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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1556/92

of 18 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 17 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 19 June 1992.

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

Done at Brussels, 18 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 18 June 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy (°) (ECU/tonne)
0709 90 60	141,03 ⁽²⁾ ⁽³⁾
0712 90 19	141,03 ⁽²⁾ ⁽³⁾
1001 10 10	175,10 ⁽¹⁾ ⁽⁵⁾ ⁽¹⁰⁾
1001 10 90	175,10 ⁽¹⁾ ⁽⁵⁾ ⁽¹⁰⁾
1001 90 91	149,74
1001 90 99	149,74 ⁽¹¹⁾
1002 00 00	169,23 ⁽⁶⁾
1003 00 10	149,30
1003 00 90	149,30 ⁽¹¹⁾
1004 00 10	125,87
1004 00 90	125,87
1005 10 90	141,03 ⁽²⁾ ⁽³⁾
1005 90 00	141,03 ⁽²⁾ ⁽³⁾
1007 00 90	147,59 ⁽⁴⁾
1008 10 00	67,61 ⁽¹¹⁾
1008 20 00	122,10 ⁽⁴⁾
1008 30 00	68,43 ⁽⁵⁾
1008 90 10	(7)
1008 90 90	68,43
1101 00 00	222,64 ⁽⁸⁾ ⁽¹¹⁾
1102 10 00	249,70 ⁽⁸⁾
1103 11 10	285,04 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 90	238,77 ⁽⁸⁾

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

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

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

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

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

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

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

⁽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 1557/92

of 18 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 17 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 19 June 1992.

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

Done at Brussels, 18 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 18 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	1,24	1,24	2,44
1001 10 90	0	1,24	1,24	2,44
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 1558/92

of 18 June 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1720/91⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 728/91⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 729/91⁽⁶⁾, and in particular Article 5 thereof,

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

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 730/91⁽¹⁰⁾, and in particular Article 10 (2) thereof,

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

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commis-

sion decided to use the tendering procedure to fix levies on olive oil;

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

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

Whereas, with regard to Turkey and the Maghreb countries, the provisions of this Regulation should be without prejudice to the additional amount to be determined in accordance with the agreements between the Community and these third countries;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁴⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, however, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 15 and 16 June 1992 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within 29 codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

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

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 80, 27. 3. 1991, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 80, 27. 3. 1991, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 80, 27. 3. 1991, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

⁽¹⁴⁾ OJ No L 263, 19. 9. 1991, p. 1.

HAS ADOPTED THIS REGULATION :

Article 2

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

Article 1

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

Article 3

This Regulation shall enter into force on 19 June 1992.

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

Done at Brussels, 18 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil ⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	76,00 ⁽²⁾
1509 10 90	76,00 ⁽²⁾
1509 90 00	88,00 ⁽²⁾
1510 00 10	77,00 ⁽²⁾
1510 00 90	122,00 ⁽⁴⁾

⁽¹⁾ No 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 3148/91 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

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

(a) Lebanon : ECU 0,60 per 100 kg ;

(b) Turkey : ECU 11,48 per 100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(c) Algeria, Tunisia and Morocco : ECU 12,69 per 100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

^(*) These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

⁽³⁾ For imports of oil falling within this CN code :

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

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽⁴⁾ For imports of oil falling within this CN code :

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

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products ⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	16,72
0711 20 90	16,72
1522 00 31	38,00
1522 00 39	60,80
2306 90 19	6,16

⁽¹⁾ No 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 3148/91 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

COMMISSION REGULATION (EEC) No 1559/92

of 18 June 1992

fixing the export refunds on eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Regulation (EEC) No 1235/89 ⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 9 of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 2774/75 ⁽³⁾ lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas the present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the egg sector;

Whereas by its Regulation (EEC) No 1432/92 ⁽⁴⁾ the Council prohibited trade between the Community and the Republics of Serbia and of Montenegro; that it is important to take account of it at the time of the fixing of the refunds;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band

of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽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 it follows from applying these rules and criteria to the present situation on the market in eggs that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of codes of products for which, when they are exported, the export refund referred to in Article 9 of Regulation (EEC) No 2771/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.
2. Export refunds towards the Republics of Montenegro and Serbia are not fixed.

Article 2

This Regulation shall enter into force on 1 July 1992.

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

Done at Brussels, 18 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 68.

⁽⁴⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽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 18 June 1992 fixing the export refunds on eggs

Product code	Destination (1)	Amount of refund
		ECU/100 units
0407 00 11 000	02	5,20
0407 00 19 000	05	3,80
	06	3,00
		ECU/100 kg
0407 00 30 000	03	28,00
	04	18,00
0408 11 10 000	01	96,00
0408 19 11 000	01	47,00
0408 19 19 000	01	51,00
0408 91 10 000	01	90,00
0408 99 10 000	01	15,00

(1) The destinations are as follows :

- 01 All destinations,
- 02 All destinations except the United States of America,
- 03 Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, the Republic of Yemen, and Hong Kong,
- 04 All destinations except those of 03,
- 05 Saudi Arabia, Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates and the Republic of Yemen,
- 06 All destinations except the United States of America and those of 05 above.

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

COMMISSION REGULATION (EEC) No 1560/92

of 18 June 1992

fixing the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 2777/75 of the Council of 29 October 1975 on the common organization of the market in poultrymeat ⁽¹⁾, as last amended by Regulation (EEC) No 1235/89 ⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Whereas Article 9 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 2779/75 of the Council ⁽³⁾, lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas it follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

Whereas by its Regulation (EEC) No 1432/92 ⁽⁴⁾ the Council prohibited trade between the Community and the Republics of Serbia and of Montenegro; that it is important to take account of it at the time of the fixing of the refunds;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band

of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽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 the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of products for which, when they are exported, the export refund referred to in Article 9 of Regulation (EEC) No 2777/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.
2. Export refunds towards the Republics of Montenegro and Serbia are not fixed.

Article 2

This Regulation shall enter into force on 1 July 1992.

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

Done at Brussels, 18 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 90.

⁽⁴⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽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 18 June 1992 fixing the export refunds on
poultrymeat

Product code	Destination of refund (1)	Amount of refund
		ECU/100 units
0105 11 00 000	09	5,00
	10	4,20
0105 19 10 000	01	8,40
0105 19 90 000	01	4,20
		ECU/100 kg
0105 91 00 000	01	17,00
0207 10 11 000	01	15,00
0207 10 15 000	04	39,00
	05	34,00
	06	25,00
0207 10 19 100	04	43,00
	05	38,00
	06	25,00
0207 10 19 900	11	34,00
	12	25,00
0207 10 31 000	01	28,00
0207 10 39 000	01	28,00
0207 10 51 000	07	30,00
	08	35,00
0207 10 55 000	07	30,00
	08	40,00
0207 10 59 000	07	30,00
	08	40,00
0207 21 10 000	04	39,00
	05	34,00
	06	25,00
0207 21 90 100	04	43,00
	05	38,00
	06	25,00
0207 21 90 900	11	34,00
	12	25,00
0207 22 10 000	01	28,00
0207 22 90 000	01	28,00
0207 23 11 000	07	30,00
	08	40,00
0207 23 19 000	07	30,00
	08	40,00
0207 39 11 110	01	8,00
0207 39 11 190	—	—
0207 39 11 910	—	—
0207 39 11 990	01	50,00
0207 39 13 000	02	43,00
	03	28,00
0207 39 15 000	01	10,00
0207 39 21 000	01	37,00
0207 39 23 000	02	54,00
	03	36,00
0207 39 25 100	02	43,00
	03	28,00
0207 39 25 200	02	43,00
	03	28,00
0207 39 25 300	02	43,00
	03	28,00
0207 39 25 400	01	5,00
0207 39 25 900	—	—
0207 39 31 110	01	8,00
0207 39 31 190	—	—

