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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1820/92

of 3 July 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 1738/92 ⁽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 first subparagraph of Article 13 (1) of Regulation (EEC) No 2727/75 provides that a levy must be charged on imports of the products listed in Article 1 (a), (b) and (c) of that Regulation; whereas the levy is equal for each product to the threshold price less the cif price;

Whereas, the threshold prices for cereals and for wheat and rye flour, and wheat groats and meal, were fixed for 1992/93, marketing year by Council Regulations (EEC) No 2734/75 ⁽⁵⁾, (EEC) No 1739/92 ⁽⁶⁾, (EEC) No 1742/92 ⁽⁷⁾ and Commission Regulation (EEC) No 1801/92 ⁽⁸⁾;

Whereas, for the purpose of calculating the cif prices used to determine the levies, the Commission must take into account the factors indicated in Commission Regulation No 156/67/EEC ⁽⁹⁾, as last amended by Regulation (EEC) No 31/76 ⁽¹⁰⁾, and in particular the most favourable

purchasing opportunities on the world market among those which are most representative of the real trend of the market, account being taken in particular of the need to prevent sudden variations likely to cause abnormal disturbances on the Community market; whereas the quality of the goods offered must also be taken into account, whether this quality corresponds to the standard quality fixed in Council Regulations (EEC) No 2731/75 ⁽¹¹⁾, as last amended by Regulation (EEC) No 2094/87 ⁽¹²⁾, and (EEC) No 2734/75, or whether adjustments need to be made by applying the coefficients of equivalence provided for in Commission Regulations No 158/67/EEC ⁽¹³⁾, as last amended by Regulation (EEC) No 2644/91 ⁽¹⁴⁾, and No 159/67/EEC ⁽¹⁵⁾;

Whereas the cif price is calculated for Rotterdam on the basis of the abovementioned elements, offers for other ports being adjusted, account being taken of the corrections necessitated by the differences in transport charges in relation to Rotterdam;

Whereas Council Regulations (EEC) No 518/92 ⁽¹⁶⁾, (EEC) No 519/92 ⁽¹⁷⁾ and (EEC) No 520/92 ⁽¹⁸⁾ of 27 February 1992 on certain procedures for applying the Interim Agreements on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic respectively, of the other part, introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 585/92 ⁽¹⁹⁾, as amended by Regulation (EEC) No 955/92 ⁽²⁰⁾, lays down detailed rules for applying the arrangements provided for in these agreements as regards cereals;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 34.

⁽⁶⁾ OJ No L 180, 1. 7. 1992, p. 2.

⁽⁷⁾ OJ No L 180, 1. 7. 1992, p. 6.

⁽⁸⁾ OJ No L 182, 2. 7. 1992, p. 83.

⁽⁹⁾ OJ No 128, 27. 6. 1967, p. 2533/67.

⁽¹⁰⁾ OJ No L 5, 10. 1. 1976, p. 18.

⁽¹¹⁾ OJ No L 281, 1. 11. 1975, p. 22.

⁽¹²⁾ OJ No L 196, 17. 7. 1987, p. 1.

⁽¹³⁾ OJ No 128, 27. 6. 1967, p. 2536/67.

⁽¹⁴⁾ OJ No L 247, 5. 9. 1991, p. 23.

⁽¹⁵⁾ OJ No 128, 27. 6. 1967, p. 2542/67.

⁽¹⁶⁾ OJ No L 56, 29. 2. 1992, p. 3.

⁽¹⁷⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽¹⁸⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽¹⁹⁾ OJ No L 62, 7. 3. 1992, p. 40.

⁽²⁰⁾ OJ No L 102, 16. 4. 1992, p. 26.

Whereas Council Regulation (EEC) No 715/90 ⁽¹⁾, as last amended by Regulation (EEC) No 444/92 ⁽²⁾, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community ⁽³⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

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

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

Journal of the European Communities, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 2 July 1992;

Whereas on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional amount is added to the levy; whereas these amounts were set by Commission Regulation (EEC) No 3808/90 ⁽⁴⁾;

Whereas it follows from applying all the provisions of the abovementioned Regulations that the levies should be as set out in the Annex thereto; whereas these levies are altered only where variations in the components used to calculate them have the effect of increasing or reducing them by ECU 0,73 or more,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 July 1992.

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

Done at Brussels, 3 July 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 263, 19. 9. 1991, p. 1.

⁽⁴⁾ OJ No L 367, 29. 12. 1990, p. 1.

ANNEX

to the Commission Regulation of 3 July 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy (°)
0709 90 60	139,72 (°) (°)
0712 90 19	139,72 (°) (°)
1001 10 10	155,97 (°) (°) (°)
1001 10 90	155,97 (°) (°) (°)
1001 90 91	133,87
1001 90 99	133,87 (°)
1002 00 00	151,27 (°)
1003 00 10	123,30
1003 00 90	123,30 (°)
1004 00 10	106,79
1004 00 90	106,79
1005 10 90	139,72 (°) (°)
1005 90 00	139,72 (°) (°)
1007 00 90	145,21 (°)
1008 10 00	48,32 (°)
1008 20 00	98,90 (°)
1008 30 00	46,28 (°)
1008 90 10	(°)
1008 90 90	46,28
1101 00 00	200,42 (°) (°)
1102 10 00	224,78 (°)
1103 11 10	255,78 (°) (°)
1103 11 90	216,46 (°)

(°) 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 1821/92

of 3 July 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 Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽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 scale of premiums to be added to the import levies fixed in advance for cereals must include a premium for the current month and a premium for each of the three following months; whereas the amount of each premium must be the same throughout the Community;

Whereas Regulation (EEC) No 2745/75 of the Council⁽⁵⁾ laid down rules for the advance fixing of levies on cereals;

Whereas, under the terms of that Regulation, where the cif price for a cereal determined on the day on which the scale of premiums is fixed is higher than the cif forward delivery price for that cereal, the scale of the premium should, as a general rule, be equal to the difference between these two prices; whereas the cif price is that determined in accordance with Article 13 of Regulation (EEC) No 2727/75 on the day on which the scale of premiums is fixed; whereas the cif forward delivery price is also determined in accordance with Article 13 of Regulation (EEC) No 2727/75 but on the basis of offers at North Sea ports; whereas this price must be the cif price for shipment during the month in which the import licence is issued in the case of imports to be effected during that month; whereas, in the case of imports to be effected during the month following the month in which the import licence is issued, this price must be the cif price for shipment during that month; whereas, in the case of imports to be effected during the last two months for which the import licence is valid, this price must be

the cif price for shipment during the month preceding the month in which importation is expected to take place;

Whereas this price must be the cif price for shipment during the month preceding the month in which importation is expected to take place in the case of imports to be effected during the last two months for which the import licence is valid;

Whereas the premium shall be ECU 0 if the cif price determined on the day on which the premiums are fixed is equal to the cif forward delivery price or exceeds that price by not more than ECU 0,151 per tonne;

Whereas the premium may, however, be fixed at a higher level in exceptional circumstances and within certain specific limits;

Whereas Article 3 of CN code Regulation (EEC) No 1579/74 of the Commission of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and rice and for the advance fixing of this levy for these products and for compound feeding-stuffs manufactured from cereals⁽⁶⁾, as last amended by Regulation (EEC) No 1740/78⁽⁷⁾, provides for the addition of a premium to the levy fixed in advance for products falling within CN code 1107; whereas this premium is, per 100 kilograms of processed product, equal to the premium applicable on the day of application for an import licence to the quantity of basic product taken as a basis for the calculation of the variable component of the levy;

Whereas, pursuant to Regulation (EEC) No 971/73 of the Commission of 9 April 1973 on the advance fixing of the levy on wheat and meslin flour⁽⁸⁾, a premium is added to the levy fixed in advance for the products falling within CN code 1101 00 00 referred to in Article 1 (c) of Regulation (EEC) No 2727/75; whereas this premium is, per tonne of processed product, equal to the premium applicable on the date of application for an import licence for the basic product, account being taken of the quantity of the basic cereal required for the production of one tonne of flour;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 76.

⁽⁶⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁷⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁸⁾ OJ No L 95, 11. 4. 1973, p. 10.

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 coefficient provided for in the last indent of Article 3 (1) of Regulation (EEC) No 1676/85,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 2 July 1992;

Whereas it follows from applying all these provisions that the premiums should be as set out in the Annex hereto;

whereas the amount of the premiums should be altered only if application of the abovementioned provisions entails a change of more than 0,151 ECU,

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 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 July 1992.

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

Done at Brussels, 3 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 3 July 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 7	1st period 8	2nd period 9	3rd period 10
0709 90 60	0	0	0	0,55
0712 90 19	0	0	0	0,55
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0,23	0,23	0
1001 90 99	0	0,23	0,23	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	0,55
1005 90 00	0	0	0	0,55
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	0,32	0,32	0

B. Malt

CN code	(ECU/tonne)				
	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11
1107 10 11	0	0,41	0,41	0	0
1107 10 19	0	0,31	0,31	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 1822/92

of 3 July 1992

fixing the amounts to be paid to recognized olive oil producer organizations and associations thereof for the 1991/92 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 356/92⁽²⁾, and in particular Article 20d (4) thereof,

Whereas Article 20d of Regulation No 136/66/EEC provides that a percentage of the production aid is to be withheld to help finance the work of the producer organizations and associations thereof;

Whereas Article 8 (1) of Commission Regulation (EEC) No 3061/84 of 31 October 1984 laying down detailed rules for the application of the system of production aid for olive oil⁽³⁾, as last amended by Regulation (EEC) No 541/92⁽⁴⁾, provides that the unit amounts to be paid to producer organizations and associations thereof are to be fixed on the basis of forecasts of the overall sum to be distributed; whereas the amount withheld was fixed for the 1991/92 marketing year by Council Regulation (EEC) No 1721/91⁽⁵⁾; whereas the funds which will be available in each Member State as a result of the abovementioned amount withheld must be redistributed to those eligible in a suitable manner; whereas in Spain and Portugal the

amount withheld is less than that collected in the other Member States as a result of the lower level of production aid;

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

For the 1991/92 marketing year, the amounts provided for in Article 8 (1) (a) and (b) of Regulation (EEC) No 3061/84 shall be as follows:

- for Spain: ECU 4 and ECU 8 respectively,
- for Portugal: ECU 0 and ECU 3 respectively,
- for Greece: ECU 2 and ECU 2 respectively,
- for France: ECU 1,6 and ECU 1,6 respectively,
- for Italy: ECU 3,3 and ECU 3,3 respectively.

