⁷⁾ OJ No L 207, 23. 7. 1992, p. 15.

⁽⁸⁾ OJ No L 284, 1. 11. 1994, p. 33.

— to the average of the export refund amounts fixed in accordance with the procedure laid down in Article 3 of Commission Regulation (EEC) No 1650/86 ⁽¹⁾, for oil in small containers in the course of the month preceding that of submission of the certificate application, plus ECU 1 per 100 kg,

whichever is the greater.

Article 2

The provisions of Regulation (EEC) No 2790/94 shall apply.

Article 3

Commission Regulation (EEC) No 2025/92 is hereby repealed.

Article 4

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

It shall apply from 1 December 1994.

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

Done at Brussels, 2 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 145, 30. 5. 1986, p. 8.

COMMISSION REGULATION (EC) No 2941/94
of 2 December 1994

repealing Regulations (EEC) No 1728/92 and (EEC) No 1997/92 laying down detailed rules for implementation of the specific arrangements for the supply of rice products and cereal products to the Canary Islands and establishing the forecast supply balances for the two sectors concerned

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Annexes VI and VII to Commission Regulation (EC) No 2883/94 of 28 November 1994 establishing the forecast supply balance for the Canary Islands for the agricultural products eligible for the special arrangements provided for in Articles 2 to 5 of Council Regulation (EEC) No 1601/92⁽³⁾ fixes for the period 1 July 1994 to 30 June 1995 the quantities of cereal products and rice products which may benefit from the supply arrangements, by means of either an exemption from the import levy or the granting of aid for products from the rest of the Community;

Whereas new common detailed rules for implementation of the specific supply arrangements for the Canary Islands are laid down by Commission Regulation (EC) No 2790/94⁽⁴⁾, as amended by Regulation (EC) No 2883/94, in particular, for the issue and period of validity of licences and certificates, the payment of aid and the monitoring and control of commercial operations; whereas those provisions replace the detailed rules laid

down by Commission Regulation (EEC) No 1695/92⁽⁵⁾, as last amended by Regulation (EEC) No 2596/93⁽⁶⁾, and apply in the various market sectors from 1 December 1994;

Whereas, therefore, Commission Regulation (EEC) No 1728/92⁽⁷⁾, as last amended by Regulation (EC) No 2427/94⁽⁸⁾, in the cereals sector and Commission Regulation (EEC) No 1997/92⁽⁹⁾, as last amended by Regulation (EC) No 1683/94⁽¹⁰⁾, in the rice sector should be repealed from the same date;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulations (EEC) No 1728/92 and (EEC) No 1997/92 are hereby repealed.

Article 2

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

It shall apply with effect from 1 December 1994.

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

Done at Brussels, 2 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.
⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.
⁽³⁾ OJ No L 304, 29. 11. 1994, p. 18.
⁽⁴⁾ OJ No L 296, 17. 11. 1994, p. 23.

⁽⁵⁾ OJ No L 179, 1. 7. 1992, p. 1.
⁽⁶⁾ OJ No L 238, 23. 9. 1993, p. 24.
⁽⁷⁾ OJ No L 179, 1. 7. 1992, p. 104.
⁽⁸⁾ OJ No L 259, 7. 10. 1994, p. 6.
⁽⁹⁾ OJ No L 199, 18. 7. 1992, p. 20.
⁽¹⁰⁾ OJ No L 178, 12. 7. 1994, p. 53.

COMMISSION REGULATION (EC) No 2942/94

of 2 December 1994

opening individual sales by invitation to tender for the export of vinous alcohol
held by intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 1891/94 ⁽²⁾,

Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ⁽³⁾,

Whereas Commission Regulation (EEC) No 377/93 ⁽⁴⁾, as amended by Regulation (EEC) No 2192/93 ⁽⁵⁾, lays down detailed rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ;

Whereas, in view of the cost of storing alcohol, individual sales by invitation to tender should be opened for vinous alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Italian, French and Spanish intervention agencies ;

Whereas individual invitations to tender should be organized for the export of alcohol to Brazil with a view to its end use as motor fuel in order to achieve a short-term reduction in Community stocks of vinous alcohol ;

Whereas it should be stipulated that the performance guarantee, to be lodged for the total quantity put up for sale under each invitation to tender provided for in this Regulation, must serve to ensure compliance with the time limit for exporting the alcohol and the end use as motor fuel in Brazil ; whereas half of the said guarantee may be released, in proportion to the quantities of alcohol denatured, where the alcohol in question is denatured in accordance with the specifications laid down ; whereas the remainder of the guarantee may be released when proof

has been supplied of the export, destination and utilization of the denatured alcohol ; whereas the guarantee may be released with respect to the quantities of un-denatured alcohol as and when proof is supplied of the export, destination and use of a quantity of alcohol removed ;

Whereas Regulation (EEC) No 2192/93 concerning the operative events for the agricultural conversion rates used in the wine sector and amending Regulation (EEC) No 377/93 specifies the agricultural conversion rates to be used to convert the payments and securities provided for in connection with individual invitations to tender into national currency ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. Four individual sales by invitation to tender Nos 160/94 EC, 161/94 EC, 162/94 EC and 163/94 EC shall be held of a total quantity of 1 500 000 hectolitres of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Italian, French and Spanish intervention agencies.

2. Individual invitations to tender Nos 160/94 EC, 161/94 EC, 162/94 EC and 163/94 EC shall each cover 375 000 hectolitres of alcohol at 100 % volume.

3. The alcohol offered for sale :

- shall be for export outside the European Community,
- must be imported into and used only as motor fuel in Brazil.

4. The alcohol covered by individual invitations to tender Nos 160/94 EC and 161/94 EC must be processed, where applicable, and denatured in the Community and must meet the Brazilian standards for alcohol to be used as motor fuel after these operations.

5. Notwithstanding Article 33 of Regulation (EEC) No 377/93, denaturing shall take the form of the addition of petrol, with a minimum proportion of 2 %, to the quantity of alcohol concerned after physical removal of the alcohol.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 42.

⁽³⁾ OJ No L 346, 15. 12. 1988, p. 7.

⁽⁴⁾ OJ No L 43, 20. 2. 1993, p. 6.

⁽⁵⁾ OJ No L 196, 5. 8. 1993, p. 19.

Article 2

The location and reference numbers of the vats concerned, the quantity of alcohol contained in each vat, the alcoholic strength and the characteristics of the alcohol as well as certain specific conditions are given in Annex I to this Regulation.

Article 3

The sales shall take place in accordance with Articles 13, 14, 15, 16 and 30 to 38 of Regulation (EEC) No 377/93.

However, notwithstanding Article 15 of Regulation (EEC) No 377/93, the closing date for submission of tenders under the invitations to tender referred to in this Regulation shall fall between the eighth and the 25th day following the date of publication of the notices issuing the individual invitations to tender.

Article 4

1. The export of the alcohol awarded under the invitations to tender referred to in Article 1 of this Regulation must be completed not later than 26 June 1995.

2. The alcohol awarded must be used not later than 26 June 1996.

Article 5

1. The tendering security referred to in Article 15 of Regulation (EEC) No 377/93 shall be ECU 3 per hectolitre of alcohol at 100 % vol and shall be lodged for the total quantity of alcohol offered for sale in each of the invitations to tender referred to in Article 1.

Maintenance of the tender after the time limit for submitting tenders and the lodging of the performance guarantee shall constitute the primary requirements within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽¹⁾ as regards the tendering security.

The tendering security shall be released immediately if the tender is not accepted or if the successful tenderer meets the conditions set out in the preceding subparagraph.

2. Within twenty days of receipt of the Commission's decision awarding the alcohol, the successful tenderer shall provide proof that the performance guarantee has been lodged with each intervention agency holding alcohol to ensure the export and utilization for the purpose laid down of the alcohol in question.

The performance guarantee shall be ECU 60 per hectolitre of alcohol at 100 % vol and shall be lodged for the total quantity offered for sale in each invitation to tender covered by this Regulation.

3. Half of the performance guarantee shall be released, in proportion to the quantities of alcohol denatured, by each of the intervention agencies concerned for the quantities of alcohol removed from their stores once proof is supplied that the quantity of alcohol in question, after any processing and denaturing in accordance with Article 1 of this Regulation, meets the Brazilian standards for alcohol used as motor fuel, and that this quantity of alcohol has been exported from the Community.

4. Notwithstanding Article 23 of Regulation (EEC) No 2220/85, ECU 10 per hectolitre of alcohol at 100 % vol of the performance guarantee shall be forfeited for any quantities of alcohol not exported by 26 June 1995 at the latest.

5. Without prejudice to paragraph 3, the performance guarantee shall be released upon request by each of the intervention agencies concerned for the quantity removed from its stores once proof has been supplied that the quantity of alcohol removed has been exported to the correct destination to be used for the purposes laid down, in accordance with Regulation (EEC) No 2220/85.

Article 6

1. The intervention agency holding alcohol and the successful tenderer shall agree on a detailed timetable for the physical removal of the awarded alcohol. The timetable shall be notified to the Commission in the month following receipt of the Commission's decision awarding the alcohol to permit coordination of removal operations in accordance with this Regulation.

2. The successful tenderer shall pay for the alcohol he is awarded and accept responsibility for the risk of theft, loss and destruction and the cost of storage of the alcohol covered by the invitations to tender referred to in this Regulation not later than 26 June 1995.

3. After receiving payment for a quantity of alcohol calculated to the nearest hectolitre of alcohol at 100 % vol, the intervention agency holding the alcohol shall issue a removal order for the relevant quantity of alcohol. Ownership of the alcohol for which a removal order is issued shall be transferred on issue of the order and the relevant quantities shall be considered as being withdrawn on that date.

The removal order shall state the time limit by which the alcohol must be physically removed from the storehouses of the intervention agency concerned.

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

Article 7

1. Before the awarded alcohol is removed, the intervention agency and the successful tenderer shall take a reference sample and shall analyse that sample to verify the alcoholic strength expressed in % vol of the alcohol in question.

Where the final results of the analysis of the sample show a difference between the alcoholic strength by volume of the alcohol to be removed and the minimum alcoholic strength by volume stated in the notice of invitation to tender, the following provisions shall apply:

- (i) the intervention agency shall, the same day, inform the Commission thereof in accordance with Annex II, as well as the storer and the successful tenderer;
- (ii) the successful tenderer may:
 - either agree to take over the lot with its characteristics as established, subject to the Commission's agreement,
 - or refuse to take over the lot in question.

In either case, the successful tenderer shall, the same day, inform the intervention agency and the Commission thereof in accordance with Annex III.

Once these formalities have been completed, if he has refused to take over the lot concerned, he shall be immediately released from all his obligations relating to that lot.

2. Where the successful tenderer refuses the merchandise, as provided for in paragraph 1, the intervention agency shall supply him with another quantity of alcohol of the requisite quality, at no extra charge, within eight days.

3. If physical removal of the alcohol is delayed by more than five working days in relation to the date of acceptance of the lot to be removed by the successful tenderer for reasons imputable to the intervention agency, the Member State shall be responsible for the payment of compensation.

Article 8

Notwithstanding the first subparagraph of Article 36 (2) of Regulation (EEC) No 377/93, the alcohol contained in the vats indicated in the communication from the Member States referred to in Article 36 of Regulation (EEC) No 377/93 and covered by the invitations to tender referred to in Article 1 of this Regulation may be substituted by the intervention agencies holding the alcohol concerned in agreement with the Commission or mixed with other alcohol delivered to the intervention agency until a removal order is issued for that alcohol, in particular for logistical reasons.