Product code	Destination of refund (1)	Amount of refund
		ECU/100 kg
0207 39 31 910	—	—
0207 39 31 990	01	50,00
0207 39 33 000	01	28,00
0207 39 35 000	01	13,00
0207 39 41 000	01	37,00
0207 39 43 000	01	18,00
0207 39 45 000	01	36,00
0207 39 47 100	01	13,00
0207 39 47 900	—	—
0207 39 55 110	01	8,00
0207 39 55 190	—	—
0207 39 55 910	—	—
0207 39 55 990	01	54,00
0207 39 57 000	01	44,00
0207 39 65 000	01	15,00
0207 39 73 000	07	30,00
	08	44,00
0207 39 77 000	07	29,00
	08	43,00
0207 41 10 110	01	8,00
0207 41 10 190	—	—
0207 41 10 910	—	—
0207 41 10 990	01	50,00
0207 41 11 000	02	43,00
	03	28,00
0207 41 21 000	01	10,00
0207 41 41 000	01	37,00
0207 41 51 000	02	54,00
	03	36,00
0207 41 71 100	02	43,00
	03	28,00
0207 41 71 200	02	43,00
	03	28,00
0207 41 71 300	02	43,00
	03	28,00
0207 41 71 400	01	5,00
0207 41 71 900	—	—
0207 42 10 110	01	8,00
0207 42 10 190	—	—
0207 42 10 910	—	—
0207 42 10 990	01	50,00
0207 42 11 000	01	28,00
0207 42 21 000	01	13,00
0207 42 41 000	01	37,00
0207 42 51 000	01	18,00
0207 42 59 000	01	36,00
0207 42 71 100	01	13,00
0207 42 71 900	—	—
0207 43 15 110	01	8,00
0207 43 15 190	—	—
0207 43 15 910	—	—
0207 43 15 990	01	54,00
0207 43 21 000	01	44,00
0207 43 31 000	01	15,00
0207 43 53 000	07	30,00
	08	44,00
0207 43 63 000	07	29,00
	08	43,00
1602 39 11 100	01	19,00
1602 39 11 900	—	—

(¹) The destinations are as follows :

- 01 All destinations except the United States of America,
- 02 Egypt, Ceuta and Melilla, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, the Republic of Yemen, Iraq, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Lithuania, Estonia, Latvia, Iran and Singapore,
- 03 All destinations except the United States of America and those of 02 above,
- 04 Egypt, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, Jordan, Singapore, the Republic of Yemen, Iraq and Iran,
- 05 Ceuta and Melilla, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Lithuania, Estonia and Latvia,
- 06 All destinations except the United States of America and those of 04 and 05 above,
- 07 Hungary, Poland, Romania, the Republics of Croatia, Slovenia, Bosnia-Herzegovina and Yugoslavia (with the exception of the Republics of Serbia and Montenegro), the Czech and Slovak Federal Republic and Bulgaria,
- 08 All destinations except the United States of America and those of 07 above,
- 09 Saudi Arabia, Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates and the Republic of Yemen,
- 10 All destinations except the United States of America and those of 09 above,
- 11 Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Lithuania, Estonia and Latvia,
- 12 All destinations except the United States of America and that of 11 above.

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

COMMISSION REGULATION (EEC) No 1561/92

of 18 June 1992

amending Regulation (EEC) No 1658/91 establishing arrangements for retrospective Community surveillance in respect of imports of Atlantic salmon

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

Having regard to Council Regulation (EEC) No 3687/91 of 28 November 1991 on the common organization of the market in fishery products⁽¹⁾, and in particular Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1658/91⁽²⁾, as amended by Regulation (EEC) No 3629/91⁽³⁾, introduced arrangements applicable to 30 June 1992 for retrospective Community surveillance of Atlantic salmon imports;

Whereas because of serious disturbance of the Community market for salmon the Commission has, by Regulation (EEC) No 3270/91⁽⁴⁾, as last amended by Regulation (EEC) No 992/92⁽⁵⁾, made Atlantic salmon imports subject to observance of a minimum price;

Whereas so that proper monitoring of the trend of Atlantic salmon imports can be continued and action

taken to forestall any further deterioration in the market, the period of validity of the surveillance arrangements introduced by Regulation (EEC) No 1658/91 should be extended for six months,

HAS ADOPTED THIS REGULATION:

Article 1

The second paragraph of Article 3 of Regulation (EEC) No 1658/91 is replaced by the following: 'It shall apply until 31 December 1992'.

Article 2

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

It shall apply from 1 July 1992.

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

Done at Brussels, 18 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 354, 23. 12. 1991, p. 1.

⁽²⁾ OJ No L 151, 15. 6. 1991, p. 51.

⁽³⁾ OJ No L 344, 14. 12. 1991, p. 38.

⁽⁴⁾ OJ No L 308, 9. 11. 1991, p. 34.

⁽⁵⁾ OJ No L 105, 23. 4. 1992, p. 14.

COMMISSION REGULATION (EEC) No 1562/92**of 18 June 1992****fixing the amounts by which import duties on beef and veal originating in the African, Caribbean and Pacific States (ACP) are to be reduced**

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

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)⁽¹⁾, as last amended by Regulation (EEC) No 444/92⁽²⁾, and in particular Article 3 thereof,

Whereas Article 3 of Regulation (EEC) No 715/90 provides for a 90 % reduction in the import duties on beef and veal; whereas the amount of this reduction must be calculated in conformity with Article 3 of Commission

Regulation (EEC) No 970/90⁽³⁾, as amended by Regulation (EEC) No 815/91⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts by which import duties on beef and veal are to be reduced pursuant to Article 3 of Regulation (EEC) No 715/90 shall, in respect of importations during the third quarter of 1992, be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 July 1992.

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

Done at Brussels, 18 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽³⁾ OJ No L 99, 19. 4. 1990, p. 8.

⁽⁴⁾ OJ No L 83, 3. 4. 1991, p. 6.

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

Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC	Belgique Luxembourg FB/Flux/100 kg	Danmark dkr/100 kg	Deutschland DM/100 kg	Ελλάδα Δρ/100 χγρ	España Pta/100 kg	France FF/100 kg	Ireland £ Ir/100 kg	Italia Lit/100 kg	Nederland Fl/100 kg	Portugal Esc/100 kg	United Kingdom £/100 kg
0102 90 10	5 753,8	1 064,09	278,96	32 489,86	18 051,10	935,60	104,132	208 726	314,32	24 534,35	94,255
0102 90 31	5 753,8	1 064,09	278,96	32 489,86	18 051,10	935,60	104,132	208 726	314,32	24 534,35	94,255
0102 90 33	5 753,8	1 064,09	278,96	32 489,86	18 051,10	935,60	104,132	208 726	314,32	24 534,35	94,255
0102 90 35	5 753,8	1 064,09	278,96	32 489,86	18 051,10	935,60	104,132	208 726	314,32	24 534,35	94,255
0102 90 37	5 753,8	1 064,09	278,96	32 489,86	18 051,10	935,60	104,132	208 726	314,32	24 534,35	94,255
0201 10 10	10 932,1	2 021,77	530,03	61 730,76	34 297,14	1 777,65	197,852	396 580	597,20	46 615,31	179,085
0201 10 90	10 932,1	2 021,77	530,03	61 730,76	34 297,14	1 777,65	197,852	396 580	597,20	46 615,31	179,085
0201 20 21	10 932,1	2 021,77	530,03	61 730,76	34 297,14	1 777,65	197,852	396 580	597,20	46 615,31	179,085
0201 20 29	10 932,1	2 021,77	530,03	61 730,76	34 297,14	1 777,65	197,852	396 580	597,20	46 615,31	179,085
0201 20 31	8 745,8	1 617,42	424,03	49 384,58	27 437,72	1 422,13	158,281	317 264	477,77	37 292,25	143,267
0201 20 39	8 745,8	1 617,42	424,03	49 384,58	27 437,72	1 422,13	158,281	317 264	477,77	37 292,25	143,267
0201 20 51	13 118,6	2 426,12	636,04	74 076,83	41 156,57	2 133,18	237,422	475 896	716,65	55 938,38	214,902
0201 20 59	13 118,6	2 426,12	636,04	74 076,83	41 156,57	2 133,18	237,422	475 896	716,65	55 938,38	214,902
0201 20 90	16 398,3	3 032,65	795,04	93 355,64	50 972,52	2 666,48	296,777	594 869	895,82	68 603,37	268,628
0201 30 00	18 757,3	3 468,92	909,41	6 293,64	58 611,74	3 050,07	339,470	680 446	1 024,68	79 327,07	307,271
0202 10 00	7 540,1	1 394,44	365,57	42 359,81	23 790,27	1 226,07	136,461	273 527	411,90	32 527,83	123,517
0202 20 10	7 540,1	1 394,44	365,57	42 359,81	23 790,27	1 226,07	136,461	273 527	411,90	32 527,83	123,517
0202 20 30	6 032,1	1 115,55	292,46	33 887,82	19 032,19	980,86	109,168	218 822	329,53	26 022,23	98,814
0202 20 50	9 425,1	1 743,06	456,97	52 949,83	29 737,87	1 532,59	170,576	341 909	514,88	40 659,84	154,397
0202 20 90	11 310,1	2 091,67	548,35	64 215,47	35 264,58	1 839,11	204,692	410 291	617,86	47 618,10	185,277
0202 30 10	9 425,1	1 743,06	456,97	52 949,83	29 737,87	1 532,59	170,576	341 909	514,88	40 659,84	154,397
0202 30 50	9 425,1	1 743,06	456,97	52 949,83	29 737,87	1 532,59	170,576	341 909	514,88	40 659,84	154,397
0202 30 90	12 968,9	2 398,45	628,78	73 312,48	40 636,66	2 108,84	234,713	470 466	708,47	55 159,78	212,450
0206 10 95	18 757,3	3 468,92	909,41	6 293,64	58 611,74	3 050,07	339,470	680 446	1 024,68	79 327,07	307,271
0206 29 91	12 968,9	2 398,45	628,78	73 312,48	40 636,66	2 108,84	234,713	470 466	708,47	55 159,78	212,450
0210 20 10	16 398,3	3 032,65	795,04	93 355,64	50 972,52	2 666,48	296,777	594 869	895,82	68 603,37	268,628
1602 50 10	18 757,3	3 468,92	909,41	6 539,16	58 458,74	3 050,07	339,470	680 446	1 024,68	78 900,44	307,271
1602 90 61	18 757,3	3 468,92	909,41	7 281,57	57 996,23	3 050,07	339,470	680 446	1 024,68	77 610,60	307,271

NB: Los códigos NC, incluidas las notas a pie de página, se definen en el Reglamento (CEE) n° 2658/87 modificado.

