

Official Journal

of the European Communities

ISSN 0378-6978

L 196

Volume 36

5 August 1993

English edition

Legislation

Contents

I Acts whose publication is obligatory

- * **Council Regulation (EEC) No 2186/93 of 22 July 1993 on Community coordination in drawing up business registers for statistical purposes** 1
- * **Council Regulation (EEC) No 2187/93 of 22 July 1993 providing for an offer of compensation to certain producers of milk and milk products temporarily prevented from carrying on their trade** 6
- Commission Regulation (EEC) No 2188/93 of 4 August 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal 11
- Commission Regulation (EEC) No 2189/93 of 4 August 1993 fixing the premiums to be added to the import levies on cereals, flour and malt 13
- Commission Regulation (EEC) No 2190/93 of 4 August 1993 fixing the export refunds on white sugar and raw sugar exported in its unaltered state 15
- * **Commission Regulation (EEC) No 2191/93 of 27 July 1993 amending Commission Regulation (EEC) No 344/91 laying down detailed rules for applying Council Regulation (EEC) No 1186/90 to extend the scope of the Community scale for the classification of carcasses of adult bovine animals** 17
- * **Commission Regulation (EEC) No 2192/93 of 28 July 1993 concerning certain operative events for the agricultural conversion rates used in the wine sector and amending Regulations (EEC) No 1059/93, (EEC) No 377/93, (EEC) No 2729/88, (EEC) No 2253/92, (EEC) No 3233/92 and (EEC) No 3234/92** 19
- * **Commission Regulation (EEC) No 2193/93 of 28 July 1993 amending Annex B to Council Regulation (EEC) No 1766/92 on the common organization of the market in cereals** 22

Commission Regulation (EEC) No 2194/93 of 4 August 1993 amending Regulation (EEC) No 1194/93 increasing to 1 000 000 tonnes the quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened	29
Commission Regulation (EEC) No 2195/93 of 4 August 1993 amending Regulation (EEC) No 1195/93 increasing to 1 500 000 tonnes the quantity of bread-making wheat held by the German intervention agency for which a standing invitation to tender for export has been opened	31
Commission Regulation (EEC) No 2196/93 of 4 August 1993 amending Regulation (EEC) No 1196/93 increasing to 1 250 000 tonnes the quantity of barley held by the German intervention agency for which a standing invitation to tender for export has been opened	33
Commission Regulation (EEC) No 2197/93 of 4 August 1993 amending Regulation (EEC) No 1197/93 increasing to 500 000 tonnes the quantity of feed rye held by the German intervention agency for which a standing invitation to tender for export has been opened	35
Commission Regulation (EEC) No 2198/93 of 4 August 1993 fixing the minimum selling prices for beef put up for sale under the invitation to tender referred to in Regulation (EEC) No 1978/93	37
Commission Regulation (EEC) No 2199/93 of 4 August 1993 amending Regulation (EEC) No 1831/93 introducing a countervailing charge on pears originating in Australia	38
Commission Regulation (EEC) No 2200/93 of 4 August 1993 amending Regulation (EEC) No 846/93 introducing a countervailing charge on apples originating in Chile	39
Commission Regulation (EEC) No 2201/93 of 4 August 1993 introducing a countervailing charge on certain varieties of plum originating in Romania	40
Commission Regulation (EEC) No 2202/93 of 4 August 1993 fixing the import levy on molasses	42
Commission Regulation (EEC) No 2203/93 of 4 August 1993 not to accept tenders submitted in response to the 96th partial invitation to tender opened as a general intervention measure pursuant to Regulation (EEC) No 1627/89	43
Commission Regulation (EEC) No 2204/93 of 4 August 1993 fixing the maximum export refund for white sugar for the 10th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1144/93	44
Commission Regulation (EEC) No 2205/93 of 4 August 1993 fixing the import levies on white sugar and raw sugar	45
* Commission Regulation (EEC) No 2206/93 of 4 August 1993 extending the provisional anti-dumping duty on imports of certain magnetic disks (3,5" microdisks) originating in Japan, Taiwan and the People's Republic of China	47

II *Acts whose publication is not obligatory*

Council

93/424/EEC :

* Council Decision of 22 July 1993 on an action plan for the introduction of advanced television services in Europe	48
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Commission

93/425/EEC :

- * **Commission Decision of 14 July 1993 establishing that the exploitation of geographical areas for the purpose of exploring for or extracting oil or gas does not constitute in the United Kingdom an activity defined in Article 2 (2) (b) (i) of Council Directive 90/531/EEC of 17 September 1990 and that entities carrying on such an activity are not to be considered in the United Kingdom as operating under special or exclusive rights within the meaning of Article 2 (3) (b) of the Directive 55**

93/426/EEC :

- * **Commission Decision of 28 July 1993 granting the second Community contribution to the autonomous regions of Azores and Madeira provided for in Council Decision 91/315/EEC to compensate for the extra costs of supplying oil to these archipelagos in 1991 (balance) and 1992 63**

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2186/93

of 22 July 1993

on Community coordination in drawing up business registers for statistical purposes

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 213 thereof,

Having regard to the proposal from the Commission,

Whereas the Single Market increases the need to improve statistical comparability in order to meet Community requirements; whereas, in order to achieve that improvement, common definitions and descriptions have to be adopted for enterprises and other relevant statistical units to be covered;

Whereas registers should be drawn up and updated in order to be able to collect information on these units;

Whereas there is a growing need for information on the structure of enterprises, a need which current Community statistics are not able to meet;

Whereas business registers for statistical purposes are a necessary tool in keeping track of the structural changes in the economy brought about by such operations as joint ventures, partnerships, buy-outs, mergers and takeovers;

Whereas the important role played by public undertakings in the national economies of the Member States has been acknowledged, particularly in Commission Directive 80/723/EEC⁽¹⁾, Article 2 of which also defines such undertakings; whereas they should therefore be identified in business registers;

Whereas some statistics are not currently available, particularly in sectors with many small and medium-sized enterprises (SMEs), such as services, because a register of these enterprises for statistical purposes does not exist;

Whereas business registers are one element in reconciling the conflicting requirements for increased information on enterprises and lightening their administrative burden, in particular by using existing information in administrative and legal registers, especially in the case of SMEs, pursuant to recommendation 90/246/EEC⁽²⁾;

Whereas business registers for statistical purposes represent a basic element of systems of information on enterprises, making it possible to organize and coordinate statistical surveys by providing a sampling base, possibilities of extrapolation and means of monitoring the replies from enterprises, in particular those covered by Directives 78/660/EEC⁽³⁾ and 83/349/EEC⁽⁴⁾;

Whereas the setting-up of a new statistical collection system covering trade in goods and services between Member States necessitates a register of those persons required to give information; whereas it is desirable to derive that register of persons required to give information from a central register of enterprises used for statistical purposes;

Whereas the business registers for statistical purposes are at a different stage of development in each Member State; whereas the long and costly development of these registers can be carried out only in two stages, the first of which must relate to harmonization of the basic units in those registers in accordance with an established timetable,

⁽¹⁾ Commission Directive 80/723/EEC of 25 June 1980 on the transparency of financial relations between Member States and public undertakings (OJ No L 195, 29. 7. 1980, p. 35). Directive as amended by Directive 85/413/EEC (OJ No L 229, 28. 8. 1985, p. 20).

⁽²⁾ Council recommendation 90/246/EEC of 28 May 1990 relating to the implementation of a policy of administrative simplification in favour of small and medium-sized enterprises in the Member States (OJ No L 141, 2. 6. 1990, p. 55).

⁽³⁾ Fourth Council Directive 78/660/EEC of 25 July 1978 based on Article 54 (3) (g) of the Treaty on the annual accounts of certain types of companies (OJ No L 222, 14. 8. 1978, p. 11). Directive as last amended by Directive 90/605/EEC (OJ No L 317, 16. 11. 1990, p. 60).

⁽⁴⁾ Seventh Council Directive 83/349/EEC of 13 June 1983 based on Article 54 (3) (g) of the Treaty on consolidated accounts (OJ No L 193, 18. 7. 1983, p. 1). Directive as last amended by Directive 90/605/EEC (OJ No L 317, 16. 11. 1990, p. 60).

HAS ADOPTED THIS REGULATION:

Article 1

Aims

Member States shall set up for statistical purposes one or more harmonized registers with the definitions and scope specified in the following Articles.

Article 2

Definitions

1. For the purposes of this Regulation:
- (a) 'legal unit' shall mean a legal unit as defined in Section II.A.3 of the Annex to Regulation (EEC) No 696/93⁽¹⁾;

- (b) 'enterprise' shall mean an enterprise as defined in Section III.A of the Annex to that Regulation.

Hereinafter the connection between the enterprise and the legal unit shall be expressed as follows:

- the enterprise is attached to one or more legal units, and
- the legal unit is responsible for the enterprise;

- (c) 'local unit' shall mean a local unit as defined in Section III.F of the Annex to Regulation (EEC) No 696/93.

Hereinafter the connection between the local unit and the enterprise shall be expressed as follows:

- the local unit is dependent on an enterprise.

2. This Regulation shall apply only to units which exercise wholly or partially a productive activity.

Article 3

Scope

1. In accordance with the definitions given in Article 2 and subject to the limitations specified in this Article, registers shall be compiled of:

- all enterprises carrying on economic activities contributing to the gross domestic product at market prices (GDP),
- the legal units responsible for those enterprises,
- the local units dependent on those enterprises.

This requirement shall not, however, apply to households:

- in so far as the goods they produce are for their own consumption,
- in so far as the services they produce involve the letting of own or leased property (group 70.2 of the

⁽¹⁾ Council Regulation (EEC) No 696/93 of 15 March 1993 on the statistical units for the observation and analysis of the production system in the Community (OJ No L 76, 30. 3. 1993, p. 1).

statistical classification of economic activities in the European Community (NACE Rev. 1) established by Regulation (EEC) No 3037/90⁽²⁾.

The inclusion of:

- enterprises the main activity of which falls within Section A, B or L of NACE Rev. 1,
- legal units responsible for them,
- local units dependent on them,

shall be optional.

The extent to which small enterprises of no statistical importance to the Member States are to be included on the registers shall be decided under the procedure laid down in Article 9.

2. The enterprises, legal units and local units referred to in paragraph 1 shall be registered in accordance with the timetable set out in Annex I.

3. Separate registration of legal units shall be optional, provided that the total content of information for such units is included in the register entry for enterprises.

The rules for such registration shall be adopted in accordance with the procedure laid down in Article 9.

Article 4

Register characteristics

The units listed in a register shall be characterized by an identity number and the descriptive details specified in Annex II.

Article 5

Updating

1. The following shall be updated at least once a year:

- (a) entries to, and removals from, the register;
- (b) the variables set out in points (b) and (f) of Annex II (1);
- (c) for units which are the subject of annual surveys, the variables set out in points (b), (c), (d), (e) and (h) of Annex II (3) in so far as those variables are included in the surveys.

As a general rule, information obtained from administrative files or annual surveys shall be updated annually, other information, being updated every four years.

2. At the end of the first quarter of each calendar year, Member States shall make a copy of the register as it stands on that date and keep that copy for 10 years for the purpose of analysis.

⁽²⁾ OJ No L 293, 24. 10. 1990, p. 1.

*Article 6***Access to information**

When the Commission so requests, after obtaining the opinion of the Committee provided for in Article 9, Member States shall carry out statistical analyses of the registers and transmit the results, including the data declared confidential by the Member States pursuant to national legislation or practice concerning statistical confidentiality, in accordance with Council Regulation (Euratom, EEC) No 1588/90 of 11 June 1990 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities⁽¹⁾.

*Article 7***Access to administrative or legal registers**

Each national statistical institute shall be authorized to collect for statistical purposes information covered by this Regulation which is contained in the administrative or legal files compiled on its national territory, in accordance with the conditions determined by national law.

*Article 8***Implementing rules**

The rules for implementing Articles 3, 4, 5 and 6 and Annexes I and II, as well as the measures required to adapt those rules and any derogations from Articles 3, 4 and 5 or from the Annexes, shall be adopted in accordance with the procedure laid down in Article 9.

*Article 9***Procedure**

1. The Commission representative shall submit to the Statistical Programme Committee set up by Decision

89/382/EEC/Euratom⁽²⁾ a draft of the measures to be adopted. The Committee shall deliver its opinion on that draft within a time limit which the chairman may lay down according to the urgency of the matter. The Committee shall deliver its opinion by the majority laid down in Article 148 (2) of the Treaty for the adoption of decisions which the Council is required to take on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

2. (a) The Commission shall adopt measures which shall apply immediately.
- (b) However, if the measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission shall defer application of the measures on which it has decided for three months from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within the time limit laid down in the foregoing subparagraph.

*Article 10***Commission report**

Within four years of the date of adoption of this Regulation, the Commission shall submit a report to the Council on the implementation of the Regulation which may be accompanied by suitable proposals taking into account the experience gained.

Article 11

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

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

Done at Brussels, 22 July 1993.

For the Council

The President

M. OFFECIERS-VAN DE WIELE

⁽¹⁾ OJ No L 151, 15. 6. 1990, p. 1.

⁽²⁾ OJ No L 181, 28. 6. 1989, p. 47.

ANNEX I**Timetable for registration in the register**

The enterprises defined in Article 2 and registered in conformity with Article 3 shall be entered in the register before 1 January 1996. Legal and local units shall be allowed an extra year.

ANNEX II**Identity number and descriptive details**

1. The register entry of a legal unit shall contain the following information :
 - (a) identity number ;
 - (b) name, address (including postcode), and optionally : telephone, electronic mail and fax numbers and telex address ;
 - (c) requirement for the legal unit to publish its annual accounts (Yes/No) ;
 - (d) date of incorporation for legal persons or date of official recognition as an economic operator for natural persons ;
 - (e) date on which the legal unit ceases to be legally responsible for an enterprise ;
 - (f) legal form of the unit ;
 - (g) name and address of any non-resident legal unit, other than a natural person, which controls the legal unit (optional) ;
 - (h) identity number of the legal unit in the register which controls the legal unit (optional) ;
 - (i) character of 'public undertaking' of the legal unit within the meaning of Commission Directive 80/723/EEC⁽¹⁾ (Yes/No) (for legal persons only) ;
 - (j) reference to other associated files, including customs files, in which the legal unit is recorded and which contain information which can be used for statistical purposes ;
 - (k) reference to the register of intra-Community operators drawn up in accordance with Council Regulation (EEC) No 3330/91 of 7 November 1991 on the statistical relating to the trading of goods between⁽²⁾.
2. The record of a local unit shall contain the following information :
 - (a) identity number ;
 - (b) name, address and other identifying information as set out in paragraph 1 (b) of this Annex ;
 - (c) activity code at the four-digit (class) level of NACE Rev. 1 ;
 - (d) secondary activities, if any, at the four-digit level of NACE Rev. 1 (optional) ;
 - (e) size of labour force, as indicated in paragraph 3 (e) of this Annex ;
 - (f) date of commencement of the activities the codes of which are given in (c) ;
 - (g) date of final cessation of activities ;
 - (h) geographical location code (territorial units) ;
 - (i) reference to associated registers in which the local unit appears and which contain information which can be used for statistical purposes ;
 - (j) identify number in the register of the enterprise on which the local unit is dependent ;
 - (k) activity carried out in the local unit constituting an ancillary activity of the enterprise on which it depends (Yes/No).
3. The record of an enterprise shall contain the following information :
 - (a) identify number ;
 - (b) identity number(s) of the legal unit(s) legally responsible for the enterprise ;
 - (c) activity code of the enterprise at four-digit (class) level of NACE Rev. 1 in which the principal activity or all the activities of the enterprise is or are included ;

⁽¹⁾ OJ No L 195, 29. 7. 1980, p. 35.