*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, 3 July 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 39, 15. 2. 1992, p. 1.⁽³⁾ OJ No L 288, 1. 11. 1984, p. 52.⁽⁴⁾ OJ No L 59, 4. 3. 1992, p. 10.⁽⁵⁾ OJ No L 162, 26. 6. 1991, p. 29.

COMMISSION REGULATION (EEC) No 1823/92

of 3 July 1992

laying down detailed rules for the application of Council Regulation (EEC) No 3925/91 concerning the elimination of controls and formalities applicable to the cabin and hold baggage of persons taking an intra-Community flight and the baggage of persons making an intra-Community sea crossing

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3925/91 of 19 December 1991 concerning the elimination of controls and formalities applicable to the cabin and hold baggage of persons taking an intra-Community flight and the baggage of persons making an intra-Community sea crossing⁽¹⁾ and in particular Article 8 thereof,

Whereas the elimination of controls and formalities applicable to the cabin and hold baggage of persons taking an intra-Community flight must not become a potential source of fraud; whereas it is important in consequence to avoid all transfers of goods between this baggage and the baggage which must be put under control;

Whereas the baggage of persons who have taken or are going to take a flight which originated in or is going to a third country are subject to the controls applicable to the baggage of persons coming from or going to a third country; whereas specific provisions nevertheless must be made for that part of the flight which is between Community airports;

Whereas specific provisions must be made as regards the place where the controls are applied to cabin and hold baggage of persons making a journey comprising successively an international and an intra-Community flight by different aircraft;

Whereas it is necessary to regulate the specific case of control of baggage of persons originating in a non-Community airport and transferred in an international Community airport to an aircraft going to an international airport situated in the same Member State; whereas the specific case of control of baggage of persons originating in an international Community airport and transferred in an airport situated in the same Member State to an aircraft going to a non-Community airport must also be regulated;

Whereas the arrangements according to which the competent authorities will be able to identify the baggage concerned by the diminution of controls and formalities must be laid down;

Whereas the measures provided for in this Regulation are in conformity with the opinion of the Committee on the Movement of Air or Sea Passengers' Baggage,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down detailed rules for the application of Regulation (EEC) No 3925/91, hereinafter referred to as 'the basic Regulation'.

Article 2

1. For the purposes of the basic Regulation and this Regulation, 'baggage' means all objects carried, by whatever means, by the person in the course of his journey.
2. In the case of air travel, baggage shall be considered as:
 - hold baggage if it has been checked in at the airport of departure and is not accessible to the person during the flight nor, where relevant, during the stopovers referred to in Articles 3 (1) and (2) and 5 (1) and (2) of the basic Regulation;
 - cabin baggage if the person takes it into the cabin of the aircraft.

Article 3

The Member States shall take the necessary measures to ensure that:

- on arrival, persons cannot transfer goods before controls have been carried out on the cabin baggage not covered by Article 1 of the basic Regulation;
- on departure, persons cannot transfer goods after controls have been carried out on the cabin baggage not covered by Article 1 of the basic Regulation;
- on arrival, the appropriate arrangements have been made to prevent any transfer of goods before controls have been carried out on the hold baggage not covered by Article 1 of the basic Regulation;
- on departure, the appropriate arrangements have been made to prevent any transfer of goods after controls have been carried out on the hold baggage not covered by Article 1 of the basic Regulation.

⁽¹⁾ OJ No L 374, 31. 12. 1991, p. 4.

Article 4

Hold baggage registered in a Community airport shall be identified by a tag affixed in the airport concerned. A specimen tag and the technical characteristics are shown in the Annex

Article 5

Each Member State shall provide the Commission with a list of airports corresponding to the definition of 'international Community airport' given in Article 2 of the basic Regulation. The Commission shall publish this list in the *Official Journal of the European Communities*, C Series.

Article 6

In cases covered by Article 3 (1) of the basic Regulation, baggage shall be subject to the rules applicable to the baggage of persons coming from non-member countries when the person carrying the goods cannot prove the Community status of the goods to the satisfaction of the competent authorities.

Article 7

In cases covered by Article 3 (2) of the basic Regulation, cabin baggage may be subject to control at the Community airport where the aircraft stops over, in order to ascertain that the goods they contain conform to the conditions for free movement within the Community.

Article 8

Where baggage arriving at a Community airport on board an aircraft coming from a non-Community airport is transferred at that Community airport, to another aircraft proceeding on an intra-Community flight:

- (a) all controls on cabin baggage shall be carried out in the first international Community airport; additional controls may be carried out at the airport of arrival of an intra-Community flight, only in exceptional cases where they prove necessary following controls on hold baggage;

- (b) controls on hold baggage may be carried out at the first Community airport only in exceptional cases where they prove necessary following controls on cabin baggage.

Article 9

Where baggage is loaded at a Community airport onto an aircraft proceeding on an intra-Community flight for transfer at another Community airport, to an aircraft whose destination is a non-Community airport:

- (a) all controls on cabin baggage shall be carried out in the last international Community airport; prior controls on such baggage may be carried out in the airport of departure of an intra-Community flight only in exceptional cases where they prove necessary following controls on hold baggage;
- (b) additional controls on hold baggage may be carried out in the last Community airport only in exceptional cases where they prove necessary following controls on cabin baggage.

Article 10

In cases covered by Article 5 of the basic Regulation, the Member States may carry out controls at the international Community airport where the transfer of hold baggage takes place on baggage:

- coming from a non-Community airport and transferred in an international Community airport to an aircraft bound for an international airport in the same national territory;
- having been loaded on an aircraft in an international airport for transfer in another international airport in the same national territory to an aircraft bound for a non-Community airport.

Article 11

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

It shall apply from the date where the basic Regulation becomes applicable.

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

Done at Brussels, 3 July 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

*ANNEX***Tag to be affixed on hold baggage checked in a Community airport (Article 4)****1. CHARACTERISTICS**

The tag referred to in Article 4 shall be designed in such a way as to prevent its re-use.

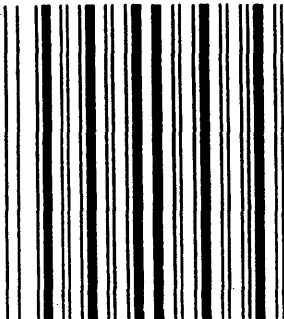
- (a) This tag shall bear a green stripe of at least 5 mm width along the full length of the two edges of its routing and identification sections.

Moreover, these green stripes may extend also to other parts of the baggage tag, with the exception of all areas showing the barcoded tag number which must be printed on an unobscured white background. (See specimens at 2(a))

- (b) For 'expedite baggage', the tag shall be similar to the model specified in IATA resolution No 743a with green instead of red stripes along its edges. (See specimen at 2(b))

2. SPECIMENS

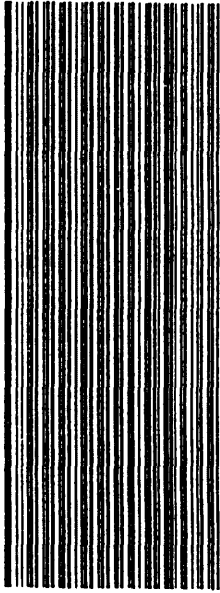
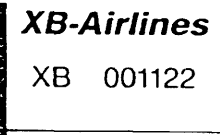
(a)

	
	
XB 123456	
Line	Flight
Line	Flight
Line	Flight
	
XB 123456	



XB 123456
XB Airlines
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BRUSSELS
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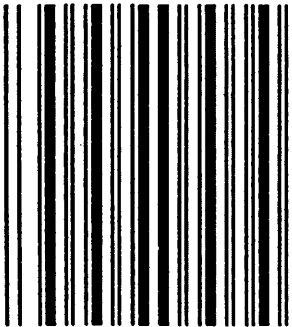


XB-Airlines
XB 001122

XB 001122

BA 998 A

BA 999

BA 466 P

(b)

  XB 000123	
Weight this piece	
EXPEDITE BAGGAGE RUSH	
To	
Airline	Flight
Via	
Airline	Flight
Via	
Airline	Flight

COMMISSION REGULATION (EEC) No 1824/92**of 3 July 1992****amending Regulation (EEC) No 1226/92 on communication by the Member States to the Commission of information on imports of certain products processed from fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1569/92 ⁽²⁾, and in particular Article 20 thereof;

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽³⁾, as last amended by Regulation (EEC) No 1754/92 ⁽⁴⁾, and in particular Article 38 (1) thereof,

Whereas Commission Regulation (EEC) No 1498/92 of 10 June 1992 laying down detailed rules for the application of the minimum import price system for certain red fruits originating in Hungary, Poland and the Czech and Slovak Federal Republic and fixing the minimum import prices applicable until 31 May 1993 ⁽⁵⁾ fixes prices for frozen products which vary depending on the quality of the products; whereas provision should be made for communication by the Member States to be at the same sub-division level of the CN codes for the products in question; whereas the Annex to Commission Regulation (EEC) No 1226/92 ⁽⁶⁾ should therefore be adapted accordingly;

Whereas Regulation (EEC) No 1498/92 fixes minimum import prices for certain red fruits intended for processing

and imported under the CN codes for fresh products; whereas provision should be made also for communication by the Member-States of information on these products at the same intervals as for the semi-processed products; whereas for other red fruits intended for processing and imported under the CN codes for fresh products it is necessary to be able to follow the import trends regularly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1226/92 is replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 3 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 166, 20. 6. 1992, p. 5.

