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I

(Acts whose publication is obligatory)

REGULATION (EC) No 3378/94 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 22 December 1994

amending Regulation (EEC) No 1576/89 laying down general rules on the definition, description and presentation of spirit drinks and Regulation (EEC) No 1601/91 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails following the Uruguay Round of the multilateral trade negotiations

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular, Articles 43 and 100a thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee⁽¹⁾,

Acting in accordance with the procedure referred to in Article 189b of the Treaty⁽²⁾,

Whereas Regulation (EEC) No 1576/89⁽³⁾ and Regulation (EEC) No 1601/91⁽⁴⁾ lay down general rules for the definition, description and presentation of spirit drinks, aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails; whereas in order to take account in the said Regulations of the obligations arising, in particular, from Articles 23 and 24 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, which forms an integral

part of the Agreement establishing the World Trade Organization, provision should be made therein for the parties concerned to prevent, under certain conditions, the unlawful use of geographical designations protected by a third country member of the World Trade Organization,

HAVE ADOPTED THIS REGULATION:

Article 1

1. The following Article shall be inserted after Article 11 of Regulation (EEC) No 1576/89:

'Article 11a

1. Member States shall adopt all measures necessary to permit those concerned to prevent, under the conditions laid down in Articles 23 and 24 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, the use within the Community of a geographical designation identifying products covered by this Regulation for products which do not originate in the place referred to by the geographical designation in question, including in cases where the actual origin of the product is indicated or where the geographical designation is given in translation or accompanied by expressions such as 'like', 'type', 'style', 'imitation' or other.

For the purposes of this Article, 'geographical designation' shall mean any indication identifying a product as originating in the territory of a third country which is a member of the World Trade Organization, or in a region or locality of that territory, where a quality, reputation or other specific characteristic of that product can essentially be attributed to that geographical origin.

⁽¹⁾ Opinion delivered on 24 November 1994 (not yet published in the Official Journal).

⁽²⁾ Opinion of the European Parliament of 13 December 1995 (OJ No C 369, 24. 12. 1995, p. 1), Council common position of 13 December 1994 (not yet published in the Official Journal) and Decision of the European Parliament of 15 December 1994 (not yet published in the Official Journal).

⁽³⁾ OJ No L 160, 12. 6. 1989, p. 1. Regulation as last amended by Regulation (EEC) No 3280/92 (OJ No L 327, 13. 11. 1992, p. 3).

⁽⁴⁾ OJ No L 149, 14. 6. 1991, p. 1. Regulation as last amended by Regulation (EEC) No 3279/92 (OJ No L 327, 13. 11. 1992, p. 1.).

2. Paragraph 1 shall apply notwithstanding Article 11 of this Regulation and other provisions of Community legislation laying down rules for the description and presentation of products covered by this Regulation.

3. Detailed rules for the application of this Article, where necessary, shall be adopted in accordance with the procedure laid down in Article 15.'

2. The following Article is inserted after Article 10 of Regulation (EEC) No 1601/91:

'Article 10a

1. Member States shall adopt all measures necessary to permit those concerned to prevent, under the conditions laid down in Articles 23 and 24 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, the use within the Community of a geographical designation identifying products covered by this Regulation for products which do not originate in the place referred to by the geographical designation in question, including in cases where the actual origin of the product is indicated or where the geographical designations given in translation or accompanied by expressions such as 'like', 'type', 'style', 'imitation' or other.

For the purposes of this Article, 'geographical designation' shall mean any indication identifying a product as originating in the territory of a third country which is a member of the World Trade Organization, or in a region or locality of that territory, where a quality, reputation or other specific characteristic of that product can essentially be attributed to that geographical origin.

2. Paragraph 1 shall apply notwithstanding Article 10 of this Regulation and other provisions of Community legislation laying down rules for the description and presentation of products covered by this Regulation.

3. Detailed rules for the application of this Article, where necessary, shall be adopted in accordance with the procedure laid down in Article 14.'

Article 2

The Commission shall submit each year to the European Parliament and to the Council a report on the application of the instruments in force, backed up by appropriate statistical data.

Article 3

1. This Regulation shall enter into force on 1 January 1995.

2. It shall apply from 1 January 1996.

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

Done at Brussels, 22 December 1994.

For the European Parliament

The President

K. HÄNSCH

For the Council

The President

H. SEEHOFER

COUNCIL REGULATION (EC) No 3379/94

of 22 December 1994

opening and administering certain Community tariff quotas in 1995 for certain agricultural products and for beer

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the 1994 Act of Accession,

Having regard to the proposal from the Commission,

Whereas, under the Europe Agreements, the Interim Agreements and the Free Trade Agreements between the Community of the one part, and Bulgaria, the Czech Republic, the Slovak Republic, Hungary, Poland and Romania of the other part (hereinafter called 'third countries'), concessions regarding certain agricultural products have been granted to most of those countries;

Whereas, as a result of the accession of Austria, Finland and Sweden, those concessions should be adjusted to take into account the arrangements for trade in agricultural products which existed between those States of the one part, and Bulgaria, the Czech Republic, the Slovak Republic, Hungary, Poland and Romania of the other part.

Whereas to that end exploratory talks are in progress with those third countries with a view to the conclusion of additional protocols to the abovementioned agreements;

Whereas, however, because of excessively tight deadlines, the additional protocols cannot enter into force on 1 January 1995;

Whereas in these circumstances and pursuant to Articles 76, 102 and 128 of the Act of Accession, the Commission must adopt the measures required to remedy the situation; whereas, given the very short time remaining before the accession of the new Member States, those measures must take the form of autonomous Community tariff quotas covering the conventional preferential tariff quotas applied by those States;

Whereas the new Member States must apply the import arrangements applicable in the Community with effect from 1 January 1995;

Whereas Austria has undertaken under the GATT to open tariff quotas for certain products; whereas those undertakings must be renegotiated as a result of its accession to the Community;

Whereas, however, maintenance of the tariff quotas resulting from the undertakings should be guaranteed temporarily; whereas, therefore, it is necessary to open autonomous Community tariff quotas taking account of the undertakings, without prejudice to the results of negotiations under the GATT following the accession of the new Member States,

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to the import arrangements in the Community applicable to certain agricultural products pursuant to agreements concluded between the Community and Bulgaria, the Czech Republic, the Slovak Republic, Hungary, Poland and Romania, existing Community tariff quotas shall be increased or, as necessary, new Community tariff quotas shall be opened autonomously in accordance with Annexes I and II to this Regulation.

Article 2

Autonomous Community tariff quotas shall be opened in accordance with Annex III.

Article 3

Detailed rules of application for the products referred to in Annex I shall be adopted in accordance with the procedure laid down in Article 27 of Council Regulation (EEC) No 806/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾ or in the corresponding Articles of the other Regulations on the common organization of the markets concerned.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24. Regulation as last amended by Regulation (EC) No 1096/94 (OJ No L 121, 12. 5. 1994, p. 9).

Article 4

Articles 2 to 7 of Regulation (EC) No 1798/94⁽¹⁾ shall apply to the tariff quotas referred to in Annex II.

Article 5

1. For the products referred to in Annex III other than beer the detailed rules, including any extensions, and in particular:

- (a) provisions guaranteeing the nature, provenance and origin of the product;
- (b) provisions relating to recognition of the documents attesting to the guarantees referred to in (a); and
- (c) conditions for the issuance and period of validity of import licences;

shall be adopted in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68 or in the corresponding Articles of the other Regulations on the common organizations of the markets concerned.

2. With regard to beer, the detailed rules shall be the same as those adopted in accordance with the procedure laid down in Article 16 of Regulation (EC) No 3448/93⁽²⁾ pursuant to the tariff concessions laid down in Protocol 3 to the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Republic⁽³⁾, of the other part.

Article 6

This Regulation shall enter into force on the date of entry into force of the 1994 Treaty of Accession.

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

Done at Brussels, 22 December 1994.

For the Council

The President

H. SEEHOFER

⁽¹⁾ OJ No L 189, 23. 7. 1994, p. 1.

⁽²⁾ Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products (OJ No L 318, 20. 12. 1993, p. 8).

⁽³⁾ OJ No L 115, 30. 4. 1992, p. 2.

