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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 2990/94**

**of 5 December 1994**

**derogating from Regulation (EEC) No 1765/92 establishing a support system for producers of certain arable crops as regards the set-aside requirement for the 1995/96 marketing year**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas the support system for producers of certain arable crops introduced by Regulation (EEC) No 1765/92 <sup>(3)</sup>, provides that, in order to qualify for compensatory payments under the general scheme, producers must set aside a predetermined percentage of their arable land; whereas this percentage should be re-examined to take account of production and market developments;

Whereas since the introduction of the system the cereals market has achieved a better balance as a result of a reduction in production and an increase in Community consumption; whereas this situation, together with the favourable world market situation, has resulted in a significant reduction in intervention cereal stocks; whereas it has also led to a rise in the prices for cereals on the Community market;

Whereas the present market situation for cereals is threatening to undermine, in the short term, some of the results achieved since the reform of the arable sector, in particular the continuing rise in the consumption of cereals in animal feed; whereas the rate for set-aside beginning not later than 15 January 1995 should be set temporarily therefore for the 1995/96 marketing year at a level lower than that resulting from the provisions in force,

HAS ADOPTED THIS REGULATION:

*Article 1*

Notwithstanding the second subparagraph of Article 7 (1) of Regulation (EEC) No 1765/92, the set-aside requirement based on rotation is hereby fixed for the 1995/96 marketing year at 12 %.

*Article 2*

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

It shall apply to set-aside for the 1995/96 marketing year only.

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

Done at Brussels, 5 December 1994.

*For the Council*

*The President*

Th. WAIGEL

<sup>(1)</sup> OJ No C 302, 28. 10. 1994, p. 13.

<sup>(2)</sup> Opinion delivered on 30 November 1994 (not yet published in the Official Journal).

<sup>(3)</sup> OJ No L 181, 1. 7. 1992, p. 12. Regulation as last amended by Regulation (EC) No 232/94 (OJ No L 30, 3. 2. 1994, p. 7).

**COUNCIL REGULATION (EC) No 2991/94**  
**of 5 December 1994**

**laying down standards for spreadable fats**

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 <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products <sup>(4)</sup>, lays down in Article 6 a single definition for butter covered by the intervention system;

Whereas, moreover, Articles 35a and 36 of Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats <sup>(5)</sup>, provide for the establishment of marketing standards for all products in that sector; whereas these standards, especially in the case of margarine, may in particular relate to quality classification, taking account of marketing requirements and the special position of these products;

Whereas the development of production techniques and the expectations of consumers have resulted in increasing diversification of the market in solid fats intended for human consumption;

Whereas the products covered by this Regulation must be deemed to be competing products, being comparable from the point of view of certain characteristics, in particular appearance and use;

Whereas the laying down of marketing standards for the milk and non-milk products concerned with a clear and distinct classification accompanied by rules on designation will accordingly ensure the stability of the agricultural markets in question and contribute to the establishment of a fair standard of living for the agricultural population;

Whereas the main aspect of the products is their fat content; whereas the products with a fat content of at least 10 % but less than 90 % by weight intended for human consumption make up the great majority of products on the market, and in particular of products intended for the ultimate consumer;

Whereas a solution laying down a uniform classification for all the products involved will make it easier for the consumer to choose between products which, on the one hand, are comparable as regards fat content in general but, on the other hand, differ as regards the plant and/or animal fats used;

Whereas the scope of the Regulation must be extended to all competing products with a fat content of at least 10 % but less than 90 % by total weight intended for supply without further processing to the ultimate consumer;

Whereas the possibility of manufacturing products with various fat contents should be maintained and, in order to avoid confusing the consumer, and in view of experience gained in the milk sector, the terms 'butter' and 'margarine' should be used solely for certain categories of products with a clearly defined fat content;

Whereas, moreover, such a framework of Community rules will contribute towards the development of trade under conditions of fair competition;

Whereas, in order to achieve the desired clarity, designations for all the products concerned should be laid down; whereas the reduction in the fat content must appear in the designation;

Whereas, as a result, provision should be made that only those products meeting the requirements of this Regulation may be supplied for final consumption; whereas products which fall outside the scope of this Regulation may be supplied or transferred to the ultimate consumer, but the reserved sales descriptions may not be used;

Whereas this Regulation must apply without prejudice to Council Regulation (EEC) No 1898/87 of 2 July 1987 on the protection of designations used in the marketing of milk and milk products <sup>(6)</sup>, as is also the case with regard to Community legislation in the veterinary and foodstuffs sectors aimed at ensuring compliance with hygiene and labelling standards for foodstuffs;

<sup>(6)</sup> OJ No L 182, 3. 7. 1987, p. 36. Regulation as last amended by Regulation (EEC) No 222/88 (OJ No L 28, 1. 2. 1988, p. 1).

<sup>(1)</sup> OJ No C 36, 14. 2. 1992, p. 12 and OJ No C 62, 4. 3. 1993, p. 10.

<sup>(2)</sup> OJ No C 337, 21. 12. 1992, p. 236.

<sup>(3)</sup> OJ No C 223, 31. 8. 1992, p. 64.

<sup>(4)</sup> OJ No L 148, 28. 6. 1968, p. 13. Regulation as last amended by Regulation (EC) No 2807/94 (OJ No L 298, 19. 11. 1994, p. 1).

<sup>(5)</sup> OJ No 172, 30. 9. 1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 3179/93 (OJ No L 285, 20. 11. 1993, p. 9).

Whereas it is necessary to adopt certain provisions additional to those laid down in Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs<sup>(1)</sup>; whereas this involves, in particular, the indication of the total fat content and certain fat constituents composed of various plant and animal fats;

Whereas, in order to ensure the coherence of these arrangements, products imported from third countries should be subject to equivalent requirements;

Whereas provision should be made for the Member States to lay down suitable checks and penalties in the case of infringements of this Regulation;

Whereas the standards laid down in this Regulation are entirely without prejudice to the tariff classification of the products in question;

Whereas a sufficient time limit should be provided for in order, on the one hand, to allow all products on the market to be adapted to the provisions laid down and, on the other hand, to allow stocks of packaging labelled in accordance with national legislation previously in force to be disposed of,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. This Regulation lays down standards for:

- (a) milk fats falling within CN codes 0405 and ex 2106;
- (b) fats falling within CN code ex 1517; and
- (c) fats composed of plant and/or animal products falling within CN codes ex 1517 and ex 2106;

with a fat content of at least 10 % but less than 90 % by weight, intended for human consumption.

The fat content excluding salt must be at least two-thirds of the dry matter.

2. This Regulation shall apply to products which remain solid at a temperature of 20 °C, and which are suitable for use as spreads.

3. This Regulation shall be without prejudice to Regulation (EEC) No 1898/87 or provisions adopted in the veterinary and foodstuffs sectors to ensure that products

comply with hygiene and health standards and to protect animal and human health.

#### *Article 2*

1. The products referred to in Article 1 may not be supplied or transferred without processing to the ultimate consumer either directly or through restaurants, hospitals, canteens or similar establishments, unless they meet the requirements set out in the Annex.

2. The sales descriptions of these products shall be those specified in the Annex, without prejudice to Article 3 (2) or Article 5.

The sales descriptions in the Annex shall be reserved for the products defined therein.

However, this paragraph shall not apply to:

- the designation of products the exact nature of which is clear from traditional usage and/or when the designations are clearly used to describe a characteristic quality of the product,
- concentrated products (butter, margarine, blends) with a fat content of 90 % or more.

#### *Article 3*

1. In addition to the rules laid down in Directive 79/112/EEC, the following information must be indicated in the labelling and presentation of the products referred to in Article 2 (1):

- (a) the sales description as defined in the Annex;
- (b) the total percentage fat content by weight at the time of production for products referred to in the Annex;
- (c) the vegetable, milk or other animal fat content in decreasing order of weighted importance as a percentage by total weight at the time of production for compound fats referred to in the Annex, Part C;
- (d) the percentage salt content must be indicated in a particularly legible manner in the list of ingredients for products referred to in the Annex.

2. Notwithstanding paragraph 1 (a) the sales descriptions 'minarine' or 'halvarine' may be used for products referred to in the Annex, Part B, point 3.

3. The sales description referred to in paragraph 1 (a) may be used together with one or more terms to define the plant and/or animal species from which the products originate, or the intended use of the products as well as with other terms concerning the production methods in so far as such terms are not in contradiction with other Community provisions, in particular with Council Regu-

<sup>(1)</sup> OJ No L 33, 8. 2. 1979, p. 1. Directive as last amended by Commission Directive 91/72/EEC (OJ No L 42, 15. 2. 1991, p. 27).

lation (EEC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs<sup>(1)</sup>. Indications of geographical origin may also be used subject to the provisions of Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs<sup>(2)</sup>.

4. The term 'vegetable' may be used together with the sales descriptions in the Annex, Part B, provided that the product contains only fat of vegetable origin with a tolerance of 2 % of the fat content for animal fats. This tolerance shall also apply where reference is made to a vegetable species.

5. The information referred to in paragraph 1, 2 and 3 must be easy to understand and marked in a conspicuous place in such a way as to be easily visible, clearly legible and indelible.

6. Special measures regarding the information referred to in paragraph 1 (a) and (b) may be introduced for certain forms of advertising in accordance with the procedure provided for in Article 9.

#### Article 4

The term 'traditional' may be used together with the name 'butter' provided for in the Annex, Part A (1), where the product is obtained directly from milk or cream.

For the purposes of this Article, 'cream' means the product obtained from milk in the form of an emulsion of the oil-in-water type with a milk-fat content of at least 10 %.

#### Article 5

1. Terms for products referred to in the Annex which state, imply or suggest fat content other than those referred to in that Annex shall be prohibited.

2. By way of derogation from paragraph 1 and in addition:

- (a) the term 'reduced-fat' may be used for products referred to in the Annex with a fat content of more than 41 % but not more than 62 %;
- (b) the terms 'low-fat' or 'light' may be used for products referred to in the Annex with a fat content of 41 % or less.

The term 'reduced-fat' and the terms 'low-fat' or 'light' may, however, replace respectively the terms 'three-quarter-fat' or 'half-fat' used in the Annex.

Within five years of the date of entry into force of this Regulation the Council shall review the application of this paragraph on the basis of a report by the Commission.

3. By way of derogation from paragraph 1 and for a transitional period of five years after the publication of this Regulation the terms referred to in paragraph 1 may continue to appear on products which already display

them on 31 December 1993 and which are legally marketed on the market of a Member State.

#### Article 6

1. Subject to the provisions of this Regulation, Member States may adopt or maintain national regulations laying down different quality levels. Such regulations must allow those quality levels to be assessed on the basis of criteria relating in particular to the raw materials used, the organoleptic, characteristics of the products and their physical and microbiological stability.

Member States making use of this option shall ensure that other Member States' products which comply with the criteria laid down by those regulations may, under non-discriminatory conditions, use terms which, by virtue of those regulations, state that those criteria are complied with.

2. The sales descriptions referred to in Article 3(1)(a) may be supplemented by a reference to the quality level peculiar to the product concerned.

3. Member States shall take the measures necessary to ensure that checks are conducted on the application of all the criteria referred to in the second subparagraph of paragraph 1 for determining the quality levels. Regular and frequent checks shall extend up to the end product and must be made by one or more bodies governed by public law and designated by the Member State, or by an approved body supervised by the latter. Member States shall give the Commission a list of the bodies they have designated.

#### Article 7

Products imported into the Community must comply with this Regulation in the cases referred to in Article 2(1).