Article 9

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, 2 December 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

INDIVIDUAL INVITATION TO TENDER No 160/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
1. FRANCE	Deulep Boulevard Chanzy 30800 Saint-Gilles-du-Gard		9 396	35 + 36	Raw (+ 92 % vol)
	Verniers Route de Cuxac 11100 Narbonne		10 898	35 + 36	Raw (+ 92 % vol)
	Verniers Route de Cuxac 11100 Narbonne		2 680 3 867	39 35 + 36	Off flavour (+ 92 % vol) Off flavour (+ 92 % vol)
	Deulep Boulevard Chanzy 30800 Saint-Gilles-du-Gard		2 499 195	39 35 + 36	Off flavour (+ 92 % vol) Off flavour (+ 92 % vol)
	Total		29 535		
2. SPAIN	Villarrobledo		5 427	39	Neutral
	Tarancón		60 069	39	Neutral
	Villarrobledo		35 836	39	Raw alcohol
	Tarancón		44 133	39	Raw alcohol
	Total		145 465		
3. ITALY	Tampieri		10 000	35	Neutral
	Caviro		21 000	39	Neutral
	Cantine Venete		2 000	35	Neutral
	ICV		1 500	35	Neutral
	del Sud (Puglia)		20 000	35	Neutral
	Di Trani (Puglia)		10 000	39	Neutral
	Rodi (Puglia)		14 000	35	Neutral
	Bertolino		37 000	39	Neutral
	Kronion		1 000	36	Neutral
	Kronion		5 000	39	Neutral
	Gedis		2 000	35	Neutral
	Dicovisa		1 500	35	Neutral
	Di Lorenzo		5 000	35	Raw alcohol

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
3. ITALY (<i>cont'd</i>)	Tampieri		4 000	35	Raw alcohol
	ICV		6 000	39	Raw alcohol
	Gedis		15 000	39	Raw alcohol
	Kronion		5 000	39	Raw alcohol
	Vinum		5 000	36	Raw alcohol
	Caviro		1 500	35	Off flavour
	Cipriani		5 000	35	Off flavour
	IIA		1 500	36	Off flavour
	Sasriv (Campania)		3 000	39	Off flavour
	IIA		4 000	39	Off flavour
	Sapis (Campania)		3 000	39	Off flavour
	Bertolino		7 000	35	Off flavour
	Bertolino		10 000	39	Off flavour
	Total		200 000		
	Grand total		375 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Italian lire, French francs or Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and used exclusively as motor fuel in Brazil.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 375 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 160/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 13 December 1994.
 5. Tenders must state the name and address of the tenderer and must :
 - (a) include a reference to individual sale by tender No 160/94 EC ;
 - (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol ;
 - (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93.
 6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency :
 - EIMA, Via Palestro 81, I-00185 Roma (tel. : 47 49 91 ; telex : 62 03 31, 62 02 52, 61 30 03 ; fax : 445 39 40, 495 39 40).
 - SAV par délégation de l'Onivins, zone industrielle, avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (tel. : 57 51 03 03 ; télex : 572 025 ; telefax : 57 25 07 25).
 - SENPA, Beneficencia 8, E-28004 Madrid (tel. : 347 65 00 ; télex : 23427 SENPA ; fax : 521 98 32).
- This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

Within twenty days following the date of receipt of the Commission's decision awarding the lot in question, the successful tenderer shall provide evidence of the lodging of a performance guarantee of ECU 60 per hectolitre of alcohol at 100 % vol with the intervention agency concerned.

INDIVIDUAL INVITATION TO TENDER No 161/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
1. FRANCE	Verniers Route de Cuxac 11100 Narbonne		8 783	35 + 36	Off flavour (+ 92 % vol)
	Verniers Route de Cuxac 11100 Narbonne		20 751	35 + 36	Raw (+ 92 % vol)
	Total		29 534		
2. SPAIN	Villarrobledo		5 427	39	Neutral
	Tarancón		60 070	39	Neutral
	Villarrobledo		35 836	39	Raw alcohol
	Tarancón		44 133	39	Raw alcohol
	Total		145 466		
3. ITALY	Distercoop		11 000	39	Neutral
	Villapana		4 000	35	Neutral
	Orbat		3 500	36	Neutral
	Di Lorenzo		16 000	39	Neutral
	Cipriani		1 500	39	Neutral
	Di Trani (Puglia)		10 000	35	Neutral
	Palma (Puglia)		5 000	39	Neutral
	Sapis (Puglia)		22 500	39	Neutral
	Balice (Puglia)		5 000	35	Neutral
	Bertolino		30 000	35	Neutral
	Kronion		7 500	35	Neutral
	Gedis		7 500	36	Neutral
	Dicovisa		1 500	35	Neutral
	Distercoop		11 000	39	Raw alcohol
	Cipriani		3 000	35	Raw alcohol
	Villapana		2 000	35	Raw alcohol
	Enodistil		15 000	39	Raw alcohol
	Kronion		3 000	35	Raw alcohol

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
3. ITALY (cont'd)	Vinum		6 000	39	Raw alcohol
	Caviro		7 000	39	Off flavour
	Del Salento (Campania)		7 000	35	Off flavour
	Sasriv (Campania)		4 000	36	Off flavour
	Bertolino		17 000	39	Off flavour
	Total		200 000		
	Grand total		375 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Italian lire, French francs or Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and used exclusively as motor fuel in Brazil.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 375 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 161/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 13 December 1994.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 161/94 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

- EIMA, Via Palestro 81, I-00185 Roma (tel.: 47 49 91; telex: 62 03 31, 62 02 52, 61 30 03; fax: 445 39 40, 495 39 40).
- SAV par délégation de l'Onivins, zone industrielle, avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (tel.: 57 51 03 03; telex: 572 025; telefax: 57 25 07 25).
- SENPA, Beneficencia 8, E-28004 Madrid (tel.: 347 65 00; telex: 23427 SENPA; fax: 521 98 32).

This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

Within twenty days following the date of receipt of the Commission's decision awarding the lot in question, the successful tenderer shall provide evidence of the lodging of a performance guarantee of ECU 60 per hectolitre of alcohol at 100 % vol with the intervention agency concerned.

INDIVIDUAL INVITATION TO TENDER No 162/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
1. FRANCE	Longuefuye 53200 Château-Gontier		5 091	39	Off flavour (+ 92 % vol)
	Miroline Terre-plein Nord 14600 Honfleur		15 374	35 + 36	Off flavour (+ 92 % vol)
	Total		20 465		
2. SPAIN	Villarrobledo		5 427	39	Neutral
	Tarancón		69 139	39	Neutral
	Villarrobledo		35 836	39	Raw alcohol
	Tarancón		44 133	39	Raw alcohol
	Total		154 535		
3. ITALY	D'Auria		6 000	36	Neutral
	DCA		5 000	36	Neutral
	Mazzari		20 000	39	Neutral
	Bonollo		3 500	39	Neutral
	Sapis (Puglia)		24 000	39	Neutral
	Sasriv		5 000	36	Neutral
	De Luca		15 000	35	Neutral
	Vinum		35 000	39	Neutral
	Gedis		10 000	36	Neutral
	Dicovisa		1 500	35	Neutral
	D'Auria		9 000	39	Raw alcohol
	SAIG		5 500	39	Raw alcohol
	Vinal		3 000	35	Raw alcohol
	De Luca		20 000	35	Raw alcohol
	Balice		2 500	39	Raw alcohol
	DCA		3 000	35	Off flavour
	Caviro		3 000	35	Off flavour
	Del Salento (Puglia)		2 000	35	Off flavour

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
3. ITALY (cont'd)	Sapis (Campania)		2 000	39	Off flavour
	Rodi (Campania)		4 000	35	Off flavour
	Rodi (Puglia)		4 000	35	Off flavour
	Bertolino		7 000	35	Off flavour
	Enodistil		3 000	36	Off flavour
	Enodistil		2 500	39	Off flavour
	Vinum		4 500	39	Off flavour
	Total		200 000		
	Grand total		375 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Italian lire, French francs or Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and used exclusively as motor fuel in Brazil.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 375 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must :

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked "Tender for individual sale No 162/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group", which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 13 December 1994.

5. Tenders must state the name and address of the tenderer and must :

- (a) include a reference to individual sale by tender No 162/94 EC ;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol ;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

— EIMA, Via Palestro 81, I-00185 Roma (tel.: 47 49 91; telex: 62 03 31, 62 02 52, 61 30 03; fax: 445 39 40, 495 39 40).

— SAV par délégation de l'Onivins, zone industrielle, avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (tel.: 57 51 03 03; télex: 572 025; telefax: 57 25 07 25).

— SENPA, Beneficencia 8, E-28004 Madrid (tel.: 347 65 00; télex: 23427 SENPA; fax: 521 98 32).

This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

Within twenty days following the date of receipt of the Commission's decision awarding the lot in question, the successful tenderer shall provide evidence of the lodging of a performance guarantee of ECU 60 per hectolitre of alcohol at 100 % vol with the intervention agency concerned.

INDIVIDUAL INVITATION TO TENDER No 163/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
1. FRANCE	Longuefuye 53200 Château-Gontier		5 092	39	Off flavour (+ 92 % vol)
	Miroline Terre-plein Nord 14600 Honfleur		15 374	35 + 36	Off flavour (+ 92 % vol)
	Total		20 466		
2. SPAIN	Villarrobledo		5 427	39	Neutral
	Tarancón		69 138	39	Neutral
	Villarrobledo		35 836	39	Raw alcohol
	Tarancón		44 133	39	Raw alcohol
	Total		154 534		
3. ITALY	Neri		5 000	35	Neutral
	Neri		20 000	39	Neutral
	Bonollo		10 000	39	Neutral
	Sapis (Puglia)		10 500	39	Neutral
	Sapis (Campania)		10 000	39	Neutral
	Del Salento (Campania)		20 000	35	Neutral
	Sasriv (Campania)		3 000	39	Neutral
	Vinum		6 500	36	Neutral
	Vinum		17 000	39	Neutral
	Enodistil		4 000	35	Neutral
	Gedis		17 500	39	Neutral
	Dicovisa		1 500	35	Neutral
	Bonollo		10 500	39	Raw alcohol
	DCA		6 000	35	Raw alcohol
	Gist Brocades		1 000	35	Raw alcohol
	Balice		10 000	35	Raw alcohol
	Balice		10 000	36	Raw alcohol
	Balice		2 500	39	Raw alcohol
	Caviro		5 500	35	Off flavour
	Rodi (Puglia)		2 500	39	Off flavour
	Del Sud		4 500	35	Off flavour
	Del Sud		2 000	36	Off flavour

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
3. ITALIE (suite)	Di Trani (Puglia)		3 000	39	Off flavour
	Bertolino		15 000	36	Off flavour
	Enodistil		1 500	35	Off flavour
	Vinum		1 000	36	Off flavour
	Total		200 000		
	Grand total	375 000			

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Italian lire, French francs or Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and used exclusively as motor fuel in Brazil.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 375 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 163/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 13 December 1994.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 163/94 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

- EIMA, Via Palestro 81, I-00185 Roma (tel.: 47 49 91; telex: 62 03 31, 62 02 52, 61 30 03; fax: 445 39 40, 495 39 40).
- SAV par délégation de l'Onivins, zone industrielle, avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (tel.: 57 51 03 03; telex: 572 025; fax: 57 25 07 25).
- SENPA, Beneficencia 8, E-28004 Madrid (tel.: 347 65 00; telex: 23427 SENPA; fax: 521 98 32).

This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

Within twenty days following the date of receipt of the Commission's decision awarding the lot in question, the successful tenderer shall provide evidence of the lodging of a performance guarantee of ECU 60 per hectolitre of alcohol at 100 % vol with the intervention agency concerned.

ANNEX II

The only telex and fax numbers in Brussels to be used are :

DG VI/E/2 (for the attention of Mr Chiappone/Mr Van der Stappen)

- telex : 22037 AGREC B,
22070 AGREC B (Greek characters),
— fax : (32 2) 295 92 52

ANNEX III

Communication of refusal or acceptance of lots under the individual invitation to tender for the export of vinous alcohol opened by Regulation (EC) No 2942/94

- Name of the successful tenderer :
— Date of award of contract :
— Date of refusal or acceptance of the lot by the successful tenderer :

Lot No	Quantity in hectolitres	Location of alcohol	Reason for refusal or acceptance to take over

COMMISSION REGULATION (EC) No 2943/94

of 2 December 1994

opening individual sales by invitation to tender for the export of vinous alcohol
held by intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 1891/94 ⁽²⁾,Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ⁽³⁾,Whereas Commission Regulation (EEC) No 377/93 ⁽⁴⁾, as amended by Regulation (EEC) No 2192/93 ⁽⁵⁾, lays down detailed rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ;

Whereas, in view of the cost of storing alcohol, individual sales by invitation to tender should be opened for vinous alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Italian and Spanish intervention agencies ;

Whereas individual invitations to tender should be organized for the export of alcohol to certain Caribbean and Central American countries where there is some guarantee that their markets in alcohol and spirit drinks will not be disturbed, with a view to its end use as motor fuel ;

Whereas, nevertheless, the amount of and the detailed rules for the guarantees and securities laid down for those individual invitations to tender should be adapted, given the large amount of alcohol being put up for sale ; whereas a removal guarantee must ensure the export of the alcohol before the entry into force of the Uruguay Round provisions on alcohol of agricultural origin ;

whereas the amount of the performance guarantee must be increased, given the possibility of a large volume of alcohol being stored in the Caribbean and Central American countries concerned ;

Whereas Regulation (EEC) No 2192/93 concerning the operative events for the agricultural conversion rates used in the wine sector and amending Regulation (EEC) No 377/93 specifies the agricultural conversion rates to be used to convert the payments and securities provided for in connection with individual invitations to tender into national currency ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. Six individual sales by invitation to tender Nos 164/94 EC, 165/94 EC, 166/94 EC, 167/94 EC, 168/94 EC and 169/94 EC shall be held of a total quantity of 1,450 million hectolitres of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Italian and Spanish intervention agencies.