ANNEX I

PREFERENTIAL TARIFF QUOTAS OPENED FOR 1995

HUNGARY

CN code	Description	Conventional quotas (¹) (in tonnes)	Autonomous quotas (in tonnes)	Rate of duty applicable
0201 0202	Meat of bovine animals	6 200	550	40 % of levy and duty
ex 0203	Meat of domestic swine	28 000	100	40 % of levy
0204	Meat of sheep or goats	1 450	480	free
0207 10 51 0207 10 55 0207 10 59 0207 23 11 0207 23 19	Ducks not cut in pieces, fresh, chilled or frozen	910	3 000	40 % of levy
ex 0207 39 55 ex 0207 43 15	Cuts of ducks, boneless, fresh, chilled or frozen	910	240	40 % of levy
ex 0207 39 73 ex 0207 43 53	Breasts and cuts thereof, of ducks, with bone in, fresh, chilled or frozen			
ex 0207 39 77 ex 0207 43 63	Legs and cuts thereof, of ducks, with bone in fresh, chilled or frozen			
0207 10 71 0207 10 79 0207 23 51 0207 23 59	Geese not cut in pieces, fresh, chilled or frozen	16 100	1 500	40 % of levy
0207 39 53 0207 39 61 0207 43 11 0207 43 23	Cuts of geese, fresh, or frozen			
ex 0207 39 65 ex 0207 43 31	Whole wings, with or without tips, of geese, fresh, chilled or frozen			
ex 0207 39 67 ex 0207 43 41	Backs, necks, backs with necks attached, rumps and wing tips, of geese, fresh, chilled or frozen			
0207 39 71 0207 43 51	Breasts and cuts thereof, of geese, fresh, chilled or frozen			
0207 39 75 0207 43 61	Legs and cuts thereof, of geese, fresh, chilled or frozen			
ex 0207 39 81 0207 43 71	Goose paletots, fresh, chilled or frozen			
0207 50 90	Poultry livers, frozen, other than fatty livers of geese or ducks		100	50 % of levy
ex 0406 90 86 ex 0406 90 87 ex 0406 90 88	Other cheese: Balaton, Cream White, Hajdu, Marvany, Ovari, Pannonia, Trappista	1 300 ⁽²⁾	500	40 % of levy
1601 00 91	Sausages, dry or for spreading, uncooked	5 600	610	40 % of levy

CN code	Description	Conventional quotas (⁽¹⁾) (in tonnes)	Autonomous quotas (in tonnes)	Rate of duty applicable
1602 41 10	Hams and cuts, thereof, of domestic swine	280	258	40 % of levy
2309 10	Dog or cat food; put up for retail sale		10 875	80 %

(⁽¹⁾) Existing quotas opened under Community preferential agreements.

(⁽²⁾) From 1 July 1994 to 30 June 1995.

POLAND

CN code	Description	Conventional quotas (⁽¹⁾) (in tonnes)	Autonomous quotas (in tonnes)	Rate of duty applicable
0104 10 30 0104 10 80	Sheep other than pure-bred breeding animals	8 400	200	free
0104 20 10 0104 20 90	Goats			
0204	Meat of sheep or goats			
0201 0202	Meat of bovine animals	5 200	1 500	40 % of levy and duty
0207 23 11 0207 23 19	Ducks not cut in pieces, frozen	1 200	20	50 % of levy
0207 23 51 0207 23 59	Geese not cut in pieces, frozen	16 100	280	50 % of levy
1602 50 31 1602 50 39	Prepared meat of bovine animals, in airtight containers — corned beef — other	—	440	13 %

(⁽¹⁾) Existing quotas opened under Community preferential agreements.

ROMANIA

CN code	Description	Conventional quotas (⁽¹⁾) (in tonnes)	Autonomous quotas (in tonnes)	Rate of duty applicable
0203 11 10 0203 21 10	Carcases and half-carcases of domestic swine	12 640	100	40 % of levy
0207 23 51 0207 23 59	Geese not cut in pieces, frozen	143	100	50 % of levy
1602 41 10	Hams and cuts thereof, of domestic swine	1 514	224	50 % of levy

(⁽¹⁾) Existing quotas opened under Community preferential agreements.

BULGARIA

CN code	Description	Conventional quotas (⁽¹⁾) (in tonnes)	Autonomous quotas (in tonnes)	Rate of duty applicable
0207 23 11 0207 23 19	Ducks not cut in pieces, frozen	130	25	50 % of levy
0207 23 51 0207 23 59	Geese not cut in pieces, frozen	532	75	50 % of levy
ex 0406 90	Cheese other than of cows' milk	—	400	free

(⁽¹⁾) Existing quotas opened under Community preferential agreements.

CZECH REPUBLIC

CN code	Description	Conventional quotas (⁽¹⁾) (in tonnes)	Autonomous quotas (in tonnes)	Rate of duty applicable
0207 23 11 0207 23 19	Ducks not cut in pieces, frozen	200	200	50 % of levy
1107 10 99	Malt not roasted, other than of wheat or in the form of flour	33 900	2 140	40 % of levy
1602 41 10	Hams and cuts thereof, of domestic swine	455	220	40 % of levy

(⁽¹⁾) Existing quotas under Community preferential agreements.

SLOVAK REPUBLIC

CN code	Description	Conventional quotas (⁽¹⁾) (in tonnes)	Autonomous quotas (in tonnes)	Rate of duty applicable
0207 23 11 0207 23 19	Ducks not cut in pieces, frozen	150	100	50 % of levy
1107 10 99	Malt not roasted, other than of wheat or in the form of flour	13 600	860	40 % of levy

(⁽¹⁾) Existing quotas opened under Community preferential agreements.

ANNEX II

PREFERENTIAL TARIFF QUOTAS OPENED FOR 1995

HUNGARY

Order No	CN code	Description	Conventional quotas ⁽¹⁾ (in tonnes)	Autonomous quotas (in tonnes)	Rate of duty applicable
09.5501	ex 0210 90 20 ex 0210 90 80	Poultry dried or smoked		1 550	17 %
09.5555	0602 99	Other live plants		620	12 %
09.5503	0702 00 40	Tomatoes, fresh or chilled, from 1 to 31 October		130	6 %
09.5505	0703 20 00	Garlic		1 560	free
09.5557	0704 90 10 ex 0704 90 90	White cabbages and red cabbages Chinese cabbages from 1 to 31 July		142	10 %
09.5507	0706 90 90	Other edible roots		880	10 %
09.5509	ex 0709 20 00	Asparagus from 16 April to 15 June		250	12 %
09.5133	0709 51 10	Cultivated mushrooms	1 273	2 120	6,4 %
09.5553	0709 51 30 0709 51 50 0709 51 90	Mushrooms, excluding cultivated mushrooms		186	free
09.5139	0709 60 10	Sweet peppers	12 727	1 300	3,6 %
09.5143	0710 22 00	Beans, frozen	2 800	2 336	7,2 %
09.5145	0710 29 00	Other leguminous vegetables, frozen	1 400	500	7,2 %
09.5149	0710 80 85 0710 80 95	Asparagus frozen Other vegetables frozen	14 000	1 930	7,2 %
09.5151	0710 90 00	Mixtures of vegetables, frozen	1 900	784	7,2 %
09.5511	0806 10 30 0806 10 40	Table grapes from 15 July to 31 October		480	12 %
09.5159	0808 10 51 0808 10 53 0808 10 59 0808 10 61 0808 10 63 0808 10 69 0808 10 71 0808 10 73 0808 10 79 0808 10 92 0808 10 94 0808 10 98	Apples other than cider apples from 1 January to 31 March ⁽⁴⁾ from 1 April to 30 June ⁽⁵⁾ from 1 to 31 July ⁽⁵⁾ from 1 August to 31 December ⁽³⁾	4 200	480	3,2 % 2,4 % 2,4 % 5,6 %
09.5513	0808 20	Pears and quinces		770	6,5 %
09.5161	0809 10	Apricots	1 400	2 600	10 %

POLAND

Order No	CN code	Description	Conventional quotas ⁽¹⁾ (in tonnes)	Autonomous quotas (in tonnes)	Rate of duty applicable
09.5525	0205 00	Meat of horses, asses, mules or hinnies		700	free
09.5109	0703 10 19	Onions and shallots, fresh or chilled	137 670	400	4,8 %
09.5117	0704 10 10	Cauliflowers and headed broccoli from 15 April to 30 November	700	750	6,8 %
	0704 10 90	Cauliflowers and headed broccoli from 1 December to 14 April			4,8 %
	0704 20 00	Brussels sprouts			6 %
	0704 90 10	White cabbages and red cabbages			6 %
	0704 90 90	Other			6 %
09.5127	ex 0707 00	Cucumbers and gherkins, fresh or chilled, from 1 November to 15 May	1 400	190	6,4 %
09.5527	0709 40 00	Celery other than celeriac, fresh or chilled		100	2 %
09.5143	0710 22 00	Beans, frozen	12 500	700	7,2 %
09.5149	0710 80 95	Other vegetables, frozen	34 500	400	7,2 %
09.5519	0811 10 90	Strawberries, frozen not containing added sugar or other sweetening matter ⁽²⁾	—	3 400	free
	ex 0811 20 ex 0811 90	Other berries excluding cherries, frozen			
09.5175	2001 10 00	Cucumbers and gherkins, preserved by vinegar or acetic acid	1 800	200	8,8 %
09.5203	2009 70 19	Apple juice, other	7 600	300	16,8 %

⁽¹⁾ Existing quotas opened under Community preferential agreements.

