

Official Journal

of the European Communities

ISSN 0378-6978

L 138

Volume 35

21 May 1992

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 1276/92 of 20 May 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 1277/92 of 20 May 1992 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 1278/92 of 20 May 1992 altering the export refunds on white sugar and raw sugar exported in the natural state	5
Commission Regulation (EEC) No 1279/92 of 20 May 1992 fixing the import levies on rice and broken rice	7
Commission Regulation (EEC) No 1280/92 of 20 May 1992 fixing the premiums to be added to the import levies on rice and broken rice	9
* Commission Regulation (EEC) No 1281/92 of 19 May 1992 establishing unit values for the determination of the customs value of certain perishable goods	11
Commission Regulation (EEC) No 1282/92 of 20 May 1992 laying down definitive measures on the issuing of STM licences for beef and veal in trade with Spain and Portugal	15
Commission Regulation (EEC) No 1283/92 of 20 May 1992 fixing the import levy on molasses	16
Commission Regulation (EEC) No 1284/92 of 20 May 1992 determining to what extent licence applications submitted during April 1992 for live bovine animals weighing between 160 and 300 kg as part of an import quota provided for under interim agreements concluded between the Community and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic (CSFR) may be accepted	17

Contents (continued)

Commission Regulation (EEC) No 1285/92 of 20 May 1992 abolishing a countervailing charge on cucumbers originating in Bulgaria	18
Commission Regulation (EEC) No 1286/92 of 20 May 1992 on a decision to make no award in respect of the third partial invitation to tender for white sugar issued in connection with the standing invitation to tender referred to in Regulation (EEC) No 920/92	19
Commission Regulation (EEC) No 1287/92 of 20 May 1992 fixing the maximum export refund for white sugar for the 54th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 963/91	20
Commission Regulation (EEC) No 1288/92 of 20 May 1992 adopting interim protective measures in so far as concerns Spain in regard to applications for STM licences coming from the Community of Ten for milk and milk products lodged between 11 May and 15 May 1992	21
Commission Regulation (EEC) No 1289/92 of 20 May 1992 altering the import levies on products processed from cereals and rice	22

II *Acts whose publication is not obligatory*

Commission

92/266/EEC :

- * **Commission Decision of 27 November 1991 on the conversion activities of French public industrial groups outside the steel and coal industries and excluding the Compagnie Générale Maritime, pursuant to Articles 92 to 94 of the EEC Treaty** 24

92/267/EEC :

- * **Commission Decision of 21 February 1992 on the establishment of overall quantities of food aid for 1992 and a list of products to be supplied as food aid** 32

92/268/EEC :

Commission Decision of 29 April 1992 amending Decision 92/256/EEC on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

35

92/269/Euratom :

- * **Commission opinion of 30 April 1992 concerning the nuclear fuel reprocessing plant Thorp of the Sellafield establishment (United Kingdom)** 36

92/270/EEC :

Commission Decision of 4 May 1992 to take no action on the tenders received in response to the invitation to tender for the private storage aid of carcasses and half-carcasses of lamb issued under Regulations (EEC) No 838/92

38

92/271/EEC :

- * **Commission Decision of 20 May 1992 concerning the importation into the Community of live animals and animal products originating in or coming via the Republic of Bosnia-Herzegovina** 39

(Continued on inside back cover)

- ★ **Corrigendum to Council Regulation No 729/92 of 16 March 1992 imposing a definitive anti-dumping duty on imports on certain thermal paper originating in Japan and definitively collecting the provisional anti-dumping duty (OJ No L 81 of 26. 3. 1992) 40**
- ★ **Corrigendum to Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid (OJ No L 204 of 25. 7. 1987) 40**
- ★ **Corrigendum to Council Decision 92/228/EEC of 25 February 1992 on the conclusion of the Interim Agreement between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, of the other part, on trade and trade-related matters (OJ No L 114 of 30. 4. 1992) ... 40**
- ★ **Corrigendum to Council Decision 92/229/EEC of 25 February 1992 on the conclusion of the Interim Agreement between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part, on trade and trade-related matters (OJ No L 115 of 30. 4. 1992) 41**
- ★ **Corrigendum to Council Decision 92/230/EEC of 25 February 1992 on the conclusion of the Interim Agreement between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Hungary, of the other part, on trade and trade-related matters (OJ No L 116 of 30. 4. 1992) 41**

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1276/92

of 20 May 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 19 May 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 21 May 1992.

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

Done at Brussels, 20 May 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 20 May 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy ^(*)
0709 90 60	141,76 ⁽²⁾ ⁽³⁾
0712 90 19	141,76 ⁽²⁾ ⁽³⁾
1001 10 10	173,29 ⁽¹⁾ ⁽⁹⁾ ⁽¹⁰⁾
1001 10 90	173,29 ⁽¹⁾ ⁽⁹⁾ ⁽¹⁰⁾
1001 90 91	161,82
1001 90 99	161,82 ⁽¹¹⁾
1002 00 00	168,43 ⁽⁹⁾
1003 00 10	149,42
1003 00 90	149,42 ⁽¹¹⁾
1004 00 10	124,81
1004 00 90	124,81
1005 10 90	141,76 ⁽²⁾ ⁽³⁾
1005 90 00	141,76 ⁽²⁾ ⁽³⁾
1007 00 90	149,79 ⁽⁹⁾
1008 10 00	65,89 ⁽¹¹⁾
1008 20 00	120,90 ⁽⁹⁾
1008 30 00	66,59 ⁽⁹⁾
1008 90 10	⁽⁷⁾
1008 90 90	66,59
1101 00 00	239,55 ⁽⁸⁾ ⁽¹¹⁾
1102 10 00	248,81 ⁽⁸⁾
1103 11 10	282,23 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 90	257,03 ⁽⁹⁾

⁽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 1277/92

of 20 May 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 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 19 May 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 21 May 1992.

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

Done at Brussels, 20 May 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 20 May 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 5	1st period 6	2nd period 7	3rd period 8
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	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 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	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

B. Malt

(ECU/tonne)

CN code	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
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 1278/92
of 20 May 1992
altering the export refunds on white sugar and raw sugar exported in the natural 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 61/92 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 1217/92 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1217/92 to the infor-

mation known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

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, as fixed in the Annex to Regulation (EEC) No 1217/92 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 May 1992.

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

Done at Brussels, 20 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 128, 14. 5. 1992, p. 5.

ANNEX

to the Commission Regulation of 20 May 1992 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	34,74 ⁽¹⁾	
1701 11 90 910	34,38 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	34,74 ⁽¹⁾	
1701 12 90 910	34,38 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3777
1701 99 10 100	37,77	
1701 99 10 910	38,57	
1701 99 10 950	38,57	
1701 99 90 100		0,3777

⁽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, as amended by Regulation (EEC) No 3251/85.

COMMISSION REGULATION (EEC) No 1279/92
of 20 May 1992
fixing the import levies on rice and broken rice

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 1418/76
of 21 June 1976 on the common organization of the
market in rice ⁽¹⁾, as last amended by Regulation (EEC)
No 674/92 ⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC)
No 883/87 of 23 March 1987 laying down detailed rules
for the application of Council Regulation (EEC)
No 3877/86 on imports rice of the long-grain aromatic
Basmati variety falling within CN codes 1006 10, 1006 20
and 1006 30 ⁽³⁾, as last amended by Regulation (EEC)
No 674/91 ⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were
fixed by Commission Regulation (EEC) No 586/92 ⁽⁵⁾, as
last amended by Regulation (EEC) No 1218/92 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 21 May 1992.

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

Done at Brussels, 20 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 75, 21. 3. 1991, p. 29.

⁽⁵⁾ OJ No L 62, 7. 3. 1992, p. 44.

⁽⁶⁾ OJ No L 128, 14. 5. 1992, p. 7.