2. Individual invitations to tender Nos 164/94 EC, 165/94 EC and 166/94 EC shall cover 200 000, 200 000 and 375 000 hectolitres of alcohol at 100 % volume respectively.

Individual invitations to tender No 167/94 EC shall cover 200 000 hectolitres of alcohol at 100 % volume.

Individual invitations to tender Nos 168/94 EC and 169/94 EC shall cover 175 000 and 300 000 hectolitres of alcohol at 100 % volume respectively.

Article 2

The alcohol offered for sale :

- shall be for export outside the European Community,
- must be imported into and dehydrated in :
 - for individual invitations to tender Nos 164/94 EC, 165/94 EC and 166/94 EC, Costa Rica,

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.⁽²⁾ OJ No L 197, 30. 7. 1994, p. 42.⁽³⁾ OJ No L 346, 15. 12. 1988, p. 7.⁽⁴⁾ OJ No L 43, 20. 2. 1993, p. 6.⁽⁵⁾ OJ No L 196, 5. 8. 1993, p. 19.

- for individual invitation to tender No 167/94 EC, one of the following third countries :
 - Guatemala,
 - Honduras, including the Swan Islands,
 - El Salvador,
- for individual invitations to tender Nos 168/94 EC and 169/94 EC, one of the following third countries :
 - Saint Christopher and Nevis,
 - Bahamas,
 - Dominican Republic,
 - Antigua and Barbuda,
 - Dominica,
 - British Virgin Islands and Montserrat,
 - Jamaica,
 - Saint Lucia,
 - Saint Vincent, including the Northern Grenadines,
 - Barbados,
 - Trinidad and Tobago,
 - Belize,
 - Grenada, including the Southern Grenadines,
 - Aruba,
 - Netherlands Antilles (Curaçao, Bonaire, Saint Eustace, Saba and the southern part of Saint Martin),
 - Guyana,
 - Virgin Islands of the United States,
- must be used only as motor fuel.

Article 3

The location and reference numbers of the vats concerned, the quantity of alcohol contained in each vat, the alcoholic strength and the characteristics of the alcohol as well as certain specific conditions are given in the Annex hereto.

Article 4

The sales shall take place in accordance with Articles 13, 14, 15, 16, 18 (5) and (6) and 30 to 38 of Regulation (EEC) No 377/93. However, notwithstanding Article 15 of Regulation (EEC) No 377/93, the final date for the submission of tenders for the invitations to tender referred to in this Regulation, shall fall between the eighth and the 25th day following the date of publication of the individual invitations to tender.

Article 5

1. The tendering security referred to in Article 15 of Regulation (EEC) No 377/93 shall be ECU 3 per hectolitre of alcohol at 100 % volume and shall be lodged for

the total quantity of alcohol offered for sale in each of the invitations to tender referred to in Article 1 hereto.

Maintenance of the tender after the time limit for submitting tenders and the lodging of a removal guarantee shall constitute the primary requirements within the meaning of Article 20 of Regulation (EEC) No 2220/85⁽¹⁾ as regards the tendering security.

The tendering security shall be released immediately if the tender is not accepted or if the successful tenderer meets the conditions set out in the preceding subparagraph.

2. Within twenty days of receipt of the commission's decision awarding the alcohol, the successful tenderer shall provide proof that a removal guarantee has been lodged with each intervention agency holding alcohol to ensure the export of the alcohol covered by the tender in question.

The removal guarantee shall be ECU 10 per hectolitre of alcohol at 100 % volume and shall be lodged for the total quantity offered for sale in each invitation to tender covered by this Regulation.

The removal guarantee shall be released by each of the intervention agencies holding alcohol for quantities of alcohol for which proof is supplied of departure from the customs territory of the Community in accordance with Community customs regulations.

The export of alcohol awarded pursuant to this Regulation shall constitute a primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85 as regards the removal guarantee.

3. The performance guarantee shall be ECU 25 per hectolitre of alcohol at 100 % volume.

Notwithstanding Article 17 of Regulation (EEC) No 377/93 that guarantee shall be lodged for each of the invitations to tender referred to in Article 1 of this Regulation for each quantity of alcohol which is subject to a removal order.

The successful tenderer shall provide proof that a performance guarantee has been lodged with the intervention agency concerned by the date of issue of a removal order for the quantity of alcohol in question at the latest.

The guarantee shall be released in accordance with Article 34 (3) (b) of Regulation (EEC) No 377/93.

Article 6

1. The intervention agency holding alcohol and the successful tenderer shall agree on a (detailed) timetable for the physical removal of the alcohol. The timetable shall be notified to the Commission in the month following receipt of the Commission's decision awarding the alcohol to permit coordination of removal operations in accordance with this Regulation.

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

2. The successful tenderer shall pay for the alcohol he is awarded and accept responsibility for the risk of theft, loss and destruction and the cost of storage of the alcohol covered by the invitations to tender referred to in this Regulation within a maximum time limit determined according to the quantity placed on sale on the basis of one month per whole tranche of 75 000 hectolitres of alcohol at 100 % volume. That maximum time limit shall run from the end of the first month following receipt of the Commission's decision awarding the alcohol. However, payment and export of the alcohol must be completed by 26 June 1995 at the latest.

3. After receiving payment for a quantity of alcohol calculated to the nearest hectolitre of alcohol at 100 % volume, the intervention agency holding the alcohol shall issue a removal order for the relevant quantity of alcohol. Ownership of the alcohol for which a removal order is issued shall be transferred on issue of the order and the relevant quantities shall be considered as being withdrawn on that date.

Each removal order shall cover a quantity of at least 5 000 hectolitres except in the case of the last removal in each Member State.

Article 7

To be valid, tenders must indicate the place where end use of the alcohol awarded is to take place and must include an undertaking by the tenderer to the effect that the alcohol will be sent to that destination and used for that purpose. The tender shall also include proof that the tenderer has binding commitments with an operator in the motor fuel sector in one of the third countries listed in Article 2 who has undertaken to dehydrate the alcohol awarded in one of those countries and to export it for use solely as motor fuel.

Article 8

Notwithstanding the first subparagraph of Article 36 (2) of Regulation (EEC) No 377/93, the alcohol contained in the vats indicated in the communication from the Member States referred to in Article 36 of Regulation (EEC) No 377/93 and covered by the invitations to tender referred to in Article 1 of this Regulation may be substi-

tuted by the intervention agencies holding the alcohol concerned in agreement with the Commission or mixed with other alcohol delivered to the intervention agency until a removal order is issued for that alcohol, in particular for logistical reasons.

Article 9

1. Successful tenderers for individual invitations to tender Nos 164/94 EC, 165/94 EC, 166/94 EC and 167/94 EC may, by common agreement, exchange a quantity of alcohol stored in the designated vats in a Member State for the purposes provided for in those invitations to tender.

2. Successful tenderers for individual invitations to tender Nos 168/94 EC and 169/94 EC may, by common agreement, exchange a quantity of alcohol stored in the designated vats in a Member State for the purposes provided for in those invitations to tender.

3. Such exchange shall not affect the obligations of the tenderers concerned, particularly as regards the price to be paid and the time limit for removal and use of the alcohol awarded to them indicated in the invitation to tender concerned.

4. Successful tenderers who wish to make such an exchange must give prior notice to the intervention agencies concerned.

5. If such exchange affects the planned timetable for physical removal of the alcohol, that timetable shall immediately be amended and that amendment notified to the Commission.

6. Such exchange shall not change the total quantities of alcohol placed on sale for invitations to tender Nos 164/94 EC, 165/94 EC, 166/94 EC, No 167/94 EC, 168/94 EC and 169/94 EC respectively.

Article 10

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, 2 December 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

INDIVIDUAL INVITATION TO TENDER No 164/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
SPAIN	Villarrobledo	25	11 897	39	Raw alcohol
	Villarrobledo	22	39 014	39	Raw alcohol
	Villarrobledo	17	42 241	39	Raw alcohol
	Villarrobledo	20	41 813	39	Raw alcohol
	Tarancón	C-6	11 563	39	Raw alcohol
	Tarancón	D-6	26 317	39	Raw alcohol
	Tarancón	C-7	27 155	39	Raw alcohol
	Total		200 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 200 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 164/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 12 December 1994.

5. Tenders must state the name and address of the tenderer and must :
- (a) include a reference to individual sale by tender No 164/94 EC ;
 - (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol ;
 - (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.
6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency :
- SENPA, Beneficencia 8, E-28004 Madrid (tel. : 347 65 00 ; telex : 23427 SENPA ; fax : 521 98 32).
- This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

The successful tenderer must provide proof that a performance guarantee of ECU 25 per hectolitre of alcohol at 100 % vol. has been lodged with each intervention agency concerned by the date of issue of a removal order for the quantity of alcohol in question at the latest.

INDIVIDUAL INVITATION TO TENDER No 165/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
SPAIN	Villarrobledo	28	43 657	39	Neutral
	Tarancón	C-4	3 165	35 + 36	Neutral
	Villarrobledo	18	42 700	39	Raw alcohol
	Villarrobledo	19	42 268	39	Raw alcohol
	Tarancón	C-8	26 498	39	Raw alcohol
	Tarancón	C-5	26 508	39	Raw alcohol
	Tarancón	C-6	15 204	39	Raw alcohol
	Total		200 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 200 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 165/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 12 December 1994.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 165/94 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;

- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.
6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:
- SENPA, Beneficencia 8, E-28004 Madrid (tel.: 347 65 00; telex: 23427 SENPA; fax: 521 98 32).
- This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

The successful tenderer must provide proof that a performance guarantee of ECU 25 per hectolitre of alcohol at 100 % vol. has been lodged with each intervention agency concerned by the date of issue of a removal order for the quantity of alcohol in question at the latest.

INDIVIDUAL INVITATION TO TENDER No 166/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
ITALY	Dist. Tampieri SpA		15 000	35	Neutral
	Dist. Villapana SpA		5 775	35	Neutral
	Dist. Lorenzo snc		10 000	39	Neutral
	Dist. Bonollo snc		2 500	39	Neutral
	Dist. Ind. chimica valenzana		3 000	39	Neutral
	Dist. Esposito snc		2 500	36	Neutral
	Dist. Del Salento SpA		5 000	35	Neutral
	Dist. Ind. ital. alcole snc		4 272	39	Neutral
	Dist. Palma SpA		2 228	39	Neutral
	Dist. Bertolino SpA		10 000	39	Neutral
	Dist. Neri Srl		45 000	35	Raw alcohol
	Dist. Neri Srl		10 000	39	Raw alcohol
	Dist. Bonollo SpA		24 325	35	Raw alcohol
	Dist. Bonollo SpA		21 500	39	Raw alcohol
	Dist. Caviro Scrl		15 000	35	Raw alcohol
	Dist. Caviro Scrl		30 000	39	Raw alcohol
	Dist. Villapana SpA		15 000	35	Raw alcohol
	Dist. Tampieri SpA		10 000	35	Raw alcohol
	Dist. D'Auria SpA		10 500	39	Raw alcohol
	Dist. Mazzari SpA		10 000	39	Raw alcohol
	Dist. Di Trani SpA		5 000	35	Raw alcohol
	Dist. Di Trani SpA		10 000	39	Raw alcohol
	Dist. De Luca snc		10 000	35	Raw alcohol
	Dist. Balice snc		15 000	35	Raw alcohol
	Dist. Del Sud SpA		3 000	36	Raw alcohol
	Dist. Palma SpA		17 000	39	Raw alcohol
	Dist. Palma SpA		10 000	39	Raw alcohol
	Dist. DI.CO.VISA. Scrl		900	35	Raw alcohol
	Dist. Enodistil SpA		10 000	35	Raw alcohol
	Dist. Enodistil SpA		21 500	39	Raw alcohol
	Dist. Kronion Scrl		5 500	35	Raw alcohol
	Dist. GE.DIS. SpA		15 500	39	Raw alcohol
	Total		375 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Italian lire, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 375 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must :

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 166/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 12 December 1994.

5. Tenders must state the name and address of the tenderer and must :

- (a) include a reference to individual sale by tender No 166/94 EC ;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol ;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency :

- EIMA, Via Palestro 81, I-00185 Roma (tel. : 47 49 91 ; telex : 62 03 31, 62 02 52, 61 30 03 ; fax : 445 39 40, 495 39 40).

This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

The successful tenderer must provide proof that a performance guarantee of ECU 25 per hectolitre of alcohol at 100 % vol. has been lodged with each intervention agency concerned by the date of issue of a removal order for the quantity of alcohol in question at the latest.