#### Article 8

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure provided for in Article 9, and may in particular include:

- the list of the products referred to in Article 2(2), third subparagraph, first indent, on the basis of the lists sent to the Commission by the Member States,
- the methods of analysis needed to check the composition and manufacturing characteristics of the products referred to in Article 1,
- detailed rules for the taking of samples,
- detailed rules for obtaining statistical information on the markets in the products referred to in Article 1.

#### Article 9

In cases where reference is made to this Article, the measures in question shall be adopted in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68 and Article 38 of Regulation No 136/66/EEC.

<sup>(1)</sup> OJ No L 208, 24. 7. 1992, p. 9.

<sup>(2)</sup> OJ No L 208, 24. 7. 1992, p. 1.

*Article 10*

Member States shall specify the effective penalties to be imposed in the case of breach of the provisions of this Regulation and, where appropriate, the national measures relevant to its enforcement. Member States shall inform the Commission of the penalties by 1 January 1997.

*Article 11*

1. This Regulation shall enter into force on 1 January 1996.
2. Notwithstanding Article 2(1), products on the market of a Member State on 31 December 1995 which do not meet the requirements specified in the Annex may be supplied or transferred until 31 December 1997.

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

Done at Brussels, 5 December 1994.

*For the Council*

*The President*

Th. WAIGEL

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## ANNEX

Fat group	Sales description	Product categories
Definitions		Additional description of the category with an indication of the % fat content by weight
<b>A. Milk fats</b>  Products in the form of a solid, malleable emulsion, principally of the water-in-oil type, derived exclusively from milk and/or certain milk products, for which the fat is the essential constituent of value. However, other substances necessary for their manufacture may be added, provided those substances are not used for the purpose of replacing, either in whole or in part, any milk constituents.	1. Butter  2. Three-quarter-fat butter (*)  3. Half-fat butter (**)  4. Dairy spread X %	The product with a milk-fat content of not less than 80 % but less than 90 %, a maximum water content of 16 % and a maximum dry non-fat milk-material content of 2 %.  The product with a milk-fat content of not less than 60 % but not more than 62 %.  The product with a milk-fat content of not less than 39 % but not more than 41 %.  The product with the following milk-fat contents : — less than 39 %, — more than 41 % but less than 60 %, — more than 62 % but less than 80 %.

(\*) Corresponding to 'smør 60' in Danish.

(\*\*) Corresponding to 'smør 40' in Danish.

Fat group	Sales description	Product categories
Definitions		Additional description of the category with an indication of the % fat content by weight
<b>B. Fats</b>  Products in the form of a solid, malleable emulsion, principally of the water-in-oil type, derived from solid and/or liquid vegetable and/or animal fats suitable for human consumption, with a milk-fat content of not more than 3 % or the fat content.	1. Margarine  2. Three-quarter-fat margarine (*)  3. Half-fat margarine (**)  4. Fat spreads X %	The product obtained from vegetable and/or animal fats with a fat content of not less than 80 % but less than 90 %.  The product obtained from vegetable and/or animal fats with a fat content of not less than 60 % but not more than 62 %.  The product obtained from vegetable and/or animal fats with a fat content of not less than 39 % but not more than 41 %.  The product obtained from vegetable and/or animal fats with the following fat contents : — less than 39 %, — more than 41 % but less than 60 %, — more than 62 % but less than 80 %.

(\*) Corresponding to 'margarine 60' in Danish.

(\*\*) Corresponding to 'margarine 40' in Danish.



Fat group	Sales description	Product categories
Definitions		Additional description of the category with an indication of the % fat content by weight
<b>C. Fats composed of plant and/or animal products</b>  Products in the form of a solid, malleable emulsion principally of the water-in-oil type, derived from solid and/or liquid vegetable and/or animal fats suitable for human consumption, with a milk-fat content of between 10 % and 80 % of the fat content.	1. Blend  2. Three-quarter-fat blend (*)  3. Half-fat blend (**)  4. Blended spread X %	The product obtained from a mixture of vegetable and/or animal fats with a fat content of not less than 80 % but less than 90 %.  The product obtained from a mixture of vegetable and/or animal fats with a fat content of not less than 60 % but not more than 62 %.  The product obtained from a mixture of vegetable and/or animal fats with a fat content of not less than 39 % but not more than 41 %.  The product obtained from a mixture of vegetable and/or animal fats with the following fat contents : — less than 39 %, — more than 41 % but less than 60 %, — more than 62 % but less than 80 %.

(\*) Corresponding to 'blandingsprodukt 60' in Danish.

(\*\*) Corresponding to 'blandingsprodukt 40' in Danish.

*Note:* The milk-fat component of the products listed in the Annex may be modified only by physical processes.

**COMMISSION REGULATION (EC) No 2992/94**  
**of 8 December 1994**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 5 and 6 December 1994 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

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

<sup>(2)</sup> OJ No L 285, 20. 11. 1993, p. 9.

<sup>(3)</sup> OJ No L 169, 28. 6. 1976, p. 24.

<sup>(4)</sup> OJ No L 192, 11. 7. 1992, p. 1.

<sup>(5)</sup> OJ No L 169, 28. 6. 1976, p. 43.

<sup>(6)</sup> OJ No L 192, 11. 7. 1992, p. 2.

<sup>(7)</sup> OJ No L 169, 28. 6. 1976, p. 9.

<sup>(8)</sup> OJ No L 48, 26. 2. 1986, p. 1.

<sup>(9)</sup> OJ No L 142, 9. 6. 1977, p. 10.

<sup>(10)</sup> OJ No L 192, 11. 7. 1992, p. 3.

<sup>(11)</sup> OJ No L 181, 21. 7. 1977, p. 4.

<sup>(12)</sup> OJ No L 370, 30. 12. 1978, p. 60.

<sup>(13)</sup> OJ No L 331, 28. 11. 1978, p. 6.

<sup>(14)</sup> OJ No L 263, 19. 9. 1991, p. 1.

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

*Article 2*

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

HAS ADOPTED THIS REGULATION :

*Article 1*

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

*Article 3*

This Regulation shall enter into force on 9 December 1994.

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

Done at Brussels, 8 December 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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## ANNEX I

Minimum import levies on olive oil <sup>(1)</sup>

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	79,00 <sup>(2)</sup>
1509 10 90	79,00 <sup>(2)</sup>
1509 90 00	92,00 <sup>(3)</sup>
1510 00 10	77,00 <sup>(2)</sup>
1510 00 90	122,00 <sup>(4)</sup>

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

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

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

<sup>(3)</sup> For imports of oil falling within this CN code:

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

<sup>(4)</sup> For imports of oil falling within this CN code:

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

## ANNEX II

Import levies on other olive oil sector products <sup>(1)</sup>

(ECU/100 kg)

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

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

## COMMISSION REGULATION (EC) No 2993/94

of 8 December 1994

fixing the aid for the supply of milk products to the Canary Islands under the arrangements provided for in Articles 2 to 4 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 <sup>(1)</sup>, as last amended by Commission Regulation (EEC) No 1974/93 <sup>(2)</sup>, and in particular Article 3 (4) thereof,

Whereas Annex IV 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, 3, 4 and 5 of Council Regulation (EEC) No 1601/92 <sup>(3)</sup> fixes for the period 1 July 1994 to 30 June 1995 the quantities of milk products which may benefit from the supply arrangements by means of an exemption from the import levy;

Whereas the abovementioned aid should be fixed taking account, in particular, of the costs of supply from the world market, the conditions arising from the geographical situation of the Canary Islands and current prices for exports of the products in question to third countries;

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 <sup>(4)</sup>, 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 <sup>(5)</sup>, as last amended by Regulation (EEC) No 2596/93 <sup>(6)</sup>, and apply in the various market sectors from 1 December 1994;

Whereas, therefore, Commission Regulation (EEC) No 2164/92 of 30 July 1992 laying down detailed rules for the application of the specific supply arrangements for the Canary Islands relating to milk products <sup>(7)</sup>, as last amended by Regulation (EEC) No 2384/94 <sup>(8)</sup>, should be repealed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the purposes of Article 3 (2) of Regulation (EEC) No 1601/92, the aid for the supply of milk products from the Community market to the Canary islands in accordance with the supply balance established by Regulation (EC) No 2883/94 shall be as set out in the Annex hereto.

*Article 2*

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

*Article 3*

Regulation (EEC) No 2164/92 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 with effect from 1 December 1994.

<sup>(1)</sup> OJ No L 173, 27. 6. 1992, p. 13.

<sup>(2)</sup> OJ No L 180, 23. 7. 1993, p. 26.

<sup>(3)</sup> OJ No L 304, 29. 11. 1994, p. 18.

<sup>(4)</sup> OJ No L 296, 17. 11. 1994, p. 23.

<sup>(5)</sup> OJ No L 179, 1. 7. 1992, p. 1.

<sup>(6)</sup> OJ No L 238, 23. 9. 1993, p. 24.

<sup>(7)</sup> OJ No L 217, 31. 7. 1992, p. 17.

<sup>(8)</sup> OJ No L 255, 1. 10. 1994, p. 91.

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

Done at Brussels, 8 December 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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## ANNEX

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter <sup>(1)</sup> :			
0401 10	– Of a fat content, by weight, not exceeding 1 % :			
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 000	( <sup>1</sup> )	5,18
0401 10 90	– – Other	0401 10 90 000	( <sup>1</sup> )	5,18
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 % :			
	– – Not exceeding 3 % :			
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres :			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 100	( <sup>1</sup> )	5,18
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 11 500	( <sup>1</sup> )	8,00
0401 20 19	– – – Other :			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 100	( <sup>1</sup> )	5,18
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 19 500	( <sup>1</sup> )	8,00
	– – Exceeding 3 % :			
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres :			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 91 100	( <sup>1</sup> )	10,65
	– Of a fat content, by weight, exceeding 4 %	0401 20 91 500	( <sup>1</sup> )	12,41
0401 20 99	– – – Other :			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 99 100	( <sup>1</sup> )	10,65
	– Of a fat content, by weight, exceeding 4 %	0401 20 99 500	( <sup>1</sup> )	12,41
0401 30	– Of a fat content, by weight, exceeding 6 % :			
	– – Not exceeding 21 % :			
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres :			
	– Of a fat content, by weight :			
	– Not exceeding 10 %	0401 30 11 100	( <sup>1</sup> )	15,94
	– Exceeding 10 % but not exceeding 17 %	0401 30 11 400	( <sup>1</sup> )	24,58
	– Exceeding 17 %	0401 30 11 700	( <sup>1</sup> )	36,93
0401 30 19	– – – Other :			
	– Of a fat content, by weight :			
	– Not exceeding 10 %	0401 30 19 100	( <sup>1</sup> )	15,94
	– Exceeding 10 % but not exceeding 17 %	0401 30 19 400	( <sup>1</sup> )	24,58
	– Exceeding 17 %	0401 30 19 700	( <sup>1</sup> )	36,93
	– – Exceeding 21 % but not exceeding 45 % :			
0401 30 31	– – – In immediate packings of a net content not exceeding 2 litres :			
	– Of a fat content, by weight :			
	– Not exceeding 35 %	0401 30 31 100	( <sup>1</sup> )	43,98
	– Exceeding 35 % but not exceeding 39 %	0401 30 31 400	( <sup>1</sup> )	68,67
	– Exceeding 39 %	0401 30 31 700	( <sup>1</sup> )	75,72