ANNEX

to the Commission Regulation of 20 May 1992 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies (°)		
	Arrangement in Regulation (EEC) No 3877/86 (°)	ACP (⁽¹⁾) (⁽²⁾) (⁽³⁾) (⁽⁴⁾) Bangladesh	Third countries (except ACP) (⁽⁵⁾)
1006 10 21	—	157,37	321,94
1006 10 23	—	155,02	317,24
1006 10 25	—	155,02	317,24
1006 10 27	237,93	155,02	317,24
1006 10 92	—	157,37	321,94
1006 10 94	—	155,02	317,24
1006 10 96	—	155,02	317,24
1006 10 98	237,93	155,02	317,24
1006 20 11	—	197,61	402,42
1006 20 13	—	194,67	396,55
1006 20 15	—	194,67	396,55
1006 20 17	297,41	194,67	396,55
1006 20 92	—	197,61	402,42
1006 20 94	—	194,67	396,55
1006 20 96	—	194,67	396,55
1006 20 98	297,41	194,67	396,55
1006 30 21	—	244,71	513,27 (⁽⁶⁾)
1006 30 23	—	288,21	600,19 (⁽⁶⁾)
1006 30 25	—	288,21	600,19 (⁽⁶⁾)
1006 30 27	450,14 (⁽⁷⁾)	288,21	600,19 (⁽⁶⁾)
1006 30 42	—	244,71	513,27 (⁽⁶⁾)
1006 30 44	—	288,21	600,19 (⁽⁶⁾)
1006 30 46	—	288,21	600,19 (⁽⁶⁾)
1006 30 48	450,14 (⁽⁷⁾)	288,21	600,19 (⁽⁶⁾)
1006 30 61	—	260,97	546,64 (⁽⁶⁾)
1006 30 63	—	309,35	643,41 (⁽⁶⁾)
1006 30 65	—	309,35	643,41 (⁽⁶⁾)
1006 30 67	482,56 (⁽⁷⁾)	309,35	643,41 (⁽⁶⁾)
1006 30 92	—	260,97	546,64 (⁽⁶⁾)
1006 30 94	—	309,35	643,41 (⁽⁶⁾)
1006 30 96	—	309,35	643,41 (⁽⁶⁾)
1006 30 98	482,56 (⁽⁷⁾)	309,35	643,41 (⁽⁶⁾)
1006 40 00	—	68,71	143,43

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

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

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

(⁽⁴⁾) The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulation (EEC) Nos 3491/90 and 862/91.

(⁽⁵⁾) The levy on imports into Portugal is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3778/91.

(⁽⁶⁾) The levy 3778/91 imports of rice of the long-grain aromatic Basmati variety is applicable under the arrangements laid down in Regulation (EEC) No 3877/86, as amended by Regulation (EEC) No 3130/91.

(⁽⁷⁾) No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EEC) No 1280/92**of 20 May 1992****fixing the premiums to be added to the import levies on rice and broken rice**

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 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 674/92 ⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2591/91 ⁽³⁾, as last amended by Regulation (EEC) No 1219/92 ⁽⁴⁾;

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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 May 1992.

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

Done at Brussels, 20 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 243, 31. 8. 1991, p. 8.

⁽⁴⁾ OJ No L 128, 14. 5. 1992, p. 9.

ANNEX

to the Commission Regulation of 20 May 1992 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 5	1st period 6	2nd period 7	3rd period 8
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 1281/92**of 19 May 1992****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods ⁽¹⁾, as last amended by Regulation (EEC) No 3334/90 ⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communi-

cated to the Commission in accordance with Article 1 (2) of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 May 1992.

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

Done at Brussels, 19 May 1992.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 321, 21. 11. 1990, p. 6.

ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	0701 90 51 0701 90 59	New potatoes	46,74	1 977	370,95	96,11	322,65	11 367	35,96	72 331	108,18	32,68
1.20	0702 00 10 0702 00 90	Tomatoes	57,97	2 453	460,05	119,19	400,15	14 097	44,60	89 703	134,16	40,53
1.30	0703 10 19	Onions (other than seed)	36,70	1 553	291,30	75,47	253,37	8 926	28,24	56 800	84,95	25,66
1.40	0703 20 00	Garlic	256,15	10 838	2 032,76	526,69	1 768,10	62 291	197,08	396 362	592,81	179,12
1.50	ex 0703 90 00	Leeks	30,35	1 276	240,49	61,99	211,30	7 174	23,24	46 691	69,78	21,59
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	31,88	1 340	252,88	65,14	221,09	7 537	24,43	48 965	73,34	22,77
1.70	0704 20 00	Brussels sprouts	53,72	2 267	423,88	110,06	374,08	11 735	41,29	82 719	124,09	37,72
1.80	0704 90 10	White cabbages and red cabbages	23,05	975	182,88	47,36	160,54	5 181	17,70	35 248	53,35	16,11
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>)	109,28	4 624	867,25	224,70	754,33	26 575	84,08	169 102	252,91	76,42
1.100	ex 0704 90 90	Chinese cabbage	73,74	3 120	585,22	151,63	509,03	17 933	56,73	114 112	170,67	51,57
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	67,96	2 876	539,39	139,75	469,16	16 529	52,29	105 174	157,30	47,53
1.120	ex 0705 29 00	Endives	22,96	965	182,14	46,92	159,25	5 429	17,59	35 268	52,83	16,40
1.130	ex 0706 10 00	Carrots	26,71	1 130	211,96	54,92	184,36	6 495	20,55	41 330	61,81	18,67
1.140	ex 0706 90 90	Radishes	76,03	3 212	604,06	156,14	526,58	18 296	58,48	117 341	175,57	53,25
1.150	0707 00 11 0707 00 19	Cucumbers	49,31	2 086	391,31	101,38	340,36	11 991	37,93	76 300	114,11	34,48
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	285,02	12 060	2 261,92	586,06	1 967,42	69 314	219,29	441 044	659,64	199,31
1.170		Beans :										
1.170.1	0708 20 10 0708 20 90	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)	227,46	9 625	1 805,12	467,70	1 570,09	55 315	175,01	351 974	526,43	159,06
1.170.2	0708 20 10 0708 20 90	Beans (<i>Phaseolus</i> ssp., <i>vulgaris</i> var. <i>Compressus Savi</i>)	98,34	4 161	780,41	202,20	678,80	23 915	75,66	152 171	227,59	68,77
1.180	ex 0708 90 00	Broad beans	92,83	3 894	734,40	189,09	645,42	21 793	71,04	142 837	212,96	66,61
1.190	0709 10 00	Globe artichokes	112,97	4 780	896,50	232,28	779,78	27 472	86,91	174 807	261,44	78,99
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	195,00	8 251	1 547,55	400,97	1 346,06	47 423	150,03	301 752	451,31	136,37
1.200.2	ex 0709 20 00	— other	120,10	5 082	953,09	246,94	829,00	29 206	92,40	185 840	277,95	83,98
1.210	0709 30 00	Aubergines (egg-plants)	99,61	4 215	790,55	204,83	687,62	24 225	76,64	154 147	230,55	69,66
1.220	ex 0709 40 00	Ribbed celery (<i>Apium graveolens</i> var. <i>dulce</i>)	69,13	2 925	548,66	142,15	477,22	16 813	53,19	106 981	160,00	48,34
1.230	0709 51 30	Chantarelles	713,23	30 060	5 626,73	1 460,68	4 977,83	162 425	546,18	1 092 598	1 645,94	501,92
1.240	0709 60 10	Sweet peppers	134,00	5 670	1 063,43	275,53	924,98	32 587	103,10	207 356	310,13	93,70
1.250	0709 90 50	Fennel	40,06	1 692	318,24	82,26	277,42	9 639	30,81	61 820	92,50	28,05
1.260	0709 90 70	Courgettes	38,41	1 614	304,72	78,38	267,79	8 982	29,39	59 164	88,32	27,15
1.270	ex 0714 20 10	Sweet potatoes, whole, fresh (intended for human consumption)	98,95	4 174	781,50	202,59	690,51	22 594	75,77	151 536	228,30	69,55
2.10	ex 0802 40 00	Chestnuts (<i>Castanea</i> spp.), fresh	131,65	5 522	1 041,42	268,14	915,24	30 904	100,74	202 551	301,99	94,47
2.20	ex 0803 00 10	Bananas (other than plantains), fresh	47,33	2 003	375,66	97,33	326,75	11 511	36,42	73 250	109,55	33,10
2.30	ex 0804 30 00	Pineapples, fresh	49,51	2 095	392,93	101,81	341,77	12 041	38,09	76 617	114,59	34,62
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	132,70	5 615	1 053,08	272,85	915,97	32 270	102,09	205 338	307,11	92,79

