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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1440/92

of 3 June 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 2 June 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 4 June 1992.

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

Done at Brussels, 3 June 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 3 June 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy (°)
0709 90 60	140,08 (°) (°)
0712 90 19	140,08 (°) (°)
1001 10 10	172,57 (°) (°) (10)
1001 10 90	172,57 (°) (°) (10)
1001 90 91	155,46
1001 90 99	155,46 (11)
1002 00 00	167,66 (°)
1003 00 10	149,30
1003 00 90	149,30 (11)
1004 00 10	123,97
1004 00 90	123,97
1005 10 90	140,08 (°) (°)
1005 90 00	140,08 (°) (°)
1007 00 90	145,85 (°)
1008 10 00	64,44 (11)
1008 20 00	119,89 (°)
1008 30 00	65,04 (°)
1008 90 10	(°)
1008 90 90	65,04
1101 00 00	230,38 (°) (11)
1102 10 00	248,08 (°)
1103 11 10	281,12 (°) (10)
1103 11 90	247,13 (°)

(°) 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 1441/92

of 3 June 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 2 June 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 4 June 1992.

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

Done at Brussels, 3 June 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 3 June 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 6	1st period 7	2nd period 8	3rd period 9
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 6	1st period 7	2nd period 8	3rd period 9	4th period 10
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 1442/92
of 3 June 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 1408/92 ⁽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 4 June 1992.

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

Done at Brussels, 3 June 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 146, 28. 5. 1992, p. 62.

ANNEX

to the Commission Regulation of 3 June 1992 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies (°)		
	Arrangement in Regulation (EEC) No 3877/86 (°)	ACP (°) (°) (°) (°) Bangladesh	Third countries (except ACP) (°)
1006 10 21	—	158,40	324,00
1006 10 23	—	157,58	322,37
1006 10 25	—	157,58	322,37
1006 10 27	241,78	157,58	322,37
1006 10 92	—	158,40	324,00
1006 10 94	—	157,58	322,37
1006 10 96	—	157,58	322,37
1006 10 98	241,78	157,58	322,37
1006 20 11	—	198,90	405,00
1006 20 13	—	197,88	402,96
1006 20 15	—	197,88	402,96
1006 20 17	302,22	197,88	402,96
1006 20 92	—	198,90	405,00
1006 20 94	—	197,88	402,96
1006 20 96	—	197,88	402,96
1006 20 98	302,22	197,88	402,96
1006 30 21	—	246,27	516,40 (°)
1006 30 23	—	289,14	602,05 (°)
1006 30 25	—	289,14	602,05 (°)
1006 30 27	451,54 (°)	289,14	602,05 (°)
1006 30 42	—	246,27	516,40 (°)
1006 30 44	—	289,14	602,05 (°)
1006 30 46	—	289,14	602,05 (°)
1006 30 48	451,54 (°)	289,14	602,05 (°)
1006 30 61	—	262,63	549,97 (°)
1006 30 63	—	310,35	645,40 (°)
1006 30 65	—	310,35	645,40 (°)
1006 30 67	484,05 (°)	310,35	645,40 (°)
1006 30 92	—	262,63	549,97 (°)
1006 30 94	—	310,35	645,40 (°)
1006 30 96	—	310,35	645,40 (°)
1006 30 98	484,05 (°)	310,35	645,40 (°)
1006 40 00	—	70,43	146,87

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

(°) 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.

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

(°) 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.

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

(°) 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.

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

COMMISSION REGULATION (EEC) No 1443/92**of 3 June 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 1409/92 ⁽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 4 June 1992.

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

Done at Brussels, 3 June 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 146, 28. 5. 1992, p. 64.

ANNEX

to the Commission Regulation of 3 June 1992 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 6	1st period 7	2nd period 8	3rd period 9
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 1444/92
of 2 June 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 5 June 1992.

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

Done at Brussels, 2 June 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	41,77	1 767	330,53	85,89	288,39	10 267	32,11	64 694	96,74	29,23
1.20	0702 00 10 0702 00 90	Tomatoes	61,59	2 605	487,35	126,65	425,22	15 139	47,35	95 388	142,63	43,10
1.30	0703 10 19	Onions (other than seed)	29,12	1 232	230,46	59,89	201,07	7 159	22,39	45 107	67,45	20,38
1.40	0703 20 00	Garlic	263,72	11 156	2 086,54	542,23	1 820,51	64 817	202,72	408 391	610,68	184,55
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>)	110,41	4 670	873,55	227,00	762,17	27 136	84,87	170 976	255,66	77,26
1.100	ex 0704 90 90	Chinese cabbage	82,30	3 481	651,20	169,22	568,18	20 229	63,26	127 458	190,59	57,60
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	75,18	3 180	594,81	154,57	518,97	18 477	57,79	116 421	174,09	52,61
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	19,89	841	157,42	40,90	137,34	4 890	15,29	30 811	46,07	13,92
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	35,77	1 513	283,02	73,55	246,93	8 792	27,49	55 395	82,83	25,03
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	348,45	14 740	2 756,89	716,43	2 405,39	85 641	267,85	539 597	806,88	243,85
1.170		Beans :										
1.170.1	0708 20 10 0708 20 90	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)	183,67	7 769	1 453,20	377,64	1 267,92	45 143	141,18	284 431	425,32	128,53
1.170.2	0708 20 10 0708 20 90	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>)	128,01	5 415	1 012,81	263,20	883,68	31 462	98,40	198 234	296,42	89,58
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	83,00	3 511	656,74	170,66	573,01	20 401	63,80	128 543	192,21	58,09
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	274,43	11 609	2 171,26	564,24	1 894,42	67 449	210,95	424 972	635,47	192,04
1.200.2	ex 0709 20 00	— other	124,22	5 254	982,83	255,41	857,52	30 531	95,48	192 366	287,65	86,93
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>)	71,00	3 003	561,74	145,98	490,11	17 450	54,57	109 947	164,40	49,68
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	93,35	3 949	738,60	191,94	644,43	22 944	71,76	144 564	216,17	65,33
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	50,86	2 151	402,40	104,57	351,09	12 500	39,09	78 760	117,77	35,59
2.30	ex 0804 30 00	Pineapples, fresh	44,98	1 902	355,86	92,47	310,49	11 054	34,57	69 653	104,15	31,47
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	136,16	5 760	1 077,29	279,55	939,93	33 465	104,66	210 854	315,29	95,28