(in ECU/100 kg weight, if no other indication)				
CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401 30 39	-- -- -- Other : -- Of a fat content, by weight : -- Not exceeding 35 % -- Exceeding 35 % but not exceeding 39 % -- Exceeding 39 %	0401 30 39 100 0401 30 39 400 0401 30 39 700	(1) (1) (1)	43,98 68,67 75,72
0401 30 91	-- -- Exceeding 45 % : -- -- -- In immediate packings of a net content not exceeding 2 litres : -- Of a fat content, by weight : -- Not exceeding 68 % -- Exceeding 68 % but not exceeding 80 % -- Exceeding 80 %	0401 30 91 100 0401 30 91 400 0401 30 91 700	(1) (1) (1)	86,30 126,85 148,02
0401 30 99	-- -- -- Other : -- Of a fat content, by weight : -- Not exceeding 68 % -- Exceeding 68 % but not exceeding 80 % -- Exceeding 80 %	0401 30 99 100 0401 30 99 400 0401 30 99 700	(1) (1) (1)	86,30 126,85 148,02
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter :			
0402 10	-- In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % (?) : -- -- Not containing added sugar or other sweetening matter (?) :			
0402 10 11	-- -- -- In immediate packings of a net content not exceeding 2,5 kg	0402 10 11 000	(2)	60,00
0402 10 19	-- -- -- Other	0402 10 19 000	(2)	60,00
	-- -- Other (?) :			
0402 10 91	-- -- -- In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 000	(2)	0,6000
0402 10 99	-- -- -- Other	0402 10 99 000	(2)	0,6000
	-- In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % (?) :			
0402 21	-- -- Not containing added sugar or other sweetening matter (?) :			
	-- -- -- Of a fat content, by weight, not exceeding 27 % :			
0402 21 11	-- -- -- -- In immediate packings of a net content not exceeding 2,5 kg :			
	-- Of a fat content, by weight :			
	-- Not exceeding 11 %	0402 21 11 200	(2)	60,00
	-- Exceeding 11 % but not exceeding 17 %	0402 21 11 300	(2)	91,58
	-- Exceeding 17 % but not exceeding 25 %	0402 21 11 500	(2)	96,82
	-- Exceeding 25 %	0402 21 11 900	(2)	104,50
	-- -- -- -- Other :			
0402 21 17	-- -- -- -- -- Of a fat content, by weight, not exceeding 11 %	0402 21 17 000	(2)	60,00
0402 21 19	-- -- -- -- -- Of a fat content, by weight, exceeding 11 % but not exceeding 27 % :			
	-- Not exceeding 17 %	0402 21 19 300	(2)	91,58
	-- Exceeding 17 % but not exceeding 25 %	0402 21 19 500	(2)	96,82
	-- Exceeding 25 %	0402 21 19 900	(2)	104,50
	-- -- -- Of a fat content, by weight, exceeding 27 % :			



(in ECU/100 kg weight, if no other indication)				
CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 21 91	— — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a fat content, by weight : — Not 28 % — Exceeding 28 % but not exceeding 29 % — Exceeding 29 % but not exceeding 41 % — Exceeding 41 % but not exceeding 45 % — Exceeding 45 % but not exceeding 59 % — Exceeding 59 % but not exceeding 69 % — Exceeding 69 % but not exceeding 79 % — Exceeding 7 %	0402 21 91 100 0402 21 91 200 0402 21 91 300 0402 21 91 400 0402 21 91 500 0402 21 91 600 0402 21 91 700 0402 21 91 900	(2) (2) (2) (2) (2) (2) (2) (2)	105,31 106,08 107,46 115,39 118,10 128,54 134,75 141,68
0402 21 99	— — — — Other : — Of a fat content, by weight : — Not exceeding 28 % — Exceeding 28 % but not exceeding 29 % — Exceeding 29 % but not exceeding 41 % — Exceeding 41 % but not exceeding 45 % — Exceeding 45 % but not exceeding 59 % — Exceeding 59 % but not exceeding 69 % — Exceeding 69 % but not exceeding 79 % — Exceeding 79 %	0402 21 99 100 0402 21 99 200 0402 21 99 300 0402 21 99 400 0402 21 99 500 0402 21 99 600 0402 21 99 700 0402 21 99 900	(2) (2) (2) (2) (2) (2) (2) (2)	105,31 106,08 107,46 115,39 118,10 128,54 134,75 141,68
ex 0402 29	— — Other <sup>(3)</sup> : — — — Of a fat content, by weight, not exceeding 27 % : — — — — Other :			
0402 29 15	— — — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a fat content, by weight : — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 %	0402 29 15 200 0402 29 15 300 0402 29 15 500 0402 29 15 900	(3) (3) (3) (3)	0,6000 0,9158 0,9682 1,0450
0402 29 19	— — — — — Other : — Of a fat content, by weight : — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 % — — — Of a fat content, by weight, exceeding 27 % :	0402 29 19 200 0402 29 19 300 0402 29 19 500 0402 29 19 900	(3) (3) (3) (3)	0,6000 0,9158 0,9682 1,0450

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 29 91	<ul style="list-style-type: none"> <li>— — — — In immediate packings of a net content not exceeding 2,5 kg :</li> <li>— Of a fat content, by weight : <ul style="list-style-type: none"> <li>— Not exceeding 41 %</li> <li>— Exceeding 41 %</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>0402 29 91 100</li> <li>0402 29 91 500</li> </ul>	<ul style="list-style-type: none"> <li>(<sup>3</sup>)</li> <li>(<sup>3</sup>)</li> </ul>	<ul style="list-style-type: none"> <li>1,0531</li> <li>1,1539</li> </ul>
0402 29 99	<ul style="list-style-type: none"> <li>— — — — Other :</li> <li>— Of a fat content, by weight : <ul style="list-style-type: none"> <li>— Not exceeding 41 %</li> <li>— Exceeding 41 %</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>0402 29 99 100</li> <li>0402 29 99 500</li> </ul>	<ul style="list-style-type: none"> <li>(<sup>3</sup>)</li> <li>(<sup>3</sup>)</li> </ul>	<ul style="list-style-type: none"> <li>1,0531</li> <li>1,1539</li> </ul>
0402 91	<ul style="list-style-type: none"> <li>— — Not containing added sugar or other sweetening matter(<sup>2</sup>) :</li> <li>— — — Of a fat content, by weight, not exceeding 8 % :</li> </ul>			
0402 91 11	<ul style="list-style-type: none"> <li>— — — — In immediate packings of a net content not exceeding 2,5 kg :</li> <li>— Of a non-fat lactic dry matter content : <ul style="list-style-type: none"> <li>— Of less than 15 % and of a fat content, by weight : <ul style="list-style-type: none"> <li>— Not exceeding 3 %</li> <li>— Exceeding 3 %</li> </ul> </li> <li>— Of 15 % or more and of a fat content, by weight : <ul style="list-style-type: none"> <li>— Not exceeding 3 %</li> <li>— Exceeding 3 % but not exceeding 7,4 %</li> <li>— Exceeding 7,4 %</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>0402 91 11 110</li> <li>0402 91 11 120</li> <li>0402 91 11 310</li> <li>0402 91 11 350</li> <li>0402 91 11 370</li> </ul>	<ul style="list-style-type: none"> <li>(<sup>2</sup>)</li> <li>(<sup>2</sup>)</li> <li>(<sup>2</sup>)</li> <li>(<sup>2</sup>)</li> <li>(<sup>2</sup>)</li> </ul>	<ul style="list-style-type: none"> <li>5,18</li> <li>10,65</li> <li>18,15</li> <li>22,42</li> <li>27,47</li> </ul>
0402 91 19	<ul style="list-style-type: none"> <li>— — — — Other :</li> <li>— Of a non-fat lactic dry matter content : <ul style="list-style-type: none"> <li>— Of less than 15 % and of a fat content, by weight : <ul style="list-style-type: none"> <li>— Not exceeding 3 %</li> <li>— Exceeding 3 %</li> </ul> </li> <li>— Of 15 % or more and of a fat content, by weight : <ul style="list-style-type: none"> <li>— Not exceeding 3 %</li> <li>— Exceeding 3 % but not exceeding 7,4 %</li> <li>— Exceeding 7,4 %</li> </ul> </li> </ul> </li> <li>— — — Of a fat content, by weight, exceeding 8 % but not exceeding 10 % :</li> </ul>	<ul style="list-style-type: none"> <li>0402 91 19 110</li> <li>0402 91 19 120</li> <li>0402 91 19 310</li> <li>0402 91 19 350</li> <li>0402 91 19 370</li> </ul>	<ul style="list-style-type: none"> <li>(<sup>2</sup>)</li> <li>(<sup>2</sup>)</li> <li>(<sup>2</sup>)</li> <li>(<sup>2</sup>)</li> <li>(<sup>2</sup>)</li> </ul>	<ul style="list-style-type: none"> <li>5,18</li> <li>10,65</li> <li>18,15</li> <li>22,42</li> <li>27,47</li> </ul>
0402 91 31	<ul style="list-style-type: none"> <li>— — — — In immediate packings of a net content not exceeding 2,5 kg :</li> <li>— Of a non-fat lactic dry matter content : <ul style="list-style-type: none"> <li>— Of less than 15 %</li> <li>— Of 15 % or more</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>0402 91 31 100</li> <li>0402 91 31 300</li> </ul>	<ul style="list-style-type: none"> <li>(<sup>2</sup>)</li> <li>(<sup>2</sup>)</li> </ul>	<ul style="list-style-type: none"> <li>21,05</li> <li>32,47</li> </ul>
0402 91 39	<ul style="list-style-type: none"> <li>— — — — Other :</li> <li>— Of a non-fat lactic dry matter content : <ul style="list-style-type: none"> <li>— Of less than 15 %</li> <li>— Of 15 % or more</li> </ul> </li> <li>— — — Of a fat content, by weight, exceeding 10 % but not exceeding 45 % :</li> </ul>	<ul style="list-style-type: none"> <li>0402 91 39 100</li> <li>0402 91 39 300</li> </ul>	<ul style="list-style-type: none"> <li>(<sup>2</sup>)</li> <li>(<sup>2</sup>)</li> </ul>	<ul style="list-style-type: none"> <li>21,05</li> <li>32,47</li> </ul>
0402 91 51	<ul style="list-style-type: none"> <li>— — — — In immediate packings of a net content not exceeding 2,5 kg</li> </ul>	0402 91 51 000	( <sup>2</sup> )	24,58
0402 91 59	<ul style="list-style-type: none"> <li>— — — — Other</li> <li>— — — Of a fat content, by weight, exceeding 45 % :</li> </ul>	0402 91 59 000	( <sup>2</sup> )	24,58
0402 91 91	<ul style="list-style-type: none"> <li>— — — — In immediate packings of a net content not exceeding 2,5 kg</li> </ul>	0402 91 91 000	( <sup>2</sup> )	86,30
0402 91 99	<ul style="list-style-type: none"> <li>— — — — Other</li> </ul>	0402 91 99 000	( <sup>2</sup> )	86,30

