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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1669/92

of 29 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 26 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 30 June 1992.

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

Done at Brussels, 29 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 29 June 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy (°)
0709 90 60	141,83 (°) (°)
0712 90 19	141,83 (°) (°)
1001 10 10	183,47 (°) (°) (°)
1001 10 90	183,47 (°) (°) (°)
1001 90 91	152,05
1001 90 99	152,05 (°)
1002 00 00	172,81 (°)
1003 00 10	143,90
1003 00 90	143,90 (°)
1004 00 10	127,65
1004 00 90	127,65
1005 10 90	141,83 (°) (°)
1005 90 00	141,83 (°) (°)
1007 00 90	149,10 (°)
1008 10 00	70,50 (°)
1008 20 00	124,12 (°)
1008 30 00	71,52 (°)
1008 90 10	(°)
1008 90 90	71,52
1101 00 00	225,87 (°) (°)
1102 10 00	255,81 (°)
1103 11 10	298,01 (°) (°)
1103 11 90	242,26 (°)

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

(°) 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.

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

(°) 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.

(°) 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.

(°) 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.

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

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

(°) 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.

(°) 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.

(°) 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 1670/92

of 29 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 26 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 30 June 1992.

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

Done at Brussels, 29 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 29 June 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	6	7	8	9
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	6	7	8	9	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 1671/92**of 29 June 1992****on the issuing of a standing invitation to tender for the resale on the internal market of 4 000 tonnes of rice held by the Spanish intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 674/92 ⁽²⁾, and in particular Article 5 (5) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1424/76 of 21 June 1976 laying down general rules for intervention on the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 794/91 ⁽⁴⁾, provides that rice held by the intervention agency is to be sold by tender;

Whereas Commission Regulation (EEC) No 75/91 ⁽⁵⁾ lays down the procedure and conditions for the disposal of rice held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 4 000 tonnes of rice held by the Spanish intervention agency should be issued;

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 Spanish intervention agency shall issue a standing invitation to tender for the resale on the internal market

of 4 000 tonnes of rice held by it in accordance with Regulation (EEC) No 75/91.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 15 July 1992.

2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 29 July 1992.

3. Tenders must be lodged with the Spanish intervention agency:

— Servicio Nacional de Productos Agrarios (SENPA)
c/Beneficencia 8, Madrid 28004 (telex : 23427 SENPA E).

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the Spanish intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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

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

Done at Brussels, 29 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 82, 28. 3. 1991, p. 5.

⁽⁵⁾ OJ No L 9, 12. 1. 1991, p. 15.

COMMISSION REGULATION (EEC) No 1672/92

of 29 June 1992

amending Regulation (EEC) No 1106/90 on the communication of information
for the purposes of the common organization of the market in fishery products

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
Articles 11 (4), 17 (5) and 19 (6) thereof,

Whereas Commission Regulation (EEC) No 1106/90⁽²⁾,
as amended by Regulation (EEC) No 1868/91⁽³⁾, lays
down the list of representative wholesale markets and
ports for the products listed in Annexes I (A), (D) and (E),
II and III to Regulation (EEC) No 3687/91;

Whereas Community legislation applies in the Canary
Islands since 1 July 1991;

Whereas, in order to apply the provisions of the common
organization of the market in the fishery products sector
in the region concerned, the relevant representative ports
and markets must be laid down;

Whereas the list of representative ports for Norway
lobster should also be amended;

Whereas Regulation (EEC) No 1160/90 must be amended
accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1106/91 is amended as follows:

1. in Annex I, part I, point 2 (a) (Atlantic sardines), the word 'Arrecife' is added;
2. in Annex I, part III, under Norway lobster (tails), the word 'Skagen' is added;
3. in Annex I, part V, points 1 to 5 (cephalopods), the words 'Las Palmas' are added;
4. in Annex I, part VI (tunny), the word 'Arrecife' is added.

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, 29 June 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 354, 23. 12. 1991, p. 1.

⁽²⁾ OJ No L 111, 1. 5. 1990, p. 50.

⁽³⁾ OJ No L 168, 29. 6. 1991, p. 54.

COMMISSION REGULATION (EEC) No 1673/92**of 29 June 1992****amending Regulation (EEC) No 3864/91 fixing, for the 1992 fishing year, the withdrawal and selling prices for the fishery products listed in Annex I (A), (D) and (E) of Council Regulation (EEC) No 3687/91**

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 12 (3) thereof,

Whereas Commission Regulation (EEC) No 3864/91⁽²⁾ fixes for the 1992 fishing year the conversion factors used for calculating the withdrawal prices applicable in the landing areas which are very distant from the main centres of consumption in the Community;

Whereas, under the Poseican programme and as a result of the change in status of the Canary Islands, a special conversion factor applicable to Atlantic sardines of the species *Sardina pilchardus* landed in this outermost region should be adopted; whereas it is necessary to amend Regulation (EEC) No 3864/91 accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EEC) No 3864/91 is replaced by the Annex to this Regulation.

Article 2

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

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, 29 June 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 354, 23. 12. 1991, p. 1.

⁽²⁾ OJ No L 363, 31. 12. 1991, p. 2.

ANNEX

ANNEX IV

Species	Landing area	Conversion factor	Size (°)	Withdrawal prices (ECU/tonne)			
				Gutted fish, with head		Whole fish	
				Extra, A (°)	B (°)	Extra, A (°)	B (°)
Mackerel of the species <i>Scomber scombrus</i>	Coastal areas and islands of Ireland	0,80	{ 1 2 3	0 0 0	0 0 0	151 151 151	151 133 124
	Coastal areas and islands of Cornwall and Devon in the United Kingdom	0,83	{ 1 2 3	0 0 0	0 0 0	157 157 157	157 138 129
	Coastal areas from Portpatrick in south-west Scotland to Wick in north-east Scotland and the islands to the west and north of these areas, coastal areas and islands of Northern Ireland	0,89	{ 1 2 3	0 0 0	0 0 0	168 168 168	168 148 138
	Coastal areas from Wick to Aberdeen in the north-east of Scotland	0,95	{ 1 2 3	0 0 0	0 0 0	179 179 179	179 158 148
Sardines from sardines of the species <i>Sardina pilchardus</i> from the Atlantic	Coastal areas and islands of the counties of Cornwall and Devon in the United Kingdom	0,63	{ 1 2 3 4	0 0 0 0	0 0 0 0	140 140 217 140	89 89 89 89
	Coastal areas of the Atlantic of Spain and Portugal	0,65	3	0	0	194	0
	Canary Islands	0,45	{ 1 2 3 4	0 0 0 0	0 0 0 0	87 87 134 87	55 55 55 55
Hake of the species <i>Merluccius merluccius</i>	Coastal areas from Troon in south-west Scotland to Wick in north-east Scotland and the islands to the west and north of these areas	0,64	{ 1 2 3 4 5	1 770 1 345 1 328 1 133 1 062	1 664 1 257 1 239 1 044 974	1 398 1 044 1 027 885 832	1 292 956 938 726 673
	Coastal areas and islands of Ireland	0,87	{ 1 2 3 4 5	2 406 1 829 1 805 1 540 1 444	2 262 1 708 1 684 1 420 1 323	1 901 1 420 1 396 1 203 1 131	1 756 1 299 1 275 987 914

(°) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EEC) No 3687/91.*

COMMISSION REGULATION (EEC) No 1674/92

of 29 June 1992

amending Regulation (EEC) No 3867/91 fixing the amount of the carry-over premium for certain fishery products for the 1992 fishing year

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

Having regard to Council Regulation (EEC) No 2203/82 of 28 July 1982 laying down general rules for the granting of a carry-over premium, for certain fishery products⁽¹⁾, as last amended by Regulation (EEC) No 3469/88⁽²⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EEC) No 3867/91⁽³⁾ fixes the amount of the carry-over premium for certain fishery products for the 1992 fishing year;

Whereas, under the Poseican programme and as a result of the change in status of the Canary Islands, the carry-over premium is applicable in this outermost region, particularly to Atlantic sardines of the species *Sardina pilchardus*;

Whereas the amount of the premium may not be more than 50 % of the Community withdrawal price for the fresh product;

Whereas the withdrawal prices for 1992 for Atlantic sardines of the species *Sardina pilchardus* are fixed by Commission Regulation (EEC) No 3864/91⁽⁴⁾, as amended by Regulation (EEC) No 1673/92⁽⁵⁾;

Whereas Regulation (EEC) No 3867/91 should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EEC) No 3867/91, the following is added to footnote 1 (a) for Atlantic sardines of the species *Sardina pilchardus*:

‘— to ECU 44/tonne in the Canary Islands (I, II and III)’.

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, 29 June 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 235, 10. 8. 1982, p. 4.

⁽²⁾ OJ No L 305, 10. 11. 1988, p. 7.

⁽³⁾ OJ No L 363, 31. 12. 1991, p. 20.

⁽⁴⁾ OJ No L 363, 31. 12. 1991, p. 2.

⁽⁵⁾ See page 7 of this Official Journal.

COMMISSION REGULATION (EEC) No 1675/92

of 29 June 1992

amending Regulation (EEC) No 1730/87 laying down quality standards for table grapes as regards the lists of varieties

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1156/92⁽²⁾, and in particular Article 2 (2) thereof,Whereas the Annex to Commission Regulation (EEC) No 1730/87⁽³⁾, as last amended by Regulation (EEC) No 658/92⁽⁴⁾, lays down quality standards for table grapes; whereas the Annex to the standards determines the lists of varieties;

Whereas an error has slipped in the list '(b) Small berry varieties' where 'Panse blanche' has been named as a synonym to "Panse Précoce" which is not correct according to information obtained; whereas the standard should be corrected accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1730/87 is hereby amended as follows:

in the Annex to the standards 'Lists of varieties, non exhaustive' under '(b) Small berry varieties', on the line "Panse Précoce", the term '— Panse Blanche' is deleted in the bracket.

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

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

Done at Brussels, 29 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 163, 23. 6. 1987, p. 25.⁽⁴⁾ OJ No L 70, 17. 3. 1992, p. 15.

COMMISSION REGULATION (EEC) No 1676/92

of 29 June 1992

fixing for the 1992/93 marketing year the Community offer prices for apples
applicable with regard to Spain and Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 3709/89 ⁽¹⁾ and (EEC) No 3648/90 ⁽²⁾ laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensation mechanism on imports of fruit and vegetables originating respectively in Spain and Portugal, and in particular Article 4 (1) thereof,

Whereas Commission Regulation (EEC) No 3820/90 ⁽³⁾ lays down detailed rules for the application of the compensation mechanism to imports of fruit and vegetables from Spain;

Whereas, pursuant to Articles 152 and 318 of the Act of Accession, a compensation mechanism is to be introduced on imports into the Community as constituted at 31 December 1985, hereinafter referred to as the 'Community of Ten', of fruit and vegetables from Spain and Portugal for which a reference price is fixed with regard to third countries; whereas Community offer prices for apples coming from Spain and Portugal should be fixed only during the period where reference prices are fixed with regard to third countries, this means from 1 July up to and including 30 June of the following year;

Whereas, in accordance with Articles 152 (2) (a) and 318 (1) (a) of the Act of Accession, a Community offer price is to be calculated annually on the basis of the arithmetic mean of the producer prices in each Member State of the Community of Ten, plus transport and packaging costs incurred by the products from the production regions to the representative consumption centres of the Community and bearing in mind developments in the cost of production in the fruit and vegetable sector; whereas the abovementioned producer prices correspond to the average prices recorded during the three years preceding the date of fixing of the Community offer price; whereas, however, the annual Community offer price cannot exceed the reference price applied for third countries;

Whereas, in order to take account of seasonal variations in prices, the marketing year should be divided into one or more periods and a Community offer price should be fixed for each of them;

Whereas, in accordance with Article 1 of Regulations (EEC) No 3709/89 and (EEC) No 3648/90, the producer prices to be used for the determination of the Community offer price are to be those of a domestic product defined by its commercial characteristics recorded on the representative market or markets located in the production areas where prices are lowest for products or varieties representing a considerable proportion of production marketed throughout the year or during a part of the latter and which meet quality class I requirements and conditions laid down as regards packaging; whereas the average price for each representative market must be established after disregarding prices which may be considered excessively high or excessively low compared with the normal fluctuations recorded on the market; whereas, moreover, if the average price for a Member State shows excessive variations with respect of normal price fluctuations, it shall not be taken into account;

Whereas the application of the abovementioned criteria results in Community offer prices being fixed for apples for the period 1 July 1992 to 30 June 1993,

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1992/93 marketing year, the Community offer prices for apples (CN codes 0808 10 91, 0808 10 93 and 0808 10 99) applicable with regard to Spain and Portugal, expressed in ecus per 100 kilograms net of packed products of class I, of all sizes, shall be as follows:

July:	35,70
August:	41,04
September:	42,35
October:	42,58
November:	43,34
December:	45,87
January:	48,27
February:	47,14
March:	49,24
April:	47,37
May:	38,88
June:	38,29.

Article 2

This Regulation shall enter into force on 1 July 1992.

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 16.

⁽³⁾ OJ No L 366, 29. 12. 1990, p. 43.

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

Done at Brussels, 29 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1677/92

of 29 June 1992

fixing for the 1992/93 marketing year the Community offer prices for pears
applicable with regard to Spain and Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulations (EEC) No 3709/89 ⁽¹⁾ and No 3648/90 ⁽²⁾, laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensation mechanism on imports of fruit and vegetables originating respectively in Spain and Portugal, and in particular Article 4 (1) thereof,

Whereas Commission Regulation (EEC) No 3820/90 ⁽³⁾ lays down detailed rules for the application of the compensation mechanism to imports of fruit and vegetables from Spain ;

Whereas, pursuant to Article 152 and Article 318 of the Act of Accession, a compensation mechanism is to be introduced on imports into the Community as constituted at 31 December 1985, hereinafter referred to as the 'Community of Ten', of fruit and vegetables from Spain and Portugal for which a reference price is fixed with regard to third countries ; whereas, Community offer prices for pears coming from Spain and Portugal should be fixed only during the period where reference prices are fixed with regard to third countries, this means from 1 July up to and including 30 April of the following year ;

Whereas, in accordance with Articles 152 (2) (a) and 318 (1) (a) of the Act of Accession, a Community offer price is to be calculated annually on the basis of the arithmetic mean of the producer prices in each Member State of the Community of Ten, plus transport and packaging costs incurred by the products from the production regions to the representative consumption centres of the Community and bearing in mind developments in the cost of production in the fruit and vegetable sector ; whereas the abovementioned producer prices correspond to the average prices recorded during the three years preceding the date of fixing of the Community offer price ; whereas, however, the annual Community offer price cannot exceed the reference price applied for third countries ;

Whereas, in order to take account of seasonal variations in prices, the marketing year should be divided into one or

more periods and a Community offer price should be fixed for each of them ;

Whereas, in accordance with Article 1 of Regulations (EEC) No 3709/89 and (EEC) No 3648/90, the producer prices to be used for the determination of the Community offer price are to be those of a domestic product defined by its commercial characteristics recorded on the representative market or markets located in the production areas where prices are lowest for products or varieties representing a considerable proportion of production marketed throughout the year or during a part of the latter and which meet Quality Class I requirements and conditions laid down as regards packaging ; whereas the average price for each representative market must be established after disregarding prices which may be considered excessively high or excessively low compared with the normal fluctuations recorded on the market ; whereas, moreover, if the average price for a Member State shows excessive variations with respect of normal price fluctuations, it shall not be taken into account ;

Whereas the application of the abovementioned criteria results in Community offer prices being fixed for pears for the period 1 July 1992 to 30 April 1993 ;

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

HAS ADOPTED THIS REGULATION :

Article 1

For the 1992/93 marketing year, the Community offer prices for pears (CN codes 0808 20 31, 33, 35 and 39) applicable with regard to Spain and Portugal, expressed in ecus per 100 kilograms net of packed products of class I, of all sizes, shall be as follows :

— July :	46,95
— August :	39,89
— September :	39,59
— October :	42,79
— November :	45,86
— December :	49,21
— January to April inclusive :	51,24.