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	131,15	5 548	1 037,64	269,65	905,34	32 233	100,81	203 094	303,69	91,78
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	34,42	1 456	272,38	70,78	237,65	8 461	26,46	53 312	79,71	24,09
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	26,19	1 108	207,25	53,86	180,83	6 438	20,13	40 566	60,66	18,33
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	74,75	3 162	591,40	153,68	516,00	18 371	57,45	115 753	173,09	52,31
2.70.3	ex 0805 20 50	— Mandarins and wilkings	72,72	3 076	575,34	149,51	501,99	17 872	55,89	112 610	168,39	50,89
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	36,32	1 536	287,38	74,68	250,74	8 927	27,92	56 248	84,10	25,41
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	50,55	2 138	400,01	103,95	349,01	12 426	38,86	78 292	117,07	35,38
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	114,47	4 842	905,66	235,35	790,19	28 134	87,99	177 262	265,06	80,10
2.90		Grapefruit, fresh :										
2.90.1	ex 0805 40 00	— white	39,61	1 675	313,41	81,44	273,45	9 735	30,45	61 342	91,72	27,72
2.90.2	ex 0805 40 00	— pink	68,77	2 909	544,13	141,40	474,75	16 903	52,86	106 500	159,25	48,12
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	121,18	5 126	958,79	249,16	836,55	29 784	93,15	187 661	280,61	84,80
2.110	0807 10 10	Water-melons	53,27	2 253	421,53	109,54	367,78	13 094	40,95	82 504	123,37	37,28
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	69,86	2 955	552,78	143,65	482,30	17 171	53,70	108 193	161,78	48,89
2.120.2	ex 0807 10 90	— other	105,64	4 468	835,82	217,20	729,25	25 964	81,20	163 593	244,62	73,92
2.130	0808 10 91 0808 10 93 0808 10 99	Apples	79,04	3 343	625,40	162,52	545,66	19 427	60,76	122 407	183,04	55,31
2.140		Pears										
2.140.1	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Pears — Nashi (<i>Pyrus pyrifolia</i>)	110,89	4 691	877,40	228,01	765,53	27 256	85,24	171 731	256,79	77,60
2.140.2	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Other	79,69	3 371	630,52	163,85	550,13	19 586	61,26	123 410	184,54	55,77
2.150	0809 10 00	Apricots	131,24	5 551	1 038,35	269,83	905,96	32 256	100,88	203 234	303,90	91,84
2.160	0809 20 10 0809 20 90	Cherries	134,46	5 687	1 063,81	276,45	928,18	33 046	103,35	208 217	311,35	94,09
2.170	ex 0809 30 00	Peaches	169,14	7 155	1 338,21	347,76	1 167,59	41 570	130,01	261 923	391,66	118,36

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	192,60	8 147	1 523,81	395,99	1 329,53	47 336	148,04	298 251	445,98	134,78
2.190	0809 40 11] 0809 40 19]	Plums	125,86	5 324	995,77	258,77	868,81	30 933	96,74	194 898	291,44	88,07
2.200	0810 10 10] 0810 10 90]	Strawberries	108,36	4 583	857,31	222,79	748,00	26 632	83,29	167 799	250,91	75,83
2.205	0810 20 10	Raspberries	1 686,7	71 352	13 344,9	3 467,96	11 643,49	414 554	1 296,5	2 611 963	3 905,77	1 180,3
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.)	105,58	4 466	835,39	217,09	728,88	25 951	81,16	163 508	244,50	73,89
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)	356,29	15 071	2 818,86	732,53	2 459,46	87 566	273,87	551 726	825,01	249,33
2.250	ex 0810 90 30	Lychees	194,34	8 220	1 537,56	399,56	1 341,52	47 763	149,38	300 941	450,01	135,99

COMMISSION REGULATION (EEC) No 1445/92

of 2 June 1992

amending Regulation (EEC) No 3536/91 setting the latest time of entry into storage for skimmed-milk powder sold under Regulation (EEC) No 3398/91

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 816/92 ⁽²⁾, and in particular Article 7 (5) thereof,Whereas Commission Regulation (EEC) No 3536/91 ⁽³⁾, as amended by Regulation (EEC) No 1192/92 ⁽⁴⁾, limited the quantity of skimmed-milk powder released for sale to that taken into storage in Spain or Ireland before 1 August 1990;

Whereas, in view of the quantity still available and the market situation that date should be amended to 1 October 1990, and, moreover, this sales regime should be extended to stocks held by other Member States;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EEC) No 3536/91 is hereby replaced by the following text:

'Article 1

The skimmed-milk powder referred to in Article 1 of Regulation (EEC) No 3398/91 must have been taken into storage before 1 October 1990.'

*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, 2 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.⁽²⁾ OJ No L 86, 1. 4. 1992, p. 83.⁽³⁾ OJ No L 335, 6. 12. 1991, p. 8.⁽⁴⁾ OJ No L 124, 9. 5. 1992, p. 8.

COMMISSION REGULATION (EEC) No 1446/92
of 2 June 1992
concerning the stopping of fishing for common sole by vessels flying the flag of Belgium

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

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as last amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 3882/91 of 18 December 1991 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1992 and certain conditions under which they may be fished ⁽³⁾, provides for common sole quotas for 1992;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of common sole in the waters of ICES division VII e by vessels flying the flag of Belgium or registered in Belgium have reached the quota allocated for 1992; whereas Belgium has prohibited fishing for this

stock as from 24 May 1992; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES division VII e by vessels flying the flag of Belgium or registered in Belgium are deemed to have exhausted the quota allocated to Belgium for 1992.

Fishing for common sole in the waters of ICES division VII e by vessels flying the flag of Belgium or registered in Belgium is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 24 May 1992.

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

Done at Brussels, 2 June 1992.

For the Commission
Jean DONDELINGER
Member of the Commission

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 367, 31. 12. 1991, p. 1.

COMMISSION REGULATION (EEC) No 1447/92

of 2 June 1992

concerning the stopping of fishing for american plaice by vessels flying the flag of a Member State

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as last amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,Whereas Council Regulation (EEC) No 3890/90 of 18 December 1991 fixing catch possibilities for 1992 for certain fish stocks and groups of fish stocks in the Regulatory Area as defined in the NAFO Convention ⁽³⁾, provides for american plaice quotas for 1992;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of american plaice in the waters

of NAFO zone 3LNO by vessels flying the flag of a Member State or registered in a Member State have reached the quota allocated for 1992,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of american plaice in the waters of NAFO zone 3LNO by vessels flying the flag of a Member State or registered in a Member State are deemed to have exhausted the quota allocated to the Community for 1992.

Fishing for american plaice in the waters of NAFO zone 3LNO by vessels flying the flag of a Member State or registered in a Member State is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

*Article 2*This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 2 June 1992.

For the Commission

Jean DONDELINGER

Member of the Commission⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.⁽³⁾ OJ No L 367, 31. 12. 1991, p. 69.

COMMISSION REGULATION (EEC) No 1448/92

of 3 June 1992

amending Regulation (EEC) No 875/92 determining for the Member States the loss of income and the premium payable per ewe and per female goat for the 1991 marketing year

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 5 (6) thereof,

Whereas by Regulation (EEC) No 875/92⁽³⁾, the Commission determined the premium payable per ewe, the balance to be paid in respect of the 1991 marketing year;

Whereas, as a result of an administrative error, the advance on the premium paid in Greece was not taken into account; whereas, therefore, the balance of the premium to be paid to certain sheepmeat and goatmeat producers in Greece should be rectified;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 4 of Regulation (EEC) No 875/92 the premiums to be paid per ewe to producers of heavy lambs and per female goat in Greece (Article 23 (5) of Regulation (EEC) No 3013/89) are hereby amended to ECU 7,986 and ECU 6,387 respectively.

Article 2

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

It shall apply with effect from 8 April 1992.

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

Done at Brussels, 3 June 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 93, 8. 4. 1992, p. 8.