⁽²⁾ OJ No L 316, 16. 11. 1991, p. 1. Regulation as amended by Regulation (EEC) No 3046/92 (OJ No L 307, 23. 10. 1992, p. 27).

- (d) secondary activities, if any, at NACE Rev. 1 four-digit level, if they amount to 10 % of the total for all activities of the gross value added at factor cost for each or account for 5 % or more of national activity of this type; this point concerns only enterprises which are the subject of surveys;
 - (e) size: measured by the number of persons occupied or, failing that, by allocation to one of the following classes according to the number of persons occupied: 0; 1; 2; 3 to 4; 5 to 9; 10 to 19; 20 to 49; 50 to 99; 100 to 149; 150 to 199; 200 to 249; 250 to 499; 500 to 999; 1 000; above 1 000, the number of thousands;
 - (f) date of commencement of activities of the enterprise;
 - (g) date of final cessation of activities of the enterprise;
 - (h) net turnover from sale of goods and services (except for financial intermediaries); failing that, allocation to a size class defined as follows (in millions of ecus): [0, 1]; [1, 2]; [2, 4]; [4, 5]; [5, 10]; [10, 20]; [20, 40]; [40, 50]; [50, 100]; [100, 200]; [200, 500]; [500, 1 000]; [1 000, 5 000]; 5 000 + (optional for turnover not exceeding ECU 2 million);
 - (i) net assets (assets after allowing for depreciation less liabilities — financial intermediaries only (optional)).
-

COUNCIL REGULATION (EEC) No 2187/93

of 22 July 1993

providing for an offer of compensation to certain producers of milk and milk products temporarily prevented from carrying on their trade

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, when the additional levy scheme was introduced in 1984 in the milk and milk products sector, Community legislation did not provide for the allocation of an individual reference quantity to producers who, as a result of an undertaking pursuant to Council Regulation (EEC) No 1078/77 of 17 May 1977 introducing a system of premiums for the non-marketing of milk and milk products and for the conversion of dairy herds ⁽⁴⁾, had not delivered or sold milk during the reference year adopted by the Member State;

Whereas, on the application of five producers, the Court of Justice, in its judgment of 19 May 1992 in Joined Cases C-104/89 and C-37/90, ordered the Community to make good the damage the said producers had suffered in so far as the original Community legislation did not in fact provide for the allocation of an individual reference quantity to them;

Whereas, in a communication published in the *Official Journal of the European Communities* on 5 August 1992 ⁽⁵⁾, the institutions undertook to comply in full with the judgment of 19 May 1992 as regards all potentially qualifying producers;

Whereas the sheer number of those potentially eligible makes it impossible to take each case into account on an individual basis and necessitates a solution based on a flat-rate approach, to be expressed in the form of an offer from the institutions to be accepted in full and final settlement or else rejected; whereas the factors on the basis of which the offer is calculated should be set out;

⁽¹⁾ OJ No C 157, 9. 6. 1993, p. 11.

⁽²⁾ Opinion delivered on 16 July 1993 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 30 June 1993 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 131, 26. 5. 1977, p. 1. Regulation as last amended by Regulation (EEC) No 1300/84 (OJ No L 125, 12. 5. 1984, p. 3).

⁽⁵⁾ OJ No C 198, 5. 8. 1992, p. 4.

Whereas a direct link should be drawn between the actual resumption of milk production in full compliance with the Community provisions which permitted such resumption and the existence of an injury consisting in the fact of not having been able to resume milk production in good time, despite the wishes of the person concerned; whereas, in the same spirit and to ensure that a producer has not resumed activity with the sole aim of speculating on the supposed asset value of the reference quantity allocated to him, both the broad entitlement to compensation and the amount of that compensation should be subject to certain conditions;

Whereas, furthermore, the Court of Justice in its judgment of 19 May 1993 in Case C-81/91 ruled that the Community legislation concerned must be interpreted as meaning that, in the case of the transfer of part of a holding where the transferee agrees to observe the non-marketing undertaking made by the transferor pursuant to Regulation (EEC) No 1078/77, the special reference quantity may be divided between the transferor and the transferee on the basis of the proportion of the land transferred; whereas in the ground of its judgment the Court of Justice states that the transferor cannot legitimately expect to receive the entirety of the special reference quantity after having disposed of part of his holding;

Whereas as a result of that judgment it is necessary to take appropriate action in the present case and to provide, in the situation which is envisaged therein, that the annual quantity to be compensated in respect of a producer who has transferred part of his holding should also be reduced in proportion to the forage areas transferred;

Whereas, subject to the above, the quantity to be compensated must be calculated in accordance with the principles underlying the terms of the judgment of the Court of Justice of 19 May 1992;

Whereas in their communication of 5 August 1992 the institutions waived, for the benefit of potential beneficiaries and for the future, their right to plead the five-year time bar on claims laid down in Article 43 of the Statute of the Court of Justice; whereas it can furthermore be accepted that in the present case the injury ended only upon resumption of milk production; whereas, therefore, for the benefit of all those concerned, the period for which compensation is being offered and the circumstances under which the time bar on entitlement may once again come into effect should be stated; whereas for administrative reasons it is necessary to stipulate that if

the producer's application for compensation pursuant to this Regulation is not submitted to the competent authority by a given date, it will be rejected;

Whereas, when this Regulation is implemented the competent authorities of the Member States shall act, on behalf of the Community and the Commission by virtue of a mandate, which has to do only with the execution, in compliance with the provisions of this Regulation, of the administrative tasks necessary for its implementation;

Whereas under the terms of the Court judgment the amount of the compensation must equal the difference between, on the one hand, the income which those concerned would have received from marketing milk had they not been prevented from doing so and, on the other hand, the income which they actually obtained during the same period or could have obtained by showing reasonable diligence; whereas, however, with the intention of offering beneficiaries compensation all the elements of which have economic justification, the amounts have been calculated according to a method the objectivity of which can be appreciated by each person concerned; whereas, moreover, the global nature of the outcome has been mitigated by introducing into the calculation of the compensation per 100 kg of milk two differentiation factors, one relating to the year concerned and the other to the size of the holding;

Whereas the number of variables to be considered first of all in reconstituting the income from milk production and secondly in establishing alternative sources of income would lead in the end to the merits of each case being looked at separately, which cannot reasonably be expected given the sheer number of producers involved; whereas only a comprehensive estimate of the damage is thus feasible; whereas to avoid underestimating the injury, however, the various factors chosen for calculating the compensation operate as a general rule to the benefit of the applicants;

Whereas the potential revenue from marketing is calculated from the gross margin for dairy farming, which on the receipts side includes sales of milk, calves born to dairy cows and the residual value of the dairy cow, and on the expenses side deducts only the variable costs which are immediately eliminated when milk production ceases and not the fixed costs relating to land, labour and capital; whereas, however, this reasoning fails to take account of the financial capital retained pending reinvestment in livestock; whereas it is therefore necessary to take into account the likely return on such capital; whereas, moreover, the cost of amortizing the renewal of the herd is saved where there is no herd;

Whereas, in calculating the replacement income, no account was taken, *inter alia*, of the alternative

income from the capital released by abandoning milk production, on the basis that the producer concerned wanted eventually to resume such production and that the options for using the capital otherwise were accordingly limited;

Whereas failure by the producer to accept the offer made by the competent authority of the Member State in accordance with the provisions of this Regulation would amount to refusal of the Community offer; whereas any legal proceedings continued or initiated thereafter by the producer would fall within the Community's jurisdiction,

HAS ADOPTED THIS REGULATION:

Article 1

Compensation on the terms set out in this Regulation shall be granted to those producers who have suffered loss as a result of being prevented by an undertaking given pursuant to Regulation (EEC) No 1078/77 from delivering or selling milk or milk products during the reference year selected by the Member State concerned under the additional levy scheme in the milk and milk product sector.

Article 2

An application for compensation shall be deemed eligible if it is submitted by a producer who has been allocated a definitive special reference quantity under the conditions set out in Article 3a (3) of Regulation (EEC) No 857/84⁽¹⁾, either on 29 March 1991 pursuant to Regulation (EEC) No 764/89⁽²⁾ or on 1 July 1993 pursuant to Regulation (EEC) No 1639/91⁽³⁾.

Article 3

The application shall be submitted by the person to whom the reference quantity has been allocated or by his or her heir or heirs, without prejudice to the application of the provisions of Member States' national law.

Article 4

By way of derogation from Article 2, an application shall not be accepted in the producer who has received the definitive allocation of a reference quantity pursuant to Regulation (EEC) No 764/89 either did not comply with his undertaking not to take part in any programme of cessation of milk production until 31 March 1992 or sold or leased his entire holding before that date.

⁽¹⁾ OJ No L 90, 1. 4. 1984, p. 13.

⁽²⁾ OJ No L 84, 29. 3. 1989, p. 2.

⁽³⁾ OJ No L 150, 15. 6. 1991, p. 35.

Article 5

An application made by a producer who will receive the definitive allocation of the reference quantity pursuant to Regulation (EEC) No 1639/91 on 1 July 1993 shall be accepted on condition that he does not take part in any programme of cessation of milk production and that he does not sell or lease his entire holding on or before 1 July 1994.

Article 6

The competent authority referred to in Article 10 shall determine the annual quantity in respect of which compensation is due on the basis of the quantity used to calculate the premium granted pursuant to Regulation (EEC) No 1078/77, increased by 1 % and reduced by a percentage representing the reductions applied in each Member State to the reference quantities of producers established in accordance with Articles 2 and 6 of Regulation (EEC) No 857/84.

If a producer gives up part of his holding while it is subject to the provisions of Regulation (EEC) No 1078/77, the annual quantity in respect of which compensation is due as referred to in the previous subparagraph shall also be reduced in proportion to the areas under fodder given up within the meaning of Article 1 (1) (d) of Regulation (EEC) No 1391/78⁽¹⁾.

The reduction referred to in the previous subparagraph shall be made in any event, irrespective of whether a special reference quantity has been allocated to the person taking over the part of the holding given up.

Article 7

If the definitive special quantity allocated pursuant to Article 3a of Regulation (EEC) No 857/84 is less than 80 % of the provisional special quantity or if the holding is sold or leased in part before 1 April 1992 or before 1 July 1994 as the case may be, the annual quantity in respect of which compensation is due shall be reduced by the quantity returned to the national reserve.

Article 8

1. Compensation shall be granted only for the period for which the right to compensation is not time-barred.

2. For the purpose of determining the period for which compensation shall be offered:

- (a) the date of interruption of the five-year time bar set by Article 43 of the Statute of the Court of Justice shall be the date of the application addressed to a Community institution or, in the case of an action brought before the Court of Justice, the date on which the application is entered in its register, or at the latest the date of the communication of the institutions published in the *Official Journal of the European Communities* No C 198 of 5 August 1992;

⁽¹⁾ Commission Regulation (EEC) No 1391/78 of 23 June 1978 laying down amended rules for the application of the system of premiums for the non-marketing of milk and milk products and for the conversion of dairy herds (OJ No L 167, 24. 6. 1978, p. 45). Regulation as last amended by Regulation (EEC) No 84/83 (OJ No L 13, 15. 1. 1993, p. 5).

(b) the starting date of the compensation period shall be five years before the date of interruption of the bar, but it may not fall before 2 April 1984 or before the date on which the non-marketing or conversion undertaking expired;

(c) the closing dates of the compensation period shall be 29 March 1989 for those producers who received the special reference quantity pursuant to Regulation (EEC) No 764/89 and 15 June 1991 for those producers who received the special reference quantity pursuant to Regulation (EEC) No 1639/91.

Article 9

If production was resumed before allocation of the provisional special quantity the quantity in respect of which compensation is due shall be reduced for the period concerned by the quantities delivered or sold directly which exceed the reference quantity which could be available to the producer, if appropriate, before the above-mentioned allocation, excluding those referred to in the second subparagraph of Article 3a (2) of Regulation (EEC) No 857/94.

Article 10

1. Each application for compensation must be addressed to the competent authority designated for that purpose in each Member State, using a form drawn up in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68⁽²⁾.

2. The producer shall send his application to the competent authority. The application for production shall reach the competent authority, subject to rejection, by 30 September 1993 at the latest.

The limitation period pursuant to Article 43 of the Statute of the Court shall start to run afresh for all producers on whichever of the two dates referred to in the first subparagraph is appropriate if the application referred to in that subparagraph has not been made by that date save where the limitation period has been interrupted by an application to the Court of Justice made in accordance with the same Article 43.

Article 11

The competent authority referred to in Article 10 shall check the accuracy of the information provided by the producer and shall calculate the amount of the compensation on the basis of the quantity and the period in respect of which compensation is due, using the amounts specified in the Annex.

Article 12

The amount of the compensation shall be increased by default interest of 8 % per year until the compensation is paid.

⁽²⁾ Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products (OJ No L 148, 28. 6. 1968, p. 13). Regulation as last amended by Regulation (EEC) No 2071/92 (OJ No L 215, 30. 7. 1992, p. 64).

Article 13

The total amount of the compensation shall be converted into national currency using the agricultural conversion rate applicable on the date on which this Regulation enters into force.

Article 14

Within four months on receipt of an application the competent authority referred to in Article 10 shall, in the name and on behalf of the Council and the Commission, make an offer of compensation to the producer, accompanied by a receipt in full and final settlement.

Where the producer derives his right to a special reference quantity :

- from Regulation (EEC) No 764/89, the compensation shall be paid on receipt of the returned receipt, duly approved and signed by the producer,
- from Regulation (EEC) No 1639/91, the compensation shall be paid, on condition that the receipt has been returned duly approved and signed by the producer, after 1 July 1994, so as to allow the competent authority to check that Articles 5 and 7 have been complied with, unless the producer lodges with that authority a security amounting to 115 % of the compensation fixed before the application of the aforementioned Articles, as a guarantee of compliance with the conditions set out in those Articles.

Failure to accept the offer within two months of its receipt shall mean that it shall not be binding in the future on the Community institutions concerned.

Acceptance of the offer by the return to the competent authority of the duly approved and signed receipt shall

imply the relinquishment of any claim of whatever nature against Community institutions in respect of any loss within the meaning of Article 1.

Article 15

Detailed rules for the application of this Regulation, and in particular the provisions regarding payment of the costs of producers' agents incurred before 5 August 1992, shall be adopted by the Commission in accordance with the procedure laid down in Article 30 of Council Regulation (EEC) No 804/68.

Article 16

The financing of the payments made pursuant to this Regulation shall be deemed to be intervention within the meaning of Article 3 of Regulation (EEC) No 729/70 ⁽¹⁾.

Expenditure shall be committed against 1993 appropriations on the basis of information notified by the Member States, the total amount of which shall be communicated to the Commission no later than 30 September 1993. The paying agencies must effect the payments before 15 October 1994.

Article 17

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

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

Done at Brussels, 22 July 1993.

For the Council

The President

M. OFFECIERS-VAN DE WIELE

⁽¹⁾ Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy (OJ No L 94, 28. 4. 1970, p. 13). Regulation as last amended by Regulation (EEC) No 2048/88 (OJ No L 185, 15. 7. 1988, p. 1).

ANNEX

**Compensation to be offered pursuant to Article 11
(green ecus per 100 kg of milk)**

Year	Farm size in terms of milk production		
	< 50 000 kg	< 120 000 kg	> 120 000 kg
1990/91	7,9	8,8	9,7
1989/90	8,8	9,7	10,7
1988/89	8,3	9,2	10,2
1987/88	6,5	7,4	8,3
1986/87	6,2	7,1	8,0
1985/86	6,9	7,8	8,7
1984/85	5,7	6,6	7,6

COMMISSION REGULATION (EEC) No 2188/93

of 4 August 1993

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 Economic Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, and in particular Article 10 (5) and Article 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⁽²⁾,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1680/93⁽³⁾ 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 3

August 1993, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1680/93 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 5 August 1993.

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

Done at Brussels, 4 August 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 159, 1. 7. 1993, p. 8.

ANNEX

to the Commission Regulation of 4 August 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries (*)
0709 90 60	129,35 (2) (3)
0712 90 19	129,35 (2) (3)
1001 10 00	152,44 (1) (4)
1001 90 91	128,28
1001 90 99	128,28 (5)
1002 00 00	134,48 (6)
1003 00 10	124,82
1003 00 20	124,82
1003 00 80	124,82 (7)
1004 00 00	76,49
1005 10 90	129,35 (2) (3)
1005 90 00	129,35 (2) (3)
1007 00 90	137,14 (4)
1008 10 00	28,73 (8)
1008 20 00	80,33 (4)
1008 30 00	32,64 (9)
1008 90 10	(7)
1008 90 90	32,64
1101 00 00	206,34 (7)
1102 10 00	218,49
1103 11 30	241,50
1103 11 50	241,50
1103 11 90	233,31
1107 10 11	239,22
1107 10 19	181,49
1107 10 91	233,06
1107 10 99	176,89
1107 20 00	204,35

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

(2) 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.

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

(4) 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.

(5) 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.

(6) 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).

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

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

(9) Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

COMMISSION REGULATION (EEC) No 2189/93
of 4 August 1993

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 Economic Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, 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⁽²⁾,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1681/93⁽³⁾ 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 3

August 1993, 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 5 August 1993.

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

Done at Brussels, 4 August 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 159, 1. 7. 1993, p. 11.

ANNEX

to the Commission Regulation of 4 August 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period
	8	9	10	11
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	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 20	0	0	0	0
1003 00 80	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	0	0	0
1102 10 00	0	0	0	0
1103 11 30	0	0	0	0
1103 11 50	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period	4th period
	8	9	10	11	12
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 2190/93

of 4 August 1993

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1548/93⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as last amended by Regulation (EEC) No 1684/92⁽⁷⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas Council Regulation (EEC) No 990/93⁽⁸⁾ prohibits trade between the European Economic Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁹⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹⁰⁾;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 August 1993.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 176, 30. 6. 1992, p. 31.

⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 106.

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

Done at Brussels, 4 August 1993.

For the Commission
René STEICHEN
Member of the Commission

ANNEX

to the Commission Regulation of 4 August 1993 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	35,64 ⁽¹⁾
1701 11 90 910	32,19 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	35,64 ⁽¹⁾
1701 12 90 910	32,19 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3874
	— ECU/100 kg —
1701 99 10 100	38,74
1701 99 10 910	37,90
1701 99 10 950	37,90
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3874

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

⁽³⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

COMMISSION REGULATION (EEC) No 2191/93
of 27 July 1993

amending Commission Regulation (EEC) No 344/91 laying down detailed rules for applying Council Regulation (EEC) No 1186/90 to extend the scope of the Community scale for the classification of carcasses of adult bovine animals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1186/90 of 7 May 1990 extending the scope of the Community scale for the classification of carcasses of adult bovine animals⁽¹⁾, and in particular Article 2 thereof,

Whereas Commission Regulation (EEC) No 344/91 of 13 February 1991 laying down detailed rules for applying Council Regulation (EEC) No 1186/90 of 7 May 1990 extending the scope of the Community scale for the classification of carcasses of adult bovine animals⁽²⁾, as amended by Regulation (EEC) No 3087/91⁽³⁾, lays down rules for the identification of carcasses and half-carcasses; whereas, in the light of experience, those rules should be supplemented by rules concerning the positions to be used, the time of identification and identification checks, the maintenance of identification in intra-Community trade, the symbols to be used for sub-classes and the break-down of categories; whereas, in addition, the rules to be complied with in communicating the results of the classification to the supplier of the animals or to the person responsible for the slaughtering operations should be specified in order to justify the price of the carcasses and to encourage the producers to promote the quality of the animals delivered by striving for a higher classification;

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

HAS ADOPTED THIS REGULATION:

Article 1

Having regard to Council Regulation (EEC) No 344/91 is hereby amended as follows:

1. in Article 1:

- (a) the first sentence of the second subparagraph of paragraph 1 is replaced by the following:

‘This marking shall be carried out by stamping on the outside surface of the carcass using an indelible and non-toxic ink following a method approved by

the competent national authorities; the letters and figures must be not less than two centimetres in height.’;

- (b) the last sentence of the second subparagraph of paragraph 1 is replaced by the following:

‘However, Member States may determine other positions on each quarter provided such positions are on the outside surface of the carcass and provided they inform the Commission beforehand.’;

- (c) the first sentence of the first subparagraph of paragraph 2 is replaced by the following:

‘2. Without prejudice to Article 4 (3) (c) and (d) of Regulation (EEC) No 859/89 and Article 2 (2) of Commission Regulation (EEC) No 3445/90⁽⁴⁾, Member States may authorize replacement of the marking by the use of labels under the following conditions:

(‘) OJ No L 333, 30. 11. 1990, p. 30.’;

- (d) the fourth indent of paragraph 2 is replaced by the following:

‘— the labels must be tamper-proof, tear-resistant and firmly attached to each quarter in the places defined in paragraph 1.’;

- (e) the following paragraph is inserted after paragraph 2:

‘2a. Classification and identification must take place not later than one hour after the commencement of slaughter operations’;

- (f) the following subparagraph is added to paragraph 3:

‘In particular, Member States shall take appropriate steps to ensure that this provision is complied with in intra-Community trade.’;

- (g) the following subparagraph is added to paragraph 4:

‘The indication of sub-classes or, where necessary, the break-down of categories by age shall be by means of symbols other than those used for classification.’;

- (h) the following paragraph is added:

‘5. For the purpose of communicating the classification results referred to in Article 1 (2) of Regulation (EEC) No 1186/90, the classes of conformation and fat cover as well as the category shall be

⁽¹⁾ OJ No L 119, 11. 5. 1990, p. 32.

⁽²⁾ OJ No L 41, 14. 2. 1991, p. 15.

⁽³⁾ OJ No L 291, 23. 10. 1991, p. 15.

indicated on the invoice, or on a document attached thereto, addressed to the supplier of the animal or, failing that, to the physical or legal person responsible for the slaughter operations, by means of symbols expressly provided for that purpose in Community legislation.';

2. in Article 3:

(a) the first sentence of the first subparagraph of paragraph 2 is replaced by the following:

'2. Classification and identification in the establishments covered by Article 1 of Regulation (EEC) No 1186/90 shall be checked on the spot without prior warning by a body independent of the slaughterhouse.';

(b) the first sentence of the second subparagraph of paragraph 2 is replaced by the following:

'Where the body responsible for checks is the same as that responsible for classification and identification or where it does not fall under the authority of a public body, the checks provided for in the preceding subparagraph must be carried out under the physical supervision of a public body under the same conditions and at least once a year.'

Article 2

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

It shall apply from 1 September 1993.

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

Done at Brussels, 27 July 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 2192/93

of 28 July 1993

concerning certain operative events for the agricultural conversion rates used in the wine sector and amending Regulations (EEC) No 1059/93, (EEC) No 377/93, (EEC) No 2729/88, (EEC) No 2253/92, (EEC) No 3233/92 and (EEC) No 3234/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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⁽¹⁾, and in particular Article 6 (2) thereof,

Whereas, under the new agrimonetary arrangements introduced by Regulation (EEC) No 3813/92, Articles 9 to 12 of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates⁽²⁾ alter the operative events for the agricultural conversion rates applicable with effect from the 1993/94 marketing year, subject to the exceptions provided for in the wine sector in this Regulation, which groups together for reasons of clarity the special provisions on the subject;

Whereas the agricultural conversion rate for intervention measures in the wine sector requires certain specific operative events to ensure that the buying-in prices and the aids fixed pursuant to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine⁽³⁾, as last amended by Regulation (EEC) No 1566/93⁽⁴⁾, are applied in respect of all participants on the same terms;

Whereas, as regards the measures adopted pursuant to Articles 35, 36, 38, 39, 41, 45 and 46 of Regulation (EEC) No 822/87, taking into consideration the economic objectives of and the procedure for implementing the operations, a derogation should be made from Article 10 (1) and (2) of Regulation (EEC) No 1068/93 and the agricultural conversion rate should be that applicable on a representative date for deliveries for compulsory distillation and the first day of each month for other operations;

Whereas Article 10 (3) of Regulation (EEC) No 1068/93 provides that for each private storage contract for wine products the operative event for the agricultural conver-

sion rate is the first day in respect of which the aid is granted; whereas, consequently, in order to take account of the new agrimonetary provisions, Article 13 of Commission Regulation (EEC) No 1059/83 of 29 April 1983 on storage contracts for table wine, grape must, concentrated grape must and rectified concentrated grape must⁽⁵⁾, as last amended by Regulation (EEC) No 3732/92⁽⁶⁾, should be repealed;

Whereas Article 1a of Commission Regulation (EEC) No 1393/76 of 17 June 1976 laying down detailed rules for the importation of products in the wine-growing sector originating in certain third countries⁽⁷⁾, as last amended by Regulation (EEC) No 3821/92⁽⁸⁾, lays down the operative events for the agricultural conversion rate for the free-at-frontier reference price; whereas, in view of the undertakings to observe this price made by certain third countries, the economic objective of the imports may be regarded as achieved in such cases on the day of export from the country concerned; whereas, therefore, application of the said Article 1a should be extended and a derogation should be provided from the transitional measures laid down in Article 1 of Commission Regulation (EEC) No 3820/92 of 28 December 1992 on transitional measures for the application of the agrimonetary arrangements laid down in Council Regulation (EEC) No 3813/92⁽⁹⁾;

Whereas Commission Regulation (EEC) No 377/93 of 12 February 1993 laying down detailed rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies⁽¹⁰⁾ provides for the operative events for the agricultural conversion rates which should be altered in the light of the new agrimonetary arrangements; whereas the operative event for the rates to be applied for the payment of offers accepted is established without prejudice to the possibility of fixing in advance the agricultural conversion rate pursuant to Articles 13 to 17 of Regulation (EEC) No 1068/93;

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽³⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽⁴⁾ OJ No L 154, 25. 6. 1993, p. 39.

⁽⁵⁾ OJ No L 116, 30. 4. 1983, p. 77.

⁽⁶⁾ OJ No L 380, 24. 12. 1992, p. 16.

⁽⁷⁾ OJ No L 157, 18. 6. 1976, p. 20.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 24.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 22.

⁽¹⁰⁾ OJ No L 43, 20. 2. 1993, p. 6.

Whereas Commission Regulation (EEC) No 2729/88 of 31 August 1988 laying down detailed rules for the application of Regulation (EEC) No 1442/88 on the granting, for the 1988/89 to 1995/96 wine years, of permanent abandonment premiums of wine-growing areas⁽¹⁾, as last amended by Regulation (EEC) No 1357/93⁽²⁾ and Commission Regulation (EEC) No 3234/92 of 5 November 1992 laying down detailed rules for the application of the specific aid arrangements for continued cultivation of vines for the production of quality wines *psr* in the Canary Islands⁽³⁾ provide for specific operative events; whereas these provisions should be repealed in order to comply with the new agrimonetary arrangements;

Whereas Commission Regulation (EEC) No 3233/92 of 5 November laying down detailed rules for implementing the specific wine sector aid arrangements for the Azores and Madeira⁽⁴⁾, as amended by Regulation (EEC) No 3889/92⁽⁵⁾, provides for the operative events to be used for agricultural conversion rates; whereas these provisions should be amended in the light of the new agrimonetary arrangements;

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

HAS ADOPTED THIS REGULATION:

Article 1

The agricultural conversion rate to be used for converting into national currency the buying-in price for wine and by-products, the reduction in the buying-in price provided for in Article 44 of Regulation (EEC) No 822/87 and the amounts and aids relating to intervention measures referred to in that Regulation shall be:

- (a) for the preventive distillation in Article 38 and the support measures provided for in Article 41, that applicable on the first day of the month in which the initial delivery of wine under a contract is carried out;
- (b) for the distillation of the by-products of vinification provided for in Article 35 and of the wine obtained from dual-purpose vine varieties as provided for in Article 36, that applicable on 1 September of the wine year concerned;
- (c) for the compulsory distillation provided for in Article 39, that applicable on 1 April of the wine year concerned;

- (d) for the buying-in of alcohol obtained from distillation operations by the intervention agency, that applicable on the day of delivery of each batch;
- (e) for the aid for the use of musts for wine production provided for in Article 45, that applicable on the first day of the month in which the first enrichment operation is carried out;
- (f) for the aid for the use of musts provided for in Article 46, that applicable on the first day of each month in which processing operations are carried out.