Article 2

This Regulation shall enter into force on 1 July 1992.

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 16.

⁽³⁾ OJ No L 366, 29. 12. 1990, p. 43.

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

Done at Brussels, 29 June 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 1678/92

of 29 June 1992

fixing for the 1992/93 marketing year the reference prices for pears

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas, pursuant to Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed before the beginning of each marketing year;

Whereas pears are produced in such quantities in the Community that reference prices should be fixed for them;

Whereas pears harvested during a given crop year are marketed from June of one year to May of the following year; whereas the quantities marketed in June and May of the following year are so small that there is no need to fix reference prices; whereas the reference prices should therefore be fixed for the period 1 July up to and including 30 April of the following year;

Whereas Article 23 (2) (b) of Regulation (EEC) No 1035/72 stipulates that reference prices are to be fixed at the same level as for the preceding marketing year, adjusted, after deducting the standard cost of transporting Community products between production areas and Community consumption centres in the preceding year, by:

- the increase in production costs for fruit and vegetables, less productivity growth, and
- the standard rate of transport costs in the current marketing year;

Whereas the resulting figure may nevertheless not exceed the arithmetic mean of producer prices in each Member State plus transport costs for the current year, after this amount has been increased by the rise in production costs

less productivity growth; whereas the reference price may, however, not be lower than in the preceding marketing year;

Whereas to take variations into account, the year should be divided into several periods and a reference price fixed for each of these periods;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest, during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying the specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1992/93 marketing year, the reference prices for pears (CN codes 0808 20 31, 33, 35 and 39) expressed in ecus per 100 kilograms net of packed products of class 1, of all sizes, shall be as follows;

July:	47,03
August:	39,96
September:	39,66
October:	42,86
November:	45,94
December:	49,29
January to April inclusive:	51,33.

Article 2

This Regulation shall enter into force on 1 July 1992.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 122, 7. 5. 1992, p. 3.

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

Done at Brussels, 29 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1679/92**of 29 June 1992****amending Regulation (EEC) No 3083/73 on the communication of the information necessary for implementing Council Regulation (EEC) No 2358/71 on the common organization of the market in seeds**

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

Having regard to Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds ⁽¹⁾, as last amended by Regulation (EEC) No 1740/91 ⁽²⁾, and in particular Article 9 thereof,

Whereas Commission Regulation (EEC) No 3083/73 ⁽³⁾, as last amended by Regulation (EEC) No 3642/88 ⁽⁴⁾, specifies the information which the Member States must forward to the Commission and the deadlines for such notification ;

Whereas experience has shown that the estimation of the area under contract at an early date, as required by position No 1 of the Annex to Regulation (EEC) No 3083/73, is extremely difficult ; whereas the results thereby obtained are not reliable ; whereas Member States should

therefore no longer be obliged to forward data on the estimate area under contract to the Commission ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The entry opposite 1 in the Annex to Regulation (EEC) No 3083/73 is hereby deleted.

Article 2

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

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

Done at Brussels, 29 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 39.

⁽³⁾ OJ No L 314, 15. 11. 1973, p. 20.

⁽⁴⁾ OJ No L 317, 24. 11. 1988, p. 18.

COMMISSION REGULATION (EEC) No 1680/92
of 29 June 1992
amending Regulation (EEC) No 1445/76 specifying the different varieties of
***Lolium perenne* L.**

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

Having regard to Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds ⁽¹⁾, as last amended by Regulation (EEC) No 1740/91 ⁽²⁾, and in particular Article 3 (5) thereof,

Whereas Commission Regulation (EEC) No 1445/76 ⁽³⁾, as last amended by Regulation (EEC) No 1969/91 ⁽⁴⁾, listed the varieties of *Lolium perenne* L. of high persistence, late or medium late, and of *Lolium perenne* L. of low persistence, medium late, medium early or early, within the meaning of the provisions adopted pursuant to Article 3 of Regulation (EEC) No 2358/71;

Whereas, since the last amendment of Regulation (EEC) No 1445/76, certified seed of certain varieties of *Lolium perenne* L. is no longer marketed, while certified seed of other varieties has appeared on the market and will be marketed for the first time during the 1992/93 marketing year; whereas, furthermore, the application of the classification criteria to certain varieties of *Lolium perenne* L.

results in their inclusion in one of the abovementioned lists; whereas the Annexes to Regulation (EEC) No 1445/76 should therefore be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EEC) No 1445/76 are hereby replaced by the Annexes to this Regulation.

Article 2

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

It shall apply with effect from 1 July 1992.

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

Done at Brussels, 29 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 39.

⁽³⁾ OJ No L 161, 23. 6. 1976, p. 10.

⁽⁴⁾ OJ No L 177, 5. 7. 1991, p. 11.

ANNEX I

Varieties of high persistence, late or medium late

1. Aberystwyth S. 23	57. Final	113. Ohio
2. Aladin	58. Fingal	114. Opinion
3. Albi	59. Flair	115. Othello
4. Amadur	60. Flamingo (T)	116. Outsider
5. Anduril	61. Floret (T)	117. Pablo
6. Animo	62. Hellas	118. Pacage
7. Antara	63. Heraut	119. Parcour
8. Antrim	64. Herbie	120. Patora
9. Arno	65. Hercules	121. Patron
10. Baltic	66. Hermes	122. Pavo
11. Barball	67. Honneur	123. Pelleas
12. Barclay	68. Hunter	124. Perfect
13. Barcredo	69. Idole	125. Perma
14. Barema	70. Jetta	126. Phoenix (T)
15. Barenza	71. Jumbo	127. Pippin
16. Barezane	72. Karin	128. Player
17. Barglen	73. Kelvin	129. Pleno
18. Barlatan	74. Kent Indigenous	130. Portstewart
19. Barlenna	75. Kerdion	131. Preference
20. Barlet	76. Kosta	132. President
21. Barlow	77. Langa	133. Prester
22. Barluxe	78. Lamora (Mommersteeg's Weidauer)	134. Prince
23. Barmaco	79. Leanda	135. Profit
24. Barry	80. Lihersa	136. Progress
25. Barsandra	81. Limage	137. Rally (T)
26. Bartony	82. Limes	138. Rathlin
27. Belfort (T)	83. Linocta	139. Rival
28. Bellatrix	84. Liparis	140. Ronja
29. Bonny	85. Lipondo	141. Saione
30. Borvi	86. Liquick	142. Sakini
31. Boston	87. Lisabelle	143. Salem
32. Capper	88. Lissabon	144. Score (Fair Way)
33. Caprice	89. Lisuna	145. Senator
34. Carrick	90. Livonne	146. Sisu
35. Castle (T)	91. Look	147. Sommora
36. Chantal	92. Loretta	148. Splendor
37. Citadel (T)	93. Lorina	149. Sprinter
38. Compas	94. Madera (T)	150. Superstar
39. Condesa (T)	95. Magella	151. Surprise
40. Contender	96. Magister	152. Talbot
41. Corso	97. Majestic	153. Talgo
42. Cud	98. Mammoet (T)	154. Taya
43. Cupido	99. Mandola	155. Texas
44. Danny	100. Manhattan	156. Tivoli
45. Danilo	101. Maprima	157. Trani
46. Dolby	102. Marathon	158. Tresor
47. Domingo	103. Markanta	159. Trimmer
48. Donata	104. Master	160. Troubadour
49. Duramo	105. Meltra RVP (T)	161. Trustee
50. Edgar	106. Meteor	162. Tyrone
51. Elka	107. Modus (T)	163. Variant
52. Elrond	108. Moldau	164. Vigor
53. Emir	109. Montagne (T)	165. Wendy
54. Entrar	110. Mombassa	166. Winni
55. Excelsior	111. Mondial	
56. Fanal (T)	112. Moretti	

ANNEX II

Varieties of low persistence, medium late, medium early or early

1. Atempo (T)
2. Lenta Pajbjerg
3. Verna Pajbjerg

COMMISSION REGULATION (EEC) No 1681/92**of 29 June 1992****derogating from Regulation (EEC) No 3810/91 as regards the period of validity of STM licences**

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 251 thereof,

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

Whereas Article 7 of Commission Regulation (EEC) No 3810/91 of 18 December 1991 laying down detailed rules for the application of the supplementary trade mechanism to trade in the beef and veal sector between the Community as constituted at 31 December 1985 and Spain and Portugal and repealing Regulations (EEC) No 4026/89 and (EEC) No 3815/90⁽³⁾, provides that STM licences are to be valid for 18 days from the actual date of issue;

Whereas, as a result of exceptional circumstances which have disturbed trade between Portugal and the other Member States, the period of validity of licences issued on 5 June 1992 should be extended without delay by one week;

Whereas, in order to avoid any legal vacuum, this Regulation should enter into force on 23 June 1992;

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

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from the first subparagraph of Article 7 of Regulation (EEC) No 3810/91, the period of validity of the STM licences issued on 5 June 1992 is hereby extended by one week.

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 23 June 1992.

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

Done at Brussels, 29 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 357, 28. 12. 1991, p. 53.

COMMISSION REGULATION (EEC) No 1682/92

of 29 June 1992

setting the accession compensatory amounts for milk and milk products for trade between Portugal and the other Member States of the Community and between Portugal and third countries and repealing Regulations (EEC) No 3813/90 and (EEC) No 3814/90

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

Having regard to Council Regulation (EEC) No 3640/90 of 11 December 1990 determining the general rules of the system of accession compensatory amounts for milk and milk products during the second stage of the accession of Portugal⁽¹⁾, and in particular Article 6 thereof,

Whereas Articles 310 (2) and 311 of the Act of Accession of Spain and Portugal set rules for determining the accession compensatory amounts applicable in trade between the Community of Ten and Portugal; whereas in view of the market prices pertaining for products obtained exclusively from sheep and/or goat milk no amounts need be set for these products;

Whereas Commission Regulation (EEC) No 3813/90⁽²⁾, as last amended by Regulation (EEC) No 3677/91⁽³⁾, set the accession compensatory amounts applicable to milk products from 1 January 1991 in trade between the Community of Ten and Portugal and between Portugal and third countries;

Whereas the lower intervention price for skimmed milk powder in Portugal set by Council Regulation (EEC) No 1373/92⁽⁴⁾ with effect from the beginning of the 1992/93 milk year necessitates adjustment from the same date of the accession compensatory amounts applicable to milk products in Portugal;

Whereas Commission Regulation (EEC) No 3814/90⁽⁵⁾, as last amended by Regulation (EEC) No 3679/91⁽⁶⁾, set monetary compensatory amounts for trade between Spain

and Portugal in milk and milk products; whereas since the common prices apply in Spain from 1 June 1992 such amounts are no longer needed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The accession compensatory amounts applicable in trade between Portugal and the other Member States of the Community and between Portugal and third countries in milk and milk products as indicated in the Annex hereto shall be those shown in that Annex.

No amount shall, however, be applicable on milk products of CN codes 0401, 0402, 0403 or 0404 containing goats' or sheeps' milk or cream.

Article 2

Regulations (EEC) No 3813/90 and (EEC) No 3814/90 are hereby repealed.

Article 3

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

It shall apply with effect from 1 June 1992.

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

Done at Brussels, 29 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 362, 27. 12. 1990, p. 3.

⁽²⁾ OJ No L 366, 29. 12. 1990, p. 18.

⁽³⁾ OJ No L 349, 18. 12. 1991, p. 18.

⁽⁴⁾ OJ No L 147, 29. 5. 1992, p. 1.

⁽⁵⁾ OJ No L 366, 29. 12. 1990, p. 24.

⁽⁶⁾ OJ No L 349, 18. 12. 1991, p. 27.

ANNEX

Accession compensatory amounts applicable in trade between Portugal and the other Member States of the Community and between Portugal and third countries

(Amounts to be charged on imports and granted on exports by Portugal unless otherwise indicated)

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
ex 0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter, excluding goat's or sheep's milk and cream	(¹)
ex 0402	Milk and cream, concentrated or containing added sugar or other sweetening matter, excluding goat's or sheep's milk and cream :	
0402 10	— in powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % :	
	— — not containing added sugar or other sweetening matter :	
0402 10 11	— — — in immediate packings of a net content not exceeding 2,5 kg :	
	— — — — for human consumption (²)	34,57
	— — — — other	—
0402 10 19	— — — other :	
	— — — — for human consumption (²)	34,57
	— — — — other	—
	— — other (containing sugar or other sweetening matter)	0,3457 per kg (⁴)
	— in powder, granules or other solid forms, with a fat content, by weight, exceeding 1,5 % :	
0402 21	— — not containing added sugar or other sweetening matter :	
	— — — with a fat content, by weight, not exceeding 27 %	25,27
	— — — with a fat content, by weight, exceeding 27 % :	
0402 21 91	— — — — in immediate packings of a net content not exceeding 2,5 kg :	
	— — — — — with a fat content, by weight, not exceeding 45 %	19,55
	— — — — — with a fat content, by weight, exceeding 45 %	13,01
0402 21 99	— — — — other :	
	— — — — — with a fat content, by weight, not exceeding 45 %	19,55
	— — — — — with a fat content, by weight, exceeding 45 %	13,01
0402 29	— — other :	
	— — — with a fat content, by weight, not exceeding 27 % :	0,2527 per kg (⁴)
	— — — with a fat content, by weight, exceeding 27 % :	
0402 29 91	— — — — in immediate packings of a net content not exceeding 2,5 kg :	
	— — — — — with a fat content, by weight, not exceeding 45 %	0,1955 per kg (⁴)
	— — — — — with a fat content, by weight, exceeding 45 %	0,1301 per kg (⁴)

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
0402 29 99	— — — — other — — — — — with a fat content, by weight, not exceeding 45 % — — — — — with a fat content, by weight, exceeding 45 % — other (than in powder, granules or other solid forms):	0,1955 per kg (*) 0,1301 per kg (*)
0402 91	— — not containing added sugar or other sweetening matter: — — — with a fat content, by weight, not exceeding 8 % — — — with a fat content, by weight, exceeding 8 % but not exceeding 10 % — — — with a fat content, by weight, exceeding 10 % but not exceeding 45 % — — — with a fat content, by weight, exceeding 45 %	6,28 6,28 (³) (³)
0402 99	— — other: — — — with a fat content, by weight, not exceeding 9,5 % — — — with a fat content, by weight, exceeding 9,5 % but not exceeding 45 % — — — with a fat content, by weight, exceeding 45 %	7,88 (*) (⁶) (⁶)
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit or cocoa, excluding products manufactured exclusively from goat's and sheep's milk and cream:	
0403 10	— Yoghurt: — — not flavoured nor containing added fruit or cocoa: — — — in powder, granules or other solid forms — — — — not containing added sugar or other sweetening matter, — — — — other — — — other: — — — — not containing added sugar or other sweetening matter (¹) — — — — other	(³) (⁶) (¹) (⁶)
0403 90	— other — — not flavoured nor containing added fruit or cocoa: — — — in powder, granules or other solid forms: — — — — not containing added sugar or other sweetening matter — — — — other — — other: — — — — not containing added sugar or other sweetening matter — — — — other	(³) (⁶) (¹) (⁶)
ex 0404	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included excluding products manufactured exclusively from goat's and sheep's milk and cream:	