⁽²⁾ Subject to minimum import price arrangements contained in the Annex.

ROMANIA

Order No	CN code	Description	Conventional quotas ⁽¹⁾ (in tonnes)	Autonomous quotas (in tonnes)	Rate of duty applicable
09.5525	0205 00	Meat of horses, asses, mules or hinnies	—	200	free
09.5541	0810 20	Raspberries, blackberries, mulberries and loganberries fresh ⁽²⁾	—	200	free
	0810 40 30	Fruit of <i>vaccinium myrtillus</i>			
	0810 40 50	Fruit of <i>vaccinium macrocarpon</i> and <i>corymbosum</i>			
09.5543	0810 40 90	Other	—	200	free
09.5545	2003 10 20 2003 10 30	Mushrooms of the genus <i>Agaricus</i>	—	200	free

⁽¹⁾ Existing quotas opened under Community preferential agreements.

⁽²⁾ Subject to minimum import price arrangements contained in the Annex hereto.

BULGARIA

Order No	CN code	Description	Conventional quotas ⁽¹⁾ (in tonnes)	Autonomous quotas (in tonnes)	Rate of duty applicable
09.5525	0205 00	Meat of horses, asses, mules or hinnies	—	200	free
09.5535	0810 20 0810 40 30 0810 40 50 0810 40 90	Raspberries, blackberries, mulberries and loganberries, fresh ⁽²⁾ Fruit of <i>vaccinium myrtillus</i> Fruit of <i>vaccinium macrocarpon</i> and <i>vaccinium corymbosum</i> Other	—	400	free
09.5519	0811 10 90 ex 0811 20 ex 0811 90	Strawberries, frozen, not containing added sugar or other sweetening matter ⁽²⁾ Other berries, excluding cherries, frozen ⁽²⁾	—	200	free
09.6279	2001 10 00	Cucumbers and gherkins, preserved by vinegar or acetic acid	2 070	100	8,8 %
09.5545	2003 10 20 2003 10 30	Mushrooms of the genus <i>Agaricus</i>		300	free
09.7001	ex 2204 10	Quality sparkling wine in containers holding 2 litres or less	1 100 hl	100 hl	40 % of duty
09.7003	ex 2204 21	Quality wine in containers holding 2 litres or less, other than sparkling wine	247 200 hl	200 hl	40 % of duty

⁽¹⁾ Existing quotas opened under Community preferential agreements.

⁽²⁾ Subject to minimum import price arrangements contained in the Annex hereto.

CZECH REPUBLIC

Order No	CN code	Description	Conventional quotas ⁽¹⁾ (in tonnes)	Autonomous quotas (in tonnes)	Rate of duty applicable
09.5531	0602 99 91	Flowering plants with buds or flowers, excluding cacti	—	150	free
09.5535	0810 20 0810 40 30 0810 40 50 0810 40 90	Raspberries, blackberries, mulberries and loganberries, fresh ⁽²⁾ Fruit of <i>vaccinium myrtillus</i> Fruit of <i>vaccinium macrocarpon</i> and <i>corymbosum</i> Other	—	230	free
09.5537	2001 10 00	Cucumbers and gherkins preserved by vinegar or acetic acid	—	130	free
09.5539	2009 70	Apple juice		100	free

⁽¹⁾ Existing quotas opened under Community preferential agreements.

⁽²⁾ Subject to minimum import price arrangements contained in the Annex hereto.

SLOVAK REPUBLIC

Order No	CN code	Description	Conventional quotas ⁽¹⁾ (in tonnes)	Autonomous quotas (in tonnes)	Rate of duty applicable
09.5535	0810 20	Raspberries, blackberries, mulberries and loganberries, fresh ⁽²⁾	—	120	free
	0810 40 30	Fruit of <i>vaccinium myrtillus</i>			
	0810 40 50	Fruit of <i>vaccinium macrocarpon</i> and <i>corymbosum</i>			
	0810 40 90	Other			
09.5539	2009 70	Apple juice	.	100	free

⁽¹⁾ Existing quotas opened under Community preferential agreements.

⁽²⁾ Subject to minimum import price arrangements contained in the Annex hereto.

Annex to Annex II

Minimum import price arrangement
for certain soft fruit for processing

1. For each country, minimum import prices are fixed for each marketing year for the following products:

HUNGARY

ex 0810 20 10 Raspberries, for processing
ex 0810 30 10 Blackcurrants, for processing
ex 0810 30 30 Red currants, for processing
0811 10 90 Strawberries
0811 20 19 Raspberries
0811 20 31 Raspberries
0811 20 39 Blackcurrants
0811 20 51 Red currants

POLAND

0811 10 90 Strawberries
0811 20 19 Raspberries
0811 20 31 Raspberries
0811 20 39 Blackcurrants
0811 20 51 Red currants

ROMANIA

ex 0810 20 10 Raspberries, for processing

BULGARIA

ex 0811 20 10 Raspberries, for processing
0811 20 31 Raspberries
0811 20 39 Blackcurrants
0811 20 51 Red currants

CZECH REPUBLIC AND SLOVAK REPUBLIC

0810 20 10 Raspberries

2. In case of non-respect of these minimum import prices, the Community may introduce measures ensuring that the minimum import price is respected for each consignment of the product concerned imported from any of the countries.

ANNEX III

AUTONOMOUS COMMUNITY TARIFF QUOTAS OPENED FROM 1 JANUARY TO 30 JUNE 1995

CN code	Description	Quantity	Country of origin	Rate of duty applicable
ex 0201 30 ex 0202 20	High quality fresh, chilled or frozen meat of bovine animals	200 tonnes		20 %
1006 40 00	Broken rice intended for the production of foodstuffs under tariff heading 1901 10	326 tonnes	Thailand	free
ex 2309 10 ex 2309 90	Dog and cat food with a sugar content of less than 40 % by weight, with a starch content of less than 40 % by weight and with a lactose content of less than 2 % by weight	699 tonnes 354 tonnes 28 tonnes	Hungary Switzerland other countries	15 %
ex 2203 00 10 ex 2203 00 90 (order No 09.5551)	Beer made from malt, with an original malt content of less than 20 %, in containers	389 hectolitres	Czech Republic	ECU 6,4/100 kg

COUNCIL REGULATION (EC) No 3380/94

of 22 December 1994

opening and providing for the administration of quotas for certain processed agricultural products originating in Hungary

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part⁽¹⁾, came into force on 1 February 1994;

Whereas Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽²⁾ replaced the designation 'variable components' by 'agricultural components'; whereas Article 7(2) of that Regulation establishes the procedure for adopting the detailed rules for determining and managing reductions in the agricultural component of the charge where provided for by a preferential agreement;

Whereas Protocol 3 to the Europe Agreement provides for reductions in the duties, and in particular the fixed component of the charge, applied to goods listed in Table 1 of Annex II to the said Protocol within the limits of quotas established in Table 1 of Annex I to that Protocol; whereas it is necessary to specify the fixed components and the rules for managing the quotas concerned which are to apply as of 1995,

HAS ADOPTED THIS REGULATION:

Article 1

1. As from 1 January 1995 goods originating in Hungary which are listed in the Annex to this Regulation shall be subject to tariff reductions within the limits of the tariff quotas and under the conditions set out in this Annex.

⁽¹⁾ OJ No L 347, 31. 12. 1993, p. 2.

⁽²⁾ OJ No L 318, 20. 12. 1993, p. 18.

2. For the purposes of this Regulation, 'originating goods' means goods meeting the conditions established by Protocol 4 to the Europe Agreement.

Article 2

1. The tariff quotas referred to in Article 1 shall be administered by the Commission, which may take all appropriate measures in order to ensure efficient administration thereof.