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 99	— — Other :			
	— — — Of a fat content, by weight, not exceeding 9,5 % :			
0402 99 11	— — — — In immediate packings of a net content not exceeding 2,5 kg :			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight <sup>(3)</sup> :			
	— Not exceeding 3 %	0402 99 11 110	<sup>(3)</sup>	0,0518
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 130	<sup>(3)</sup>	0,1065
	— Exceeding 6,9 %	0402 99 11 150	<sup>(3)</sup>	0,1769
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight <sup>(4)</sup> :			
	— Not exceeding 3 %	0402 99 11 310	<sup>(4)</sup>	20,94
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 330	<sup>(4)</sup>	25,30
	— Exceeding 6,9 %	0402 99 11 350	<sup>(4)</sup>	33,90
0402 99 19	— — — — Other :			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight <sup>(3)</sup> :			
	— Not exceeding 3 %	0402 99 19 110	<sup>(3)</sup>	0,0518
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 130	<sup>(3)</sup>	0,1065
	— Exceeding 6,9 %	0402 99 19 150	<sup>(3)</sup>	0,1769
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight <sup>(4)</sup> :			
	— Not exceeding 3 %	0402 99 19 310	<sup>(4)</sup>	20,94
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 330	<sup>(4)</sup>	25,30
	— Exceeding 6,9 %	0402 99 19 350	<sup>(4)</sup>	33,90
	— — — Of a fat content, by weight, exceeding 9,5 % but not exceeding 45 % :			
0402 99 31	— — — — In immediate packings not exceeding 2,5 kg :			
	— Of a fat content, by weight, not exceeding 21 % :			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % <sup>(3)</sup>	0402 99 31 110	<sup>(3)</sup>	0,2282
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more <sup>(4)</sup>	0402 99 31 150	<sup>(4)</sup>	35,31
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % <sup>(3)</sup>	0402 99 31 300	<sup>(3)</sup>	0,4398
	— Of a fat content, by weight, exceeding 39 % <sup>(3)</sup>	0402 99 31 500	<sup>(3)</sup>	0,7572
0402 99 39	— — — — Other :			
	— Of a fat content, by weight, not exceeding 21 % :			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % <sup>(3)</sup>	0402 99 39 110	<sup>(3)</sup>	0,2282
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more <sup>(4)</sup>	0402 99 39 150	<sup>(4)</sup>	35,31
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % <sup>(3)</sup>	0402 99 39 300	<sup>(3)</sup>	0,4398
	— Of a fat content, by weight, exceeding 39 % <sup>(3)</sup>	0402 99 39 500	<sup>(3)</sup>	0,7572
	— — — Of a fat content, by weight, exceeding 45 % :			
0402 99 91	— — — — In immediate packings not exceeding 2,5 kg <sup>(3)</sup>	0402 99 91 000	<sup>(3)</sup>	0,8630
0402 99 99	— — — — Other <sup>(3)</sup>	0402 99 99 000	<sup>(3)</sup>	0,8630

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0405 00	Butter and other fats and oils derived from milk :			
0405 00 11	– Of a fat content, by weight, not exceeding 85 % :			
	– – In immediate packings of a net content not exceeding 1 kg			
	– Of a fat content by weight :			
	– Of less than 62 %	0405 00 11 000		—
	– Of 62 % or more but less than 78 %	0405 00 11 200		120,98
	– Of 78 % or more but less than 80 %	0405 00 11 300		152,20
	– Of 80 % or more but less than 82 %	0405 00 11 500		156,10
	– Of 82 % or more	0405 00 11 700		160,00
0405 00 19	– – Other :			
	– Of a fat content by weight :			
	– Of less than 62 %	0405 00 19 100		—
	– Of 62 % or more but less than 78 %	0405 00 19 200		120,98
	– Of 78 % or more but less than 80 %	0405 00 19 300		152,20
	– Of 80 % or more but less than 82 %	0405 00 19 500		156,10
	– Of 82 % or more	0405 00 19 700		160,00
0405 00 90	– Other :			
	– Of a fat content, by weight :			
	– Not exceeding 99,5 %	0405 00 90 100		160,00
	– Exceeding 99,5 %	0405 00 90 900		206,00
0406	– Cheese :			
0406 30	– Processed, cheese, not grated or powdered (*) :			
0406 30 10	– – In the blending of which only Emmentaler, Gruyère and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger) ; put up for retail sale, of a fat content by weight in the dry matter, not exceeding 56 % :			
	– – – In the blending of which only Emmentaler and Gruyère have been used of a fat content by weight in the dry matter, not exceeding 56 % :			
	– – – – Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter :			
	– – – – – Not exceeding 48 % :			
	– Of a dry matter content, by weight :			
	– Of less than 27 %	0406 30 10 100		—
	– Of 27 % or more but less than 33 %	0406 30 10 150		18,60
	– Of 33 % or more but less than 38 %	0406 30 10 200		39,65
	– Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter :			
	– Of less than 20 %	0406 30 10 250		39,65
	– Of 20 % or more	0406 30 10 300		58,18
	– Of 43 % or more and of a fat content, by weight, in the dry matter :			
	– Of less than 20 %	0406 30 10 350		39,65
	– Of 20 % or more but less than 40 %	0406 30 10 400		58,18
	– Of 40 % or more	0406 30 10 450		84,66
	– – – – – Exceeding 48 % :			
	– Of a dry matter content, by weight :			
	– Of less than 33 %	0406 30 10 500		—
	– Of 33 % or more but less than 38 %	0406 30 10 550		39,65
	– Of 38 % or more but less than 43 %	0406 30 10 600		58,18

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 30 10 (cont'd)	<ul style="list-style-type: none"> <li>— Of 43 % or more but less than 46 %</li> <li>— Of 46 % or more and of a fat content, by weight, in the dry matter : <ul style="list-style-type: none"> <li>— Of less than 55 %</li> <li>— Of 55 % or more</li> </ul> </li> <li>— — — Of a fat content, by weight, exceeding 36 %</li> <li>— — — Other</li> <li>— — Other :</li> <li>— — — Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter :</li> </ul>	0406 30 10 650		84,66
		0406 30 10 700		84,66
		0406 30 10 750		103,34
		0406 30 10 800		103,34
		0406 30 10 900		—
0406 30 31	<ul style="list-style-type: none"> <li>— — — — Not exceeding 48 % : <ul style="list-style-type: none"> <li>— Of a dry matter content, by weight : <ul style="list-style-type: none"> <li>— Of less than 27 %</li> <li>— Of 27 % or more but less than 33 %</li> <li>— Of 33 % or more but less than 38 %</li> <li>— Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter : <ul style="list-style-type: none"> <li>— Of less than 20 %</li> <li>— Of 20 % or more</li> </ul> </li> <li>— Of 43 % or more and of a fat content, by weight, in the dry matter : <ul style="list-style-type: none"> <li>— Of less than 20 %</li> <li>— Of 20 % or more but less than 40 %</li> <li>— Of 40 % or more</li> </ul> </li> </ul> </li> </ul> </li> </ul>	0406 30 31 100		—
		0406 30 31 300	( <sup>9</sup> )	18,60
		0406 30 31 500	( <sup>9</sup> )	39,65
		0406 30 31 710	( <sup>9</sup> )	39,65
		0406 30 31 730	( <sup>9</sup> )	58,18
		0406 30 31 910	( <sup>9</sup> )	39,65
		0406 30 31 930	( <sup>9</sup> )	58,18
		0406 30 31 950	( <sup>9</sup> )	84,66
0406 30 39	<ul style="list-style-type: none"> <li>— — — — Exceeding 48 % : <ul style="list-style-type: none"> <li>— Of a dry matter content, by weight : <ul style="list-style-type: none"> <li>— Of less than 33 %</li> <li>— Of 33 % or more but less than 38 %</li> <li>— Of 38 % or more but less than 43 %</li> <li>— Of 43 % or more but less than 46 %</li> <li>— Of 46 % or more and of a fat content, by weight, in the dry matter : <ul style="list-style-type: none"> <li>— Of less than 55 %</li> <li>— Of 55 % or more</li> </ul> </li> </ul> </li> </ul> </li> </ul>	0406 30 39 100		—
		0406 30 39 300	( <sup>9</sup> )	39,65
		0406 30 39 500	( <sup>9</sup> )	58,18
		0406 30 39 700	( <sup>9</sup> )	84,66
		0406 30 39 930	( <sup>9</sup> )	84,66
		0406 30 39 950	( <sup>9</sup> )	103,34
0406 30 90	— — — Of a fat content, by weight, exceeding 36 %	0406 30 90 000	( <sup>9</sup> )	103,34
0406 90 23	<ul style="list-style-type: none"> <li>— — — Edam : <ul style="list-style-type: none"> <li>— Of a fat content, by weight, in the dry matter : <ul style="list-style-type: none"> <li>— Of less than 39 %</li> <li>— Of 39 % or more</li> </ul> </li> </ul> </li> </ul>	0406 90 23 100		—
		0406 90 23 900	( <sup>9</sup> )	110,24
0406 90 25	<ul style="list-style-type: none"> <li>— — — Tilsit : <ul style="list-style-type: none"> <li>— Of a fat content, by weight, in the dry matter : <ul style="list-style-type: none"> <li>— Of less than 39 %</li> <li>— Of 39 % or more</li> </ul> </li> </ul> </li> </ul>	0406 90 25 100		—
		0406 90 25 900	( <sup>9</sup> )	110,24

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 90 27	— — — Butterkäse : — Of a fat content, by weight, in the dry matter : — Of less than 39 % — Of 39 % or more	0406 90 27 100 0406 90 27 900	  ( <sup>9</sup> )	  — 93,42
0406 90 76	— — — — — Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsø : — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more but less than 55 % — Of a fat content, by weight, in the dry matter of 55 % or more	0406 90 76 100 0406 90 76 300 0406 90 76 500	( <sup>9</sup> ) ( <sup>9</sup> ) ( <sup>9</sup> )	90,24 110,24 110,24
0406 90 78	— — — — — Gouda : — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more but less than 55 % — Of a fat content, by weight, in the dry matter of 55 % or more — — — — — Other cheeses, of a water content, calculated by weight, of the non-fatty matter	0406 90 78 100 0406 90 78 300 0406 90 78 500	( <sup>9</sup> ) ( <sup>9</sup> ) ( <sup>9</sup> )	90,24 110,24 110,24
0406 90 79	— — — — — Estrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin and Taleggio : — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more	0406 90 79 100 0406 90 79 900	 ( <sup>9</sup> )	 — 93,42
0406 90 81	— — — — — Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby and Monterey : — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more	0406 90 81 100 0406 90 81 900	 ( <sup>9</sup> )	 — 105,89
0406 90 86	— — — — — Exceeding 47 % but not exceeding 52 % : — Cheeses produced from whey — Other : — Of a fat content, by weight, in the dry matter : — Of less than 5 % — Of 5 % or more but less than 19 % — Of 19 % or more but less than 39 % — Of more than 39 %	0406 90 86 100 0406 90 86 200 0406 90 86 300 0406 90 86 400 0406 90 86 900	   ( <sup>9</sup> ) ( <sup>9</sup> ) ( <sup>9</sup> ) ( <sup>9</sup> )	   — 72,89 79,92 90,24 105,89

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 90 87	<p>— — — — — Exceeding 52 % but not exceeding 62 % :</p> <p>— Cheeses produced from whey</p> <p>— Other :</p> <p>— Of a fat content, by weight, in the dry matter :</p> <p>— Of less than 5 %</p> <p>— Of 5 % or more but less than 19 %</p> <p>— Of 19 % or more but less than 39 %</p> <p>— Of more than 39 % :</p> <p>— Idiazabal, Manchego and Roncal, manufactured exclusively from sheep's milk</p> <p>— Maasdam</p> <p>— Manouri, of a fat content, by weight, of 30 % or more</p> <p>— Other</p>	<p>0406 90 87 100</p> <p>0406 90 87 200</p> <p>0406 90 87 300</p> <p>0406 90 87 400</p> <p>0406 90 87 951</p> <p>0406 90 87 971</p> <p>0406 90 87 972</p> <p>0406 90 87 979</p>	<p>(<sup>1</sup>)</p> <p>(<sup>1</sup>)</p> <p>(<sup>1</sup>)</p> <p>(<sup>1</sup>)</p> <p>(<sup>1</sup>)</p> <p>(<sup>1</sup>)</p> <p>(<sup>1</sup>)</p> <p>(<sup>1</sup>)</p>	<p>—</p> <p>72,89</p> <p>79,92</p> <p>90,24</p> <p>123,00</p> <p>110,24</p> <p>39,07</p> <p>110,24</p>
0406 90 88	<p>— — — — — Exceeding 62 % but not exceeding 72 % :</p> <p>— Cheeses produced from whey</p> <p>— Other :</p> <p>— Of a fat content, by weight, in the dry matter :</p> <p>— Of less than 5 % and of a dry matter content, by weight, of 32 % or more</p> <p>— Of 5 % or more but less than 19 % and of a dry matter content, by weight, of 32 % or more</p> <p>— Other</p>	<p>0406 90 88 100</p> <p>0406 90 88 200</p> <p>0406 90 88 300</p> <p>0406 90 88 900</p>	<p>(<sup>1</sup>)</p> <p>(<sup>1</sup>)</p>	<p>—</p> <p>72,89</p> <p>79,92</p> <p>—</p>

(<sup>1</sup>) When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or casein and/or caseinates, no aid shall be granted.