INDIVIDUAL INVITATION TO TENDER No 167/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
ITALY	Dist. Caviro Srl		5 000	35	Neutral
	Dist. Centro Adriatico SpA		6 000	35	Neutral
	Dist. S.A.P.T.S. SpA		8 500	39	Neutral
	Dist. Palma SpA		3 795	35	Neutral
	Dist. D. Auria SpA		8 000	39	Neutral
	Dist. Bocchino snc		3 900	35	Raw alcohol
	Dist. Neri Srl		20 000	35	Raw alcohol
	Dist. Neri Srl		13 000	39	Raw alcohol
	Dist. Caviro Srl		21 500	35	Raw alcohol
	Dist. Caviro Srl		32 500	39	Raw alcohol
	Dist. Di Lorenzo snc		10 000	35	Raw alcohol
	Dist. Di Trani SpA		4 905	35	Raw alcohol
	Dist. De Luca		15 000	35	Raw alcohol
	Dist. Palma SpA		15 500	39	Raw alcohol
	Dist. DI.CO.VISA. Srl		900	35	Raw alcohol
	Dist. Enodistil SpA		10 500	35	Raw alcohol
	Dist. Bertolino		16 000	39	Raw alcohol
	Dist. Vinum		5 000	36	Raw alcohol
	Total		200 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Italian lire, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 200 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must :

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked "Tender for individual sale No 167/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group", which itself must be enclosed in an envelope addressed to the Commission.**4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 12 December 1994.****5. Tenders must state the name and address of the tenderer and must :**

- (a) include a reference to individual sale by tender No 167/94 EC ;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol ;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency :

- EIMA, Via Palestro 81, I-00185 Roma (tel.: 47 49 91 ; telex : 62 03 31, 62 02 52, 61 30 03 ; fax : 445 39 40, 495 39 40).

This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

The successful tenderer must provide proof that a performance guarantee of ECU 25 per hectolitre of alcohol at 100 % vol. has been lodged with each intervention agency concerned by the date of issue of a removal order for the quantity of alcohol in question at the latest.

INDIVIDUAL INVITATION TO TENDER No 168/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
ITALY	Dist. Vinal SpA		3 600	35	Neutral
	Dist. Mazzari SpA		5 000	35	Neutral
	Dist. Saig SpA		3 000	39	Neutral
	Dist. D'Auria		2 000	39	Neutral
	Dist. Bonollo SpA		2 000	39	Neutral
	Dist. S.A.P.I.S. SpA		2 000	39	Neutral
	Dist. Bertolino SpA		9 500	39	Neutral
	Dist. Neri Srl		21 500	35	Raw alcohol
	Dist. Soc. vin. Adriatica		7 000	35	Raw alcohol
	Dist. Lav. soc. vin. Modena		7 100	35	Raw alcohol
	Dist. Mazzari SpA		15 500	35	Raw alcohol
	Dist. Bonollo SpA		35 000	39	Raw alcohol
	Dist. Deta SpA		3 000	39	Raw alcohol
	Dist. Rodi Srl		5 000	35	Raw alcohol
	Dist. Del Sud SpA		7 000	36	Raw alcohol
	Dist. Di Trani SpA		15 000	39	Raw alcohol
	Dist. Di Trani SpA		11 200	39	Raw alcohol
	Dist. DI. CO. VI. SA. Srl		600	35	Raw alcohol
	Dist. GE. DIS. SpA		20 000	39	Raw alcohol
	Total		175 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Italian lire, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 175 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must :

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 168/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 12 December 1994.

5. Tenders must state the name and address of the tenderer and must :

- (a) include a reference to individual sale by tender No 168/94 EC ;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol ;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency :

- EIMA, Via Palestro 81, I-00185 Roma (tel. : 47 49 91 ; telex : 62 03 31, 62 02 52, 61 30 03 ; fax : 445 39 40, 495 39 40).

This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

The successful tenderer must provide proof that a performance guarantee of ECU 25 per hectolitre of alcohol at 100 % vol. has been lodged with each intervention agency concerned by the date of issue of a removal order for the quantity of alcohol in question at the latest.

INDIVIDUAL INVITATION TO TENDER No 169/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
SPAIN	Tomelloso	1	46 485	35 + 36	Raw alcohol
	Villarrobledo	29	43 025	35 + 36	Raw alcohol
	Villarrobledo	25	30 000	39	Raw alcohol
	Tarancón	E-1	26 156	35 + 36	Raw alcohol
	Tarancón	E-2	23 254	35 + 36	Raw alcohol
	Tarancón	F-1	26 185	35 + 36	Raw alcohol
	Tarancón	F-2	3 688	35 + 36	Raw alcohol
	Villarrobledo	7	13 847	39	Neutral
	Villarrobledo	9	43 348	39	Neutral
	Villarrobledo	11	44 012	39	Neutral
	Total		300 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 300 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 169/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.
4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 12 December 1994.
5. Tenders must state the name and address of the tenderer and must :
 - (a) include a reference to individual sale by tender No 169/94 EC ;
 - (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol ;
 - (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.
6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency :
— SENPA, Beneficencia 8, E-28004 Madrid (tel. : 347 65 00 ; telex : 23427 SENPA ; fax : 521 98 32).
This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

The successful tenderer must provide proof that a performance guarantee of ECU 25 per hectolitre of alcohol at 100 % vol. has been lodged with each intervention agency concerned by the date of issue of a removal order for the quantity of alcohol in question at the latest.

COMMISSION REGULATION (EC) No 2944/94**of 2 December 1994****establishing rules for management and distribution with regard to textile quotas
established for 1995 under Council Regulation (EC) No 517/94**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 517/94 of 7 March 1994 relating to the common rules for imports of textile imports from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules⁽¹⁾, as last amended by Regulation (EC) No 2798/94⁽²⁾, and in particular Article 17 (3) and (6) and Article 21 (2) and (3) thereof, in relation with Article 25 (3) thereof,

Whereas the Council, by its Regulation (EC) No 517/94, established quantitative restrictions on imports of certain textile products originating in certain third countries and envisaged, in Article 17 (2), that these quotas will be allocated in the chronological reception order of the notifications from the Member States according to the principle of first come, first served;

Whereas past experience has revealed that for certain quotas the established annual quantities were insufficient to cover the quantities subject to requests for import authorizations notified to the Member States; that taking into account the foreseen accession on 1 January 1995 of new States to the European Union, there are serious reasons to believe that, for all the quotas established by the Regulation (EC) No 517/94 requests for import authorizations to be notified by the competent Member States authorities will exceed the quantitative limits established for 1995;

Whereas Regulation (EC) No 517/94, Article 17 (3), stipulates that it is possible, in these circumstances, to make use of allocation methods which differ from the allocation method based exclusively on the chronological reception order of the notifications from Member States, as well as to envisage the division of the quotas in tranches;

Whereas it is advisable, in order not to affect unduly the continuity of trade flows, to adopt before the start of the quota year, rules for management and distribution of the quotas fixed established for 1995 by Regulation (EC) No 517/94;

Whereas it seems appropriate that those rules be determined in taking into account the foreseen accession of new States to the European Union and the necessity to allow the importers of the States candidate to the Accession to accede to Community quotas for 1995 in identical or similar conditions to those for the existing Community importers;

Whereas the Governments of Austria, Finland, Norway and Sweden have undertaken on the one hand to adopt suitable measures to allow the participation of their operators to the distribution of the existing Community quotas along the rules established under Regulation (EC) No 517/94 or as adopted in application of the said Regulation and on the other hand to cooperate fully to the management and distribution of the said quotas, by notifying to the Commission, like other Member States within the deadlines laid down, all the necessary elements concerning the requests for import authorizations addressed to them by the operators established on their respective territory;

Whereas to ensure a certain flexibility to the management and distribution of the quotas fixed by Regulation (EC) No 517/94, it seems appropriate to divide them in tranches and to envisage therefore that the first tranche representing (75 %) of the amount of the annual quotas fixed by the said Regulation will be distributed, without prejudice to the entry into force of the Accession Treaty, on the basis of the requests for import authorizations introduced to the competent authorities of the Member States and of the candidate countries to the Accession at latest on 9 December 1994;

Whereas it seems appropriate, as far as the first tranche is concerned, to have a method of allocation which takes into account traditional trade flows in order to ensure a progressive transition towards the procedures introduced by Regulation (EC) No 517/94, and to this end it is appropriate to divide this quota into two parts, one reserved for traditional importers, the other for other applicants, and to fix the respective shares reserved for these different categories of operators at levels which, while taking into account traditional trade flows, will nevertheless ensure non-traditional importers significant access to the quotas created by Regulation (EC) No 517/94 and to define the concept of traditional importers while keeping in mind that 1993 cannot serve as a reference period due to certain distortions which characterized this period within the Community;

⁽¹⁾ OJ No L 67, 10. 3. 1994, p. 1.

⁽²⁾ OJ No L 297, 18. 11. 1994, p. 6.

Whereas with regard to the distribution of the part reserved for the other operators, past experience has shown that the method retained in 1994, being the method based on the reception in chronological order of the notifications from the Member States, did allow in spite of the modifications adopted, to satisfy only a limited number of operators and that the application of method of distribution in proportion of the requested quantities on the basis of a simultaneous examination of all quantities notified to the Commission might satisfy a larger number of operators provided that the quantities requested by each individual operator would not exceed a predetermined quantity to a level economically significant;

Whereas for optimum use of the quantities which will be confirmed pursuant to this Regulation it is appropriate to fix the period of validity of the import authorizations to six months from 1 January 1995 and to allow their issuance by the Member States, after notification of the Commission decision to the Member States, from the same date and provided that the concerned operator can justify the existence of a contract and certifies not to have already benefited within the Community for the category and the country concerned of an import authorization;

Whereas confirmation by the Commission, according to the specific management and distribution rules introduced by this Regulation, of the quantities which will be notified, requires the communication by the Member States of certain data; that it is necessary therefore to specify the information required and, in order to allow confirmation by the Commission as quickly as possible, at the latest on 15 December 1994 for the communication of this date;

Whereas finally past experience has shown that in certain exceptional cases for certain categories and countries concerned, quantities in a part reserved remain available after application of quantitative criteria adopted; that it is therefore appropriate for an optimum distribution to envisage the possibility of a transfer of quantities in between the different parts reserved for the two categories of operators following the procedure of Article 25 of Regulation (EC) No 517/94;

Whereas with a view to making optimal use of the quantities of the first tranche it is foreseen that quantities still available after distribution according to the rules of the present Regulation will be distributed to all operators according to the principle of first come, first served as from 3 January 1995 at 10 a.m. (Brussels time);

Whereas these measures are in conformity with the opinion expressed by the Committee established by Regulation (EC) No 517/94,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation specifies certain rules concerning the management and distribution of the quantitative limits for 1995 listed in Annex I of this Regulation.

Article 2

The quantitative limits referred to in the first Article are divided into tranches, the first of which, covering the quantities listed in Annex II, will be distributed without prejudice to the entry into force of the Accession Treaty according to the methods specified in this Regulation on the basis of the requests for import authorizations introduced by the operators until 9 December 1994 to the competent Member State authorities and the States candidate to Accession and notified to the Commission by the said authorities at the latest on 15 December 1994.

Article 3

The first tranche of the quantitative limits referred to in Article 2 divided into two parts as indicated in Annex II of this Regulation, one reserved for the traditional importers, the other to the other operators.

Those to be regarded as traditional importers of a category of products originating in one of the countries referred to in Annex II, will be importers who furnish proof to the competent Member State authorities and the States candidate to Accession of having imported, during 1992, products falling within the same category and originating in the same country.

Article 4

The amount which can be allocated to any individual traditional importer for each of the categories and countries concerned will not be able to exceed the quantities actually imported in 1992 by each one of them for these same categories and countries.

If all quantities to be allocated to traditional importers on the basis of the quantities notified by Member States and the States candidate to Accession exceed the part which is reserved to them, the quantities allocated to each one of them will be reduced proportionally.

Article 5

The quantities reserved for other importers is to be allocated by application of the method of distribution in proportion to the requested quantities, the quantities susceptible to requests by each importer may not exceed the quantities indicated in Annex III of the present Regulation.

Article 6

The duration of validity for import authorizations issued by the competent Member State authorities is six months as from the date of issuing.

Import authorizations will be granted by the competent Member State only after notification of the decision of the Commission as from the 1 January 1995 and in as far as the operator concerned can prove the existence of a contract and certifies by a written declaration not to have already benefited inside the Community from an import authorization issued pursuant to this Regulation for the category and the country concerned.

Article 7

Member States and the States candidate to Accession will inform the Commission within the time limit as indicated in Article 2 by category and countries concerned, including the quantities required as well as the number of operators and indicating, if necessary, for those demands introduced by traditional importers within the meaning of Article 3, the quantities imported by each one of them during 1992.

On basis of the total amounts transmitted, the Commission adopt the quantitative criteria on the basis of which, in application of the present Regulation, the competent

authorities from the Member States will issue the import authorizations.