2. Where an importer declares a product covered by this Regulation for free circulation in a Member State and applies to take advantage of the preferential arrangements, and that declaration is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the quota volume.

Request for drawings, indicating the date of acceptance of the said declarations, must be sent to the Commission without delay.

The drawings shall be granted by the Commission by reference to the date of acceptance of the declaration for free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

3. If a Member State does not use the quantities drawn, it shall return them to the corresponding quota volume as soon as possible.

4. If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated on a pro rata basis. The Commission shall inform the Member States of the drawings made.

Article 3

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

It shall apply from 1 January 1995.

Done at Brussels, 22 December 1994.

H. SEEHOFER

[illegible]

Order No	CN code	Quota volume 1995 (tonnes)	Duty to be applied 1995	Quota volume 1996 and over (tonnes)	Duty to be applied 1996 and over
	1806 20 30 1806 20 50 1806 20 70 1806 20 80 10 1806 20 80 90 1806 20 95 10 1806 20 95 90 1806 31 1806 32 1806 90 11 1806 90 19 1806 90 31 1806 90 39 1806 90 50 1806 90 60 10 1806 90 60 90 1806 90 70 1806 90 90 11 1806 90 90 91 1806 90 90 19 1806 90 90 91		0 + EAR MAX 27 + AD S/Z 0 + EAR MAX 27 + AD S/Z 0 + EAR 0 + EAR MAX 27 + AD S/Z 0 + EA MAX 27 + AD S/Z 0 + EAR MAX 27 + AD S/Z 0 + EA MAX 27 + AD S/Z 0 + EAR MAX 27 + AD S/Z 0 + EA MAX 27 + AD S/Z 0 + EAR MAX 27 + AD S/Z 0 + EA MAX 27 + AD S/Z 0 + EAR MAX 27 + AD S/Z 0 + EA MAX 27 + AD S/Z 0 + EAR MAX 27 + AD S/Z 0 + EA MAX 27 + AD S/Z 0 + EA MAX 27 + AD S/Z		0 + EAR MAX 27 + AD S/Z 0 + EAR MAX 27 + AD S/Z 0 + EAR 0 + EAR MAX 27 + AD S/Z 0 + EA MAX 27 + AD S/Z 0 + EAR MAX 27 + AD S/Z 0 + EA MAX 27 + AD S/Z 0 + EAR MAX 27 + AD S/Z 0 + EA MAX 27 + AD S/Z 0 + EAR MAX 27 + AD S/Z 0 + EA MAX 27 + AD S/Z 0 + EAR MAX 27 + AD S/Z 0 + EA MAX 27 + AD S/Z 0 + EAR MAX 27 + AD S/Z 0 + EA MAX 27 + AD S/Z 0 + EA MAX 27 + AD S/Z
09.5223	1901 10 00	14	0 + EAR	15	0 + EAR
09.5225	1901 20	780	0 + EAR	830	0 + EAR
09.5227	1901 90 11 1901 90 19 1901 90 90 12 1901 90 90 14 1901 90 90 16 1901 90 90 18 1901 90 90 21 1901 90 90 23 1901 90 90 27 1901 90 90 29 1901 90 90 61 1901 90 90 63 1901 90 90 65 1901 90 90 67 1901 90 90 71 1901 90 90 77 1901 90 90 93 1901 90 90 95 1901 90 90 97 1901 90 90 99	1 490	0 + EAR	1 600	0 + EAR
09.5228	1902 11 1902 19 1902 20 91 1902 20 99 1902 30 1902 40 10 1902 40 90	330	0 + EAR	350	0 + EAR

Order No	CN code	Quota volume 1995 (tonnes)	Duty to be applied 1995	Quota volume 1996 and over (tonnes)	Duty to be applied 1996 and over
09.5229	1903 00 00 10 1903 00 00 90	37	0 + EAR	39	0 + EAR
09.5231	1904 10 1904 90 10 1904 90 90	120	0 + EAR	130	0 + EAR
09.5233	1905 10 1905 20 1905 30 11 1905 30 19 1905 30 30 1905 30 51 1905 30 59 1905 30 91 1905 30 99 1905 40 1905 90 10 1905 90 20 1905 90 30 1905 90 40 1905 90 45 1905 90 55 1905 90 60 1905 90 90	1 100	0 + EAR MAX 24 + AD F/M 0 + EAR MAX 35 + AD S/Z 0 + EAR MAX 30 + AD F/M 0 + EAR MAX 35 + AD S/Z 0 + EAR 0 + EAR MAX 20 + AD F/M 0 + EAR 0 + EAR 0 + EAR MAX 30 + AD F/M 0 + EAR MAX 35 + AD F/M 0 + EAR MAX 30 + AD F/M	1 180	0 + EAR MAX 24 + AD F/M 0 + EAR MAX 35 + AD S/Z 0 + EAR MAX 30 + AD F/M 0 + EAR MAX 35 + AD S/Z 0 + EAR 0 + EAR MAX 20 + AD F/M 0 + EAR 0 + EAR 0 + EAR MAX 30 + AD F/M 0 + EAR MAX 35 + AD F/M 0 + EAR MAX 30 + AD F/M
09.5235	2001 90 30 2004 90 10 2005 80	11 070	0 + EAR	11 870	0 + EAR
09.5237	2101 10 99 2101 20 10 10 2101 20 10 90 2101 20 90	14	0 + EAR 0 4,4 0 + EAR	15	0 + EAR 0 4,4 0 + EAR
09.5239	2101 30 11 2101 30 19 2101 30 91 2101 30 99	620	7,7 0 + EAR 8,6 0 + EAR	660	7,7 0 + EAR 8,6 0 + EAR
09.5241	2103 10 00 10 2103 10 00 90 2103 20 00 10 2103 20 00 90 2103 30 90 2103 90 90 11 2103 90 90 19 2103 90 90 91 2103 90 90 99	2 510	4,4 4,4 6 7 6,5 5,9 5,9 5,9 5	2 690	4,4 4,4 6 7 6,5 5,9 5,9 5,9 5
09.5243	2104 10 00 10 2104 10 00 90 2104 20	710	7 7 8,6	770	7 7 8,6
09.5245	2105	59	0 + EAR MAX 27 AD S/Z	63	0 + EAR MAX 27 + AD S/Z
09.5247	2106 10 10 2106 10 90	170	8,2 0 + EAR	180	8,2 0 + EAR

Order No	CN code	Quota volume 1995 (tonnes)	Duty to be applied 1995	Quota volume 1996 and over (tonnes)	Duty to be applied 1996 and over
09.5249	2106 90 10	1 080	0 + EAR MAX 25 Ecus/ 100 kg/net	1 160	0 + EAR MAX 25 Ecus/ 100 kg/net
	2106 90 91 10		4,4		4,4
	2106 90 91 90		4,4		4,4
	2106 90 99 12		0 + EAR		0 + EAR
	2106 90 99 14		0 + EA		0 + EA
	2106 90 99 22		0 + EAR		0 + EAR
	2106 90 99 24		0 + EA		0 + EA
	2106 90 99 30		0 + EAR		0 + EAR
	2106 90 99 32		0 + EA		0 + EA
	2106 90 99 92		0 + EAR		0 + EAR
	2106 90 99 94		0 + EA		0 + EA
09.5251	2202 10 00	1 760	0	1 890	0
	2202 90 10 10		4,4		4,4
	2202 90 91		} 0 + EAR		} 0 + EAR
	2202 90 95				
	2202 90 99				
09.5253	2203	1 420	7	1 520	7
09.5255	2205 10 10	410	3,4 Ecu/hl	440	0
	2205 10 90		0,3 Ecu % vol/hl + 2 Ecu/hl		0
	2205 90 10		2,8 Ecu/hl		0
	2205 90 90		0,3 Ecu % vol/hl		0

EA = Agricultural component.