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.50	ex 0804 50 00	Guavas and mangoes, fresh	148,52	6 284	1 178,65	305,39	1 025,19	36 118	114,27	229 821	343,73	103,86
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	28,77	1 215	228,58	59,08	199,26	6 923	22,12	44 402	66,44	20,15
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	35,20	1 489	279,40	72,39	243,03	8 562	27,08	54 481	81,48	24,62
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	23,74	998	188,15	48,54	164,94	5 596	18,17	36 391	54,61	16,93
2.70		Mandarins (including tangerines and satsumas), fresh ; clementines, wilkings and similar citrus hybrids, fresh :										
2.70.1	ex 0805 20 10	— Clementines	116,38	4 887	922,03	237,48	804,54	27 703	89,36	179 353	267,38	83,52
2.70.2	ex 0805 20 30	— Monreales and Satsumas	72,14	3 052	572,53	148,34	497,99	17 544	55,50	111 637	166,97	50,45
2.70.3	ex 0805 20 50	— Mandarins and wilkings	70,34	2 976	558,21	144,63	485,53	17 105	54,12	108 845	162,79	49,19
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	56,15	2 376	445,63	115,46	387,61	13 655	43,20	86 892	129,96	39,26
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	39,07	1 653	310,11	80,35	269,73	9 503	30,06	60 468	90,43	27,32
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	125,07	5 292	992,57	257,17	863,34	30 416	96,23	193 539	289,46	87,46
2.90		Grapefruit, fresh :										
2.90.1	ex 0805 40 00	— white	32,14	1 360	255,09	66,09	221,88	7 817	24,73	49 740	74,39	22,47
2.90.2	ex 0805 40 00	— pink	62,04	2 625	492,34	127,56	428,24	15 087	47,73	96 000	143,58	43,38
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	121,04	5 122	960,60	248,89	835,53	29 436	93,13	187 304	280,14	84,64
2.110	0807 10 10	Water-melons	63,20	2 674	501,55	129,95	436,25	15 369	48,62	97 797	146,27	44,19
2.120		Melons (other than water-melons) :										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey dew (including Cantalene), Onteniente, Piel de Sapo (including Verde Liso), Rochet, Tendral, Futuro	77,73	3 289	616,88	159,83	536,56	18 903	59,80	120 284	179,90	54,35
2.120.2	ex 0807 10 90	— other	118,55	5 016	940,82	243,76	818,33	28 830	91,21	183 448	274,37	82,90
2.130	0808 10 91 0808 10 93 0808 10 99	Apples	75,66	3 201	600,47	155,58	522,29	18 401	58,21	117 085	175,11	52,91
2.140		Pears										
2.140.1	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Pears — Nashi (<i>Pyrus pyrifolia</i>)	152,06	6 434	1 206,72	312,66	1 049,61	36 978	116,99	235 296	351,91	106,33
2.140.2	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Other	81,70	3 457	648,38	167,99	563,97	19 869	62,86	126 427	189,09	57,13
2.150	0809 10 00	Apricots	225,54	9 543	1 789,83	463,74	1 556,80	54 847	173,52	348 994	521,97	157,72
2.160	0809 20 10 0809 20 90	Cherries	150,60	6 316	1 191,32	306,73	1 046,98	35 352	115,24	231 706	345,46	108,06
2.170	ex 0809 30 00	Peaches	185,25	7 839	1 470,15	380,91	1 278,74	45 051	142,53	286 660	428,74	129,54

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.180	ex 0809 30 00	Nectarines	217,43	9 200	1 725,55	447,09	1 500,88	52 877	167,29	336 459	503,22	152,05
2.190	0809 40 11 0809 40 19	Plums	138,28	5 851	1 097,38	284,33	954,50	33 628	106,39	213 975	320,03	96,70
2.200	0810 10 10 0810 10 90	Strawberries	132,19	5 593	1 049,03	271,80	912,45	32 146	101,70	204 547	305,93	92,44
2.205	0810 20 10	Raspberries	1 686,8	71 377	13 386,3	3 468,43	11 643,50	410 210	1 297,8	2 610 166	3 903,88	1 179,6
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	136,31	5 755	1 079,64	279,74	950,71	30 917	104,59	209 154	315,16	95,45
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	119,90	5 073	951,50	246,53	827,62	29 157	92,25	185 531	277,48	83,84
2.230	ex 0810 90 80	Pomegranates	64,68	2 721	513,07	132,36	450,09	15 261	49,56	99 270	148,90	45,90
2.240	ex 0810 90 80	Khakis (including Sharon fruit)	262,12	11 091	2 080,15	538,97	1 809,32	63 744	201,67	405 603	606,63	183,30
2.250	ex 0810 90 30	Lychees	254,70	10 777	2 021,28	523,71	1 758,11	61 940	195,96	394 123	589,47	178,11

COMMISSION REGULATION (EEC) No 1282/92**of 20 May 1992****laying down definitive measures on the issuing of STM licences for beef and veal
in trade with Spain and Portugal**

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, and in particular Articles 85 (3) and 252 (3) thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade⁽¹⁾, as last amended by Regulation (EEC) No 3296/88⁽²⁾, and in particular Article 7 (1) thereof,

Whereas Commission Regulation (EEC) No 3810/91 of 18 December 1991 laying down detailed rules for the application of the supplementary trade mechanism in the beef and veal sector between the Community as constituted on 31 December 1985 and Spain and Portugal and repealing Regulations (EEC) No 4026/89 and (EEC) No 3815/90⁽³⁾, set the indicative ceilings applicable in the beef and veal sector and the maximum quantities for which STM licences may be issued every two months;

Whereas STM licences issued in response to applications lodged from 20 to 23 April 1992 in Spain and in Portugal have exhausted that fraction of the indicative ceiling set aside for the third two months of 1992 for live animals;

Whereas the Commission accordingly adopted, by an emergency procedure, appropriate interim protective measures by Regulation (EEC) No 1075/92⁽⁴⁾; whereas

definitive measures must be adopted; whereas, in view of the situation of the market, an increase in the indicative ceiling cannot be contemplated;

Whereas, as a definitive measure as referred to in Articles 85 (3) and 252 (3) of the Act of Accession, the issue of STM licences should be definitively discontinued in order to prevent any disturbance on the market;

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

1. The issue of STM licences is hereby suspended until 2 July 1992 for live animals of the bovine species, other than purebred breeding animals and animals for bull-fights.
2. Further applications for STM licences may be lodged from 22 June 1992.

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, 20 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 357, 28. 12. 1991, p. 53.

⁽⁴⁾ OJ No L 112, 30. 4. 1992, p. 46.

COMMISSION REGULATION (EEC) No 1283/92
of 20 May 1992
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 61/92 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 277/92 ⁽³⁾, as last amended by Regulation (EEC) No 1077/92 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 277/92 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, 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 subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁶⁾,

- 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 19 May 1992,

HAS ADOPTED THIS REGULATION:

Article 1

1. The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, ECU 0,76 per 100 kilograms.

2. However, no import levy applies to OCT originating products according to Article 101 (1) of Council Decision 91/482/EEC ⁽⁷⁾.

Article 2

This Regulation shall enter into force on 21 May 1992.

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

Done at Brussels, 20 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 30, 6. 2. 1992, p. 17.

⁽⁴⁾ OJ No L 112, 30. 4. 1992, p. 49.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁷⁾ OJ No L 263, 19. 9. 1991, p. 1.