Article 2

Article 35 of Regulation (EEC) No 377/93 is replaced by the following:

Article 35

The following agricultural conversion rates shall apply in respect of the conversion into national currency:

- (a) that in force on the day before the publication of the notice of invitation to tender for:
 - the tendering securities expressed in ecus per hectolitre of alcohol at 100 % vol, referred to in Article 6 (2), Article 15 (2) and Article 23 (2),
 - the payments for samples expressed in ecus and provided for in Article 32 (1) and (2);
- (b) that in force on the day on which the payment order preceding the issue of the removal orders referred to in Article 9 (2), Article 18 (3) and Article 29 (1) for tenders accepted in ecus;
- (c) that in force on the closing date for the tendering procedure concerned for the performance guarantees expressed in ecus per hectolitre of alcohol at 100 % vol referred to in the second indent of Article 8 (2), the second indent of Article 17 (2) and the second indent of Article 25 (2).

Article 3

Article 12 of Regulation (EEC) No 3233/92 is replaced by the following:

Article 12

The rate to be applied for the conversion into national currency;

- (a) of the aid for the purchase of rectified concentrated musts referred to in Title I shall be the agricultural conversion rate applicable on the date on which the product is taken over by the purchaser;
- (b) of the aid for the supply of vinous alcohol held by the intervention agencies referred to in Title II shall be that applicable on the day of payment preceding the issue of the removal order referred to in Article 5 (2);

⁽¹⁾ OJ No L 241, 1. 9. 1988, p. 108.

⁽²⁾ OJ No L 134, 3. 6. 1993, p. 10.

⁽³⁾ OJ No L 321, 6. 11. 1992, p. 16.

⁽⁴⁾ OJ No L 321, 6. 11. 1992, p. 11.

⁽⁵⁾ OJ No L 391, 31. 12. 1992, p. 50.

- (c) of the aid for the ageing of liqueur wines referred to in Title III shall be, for the payment of each instalment, that applicable on the day of payment of the aid instalment; for the lodging of the performance security provided for in Article 7 (5), the rate to be used shall be that applicable on 1 January each year;
- (d) of the flat-rate per hectare aid referred to in Title IV shall be that applicable on the first day of the wine year for which the aid is paid.'

Article 4

By derogation from Article 1 of Regulation (EEC) No 3820/92, the operative events laid down in Article 1a of Regulation (EEC) No 1393/76 shall continue to apply.

Article 5

The following are deleted:

- Article 13 of Regulation (EEC) No 1059/83,
- Article 4a of Regulation (EEC) No 2729/88,
- Article 5 of Regulation (EEC) No 3234/92.

Article 6

This Regulation shall enter into force on 1 September 1993.

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

Done at Brussels, 28 July 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 2193/93
of 28 July 1993
amending Annex B to Council Regulation (EEC) No 1766/92 on the common
organization of the market in cereals

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, and in particular Article 13 (6) thereof,

Whereas Commission Regulation (EEC) No 2860/89 of 22 September 1989 amending Council Regulation (EEC) No 2727/75 on the common organization of the market in cereals as regards the list of products in Annex B on which export refunds may be granted⁽²⁾ adopted amendments to Annex B to Council Regulation (EEC) No 2727/75⁽³⁾, as last amended by Regulation (EEC) No 1738/92⁽⁴⁾; whereas the amendments must be included in Annex B to Regulation (EEC) No 1766/92 which has replaced Regulation (EEC) No 2727/75;

Whereas certain products falling within CN code 2106 90 99 included in Annex B are now classified in CN code 2008 92; whereas the latter code must therefore be included in Annex B in order to maintain unaffected the refund arrangements for those products;

Whereas, in addition, a number of formal errors in the publication of Annex B to Regulation (EEC) No 1766/92 must be corrected;

Whereas, for the sake of clarification, Annex B should be republished in its entirety;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex B of Regulation (EEC) No 1766/92 is hereby replaced by Annex B to this Regulation.

Article 2

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

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

Done at Brussels, 28 July 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 274, 23. 9. 1989, p. 41.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁴⁾ OJ No L 180, 1. 7. 1992, p. 1.

ANNEX

ANNEX B

CN code	Description
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit or cocoa :
ex 0403 10	- Yoghurt :
	- - Flavoured or containing added fruit or cocoa :
	- - - In powder, granules or other solid forms, of a milk fat content by weight :
0403 10 51	- - - - Not exceeding 1,5 %
0403 10 53	- - - - Exceeding 1,5 % but not exceeding 27 %
0403 10 59	- - - - Exceeding 27 %
	- - - Other, of a milk fat content by weight :
0403 10 91	- - - - Not exceeding 3 %
0403 10 93	- - - - Exceeding 3 % but not exceeding 6 %
0403 10 99	- - - - Exceeding 6 %
ex 0403 90	- Other :
	- - Flavoured or containing added fruit or cocoa :
	- - - In powder, granules or other solid forms, of a milk fat content, by weight :
0403 90 71	- - - - Not exceeding 1,5 %
0403 90 73	- - - - Exceeding 1,5 %, but not exceeding 27 %
0403 90 79	- - - - Exceeding 27 %
	- - - Other, of a milk fat content, by weight :
0403 90 91	- - - - Not exceeding 3 %
0403 90 93	- - - - Exceeding 3 % but not exceeding 6 %
0403 90 99	- - - - Exceeding 6 %
ex 0710	Vegetables (uncooked or cooked by steaming or boiling in water), frozen :
0710 40 00	- Sweet corn
0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption :
ex 0711 90	- Other vegetables, mixtures of vegetables :
	- - Vegetables :
0711 90 30	- - - Sweet corn
ex 1302	Vegetable saps and extracts ; pectic substances, pectinates and pectates ; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products :
	- Mucilages and thickeners, whether or not modified, derived from vegetable products :
1302 31 00	- - Agar-agar
1302 32	- - Mucilages and thickeners, whether or not modified, derived from locust beans, locust bean seeds or guar seeds
1302 39 00	- - Other
ex 1518 00	Animal or vegetable fats and oils and their fractions, boiled, oxidized, dehydrated, sulphurized, blown, polymerized by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading No 1516 ; inedible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, not elsewhere specified or included :
1518 00 10	- Linoxyn

CN code	Description
ex 1520	Glycerol (glycerine), whether or not pure ; glycerol waters and glycerol lyes :
1520 90 00	– Other, including synthetic glycerol
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form ; sugar syrups not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :
ex 1702 90	– Other, including invert sugar
1702 90 10	– – Chemically pure maltose
ex 1704	Sugar confectionery (including white chocolate), not containing cocoa, excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances of subheading 1704 90 10
1806	Chocolate and other food preparations containing cocoa
1901	Malt extract ; food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 50 %, not elsewhere specified or included ; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 %, not elsewhere specified or included
ex 1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noddles, lasagne, gnocchi, ravioli, cannelloni ; couscous, whether or not prepared :
	– Uncooked pasta, not stuffed or otherwise prepared :
1902 11 00	– – Containing eggs
1902 19	– – Other
ex 1902 20	– Stuffed pasta whether or not cooked or otherwise prepared :
	– – Other :
1902 20 91	– – – Cooked
1902 20 99	– – – Other
1902 30	– Other pasta
ex 1902 40	– Couscous :
1903 00 00	Tapioca and substitutes thereof prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes) ; cereals, other than maize (corn), in grain form, precooked or otherwise prepared
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa ; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid :
ex 2001 90	– Other :
2001 90 30	– – Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)
2001 90 40	– – Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen :
ex 2004 10	– Potatoes :
	– – Other :
2004 10 91	– – – In the form of flour, meal or flakes
ex 2004 90	– Other vegetables and mixtures of vegetables :
2004 90 10	– – Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)

CN code	Description
ex 2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen :
2005 20	– Potatoes :
2005 20 10	– – In the form of flour, meal or flakes
2005 80 00	– Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)
ex 2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included :
	– Nuts, ground-nuts and other seeds, whether or not mixed together :
ex 2008 11	– – Ground-nuts :
2008 11 10	– – – Peanut butter
2008 91 00	– – Palm hearts
ex 2008 92	– – Preparations of the Müsli type based on unroasted cereal flakes
ex 2008 99	– – Other :
	– – – Not containing spirit :
	– – – – Not containing added sugar :
2008 99 85	– – – – – Maize (corn) other than sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)
2008 99 91	– – – – – Yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch
ex 2101	Extracts, essences and concentrates, of coffee, tea or maté preparations with a basis of these products or with a basis of coffee, tea or maté ; roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates, thereof :
2101 10	– Extracts, essences and concentrates of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee
2101 20	– Extracts, essences and concentrates of tea or maté, and preparations with a basis of these extracts, essences or concentrates or with a basis of tea or maté
ex 2101 30	– Roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof :
	– – Roasted chicory and other roasted coffee substitutes :
2101 30 19	– – – Other (than roasted chicory)
	– – Extracts, essences and concentrates of roasted chicory and other roasted coffee substitutes :
2101 30 99	– – – Other (than roasted chicory)
2102	Yeasts (active or inactive) ; other single-cell micro-organisms, dead (but not including vaccines of heading No 3002) ; prepared baking powders :
ex 2102 10	– Active yeasts
	– – Bakers' yeast :
2102 10 31	– – – Dried
2102 10 39	– – – Other
ex 2102 20	– Inactive yeasts ; other single-cell micro-organisms, dead :
	– – Inactive yeasts :
2102 20 11	– – – In tablet, cube or similar form, or in immediate packings of a net content not exceeding 1 kg
2102 20 19	– – – Other
ex 2103	Sauces and preparations therefor ; mixed condiments and mixed seasonings :
2103 10 00	– Soya sauce
2103 20 00	– Tomato ketchup and other tomato sauces
2103 90	– Other

CN code	Description
ex 2104	Soups and broths and preparations therefor; homogenized composite food preparations:
2104 10 00	– Soups and broths and preparations therefor
2105 00	Ice cream and other edible ice, whether or not containing cocoa
ex 2106	Food preparations not elsewhere specified or included:
2106 10	– Protein concentrates and textured protein substances:
ex 2106 90	– Other:
2106 90 10	– – Cheese fondues
	– – Other:
2106 90 91	– – – Containing no milk fats, milk proteins, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milk fat, 2,5 % milk proteins, 5 % sucrose or isoglucose, 5 % glucose or starch
2106 90 99	– – – Other
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009
2203 00	Beer made from malt
2205	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances
ex 2208	Undenatured ethyl alcohol strength by volume of less than 80 % vol; spirits, liqueurs and other spirituous beverages; compound alcoholic preparations of a kind used for the manufacture of beverages:
ex 2208 30	– Whiskies
	– – Other than Bourbon in containers holding:
2208 30 91	– – – 2 litres or less
2208 30 99	– – – More than 2 litres
2208 50	– Gin and Geneva
ex 2208 90	– Other:
	– – Vodka of an alcoholic strength by volume of 45,4 % vol or less and plum, pear or cherry spirit (excluding liqueurs), in containers holding:
	– – – 2 litres or less:
2208 90 31	– – – – Vodka
2208 90 39	– – – More than 2 litres:
	– – – – Vodka
2208 90 53	– – Other spirits, liqueurs and other spirituous beverages:
2208 90 55	
2208 90 59	
2208 90 73	
2208 90 79	
ex 2520	Gypsum; anhydrite; plasters (consisting of calcined gypsum or calcium sulphate) whether or not coloured, with or without small quantities of accelerators or retarders:
2520 20	– Plasters
ex 2839	Silicates; commercial alkali metal silicates:
2839 90	– Other
Chapter 29	Organic chemicals
Chapter 30	Pharmaceutical products

CN code	Description
ex 3307	Pre-shave, shaving or after-shave preparations, personal deodorants, bath preparations, depilatories and other perfumery, cosmetic or toilet preparations, not elsewhere specified or included; prepared room deodorizers, whether or not perfumed or having disinfectant properties:
3307 49 00	- Preparations for perfuming or deodorizing rooms, including odoriferous preparations used during religious rites:
3307 90 00	- - Other than 'Agarbatti' and other odoriferous preparations which operate by burning
ex 3401	Soap; organic surface-active products and preparations for use as soap, in the form of bars, cakes, moulded pieces or shapes, whether or not containing soap; paper, wadding, felt and nonwovens, impregnated, coated or covered with soap or detergent:
3401 19	- Soap and organic surface-active products and preparations, in the form of bars, cakes, moulded pieces or shapes, and paper, wadding, felt and nonwovens, impregnated, coated or covered with soap or detergent:
3402	- - Other
ex 3403	Organic surface-active agents (other than soap); surface-active preparations, washing preparations (including auxiliary washing preparations) and cleaning preparations, whether or not containing soap, other than those of heading No 3401
3403 11 00	Lubricating preparations (including cutting-oil preparations, bolt or nut release preparations, anti-rust or anti-corrosion preparations and mould release preparations, based on lubricants) and preparations of a kind used for the oil or grease treatment of textile materials, leather, furskins or other materials, but excluding preparations containing, as basic constituents, 70 % or more by weight of petroleum oils or of oils obtained from bituminous minerals:
3403 19	- Containing petroleum oils or oils obtained from bituminous minerals:
ex 3403 19 10	- - Preparations for the treatment of textile materials, leather, furskins or other materials
ex 3405	- - Other:
3407 00 00	- - - Containing 70 % or more by weight of petroleum oils or of oils obtained from bituminous minerals but not as the basic constituent
ex 3405	Polishes and creams, for footwear, furniture, floors, coachwork, glass or metal, scouring pastes and powders and similar preparations (whether or not in the form of paper, wadding, felt, nonwovens, cellular plastics or cellular rubber, impregnated, coated or covered with such preparations), excluding waxes of heading No 3404
Chapter 35	Modelling pastes, including those put up for children's amusement; in preparations known as 'dental wax' or as 'dental impression compounds', put up in sets, in packings for retail sale or in plates, horseshoe shapes, sticks or similar forms; other preparations for use in dentistry, with a basis of plaster (of calcined gypsum or calcium sulphate)
Chapter 38	Albuminoidal substances; modified starches, glues, enzymes, excluding heading No 3501
Chapter 39	Miscellaneous chemical products
4813	Plastics and articles thereof
ex 4813 90	Cigarette paper, whether or not cut to size or in the form of booklets or tubes:
4813 90 90	- Other:
ex 4818	- - Other
4818 10	Toilet paper, handkerchiefs, cleaning tissues, towels, tablecloths, serviettes, napkins for babies, tampons, bed sheets and similar household, sanitary or hospital articles, articles of apparel and clothing accessories, of paper pulp, paper, cellulose wadding or webs of cellulose fibres:
	- Toilet paper

CN code	Description
ex 4823	Other paper, paperboard, cellulose wadding and webs of cellulose fibres, cut to size or shape ; other articles of paper pulp, paper, paperboard, cellulose wadding or webs of cellulose fibres :
	– Gummed or adhesive paper, in strips or rolls :
4823 11	– – Self-adhesive
4823 19 00	– – Other
4823 20 00	– Filter paper and paperboard
	– Other paper and paperboard, of a kind used for writing, printing or other graphic purposes :
4823 51	– – Printed, embossed or perforated
4823 59	– – Other
ex 4823 90	– Other :
	– – Other :
	– – – Other :
	– – – – Cut to size or shape :
4823 90 51	– – – – – Condenser paper
	– – – – – Other :
4823 90 71	– – – – – – Gummed or adhesive paper
4823 90 79	– – – – – – Other'

COMMISSION REGULATION (EEC) No 2194/93

of 4 August 1993

amending Regulation (EEC) No 1194/93 increasing to 1 000 000 tonnes the quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organization of the market in cereals⁽¹⁾, and in particular Article 5,

Having regard to Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies⁽²⁾,

Whereas Commission Regulation (EEC) No 1194/93⁽³⁾, as last amended by Regulation (EEC) No 2179/93⁽⁴⁾, opened a standing invitation to tender for the export of 500 000 tonnes of barley held by the French intervention agency; whereas, in a communication of 22 July 1993, France informed the Commission of the intention of its intervention agency to increase by 500 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 1 000 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 1194/93 must therefore be amended;

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

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

Done at Brussels, 4 August 1993.