EAR = Reduced agricultural component.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 20 December 1994

amending Decision 90/218/EEC concerning the placing on the market and administration of bovine somatotrophin (BST)

(94/936/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Whereas, in applying Decision 90/218/EEC ⁽³⁾, the Member States must ensure that, until 31 December 1994, the placing on the market and the administration of bovine somatotrophin on their territory by any means whatsoever to dairy cows is not authorized;

Whereas the Commission has proposed extending, until the end of the arrangements introduced by Council Regulation (EEC) No 3950/92 of 28 December 1992 establishing an additional levy in the milk and milk-products sector ⁽⁴⁾, the prohibition on the placing on the market and the administration of bovine somatotrophin on their territory by any means whatsoever to dairy cows;

Whereas on 28 October 1994, the Commission sent the Council and update of its communication in order to assess the new situation created by the United States'

decision to authorize marketing of bovine somatotrophin and the consequences of that decision for international trade;

Whereas the Council considers that it needs more time to evaluate the implications of a definitive decision in this respect, and in particular the consequences of agreements concluded under the Uruguay Round;

Whereas the Committee for Veterinary Medicinal Products has recommended Member States concerned to carry out larger-scale studies for a period of two years, under veterinary control, in order to determine the effects of BST on cases of mastitis and associated metabolic disorders in normal use; whereas the effects on the well-being of dairy cows should also be examined;

Whereas it is therefore necessary to amend Decision 90/218/EEC in order to allow those Member States which so desire to conduct such additional studies; whereas the Commission and the Scientific Veterinary Committee should be associated with such additional studies; whereas no definitive decision should be taken on this matter pending the results of those studies.

Whereas, moreover, in order to obviate distortions of competition, Member States which so wish should be allowed to authorize the production of bovine somatotrophin for exports to third countries;

Whereas provision should lastly be made for a review clause permitting a definitive decision to be taken on the basis of such additional data,

⁽¹⁾ OJ No C 3, 5. 1. 1994, p. 7.

⁽²⁾ OJ No C 20, 24. 1. 1994, p. 531.

⁽³⁾ OJ No L 116, 8. 5. 1990, p. 27. Decision as last amended by Decision 93/718/EC (OJ No L 333, 31. 12. 1993, p. 72).

⁽⁴⁾ OJ No L 405, 31. 12. 1992, p. 1. Regulation as last amended by Regulation (EC) No 1883/94 (OJ No L 197, 30. 7. 1994, p. 25).

HAS ADOPTED THIS DECISION:

'Article 1

Decision 90/218/EEC is hereby amended as follows:

- 1) Article 1 shall be replaced by the following:

'Article 1

Member States shall ensure that, until 31 December 1999, the placing on the market of bovine somatotrophin for the purposes of its marketing and the administration thereof on their territory to dairy cows by any means whatsoever will not be authorized.

This Decision shall not affect the production of bovine somatotrophin for the purposes of its export to third countries.'

- 2) Article 2 shall be replaced by the following:

'Article 2

1. By way of derogation from Article 1, Member States may carry out limited practical tests on the use of bovine somatotrophin, under the control of an official veterinarian, in order to obtain any other scientific data that might be taken into account by the Council when it takes a final decision.

The conditions and criteria for such tests shall be laid down in accordance with the procedure referred to in Article 4. Member States wishing to avail themselves of the option provided for in the first subparagraph shall inform the Commission accordingly.

They shall make information on the data concerned available to the Commission and the other Member States.

2. The Council hereby instructs the Commission to entrust a Working Party of independent scientists, in collaboration with the Member States, with the task of assessing the effects of using BST, taking account of the opinion of the Committee for Veterinary Medicinal Products, in particular as regards the impact of the use of this product on the incidence of mastitis.

3. The Member States referred to in the first subparagraph of paragraph 1 may ask to be covered by the provisions of Article 19 of Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field(*) when carrying out the checks provided for in that subparagraph.

(*) OJ No L 224, 18. 8. 1990, p. 19.'

- 3) Article 3 shall be replaced by replaced by the following:

'Article 3

Before 1 July 1998, the Commission shall submit a report to the Council on the conclusions of the studies carried out pursuant to Article 2, with a view to a definitive decision being taken on this matter.'

- 4) Article 4 shall be replaced by the following:

'Article 4

1. Where the procedure laid down in this Article is to be followed, matters shall be referred without delay to the Standing Veterinary Committee set up by Decision 68/361/EEC(*), hereinafter referred to as 'the Committee', by its chairman, either on his own initiative or at the request of a Member State.

2. The Commission representative shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on those measures within a time limit which the chairman may set according to the urgency of the matter for examination. Opinions shall be delivered by the majority of 62 votes, the votes of the Member States being weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. (a) The Commission shall adopt the measures and implement them immediately where they are in accordance with the opinion of the Committee.

(b) Where the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall forthwith submit to the Council a proposal concerning the measures to be taken. The Council shall adopt the measures by a qualified majority.

(c) If, three months after the proposals were submitted to it, the Council has not adopted any measures, the Commission shall adopt the measures proposed and implement them immediately unless the Council has rejected those measured by a simple majority.'

(*) OJ No L 255, 18. 10. 1988, p. 23.'

Article 2

This Decision shall apply from 1 January 1995.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 December 1994.

For the Council

The President

J. BORCHERT

COUNCIL DECISION

of 22 December 1994

on the provisional application of certain articles of the Second Additional Protocols to the Europe Agreements between the European Communities and their Member States, of the one part, and certain third countries of the other part, and to the Interim Agreements on trade and trade-related matters between the European Economic Community, and the European Coal and Steel Community, of the one part, the same countries of the other part

(94/937/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 113 thereof,

Having regard to the Europe Agreement signed with Romania on 1 February 1993, as amended by the Additional Protocol signed on 21 December 1993,

Having regard to the Interim Agreement⁽¹⁾ with Romania which entered into force on 1 May 1993, as amended by the Additional Protocol signed on 21 December 1993,

Having regard to the Europe Agreement signed with the Republic of Bulgaria on 8 March 1993, as amended by the Additional Protocol signed on 21 December 1993,

Having regard to the Interim Agreement⁽²⁾ with the Republic of Bulgaria which entered into force on 31 December 1993, as amended by the Additional Protocol signed on 21 December 1993,

Having regard to the conclusions of the General Affairs Council which took place on 31 October 1994,

Having regard to the proposal from the Commission,

Whereas the Commission has negotiated on behalf of the Communities Second Additional Protocols to the Interim Agreements on trade and trade-related matters and to the Europe Agreements with Romania and the Republic of Bulgaria;

Whereas the relevant parts of these Second Additional Protocols should be applied, with regard to products concerned by the Treaty establishing the European Community, on a provisional basis from 1 January 1995, pending the completion of procedures required for their conclusion,

HAS DECIDED AS FOLLOWS:

Sole Article

Pending the formal conclusion of the Second Additional Protocols, the relevant Articles which shall be applied on a provisional basis from 1 January 1995, are as follows:

- Articles 1 and 2 of the Second Additional Protocol to the Europe Agreement between the European Communities and their Member States, of the one part, and Romania, of the other part, and to the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and Romania, of the other part,
- Articles 1 and 2 of the Second Additional Protocol to the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, and to the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Bulgaria, of the other part.

The texts of the initialled Second Additional Protocols including the relevant Articles are attached to this Decision.

Done at Brussels, 22 December 1994.

For the Council
The President
H. SEEHOFER

(1) OJ No L 81, 2. 4. 1993, p. 2.

(2) OJ No L 323, 23. 12. 1994, p. 2.

SECOND ADDITIONAL PROTOCOL

to the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, and to the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Bulgaria, of the other part

THE EUROPEAN COMMUNITY AND THE EUROPEAN COAL AND STEEL COMMUNITY,
hereinafter referred to as 'the Community',

of the one part, and

THE REPUBLIC OF BULGARIA,

of the other part,

WHEREAS, the Europe Agreement establishing an association between the European Communities and their Member States and the Republic of Bulgaria (hereinafter referred to as 'the Europe Agreement') was signed in Brussels on 8 March 1993, and has not yet entered into force;

WHEREAS, pending the entry into force of the Europe Agreement, provisions thereof on trade and trade-related matters have been put into force since 31 December 1993 by the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Bulgaria, of the other part (hereinafter called 'the Interim Agreement'), signed in Brussels on 8 March 1993;

WHEREAS, the Europe Agreement and the Interim Agreement have been amended by the Additional Protocol signed on 21 December 1993, hereinafter to as the First Additional Protocol;

RECOGNIZING the crucial importance of trade in the transition to a market economy;

BEARING IN MIND the willingness of the Community to align the Republic of Bulgaria's timetable of the trade provisions included in the Europe and Interim Agreements with that of the Visegrad associated countries;

BEARING IN MIND the objectives of the Europe Agreement and, in particular, those referred to in Article 1 thereof;

HAVING REGARD to the Interim Agreement,

HAVING DECIDED to conclude this Protocol and to this end have designated as their plenipotentiaries:

THE EUROPEAN COMMUNITY:

THE REPUBLIC OF BULGARIA:

WHO, having exchanged their full powers, found in good and due form, HAVE AGREED AS FOLLOWS:

Article 1

Article 4 (3) of the Interim Agreement and Article 10 (3) of the Europe Agreement as amended by the First Additional Protocol shall be replaced by the following text:

'3. The products of Bulgarian origin listed in Annex III shall benefit from a suspension of customs duties on imports within the limits of annual Community tariff quotas or ceilings increasing progressively in accordance with the conditions defined in that Annex so as to arrive at a complete abolition of customs duties on imports of the products concerned by the end of the second year after the date of entry into force of the Agreement.