NB: KN-koderne, herunder henvisninger til fodnoter, er fastsat i den ændrede forordning (EØF) nr. 2658/87.

NB: Die KN-Code sowie die Verweisungen und Fußnoten sind durch die geänderte Verordnung (EWG) Nr. 2658/87 bestimmt.

NB: Οι κωδικοί της συνδυασμένης ονοματολογίας, συμπεριλαμβανομένων των υποσημειώσεων, καθορίζονται στον τροποποιημένο κανονισμό (ΕΟΚ) αριθ. 2658/87.

NB: The CN codes and the footnotes are defined in amended Regulation (EEC) No 2658/87.

NB: Les codes NC ainsi que les renvois en bas de page sont définis au règlement (CEE) n° 2658/87 modifié.

NB: I codici NC e i relativi richiami in calce sono definiti dal regolamento (CEE) n. 2658/87 modificato.

NB: GN-codes en voetnoten : zie de gewijzigde Verordening (EEG) nr. 2658/87.

NB: Os códigos NC, incluindo as remissões em pé-de-página são definidos no Regulamento (CEE) n° 2658/87 alterado.

COMMISSION REGULATION (EEC) No 1563/92**of 18 June 1992****introducing a countervailing charge on fresh lemons originating in Brazil**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1156/92⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1482/92⁽³⁾ introduced a countervailing charge on fresh lemons originating in Brazil;

Whereas for fresh lemons originating in Brazil there were no prices for six consecutive working days; whereas the

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1482/92 is hereby repealed.

Article 2

This Regulation shall enter into force on 19 June 1992.

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

Done at Brussels, 18 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 122, 7. 5. 1992, p. 3.

⁽³⁾ OJ No L 155, 6. 6. 1992, p. 37.

COMMISSION REGULATION (EEC) No 1564/92

of 18 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 1555/92 ⁽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 17 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 19 June 1992.

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

Done at Brussels, 18 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 164, 18. 6. 1992, p. 31.

⁽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 18 June 1992 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	36,47 ⁽¹⁾
1701 11 90	36,47 ⁽¹⁾
1701 12 10	36,47 ⁽¹⁾
1701 12 90	36,47 ⁽¹⁾
1701 91 00	43,98
1701 99 10	43,98
1701 99 90	43,98 ⁽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 1565/92

of 18 June 1992

fixing the export refunds on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Whereas Article 17 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas Commission Regulation (EEC) No 1361/76⁽⁴⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

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

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

Whereas the refund must be fixed at least once a month; whereas it may be altered in the intervening period;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽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 it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

Whereas by its Regulation (EEC) No 1432/92⁽⁷⁾ the Council prohibited trade between the Community and the Republics of Serbia and of Montenegro; that it is important to take account of it at the time of the fixing of the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.
2. Export refunds towards the Republics of Montenegro and Serbia are not fixed.

Article 2

This Regulation shall enter into force on 19 June 1992.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁷⁾ OJ No L 151, 3. 6. 1992, p. 4.

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

Done at Brussels, 18 June 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 18 June 1992 fixing the export refunds on rice and broken rice

(ECU/tonne)		
Product code	Destination (1)	Amount of refunds
1006 20 11 000	—	—
1006 20 13 000	01	198,40
1006 20 15 000	01	198,40
1006 20 17 000	—	—
1006 20 92 000	—	—
1006 20 94 000	01	198,40
1006 20 96 000	01	198,40
1006 20 98 000	—	—
1006 30 21 000	—	—
1006 30 23 000	01	198,40
1006 30 25 000	01	198,40
1006 30 27 000	—	—
1006 30 42 000	—	—
1006 30 44 000	01	198,40
1006 30 46 000	01	198,40
1006 30 48 000	—	—
1006 30 61 100	01	248,00
	02	254,00
	03	259,00
	04	248,00
1006 30 61 900	01	248,00
	04	248,00
1006 30 63 100	01	248,00
	02	254,00
	03	259,00
	04	248,00
1006 30 63 900	01	248,00
	04	248,00
1006 30 65 100	01	248,00
	02	254,00
	03	259,00
	04	248,00
1006 30 65 900	01	248,00
	04	248,00
1006 30 67 100	—	—
1006 30 67 900	—	—

(ECU / tonne)		
Product code	Destination (1)	Amount of refunds
1006 30 92 100	01	248,00
	02	254,00
	03	259,00
	04	248,00
1006 30 92 900	01	248,00
	04	248,00
	05	222,00
1006 30 94 100	01	248,00
	02	254,00
	03	259,00
	04	248,00
1006 30 94 900	01	248,00
	04	248,00
	05	222,00
1006 30 96 100	01	248,00
	02	254,00
	03	259,00
	04	248,00
1006 30 96 900	01	248,00
	04	248,00
	05	222,00
1006 30 98 100	—	—
1006 30 98 900	—	—
1006 40 00 000	—	—

(1) The destinations are identified as follows :

- 01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Zones I, II, III, VI, Canary Islands, Ceuta and Melilla,
- 03 Zones zones IV, V a), VII c), Canada and Zone VIII excluding Surinam, Guyana and Madagascar,
- 04 Destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87,
- 05 Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.

NB : The zones are those defined in the Annex to Commission Regulation (EEC) No 1124/77, as last amended by Regulation (EEC) No 3049/89.

COMMISSION REGULATION (EEC) No 1566/92

of 18 June 1992

fixing the corrective amount applicable to the refund on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 the second subparagraph of Article 17 (4) thereof,

Whereas the first subparagraph of Article 17 (4) of Regulation (EEC) No 1418/76 provides that the export refund applicable to rice and broken rice on the day on which application for an export licence is made, adjusted for the threshold price which will be in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the licence ;

Whereas Commission Regulation No 474/67/EEC⁽³⁾, as amended by Regulation (EEC) No 1397/68⁽⁴⁾, lays down detailed rules for the advance fixing of the export refund on rice and broken rice ;

Whereas that Regulation provides that the refund applicable on the day on which application for an export licence is made must, when it is fixed in advance, be reduced by an amount no greater than the difference between the cif forward delivery price and the cif price, where the former exceeds the latter by more than ECU 0,30 per tonne ; whereas on the other hand, the refund must be increased by an amount no greater than the difference between the cif price and the cif forward delivery price, where the former exceeds the latter by more than ECU 0,30 per tonne ;

Whereas the cif price is that determined in accordance with Article 16 of Regulation (EEC) No 1418/76 ; whereas the cif forward delivery price is that determined in accordance with Article 3 (2) of Council Regulation (EEC) No

1428/76⁽⁵⁾, based in respect of each month for which the export licence is valid, on the cif price calculated on the basis of offers for shipment during the month of exportation ;

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

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

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The corrective amount referred to in Article 17 (4) of Regulation (EEC) No 1418/76 which is applicable to the export refunds fixed in advance in respect of rice and broken rice shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 June 1992.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No 204, 24. 8. 1967, p. 20.