⁽³⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁴⁾ OJ No L 180, 1. 7. 1992, p. 23.

⁽⁵⁾ OJ No L 158, 11. 6. 1992, p. 15.

⁽⁶⁾ OJ No L 128, 14. 5. 1992, p. 18.

ANNEX

CN code	Description	Taric code	Country of origin
ex 0811 10 11	Frozen strawberries, containing added sugar or other sweetening matter, with a sugar content exceeding 13 % by weight : whole fruit	0811 10 11*10	Poland Czechoslovakia Hungary Yugoslavia as constituted at 1 January 1991
ex 0811 10 11	Frozen strawberries, containing added sugar or other sweetening matter, with a sugar content exceeding 13 % by weight : other	0811 10 11*90	
ex 0811 10 19	Frozen strawberries, containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight : whole fruit	0811 10 19*10	
ex 0811 10 19	Frozen strawberries, containing added sugar or other sweetening matter, with a sugar content exceeding 13 % by weight : other	0811 10 19*90	
ex 0811 10 90	Frozen strawberries, not containing added sugar or other sweetening matter : whole fruit	0811 10 90*10	
ex 0811 10 90	Frozen strawberries, not containing added sugar or other sweetening matter : other	0811 10 90*90	
ex 0811 20 19	Frozen raspberries, containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight : whole fruit	0811 20 19*11	
ex 0811 20 19	Frozen raspberries, containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight : other	0811 20 19*19	
ex 0811 20 31	Frozen raspberries, not containing added sugar or other sweetening matter : whole fruit	0811 20 31*10	
ex 0811 20 31	Frozen raspberries, not containing added sugar or other sweetening matter : other	0811 20 31*90	
ex 0811 20 39	Frozen blackcurrants not containing added sugar or other sweetening matter : without stalks	0811 20 39*10	
ex 811 20 39	Frozen blackcurrants not containing added sugar or other sweetening matter : other	0811 20 39*90	
ex 0811 20 51	Frozen redcurrants not containing added sugar or other sweetening matter : without stalks	0811 20 51*10	
ex 0811 20 51	Frozen redcurrants not containing added sugar or other sweetening matter : other	0811 20 51*90	
0812 20 00	Strawberries, provisionally preserved	—	
0812 90 60	Raspberries, provisionally preserved	—	
ex 0810 10 10	Strawberries from 1 May to 31 July, intended for processing	0810 10 10*10	
ex 0810 10 90	Strawberries from 1 August to 30 April, intended for processing	0810 10 90*11	
		0810 10 90*21	
		0810 10 90*32	
		0810 10 90*36	
		0810 10 90*41	
ex 0810 20 10	Raspberries intended for processing	0810 10 90*51	
		0810 20 10*11	
ex 0810 30 10	Blackcurrants intended for processing	0810 20 10*21	
		0810 30 10*10	
ex 0810 30 30	Redcurrants intended for processing	0810 30 30*10	

COMMISSION REGULATION (EEC) No 1825/92

of 3 July 1992

exempting certain Member States from the obligation to buy in certain fruit and vegetables

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 1754/92⁽²⁾, and in particular Article 19a (4) thereof,

Whereas Commission Regulation (EEC) No 1852/85 of 2 July 1985 laying down detailed rules of application with a view to exempt Member States from the obligation to buy in certain types of fruit and vegetables⁽³⁾ specified what information the Member States were to provide to the Commission with a view to their being exempted if they so requested, as provided for in Article 19a (4) of Regulation (EEC) No 1035/72, from intervention purchasing;

Whereas this information must concern either the proportion of each of the products indicated in Article 19a of Regulation (EEC) No 1035/72 marketed through recognized producer organizations or the proportion harvested in the Member State concerned during the last three marketing years;

Whereas the Member States have supplied this information; whereas the conditions for exemption laid down in Regulation (EEC) No 1852/85 are met by certain Member States for certain products for the 1992/93 marketing year; whereas those Member States which have so applied

should therefore be exempted from the obligation to make intervention purchases,

HAS ADOPTED THIS REGULATION:

Article 1

The following Member States are hereby exempted from the obligations to make intervention purchases, as provided for in Article 19a of Regulation (EEC) No 1035/72, of pears from 1 July to 31 August 1992, and peaches, apricots, tomatoes and aubergines during the 1992/93 marketing year:

Belgium
Denmark
Germany
Ireland
Luxembourg
Netherlands
United Kingdom

This exemption shall apply in respect of Greece only to the pears during the summer period referred to above.

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, 3 July 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 180, 1. 7. 1992, p. 23.

⁽³⁾ OJ No L 174, 4. 7. 1985, p. 24.

COMMISSION REGULATION (EEC) No 1826/92

of 3 July 1992

amending Regulation (EEC) No 1596/70 on preventive withdrawals of apples and 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 1754/92⁽²⁾, and in particular Article 15a (2) thereof,

Whereas the basic production referred to in Commission Regulation (EEC) No 1596/79⁽³⁾, as last amended by Regulation (EEC) No 1508/91⁽⁴⁾, relates to the production in the Community excluding the territory of the new German Länder;

Whereas to take account of production in the new German Länder the basic production of apples and pears should be amended;

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

Regulation (EEC) No 1596/79 is hereby amended as follows:

1. Article 1 is replaced by the following:

'Article 1

Preventive withdrawals may be authorized only if the crop is expected to exceed by 5 % or more a basic production of:

- 7 660 000 tonnes for apples,
- 2 360 000 tonnes for pears.'

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

'1. Preventive withdrawals of apples may not exceed 30 % of an expected surplus of up to 766 000 tonnes; they may not exceed 40 % of an expected surplus of between 766 000 and 1 150 000 tonnes and not exceed 50 % of an expected surplus of over 1 150 000 tonnes, the expected surplus being the difference between the expected crop and the basic production of 7 660 000 tonnes.

Preventive withdrawals of pears may not exceed 30 % of an expected surplus of up to 236 000 tonnes; they may not exceed 40 % of an expected surplus of between 236 000 and 354 000 tonnes and not exceed 50 % of an expected surplus of over 354 000 tonnes, the expected surplus being the difference between the expected crop and the basic production of 2 360 000 tonnes.'

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, 3 July 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 180, 1. 7. 1992, p. 23.

⁽³⁾ OJ No L 189, 27. 7. 1979, p. 47.

⁽⁴⁾ OJ No L 141, 5. 6. 1991, p. 13.

COMMISSION REGULATION (EEC) No 1827/92

of 3 July 1992

fixing for the 1992 marketing year the Community offer prices for table grapes
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 Regulations (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 3830/90 ⁽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 table grapes 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 21 July up to and including 20 November;

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 regard 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 is not to be taken into account;

Whereas the application of the abovementioned criteria results in Community offer prices being fixed for table grapes for the period 21 July to 20 November 1992;

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 marketing year, the Community offer prices for table grapes (CN codes 0806 10 15 and 0806 10 19) 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:

— 21 July to 31 August:	51,92
— September and October:	49,20
— 1 to 20 November:	44,87.

Article 2

This Regulation shall enter into force on 21 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, 3 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1828/92

of 3 July 1992

fixing for the 1992 marketing year the reference prices for table grapes

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 1754/92⁽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 at the beginning of the marketing year;

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

Whereas table grapes harvested during a given crop year are marketed from May to April of the next year; whereas the quantities harvested in May and June, during the first 20 days of July and also January to April of the next year are so small that there is no need to fix reference prices for these periods; whereas, due principally to developments in production techniques, a relatively large increase in the marketing of Community products during the last 10 days of November and in the month of December can be expected; whereas, however, the figures at present available are insufficiently conclusive to justify fixing a reference price for that period; whereas, reference prices should be fixed only for the period 21 July to 20 November inclusive;

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 seasonal 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 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 marketing year, the reference prices for table grapes, falling within CN codes 0806 10 15 and 0806 10 19, expressed in ecus per 100 kilograms net of packed products of class I, of all sizes, shall be as follows:

21 July to 31 August:	51,92,
September and October:	49,20,
November (1 to 20):	44,87.

Article 2

This Regulation shall enter into force on 21 July 1992.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 23.

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

Done at Brussels, 3 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1829/92**of 3 July 1992****on the application of the guarantee limitation arrangements for sheepmeat and goatmeat for the 1992 marketing year**

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 1741/91⁽²⁾, and in particular Article 8 (3) thereof,

Whereas Article 8 of Regulation (EEC) No 3013/89 introduces arrangements for the limitation of the guarantee applicable for each marketing year;

Whereas Commission Regulation (EEC) No 1310/88⁽³⁾ lays down the detailed rules for the application of these arrangements;

Whereas since the United Kingdom has from the 1992 marketing year ceased to make use of Article 24 (2) of Regulation (EEC) No 3013/89 in Great Britain the maximum guaranteed quantity and the coefficient specified in Article 8 (1) and in the first indent of Article 8 (2) respectively of that Regulation will apply to the Community as a single unit;

Whereas for the 1992 marketing year estimated ewe numbers exceed the maximum guaranteed level and result in the fixing of a reduction coefficient;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1992 marketing year the coefficient referred to in the first indent of Article 8 (2) of Regulation (EEC) No 3013/89 shall be:

entire Community: 7,0 %.

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, 3 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 41.

⁽³⁾ OJ No L 122, 12. 5. 1988, p. 69.