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
0404 10	— whey and modified whey, whether or not concentrated or containing added sugar or other sweetening matter	—
0404 90	— other (?):	
	— — not containing added sugar or other sweetening matter, of a protein content (nitrogen content $\times$ 6,38), by weight:	
	— — — not exceeding 42 % and of a fat content, by weight:	
0404 90 11	— — — — not exceeding 1,5 %	34,57
0404 90 13	— — — — exceeding 1,5 %, but not exceeding 27 %	25,27
0404 90 19	— — — — exceeding 27 %	19,55
	— — — exceeding 45 %, and of a fat content, by weight:	
0404 90 31	— — — — not exceeding 1,5 %	34,57
0404 90 33	— — — — exceeding 1,5 % but not exceeding 27 %	25,27
0404 90 39	— — — — exceeding 27 %	19,55
	— — other, of a protein content (nitrogen content $\times$ 6,38), by weight:	
	— — — not exceeding 42 %, and of a fat content, by weight:	
0404 90 51	— — — — not exceeding 1,5 %	0,3457 per kg (*)
0404 90 53	— — — — exceeding 1,5 % but not exceeding 27 %	0,2527 per kg (*)
0404 90 59	— — — — exceeding 27 %	0,1955 per kg (*)
	— — — exceeding 42 %, and of a fat content, by weight:	
0404 90 91	— — — — not exceeding 1,5 %	0,3457 per kg (*)
0404 90 93	— — — — exceeding 1,5 % but not exceeding 27 %	0,2527 per kg (*)
0404 90 99	— — — — exceeding 27 %	0,1955 per kg (*)
0406	Cheese and curd:	
ex 0406 10	— Fresh cheese (not matured), including whey cheese and curd (excluding salted Ricotta and cheese manufactured exclusively from sheep's or goat's milk):	
ex 0406 10 20	— — of a fat content, by weight, not exceeding 40 %:	
	— — — of a water content calculated, by weight, of the non-fatty matter exceeding 47 % but not exceeding 72 %	11,46
	— — other	3,96
ex 0406 10 80	— — other	3,96
0406 20	— grated or powdered cheese, of all kinds:	
0406 20 10	— — Glarus herb cheese (known as Schabziger) made from skimmed milk and mixed with finely ground herbs	9,50
0406 20 90	— — other	11,80
0406 30	— processed cheese, not grated or powdered:	

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
0406 30 10	— — in the blending of which only Emmentaler, Gruyère and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger); put up for retail sale, of a fat content by weight in the dry matter not exceeding 56 %	11,86
0406 30 31 0406 30 39 0406 30 90	— — other	11,80
ex 0406 40 00	— blue-veined cheese (excluding cheese manufactured exclusively from sheeps' or goats' milk)	8,69
ex 0406 90	— other cheese (excluding cheese manufactured exclusively from sheeps' or goats' milk):	
ex 0406 90 11	— — for processing	11,80
	— — other:	
ex 0406 90 13	— — — Emmentaler	11,86
ex 0406 90 15	— — — Gruyère, Sbrinz	11,86
ex 0406 90 17	— — — Bergkäse, Appenzell, Fromage fribourgeois, Vacherin Mont d'Or and Tête de Moine	11,86
ex 0406 90 19	— — — Glarus herb cheese (known as Schabziger) made from skimmed milk and mixed with finely ground herbs	9,50
ex 0406 90 21	— — — Cheddar	11,80
ex 0406 90 23	— — — Edam	11,46
ex 0406 90 25	— — — Tilsit	11,46
ex 0406 90 27	— — — Butterkäse	11,46
ex 0406 90 29	— — — Kashkaval	11,46
	— — — Feta:	
ex 0406 90 31	— — — — of sheeps' milk or buffalo milk in containers containing brine, or in sheep or goatskin bottles	—
ex 0406 90 33	— — — — other	11,46
ex 0406 90 35	— — — Kefalotyri	11,46
ex 0406 90 37	— — — Finlandia	11,46
ex 0406 90 39	— — — Jarlsberg	11,46
	— — — other:	
0406 90 50	— — — — cheese of sheeps' milk or buffalo milk in containers, containing brine, or in sheep or goatskin bottles	—
	— — — — other:	
	— — — — — of a fat content, by weight, not exceeding 40 % and a water content calculated, by weight, of the non-fatty matter:	
	— — — — — not exceeding 47 %:	
0406 90 61	— — — — — Grana-Padano, Parmigiano-Reggiano	—
0406 90 63	— — — — — Fiore Sardo, Pecorino	—
ex 0406 90 69	— — — — — other	11,46
	— — — — — exceeding 47 % but not exceeding 72 %	11,46

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
ex 406 90 93	— — — — — exceeding 72 % :	3,96
ex 0406 90 99	— — — — — other :	3,96
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form ; sugar syrups not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :	
1702 10	— lactose and lactose syrup ⁽¹⁾ :	
1702 10 90	— — other	—
2106	Food preparations not elsewhere specified or included :	
2106 90	— other :	
	— — flavoured or coloured sugar syrups :	
	— — — other :	
2106 90 51	— — — — lactose syrup	—

⁽¹⁾ The compensatory amount per 100 kg net of these products shall be equal to an amount corresponding to the quantity in kilograms of the non-fat part contained in 100 kg net of the product multiplied by ECU 0,02217.

⁽²⁾ 'Products intended for human consumption' are products other than those denatured in accordance with the provisions of Commission Regulation (EEC) No 1725/79 (OJ No L 199, 7. 8. 1979, p. 1) or Commission Regulation (EEC) No 3714/84 (OJ No L 341, 29. 12. 1984, p. 65) or those placed in Portugal under the arrangements laid down in Commission Regulation (EEC) No 1624/76 (OJ No L 186, 6. 7. 1976, p. 9), or Commission Regulation (EEC) No 3398/91 (OJ No L 320, 22. 11. 1991, p. 16).

⁽³⁾ The compensatory amount per 100 kg net of these products shall be equal to an amount corresponding to the quantity in kilograms of the non-fat solids contained in 100 kg net of the product multiplied by ECU 0,24387.

⁽⁴⁾ The compensatory amount per 100 kg net of these products is equal to the amount per kilogram indicated multiplied by the weight of milk and cream contained in 100 kg of finished product less an amount for the percentage of sucrose or other sweetening matter content of 100 kg net of product multiplied by the compensatory amount applicable to 1 kg of white sugar.

Where the result of the subtraction is negative, the resulting amount is to be charged on imported or granted on exports by the Member State concerned other than Spain or Portugal.

⁽⁵⁾ The compensatory amount per 100 kg net of these products is equal to the amount indicated less an amount for the percentage of sucrose or other sweetening matter content of 100 kg net of product multiplied by the compensatory amount applicable to 1 kg of white sugar.

Where the result of the subtraction is negative, the resulting amount is to be charged on imports or granted on exports by the Member State concerned other than Spain or Portugal.

⁽⁶⁾ The compensatory amount per 100 kg net of these products is equal to the amount corresponding to the quantity in kilograms of the non-fat milk solids contained in 100 kg net of product multiplied by ECU 0,24387 less an amount for the percentage of sucrose or other sweetening matter content of 100 kg net of product multiplied by the compensatory amount applicable to 1 kg of white sugar.

Where the result of the subtraction is negative, the resulting amount is to be charged on imports or granted on exports by the Member State concerned other than Spain or Portugal.

⁽⁷⁾ The accession compensatory amount for products comprising various milk products is equal to the sum of the compensatory amounts applicable to each of the constituents taking account of the quantities incorporated.

⁽⁸⁾ In accordance with Council Regulation (EEC) No 504/86 (OJ No L 54, 1. 3. 1986, p. 54), the accession compensatory amount for products falling within CN code 1702 10 10 shall be the same as for those falling within CN code 1702 10 90.

NB: In the case of goat's and sheep's milk and cream and the cheeses manufactured exclusively from these products :

— the analysis check shall be carried out by immunochemical and/or electrophoretic methods, supplemented as necessary by HPLC analyses,

— the party concerned shall be obliged, when completing the customs formalities, to state in the declaration provided for this purpose that the milk or cream in question consists solely of the product obtained exclusively from sheep or goats or, as appropriate, that the cheese in question was manufactured exclusively from sheep's or goat's milk.

COMMISSION REGULATION (EEC) No 1683/92

of 29 June 1992

amending Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 356/92⁽²⁾, and in particular Article 35a thereof,

Whereas Commission Regulation (EEC) No 2568/91⁽³⁾, as amended by Regulation (EEC) No 1429/92⁽⁴⁾, defines the organoleptic characteristics of virgin olive oils and the method of assessing those characteristics;

Whereas some adjustments to the body of the abovementioned Regulation and to Annex XII thereto are necessary, in the light of experience and of the recent decisions of

the International Olive Oil Council on the subject, in order to make it easier to apply the said method correctly;

Whereas in order to make it easier for the trade to take the necessary steps to comply with the definitions of olive oils as regards their organoleptic characteristics there should, in accordance with the decisions of the International Olive Oil Council, be a tolerance for a limited period for the grading of certain types of virgin oil;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2568/91 is hereby amended as follows:

1. in the first subparagraph of Article 2 (2) the words 'an analyst and, as appropriate, with the assistance of a specialist' are replaced by 'an analyst specializing in sensory analysis or assisted by specialists';

2. in Annex XII, point 4 is replaced by the following:

'4. SPECIFIC VOCABULARY FOR OLIVE OIL

4.1. Pleasant sensations, produced by the attributes and characteristics of quality in olive oils:

Fruity: flavour which is reminiscent of both the odour and taste of sound, fresh fruit picked as its optimum stage of ripeness.

Ripely fruity: flavour of olive oil obtained from ripe fruit, generally having a somewhat flat odour and a sweet taste.

Green fruity: flavour of oil obtained from fruit that is still unripe.

4.2. Sensations that may be pleasant to varying degrees, depending on the intensity with which they are perceived, and which cannot be considered defects although they do affect the fruity wholeness of the oil:

Apple: flavour of olive oil which is reminiscent of this fruit.

Sweet: pleasant taste, not exactly sugary, but found in oil in which the bitter, stringent and pungent attributes do not predominate.

Grass: characteristic flavour of certain oils reminiscent of recently mown grass.

Green leaves (bitter): flavour of oil obtained from excessively green olives or olives that have been crushed with leaves and twigs.

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

⁽²⁾ OJ No L 39, 15. 2. 1992, p. 1.

⁽³⁾ OJ No L 248, 5. 9. 1991, p. 1.

⁽⁴⁾ OJ No L 150, 2. 6. 1992, p. 17.

Bitter: characteristic taste of oils obtained from green olives or olives turning colour. It can be more or less pleasant depending on its intensity.

Harsh: characteristic sensation of certain oils which when tasted produce a mouthfeel reaction of astringency.

Pungent: biting taste sensation characteristic of oils produced at the start of the crop year, primarily from olives that are still unripe. It is caused by the action of phenolic substances on the tips of the trigeminal nerve that are spread over the entire mouth cavity.

Almond: this flavour may appear in two forms: that typical of the fresh almond or that peculiar to dried, sound almonds which can be confused with incipient rancidity. A distinctive taste is perceived as an aftertaste when the oil remains in contact with the tongue and the palate. Associated with sweet oils which have a flat odour.

Flat or smooth: flavour of olive oil whose organoleptic characteristics are very weak owing to the loss of their aromatic components.

Hay: characteristic flavour of certain oils reminiscent of more or less dried grass.

- 4.3. Sensations that are always unpleasant, even when their intensity is barely perceptible, and which have to be considered organoleptic defects:

Esparto: characteristic flavour of oil obtained from olives pressed in new esparto mats. The flavour may differ depending on whether the mats are made of green esparto or dried esparto.

Earthy: characteristic flavour of oil obtained from olives which have been collected with earth or mud on them and not washed. This flavour may sometimes be accompanied by a musty-humid flavour.

Old: characteristic flavour of oil that has been kept too long in storage containers. May also appear in oils which have been packed for an excessively long period.

Grubby: characteristic flavour of oil obtained from olives which have been heavily attacked by the grubs of the olive fly (*Dacus oleae*).

Metallic: flavour that is reminiscent of metal. Characteristic of oils which have been in prolonged contact, under unsuitable conditions, with foodstuffs or metallic surfaces during crushing, mixing, pressing or storage.

Mustiness-humidity: characteristic flavour of oils obtained from fruit in which large numbers of fungi and yeasts have developed, as a result of its being stored in piles, in humid conditions, for several days.

Rancid: characteristic flavour common to all oils and fats that have undergone a process of auto-oxidation caused by prolonged contact with the air. This flavour is unpleasant and cannot be corrected.

"Atrojado" (fusty): characteristic flavour of oil obtained from olives stored in piles which have undergone an advanced stage of fermentation.

Brine: flavour of oil extracted from olives which have been preserved in saline solutions.

Pomace: characteristic flavour that is reminiscent of the flavour of olive pomace.

Soapy: flavour producing an olfactory-gustatory sensation reminiscent of that produced by green soap.

Vegetable water: characteristic flavour acquired by the oil as a result of poor decantation and prolonged contact with vegetable water.

Winey-vinegary: characteristic flavour of certain oils reminiscent of wine or vinegar. Due mainly to the formation of acetic acid, ethyl acetate and ethanol in larger amounts than is usual in the aroma of olive oil.

Cucumber: flavour produced when an oil is hermetically packed for too long, particularly in tin containers, and which is attributed to the formation of 2,6 nonadienal.

Heated or burnt: characteristic flavour of oils caused by excessive and/or prolonged heating during processing, particularly when the paste is thermally mixed, if this is done under unsuitable conditions.

Muddy sediment: characteristic flavour of oil recovered from the decanted sediment in vats and underground tanks.

Pressing mat: characteristic flavour of oil obtained from olives that have been pressed in dirty pressing mats in which fermented residues have been left.

Greasy: odour of olive oil extracted in a plant where residues of petroleum, grease or mineral oil have not been properly removed from the machinery.

Rough: characteristic perception in certain oils which, when tasted, produce a thick, pasty mouthfeel sensation.';

3. in the last subparagraph of point 10.2 of Annex XII the second sentence is replaced by the following :

'For this purpose the panel supervisor shall, until 31 October 1993, apply a tolerance of + 0,5 if the average grading is not less than 5 points. In the analysis report he shall indicate only the category in which the sample is classified. Where analysis in accordance with the first subparagraph of Article 2 (2) of this Regulation is performed the analyst shall apply the same procedure for determining the category.';

4. in Annex XII, Figure 2 in point 10 is replaced by the figure in the Annex hereto.

Article 2

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

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

Done at Brussels, 29 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

‘Figure 2

Virgin olive oil

Profile sheet

Olfactory-gustatory-tactile notes

	Perception (1)					
	0	1	2	3	4	5
Olive fruity (ripe and green) (2)						
Apple						
Other ripe fruit						
Green (leaves, grass)						
Bitter						
Pungent						
Sweet						
Other allowable attribute(s) (Specify)						
.....						
Sour/winey/vinegary/acid (2)						
Rough						
Metallic						
Mustiness(2)						
Muddy sediment						
Fusty (“Atrojado”)						
Rancid						
Other unallowable attribute(s) (Specify)						
.....						

(1) Perception :

0 = total absence (3)

1 = barely perceptible

2 = slight

3 = average

4 = great

5 = extreme

(2) Delete where not applicable.

(3) The absence of sensory perception must be indicated by putting a cross in the corresponding box.

Grading table

Defects	Characteristics	Overall marks points
None	Olive fruity	9
	Olive fruity and fruitiness of other fresh fruit	8
		7
Barely perceived	Weak fruitiness of any type	6
Perceived slightly	Rather imperfect fruitiness, anomalous odours and tastes	5
Perceived with average intensity	Clearly imperfect, unpleasant odours and tastes	4
Perceived with extreme intensity	Totally inadmissible odours and tastes for consumption	3
		2
		1

Remarks :

.....