⁽⁴⁾ OJ No L 222, 10. 9. 1968, p. 6.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 30.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 18 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 18 June 1992 fixing the corrective amount applicable to the refund on rice and broken rice

(ECU/tonne)

Product code	Destination (1)	Current 6	1st period 7	2nd period 8	3rd period 9
1006 20 11 000	—	—	—	—	—
1006 20 13 000	01	0	0	0	0
1006 20 15 000	01	0	0	0	0
1006 20 17 000	—	—	—	—	—
1006 20 92 000	—	—	—	—	—
1006 20 94 000	01	0	0	0	0
1006 20 96 000	01	0	0	0	0
1006 20 98 000	—	—	—	—	—
1006 30 21 000	—	—	—	—	—
1006 30 23 000	01	0	0	0	0
1006 30 25 000	01	0	0	0	0
1006 30 27 000	—	—	—	—	—
1006 30 42 000	—	—	—	—	—
1006 30 44 000	01	0	0	0	0
1006 30 46 000	01	0	0	0	0
1006 30 48 000	—	—	—	—	—
1006 30 61 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 61 900	01	0	0	0	0
	04	0	0	0	0
1006 30 63 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 63 900	01	0	0	0	0
	04	0	0	0	0
1006 30 65 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 65 900	01	0	0	0	0
	04	0	0	0	0
1006 30 67 100	—	—	—	—	—
1006 30 67 900	—	—	—	—	—
1006 30 92 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 92 900	01	0	0	0	0
	04	0	0	0	0
	05	0	0	0	34,09
1006 30 94 100	01	0	0	0	0

(ECU/tonne)

Product code	Destination (1)	Current 6	1st period 7	2nd period 8	3rd period 9
1006 30 94 900	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
	01	0	0	0	0
	04	0	0	0	0
1006 30 96 100	05	0	0	0	38,28
	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 96 900	01	0	0	0	0
	04	0	0	0	0
	05	0	0	0	38,28
	—	—	—	—	—
	—	—	—	—	—
1006 30 98 100	—	—	—	—	—
1006 30 98 900	—	—	—	—	—
1006 40 00 000	—	—	—	—	—

(1) The destinations are identified as follows:

- 01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Zones I, II, III, VI, Canary Islands, Ceuta and Melilla,
- 03 Zones IV, V a), VII c), Canada and zone VIII, except Suriname, Guyana and Madagascar,
- 04 Destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87,
- 05 Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.

NB: The zones are those defined in the Annex to Commission Regulation (EEC) No 1124/77, as last amended by Regulation (EEC) No 3049/89.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE 92/44/EEC

of 5 June 1992

on the application of open network provision to leased lines

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

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

In cooperation with the European Parliament ⁽²⁾,

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

rights for the provision and operation of public telecommunications networks shall take the necessary measures to make the conditions governing access to and use of the network objective and non-discriminatory and publish them; whereas it is necessary to harmonize which specifications should be published and under which form, in order to facilitate the provision of competitive services using leased lines, within Member States and between Member States, and in particular the provision of services by companies, firms or natural persons established in a Member State other than that of the company, firm or natural person for whom the services are intended;

(1) Whereas Council Directive 90/387/EEC of 28 June 1990 on the establishment of the internal market for telecommunications services through the implementation of open network provision ⁽⁴⁾, provides that the Council shall adopt specific open network provision conditions for leased lines;

(2) Whereas in this Directive the concept of leased lines covers the offer of transparent transmission capacity between network termination points as a separate service and does not include on-demand switching or offers which form part of a switched service offered to the public;

(3) Whereas, in accordance with Commission Directive 90/388/EEC of 28 June 1990 on competition in the markets for telecommunications services ⁽⁵⁾, Member States which maintain special or exclusive

(4) Whereas, in application of the principle of non-discrimination, leased lines shall be offered and provided on request without discrimination to all users;

(5) Whereas the principle of non-discrimination as laid down in the Treaty applies to, *inter alia*, availability of technical access, tariffs, quality of service, provision time (delivery period), fair distribution of capacity in case of scarcity, repair time, availability of network information and customer proprietary information, subject to relevant regulatory provisions on data protection;

(6) Whereas a number of technical restrictions have been applied, in particular for the interconnection of leased lines among each other or for the interconnection of leased lines and public telecommunications networks; whereas such restrictions, which impede the use of leased lines for the provision of competitive services, are not justified, as they can be replaced by less restrictive regulatory measures;

⁽¹⁾ OJ No C 58, 7. 3. 1991, p. 10.

⁽²⁾ OJ No C 305, 25. 11. 1991, p. 61 and Decision of 13 May 1992 (not yet published in the Official Journal).

⁽³⁾ OJ No C 269, 14. 10. 1991, p. 30.

⁽⁴⁾ OJ No L 192, 24. 7. 1990, p. 1.

⁽⁵⁾ OJ No L 192, 24. 7. 1990, p. 10.

- (7) Whereas, in accordance with Community law, access to and use of leased lines may only be restricted in application of essential requirements as defined in this Directive and to safeguard exclusive or special rights; whereas those restrictions must be objectively justified, must follow the principle of proportionality and must not be excessive in relation to the aim pursued; whereas it is necessary to specify the application of these essential requirements in respect of leased lines;
- (8) Whereas, in accordance with Directive 90/388/EEC which does not apply to telex, mobile radiotelephony, paging and satellite services, Member States shall withdraw all special or exclusive rights for the supply of telecommunications services other than voice telephony; whereas this is the commercial provision for the public of the direct transport and switching of speech in real-time between public switched network termination points, enabling any user to use equipment connected to such a network termination point in order to communicate with another termination point;
- (9) Whereas Member States may, until the dates provided in Directive 90/388/EEC prohibit, as regards packet- or circuit-switched data services, economic operators from offering leased line capacity for simple resale to the public; whereas there should be no other restriction on the use of leased lines, in particular in respect of the transmission of signals which are not originated by the user who subscribed to the leased line offering, the transmission of signals which are not finally destined for the user who subscribed to the leased line offering, or the transmission of signals which are neither originated by nor finally destined for the user who subscribed to the leased line offering;
- (10) Whereas, in accordance with Directive 90/387/EEC, the Community-wide definition of harmonized technical interfaces and access conditions must be based on the definition of common technical specifications based on international standards and specifications;
- (11) Whereas, in accordance with Directive 90/388/EEC, Member States which maintain special or exclusive rights for the provision and operation of public telecommunications networks shall ensure that those who so request can obtain leased lines within a reasonable period;
- (12) Whereas, in order to make leased lines available to a sufficient extent to users for their own use, for shared use or for the provision of services to third parties, it is necessary that Member States ensure that a harmonized set of leased lines with defined network termination points is made available in all Member States both for communications within a Member State and between Member States; whereas it is therefore necessary to determine which type of leased lines should be included in the harmonized set and within which time limit if they are not yet available; whereas given the dynamic technological development in this sector, it is necessary to establish a procedure for adjusting or enlarging such a set;
- (13) Whereas other leased lines, in addition to the harmonized minimum set, will also be provided subject to market demand and the state of public telecommunications network; whereas the other provisions of this Directive apply to these leased lines; whereas however it should be ensured that the provision of these other leased lines does not impede the provision of the minimum set of leased lines;
- (14) Whereas in conformity with the principle of separation of regulatory and operational functions and in application of the principle of subsidiarity, the national regulatory authority of each Member State will play an important role for the implementation of this Directive;
- (15) Whereas common ordering procedures, as well as one-stop ordering and one-stop billing are needed in order to encourage the use of leased lines throughout the Community; whereas any cooperation of the telecommunications organizations in that respect is subject to compliance with Community competition law; whereas, in particular, such procedures should respect the principle of cost orientation and should not result in any price fixing or market sharing;
- (16) Whereas the implementation of one-stop ordering and one-stop billing procedures by telecommunications organizations must not prevent offers by service providers other than telecommunications organizations;
- (17) Whereas, in accordance with Directive 90/387/EEC, tariffs for leased lines must be based on the following principles; they must be based on objective criteria and must follow the principle of cost-orientation, taking into account a reasonable time needed for rebalancing; they must be transparent and properly published; they must be sufficiently unbundled in accordance with the competition rules of the Treaty and they must be non-discriminatory and guarantee equality of treatment; whereas tariffs for leased lines provided by one or more telecommunications organization must be based on the same principles; whereas a favourable prejudice is given to a tariff based on a flat-rate periodic rental, except where other types of tariffs are justified by cost;

- (18) Whereas any charge for access to and use of leased lines must comply with the principles set out above and with the competition rules of the Treaty and must also take into account the principle of fair sharing in the global cost of the resources used and the need for a reasonable level of return on investment which is required for the further development of the telecommunications infrastructure ;
- (19) Whereas, in order to ensure the application of the tariff principles set out in the previous two recitals, telecommunications organizations shall use an appropriate transparent cost accounting system which can be verified by accounting experts ensuring the production of recorded figures ; whereas such requirement can be fulfilled for example by the implementation of the principle of fully distributed costing ;
- (20) Whereas to enable the Commission to monitor effectively the application of this Directive, it is necessary that Member States notify to the Commission which national regulatory authority will be responsible for its implementation and provide the relevant information requested by the Commission ;
- (21) Whereas the Committee referred to in Articles 9 and 10 of Directive 90/387/EEC should play an important role for the application of this Directive ;
- (22) Whereas disagreements between users and telecommunications organizations on the provision of leased lines will normally be solved between these parties involved ; whereas it must be possible for parties to refer their case to a national regulatory authority and the Commission in cases where this is considered necessary ; whereas this does not prejudice normal application of the procedures laid down in Articles 169 and 170 and the competition rules of the Treaty ;
- (23) Whereas a specific procedure must be established in order to examine whether, in justified cases, the time limit set out in this Directive for the provision of a minimum set of leased lines and for the implementation of an appropriate cost accounting system may be extended ;
- (24) Whereas this Directive does not apply to leased lines one network termination point of which is located outside the Community,

HAS ADOPTED THIS DIRECTIVE :

Article 1

Scope

This Directive concerns the harmonization of conditions for open and efficient access to and use of the leased lines provided to users on public telecommunications networks, and the availability throughout the Community of a minimum set of leased lines with harmonized technical characteristics.