If on the basis of the quantitative criteria established under the present Regulation, quantities for a product and a country concerned are still available within the part reserved to a category of operators, the quantities might, in accordance with the procedure of Article 25 of Regulation (EC) No 517/94, be subject to a transfer of operators with a view to being distributed in conformity with the quantitative criteria applicable to this category of operators.

Article 8

The quantities still available after distribution on the basis of the present Regulation will be distributed in chronological reception order of requests introduced by all operators according to the principle of first come, first served as from 3 January 1995 at 10 a.m. (Brussels time).

Article 9

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, 2 December 1994.

For the Commission

Leon BRITTAN

Member of the Commission

ANNEX I

Quantitative restrictions referred to in Article 1

Third country	Category	Unit	Quantities
China	ex 13 ⁽¹⁾	1 000 pieces	150,0
	ex 18 ⁽¹⁾	tonnes	98,0
	ex 20 ⁽¹⁾	tonnes	10,0
	ex 24 ⁽¹⁾	1 000 pieces	120,0
	ex 39 ⁽¹⁾	tonnes	10,0
	ex 78 ⁽¹⁾	tonnes	3,0
	115	tonnes	450,0
	117	tonnes	450,0
	118	tonnes	950,0
	120	tonnes	63,0
	122	tonnes	130,0
	123	tonnes	5,0
	124 ⁽²⁾	tonnes	600,0
	125 B	tonnes	8,0
	127 B	tonnes	5,0
	ex 136 ⁽¹⁾ ⁽³⁾	tonnes	285,0
	140	tonnes	100,0
	145	tonnes	7,0
	146 A	tonnes	15,0
	146 B	tonnes	110,0
	146 C	tonnes	270,0
	156	tonnes	760,0
	157	tonnes	5 400,0
	159	tonnes	3 020,0
	160	tonnes	30,0
	161	tonnes	10 777,0
North Korea	1	tonnes	128,0
	2	tonnes	145,0
	3	tonnes	49,0
	4	1 000 pieces	285,0
	5	1 000 pieces	119,0
	6	1 000 pieces	144,0
	7	1 000 pieces	93,0
	8	1 000 pieces	133,0
	9	tonnes	71,0
	12	1 000 pairs	1 290,0
	13	1 000 pieces	1 509,0
	14	1 000 pieces	94,0
	15	1 000 pieces	107,0
	16	1 000 pieces	55,0
	17	1 000 pieces	38,0
	18	tonnes	61,0
	19	1 000 pieces	411,0
	20	tonnes	141,0
	21	1 000 pieces	2 857,0
	24	1 000 pieces	263,0
	26	1 000 pieces	173,0
	27	1 000 pieces	167,0
	28	1 000 pieces	285,0
	29	1 000 pieces	75,0
	31	1 000 pieces	293,0
	36	1 000 pieces	91,0
	37	1 000 pieces	356,0
	39	1 000 pieces	51,0
	59	1 000 pieces	466,0
	61	1 000 pieces	40,0
	68	1 000 pieces	75,0
	69	1 000 pieces	184,0
	70	1 000 pieces	270,0
	73	1 000 pieces	93,0

Third country	Category	Unit	Quantities
North Korea (<i>cont'd</i>)	74	1 000 pieces	133,0
	75	1 000 pieces	39,0
	76	tonnes	74,0
	77	tonnes	9,0
	78	tonnes	115,0
	83	tonnes	31,0
	117	tonnes	51,0
	118	tonnes	23,0
	142	tonnes	10,0
	151 A	tonnes	10,0
	151 B	tonnes	10,0
	161	tonnes	152,0
Republics of Bosnia Herzegovina Croatia and the former Yugoslav Republic of Macedonia	1	tonnes	6 899,0
	2	tonnes	8 544,0
	2 a)	tonnes	1 931,0
	3	tonnes	935,0
	5	1 000 pieces	1 910,0
	6	1 000 pieces	954,0
	7	1 000 pieces	571,0
	8	1 000 pieces	2 568,0
	9	tonnes	831,0
	15	1 000 pieces	745,0
	16	1 000 pieces	567,0
	67	1 000 pieces	722,0

(¹) Categories marked by 'ex' cover products other than those of wool or fine hairs, cotton or synthetic or artificial textile materials.

(²) Only CN code ex 5503 90 90 (polyvinyl alcohol).

(³) This category only covers woven fabrics and other silk products other than unbleached, scoured or bleached falling within CN codes: 5007 20 19, 5007 20 31, 5007 20 41, 5007 20 59, 5007 20 61, 5007 20 69, 5007 20 71, 5007 90 30, 5007 90 50 and 5007 90 90.

ANNEX II

**Repartition of the first tranche to be allocated with regard to importers' requests
submitted and notified to the Commission before 9 December 1994**

Third country	Category	Unit	Quantities reserved for traditional importers	Quantities reserved for other importers	Total
China	ex 13 ⁽¹⁾	1 000 pieces	80,4	32,1	112,5
	ex 18 ⁽¹⁾	tonnes	52,5	21,0	73,5
	ex 20 ⁽¹⁾	tonnes	5,4	2,1	7,5
	ex 24 ⁽¹⁾	1 000 pieces	64,3	25,7	90,0
	ex 39 ⁽¹⁾	tonnes	5,4	2,1	7,5
	ex 78 ⁽¹⁾	tonnes	1,6	0,6	2,2
	115	tonnes	241,1	96,4	337,5
	117	tonnes	241,1	96,4	337,5
	118	tonnes	508,9	203,6	712,5
	120	tonnes	33,8	13,5	47,3
	122	tonnes	69,6	27,9	97,5
	123	tonnes	2,7	1,1	3,8
	124 ⁽²⁾	tonnes	321,4	128,6	450,0
	125 B	tonnes	4,3	1,7	6,0
	127 B	tonnes	2,7	1,1	3,8
	ex 136 ⁽¹⁾ ⁽³⁾	tonnes	152,7	61,1	213,8
	140	tonnes	53,6	21,4	75,0
	145	tonnes	3,8	1,5	5,3
	146 A	tonnes	8,0	3,2	11,3
	146 B	tonnes	58,9	23,6	82,5
	146 C	tonnes	144,6	57,9	202,5
	156	tonnes	407,1	162,9	570,0
	157	tonnes	2 892,9	1 157,1	4 050,0
	159	tonnes	1 617,9	647,1	2 265,0
	160	tonnes	16,1	6,4	22,5
	161	tonnes	5 773,4	2 309,4	8 082,8
North Korea	1	tonnes	68,6	27,4	96,0
	2	tonnes	77,7	31,1	108,8
	3	tonnes	26,3	10,5	36,8
	4	1 000 pieces	152,7	61,1	213,8
	5	1 000 pieces	63,8	25,5	89,3
	6	1 000 pieces	77,1	30,9	108,0
	7	1 000 pieces	49,8	19,9	69,7
	8	1 000 pieces	71,3	28,5	99,8
	9	tonnes	38,0	15,2	53,2
	12	1 000 pairs	691,1	276,4	967,5
	13	1 000 pieces	808,4	323,4	1 131,8
	14	1 000 pieces	50,4	20,1	70,5
	15	1 000 pieces	57,3	22,9	80,2
	16	1 000 pieces	29,5	11,8	41,3
	17	1 000 pieces	20,4	8,1	28,5
	18	tonnes	32,7	13,1	45,8
	19	1 000 pieces	220,2	88,1	308,3
	20	tonnes	75,5	30,2	105,7
	21	1 000 pieces	1 530,5	612,2	2 142,7
	24	1 000 pieces	140,9	56,4	197,3
	26	1 000 pieces	92,7	37,1	129,8
	27	1 000 pieces	89,5	35,8	125,3
	28	1 000 pieces	152,7	61,1	213,8
	29	1 000 pieces	40,2	16,1	56,3
	31	1 000 pieces	157,0	62,8	219,8
	36	1 000 pieces	48,8	19,5	68,3
	37	1 000 pieces	190,7	76,3	267,0
	39	1 000 pieces	27,3	10,9	38,2
	59	1 000 pieces	249,6	99,9	349,5

Third country	Category	Unit	Quantities reserved for traditional importers	Quantities reserved for other importers	Total
North Korea (<i>cont'd</i>)	61	1 000 pieces	21,4	8,6	30,0
	68	1 000 pieces	40,2	16,1	56,3
	69	1 000 pieces	98,6	39,4	138,0
	70	1 000 pieces	144,6	57,9	202,5
	73	1 000 pieces	49,8	19,9	69,7
	74	1 000 pieces	71,3	28,5	99,8
	75	1 000 pieces	20,9	8,4	29,3
	76	tonnes	39,6	15,9	55,5
	77	tonnes	4,8	1,9	6,7
	78	tonnes	61,6	24,6	86,2
	83	tonnes	16,6	6,6	23,2
	117	tonnes	27,3	10,9	38,2
	118	tonnes	12,3	4,9	17,2
	142	tonnes	5,4	2,1	7,5
	151 A	tonnes	5,4	2,1	7,5
	151 B	tonnes	5,4	2,1	7,5
	161	tonnes	81,4	32,6	114,0
Republics of Bosnia Herzegovina, Croatia and the former Yugoslav Republic of Macedonia	1	tonnes	3 695,9	1 478,4	5 174,3
	2	tonnes	4 577,1	1 830,9	6 408,0
	2 (a)	tonnes	1 034,5	413,8	1 448,3
	3	tonnes	500,9	200,4	701,3
	5	1 000 pieces	1 023,2	409,3	1 432,5
	6	1 000 pieces	511,1	204,4	715,5
	7	1 000 pieces	305,9	122,4	428,3
	8	1 000 pieces	1 375,7	550,3	1 926,0
	9	tonnes	445,2	178,1	623,3
	15	1 000 pieces	399,1	159,6	558,7
	16	1 000 pieces	303,8	121,5	425,3
	67	1 000 pieces	386,8	154,7	541,5

(¹) Categories marked by 'ex' cover products other than those of wool or fine hairs, cotton or synthetic or artificial textile materials.

(²) Only CN code ex 5503 90 90 (polyvinyl alcohol).

(³) This category only covers woven fabrics and other silk products other than unbleached, scoured or bleached falling within CN codes : 5007 20 19, 5007 20 31, 5007 20 41, 5007 20 59, 5007 20 61, 5007 20 69, 5007 20 71, 5007 90 30, 5007 90 50 and 5007 90 90.

ANNEX III

Maximum amounts to be allocated to operators, others than those to be considered as traditional importers of the category and the country concerned

Third country	Category	Unit	Maximum amount
China	ex 13	pieces	250
	ex 18	kgs	100
	ex 20	kgs	100
	ex 24	pieces	250
	ex 39	kgs	100
	ex 78	kgs	100
	115	kgs	500
	117	kgs	500
	118	kgs	1 000
	120	kgs	100
	122	kgs	250
	123	kgs	100
	124	kgs	500
	125 B	kgs	100
	127 B	kgs	100
	ex 136	kgs	500
	140	kgs	250
	145	kgs	100
	146 A	kgs	500
	146 B	kgs	2 500
	146 C	kgs	100
	156	kgs	500
	157	kgs	500
	159	kgs	500
	160	kgs	100
	161	kgs	1 000
North Korea	1	kgs	500
	2	kgs	500
	3	kgs	500
	4	pieces	2 500
	5	pieces	2 500
	6	pieces	2 500
	7	pieces	500
	8	pieces	2 500
	9	kgs	2 500
	12	pairs	2 500
	13	pieces	2 500
	14	pieces	2 500
	15	pieces	500
	16	pieces	2 500
	17	pieces	2 500
	18	kgs	500
	19	pieces	2 500
	20	kgs	500
	21	pieces	2 500
	24	pieces	2 500
	26	pieces	2 500
	27	pieces	2 500
	28	pieces	2 500
	29	pieces	2 500
	31	pieces	2 500
	36	pieces	2 500
	37	pieces	2 500
	39	pieces	2 500
	59	pieces	2 500
	61	pieces	2 500
	68	pieces	2 500
	69	pieces	2 500
	70	pieces	2 500
	73	pieces	2 500

Third country	Category	Unit	Maximum amount
North Korea (<i>cont'd</i>)	74	pieces	2 500
	75	pieces	2 500
	76	kgs	500
	77	kgs	500
	78	kgs	500
	83	kgs	500
	117	kgs	500
	118	kgs	500
	142	kgs	500
	151 A	kgs	500
	151 B	kgs	500
	161	kgs	500
Republics of Bosnia Herzegovina, Croatia and the former Yugoslav Republic of Macedonia	1	kgs	2 500
	2	kgs	2 500
	2 (a)	kgs	2 500
	3	kgs	2 500
	5	pieces	2 500
	6	pieces	2 500
	7	pieces	2 500
	8	pieces	2 500
	9	kgs	2 500
	15	pieces	2 500
	16	pieces	2 500
	67	pieces	2 500