Name of taster :

.....

Sample code :

.....

Date :

.....

COMMISSION REGULATION (EEC) No 1684/92

of 29 June 1992

amending Regulations (EEC) No 394/70, (EEC) No 963/91 and (EEC) No 920/92
on the detailed rules of application for refunds on exports of white 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 19 (4) and (7) thereof,

Whereas export refunds and, in particular, those for white sugar in the unaltered state, are granted in accordance with the detailed rules laid down by Commission Regulation (EEC) No 394/70⁽³⁾, as last amended by Regulation (EEC) No 1714/88⁽⁴⁾, and the current rules on invitations to tender for exports laid down by Commission Regulations (EEC) No 963/91⁽⁵⁾ and (EEC) No 920/92⁽⁶⁾;

Whereas, with regard to the advance payment of export refunds where goods are processed or stored prior to export and where Council Regulation (EEC) No 565/80⁽⁷⁾ applies, Commission Regulation (EEC) No 3665/87⁽⁸⁾, as last amended by Regulation (EEC) No 887/92⁽⁹⁾, allows certain operations to be carried out but not mixing;

Whereas in the sugar sector, the export of white sugar to third countries is more and more often preceded by bulk storage in warehouses or silos at ports with bagging being carried out at the last moment when the ship is ready for loading or carried out on the ship itself; whereas such storage involves shared use at the port concerned of a silo in which sugar from various sugar undertakings is stocked and consequently mixed; whereas to be eligible for advance payment of refunds under the rules as they presently stand, sugar must be stocked under conditions that allow its physical identification, mixing with other sugars thus being debarred; whereas this situation

excludes a large proportion of Community sugar exported to third countries from advance payment of export refunds;

Whereas, moreover, the specific characteristics of white sugar, that is to say its high level of technical and commercial homogeneity, permit a relaxation of the rules for this product without compromising security with regard to payment of the refund; whereas the mixing, under certain conditions in particular as regards control, of white sugar of different provenances in the same place of storage should accordingly be permitted for the purposes of advance payment of export refunds by amendment of the relevant sugar sector provisions;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following Article 13a is hereby added to Regulations (EEC) Nos 394/70, 963/91 and 920/92:

'Article 13a

When white sugar of CN code 1701 99 10 is stocked in bulk under a customs warehousing or free zone procedure for advance payment of the refund as defined by Regulation (EEC) No 565/80, that sugar may, in addition to the operations referred to in Article 28 (4) of Regulation (EEC) No 3665/87, be mixed in the same place of storage with other white sugar of the same CN code 1701 99 10 that is of the same commercial quality and possesses equivalent technical characteristics.'

Article 2

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

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁴⁾ OJ No L 152, 18. 6. 1988, p. 23.

⁽⁵⁾ OJ No L 100, 20. 4. 1991, p. 9.

⁽⁶⁾ OJ No L 98, 11. 4. 1992, p. 11.

⁽⁷⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁸⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁹⁾ OJ No L 95, 9. 4. 1992, p. 20.

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

Done at Brussels, 29 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1685/92**of 29 June 1992****amending Regulation (EEC) No 1319/92 establishing a system for the surveillance of fresh sour cherries originating in the Republics of Bosnia-Herzegovina, Croatia and Slovenia and the Yugoslav Republics of Macedonia and Montenegro**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 545/92 of 3 February 1992 concerning the arrangements applicable on imports into the Community of products originating in the Republics of Bosnia-Herzegovina, Croatia and Slovenia and the Yugoslav Republic of Macedonia⁽¹⁾, as last amended by Regulation (EEC) No 1433/92⁽²⁾, and in particular Article 10 thereof,

Whereas the Yugoslav Republic of Montenegro has been withdrawn from the list of beneficiaries under Regulation (EEC) No 545/92; whereas Regulation (EEC) No 1319/92⁽³⁾ should therefore be amended accordingly;

Whereas since the present war situation is making transport to the Community of products originating in the benefiting Republics difficult the period of validity of import licences should, for the 1992 season, be increased from eight to 30 days; whereas for reasons of fairness the benefit of this provision must be extended to licences issued before the date of entry into force of this Regulation that are still valid on that date,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1319/92 is amended as follows:

1. in the title and in Article 1 (1) the words 'Republics of Macedonia and Montenegro' are replaced by 'Republic of Macedonia';
2. Article 2 (4) Section 1 is replaced by the following:

'Import licences shall be valid for eight days from the date of actual issue.

For the 1992 season, however, this period shall be extended to 30 days. At the request of the interested party Member States shall also increase to a total of 30 days the period of validity of licences issued before 30 June 1992 and still valid on that date.'

Article 2

This Regulation shall enter into force on 30 June 1992.

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

Done at Brussels, 29 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 63, 7. 3. 1992, p. 1.

⁽²⁾ OJ No L 151, 3. 6. 1992, p. 7.

⁽³⁾ OJ No L 140, 23. 5. 1992, p. 12.

COMMISSION REGULATION (EEC) No 1686/92
of 29 June 1992
amending Regulation (EEC) No 3472/85 on the buying-in and storage of olive oil
by intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 356/92⁽²⁾, and in particular Article 12(4) thereof,

Whereas Article 2 of Commission Regulation (EEC) No 3472/85⁽³⁾, as last amended by Regulation (EEC) No 1524/91⁽⁴⁾, lays down the minimum quantity which may be offered for intervention; whereas, given their production structures, different limits should be fixed for Greece and Portugal for the 1991/92 marketing year;

Whereas Commission Regulation (EEC) No 2568/91⁽⁵⁾, as last amended by Regulation (EEC) No 1429/92⁽⁶⁾, defines the characteristics of olive oil and the relevant methods of analysis; whereas Regulation (EEC) No 3472/85 should consequently be amended to clarify the methods of analysis to be used to determine the quality of the oil offered;

Whereas to simplify administrative procedures, small quantities of virgin oil should be exempted from analysis under certain circumstances; whereas however this oil should be stored in separate lots;

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

Article 1

Regulation (EEC) No 3472/85 is hereby amended as follows :

1. Article 2 (3) is replaced by the following :

‘3. The quantity offered must be at least 20 tonnes.

For the 1991/92 marketing year, however, the minimum quantity offered in Greece and Portugal must be :

- 500 kg if the oil offered is of one of the qualities defined in 1 (a) or (b) of the Annex to Regulation No 136/66/EEC,
- 1000 kg if the oil offered is of the quality defined in 1 (c) of that Annex,
- 2000 kg if the oil offered is of the quality defined in 1 (d) of that Annex, or if the quantity offered is divided into two or more different parts each of a quality defined in 1 of that Annex.’;

2. in Article 2 (4), the first two subparagraphs are replaced by the following :

‘Subject to the provisions of Article 1, the offer shall not be accepted until the intervention agency :

- (a) in the case of virgin oils other than lampante, has checked by means of the methods set out in Annexes II, III, VIII, IX, X A and B and XI to Regulation (EEC) No 2568/91 that the relevant physical and chemical characteristics of the oil offered conform with those given for one of the categories of virgin oil other than lampante in Annex I to the said Regulation ;
- (b) in the case of lampante virgin oil, has checked by means of the methods set out in Annexes II, IV, V, VI, VII, VIII and XA point 6 to Regulation (EEC) No 2568/91 that the relevant physical and chemical characteristics of the oil offered conform with those given for this category of virgin olive oil in the Annex to the said Regulation ;
- (c) has checked that the oil offered does not exceed the maximum permitted levels of radioactivity laid down by Community legislation. The levels applicable to products of Community origin contaminated as a result of the accident at the Chernobyl power station shall be those laid down in Article 3 of Council Regulation (EEC) No 3955/87⁽⁷⁾. Checks on the level of radioactive contamination of

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

⁽²⁾ OJ No L 39, 15. 2. 1992, p. 1.

⁽³⁾ OJ No L 333, 11. 12. 1985, p. 5.

⁽⁴⁾ OJ No L 142, 6. 6. 1991, p. 24.

⁽⁵⁾ OJ No L 248, 5. 9. 1991, p. 1.

⁽⁶⁾ OJ No L 150, 2. 6. 1992, p. 17.

the product shall only be carried out if the situation so requires and for the period necessary. Where appropriate, the duration and extent of control measures shall be determined according to the procedure provided for in Article 38 of Regulation (EEC) No 136/66/EEC.

The provisions of the previous subparagraph shall not apply, except when there is doubt as to the nature of the oil offered, to lots not exceeding 1 tonne.

(*) OJ No L 371, 30. 12. 1987, p. 14.

3. Article 3 (2) is replaced by the following :

'The buying-in price shall be adjusted by applying to the intervention price the increases and reductions specified in the Annex.

The adjustments specified for virgin oils other than lampante may only be granted for oils whose characteristics have been shown to correspond to those specified at (a) in Article 2 (4).

In the case of virgin oil other than lampante, examination of the organoleptic characteristics shall be carried out by the method given in Annex XII to Regulation (EEC) No 2568/91. This analysis shall precede those provided for in Article 2 (4).';

4. in Article 8 (1) the following subparagraph is added :

'Lots not exceeding 1 tonne bought in Greece and Portugal during the 1991/92 marketing year must form separate storage lots from those formed from lots which have undergone the analyses provided for in Article 2'.

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, 29 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1687/92**of 29 June 1992****correcting Regulation (EEC) No 1562/92 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 the Act of Accession of Spain and Portugal,

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 the amounts by which import duties on beef and veal originating in the African, Caribbean and Pacific States (ACP) are to be reduced were fixed by Commission Regulation (EEC) No 1562/92⁽³⁾;

Whereas a check has shown that an error was made in the Annex to that Regulation, whereas the Regulation should therefore be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1562/92 is hereby replaced by the Annex to this Regulation.

Article 2

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

It shall apply with effect from 1 July 1992.

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

Done at Brussels, 29 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 165, 19. 6. 1992, p. 15.

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 Δρχ/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	106 293,64	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	106 293,64	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
0210 20 90	18 757,3	3 468,92	909,41	106 539,16	58 458,74	3 050,07	339,470	680 446	1 024,68	78 900,44	307,271
0210 90 41	18 757,3	3 468,92	909,41	106 539,16	58 458,74	3 050,07	339,470	680 446	1 024,68	78 900,44	307,271
0210 90 90	18 757,3	3 468,92	909,41	106 539,16	58 458,74	3 050,07	339,470	680 446	1 024,68	78 900,44	307,271
1602 50 10	18 757,3	3 468,92	909,41	106 539,16	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	107 281,57	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 1688/92
of 29 June 1992
fixing countervailing charges on seeds

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 2358/71 of 26 October 1971 on the common organization of the market in seeds ⁽¹⁾, as last amended by Regulation (EEC) No 1740/91 ⁽²⁾, and in particular Article 6 (5) thereof,

Whereas Article 6 (3) of Regulation (EEC) No 2358/71 provides that where the free-at-frontier offer price, plus customs duties, for a type of hybrid maize and hybrid sorghum for sowing and coming from a non-member country, is lower than the corresponding reference price, a countervailing charge on hybrid maize and hybrid sorghum shall be levied on imports of the hybrid from that country, subject to obligations resulting from binding under GATT; whereas the countervailing charge is equal to the difference between the reference price and the free-at-frontier price plus customs duties;

Whereas the reference prices for the 1992/1993 marketing year for hybrid maize and hybrid sorghum for sowing were fixed in Commission Regulation (EEC) No 1655/92 ⁽³⁾;

Whereas the free-at-frontier offer prices for each country of provenance are determined using all available relevant information; whereas such relevant information is defined in Article 1 (1), (2) and (3) of Commission Regulation (EEC) No 1665/72 ⁽⁴⁾, amended by Regulation (EEC) No 2811/86 ⁽⁵⁾; whereas Article 3 of the same Regulation provides that the free-at-frontier offer prices for each country of provenance shall be determined from the most favourable purchasing opportunities for the products in question calculated in

accordance with Articles 1 and 2 of the Regulation; whereas information on offers which have no economic effect on the market in particular because of the insignificant quantities for which they are made are to be disregarded for the purpose of calculating these prices;

Whereas, pursuant to Article 2 of Regulation (EEC) No 1665/72, an adjustment must be made in the case of price information relating to a stage other than free-at-Community-frontier; whereas, pursuant to Article 4 (2) of that Regulation, the countervailing charge must be amended where a significant variation in the free-at-frontier offer price is recorded;

Whereas, as a result of the application of the aforementioned provisions to the information currently available to the Commission, the countervailing charge in respect of certain types of hybrid is to be fixed at the amounts indicated in the Annex to this Regulation;

Whereas, consequently, Commission Regulation (EEC) No 1902/91 ⁽⁶⁾, as last amended by Regulation (EEC) No 813/92 ⁽⁷⁾, which fixed the countervailing charges for the preceding period, should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The countervailing charges on seeds are fixed as shown in the Annexes hereto.

Article 2

Regulation (EEC) No 813/92 is hereby repealed.

Article 3

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, 29 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 39.

⁽³⁾ OJ No L 172, 27. 6. 1992, p. 49.

⁽⁴⁾ OJ No L 175, 2. 8. 1972, p. 49.

⁽⁵⁾ OJ No L 260, 12. 9. 1986, p. 8.

⁽⁶⁾ OJ No L 169, 29. 6. 1991, p. 38.

⁽⁷⁾ OJ No L 86, 1. 4. 1992, p. 76.

ANNEX I

Countervailing charge on hybrid maize for sowing

(ECU/100 kg)

CN code	Amount of countervailing charge (1)	Country of origin (2)
1005 10 11	1,8	512
	4,3	064
	13,8	404
	25,2	066
	34,9	068
	37,2	056
	37,2	1
1005 10 13	3,2	048
	7,1	064
	8,6	528
	16,5	066
	21,7	062
	27,1	068
	41,8	388
1005 10 15	41,8	2
	11,1	400
	24,2	066
	29,4	048
	32,1	404
	37,2	052
	37,3	038
	48,4	512
	53,0	346
	76,1	064
	78,28	388
	116,3	528
	116,3	3

(1) The countervailing charge may not exceed 4 % of the customs value. In the case of Spain it may not exceed the rate obtained by alignment on the Common Customs Tariff in accordance with the timetable specified in the Act of Accession.