COMMISSION REGULATION (EEC) No 1449/92

of 3 June 1992

fixing the actual production of olive oil for the 1990/91 marketing year and the quantity which must be carried over to the 1991/92 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 356/92⁽²⁾,

Having regard to Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organizations⁽³⁾, as last amended by Regulation (EEC) No 3500/90⁽⁴⁾, and in particular Article 17 a (3) thereof,

Whereas Article 17 a of Regulation (EEC) No 2261/84 provides that, in order to determine the unit amount of the production aid for olive oil which may be paid in advance, the estimated production for the marketing year concerned should be established; whereas, for the 1990/91 marketing year, the estimated production and the unit amount of the production aid which may be paid in advance were fixed by Commission Regulation (EEC) No 822/91⁽⁵⁾;

Whereas, pursuant to Article 17 a (3) of Regulation (EEC) No 2261/84, not more than six months after the end of the marketing year the quantity actually produced in respect of which entitlement to the aid has been recognized must be determined; whereas, to that end, in accordance with Article 12a of Commission Regulation (EEC) No 3061/84⁽⁶⁾, as last amended by Regulation (EEC) No 1318/92⁽⁷⁾ the Member States concerned must notify the Commission, not later than 31 March following each marketing year, of the quantity recognized as qualifying for the aid in each Member State; whereas, as a result of such notifications, the quantity eligible for aid for the 1990/91 marketing year amounts to 148 000 tonnes for Italy, 2 310 tonnes for France, 170 869 tonnes for Greece, 700 000 tonnes for Spain and 20 000 tonnes

for Portugal; whereas, as a consequence, the sum of the quantities thus notified constitutes the quantity eligible for reimbursement from the European Agricultural Guidance and Guarantee Fund (EAGGF);

Whereas actual production in the 1990/91 marketing year turned out to be less than the maximum quantity fixed for that marketing year; whereas, as a consequence, the unit amount of the production aid laid down for that marketing year by Council Regulation (EEC) No 1314/90⁽⁸⁾ is not multiplied by the coefficient provided for in the fifth subparagraph of Article 5 (1) of Regulation No 136/66/EEC; whereas in addition, pursuant to that provision, the quantity which must be added to the maximum quantity laid down for the 1991/92 marketing year should be determined;

Whereas, on the basis of data available, the actual quantity and the quantity which must be carried over to the 1991/92 marketing year should be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1990/91 marketing year for olive oil, the quantity actually produced in respect of which entitlement to production aid has been recognized and which is eligible for reimbursement from the EAGGF Guarantee Section shall be 1 041 179 tonnes.

2. The quantity referred to in Article 17 a (3) third indent of Regulation (EEC) No 2261/84 which must be carried over to the 1991/92 marketing year shall be 353 523 tonnes.

Article 2

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

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

⁽²⁾ OJ No L 39, 15. 2. 1992, p. 1.

⁽³⁾ OJ No L 208, 3. 8. 1984, p. 3.

⁽⁴⁾ OJ No L 338, 27. 11. 1990, p. 3.

⁽⁵⁾ OJ No L 84, 4. 4. 1991, p. 5.

⁽⁶⁾ OJ No L 288, 1. 11. 1984, p. 52.

⁽⁷⁾ OJ No L 140, 23. 5. 1992, p. 11.

⁽⁸⁾ OJ No L 132, 23. 5. 1990, p. 5.

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

Done at Brussels, 3 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1450/92

of 3 June 1992

laying down detailed rules governing the grant of private storage aid for Kefalotyri and Kasseri cheeses

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 816/92 ⁽²⁾ and in particular Articles 9 (3) and 28 thereof,

Whereas Council Regulation (EEC) No 508/71 of 8 March 1971 laying down general rules on private storage aid for long-keeping cheeses ⁽³⁾ permits the granting of private storage aid for sheep's-milk cheeses requiring at least six months for maturing where a serious market imbalance could be eliminated or reduced by seasonal storage;

Whereas the market in Kefalotyri and Kasseri cheeses is at present disturbed by the existence of stocks which are difficult to sell and which are causing a lowering of prices; whereas seasonal storage should therefore be introduced for these quantities to improve the situation and allow producers time to find outlets for their cheese;

Whereas the detailed rules for the application of such measures should essentially be the same as those laid down for similar measures during previous years;

Whereas experience shows that provisions on checks should be laid down, particularly as regards the documents to be submitted and checks to be made on the spot; whereas, therefore, it should be provided that Member States require the costs of checks be fully or partly borne by the contractor;

Whereas it is appropriate to guarantee the continuation of the storage operations in question;

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

HAS ADOPTED THIS REGULATION:

Article 1

Aid shall be granted in respect of the private storage of 4 000 tonnes of Kefalotyri and Kasseri cheeses made from

Community-produced ewes' milk and satisfying the requirements of Articles 2 and 3.

Article 2

1. The intervention agency shall conclude storage contracts only when the following conditions are met:

- (a) the quantity of cheese to which the contract relates is not less than two tonnes;
- (b) the cheese was manufactured at least 90 days before the date specified in the contract as being the date of commencement of storage, and after 30 November 1991;
- (c) the cheese has undergone tests which show that it meets the condition laid down in (b) and that it is of first quality;
- (d) the storer undertakes:
 - to keep the cheese during the entire period of storage in premises where the maximum temperature is + 16° C,
 - not, during the term of the contract, to alter the composition of the batch which is the subject of the contract without authorization from the intervention agency. If the condition concerning the minimum quantity fixed for each batch continues to be met, the intervention agency may authorize an alteration which is limited to the removal or replacement of cheeses which are found to have deteriorated to such an extent that they can no longer be stored.

In the event of release from store of certain quantities:

- (i) if the aforesaid quantities are replaced with the authorization of the intervention agency, the contract is deemed not to have undergone any alteration;
- (ii) if the aforesaid quantities are not replaced, the contract is deemed to have been concluded *ab initio* for the quantity permanently retained.

Any supervisory costs arising from an alteration shall be met by the storer,

- to keep stock accounts and to inform the intervention agency each week of the quantity of cheese put into storage during the previous week, and of any planned withdrawals.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 86, 1. 4. 1992, p. 83.

⁽³⁾ OJ No L 58, 11. 3. 1971, p. 1.

2. The storage contract shall be concluded :

- (a) in writing, stating the date when storage covered by the contract begins ; this may not be earlier than the day following that on which the operations connected with putting the batch of cheese covered by the contract into storage were completed ;
- (b) after completion by the operations connected with putting the batch of cheese covered by the contract into storage and at the latest 40 days after the date on which the storage covered by the contract begins.

Article 3

1. Aid shall be granted only for cheese put into storage during the period 15 May to 30 November 1992.

2. No aid shall be granted in respect of storage under contract for less than 60 days.

3. The aid payable may not exceed an amount corresponding to 150 days' storage under contract terminating before 31 March 1993. By way of derogation from the second indent of Article 2 (1) (d), when the period of 60 days specified in paragraph 2 has elapsed, the storer may remove all or part of the batch under contract. The minimum quantity that may be removed shall be 500 kilograms. The Member States may, however, increase this quantity to two tonnes.

The date of the start of operations to remove cheese covered by the contract shall not be included in the period of storage under contract.

Article 4

1. The amount of aid shall be ECU 2,28 per tonne per day.

2. The amount of aid in ecus in relation to a storage contract shall be that applying on the first day of storage under contract. It shall be converted into national currency at the representative rate applicable on the last day of storage under contract.

3. Aid shall be paid not later than 90 days from the last day of storage under contract.

Article 5

The periods, dates and time limits mentioned in this Regulation shall be determined in accordance with Regulation (EEC, Euratom) No 1182/71⁽¹⁾. However, Article 3 (4) of that Regulation shall not apply for determination of the duration of storage under contract.

⁽¹⁾ OJ No L 124, 8. 6. 1971, p. 1.