COMMISSION REGULATION (EEC) No 1830/92

of 3 July 1992

determining for the Member States, for the 1992 marketing year, the estimated loss of income and the estimated level of the premium payable per ewe and per female goat and fixing the first advance payment for this premium and of the specific aid for sheep and goat farming in certain less-favoured areas of the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 1741/91⁽²⁾, and in particular Article 5 (6) thereof,

Whereas Article 5 (1) and (5) of Regulation (EEC) No 3013/89 provides for the granting of a premium to compensate for any loss of income sustained by producers of sheepmeat and, in certain areas, of goatmeat; whereas those areas are defined in Annex I to Regulation (EEC) No 3013/89 and in Article 1 of Commission Regulation (EEC) No 1065/86 of 11 April 1986 determining the mountain areas in which the premium for goatmeat is granted⁽³⁾, as last amended by Regulation (EEC) No 3519/86⁽⁴⁾; whereas Article 5 (8) of Regulation (EEC) No 3013/89 provides for the possibility of granting premiums to producers holding females of the ovine species of certain mountain breeds other than eligible ewes, in certain areas; whereas those sheep and those areas are defined in the Annex to Council Regulation (EEC) No 872/84⁽⁵⁾, as last amended by Regulation (EEC) No 1970/87⁽⁶⁾;

Whereas, pursuant to Article 5 (6) of Regulation (EEC) No 3013/89 and to enable an advance payment to be made to sheepmeat and goatmeat producers, the foreseeable loss of income should be estimated in the light of the foreseeable trend in market prices;

Whereas since the United Kingdom is no longer applying Article 24 (2) of Regulation (EEC) No 3013/89 the level of the premium will be the same throughout the Community from the 1992 marketing year onwards;

Whereas, pursuant to Article 23 (4) of Regulation (EEC) No 3013/89, the amount of the premium per ewe for

producers of heavy lambs is obtained for the 1992 marketing year by multiplying the loss of income referred to in paragraph 3 of that Article by a coefficient expressing the annual average production of heavy lamb meat per ewe producing these lambs expressed per 100 kilograms of carcase weight; whereas the coefficient for 1992 has not yet been fixed in view of the lack of full Community statistics; whereas, pending the fixing of that coefficient, a provisional coefficient should be used; whereas Article 23 (4) of that Regulation also fixes for the 1992 marketing year the amount per ewe for producers of light lambs, per female of the caprine species and per female of the ovine species other than eligible ewes, at 70 % of the premium per ewe for producers of heavy lambs;

Whereas, pursuant to Article 8 of Regulation (EEC) No 3013/89, the premium must be reduced by the impact on the basic price of the coefficient provided for in Article 8 (2) of that Regulation; whereas that coefficient was fixed provisionally by Commission Regulation (EEC) No 1829/92 of 3 July 1992⁽⁷⁾ on the application of the guarantee limitation arrangements for sheepmeat and goatmeat for the 1991 marketing year;

Whereas, in accordance with Article 5 (6) of Regulation (EEC) No 3013/89, the half-yearly advance payment is fixed at 30 % of the expected premium; whereas, in accordance with Article 4 (3) of Commission Regulation (EEC) No 3007/84⁽⁸⁾, as last amended by Regulation (EEC) No 3340/91⁽⁹⁾, the advance payment is to be paid only if it is equal to or greater than ECU 1;

Whereas, under Regulation (EEC) No 1323/90 of 14 May 1990⁽¹⁰⁾, as amended by Regulation (EEC) No 1743/91⁽¹¹⁾, the Council instituted specific aid for sheep and goat farming in certain less-favoured areas of the Community, the amounts of which it has fixed for the 1991 marketing year, whereas it lays down that the aid is to be granted under the same conditions as those for the grant of the premium for producers of sheepmeat and goatmeat; whereas, as a result, provision should be made for the limits and the rates of payment laid down in Article 5

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 41.

⁽³⁾ OJ No L 97, 12. 4. 1986, p. 25.

⁽⁴⁾ OJ No L 325, 20. 11. 1986, p. 17.

⁽⁵⁾ OJ No L 90, 1. 4. 1984, p. 40.

⁽⁶⁾ OJ No L 184, 3. 7. 1987, p. 23.

⁽⁷⁾ See page 21 of this Official Journal.

⁽⁸⁾ OJ No L 283, 10. 10. 1984, p. 28.

⁽⁹⁾ OJ No L 316, 16. 11. 1991, p. 24.

⁽¹⁰⁾ OJ No L 132, 23. 5. 1990, p. 17.

⁽¹¹⁾ OJ No L 163, 26. 6. 1991, p. 44.

(7) of Regulation (EEC) No 3013/89 to apply equally to this specific aid; whereas, in view of the especially difficult situation on the market, Member States should be authorized, for the 1992 marketing year, to pay the full amount of the aid with immediate effect;

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

HAS ADOPTED THIS REGULATION:

Article 1

A difference is hereby estimated between the basic price, reduced by the impact of the coefficient laid down in Article 8 (2) of Regulation (EEC) No 3013/89, and the foreseeable market price during the 1992 marketing year for the following regions:

(ECU/100 kg)	
Region	Difference
1	118,232
2	118,232

Article 2

1. The estimated amount of the premium payable per ewe and per region is as follows:

(in ecus)		
Region	Estimated amount of the premium payable per ewe	
	Producers of heavy lambs	Producers of light lambs
1	18,917	13,242
2	18,917	13,242

2. Pursuant to Article 5 (6) of Regulation (EEC) No 3013/89, the advance that the Member States are authorized to pay to producers shall be as follows:

(in ecus)		
Region	Advance payable per ewe	
	Producers of heavy lambs	Producers of light lambs
1	5,675	3,973
2	5,675	3,973

Article 3

1. The estimated amount of the premium payable per female of the caprine species in the areas designated in

Annex I to Regulation (EEC) No 3013/89 and in Article 1 of Regulation (EEC) No 1065/86 is as follows:

(in ecus)	
Region	Estimated amount of the premium payable per female of the caprine species
2	13,242

2. Pursuant to Article 5 (6) of Regulation (EEC) No 3013/89, the advance which the Member States are authorized to pay to goatmeat producers located in the areas designated in paragraph 1 shall be as follows:

(in ecus)	
Region	Advance on premium payable per female of the caprine species
2	3,973

Article 4

1. The estimated amount of the premium payable per female of the ovine species other than eligible ewes in the areas mentioned in the Annex to Regulation (EEC) No 872/84 is as follows:

(in ecus)	
Region	Estimated amount of the premium payable per female of ovine species other than eligible ewes
1	13,242

2. Pursuant to Article 5 (6) of Regulation (EEC) No 3013/89, the advance which Member States are authorized to pay to producers holding females of the ovine species other than eligible ewes in the areas referred to in paragraph 1 shall be as follows:

(in ecus)	
Region	Advance on premium payable per female of the ovine species other than eligible ewes
1	3,973

Article 5

Pursuant to Article 1 (2) of Regulation (EEC) No 1743/91, the amount which Member States are authorized to pay to producers of sheepmeat and goatmeat located in less-favoured areas within the meaning of Council Directive 75/268/EEC⁽¹⁾, within the limits and at the rates provided

⁽¹⁾ OJ No L 128, 19. 5. 1975, p. 1.

for in Article 5 (7) and the second indent of the second subparagraph of Article 5 (8) of Regulation (EEC) No 3013/89 is hereby fixed as follows:

- ECU 5,5 per ewe for the producers referred to in Article 5 (2) and (4) of that Regulation,
- ECU 3,8 per ewe for the producers referred to in Article 5 (3) of that Regulation,
- ECU 3,8 per she-goat for the producers referred to in Article 5 (5) of that Regulation,

- ECU 3,8 per female of the ovine species where Article 5 (8) of that Regulation applies.

Article 6

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, 3 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1831/92**of 3 July 1992****amending Regulation (EEC) No 667/92 laying down detailed rules for the application of specific measures adopted in respect of fruit, vegetables, plants and flowers for the benefit of the French overseas departments**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, and in particular Article 16 thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽²⁾, as last amended by Regulation (EEC) No 2205/90⁽³⁾, and in particular Article 2 (4) thereof,

Whereas Article 7 of Commission Regulation (EEC) No 667/92⁽⁴⁾ sets out the detailed rules applicable to a study on processed fruit and vegetables; whereas Article 10 (2) of that Regulation stipulates the conversion rate for payment of the Community's financial contribution to the study; whereas to prevent any distortion of monetary origin a rate corresponding more closely to actual economic circumstances should be used but with due respect for application of the conversion rate indicated in Article 2 (2) of Regulation (EEC) No 1676/85; whereas Article 3a of Commission Regulation (EEC) No 3152/85⁽⁵⁾ laying down detailed rules for the application of Regulation (EEC) No 1676/85, as last amended by

Regulation (EEC) No 3237/90⁽⁶⁾, provides for publication of such a rate; whereas Article 10 (2) of Regulation (EEC) No 667/92 should therefore be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 10 (2) of Regulation (EEC) No 667/92 is hereby replaced by the following:

'2. For payment of the study on processed fruit and vegetables dealt with in Article 7 the conversion rate shall be the rate as indicated in Article 3a of Commission Regulation (EEC) No 3152/85^(*) applicable on the day of publication of the invitation to tender for award of the study.

(*) OJ No L 310, 21. 11. 1985, p. 1.'

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, 3 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 356, 21. 12. 1991, p. 1.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁴⁾ OJ No L 71, 18. 3. 1992, p. 13.

⁽⁵⁾ OJ No L 310, 21. 11. 1985, p. 1.

⁽⁶⁾ OJ No L 310, 9. 11. 1990, p. 18.