At the same time customs duties on imports applicable to import quantities in excess of the quotas or ceilings provided for above shall be progressively dismantled from the entry into force of the Agreement by annual reductions of 15 % of the basic duty. By the end of the second year, remaining duties shall be abolished.'

Article 2

The footnotes of Annex III to the Interim Agreement and of Annex III to the Europe Agreement are no longer applicable.

Article 3

The following text shall replace point 1 (b) of the introductory paragraph introduced into Annexes XIa, XIIIa and XIIIb to the Interim Agreement and to Annexes XIa, XIIIa and XIIIb to the Europe Agreement by the First Additional Protocol:

'1. b) The quantities in tonnes set out for year 4 shall not apply and the quantities set out for year 5 shall be applicable for year 4 which begins on 1 July 1995.'

Article 4

1. In the introductory paragraph to Article 2 (1) of Protocol 1 on textile and clothing products to the Interim Agreement and Protocol 1 on textile and clothing products to the Europe Agreement as amended by the First Additional Protocol, 'elimination at the end of a period of five years' shall be replaced by 'elimination at the end of a period of four years'.

2. The last two indents of Article 2 (1) of Protocol 1 on textile and clothing products to the Interim Agreement and of Protocol 1 on textiles and clothing products to the Europe Agreement as amended by the First Additional Protocol, shall be replaced by the following text:

'at the start of the fifth year the remaining duties shall be eliminated'.

Article 5

In Annex I of Protocol 3 on processed agricultural products to the Interim Agreement and of Protocol 3 on processed agricultural products to the Europe Agreement, the number of years after which the final rate of duty is applicable, as set out in column 7, shall be changed from four to three years for the products falling within CN codes 1803, 1804 00 00 and 1805 00 00.

In Annex II of Protocol 3 on processed agricultural products to the Interim Agreement and of Protocol 3 on processed agricultural products to the Europe Agreement, the quantities in tonnes set out for 1996 shall be deleted and the quantities in tonnes set out for 1997 onwards shall be applicable from 1996 onwards.

Article 6

In Annex II and in the Annex to Appendix B of the Additional Protocol to the Europe Agreement on trade in textile products between the European Economic Community and the Republic of Bulgaria, the quantitative limits set out for 1998 shall be deleted. In the Agreed Minute No 5, 'a five-year period starting from 1 January 1994' shall be replaced by 'a four-year period starting from 1 January 1994'.

Article 7

This Protocol shall form an integral part of the Interim Agreement and of the Europe Agreement.

Article 8

This Protocol shall enter into force on the first day of the month following the date upon which the Parties notify each other of the completion of the procedures necessary for that purpose. This Protocol shall apply from 1 January 1995.

If this Protocol should enter into force after 1 January 1995, any duties paid which would not have been payable in the Protocol had entered into force and its provisions had been implemented on that date shall be refunded and such refund shall be deemed to constitute full compliance with the obligation not to impose such duties.

On behalf of the Community

Article 9

This Protocol shall be drawn up in two copies in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish and the Bulgarian languages, each of these texts being equally authentic.

For the Republic of Bulgaria

SECOND ADDITIONAL PROTOCOL

to the Europe Agreement between the European Communities and their Member States, of the one part, and Romania, of the other part, and to the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and Romania, of the other part

THE EUROPEAN COMMUNITY AND THE EUROPEAN COAL AND STEEL COMMUNITY,
hereinafter referred to as 'the Community',

of the one part, and

ROMANIA,

of the other part,

WHEREAS the Europe Agreement establishing an association between the European Communities and their Member States and Romania (hereinafter referred to as 'the Europe Agreement') was signed in Brussels on 1 February 1993, and has not yet entered into force;

WHEREAS, pending the entry into force of the Europe Agreement, provisions thereof on trade and trade-related matters have been put into force since 1 May 1993 by the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and Romania of the other part, (hereinafter called 'the Interim Agreement'), signed in Brussels on 1 February 1993;

WHEREAS the Europe Agreement and the Interim Agreement have been amended by the Additional Protocol signed on 21 December 1993, hereinafter referred to as the First Additional Protocol,

RECOGNIZING the crucial importance of trade in the transition to a market economy,

BEARING IN MIND the willingness of the Community to align the Romanian timetable of the trade provisions included in the Europe and Interim Agreements with that of the Visegrad associated countries,

BEARING IN MIND the objectives of the Europe Agreement and, in particular, those referred to in Article 1 thereof,

HAVING REGARD to the Interim Agreement,

HAVING DECIDED to conclude this Protocol and to this end have designated as their plenipotentiaries:

THE EUROPEAN COMMUNITY:

ROMANIA:

WHO, having exchanged their full powers found in good and due form, HAVE AGREED AS FOLLOWS:

Article 1

Article 4 (3) of the Interim Agreement and Article 10 (3) of the Europe Agreement as amended by the First Additional Protocol shall be replaced by the following text:

'3. The products of Romanian origin listed in Annex III shall benefit from a suspension of customs duties on imports within the limits of annual Community tariff quotas or ceilings increasing progressively in accordance with the conditions defined in that Annex so as to arrive at a complete abolition of customs duties on imports of the products concerned by the end of the second year after the date of entry into force of the Agreement. At the same time customs duties on imports to be applied when the quotas have been exhausted or when the levying of customs duties has been re-established with respect to products covered by a tariff ceiling, shall be progressively dismantled from the entry into force of the Agreement by annual reductions of 15 % of the basic duty. By the end of the second year, remaining duties shall be abolished.'

Article 2

The footnotes of Annex III to the Interim Agreement and of Annex III to the Europe Agreement are no longer applicable.

Article 3

The following text shall replace point 1 (b) of the introductory paragraph introduced into Annexes XIa, XIIIa and XIIIb to the Interim Agreement and to Annexes XIa, XIIa and XIIb to the Europe Agreement by the First Additional Protocol:

- '1. (b) The quantities in tonnes set out for year 4 shall not apply and the quantities set out for year 5 shall be applicable for year 4 which begins on 1 July 1995.'

Article 4

1. In the introductory paragraph to Article 2 (1) of Protocol 1 on textile and clothing products to the Interim Agreement and Protocol 1 on textile and clothing products to the Europe Agreement as amended by the First Additional Protocol, 'elimination at the end of a period of five years' shall be replaced by 'elimination at the end of a period of four years'.

2. The last two indents of Article 2 (1) of Protocol 1 on textile and clothing products to the Interim Agreement and of Protocol 1 on textiles and clothing products to the Europe Agreement as amended by the First Additional Protocol, shall be replaced by the following text:

'at the start of the fifth year the remaining duties shall be eliminated'.

Article 5

Article 2 (2) of Protocol 2 on ECSC products to the Interim Agreement and of Protocol 2 on ECSC products to the Europe Agreement as amended by the First Additional Protocol shall be replaced by the following text:

- '2. Further reductions to 60, 40 and 0 % of the basic duty shall be made at the beginning of the second, third and fourth years respectively after the entry into force of the Agreement.'

Article 6

In Annex A of Protocol 3 on processed agricultural products to the Interim Agreement and of Protocol 3 on processed agricultural products to the Europe Agreement, the number of years after which the final rate of duty is applicable, as set out in column 7, shall be changed from four to three years for the products falling within CN codes 1803, 1804 00 00 and 1805 00 00 and 1806 10 10 — other.

In Annex B of Protocol 3 on processed agricultural products to the Interim Agreement and of Protocol 3 on processed agricultural products to the Europe Agreement, the quantities in tonnes set out for 1996 shall be deleted and the quantities in tonnes set out for 1997 onwards shall be applicable from 1996 onwards.

Article 7

In Annex II and in the Annex to Appendix B of the Additional Protocol to the Europe Agreement on trade in textile products between the European Economic Community and the Republic of Romania, the quantitative limits set out for 1998 shall be deleted.

In the Agreed Minute No 5, 'a five-year period starting from 1 January 1994' shall be replaced by 'a four-year period starting from 1 January 1994'.