Article 6

1. The Member States shall ensure that the conditions granting entitlement to payment of the aid are fulfilled.

2. The contractor shall make available to the national authorities responsible for verifying execution of the measure any documentation permitting in particular the following particulars of products placed in private storage to be verified :

- (a) ownership at the time of entry into storage ;
- (b) the origin and date of manufacture of the cheeses ;
- (c) the date of entry into storage ;
- (d) presence in the store ;
- (e) the date of removal from storage.

3. The contractor or, where applicable, the operator of the store, shall keep stock accounts available at the store, covering :

- (a) identification, by contract number, of the products placed in private storage ;
- (b) the dates of entry into and removal from storage ;
- (c) the number of cheeses and their weight shown for each lot ;
- (d) the location of the products in the store.

4. Products stored must be easily identifiable and must be identified individually by contract.

A special mark shall be affixed to cheeses covered by contract.

5. Without prejudice to Article 2 (1) (d), on entry into storage, the competent bodies shall conduct checks in particular to ensure that products stored are eligible for the aid and to prevent any possibility of substitution of products during storage under contract.

6. The national authorities responsible for controls shall undertake :

- (a) an unannounced check to see that the products are present in the store. The sample concerned must be representative and must correspond to at least 10 % of the overall quantity under contract for a private storage aid measure. Such checks must include, in addition to an examination of the accounts referred to in paragraph 3, a physical check of the weight and type of product and their identification. Such physical checks must relate to at least 5 % of the quantity subject to the unannounced check ;
- (b) a check to see that the products are present at the end of the storage period under contract.

7. Checks conducted pursuant to paragraphs 5 and 6 must be the subject of a report stating :

- the date of the check,
- its duration,
- the operations conducted.

The report on checks must be signed by the official responsible and countersigned by the contractor or, where applicable, by the store operator.

8. In the case of irregularities affecting at least 5 % of the quantities of products subject to the checks the latter shall be extended to a larger sample to be determined by the competent body.

The Member States shall notify such cases to the Commission within four weeks.

9. The Member States may provide that the costs of checks will be borne partly or fully by the contractor.

Article 7

Member States shall communicate to the Commission on or before the Tuesday of each week :

- (a) the quantity of cheese for which storage contracts have been concluded during the previous week ;
- (b) any quantities in respect of which the authorization referred to in the second indent of Article 2 (d) has been given.

Article 8

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

It shall apply with effect from 15 May 1992.

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

Done at Brussels, 3 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1451/92

of 2 June 1992

imposing a provisional anti-dumping duty on imports into the Community of certain large electrolytic aluminium capacitors originating in Japan

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

After consultation within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. PROCEDURE

- (1) In January 1991, the Commission received a written complaint lodged by the Federation for Appropriate Remedial Anti-Dumping (Farad) which represents a major proportion of the Community production of large electrolytic aluminium capacitors. The complaint contained evidence of dumping of the said product originating in Japan and of material injury resulting therefrom. This evidence was considered sufficient to justify the initiation of a proceeding.
- (2) The Commission accordingly announced by means of a notice published in the *Official Journal of the European Communities*⁽²⁾ the initiation of an anti-dumping proceeding concerning imports into the Community of certain large electrical capacitors, aluminium electrolytic, with a CV product (capacitance multiplied by rated voltage) between 18 000 and 310 000 µC (micro-coulombs), originating in Japan falling within CN code ex 8532 22 00 (hereafter referred to as 'LAECs') and commenced an investigation.
- (3) The Commission officially advised the exporters and importers known to be concerned, the representatives of the exporting country and the complainant. Parties directly concerned were given the opportunity to make their views known in writing and to request a hearing.

Three out of the seven known producers in Japan informed the Commission that they would not cooperate in the proceeding.

- (4) Representatives of the exporters, the complainant and one importer made their views known in

writing. Some exporters and related importers requested and were granted hearings. Representations were also made by a Community user of the product concerned.

- (5) The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following :

(a) *Community producers*

B.H. Components Ltd, Weymouth, United Kingdom,
Nederlandse Philips Bedrijven BV, Zwolle, Netherlands,
Roederstein GmbH, Kirchzarten, Germany ;

(b) *Producers in Japan*

Elna Co. Ltd, Fujisawa City, Kanagawa,
Nichicon Corporation, Kyoto,
Nippon Chemi-con Corporation, Tokyo,
Rubycon Corporation, Ina Nagano ;

(c) *Importers in the Community*

Germany

— Europe Chemi-con (Deutschland) GmbH, Nürnberg,
— Rubycon (Europe) GmbH, Düsseldorf,

United Kingdom

— Nichicon Europe Ltd, Camberley,
— Rubycon Corporation (UK branch), Ruislip,
Netherlands

— Philips Consumer Electronics BV, Eindhoven.

- (6) The investigation of dumping covered the period from 1 January 1990 to 31 December 1990 (the investigation period).

B. COMMUNITY INDUSTRY

- (7) The Commission found that four large producers of LAECs and some small producers are established in the Community. Three of these large producers supported the complaint.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 93, 11. 4. 1991, p. 5.

The fourth large producer, Siemens-Matsushita Components GmbH & Co. KG, Munich, Germany, is a joint venture between a Community and a Japanese enterprise. Neither this Japanese enterprise, which is itself an exporter of capacitors to the Community, nor the joint venture chose to cooperate in the proceeding.

In these circumstances the Commission considered, in application of Article 4 (5) of Regulation (EEC) No 2423/88 (hereafter referred to as the 'basic Regulation'), that this joint venture should not form part of the Community industry for the purpose of this proceeding.

The output of the producers represented in the complaint accounted for more than three-quarters of the total output of the remaining producers and therefore constituted the major proportion of the Community industry for the purposes of the present proceeding.

- (8) Some exporters stated that one of the complaining producers, Nederlandse Philips Bedrijven BV, could not be considered as part of the Community industry in the light of Article 4 (5) of the basic Regulation. The reason given was that another company within the Philips group, namely Philips Consumer Electronics BV, had been importing LAECs from Japan during the investigation period for incorporation in electronic consumer durables manufactured by subsidiaries within the Philips group.
- (9) In addressing this issue the Commission notes that Article 4 (5) of the Basic Regulation confers on the Institutions the responsibility for assessing whether certain producers with links to importers or to exporters or who are themselves importers of the product should be excluded from the definition of Community industry. Consequently, the exclusion of these producers must be decided by the Institutions on a case-by-case basis on reasonable and equitable grounds and taking into consideration all aspects involved.
- (10) Examination of the facts showed that Philips Consumer Electronics BV, which in the past had been a traditional customer of Nederlandse Philips Bedrijven BV, had imported LAECs from Japan during the reference period. The Commission noted that the imported LAECs were used by Philips Consumer Electronics BV exclusively as components for its own production of electronic products and that the imported LAECs were never resold in the Community market. The Commission further noted that Philips Consumer Electronics BV had little choice but to be supplied from Japanese exporters in view of the very important price differential between their products and those of

Community producers, in particular those of Nederlandse Philips Bedrijven BV. Any other behaviour would have been against its economic interests and would have put it at a competitive disadvantage since its competitors had free access to the low-priced imported products and could therefore improve their cost competitiveness in the very competitive consumer electronics market. The choice of Philips Consumer electronics BV to be partly supplied by Japanese exporters rather than by a company within the group was made possible by the structuring of Philips in different profit centers which are free to obtain their supplies from any producer which can provide them with the best price and market conditions. It did not presuppose that the primary interest of Philips went from producing into importing; the commitment of Philips to the Commission during the investigation.