COMMISSION REGULATION (EEC) No 1284/92
of 20 May 1992

determining to what extent licence applications submitted during April 1992 for live bovine animals weighing between 160 and 300 kg as part of an import quota provided for under interim agreements concluded between the Community and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic (CSFR) may be accepted

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

Having regard to Commission Regulation (EEC) No 981/92 of 21 April 1992 opening for 1992 and laying down detailed rules for the application of an import quota for live bovine animals weighing between 160 and 300 kg, originating in and coming from the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic⁽¹⁾, as amended by Regulation (EEC) No 982/92⁽²⁾, and in particular Article 3 (4) thereof,

Whereas Article 1 (1) of Regulation (EEC) No 981/92 lays down the number of head of live bovine animals weighing between 160 and 300 kg for fattening or slaughter originating in and coming from Poland, Hungary of the CSFR which may be imported under special conditions during 1992;

Whereas the quantities for which import licence applications have been submitted exceed the quantities available; whereas, pursuant to Article 3 (4) of Regulation (EEC) No 981/92, a single percentage reduction in the quantities applied for should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Applications submitted for 1992 under the import arrangements referred to in Regulation (EEC) No 981/92 shall be reduced by 97,046 %

Article 2

This Regulation shall enter into force on 21 May 1992.

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

Done at Brussels, 20 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 104, 22. 4. 1992, p. 34.

⁽²⁾ OJ No L 104, 22. 4. 1992, p. 38.

COMMISSION REGULATION (EEC) No 1285/92
of 20 May 1992
abolishing a countervailing charge on cucumbers originating in Bulgaria

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 1156/92⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1070/92⁽³⁾, as amended by Regulation (EEC) No 1212/92⁽⁴⁾, introduced a countervailing charge on cucumbers originating in Bulgaria;

Whereas for cucumbers originating in Bulgaria there were no prices for six consecutive working days; whereas the

conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of cucumbers originating in Bulgaria can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1070/92 is hereby repealed.

Article 2

This Regulation shall enter into force on 21 May 1992.

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

Done at Brussels, 20 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 122, 7. 5. 1992, p. 3.

⁽³⁾ OJ No L 112, 30. 4. 1992, p. 35.

⁽⁴⁾ OJ No L 127, 13. 5. 1992, p. 10.

COMMISSION REGULATION (EEC) No 1286/92**of 20 May 1992****on a decision to make no award in respect of the third partial invitation to tender for white sugar issued in connection with the standing invitation to tender referred to in Regulation (EEC) No 920/92**

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 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 61/92⁽²⁾, and in particular point (b) of the first subparagraph of Article 19 (4) thereof,

Whereas Commission Regulation (EEC) No 920/92 of 10 April 1992 on a standing invitation to tender in order to determine levies and/or refunds on exports of white sugar⁽³⁾ requires that partial invitations to tender be issued for the export of the sugar in question; whereas, pursuant to Article 8 (2) of Regulation (EEC) No 920/92 a decision may be taken to make no award in respect of a specific partial invitation to tender;

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

No award shall be made in respect of the third partial invitation to tender for white sugar issued under Regulation (EEC) No 920/92 for which the time limit for the submission of tenders expired on 20 May 1992.

Article 2

This Regulation shall enter into force on 21 May 1992.

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

Done at Brussels, 20 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 98, 11. 4. 1992, p. 11.

COMMISSION REGULATION (EEC) No 1287/92

of 20 May 1992

fixing the maximum export refund for white sugar for the 54th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 963/91

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 61/92⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 963/91 of 18 April 1991 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 963/91, 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 54th partial invitation to

tender, the provisions set out in Article 1 should be adopted;

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

For the 54th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 963/91 the maximum amount of the export refund is fixed at ECU 41,160 per 100 kilograms.

Article 2

This Regulation shall enter into force on 21 May 1992.

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

Done at Brussels, 20 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 100, 20. 4. 1991, p. 9.

COMMISSION REGULATION (EEC) No 1288/92
of 20 May 1992

adopting interim protective measures in so far as concerns Spain in regard to applications for STM licences coming from the Community of Ten for milk and milk products lodged between 11 May and 15 May 1992

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, and in particular Article 85 (1) thereof,

Whereas Commission Regulation (EEC) No 608/86⁽¹⁾ laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten and from Portugal, as last amended by Regulation (EEC) No 705/92⁽²⁾, fixes the indicative ceilings for milk sector products for 1992 and splits these up into monthly ceilings;

Whereas applications for STM licences in the Community of Ten for cheese of category 4 have reached the ceiling set for May 1992;

Whereas Article 85 (1) of the Act of Accession states that the Commission may take interim protective measures necessary by an emergency procedure where the situation indicates that the ceiling will be attained or exceeded; whereas to this end it is necessary, for the products concerned and only for the Community of Ten, to

suspend all further issuing of licences for the products in question; whereas new applications may be lodged for this product from 25 May 1992 pursuant to Commission Regulation (EEC) No 1185/92⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for STM licences as referred to in Regulation (EEC) No 606/86, lodged between 11 May and 15 May 1992 for the Community of Ten and lodged with the Commission, for milk products falling within category 4 of CN code ex 0406 are hereby accepted up to 65,69 %;

2. The issuing of STM licences in the Community of Ten is hereby provisionally suspended for products falling within category 4.

Article 2

This Regulation shall enter into force on 21 May 1992.

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

Done at Brussels, 20 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 58, 1. 3. 1986, p. 28.

⁽²⁾ OJ No L 75, 21. 3. 1992, p. 29.

⁽³⁾ OJ No L 123, 8. 5. 1992, p. 12.

COMMISSION REGULATION (EEC) No 1289/92

of 20 May 1992

altering the import levies on products processed from cereals and rice

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 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 674/92, and in particular Article 12 (4) 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⁽⁴⁾, as last amended by Regulation (EEC) No 2205/90⁽⁵⁾, and in particular Article 3 thereof,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 1078/92⁽⁶⁾, as last amended by Regulation (EEC) No 1246/92⁽⁷⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁸⁾, amended Council Regulation (EEC) No 2744/75⁽⁹⁾, as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁶⁾ OJ No L 112, 30. 4. 1992, p. 50.

⁽⁷⁾ OJ No L 130, 15. 5. 1992, p. 63.

⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 65.

— 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 19 May 1992;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹⁰⁾, as last amended by Regulation (EEC) No 1740/78⁽¹¹⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 1078/92 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 21 May 1992.

⁽¹⁰⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹¹⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 20 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 20 May 1992 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies (*)	
	ACP	Third countries (other than ACP) (*)
1102 30 00	151,02	154,04
1103 14 00	151,02	154,04
1103 29 50	151,02	154,04
1104 19 91	256,45	262,49
1108 19 10	216,55	247,38

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 27 November 1991

on the conversion activities of French public industrial groups outside the steel and coal industries and excluding the Compagnie Générale Maritime, pursuant to Articles 92 to 94 of the EEC Treaty

(Only the French text is authentic)

(92/266/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having given the interested parties notice to submit their comments in accordance with Article 93, and having regard to those comments,

Whereas :

I

By letter dated 28 March 1989, the Commission requested from the French authorities various details of the conversion activities of public industrial groups outside the steel and coal industries and excluding the Compagnie Générale Maritime. This information was to reach it by the end of June 1989. By letter dated 27 June 1989, the French authorities asked for the deadline to be extended by three months. Their request was granted.

By letter dated 14 November 1989, the French authorities answered as to substance the Commission's letter of 28 March 1989 but gave no details of the conversion activities in question. The Commission therefore asked for further information in a letter dated 20 December 1989.

The French authorities replied by letter dated 15 February 1990 but again gave no details of the conversion activities in question. It was only in a letter dated 18 April 1990 that some of the information was provided. That informa-

tion was to be supplemented by 'a forthcoming letter' which the Commission did not receive before the initiation of the procedure provided for in Article 93 (2) of the Treaty.

II

The conversion companies are subsidiaries (or divisions) of major industrial groups. They provide various forms of assistance (grants, subsidized loans, acquisitions of holdings, other equity or near-equity funding, free advisory services, etc.) in specific geographic areas, to mitigate the effects of restructuring undertaken by the industrial groups controlling them. Although their assistance is intended primarily for small and medium-sized enterprises (SMEs), it is not in principle restricted to any particular type of firm.