For the Commission

René STEICHEN

Member of the Commission

Article 1

Article 2 of Regulation (EEC) No 1194/93 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 1 000 000 tonnes of barley to be exported to all third countries. Customs export formalities must be completed during the period 1 July to 30 November 1993.

2. The regions in which the 1 000 000 tonnes of barley are stored are stated in Annex I to this Regulation.

Article 2

Annex I to Regulation (EEC) No 1194/93 is replaced by the Annex hereto.

Article 3

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

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽³⁾ OJ No L 122, 18. 5. 1993, p. 11.

⁽⁴⁾ OJ No L 195, 4. 8. 1993, p. 30.

ANNEX

ANNEX I

(tonnes)

Place of storage	Quantity
Amiens	51 000
Bordeaux	30 000
Clermont-Ferrand	1 000
Châlons-sur-Marne	191 000
Dijon	64 000
Lille	90 000
Nancy	60 000
Orléans	260 000
Paris	25 000
Poitiers	120 000
Rouen	90 000
Toulouse	17 000
Marseille	1 000

COMMISSION REGULATION (EEC) No 2195/93

of 4 August 1993

amending Regulation (EEC) No 1195/93 increasing to 1 500 000 tonnes the quantity of bread-making wheat held by the German intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organization of the market in cereals⁽¹⁾, and in particular Article 5,

Having regard to Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies⁽²⁾,

Whereas Commission Regulation (EEC) No 1195/93⁽³⁾, as last amended by Regulation (EEC) No 2179/93⁽⁴⁾, opened a standing invitation to tender for the export of 1 000 000 tonnes of bread-making wheat held by the German intervention agency; whereas, in a communication of 22 July 1993, Germany informed the Commission of the intention of its intervention agency to increase by 500 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of bread-making wheat held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 1 500 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 1195/93 must therefore be amended;

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

Article 2 of Regulation (EEC) No 1195/93 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 1 500 000 tonnes of bread-making wheat to be exported to all third countries. Customs export formalities must be completed during the period 1 July to 30 November 1993.

2. The regions in which the 1 500 000 tonnes of bread-making wheat are stored are stated in Annex I to this Regulation.

Article 2

Annex I to Regulation (EEC) No 1195/93 is replaced by the Annex hereto.

Article 3

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

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

Done at Brussels, 4 August 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽³⁾ OJ No L 122, 18. 5. 1993, p. 14.

⁽⁴⁾ OJ No L 195, 4. 8. 1993, p. 30.

ANNEX

ANNEX I

(tonnes)

Place of storage	Quantity
Schleswig-Holstein/Hamburg	320 855
Niedersachsen/Bremen	222 265
Nordrhein-Westfalen	170 550
Hessen	31 021
Rheinland-Pfalz	23 245
Baden-Württemberg	4 508
Bayern	216 231
Berlin/Brandenburg	31 323
Mecklenburg-Vorpommern	176 264
Sachsen	74 590
Sachsen-Anhalt	149 431
Thüringen	77 549
Saarland	1 951'

COMMISSION REGULATION (EEC) No 2196/93
of 4 August 1993

amending Regulation (EEC) No 1196/93 increasing to 1 250 000 tonnes the quantity of barley held by the German intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organization of the market in cereals⁽¹⁾, and in particular Article 5,

Having regard to Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies⁽²⁾,

Whereas Commission Regulation (EEC) No 1196/93⁽³⁾, as last amended by Regulation (EEC) No 2179/93⁽⁴⁾, opened a standing invitation to tender for the export of 1 000 000 tonnes of barley held by the German intervention agency; whereas, in a communication of 22 July 1993, Germany informed the Commission of the intention of its intervention agency to increase by 250 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 1 250 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 1196/93 must therefore be amended;

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

Article 2 of Regulation (EEC) No 1196/93 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 1 250 000 tonnes of barley to be exported to all third countries. Customs export formalities must be completed during the period 1 July to 30 November 1993.
2. The regions in which the 1 250 000 tonnes of barley are stored are stated in Annex I to this Regulation.

Article 2

Annex I to Regulation (EEC) No 1196/93 is replaced by the Annex hereto.

Article 3

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

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

Done at Brussels, 4 August 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽³⁾ OJ No L 122, 18. 5. 1993, p. 17.

⁽⁴⁾ OJ No L 195, 4. 8. 1993, p. 30.

ANNEX

ANNEX I

(tonnes)

Place of storage	Quantity
Schleswig-Holstein/Hamburg	141 038
Niedersachsen/Bremen	205 533
Nordrhein-Westfalen	232 144
Hessen	49 246
Rheinland-Pfalz	29 222
Baden-Württemberg	7 671
Bayern	79 019
Berlin/Brandenburg	115 038
Mecklenburg-Vorpommern	78 132
Sachsen	56 722
Sachsen-Anhalt	142 365
Thüringen	108 465
Saarland	5 362

COMMISSION REGULATION (EEC) No 2197/93

of 4 August 1993

amending Regulation (EEC) No 1197/93 increasing to 500 000 tonnes the quantity of feed rye held by the German intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, and in particular Article 5 thereof,

Having regard to Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies ⁽²⁾,

Whereas Commission Regulation (EEC) No 1197/93 ⁽³⁾, as last amended by Regulation (EEC) No 2179/93 ⁽⁴⁾, opened a standing invitation to tender for the export of 300 000 tonnes of feed rye held by the German intervention agency; whereas, in a communication of 22 July 1993, Germany informed the Commission of the intention of its intervention agency to increase by 200 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of feed rye held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 500 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 1197/93 must therefore be amended;

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

Article 2 of Regulation (EEC) No 1197/93 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 500 000 tonnes of feed rye to be exported to all third countries. Customs export formalities must be completed during the period 1 July to 30 November 1993.

2. The regions in which the 500 000 tonnes of feed rye are stored are stated in Annex I to this Regulation.

Article 2

Annex I to Regulation (EEC) No 1197/93 is replaced by the Annex hereto.

Article 3

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

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

Done at Brussels, 4 August 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽³⁾ OJ No L 122, 18. 5. 1993, p. 20.

⁽⁴⁾ OJ No L 195, 4. 8. 1993, p. 30.

ANNEX

ANNEX I

(tonnes)

Place of storage	Quantity
Schleswig-Holstein/Hamburg	103 791
Niedersachsen/Bremen	112 108
Nordrhein-Westfalen	19 822
Hessen	11 091
Rheinland-Pfalz	16 829
Baden-Württemberg	13 423
Bayern	29 039
Saarland	2 057
Berlin/Brandenburg	94 655
Mecklenburg-Vorpommern	52 257
Sachsen	8 593
Sachsen-Anhalt	36 319'

COMMISSION REGULATION (EEC) No 2198/93

of 4 August 1993

fixing the minimum selling prices for beef put up for sale under the invitation to tender referred to in Regulation (EEC) No 1978/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 125/93 ⁽²⁾, and in particular Article 7 (3) thereof,Whereas tenders have been invited for certain quantities of beef fixed by Commission Regulation (EEC) No 1978/93 ⁽³⁾;Whereas, pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 ⁽⁴⁾, as last amended by Regulation (EEC) No 1759/93 ⁽⁵⁾, the minimum selling prices for

meat put up for sale by tender should be fixed, taking into account tenders submitted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices for beef for the invitation to tender held in accordance with Regulation (EEC) No 1978/93 for which the time limit for the submission of tenders was 27 July 1993 are as set out in the Annex hereto.

Article 2

The Regulation shall enter into force on 5 August 1993.

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

Done at Brussels, 4 August 1993.

For the Commission

René STEICHEN

Member of the Commission

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkte Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Precio mínimo expresado en ecus por tonelada Mindstepriser i ECU/ton Mindestpreise, ausgedrückt in ECU/Tonne Ελάχιστες τιμές πώλησεως εκφραζόμενες σε Ecu ανά τόνο Minimum prices expressed in ECU per tonne Prix minimaux exprimés en écus par tonne Prezzi minimi espressi in ecu per tonnellata Minimumprijzen uitgedrukt in ecu per ton Preço mínimo expresso em ecus por tonelada
United Kingdom	Forequarter flanks Fore ribs	1 560 1 806
Ireland	Plates/flanks Forequarters	1 425 2 030
France	Caisse B Caisse A	1 531 1 900

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.⁽²⁾ OJ No L 18, 27. 1. 1993, p. 1.⁽³⁾ OJ No L 180, 23. 7. 1993, p. 35.⁽⁴⁾ OJ No L 251, 5. 10. 1979, p. 12.⁽⁵⁾ OJ No L 161, 2. 7. 1993, p. 59.

COMMISSION REGULATION (EEC) No 2199/93

of 4 August 1993

amending Regulation (EEC) No 1831/93 introducing a countervailing charge on pears originating in Australia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 638/93⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1831/93⁽³⁾, as amended by Regulation (EEC) No 1981/93⁽⁴⁾, introduced a countervailing charge on pears originating in Australia;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration the countervailing charge on the import of pears originating in Australia must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1831/93 'ECU 10,74' is hereby replaced by 'ECU 4,90'.

Article 2

This Regulation shall enter into force on 5 August 1993.

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

Done at Brussels, 4 August 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 69, 20. 3. 1993, p. 7.

⁽³⁾ OJ No L 167, 9. 7. 1993, p. 21.

⁽⁴⁾ OJ No L 180, 23. 7. 1993, p. 40.

COMMISSION REGULATION (EEC) No 2200/93
of 4 August 1993
amending Regulation (EEC) No 846/93 introducing a countervailing charge on
apples originating in Chile

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 638/93⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 846/93⁽³⁾, as last amended by Regulation (EEC) No 1745/93⁽⁴⁾, introduced a countervailing charge on apples originating in Chile;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas, if those conditions are taken into consideration, the countervailing charge on the import of apples originating in Chile must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 846/93 'ECU 33,01' is hereby replaced by 'ECU 26,14'.

Article 2

This Regulation shall enter into force on 5 August 1993.

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

Done at Brussels, 4 August 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 69, 20. 3. 1993, p. 7.

⁽³⁾ OJ No L 59, 12. 3. 1993, p. 25.

⁽⁴⁾ OJ No L 161, 2. 7. 1993, p. 27.

COMMISSION REGULATION (EEC) No 2201/93

of 4 August 1993

introducing a countervailing charge on certain varieties of plum originating in Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 638/93⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1429/93 of 10 June 1993 fixing for the 1993 marketing year the reference prices for plums⁽³⁾ fixed the reference price for class I, group I at ECU 69,39 per 100 kilograms net for the month of August 1993;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available, less the duties, and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by

Regulation (EEC) No 249/93⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for plums of group I originating in Romania the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these plums;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁶⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 13,11 per 100 kilograms net is applied to plums (CN codes 0809 40 11 and 0809 40 19), other than the following varieties: Altesse simple (common quetsche, Hauszweitschge), Reine-Claude d'Oullins (Oullins Gage), Sveskeblommer, Ruth Gerstetter, Ontario, Wangenheimer (early Wangenheim quetsche), Pershore (Yellow Egg), Mirabelle and Bosnische originating in Romania.

Article 2

This Regulation shall enter into force on 6 August 1993.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 69, 20. 3. 1993, p. 7.

⁽³⁾ OJ No L 140, 11. 6. 1993, p. 23.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 28, 5. 2. 1993, p. 45.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

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

Done at Brussels, 4 August 1993.

For the Commission
René STEICHEN
Member of the Commission

COMMISSION REGULATION (EEC) No 2202/93
of 4 August 1993
fixing the import levy on molasses

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 1548/93 ⁽²⁾, and in particular Article 16 (8) thereof,

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

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 1693/93 ⁽⁴⁾, as last amended by Regulation (EEC) No 2069/93 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1693/93 to the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this Regulation;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 3 August 1993 as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

1. The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be fixed, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00 to ECU 0,20 per 100 kilograms.
2. However, no import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

Article 2

This Regulation shall enter into force on 5 August 1993.

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

Done at Brussels, 4 August 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 36.

⁽⁵⁾ OJ No L 187, 29. 7. 1993, p. 38.

COMMISSION REGULATION (EEC) No 2203/93

of 4 August 1993

not to accept tenders submitted in response to the 96th partial invitation to tender opened as a general intervention measure pursuant to Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 125/93⁽²⁾, and in particular Article 6 (8) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector⁽³⁾, as last amended by Regulation (EEC) No 1759/93⁽⁴⁾, an invitation to tender was opened by Article 1 (1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender⁽⁵⁾, as last amended by Regulation (EEC) No 2013/93⁽⁶⁾;

Whereas, in accordance with Article 11 (1) of Regulation (EEC) No 859/89, a maximum buying-in price is to be fixed for quality R3, where appropriate, for each partial invitation to tender in the light of the tenders received; whereas, in accordance with Article 11 (2) of that Regulation, a decision may be taken not to proceed with the tendering procedure;

Whereas, after examination of the tenders submitted for the 96th partial invitation tender and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughterings and prices, it has been decided not to proceed with the tendering procedure;

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

HAS ADOPTED THIS REGULATION:

Article 1

No award shall be made against the 96th partial invitation to tender opened by Article 1 (1) of Regulation (EEC) No 1627/89.

