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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1045/92

of 28 April 1992

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 the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 674/92⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 3 thereof,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 986/92⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in

the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 27 April 1992;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 986/92 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 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 April 1992.

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

Done at Brussels, 28 April 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 105, 23. 4. 1992, p. 1.

ANNEX

to the Commission Regulation of 28 April 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy (°)
0709 90 60	140,97 ⁽²⁾ ⁽³⁾
0712 90 19	140,97 ⁽²⁾ ⁽³⁾
1001 10 10	165,50 ⁽¹⁾ ⁽³⁾ ⁽¹⁰⁾
1001 10 90	165,50 ⁽¹⁾ ⁽³⁾ ⁽¹⁰⁾
1001 90 91	157,12
1001 90 99	157,12 ⁽¹¹⁾
1002 00 00	164,90 ⁽⁶⁾
1003 00 10	144,15
1003 00 90	144,15 ⁽¹¹⁾
1004 00 10	121,91
1004 00 90	121,91
1005 10 90	140,97 ⁽²⁾ ⁽³⁾
1005 90 00	140,97 ⁽²⁾ ⁽³⁾
1007 00 90	146,28 ⁽⁴⁾
1008 10 00	59,15 ⁽¹¹⁾
1008 20 00	117,92 ⁽⁴⁾
1008 30 00	59,59 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	59,59
1101 00 00	232,97 ⁽⁸⁾ ⁽¹¹⁾
1102 10 00	243,86 ⁽⁸⁾
1103 11 10	270,10 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 90	250,09 ⁽⁸⁾

⁽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 and Commission Regulation (EEC) No 2622/71.

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

⁽⁸⁾ On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

⁽⁹⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC, except if paragraph 4 of the same Article applies.

⁽¹⁰⁾ An amount equal to the amount fixed by Regulation (EEC) No 1825/91 is to be levied in accordance with Article 101 (4) of Decision 91/482/EEC.

⁽¹¹⁾ 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 1046/92

of 28 April 1992

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 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 674/92 ⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁴⁾, and in particular Article 3 thereof,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1845/91 ⁽⁵⁾ and subsequent amending Regulation;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 27 April 1992;

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 referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 April 1992.

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

Done at Brussels, 28 April 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 168, 29. 6. 1991, p. 4.

ANNEX

to the Commission Regulation of 28 April 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 4	1st period 5	2nd period 6	3rd period 7
0709 90 60	0	1,06	1,06	1,06
0712 90 19	0	1,06	1,06	1,06
1001 10 10	0	0,85	0,85	0,85
1001 10 90	0	0,85	0,85	0,85
1001 90 91	0	0,99	0,99	0,99
1001 90 99	0	0,99	0,99	0,99
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	1,06	1,06	1,06
1005 90 00	0	1,06	1,06	1,06
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	1,37	1,37	1,37

B. Malt

(ECU/tonne)

CN code	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8
1107 10 11	0	1,76	1,76	1,76	1,76
1107 10 19	0	1,32	1,32	1,32	1,32
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 1047/92
of 27 April 1992**

**re-establishing the levying of customs duties on products falling within CN code
3102 80 00, originating in Bulgaria, to which the preferential tariff arrangements
set out in Council Regulation (EEC) No 3831/90 apply**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3831/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain industrial products originating in developing countries ⁽¹⁾, extended into 1992 by Regulation (EEC) No 3587/91 ⁽²⁾ and in particular Article 9 thereof,

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

Whereas, as provided for in Article 7 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on

imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of products falling within CN code 3102 80 00, originating in Bulgaria, the individual ceiling was fixed at ECU 1 420 000; whereas, on 18 February 1992, imports of these products into the Community originating charged thereagainst; whereas it is appropriate to re-establish the levying of customs duties in respect of the products in question against Bulgaria,

HAS ADOPTED THIS REGULATION:

Article 1

As from 2 May 1992, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3831/90, shall be re-established on imports into the Community of the following products originating in Bulgaria:

Order No	CN code	Description
10.0408	3102 80 00	Mixtures of urea and ammonium nitrate

Article 2

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, 27 April 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 341, 12. 12. 1991, 1. This Regulation was last amended by Council Regulation (EEC) No 282/92 (OJ No L 31, 7. 2. 1992, p. 1).