COMMISSION REGULATION (EC) No 2945/94**of 2 December 1994****amending Regulation (EEC) No 3665/87 laying down common detailed rules for the application of the system of export refunds on agricultural products, as regards the recovery of amounts unduly paid and sanctions**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 2807/94 ⁽²⁾, and in particular Article 17 (4) thereof, and to the corresponding provisions of the other regulations on the common organization of the markets in agricultural products,

Having regard to Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 776/94 ⁽⁴⁾, and in particular the second subparagraph of Article 6 (2) and Article 6 (3) thereof, and to the corresponding provisions of the other regulations laying down general rules for granting export refunds on agricultural products,

Whereas the Community rules provide for the granting of export refunds on the basis of solely objective criteria, in particular concerning the quantity, nature and characteristics of the product exported as well as its geographical destination; whereas in the light of experience, measures to combat irregularities and notably fraud prejudicial to the Community budget should be intensified; whereas, to that end, provision should be made for the recovery of amounts unduly paid and sanctions to encourage exporters to comply with Community rules;

Whereas to ensure the correct functioning of the system of export refunds, sanctions should be applied regardless of the subjective element of fault; whereas it is nevertheless appropriate to waive the application of sanctions in certain cases notably in cases of an obvious error recognized by the competent authority and to provide for a higher sanction in cases of intent;

Whereas, where an exporter has supplied wrong information that wrong information could lead to an undue

payment of the refund if the error is not discovered, whilst, where the error is discovered it is entirely proportional to sanction the exporter for an amount in proportion to the amount which he would have received unduly if the error would not have been discovered; whereas in the case where the wrong information was supplied intentionally it is equally proportional to provide for a higher sanction;

Whereas, pursuant to Article 8 (1) of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽⁵⁾, as last amended by Regulation (EEC) No 2048/88 ⁽⁶⁾, Member States are under an obligation to recover sums paid as a result of irregularities or negligence; whereas, in order to ensure equal treatment for exporters in Member States, explicit provision should be made, as far as export refunds are concerned, for any amount unduly paid to be reimbursed with interest by the beneficiary, and the procedure for payment should be laid down; whereas, in order better to protect the Community's financial interests, provision should be made, in cases where the right to a refund is transferred, for that obligation to be extended to the assignee; whereas the amounts recovered and the interest and sanctions collected must be credited to the European Agricultural Guidance and Guarantee Fund (EAGGF), in accordance with the principles laid down in Article 8 (2) of Regulation (EEC) No 729/70;

Whereas past experience and irregularities and notably fraud recorded in this context show that this measure is necessary and appropriate, that it will act as an adequate deterrent and that it is to be uniformly applied throughout the Member States;

Whereas Commission Regulation (EEC) No 3665/87 ⁽⁷⁾, as last amended by Regulation (EC) No 1829/94 ⁽⁸⁾, should therefore be amended;

Whereas the Management Committees concerned have not delivered an opinion within the time limit laid down by their chairmen,

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 298, 19. 11. 1994, p. 1.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 91, 8. 4. 1994, p. 6.

⁽⁵⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁶⁾ OJ No L 185, 15. 7. 1988, p. 1.

⁽⁷⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁸⁾ OJ No L 191, 27. 7. 1994, p. 5.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3665/87 is amended as follows:

1. Article 11 is replaced by the following:

Article 11

1. Where it has been found that an exporter, with a view to the granting of an export refund, has requested a refund in excess of that applicable, the refund due for the relevant exportation shall be the refund applicable to the actual exportation reduced by an amount equivalent to:

- (a) half the difference between the refund requested and the refund applicable to the actual exportation;
- (b) twice the difference between the refund requested and the refund applicable, if the exporter has intentionally supplied false information.

The refund requested is deemed to be the amount calculated from the information supplied pursuant to Article 3 or Article 25 (2). Where the rate of refund varies according to destination, the differentiated part of the refund requested shall be calculated from the information supplied pursuant to Article 47.

The sanction referred to under (a) shall not apply:

- in the case of *force majeure*,
- in exceptional cases characterized by circumstances beyond the control of the exporter, which occur after the acceptance by the competent authorities of the export declaration or the payment declaration, and provided that he, immediately after he took note of these circumstances but within the time limit referred to in Article 47 (2), notifies the competent authorities, unless the competent authorities have already established that the refund requested was incorrect,
- in cases of obvious error as to the refund requested, recognized by the competent authority,
- in cases where the request for the refund is in accordance with Commission Regulation (EC) No 1222/94 (*), and in particular Article 3 (2) thereof, and has been calculated on the basis of the average quantities used over a specified period,
- in case of adjustment of the weight in so far as the deviation in the weight is due to a difference in the weighing method applied.

Where the reduction referred to under (a) or (b) results in a negative amount, the exporter shall pay that negative amount.

Where the competent authorities have established that the refund requested was incorrect and the exportation has not been effected and consequently no reduction of refund is possible, the exporter shall pay the amount equivalent to the sanction referred to under (a) or (b). Where the rate of refund varies according to destination, except in the case of a compulsory destination, the lowest positive rate or, if higher, the rate resulting from the indication as to the destination pursuant to Article 22 (2) or Article 25 (4) shall be taken into account for the calculation of the refund requested and the refund applicable.

The payment referred to in the fourth and fifth subparagraphs shall be made within 30 days from the day of receipt of the demand for payment. Where this deadline is not met, the exporter shall pay interest for the period commencing 30 days after the date of receipt of the payment demand and ending on the day preceding the date of payment of the amount demanded at the interest rate referred to in paragraph 3.

The sanctions shall not apply simply where the refund requested is higher than the refund applicable pursuant to the application of Article 48.

The sanctions shall be without prejudice to additional sanctions laid down at national level.

2. The refund may be withheld if the amount thereof, per export declaration, does not exceed ECU 50.

3. Without prejudice to the obligation to pay any negative amount as referred to in the fourth subparagraph of paragraph 1, where a refund is unduly paid, the beneficiary shall reimburse the amounts unduly received — which includes any sanction applicable pursuant to the first subparagraph of paragraph 1, — plus the interest calculated on the basis of the time elapsing between payment and reimbursement. However,

- where reimbursement is covered by a security not yet released, seizure of that security in accordance with Article 23 (1) or Article 33 (1) shall constitute recovery of the amounts due,
- where the security has been released, the beneficiary shall pay the amount of the security which would have been forfeit plus interest calculated from the date of release to the day preceding the date of payment.

The payment shall be made within 30 days from the day of receipt of the demand for payment.

The interest rate shall be calculated in accordance with the provisions of national law but may not be less than the rate applicable for the recovery of national amounts.

No interest shall be levied, or at the most an amount to be determined by the Member State corresponding to the undue profit, if the undue payment was an error of the competent authority,

Where the refund has been paid to an assignee, he and the exporter shall be jointly and severally responsible for the reimbursement of the amounts unduly paid, securities unduly released and interest which are relating to that specific export transaction. The responsibility of the assignee, however, is limited to the amount paid to him plus interest on that amount.

4. The amounts recovered, the amounts resulting from the fourth and fifth subparagraphs of paragraph 1, and interest collected shall be paid to the paying agencies which shall deduct the amounts concerned from European Agricultural Guidance and Guarantee Fund (EAGGF) expenditure, without prejudice to Article 7 of Council Regulation (EEC) No 595/91 (*).

Where the time limit for payment is not met, Member States may decide that, instead of reimbursement, amounts unduly paid, securities unduly released and interest until the date of set off, shall be deducted from subsequent payments to the exporter concerned. This shall also apply to amounts to be paid resulting from the fourth and fifth subparagraphs of paragraph 1.

5. Member States may refrain from demanding reimbursement of amounts unduly paid, securities unduly released, interest and amounts resulting from

the fourth and fifth subparagraphs of paragraph 1, where the total of these amounts per export declaration does not exceed ECU 50, provided that, under national law, such cases are covered by similar rules of non-recovery.

6. For the application of this Article, where an export declaration contains several distinct refund nomenclature or combined nomenclature codes, the entries relating to each of these codes shall be considered as a separate declaration.

(*) OJ No L 136, 31. 5. 1994, p. 5.

(**) OJ No L 67, 14. 3. 1991, p. 11.

2. In Article 48, the following paragraph 6 is added :

'6. Where Article 11 applies :

- the calculation of the reductions referred to in this Article shall be based on the amount of the refund due resulting from the application of Article 11,
- the refund lost pursuant to this Article shall not exceed the refund due resulting from the application of Article 11.'

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 to exports for which the formalities referred to in Articles 3 or 25 of Regulation (EEC) No 3665/87 are completed from 1 April 1995.

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

Done at Brussels, 2 December 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 2946/94**of 2 December 1994****fixing certain indicative quantities for the import of bananas into the
Community for the first quarter of 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⁾, and in particular Article 20 thereof,

Whereas Article 9 (1) of Commission Regulation (EEC) No 1442/93 ⁽³⁾, as last amended by Regulation (EC) No 2444/94 ⁽⁴⁾, provides for the fixing of indicative quantities for the purpose of issuing import licences for each quarter using data and forecasts relating to the Community market, on the basis of the forecast supply balance for production and consumption in the Community and of imports and exports as referred to in Article 16 of Regulation (EEC) No 404/93;

Whereas, on the basis of an analysis of the data relating, on the one part, to the quantities of bananas marketed in the Community in 1994 and, in particular, to actual imports during the first quarter of 1994, and, on the other part, to the use of import licences and the prospects for the supply of the market and consumption within the Community during the first few months of 1995, an indicative quantity of 570 000 tonnes should be fixed for the first quarter of 1995 to ensure adequate supplies to the Community;

Whereas, to the same end, the authorized quantity, referred to in Article 9 (1) of Regulation (EEC) No 1442/93, that each operator in Categories A and B can request for the first quarter of 1995 and the indicative quantities referred to in Article 14 (1) of that same Regulation for the purposes of issuing import licences for traditional bananas originating in the African, Caribbean and Pacific States (ACP) should be fixed;

Whereas the provisions of this Regulation must enter into force immediately before the period for the submission of licence applications for the first quarter of 1995;

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

HAS ADOPTED THIS REGULATION:

Article 1

The indicative quantities referred to in Article 9 (1) of Regulation (EEC) No 1442/93 for the import of bananas into the Community within the tariff quota provided for in Articles 18 and 19 of Regulation (EEC) No 404/93 for the first quarter of 1995 shall be 570 000 tonnes.

Article 2

The authorized quantity for each Category A and B operator for the first quarter of 1995 as provided for in Article 9 (2) of Regulation (EEC) No 1442/93 shall be 30 % of the total annual quantity allocated to each operator pursuant to paragraph 2 of Article 6 of the abovementioned Regulation.

Article 3

The indicative quantities referred to in Article 14 (1) of Regulation (EEC) No 1442/93 for the import of traditional ACP bananas for the first quarter of 1995 shall be 30 % of the traditional quantities laid down for each origin in the Annex to Regulation (EEC) No 404/93.

Article 4

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

⁽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.

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

Done at Brussels, 2 December 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 2947/94

of 2 December 1994

fixing the single reduction coefficient for the determination of the quantity of bananas to be allocated to each operator in Categories A and B from 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⁾, and in particular Article 20 thereof,

Whereas Commission Regulation (EEC) No 1442/93 ⁽³⁾, as last amended by Commission Regulation (EC) No 2444/94 ⁽⁴⁾, lays down detailed rules for the application of the arrangements for importing bananas into the Community;

Whereas, pursuant to Articles 18 and 19 of Regulation (EEC) No 404/93, the tariff quota for imports of third-country bananas and non-traditional ACP bananas is 1 330 000 tonnes for Category A operators and 600 000 tonnes for Category B operators;

Whereas, pursuant to Article 5 of Regulation (EEC) No 1442/93, the competent authorities of the Member States, after making the relevant verifications and checks, must establish the reference quantities for Category A and Category B operators for the period 1991-93; whereas, pursuant to the second subparagraph of Article 19 (2) of Regulation (EEC) No 404/93 and Article 5 of Regulation (EEC) No 1442/93, the competent authorities must establish the quantity to be allocated to each operator in the abovementioned categories for 1995;

Whereas, the total of the reference quantities thus calculated is 2 642 484 tonnes for Category A operators and 1 395 324 tonnes for Category B operators; whereas, therefore, Article 6 of Regulation (EEC) No 1442/93 should be applied to ensure compliance with the tariff quota opened for 1995 and the single reduction coefficient to be applied to the reference quantity of operators in each of the abovementioned categories to determine the quantity to be allocated to each of those operators for 1995 should be fixed;

Whereas the notifications made by the Member States pursuant to Article 5 (3) of Regulation (EEC) No 1442/93 concerning the total reference quantities allocated to operators registered with them and of the quantities of bananas marketed in respect of each activity by those operators reveal that the same quantities marketed in

respect of the same activity have been counted twice for different operators in several Member States; and an incorrect application of the criteria for determining the activities giving right to an allocation from the tariff quota;

Whereas the use of the abovementioned figures as notified by certain Member States would lead, to the determination, pursuant to Article 6 of Regulation (EEC) No 1442/93, of an excessively high single reduction coefficient to the disadvantage of certain operators;

Whereas, given the impossibility of assessing the quantities counted twice with sufficient accuracy and that the reference quantities are based on an incorrect application of the rules, the reduction coefficients should be determined on a provisional basis (on the basis of the notifications already received from the Member States); whereas definitive reference quantities for operators for 1995 cannot be determined using those coefficients; whereas those quantities can only be laid down after further checks have been made by the Member States in cooperation with the Commission;

Whereas, in order to meet the deadlines, this measure should enter into force on the day of its publication;

Whereas Management Committee for Bananas has not issued an opinion within the time limit laid down by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The provisional quantity to be allocated to each operator in Categories A and B for the period from 1 January to 31 December 1995 within the tariff quota referred to in Articles 18 and 19 of Regulation (EEC) No 404/93 shall be calculated by applying to the operator's reference quantity, determined in accordance with Article 5 of Regulation (EEC) No 1442/93, the following single reduction coefficients:

- for each Category A operator: 0,503314,
- for each Category B operator: 0,430008.