Article 2

Definitions

1. The definitions given in Directive 90/387/EEC shall apply, where relevant, to this Directive.
2. In addition, for the purposes of this Directive,
 - *leased lines* means the telecommunications facilities provided in the context of the establishment, development and operation of the public telecommunications network, which provide for transparent transmission capacity between network termination points and which do not include on-demand switching (switching functions with the user can control as part of the leased line provision),
 - *ONP Committee* means the Committee referred to in Articles 9 and 10 of Directive 90/387/EEC,
 - *users* means end users and service providers, including telecommunications organizations where the latter are engaged in providing services which are or may be provided also by others,
 - *national regulatory authority* means the body or bodies in each Member State, legally distinct and functionally independent of the telecommunications organizations, entrusted by that Member State *inter alia* with the regulatory functions addressed in this Directive,
 - *simple resale of capacity* means the commercial provision on leased lines for the public of data transmission as a separate service, including only such switching, processing, data storage or protocol conversion as is necessary for transmission in real time to and from the public switched network,
 - *common ordering procedure* means an ordering procedure for the procurement of intra-Community leased lines which ensures that there is commonality across the telecommunications organizations in the information that has to be supplied by the user and the telecommunications organizations, and in the format in which the information is presented,

— *one-stop-ordering* is a system whereby all transactions involving a user, required for the procurement of intra-Community leased lines, supplied by more than one telecommunications organization to a single user, can be completed at one location between the user and a single telecommunications organization,

— *one-stop-billing* is a system whereby the billing and payment transaction for intra-Community leased lines supplied by more than one telecommunications organization to a single user can be completed at one location between the user and a single telecommunications organization.

Article 3

Availability of information

1. Member States shall ensure that information in respect of leased lines, offerings on technical characteristics, tariffs, supply and usage conditions, licensing and declaration requirements, and the conditions for the attachment of terminal equipment is published in accordance with the presentation given in Annex I. Changes in existing offerings shall be published as soon as possible and, unless the national regulatory authority agrees otherwise, no later than two months before the implementation.

2. The information referred to in paragraph 1 shall be published in an appropriate manner so as to provide easy access for users to that information. Reference shall be made in the national Official Journal of the Member State concerned to the publication of this information.

Member States shall notify to the Commission before 1 January 1993, and thereafter in case of any change, the manner in which the information is made available. The Commission will regularly publish reference to such notifications.

3. Member States shall ensure that information concerning new types of leased line offerings will be published as soon as possible, and no later than two months before the implementation of the offering.

Article 4

Information on supply conditions

The supply conditions to be published pursuant to Article 3 shall include at least:

- information concerning the ordering procedure
- the typical delivery period, which is the period, counted from the date when the user has made a firm request for a leased line, in which 80 % of all leased lines of the same type have been put through to the customers.

This period will be established on the basis of the actual delivery periods of leased lines during a recent time interval of reasonable duration. The calculation

must not include cases where late delivery periods were requested by users. For new types of leased lines a target delivery period shall be published instead of the typical delivery period,

- the contractual period, which includes the period which is in general foreseen for the contract and the minimum contractual period which the user is obliged to accept,
- the typical repair time, which is the period, counted from the time when a failure message has been given to the responsible unit within the telecommunications organization up to the moment in which 80 % of all leased lines of the same type have been re-established and in appropriate cases notified back in operation to the users. For new types of leased lines a target repair time period shall be published instead of the typical repair time. Where different classes of quality of repair are offered for the same type of leased lines, the different typical repair times shall be published,
- any refund procedure.

Article 5

Conditions for the termination of offerings

Member States shall ensure that existing offerings continue for a reasonable period of time, and that termination of an offering can be done only after consultation with users affected. Without prejudice to other rights of appeal provided for by national laws, Member States shall ensure that users can bring the case before the national regulatory authority where the users do not agree with the termination date as envisaged by the telecommunications organization.

Article 6

Access conditions, usage conditions and essential requirements

1. Without prejudice to Articles 2 and 3 of Directive 90/388/EEC, Member States shall ensure that when access to and usage of leased lines is restricted, these restrictions are aimed only at ensuring compliance with the essential requirements, compatible with Community law, and are imposed by the national regulatory authorities through regulatory means.

No technical restrictions shall be introduced or maintained for the intercommunication of leased lines and public telecommunications networks.

2. Where access to and use of leased lines are restricted on the basis of essential requirements, Member States shall ensure that the relevant national provisions identify which of the essential requirements listed in paragraph 3 are the basis of such restrictions.

3. The essential requirements specified in Article 3 (2) of Directive 90/387/EEC shall apply to leased lines in the following manner:

(a) *Security of network operations*

A telecommunication organization may take the following measures in order to safeguard the security of network operations during the period when an emergency situation prevails:

- the interruption of the service,
- the limitation of service features,
- the denial of access to the service.

An emergency situation in this context means an exceptional case of *force majeure*, such as extreme weather, flood, lightning or fire, industrial action or lockouts, war, military operations, or civil disorder.

In an emergency situation the telecommunications organization shall make every endeavour to ensure that service is maintained to all users. The Member States shall ensure that the telecommunications organization immediately notifies the users and to the national regulatory authority the beginning and the end of the emergency as well as the nature and extent of temporary service restrictions;

(b) *Maintenance of network integrity*

The user has the right to be provided with a fully transparent service, in conformity with the specifications of the network termination point, which he can use in an unstructured manner as he wants, e.g. where no channel allocations are forbidden or prescribed. There shall be no restrictions on the use of leased lines on the ground of the maintenance of network integrity, as long as the access conditions related to terminal equipment are fulfilled;

(c) *Interoperability of services*

Without prejudice to the application of Article 3 (5) and Article 5 (3) of Directive 90/387/EEC, the use of a leased line shall not be restricted on the grounds of the interoperability of services, when the access conditions related to terminal equipment are fulfilled;

(d) *Protection of data*

In respect of data protection, Member States may restrict the use of leased lines only to the extent necessary to ensure compliance with relevant regulatory provisions on the protection of data including protection of personal data, the confidentiality of information transmitted or stored, as well as the protection of privacy compatible with Community law.

4. Access conditions related to terminal equipment

Access conditions related to terminal equipment are considered to be fulfilled when the terminal equipment

complies with the approval conditions set out for its connection to the network termination point of the type of leased line concerned, in accordance with Directive 91/263/EEC⁽¹⁾.

In the case where a user's terminal equipment does not comply or no longer complies with these conditions, the provision of the leased line may be interrupted until the terminal is disconnected from the network termination point.

Member States shall ensure that the telecommunications organization immediately informs the user about the interruption, giving the reasons for the interruption. As soon as the user has ensured that the non-complying terminal equipment is disconnected from the network termination point, the provision of the leased line shall be restored.

Article 7

Provision of a minimum set of leased lines in accordance with harmonized technical characteristics

1. Member States shall ensure that the respective telecommunications organizations separately or jointly provide a minimum set of leased lines in accordance with Annex II, in order to guarantee a harmonized offering throughout the Community.

2. Where leased lines which implement the standards listed in Annex II are not yet available, Member States shall take the necessary measures to ensure that these types of leased lines will be implemented by the date resulting from the application of Article 15.

3. The modifications necessary to adapt Annex II to new technical developments and to changes in market demand, including the possible deletion of certain types of leased lines from the Annex, shall be adopted by the Commission under the procedure provided for in Article 10 of Directive 90/387/EEC, taking into account the state of development of national networks.

4. The provision of other leased lines beyond the minimum set of leased lines which must be provided by Member States shall not impede the provision of this minimum set of leased lines.

⁽¹⁾ Council Directive 91/263/EEC of 29 April 1991 on the approximation of the laws of the Member States concerning telecommunications terminal equipment, including the mutual recognition of their conformity (OJ No L 128, 23. 5. 1991, p. 1).