COMMISSION REGULATION (EEC) No 1048/92**of 28 April 1992****concerning applications for export licences for products falling within CN code
1101 00 00 with advance fixing of the refund**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 674/92 ⁽²⁾,

Whereas Article 9 (4) of Commission Regulation (EEC) No 891/89 ⁽³⁾, as last amended by Regulation (EEC) No 337/92 ⁽⁴⁾, provides where this paragraph is specifically referred to when an export refund is fixed, for an interval of these working days between the day of submission of applications and the granting of export licences with advance fixing of the refund and provides that the Commission is to fix a uniform percentage reduction in the quantities if applications for export licences exceed the quantities which may be exported; whereas applications for licences submitted on 24 April 1992 relate to 230 000 tonnes and the maximum quantity which may be

exported is 100 000 tonnes; whereas the percentage for the reduction in the export licence applications submitted on 24 April 1992 should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for export licences with advanced fixing of the refund conveyed to the Commission before 25 April 1992 for wheat flour falling within CN code 1101 00 00, submitted on 24 April 1992, shall be accepted for the tonnages indicated therein multiplied by a coefficient of 0,45. Requests that are not conveyed to the Commission before 25 April 1992 shall be refused.

Article 2

This Regulation shall enter into force on 29 April 1992.

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

Done at Brussels, 28 April 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁴⁾ OJ No L 36, 13. 2. 1992, p. 15.

COMMISSION REGULATION (EEC) No 1049/92**of 28 April 1992****amending Regulation (EEC) No 611/77 fixing the specific levy in respect of live bovine animals and beef and veal other than frozen**

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 1628/92 ⁽²⁾, and in particular Article 10 (5) thereof,Whereas Commission Regulation (EEC) No 611/77 of 18 March 1987 fixing the specific levy in respect of live bovine animals and beef and veal other than frozen ⁽³⁾, as amended by Regulation (EEC) No 925/77 ⁽⁴⁾, lays down detailed rules for calculating the levy on products from Austria, Sweden and Switzerland; whereas the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Austria concerning the adjustment of Community import arrangements applicable to certain beef and veal sector products originating in Austria, as approved by Council Decision 92/232/EEC ⁽⁵⁾, lays down new provisions on imports under a preference system within the framework of a separate tariff quota; whereas the scope of that Regulation should therefore not cover Austria;

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

Regulation (EEC) No 611/77 is hereby amended as follows:

1. 'Austria,' is deleted from Article 1;
2. the words 'unit of account' in Articles 3 and 5 are replaced by 'ecu'.

Article 2

1. Annex I to Regulation (EEC) No 611/77 is hereby replaced by Annex I hereto.
2. Annex II to Regulation (EEC) No 611/77 is hereby replaced by Annex II hereto.

*Article 3*This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall apply for the first time for the calculation of levies applying from 1 May 1992.

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

Done at Brussels, 28 April 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.⁽³⁾ OJ No L 77, 25. 3. 1977, p. 14.⁽⁴⁾ OJ No L 109, 30. 4. 1977, p. 1.⁽⁵⁾ See page 20 of this Official Journal.

ANNEX I

Coefficients applying to the average prices recorded on the representative markets of third countries

Sweden	64
Switzerland	36

*ANNEX II***A. SWEDEN****1. Representative markets and weighting coefficients :**

Stockholm (67), Göteborg (33).

2. Categories, qualities and coefficients :

Category and quality	Liveweight conversion coefficient	Weighting coefficient
Ko och äldre tjur klass I	50	24,0
Ko och äldre tjur klass II	47	8,8
Ungnöt klass EP	56	30,2
Ungnöt klass I	53	30,0
Ungnöt klass II	50	7,0

B. SWITZERLAND**1. Representative market (quotation centre) : Berne.****2. Categories, qualities and coefficients :**

<i>Category and quality</i>	<i>Weighting coefficient</i>
Génisses et bœufs A	18,8
Génisses et bœufs B	9,9
Génisses et bœufs C	2,6
Génisses et bœufs D	1,7
Vaches A	4,7
Vaches B	3,1
Vaches C	14,6
Vaches D	14,0
Vaches E	15,6
Taureaux A 1	7,5
Taureaux A 2	2,4
Taureaux B 1	2,0
Taureaux B 2	1,2
Taureaux C	1,0
Taureaux D	0,5
Taureaux E	0,4

COMMISSION REGULATION (EEC) No 1050/92**of 28 April 1992****amending Regulation (EEC) No 935/92 opening a standing invitation to tender for the supply to Albania of 35 000 tonnes of bread-making common wheat in the Rouen region by the French intervention agency**

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

Having regard to Council Regulation (EEC) No 3860/91 of 23 December 1991 on an emergency measure for the free supply of certain agricultural products to Albania ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽²⁾, as last amended by Regulation (EEC) No 674/92 ⁽³⁾, and in particular Article 7 (6) thereof,

Whereas Commission Regulation (EEC) No 694/92 ⁽⁴⁾ provides that contracts for the supply of cereals under Regulation (EEC) No 3860/91 are to be allocated by invitation to tender;

Whereas Commission Regulation (EEC) No 1570/77 ⁽⁵⁾, as last amended by Regulation (EEC) No 606/92 ⁽⁶⁾, lays down in particular quality criteria for bread-making common wheat bought in;

Whereas Commission Regulation (EEC) No 935/92 ⁽⁷⁾ opens a standing invitation to tender for the supply of

35 000 tonnes of bread-making common wheat held by the French intervention agency in the Rouen region; whereas logistical difficulties in France call for the lots put up for tender to be altered;

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

'Rouen' in the title and Article 1 of Regulation (EEC) No 935/92 and in Annex I thereto and 'Caen-Blainville' in Article 2 thereof are hereby replaced by 'Ghent'.