Article 2

This Regulation shall enter into force on 2 August 1993.

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

Done at Brussels, 4 August 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 18, 27. 1. 1993, p. 1.

⁽³⁾ OJ No L 91, 4. 4. 1989, p. 5.

⁽⁴⁾ OJ No L 161, 2. 7. 1993, p. 59.

⁽⁵⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ No L 182, 24. 7. 1993, p. 54.

COMMISSION REGULATION (EEC) No 2204/93

of 4 August 1993

fixing the maximum export refund for white sugar for the 10th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1144/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1548/93⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1144/93 of 10 May 1993 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1144/93, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 10th partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 990/93⁽⁴⁾ prohibits trade between the European Economic Community

and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 10th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1144/93 the maximum amount of the export refund is fixed at ECU 40,690 per 100 kilograms.
2. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

Article 2

This Regulation shall enter into force on 5 August 1993.

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

Done at Brussels, 4 August 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.
⁽³⁾ OJ No L 116, 12. 5. 1993, p. 5.
⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

COMMISSION REGULATION (EEC) No 2205/93
of 4 August 1993
fixing the import levies on white sugar and raw sugar

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1548/93 ⁽²⁾, and in particular Article 16 (8) thereof,

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1695/93 ⁽⁴⁾, as last amended by Regulation (EEC) No 2181/93 ⁽⁵⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1695/93 to the information known to the Commission that the

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 3 August 1993, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 August 1993.

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

Done at Brussels, 4 August 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 40.

⁽⁵⁾ OJ No L 195, 4. 8. 1993, p. 34.

ANNEX

to the Commission Regulation of 4 August 1993 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy (°)
1701 11 10	34,62 (°)
1701 11 90	34,62 (°)
1701 12 10	34,62 (°)
1701 12 90	34,62 (°)
1701 91 00	41,87
1701 99 10	41,87
1701 99 90	41,87 (°)

(°) The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68.

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

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

COUNCIL REGULATION (EEC) No 2206/93

of 4 August 1993

extending the provisional anti-dumping duty on imports of certain magnetic disks (3,5" microdisks) originating in Japan, Taiwan and the People's Republic of China

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas Commission Regulation (EEC) No 920/93⁽²⁾ imposed a provisional anti-dumping duty on imports of certain magnetic disks (3,5" microdisks) originating in Japan, Taiwan and the People's Republic of China;

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

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

Whereas the exporters have raised no objections,

HAS ADOPTED THIS REGULATION:

Article 1

The validity of the provisional anti-dumping duty on imports of certain magnetic disks (3,5" microdisks) originating in Japan, Taiwan and the People's Republic of China imposed by Regulation (EEC) No 920/93 is hereby extended for a period of two months. It shall cease to apply if, before the expiry of that period, the Council adopts definitive measures or the proceeding is terminated pursuant to Article 9 of Regulation (EEC) No 2423/88.

Article 2

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

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

Done at Brussels, 4 August 1993.

*For the Council**The President*

W. CLAES

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.⁽²⁾ OJ No L 95, 21. 4. 1993, p. 5.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 July 1993

on an action plan for the introduction of advanced television services in Europe

(93/424/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the Community, through Decisions 89/337/EEC ⁽⁴⁾ and 89/630/EEC ⁽⁵⁾, recognized the strategic importance of high definition television (HDTV) for the European consumer electronics industry and for the European television and film industries and established the strategy framework for the introduction of European HDTV;

Whereas the objectives of the strategy for the introduction of HDTV in Europe are an integral part of the Community audio-visual policy; whereas they must take into account other objectives of this policy within the perspective of the development of Europe's audio-visual capacity, which comprise structural objectives such as the development of the independent production sector or the development of production in countries or regions with more limited audio-visual capacity;

Whereas the action plan should ensure that the whole territory of the Community is satisfactorily covered by advanced services;

Whereas financial incentives are initially required to ensure the accelerated development of the advanced television service market in conformity with the strategy indicated above, by contributing to the reduction of the additional start-up costs involved;

Whereas the action plan should be solely directed at promoting the 16:9 format (625 or 1 250 lines), irrespective of the European television standard used and irrespective of the broadcasting mode (terrestrial, satellite or cable);

Whereas the action plan should facilitate the uptake of all technologies, including fully digital technology;

Whereas it is appropriate to set targets for the impact of Community funding on the early market development of advanced television services;

Whereas a programme lasting four years is called for;

Whereas an amount of ECU 405 million is estimated as necessary to achieve the objective of the action plan;

Whereas the funding of this amount should come from Community funds and from other sources, with the Community contribution amounting to ECU 228 million;

Whereas those economic operators who co-finance the action plan shall be given due recognition under Community R&D and standardization activities, always in accordance with the general rules for participation in these activities;

⁽¹⁾ OJ No C 139, 2. 6. 1992, p. 4.

⁽²⁾ OJ No C 337, 21. 12. 1992, p. 93.

⁽³⁾ OJ No C 332, 16. 12. 1992, p. 39.

⁽⁴⁾ OJ No L 142, 25. 5. 1989, p. 1.

⁽⁵⁾ OJ No L 363, 13. 12. 1989, p. 30.

Whereas, in relation to the Community funding, it is necessary to hold in reserve an amount of ECU 68 million for the markets not being fully served in the early stages of the implementation of the action plan ;

Whereas it is appropriate to specify certain basic principles which must underlie the implementation of the action plan, including criteria to be used in the selection of projects ;

Whereas the Treaty does not provide, for the action concerned, powers other than those of Article 235,

HAS DECIDED AS FOLLOWS :

Article 1

An action plan to ensure the accelerated development of the market for advanced television services in the 16:9 format and using 625 or 1 250 scanning lines is hereby adopted for a period beginning on the date on which this Decision is adopted and ending on 30 June 1997.

The objectives which the action plan must achieve during the abovementioned period shall be as follows :

- (i) a critical mass of advanced television services in the 16:9 format ;
- (ii) a sufficient and increasing volume of programming in the 16:9 format, with high technical quality both in picture and sound and of such a nature as to facilitate optimum audience ratings, such programming to be broadcast in the abovementioned services.

Community funding, together with funds from other sources, will be directed toward the achievement of these objectives by means of financial incentives covering parts of the additional cost incurred by broadcasters and programme makers in the provision of the abovementioned services.

The implementation procedures for the action plan are set out in the Annex, which forms an integral part of this Decision.

The action plan will contribute to market penetration by receiver equipment in the 16:9 format. However, no funding will be devoted to support manufacturers of receiver equipment for consumers.

Article 2

1. The programme shall cover the period from the date on which this Decision is adopted to 30 June 1997.
2. The funds estimated to be required for the achievement of the objectives of the action plan amount to ECU 405 million.

3. This sum shall be made up of Community funds and of funds from other sources. The Community funding shall amount to ECU 228 million.

4. In relation to the Community funds, the budgetary authority shall determine the appropriations available for each financial year with reference to the principles of sound management referred to in Article 2 of the Financial Regulation applicable to the general budget of the European Communities.

5. Within the indicated amount of Community funds referred to in paragraph 3, a quantity of ECU 68 million shall be placed in reserve and shall not be allocated before 1 January 1995. This amount should ensure implementation of the provisions of paragraphs 5.2 (ii) and 5.4 of the Annex.

6. No Community funding shall be committed to a project until the level of financing from other sources required in paragraphs 5.1 (i), 5.3 and 5.4 of the Annex has been committed to that project.

7. Funds shall be available to facilitate the uptake of all the technologies mentioned in paragraph 5.1 (iv) of the Annex, including fully digital technology.

Article 3

1. The Commission shall be responsible for implementing the action plan. The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

3. The opinion shall be recorded in the minutes ; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

4. The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 4

1. Notwithstanding Article 3, the following procedure shall apply in implementing those points of the Annex that concern the breakdown of the relevant budgetary expenditure and the assessment of projects and actions provided for in the Annex of a total value of above ECU 1 million, with the exception of those covered under Article 5.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

4. If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 5

1. Notwithstanding Articles 3 and 4, the following procedure shall apply in implementing the review and possible revision of the figures contained in Tables I and II of paragraph 4 (vi) of the Annex.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States

within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

4. If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, upon expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission, save where the Council has decided against the said measures by a simple majority.

Article 6

An annual report shall be submitted by the Commission to the European Parliament, the Council and the Economic and Social Committee, on progress in implementing the action plan and the allocation of Community funds.

A final report, in the same terms, will be submitted to the abovementioned institutions at the conclusion of the action plan.

Article 7

As television technologies and markets are developing rapidly, the Commission will keep these developments and related market changes under review and, where required, propose any necessary changes to the Council concerning the implementation of this action plan.

Done at Brussels, 22 July 1993.

For the Council

The President

M. OFFECIERS-VAN DE WIELE

ANNEX

IMPLEMENTATION PROCEDURES FOR THE ACTION PLAN

1. OBJECTIVE

In order to contribute to market penetration by receiver equipment in the 16:9 format, the objective of the action plan is to ensure the accelerated development on the market for advanced television services in Europe in the 16:9 format using 625 or 1250 scanning lines.

2. APPROACH ADOPTED

Accelerated development of the market for advanced television services requires all the elements necessary to bring those services into consumers' or viewers' homes to be in place. Television is a complicated medium, encompassing and merging many technical and creative functions, with both cultural and commercial outcomes. Its functions are controlled by different sectors within the audio-visual, telecommunications or electronics industries. Their endeavours form a service chain stretching from origination to the receiver in the home.

The approach for accelerating the development of the market for advanced television services must therefore have a service focus.

3. TARGETS TO BE ACHIEVED

In the context of the objective stated in paragraph 1, it is appropriate to set indicative targets for the impact of the Community funding which will be used to accelerate the market development, as follows:

the achievement during the life of the action plan of:

- (i) a critical mass of advanced television services in the 16:9 format;
- (ii) a sufficient and increasing volume of programming in the 16:9 format and with high technical quality both in picture and sound and of such a nature as to facilitate an optimum audience rating, such programming to be broadcast in the abovementioned services.

4. THE FUNDING APPROACH TO BE ADOPTED

- (i) The action plan will fund part of the additional costs of introducing wide-screen television services. The necessary financial resources involved will be drawn from Community funds and from other sources including: own funds, national funds, equipment makers, satellite operators and others with an interest in the business.

Before being eligible for Community funds, each project must secure a firm commitment of funds from one or more of the other sources indicated above. This prior commitment of funds will be seen as an essential validation of the value of the project. The combined funding system is intended to ensure a market-oriented approach and the Community dimension simultaneously.

- (ii) Funding will go to broadcasters providing wide-screen television services who satisfy the criteria set out in paragraph 5.1, and to programme producers who make programmes for such services according to the criteria set out in paragraph 5.3.
- (iii) Depending on circumstances, the additional costs incurred by a broadcaster in providing a 16:9 service, as against a 4:3 service may have a variety of sources, such as: the capital costs associated with upgrading studios from 4:3 to 16:9; the capital costs associated with broadcasting 16:9 as against 4:3 services; the current costs of making individual 16:9 programmes over those for making 4:3 programmes.
- (iv) Notwithstanding the origin of additional costs of broadcasters, the mechanism for calculating the contribution from Community funds to broadcasters who provide widescreen services will be based on the number of hours per year the broadcast in the 16:9 format.
- (v) The Community contribution per hour to such services shall consist of two elements: one relating to the costs of broadcasting and the other to the costs of programme production.

Broadcasters will receive a flat rate payment towards the broadcasting cost of each hour of the 16:9/625 line or 1250 line HDTV service transmitted, in accordance with Table I in subparagraph (vi). In relation to programme making, the Community will make a further flat rate payment towards programme production costs. This will vary by programme type, as set out in Table II in subparagraph (vi). Both broadcasters and independent producers will qualify for programme production payments, depending upon which is the source of a particular programme.

- (vi) The numbers in Tables I and II will be used for the first call for proposals referred to in paragraph 5. They will be reviewed and, if necessary, revised in the light of experience by the Commission according to the procedure provided for under Article 5 of the Decision, including the desirability of funding 16/9 video studio production through support for the capital costs incurred.

TABLE I(*)

Broadcasting costs

	Flat rate (ecus per hour)
First 50 hours	6 000
From the 50 first hours	2 500

(*) The actual amount to be paid will be 50 % or 80 % of the figures given above, depending on whether early starting or later starting markets are involved (see paragraphs 5.1 (i), 5.3 and 5.4).

TABLE II(*)

Programme making costs

Programme type	Flat rate (ecus per hour)
Programmes remastered from existing material, suitable for broadcasting in 16:9 and in 625 lines	3 000
Programmes remastered from existing material, suitable for broadcasting in 16:9 and in 1 250 lines	5 000
Super 16 mm and 16/9 video production	12 000
35 mm and HD - video (1 250 lines) production	25 000

(*) The actual amount to be paid will be 50 % or 80 % of the figures given above, depending on whether early starting or later starting markets are involved (see paragraphs 5.1 (i), 5.3 and 5.4).

- (vii) Programme producers, who are independent of the broadcasters providing the services, but who provide programmes to such a broadcaster for inclusion in a wide-screen service, shall receive Community funds at the level per hour and per category of programme indicated in Table II of subparagraph (vi).
- (viii) In relation to programme making in 1 250 lines, the facilities of the EEIG Vision 1250, which in its earlier years has developed substantial experience in assisting broadcasters in 1250/50 production, will be made available for the purposes of implementing the action plan. In addition, other such facilities may be used by broadcasters and producers.

5. PRINCIPLES AND CRITERIA FOR IMPLEMENTATION

The Commission will implement the action plan through annual calls for proposals covering projects for services. These shall be organized on the basis of first a combined call for transmission (in accordance with the criteria set out in paragraphs 5.1 and 5.2) and programme production (in accordance with the criteria set out in paragraphs 5.2 and 5.3) followed by two further calls later within the 12 month period for programme production only. As an indicative figure, at least 50 % of the funds shall be allocated to programme production. These calls for proposals will be organized and evaluated according to the procedure provided for under Article 3 or Article 4 of the Decision as appropriate.

Preference will be given for projects where the matching funds come from the economic actors.

5.1. Criteria relating to the quality of the project

Each project must satisfy the following criteria :

- (i) before being eligible for Community funds, it must have received a firm commitment of funds from other sources for 50 % of the costs falling within the scope of the action plan. At least 50 % of the non-Community funding must come from the economic operators. Having met these requirements, the project would then become eligible for Community funding in respect of the remainder of such costs ;
- (ii) it must be submitted by a recognized service provider having a proven track record in the field of television service provision and having the necessary financial strength required for the new venture or by a group of organizations led by such a service provider ;
- (iii) it must propose to provide a service involving at least 50 hours of broadcasting per year in the 16:9 format and using 625 or 1 250 scanning lines ;
- (iv) it must be based on transmission systems of high quality featuring the 16:9 format including, *inter alia*, MAC/HDMAC, further developments of existing European TV standards such as PALPLUS and fully digital technology standardized by the appropriate European standards bodies ;
- (v) it must propose to provide a service targeted towards a sufficiently large market in order to contribute to the development of the broader market for advanced television services ;
- (vi) it must comply with Community competition rules.

In addition to the above, the following criteria, while not essential, would be an advantage :

- (vii) the project proposes to provide a transfrontier and/or multilingual service ;
- (viii) it facilitates optimal audience ratings.

5.2. Criteria relating to spread and balance

The set of projects funded under this action plan must satisfy the following criteria :

- (i) it must show a fair spread of projects between the entities to avoid undue concentration or the creation of monopolies or cartels ;
- (ii) it must have a wide distribution across Member States' markets in order to ensure the Community dimension taking account of the specific situation of Member States with a low production capacity or whose language covers a limited area ;
- (iii) it must involve, to a reasonable degree, programme producers independent of the broadcasters participating in the projects.

5.3. Criteria for programme support

Criteria for selection of projects under this procedure will be reviewed on an annual basis according to the procedure provided for under Article 4 of the Decision.

The Commission will inform the committee of the projects selected under this procedure.

Both in-house production by broadcasters and external production are within the scope of the action plan.

Community support for programme production and conversion will be closely linked to the 16:9 services, but will be able to benefit the whole sector.

To qualify for Community support on a programme-by-programme basis, producers of new programmes, and rights holders of certain existing programmes exploitable in 16:9 but requiring re-mastering, must have an agreement to broadcast from at least one of the broadcasters based in the Community who undertakes to broadcast the programme in 16:9. The technical quality of these programmes must be such as to allow their exploitation in 16:9 format in standard also in the medium term.

Before being eligible for Community funding, the project must have received a firm commitment of the funds from other sources for 50 % of the costs falling within the scope of the action plan. At least 50 % of non-Community funding must come from the economic operators. Having met these requirements, the project would then become eligible for Community funding in respect of the remainder of such costs.

Support will be based on the ceilings identified in Table II in paragraph 4 (vi).

(i) **Criteria for supporting the technical upgrading of new long-life ('stock') programmes**

New programmes supported must be of sufficient technical quality and have an order for their effective transmission in 16:9 from at least one of the broadcasters based in the Community. They must be of European origin.

Priority will be awarded for programmes produced by producers independent of the broadcasters.

(ii) **Criteria for supporting the re-mastering of existing programmes**

The basic condition is that the first transmission is in 16:9 in the framework of a service support under the action plan. Priority will be awarded to programmes of European origin.

(iii) **The Commission may present proposals to the committee, which shall act according to the procedure provided for under Article 3 or Article 4 of the Decision as appropriate, for a common multi-lingual re-mastering scheme.**

5.4. Timing considerations

Sufficient Community funding will be held in reserve in order to ensure that Member States' markets that are not fully served in the early stages of the implementation of the action plan can be served towards the end of the period.

In order to serve these markets, a quantity of ECU 68 million is held in reserve for allocation after 1 January 1995. In this category, before being eligible for Community funds, the broadcaster and programme producer must have received a firm commitment of funds from other sources for 20 % of the support falling within the scope of the action plan. The criteria set out in paragraphs 5.1 and 5.3, relating to the 50 % of the non-Community funding having to come from the economic operators, shall not apply in this case.

COMMISSION

COMMISSION DECISION

of 14 July 1993

establishing that the exploitation of geographical areas for the purpose of exploring for or extracting oil or gas does not constitute in the United Kingdom an activity defined in Article 2 (2) (b) (i) of Council Directive 90/531/EEC of 17 September 1990 and that entities carrying on such an activity are not to be considered in the United Kingdom as operating under special or exclusive rights within the meaning of Article 2 (3) (b) of the Directive

(Only the English text is authentic)

(93/425/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 90/531/EEC of 17 September 1990 on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors⁽¹⁾, and in particular Articles 3 (4) and 32 (4) to (7) thereof,

Whereas, under Article 3 of Directive 90/531/EEC, a Member State may request the Commission to provide that exploitation of geographical areas for the purpose of exploring for or extracting oil, gas, coal or other solid fuels is not to be considered to be an activity defined in Article 2 (2) (b) (i) of the Directive and that entities are not to be considered as operating under special or exclusive rights within the meaning of Article 2 (3) (b) by virtue of carrying on one or more of those activities, provided that a number of precise conditions are satisfied with respect to the relevant national provisions concerning such activities and that any Member State requesting such a decision ensures that entities observe the principles of non-discrimination and competitive procurement in awarding contracts and communicates to the Commission information relating to the award of such contracts;

Whereas, by letter dated 7 May 1992, the Office of the United Kingdom Permanent Representative to the European Communities requested the Commission to provide that exploitation of geographical areas for the purpose of exploring for or extracting oil or gas should not be considered in the United Kingdom to be an activity defined in Article 2 (2) (b) (i) of Directive 90/531/EEC and the enti-

ties carrying on such an activity are not to be considered in the United Kingdom as operating under special or exclusive rights within the meaning of Article 2 (3) (b) of the Directive; whereas that request did not cover the exploitation of geographical areas for the purpose of exploring for or extracting coal or other solid fuels;

Whereas that request was accompanied by a copy of the legislative and regulatory provisions in force and a statement of how the five criteria listed in Article 3 (1) could be satisfied with respect to those provisions;

Whereas additional information and supplementary documentation relating to regulatory or administrative measures in force, have been supplied in compliance with the provisions of Article 3 (1) and (2) of the Directive in letters from the Office of the Permanent Representative dated 26 June 1992 and 26 February 1993, and in letters dated 4 August and 18 September 1992 from the Department of Trade and Industry;

Whereas, as regards compliance with the conditions laid down in Article 3 (1) of the Directive, the Commission's services have carried out a detailed analysis of the provisions in force in the United Kingdom (the Petroleum Production Act 1934; the Continental Shelf Act 1964, the Petroleum (Production) (Seaward Areas) Regulations 1988 and Amendments 1990 and 1992; the Petroleum (Production) (Landward Areas) Regulations 1991) as well as documents containing supplementary information used during the procedure of granting authorizations supplementary for exploration or extraction (such as notices in the *Gazette*, Guidance Notes, form for licence requests, model licences, guidance notes in relation to the development plan), which was communicated in full to the British authorities by letter dated 6 November 1992 and the main findings of which are set out below:

⁽¹⁾ OJ No L 297, 29. 10. 1990, p. 1.

- for the offshore regime, the provisions of Regulation 6 of the Petroleum (Production) (Seaward Areas) Regulations 1992 satisfies the requirements of Article 3 (1) (a) relating to freedom of access; on the other hand, with regard to the onshore regime, Regulation 6 of the Petroleum (Production) (Landward Areas) Regulations 1991, which limits the theoretical possibilities for the presentation of requests for authorizations, must be modified and brought into line with the text of the Petroleum (Production) (Seaward Areas) Regulations 1992,
 - the requirement laid down in Article 3 (1) (b) relating to the prior establishment of technical and financial capacity by candidates, is not met by the legislative, regulatory or administrative provisions currently in force in the United Kingdom; use of guidance notes peculiar to every authorization round, which are not binding on the administration, and which are made available on the application of the candidates to help them to prepare their application for authorization, and to give details on the type of technical or financial information which should be supplied, does not meet the requirement of legal certainty which is generally implied by the implementation of the provisions of the Community Directives, by reason of the specific nature of the guidance notes which are simply information documents,
 - the requirements laid down in Article 3 (1) (c) relating to the prior establishment and publication for the criteria for assessing the ways in which it is intended to carry out the exploration or extraction are not satisfied by the legislative, regulatory or administrative provisions currently in force in the United Kingdom; instructions relating to the applicable criteria have been put into the *Gazette* notices published for each round but the content of these publications, which is not binding on the administration, can vary considerably from one round to another, and like the guidance notes, they do not, because of their specific nature, provide the legal certainty which is essential for the implementation of the Community Directives; finally the definition of the criteria is not complete and places great discretionary power in the hands of the Secretary of State for Energy,
 - the requirements laid down in Article 3 (1) (d) relating to the prior establishment and communication of the conditions for carrying out exploration or extraction are not satisfied by the legislative regulatory and administrative provisions currently in force in the United Kingdom in so far as some of the typical clauses which appear in the regulatory provisions (Petroleum (Production) (Seaward Areas) Regulations 1988 and Petroleum (Production) (Landward Areas) Regulations 1991) are either of a discriminatory nature, or are non-transparent and non-binding in the way in which they give the Minister a discretionary power to determine certain conditions as to the way the system works, in detail:
 1. schedule 4, clause 30 — 1988 Regulations (offshore): which could lead to discriminatory treatment as it imposes restrictions on disposal of oil and gas;
 2. schedule 4, clauses 17 (1) and (4), clause 18 — 1988 Regulations (offshore): which are not transparent as the criteria concerned are to established prior to the issue of licences;
 3. schedule 4, clause 5 — 1988 Regulations (offshore): which is not transparent as it is not clear which procedure will be used;
 4. schedule 6, clause 13 and 14 — 1991 Regulations (onshore): — which are not transparent as it is not possible to determine which type of procedure will be applied and the nature of the criteria for consent to future development;
 5. schedule 4, clause 13 — 1988 Regulations (offshore); schedule 6, clause 10 — 1991 Regulations (onshore): which are not transparent as the determination of conditions relates to the exercise of discretion;
 6. schedule 4, clause 42 (2) (g) — 1988 Regulations — offshore, schedule 3, clause 28 (e) — 1991 Regulations — onshore, schedule 5, clause 33 (f) — 1991 Regulations — onshore, schedule 6, clause 35 (g) — 1991 Regulations — onshore: which are all discriminatory as they require licences to have central management in United Kingdom;
 7. schedule 4, clauses 5 and 6 — 1988 Regulations — offshore, schedule 6, clause 4 — 1991 Regulations — onshore: which are not transparent as no criteria relating to requests for extension of a licence are fixed,
 - none of the general provisions examined lay down any obligations, as referred to in Article 3 (1) (e), to provide information on sources of procurement, but additional information about the new role of the Offshore Supplies Office and the nature of its relationship with the sector concerned has been judged necessary in order to allay the concerns caused by its previous interference;
- Whereas, in response to the comments addressed to them, the British authorities in letters from the Office of their Permanent Representative dated 19 November, 3, 14, 22 December 1992, 26 February 1993 and 9 June 1993 and following the meeting of 14 May 1993 with the Commission's services have given assurances and information on the new devolved role of the Offshore Supplies Office, which will no longer be in conflict with Article 3 (1) (e), have agreed to make the necessary adjustments by submitting to the Commission the text of the amendments they propose to make to the legislative regulatory and administrative provisions; whereas these adjustments, the details of which are set out in the Annex to this Decision, are aimed:

- initially, at removing all the provisions judged by the Commission's services not to conform,
- secondly, at introducing into a new statutory instrument the required definition of technical and financial capacities, and the essential and permanent evaluation criteria of the application for authorization,
- only complementary requirements justified by technical reasons specific to each round are to be defined in the *Gazette* notices;

Whereas, by a notice published in the *Official Journal of the European Communities* on 5 August 1992⁽¹⁾ the Commission invited interested parties to comment on British provisions and practices; whereas no reply alleging discrimination in the treatment of requests of authorization to carry out exploration or extraction has been received by the Commission;

Whereas the amendments to be made to the provisions in force in the United Kingdom in order to comply with Article 3 (1) of Directive 90/531/EEC have to pass through the legislative process and cannot therefore be adopted before the adoption of the present decision; whereas the British authorities have nevertheless undertaken to strive to complete the process as quickly as possible, whereas this commitment is contained in a Ministerial Statement; whereas British authorities have committed themselves to respect all the aforementioned provisions in practice;

Whereas 'the utilities supply and works contracts Regulations 1992' adopted on 23 December 1992 transpose Directive 90/531/EEC into British law; whereas paragraph 8 is made up of a series of implementing provisions conforming to Article 3 (2); whereas paragraph 8 refers to the principles of non-discrimination and competitive procurement, in particular as regards the information made available to enterprises; whereas these provisions entered into force on 13 January 1993;

Whereas compliance with the principles of non-discrimination and competitive procurement by entities carrying out exploration or extraction, in particular as regards the information they make available to enterprises concerning their intentions with respect to the award of contracts, as provided for in Article 3 (2) of Directive 90/531/EEC, corresponds to the aim pursued by the Directive; whereas, since such compliance with those conditions is guaranteed as of 13 January 1993 by the provisions of a binding legal instrument, the benefit of the arrangements introduced by Article 3 of the Directive can be authorized on a temporary basis until the amendments to be made to the national provisions corresponding to Article 3 (1) have been adopted in full;

Whereas, in accordance with Article 32 (4) to (7) of Directive 90/531/EEC, the Advisory Committee for Public Contracts has delivered its opinion on this Decision,

HAS ADOPTED THIS DECISION:

Article 1

From 15 July 1993 and for not more than one year, the United Kingdom is authorized to consider that the exploitation of geographical areas for the purpose of exploring for or extracting oil or gas is not considered as an activity defined in Article 2 (2) (b) (i) of Council Directive 90/531/EEC, and entities carrying on such an activity shall not be considered in the United Kingdom as operating under special or exclusive rights within the meaning of Article 2 (3) (b) of the Directive.

Article 2

Until the adoption of each of the legislative, regulatory or administrative provisions required for the application of Article 3 (1), the United Kingdom respects the principles of non-discrimination, transparency and competition which are fundamental to the current Decision.

Article 3

The current Decision will be reviewed on the basis of an examination of all the legislative, regulatory and administrative provisions enacted in the United Kingdom for the purpose of applying Article 3 of Directive 90/531/EEC.

To that end, all such provisions adopted by the United Kingdom must be communicated to the Commission on the date of their adoption and not later than 15 April 1994.

Article 4

The current Decision expires on 15 July 1994.

Article 5

This Decision is addressed to the United Kingdom.

Done at Brussels, 14 July 1993.

For the Commission

Raniero VANNI D'ARCHIRAFI

Member of the Commission

⁽¹⁾ OJ No C 198, 5. 8. 1992, p. 8.