(2) Origin identification :

- 1 Other countries with the exception of Austria, Argentina, the United States and Bosnia-Herzegovina, Croatia, Slovenia and the Yugoslav Republics of Serbia, Montenegro and Macedonia
 - 2 Other countries with the exception of Japan, Austria, Turkey, Chile, the United States and Canada
 - 3 Other countries with the exception of Bulgaria and New Zealand
- 038 Austria
048 Bosnia-Herzegovina, Croatia, Slovenia and the Yugoslav Republics of Serbia, Montenegro and Macedonia
052 Turkey
062 The Czech and Slovak Federal Republic
064 Hungary
066 Romania
068 Bulgaria
346 Kenya
388 South Africa
400 the United States
404 Canada
512 Chile
528 Argentina
056 Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kirghizstan, Moldova, Tajikistan, Turkmenistan, Ukraine, Uzbekistan
053 Estonia
054 Latvia
055 Lithuania

ANNEX II

Countervailing charge on hybrid sorghum for sowing

(ECU/100 kg)		
CN code	Amount of countervailing charge	Country of origin ⁽¹⁾
1007 00 10	19,7	064
	9,2	400

⁽¹⁾ Origin identification :

064 Hungary

400 United States of America

COMMISSION REGULATION (EEC) No 1689/92

of 29 June 1992

fixing the production refund for olive oil used in the manufacture of certain preserved fish and vegetables

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⁾,

Having regard to Council Regulation (EEC) No 591/79 of 26 March 1979 laying down general rules relating to the production refund for olive oil used in the manufacture of certain preserved foods⁽³⁾, as last amended by Regulation (EEC) No 2903/89⁽⁴⁾, and in particular Articles 3 and 5 thereof,

Whereas Article 2 of Council Regulation (EEC) No 591/79 provides for the granting of a production refund for olive oil used in the manufacture of certain preserved fish and vegetables;

Whereas under Article 3 of the abovementioned Regulation, without prejudice to the second subparagraph of Article 7 of the said Regulation, the Commission shall fix this refund every two months;

Whereas, by virtue of Article 5 of the Regulation cited above, where the tender system is employed for fixing the levy, the production refund shall be fixed on the basis of the minimum levies determined under the said system for oils falling within subheading 1509 90 00 of the combined nomenclature; whereas, however, if the oil employed for manufacture of the preserves was produced within the Community, the amount referred to above

shall be increased by a sum equal to the consumption aid in force on the day the said refund is applied;

Whereas Council Regulation (EEC) No 3131/91⁽⁵⁾ set the rates of consumption aid applicable in Spain and Portugal;

Whereas application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

Article 1

For the months of July and August 1992, the amount of the production refund referred to in Article 2 of Regulation (EEC) No 591/79 shall be:

- ECU 96,36 per 100 kilograms for olive oil produced in the Community and utilized in Member States other than Spain and Portugal,
- ECU 43,00 per 100 kilograms for olive oil other than that referred to in the preceding indent, utilized in the Member States other than Spain and Portugal,
- ECU 64,58 per 100 kilograms for olive oil produced in the Community and utilized in Spain,
- ECU 19,37 per 100 kilograms for olive oil, other than that referred to in the preceding indent, utilized in Spain,
- ECU 89,89 per 100 kilograms for olive oil produced in the Community and utilized in Portugal,
- ECU 40,96 per 100 kilograms for olive oil, other than that referred to in the preceding indent, utilized in Portugal.

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, 29 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 78, 30. 3. 1979, p. 2.

⁽⁴⁾ OJ No L 280, 29. 9. 1989, p. 3.

⁽⁵⁾ OJ No L 297, 29. 10. 1991, p. 2.

COMMISSION REGULATION (EEC) No 1690/92
of 29 June 1992
fixing production refunds on cereals and rice

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 11a (5) thereof,

Having regard to Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sectors ⁽³⁾, as last amended by Regulation (EEC) No 1309/92 ⁽⁴⁾ and in particular Article 6 thereof,

Whereas Article 2 of Commission Regulation (EEC) No 2169/86 of 10 July 1986 laying down detailed rules for the control and payment of production refunds in the cereals and rice sectors ⁽⁵⁾, as last amended by Regulation (EEC) No 1398/91 ⁽⁶⁾, provides that the production refund is to be fixed one per month; whereas the same Article provides for the possibility of altering the calculated refund in the event of significant movements in the prices of maize and wheat;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the

Annex to Regulation (EEC) No 2169/86 to establish the exact amount payable;

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 production refunds payable on cereals and rice in accordance with Regulation (EEC) No 1009/86 and calculated in accordance with Regulation (EEC) No 2169/86 as amended shall be as follows in ECU 114,34 per tonne.

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, 29 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 94, 9. 4. 1986, p. 6.

⁽⁴⁾ OJ No L 139, 22. 5. 1992, p. 47.

⁽⁵⁾ OJ No L 189, 11. 7. 1986, p. 12.

⁽⁶⁾ OJ No L 134, 29. 5. 1991, p. 19.

COMMISSION REGULATION (EEC) No 1691/92
of 29 June 1992
fixing the import levies on milk and milk products

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

Having regard to Council Regulation (EEC) No 804/68 of
27 June 1968 on the common organization of the market
in milk and milk products ⁽¹⁾, as last amended by Regula-
tion (EEC) No 816/92 ⁽²⁾, and in particular Article 14 (8)
thereof,

Whereas the import levies on milk and milk products
were fixed by Commission Regulation (EEC) No
1528/92 ⁽³⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1528/92 to the prices

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 referred to in Article 14 of Regulation
(EEC) No 804/68 shall be as set out 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, 29 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 86, 1. 4. 1992, p. 83.

⁽³⁾ OJ No L 160, 13. 6. 1992, p. 14.

ANNEX

to the Commission Regulation of 29 June 1992 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note (*)	Import levy
0401 10 10		15,91
0401 10 90		14,70
0401 20 11		22,12
0401 20 19		20,91
0401 20 91		27,51
0401 20 99		26,30
0401 30 11		71,07
0401 30 19		69,86
0401 30 31		137,27
0401 30 39		136,06
0401 30 91		230,95
0401 30 99		229,74
0402 10 11	(*)	108,01
0402 10 19	(*) (*)	100,76
0402 10 91	(*) (*)	1,0076/kg + 29,11
0402 10 99	(*) (*)	1,0076/kg + 21,86
0402 21 11	(*)	174,97
0402 21 17	(*)	167,72
0402 21 19	(*) (*)	167,72
0402 21 91	(*) (*)	211,33
0402 21 99	(*) (*)	204,08
0402 29 11	(*) (*) (*)	1,6772/kg + 29,11
0402 29 15	(*) (*)	1,6772/kg + 29,11
0402 29 19	(*) (*)	1,6772/kg + 21,86
0402 29 91	(*) (*)	2,0408/kg + 29,11
0402 29 99	(*) (*)	2,0408/kg + 21,86
0402 91 11	(*)	30,28
0402 91 19	(*)	30,28
0402 91 31	(*)	37,85
0402 91 39	(*)	37,85
0402 91 51	(*)	137,27
0402 91 59	(*)	136,06
0402 91 91	(*)	230,95
0402 91 99	(*)	229,74
0402 99 11	(*)	49,85
0402 99 19	(*)	49,85
0402 99 31	(*) (*)	1,3364/kg + 25,49
0402 99 39	(*) (*)	1,3364/kg + 24,28
0402 99 91	(*) (*)	2,2732/kg + 25,49
0402 99 99	(*) (*)	2,2732/kg + 24,28
0403 10 02		108,01
0403 10 04		174,97

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note (?)	Import levy
0403 10 06		211,33
0403 10 12	(¹)	1,0076/kg + 29,11
0403 10 14	(¹)	1,6772/kg + 29,11
0403 10 16	(¹)	2,0408/kg + 29,11
0403 10 22		24,53
0403 10 24		29,92
0403 10 26		73,48
0403 10 32	(¹)	0,1849/kg + 27,90
0403 10 34	(¹)	0,2388/kg + 27,90
0403 10 36	(¹)	0,6744/kg + 27,90
0403 90 11		108,01
0403 90 13		174,97
0403 90 19		211,33
0403 90 31	(¹)	1,0076/kg + 29,11
0403 90 33	(¹)	1,6772/kg + 29,11
0403 90 39	(¹)	2,0408/kg + 29,11
0403 90 51		24,53
0403 90 53		29,92
0403 90 59		73,48
0403 90 61	(¹)	0,1849/kg + 27,90
0403 90 63	(¹)	0,2388/kg + 27,90
0403 90 69	(¹)	0,6744/kg + 27,90
0404 10 11 * 11		18,96
0404 10 11 * 14		174,97
0404 10 11 * 17		211,33
0404 10 11 * 21		108,01
0404 10 11 * 24		174,97
0404 10 11 * 27		211,33
0404 10 19 * 11	(¹)	0,1896/kg + 21,86
0404 10 19 * 14	(¹)	1,6772/kg + 29,11
0404 10 19 * 17	(¹)	2,0408/kg + 29,11
0404 10 19 * 21	(¹)	1,0076/kg + 29,11
0404 10 19 * 24	(¹)	1,6772/kg + 29,11
0404 10 19 * 27	(¹)	2,0408/kg + 29,11
0404 10 91 * 11	(²)	0,1896/kg
0404 10 91 * 14	(²)	1,6772/kg + 6,04
0404 10 91 * 17	(²)	2,0408/kg + 6,04
0404 10 91 * 21	(²)	1,0076/kg + 6,04
0404 10 91 * 24	(²)	1,6772/kg + 6,04
0404 10 91 * 27	(²)	2,0408/kg + 6,04
0404 10 99 * 11	(²)	0,1896/kg + 21,86
0404 10 99 * 14	(²)	1,6772/kg + 27,90
0404 10 99 * 17	(²)	2,0408/kg + 27,90
0404 10 99 * 21	(²)	1,0076/kg + 27,90
0404 10 99 * 24	(²)	1,6772/kg + 27,90
0404 10 99 * 27	(²)	2,0408/kg + 27,90
0404 90 11		108,01
0404 90 13		174,97
0404 90 19		211,33
0404 90 31		108,01
0404 90 33		174,97
0404 90 39		211,33
0404 90 51	(¹)	1,0076/kg + 29,11
0404 90 53	(¹) (²)	1,6772/kg + 29,11
0404 90 59	(¹)	2,0408/kg + 29,11
0404 90 91	(¹)	1,0076/kg + 29,11
0404 90 93	(¹) (²)	1,6772/kg + 29,11
0404 90 99	(¹)	2,0408/kg + 29,11

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note (*)	Import levy
0405 00 10	(*)	237,93
0405 00 90		290,27
0406 10 20	(*) (*)	238,68
0406 10 80	(*) (*)	292,57
0406 20 10	(*) (*) (*)	401,23
0406 20 90	(*) (*)	401,23
0406 30 10	(*) (*) (*)	186,70
0406 30 31	(*) (*) (*)	180,67
0406 30 39	(*) (*) (*)	186,70
0406 30 90	(*) (*) (*)	283,42
0406 40 00	(*) (*) (*)	148,14
0406 90 11	(*) (*) (*)	222,91
0406 90 13	(*) (*) (*)	172,10
0406 90 15	(*) (*) (*)	172,10
0406 90 17	(*) (*) (*)	172,10
0406 90 19	(*) (*) (*)	401,23
0406 90 21	(*) (*) (*)	222,91
0406 90 23	(*) (*) (*)	195,85
0406 90 25	(*) (*) (*)	195,85
0406 90 27	(*) (*) (*)	195,85
0406 90 29	(*) (*) (*)	195,85
0406 90 31	(*) (*) (*)	195,85
0406 90 33	(*) (*)	195,85
0406 90 35	(*) (*) (*)	195,85
0406 90 37	(*) (*) (*)	195,85
0406 90 39	(*) (*) (*)	195,85
0406 90 50	(*) (*) (*)	195,85
0406 90 61	(*) (*)	401,23
0406 90 63	(*) (*)	401,23
0406 90 69	(*) (*)	401,23
0406 90 73	(*) (*)	195,85
0406 90 75	(*) (*)	195,85
0406 90 77	(*) (*)	195,85
0406 90 79	(*) (*)	195,85
0406 90 81	(*) (*)	195,85
0406 90 85	(*) (*)	195,85
0406 90 89	(*) (*) (*)	195,85
0406 90 93	(*) (*)	238,68
0406 90 99	(*) (*)	292,57
1702 10 10		24,98
1702 10 90		24,98
2106 90 51		24,98
2309 10 15		77,99
2309 10 19		101,16
2309 10 39		95,30
2309 10 59		79,82
2309 10 70		101,16
2309 90 35		77,99
2309 90 39		101,16
2309 90 49		95,30
2309 90 59		79,82
2309 90 70		101,16

-
- (1) The levy on 100 kg of product falling within this code is equal to the sum of the following :
 - (a) the amount per kilogram shown, multiplied by the weight of lactic matter contained in 100 kg of product ;
and
 - (b) the other amount indicated.
 - (2) The levy on 100 kg of product falling within this code is equal to :
 - (a) the amount per kilogram shown, multiplied by the weight of the dry lactic matter contained in 100 kg of product plus, where appropriate,
 - (b) the other amount indicated.
 - (3) Products falling within this code imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
 - (4) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.
 - (5) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.
 - (6) 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 584/92 have been presented, are subject to the levies set out in the Annex to that Regulation.
-

COMMISSION REGULATION (EEC) No 1692/92

of 29 June 1992

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 674/92⁽²⁾, and in particular Article 14 (4) thereof,

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

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁴⁾, as last amended by Regulation (EEC) No 2205/90⁽⁵⁾, and in particular Article 3 thereof,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 1358/92⁽⁶⁾, as last amended by Regulation (EEC) No 1668/92⁽⁷⁾;

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

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

— 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 26 June 1992;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹⁰⁾, as last amended by Regulation (EEC) No 1740/78⁽¹¹⁾, the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 1358/92 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 30 June 1992.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁶⁾ OJ No L 145, 27. 5. 1992, p. 64.

⁽⁷⁾ OJ No L 172, 27. 6. 1992, p. 73.

⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹⁰⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹¹⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 29 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 29 June 1992 altering the import levies on products processed from cereals and rice

CN code	Import levies (°)	
	ACP	Third countries (other than ACP) (°)
0714 10 10 (°)	144,20	150,85
0714 10 91	147,83 (°) (°)	147,83
0714 10 99	146,02	150,85
0714 90 11	147,83 (°) (°)	147,83
0714 90 19	146,02 (°)	150,85
1102 90 10	266,09	272,13
1103 19 30	266,09	272,13
1103 29 20	266,09	272,13
1104 11 10	150,79	153,81
1104 11 90	295,66	301,70
1104 21 10	236,53	239,55
1104 21 30	236,53	239,55
1104 21 50	369,58	375,62
1104 21 90	150,79	153,81
1106 20 10	144,20 (°)	150,85
1107 10 91	263,14	274,02 (°)
1107 10 99	196,61	207,49 (°)
1107 20 00	229,14	240,02 (°)

(°) 6 % *ad valorem*, subject to certain conditions.

(°) In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.

(°) In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States:

- products falling within CN code ex 0714 10 91,
- products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
- flours and meal of arrow-root falling within CN code 1106 20,
- arrow-root starch falling within CN code 1108 19 90.

- (*) Taric code : clipped oats.
 - (*) Taric code : CN code 1104 22 10, other than 'clipped oats'.
 - (7) 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.
 - (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 import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.
 - (11) Products falling within this code, imported from Poland, the Czech and Slovak Federal Republic 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 1693/92
of 29 June 1992
fixing the amount of the subsidy on oil seeds

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 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 1380/92 ⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed ⁽⁵⁾, as last amended by Regulation (EEC) No 2206/90 ⁽⁶⁾, and in particular Article 2 (3) thereof,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commis-

sion Regulation (EEC) No 307/92 ⁽⁷⁾, as last amended by Regulation (EEC) No 1664/92 ⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 307/92 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83 ⁽⁹⁾ shall be as set out in the Annexes hereto.

Article 2

This Regulation shall enter into force on 30 June 1992.

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

Done at Brussels, 29 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 147, 29. 5. 1992, p. 15.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 32, 1. 2. 1992, p. 20.