Article 8

This Protocol shall form an integral part of the Interim Agreement and of the Europe Agreement.

Article 9

This Protocol shall enter into force on the first day of the month following the date upon which the Parties notify each other of the completion of the procedures necessary for that purpose. This Protocol shall apply from 1 January 1995.

If this Protocol should enter into force after 1 January 1995, any duties paid which would not have been payable in the Protocol had entered into force and its provisions had been implemented on that date shall be refunded and such refund shall be deemed to constitute full compliance with the obligation not to impose such duties.

On behalf of the Community

Article 10

This Protocol shall be drawn up in two copies in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish and the Romanian languages, each of these texts being equally authentic.

For Romania

COUNCIL DECISION

of 22 December 1994

providing further macrofinancial assistance for Algeria

(94/938/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission ⁽¹⁾, submitted after consulting the Monetary Committee,

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

Whereas Algeria has undertaken, since 1989, political and economic reforms and has decided to adopt a market economy model;

Whereas the Community and Algeria traditionally maintain close economic, political and cultural links which have been developed within the framework of the 1978 Cooperation Agreement;

Whereas, by Decision 91/510/EEC ⁽³⁾, the Council decided to grant Algeria a medium-term loan for an amount of ECU 400 million in support of the government's adjustment and reform programme agreed with the International Monetary Fund (IMF) in 1991;

Whereas a first tranche of ECU 250 million of this loan was effectively disbursed in January 1992, and whereas the release of the second tranche of ECU 150 million has been delayed owing to slippages with respect to macroeconomic performances and structural reform progress;

Whereas Algeria has reached an agreement with its Paris Club creditors on a comprehensive rescheduling of its official debt and whereas a similar agreement is under negotiation with Algeria's commercial bank creditors;

Whereas the Algerian authorities have requested complementary financial assistance from the European Union in support of the 1994 to 1995 economic programme; whereas, after taking into account assistance which could be provided through debt rescheduling, IMF and

World Bank financing and financial support from other donors, a residual financing gap of some US \$ 400 million remains to be covered during the programme period;

Whereas, in the context of this programme, the Commission has released the remaining tranche of ECU 150 million under the loan facility provided by Decision 91/510/EEC and whereas the grant by the Community of a further loan facility to Algeria is an appropriate measure to ease the country's external financial constraints and support the policy objectives attached to the government's reform effort;

Whereas, while supporting the process for the economic reforms of Algeria, this assistance should in addition have the effect of facilitating the solution of the social and political problems of this country;

Whereas the Community loan should be managed by the Commission;

Whereas the Treaty does not provide, for the adoption of this Decision, powers other than those of Article 235,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Community shall grant to Algeria a medium-term loan facility of a maximum amount of ECU 200 million in principal with a maximum maturity of seven years, with a view to ensuring a sustainable balance-of-payments situation and strengthening the reserve position.

2. To this end the Commission is empowered to borrow, on behalf of the European Community, the necessary resources that will be placed at the disposal of Algeria in the form of a loan.

3. This loan will be managed by the Commission in close consultation with the Monetary Committee and in a manner consistent with any agreement reached between the IMF and Algeria.

Article 2

1. The Commission is empowered to negotiate with the Algerian authorities, after consultation with the Monetary Committee, the economic policy conditions

⁽¹⁾ OJ No C 299, 27. 10. 1994, p. 16.

⁽²⁾ Opinion delivered on 15 December 1994 (not yet published in the Official Journal).

⁽³⁾ OJ No L 272, 28. 9. 1991, p. 90.

attached to the loan. These conditions shall be consistent with the agreement referred to in Article 1 (3).

2. The Commission shall verify at regular intervals, in collaboration with the Monetary Committee and in close coordination with the IMF, that Algeria's economic policy is in accordance with the objectives of this loan and that its conditions are being fulfilled.

Article 3

1. The loan shall be made available to Algeria in two instalments. The first instalment shall be released on the basis of a satisfactory progress in Algeria's application of the stand-by arrangement agreed with the IMF and subject to the provisions of Article 2 (1).

2. The second instalment shall be released at least one-quarter after the release of the first instalment and subject to the provisions of Article 2 (2).

3. The funds shall be paid to the Bank of Algeria.

Article 4

1. The borrowing and lending operations referred to in Article 1 shall be carried out using the same value date and must not involve the Community in the transformation of maturities, in any exchange or interest rate risk, or in any other commercial risk.

2. The Commission shall take the necessary steps, if Algeria so wishes, to ensure that an early repayment clause is included in the loan terms and conditions and that it may be exercised.

3. At the request of Algeria, and where circumstances permit an improvement in the interest rate on the loans, the Commission may refinance all or part of its initial borrowings or restructure the corresponding financial conditions. Refinancing or restructuring operations shall be carried out in accordance with the conditions set out in paragraph 1 and shall not have the effect of extending the average maturity of the borrowing concerned or increasing the amount, expressed at the current exchange rate, of capital outstanding at the date of the refinancing or restructuring.

4. All related costs incurred by the Community in concluding and carrying out the operation under this Decision shall be borne by Algeria.

5. The Monetary Committee shall be kept informed of developments in the operations referred to in paragraphs 2 and 3 at least once a year.

Article 5

At least once a year the Commission shall address to the European Parliament and to the Council a report, which will include an evaluation, on the implementation of this Decision.

Done at Brussels, 22 December 1994

For the Council
The President
H. SEEHOFER

COUNCIL DECISION

of 22 December 1994

providing further macrofinancial assistance for Slovak Republic

(94/939/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission ⁽¹⁾, submitted after consulting the Monetary Committee,

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

Whereas the people of the Slovak Republic has close historic relationships with the peoples of the Community, whereas that country has undertaken fundamental political and economic reforms and is making substantial efforts to consolidate a market economy model;

Whereas, on 4 October 1994, the Slovak Republic and the Community signed an Association Agreement replacing that signed between the Czech and Slovak Federal Republic on 14 December 1991;

Whereas the dissolution of the Czech and Slovak Federal Republic has had negative implications for the Slovak economy at a time when it was still suffering from the external shock associated with the dismantlement of the Council of Mutual Economic Assistance trade system and from the difficulties accompanying the transition to a market economy;

Whereas the financial support of the reforms from the Community will strengthen mutual confidence and will bring the Slovak Republic closer to the Community;

Whereas the Slovak Republic has agreed with the International Monetary Fund (IMF) on a 'stand-by arrangement' and a new purchase under the 'systemic transformation facility' supporting the country's economic programme for 1994 to 1995; whereas these facilities were approved by the IMF Board on 22 July 1994;

Whereas the authorities of the Slovak Republic have requested financial assistance from the international financial institutions, the Community and other bilateral donors; whereas, over and above the estimated financing which could be provided by the IMF and the World Bank, a residual financing gap of some US \$ 300 million remains to be covered in the remainder of 1994 and 1995 in order to strengthen the Slovak Republic's reserve position and support the policy objectives attached to the government's reform effort;

Whereas the grant by the Community of a medium-term loan to the Slovak Republic is an appropriate measure to support the balance of payments and to strengthen the country's reserve position;

Whereas the Community loan should be managed by the Commission;

Whereas the Treaty does not provide, for the adoption of this Decision, powers other than those of Article 235,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Community shall grant to the Slovak Republic a medium-term loan facility of a maximum amount of ECU 130 million in principal with a maximum maturity of seven years, with a view to ensuring a sustainable balance-of-payments situation and strengthening the reserve position.

2. To this end the Commission is empowered to borrow, on behalf of the Community, the necessary resources that will be placed at the disposal of the Slovak Republic in the form of a loan.

3. This loan will be managed by the Commission in close consultation with the Monetary Committee and in a manner consistent with any agreement reached between the IMF and the Slovak Republic.

Article 2

1. The Commission is empowered to negotiate with the Slovak authorities, after consultation with the Monetary Committee, the economic policy conditions

⁽¹⁾ OJ No C 302, 28. 10. 1994, p. 11.

⁽²⁾ Opinion delivered on 15 December 1994 (not yet published in the Official Journal).

attached to the loan. These conditions shall be consistent with the agreement referred to in Article 1 (3).

2. The Commission shall verify at regular intervals, in collaboration with the Monetary Committee and in close coordination with the IMF, that the economic policy in the Slovak Republic is in accordance with the objectives of this loan and that its conditions are being fulfilled.