COMMISSION REGULATION (EEC) No 1832/92

of 3 July 1992

setting the amounts of aid for the supply of cereals products from the Community to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands⁽¹⁾, and in particular Article 3 (4) thereof,

Whereas, pursuant to Article 2 of Regulation (EEC) No 1601/92, the requirements of the Canary Islands for cereals are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community cereals, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries; whereas these objectives imply that the aid will vary according to product;

Whereas Commission Regulation (EEC) No 1695/92⁽²⁾ lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including cereals, to the Canary Islands; whereas Commission Regulation (EEC) No 1728/92 of 30 June 1992 laying down detailed rules for implementation of the specific arrangements for the supply of cereal products to the Canary Islands and establishing the forecast supply balance for these products⁽³⁾ lays down detailed rules which complement or derogate from the provisions of the aforementioned Regulation;

Whereas, in order to make it possible for the aid scheme to function properly, the aid should be calculated on the basis of:

- for currencies which are maintained between themselves within a spread at any given time of a

maximum of 2,25 %, a conversion rate based on their central rate, adjusted by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁴⁾, as last amended by Regulation (EEC) No 2205/90⁽⁵⁾,

- for the other currencies, a conversion rate based on the average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a determined period and adjusted by the factor referred to in the preceding indent;

Whereas, as a result of the application of these detailed rules to the current market situation in the cereals sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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

Pursuant to Article 3 (2) of Regulation (EEC) No 1601/92, the amount of aid for the supply of cereals of Community origin under the specific arrangements for the supply of the Canary Islands shall be as set out in the Annex hereto.

Article 2

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

This Regulation shall be applicable as from 1 July 1992.

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

Done at Brussels, 3 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 179, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 104.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

Product	CN code	(Ecu/tonne)
		Amount of aid
		Destination
		Canary Islands
Common wheat	1001 90 99	65,00
Barley	1003 00 90	74,00
Durum wheat	1001 10 90	106,00
Maize	1005 90 00	101,00
Oats	1004 00 90	74,00

COMMISSION REGULATION (EEC) No 1833/92

of 3 July 1992

setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira

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

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira⁽¹⁾, and in particular Article 10 thereof,

Whereas, pursuant to Article 10 of Regulation (EEC) No 1600/92, the requirements of the Azores and Madeira for cereals are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community cereals, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries; whereas these objectives imply that the aid will vary according to product;

Whereas Commission Regulation (EEC) No 1696/92⁽²⁾ lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including cereals, to the Azores and Madeira; whereas Commission Regulation (EEC) No 1727/92 of 30 June 1992 laying down detailed rules for implementation of the specific arrangements for the supply of cereal products to the Azores and Madeira and establishing the forecast supply balance for these products⁽³⁾ lays down detailed rules which complement or derogate from the provisions of the aforementioned Regulation;

Whereas, in order to make it possible for the aid scheme to function properly, the aid should be calculated on the basis of:

- for currencies which are maintained between themselves within a spread at any given time of a

maximum of 2,25 %, a conversion rate based on their central rate, adjusted by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁴⁾, as last amended by Regulation (EEC) No 2205/90⁽⁵⁾,

- for the other currencies, a conversion rate based on the average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a determined period and adjusted by the factor referred to in the preceding indent;

Whereas, as a result of the application of these detailed rules to the current market situation in the cereals sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market, the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex;

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

Pursuant to Article 10 of Regulation (EEC) No 1600/92, the amount of aid for the supply of cereals of Community origin under the specific arrangements for the supply of the Azores and Madeira shall be as set out in the Annex hereto.

Article 2

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

This Regulation shall be applicable as from 1 July 1992.

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

Done at Brussels, 3 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 179, 1. 7. 1992, p. 6.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 101.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

Product	CN code	<i>(Ecu/tonne)</i> Amount of aid	
		Destination	
		Azores	Madeira
Common wheat	1001 90 99	65,00	65,00
Barley	1003 00 90	74,00	74,00
Durum wheat	1001 10 90	106,00	106,00
Maize	1005 90 00	101,00	101,00

COMMISSION REGULATION (EEC) No 1834/92**of 3 July 1992****concerning applications for STM licences for cereals submitted on 1 and 2 July 1992 for imports of common wheat and barley into Portugal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 252 (1) thereof,

Whereas Commission Regulation (EEC) No 1351/92 of 26 May 1992 laying down detailed rules for applying the supplementary trade mechanism applicable to imports of cereals into Portugal during the 1992/93 campaign ⁽¹⁾ sets a target ceiling of 253 000 tonnes for common wheat and 46 000 tonnes for barley to be broken down into equal monthly quantities over the period 1 June to 30 November 1992;

Whereas, pursuant to Article 6 (2) of Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM) ⁽²⁾, as last amended by Regulation (EEC) No 3296/88 ⁽³⁾, the Commission has been notified of applications received on 1 July 1992 for STM licences for imports of common wheat and barley into Portugal which are well in excess of the ceiling set; whereas measures should be taken to deal with this situation,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for STM licences which were submitted on 1 and 2 July 1992 and notified to the Commission shall be accepted for the tonnages applied for, adjusted by a coefficient of:

— 0,033 for common wheat falling within CN code 1001 90 99,

— 0,026 for barley falling within CN code 1003 00 90.

2. The issue of STM licences concerning imports of common wheat and barley into Portugal August applications received from 3 to 31 July 1992 is hereby suspended.

Article 2

This Regulation shall enter into force on 4 July 1992.

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

Done at Brussels, 3 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 145, 27. 5. 1992, p. 47.

⁽²⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽³⁾ OJ No L 293, 27. 10. 1988, p. 7.

COMMISSION REGULATION (EEC) No 1835/92

of 3 July 1992

introducing a countervailing charge on fresh lemons originating in Argentina

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1754/92⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1413/92 of 27 May 1992 fixing for the 1992/93 marketing year the reference prices for fresh lemons⁽³⁾ fixed the reference price for products of class I for the months of June and July 1992 at 60,82 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by

Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for fresh lemons originating in Argentina the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these fresh lemons;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 2,28 ECU per 100 kilograms net is applied to fresh lemons (CN code ex 0805 30 10) originating in Argentina.

Article 2

This Regulation shall enter into force on 7 July 1992.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 23.

⁽³⁾ OJ No L 146, 28. 5. 1992, p. 71.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 3 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1836/92

of 3 July 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 1738/92⁽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⁽⁴⁾, 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⁽⁵⁾ as last amended by Regulation (EEC) No 2205/90⁽⁶⁾, and in particular Article 3 thereof,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 1780/92⁽⁷⁾, as amended by Regulation (EEC) No 1804/92⁽⁸⁾;

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.
⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.
⁽⁴⁾ OJ No L 73, 19. 3. 1992, p. 7.
⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.
⁽⁷⁾ OJ No L 182, 2. 7. 1992, p. 34.
⁽⁸⁾ OJ No L 182, 2. 7. 1992, p. 87.
⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.
⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

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

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

Whereas these exchange rates being those recorded on 2 July 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⁽¹¹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹²⁾, 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 1780/92 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 4 July 1992.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ 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, 3 July 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 3 July 1992 altering the import levies on products processed from cereals and rice

(ECU / tonne)

CN code	Import levies (*)	
	ACP	Third countries (other than ACP) (*)
1103 21 00	240,01	246,05
1104 19 10	240,01	246,05
1104 29 11	177,34	180,36
1104 29 31	213,34	216,36
1104 29 91	136,01	139,03
1104 30 10	100,01	106,05
1107 10 11	237,35	248,23
1107 10 19	177,34	188,22
1108 11 00	293,35	313,90
1109 00 00	533,36	714,70

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 June 1992

concerning applications for the refund of anti-dumping duties collected on certain imports of certain ball bearings originating in Singapore (NMB France Sarl)

(Only the French text is authentic)

(92/332/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 16 thereof,

Whereas :

A. PROCEDURE

- (1) On 19 July 1984 by Council Regulation (EEC) No 2089/84⁽²⁾, a definitive anti-dumping duty of 33,89 % was imposed on imports of certain ball bearings manufactured and exported by the Minebea group of companies and originating in Singapore. In September 1989 a review of the above measures was opened⁽³⁾ in accordance with Article 15 (3) of Regulation (EEC) No 2423/88 and the measure has remained in force pending the outcome of this review.
- (2) NMB France Sarl, a wholly-owned subsidiary of Minebea Co. Ltd, Japan, applied, on a regular basis, for the refund of anti-dumping duties. This Deci-

sion concerns the refund claims lodged for the following amounts of anti-dumping duties paid between October 1990 and September 1991, namely [...] ^(*).

- (3) Following submissions by the applicant with regard to the dumping margin during the above reference period, the Commission sought and verified all information deemed to be necessary for the purposes of a determination and carried out investigations at the premises of the two exporters (NMB Singapore Ltd and Pelmec Singapore Ltd) and the sales company (Minebea Singapore Ltd) in Singapore. All these companies are owned by Minebea Co. Ltd, Japan.

Investigations were also carried out at the premises of related importers of Minebea Co. Ltd, Japan in the Community, including the applicant. The applicant complied with all requests for additional information to the satisfaction of the Commission and in accordance with the Commission notice concerning the reimbursement of anti-dumping duties^(*) (hereinafter referred to as 'the notice'). Subsequently the applicant was informed of the preliminary results of this examination and given an opportunity to comment on them. It did so and the comments were taken into consideration prior to this Decision.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 193, 21. 7. 1984, p. 1.

⁽³⁾ OJ No C 240, 20. 9. 1989, p. 4.

^(*) In the published version of the Decision some figures have been omitted pursuant to the provisions of Article 8 of Regulation (EEC) No 2423/88 concerning non-disclosure of business secrets.

^(*) OJ No C 266, 22. 10. 1986, p. 2.

- (4) The Commission informed the Member States and gave its opinion on the matter. No Member State disagreed with this opinion.

B. ARGUMENT OF THE APPLICANT

- (5) The applicant has based its claims on the allegation that, for certain sales in the Community, export prices were such that either dumping did not exist or that dumping existed at a level lower than the level of the definitive duty of 33,89 %.

C. ADMISSIBILITY

- (6) The applications are admissible since they were introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular that concerning time limits.