⁽⁸⁾ OJ No L 172, 27. 6. 1992, p. 64.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

ANNEX I

Aids to colza and rape seed other than 'double zero'

(amounts per 100 kg)

	Current 6				
1. Gross aids (ECU):					
— Spain	17,485				
— Portugal	26,565				
— Other Member States	17,485				
2. Final aids:					
Seed harvested and processed in:					
— Federal Republic of Germany (DM)	41,16				
— Netherlands (Fl)	46,38				
— BLEU (Bfrs/Lfrs)	849,01				
— France (FF)	138,06				
— Denmark (Dkr)	157,01				
— Ireland (£ Irl)	15,365				
— United Kingdom (£)	13,760				
— Italy (Lit)	30 799				
— Greece (Dr)	3 906,57				
— Spain (Pta)	2 694,07				
— Portugal (Esc)	5 721,57				

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 6				
1. Gross aids (ECU):					
— Spain	18,735				
— Portugal	27,815				
— Other Member States	18,735				
2. Final aids:					
Seed harvested and processed in:					
— Federal Republic of Germany (DM)	44,11				
— Netherlands (Fl)	49,70				
— BLEU (Bfrs/Lfrs)	909,70				
— France (FF)	147,92				
— Denmark (Dkr)	168,24				
— Ireland (£ Irl)	16,464				
— United Kingdom (£)	14,754				
— Italy (Lit)	33 001				
— Greece (Dr)	4 221,72				
— Spain (Pta)	2 882,61				
— Portugal (Esc)	5 982,42				

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 6				
1. Gross aids (ECU):					
— Spain	31,581				
— Portugal	38,311				
— Other Member States	19,881				
2. Final aids:					
Seed harvested and processed in:					
— Federal Republic of Germany (DM)	46,80				
— Netherlands (Fl)	52,74				
— BLEU (Bfrs/Lfrs)	965,35				
— France (FF)	156,97				
— Denmark (Dkr)	178,53				
— Ireland (£ Irl)	17,471				
— United Kingdom (£)	15,654				
— Italy (Lit)	35 019				
— Greece (Dr)	4 470,10				
— Portugal (Esc)	8 172,45				
— Spain (Pta)	4 818,91				

ANNEX IV

Exchange rate of the ecu to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of ECU 1)

	Current 6				
DM	2,050930				
Fl	2,311210				
Bfrs/Lfrs	42,206000				
FF	6,908540				
Dkr	7,890740				
£Irl	0,767912				
£	0,702138				
Lit	1 550,61				
Dr	249,89200				
Esc	170,41800				
Pta	129,08700				

COUNCIL REGULATION (EEC) No 1694/92

of 29 June 1992

opening and providing for the administration of Community tariff quotas for
certain quality wines and sparkling wines, originating in Austria

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, in accordance with the Agreement with Austria,
as extended by the exchange of letters ⁽¹⁾ for the period
from 1 July 1992 to 30 June 1993 regarding reciprocal
creation of tariff quotas for certain quality wines, the
Community is committed to suspending in full the
customs duties applicable to quality wines and sparkling
wines, originating in Austria, which conform to the wine
and viticulture law of 1985 of the Republic of Austria,
presented in containers not exceeding two litres, within
the limits of annual tariff quotas of 85 000 and 2 000
hectolitres respectively; whereas this Agreement also
provides that the quota period is from 1 July of each year
to 30 June of the next year and whereas the duties
applicable in Spain and Portugal are equal to those
applied by Member States with respect to the Community
as constituted at 31 December 1985; whereas it is
necessary therefore to open for the period 1 July 1992 to
30 June 1993 the Community tariff quotas in question at
the amounts provided for in the Agreement;

Whereas it is in particular necessary to allow all
Community importers equal and uninterrupted access to
the said quotas and to ensure the uninterrupted
application of the rates laid down for the quotas to all
imports of the products concerned into all Member States

until the quotas have been used up; whereas it is
appropriate to take the necessary measures to ensure
efficient Community administration of these tariff quotas
while offering the Member States the opportunity to draw
from the quota volumes the necessary quantities corre-
sponding to actual imports; whereas this method of
administration requires close cooperation between the
Member States and the Commission and the latter must,
in particular, be able to monitor the rate at which the
quotas are being used up and inform the Member States
accordingly;

Whereas, since the Kingdom of Belgium, the Kingdom of
the Netherlands and the Grand Duchy of Luxembourg
are united within and jointly represented by the Benelux
Economic Union, all transactions concerning, in
particular, the administration of quota shares allocated to
that economic union may be carried out by any of its
members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 July 1992 to 30 June 1993 the customs
duties applicable on importation of the following
products originating in Austria shall, without prejudice to
paragraph 3, be suspended at levels and within the limits
of tariff quotas as indicated with respect to each product:

Order No	CN code (¹)	Description	Volume of quota (hl)	Quota duty (%)
09.0803	ex 2204 21 25 ex 2204 21 29 ex 2204 21 35 ex 2204 21 39 ex 2204 21 49	Quality wines presented in containers of a capacity not exceeding two litres	85 000	0
09.0805	ex 2204 10 19 ex 2204 10 90	Sparkling quality wines, and presented in containers of a capacity not exceeding two litres	2 000	0

(¹) See Taric codes in the Annex.

(¹) OJ No L 160, 13. 6. 1992, p. 25.

2. Within the limits of the tariff quotas referred to in paragraph 1, the Kingdom of Spain and the Portuguese Republic shall apply the same duties as those they apply to similar products of the Community as constituted at 31 December 1985.

3. Admission under the tariff quotas referred to in paragraph 1 shall be reserved to wines accompanied by a document VI 1 or an extract VI 2, completed in accordance with the provisions of Commission Regulation (EEC) No 3590/85⁽¹⁾.

Document VI 1 must include in Box 15 one of the following endorsements, certified by the competent Austrian organization :

'This is to certify that the wines referred to in this document are quality wines/quality sparkling wines (*) originating in Austria and in conformity with the 1985 Wine Law of the Republic of Austria.

(*) Delete whichever entry is not applicable.'

Furthermore, the wines in question shall remain subject to observance of the free-at-frontier reference price. In order for these wines to benefit from the tariff quotas, Article 54 of Regulation (EEC) No 822/87⁽²⁾ must be complied with.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take all appropriate administrative measures in order to ensure effective administration thereof.

Article 3

If an importer presents, in a Member State, a declaration of entry into free circulation, including a request for preferential benefit for a product covered by this

Regulation and if this declaration is accepted by the customs authorities, the Member State concerned shall draw from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The drawing requests, with indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

If the quantities requested are greater than the available balance of the quota, allocation shall be made on a pro rata basis with respect to the requests. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

Article 5

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

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 Luxembourg, 29 June 1992.

For the Council

The President

Jorge BRAGA DE MACEDO

⁽¹⁾ OJ No 343, 20. 12. 1985, p. 20. As last amended by Regulation (EEC) No 2039/88 (OJ No L 179, 9. 7. 1988, p. 29).

⁽²⁾ OJ No L 84, 27. 3. 1987, p. 1. As last amended by Regulation (EEC) No 3577/90 (OJ No L 353, 17. 12. 1990, p. 23).

*ANNEX***Taric codes**

Order no	CN code	Taric code
09.0803	ex 2204 21 25	*95
	ex 2204 21 29	*96
	ex 2204 21 35	*95
		*96
	ex 2204 21 39	*95
		*96
	ex 2204 21 49	*29
09.0805	ex 2204 10 19	*91
	ex 2204 10 90	*91

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 25 March 1992

concerning aid awarded by Spain to Intelhorce SA (ex Industrias Textiles de Guadalhorce, SA), now called GTE General Textil España, SA, a State-owned producer of cotton textiles

(Only the Spanish text is authentic)

(92/321/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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

Whereas :

I

Industrias Textiles de Guadalhorce, SA — now called GTE General Textil España, SA — was established in 1957 by the 'Instituto Nacional de Industria (INI)', a Spanish State-owned holding agency. The company's authorized activities consist of the production and marketing of cotton products. The firm owns a sole production plant situated in a suburb at 5 km from the town of Malaga (Andalusia). Its production activities integrate vertically: spinning, weaving, finishing and clothing of cotton goods. The company's head office is annexed to the plant. The company has also a commercial delegation in Barcelona.

In 1965 the Spanish authorities decided to suspend the ordinary process of investment in the company as a result of exceptional political and economic circumstances. This

fact along with a bad industrial planning made it suffer from serious financial instabilities that kept the company in the red until 1971. In 1972, taking advantage of the favourable situation in the cotton textiles sector, the company was privatized. The new owners initiated a restructuring programme with replacements of weaving equipment and an increase in workforce that reached 3 277 people. During 1972 and 1973 the company made profits. After 1974 the deterioration of the general economic situation and, notably, the crisis in the cotton textiles industry broke off the firm's recovery. The company's competitive position worsened and its negative results accelerated as a consequence of an inadequate policy of modernization. In 1975 Industrias Textiles de Guadalhorce changed its name to Intelhorce, SA.

At that time, Spain was in the midst of a delicate period of political transition and this, together with the economic and social situation in the area and the large number of jobs provided by the company, meant that, in 1980, the State had to take control of it once more through the State-owned holding agency, 'Patrimonio del Estado'. The Spanish Government since launched a restructuring plan designed to secure the company's viability. Thus, between 1980 and 1985 the company carried out considerable fixed investment totalling over Pta 6 000 million, the workforce was gradually reduced from 2 785 people in 1980 to 2 094 by the end of 1985 and sales increased to a top in 1985 of over Pta 9 400 million. Despite these efforts, Intelhorce continued making losses.

During the same period, the State provided over Pta 17 000 million in capital contributions to Intelhorce that served to finance the abovementioned restructuring and to recapitalize the company.

In 1985 Intelhorce turned over Pta 9 400 million with final losses of Pta 1 300 million. Its annual production capacities by industrial activity were: 8 700 tonnes of spun products; 33 000 km of woven products and 16 600 km of finished products. For its part, the respective effective productions were: 7 327 tonnes; 27 176 km and 14 192 km.

II

Following a complaint, the Commission requested the Spanish authorities, by letter dated 4 April 1989, to send it all relevant information on alleged capital contributions that the State had made to cover operating losses of Intelhorce, SA after the accession of Spain to the Communities.

By letter dated 18 August 1989, the Spanish authorities provided first information. This reply being insufficient to assess the compatibility of the State intervention with the provisions of Articles 92 and 93 of the Treaty, the Commission requested further information by letter of 28 August 1989. This information was partially submitted by letter of 15 November 1989.

At the request of the Spanish authorities, on 30 May 1990 a meeting took place between representatives of the Spanish administration and the Commission department concerned. By letter dated 31 May 1990, the Spanish authorities completed the information requested.

According to this information, after the accession of Spain to the Communities in January 1986, the State had provided Pta 7 820 million to Intelhorce through five capital increases wholly subscribed by the company's owner, the State-owned holding agency 'Patrimonio del Estado'. The dates on which these capital increases were paid up and their corresponding values are the following:

(Pta)	
Date	Amount
25 June 1986:	2 000 million
26 November 1986:	1 975 million
30 October 1987:	1 511 million
13 February 1989:	607 million
23 May 1989:	1 727 million
Total	7 820 million

These capital contributions were mainly utilized to finance both equipment replacements and the costs of workforce cut-back operations. In this respect, it should

be noted that, over the period 1986 to mid 1989 Intelhorce spent some Pta 5 000 million in investments and over Pta 1 100 million towards redundancies costs, its workforce passing from 1 883 people by the end of 1986 to 1 617 by June 1989.

During the same period, Intelhorce's turnover went down from Pta 8 638 million in 1986 to Pta 6 684 million in 1988, recording final losses of Pta 2 093 million and Pta 2 413 million, respectively. For the same years, its exports to Community countries amounted to 2,7 % and 4,2 % of the abovementioned respective turnovers.

The Spanish authorities also informed the Commission that, after having examined potential alternatives to restore the firm's viability, they had concluded that it was imperative to sell Intelhorce to a private company with an adequate position in the market. With a view to privatizing Intelhorce, in January 1988, the Spanish authorities made approaches to 106 companies thought likely to be interested in the deal, by sending them a promotional brochure on the company. Later on, more detailed information was furnished to those that made known their interest. After negotiations with potential bidders, three final purchase bids were received. Finally, from amongst them, the Spanish authorities selected that offering the highest price in economic terms.

The preferred bid was presented by the companies Benorbe SA and Benservice SA — two agent companies of the Benetton group running its franchising business in Spain — on the following terms:

- before concluding the sale, the State would provide Pta 5 869 million to Intelhorce in the form of additional capital subscribed by 'Patrimonio del Estado',
- the bidders would buy Intelhorce's capital for Pta 2 000 million according to the following proportions: Benorbe (70 %), Benservice (30 %); the price would be paid in three instalments of Pta 700 million, Pta 700 million and Pta 600 million, due on 1 June of the years 1991, 1992 and 1993,
- the new owners would subscribe a capital increase of Intelhorce of Pta 2 000 million, 25 % of which will be paid up at the moment of the sale.

The capital contribution committed by the State under the terms of the sale was provided by 'Patrimonio del Estado' in two stages: on 1 June 1989, Pta 1 727 million, the remaining Pta 4 142 million being provided on 4 August 1989, just before the signing of the sale contract on the abovementioned terms.

It should be noted that the sale contract contained a conditional clause imposed by the State:

- the new owners will commit themselves not to apply to the State for authorization of temporary lay-offs in Intelhorce, nor to sell the shareholding acquired without previous authorization of the State, respectively, during three and four years after the moment of the purchase.

The Spanish authorities made known to the Commission that the other two final bids rejected were costlier in monetary terms. Both required from the State higher disbursements before the sale — one of them Pta 10 500 million in capital contribution; the other Pta 8 400 million in capital contribution plus public loans of Pta 4 200 million — whilst offering a symbolic price for Intelhorce's shareholding. Furthermore, in the Spanish authorities' view, the selected offer was that presenting the greatest probability of success in terms of industrial viability in the light of the characteristics of the five-years restructuring programme for Intelhorce presented by the buyers (see part IV below).

Finally, the Spanish authorities indicated that the alternative for the State to wind up Intelhorce would have been costlier for the State than the preferred option to sell the company on the abovementioned terms, since the payment for dismissal of the whole workforce would have amounted to Pta 11 400 million (Pta 6,8 million for each of the 1 671 workers approximately) and the proceeds from liquidating the company's assets would only have brought in Pta 5 400 million according to their estimates. In addition, the State should have borne subsidies for reindustrialization and creation of employment in the region of Pta 5 000 million and costs of unemployment benefits estimated at Pta 3 000 million for the workers dismissed.

After having examined the foregoing information, on 25 July 1990 the Commission decided to initiate the Article 93 (2) procedure in respect of the Pta 13 689 million capital contributions provided by the State to Intelhorce between the moment of the accession of Spain to the Communities in January 1986 and the effective privatization of the company in August 1989. The Commission considered that those financial interventions constituted an aid within the meaning of Article 92 (1) of the EEC Treaty, and that this aid did not qualify in principle for any of the exemptions to incompatibility provided for in Article 92 (2) and (3). The Article 93 (2) procedure initiated also covered the potential additional aid the State could have granted in accepting the purchase bid of Pta 2 000 million for its shareholding in Intelhorce, in view that the firm's net worth was of Pta 12 500 million before the State's providing the Pta 5 869 million capital contribution under the sale terms.

III

The Commission decision to initiate the Article 93 (2) procedure was notified to the Spanish Government by letter of 18 September 1990. This letter invited the Spanish Government to submit its observations and to provide the detailed information requested therein, as well

as any other information it might consider relevant for the Commission to assess the compatibility of the aid.

The other Member States and third interested parties were informed of the Commission decision by publication in the *Official Journal of the European Communities*⁽¹⁾ of the text of the letter sent to the Spanish Government.

The Spanish Government submitted its observations by letter dated 22 November 1990. Afterwards, by letter of 5 December 1990 the Spanish Government provided the additional information requested by the Commission.

First of all, the Spanish Government stated that it disagreed with the provisional conclusion of the Commission that the increases in capital in 1986 to May 1989 of Pta 7 820 million and the capital contribution of Pta 5 869 million before Intelhorce's sale constitute State aid which does not qualify for exemption under the EEC Treaty.