In the period 1988 to 1990, the amounts allocated to conversion by various groups were as follows (in millions of French francs and, in brackets, in millions of ecus as an indication of the order of magnitude) :

[...].

III.

A.

The Commission had already examined the conversion activities of French public groups in the steel and coal industries and the Compagnie Générale Maritime, applying Articles 92 to 94 of the Treaty. In a Decision of

17 February 1988⁽¹⁾, communicated to the French authorities by letter dated 25 February 1988, the Commission considered that the loans, sometimes accompanied by debt write-offs, granted by the conversion companies Sodinor, Solodev, Sodilor, Socadev, Somidev, Sodicentre, Sodicar and Sorid, subsidiaries of the Usinor and Sacilor groups, contained aid elements within the meaning of Article 92 (1) of the Treaty. By Decision of 31 May 1989⁽¹⁾, communicated to the French authorities by letter of 15 June 1989, the Commission considered that the loans and the provision of services and advice by Sofirem and Finorpa, conversion subsidiaries of the Charbonnages de France group, contained elements of aid within the meaning of Article 92 (1) of the Treaty. It also considered that injections of equity or near-equity funding by these companies could in certain specific cases conceal an aid element and required the submission of six-monthly reports on their application. Lastly, a similar position to that adopted concerning Sofirem and Finorpa was applied to Atlantique Développement, a conversion subsidiary of Compagnie Générale Maritime. The Commission sent its Decision of 14 June 1989⁽¹⁾ on this matter to the French authorities by letter dated 16 June 1989.

B.

The Commission based its view that the activities of the abovementioned conversion companies contained aid elements on the following considerations:

- the activities of these companies do not conform to the practices of traditional financial institutions. Loans are granted at lower rates than those the recipients would have obtained from commercial banks, they are frequently granted without guarantees, contrary to custom, and sometimes accompanied by write-off clauses. Similarly, the services and advice are provided free of charge or below cost, which is not normal market practice. The activity of these companies therefore consists in subsidizing enterprises,
- the companies are essentially financed by State resources for which provision is made in the finance laws. The resources are sometimes channelled to the parent companies but, in that event, the latter pass them on to the conversion companies,
- the conversion companies are controlled by the State. Their Boards, which lay down policy, are made up of

representatives of the public parent companies, the State and sometimes local authorities. In the case of Sofirem, the State appoints a government commissioner and a state controller who have the right, in particular, to veto decisions taken by the Board.

These three factors are sufficient for the activities of the conversion companies to be considered as aid or as containing an element of aid within the meaning of Article 92 (1) of the Treaty. The activities of these companies in their relationships with assisted enterprises do not correspond to the behaviour of a private entrepreneur; using State resources, the companies subsidize enterprises according to rules established by State-controlled bodies.

This assessment is confirmed by the gradual development of the companies. Initially restricted to conversion operations connected with job cuts in their parent companies, their scope was extended at the request of the public authorities to other conversion projects. Sofirem, the conversion arm of Charbonnages de France, is involved in conversion operations in various non-coal industries in the areas of Moulins, Montluçon, Issoire and Brioude and helps to offset the effects of anticipated redundancies in customs, the railways and related activities in Modane. Sacilor's conversion company, Sodinor, operates in the area north-east of Lille, assisting the restructuring of the textiles industry. This shows that the conversion companies have lost their original specificity and are increasingly acting as the arms of the state in the same way as traditional development agencies.

C.

The Commission based its view that the aid provided by the conversion companies in question was regional aid on the fact that the aid was for investment and job creation in specific areas where the socioeconomic situation was characterized by the conversion of declining industries.

The Commission would approve aid of the kind notified by the French authorities only when the area was a recognized regional aid zone⁽²⁾ and on condition that the aid from the conversion companies combined with other regional aid did not exceed the ceiling imposed for the

⁽¹⁾ Decision not published in the Official Journal.

⁽²⁾ Commission Decision 85/18/EEC (OJ No L 11, 12. 1. 1985), as amended and supplemented on several occasions, most recently on 28 March and 4 April 1990 (Decision not published).

region. Where an area was not a recognized regional aid zone, the Commission insisted on compliance with the criteria for aids of minor importance⁽¹⁾.

IV.

The conversion activities dealt with in this Decision are being undertaken by:

- Electricité de France (Délégation aux implantations industrielles and Safidi),
- Elf Aquitaine (BDE and Sofrea),
- Thomson (Geris),
- Péchiney (Sofipe),
- Rhône-Poulenc (Sopran),
- Entreprise Minière et Chimique (Sodiv).

Although in their letter of 18 April 1990, the French authorities did not commit themselves on whether the activities in question ranked as aid under Article 92 of the Treaty, they seemed to reject such a classification. They argued that:

- private industrial groups both in France (BSN, CGE and Saint-Gobain) and abroad undertake similar activities,
- the public industrial groups on which the companies depend 'are, as major local employers, merely assuming responsibility for the survival of part of the economic fabric';
- the companies in question have no direct financial link with the public authorities.

V.

The Commission had doubts about this approach. Without calling it into question a priori, it considered that the statements of the French authorities were not proven: no detailed data and figures were provided to show that the behaviour of the public industrial groups in this matter was similar to that of private industrial groups. Similarly, the resources of the conversion companies could be regarded as public resources. The Commission also based its position on the analysis carried out in respect of steel and coal conversion companies and the CGM and considered that at first sight there was no difference between the activities of the latter companies and those described above in Section IV. Finally, the Commission took account of what the Court of Justice held in its Judgments of 6 July 1982 (ground 21) and 30 January 1985 (see in particular 'there is no necessity to draw any distinction according to whether the aid is granted

directly by the State or by public or private bodies established or appointed by it to administer the aid').

On 17 December 1990 and 16 January 1991, therefore, it decided that, in order to confirm or invalidate the arguments of the French authorities, it was necessary to initiate the procedure provided for in Article 93 (2) of the Treaty. The French authorities were informed of this by letter dated 23 January 1991 and the other Member States and interested parties by a notice published in the Official Journal of 20 April 1991⁽²⁾. As part of the procedure, the French authorities replied by letters dated 25 April, 30 April and 14 June 1991. The authorities of another Member State also replied by letter of 16 May 1991. That letter, which supported the views of the Commission as set out in its notice, was communicated to the French authorities by letter dated 10 June 1991. No comments were received from them concerning the letter.

VI.

In their letters of 25 and 30 April and 14 June 1991, the French authorities maintained, clarified and argued their initial position.

They claimed that, in their opinion, conversion activities were normal activities of major industrial groups in a market economy, the proof being that private groups undertake identical activities.

They confirmed that the conversion companies referred to in section IV were financed only from the own funds of the groups concerned.

They clarified their position, stating specifically that, in their view, the activities of the conversion companies referred to in Point IV did not constitute aid.

Lastly, they supplied the Commission with detailed information and figures on the activities of the companies in question and on those of private industrial groups.

The French authorities particularly stressed the fact that the conversion companies were a market-based response on the part of the groups that set them up; that there was no conflict between the public and private sectors, or between French and other groups; that, in order to be acceptable, industrial restructuring must be accompanied by a policy of solidarity with regard to workers and regions and that this was the aim of the large groups in their policy of protecting and safeguarding the local industrial base; that conversion activities form part of an overall strategy of the major groups rather than a deliberate method of allocating public funds and, lastly, that there is no difference between the public and private sector approaches.

⁽¹⁾ Unpublished Decision, communicated to Member States by letter of 28 February 1985.

⁽²⁾ OJ No C 105, 20. 4. 1991, p. 5.

[illegible]

They do not reveal any significant or clear-cut difference between public and private groups. [...] heads the list as biggest spender per job lost, but is closely followed by a private group [...]. [...] spends more than two of the public groups concerned. As regards cost per job lost, the private groups generally spend more than the public groups.