- (11) For these reasons the Commission considers that the imports made by Philips Consumer electronics BV can be considered a perfectly legitimate and justified business decision. Philips Consumer Electronics BV imported the dumped products only in so far as it was necessary to maintain its competitiveness in the consumer electronic products market. It did not derive any other undue benefit from its imports, as is underlined by the fact that it did not resell any imported Japanese capacitors but used them exclusively in the manufacture of other products. The fact itself that Nederlandse Philips Bedrijven Bv was an active supporter of the complaint, and that Philips Consumer Electronics BV cooperated with the investigation, indicates that the imports of the product concerned were considered as a necessary commercial measure only until the time when fair conditions of competition were restored in the Community market. Philips participation in the complaint cannot, therefore, be considered as inconsequential or objectionable behaviour.
- (12) In these circumstances the Commission considers that no reasonable grounds exist to exclude Nederlandse Philips Bedrijven BV from the Community industry and that the three producers supporting the complaint satisfy the requirements to be regarded as the Community industry within the meaning of Article 4 (5) of the basic Regulation.

C. PRODUCT UNDER INVESTIGATION ; LIKE PRODUCT

- (13) The notice of initiation referred to 'large electrical capacitors, aluminium electrolytic, with a CV product (capacitance multiplied by rated voltage) between 18 000 and 310 000 µC (micro-coulombs) falling within CN code ex 8532 22 00'.

Some of the producers claimed that the product subject to investigation exported to the Community could be more precisely defined by adding certain requirements. The complainant did not object to this request and the preliminary investigation has shown that it is possible to define more precisely the product concerned in the manner suggested by the exporters by adding the following requirements: 'At a voltage of 160 V or more and with a diameter of 19 mm or more and a length of 20 mm or more'. It is therefore confirmed that all the findings of these provisional determinations should refer to the product as defined with the addition of those requirements.

- (14) Capacitors perform a certain number of functions and are a component in virtually all types of electronic equipment manufactured for the computer, telecommunications, instrumentation, industrial, military, automotive and other consumer markets. The types of capacitors covered by this proceeding are used in consumer electronic durables such as television sets, video cassette recorders, personal computers, etc.

The investigation has shown to the Commission that the various types of LAECs sold on the Japanese market are, despite minor differences in size, lifespan, voltage or design, largely similar to each other and to the exported LAECs.

The Commission found that the products produced and sold by the Community industry have the same basic technology as those sold in and exported from Japan and are alike in their essential physical and technical characteristics as well as in their applications and uses.

- (15) The Commission considered, therefore, that the LAECs produced and sold by the Community manufacturers form one single category of product and, within the meaning of Article 2 (12) of the basic Regulation, constitute a product alike in all respects to the product imported from Japan.

D. DUMPING

1. Normal value

- (16) Normal value was provisionally established on the basis of constructed values in accordance with Article 2 (3) (b) (ii) of the basic Regulation as the

sales in Japan of the models identical to those exported to the Community, were not sufficient to permit a proper comparison as they were sold in quantities which accounted for less than 5 % of the export sales for the particular model concerned.

Constructed values were determined for each of the producers by taking the cost of production of the models exported to the Community and adding, for each producer, their individual average domestic selling, general and administrative expenses for all LAECs sold in Japan and a profit rate calculated on a weighted average basis on their profitable sales of LAECs in Japan. The Commission noted that the domestic transactions from which the sales, general and administrative expenses and the profit were calculated were made in considerable quantities and could therefore be considered as representative.

- (17) One of the producers had reported the cost of production according to the standard cost method. The investigation showed that real cost variance was considerable and consequently all costs of production were adjusted accordingly. The same producer included in its sales and general and administrative expenses a negative entry relating to income from financial investments. The Commission disallowed this deduction as these financial revenues had no connection with the manufacture of capacitors.

2. Export price

- (18) Export prices were determined for the purpose of the preliminary findings on the basis of the prices actually paid or payable for the products sold for export to the Community.

In the case of sales made by producers to related importers in the Community, export prices were constructed on the basis of resale prices to the first independent purchaser adjusted to take account of all costs incurred between importation and resale and a profit margin of 5 % which was considered reasonable in view of the information available.

3. Comparison

- (19) Normal values were compared with export prices on a transaction-by-transaction basis at an ex-factory level and at the same level of trade. As far as differences in conditions and terms of sale are concerned, allowances were granted in accordance with Article 2 (9) and (10) of the basic Regu-

lation and limited to those which bore a direct relationship to the sales under consideration and where the Commission was satisfied that the allowances were justified.

- (20) One of the Japanese producers claimed that credit terms on its domestic sales were different from credit terms on its export sales and accordingly requested an allowance. Examination of the facts showed that there was no distinction between the rates applied to credit for export or for domestic sales and therefore the allowance was not granted. The same producer claimed allowances in relation to normal value for salesmen's salaries and transport costs. The amount of the allowance for salesmen's salaries was adjusted to take account of the fact that some of the personnel for which the allowance had been claimed were not wholly engaged in direct selling activities. The amount of the allowance for transport was also adjusted as examination of the facts showed that the transport costs to which the allowance referred included transport between the factory and the producer's warehouses which are not allowable under Article 2 (10) (c) (i) of the basic Regulation.
- (21) Another Japanese producer claimed allowances in relation to normal value on freight, travel and communication expenses which had to be partially or totally rejected.

The claimed allowance on freight included transport costs from the factory to the sales offices of the producer which are not allowable under Article 2 (10) (c) (i) of the basic Regulation. Allowances claimed for travel and communication expenses were not granted as these are not provided for under the basic Regulation.

4. Dumping margins

- (22) The preliminary examination of the facts showed the existence of dumping in respect of imports of the product concerned originating in Japan.

The weighted average dumping margins provisionally established for each producer and expressed as a percentage of the total cif value of the imports are as follows:

Elna Co. Ltd	35,8 %
Nichicon Corporation	20,1 %
Nippon Chemi-con Corporation	14,1 %
Rubycon Corporation	43,1 %.

- (23) The Commission has noted that the exports reported by the cooperating Japanese producers accounted for approximately one-third of total

imports into the Community of the product concerned originating in Japan.

For non-cooperating producers, the Commission had to resort to other facts available, in accordance with Article 7 (7) (b) of the basic Regulation. In the light of the low level of exports covered by the investigation, it was considered that the highest dumping margin found for a cooperating exporter could not be held to be representative for the non-cooperating exporters.

This approach was considered necessary in order not to provide an unacceptable bonus for non-cooperation, not to discriminate *vis-à-vis* the cooperating exporters and to ensure that measure to be taken would constitute an effective protection for the Community industry.

- (24) Therefore, for those producers which did not reply to the Commission's questionnaire, it was considered appropriate, for provisional determinations, to establish the dumping margin on the basis of the highest dumping margin found for a particular model sold in significant quantities by one of the cooperating producers. Sales of this model accounted for 27 % of the exports of that producer and for 7 % of all exports of the cooperating producers. The provisional margin of dumping established on that basis for the non-cooperating exporters is 75 %.

E. INJURY

1. Volume of Community market and market shares of dumped imports

- (25) While the apparent Community consumption of LAECs increased from 50,6 million units in 1988 to 57,2 million units in 1990, the estimated dumped imports of LAECs of Japanese origin rose from 14 million units in 1988 to 22 million units in 1990. This development has led to a rise in the Community market share held by Japanese producers from 27,7 % in 1988 to 38,5 % in 1990 which represents an increase of 39 %.