Concerning the capital increases in 1986 to May 1989, the Spanish Government stressed that they had formed part of a restructuring plan designed to secure the company's viability and that the investments carried out by the Government were based on sound criteria which would equally have been applied by a private investor. In its opinion, this produced good results until 1988 when there was a downturn on the market. Furthermore, the Spanish Government considered that the public interventions in question could not be said to have adversely affected competition in the common market, since the market presence of the firm declined in terms both of production capacity and actual output during that period.

Particularly in respect of the capital contributions in 1986 and 1987, the Spanish authorities stated that they took place in response to circumstances which developed prior to Spain's accession to the Communities.

As regards the terms of the sale, the Spanish Government stated that the sale of Intelhorce did not involve State aid either. This was substantiated, in its opinion, by the fact that Intelhorce was sold to the highest bidder, after being openly put up for sale on the international market. In addition, it emphasized that a going concern could not normally be valued on the basis of its net worth, as the Commission did, but in the light of the present value of the anticipated returns of the firm purchased. In this respect, the Spanish Government stressed that Intelhorce's losses in 1986 and 1989 amounted to Pta 2 413 million and Pta 2 145 million respectively, and that reducing the workforce of Intelhorce by 650 jobs under the restructuring programme of the buyers could cost as much as Pta 3 600 million.

⁽¹⁾ OJ No C 320, 20. 12. 1990, p. 16.

Afterwards, the Spanish Government pointed out that even if the terms of the sale did involve aid, the sale of Intelhorce was more than just putting the company into private hands. It meant implementing a recovery plan drawn up by the buyers, that would participate in its financing with a capital contribution of Pta 2 000 million and would incorporate their know-how into the company's assets. Consequently, in its opinion, the sale was not at all designed to keep simply the company in business, but to ensure its economic, technical and financial recovery, for which reason, the public interventions in question complied with the provisions applicable under Community law. Lastly, the Spanish authorities indicated that the firm's location in Malaga, an area classified by the Commission as eligible for regional economic aid, suggested that the exemption provided for in Article 92 (3) (a) of the EEC Treaty would in any case be applicable.

The Commission was also informed that, on 29 December 1989, Intelhorce changed its name to GTE General Textil España, S.A.

As part of the procedure, by telefax dated 18 January 1991 the German federation of textiles producers submitted its comments. This federation stressed the risk of distortion of competition that the aid to Intelhorce could generate in view of the intense competition existing between Community textile producers and the market importance of the company. These comments were communicated to the Spanish Government by letter dated 6 February 1991.

The Spanish Government answered to these comments by letter of 27 March 1991. Concerning the market importance of Intelhorce, the Spanish Government indicated that its rate of participation in the Community production of spun goods was only 0,8 %, and that its corresponding market shares in the production of woven and finished goods were not significant either. In addition, the Spanish Government indicated that Intelhorce's production forecasts for the period 1991 to 1993 show a 21 % reduction in spun goods, and 50 % in woven products. Finally, it was mentioned that in 1988 and 1989 Intelhorce's exports to Germany amounted to Pta 13,6 million and Pta 3,3 million, respectively; in 1990 there was no export to that country, nor was any planned in 1991 either.

IV

Apart from the fact that the selected purchase bid for Intelhorce was the highest one in economic terms, the Spanish authorities have also claimed to justify this choice that, in their opinion, the restructuring programme presented by Benorbe and Benservice was also that showing the highest probability of success in terms of industrial viability.

An initial restructuring programme for Intelhorce, drawn up by the new owners, was submitted by the Spanish authorities in their communication to the Commission of 15 November 1989. At first, that programme made a diagnosis of the company's situation. It identified as a strong point the recapitalization policy carried out before its sale that had improved notably its financial structure, ensuring a negligible debt/equity ratio and an excellent level of working capital. However, despite this high level of financial independence, the company showed a very low internal rate of return with the existing production and marketing structures, that made very unstable and risky its financial balance. The conclusion was that a radical change of strategy was required to ensure the company's viability. The key objective of the new strategy was placed on the attainment of a considerable strengthening of the marketing structure, by means of the creation of a double network of shops selling own-produced finished articles in the range of both household linen and clothing, with innovative design and a new promotional registered mark.

According to this strategy, over 1990 to 1992 Intelhorce planned to open 15 of its own shops in Spain for household linen, and in 1993 to 1994 22 others under franchising contracts. In respect of clothing, it planned to open 14 of its own shops in Spain over 1991 to 1992, and 50 others under franchising contracts in the period 1993 to 1994.

In terms of turnover, that strategy meant that Intelhorce would increase its sales of traditional products from Pta 7 614 million in 1990 to Pta 9 254 million in 1994, whilst its sales through the shops network increasing from Pta 140 million in 1990 to Pta 5 583 million in 1994. The corresponding final result for its traditional activities and the margin generated in the shops network would pass from losses of Pta 2 547 million and profits of Pta 56 million in 1990, respectively, to losses of Pta 697 million and profits of Pta 1 741 million in 1994. These figures would make Intelhorce's global result pass from losses of Pta 2 491 million in 1990 to profits of Pta 1 044 million in 1994, this being the first year of positive surplus in the five-years planning covered by the initial restructuring programme.

It should be remarked here that the capital contribution of Pta 5 869 million provided by the State before the sale, plays an outstanding role in the restructuring programme. This contribution was deposited by the State in a blocked bank account, and Intelhorce's managers can only make use of it gradually, if they show to the State as much investment in tangible or intangible fixed assets as the amount they had previously withdrawn. The availability of the blocked account was also limited in time according to the following schedule :

- a first section of Pta 1 869 million available just after the sale without justification, and can also be used for expenses other than investments,

- two successive sections of Pta 1 500 million each available not before 1 July of 1991 and 1992, respectively,
- a last section of Pta 1 000 million not before 1 July 1993.

For the purpose of investment computation, Intelhorce's expenses in marketing, advertising and design would be considered as investments up to a maximum of 20 % of the value of each one of the last three sections.

It should finally be mentioned that this initial restructuring programme did not consider necessary any further reduction in workforce from the 1 650 people employed at the time of the sale.

As a result of the floods suffered by the province of Malaga in November to December 1989, that affected the production structure of Intelhorce, and given the proved lack of capabilities in the company to undertake the launching of the strategy for clothing products, the initial restructuring programme had to be revised. The revised programme was submitted to the Commission in the course of the meeting that took place on 30 May 1990. It redefined the company's objectives for at least the three-year period to come according to the following guidelines: postponement for an indefinite time of the clothing line and its corresponding shops network; reduction in production levels, mainly in those activities with lower value-added proportion; and further reduction in workforce.

Concerning the workforce reduction, the revised programme provided for a further cut of about 40 % to attain a level of 1 000 people by the end of 1992. These dismissals would be mainly financed with the resources initially set aside for investments in the clothing line. Under the revised strategy, Intelhorce's sales of its traditional products would decrease from Pta 7 000 million in 1990 to Pta 5 670 million in 1992. For its part, the shops network for household linen was to turn over Pta 200 million and Pta 1 062 million, respectively, in 1990 and 1992. This meant that Intelhorce's global turnover would decrease from Pta 7 200 million in 1990 to Pta 6 732 million in 1992.

As regards company results, inclusive of planned redundancies costs, Intelhorce was to record losses in its traditional activities amounting to Pta 1 994 million and Pta 2 245 million, respectively, in 1990 and 1992. The household linen shops would contribute profits in those years of Pta 100 million and Pta 533 million. Consequently, Intelhorce's final results would pass from Pta 1 894 million losses in 1990 to Pta 1 712 million losses in 1992. After this latter year results would improve in Pta 1 200 million, which is the estimated annual cost of the further workforce reduction to be completed by the end of the three-year period covered by the revised programme. It

should finally be noted that, even though the company's turnover would decline during that period, the export rate was expected to increase from 7 % in 1990 to 20 % in 1992, Europe being the main destination.

The revised restructuring programme does not exclude the initially planned strategy for clothing products being implemented before 1993, if the necessary reorganization to launch that line is carried out meanwhile.

V

On its examination of the capital contributions of Patrimonio del Estado to Intelhorce both in 1986 to May 1989 and under its sale contract, as well as of the other terms of the sale contract with Benorbe and Benservice, the Commission has verified to what extent these public interventions contain State aid elements within the meaning of Article 92 (1) of the EEC Treaty.

It should be remarked here that Patrimonio del Estado is an intrinsic part of the Spanish State with status of Directorate-General within the Spanish Ministry of Economic Affairs. Its financial requirements are wholly covered by the State on the basis of budgetary appropriations. Accordingly, the financial resources of Patrimonio del Estado are to be considered as resources of the State and, consequently, the capital contributions provided to Intelhorce constitute public interventions.

The provision of public funds to companies in the form of capital contribution may involve elements of State aid if those funds are provided in circumstances that would not be acceptable to a private investor operating under normal market conditions. This is the case, amongst others, where the financial position of the company, and particularly the structure and volume of its debt, is such that a normal return — in dividends or capital gains — cannot be expected within a reasonable time from the capital invested, or where, because of its inadequate cash flow if for no other reason, the company would be unable to raise the funds needed for an investment programme on the capital market. This position was made known by the Commission in its letter to the Member States of 17 September 1984 on the application of Articles 92 and 93 of the EEC Treaty to public authorities' holdings. In this respect, it should also be noted that, recently, in its communication of 24 July 1991⁽¹⁾ introducing a new reporting system to identify when aid is present in financial flows between public authorities and publicly-owned companies, the Commission has reminded Member States of the principles it will use in determining whether aid is involved in such State interventions (see Part III of the communication).

⁽¹⁾ OJ No C 273, 18. 10. 1991, p. 2.

In addition, the Court of Justice has clarified the application of Article 92 (1) of the EEC Treaty in respect of public holdings (see judgments in Cases 323/82 (intermills)⁽¹⁾, 234/84 (Meura)⁽²⁾ and 40/85 (Boch)⁽³⁾). In order to determine whether a capital contribution is State aid, the Court held that it is necessary to see whether the company in question could have obtained the finance on the private capital market. Where the evidence suggests that the beneficiary could not have survived without public funds because it could not have raised the capital required on the open market from a private investor, it is right to conclude that the payment constitutes State aid.

Taking into account that at the time of the first provision of capital by Patrimonio del Estado in 1986, Intelhorce had made losses for two decades with the exception of two years, and considering that the State had already been obliged in the past to recapitalize the company substantially on repeated occasions to keep it in business, without getting any result in terms of capital return for its investments, it is unlikely that a private investor, basing his decision on the foreseeable probability of profit, and disregarding any social consideration or considerations of regional or sectoral policy, would have provided Intelhorce over the period 1986 to May 1989 with successive capital increases totalling Pta 7 820 million.

As regards the terms of the sale of Intelhorce to Benorbe and Benservice, the Commission considers proven that Intelhorce went to the highest bidder. Nevertheless, this fact is not sufficient to assure that no State aid element is involved in the sale of the company. In order to arrive at this conclusion, it has to be proved that the sale took place in an unconditional open bid, that is to say, through a tendering process where any potential buyer is invited to bid for the company and where the State does not impose any condition for settling the sale. In this respect, the information provided by the Spanish authorities indicates that the State imposed certain conditions to the buyers, limiting temporarily the disposal of the shareholding acquired and the company's right to apply to the State for authorization of temporary lay-offs. In addition, given that the State provided financial resources to the company just before its privatization, it is necessary to verify the rationality of the State behaviour as a private investor in respect of its capital contribution of Pta 5 869 million before concluding the sale, and of its accepting a price of Pta 2 000 million for the 100 % capital shareholding held by Patrimonio del Estado in Intelhorce.

In respect of the former question, a private investor operating under normal market economic conditions would intend to maximize the profitability of its investment and would only have made that capital contribution

if, later on, such contribution would place him better off in economic terms once considered the sale operation as a whole. The capital contribution provided by the State within the framework of the sale contract of Intelhorce could only have as expected monetary return the offer presented by the bidders for the company's shareholding. Both the capital contribution from the State and the price to be paid by the buyers were thus interrelated, since, under the terms of the sale contract, the buyers would not have paid Pta 2 000 million for Intelhorce's capital, should the State not have previously provided the Pta 5 869 million capital contribution.

In the light of the foregoing considerations, given that the State will recover an amount equivalent to the present value of the instalments to be paid by Benorbe and Benservice for Intelhorce's capital, and considering that in the absence of the Pta 5 869 million capital contribution, the State would not have obtained any money, since the purchaser's bid was conditional on the provision by the State of that capital, the aid element contained therein amounts to Pta 4 405 million, that is to say, the difference between Pta 5 869 and Pta 1 464 million, this latter being the present value at the moment of the sale of the three instalments totalling Pta 2 000 million in nominal terms to be paid by Intelhorce's buyers. (Actualization rate: 12,1 %, which corresponds to the interest rate fixed by the Spanish State for the ICO bonds issued in June 1989).

Concerning the other State aid element potentially involved in the acceptance by the State of a Pta 2 000 million nominal price for Intelhorce's shareholding, the Commission cannot conclude that an additional aid element exists in connection with this behaviour. This is substantiated by the fact that the capital shareholding in Intelhorce cannot be considered as having a value for the State higher than the abovementioned price, in view of the fact that the company's past financial record, as well as the anticipated final results of the company, indicated to the State that no positive return could be expected from its capital shareholding in Intelhorce without a radical change in the company's marketing and production structure that the State did not attempt to undertake.

It should also be noted that in the light of the information available to the Commission, the behaviour of the Spanish Government in selling Intelhorce on the communicated terms does not reveal any State aid element additional to the Pta 4 405 million previously identified, when the chosen option of selling the company as a going concern is compared to the alternative of liquidating the company. In this respect, according to the information submitted by the Spanish authorities the estimated adjusted value of the proceeds from the sale of Intelhorce's assets — previous to the last provision of capital by the State of Pta 5 869 million — was of Pta 5 400 million. In case of liquidation of the company this amount should have been offset against the company's

⁽¹⁾ [1984] ECR 3809.

⁽²⁾ [1986] ECR 2263.

⁽³⁾ [1986] ECR 2321.

outstanding liabilities of about Pta 1 000 million, as well as against the payments for dismissal of the whole workforce, estimated at about Pta 11 400 million. In these circumstances, the State would not have drawn any net positive surplus from the liquidation alternative for Intelhorce. Consequently, the identified State aid element under the sale terms continues to be the net disbursement by the State of Pta 4 405 million in the form of capital contribution previous to the company's sale.

Finally, it should be noted that, contrary to the observation of the Spanish authorities, the option to wind up Intelhorce does not appear costlier for the State than the preferred option to sell the company on the accepted terms. On this score, the State, as owner of the company, would not have been obliged to cover the balance between the proceeds from the liquidation of the assets and the liabilities linked to winding up Intelhorce, given that a joint-stock company such as Intelhorce does limit its responsibility to honour debts up to the value of liquidation of its assets and, in normal circumstances, the owner of the company does not take on any responsibility for any potential deficit.

In assessing the behaviour of the State against that of a market economy private investor, the Commission must take into consideration that 'the test is, in particular, whether in similar circumstances a private shareholder, having regard to the foreseeability of obtaining a return and leaving aside all social, regional-policy and sectoral considerations, would have subscribed the capital in question' (Case 234/84 (Meura), ground 14). If these costs were considered by the Commission, it would amount to granting Member States the power to rescue companies in difficulties on the basis of pure national interest. This situation, that could create serious distortions of competition contrary to the common interest, would be in contradiction with the principles of the EEC Treaty empowering the Commission to determine the compatibility of State assistance in the context of the Community as a whole and not in that of a single Member State. Putting the abovementioned costs together with those corresponding to the behaviour of the State as owner/shareholder of a company would amount to emptying the market-economy private-investor principle of its meaning.