Article 8

Control by the national regulatory authority

1. Member States shall ensure that the national regulatory authority lays down the procedures whereby it decides, on a case-by-case basis and in the shortest time period, to allow or not telecommunications organizations to take measures such as the refusal to provide a leased line, the interruption of the provision of leased lines or the reduction of the availability of leased line features for reasons of alleged failure to comply with the usage conditions by users of leased lines. These procedures may also foresee the possibility for the national regulatory authority to authorize, a priori, specified measures in the case of defined infringements of usage conditions.

Member States shall ensure that these procedures provide for a transparent decision-making process in which due respect is given to the rights of the parties. The decision shall be taken after having given the opportunity to both parties to state their case. The decision shall be motivated and notified to the parties within one week of its adoption: it shall not be enforced before its notification.

This provision shall not prejudice the right of the parties concerned to apply to the courts.

2. The national regulatory authority shall ensure that telecommunications organizations adhere to the principle of non-discrimination when they make use of the public telecommunications network for providing services which are or may be provided also by other service providers. When telecommunications organizations use leased lines for the provision of services not covered by special and/or exclusive rights, the same type of leased lines must be provided to other users on request and under equal conditions.

3. Where, in response to a particular request, a telecommunications organization considers it unreasonable to provide a leased line under its published tariffs and supply conditions, it must seek the agreement of the national regulatory authority to vary those conditions in that case.

Article 9

Common ordering and billing procedures

1. Member States shall encourage the establishment, by 31 December 1992 at the latest, in conformity with the

procedural and substantive rules of competition of the Treaty and in consultation with users, of:

- a common ordering procedure for leased lines throughout the Community,
- a one-stop-ordering procedure for leased lines, to be applied where requested by the user,
- a one-stop-billing procedure for leased lines, to be applied where requested by the user. The procedure shall foresee that all price elements resulting from the national leased lines and the respective parts of international leased lines provided by the telecommunications organizations involved are identified separately in the bill for the user.

2. Member States shall report to the Commission one year after this Directive is brought into effect on the results achieved with respect to the procedures provided for in paragraph 1. These results shall be examined by the ONP Committee.

Article 10

Tariffing principles and cost accounting

1. Member States shall ensure that tariffs for leased lines follow the basic principles of cost orientation and transparency in accordance with the following rules:

- (a) tariffs for leased lines shall be independent of the type of application which the users of the leased lines implement;
- (b) tariffs for leased lines shall normally contain the following elements:
 - an initial connection charge,
 - a periodic rental charge, i.e. a flat-rate element.When other tariff elements are applied, these must be transparent and based on objective criteria;
- (c) tariffs for leased lines apply to the facilities provided between network termination points at which the user has access to the leased lines.

For leased lines provided by more than one telecommunications organization, half-circuit tariffs, i.e. from one network termination point to a hypothetical mid-circuit point, can be applied.

2. Member States shall ensure that their telecommunications organizations formulate and put in practice, by 31 December 1993 at the latest, a cost accounting system suitable for the implementation of paragraph 1.

Without prejudice to the last subparagraph, the system referred to in the first subparagraph shall include the following elements :

- (a) the costs of leased lines shall in particular include the direct costs incurred by the telecommunications organizations for setting up, operating and maintaining leased lines, and for marketing and billing of leased lines ;
- (b) common costs, that is costs which can neither be directly assigned to leased lines nor to other activities, are allocated as follows :
 - (i) whenever possible, common cost categories shall be allocated based upon direct analysis of the origin of the costs themselves ;
 - (ii) when direct analysis is not possible, common cost categories shall be allocated based upon an indirect linkage to another cost category or group of cost categories for which a direct assignment or allocation is possible. The indirect linkage shall be based on comparable cost structures ;
 - (iii) when neither direct nor indirect measures of cost allocation can be found, the cost category shall be allocated based upon a general allocator computed by using the ratio of all expenses directly assigned or allocated to, on the one hand, services which are provided under special or exclusive rights and, on the other hand, to other services.

After 31 December 1993, other cost accounting systems may be applied only if they are suitable for the implementation of paragraph 1 and have as such been approved by the national regulatory authority for application by the telecommunications organization, subject to the Commission being informed prior to their application.

3. The national regulatory authority shall keep available, with an adequate level of detail, information on the cost accounting systems applied by the telecommunications organizations pursuant to paragraph 2. It shall submit this information to the Commission on request.

Article 11

Notification and reporting

1. Member States shall notify before 1 January 1993 to the Commission their national regulatory authority as defined in Article 2, fourth indent.
2. The national regulatory authority shall make available statistical reports showing the performance in relation to the supply conditions, in particular with respect to delivery time and repair time, published in accordance with Article 3 at least for each calendar year. The reports shall be sent to the Commission no later than five months after the end of the annual reporting period.

The national regulatory authority shall keep available and submit to the Commission on request the data on cases

where the access to or use of leased lines has been restricted, in particular because of alleged infringements of special or exclusive rights or the prohibition of simple resale of capacity, as well as details of the measures taken, including their motivation.

Article 12

Conciliation procedure

Without prejudice to :

- (a) any action that the Commission or any Member State might take pursuant to the Treaty, and in particular Articles 169 or 170 thereof ;
- (b) the rights of the person invoking the procedure in paragraphs 1 to 5 of this Article of the telecommunications organizations concerned or any other person under applicable national law, except in so far as they enter into an agreement for the resolution of issues between them ;

the following conciliation procedure shall be available to the user :

1. Any user complaining that he has been or may be injured by the infringement of the provisions of this Directive, particularly regarding intra-Community leased lines, shall have the right to appeal to the national regulatory authority or authorities.
2. Where agreement cannot be reached at a national level, the aggrieved party may invoke the procedure provided for in paragraphs 3 and 4, by way of a written notification to the national regulatory authority and the Commission.
3. Where the national regulatory authority or the Commission finds that there is a case for further examination, following a notification based on paragraph 2, it can refer it to the Chairman of the ONP Committee.
4. In the case referred to in paragraph 3, the Chairman of the ONP Committee shall initiate the procedure described below if he is satisfied that all reasonable steps have been taken at a national level :
 - (a) the Chairman of the ONP Committee shall convene as soon as possible a working group including at least two members of the ONP Committee and one representative of the national regulatory authorities concerned and the Chairman of the ONP Committee or another official of the Commission appointed by him. The working group shall normally meet within 10 days of the meeting being convened. The Chairman may decide, upon proposal of any of the members of the working group, to invite a maximum of two other persons as experts to advise it.

- (b) the working group shall give the party invoking this procedure, the national regulatory authorities of the Member States, and the telecommunications organizations involved the opportunity to present their opinions in oral or written form;
 - (c) the working group shall endeavour to reach agreement between the parties involved. The Chairman shall inform the ONP Committee of the results of this procedure.
5. The party invoking the procedure referred to in this Article shall bear its own costs of participating in this procedure.

Article 13

Deferment of certain obligations

1. When a Member State is not able to or can foresee that it will not be able to fulfil the requirements of Article 7 (1) or (2) or Article 10 (1) or (2), it shall notify the Commission of the reasons.
2. Deferment of the obligations under Article 7 (1) or (2) can be accepted only in cases where the Member State concerned can prove that the actual state of development of its public telecommunications network or the conditions of demand are such that the obligations under Article 7 would impose an excessive burden on the telecommunications organization in that Member State.
3. Deferment of the obligations under Article 10 (1) or (2) can be accepted only in cases where the Member State concerned can prove that the fulfilment of the requirements would impose an excessive burden on the telecommunications organization in that Member State.
4. The Member State shall inform the Commission of the date by which the requirements can be met and of the measures envisaged in order to meet this deadline.
5. When the Commission receives a notification in accordance with paragraph 1, it shall inform the Member State whether it deems that the particular situation of the Member State concerned justifies, on the basis of criteria set out in paragraphs 2 and 3, a deferment for this Member State of the application of Article 7 (1) or (2) of

Article 10 (1) or (2) and until which date such deferment is justified.

6. No deferment can be granted in application of paragraph 2 where the non-compliance with Article 7 results from activities of telecommunications organizations of the Member State concerned in competitive areas within the meaning of Community law.

Article 14

The Commission shall examine and report to the European Parliament and to the Council on the functioning of this Directive, on the first occasion not later than three years after this Directive is brought into effect. The report shall be based *inter alia* on the information provided by the Member States to the Commission and to the ONP Committee. Where necessary, further measures can be proposed in the report for the full implementation of the aims of the Directive.

Article 15

1. Member States shall take the measures necessary to comply with this Directive before 5 June 1993. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall inform the Commission of the main provisions of national law which they adopt in the field governed by this Directive.

Article 16

This Directive is addressed to the Member States.

Done at Luxembourg, 5 June 1992.