D. MERITS OF THE CLAIM

- (7) Pursuant to Article 16 (1) of Regulation (EEC) No 2423/88 and Part II of the notice, the applicant showed that the duty collected exceeded the dumping margins to varying degrees, depending on the shipment and the ball-bearing type concerned, partly as a result of a decrease in normal value.
- (8) Concerning the methodology used for establishing dumping margins, the Commission had to take account of changes in the domestic market in Singapore. During the original investigation domestic sales were minimal and normal value had consequently to be constructed using costs of production and a fixed percentage for profit. During subsequent verification visits to Singapore, the Commission established that substantial domestic sales were made, in excess of the volume of total exports to the Community, and that the profit made on these representative sales was much higher than the estimated profit margins originally used for constructing the normal value. Article 16 of Regulation (EEC) No 2423/88 provides that 'all refund calculations shall be made in accordance with the provisions of Article 2 or 3 and shall be based, as far as possible, on the same method applied in the original investigation, in particular, with regard to any application of averaging or sampling techniques.' This means that the actual normal value shall be established in a refund proceeding by respecting the hierarchy of methods as provided for by Article 2 (3) of that Regulation which requires that actual domestic prices should be used in all cases where they are available, the construction of the normal value being only a

substitute for actual prices when these cannot be used. The Commission therefore decided to employ average domestic sales prices as a basis for normal value.

- (9) Since all importers are related to the exporters, it was necessary to calculate the actual dumping margin by comparing the normal value with an export price constructed in accordance with Article 2 (8) (b) of Regulation (EEC) No 2423/88. That Article provides that an export price is constructed on the basis of the price at which the imported product is first resold to an independent buyer and that allowance shall be made for all costs incurred by the related importer between importation and resale, including customs duties, any anti-dumping duties and other taxes, and for a reasonable profit margin. Normal value and export prices were compared, according to the provisions of Article 2 (9) of Regulation (EEC) No 2423/88, and, since the importers are all related companies, a weighted-average dumping margin was calculated on the basis of all export transactions to the Community involving ball bearings originating in Singapore (i.e. a single weighted-average dumping margin for all related importers of Minebea Co. Ltd — NMB GmbH, NMB Italia Srl, NMB UK Ltd and NMB France Sarl).
- (10) On this basis, it was found that the applications were partly founded. The actual dumping margin established for the reference period was 24,0 %.
- (11) Consequently, the amount to be refunded is [...].
- (12) The applicant claimed, however, that a higher amount should be refunded. It raised objections concerning the legality of a deduction of anti-dumping duties paid by importing companies related to the exporter in constructing the export prices (see recital 9). These objections are the same as those raised in Commission Decisions 88/327/EEC⁽¹⁾, 88/328/EEC⁽²⁾ and 88/329/EEC⁽³⁾ concerning refunds to other related importers of Minebea of anti-dumping duties paid during the years 1985 and 1986 which were the subject of an appeal before the Court of Justice of the European Communities. The applicant referred expressly to the submissions made by the other importers in this earlier refund proceeding and in their written submissions before the Court.

⁽¹⁾ OJ No L 148, 15. 6. 1988, p. 26.

⁽²⁾ OJ No L 148, 15. 6. 1988, p. 28.

⁽³⁾ OJ No L 148, 15. 6. 1988, p. 30.

In its judgment of 10 March 1992 on this appeal, the Court dismissed the application⁽¹⁾.

Under these circumstances, the applicant's request for the refund of an additional amount has to be rejected,

HAS ADOPTED THIS DECISION:

Article 1

The refund applications submitted by NMB France Sarl, Argenteuil, France, for the period October 1990 to September 1991 are granted in respect of the amount of [...] and rejected for the remainder.

Article 2

The amount set out in Article 1 shall be refunded by France.

Article 3

This Decision is addressed to the French Republic and NMB France Sarl, Argenteuil, France.

Done at Brussels, 3 June 1992.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ Case 188/88, NMB v. Commission, not yet published.

COMMISSION DECISION

of 3 June 1992

concerning applications for the refund of anti-dumping duties collected on certain imports of certain ball bearings originating in Singapore (NMB (Deutschland) GmbH)

(Only the German text is authentic)

(92/333/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 16 thereof,

Whereas :

A. PROCEDURE

- (1) On 19 July 1984 by Council Regulation (EEC) No 2089/84⁽²⁾, a definitive anti-dumping duty of 33,89 % was imposed on imports of certain ball bearings manufactured and exported by the Minebea group of companies and originating in Singapore. In September 1989 a review of the above measures was opened⁽³⁾ in accordance with Article 15 (3) of Regulation (EEC) No 2423/88 and the measure has remained in force pending the outcome of this review.
- (2) From 1985 and during the following years, NMB (Deutschland) GmbH, a wholly-owned subsidiary of Minebea Co. Ltd, Japan, applied, on a regular basis, for the refund of anti-dumping duties. Commission Decision 88/328/EEC⁽⁴⁾ was the first refund decision concerning the anti-dumping duties paid in 1985 and 1986. This Decision concerns the refund claims lodged for the following amounts of anti-dumping duties paid between January 1987 and September 1991, namely :
 - January 1987 to September 1988 : [...]⁽⁵⁾,
 - October 1988 to September 1989 : [...],
 - October 1989 to September 1990 : [...],
 - October 1990 to September 1991 : [...].
- (3) Following submissions by the applicant with regard to the dumping margin during each of the above

reference periods, Commission sought and verified all information deemed to be necessary for the purposes of a determination and carried out investigations at the premises of the two exporters (NMB Singapore Ltd and Pelmec Singapore Ltd) and the sales company (Minebea Singapore Ltd) in Singapore. All these companies are owned by Minebea Co. Ltd, Japan.

Investigations were also carried out at the premises of related importers of Minebea Co. Ltd, Japan in the Community, including the applicant. The applicant complied with all requests for additional information to the satisfaction of the Commission and in accordance with the Commission notice concerning the reimbursement of anti-dumping duties⁽⁶⁾ (hereinafter referred to as 'the notice'). Subsequently the applicant was informed of the preliminary results of this examination and given an opportunity to comment on them. It did so and the comments were taken into consideration prior to this Decision.

- (4) The Commission informed the Member States and gave its opinion on the matter. No Member State disagreed with this opinion.

B. ARGUMENT OF THE APPLICANT

- (5) The applicant has based its claims on the allegation that, for certain sales in the Community, export prices were such that either dumping did not exist or that dumping existed at a level lower than the level of the definitive duty of 33,89 %.

C. ADMISSIBILITY

- (6) The applications are admissible since they were introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular that concerning time limits.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 193, 21. 7. 1984, p. 1.

⁽³⁾ OJ No C 240, 20. 9. 1989, p. 4.

⁽⁴⁾ OJ No L 148, 15. 6. 1988, p. 28.

⁽⁵⁾ In the published version of the Decision some figures have been omitted pursuant to the provisions of Article 8 of Regulation (EEC) No 2423/88 concerning non-disclosure of business secrets.

⁽⁶⁾ OJ No C 266, 22. 10. 1986, p. 2.

D. MERITS OF THE CLAIM

- (7) Pursuant to Article 16 (1) of Regulation (EEC) No 2423/88 and Part II of the notice, the applicant showed that the duty collected exceeded the dumping margins to varying degrees, depending on the shipment and the ball-bearing type concerned, partly as a result of a decrease in normal value.

- (8) Concerning the methodology used for establishing dumping margins, the Commission had to take account of changes in the domestic market in Singapore. During the original investigation domestic sales were minimal and normal value had consequently to be constructed using costs of production and a fixed percentage for profit. During subsequent verification visits to Singapore, the Commission established that substantial domestic sales were made, in excess of the volume of total exports to the Community, and that the profit made on these representative sales was much higher than the estimated profit margins originally used for constructing the normal value. Article 16 of Regulation (EEC) No 2423/88 provides that 'all refund calculations shall be made in accordance with the provisions of Article 2 or 3 and shall be based, as far as possible, on the same method applied in the original investigation, in particular, with regard to any application of averaging or sampling techniques.' This means that the actual normal value shall be established in a refund proceeding by respecting the hierarchy of methods as provided for by Article 2 (3) of that Regulation which requires that actual domestic prices should be used in all cases where they are available, the construction of the normal value being only a substitute for actual prices when these cannot be used. The Commission therefore decided to employ average domestic sales prices as a basis for normal value.

- (9) Since all importers are related to the exporters, it was necessary to calculate the actual dumping margin by comparing the normal value with an export price constructed in accordance with Article 2 (8) (b) of Regulation (EEC) No 2423/88. That Article provides that an export price is constructed on the basis of the price at which the imported product is first resold to an independent buyer and that allowance shall be made for all costs incurred by the related importer between importation and resale, including customs duties, any anti-dumping duties and other taxes, and for a reason-

able profit margin. Normal value and export prices were compared, according to the provisions of Article 2 (9) of Regulation (EEC) No 2423/88, and, since the importers are all related companies, a weighted-average dumping margin was calculated on the basis of all export transactions to the Community involving ball bearings originating in Singapore (i.e. a single weighted-average dumping margin for all related importers of Minebea Co. Ltd — NMB GmbH, NMB Italia Srl, NMB UK Ltd and NMB France Sarl).

- (10) On this basis, it was found that the applications were partly founded. The actual dumping margins established for the periods in question were as follows.

— January 1987 to September 1988 : 14,5 % ⁽¹⁾,
 — October 1988 to September 1989 : 20,5 %,
 — October 1989 to September 1990 : 8,2 %,
 — October 1990 to September 1991 : 24,0 %.

- (11) Consequently, the amounts to be refunded are :

— January 1987 to September 1988 : [...],
 — October 1988 to September 1989 : [...],
 — October 1989 to September 1990 : [...],
 — October 1990 to September 1991 : [...].

- (12) The applicant claimed, however, that a higher amount should be refunded. It raised objections concerning the legality of a deduction of anti-dumping duties paid by importing companies related to the exporter in constructing the export prices (see recital 9). These objections are the same as those raised in Commission Decision 88/328/EEC which were the subject of an appeal before the Court of Justice of the European Communities. The applicant referred expressly to its submissions made in this earlier refund proceeding and in its written submissions before the Court.