Article 3

1. The loan shall be made available to the Slovak Republic in two instalments. The first instalment shall be released on the basis of the approval of the 'stand-by arrangement' by the Board of the IMF and subject to the provisions of Article 2 (1).

2. The second instalment shall be released at least two-quarter after the release of the first instalment, on the basis of a satisfactory progress in the Slovak Republic's application of the 'stand-by arrangement' and subject to the provisions of Article 2 (2).

3. The funds shall be paid to the Bank of Slovakia.

Article 4

1. The borrowing and lending operations referred to in Article 1 shall be carried out using the same value date and must not involve the Community in the transformation of maturities, in any exchange or interest rate risk, or in any other commercial risk.

2. The Commission shall take the necessary steps, if Slovak Republic so wishes, to ensure that an early repayment clause is included in the loan terms and conditions and that it may be exercised.

3. At the request of the Slovak Republic, and where circumstances permit an improvement in the interest rate on the loans, the Commission may refinance all or part of its initial borrowings or restructure the corresponding financial conditions. Refinancing or restructuring operations shall be carried out in accordance with the conditions set out in paragraph 1 and shall not have the effect of extending the average maturity of the borrowing concerned or increasing the amount, expressed at the current exchange rate, of capital outstanding at the date of the refinancing of restructuring.

4. All related costs incurred by the Community in concluding and carrying out the operation under this Decision shall be borne by the Slovak Republic.

5. The Monetary Committee shall be kept informed of developments in the operations referred to in paragraphs 2 and 3 at least once a year.

Article 5

At least once a year the Commission shall address to the European Parliament and to the Council a report, which will include an evaluation, on the implementation of this Decision.

Done at Brussels, 22 December 1994

For the Council

The President

H. SEEHOFER

COUNCIL DECISION

of 22 December 1994

providing macrofinancial assistance for Ukraine

(94/940/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission, submitted after consulting the Monetary Committee,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas Ukraine is undertaking fundamental political and economic reforms and is making substantial efforts to implement a market economy model;

Whereas Ukraine has agreed with the International Monetary Fund (IMF) on a comprehensive set of stabilization and policy reform measures to be supported by a purchase under the IMF's 'systemic transformation facility'; whereas this facility was approved by the IMF Board on 26 October 1994 and whereas further discussions are under way between the Ukrainian authorities and the IMF on a macroeconomic adjustment and reform programme to be supported by a 'stand-by arrangement';

Whereas the authorities of Ukraine have requested financial assistance from the international financial institutions, the Community and other bilateral donors; whereas, over and above the estimated financing which could be provided by the IMF and the World Bank, important residual financing gaps remain to be covered in the remainder of 1994 and 1995 in order to strengthen Ukraine's reserve position and support the policy objectives attached to the government's reform effort;

Whereas the Ukrainian authorities are committed to pursue promptly with the implementation of the action

plan for nuclear safety supported by the European Union and the G-7, to reach rapidly an understanding with the IMF on the 'stand-by arrangement' and fully and timely to service their external financial obligations towards the Community;

Whereas a Community long-term loan to Ukraine is an appropriate measure to help easing the countries' external financial constraints, supporting the balance of payments and strengthening the reserve position;

Whereas, while supporting the economic reforms of Ukraine, this assistance should in addition have the effect of facilitating the democratic process in this country;

Whereas the Community loan should be managed by the Commission;

Whereas the Treaty does not provide, for the adoption of this Decision, powers other than those of Article 235,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Community shall make available to Ukraine a long-term loan facility of a maximum amount of ECU 85 million in principal with a maximum maturity of 10 years, with a view to ensuring a sustainable balance-of-payments situation and strengthening the country's reserve position.

2. To this end, the Commission is empowered to borrow, on behalf of the Community, the necessary resources that will be placed at the disposal of Ukraine in the form of a loan.

3. This loan will be managed by the Commission in close consultation with the Monetary Committee and in a manner consistent with any agreement reached between the IMF and Ukraine.

Article 2

1. The Commission is empowered to negotiate with the Ukrainian authorities, after consultation with the

(1) Opinion delivered on 16 December 1994 (not yet published in the Official Journal).

Monetary Committee, the economic policy conditions attached to the loan. These conditions shall be consistent with the agreement referred to in Article 1 (3).

2. The Commission shall verify at regular intervals, in collaboration with the Monetary Committee and in close coordination with the IMF, that the economic policy in Ukraine is in accordance with the objectives of this loan and that its conditions are being fulfilled.

Article 3

1. The loan shall be made available to Ukraine in a single tranche which shall be released subject to the provisions of Article 2 and to the following two conditions:

- an agreement between the Ukrainian authorities and the IMF on a macroeconomic programme to be supported by a stand-by arrangement,
- a rapid implementation of the European Union and G-7 action plan for the closure of Chernobyl.

2. The funds shall be paid to the National Bank of the Ukraine

Article 4

1. The borrowing and lending operations referred to in Article 1 shall be carried out using the same value date and must not involve the Community in the transformation of maturities, in any exchange or interest rate risk, or in any other commercial risk.

2. The Commission shall take the necessary steps, if Ukraine so wishes, to ensure that an early repayment clause is included in the loan terms and conditions and that it may be exercised.

3. At the request of Ukraine, and where circumstances permit an improvement in the interest rate on the loans, the Commission may refinance all or part of its initial borrowings or restructure the corresponding financial conditions. Refinancing or restructuring operations shall be carried out in accordance with the conditions set out in paragraph 1 and shall not have the effect of extending the average maturity of the borrowing concerned or increasing the amount, expressed at the current exchange rate, of capital outstanding at the date of the refinancing or restructuring.

4. All related costs incurred by the Community in concluding and carrying out the operation under this Decision shall be borne by Ukraine.

5. The Monetary Committee shall be kept informed of developments in the operations referred to in paragraphs 2 and 3 at least once a year.

Article 5

At least once a year the Commission shall address to the European Parliament and to the Council a report, which will include an evaluation, on the implementation of this Decision.

Done at Brussels, 22 December 1994

For the Council

The President

H. SEEHOFER

COUNCIL DECISION

of 14 December 1994

laying down transitional measures applicable to imports of fishery products from third countries

(94/941/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission ⁽¹⁾,Having regard to the opinion of the European Parliament ⁽²⁾,Whereas fishery products appear on the list of products in Annex II to the Treaty; whereas the health conditions for production and placing on the market have been laid down in Directive 91/493/EEC ⁽³⁾;Whereas imports of fishery products from third countries are the subject of provisions laid down in Article 11 of Directive 91/493/EEC comprising, *inter alia*, the drawing up of lists of approved establishments and specimen health certificates;

Whereas, pending Community decisions laying down specific conditions for importing fishery products for each third country, it is for the Member States to apply to such imports, in accordance with Article 11 (7) of the aforementioned Directive, conditions which are at least equivalent to those laid down for Community production;

Whereas a transitional specimen health certificate was established pursuant to Article 16 of Directive 91/493/EEC by Commission Decision 93/185/EC of 15 March 1993 laying down certain transitional measures concerning the certification of fishery products from third countries in order to facilitate the switchover to the arrangements laid down in Council Directive 91/493/EEC ⁽⁴⁾; whereas the period of application of that Decision is limited to 31 December 1994; whereas that transitional health certificate should remain in force

pending the drawing up of provisional lists of approved establishments, in order to prevent any disruption of imports from third countries;

Whereas Article 7 (3) of Directive 91/493/EEC requires any amendment to the lists of approved establishments to be notified to the Commission and the other Member States; whereas provision should be made for those lists and the lists pursuant to Article 11 (5) of the said Directive to be updated every two months,

HAS ADOPTED THIS DECISION:

Article 1

Until 1 March 1995 Member States shall retain the existing conditions for imports of fishery products as referred to in Article 11 (7) of Directive 91/493/EEC, together with the specimen health certificate referred to in the Annex to Decision 93/185/EEC.

Article 2

By way of derogation from the provisions specified in Article 7 (3) and Article 11 (5) of Directive 91/493/EEC, the lists of approved establishments and, if appropriate, approved factory ships in respect of which a decision has to be taken in accordance with Article 11 (4) (c) of the said Directive must be updated every two months.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 14 December 1994.

For the Council
The President
T. BORCHERT

⁽¹⁾ OJ No C 276, 3. 10. 1994, p. 13.

⁽²⁾ OJ No L 81, 2. 4. 1993, p. 2.

⁽³⁾ OJ No C 268, 24. 9. 1991, p. 15.

⁽⁴⁾ OJ No L 79, 1. 4. 1993, p. 80.