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 April 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 362, 31. 12. 1991, p. 85.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽⁴⁾ OJ No L 74, 20. 3. 1992, p. 39.

⁽⁵⁾ OJ No L 174, 14. 7. 1977, p. 18.

⁽⁶⁾ OJ No L 65, 11. 3. 1992, p. 25.

⁽⁷⁾ OJ No L 101, 15. 4. 1992, p. 14.

COMMISSION REGULATION (EEC) No 1051/92

of 28 April 1992

fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1720/91⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on export refunds and levies on olive oil⁽³⁾, and in particular the first sentence of Article 3 (1) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 20 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Regulation (EEC) No 1650/86 and Commission Regulation (EEC) No 616/72⁽⁴⁾, as last amended by Regulation (EEC) No 2962/77⁽⁵⁾;

Whereas the first indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 4 of Regulation (EEC) No 1650/86, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market;

Whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period;

Whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 5 of Regulation (EEC) No 1650/86, it may be decided that the refund shall be fixed by tender;

Whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 3 (1) of Regulation (EEC) No 1650/86 provides that the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

Whereas, if the refund system is to operate normally, refunds should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90⁽⁷⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 May 1992.

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

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 78, 31. 3. 1972, p. 1.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 28 April 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 April 1992 fixing the export refunds on olive oil

(ECU/100 kg)	
Product code	Amount of refund (1)
1509 10 90 100	33,00
1509 10 90 900	62,00
1509 90 00 100	45,00
1509 90 00 900	72,00
1510 00 90 100	9,00
1510 00 90 900	40,00

(1) For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1), as well as for exports to third countries.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 1052/92

of 28 April 1992

fixing the maximum export refunds on olive oil for the 11th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3149/91

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

Having regard to Council Regulation (EEC) No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 1720/91 ⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil ⁽³⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3149/91 ⁽⁴⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 6 of Regulation (EEC) No 3149/91 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

Whereas the Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the 11th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3149/91 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 April 1992.

Article 2

This Regulation shall enter into force on 1 May 1992.

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

Done at Brussels, 28 April 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 299, 30. 10. 1991, p. 24.

ANNEX

to the Commission Regulation of 28 April 1992 fixing the maximum export refunds on olive oil for the 11th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3149/91

<i>(ECU/100 kg)</i>	
Product code	Amount of refund
1509 10 90 100	36,00
1509 10 90 900	67,00
1509 90 00 100	48,00
1509 90 00 900	77,00
1510 00 90 100	12,00
1510 00 90 900	45,00

NB: The products codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EEC) No 1053/92

of 28 April 1992

introducing a countervailing charge on fresh lemons originating in Cyprus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

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 1623/91⁽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 1438/91 of 30 May 1991 fixing for the 1991/92 marketing year the reference prices for fresh lemons⁽³⁾ fixed the reference price for products of class I for the period from November 1991 to April 1992 at 47,15 ECU per 100 kilograms net;

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 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for fresh lemons originating in Cyprus 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 fresh lemons;

Whereas, if the system is to operate normally, the entry price should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90⁽⁷⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 9,62 ECU per 100 kilograms net is applied to fresh lemons (CN code ex 0805 30 10) originating in Cyprus.

Article 2

This Regulation shall enter into force on 30 April 1992.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 8.

⁽³⁾ OJ No L 137, 31. 5. 1991, p. 25.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 28 April 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 18 March 1991

on the conclusion of an agreement in the form of an exchange of letters between the European Economic Community and the Republic of Austria concerning the marketing, in Austrian territory, of Community table wines and 'Landwein' in bottles

(92/231/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, to promote quality wines at the expense of table wines and to avoid any confusion in the minds of consumers, the Austrian law of 29 August 1985 relating to wines prohibits the marketing of table wine in bottles containing more than 25 cl but less than one litre; whereas that measure nonetheless constitutes a barrier to imports of Community table wines traditionally marketed in bottles of less than one litre;

Whereas it is in the interest of the Community and Austria to foster the harmonious development of trade in wine, in accordance with Article 15 of the agreement between the European Economic Community and the Republic of Austria signed on 22 July 1972⁽¹⁾, particularly as regards table wines of a certain quality; whereas, to that end, an agreement should be concluded whereby Austria permits the marketing, on its territory, of the wines in question, notwithstanding the abovementioned Austrian provisions and subject to observance of a minimum import price;

Whereas the Commission has negotiated an agreement on the matter with the Republic of Austria in the form of an exchange of letters which should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Austria concerning the marketing, in Austrian territory, of Community table wines and 'Landwein' in bottles is hereby approved on behalf of the Community.

The text of the agreement is attached to this Decision.

Article 2

1. The President of the Council is hereby authorized to designate the person empowered to sign the Agreement.
2. The President of the Council shall give the notification provided for in point 6 of the Agreement.

Done at Brussels, 18 March 1991.

For the Council
The President
J.-C. JUNCKER

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 2.

AGREEMENT

in the form of an exchange of letters between the European Economic Community and the Republic of Austria concerning the marketing, in Austrian territory, of Community table wines and 'Landwein' in bottles

Letter No 1

Sir,

I refer to the consultations which have taken place between the European Economic Community and the Republic of Austria on the arrangements for the marketing in Austria of Community table wines and 'Landwein' in bottles. Since it is in the interests of both the Community and Austria to foster the development of trade in wine, in accordance with Article 15 of the Agreement between the European Economic Community and the Republic of Austria signed on 22 July 1972, it is hereby agreed to apply the following provisions:

1. Austria will permit the marketing of table wines and 'Landwein' originating in the Community presented in bottles containing more than 0,25 litres but less than one litre under subheading ex 2204 21 A1 of the Austrian customs tariff, provided that a minimum import price is observed.
2. The minimum import price shall be considered to have been observed if the value for customs purposes of the wine to be imported is not less than a price corresponding to 1,7 times the reference price referred to in Article 53 of Regulation (EEC) No 822/87 of the Council of the European Communities (OJ No L 84, 27. 3. 1987, p. 1) applicable to a wine with an actual alcoholic strength of 11 % vol. put up in containers of a capacity not exceeding two litres, that reference price being reduced by ECU 14,5/hl.

The 'value for customs purposes' shall mean the value per hectolitre of the product determined in accordance with the Agreement on implementation of Article VII of the General Agreement on Tariffs and Trade drawn up at Geneva on 12 April 1979.

Observance of the minimum price shall be checked by the Austrian authority issuing import licences.

3. For the purposes of this Agreement, the equivalent in Austrian schillings of the minimum price in ecus shall be that obtaining on the first working day of ... 1990, as published in the 'C' series of the *Official Journal of the European Communities*. The equivalent shall be adjusted on 1 September each year. The equivalent to be used shall be that obtaining on the first working day of the preceding June, as published in the *Official Journal of the European Communities*.
4. The competent authorities of the Republic of Austria and the Commission of the European Communities shall remain in direct contact for any matter relating to implementation of the provisions set out above and shall, in particular, reach joint agreement on any adjustment of the minimum price.
5. This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Austria.
6. The provisions of this Agreement shall apply from the first day of the second month following mutual notification by the contracting parties of the accomplishment of their internal procedures.

I should be obliged if you would confirm that the Community is in agreement with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*For the Government of the Republic of
Austria*

W. W. W.

Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows :

'I refer to the consultations which have taken place between the European Economic Community and the Republic of Austria on the arrangements for the marketing in Austria of Community table wines and "Landwein" in bottles. Since it is in the interests of both the Community and Austria to foster the development of trade in wine, in accordance with Article 15 of the Agreement between the European Economic Community and the Republic of Austria signed on 22 July 1972, it is hereby agreed to apply the following provisions :

1. Austria will permit the marketing of table wines and "Landwein" originating in the Community presented in bottles containing more than 0,25 litres but less than one litre under subheading ex 2204 21 A1 of the Austrian customs tariff, provided that a minimum import price is observed.
2. The minimum import price shall be considered to have been observed if the value for customs purposes of the wine to be imported is not less than a price corresponding to 1,7 times the reference price referred to in Article 53 of Regulation (EEC) No 822/87 of the Council of the European Communities (OJ No L 84, 27. 3. 1987, p. 1) applicable to a wine with an actual alcoholic strength of 11 % vol. put up in containers of a capacity not exceeding two litres, that reference price being reduced by ECU 14,5/hl.

The "value for customs purposes" shall mean the value per hectolitre of the product determined in accordance with the Agreement on implementation of Article VII of the General Agreement on Tariffs and Trade drawn up at Geneva on 12 April 1979.

Observance of the minimum price shall be checked by the Austrian authority issuing import licences.

3. For the purposes of this Agreement, the equivalent in Austrian schillings of the minimum price in ecus shall be that obtaining on the first working day of ... 1990, as published in the "C" series of the *Official Journal of the European Communities*. The equivalent shall be adjusted on 1 September each year. The equivalent to be used shall be that obtaining on the first working day of the preceding June, as published in the *Official Journal of the European Communities*.
4. The competent authorities of the Republic of Austria and the Commission of the European Communities shall remain in direct contact for any matter relating to implementation of the provisions set out above and shall, in particular, reach joint agreement on any adjustment of the minimum price.
5. This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Austria.
6. The provisions of this Agreement shall apply from the first day of the second month following mutual notification by the contracting parties of the accomplishment of their internal procedures.

I should be obliged if you would confirm that the Community is in agreement with the foregoing.'

I am able to confirm that the Community is in agreement with the contents of the letter.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the
Council of the European Communities



Information concerning the date of entry into force of the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Austria concerning the marketing in Austrian territory, of Community table wines and 'Landwein' in bottles⁽¹⁾

Following mutual notification by the contracting parties (most recently by the Republic of Austria on 31 March 1992) of completion of the internal procedures necessary for entry into force of the Agreement in the form of an Exchange of Letters between the European Economic Community and the Republic of Austria concerning the marketing, in Austrian territory, of Community table wines and 'Landwein' in bottles (signed on 19 November 1991), this Agreement will enter into force, in accordance with Article 6 thereof, on 1 May 1992.

⁽¹⁾ See page 16 of this Official Journal.

COUNCIL DECISION**of 1 October 1991**

on the conclusion of the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Austria concerning the adjustment of the Community import arrangements applicable to certain beef and veal sector products originating in Austria

(92/232/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, under an exchange of letters signed on 21 July 1972, the Community introduced, with effect from 10 May 1973, a special import price system for certain products in the beef and veal sector originating in Austria; whereas those arrangements should be adjusted in the light of experience gained;

Whereas, to this end, the Commission has negotiated an agreement with Austria and the said agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters between the European Economic Community and the

Republic of Austria concerning the adjustment of the Community import arrangements applicable to certain beef and veal sector products originating in Austria is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

1. The President of the Council is hereby authorized to designate the person empowered to sign the Agreement.
2. The President of the Council shall give, on behalf of the Community, the notification provided for in part 5 of the second subparagraph of the Agreement.

Done at Brussels, 1 October 1991.

For the Council

The President

H. VAN DEN BROEK

AGREEMENT

in the form of an exchange of letters between the European Economic Community and the Republic of Austria concerning the adjustment of Community import arrangements applicable to certain beef and veal sector products originating in Austria

Letter No 1

Sir,

I refer to the exchange of letters on 21 July 1972 between the Community and Austria and to the negotiations which have taken place between the two contracting parties with a view to adjusting, in accordance with the spirit of Article 15 of the Free Trade Agreement between the EEC and Austria, the Community import arrangements applicable to certain beef and veal sector products originating in Austria.

During the abovementioned negotiations, it was noted that it would be appropriate, in the light of experience gained, to change the import arrangements as follows :

1. In place of the special import price arrangements introduced in 1973, the Community shall open, in favour of Austria, an annual tariff quota of 63 500 tonnes, expressed in carcase weight equivalent, with a levy equal to 13 % of the standard levy applicable to imports from non-member countries, for the products listed in the Annex.
2. For the products listed in the Annex, Austria shall communicate to the competent authorities of the Community all the relevant data concerning the export prices charged, the amount of any export refunds granted and the quantities and presentation of the products exported.

Austria shall further undertake to ensure that the prices charged by Austrian exporters do not cause any distortion of the Community market.

Any export refunds paid by Austria shall take account of the market and prices for cattle, beef and veal in the Community.

However, in cases where the prices quoted do fall below Community prices, consultations shall be held forthwith to ensure that any undercutting of Community market prices is offset by a corresponding reduction in export refunds.

In cases where there is evidence of price undercutting, the Austrian authorities shall further undertake to impose penalties on individual exporters whose conduct is such as to distort the market.

The Community shall reserve the right to take the necessary protective measures following further consultations with Austria.

In order to help stabilize the internal market of the Community, Austria shall observe an appropriate frequency of delivery and take all necessary steps to ensure that its exports to the Community develop in an orderly manner.

The detailed rules for the application of this paragraph shall be laid down within the framework of cooperation to be established between the competent authorities of Austria and of the Community.

3. Only products originating in Austria, i.e., live bovine animals born and raised in Austria and products listed in the Annex obtained exclusively from such animals, shall be eligible for the reduced levy referred to in point 1.

Originating products within the meaning of this Agreement shall qualify for a reduced levy upon importation into the Community, on presentation of one of the documents referred to in Article 8 (1) of Protocol 3 annexed to the Free Trade Agreement concluded on 22 July 1972 between the Community and Austria (*Official Journal of the European Communities* No L 149 of 15 June 1988).

The words 'VERMINDERTE ABSCHÖPFUNG' (reduced levy) must be indicated on the document providing evidence of the abovementioned origin.

The provisions of Protocol 3 concerning direct transport of the products and the issue and verification of documents providing evidence of origin shall apply *mutatis mutandis* to this Agreement.

4. This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Austria.
5. The provisions of this Agreement shall apply from the first day of the second month following mutual notification by the contracting parties of the completion of their internal procedures.

However, should that date not coincide with the beginning of the calendar year, the provisions referred to in point 1 shall be applied *prorata temporis* for the first year.

I should be obliged if you would confirm that the Government of the Republic of Austria is in agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

*On behalf
of the Council of the European Communities*



ANNEX

List of products referred to in point 1

CN-code				
0102 90 10	0201 10 10	0201 20 51	0210 20 10	1602 50 10
0102 90 31	0201 10 90	0201 20 59	0210 20 90	1602 90 61
0102 90 33	0201 20 21	0201 20 90	0210 90 41	
0102 90 35	0201 20 29	0201 30 00	0210 90 90	
0102 90 37	0201 20 31	0206 10 95		
	0201 20 39			

Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows :

'I refer to the exchange of letters on 21 July 1972 between the Community and Austria and to the negotiations which have taken place between the two contracting parties with a view to adjusting, in accordance with the spirit of Article 15 of the Free Trade Agreement between the EEC and Austria, the Community import arrangements applicable to certain beef/veal sector products originating in Austria.

During the abovementioned negotiations, it was noted that it would be appropriate, in the light of experience gained, to change the import arrangements as follows :

1. In place of the special import price arrangements introduced in 1973, the Community shall open, in favour of Austria, an annual tariff quota of 63 500 tonnes, expressed in carcase weight equivalent, with a levy equal to 13 % of the standard levy applicable to imports from non-member countries, for the products listed in the Annex.
2. For the products listed in the Annex, Austria shall communicate to the competent authorities of the Community all the relevant data concerning the export prices charged, the amount of any export refunds granted and the quantities and presentation of the products exported.

Austria shall further undertake to ensure that the prices charged by Austrian exporters do not cause any distortion of the Community market.

Any export refunds paid by Austria shall take account of the market and prices for cattle, beef and veal in the Community.

However, in cases where the prices quoted do fall below Community prices, consultations shall be held forthwith to ensure that any undercutting of Community market prices is offset by a corresponding reduction in export refunds.

In cases where there is evidence of price undercutting, the Austrian authorities shall further undertake to impose penalties on individual exporters whose conduct is such as to distort the market.

The Community shall reserve the right to take the necessary protective measures following further consultations with Austria.

In order to help stabilize the internal market of the Community, Austria shall observe an appropriate frequency of delivery and take all necessary steps to ensure that its exports to the Community develop in an orderly manner.

The detailed rules for the application of this paragraph shall be laid down within the framework of cooperation to be established between the competent authorities of Austria and of the Community.

3. Only products originating in Austria, i.e., live bovine animals born and raised in Austria and products listed in the Annex obtained exclusively from such animals, shall be eligible for the reduced levy referred to in point 1.

Originating products within the meaning of this Agreement shall qualify for a reduced levy upon importation into the Community, on presentation of one of the documents referred to in Article 8 (1) of Protocol 3 annexed to the Free Trade Agreement concluded on 22 July 1972 between the Community and Austria (*Official Journal of the European Communities* No L 149 of 15 June 1988).

The words 'VERMINDERTE ABSCHÖPFUNG' (reduced levy) must be indicated on the document providing evidence of the abovementioned origin.

The provisions of Protocol 3 concerning direct transport of the products and the issue and verification of documents providing evidence of origin shall apply *mutatis mutandis* to this Agreement.

4. This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Austria.
5. The provisions of this Agreement shall apply from the first day of the second month following mutual notification by the contracting parties of the completion of their internal procedures.

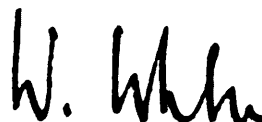
However, should that date not coincide with the beginning of the calendar year, the provisions referred to in point 1 shall be applied *prorata temporis* for the first year.

I should be obliged if you would confirm that the Government of the Republic of Austria is in agreement with the contents of this letter.'

I have the honour to confirm that my Government is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

*For the
Republic of Austria*



ANNEX

List of products referred to in point 1

CN-code				
0102 90 10	0201 10 10	0201 20 51	0210 20 10	1602 50 10
0102 90 31	0201 10 90	0201 20 59	0210 20 90	1602 90 61
0102 90 33	0201 20 21	0201 20 90	0210 90 41	
0102 90 35	0201 20 29	0201 30 00	0210 90 90	
0102 90 37	0201 20 31	0206 10 95		
	0201 20 39			

Information concerning the date of entry into force of the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Austria concerning the adjustment of the Community import arrangements applicable to certain beef and veal sector products originating in Austria ⁽¹⁾

Following mutual notification by the contracting parties (most recently by the Republic of Austria on 31 March 1992) of completion of the internal procedures necessary for entry into force of the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Austria concerning the adjustment of the Community import arrangements applicable to certain beef and veal sector products originating in Austria (signed on 19 November 1991), this Agreement will enter into force, in accordance with Article 5 thereof, on 1 May 1992.

⁽¹⁾ See page 20 of this Official Journal.

COUNCIL DECISION

of 6 April 1992

on the conclusion of the Agreement in the form of an exchange of letters
amending the agreement between the European Economic Community and the
Federative Republic of Brazil on trade in textile products

(92/233/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Commission has negotiated on behalf of the Community an Agreement in the form of an exchange of letters amending the Agreement between the European Economic Community and the Federative Republic of Brazil on trade in textile products for 12 months (1 January to 31 December 1992);

Whereas the two parties have agreed that this Agreement should replace the Agreement in the form of an exchange of letters initialled on 20 December 1991 and implemented on 10 February 1992 by the Council on a provisional basis for three months (1 January to 31 March 1992) by Decision 92/114/EEC⁽¹⁾;

Whereas this Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Agreement in the form of an exchange of letters amending the Agreement between the European Economic Community and the Federative Republic of Brazil on trade in textile products is hereby approved on behalf of the Community.

The text of that Agreement in the form of an exchange of letters is attached to this Decision.

The Commission has been requested to inform the Federative Republic of Brazil of this Decision and to obtain its agreement by means of an exchange of notes, which it will communicate to the Council.

The text of that exchange of notes is attached to this Decision.

2. The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement referred to in paragraph 1 in order to bind the Community.

Article 2

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

It shall apply from 1 January 1992.

2. Decision 92/114/EEC is hereby repealed when this Decision enters into force.

Done at Luxembourg, 6 April 1992.

For the Council
The President
João PINHEIRO

⁽¹⁾ OJ No L 43, 19. 2. 1992, p. 25.

AGREEMENT

in the form of an exchange of letters amending the Agreement between the European Economic Community and the Federative Republic of Brazil on trade in textile products

A. Letter from the European Economic Community

Sir,

1. I have the honour to refer to the consultations held on 26 and 27 February 1992 between our respective delegations for the purpose of amending the Agreement on trade in textile products between the European Economic Community and the Federative Republic of Brazil, initialled on 12 September 1986 and applied since 1 January 1987, as extended by the exchange of letters initialled on 20 December 1991.

2. As a result of these consultations, both parties agreed to further amend Article 17 (1) of the above Agreement so as to extend the period of application of all the provisions of the Agreement until 31 December 1992. Consequently, the Parties also agreed to amend Annex II of the Agreement for the January to December period 1992 as regards the quantitative limits for exports from the Federative Republic of Brazil to the Community of the textile products referred thereto. The modified Annex II is appended to this letter (Appendix 1).

3. The Parties also agreed that as regards Article 13 (3) of the Agreement, the percentage of inter-regional transfers for the year 1992 is fixed at 40 %.

It is understood that if as a result of the application of the above percentage serious difficulties, following significant changes in the pattern of trade, occur in certain regions of the Community, both Parties shall hold consultations without delay with a view to reviewing the situation.

4. Both Parties agreed that this extension of the Agreement enters into force on 1 January 1992, shall remain in force until 31 December 1992 and shall replace the exchange of letters of 20 December 1991. The Parties agreed that this Agreement is applied provisionally from 1 January 1992.

5. I should be obliged if you would kindly confirm the acceptance of your Government to the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*For the Council
of the European Communities*

*Appendix 1***'ANNEX II****COMMUNITY QUANTITATIVE LIMITS**

Category	Unit	1. 1. 1992 — 31. 12. 1992
1	tonnes	35 140
2	tonnes	21 975
2 (a)	tonnes	4 593
3	tonnes	2 086
6 (1)	1 000 pieces	2 974
9	tonnes	6 153
20	tonnes	3 817
39	tonnes	2 960
46	tonnes	17 151

(1) For the purpose of setting off exports against the agreed limits a conversion rate of five garments (other than babies' garments) of a maximum commercial size of 130 cm, for three garments whose commercial size exceeds 130 cm may be applied for up to 5 % of the quantitative limits.

REGIONAL LIMITS

Category	Unit	1. 1. 1992 — 31. 12. 1992
4	1 000 pieces	F 463 I 5 110 UK 3 285
13	1 000 pieces	ES 380 PT 63'

B. Letter from the Government of the Federative Republic of Brazil

Sir,

I have the honour to acknowledge receipt of your letter of 27 February 1992, which reads as follows :

1. I have the honour to refer to the consultations held on 26 and 27 February 1992 between our respective delegations for the purpose of amending the Agreement on trade in textile products between the European Economic Community and the Federative Republic of Brazil initialled on 12 September 1986 and applied since 1 January 1987, as extended by the exchange of letters initialled on 20 September 1991.
2. As a result of these consultations, both Parties agreed to further amend Article 17 (1) of the above Agreement so as to extend the period of application of all the provisions of the Agreement until 31 December 1992. Consequently, the Parties also agreed to amend Annex II of the Agreement for the January to December period as regards the quantitative limits for exports from the Federative Republic of Brazil to the Community of the textile products referred thereto. The modified Annex II is appended to this letter (Appendix 1).
3. The Parties also agreed that as regards Article 13 (3) of the Agreement, the percentage of inter-regional transfers for the year 1992 is fixed at 40 %.

It is understood that if as a result of the application of the above percentage serious difficulties, following significant changes in the pattern of trade, occur in certain regions of the Community, both Parties shall hold consultations without delay with a view to reviewing the situation.

4. Both Parties agreed that this extension of the Agreement enters into force on 1 January 1992, shall remain in force until 31 December 1992 and shall replace the exchange of letters of 20 December 1991. The Parties agreed that this Agreement is applied provisionally from 1 January 1992.
5. I should be obliged if you would kindly confirm the acceptance of your Government to the foregoing.'

I have the honour to confirm that my Government is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

*For the Government
of the Federative Republic of Brazil*

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*Appendix 1***ANNEX II****COMMUNITY QUANTITATIVE LIMITS**

Category	Unit	1. 1. 1992 — 31. 12. 1992
1	tonnes	35 140
2	tonnes	21 975
2 (a)	tonnes	4 593
3	tonnes	2 086
6 (1)	1 000 pieces	2 974
9	tonnes	6 153
20	tonnes	3 817
39	tonnes	2 960
46	tonnes	17 151

(1) For the purpose of setting off exports against the agreed limits a conversion rate of five garments (other than babies' garments) of a maximum commercial size of 130 cm, for three garments whose commercial size exceeds 130 cm may be applied for up to 5 % of the quantitative limits.

REGIONAL LIMITS

Category	Unit	1. 1. 1992 — 31. 12. 1992
4	1 000 pieces	F 463 I 5 110 UK 3 285
13	1 000 pieces	ES 380 PT 63'

Exchange of notes between the Commission of the European Communities and the Federative Republic of Brazil

Note from the Commission

The Directorate-General for External Relations of the Commission of the European Communities presents its compliments to the Mission of the Federative Republic of Brazil with the European Communities and has the honour to refer to the Agreement in textile products negotiated between the Federative Republic of Brazil and the Community, initialled on 12 September 1986 and applied since 1 January 1987, as extended by the exchange of letters initialled on 27 February 1992.

The Directorate-General wishes to inform the Mission that whilst awaiting the completion of the necessary procedures for the conclusion and the coming into force of the extended Agreement, the Community is prepared to allow the provisions of the Agreement to apply *de facto* from 1 January 1992. This is on the understanding that either Party may at any time terminate this *de facto* application of the extended Agreement provided that 60 days' notice is given.

The Directorate-General for External Relations would be grateful if the Mission would confirm its agreement to the foregoing.

The Directorate-General for External Relations avails itself of this opportunity to renew to the Mission of the Federative Republic of Brazil to the European Communities the assurance of its highest consideration.

Note from Brazil

The Mission of the Federative Republic of Brazil to the European Communities presents its compliments to the Directorate-General for External Relations of the Commission of the European Communities and has the honour to refer to the Directorate-General's Note of ... regarding the Agreement in textile products negotiated between the Federative Republic of Brazil and the Community, initialled on 12 September 1986 and applied since 1 January 1987, as extended by the exchange of letters initialled on 27 February 1992.

The Mission wishes to confirm to the Directorate-General that whilst awaiting the completion of the necessary procedures for the conclusion and the coming into force of the extended Agreement, the Government of the Federative Republic of Brazil is prepared to allow the provisions of the extended Agreement to apply *de facto* from 1 January 1992. This is on the understanding that either Party may at any time terminate this *de facto* application of the extended Agreement provided that 60 days' notice is given.

The Mission of the Federative Republic of Brazil to the European Communities avails itself of this opportunity to renew to the Directorate-General for External Relations the assurance of its highest consideration.