2. Prices of dumped imports

- (26) The prices of the imported LAECs from Japan, during the investigation period, were substantially below the prices practised by the Community producers. With regard to price undercutting, the Commission has compared the prices for each of the exporters concerned of its sales to first independent customers in the Community, at the same level of trade, with the prices of the Community producers, for sales to first independent customers in the Community.

The Commission made this comparison on a per model basis for each of the imported models which were considered for the dumping determination. Adjustments were also made where appropriate to ensure comparability in terms of transport costs deducted from the Community selling prices.

The result of this comparison showed weighted margins of undercutting, which varied for the cooperating exporters between 33,7 and 62,7 %.

In this respect the Commission notes that the Japanese exporters have consistently sold below their cost of production in the Community market while enjoying high profits in their domestic market.

3. Situation of the Community industry

(a) *Production, capacity, utilization rate and stocks*

- (27) The Commission established that the production of the Community industry increased from 10,6 million units in 1988 to 15 million units in 1990.
- (28) The capacity of the Community industry increased between 1988 and the investigation period from 20,1 million units in 1988 to 37,6 million units in 1990. Total capacity utilization, however, dropped considerably from 52,9 % in 1988 to 39,9 % in 1990. Stocks increased between 1988 and 1990 from 1,4 million to 2,2 million units.

(b) *Sales and market share*

- (29) The sales volume of the Community industry increased slightly between 1988 and 1989 but stagnated between 1989 and 1990. The total sales in terms of value, however, show a strong decrease since 1989.
- (30) Although it has not been possible for the Commission to establish indisputable market shares in terms of value for each of the different competitors in the market due to the non-cooperation of certain producers, it is clear, however, from data concerning sales of the Community industry, that while its market share in terms of volume fluctuated only slightly, it decreased very substantially between 1989 and 1990 in terms of value. This shows that the Community industry was forced to cut its prices considerably and that it had to sacrifice profitability in order to maintain its market share.

(c) *Prices*

- (31) As a consequence of price undercutting by the Japanese exporters, sales prices of the Community

industry went steadily downwards and thus suffered price depression between 1988 and 1989. The Community industry had to tailor its prices to the prices set in the market by the dumped imports. Using the index 1988 — 100 as a basis, prices of the Community products fell to 88,5 in 1990.

(d) *Profitability*

- (32) The considerable price undercutting practised by the Japanese exporters forced the Community producers to decrease their prices to a loss-making level. In 1988, the Community industry suffered weighted average losses of 6,05 %. In 1989 this seemed to improve slightly with losses of 2,06 %, but in 1990, losses rose substantially to 15,2 %.

4. Conclusion on injury

- (33) In view of the above factors, the Commission considers that the Community industry has suffered material injury, within the meaning of Article 4 (1) of the basic Regulation, mainly in the form of loss of profitability and loss of market share.

F. CAUSALITY

1. Effects of dumped imports

- (34) The investigation showed that the increase in volume and market share of the dumped imports coincided with the deterioration of the situation of the Community industry.

The price sensitivity of this product and the transparency of the market, together with the widespread predatory pricing of some of the cooperating Japanese producers, clearly had a depressive effect on the prices of the Community industry and inevitably caused injury as customers chose to be supplied at the lower prices of the dumped products.

- (35) In addition, as the Community industry was unable to charge profitable prices due to the substantial price undercutting effect of the dumped imports, it was prevented from making sufficient use of its extended capacity. It was thus unable to benefit from the increased demand which occurred between 1988 and 1990 and the economies of scale which would have resulted from an increased sales volume. All these elements, which are the consequence of dumping, put the Community industry into a disadvantageous position.

2. Other factors

- (36) It appeared that whereas demand in the Community market increased between 1988 and 1990, imports of LAECs of countries other than Japan did not exceed one-third of that of the Japanese imports and their market share did not increase disproportionately. As to whether imports from third countries might have contributed to the unhealthy situation of the Community industry, no evidence has been brought forward in this respect and none of the exporters have claimed that these imports contributed to the injury suffered by the Community industry. The Commission also notes that, with the levels of injury sustained by the Community industry, even if the imports of third countries had caused injury to the industry, this would not detract from the fact that the injury caused by the Japanese dumped exports is material.
- (37) Certain Japanese producers argued that the Community industry had been inflicting injury on itself by reason of its imports from Japan. The Commission has found in its investigation that none of these imports were resold in the market. Therefore the Commission has concluded that these imports are not to be considered as 'self-inflicted' injury so that they do not constitute 'other factors' within the meaning of Article 4 (1) of the Basic Regulation.

In any case, the Commission noted that the volume of the LAECs imported by Philips consumer Electronics BV remained more or less stable between 1988 and 1990, whereas the volume of the rest of the Japanese imports rose very rapidly from 11,8 million units in 1988 to 19,9 million in 1990, thereby increasing their Community market share from 23,2 % in 1988 to 34,8 % in 1990. Undercutting margins analysis have also shown that the level of price undercutting of the imports of Philips Consumer electronics BV is much lower than the undercutting margins for the rest of the exporters.

Thus, even if the imports of Philips Consumer Electronics BV are not taken into account, the volume of the other dumped imports, the growth of their market share and the amount of the price undercutting are sufficient to demonstrate that material injury has been caused by the rest of the dumped imports.

- (38) In these circumstances, the Commission has come to the conclusion, for the purpose of a provisional

determination, that the dumped imports of Japanese origin have, taken in isolation, caused material injury to the Community industry.

G. COMMUNITY INTEREST

- (39) The purpose of anti-dumping duties is to remedy unfair competition which injures Community industry. Such a remedy should result in the re-establishment of a fair competitive situation which, as such, is in the interest of the Community.
- (40) In the present case, indeed, the Japanese companies sell below cost for export to the Community while making high profits on their domestic market and are found to be dumping. If the rapid price decrease of dumped imports from Japan is not corrected and if profitable price levels are not restored, the Community industry of LAECs will face a further deterioration in its already weakened position with the strong possibility of total shut-down. This would leave the Community without a high-technology industry and with a consequent loss of research, investment and employment, and a reduction in the number of suppliers, thus restricting future conditions of competition.
- (41) Examination of facts has shown that the cost of a LAEC in the total cost of a finished consumer product rarely exceeds 1 %. While the Commission acknowledges, as explained above in recital (10), that the consumer electronic industry is highly competitive and thus every reduction in cost is important, it must be stressed that the lower prices being offered by the Japanese exporters to the user industry are the result of unfair trading practices which are injurious and detrimental to the Community manufacturing industry.

The impact on final consumers of duties being imposed on LAECs can be considered as negligible in view of the low proportional cost of capacitors in the total cost of the end product.

- (42) In balancing all the interests involved, the Commission has taken special consideration of the fact that the Community industry might be forced to shut down if protection is not provided and the medium-term advantages for the user industry of being supplied at lower prices may then disappear.
- (43) The Commission accordingly considers that it is in the Community interest to remove the effects of the injury caused to the Community industry by

the dumping that has been found. The overriding need to protect the viability and maintain the competitiveness of the industry is, to a large extent, consistent with the interests of consumers and offsets the disadvantages, which are in any event limited both in scale and in time.

H. DUTY

- (44) Since the injury consists mainly of lack of profitability or losses, the removal of such injury requires that the Community industry should be put in a position in which its prices can be increased to a profitable level. In order to achieve this, export prices of the Japanese producers should be increased accordingly.

For calculating the necessary price increase, the Commission considered that prices of the dumped imports had to be compared with the cost of production of the Community producers investigated plus a profit margin of 12 %. This profit margin is based on the level of profit realized on average by Community producers prior to the deterioration of their profitability as a result of the dumped imports. The Commission considers this profit margin is the minimum required to ensure the viability of the Community industry concerned. This profit margin is well below the weighted average profit realized by the Japanese exporters on their sales in their domestic market.

- (45) On this basis, the weighted average export prices for each model, as used for establishing undercutting, were compared during the investigation period, with the weighted average cost of production of the Community producers investigated, for the corresponding product type, plus a 12 % profit margin.
- (46) Using this method, the differences expressed on a cif Community frontier basis, calculated for the companies which cooperated with the Commission's investigation, varied according to the exporter concerned from 83,6 % to 129,9 %.

In this respect it is worth noting that, if imports by Philips Consumer Electronics BV were not taken into account, those differences would be significantly higher.

- (47) The individual differences calculated for each exporter exceed the dumping margins found. Consequently, the duty to be imposed for these exporters should correspond to these dumping margins (see recital (22)).

As far as the non-cooperating companies are concerned, the Commission considered that the most appropriate facts available, as provided for in Article 7 (7) (b) of the basic Regulation, would be those based on the investigation and therefore considered that the highest injury-threshold of the cooperating exporters should be used. As the dumping-margin determined for non-cooperating exporters (see recital (24)) is lower than that injury threshold, the duty should be imposed at the level of the dumping margin established.

I. FINAL PROVISION

- (48) In the interest of sound administration, a period should be fixed within which the parties concerned may make their views known in writing and request a hearing. Furthermore, it should be stated that all findings made for the purpose of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive duty which the Commission may propose,

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of large electrical capacitors, aluminium electrolytic, with a CV product (capacitance multiplied by rated voltage) between 18 000 and 310 000 μC (micro-coulombs), at a voltage of 160 V or more and with a diameter of 19 mm or more and at a length of 20 mm or more, originating in Japan and falling within CN code ex 8532 22 00 (Taric codes : 85 32 22 00*11 and 8522 00*91).
2. The rate of duty shall be 75 % expressed as a percentage of the net free-at-Community-frontier price before duty (Taric additional code 8665), except when manufactured by the following companies for which the rate of duty expressed as a percentage of the net free-at-Community-frontier price before duty is set out below :

	Rate of duty	Taric additional code
Elna Co. Ltd, Fujisawa City Kanagawa	35,8 %	(8661)
Nichicon Corporation, Kyoto	20,1 %	(8662)
Nippon Chemi-con Corporation, Tokyo	14,1 %	(8663)
Rubycon Corporation, Ina Nagano	43,1 %	(8664)

3. The provisions in force concerning customs duties shall apply.

4. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) of Regulation (EEC) No 2423/88, the parties concerned may make known their views in writing and apply to be heard orally by the

Commission within one month from the date of entry into force of this Regulation.

Article 3

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

Subject to Articles 11, 12 and 13 of Regulation (EEC) No 2423/88, Article 1 of this Regulation shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 2 June 1992.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1452/92

of 3 June 1992

introducing a corrective amount on the import of apricots into the Community
of Ten from Spain

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 3709/89 of 4 December 1989 laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensatory mechanism for imports of fruit and vegetables from Spain ⁽¹⁾, and in particular Article 4 (2) thereof,

Whereas Article 152 of the Act of Accession introduces from 1 January 1990 a compensatory mechanism for imports into the Community as constituted on 31 December 1985, hereinafter called 'the Community of Ten', of fruit and vegetables from Spain for which a reference price is fixed with regard to third countries;

Whereas Regulation (EEC) No 3709/89 lays down general rules for applying the said compensatory mechanism;

Whereas Commission Regulation (EEC) No 957/92 ⁽²⁾ fixed, for the 1992 marketing year, the Community offer price for apricots applicable with regard to Spain;Whereas Commission Regulation (EEC) No 3815/89 ⁽³⁾ lays down detailed rules for applying the compensatory mechanism on imports of fruit and vegetables from Spain;

Whereas, in the case of apricots, the offer price for the Spanish product as calculated in accordance with the provisions of Council Regulation (EEC) No 3709/89 has

remained for two consecutive market days at a level at least ECU 0,6 below the Community offer price; whereas a corrective amount equal to the difference between the Community offer price and the Spanish offer price must therefore be introduced for these products from Spain;

Whereas if the system is to operate normally the offer price of the Spanish product should be calculated on the following basis:

- in the case of currencies the spot market rates for which are maintained in relationship to each other 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 ⁽⁴⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁵⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

HAS ADOPTED THIS REGULATION:

Article 1

On import into the Community of Ten of apricots (CN code 0809 10 00) from Spain a corrective amount of ECU 12,18 per 100 kilograms net shall be levied.

Article 2

This Regulation shall enter into force on 5 June 1992.

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

Done at Brussels, 3 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.⁽²⁾ OJ No L 102, 16. 4. 1992, p. 29.⁽³⁾ OJ No L 371, 20. 12. 1989, p. 28.⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 1453/92

of 3 June 1992

fixing the maximum export refund for white sugar for the fifth partial invitation to tender issued within the framework of the standing invitation to tender provided for 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 the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 920/92 of 10 April 1992 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 920/92, 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 fifth 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 fifth partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 920/92 the maximum amount of the export refund is fixed at ECU 41,337 per 100 kilograms.

Article 2

This Regulation shall enter into force on 4 June 1992.

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

Done at Brussels, 3 June 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 1454/92

of 3 June 1992

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 61/92 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 366/92 ⁽³⁾, as last amended by Regulation (EEC) No 1437/92 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) 366/92 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

Whereas, 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 2 June 1992,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 4 June 1992.

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

Done at Brussels, 3 June 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 39, 15. 2. 1992, p. 28.

⁽⁴⁾ OJ No L 151, 3. 6. 1992, p. 14.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 3 June 1992 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	37,63 ⁽¹⁾
1701 11 90	37,63 ⁽¹⁾
1701 12 10	37,63 ⁽¹⁾
1701 12 90	37,63 ⁽¹⁾
1701 91 00	43,65
1701 99 10	43,65
1701 99 90	43,65 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68.

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

⁽³⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC. However, an amount equal to the amount fixed by Regulation (EEC) No 1870/91 B to be levied in accordance with Article 101 (4) of the abovementioned Decision.

COMMISSION REGULATION (EEC) No 1455/92
of 3 June 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 1387/92 ⁽³⁾, as amended by Regulation (EEC) No 1416/92 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1387/92 to the information 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 amended Regulation (EEC) No 1387/92 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 June 1992.

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

Done at Brussels, 3 June 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 146, 28. 5. 1992, p. 5.

⁽⁴⁾ OJ No L 146, 28. 5. 1992, p. 76.

ANNEX

to the Commission Regulation of 3 June 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	36,14 ⁽¹⁾	
1701 11 90 910	33,43 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	36,14 ⁽¹⁾	
1701 12 90 910	33,43 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3929
1701 99 10 100	39,29	
1701 99 10 910	38,77	
1701 99 10 950	37,27	
1701 99 90 100		0,3929

⁽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 1456/92

of 3 June 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 25 and 29 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, 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 categories 5 and 6 lodged between 25 and 29 May 1992 relate to quantities higher than the ceiling set for the month of June 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 initiative ceiling will be attained or exceeded; whereas to this it is necessary, as an interim protective measure, in view of the number of requests, for the products concerned and only for the Community of Ten, to issue licences up to a percentage of the quantities applied for categories 5 and 6 and to suspend all further issuing of licences for the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for STM licences as referred to in Regulation (EEC) No 606/86, lodged between 25 and 29 May 1992 for the Community of Ten and lodged with the Commission, for milk products falling within:

— category 5 of CN code ex 0406 are hereby accepted up to 10 %;

— category 6 of CN code ex 0406 are hereby accepted up to 8,23 %.

2. The issuing of STM licences in the Community of Ten is hereby provisionally suspended for products falling within categories 5 and 6.

3. Without prejudice to any definitive measures the Commission may take, further applications for STM licences may be lodged from 22 June 1992 for all products in respect of that fraction of the indicative ceiling applicable from 1 July 1992.

Article 2

This Regulation shall enter into force on 8 June 1992.

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

Done at Brussels, 3 June 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.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 14 May 1992

concerning certain protection measures relating to bovine embryos in respect of bovine spongiform encephalopathy (BSE) in the United Kingdom

(92/290/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, as last amended by Directive 91/628/EEC⁽²⁾, and in particular Article 10 thereof,

Whereas several outbreaks of bovine spongiform encephalopathy have occurred throughout the territory of the United Kingdom;

Whereas this disease can be considered to be a serious contagious or infectious animal disease whose presence may constitute a danger to cattle in other Member States;

Whereas previously it was considered that trade in bovine embryos presented only a negligible risk of endangering the health of livestock in Member States with respect to bovine spongiform encephalopathy; whereas, however, recent evidence relating to sheep experimentally infected with scrapie now suggests that bovine embryos may represent more than a negligible risk;

Whereas, however, the risk is considered to exist only for embryos from donors born before 18 July 1988 or born to infected cows, in view of the epidemiology and pathogenesis of the disease;

Whereas it is necessary to apply certain measures to intra-Community trade in bovine embryos from the United Kingdom to overcome this risk;

Whereas the authorities of the United Kingdom have undertaken to implement national measures necessary to guarantee the efficient implementation of this Decision;

Whereas it is also necessary to ensure that no embryo derived from any suspected or confirmed case is entered into trade;

Whereas Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species⁽³⁾, as amended by Directive 90/425/EEC, makes provision for a health certificate to accompany bovine embryos in intra-Community trade; whereas the certificate must be modified in respect of bovine embryos from the United Kingdom;

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 send to other Member States embryos of the domestic bovine species derived from females in which, at the time of sending, bovine spongiform encephalopathy is suspected or confirmed.

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ No L 340, 11. 12. 1991, p. 17.

⁽³⁾ OJ No L 302, 19. 10. 1989, p. 1.

Article 2

1. The United Kingdom shall not send to other Member States embryos of the domestic bovine species derived from females which :

- were born before 18 July 1988,
- are the offspring of females in which bovine spongiform encephalopathy is suspected or confirmed.

2. The provisions of paragraph 1 shall not apply to embryos derived from females born outside the United Kingdom and subsequently introduced into the United Kingdom after 18 July 1988.

3. The United Kingdom shall make full use of records to guarantee identification of donors and embryos.

Article 3

The health certificate provided for in Annex C to Directive 89/556/EEC accompanying embryos sent from the United Kingdom shall be completed by the following :

'Embryos in accordance with Commission Decision 92/290/EEC concerning bovine spongiform encephalopathy'.

Article 4

Member States shall amend the measures which they apply to trade so that they comply with this Decision 15 days after its notification. They shall immediately inform the Commission thereof.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 14 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION

of 19 May 1992

on import licences in respect of beef and veal products originating in Botswana,
Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(92/291/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION :

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council 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 ACP States or in the overseas countries and territories (OCT)⁽¹⁾, as last 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 take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 May 1992, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 June 1992, should be fixed within the scope of the total quantity of 49 600 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat based products from third countries⁽⁵⁾, as last amended by Regulation (EEC) No 3763/91⁽⁶⁾,

Article 1

The following Member States shall issue on 21 May 1992 import licences concerning beef and veal products, expressed in terms of boned meat, originating in certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated :

Kingdom of Belgium :

— 13,68 tonnes originating in Madagascar,

Germany :

— 60,00 tonnes originating in Madagascar,
— 1 000,00 tonnes originating in Botswana,
— 350,00 tonnes originating in Zimbabwe,
— 700,00 tonnes originating in Namibia,

Hellenic Republic :

— 50,00 tonnes originating in Madagascar,

Kingdom of Spain :

— 37,27 tonnes originating in Zimbabwe,

Italian Republic :

— 9,50 tonnes originating in Madagascar,

Kingdom of the Netherlands :

— 260,00 tonnes originating in Botswana,

United Kingdom :

— 1 130,00 tonnes originating in Botswana,
— 285,00 tonnes originating in Zimbabwe,
— 615,00 tonnes originating in Namibia.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of June 1992 in respect of the following quantities of boned beef and veal :

— Botswana :	11 200,00 tonnes,
— Kenya :	142,00 tonnes,
— Madagascar :	7 221,38 tonnes,
— Swaziland :	3 300,49 tonnes,
— Zimbabwe :	6 704,93 tonnes,
— Namibia :	6 713,20 tonnes.

⁽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 302, 31. 12. 1972, p. 28.

⁽⁶⁾ OJ No L 356, 24. 12. 1991, p. 1.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION

of 19 May 1992

on specific financial contributions from the Community for the eradication of
avian plague in the United Kingdom

(Only the English text is authentic)

(92/292/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Decision 90/424/EEC of
26 June 1990 on expenditure in the veterinary field⁽¹⁾, as
amended by Regulation (EEC) No 3763/91⁽²⁾, and in
particular Article 3 thereof,Whereas an outbreak of avian plague occurred in the
United Kingdom in the month of January 1992; whereas
the appearance of this disease is a serious danger to the
Community's poultry and, in order to help eradicate the
disease as rapidly as possible, the Community has the
possibility of making good the losses so caused;Whereas as soon as the presence of avian plague was offi-
cially confirmed the United Kingdom authorities took
appropriate measures which included the measures as
listed in Article 3 (2) of Council Decision 90/424/EEC;
whereas such measures were notified by the United
Kingdom authorities;Whereas the conditions for Community financial
assistance have been met;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*For the outbreak of avian plague which occurred during
the month of January 1992 the United Kingdom may
obtain Community financial assistance. The financial
contribution by the Community shall be:

- 50 % of the costs incurred by the United Kingdom in
compensating owners for the slaughter, destruction of
poultry and poultry products as appropriate,
- 50 % of the costs incurred by the United Kingdom
for the cleaning, disinsectization and disinfection of
the holding and equipment,
- 50 % of the costs incurred by the United Kingdom in
compensating owners for the destruction of con-
taminated feedingstuffs and contaminated equipment.

Article 2

1. The Community financial contribution shall be
granted after supporting documents have been submitted.
2. The documents referred to in paragraph 1 shall be
sent by the United Kingdom no later than six months
from the notification of this Decision.

*Article 3*The Commission will follow developments in the disease
situation and, if necessary, due to the evolution of the
disease a new Decision will be adopted in accordance
with the provisions laid down in Article 3 (4) of Council
Decision 90/424/EEC.*Article 4*

This Decision is addressed to the United Kingdom.

Done at Brussels, 19 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 19.⁽²⁾ OJ No L 356, 24. 12. 1991, p. 1.