When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added to the product.

(<sup>2</sup>) The weight of the added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content by weight. When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or added casein and/or added caseinates, the whey and/or added casein and/or caseinates shall not be taken into account in the added calculation of the amount of aid.

When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :

- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and in particular,
- the lactose content of the added whey.

(<sup>3</sup>) The weight of added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content, by weight.

The aid per 100 kilograms of product falling within this subheading shall be equal to the sum of the following components :

- (a) the amount per kilogram shown, multiplied by the weight of the lactic part contained in 100 kilograms of product ; however, where whey and/or lactose and/or casein and/or caseinates have been added to the product, the amount per kilogram shown shall be multiplied by the weight of lactic part excluding the weight of added whey and/or added lactose and/or added caseinates, contained in 100 kilograms of product ;

- (b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68 (OJ No L 184, 29. 7. 1968, p. 10).  
When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :  
— the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished products, and in particular,  
— the lactose content of the added whey.
- (\*) The aid on 100 kilograms of product falling within this subheading is equal to the sum of the following elements :
- (a) the amount per 100 kilograms shown ; however, where whey and/or lactose and/or casein and/or caseinates have been added to the products, the amount per 100 kilograms shown shall be :  
— multiplied by the weight of the lactic part other than the added whey and/or added lactose and/or added casein and/or added caseinates contained in 100 kilograms of product, and then  
— divided by the weight of the lactic part contained in 100 kilograms of product ;
- (b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68.  
When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :  
— the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and, in particular,  
— the lactose content of the added whey.
- (\*) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.
- (\*) Where the product contains casein and/or caseinates, the part corresponding to the casein and/or the added caseinates will not be taken into account for the purpose of calculating the aid.  
When completing customs formalities, the party concerned is to state, on the declaration provided for the purpose, whether or not casein and/or caseinates have been added per 100 kilograms and where this is the case, the actual content by weight of added casein and/or added caseinates of finished product.
- (\*) The aid on frozen condensed milk is the same as that on products falling within CN codes 0402 91 or 0402 99.
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**COMMISSION REGULATION (EC) No 2994/94****of 8 December 1994****on the free supply to Georgia, Armenia and Azerbaijan of intervention wheat  
pursuant to Council Regulation (EC) No 1999/94**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1999/94 of 27 July 1994 on actions for the free supply of agricultural products to the people of Georgia, Armenia, Azerbaijan, Kyrgyzstan, Tajikistan and Moldova <sup>(1)</sup>, as amended by Regulation (EC) No 2621/94 <sup>(2)</sup> and in particular Article 4 thereof,

Whereas Commission Regulation (EC) No 2065/94 <sup>(3)</sup>, established the detailed rules applicable to the free supply of agricultural products held in intervention stocks to Georgia, Armenia, Azerbaijan, Kyrgyzstan and Tajikistan foreseen by Regulation (EC) No 1999/94; whereas, in addition, specific rules should be laid down for the supply of intervention wheat; whereas, taking account of budgetary resources and the proper management of intervention stocks, a tendering procedure should be organized for the supply of 120 000 tonnes of wheat held by the Danish intervention agency to Georgia, Armenia and Azerbaijan;

Whereas, in view of the present difficulties in these republics and the specific problems of forwarding aid to these regions, it is appropriate to organize the supply of the abovementioned products in two lots;

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*

1. A tendering procedure is hereby initiated for the supply costs of 120 000 tonnes (net) of wheat as indicated in Annex I, in accordance with the provisions of Regulation (EC) No 2065/94, and in particular Article 2 (1) and (2) thereof.

The invitation to tender relates to two lots of 60 000 tonnes each.

2. The supply costs shall include the take-over at the stores indicated in Annex II and transport by the appropriate means to the places of destination and within the time limits indicated in Annex I (one boat per destination).

*Article 2*

1. In accordance with Article 4 of Regulation (EC) No 2065/94 the offers shall be presented to the following address:

Commission of the European Communities,  
EAGGF-Guarantee section,  
Division VI/G.2 (Office 10/05),  
120, rue de la Loi,  
B-1049 Brussels.

The closing date for the lodgement of tenders shall be 21 December 1994 at 12 noon (Brussels time).

In the case of non-acceptance of offers on 21 December, a second closing date for the lodgement of offers shall be 30 December 1994 at 12 noon (Brussels time).

In this case all of the dates referred to in Annex I shall be carried forward by 14 days.

2. The offer shall relate to the total of the quantities of a lot referred to in Article 1.

By way of derogation from Article 6 (1) (d) (1) of Regulation (EC) No 2065/94 the offer must specify the total amount in ECU required for the complete supply of a lot, and the amount in ECU per tonne required for each destination.

Tenderers, where appropriate, shall take account of the unloading and transit prices to Armenia and Azerbaijan, fixed by agreement between the authorities in question, referred to in Annex V.

3. By way of derogation from the amount referred to in Article 6 (1) (f) of Regulation (EC) No 2065/94 the tendering security is fixed at 20 ECU/tonne, to be lodged in national currency.

4. The security referred to in Article 12 (2) of Regulation (EC) No 2065/94 is fixed at ECU 140 per tonne, to be lodged in national currency.

5. The securities referred to in paragraphs 3 and 4 shall be drawn up in favour of the Commission of the European Communities.

<sup>(1)</sup> OJ No L 201, 4. 8. 1994, p. 1.

<sup>(2)</sup> OJ No L 280, 29. 10. 1994, p. 2.

<sup>(3)</sup> OJ No L 213, 18. 8. 1994, p. 3.

*Article 3*

The take-over certificate referred to in Article 10 (1) (a) of Regulation (EC) No 2065/94 shall be established at the places and by the authorities referred to in Annex III, on the basis of the model in Annex IV.

*Article 4*

For the payment provided for at Article 13 of Regulation (EC) No 2065/94, the intervention agency shall deliver a

certificate certifying the total removal of the quantities for each destination, upon completion of that operation.

*Article 5*

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, 8 December 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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*ANNEX I***Lot No 1:**

- 20 000 tonnes of intervention wheat destined for Armenia.

**Delivery stage:**

Airum via the ports of Poti or Batumi (Goods not unloaded).

**Final delivery date at the port:**

20 February 1995.

- 20 000 tonnes of intervention wheat destined for Georgia.

**Delivery stage:**

Poti or Batumi (Goods unloaded).

**Final delivery date at the port:**

13 February 1995.

- 20 000 tonnes of intervention wheat destined for Azerbaijan.

**Delivery stage:**

Pbeuk-Kesik via the ports of Poti or Batumi (Goods not unloaded).

**Final delivery date at the port:**

30 January 1995.

**Lot No 2:**

- 20 000 tonnes of intervention wheat destined for Armenia.

**Delivery stage:**

Airum via the ports of Poti or Batumi (Goods not unloaded).

**Final delivery date at the port:**

30 January 1995.

- 20 000 tonnes of intervention wheat destined for Georgia.

**Delivery stage:**

Poti or Batumi (Goods unloaded).

**Final delivery date at the port:**

20 February 1995.

- 20 000 tonnes of intervention wheat destined for Azerbaijan.

**Delivery stage:**

Pbeuk-Kesik via the ports of Poti or Batumi (Goods not unloaded).

**Final delivery date at the port:**

17 February 1995.

No quantity destined for Armenia or Azerbaijan may be stored in the ports of Poti or Batumi; the wheat must be unloaded immediately on to the means of transport.

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## ANNEX II

	(tonnes)
Places of storage	Quantity
Lot No 1	
FAF AmbA Planlageret Nordre Havnevej DK-5300 Kerteminde	3 462,560
FAF AmbA Hverringe Gods Bøgebjerg DK-5300 Kerteminde	3 213,120
Korn- og Foderstofforretning Emmelev A/S Hal 9 B Norupvej 68 DK-5450 Otterup	4 000,550
Napus A/S Dalhavegård Astorpevej 78 DK-6070 Christiansfeld	2 643,640
Kolding Omegns Foderstof- og Gødningsforening AmbA Katrinebjerg Sdr. Stenderup DK-6092 Varmark	3 001,460
DLG Nordvest Nørgårdsvej 1 DK-7570 Vemb	8 454,840
DLG Lager Vest Tandrupvej 16 Tandrup DK-7755 Bedsted Thy	2 844,340
DLG Hurup Afdeling Industrivej 5 DK-7760 Hurup Thy	2 649,980
DLG Skive Afdeling Pakhus 5 Havnen DK-7800 Skive	6 999,820
DLG Nykøbing Afdeling Gl. Hal Ringvejen 72 DK-7900 Nykøbing M	2 000,400
A/S KFK Frijsenborg Lager Jernit DK-8450 Hammel	5 500,307

Places of storage	Quantity
DLG Midtjylland Bommen 11 Thorning DK-8620 Kjellerup	5 078,690
Overgård Gods Birte III Overgårdsvej DK-8970 Havndal	8 492,943
DLG Lundbygård Hal I Hadsundvej 440 DK-9260 Gistrup	1 657,350
<b>Lot No 2</b>	
Anders Bundgaard Søvang Gods af 1993 A/S Søbyvej 40 DK-7840 Højslev	9 240,660
A/S KFK Hal B Birkegårdsvej DK-8361 Hasselager	12 668,532
Overgård Gods Carlsen Byggemarked Løgten A/S Hjelmagervej 6 Løgten DK-8541 Skødstrup	7 002,160
DLG Det Røde Pakhus Toldbodgade 6 A DK-8900 Randers	1 001,338
Overgård Gods Fuglsøhus, Hus nr. 2 Fuglsømarkvej 8 DK-8970 Havndal	3 540,060
ØAG AmbA Kragelun, Hus 3 Østkystvejen 4 DK-9300 Saby	2 845,740
Lars P. Andersen Planlager v/H.J. Hæk Nejrupvej 14 Vester Hassing DK-9310 Vodskov	5 438,080
ØAG AmbA Hal M Dregårdsvej 1 DK-9330 Dronninglund	2 806,980
Ove Rasmussen Skovgård Gods, Hal II Skovgårdsvej 9 Skellerup DK-9500 Hobro	2 318,940

(tonnes)	
Places of storage	Quantity
Overgård Gods My hal v/Karl Lubech Als Oddevej 58 DK-9560 Hadsund	5 909,960
A/S KFK Børglum Kloster Børglum Klostervej 255 Børglum DK-9760 Vrå	7 227,550

The characteristics of the lots shall be supplied to the tenderers by the Danish intervention agency.