For the Council

The President

Joaquim FERREIRA DO AMARAL

*ANNEX I***PRESENTATION OF THE INFORMATION TO BE PROVIDED IN RESPECT OF LEASED LINES IN ACCORDANCE WITH ARTICLE 3 (1)**

The information referred to in Article 3 (1) of this Directive shall follow the presentation given below :

A. Technical characteristics

The technical characteristics include the physical and electrical characteristics as well as the detailed technical and performance specifications which apply at the network termination point, without prejudice to Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations⁽¹⁾. Clear reference shall be made to the standards implemented.

B. Tariffs

The tariffs include the initial connection charges, the periodic rental charges, and other charges. Where tariffs are differentiated, e.g. for reasons of different levels of quality of service or the number of leased lines provided to a user (bulk provision), this must be indicated.

C. Supply conditions

The supply conditions include at least the elements defined in Article 4 (1).

D. Licensing requirements

The information on licensing requirements, licensing procedures and/or licensing conditions provides a complete overview of all factors which have an impact on the usage conditions set out for leased lines. It shall include the following information, where applicable :

1. a clear description of the service categories for which the licensing procedures have to be followed and for which the licensing conditions have to be met by the user of the leased line or by his customers ;
2. information on the character of the licensing conditions, in particular whether such licence is of a general nature which does not require individual registration and/or authorization, or whether the licensing conditions require registration and/or authorization on an individual basis ;
3. a clear indication of the validity in time of the licence, including a review date, where applicable ;
4. the conditions resulting from the application of the essential requirements in conformity with Article 6 ;
5. other obligations which the Member States may impose on the users of leased lines in accordance with Directive 90/388/EEC as regards packet- or circuit-switched data services, requiring the adherence to conditions of permanence, availability, or quality of service ;
6. a clear reference to conditions aiming at the enforcement of the prohibition to provide services for which exclusive and/or special rights have been maintained by the Member State concerned in conformity with Community law ;
7. a list referring to all documents containing licensing conditions which the Member State imposes on the users of leased lines when these are using leased lines for the provision of services to others.

E. Conditions for the attachment of terminal equipment

The information on the attachment conditions includes a complete overview of the requirements which terminal equipment to be attached to the relevant leased line has to fulfil in accordance with Directive 91/263/EEC.

⁽¹⁾ OJ No L 109, 26. 4. 1983, p. 8. Directive last amended by Commission Decision 90/230/EEC (OJ No L 128, 18. 5. 1990, p. 15).

ANNEX II

DEFINITION OF A MINIMUM SET OF LEASED LINES WITH HARMONIZED TECHNICAL CHARACTERISTICS, IN ACCORDANCE WITH ARTICLE 7, TO BE PROVIDED AS SOON AS POSSIBLE AND NOT LATER THAN THE DATE ON WHICH THIS DIRECTIVE IS BROUGHT INTO EFFECT

Leased line type	Technical characteristics ⁽¹⁾	
	Interface specifications	Performance specifications
Ordinary quality voice bandwidth	2 or 4 wire analogue	CCITT M. 1040
Special quality voice bandwidth	2 or 4 wire analogue	CCITT M. 1020/M. 1025
64 kbit/s digital	CCITT G. 703 ⁽²⁾	Relevant CCITT G. 800 series recommendations
2 048 kbit/s digital unstructured	CCITT G. 703	Relevant CCITT G. 800 series recommendations
2 048 kbit/s digital structured	CCITT G. 703 and G. 704 (excluding section 5) ⁽³⁾	Relevant CCITT G. 800 series recommendations In-service monitoring ⁽⁴⁾

⁽¹⁾ The CCITT recommendations referenced refer to the 1988 version. ETSI has been requested to carry out further work on standards for leased lines.

⁽²⁾ The majority of applications are converging towards the G. 703 specification. For an interim period, leased lines may be provided using other interfaces, based on X.21 or X.21 (a), instead of G. 703.

⁽³⁾ With cyclic redundancy checking in accordance with CCITT G. 706.

⁽⁴⁾ In-service monitoring can facilitate improved maintenance by the telecommunications organization.

For the types of leased lines listed above, the specifications referred to also define the network termination points (NTPs), in accordance with the definition given in Article 2 of Directive 90/387/EEC.

COMMISSION

COMMISSION DECISION

of 13 June 1992

accepting an undertaking given in connection with the review proceeding of the anti-dumping measure concerning imports of container corner fittings of worked cast steel originating in Austria and terminating the investigation

(92/313/EEC)

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 Articles 10, 14 and 15 thereof,

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

Whereas,

A. PROCEDURE

- (1) In September 1985, the Commission, by Decision 85/443/EEC⁽²⁾, accepted an undertaking given in connection with the anti-dumping investigation concerning imports of container corner fittings of worked cast steel originating in Austria and terminated that investigation.
- (2) Following the publication in March 1990⁽³⁾ of a notice of the impending expiry of the measure in force, the Commission received a request for a review lodged by George Blair Ltd of Newcastle (UK), representing a major part of Community production of the product under consideration. The complaint contained evidence showing that the expiry of the measure would lead again to injury or threat of injury, and this evidence was considered

sufficient to justify the initiation of an investigation.

In a notice published in the *Official Journal of the European Communities*⁽⁴⁾, the Commission accordingly announced its intention to carry out a review of the anti-dumping measure in force.

Subsequently, in a notice published in the *Official Journal of the European Communities*⁽⁵⁾, the Commission announced a review of the anti-dumping measure in force.

- (3) The Commission officially notified the Austrian producer, the importers known to be concerned, the representatives of the exporting country and the complainants.

It called on the parties concerned to reply to the questionnaires sent to them, and gave them the opportunity to make their views known in writing and to request a hearing.

- (4) All Community producers replied to the questionnaires and made their views known in writing. The representatives of the complainant requested and were granted hearings by the Commission.
- (5) The Austrian producer replied to the questionnaire and made its views known in writing.
- (6) None of the 11 companies known as importers of container corner fittings submitted a full reply to the questionnaires sent out by the Commission.

However, a company not known at the outset of the investigation, Maersk Container Industri AS, Tinglev, Denmark, which was recently established with the objective of producing and selling steel

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 256, 27. 9. 1985, p. 44.

⁽³⁾ OJ No C 82, 31. 3. 1990, p. 11.

⁽⁴⁾ OJ No C 205, 17. 8. 1990, p. 20.

⁽⁵⁾ OJ No C 310, 11. 12. 1990, p. 7.

containers for seafreight, submitted a memorandum. The arguments made by this company were taken into consideration in the course of the investigation.

- (7) Using as a source the parties which had agreed to cooperate with it, the Commission sought and verified all the information it deemed necessary for the purpose of determining dumping, injury and the threat of injury and carried out inspections at the premises of:

— *Community producers:*

- G. Blair Ltd, Newcastle, United Kingdom,
- Fundiciones Especiales Zaragoza SA, Zaragoza, Spain,
- Thome Cromback, Nouzonville, France;

— *Producer in Austria:*

Maschinenfabrik Liezen GmbH, Liezen, Austria (previously known as Voest Alpine AG, Liezen).

- (8) The Austrian producer was provided with information on the essential facts and considerations which would serve as the basis for the recommendation to impose definitive measures. They were also given time to submit their comments following the communication of this information. Their comments were examined and, where appropriate, taken into account in the Commission's conclusions.

- (9) The investigation into dumping covered the period from 1 January to 30 September 1990.

This proceeding overran the one-year period laid down in Article 7 (9) (a) of Regulation (EEC) No 2423/88 because of the duration of the exchanges of information with the Austrian producer following the disclosure mentioned in recital 8.

B. PRODUCT CONCERNED, LIKE PRODUCT, COMMUNITY INDUSTRY

- (10) The product concerned is fitted to containers which are used for shipping goods door-to-door. The fittings act as security points and lifting locations and there are eight such fittings, known as a set, for each container. They fall within CN code ex 7325 99 90.
- (11) Container corner fittings are required to conform to certain standards, mainly set up by the International Standards Organization (ISO) but sometimes established for railroad transport by the 'Union Internationale des Chemins de fer' and known as 'UIC' standards.

During the reference period, the UIC types represented only about 1 % of the Austrian producer's deliveries on the Community market. Exports of UIC type container corner fittings were therefore disregarded and the investigation concentrated on ISO types.

- (12) The Community industry manufactures container corner fittings to the same ISO standards and which have the same physical characteristics and uses as those imported into the Community from Austria.
- (13) The Commission therefore considered that the products manufactured by Community producers should be considered to be like products within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88 to those exported from Austria.
- (14) The Company having requested the review, together with the two other Community producers who also cooperated with the Commission investigation, account for 100 % of the total Community output of container corner fittings. The Commission therefore considered that these three Community producers constituted the Community industry within the meaning of Article 4 (5) of Regulation (EEC) No 2423/88.

C. DUMPING

1. Methodology of the investigation

- (15) As indicated in recital 11, container corner fittings, the subject of the investigation, conform to ISO standards, which provide specifications for several models, with slight differences having an impact on the weight of each corner.