ANNEX

AMENDMENTS PROPOSED BY THE UNITED KINGDOM TO ITS LEGISLATIVE, REGULATORY, OR ADMINISTRATIVE PROVISIONS RELATING TO ARTICLE 3 (1) OF DIRECTIVE 90/531/EEC**I. Article (3) (1) (a)**

In order to guarantee freedom of access, paragraph 3 of Regulation 6 of the Petroleum (Production) (Landward Areas) Regulations 1991 will be drafted in terms similar to these of Regulation 6 of the Petroleum (Production) (Seaward Areas) Regulations 1992.

The wording of the new provision will be the following :

for paragraph 3 of Regulation 6 of the Principal Regulations (applications for exploration licenses), there shall be substituted the following paragraph :

'3. The requirement set out in paragraph 1 above shall not apply in the case of an application which relates to an area every part of which was comprised in an exploration licence (in this paragraph referred to as "the revoked licence") which has been revoked, either in whole or in relation to the area to which the application relates, provided that :

- (a) at the time the revoked licence was revoked, it was held by two or more persons ; and
- (b) the application is made by one of those persons, or by a group including at least one of those persons.'

II. Article (3) (1) (b)

In order to define precisely the required conditions regarding the financial and technical capacity the Petroleum (Production) (Seaward Areas) Regulations and the Petroleum (Production) (Landward Areas) Regulations will be amended as follows :

1. *as regards the Seaward Regulations :*

- (a) the following general provision will be introduced :

'The Secretary of State shall not evaluate the merits of any competing application unless he is satisfied that

- (a) the applicant has the financial and technical capacity to engage in activities pursuant to the licence ; and' (Regulation 4 of the Draft Seaward Regulations 1993) ;
- (b) schedule 3 to the Principal Regulations (form of application for a licence) shall be amended as follows :
 - (a) for paragraph 5 there shall be substituted the following paragraph :

'5. In the case of an application for a production licence :

 - (a) the reference number of each block in respect of which the application is made and, if the application is made by tender, the consideration by way of initial payment which the applicant is prepared to offer for each such block (A) ;
 - (b) evidence of the applicant's technical and financial capacity to undertake that work programme, including the number of staff the applicant intends to assign for that purpose and any relevant technical qualifications held by those staff ;
 - (c) the database available to the applicant which is relevant to activities under the licence applied for ;
 - (d) an analysis of the geology of the area to which the application relates, identifying, in particular, petroleum prospects ;
 - (e) the technical data on which the analysis is based ;
 - (f) the work programme for evaluating the potential petroleum production from the area to which the application relates which the applicant would be prepared to undertake under the licence applied for ;
 - and
 - (g) and explanation of the relevance of the work programme to the analysis of the geology.' ;

(b) in paragraph 7, after subparagraph (f) there shall be inserted the following subparagraphs :

- '(g) where the applicant is or has a subsidiary (as defined in section 736 of the Companies Act 1985), a diagram identifying any companies of which it is a subsidiary and any subsidiaries it has ;
- (h) the training provided in the three-year period ending on the date of the application for the licence for graduate or professional staff employed by the applicant in connection with the exploration for and production of petroleum' ;

(c) after subparagraph 9 (2) there shall be inserted the following subparagraphs :

- 3. If the most recent audited accounts are in respect of a period ending on a date more than 12 months before the date of the application for the licence, there shall accompany the application three copies of a balance sheet as of the latest date within that 12-month period in respect of which a balance sheet can be made available.
- 4. In the case of an application for a production licence for each applicant who is not a body corporate there shall accompany the application evidence demonstrating that he will have sufficient resources available to him to undertake the work programme.' ;

2. *as regards the Landward Regulations :*

(a) the following general provision will be introduced :

'The Secretary of State shall not evaluate the merits of any competing application for a licence unless he is satisfied that

- (a) the applicant has the financial and technical capacity to engage in activities pursuant to the licence ; and' (Regulation 4 of the Draft Landward Regulations 1993) ;

(b) in schedule 2 to the principal Regulations (form of application for a licence) :

(a) for paragraph 5 there shall be substituted the following paragraph :

'5. in the case of an application for an exploration licence which is made in respect of one or more particular blocks :

- (a) the reference number of each block in respect of which the application is made and, if the application is made by tender, the consideration by way of initial payment which the applicant is prepared to offer for each such block (A) ;
 - (b) evidence of the applicant's technical and financial capacity to undertake that work programme, including the number of staff the applicant intends to assign for that purpose and any relevant technical qualifications held by those staff ;
 - (c) the database available to the applicant which is relevant to activities under the licence applied for ;
 - (d) an analysis of the geology of the area to which the application relates, identifying, in particular, petroleum prospects ;
 - (e) the technical data on which the analysis is based ;
 - (f) the programme for evaluating the potential petroleum production from the area to which the application relates which the applicant would be prepared to undertake under the licence applied for ;
- and
- (g) an explanation of the relevance of the work programme to the analysis of the geology.' ;

(b) in paragraph 9 after subparagraph (f) there shall be inserted the following subparagraphs :

- '(g) where the applicant is or has a subsidiary (as defined in section 736 of the Companies Act 1985), a diagram identifying any companies of which it is a subsidiary and any subsidiaries it has ;
- (h) the training provided in the three-year period ending on the date of the application for the licence for graduate or professional staff employed by the applicant in connection with the exploration for and production of petroleum' ;

(c) after paragraph 10 there shall be inserted the following paragraph :

'10A (1) In the case of an application for a production licence, for each applicant which is a body corporate there shall accompany the application three copies of the most recent audited accounts of each such applicant and three copies of the most recent audited accounts of any body corporate having control of such applicant. Subsections (2) and (4) to (6) of section 416 of the Income and Corporation Taxes Act (a) shall apply, for the purpose of determining whether for the purpose of this paragraph a body corporate has control of another body corporate, with the following modifications, namely :

- (a) for the words "the greater part" wherever they occur in the said subsection (2) there shall be substituted the words "one third or more" ;
- (b) in the said subsection (b), for the word "may" there shall be substituted the word "shall", the words from "and such attributions" onwards shall be omitted, and in the other provisions of that sub-section any reference to an associate of a person shall be construed as including only a relative of his (as defined by section 417 (4) cf. that Act), a partner of his and a trustee of a settlement (as defined by section 581 (4) cf. that Act) of which he is a beneficiary ;
- (c) there shall accompany the application of list of the bodies corporate whose accounts are submitted pursuant to subparagraph (1) above ;
- (d) if the most recent audited accounts are in respect of a period ending on a date more than 12 months before the date of the application for the licence, there shall accompany the application three copies of a balance sheet as of the latest date within that 12-month period in respect of which a balance sheet can be made available ;
- (e) in the case of an application for a production licence, for each applicant who is not a body corporate there shall accompany the application evidence demonstrating that he will have sufficient resources available to him to undertake the work programme.'

III. Article (3) (1) (c)

In order to specify all the criteria on the basis of which authorizations are granted the following provisions will be inserted into the Petroleum (Production) (Landward Areas) Regulations and the Petroleum (Production) (Seaward Areas) Regulations :

1. *as regards the Seaward Regulations :*

— Regulation 3 of the Draft Seaward Regulation 1993 :

'An application for a licence shall, subject to Regulation 4, be determined by the Secretary of State by reference to the following criteria :

- (a) the assessment, by the applicant, of the hydrocarbon prospects in the area to which the application relates and the extent to which the work programme proposed by the applicant enables those prospects to be evaluated ;
- and
- (b) the database and experience available to the applicant which are relevant to activities under the licence applied for ;

predominant weight shall be given to the first of these criteria.'

— Regulation 4 of the Draft Seaward Regulations 1993 :

'The Secretary of State shall not evaluate the merits of any competing application for a licence unless he is satisfied that :

[...]

- (b) the applicant will be able to engage in such activities with sufficient regard to the environment.'

2. *as regards the Landward Regulations :*

— Regulation 3 of the Draft Landward Regulations 1993 :

'An application for a licence shall, subject to regulation 4 be determined by the Minister by reference to the following criteria :

- (a) the assessment, by the applicant, of the hydrocarbon prospects in the area to which the application relates and the extent to which the work programme proposed by the applicant enable those prospects to be evaluated ; and

(b) the database and experience available to the applicant which are relevant to activities under the licence applied for;

predominant weight shall be given to the first of these criteria.’

— Regulation 4 of the Draft Landward Regulations 1993

‘The Secretary of State shall not evaluate the merits of any competing application for a licence unless he is satisfied that:

[...]

(b) the applicant will be able to engage in such activities with sufficient regard to the environment.’

IV. Article (3) (1) (d)

All provisions that could be applied in a discriminatory way or that do not offer the required conditions of transparency will be amended as follows:

1. *clause 30 of schedule 4 — 1988 Regulations (offshore)* shall cease to have effect;

2. *with regard to clauses 17 (1) and (4) and clause 18 of schedule 4 — 1988 Regulations (offshore):*

— paragraph 1 and subparagraph (a) of paragraph 8 of clause 18 (provisions supplementary to clause 17) shall cease to have effect,

— in clause 17 (development and production programmes):

(i) in paragraph (i), the words ‘with the consent in writing of the Minister or’ shall be omitted;

(ii) in paragraph 4, for subparagraph (a) there shall be substituted the following subparagraph

‘(a) that the Minister approves the programme subject to such conditions as may be specified in the notice as the Minister considers necessary in the national interest to secure the maximum ultimate recovery of petroleum from the licensed area;

or’;

(iii) in paragraph 7, for the words ‘paragraph 4 (b)’, there shall be substituted the words ‘paragraph 4 (a) or (b)’;

— in clause 18 (provisions supplementary to clause 17)

(i) in paragraph 7, for ‘clause 17 (4) (b)’ there shall be substituted ‘clause 17 (4) (a) or (b)’, and the words ‘or a consent in pursuance of paragraph 1 of this clause’ shall be omitted;

(ii) in paragraph 8, the words ‘while the consent is in force or’ shall be omitted;

3. *with regard to clause 5 of schedule 4 — 1988 Regulations (offshore):*

subparagraph (a) of paragraph 2 of clause 5 (continuance of licence after second term) shall cease to have effect;

4. *with regard to clauses 13 and 14 of schedule 6 — 1991 Regulations (onshore):*

— in clause 13 (development and production programmes):

(i) in paragraph 1, the words ‘with the consent in writing of the Minister or’ shall be omitted;

(ii) in paragraph 4, for subparagraph (a) there shall be substituted the following subparagraph:

(a) that the Minister approves the programme subject to such conditions as may be specified in the notice as the Minister considers necessary in the national interest to secure the maximum ultimate recovery of petroleum from the licensed area;

or’;

(iii) in paragraphs 7 and 8, for the words ‘paragraph 4 (b)’ there shall be substituted the words ‘paragraph 4 (a) or (b)’;

— in clause 14 (provisions supplementary to clause 13):

(i) paragraph 1 shall be omitted;

(ii) in paragraph 7, for ‘clause 13 (4) (b)’ there shall be substituted ‘paragraph 4 (a) or (b) of clause 13’, and the words after ‘of this licence’ shall be omitted;

(iii) in paragraph 8 for the words 'a consent or approval' in subparagraph (a) there shall be substituted 'an approval', and the words 'while the consent is in force or' shall be omitted;

5. *clause 13 of schedule 4 — 1988 Regulations (offshore) and clause 10 of schedule 6 — 1991 Regulation (onsore)* shall be omitted;

6. *clauses 42 2 (g) of schedule 4 and 21 2 (f) of schedule 5 — 1988 Regulations (offshore), 28 2 (e) of schedule 3, 33 (2) (f) of schedule 5 and 35 2 (g) of schedule 6 — 1991 Regulations (onsore)* will be amended as follows:

the sentence 'The licensee's ceasing in the case of a company to have its central management and control in the United Kingdom' will be replaced by 'the licensee's operations or business activities under or in connection with the licence ceasing to be managed, directed and controlled from a fixed place within the United Kingdom';

7. *clause 5 and 6 of schedule 4 — 1988 Regulations (offshore) and clause 4 of schedule 6 — 1991 Regulations (onsore)* will be changed as follows:

— in subparagraph 2 (d) of clause 5 (continuance of licence after second term) and in clause 6 (power to extend term of licence), for the words 'in his discretion', there shall be substituted the words 'with a view to securing the maximum economic recovery of petroleum from the licensed area',

— in clause 4 (extension or further extension of licence term), after the words 'any extension thereof' there shall be inserted the words 'and with a view to securing the maximum economic recovery of petroleum from the licensed area'.

COMMISSION DECISION

of 28 July 1993

granting the second Community contribution to the autonomous regions of Azores and Madeira provided for in Council Decision 91/315/EEC to compensate for the extra costs of supplying oil to these archipelagos in 1991 (balance) and 1992

(Only the Portuguese text is authentic)

(93/426/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 91/315/EEC of 26 June 1991 setting up a programme of options specific to the remote and insular nature of Madeira and the Azores (Poseima) ⁽¹⁾,

Whereas section 10.1 of the Annex to Council Decision 91/315/EEC provides for the introduction of specific Community aid to compensate for the extra cost of supplying oil to the Azores and Madeira;

Whereas the Portuguese authorities have sent the Commission information on the extra costs relating to the transport of petroleum products to the archipelagos of Azores and Madeira in the reference year 1989;

Whereas a first Community contribution of specific aid for energy as provided in Decision 91/315/EEC for 1991 was granted by Commission Decision 92/435/EEC ⁽²⁾;

Whereas, in accordance with Article 2 of Decision 91/315/EEC, the provisions of the 1992 budget of the Communities enable a second Community contribution of specific aid for energy to be granted to these regions in respect of 1991 (balance) and 1992;

Whereas a deadline should be set for the Portuguese authorities to send the Commission the report provided for in section 10.5 of the Annex to the said Decision,

Article 1

The amount of the second Community contribution to the autonomous regions of Azores and Madeira provided for in Decision 91/315/EEC to cover the extra costs related to the transport of petroleum products to these archipelagos in 1991 (balance) and 1992 shall be as follows:

1. ECU 5 066 774 to the autonomous region of Azores;
2. ECU 3 233 226 to the autonomous region of Madeira.

Article 2

This Community contribution is granted subject to the conditions set out in section 10.5 of the Annex to Decision 91/315/EEC.

The deadline for submission by the Portuguese authorities of the report provided for in section 10.5 of the Annex to the abovementioned Decision shall be one year from the date of publication of this Decision.

Article 3

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 28 July 1993.

For the Commission

Abel MATUTES

Member of the Commission

⁽¹⁾ OJ No L 171, 29. 6. 1991, p. 10.

⁽²⁾ OJ No L 239, 22. 8. 1992, p. 13.