Address of the intervention agency :

**DENMARK**

Landbrugsministeriet,  
EF-Direktoratet,  
26, Nyropsgade,  
DK-1602, København V.  
Tel. : (45) 33 92 70 00 ; telefax : (45) 33 92 69 48.

*ANNEX III*

## (a) Place of take-over in Armenia :

## 1. Airum — Goods not unloaded.

The quantitative and qualitative controls will be carried out at the time of sealing the rail-wagons at Poti or Batumi. The take-over certificate will be issued on arrival at the above-mentioned station after verification of the integrity of the seals and the number of wagons.

## 2. Authority entitled to deliver the take-over certificate :

Ministry of Food and Provision,  
375010 Yerevan,  
Dom Pravitelstva,  
Ploshad Respubliki 1,  
Mr Stepanian, Deputy Minister.  
Tel : (7-8852) 52 03 21.

## (b) Place of take-over in Georgia :

## 1. Port of Poti or Batumi — goods unloaded.

## 2. Authority entitled to deliver the take-over certificate :

Gossudarstvenaya Korporatsiya Chleboproductov,  
Ul. Didi Cheivani No 6,  
Tbilisi,  
Mr Anzar Burdjanadze.  
Tel : (7-8832) 99 86 98 ; telefax : (7-8832) 99 67 40.

## (c) Place of take-over in Azerbaijan :

## 1. Pbeiuk-Kesik — Goods not unloaded.

The quantitative and qualitative controls will be carried out at the time of sealing the rail-wagons at Poti or Batumi. The take-over certificate will be issued on arrival at the above-mentioned station after verification of the integrity of the seals and the number of wagons.

The wagons which are not in order will be refused by the authorities of Azerbaijan ; the unloading charges at Poti or Batumi and the transit charges on Georgian territory will not be paid to the Georgian authorities. They will be deducted from the amount to be paid to the successful tenderer.

## 2. Authority entitled to deliver the take-over certificate :

Gossudarstvenaya Companiya Chleboproductov,  
370033 Baku,  
Ul. Usif Zaade No 13,  
Mr F.R. Mustafaev-President.  
Tel : (7-8922) 66 74 51/66 38 20.

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ANNEX IV

Take-over certificate

I, the undersigned .....  
(name/first name/position)

acting on behalf of .....

certify that the following goods have been taken over :

Product :		
Packaging :		
Total quantity in tonnes (net) : (gross) :		
No	of sacks (flour) :	
	of cartons (butter) (meat) <sup>(1)</sup> :	
Place and date of take-over :		
Rail wagon numbers / name of boat / heavy goods vehicle registration numbers <sup>(1)</sup> :		
Numbers of seals on arrival :		
Name and address of transport company :		

Name/address of monitoring agency :  
.....  
.....  
Name and signature of its on-the-spot representative :  
.....  
.....

Observations or remarks :  
.....  
.....  
.....  
.....

Signature and stamp

.....

(1) Delete as appropriate.



## ANNEX V

## Transit prices on Georgian territory

## ARMENIA

Products	Discharging cost (per tonne)	Transport cost including security of the cargo (per tonne)		Administration cost (per lot)
Grain		Poti	Batumi	
— grab	US \$ 4	US \$ 14	US \$ 16	US \$ 120
— vacuvator	US \$ 5,5			
General cargo in covered wagons	US \$ 6	US \$ 14	US \$ 16	US \$ 120
Thermos wagons	US \$ 6	US \$ 30	US \$ 34	US \$ 120

## AZERBAIJAN

Products	Discharging cost (per tonne)	Transport cost including security of the cargo (per tonne)		Administration cost (per lot)
Grain		Poti	Batumi	
— grab	US \$ 4	US \$ 14,1	US \$ 15,5	US \$ 120
— vacuvator	US \$ 5,5			
General cargo in covered wagons	US \$ 6	US \$ 14,1	US \$ 15,5	US \$ 120 \$
Thermos wagons	US \$ 6	US \$ 29,8	US \$ 32,8	US \$ 120

## GEORGIA

Products	Grain-grab	Grain-vacuvator	General cargo in covered wagons
Discharging cost (per tonne)	US \$ 3	US \$ 3,5	US \$ 5

**COMMISSION REGULATION (EC) No 2995/94****of 8 December 1994****amending Regulation (EEC) No 1627/89 on the buying-in of beef by invitation to tender**

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

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

Whereas Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender<sup>(3)</sup>, as last amended by Regulation (EC) No 2808/94<sup>(4)</sup>, buying-in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 12 December 1994.

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

Done at Brussels, 8 December 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 197, 30. 7. 1994, p. 27.

<sup>(3)</sup> OJ No L 159, 10. 6. 1989, p. 36.

<sup>(4)</sup> OJ No L 298, 19. 11. 1994, p. 3.

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

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

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

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

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

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

**États membres ou régions d'États membres et groupes de qualités visés à l'article 1<sup>er</sup>  
paragraphe 1**

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

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

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

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

**COMMISSION REGULATION (EC) No 2996/94  
of 8 December 1994  
fixing the import levies on rice and broken rice**

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 1869/94 <sup>(2)</sup>, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 833/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports of rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 <sup>(3)</sup>, as last amended by Regulation (EEC) No 674/91 <sup>(4)</sup>, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EC) No 2147/94 <sup>(5)</sup>, as last amended by Regulation (EC) No 2914/94 <sup>(6)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 9 December 1994.

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

Done at Brussels, 8 December 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(2)</sup> OJ No L 197, 30. 7. 1994, p. 7.

<sup>(3)</sup> OJ No L 80, 24. 3. 1987, p. 20.

<sup>(4)</sup> OJ No L 75, 21. 3. 1991, p. 29.

<sup>(5)</sup> OJ No L 228, 1. 9. 1994, p. 23.

<sup>(6)</sup> OJ No L 307, 1. 12. 1994, p. 30.

## ANNEX

to the Commission Regulation of 8 December 1994 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies <sup>(*)</sup>		
	Arrangement in Regulation (EEC) No 3877/86 <sup>(*)</sup>	ACP Bangladesh ( <sup>(1)</sup> )( <sup>(2)</sup> )( <sup>(3)</sup> )	Third countries (except ACP and Bangladesh) <sup>(3)</sup>
1006 10 21	—	146,19	299,58
1006 10 23	—	147,85	302,90
1006 10 25	—	147,85	302,90
1006 10 27	227,18	147,85	302,90
1006 10 92	—	146,19	299,58
1006 10 94	—	147,85	302,90
1006 10 96	—	147,85	302,90
1006 10 98	227,18	147,85	302,90
1006 20 11	—	183,63	374,47
1006 20 13	—	185,71	378,62
1006 20 15	—	185,71	378,62
1006 20 17	283,97	185,71	378,62
1006 20 92	—	183,63	374,47
1006 20 94	—	185,71	378,62
1006 20 96	—	185,71	378,62
1006 20 98	283,97	185,71	378,62
1006 30 21	—	227,82	479,50
1006 30 23	—	270,34	564,45
1006 30 25	—	270,34	564,45
1006 30 27	423,34	270,34	564,45
1006 30 42	—	227,82	479,50
1006 30 44	—	270,34	564,45
1006 30 46	—	270,34	564,45
1006 30 48	423,34	270,34	564,45
1006 30 61	—	242,98	510,67
1006 30 63	—	290,19	605,09
1006 30 65	—	290,19	605,09
1006 30 67	453,82	290,19	605,09
1006 30 92	—	242,98	510,67
1006 30 94	—	290,19	605,09
1006 30 96	—	290,19	605,09
1006 30 98	453,82	290,19	605,09
1006 40 00	—	48,57	103,14

(<sup>(1)</sup>) Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

(<sup>(2)</sup>) In accordance with Regulation (EEC) No 715/90, the levies are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

(<sup>(3)</sup>) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

(<sup>(4)</sup>) The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulations (EEC) No 3491/90 and (EEC) No 862/91.

(<sup>(5)</sup>) The levy on imports of rice of the long-grain aromatic Basmati variety is applicable under the arrangements laid down in amended Regulation (EEC) No 3877/86.

(<sup>(6)</sup>) No import levy applies to products originating in the OCT pursuant to Article 101 (1) of Decision 91/482/EEC, subject to the provisions of Decision 93/127/EEC.

**COMMISSION REGULATION (EC) No 2997/94**  
**of 8 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 <sup>(1)</sup>,

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 <sup>(2)</sup>, as last amended by Regulation (EEC) No 1554/93 <sup>(3)</sup>, 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 <sup>(4)</sup>, as last amended by Regulation (EC) No 2974/94 <sup>(5)</sup>;

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 46,236 per 100 kilograms.
2. However, the amount of the aid will be replaced with effect from 9 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 9 December 1994.

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

Done at Brussels, 8 December 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 377, 31. 12. 1987, p. 49.

<sup>(2)</sup> OJ No L 211, 31. 7. 1981, p. 2.

<sup>(3)</sup> OJ No L 154, 25. 6. 1993, p. 23.

<sup>(4)</sup> OJ No L 228, 1. 9. 1994, p. 11.

<sup>(5)</sup> OJ No L 314, 7. 12. 1994, p. 17.

**COMMISSION REGULATION (EC) No 2998/94  
of 8 December 1994**

**fixing the import levies on cereals and on wheat or rye flour, groats and meal**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1866/94 <sup>(2)</sup>, and in particular Articles 10 (5) and 11 (3) thereof,

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

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EC) No 1937/94 <sup>(5)</sup> and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 7

December 1994, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1937/94 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies to be charged on products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 9 December 1994.

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

Done at Brussels, 8 December 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 197, 30. 7. 1994, p. 1.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 320, 22. 12. 1993, p. 32.

<sup>(5)</sup> OJ No L 198, 30. 7. 1994, p. 36.

## ANNEX

to the Commission Regulation of 8 December 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries <sup>(8)</sup>
0709 90 60	87,85 <sup>(2)</sup> <sup>(3)</sup>
0712 90 19	87,85 <sup>(2)</sup> <sup>(3)</sup>
1001 10 00	2,52 <sup>(1)</sup> <sup>(3)</sup> <sup>(11)</sup>
1001 90 91	57,08
1001 90 99	57,08 <sup>(2)</sup> <sup>(11)</sup>
1002 00 00	107,59 <sup>(9)</sup>
1003 00 10	87,09
1003 00 90	87,09 <sup>(9)</sup>
1004 00 00	91,42
1005 10 90	87,85 <sup>(2)</sup> <sup>(3)</sup>
1005 90 00	87,85 <sup>(2)</sup> <sup>(3)</sup>
1007 00 90	87,76 <sup>(4)</sup>
1008 10 00	31,41 <sup>(7)</sup>
1008 20 00	32,62 <sup>(4)</sup> <sup>(9)</sup>
1008 30 00	0 <sup>(3)</sup>
1008 90 10	(7)
1008 90 90	0
1101 00 00	118,43 <sup>(9)</sup>
1102 10 00	187,90
1103 11 10	38,31
1103 11 90	140,50
1107 10 11	112,48
1107 10 19	86,80
1107 10 91	165,90 <sup>(10)</sup>
1107 10 99	126,71 <sup>(9)</sup>
1107 20 00	145,87 <sup>(10)</sup>

<sup>(1)</sup> Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

<sup>(2)</sup> In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.