The forms of assistance provided by the different groups are set out in the following table :

[...]	[...]	[...]	[...]	[...]
— Seven year equity loans at 9 % without guarantees — Advisory services	— Five, seven or 10-year loans at 6 % or 7 % with guarantees — Possible write-offs	— Medium- or long-term-loans at basic bank rate less 2 points, with guarantees — Possible write-offs — Advisory services	— Medium- or long-term loans at 9 % without guarantees — Possible write-offs — Grants — Advisory services	— Loans for average of seven years, at 7 % (exceptionally 5 %) with guarantees — Exceptionally: equity loans and acquisition of holding

[...]	[...]	[...]	[...]	[...]	[...]
— Nine-year loans at average rate of 5,8 %, usually with guarantees — Exceptionally, five-year loans, equity loans and grants	— Grants — Exceptionally, asset transfers, loans, advisory, services	— Grants — Advisory services	— Seven-year loans at average rate of 5,06 % without guarantees — Advisory services	— Medium- or long-term loans at average rate of 5,5 %	— Grants

The Commission cannot deduce from the table any major difference in the forms of assistance granted by public and private groups.

In particular, it cannot conclude that the assistance provided by the public groups is more favourable than that granted by the private groups. On average, private groups have recourse more often to grants, which are more beneficial to the recipient than subsidized loans, the forms used more often by public groups. Subsidized loans are granted at lower rates by private groups (5,5 % for [...], 5,06 % for [...]) than public groups (between 5,8 % and 9 %). Similarly, while loans made by [...] and [...] are without guarantees, the same is true of those granted by the conversion company of [...], whereas a majority of those granted by public groups involve guarantees.

Finally, the Commission also noted that the conversion operations of the groups concerned are always limited, like those of the private groups, to cutbacks in the parent company. The companies thus never engaged in conversion activities not related to their group. In this respect, too, their behaviour is identical to that of private groups.

In conclusion, the Commission has not found that the conversion activities of public and private groups in France were significantly different. The activities of the public groups do not therefore constitute aid within the meaning of Article 92 (1) of the Treaty.

B.

The Commission nevertheless checked whether the capital contributions made to the public enterprises had been increased to cover anticipated conversion expendi-

ture. To that end, it compared the capital contributions made by the State to the groups concerned in 1988, 1989 and 1990 and the amounts paid by the groups, over the same period, for conversion activities. It noted that no capital was allocated by the State in the years concerned to the Rhône-Poulenc, Entreprise Minière et Chimique and Electricité de France groups, which had disbursed [...], [...] and [...] respectively for conversion operations. As regards the other three groups (Thomson, Péchiney and Elf-Aquitaine), the Commission did not find any links between the amounts paid for conversion operations and the allocations of capital: none of the groups received any capital contribution in the three years in question. The amounts granted are generally 'round figures' (e.g. FF 1 billion) which do not appear to correspond either to advances on expenditure or to repayments for conversion expenditure.

Lastly, the Commission calculated the ratio of the groups' conversion expenditure to their self-financing capacity. It found that the average ratio ranged between [...] and [...], with the exception of EMC, where it reached about [...]. These ratios show that investment in conversion forms a very small part of the groups' activities. The disparity between the amounts also suggests that the groups have not been instructed to allocate a specified percentage of their operating funds to conversion and that the amount allocated depends more on a group's own requirements: thus the groups with the highest ratio [...] is also the one with a wholly-owned subsidiary [...], which is to be shut down in the next 10 years.

This analysis confirms the Commission's assessment that the conduct of the conversion companies is quite clearly comparable to that of well-informed major industrial groups operating in a market economy.

C.

The French authorities confirmed that the conversion activities of the public industrial groups were not initiated by the State. They also stated that the conversion companies were not included in the 'planning contracts' which bind public groups and the State in France in the area of resources and objectives. Lastly, with the exception of the conversion company set up by Elf-Aquitaine (Sofrea), the legal structure of the companies does not seem to point to any State control: there are no State representatives on the Boards and no State controller or government commissioner has been appointed to the companies.

Sofrea, however, has a government commissioner who has no voting rights on the Board or any administrative powers.

In short, it seems that the State does not interfere as a public authority in the operation of the companies in question.

Non-interference by the State is further evidence of the fact that the activities of the companies in question are in the nature of operations of enterprises.

VIII.

The Commission therefore considers, on the basis of the foregoing and Section VII in particular, that the conversion activities of the public industrial groups outside the steel and coal industries and excluding the Compagnie Générale Maritime do not constitute aid within the meaning of Article 92 (1) of the Treaty. It considers that the public groups indeed endeavoured in the present case, like certain private groups, to derive a number of benefits from their conversion operations, such as 'indirect material profit', 'maintaining the group's image' and 'redirecting its activities'. In its Judgment of 21 March 1991 [Italy v. Commission — ENI-Lanerossi] (ground 21), the Court of Justice ruled that such activities are legitimate and cannot constitute aid within the meaning of Article 92 (1) of the Treaty.

IX.

The Commission bases its conclusion chiefly on an analysis which compares the conversion activities of the public groups covered by this Decision with those of private groups. On this basis, the activities of the conversion companies do not in the present case constitute aid within the meaning of Article 92 (1) as they are consistent with the behaviour of a private entrepreneur. The conclusion reached in the present case does not mean that any such future activities may not contain elements of State aid, nor does it obviate the need for conversion companies to give prior notification of all planned measures pursuant to Article 93 (3) of the Treaty. Such measures may be exempted under Article 92 (1) only if the Commission is able, as in the present case, to conclude that the activity of public groups is similar to that of private groups.

Since the State is the principal shareholder of the groups that have conversion companies, the Commission cannot rule out the possibility of the State making use of certain conversion companies in the future, notably for regional development purposes, in which case the activities of such companies would be regarded as aid within the meaning of Article 92 (1). By way of example, the French authorities had contemplated at one stage⁽¹⁾ granting public funds to Sodiv, the conversion company set up by EMC, to enable it to expand and redirect its activity. Nor can it be ruled out that public groups might alter their behaviour in future, for example by diverging from the practices of private groups, which would mean that their behaviour would qualify as aid under Article 92 (1).

That is why the Commission considers it necessary to ask the French Government to notify it in advance of any annual budget set aside, by each of the public industrial groups referred to in this Decision, for conversion activities, and to communicate to it the annual reports on the conversion activities of public and private groups. The purpose of the reports, the layout of which is given in the Annex hereto, is to enable the Commission to determine, on the basis of actual performance, whether or not aid has been granted under Article 92 (1) and whether such aid, if any, is compatible with the common market. The Commission would remind the French authorities of their obligation to notify it in advance of all measures liable to constitute such aid in accordance with Article 93 (3) of the Treaty, as interpreted in the case-law of the Court of Justice, and their general duty to cooperate under Article 5 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The conversion activities concerned by this Decision and undertaken by:

- Electricité de France (Délégation aux implantations industrielles and Safidi),

- Elf-Aquitaine (BDE and Sofrea),
- Thomson (Geris),
- Péchiney (Sofipe),
- Rhône-Poulenc (Sopran),
- Entreprise Minière et Chimique (Sidiv),

up to and including 1990, do not constitute aid within the meaning of Article 92 (1) of the Treaty.

Article 2

The French authorities shall notify the Commission, before its adoption, of the annual budget earmarked for conversion activities by each of the groups listed in Article 1.

They shall also furnish the Commission with an annual report on the conversion activities of the groups in question and on those of private groups. The report shall have to reach the Commission no later than 31 March of each year and cover the activities of the preceding year. The section of the report concerning the groups listed in Article 1 shall be drawn up in accordance with the layout given in the Annex to this Decision.

Article 3

The French Government shall inform the Commission no later than two months from the date of this Decision of the internal measures it has taken to comply with Article 2 of this Decision.

Article 4

This Decision is addressed to the French Republic.

Done at Brussels, 27 November 1991.

For the Commission

Leon BRITTAN

Vice-President

⁽¹⁾ The plan has since apparently been dropped.