In its judgment of 10 March 1992 on this appeal, the Court dismissed the application ⁽²⁾.

Under these circumstances, the applicant's request for the refund of an additional amount has to be rejected,

⁽¹⁾ This dumping margin represents the weighted average of two separate periods investigated — January to December 1987 and January to September 1988.

⁽²⁾ Case 188/88, NMB v. Commission, not yet published.

HAS ADOPTED THIS DECISION:

Article 1

The refund applications submitted by NMB (Deutschland) GmbH, Langen, Germany, for the period January 1987 to September 1991 are granted in respect of the following amounts and rejected for the remainder.

- January 1987 to September 1988 : [...],
- October 1988 to September 1989 : [...],
- October 1989 to September 1990 : [...],
- October 1990 to September 1991 : [...].

Article 2

The amount set out in Article 1 shall be refunded by Germany.

Article 3

This Decision is addressed to the Federal Republic of Germany and NMB (Deutschland) GmbH, Langen, Germany.

Done at Brussels, 3 June 1992.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 3 June 1992

concerning applications for the refund of anti-dumping duties collected on certain imports of certain ball bearings originating in Singapore (NMB UK Ltd)

(Only the English text is authentic)

(92/334/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 16 thereof,

Whereas :

A. PROCEDURE

- (1) On 19 July 1984 by Council Regulation (EEC) No 2089/84⁽²⁾, a definitive anti-dumping duty of 33,89 % was imposed on imports of certain ball bearings manufactured and exported by the Minebea group of companies and originating in Singapore. In September 1989 a review of the above measures was opened⁽³⁾ in accordance with Article 15 (3) of Regulation (EEC) No 2423/88 and the measure has remained in force pending the outcome of this review.
- (2) From 1985 and during the following years, NMB UK Ltd, a wholly-owned subsidiary of Minebea Co. Ltd, Japan, applied, on a regular basis, for the refund of anti-dumping duties. Commission Decision 88/327/EEC⁽⁴⁾ was the first refund decision concerning the anti-dumping duties paid in 1985 and 1986. This Decision concerns the refund claims lodged for the following amounts of anti-dumping duties paid between January 1987 and September 1991, namely :
 - January 1987 to September 1988 : [...]⁽⁵⁾,
 - October 1988 to September 1989 : [...],
 - October 1989 to September 1990 : [...],
 - October 1990 to September 1991 : [...].
- (3) Following submissions by the applicant with regard to the dumping margin during each of the above

reference periods, Commission sought and verified all information deemed to be necessary for the purposes of a determination and carried out investigations at the premises of the two exporters (NMB Singapore Ltd and Pelmec Singapore Ltd) and the sales company (Minebea Singapore Ltd) in Singapore. All these companies are owned by Minebea Co. Ltd, Japan.

Investigations were also carried out at the premises of related importers of Minebea Co. Ltd, Japan in the Community, including the applicant. The applicant complied with all requests for additional information to the satisfaction of the Commission and in accordance with the Commission notice concerning the reimbursement of anti-dumping duties⁽⁶⁾ (hereinafter referred to as 'the notice'). Subsequently the applicant was informed of the preliminary results of this examination and given an opportunity to comment on them. It did so and the comments were taken into consideration prior to this Decision.

- (4) The Commission informed the Member States and gave its opinion on the matter. No Member State disagreed with this opinion.

B. ARGUMENT OF THE APPLICANT

- (5) The applicant has based its claims on the allegation that, for certain sales in the Community, export prices were such that either dumping did not exist or that dumping existed at a level lower than the level of the definitive duty of 33,89 %.

C. ADMISSIBILITY

- (6) The applications are admissible since they were introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular that concerning time limits.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 193, 21. 7. 1984, p. 1.

⁽³⁾ OJ No C 240, 20. 9. 1989, p. 4.

⁽⁴⁾ OJ No L 148, 15. 6. 1988, p. 26.

⁽⁵⁾ In the published version of the Decision some figures have been omitted pursuant to the provisions of Article 8 of Regulation (EEC) No 2423/88 concerning non-disclosure of business secrets.

⁽⁶⁾ OJ No C 266, 22. 10. 1986, p. 2.

D. MERITS OF THE CLAIM

- (7) Pursuant to Article 16 (1) of Regulation (EEC) No 2423/88 and Part II of the notice, the applicant showed that the duty collected exceeded the dumping margins to varying degrees, depending on the shipment and the ball-bearing type concerned, partly as a result of a decrease in normal value.
- (8) Concerning the methodology used for establishing dumping margins, the Commission had to take account of changes in the domestic market in Singapore. During the original investigation domestic sales were minimal and normal value had consequently to be constructed using costs of production and a fixed percentage for profit. During subsequent verification visits to Singapore, the Commission established that substantial domestic sales were made, in excess of the volume of total exports to the Community, and that the profit made on these representative sales was much higher than the estimated profit margins originally used for constructing the normal value. Article 16 of Regulation (EEC) No 2423/88 provides that 'all refund calculations shall be made in accordance with the provisions of Article 2 or 3 and shall be based, as far as possible, on the same method applied in the original investigation, in particular, with regard to any application of averaging or sampling techniques.' This means that the actual normal value shall be established in a refund proceeding by respecting the hierarchy of methods as provided for by Article 2 (3) of that Regulation which requires that actual domestic prices should be used in all cases where they are available, the construction of the normal value being only a substitute for actual prices when these cannot be used. The Commission therefore decided to employ average domestic sales prices as a basis for normal value.
- (9) Since all importers are related to the exporters, it was necessary to calculate the actual dumping margin by comparing the normal value with an export price constructed in accordance with Article 2 (8) (b) of Regulation (EEC) No 2423/88. That Article provides that an export price is constructed on the basis of the price at which the imported product is first resold to an independent buyer and that allowance shall be made for all costs incurred by the related importer between importation and resale, including customs duties, any anti-dumping duties and other taxes, and for a reasonable profit margin. Normal value and export prices were compared, according to the provisions of Article 2 (9) of Regulation (EEC) No 2423/88, and, since the importers are all related companies, a weighted-average dumping margin was calculated on the basis of all export transactions to the Community involving ball bearings originating in Singapore (i.e. a single weighted-average dumping margin for all related importers of Minebea Co. Ltd — NMB GmbH, NMB Italia Srl, NMB UK Ltd and NMB France Sarl).
- (10) On this basis, it was found that the applications were partly founded. The actual dumping margins established for the periods in question were as follows.
- January 1987 to September 1988 : 14,5 % ⁽¹⁾,
 - October 1988 to September 1989 : 20,5 %,
 - October 1989 to September 1990 : 8,2 %,
 - October 1990 to September 1991 : 24,0 %.
- (11) Consequently, the amounts to be refunded are :
- January 1987 to September 1988 : [...],
 - October 1988 to September 1989 : [...],
 - October 1989 to September 1990 : [...],
 - October 1990 to September 1991 : [...].
- (12) The applicant claimed, however, that a higher amount should be refunded. It raised objections concerning the legality of a deduction of anti-dumping duties paid by importing companies related to the exporter in constructing the export prices (see recital 9). These objections are the same as those raised in Commission Decision 88/327/EEC ⁽²⁾ which were the subject of an appeal before the Court of Justice of the European Communities. The applicant referred expressly to its submissions made in this earlier refund proceeding and in its written submissions before the Court.
- In its judgment of 10 March 1992 on this appeal, the Court dismissed the application ⁽³⁾.
- Under these circumstances, the applicant's request for the refund of an additional amount has to be rejected,

⁽¹⁾ This dumping margin represents the weighted average of two separate periods investigated — January to December 1987 and January to September 1988.

⁽²⁾ See recital 2.

⁽³⁾ Case 188/88, NMB v. Commission, not yet published.

HAS ADOPTED THIS DECISION :

Article 1

The refund applications submitted by NMB UK Ltd, Bracknell, Berkshire, United Kingdom, for the period January 1987 to September 1991 are granted in respect of the following amounts and rejected for the remainder.

- January 1987 to September 1988 : [...],
 - October 1988 to September 1989 : [...],
 - October 1989 to September 1990 : [...],
 - October 1990 to September 1991 : [...].
-

Article 2

The amount set out in Article 1 shall be refunded by the United Kingdom.

Article 3

This Decision is addressed to the United Kingdom and NMB UK Ltd, Bracknell, Berkshire, United Kingdom.

Done at Brussels, 3 June 1992.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 3 June 1992

concerning applications for the refund of anti-dumping duties collected on certain imports of certain ball bearings originating in Singapore (NMB Italia Srl)

(Only the Italian text is authentic)

(92/335/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 16 thereof,

Whereas :

A. PROCEDURE

- (1) On 19 July 1984 by Council Regulation (EEC) No 2089/84⁽²⁾, a definitive anti-dumping duty of 33,89 % was imposed on imports of certain ball bearings manufactured and exported by the Minebea group of companies and originating in Singapore. In September 1989 a review of the above measures was opened⁽³⁾ in accordance with Article 15 (3) of Regulation (EEC) No 2423/88 and the measure has remained in force pending the outcome of this review.
- (2) From 1985 and during the following years, NMB Italia Srl, a wholly-owned subsidiary of Minebea Co. Ltd, Japan, applied, on a regular basis, for the refund of anti-dumping duties. Commission Decision 88/329/EEC⁽⁴⁾ was the first refund decision concerning the anti-dumping duties paid in 1985 and 1986. This Decision concerns the refund claims lodged for the following amounts of anti-dumping duties paid between January 1987 and September 1991, namely :
 - January 1987 to September 1988 : [...]⁽⁵⁾,
 - October 1988 to September 1989 : [...],
 - October 1989 to September 1990 : [...],
 - October 1990 to September 1991 : [...].
- (3) Following submissions by the applicant with regard to the dumping margin during each of the above

reference periods, Commission sought and verified all information deemed to be necessary for the purposes of a determination and carried out investigations at the premises of the two exporters (NMB Singapore Ltd and Pelmec Singapore Ltd) and the sales company (Minebea Singapore Ltd) in Singapore. All these companies are owned by Minebea Co. Ltd, Japan.