Therefore, in order to avoid difficulties which may have arisen from weight differences between ISO models (mainly 'standard model' of 10-11 kg/piece and 'Italian model' of 11-12,30 kg/piece) all dumping calculations were based on prices or costs per kilogram, as this method appeared to be the most relevant in the case of products manufactured in a foundry.

2. Normal value

- (16) In no case did the volume of sales of the like product on the exporter's domestic market exceed the threshold of 5 % of the volume of exports of the product to the Community, set by the Commission in previous cases. Domestic sales were therefore considered unrepresentative and normal value was based on a constructed value determined by adding cost of production and a reasonable margin of profit, in accordance with Article 2 (3) (b) (ii) of Regulation (EEC) No 2423/88.

- (17) The costs of production were computed on the basis of all costs, in the ordinary course of trade, both fixed and variable, in the country of origin, of materials and manufacture, plus a reasonable amount for selling, administrative and other general expenses.
- (18) For the purpose of calculating the amount for selling, administrative and other general expenses, in accordance with the provisions of Article 2 (3) (b) (ii) of Regulation (EEC) No 2423/88, it appeared that the level of expenses incurred by the Austrian producer on its sales of the like product on its domestic market could not be taken into account because these sales did not reach 5 % of export sales to the Community and thus were unrepresentative.

As data concerning the expenses incurred by other producers in the country of origin were unavailable, the Commission would have considered appropriate to refer to the sales made by the Austrian producer in the same business sector, i.e. the foundry division.

However, the Austrian producer claimed that these expenses should be allocated in a specific way between the different divisions of the company. In the absence of supporting evidence justifying such allocation, the Commission considered that the most reasonable basis, within the meaning of Article 2 (3) (b) (ii) *in fine* of Regulation (EEC) No 2423/88, for the purpose of calculating the selling, administrative and other general expenses, was to refer to the total amount of these expenses incurred by the Austrian producer and to make a distribution in proportion to the turnover, as provided for by Article 2 (11) of Regulation (EEC) No 2423/88.

A profit margin of 6 % calculated on the turnover was added to these costs. This margin, which corresponds to a slight increase from 5 % used in the previous investigation, was considered to be reasonable, given the peculiarities and investment requirements of the sector concerned, considered in the light of its current situation.

3. Export price

- (19) All export transactions to the Community were made to independent buyers. Export prices were therefore determined on the basis of the prices actually paid or payable for the products sold for export to the Community. For this purpose, about 98 % of all transactions were taken into account.

4. Comparison

- (20) The comparison between normal value and export prices was made at ex-factory level on a transaction

by transaction basis. For the purpose of ensuring a fair comparison, as provided for by Article 2 (9) and (10) of Regulation (EEC) No 2423/88, due allowance in the form of adjustments was made for the differences affecting price comparability.

Such adjustments were made, where applicable, either to normal value or export price, for credit, commissions, transport and other ancillary costs on the basis of the information verified at the premises of the Austrian producer Maschinenfabrik Liezen.

5. Dumping margin

- (21) The above examination of the facts shows the persistence of dumping in respect of exports made by Maschinenfabrik Leizen, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community.

The margins found vary slightly according to the importing Member State, the weighted average dumping margin being in excess of 20 % of the free at Community frontier value, uncleared through customs.

D. INJURY

- (22) In the case under consideration, the Commission's task was to determine whether the expiry of the measures in force would lead again to injury or threat of injury.

I. Current situation

1. Consumption on the Community market

- (23) Between 1987 and the investigation period the total estimated consumption in the Community of the product under investigation increased by 164 %.

2. Volume and price of imports. Market share of dumped imports

- (24) Between 1987 and the end of 1990, the total weight of imports from Austria, which for reasons of confidentiality is based on Eurostat figures, rose from 986 tonnes to 3 615 tonnes, i.e. an increase of 266 %. During the same period, declared import values only rose by 248 %, which means a decrease in unit prices which was established at 4,8 %. The confidential data provided by the Austrian producer which cooperated in the investigation confirmed these trends.

- (25) The Austrian producer whose market share was already substantial in 1987 has doubled it at the end of the reference period.

3. *Situation of the Community industry*

(a) Community production and capacity utilization

- (26) Between 1987 and the reference period, Community industry's production increased by 62 %. However, this increase must be considered in the light of a demand which expanded by 164 % during this period. With regard to capacity utilization, a slight improvement was noted.

(b) Market share

- (27) Although sales of Community industry rose by 90,5 % between 1987 and the reference period, the increase in demand meant that the Community industry lost 28 % of the Community market during that period.

(c) Prices

- (28) For the purposes of calculating whether undercutting had occurred, the Austrian sales prices of ISO type container corner fittings were compared with the sales prices of Community industry's like products on the German, Italian and UK markets (these markets representing 95 % of the Austrian company's total volume of sales in the Community). The same level of trade was respected in all cases. The comparison was made at the delivered, customs cleared stage for the Austrian sales and at the delivered stage for the products sold by the Community industry.

The weighted average level of price undercutting was found to be 6,3 %. No violation of the undertaking in force has, however, been established.

(d) Profits

- (29) Following the imposition of the measure, the Community industry's overall profitability slightly improved in the period 1987 to 1989. However, as the starting point was very low in the sector of container corner fittings and due to the deterioration noted since 1990, all Community manufacturers sold at a loss during the reference period.

4. *Conclusion*

- (30) The Commission accordingly concluded, on the basis of the above, that the situation of the

Community industry is relatively weak. In particular, its market share sharply decreased and its activity in the sector of container corner fittings remained unprofitable. While the existing measure had some beneficial effect for the Community industry, it appears that it had only limited the impact of dumping and that the injury suffered through the effects of dumping would have been even more severe in its absence.

II. *Possible recurrence of Injury*

- (31) In order, in these circumstances, to forecast the effect of the expiry of the anti-dumping measure, the Commission considered the following points.

Despite the measure currently in force, the Community industry's situation remained precarious. In such a context, it can be expected that the expiry of the measure would even worsen that situation. Indeed, it can be forecasted that without measure the exporter would even decrease further its prices in order to increase its market share in the Community at the expense of the Community industry. Such a reduced volume of sales would increase further the Community industry's costs and thus increase its losses.

- (32) In these circumstances, the Commission considered that if the measure was allowed to lapse, this would lead to further material injury for the community industry.

E. *COMMUNITY INTEREST*

- (33) In considering the Community interest, the Commission has taken account of the interest of the Community container corner fittings industry, the users and the final consumers of the end product.

In the absence of measures, a continuation of the trend observed would lead to the most negative consequences for the Community industry concerned and endanger its short-term viability. The loss of this industry would have serious consequences from the point of view of employment and investment expenditure. It is in the interest of the Community that such consequences do not occur and that sufficiently diverse sources of supply be maintained within the Community.

- (34) As far as the purchasers of container corner fittings and final consumers of containers are concerned, it may be argued that they could derive some benefit from buying low-priced container corner fittings.

Any such benefit, however, would be minimal for the end users, since the product in question accounts for only a tiny fraction of the final price of the products of which it forms part.

- (35) Having balanced the above arguments, the Commission concluded that the Community's interest lies in maintaining defensive measures against imports at dumped prices of ISO type container corner fittings.

F. UNDERTAKING

- (36) After the disclosure of its findings by the Commission, the Austrian producer offered a price undertaking concerning its exports to the Community of ISO type container corner fitting of worked cast steel.

The effect of the said undertaking will be to increase export prices to the Community to the level which the Commission considered sufficient to eliminate injury, by allowing the Community producers to apply selling prices which eliminate the losses and provide them with an adequate return. The consequent and necessary price increase of the Austrian producer in no case exceeds the dumping margin found in the investigation.

In these circumstances, the undertaking offered is considered acceptable and the investigation may, therefore, be terminated without imposition of anti-dumping duties.

- (37) Should this undertaking not be complied with or be withdrawn by the exporter concerned, the Commission could, in accordance with Article 10 (6) of Regulation (EEC) No 2423/88, immediately impose a provisional duty on the basis of the results and conclusions of the investigation set out in recitals 10 to 35.
- (38) No objection to this course was raised in the Advisory Committee,

HAS DECIDED AS FOLLOWS:

Article 1

The undertaking offered by Maschinenfabrik Liezen GmbH, Liezen, Austria, in connection with the review proceeding of the anti-dumping measure concerning imports of container corner fittings of worked cast steel falling within CN code ex 7325 99 90, originating in Austria, is hereby accepted.

Article 2

The anti-dumping investigation in connection with the review proceeding referred to in Article 1 is hereby terminated.

Done at Brussels, 13 June 1992.

For the Commission

Frans ANDRIESEN

Vice-President