ANNEX

REPORT ON YEAR n FOR SUBMISSION TO THE COMMISSION BY 31 MARCH OF YEAR
 $n + 1$ GROUP⁽¹⁾A. Degree of State control⁽²⁾

1. Were the conversion activities ordered by the State?
2. Do the statutory bodies of the conversion companies include members appointed by the State? ⁽³⁾
3. Are there any specific monitoring bodies (State controller, government commissioner)? ⁽⁴⁾
4. Do the planning contracts concluded between the State and the groups provide for conversion activities?
5. Has the conversion been used for conversion operations outside the company group? ⁽⁵⁾
6. Has the State exercised control over the company by any other means? ⁽⁶⁾

B. State resources

1. Capital contributions or other resources granted for year n by the State to the group. ⁽⁷⁾
2. Was part of the amount in B.1 specifically earmarked for conversion? ⁽⁸⁾
3. Has the group received a specific 'conversion' contribution? ⁽⁹⁾
4. Ratio of conversion expenditure to self-financing capacity of the group.

C. Conversion operations

1. Nature of conversion activities undertaken. ⁽¹⁰⁾
2. Resources allocated to conversion. ⁽¹¹⁾
3. Grant equivalent of those resources. ⁽¹²⁾
4. Past and expected future job losses at the sites. ⁽¹³⁾

Footnotes

⁽¹⁾ Complete one form per group.

⁽²⁾ The term 'State' has the meaning given in the case-law of the Court concerning Articles 92 to 94 of the EEC Treaty.

⁽³⁾ If the answer is in the affirmative, state their absolute and relative number and their role.

⁽⁴⁾ Cf. ⁽³⁾.

⁽⁵⁾ If the answer is in the affirmative, state which ones and under what conditions.

⁽⁶⁾ For example, seconding of staff, etc.

⁽⁷⁾ Means total resources allocated to the group and not those relating to conversion.

⁽⁸⁾ Answer yes if contracts between the State and the group, Parliamentary debates or other sources indicate that overall amounts granted comprise an amount specifically intended for conversion. State the amount.

⁽⁹⁾ Answer yes if amounts not included in point B.1 (footnote ⁽⁷⁾) were granted to the group for conversion activities.

⁽¹⁰⁾ This should include a description of the type of measure (loan, direct grant, etc.) and the terms.

⁽¹¹⁾ Indicate the resources intended for conversion in year n and total expenditure since the conversion operation started (give date) up to year n inclusive.

⁽¹²⁾ Resources should be converted into grant equivalent. The aggregate total defined in footnote ⁽¹¹⁾ should also be given.

⁽¹³⁾ It is necessary to distinguish between:

- job losses offset through transfers within the group, and
- job losses which have given rise to social measures (e.g. early retirement).

The aggregate total (see footnote ⁽¹¹⁾) should also be given.

COMMISSION DECISION**of 21 February 1992****on the establishment of overall quantities of food aid for 1992 and a list of products to be supplied as food aid****(92/267/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last extended by Regulation (EEC) No 1930/90 ⁽²⁾, and in particular Article 5 thereof,

Whereas, in order to implement Regulation (EEC) No 3972/86, it is necessary to lay down the total quantities of each product to be supplied under the food aid operations for 1992, and to specify the products involved;

Whereas the overall quantities of food aid for 1992, should be decided and food aid operations implemented on the basis of the budgetary resources available;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Food Aid Committee,

HAS DECIDED AS FOLLOWS:

Sole Article

1. The total quantities of each product to be supplied under the 1992 food-aid programme to certain developing countries and certain organizations are set out in Annex I.
2. The products which may be supplied as food aid are listed in Annex II.

Done at Brussels, 21 February 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1; corrigendum OJ No L 42, 12. 2. 1987, p. 54.

⁽²⁾ OJ No L 174 7. 7. 1990, p. 6.

*ANNEX I***Quantities of food aid to be made available in 1992 :**

- Cereals :
 - (a) an initial instalment of 927 700 tonnes ;
 - (b) a second instalment of up to 457 400 tonnes,
 - Milk powder and equivalent products : a maximum of 53 000 tonnes,
 - Butteroil : a maximum of 6 800 tonnes ⁽¹⁾,
 - Sugar : a maximum of 11 540 tonnes,
 - Vegetable oil (seed oil and olive oil) ⁽¹⁾ : 70 000 tonnes,
 - Other products : a maximum of ECU 48 million.
-

⁽¹⁾ Any quantities of butteroil not required could, if necessary, be delivered as vegetable oil on the basis of equivalent value.

ANNEX II

CN code (indicative)	Description
0202	Meat of bovine animals, frozen
ex 0203	Meat of swine, frozen
0210	Meat of bovine animals and of swine, salted, in brine, dried or smoked
0305	Fish, dried, salted or in brine ; smoked fish, whether or not cooked before or during the smoking process ; fish-meal fit for human consumption
ex 0402	Milk and cream, in powder, granules or other solid forms, or milk substitutes
ex 0405 00	Butteroil
0406	Cheese and curd
0713	Dried leguminous vegetables, shelled, whether or not skinned or split
0806 20	Dried grapes
ex Chapter 10	Cereals
1101 } 1102 }	Cereal flours
1103	Cereal groats, meal and pellets
1104	Cereal grains otherwise worked, except rice of CN code 1006 ; germ of cereals, whole, rolled, flaked or ground
1106 10 00	Flour and meal of the dried leguminous vegetables of CN code 0713
ex 1202	Groundnuts
1509	Olive oil
ex 1507 } ex 1508 } ex 1511 } ex 1512 } ex 1513 } ex 1514 } ex 1515 }	Vegetable oils and their fractions, whether or not refined, but not chemically modified, for human consumption
1602	Other prepared or preserved meat, meat offal or blood
ex 1604 13 to 1604 19	Prepared or preserved fish : sardines tunas ; mackerel ; anchovies ; other
1701	Cane or beet sugar and chemically pure sucrose, in solid form
ex 1901	Food preparations of flour, meal, etc., not elsewhere specified or included
ex 1902	Uncooked pasta, not stuffed or otherwise prepared
ex 1905	Sweet biscuits ; waffles and wafers
2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid
ex 2106	Food preparations not elsewhere specified or included : protein concentrates and textured protein substances derived from milk
—	Fresh products to be bought locally in developing countries, such as fruit and vegetables ⁽¹⁾

⁽¹⁾ Non-governmental organizations and international bodies only, priority to be given to refugees.

COMMISSION DECISION

of 29 April 1992

amending Decision 92/256/EEC on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(92/268/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)⁽¹⁾, as amended by Regulation (EEC) No 444/92⁽²⁾, and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽³⁾, as last amended by Regulation (EEC) No 815/91⁽⁴⁾, and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must not exceed the quantities laid down for each of those exporting third countries;

Whereas quantities expressed in terms of boned meat in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80 covered by licence applications submitted between 1 and 10 April 1992 do not exceed the quantities available for products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia; whereas import licences for the quantities applied for may accordingly be issued;

Whereas, as a result of an administrative error, certain quantities applied for under these arrangements were not able to be taken into account; whereas Commission Decision 92/256/EEC⁽⁵⁾ should be amended to take account thereof,

HAS ADOPTED THIS DECISION:

Article 1

Decision 92/256/EEC is hereby amended as follows:

1. The following is added to Article 1:
'Republic of Greece:
25,00 tonnes originating in Madagascar';
2. The figure for Madagascar in Article 2 is replaced by '7 354,56 tonnes'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 April 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 83, 3. 4. 1991, p. 6.

⁽⁵⁾ OJ No L 128, 14. 5. 1992, p. 28.

COMMISSION OPINION**of 30 April 1992****concerning the nuclear fuel reprocessing plant Thorp of the Sellafield establishment (United Kingdom)****(92/269/Euratom)**

The General Data concerning the plan for the disposal of radioactive waste from the thermal oxide nuclear fuel reprocessing plant Thorp located at the BNFL Sellafield site were provided by the United Kingdom Government to the Commission, in accordance with Article 37 of the Euratom Treaty, by letter received on 7 October 1991. In practice, the Thorp General Data incorporate those for the associated waste encapsulation plant EP2 and the latter installation has been included in the examination of the data.

On the occasion of the meeting of the group of experts set up pursuant to the Treaty, which took place from 3 to 5 February 1992, in Cumbria, the representatives of the United Kingdom Government provided further complementary information and details.