<sup>(3)</sup> Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 1,81/tonne.

<sup>(4)</sup> Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

<sup>(5)</sup> Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

<sup>(6)</sup> The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

<sup>(7)</sup> The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

<sup>(8)</sup> No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

<sup>(9)</sup> Products falling within this code, imported from Poland or Hungary under the Agreements concluded between those countries and the Community and under the Interim Agreement between the Czech Republic, the Slovak Republic, Bulgaria and Romania and the Community and in respect of which EUR.1 certificates issued in accordance with Regulation (EC) No 121/94 or (EC) No 335/94 have been presented, are subject to the levies set out in the Annex to that Regulation.

<sup>(10)</sup> In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.

<sup>(11)</sup> The levy for the products falling within this code in accordance with Regulation (EC) No 774/94 is restricted under the conditions of this Regulation.



**COMMISSION REGULATION (EC) No 2999/94  
of 8 December 1994**

**fixing the premiums to be added to the import levies on cereals, flour and malt**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EC) No 1866/94<sup>(2)</sup>, and in particular Article 12 (4) thereof,

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

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EC) No 1938/94<sup>(5)</sup> and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 7

December 1994, as regards floating currencies, should be used to calculate the levies;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The premiums to be added to the levies fixed in advance for the import in respect of the products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 9 December 1994.

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

Done at Brussels, 8 December 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 197, 30. 7. 1994, p. 1.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 320, 22. 12. 1993, p. 32.

<sup>(5)</sup> OJ No L 198, 30. 7. 1994, p. 39.

## ANNEX

to the Commission Regulation of 8 December 1994 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

(ECU/tonne)

CN code	Current 12	1st period 1	2nd period 2	3rd period 3
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
1001 90 91	0	11,99	9,97	7,94
1001 90 99	0	11,99	9,97	7,94
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	17,87	15,01	12,17
1102 10 00	0	0	0	0
1103 11 10	0	0	0	0
1103 11 90	0	0	0	0

## B. Malt

(ECU/tonne)

CN code	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1107 10 11	0	21,34	17,75	14,13	14,13
1107 10 19	0	15,95	13,26	10,56	10,56
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

## II.

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 5 December 1994

appointing an alternate member of the Committee of the Regions

(94/781/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas a seat of alternate member on the Committee has become vacant following the resignation of Mr Jérôme Polvéřini, which was brought to the Council's attention on 27 October 1994;

Having regard to the proposal from the French Government,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Mr Emile Mocchi is hereby appointed an alternate member of the Committee of the Regions in place of Mr Jérôme Polvéřini for the remainder of his term of office, which expires on 25 January 1998.

Done at Brussels, 5 December 1994.

*For the Council*

*The President*

Th. WAIGEL

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<sup>(1)</sup> OJ No L 31, 4. 2. 1994, p. 29.

## COUNCIL DECISION

of 6 December 1994

concerning the continuance of the Handynet system in the framework of the activities undertaken to date on the first technical aids module

(94/782/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 <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas the principal objective of Council Decision 93/136/EEC of 25 February 1993 establishing a third Community action programme to assist disabled people (Helios II 1993 to 1996) <sup>(4)</sup> is to promote equal opportunities for, and the integration of, disabled people; whereas one of the general objectives is to meet the information needs of disabled people by means of the Handynet computerized information and documentation system based on data collected at national level and updated and adapted at European level;

Whereas, under the Helios II programme, the Commission, in accordance with Decision 93/136/EEC, has collected, adapted at European level, updated, exchanged and disseminated information on technical aids collected in the Member States;

Whereas, in accordance with Article 4 (1) (b) of Decision 93/136/EEC, the Council is to re-examine the Handynet system, before 31 December 1994, on the basis of a Commission report evaluating, *inter alia*, the first module on technical aids of this system and, acting on a

proposal from the Commission and after consulting the European Parliament, is to decide on the conditions for continuing the system after that date;

Whereas the Commission has presented a report on the application of the Handynet system; whereas the system should be continued in the framework of the activities undertaken to date on the first technical aids module;

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*

The Handynet computerized information and documentation system of the Helios II programme shall be continued from 1 January 1995 to 31 December 1996 in the framework of the activities undertaken to date on the first technical aids module.

*Article 2*

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 6 December 1994.

*For the Council*

*The President*

N. BLUM

<sup>(1)</sup> OJ No C 222, 10. 8. 1994, p. 19.

<sup>(2)</sup> Opinion delivered on 7 December 1994 (not yet published in the Official Journal).

<sup>(3)</sup> Opinion delivered on 23 November 1994 (not yet published in the Official Journal).

<sup>(4)</sup> OJ No L 56, 9. 3. 1993, p. 30.

# COMMISSION

## COMMISSION DECISION

of 14 September 1994

concerning the prohibition of PCP notified by the Federal Republic of Germany

(Only the German text is authentic)

(94/783/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, in particular Article 100a (4) thereof,

Whereas :

as synthesizing agents or secondary products, for scientific research or analysis or for disposal.

### (2) Directive 91/173/EEC

Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations <sup>(3)</sup>, as last amended by Directive 94/27/EC <sup>(4)</sup>, provides for the prohibition or restriction of the use of certain dangerous substances and preparations.

### I. PROCEDURE

#### (1) The measure notified

On 2 August 1991 the Permanent Representative of the Federal Republic of Germany notified the Commission pursuant to Article 100a (4) of the EEC Treaty, of his Government's decision to continue to apply national provisions concerning pentachlorophenol (PCP) instead of Council Directive 91/173/EEC <sup>(1)</sup>.

Those mandatory provisions are set out in the regulation of 12 December 1989 prohibiting pentachlorophenol (*Pentachlorphenolverbotsverordnung*) <sup>(2)</sup> and have applied since 23 December 1989.

This regulation prohibits the manufacture, marketing and use of pentachlorophenol, its salts and compounds, preparations containing more than 0,01 % of such substances and products which, following treatment with preparations, contain the said substances in a concentration of more than 5 mg/kg (parts per million — ppm). By way of derogation, the competent authorities may authorize such substances, preparations and products for use

Directive 91/173/EEC amending for the ninth time Directive 76/769/EEC prohibits the marketing and use of pentachlorophenol and its salts and esters in a concentration equal to or greater than 0,1 % by mass in substances and preparations. However, four exceptions are given. The use of pentachlorophenol and its compounds in industrial installations is permitted :

- (a) for wood preservation ;
- (b) for the impregnation of fibres and heavy-duty textiles ;
- (c) as a synthesizing and/or processing agent in industrial processes ;
- (d) for the *in situ* treatment of buildings of cultural and historic interest (subject to individual authorization by the Member State concerned).

In any event, PCP used as such or as a constituent of preparations used under the derogations referred to above must have a total hexachlorodibenzoparadioxin content of less than 4 ppm.

<sup>(1)</sup> OJ No L 85, 5. 4. 1991, p. 34.

<sup>(2)</sup> Bundesgesetzblatt — BGBl. I 1989, p. 2235.

<sup>(3)</sup> OJ No L 262, 27. 9. 1976, p. 201.

<sup>(4)</sup> OJ No L 188, 22. 7. 1994, p. 1.

These exceptions have to be reconsidered in the light of changes in knowledge and technology no later than three years after the implementation of the Directive. Member States had to bring into force the laws, regulations and administrative provisions required to comply with the Directive before 1 July 1992 at the latest.

The Directive was adopted by the Council by qualified majority on 21 March 1991 under Article 100a of the Treaty.

### (3) Opinions

An acknowledgement of receipt of the notification of 2 August 1991 was sent to the Permanent Representative of the Federal Republic of Germany on 18 November 1991.

The notification was transmitted to the other Member States for their opinions. The Commission received opinions from Greece, Italy, France, Belgium and Denmark.

Greece takes the view that Directive 91/173/EEC provides an appropriate level of protection for man and the environment. It claims that the German measure would thus create an obstacle to intra-Community trade.

Italy expressed an unfavourable opinion on the use of Article 100a (4) in the case of Directive 91/173/EEC. In particular, the Italian authorities take the view that the limits set, namely 5 mg/kg, for traces of pentachlorophenol would adversely affect the importation of leather goods from Italy without providing any additional protection for man and the environment.

France also challenges the use of this Article in the particular case of pentachlorophenol. Its use is not sufficiently justified and would lead to serious losses in terms of both intra-Community trade and trade between the Community and some third countries.

Belgium does not challenge the use of the Article. It nevertheless believes that the limit laid down by the German authorities for traces of pentachlorophenol might create problems as regards some products.

Denmark supports the German measure.

### (4) The decision of 2 December 1992

By decision of 2 December 1992, the Commission had endorsed the German regulation of 12 December 1989 prohibiting the manufacture, marketing and use of pentachlorophenol, its salts and compounds, preparations containing more than 0,01 % of the said substances and products which, following treatment with preparations,

contain the said substances at a concentration exceeding 5 mg/kg (ppm).

### (5) Judgment of the Court of Justice and action to be taken thereon

Following an application submitted by the French Republic, the Court of Justice, in its judgment of 17 May 1994 <sup>(1)</sup>, annulled the decision in question because of the failure to provide the statement of reasons laid down by Article 190 of the EC Treaty, without ruling on the other points raised by the applicant.

By letter of 18 May 1994, the German Federal Republic confirmed its intention to continue to apply the German regulations, pointing out however that the 1989 rules had been consolidated in two regulations, one containing the provisions on the production and use of PCP (regulation of 26 October 1993, BGBl. I of 30 October 1993, Annex 4, p. 1782), the other containing the provisions on its marketing (regulation of 14 October 1993, BGBl. I of 20 October 1993, p. 1720). The Commission decided to seek the scientific assistance of an internationally recognized expert, Professor Rappe, of the Institute for Environmental Chemistry of the University of Umea in Sweden, who has presented his report to the Commission.

## II. FACTS

### (6) Pentachlorophenol

Pentachlorophenol is a synthetic chemical substance recognized as being dangerous. It is dangerous for both man and the environment. Its classification and labelling, harmonized at Community level in accordance with Council Directive 67/548/EEC <sup>(2)</sup>, as amended by Directive 92/32/EEC <sup>(3)</sup> for the seventh time, relating to the classification, packaging and labelling of dangerous substances, are as follows:

- classified as Category 3 carcinogenic, i.e. a substance which is of concern because of possible carcinogenic effects in man but which cannot be assessed satisfactorily on the basis of the information available. Information is available from appropriate animal experiments but it is not sufficient to classify this substance in the second category of carcinogens; it is labelled with risk phrase 'R 40: substance capable of producing irreversible effects',
- classified as very toxic by inhalation and labelled 'R 26: very toxic by inhalation',

<sup>(1)</sup> Case C-41/93, France v. Commission [1994] ECR, I-1829.

<sup>(2)</sup> OJ No 196, 16. 8. 1967, p. 1.

<sup>(3)</sup> OJ No L 154, 5. 6. 1992, p. 1.

- classified as toxic by skin contact and by ingestion and labelled 'R 24/25: toxic by skin contact and by ingestion',
- classified as irritant to eyes, respiratory system and skin and labelled 'R 36/37/38: irritant to eyes, respiratory system and skin',
- classified as dangerous to the environment and labelled 'R 50: very toxic for aquatic organisms',
- classified as dangerous to the environment and labelled 'R 53: may have long term adverse effects on the aquatic environment'.

Having regard to the three criteria of toxicity, persistence and bioaccumulation, PCP was included in List I of Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community<sup>(1)</sup>, as last amended by Directive 91/692/EEC<sup>(2)</sup>. With a view to eliminating the pollution of the various parts of the aquatic environment which could be threatened by the discharge of PCP, limit values were laid down by Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC<sup>(3)</sup>, as last amended by Directive 91/692/EEC.

Pentachlorophenol contains dangerous impurities, including up to 0,1 % of polychlorodibenzodioxins and 1 to 5 % of polychlorinated phenoxyphenols. PCP on its own and these last named impurities are responsible for the daily discharge of dioxins into the environment. Dioxins are discharged when products treated with PCP are exposed to sunlight and when at the end of their useful life they are incinerated. PCP in sewage sludge is also a source of dioxins.

PCP is used as:

- a wood preservative (fungicide and effective against blue stain),
- an agent for the impregnation in the textile industry (fungicide effect),
- a bactericide in tanning and the paper pulp industry,
- a soil sterilization agent,
- a molluscicide in the treatment of industrial water, particularly cooling water.

Because of its toxicity, PCP has been subject to various restrictions in more than 30 countries.

### III. ASSESSMENT OF WHETHER THE NATIONAL PROVISIONS ARE JUSTIFIED HAVING REGARD TO THE OBJECTIVES PUT FORWARD

- (7) Germany, like other Member States, is particularly concerned by the toxic effects of PCP on human health and the aquatic environment and the part it plays in the discharge of dioxins into the environment.

#### A. *Protecting health against the direct effects of PCP*

Pentachlorophenol poses a special health problem for Germany because of its past as a major producer and user of this substance. Germany was the biggest European producer of PCP until 1985: thus, its leading firm produced 4 503 tonnes in 1978, which is three times the amount currently used in the Community.

Part of this production was used in Germany, mainly inside houses. However, the use of this substance inside houses presents a potential risk to human health. Because of the high production levels in the past and the way in which PCP was used, the German population is still exposed to abnormally high doses of PCP<sup>(4)</sup>.

#### B. *Protection of the aquatic environment*

PCP is a substance which kills certain aquatic organisms at concentrations in water as low as 0,1 µg/litre. This level was generally exceeded in German rivers before the ban on PCP. Most of those rivers now have concentrations of less than 0,1 µg/litre. If Directive 91/173/EEC were to be transposed by Germany as it stands, then those average concentrations would again, given the industrial structures and the activities linked to PCP, probably exceed the readings recorded before the ban on PCP; the concentrations in water-courses near plants using PCP would rise to between 300 and 400 µg/litre. In such an eventuality, moreover, concentrations in underground water used for consumption (around 72 % of all drinking water) could once again rise above 0,1 µg/litre.

<sup>(4)</sup> The German problem relating to the use inside housing of wood products treated with PCP has been illustrated by legal proceedings taken since 1984 in Frankfurt. More than 3 000 persons have filed complaints against managers of enterprises for having sold products which have damaged their health.

<sup>(1)</sup> OJ No L 129, 18. 5. 1976, p. 23.

<sup>(2)</sup> OJ No L 377, 31. 12. 1991, p. 48.

<sup>(3)</sup> OJ No L 181, 4. 7. 1986, p. 16.

In conclusion, the specific circumstances connected with the production and use of PCP in Germany in the past continue to pose a threat to the aquatic environment.

### C. *Protecting health and the environment against dioxins*

#### (a) The characteristic of dioxins

Pentachlorophenol presents a problem because of its close links with dioxins. In the production of PCP, whether through the chlorination of phenol by catalysis or by the alkaline hydrolysis of hexachlorobenzene, a number of secondary products or impurities are also synthesized, including dioxins (0,1 %).

Dioxins also form during the high temperature combustion of organic materials containing chlorine: this is what happens when products containing PCP are incinerated.

However, dioxins are also emitted into the environment in a whole range of industrial and domestic processes.

Dioxins accumulate in the sediment of rivers and oceans where they are ingested by fish. They also accumulate in the soil where they are taken up directly or indirectly by plants and animals.

Man comes into contact with dioxin when he consumes food products.

Certain dioxins are very toxic and cause cancer.

#### (b) The incidence of dioxins in Germany

Germany has always considered that, as in animals, human cancer could be caused by *inter alia* contact with dioxins.

The problem of dioxins is viewed as particularly serious in that country, where the average rate of absorption by man reaches 1,3 pg/kg of body weight/day and where the absorption rate of certain groups of the population, such as babies, reaches 180 pg/kg/day.

A study carried out by the World Health Organisation in 1989 in 12 European countries on the levels of certain dioxins in breast milk showed that the highest concentrations of dioxins were found in Belgium, Germany, the Netherlands and the United Kingdom. The concentrations recorded in Germany began to fall after the ban on PCP.

The high concentration of dioxins in breast milk recorded in Germany has been confirmed by comparative studies carried out on dioxins present in sewage sludge (a study carried out in Germany, Switzerland and Sweden in 1989) and in garden compost.

The high level of dioxins in Germany appears to be due to a number of specific factors. Germany is one of the most highly industrialized and densely populated countries of the European Community. This means that there are a significant number of sources of dioxins apart from PCP such as municipal incinerators, waste incinerators, steel plants and metalworking installations, the high consumption of automotive fuel, the massive use of sewage sludge, the number of waste recycling plants, etc.

Other local factors account for the dioxin problem in Germany. There are the climatic conditions which favour the transfer of dioxins (including those originating from the various areas bordering Germany) into the atmosphere and (through snow) into the soil and water. The dietary habits of the Germany population may contribute towards the high level of dioxins found there.

There is no international consensus on what the level of protection against dioxins should be. Some countries and some international organizations have extrapolated the results of tests on animals to determine their level of protection in man, using a number of safety factors. The following examples illustrate the difference in acceptable daily intakes fixed in a number of industrialized countries:

— Germany	1 pg/kg/day,
— United Kingdom	1 pg/kg/day,
— Netherlands	4 pg/kg/day,
— Scandinavian countries	0 to 5 pg/kg/day,
— Canada	10 pg/kg/day,
— Community	no figure.

Whatever the acceptable daily intake, ranging between 0 and 10 pg/kg/day, it is clear that measures are necessary in Germany to protect certain groups exposed to figures of 180 pg/kg/day. The Commission considers it reasonable that the German authorities should wish to reduce the exposure levels of certain high-risk groups.

#### (c) German policy for combatting dioxins

The German authorities have reacted to this particular situation by adopting a whole legislative programme aimed at controlling sources of dioxin emissions.



Emissions of dioxins from municipal incinerators, motor fuels, sewage sludge and chemical products such as PCB and PCP have been regulated in Germany. A voluntary agreement has also been adopted to control the level of dioxins in industrial packaging used for drinks.

The most recent initiatives concern controls on all chemical products constituting a source of dioxins (*'Gefahrstoffe'*) and the development of a scheme for cleansing soil contaminated by dioxins. Consideration is currently being given to ways of reducing dioxin emissions from the metalworking industries, recycling plants and the paper pulp industries.

According to some estimates, such a programme of legislation could cut dioxin emissions to a tenth of their 1991 level by the year 2000. According to the same estimates, PCP from past uses will account for a third of all dioxin emissions by that date.

Finally, if PCP were to be reintroduced in Germany, the initial achievements of the measures taken in that country would be jeopardized by fresh emissions from factories using PCP for wood and textile treatment and in wood and textile products brought back into the German market.

Moreover, the increased level of dioxins due to the re-legalization of PCP, would entail significant economic costs. The new emissions would endanger the programme for reducing dioxins in municipal incinerators, which has cost more than DM 400 million. It would also threaten the use of 50 million tonnes of sewage sludge used in agriculture.

In conclusion, the Commission considers that the request by the German authorities to continue to apply the national provisions on PCP examined above instead of Directive 91/173/EEC is justified by the specific circumstances relating to health protection and the environment in Germany. The Commission considers moreover that on the basis of the foregoing, the provisions should be regarded as both necessary and proportionate to the objectives that they seek to achieve.

(8) **Examination of the non-discriminatory nature of national measures**

Annual world production of PCP varies between 25 000 and 30 000 tonnes. Germany no longer produces PCP and indeed it has not been produced anywhere in the Community since Rhône Poulenc stopped making it in 1992. In 1978 the main

producer of PCP in Europe was a German firm, Dynamit Nobel, whose production reached 4 503 tonnes. However, after negotiations with the public authorities, the firms making up the German Association of Wood Preservative Manufacturers gave up PCP in 1985. The major producers of PCP are American and there are several importers into the Community.

A study by the German Environment Agency (*Umweltbundesamt*) published in 1992 on part of the West German chemical industry identified 250 producers of more than 1 000 preparations for treating wood. More than 75 different chemical substances were apparently used in those preparations. An annual total of 47 000 tonnes of these preparations were used to treat wood, including 17 000 tonnes of creosote. Trade in wood preservatives between the former West Germany and other countries is considered to be minimal and around 1 000 tonnes of such products are imported each year into that part of Germany.

The Germany laws apply without distinction to all products containing PCP, whether domestic or imported. The Commission has never received any complaints against this legislation. Although during consultations Member States expressed doubts about the effects that the German measure might have on intra-Community trade, no figures have been put forward nor has there been any impact assessment on the economic sectors supposed to have been affected by the German legislation: leather, textiles, etc. The Commission has consulted various European industrial federations whose firms use large quantities of PCP: the information obtained does not indicate any barrier to trade. In the case of the timber industry it appears that the ban on PCP has not affected trade in wood in any way, since it is now treated with other products.

(9) **Do the national provisions in question represent a disguised restriction on trade between Member States?**

This concept, which is mentioned in the second subparagraph of Article 100A (4) refers to the objective of preventing restrictions based on the criteria laid down in the preceding subparagraph from being in fact used for economic purposes — that is to say, introduced either to restrict imports of products from other Member States or indirectly to protect domestic production. The Commission considers, however, that the facts and an examination of all the circumstances surrounding the introduction of these provisions as described above do not allow such a conclusion to be drawn.

There is no German special interest in the development, production or exportation of substitutes for PCP; on the contrary. The example of creosote, referred to above, proves the point. A regulation of 14 October 1993 prohibits the marketing of creosote, although Germany was the leading producer of creosote in the world. Trade between Germany and the other Member States in the PCP used in wood preservatives is very limited.

According to the undertakings, imports of PCP into the Community as a whole do not exceed 1 200 tonnes annually, a modest amount. PCP is a very cheap product, and its effect on the market is therefore negligible. Since there is no market for the product in Germany, nor indeed in any of the Scandinavian countries or Austria, the effects on intra-Community trade are practically non-existent.

#### IV

In view of the health and environmental hazards described in the expert report the Commission has arranged for a report on the operation of the Directive and on the substitutability of PCP to be prepared, on the basis of which it will assess by the end of the year the possibility of proposing a total PCP ban.

#### CONCLUSION

In the light of the above considerations, the Commission considers that the national measures notified by the German authorities pursuant to Article 100 a (4):

- should be regarded as justified, having regard to the major requirements referred to in Article 36 of the EC

Treaty and those relating to protection of the environment, and are necessary in relation to those requirements and, finally, are not disproportionate to the objectives pursued,

- do not constitute a means of arbitrary discrimination, and
- do not constitute a disguised restriction on trade between Member States.

The Commission is therefore justified in concluding that they may be endorsed,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The provisions of the *Pentachlorophenolverbotsverordnung* (regulation prohibiting pentachlorophenol) of 12 December 1989, notified by Germany, as consolidated by the regulations of 26 October 1993 and 14 October 1993, are hereby endorsed.

#### *Article 2*

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 14 September 1994.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*