Article 2

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

The provisions of this Regulation shall apply without prejudice to any corrections made subsequent to amendments to notifications made by the Member States.

⁽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.

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

Done at Brussels, 2 December 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 2948/94**of 2 December 1994****abolishing the countervailing charge and re-establishing a preferential customs duty on imports of fresh lemons originating in Turkey**

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 last amended by Commission Regulation (EC) No 2753/94 ⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EC) No 2886/94 ⁽³⁾ introduced a countervailing charge on fresh lemons originating in Turkey and suspended the preferential customs duty on imports of these products;

Whereas the present trend of prices for Turkish products on the representative markets referred to in Commission Regulation (EEC) No 2118/74 ⁽⁴⁾, as last amended by Regulation (EEC) No 249/93 ⁽⁵⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regu-

lation, indicated that entry prices have been at least equal to the reference price for two consecutive market days; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Turkey can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2886/94 is hereby repealed.

Article 2

This Regulation shall enter into force on 3 December 1994.

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

Done at Brussels, 2 December 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 304, 29. 11. 1994, p. 28.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 28, 5. 2. 1993, p. 45.

COMMISSION REGULATION (EC) No 2949/94**of 2 December 1994****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 133/94⁽²⁾, and in particular Article 16 (8) thereof,Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as amended by Regulation (EC) No 3528/93⁽⁴⁾, and in particular Article 5 thereof,Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 2909/94⁽⁵⁾, as amended by Regulation (EC) No 2933/94⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2909/94 to the informa-

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 1 December 1994, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EC) No 2909/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 December 1994.

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

Done at Brussels, 2 December 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 307, 1. 12. 1994, p. 19.⁽⁶⁾ OJ No L 308, 2. 12. 1994, p. 13.

ANNEX

to the Commission Regulation of 2 December 1994 altering the basic amount of the import levy on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of levy per 100 kg of dry matter ⁽¹⁾
1702 20 10	0,3550	—
1702 20 90	0,3550	—
1702 30 10	—	43,62
1702 40 10	—	43,62
1702 60 10	—	43,62
1702 60 90 10 ⁽²⁾	—	82,88
1702 60 90 90 ⁽³⁾	0,3550	—
1702 90 30	—	43,62
1702 90 60	0,3550	—
1702 90 71	0,3550	—
1702 90 90 10 ⁽⁴⁾	—	82,88
1702 90 90 90 ⁽⁵⁾	0,3550	—
2106 90 30	—	43,62
2106 90 59	0,3550	—

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

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

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

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

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

COMMISSION REGULATION (EC) No 2950/94**of 2 December 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 2925/94 ⁽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 1 December 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 3 December 1994.

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

Done at Brussels, 2 December 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 307, 1. 12. 1994, p. 54.

ANNEX

to the Commission Regulation of 2 December 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	30,32 ⁽¹⁾
1701 11 90	30,32 ⁽¹⁾
1701 12 10	30,32 ⁽¹⁾
1701 12 90	30,32 ⁽¹⁾
1701 91 00	35,50
1701 99 10	35,50
1701 99 90	35,50 ⁽²⁾

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

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

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

COMMISSION REGULATION (EC) No 2951/94

of 2 December 1994

fixing the aid for cotton

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

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Commission Regulation (EEC) No 4006/87⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton⁽²⁾, as last amended by Regulation (EEC) No 1554/93⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EC) No 2141/94⁽⁴⁾, as last amended by Regulation (EC) No 2932/94⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EC) No 2141/94 to

the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The aid for unginned cotton provided for in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 47,783 per 100 kilograms.

2. However, the amount of the aid will be replaced with effect from 3 December 1994 to take account of the amendments to be made to the maximum guaranteed quantity system.

Article 2

This Regulation shall enter into force on 3 December 1994.

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

Done at Brussels, 2 December 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 154, 25. 6. 1993, p. 23.

⁽⁴⁾ OJ No L 228, 1. 9. 1994, p. 11.

⁽⁵⁾ OJ No L 308, 2. 12. 1994, p. 12.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 24 November 1994

concerning the standard consignment note referred to in Council Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community

(94/774/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community⁽¹⁾, and in particular Article 42 (1) thereof,

Whereas the standard consignment note set out in Regulation (EEC) No 259/93 has been drawn up with due regard to the relevant Articles of the Regulation and the relevant international conventions and agreements and, in particular, the work of the Organization for Economic Cooperation and Development (OECD);

Whereas the consignment note, consisting of a notification form and of a movement/tracking form, should be used for the notification and tracking of shipments of waste and should serve as a certificate of disposal and recovery;

Whereas the consignment note will enable the competent authorities designated by the Member States to carry out the supervisory and control tasks assigned to them under Regulation (EEC) No 259/93;

Whereas the Commission has submitted to the Committee designated in Article 18 of Council Directive

75/442/EEC⁽²⁾, as last amended by Directive 91/692/EEC⁽³⁾, a draft of the measures to be taken;

Whereas the Committee has delivered a favourable opinion on the draft measures submitted to it by the Commission,

HAS ADOPTED THIS DECISION:

Article 1

The standard consignment note annexed to this Decision and consisting of a notification form and a movement/tracking form shall be used for the notification and tracking of shipments of waste, as provided for in Council Regulation (EEC) No 259/93, and shall serve as a certificate of disposal and recovery.

Article 2

The document referred to in Article 1 shall be printed on unforgeable, white, sized paper suitable for writing and weighing at least 40 gsm. The paper must be sufficiently opaque for the information on one side not to affect the legibility of the information on the other side and its strength should be such that in normal use it does not easily tear or crease.

The boxes are based on a unit of measurement of one tenth of an inch horizontally and on sixth of an inch vertically.

⁽¹⁾ OJ No L 30, 6. 2. 1993, p. 1.

⁽²⁾ OJ No L 194, 25. 7. 1975, p. 39.

⁽³⁾ OJ No L 377, 31. 12. 1991, p. 48.

The forms shall measure 210 × 297 mm with a maximum tolerance as to length of 5 mm less and 8 mm more.

These provisions shall not preclude the printing by means of official or private-sector dataprocessing systems, under the conditions laid down by the Member States and if necessary on plain paper, of the standard consignment note referred to in Article 1.

Article 3

The waste shipment serial number to be entered in box 3 of the consignment note shall consist of the code of the country of despatch, followed by a six-digit number.

Article 4

The model consignment note shall be reviewed and, if necessary, revised in the light of practical experience.

Article 5

This Decision shall apply as from the sixtieth day following that of its notification.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 24 November 1994.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

*ANNEX***MODEL OF THE STANDARD CONSIGNMENT NOTE**

drawn up pursuant to Article 42 of Council Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community

INTRODUCTION

This standard consignment note was drawn up to apply the provisions of Council Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community.

It will be made available to the competent authorities designated by the Member States pursuant to Article 38 of the abovementioned Regulation so that they can implement the appropriate procedure for the supervision and control of waste shipments.

The information contained in this document will enable the competent authorities to be aware of the nature of the waste shipments made and their destination (disposal or recovery). Hence they will be able to adopt the necessary measures to protect human health and the environment.

COPY FOR:

1. Notifier/exporter (name, address) and registration N° where applicable: ☐ Tel.: Fax: Contact person:		3. Notification concerning (1): N° 000000 A (i) Single movement ☐ (ii) General notification (multiple movements) ☐ B (i) Disposal (no recovery) ☐ (ii) Recovery operation ☐ C* Pre-authorized recovery facility ☐ yes ☐ no *(Only to be completed if B (ii) applies)							
2. Consignee (name, address) and registration N° where applicable: Tel.: Fax: Contact person:		4. Total intended number of shipments	5. Total intended quantity(b) Kg liters						
7. Intended carrier(s)* (name, address) and registration N° where applicable: Tel.: Fax: Contact person: *(attach list if more than one)		6. First shipment not before:	Departure of last shipment not after:						
10. Waste generator/producer (name and address): Tel.: Fax: Contact person: Process and location of generation: * *(attach details if necessary)		8. Disposal/recovery facility (name, location, address): Tel.: Fax: Registration N° where applicable: and limit of validity: Contact person: 9. Code N° of disposal/recovery operation (2): and technology employed: * *(attach details if necessary)							
13. Name and chemical composition of the waste:		11. Mode(s) of transport (2):	12. Packaging type(s) (2):						
15. Waste identification code - in country of export/dispatch: - in country of import/destination: International Waste Identification Code (IWIC): European Waste Catalogue (EWC): Other (specify):		14. Physical characteristics (2): 17. Y number: 18. H number (2):							
16. OECD classification (1): amber ☐ red ☐ and number: other* ☐ *(attach details)		19. UN identification number: UN class (2): and proper shipping name:							
20. Concerned countries (2), code numbers of competent authorities (where applicable), and specific points of entry and exit: <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="width: 25%;">Country of export/dispatch</th><th style="width: 25%;">Transit countries</th><th style="width: 25%;">Country of import/destination</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr></tbody></table>				Country of export/dispatch	Transit countries	Country of import/destination			
Country of export/dispatch	Transit countries	Country of import/destination							
21. Customs offices of entry and/or departure (European-Community): Entry: Departure:		23. Notifier/exporter's declaration: I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally-enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantees are or shall be in force covering the transfrontier movement. Name: Signature: Date:							
22. Number of annexes attached		25. Consent* to the movement provided by competent authority of: (name of country) on: Name of competent authority, stamp and/or signature Consent expires on: Specific conditions (1) ☐ no ☐ yes, see block 26 overleaf *(not required for amber list wastes under OECD Decision)							
FOR USE BY COMPETENT AUTHORITIES									
24. TO BE COMPLETED BY COMPETENT AUTHORITY OF COUNTRY OF IMPORT/DESTINATION Notification received Acknowledgment sent on: on: Name of competent authority, stamp and/or signature		25. Consent* to the movement provided by competent authority of: (name of country) on: Name of competent authority, stamp and/or signature Consent expires on: Specific conditions (1) ☐ no ☐ yes, see block 26 overleaf *(not required for amber list wastes under OECD Decision)							

(1) Enter X in appropriate box(es).

(2) See codes on the reverse.

(a) Forms also used by OECD

(b) Indicate one of the two. Competent authorities are allowed to ask for the quantity in kg only.

List of abbreviations used in the notification form

DISPOSAL / RECOVERY OPERATIONS (Block 9)

DISPOSAL (NO RECOVERY)

- D1 Deposit into or onto land, (e. g., landfill, etc.)
- D2 Land treatment, (e. g., biodegradation of liquid or sludgy discards in soils, etc.)
- D3 Deep injection, (e. g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
- D4 Surface impoundment, (e. g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)
- D5 Specially engineered landfill, (e. g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
- D6 Release into a water body except seas/oceans
- D7 Release into seas/oceans including sea-bed insertion
- D8 Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12
- D9 Physico-chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12 (e. g., evaporation, drying, calcination, etc.)
- D10 Incineration on land
- D11 Incineration at sea
- D12 Permanent storage, (e. g., emplacement of containers in a mine, etc.)
- D13 Blending or mixing prior to submission to any of the operations numbered D1 to D12
- D14 Repackaging prior to submission to any of the operations numbered D 1 to D12
- D15 Storage pending any of the operations numbered D1 to D12

RECOVERY OPERATIONS

- R1 Use as a fuel (other than in direct incineration) or other means to generate energy
- R2 Solvent reclamation/regeneration
- R3 Recycling/reclamation of organic substances which are not used as solvents
- R4 Recycling/reclamation of metals and metal compounds
- R5 Recycling/reclamation of other inorganic materials
- R6 Regeneration of acids or bases
- R7 Recovery of components used for pollution abatement
- R8 Recovery of components from catalysts
- R9 Used oil re-refining or other reuses of previously used oil
- R10 Land treatment resulting in benefit to agriculture or ecological improvement
- R11 Uses of residual materials obtained from any of the operations numbered R1 to R10
- R12 Exchange of wastes for submission to any of the operations numbered R1 to R11
- R13 Accumulation of material intended for any operation numbered R1 to R12

NOTE: Disposal ("D") operations are not relevant to the OECD Control System

MODES OF TRANSPORT (Block 11)		PACKAGING TYPES (Block 12)	H NUMBER AND UN CLASS (Blocks 18 and 19)		
R = Road		1. Drum	UN Class	H number	Designation
T = Train/Rail		2. Wooden barrel	1	H1	Explosive
S = Sea		3. Jerrican	3	H3	Inflammable liquids
A = Air		4. Box	4.1	H4.1	Inflammable solids
W = Inland Waterways		5. Bag	4.2	H4.2	Substances or wastes liable to spontaneous combustion
		6. Composite packaging	4.3	H4.3	Substances or wastes which, in contact with water, emit inflammable gases
		7. Pressure receptacle	5.1	H5.1	Oxidizing
		8. Bulk	5.2	H5.2	Organic peroxides
		9. Other (specify)	6.1	H6.1	Poisonous (acute)
			6.2	H6.2	Infectious substances
			8	H8	Corrosives
			9	H10	Liberation of toxic gases in contact with air or water
			9	H11	Toxic (delayed or chronic)
			9	H12	Ecotoxic
			9	H13	Capable, by any means, after disposal, of yielding another material, e. g., leachate, which possesses any of the characteristics listed above

OECD COUNTRY CODES (Block 20)

Australia:	AU	Finland:	FI	Ireland:	IE	Netherlands:	NL	Sweden:	SE
Austria:	AT	France:	FR	Italy:	IT	New Zealand:	NZ	Switzerland:	CH
Belgium:	BE	Germany:	DE	Japan:	JP	Norway:	NO	Turkey:	TR
Canada:	CA	Greece:	GR	Luxemburg:	LU	Portugal:	PT	United Kingdom:	GB
Denmark:	DK	Iceland:	IS	Mexico:	MX	Spain:	ES	United States:	US

For other countries ISO Standard 3166 abbreviations shall be used.

26. SPECIFIC CONDITIONS ON CONSENTING TO THE MOVEMENT

THE INTERNATIONAL WASTE IDENTIFICATION CODE (IWIC – BLOCK 15), THE OECD CLASSIFICATION LISTS OF WASTES DESTINED FOR RECOVERY OPERATIONS (AMBER, RED – BLOCK 16) AND THE CATEGORIES OF WASTES SUBJECT TO CONTROL (TABLE Y – BLOCK 17), AS WELL AS MORE DETAILED INSTRUCTIONS CAN BE FOUND IN A GUIDANCE MANUAL AVAILABLE FROM OECD.

COPY FOR:	1. Notifier/exporter (name, address) and registration N° where applicable: ☐		3. Corresponding to Notification N° 000000	4. Serial number of shipment:
	Tel.: Fax: Contact person:		8. Disposal/recovery facility (name, location, address): Tel.: Fax: Registration N° where applicable: and limit of validity: Contact person:	
	2. Consignee (name, address) and registration N° where applicable: Tel.: Fax: Contact person:		9. Code N° of disposal/recovery operation (2): and technology employed:	
	5. 1 st Carrier (name, address): Registration N°: (where applicable) Tel.: Fax:		6. 2 nd Carrier (3) (name, address): Registration N°: (where applicable) Tel.: Fax:	7. Last Carrier (name, address): Registration N°: (where applicable) Tel.: Fax:
10. Identity of means of transport: Date of transfer: Signature of Carrier's Representative:		11. Identity of means of transport: Date of transfer: Signature of Carrier's Representative:		12. Identity of means of transport: Date of transfer: Signature of Carrier's Representative:
13. Name and chemical composition of the waste:				14. Physical characteristics (2):
15. Waste identification code - in country of export/dispatch: - in country of import/destination: International Waste Identification Code (IWIC): European Waste Catalogue (EWC): Other (specify):				17. Actual quantity (b) Kg liters
16. OECD classification (1): amber ☐ red ☐ and number: other* ☐ (attach details)				18. Number of packages:
20. Special handling instructions:		19. UN identification number: and proper shipping name: UN class (2):		
21. Actual date of shipment:		22. Notifier/exporter's declaration: I certify that the information in blocks 1 to 9 and 13 to 21 above is complete and correct to the best of my knowledge. I also certify that legally-enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantees are in force covering the transfrontier movement, and that* (i) all necessary consents have been received; or (ii) the shipment is directed at a recovery facility within the OECD area and no objection has been received from any of the concerned countries within the 30 day tacit consent period; or (iii) the shipment is directed at a recovery facility pre-authorized for that type of waste within the OECD area; such an authorization has not been revoked, and no objection has been received from any of the concerned countries. Name: Signature: Date: * (delete sentences not applicable)		
TO BE COMPLETED BY CONSIGNEE / DISPOSAL / RECOVERY FACILITY				
23. Shipment received by consignee on: (if not disposal/recovery facility) Quantity received (b): Kg liters Date: Name: Signature: * (immediately contact competent authorities)		25. I certify that the disposal/recovery of the waste described above has been completed* Date: Name: Signature:		
24. Shipment received at disposal/recovery facility on: Quantity received (b): Kg liters Date: Name: Signature: Disposal/recovery to be completed by: Method of disposal/recovery: * (immediately contact competent authorities)		* (not required by OECD control system)		

(1) Enter X in appropriate box(es).

(2) See codes on the reverse.

(3) If more than three carriers, attach information as required by blocks 6 and 11.

(a) Forms also used by OECD

(b) Indicate one of the two. Competent authorities are allowed to ask for the quantity in kg only.

List of abbreviations used in the movement/tracking form

DISPOSAL / RECOVERY OPERATIONS (Block 9)

DISPOSAL (NO RECOVERY)

- D1 Deposit into or onto land, (e. g., landfill, etc.)
- D2 Land treatment, (e. g., biodegradation of liquid or sludgy discards in soils, etc.)
- D3 Deep injection, (e. g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
- D4 Surface impoundment, (e. g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)
- D5 Specially engineered landfill, (e. g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
- D6 Release into a water body except seas/oceans
- D7 Release into seas/oceans including sea-bed insertion
- D8 Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12
- D9 Physico-chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12 (e. g., evaporation, drying, calcination, etc.)
- D10 Incineration on land
- D11 Incineration at sea
- D12 Permanent storage, (e. g., emplacement of containers in a mine, etc.)
- D13 Blending or mixing prior to submission to any of the operations numbered D1 to D12
- D14 Repackaging prior to submission to any of the operations numbered D1 to D12
- D15 Storage pending any of the operations numbered D1 to D12

NOTE: Disposal ("D") operations are not relevant to the OECD Control System

RECOVERY OPERATIONS

- R1 Use as a fuel (other than in direct incineration) or other means to generate energy
- R2 Solvent reclamation/regeneration
- R3 Recycling/reclamation of organic substances which are not used as solvents
- R4 Recycling/reclamation of metals and metal compounds
- R5 Recycling/reclamation of other inorganic materials
- R6 Regeneration of acids or bases
- R7 Recovery of components used for pollution abatement
- R8 Recovery of components from catalysts
- R9 Used oil re-refining or other reuses of previously used oil
- R10 Land treatment resulting in benefit to agriculture or ecological improvement
- R11 Uses of residual materials obtained from any of the operations numbered R1 to R10
- R12 Exchange of wastes for submission to any of the operations numbered R1 to R11
- R13 Accumulation of material intended for any operation numbered R1 to R12

PHYSICAL CHARACTERISTICS (Block 14)

- 1. Powdery/powder
 - 2. Solid
 - 3. Viscous/paste
 - 4. Sludgy
- 5. Liquid
 - 6. Gaseous
 - 7. Other (specify)

OECD COUNTRY CODES (Blocks 26-27-28)

Australia:	AU	Finland:	FI	Ireland:	IE	Netherlands:	NL	Sweden:	SE
Austria:	AT	France:	FR	Italy:	IT	New Zealand:	NZ	Switzerland:	CH
Belgium:	BE	Germany:	DE	Japan:	JP	Norway:	NO	Turkey:	TR
Canada:	CA	Greece:	GR	Luxemburg:	LU	Portugal:	PT	United Kingdom:	GB
Denmark:	DK	Iceland:	IS	Mexico:	MX	Spain:	ES	United States:	US

For other countries ISO Standard 3166 abbreviations shall be used.

FOR USE OF CUSTOMS OFFICES *			
26. COUNTRY OF EXPORT/DISPATCH OR (FOR EC) CUSTOMS OFFICE OF EXIT The waste described overleaf has left the country/Community on: Stamp: Signature:	27. STAMPS OF CUSTOM OFFICES OF TRANSIT COUNTRIES		
	Name of country (2): Entry Departure		Name of country (2): Entry Departure
28. COUNTRY OF IMPORT/DESTINATION The waste described overleaf has entered the country on: Stamp: Signature:	Name of country (2): Entry Departure		Name of country (2): Entry Departure

(2) See country codes above. * Not required by OECD control system

THE INTERNATIONAL WASTE IDENTIFICATION CODE (IWIC – BLOCK 15), THE OECD CLASSIFICATION LISTS OF WASTES DESTINED FOR RECOVERY OPERATIONS (AMBER, RED – BLOCK 16) AND THE CATEGORIES OF WASTES SUBJECT TO CONTROL, AS WELL AS MORE DETAILED INSTRUCTIONS CAN BE FOUND IN A GUIDANCE MANUAL AVAILABLE FROM OECD.

COMMISSION DECISION

of 28 November 1994

amending Decisions 94/143/EC, 94/187/EC, 94/309/EC, 94/344/EC, 94/446/EC and 94/435/EC laying down the animal health requirements and certification for the import of certain products covered by Council Directive 92/118/EEC

(Text with EEA relevance)

(94/775/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC⁽¹⁾, and in particular Article 10 (2) (c) thereof,

Whereas Commission Decisions 94/143/EC⁽²⁾, 94/187/EC⁽³⁾, 94/309/EC⁽⁴⁾, 94/344/EC⁽⁵⁾, 94/446/EC⁽⁶⁾ and 94/435/EC⁽⁷⁾ respectively lay down the animal health conditions and the veterinary certification for import of serum from equidae, animal casing, certain petfoods and certain untanned edible products for pets, containing low risk materials, processed animal protein including products containing this protein intended for animal consumption, bones and bone products, horns and horn products and hooves and hoof products for further processing not intended for human or animal consumption, and pig bristles from third countries;

Whereas Commission Decision 94/461/EC⁽⁸⁾ amends the abovementioned Decisions, providing for their application from 1 December 1994; whereas it appears that third countries will not be able to fulfil the new import conditions by that date; whereas in order to avoid disruptions

in trade, it is necessary to postpone the date of application of those Decisions to 28 February 1995;

Whereas Decisions 94/143/EC, 94/187/EC, 94/309/EC, 94/344/EC, 94/446/EC and 94/435/EC must be amended accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

In Article 2 of Decision 94/143/EC, the date '1 December 1994' is replaced by '28 February 1995'.

Article 2

In Article 2 of Decision 94/187/EC, the date '1 December 1994' is replaced by '28 February 1995'.

Article 3

In Article 2 of Decision 94/309/EC, the date '1 December 1994' is replaced by '28 February 1995'.

Article 4

In Article 2 of Decision 94/344/EC, the date '1 December 1994' is replaced by '28 February 1995'.

Article 5

In Article 4 of Decision 94/446/EC, the date '1 December 1994' is replaced by '28 February 1995'.

⁽¹⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽²⁾ OJ No L 62, 5. 3. 1994, p. 62.

⁽³⁾ OJ No L 89, 6. 4. 1994, p. 18.

⁽⁴⁾ OJ No L 137, 1. 6. 1994, p. 62.

⁽⁵⁾ OJ No L 154, 21. 6. 1994, p. 45.

⁽⁶⁾ OJ No L 183, 19. 7. 1994, p. 46.

⁽⁷⁾ OJ No L 180, 14. 7. 1994, p. 40.

⁽⁸⁾ OJ No L 189, 23. 7. 1994, p. 88.

Article 6

In Article 5 of Decision 94/435/EC, the date '1 December 1994' is replaced by '28 February 1995'.

Article 7

This decision is addressed to the Member States.

Done at Brussels, 28 November 1994.

For the Commission

René STEICHEN

Member of the Commission