On the basis of the data thus obtained on Thorp (taken below to include EP2) and having consulted the group of experts, the Commission drew up the following opinion :

1. The distance from Thorp to Ireland, the nearest other Member State, is 180 kilometres.
2. Exports of locally produced foodstuffs, including seafoods, are of minor importance.
3. In normal operation the discharges of gaseous and liquid radioactive effluents foreseen for Thorp will not be liable to cause exposure, significant from the point of view of health, of members of the population of another Member State, taking into account all exposure pathways including, in particular, the consumption of seafoods.

While the United Kingdom authorities are not in a position at this point in time to quantify possible revisions to the Sellafield discharge authorizations to take account of both the anticipated Thorp and the other radioactive effluents from the site, any such revisions should be able to ensure that exposure in other Member States will be of no significance from the point of view of health. Moreover, it is recognized that discharges into the Irish Sea are not confined to those from the Sellafield site but taking account of these additional discharges would not alter this conclusion.

4. Solid radioactive waste resulting from Thorp operations will be stored on the site pending disposal to authorized facilities.
5. In the case of unplanned discharges of radioactive substances which might arise in the accident conditions considered in the General Data submitted by the United Kingdom Government, doses liable to be received in other Member States will not be significant from the point of view of health.

In conclusion, the Commission is of the opinion that the implementation of the plan for the disposal of radioactive waste from Thorp at the Sellafield establishment is not liable, either in normal operation or in the case of an accident of the type and magnitude considered in the General Data, to result in radioactive contamination, significant from the point of view of health, of the water, soil or airspace of another Member State.

Nevertheless, it is recommended that the existing bilateral arrangements between the respective competent authorities for the transmission of information subsequent to a nuclear accident be substantiated in a formal bilateral agreement between the United Kingdom and Irish Governments as a matter of urgency. In this regard, the Commission would draw attention to the recommendation in its Opinions of 26 February 1987 ⁽¹⁾, and of 12 June 1987 ⁽²⁾, on the plans for the disposal of radioactive waste from Heysham 2 nuclear power station and Torness nuclear power station respectively.

For the Commission

Carlo RIPA DI MEANA

Member of the Commission

⁽¹⁾ OJ No L 68, 12. 3. 1987, p. 33.

⁽²⁾ OJ No L 189, 9. 7. 1987, p. 42.

COMMISSION DECISION**of 4 May 1992****to take no action on the tenders received in response to the invitation to tender for the private storage aid of carcasses and half-carcasses of lamb issued under Regulations (EEC) No 838/92****(92/270/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 1741/91⁽²⁾, and in particular Article 7 (5) thereof,Having regard to Commission Regulation (EEC) No 3446/90 of 27 November 1990 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat⁽³⁾, as amended by Regulation (EEC) No 1258/91⁽⁴⁾, and in particular Article 12 (1) (f) thereof,Whereas Commission Regulation (EEC) No 3447/90 of 28 November 1990 on special conditions for the granting of private storage aid for sheepmeat and goatmeat⁽⁵⁾, as last amended by Regulation (EEC) No 1258/91, completes the provisions of Regulation (EEC) No 3446/90 and provides in particular for detailed rules on the tendering procedure ;Whereas Commission Regulation (EEC) No 838/92⁽⁶⁾ invites tenders for the fixing of aid for the private storage of carcasses and half-carcasses of lamb ;

Whereas according to Article 12 (1) (f) of Regulation (EEC) No 3446/90 on the basis of the tenders received it is necessary to fix a maximum amount for private storage aid or make no award ;

Whereas examination of the offers received, in the light of the current market situation ; leads to no award of aid ;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Sheep and Goats,

HAS ADOPTED THIS DECISION :

Article 1

For the invitation to tender opened by Regulation (EEC) 838/92, no award of aid is made.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 4 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.⁽²⁾ OJ No L 163, 26. 6. 1991, p. 41.⁽³⁾ OJ No L 333, 30. 11. 1990, p. 39.⁽⁴⁾ OJ No L 120, 15. 5. 1991, p. 15.⁽⁵⁾ OJ No L 333, 30. 11. 1990, p. 46.⁽⁶⁾ OJ No L 88, 3. 4. 1992, p. 26.

COMMISSION DECISION**of 20 May 1992****concerning the importation into the Community of live animals and animal products originating in or coming via the Republic of Bosnia-Herzegovina****(92/271/EEC)**

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

Having regard to Council Directive 90/675/EEC of 10 December 1990, laying down the principles governing the organization of veterinary checks on products entering the Community from third countries⁽¹⁾, as last amended by Directive 91/496/EEC⁽²⁾ and, in particular Article 19,

Having regard to Council Directive 91/496/EEC of 15 July 1991, laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC, as last amended by Council Directive 91/628/EEC⁽³⁾, and in particular Article 18 thereof,

Whereas the deterioration and the gravity of the situation in the Republic of Bosnia-Herzegovina can no longer guarantee that imports of live animals and animal products originating in or coming via that country meet satisfactory health requirements and in particular can no longer be controlled in an adequate manner from a veterinary point of view;

Whereas the situation is capable of constituting a grave danger to public health and to animal health within the Community; whereas it is therefore justifiable to suspend imports of live animals and animal products originating in or coming via the Republic of Bosnia-Herzegovina;

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

HAS ADOPTED THIS DECISION:

Article 1

Member States shall not authorize the importation of live animals and animal products originating in or coming via the Republic of Bosnia-Herzegovina.

Article 2

The Commission will follow developments in the situation in the Republic of Bosnia-Herzegovina. The present Decision will be re-examined and may be modified in the light of such developments.

Article 3

This Decision is addressed to Member States.

Done at Brussels, 20 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 268, 24. 9. 1991, p. 56.

⁽³⁾ OJ No L 340, 11. 12. 1991, p. 17.

CORRIGENDA

Corrigendum to Council Regulation No 729/92 of 16 March 1992 imposing a definitive anti-dumping duty on imports on certain thermal paper originating in Japan and definitively collecting the provisional anti-dumping duty

(Official Journal of the European Communities No L 81 of 26 March 1992)

On page 3, recital (19), third indent:

for: '— Tomoegawa Paper Co., Ltd: ECU 563,75 per tonne (net weight).'

read: '— Tomoegawa Paper Co., Ltd: ECU 550,33 per tonne (net weight).'

Corrigendum to Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid

(Official Journal of the European Communities No L 204 of 25 July 1987)

On page 6, in the last subparagraph of Article 14 (3) (b):

for: 'The recipient must cover risks beyond the supply stage.';

read: 'Risk cover beyond the supply stage must be taken out in favour of the recipient.'

Corrigendum to Council Decision 92/228/EEC of 25 February 1992 on the conclusion of the Interim Agreement between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, of the other part, on trade and trade-related matters

(Official Journal of the European Communities No L 114 of 30 April 1992)

On page 1 in the title:

for: 'Council Decision of 25 February 1992 on the ...',

read: 'Council Decision of 27 February 1992 on the ...',

and at the signature:

for: 'Done at Brussels, 25 February 1992.',

read: 'Done at Brussels, 27 February 1992.'

Corrigendum to Council Decision 92/229/EEC of 25 February 1992 on the conclusion of the Interim Agreement between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part, on trade and trade-related matters

(Official Journal of the European Communities No L 115 of 30 April 1992)

On page 1 in the title :

for: 'Council Decision of 25 February 1992 on the ...',

read: 'Council Decision of 27 February 1992 on the ...',

and at the signature :

for: 'Done at Brussels, 25 February 1992.',

read: 'Done at Brussels, 27 February 1992.'

Corrigendum to Council Decision 92/230/EEC of 25 February 1992 on the conclusion of the Interim Agreement between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Hungary, of the other part, on trade and trade-related matters

(Official Journal of the European Communities No L 116 of 30 April 1992)

On page 1 in the title :

for: 'Council Decision of 25 February 1992 on the ...',

read: 'Council Decision of 27 February 1992 on the ...',

and at the signature :

for: 'Done at Brussels, 25 February 1992.',

read: 'Done at Brussels, 27 February 1992.'