Therefore, in summary, after detailed examination, the Commission has reached the conclusion that the State aid granted to Intelhorce is made up of the Pta 7 820 million corresponding to the capital contributions from Patrimonio del Estado within the period 1986 to May 1989, and the aid element of Pta 4 405 million involved in the last capital contribution from Patrimonio del Estado before the company's privatization, both interventions having artificially strengthened Intelhorce's financial position.

This aid to Intelhorce affects trade between Member States and distorts or threatens to distort competition in the common market within the meaning of Article 92 (1) of the EEC Treaty.

In fact, where financial assistance from the State strengthens the position of certain enterprises compared with that of others competing with them in the Community, it must be deemed to affect those other enterprises (Judgment of the Court of Justice in Case 730/79 (Philip Morris) (')).

In this respect, it should be noted that the goods produced and marketed by Intelhorce (now named GTE General Textil España SA) are traded between Member States and there is competition among producers. In 1988 the Community global production of textiles amounted to ECU 86 691 million of which over 20 % corresponded to the cotton industry. The Spanish production represents around 11 % of the Community output of spun yarns (category 1) and 13 % of fabrics (category 2), no statistics are available for finished fabrics. Community production amounts to 1 million and to 700 000 tonnes respectively, as the Commission stated in initiating the procedure (Official Journal of 20 December 1990; see note 1 at bottom of page). Indeed, intra-Community trade in cotton textiles is very substantial, showing intra-Community exports rates of 22, 34 and 63 % of the respective Community productions of spun, woven and finished goods. On the other hand, Intelhorce participates in that trade and holds an important position in the Spanish market, as recognized by the Spanish authorities.

It should be recalled that, as the Multi Fibre Agreement states, the market for cotton textiles, in its categories of both yarns and fabrics, is one of those occupying the highest positions in the scale of sensitivity because of stagnation on the demand side and an increasing pressure of imports from third countries that provoke depressed prices and large proportions of idle capacity. In these circumstances, any aid granted to a particular competitor is liable to produce serious distortions of competition.

VI

Concerning the legal status of the aid to Intelhorce under Community law, it has to be calculated that it is illegal, since the Spanish Government failed to notify it in advance to the Commission as provided for by Article 93 (3) of the EEC Treaty.

(') [1980] ECR 2688.

The situation produced by this breach of the Treaty provisions is particularly serious since the aid in question has already been paid to the recipient. In this respect, it has to be recalled that, in view of the imperative character of the rules of procedure laid down in Article 93 (3) of the EEC Treaty which also are of importance as regards public policy — the direct effect of which the Court of Justice has recognized in its rulings in Cases 77/72 (Capolongo) ⁽¹⁾, 120/73 (Lorenz) ⁽²⁾ and 78/76 (Steinicke) ⁽³⁾ —, the illegality of the aid at issue here cannot be remedied *a posteriori*.

Nevertheless, it should be noted that the Commission is obliged to carry out its due procedures in relation to Article 93 (2) as recognized in the Court of Justice ruling in Case 301/87 (Boussac Saint Frères) ⁽⁴⁾.

VII

Article 92 (1) of the EEC Treaty provides that aid of the type described therein is in principle incompatible with the common market.

The exceptions provided for in Article 92 (2) of the EEC Treaty are not applicable in this case because of the nature of the aid, not directed towards the attainment of such objectives.

Article 92 (3) of the EEC Treaty lists aid which may be compatible with the common market. Compatibility with the Treaty must be determined in the context of the Community as a whole and not in that of the single Member State. In order to ensure the proper functioning of the common market, and having regard to the principle embodied in Article 3 (f), the exceptions provided for in Article 92 (3) must be construed narrowly when any aid scheme or individual aid award is scrutinized. In particular, they may be invoked only when the Commission is satisfied that, without the aid, market forces alone would be insufficient to guide recipients towards patterns of behaviour that would serve one of the objectives of the said exceptions.

Applying the exceptions to cases which do not contribute to such objectives or where the aid is not necessary for those purposes would amount to conferring advantages on the industries or firms of certain Member States, whose financial position would be artificially strengthened, thereby affecting trade between Member States and distorting competition without any justification based on the common interest, as referred to in Article 92 (3) of the EEC Treaty.

The aid to Intelhorce in the form of capital contributions of Pta 7 820 million over the period 1986 to May 1989 represented a big effort to create the basis for a definitive viable restructuring of the company. This is proved by the fact that it was mainly used in practice during that period for investments in rationalization of some Pta 5 000 million, as well as for a cut of 212 in workforce costing over Pta 1 100 million. It should also be noted that the actual production levels of Intelhorce remained for the period in question well below the capacity ceilings previous to the rationalization; this fact confirms that this aid was not used to relaunch artificially the activities of the company, which would have produced an unacceptable negative externality for the sector. On the other hand, the Commission can also share the Spanish authorities' view that the capital contributions in 1986 and 1987 were in response to circumstances which developed prior to Spain's accession to the Communities. The Commission considers that this judgment can also be extended to those contributions that took place in 1989 without a direct link to the arrangements for the sale of the company. Preaccession industrial policy in Spain in respect of public companies was sometimes based on principles radically different from those inspiring the competition policy under the EEC Treaty. At that time, certain loss-making public companies were run according to decisions opposed to sound managerial principles and were kept artificially in business thanks to the financial assistance of the State. After the accession of Spain to the Communities, these companies have been forced to adapt themselves to an environment of fair competition. The aid to Intelhorce here in question was mainly aiming at facilitating that adaptation. In the light of the foregoing considerations, the Commission has arrived at the conclusion that the capital contributions of Pta 7 820 million in the period 1986 to May 1989 can be considered as compatible with the common market pursuant to the exception provided for in Article 92 (3) (c) of the EEC Treaty, for they contributed to implement a genuine restructuring for the activities of Intelhorce without having unacceptable effects contrary to the common interest.

In respect of the State aid element to Intelhorce of Pta 4 405 million contained in the capital contribution made just before the company's sale, Article 92 (3) (a) lays down an exception for aid that promotes the development of areas where the standard of living is abnormally low or where there is serious underemployment. In this respect, although Intelhorce is situated in Malaga, which is an assisted area pursuant to Article 92 (3) (a) qualifying for regional aid, the aid measure to Intelhorce in question was not granted under the corresponding regional aid schemes but on the basis of ad hoc decisions of the Spanish Government, taking the form of discretionary capital contributions.

Even if the aid in question here were to be considered as regional, it would not however be eligible for compatibility under Article 92 (3) (a), because aid granted pursuant

⁽¹⁾ [1973] ECR 611.

⁽²⁾ [1973] ECR 1471.

⁽³⁾ [1977] ECR 595.

⁽⁴⁾ [1990] ECR I-307.

to the provisions of that Article must contribute to the long-term development of the region — this notably means in this case that the aid must at least serve for restoring the company's viability, objective not attained for Intelhorce in the light of the information submitted so far to the Commission (this aspect is discussed further below) — without having unacceptable negative effects on competition conditions within the Community.

On the other hand, even though the Pta 4 405 million aid element was explicitly granted by the State on the condition that at least Pta 3 200 million (80 % of the last three sections of the capital contributions — see Part IV above) be used by Intelhorce in investments — a requisite feature for aid to facilitate the development of certain economic areas as established in the 1979 Commission communication⁽¹⁾, on the principles of coordination of regional aid systems — this aid to Intelhorce cannot be considered automatically as compatible since, in view that its grant was made outside the scope of aid regimes approved by the Commission, the Commission must assess its compatibility on its own merits verifying, amongst other aspects, both that the aided investment projects are in line with the interest of the Community for the sector concerned and that they contribute to a sound restructuring of the company (both aspects are also discussed further below).

In any case, the aid of Pta 4 405 million largely surpasses the level of investments of Pta 3 200 million committed by the company, situation which is in any case unacceptable for investment aid.

As regards the exceptions provided for in Article 92 (3) (b) the aid measures in question were not intended to nor have the features of a project of common interest or of a project likely to remedy a serious disturbance in the Spanish economy. Moreover, the Spanish authorities have not invoked this exception in their observations to the Commission.

As regards the exception provided for in Article 92 (3) (c) of the EEC Treaty, for aid to facilitate the development of certain economic activities, where such aid does not adversely affect trading conditions to an extent contrary to the common interest, it should firstly be noted that the aid to Intelhorce falls under the category of aid to companies in difficulties, as both the company's financial position and financial record have ever been precarious.

Aid to firms in difficulties carries the greatest risk of transferring unemployment and industrial problems from one Member State to another; it acts as a means of preserving the status quo by preventing forces at work in the market economy from their normal consequences in terms of disappearance of uncompetitive firms in their process of adaptation to changing conditions in competition. For this reason the Commission takes a strict approach in assessing the compatibility of aid for restructuring firms in difficulty. In particular, the Commission requires that such public intervention be strictly conditional on the implementation of a sound restructuring or conversion programme capable of restoring the long-term viability of the beneficiary, that must also contain a compensatory justification for the aid in the form of a contribution by the beneficiary over and above the normal play of market forces altered by the aid to the achievement of Community objectives as established in Article 92 (3) of the EEC Treaty.

In this respect, as regards aid in the textile sector, the Commission worked out with the help of national experts a number of criteria to guide the Governments of the Member States on the interventions they might possibly wish to make therein. These criteria were defined in the Community guidelines of 1971 and 1977 on aid to the textile and clothing sectors which are still in force. The major principles set out therein are that aid should be such as to assist the adaptation of the industry by eliminating excess capacity, by facilitating joint R&D activities and by assisting structural changes. Genuine restructuring and adaptation is a prerequisite under the guidelines for the granting of any specific funds for investment purposes. In any case, aid should not simply seek to maintain uncompetitive position.

In the light of the foregoing considerations, it should be noted that the State aid element to Intelhorce of Pta 4 405 million will produce its effect on competition mainly in future, as the disposal of at least Pta 3 200 million is linked to the realization by the company of future investments within the framework of the restructuring plan presented by the buyers. In these circumstances the Commission must verify carefully the characteristics of the planned restructuring programme. In connection with this, it should be remarked that the Commission is suitably placed not only to anticipate and adjust the potential negative effects that this aid element could have on competition, but also to correct the negative effects that the increase in capacity caused by the aid in the period 1986 to May 1989 could have in future if Intelhorce relaunches artificially its activities.

⁽¹⁾ OJ No C 31, 3. 2. 1979, p. 9.

In this respect, after detailed examination of the initial restructuring programme for Intelhorce and of its revised version, the Commission noted that none of them envisaged a commitment for reducing production capacities that could be considered as a compensatory justification for the aid. On the contrary, the initial programme even foresaw a relaunching of the company's activities by a substantial increase in its global sales, both in traditional products and in the shops network, by 91 %, from Pta 7 754 million in 1990 to Pta 14 787 million in 1994. This relaunching was abandoned as hypothesis in the revised programme, which, in a more realistic estimate, foresaw a slight sales reduction by 6,5 % from Pta 7 200 million in 1990 to Pta 6 732 million in 1992. Nevertheless, even in this case, nothing prevented Intelhorce from expanding its activities after 1992 to take advantage of the idle capacity it still owns, with the corresponding highly distorting effects this strategy could cause on competition. In this respect, it should be noted that in 1988 and 1989 the idle capacity rates of Intelhorce in spun, woven and finished products were, respectively: 21, 25 and 35 %; and 18, 25 and 31 %.

Taking this into consideration, in the course of a meeting held on 18 March 1991, the Commission officially requested the Spanish authorities to present, by 10 May 1991, a newly-revised restructuring plan for Intelhorce involving reductions in both production capacity and market share, whilst also ensuring the company's viability. Concerning the last requirement, it should be remarked that the Commission had also serious doubts as to the possibilities of the restructuring programme presented to secure Intelhorce's viability, as in both its initial and revised versions, the company recorded persistent negative financial results.

Having received no reply, by letter of 27 May 1991, the Commission reminded the Spanish authorities of its request, warning them that in the absence of an alternative restructuring plan by 31 May 1991, the Commission would be obliged to take a final position on the basis of the information available to that date. By letter of 27 May 1991, the Spanish authorities submitted further financial data on the past industrial activities of Intelhorce.

By letters dated 12 June and 18 July 1991, the Spanish authorities requested the Commission to postpone any decision on the case until they could submit an alternative restructuring plan that was currently being negotiated with the new owners.

By letter dated 6 August 1991, the Commission informed the Spanish authorities that, in view that even two addi-

tional months had already elapsed since the expiration on 31 May 1991 of the last deadline for the submission of an alternative restructuring plan, it could not delay further its taking a final decision.

The Spanish authorities not having submitted to date a revised restructuring plan, the Commission is obliged to conclude that the State aid element to Intelhorce of Pta 4 405 million involved in the capital contribution before the company's sale has to be considered as incompatible with the common market, as it affects trading conditions within the Community to an extent contrary to the common interest, for it does not contribute to a genuine restructuring fully ensuring the viability of the company.

VIII

In case of aid which is incompatible with the common market, the Commission, making use of a possibility given to it by the Court of Justice in its judgment in Case 70/72 (*Kohlegesetz*)⁽¹⁾, confirmed in Case 310/85 (*Deufil*)⁽²⁾, can require Member States to recover from recipients aid granted illegally.

Consequently, Intelhorce must repay the Pta 4 405 million illegally received.

Repayment must be made in accordance with the procedures and provisions of Spanish law, in particular those relating to interest on arrears on State liabilities, with interest starting to run on the date on which the illegal aid was granted. This measure is necessary in order to restore the status quo by removing all the financial benefit which the firm receiving the unlawful aid has improperly enjoyed since the date on which the aid was paid (see judgment in Case 142/87 (*Tubemeuse*)⁽³⁾).

HAS ADOPTED THIS DECISION :

Article 1

The aid to Intelhorce in the form of capital contributions of Pta 7 820 million over the period 1986 to May 1989 was granted illegally, since it was granted by the Spanish Government in breach of the procedural rules established in Article 93 (3) of the EEC Treaty.

⁽¹⁾ [1973] ECR 813.

⁽²⁾ [1987] ECR 901.

⁽³⁾ [1990] ECR I-959.

Nevertheless, the said aid meets the conditions which must be fulfilled in order for the Article 92 (3) (c) exception to apply, for which reason it is compatible with the common market.

Article 2

The State aid element of Pta 4 405 million contained in the capital contribution provided by Patrimonio del Estado to Intelhorce before its privatization in August 1989 is illegal, since it was awarded by the Spanish Government in violation of the provisions of Article 93 (3).

Furthermore, the said aid element does not meet any of the conditions which must be fulfilled in order for one of the exceptions of Article 92 (2) and (3) to apply, for which reason it is incompatible with the common market.

Article 3

The incompatible State aid element shall be withdrawn by way of recovery. Accordingly, Patrimonio del Estado

shall recover Pta 4 405 million referred to in Article 2 from GTE General Textil España, SA (ex Intelhorce, SA).

The aid element shall be recovered in accordance with the procedures and provisions of national law, in particular those relating to interest on arrears payable on State liabilities, with interest starting to run on the date on which the illegal aid was granted.

Article 4

The Spanish Government shall inform the Commission within two months of the date of notification of this Decision of the measures taken to comply herewith.

Article 5

The Decision is addressed to the Kingdom of Spain.

Done at Brussels, 25 March 1992.

For the Commission

Leon BRITTAN

Vice-President

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 900/92 of 31 March 1992 amending Regulation (EEC) No 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances

(Official Journal of the European Communities No L 96 of 10 April 1992)

On page 5 in point 10 of Article 1 :

The first subparagraph of Article 10 (1) as cited in point 10 hereby reads as follows :

'1. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.'