Investigations were also carried out at the premises of related importers of Minebea Co. Ltd, Japan in the Community, including the applicant. The applicant complied with all requests for additional information to the satisfaction of the Commission and in accordance with the Commission notice concerning the reimbursement of anti-dumping duties⁽⁶⁾ (hereinafter referred to as 'the notice'). Subsequently the applicant was informed of the preliminary results of this examination and given an opportunity to comment on them. It did so and the comments were taken into consideration prior to this Decision.

- (4) The Commission informed the Member States and gave its opinion on the matter. No Member State disagreed with this opinion.

B. ARGUMENT OF THE APPLICANT

- (5) The applicant has based its claims on the allegation that, for certain sales in the Community, export prices were such that either dumping did not exist or that dumping existed at a level lower than the level of the definitive duty of 33,89 %.

C. ADMISSIBILITY

- (6) The applications are admissible since they were introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular that concerning time limits.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 193, 21. 7. 1984, p. 1.

⁽³⁾ OJ No C 240, 20. 9. 1989, p. 4.

⁽⁴⁾ OJ No L 148, 15. 6. 1988, p. 30.

⁽⁵⁾ In the published version of the Decision some figures have been omitted pursuant to the provisions of Article 8 of Regulation (EEC) No 2423/88 concerning non-disclosure of business secrets.

⁽⁶⁾ OJ No C 266, 22. 10. 1986, p. 2.

D. MERITS OF THE CLAIM

- (7) Pursuant to Article 16 (1) of Regulation (EEC) No 2423/88 and Part II of the notice, the applicant showed that the duty collected exceeded the dumping margins to varying degrees, depending on the shipment and the ball-bearing type concerned, partly as a result of a decrease in normal value.
- (8) Concerning the methodology used for establishing dumping margins, the Commission had to take account of changes in the domestic market in Singapore. During the original investigation domestic sales were minimal and normal value had consequently to be constructed using costs of production and a fixed percentage for profit. During subsequent verification visits to Singapore, the Commission established that substantial domestic sales were made, in excess of the volume of total exports to the Community, and that the profit made on these representative sales was much higher than the estimated profit margins originally used for constructing the normal value. Article 16 of Regulation (EEC) No 2423/88 provides that 'all refund calculations shall be made in accordance with the provisions of Article 2 or 3 and shall be based, as far as possible, on the same method applied in the original investigation, in particular, with regard to any application of averaging or sampling techniques.' This means that the actual normal value shall be established in a refund proceeding by respecting the hierarchy of methods as provided for by Article 2 (3) of that Regulation which requires that actual domestic prices should be used in all cases where they are available, the construction of the normal value being only a substitute for actual prices when these cannot be used. The Commission therefore decided to employ average domestic sales prices as a basis for normal value.
- (9) Since all importers are related to the exporters, it was necessary to calculate the actual dumping margin by comparing the normal value with an export price constructed in accordance with Article 2 (8) (b) of Regulation (EEC) No 2423/88. That Article provides that an export price is constructed on the basis of the price at which the imported product is first resold to an independent buyer and that allowance shall be made for all costs incurred by the related importer between importation and resale, including customs duties, any anti-dumping duties and other taxes, and for a reasonable profit margin. Normal value and export

prices were compared, according to the provisions of Article 2 (9) of Regulation (EEC) No 2423/88, and, since the importers are all related companies, a weighted-average dumping margin was calculated on the basis of all export transactions to the Community involving ball bearings originating in Singapore (i.e. a single weighted-average dumping margin for all related importers of Minebea Co. Ltd — NMB GmbH, NMB Italia Srl, NMB UK Ltd and NMB France Sarl).

- (10) On this basis, it was found that the applications were partly founded. The actual dumping margins established for the periods in question were as follows.
- January 1987 to September 1988 : 14,5 % ⁽¹⁾,
 - October 1988 to September 1989 : 20,5 %,
 - October 1989 to September 1990 : 8,2 %,
 - October 1990 to September 1991 : 24,0 %.
- (11) Consequently, the amounts to be refunded are :
- January 1987 to September 1988 : [...],
 - October 1988 to September 1989 : [...],
 - October 1989 to September 1990 : [...],
 - October 1990 to September 1991 : [...].
- (12) The applicant claimed, however, that a higher amount should be refunded. It raised objections concerning the legality of a deduction of anti-dumping duties paid by importing companies related to the exporter in constructing the export prices (see recital 9). These objections are the same as those raised in Commission Decision 88/329/EEC ⁽²⁾ which were the subject of an appeal before the Court of Justice of the European Communities. The applicant referred expressly to its submissions made in this earlier refund proceeding and in its written submissions before the Court.

In its judgment of 10 March 1992 on this appeal, the Court dismissed the application ⁽³⁾.

Under these circumstances, the applicant's request for the refund of an additional amount has to be rejected,

⁽¹⁾ This dumping margin represents the weighted average of two separate periods investigated — January to December 1987 and January to September 1988.

⁽²⁾ See recital 2.

⁽³⁾ Case 188/88, NMB v. Commission, not yet published.

HAS ADOPTED THIS DECISION :

Article 1

The refund applications submitted by NMB Italia Srl, Mazzo di Rho, Italy, for the period January 1987 to September 1991 are granted in respect of the following amounts and rejected for the remainder.

- January 1987 to September 1988 : [...],
- October 1988 to September 1989 : [...],
- October 1989 to September 1990 : [...],
- October 1990 to September 1991 : [...].

Article 2

The amount set out in Article 1 shall be refunded by the Italy.

Article 3

This Decision is addressed to the Italian Republic and NMB Italia Srl, Mazzo di Rho, Italy.

Done at Brussels, 3 June 1992.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 30 June 1992

authorizing Portugal to import from third countries at a reduced levy certain quantities of raw sugar during the period 1 July to 31 December 1992

(Only the Portuguese text is authentic)

(92/336/EEC)

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, hereinafter referred to as 'the Act', and in particular the third subparagraph of Article 303 thereof,

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 Articles 13 (2) and 16 (7) and the second subparagraph of Article 39 thereof,

Whereas, pursuant to the first and second subparagraphs of Article 303 of the Act, the maximum quantities of raw sugar to be imported at a reduced levy from certain ACP States, together with the relevant periods of application in order to supply the Portuguese refineries, have been determined by Commission Regulation (EEC) No 600/86⁽³⁾;

Whereas the third subparagraph of Article 303 of the Act provides in particular that, where, during the specified periods of application, the Community forward estimate for raw sugar for a given marketing year or part thereof shows that the availability of raw sugar is insufficient to ensure adequate supply of Portuguese refineries, Portugal may be authorized to import from third countries under the marketing year, or part thereof concerned, the quantities which it is estimated are lacking, under the same conditions regarding the reduced levy as those provided for in respect of the quantities to be imported from the ACP States in question; whereas the forward estimate, for the period 1 July 1992 to 30 June 1993, of Community raw sugar available for refining does not at this stage enable the quantities that the Portuguese refineries are lacking to be determined with any accuracy; whereas to ensure adequate supplies in these circumstances there should be fixed a quantity to be imported from third countries at a reduced levy for a specified

period enabling the actual availabilities of Community raw sugar, particularly as regards the production of the French overseas department of Réunion;

Whereas, in order to ensure sound management of the markets in the sector and, in particular, effective control of operations, it is necessary firstly to apply to the sugar concerned the normal rules for performance of the customs formalities for import and, secondly, to provide for notification by Portugal of the quantities of raw sugar imported and refined within the meaning of this Decision;

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

HAS ADOPTED THIS DECISION:

Article 1

Portugal is hereby authorized to import from third countries during the period 1 July to 31 December 1992 a quantity of raw sugar not exceeding the equivalent of 74 000 tonnes of white sugar, at the reduced levy determined in accordance with Article 1 of Regulation (EEC) No 600/86.

Article 2

1. The import licences for the raw sugar referred to in Article 1 shall be valid from the date of issue until 31 December 1992.

2. The application for the licence referred to in paragraph 1 must be made to the competent authority in Portugal, before 1 January 1993, and must be accompanied by a declaration from a refiner in which he undertakes to refine the quantity of raw sugar concerned in Portugal within six months following the month in which the customs import formalities take place.

Except in cases of *force majeure* if the sugar in question is not refined within the prescribed time limit the importer must pay an amount equal to the difference between the threshold price and the intervention price for raw sugar applicable on the day of acceptance of the import declaration concerned.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 20.

In cases of *force majeure*, the competent authority in Portugal shall adopt the measures that it considers necessary, in the light of the circumstances worked by the interested party.

3. The application for the import licence and the licence itself shall include in box 12 the following :

‘import of raw sugar at reduced levy in accordance with Decision 92/336/EEC’.

4. The rate of deposit applicable to the licence referred to in paragraph 1 is hereby fixed at ECU 0,25 for each 100 kilograms of sugar net.

Article 3

If the volume of applications for licences exceeds the quantity provided for in Article 1, Portugal shall proceed with a fair apportionment of this quantity among the applicants concerned.

Article 4

Portugal shall communicate to the Commission each month in respect of the previous month :

- (a) the quantities of raw sugar expressed by weight ‘tel quel’ for which the licences referred to in Article 2 have been issued ;
- (b) the quantities of raw sugar, expressed by weight ‘tel quel’ actually imported under the licences referred to in Article 2 ;
- (c) the total quantities of sugar in question, by weight ‘tel quel’ and expressed as white sugar, which have been refined.

Article 5

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 30 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission