

Official Journal

of the European Communities

ISSN 0378-6978

L 222

Volume 35

7 August 1992

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EEC) No 2305/92 of 4 August 1992 imposing a definitive anti-dumping duty on imports of silicon metal originating in Brazil and definitively collecting the amounts secured by way of the provisional anti-dumping duty** 1
- ★ **Council Regulation (EEC) No 2306/92 of 4 August 1992 imposing a definitive anti-dumping duty on imports of radio-broadcast receivers of a kind used in motor vehicles, originating in the Republic of Korea** 8
- Commission Regulation (EEC) No 2307/92 of 6 August 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal 16
- Commission Regulation (EEC) No 2308/92 of 6 August 1992 fixing the premiums to be added to the import levies on cereals, flour and malt 18
- Commission Regulation (EEC) No 2309/92 of 6 August 1992 fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products 20
- ★ **Commission Regulation (EEC) No 2310/92 of 31 July 1992 amending Regulation (EEC) No 3472/85 on the buying-in and storage of olive oil by intervention agencies** 23
- ★ **Commission Regulation (EEC) No 2311/92 of 31 July 1992 laying down detailed rules for the application of specific measures adopted in respect of fruit, vegetables, plants and flowers for the benefit of the Azores and Madeira** 24
- ★ **Commission Regulation (EEC) No 2312/92 of 31 July 1992 laying down detailed rules for implementing the specific measures for supplying the French overseas departments with live bovine animals** 32

Price : ECU 14

(Continued overleaf)

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

* Commission Regulation (EEC) No 2313/92 of 6 August 1992 on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of boneless beef held by certain intervention agencies and intended for export, amending Regulation (EEC) No 569/88 and repealing Regulation (EEC) No 1534/92	37
* Commission Regulation (EEC) No 2314/92 of 6 August 1992 on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for processing within the Community and repealing Regulation (EEC) No 1550/92	41
* Commission Regulation (EEC) No 2315/92 of 6 August 1992 on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of bone-in beef held by certain intervention agencies and intended for export to certain destinations, amending Regulation (EEC) No 569/88 and repealing Regulation (EEC) No 3755/91	46
Commission Regulation (EEC) No 2316/92 of 6 August 1992 fixing the export refunds on beef	50
Commission Regulation (EEC) No 2317/92 of 6 August 1992 fixing the export refunds on cereals and on wheat or rye flour, groats and meal	57
Commission Regulation (EEC) No 2318/92 of 6 August 1992 fixing the corrective amount applicable to the refund on cereals	61
Commission Regulation (EEC) No 2319/92 of 6 August 1992 altering the import levies on products processed from cereals and rice	64

II Acts whose publication is not obligatory

Commission

92/403/EEC :

Commission Decision of 17 July 1992 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia	66
---	----

92/404/EEC :

Commission Decision of 20 July 1992 amending Decision 92/355/EEC on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia	68
--	----

92/405/EEC :

* Commission Decision of 22 July 1992 settling the dispute between Germany and Spain over the creation of a coach service	69
---	----

92/406/ECSC :

* Commission Decision of 23 July 1992 derogating from High Authority recommendation No 1/64 concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community (155th derogation)	71
--	----

I

*(Acts whose publication is obligatory)***COUNCIL REGULATION (EEC) No 2305/92****of 4 August 1992****imposing a definitive anti-dumping duty on imports of silicon metal originating in Brazil and definitively collecting the amounts secured by way of the provisional anti-dumping duty**

THE COUNCIL 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 originating in countries not members of the European Economic Community⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal submitted by the Commission after consultations within the Advisory Committee as provided for by the above Regulation,

Whereas :

mendment to impose definitive duties and definitively collect the amounts provisionally lodged. They were then allowed a period in which to make known their views.

- (4) The parties' oral and written comments were examined and, where appropriate, incorporated in the Commission's findings.

C. The product under consideration and like product**A. Provisional measures**

- (1) Commission Regulation (EEC) No 906/92 imposed a provisional anti-dumping duty on imports into the Community of silicon metal falling within CN code 2804 69 00 originating in Brazil⁽²⁾.

- (5) A trade association representing the interests of the Community chemical industry claimed that the definition of the product given in recital 8 of Regulation (EEC) No 906/92 contained inaccuracies regarding the chemical composition of the silicon metal used as a raw material for the manufacture of silicones.

B. Subsequent proceeding

- (2) After provisional duties were imposed, those concerned who had requested it were heard by the Commission. They also made known in writing their views on the provisional findings of the investigation.
- (3) At their request, the parties known to be concerned were informed of the essential facts and considerations on which it was intended to base the recom-

- (6) The above trade association claimed furthermore that silicon metal for chemical uses could not be considered a like product to silicon metal for metallurgical uses for the reasons given in recital 10 of Regulation (EEC) 906/92.

- (7) It should be pointed out that certain trace elements, such as lead, found in silicon metal constitute impurities inasmuch as they prevent the Rochow chemical synthesis and thus the production of chlorosilanes, a precursor of the siloxanes used in the manufacture of silicones. Similarly, aluminium production is also governed, albeit to a lesser degree, by specifications relating to the content of trace elements, such as phosphorus which must be kept to a minimum.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 96, 10. 4. 1992, p. 17.

- (8) While seeing no need to repeat the answer given in Regulation (EEC) No 906/92, the Commission thinks it necessary to emphasize that all grades of silicon metal are the product of the initial manufacturing process described in recital 6 of the said Regulation. The fact that standard-grade silicon metal may subsequently be further refined to the specifications of a given user, especially in the field of silicon chemicals, by the addition or removal of trace elements does not make chemical-grade silicon metal a different product from other grades, since all have extremely similar physical properties, come from the same factories and pass through the same distribution networks, differing only insignificantly in their production costs.
- (9) The Commission also stresses that the list of uses of silicon metal given in recital 8 of Regulation (EEC) No 906/92 is not exhaustive, and that the procedure covers all grades of silicon metal with a silicon content of less than 99,99 % by weight, regardless of its content in trace elements. The Commission confirms that it is technically possible to use the silicon metal usually intended for the chemical industry for the aluminium industry, provided its phosphorus content does not exceed a certain threshold.
- (10) The Council consequently confirms that all grades of silicon metal are manufactured by the Community industry and possess technical properties comparable to those of the Brazilian industry as indicated in recital 11 of Regulation (EEC) No 906/92. The Council likewise confirms the Commission's conclusions in recital 7 of the said Regulation that all grades of silicon metal should be regarded as a single product for the purposes of this procedure to assess dumping and the resulting injury to the Community industry.
- (12) One Brazilian producer claimed that its domestic sales did not reach the 5 % threshold for export sales to the Community in any two consecutive months of the investigation period and could not therefore be deemed a sufficient basis for the calculation of normal value.
- The Commission considers that the representativeness of an exporter's domestic sales should generally be tested on the basis of the entire investigation period and not monthly, even if normal value was determined on a monthly basis to eliminate as far possible the impact of inflation in Brazil. the sales concerned must therefore be included in the calculation of normal value according to the method described in recital 14 of Regulation (EEC) No 906/92.
- The Council confirms these conclusions.
- (13) Claiming that the Brazilian government's economic recovery programme (the 'Collor Plan') had led to an abnormal increase in energy costs and to the US dollar being undervalued against the cruzeiro from March to June 1990, several Brazilian producers asked that production costs for those months be excluded from the calculation of constructed normal value.
- The Commission, however, sees no reason to exclude the data for the period of the 'Collor Plan'. In the first place, a dumping case must be based on real and exhaustive data, such as a company's costs and sales during the investigation period as confirmed by examination of the evidence and on-site inspections.

Secondly, the alleged impact of the 'Collor Plan' does not mean that the Commission's findings regarding such production cost components as energy misrepresent Brazil's general economic situation in that period or that those components were not calculated in the course of normal trading on the Brazilian market.

Thirdly, even if the 'Collor Plan' did cause the cruzeiro to be temporarily overvalued in comparison with the US dollar, it is not for the Community to question either the soundness or the impact of the Brazilian government's monetary policy. The Commission has therefore followed established practice in the matter and used the official exchange rates applied wherever transactions involved the conversion of currency.

D. Dumping

1. Normal value

- (11) For the purposes of the definitive conclusions, normal value was generally established by the same methods as the provisional dumping margin, account being taken, where necessary, of the new circumstances and arguments presented by the parties.

- (14) Several Brazilian producers asked that interest earned on currency operations be fully deductible from a firm's financing costs, and that any net financial profit be deducted from the production costs of the firm concerned.

The Commission, however, takes the view that such profits may be taken into account only if connected with a firm's main production activity and the ensuing sales, and then only to offset financial costs resulting directly from that production and those sales. This net financial profit may in no circumstances be offset against the firm's production costs.

The Council confirms these conclusions.

- (15) One Brazilian producer asked that constructed normal value be based on production costs for the first half of the investigation period since, as he claimed, the availability of stocks tended to prove transactions in the latter half of that period involved materials manufactured earlier at much lower costs.

The Commission refuses to comply with this request because the figures provided do not corroborate the alleged availability of stocks and because the firm in question failed to support its request with data known to be available on its production costs calculated on the basis of updated costs.

The Council confirms these conclusions.

- (16) Another Brazilian producer asked that the export of a sample to an American company, mistakenly recorded as a domestic transaction, be excluded from the calculation of normal value.

The Council confirms the Commission's agreement to exclude that transaction from the scope of this procedure.

- (17) Yet another Brazilian producer asked for a review of the method used to calculate its average profit margin: the margin seemed to have been overestimated because the provisional constructed normal value did not take proper account of some of the company's domestic sales of silicon metal.

After examining the matter, the Commission accepted this request and adjusted the company's average profit margin accordingly.

- (18) The Council confirms these conclusions and those of recitals 14, 15 and 16 of Regulation (EEC) No 906/92.

2. Export prices

- (19) For the purposes of the definitive conclusions, the export price was generally established in the same

way as the provisional dumping margin, due account being taken of new circumstances and arguments presented by the parties with appropriate supporting evidence.

- (20) In view of the above and recitals 17 and 18 of Regulation (EEC) No 906/92, the Council confirms the Commission's findings and conclusions in the matter.

3. Comparison

- (21) A Brazilian producer submitted several requests regarding adjustments to the transport and packaging costs of certain exports to the Community.

The Council confirms the Commission's refusal to accede to these requests on the grounds that they were not supported by evidence conclusive enough to cast doubt on the data gathered and verified during inquiries at the premises of the company concerned.

- (22) Some Brazilian producers claimed there was a need to adjust the normal value based on domestic sales to take account of the impact on price comparability of differing sales costs caused by differences in the quantities sold on the domestic market and exports to the Community.

The Council confirms the rejection of this request on the grounds of the applicants' inability to show that their request was, in this instance, well-founded.

In the absence of other comments, the Council confirms the Commission's conclusions as set out in recitals 19 and 20 of Regulation (EEC) No 906/92.

4. Dumping margins

- (23) After the adjustments to the normal value and/or export prices, as indicated in the preceding recitals, the weighted average dumping margin, expressed as a percentage of the free-at-Community-frontier cif price, not cleared through customs, for each of the exporters concerned is as follows:

— Rima Eletrometalurgia SA :	67,0 %
— Ligas de Alumínio SA (Liasa) :	50,6 %
— Eletroila SA :	44,1 %
— Companhia Ferroligas Minas Gerais (Minasligas) :	26,4 %
— Camargo Correa Metais SA :	20,4 %
— Companhia Brasileira Carboreto de Cálcio :	18,3 %.

In the light of the above, the Council confirms that all the abovementioned Brazilian exporters are dumping imports of silicon metal originating in Brazil.

- (24) Where Brazilian exporters failed to answer the Commission's questionnaire or come forward, dumping was assessed on the basis of the information available in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88. Given that the cooperating exporters account for almost all sales of Brazilian silicon metal in the Community, the Commission considers the results of its investigation to be the most suitable basis for assessing the dumping margin. Failure to apply the highest dumping margin found in the course of the investigation, 67 %, to those exporters which had not seen fit to cooperate would provide loopholes and an incentive not to cooperate in the future. The Council confirms this approach and the resulting consequences for that group of exporters.

E. Injury

- (25) In its preliminary findings, the Commission concluded that the Community silicon metal industry had suffered material injury. This view was founded mainly on the convergence of economic indicators such as falling sales, loss of market share, the erosion of Community producers' prices and the resulting financial losses.
- (26) One Brazilian producer argued that the trend in the cif price in ecus of imported Brazilian silicon metal had resulted in the drop in prices being overestimated owing to the growing parity between the US dollar and the ecu. The Commission, however, finds that the price of imports from Brazil, whether in ecus or another Community currency, did actually help depress the Community market from 1986 to 1990.
- (27) Several Brazilian producers called for account to be taken of the different marketing stages at which transactions were carried out, i.e. differences at the stages of import and end-use, when prices were being compared to determine undercutting and the margin of injury attributable to the exporters concerned.

Where the information supplied was full, verifiable and consistent, allowances were systematically made to ensure fair comparison with the Community industry's prices.

The Council confirms the Commission's approach and the resulting findings.

- (28) The Commission received no further submissions regarding the assessment of injury.

The Council consequently confirms the findings set out by the Commission in recitals 24, 25, 26, 28 and 30 to 35 of Regulation (EEC) No 906/92 and in recitals 26, 27 and 28 of this Regulation.

F. Cause and effect

- (29) Seeking to show a close causal link between dumped silicon metal originating in Brazil and the injury to the Community industry, the Commission pointed out in its provisional findings the correlation between the decline in the Community industry's market share and a corresponding increase in that of Brazilian exporters. This was further borne out by the transparency of the world silicon metal market, which is extremely sensitive to price fluctuations.
- (30) A Brazilian producer claimed that the Community industry had lost market share because it was unable to meet increased demand for high-quality silicon metal. This is refuted by data in the Commission's possession on the Community industry's capacity utilization and product range during the investigation period.
- (31) Another producer claimed that prices for imports from the People's Republic of China were consistently lower than Brazilian exporters', constituting a world reference price of sorts.

The Commission points out that imports of Chinese silicon metal are currently the object of another anti-dumping proceeding and dismisses the claim that the price of Chinese silicon metal imports could be considered a sort of world reference price. Quite apart from the fact that Chinese exporters' share of the Community market is relatively small when compared with that of their Brazilian counterparts, Chinese silicon metal has a much narrower range of potential uses than the Brazilian product and cannot therefore be considered likely to determine prices.

- (32) Another producer alleged that the assessment of cause and effect did not take sufficient account of imports from other non-member countries such as Argentina, Australia or China, particularly since recital 17 of Council Regulation (EEC) No 2200/90⁽¹⁾ tended to absolve imports originating in Brazil of responsibility for the injury to the Community industry.

The Commission feels that these arguments do not controvert the findings of recital 38 of Regulation (EEC) No 906/92, and that the findings of an investigation on which the Council based conclusions in an earlier proceeding concerning imports of the same product from the People's Republic of China are irrelevant to the facts of the present anti-dumping proceeding. They certainly do not diminish the fact that the dumping in question caused clear injury to the Community industry and that, viewed in isolation, this injury is material.

- (33) Another Brazilian producer claimed that the injury to the Community industry was largely attributable to the actions of Community producers, to competition between them or the obsolescence of their production apparatus, but failed to substantiate the allegations with evidence likely to call into question the Commission's provisional findings.

The Council therefore confirms the Commission's findings in recitals 37 and 38 of Regulation (EEC) No 906/92 and recitals 30 to 34 of this Regulation.

G. Community interest

1. General

- (34) The Commission received no new evidence or arguments on this issue. The Council therefore confirms the Commission's findings in recitals 39 and 40 of Regulation (EEC) No 906/92.

2. The interests of the Community industry

- (35) In the absence of any new evidence, the Council likewise confirms the Commission's conclusions in recitals 41 and 42 of Regulation (EEC) No 906/92.

3. The interests of other parties

- (36) The trade association mentioned earlier as representing the interests of the Community chemical industry repealed its concern at the weakening of its members' ability to compete on the Community market with non-Community rivals whose inputs were not subject to anti-dumping duties.

- (37) Other trade associations representing the interests of the secondary aluminium industry also expressed concern about the increased costs facing processing industries downstream on their intermediate inputs.

Representatives of some international dealers specializing in ferro-alloys made similar objections, arguing that industrial consumers in the Community were effectively losing an attractive source of cheap silicon metal outside the Community.

- (38) The Commission is aware of the likely impact of anti-dumping measures on the intermediate input costs of some groups of Community consumers.

However, this increase concerns only the silicon metal originating in Brazil, which represented less than 15 % of the Community market in 1990. Other supplying sources are also available and used, consequently, nothing indicates that this increase would be reflected in the same proportion on the production costs of the finished products downstream. In these circumstances, it cannot be concluded that the imposition of an anti-dumping duty on imports of Brazilian silicon metal would lead the user industries within the Community to suffer from a comparative disadvantage *vis-à-vis* their competitors in the third countries proportional to the amount of the duty imposed. The impact of an increase in the cost of inputs is in no way comparable to dumping's direct and injurious impact on the Community industry.

Moreover, claims that Brazilian silicon metal is irreplaceable are contradicted by the fact that the Community chemical industry carries out Rochow synthesis using non-Brazilian silicon metal, purchasing chemical-grade silicon metal from both Community and non-Community suppliers.

- (39) The Council therefore confirms the Commission's remarks in recital 43 together with its findings in recitals 44 and 45 of Regulation (EEC) No 906/92 and the remarks in recitals 35 to 39 of this Regulation, which show that the Community interest requires an end to the injury caused to the Community industry by the dumping found.

⁽¹⁾ OJ No L 198, 28. 7. 1990, p. 57.

However, if changed circumstances occurred, calling into question the preceding conclusions, the Commission would be ready, if the case arose, to reconsider the overall situation of the Community industry in view of these new elements.

H. Duties

- (40) The Commission provisionally found that the removal of the injury caused to the Community industry and the restoration of the conditions for normal profitability required anti-dumping measures that would permit the industry to make sufficient profit and increase the proportion of capacity in use. The provisional duties were therefore calculated to cover the difference between the price of Brazilian silicon metal and a reference price allowing the Community industry to cover costs and generate a reasonable profit of 6,5 %.

The Council confirms the Commission's approach and the resulting conclusions.

- (41) Several Brazilian producers claimed that the Community reference price used to calculate the margin of injury appeared to exceed the level needed to remove the injury.

The Commission cannot accept this argument. The previous recital shows that the reference price was based on the Community industry's production costs plus a reasonable profit margin guaranteeing the producers concerned an adequate return on investment.

The Council confirms these findings.

- (42) For the establishment of the definitive duties to be imposed, the Commission feels that the individual margins of injury specified in recitals 48 and 49 of Regulation (EEC) No 906/92 should also be expressed as a percentage of the cif value of imports. An injury margin represents the increase in the price at Community frontier needed to end the injury caused by a given exporter. After allowing for corrections and other adjustments to the weighted average cif prices charged by the Brazilian exporters concerned, the individual injury margins are as follows :

— Rima Electrometalurgia SA,	34,6 %
— Ligas de Alumínio SA (Liasa),	36,8 %
— Eletroila SA,	29,8 %
— Companhia Ferroligas Minas Gerais (Minasligas),	43,8 %
— Camargo Correa Metais SA — CCM,	24,2 %

— Companhia Brasileira Carboreto de Cálcio — CBCC, 51,0 %.

- (43) The Council confirms the Commission's findings in recitals 46, 47 and 48 of Regulation (EEC) No 906/92 and concludes on the basis of the previous recital of this Regulation that the duty to be imposed should equal the dumping margins established for the above exporters, save where they exceed the individual injury margins, which then determine the duty applicable :

— Rima Electrometalurgia SA,	34,6 %
— Ligas de Alumínio SA (Liasa),	36,8 %
— Eletroila SA,	29,8 %
— Companhia Ferroligas Minas Gerais (Minasligas),	26,4 %
— Camargo Correa Metais SA — CCM,	20,4 %
— Companhia Brasileira Carboreto de Cálcio — CBCC,	18,3 %.

- (44) For reasons already set out in recital 24 of this Regulation, the Council confirms that the maximum rate of duty, namely 36,8 %, will be applied to the companies which did not reply to the Commission's questionnaire or failed to come forward. To impose on those producer-exporters a rate of duty lower than the highest rate of anti-dumping duty established by the investigation would be to regard their failure to cooperate and create loopholes.

I. Collection of provisional duties

- (45) In view of the dumping margins established and the seriousness of the injury to the Community industry, the Council considers that the amounts secured by way of the provisional anti-dumping duty imposed should be definitively collected in full.

J. Undertaking

- (46) After provisional anti-dumping duties were imposed, all the Brazilian exporters involved jointly offered an overall quantitative undertaking or, as an alternative, individual price undertakings.

Following consultations, the Commission rejected these undertakings, explaining to the producers concerned that the undertakings offered were not such as to remove the injury and required, moreover, frequent adjustments owing to the fluctuating price of silicon metal on the world market. The Council shares this opinion and considers it necessary to impose anti-dumping duties,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty of 36,8 % of the net, free-at-Community-frontier price, not cleared through customs, is hereby imposed on imports of silicon metal falling within CN code 2804 69 00 and originating in Brazil (Taric additional code: 8654).

2. The rate of duty applicable to silicon metal produced by the following companies shall be:

		<i>Taric additional code</i>
— Rima Electrometalurgia SA, Belo Horizonte,	34,6 %	8649
— Eletroila SA, Belo Horizonte,	29,8 %	8650
— Companhia Ferroligas Minas Gerais (Minasligas), Contagem,	26,4 %	8651

— Camargo Correa Metals SA, São Paulo,	20,4 %	8652
— Companhia Brasileira Carboreto de Cálcio (CBCC), Rio de Janeiro,	18,3 %	8563.

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

Article 2

The amounts secured by way of the provisional anti-dumping duty imposed by Regulation (EEC) No 906/92 shall be definitively collected at the rate definitively imposed.

Sums secured in excess of the definitive rate of duty shall be released.

Article 3

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, 4 August 1992.

For the Council

The President

N. LAMONT

COUNCIL REGULATION (EEC) No 2306/92

of 4 August 1992

imposing a definitive anti-dumping duty on imports of radio-broadcast receivers of a kind used in motor vehicles, originating in the Republic of Korea

THE COUNCIL 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 12 thereof,

Having regard to the proposal from the Commission submitted after consultation within the Advisory Committee as provided for under the abovementioned Regulation,

Whereas :

A. Provisional measures

- (1) The Commission, by Regulation (EEC) No 313/92⁽²⁾ imposed a provisional anti-dumping duty on imports into the Community of radio-broadcast receivers of a kind used in motor vehicles (hereinafter referred to as car radios), originating in the Republic of Korea.

The Council, by Regulation (EEC) No 1483/92⁽³⁾, extended this duty for a period not exceeding two months.

B. Subsequent procedure

- (2) Following the imposition of the provisional anti-dumping duty, a number of the interested parties made submissions to the Commission making known their views on the findings which were taken into account as considered appropriate. Those who so requested were also granted an opportunity to be heard by the Commission.
- (3) Parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of the definitive duties and the definitive collection of amounts secured by way of a provisional duty. They were also granted a period within which to make representations subsequent to the disclosure.

- (4) The oral and written comments submitted by the parties were considered and, where appropriate, the Commission's findings were modified to take account of them.

- (5) Owing to the reasons indicated in recital 8 of Regulation (EEC) No 313/92, the investigation could not be concluded within the time period mentioned in Article 7 (9) (a) of Regulation (EEC) No 2423/88.

C. Product under consideration and like product

- (6) The Commission described in recital 9 of Regulation (EEC) No 313/92 in detail the main characteristics of the product under consideration. Since no party concerned objected to this product description the Council confirms the Commission's definition of the product under consideration.
- (7) In recitals 10 to 13 of Regulation (EEC) No 313/92 the Commission established that, despite the fact that the car radios in question varied in price at end consumer level and in features, they still had the same basic physical and technical characteristics which place them within the same category of the product in question. One importer objected to the provisional determination without, however, introducing any new arguments or evidence which could lead the Commission to come to a different conclusion. The Council notes that even though car radios combine today a variety of additional features and components, the customs legislation of the Community, in conformity with internationally agreed customs rules, provides that a car radio is classified as such as long as these components and features do not change its essential character as a radio. The Council sees no reason to differ from this for anti-dumping purposes and therefore, confirms the Commission's view and considerations, that all car radios produced in the Community and in Korea and sold on the Community market were sufficiently alike to constitute a single range of products and a like product within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88.
- (8) One Korean producer indicated that it had exported during the investigation period 1 May 1989 to 30 April 1990 a significant quantity of parts and sub-assemblies to a subsidiary company

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 2.

⁽²⁾ OJ No L 34, 11. 2. 1992, p. 8.

⁽³⁾ OJ No L 156, 10. 6. 1992, p. 1.

in the Community. The Commission, in verifying the information received, requested and was supplied, after the imposition of the provisional duty, with the details of importation of the product concerned from the customs authorities of the importing Member State. These data and in particular the subsidiary company's import licence and customs declarations showed that these products were assigned to CN code 8527 21 90, covering finished products, in applying the General Rule 2 (a) of the preliminary provisions of the combined nomenclature⁽¹⁾. Despite this and the fact that this CN code was specifically mentioned in the notice of initiation for this proceeding⁽²⁾ the exporter failed to include these quantities in its reply to the Commission's questionnaire where it stated that it sold only some parts to its subsidiary and reiterated this several times during the proceeding. The Commission also considered whether there were any features specific to the models by which they would be distinguished from the product under consideration to an extent that they should properly fall outside the scope of the investigation. No such distinguishing features were apparent and the Commission, therefore, concluded that these imports fall within the scope of the investigation and that information relating to these imports was essential for the Commission to properly carry out the investigation.

The Council hereby confirms these conclusions.

D. Dumping

I. Normal value

- (9) In its provisional findings the Commission determined that the normal value should be constructed on the basis of the manufacturing costs of the car radio models in question plus a reasonable margin for selling, general and administrative expenses (hereinafter referred to as SGA expenses) and profit, since the exporters which sold car radios on the Korean market did not sell any model comparable to the models exported to the Community in sufficiently representative quantities or in the normal course of trade. No exporter objected to these findings and the Commission, therefore established the normal value for its final determination on the same basis. The Council confirms this approach.

- (10) Since no comparable models of car radios were sold on the Korean market in sufficiently representative quantities or in the normal course of trade, the margin for SGA expenses for three exporters, which had made representative domestic sales of other models of the like product, was calculated on the basis of the actual SGA expenses incurred on these sales. Since these expenses did not vary according to the brand of the radios no distinction was made between an exporter's own brand and other brand sales to the Community. For the exporters which had no or insufficient domestic sales the SGA expenses were calculated on the basis of the weighted average expenses incurred by the above-mentioned three exporters on sales of the like product in Korea. No exporter disagreed with these calculations and the Council confirms the Commission's findings.

- (11) The method used by the Commission in its provisional determination of the profit margin as set out in recitals 20 to 22 of the Regulation (EEC) No 313/92, was contested by certain of the exporters concerned. These exporters argued that the use of the margin of profit achieved in the sales to distributors or retailers is excessive and arbitrary due to the small quantities sold to these customers. They insisted that the profit margin should be calculated on the basis of the profit achieved on sales of car radios sold to car manufacturers for in-house use (for installation in cars during the assembly operation), as only these sales followed a similar pattern of trade as their sales to the Community.

- (12) The Commission and the Council reconsidered these arguments. The Council, however, confirms the Commission's determination that sales to car manufacturers for in-house use were made to a different category of customer in terms of distribution function than the export sales, since these domestic customers did not carry out distribution functions or incur distribution costs for these sales. In contrast, the export customers all carried out distribution functions and incurred distribution costs with regard to the exports in question. This difference was also confirmed by an examination of the prices of domestic sales for the exporters concerned which showed that prices to car manufacturers were consistently lower when the product was destined for in-house use than when the product was sold to the car manufacturers for resale via related distribution companies, or when the product was sold by the car radio producers directly to independent distributors or retailers. In addition, the prices charged by the car radio producers for

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 15.

⁽²⁾ OJ No C 114, 8. 5. 1990, p. 4.

the product when destined for resale either by distributors related to the car manufacturers or by distributors or retailers independent of them, were similar.

Several exporters argued that export quantities were larger than those used in the establishment of normal value but no evidence was presented during the investigation to show that a quantity difference had any effect on the profit rates achieved on the Korean market for the product in question. However, given the fact that sales quantities to distributors or retailers were in general relatively low, the Commission, in order to estimate a reasonable profit margin for sales in large quantities to distributors, based itself on the profit achieved on profitable sales to car manufacturers, but adjusted it upwards by an estimated margin of 3,9 %, due to the clear differences in the nature of these customers to those on the export markets. On this basis the weighted average profit calculated was 9,6 %. On the basis of the information available to the Commission concerning the car radio industry in general, this level was considered reasonable.

- (13) The estimate of the differences in profit in selling to the different categories of customers was based on the difference in profit between sales to car manufacturers and sales destined for resale by the purchaser. This difference varied between 3,9 % and 9,8 % but the lowest figure was applied in this case to ensure that the adjustment was not excessive and that the comparison could be made as closely and as reasonably as possible at the same level of trade.

The Council confirms the Commission's considerations and the method used to establish the profit margin.

II. Export price

- (14) No exporter contested the method of calculation of the export price as set out in recitals 23 and 24 of Regulation (EEC) No 313/92 and the Council, therefore, confirms these findings.

III. Comparison

- (15) For the comparison of the normal value with the export price, due allowance was made in respect of differences in terms of delivery, terms of payment, warranties and salaries of sales personnel. These comparisons were made on ex-works level and at the same level of trade (see recitals 12 and 13 above).

- (16) Two exporters disagreed with the method of adjusting for differences in credit terms in the provisional findings. They requested that this adjustment should be calculated on the basis of the average period of credit granted to its domestic customers for accounts and notes receivable and the normal interest applicable in Korea for short-term borrowing.
- (17) This claim was rejected since adjustments for differences in conditions and terms of sale can only be granted to the extent that they affect price comparability. In respect of credit terms the price paid or payable can normally only be affected by a credit period which is agreed at the date of sale (i. e. date of contract or the date of invoice at the latest). Consequently, any costs resulting from an additional period of credit beyond the initially agreed period have to be considered as a general cost for the selling company since this condition was not included in the price at the date of sale and the buyer did not take such an additional period into account when he agreed to the price offered by the seller of the goods. The allowance for differences in credit terms was, therefore, only granted by the Council for the period of credit agreed between the seller and buyer of the goods at the date of sale.

Where no fixed period of credit was included in the conditions and terms of sale the Commission estimated the adjustment for these sales on the basis of 30 days of credit since these kind of sales were similar to consignment sales, where 30 days represent the normal period of credit granted to the buyer.

Since the normal value was established on the basis of cost of production, the adjustment had to be limited to the costs of interest for the exporter for these periods of credit based on the refinancing rate of the company.

The Council confirms this conclusion.

- (18) A number of exporters objected to the fact that the Commission did not accept their claims that the export price should not be reduced by the amounts for insignificant adjustments. The exclusion of insignificant adjustments in accordance with Article 2 (10) (e) of Regulation (EEC) No 2423/88 refers to adjustments mentioned in Article 2 (9) (a) and 2 (10) (a) to (c). These adjustments can only be claimed for 'differences affecting price comparability'. An allowance was consequently only considered to be *deminimis* if the 'difference' between the allowance for the export price and the normal value was less than 0,5 % of the respective price or value and the Council confirms this conclusion.

IV. *Dumping margins*

- (19) Normal value and export prices were compared on a transaction by transaction basis for each exporter which fully cooperated during the investigation. The final examination of the results of this comparison shows the existence of dumping in respect of car radios originating in the Republic of Korea, the margin of dumping being equal to the amount by which the normal value exceeded the price for export to the Community.
- (20) For one exporter which did not submit essential information on export sales to the Community within a reasonable period (see recital 8) and for which information concerning an appropriate normal value for the models could not be verified, the dumping margin was established for the quantities not reported in its reply to the Commission's questionnaire on the basis of the facts available in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88. In these circumstances, the most reasonable facts available were considered to be those established during the investigation and in order to avoid discriminatory treatment, the margin of dumping established for the exporters not cooperating in this proceeding was considered the most appropriate for these sales. For the exports verified during the investigation the dumping margin was established in the manner described in recital 19.
- (21) The dumping margins varied according to the exporter, and the weighted average margin for each exporter, expressed as a percentage of cif value, free-at-Community frontier, was as follows:

— Carmen Electronic Co., Ltd,	3,4 %
— Daesung Precision Co., Ltd,	14,1 %
— Daewoo Electronics Co., Ltd,	4,7 %
— Goldstar Co., Ltd,	3,9 %
— Haitai Electronics Co., Ltd,	0,6 %
— Hyorim Co.,	10,6 %
— Hyundai Electronic Industries Co., Ltd,	10,8 %
— Inkel Corporation Ltd,	11,4 %
— Kolon International Co.,	8,9 %
— Osio Electronics Co., Ltd,	20,1 %
— Samsung Electronics Co., Ltd,	20,8 %
— Se Kyung Co.,	4,7 %
— Sung Moon Trading Co., Ltd,	18,5 %
— Tong-Hae Sil Up Co., Ltd,	8,7 %
— Tong Kook General Electronics Co., Ltd,	14,3 %
— Woojin Electric Co., Ltd,	15,1 %
— Woojin Industrial Co., Ltd,	15,1 %

— Woo Kwang Co., Ltd,	16,7 %
— Yung Tai Electronics Ind. Co., Ltd,	29,3 %

The Council confirms these margins and considers that the dumping margin finally determined for Haitai Electronics Co., Ltd can be regarded as *deminimis* and that there is no justification for taking account of them for the purpose of adopting any protective measures required.

- (22) In the case of the exporters who failed to reply to the Commission's questionnaire or did not make themselves known during the investigation the dumping margin was determined on the basis of the facts available in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88. Since a large number of companies did not cooperate in this proceeding the Commission considered it appropriate to calculate this margin on the basis of the weighted average margin of three car radio models of the exporter with the highest dumping margin which were considered to be representative, so far as the Commission could judge, for car radios exported by non-cooperating exporters. On that basis the dumping amounted to 34,4 %. In this context the Council confirms the Commission's conclusion that assigning a lower dumping margin to these exporters would provide an incentive to avoid the payment of duties, constitute a bonus for non-cooperation and would not give appropriate recognition to those companies which fully cooperated in this proceeding.

E. *Community Industry*

- (23) In recitals 33 and 34 of Regulation (EEC) No 313/92 the Commission came to the conclusion, that the three Community producers which were represented by the Association for Legal Auto-Radio Measures (ALARM) constitute the Community industry within the meaning of Article 4 (5) of Regulation (EEC) No 2423/88. No interested party objected to this and the Council confirms this conclusion.

F. *Injury*

- (24) In its provisional findings, the Commission had concluded that the Community car radio industry had suffered material injury. It based its findings principally on the Korean exporters' extremely rapid increase in volume of exports and market penetration over a period covering 1985 to the end of the investigation period, the important price undercutting practised by the exporters during that investigation period and the price erosion resulting therefrom for the Community industry which suffered significant losses in market share combined with a continuous decrease in profits.

- (25) No new facts concerning these findings were submitted to the Commission after publication of Regulation (EEC) No 313/92. None of the data used by the Commission in its provisional findings was contested by the Korean exporters. However, some contested the evaluation made by the Commission of the evolution of Korean imports of car radios. They submitted that, according to the Commission's preliminary findings, these imports had decreased by at least five percentage points as from 1987 to the investigation period after having increased dramatically from 1985 to 1987. In their view, an essential indicator of injury according to Article 4 (2) of Regulation (EEC) No 2423/88 had therefore not been established.

The Council considers, however, that an increase in import values during the reference period is not an essential indicator of injury but only one of a number of indicators to be taken into consideration. In this context it notes that it was not contested by the Korean exporters that during the five-year period examined by the Commission for assessing the economic trends Korean imports of car radios increased by more than 180 % in volume and 12,0 percentage points in market share despite a slight decline in volume of these imports between 1988 and 1990, which was attributable to circumstances with which the exporters were necessarily faced as explained in recitals 36 and 46 of Regulation (EEC) No 313/92 and which caused difficulties, independently of any reason relating to the Community market, for the Korean exporters to continue to produce and export in still larger quantities during the investigation period.

- (26) With respect to the provisional findings concerning the other factors relevant for the determination of injury as provided for in Article 4 (2) (c) of Regulation (EEC) No 2423/88, no other arguments or facts were presented to the Commission. Consequently, in addition to the confirmation that Korean imports of car radios showed a significant penetration on the Community market, the Commission's findings concerning the undercutting comparison as set out in recital 38 of Regulation (EEC) No 313/92, and the state of Community industry as set out in recitals 39 and 42 of that Regulation, in particular as regards loss of market share combined with the significant erosion of profits suffered by the Community industry, are also confirmed by the Council.
- (27) The Council therefore also confirms the conclusions of the Commission set out in recitals 43 and 44 of Regulation (EEC) No 313/92 that the Community car radio industry suffered material

injury within the meaning of Article 4 (1) of Regulation (EEC) No 2423/88.

G. Causation of injury by dumping

I. Effect of dumped imports

- (28) In recitals 45 to 54 of Regulation (EEC) No 313/92, the Commission concluded that the significant increase of Korean low priced imports coincided with an equally rapid loss of market share by the Community industry, price erosion for the Community's car radio models combined with a heavily deteriorating profit situation for the complainant companies producing car radios in the Community.
- (29) None of the arguments submitted by the exporters rebuts the coincidence in time between the flood of dumped Korean imports during the investigation period and the injurious situation sustained by the Community industry. As already stated in recital 45 of Regulation (EEC) No 313/92, the car radio market is very price sensitive and competitive. Therefore, imports of the product in question in substantial quantities at low and dumped prices had necessarily a depressive effect on the prices, market share and consequently on profitability of the Community industry and inevitably caused injury.

In addition, the effect of the low prices of the dumped products on the profitability of sales of the Community industry prevented it from utilising its production capacity in the Community while demand increased steadily and deprived it of the economies of sale which would have resulted from an increased sales volumes. All these elements show that the imports from Korea, through the effects of dumping, have had a direct and significant impact on the situation of the Community industry.

II. Effect of other factors

- (30) Some Korean exporters supported by the Electronic Industries Association of Korea (EIAK) argued that the impact of the imports originating in People's Republic of China, Malaysia and Singapore was unjustifiably minimized by the Commission given their rising market shares and equally low or even lower prices and these factors were relevant concerning any decrease in sales, market share, production volume, capacity utilisation and employment of the car radio industry in the Community.

(31) In addition, the Korean exporters contested the Commission's position as explained in recital 49 of Regulation (EEC) No 313/92 according to which it is determined that the Community industry could not have contributed to its own injury. They argued that not all Community producers imported car radios from the three third countries in question and that the imports effected by certain Community producers might have caused injury to the other Community produce.

imports in question have had some impact on the level of prices on the Community market, it still remains true that the already mentioned differences with Korean imports allow the conclusion that the injury caused by the dumped imports originating in Korea, considered separately, must still be regarded as material.

(34) The Council hereby confirms all these findings and conclusions.

(32) The Commission considers and the Council confirms that a distinction has to be made between other third country imports brought in by the Community industry and those carried out by other companies. The Commission has already explained in its provision findings (see recital 48 of Regulation (EEC) No 313/92) that the imports effected by the Community industry accounted for approximately 50 % of all imports from the People's Republic of China, Malaysia and Singapore. However, these imports were effected by the Community industry in order to try to maintain its competitiveness in the Community car radio market. An intensified use of production facilities outside the Community by the Community industry is a legitimate and justified reaction of self-defence to the effect on its business operations of the imports of significant quantities of low-priced Korean products. While the commitment of the Community industry to continue producing in the Community was clearly apparent (see recital 57 of Regulation (EEC) No 313/92), its only possibility of avoiding an aggravation of its already deteriorating situation was to further diversify its production sources and to import products manufactured at lower costs as long as fair conditions of competition were not restored in the Community market. These imports replaced partly the sales of car radios which could have been produced and sold profitably in the Community had there not been the pressure from Korean imports for which dumping was found during the investigation period. Thus the real cause of any injury which may have resulted from these imports was the volume and the price levels of the dumped Korean imports. In this context, the Council confirms the Commission findings as stated in recital 49 of Regulation (EEC) No 313/92.

H. Community interest

(35) In its provisional findings, the Commission considered and weighed up the interests of the Community industry as well as those of end users (see recitals 55 to 59 of Regulation (EEC) No 313/92). It concluded that, unless a faire competitive situation is reestablished, the Community industry would have to cease production in the Community within the next few years with effect that its overall competitiveness in the consumer electronic sector would be further weakened owing to the loss in technical know-how in production and research and development in this sector. This development would not in the end be in the consumers' interest since any advantage in being supplied with dumped car radios might later disappear owing to reduced competition when the Community industry had to give up its production. The Commission, therefore, determined that it is, on balance, in the interest of the Community to grant protection to the Community industry against unfair competition from dumped imports.

(36) Following the imposition of the provisional duty no interested party objected to these findings. The Council therefore confirms these findings and concludes that it is in the Community interest to adopt anti-dumping measures to eliminate the injurious effects of the dumped imports. These measures should take the form of anti-dumping duties.

I. Duty

(33) With regard to the market share of the remaining imports from the three countries in question, it has to be noted that these only increased by 5,4 %, from 6,4 % in 1985 to 11,8 % in the investigation period, while that of Korean imports increased by 12 %, from 15,0 % to 27,0 % during the same period. No information concerning the prices of these imports was available. Therefore, even if the

(37) As regards the level of duty to be imposed, the Commission determined that the increase to the export prices of each individual exporter, which would be required to permit the Community industry a reasonable return on sales of the like product should exceed the dumping margins as established. Consequently, the duty should correspond in accordance with Article 13 (3) of Regulation (EEC) No 2423/88 to the individual dumping margins as established in recital 21.

- (38) Equally, in the case of the companies which failed to reply to the Commission's questionnaire or did not make themselves known during the investigation, the duty to be imposed should correspond to the dumping margin established for these producers, i.e. 35,4 %.
- (39) The Council confirms these levels as finally established by the Commission.

J. Collection of provisional duties

- (40) In the view of the importance of the dumping margins found and the seriousness of the injury caused to the Community producers, the Council considers it necessary that the amounts secured by way of provisional anti-dumping duties should be collected, either in full or to a maximum of the duty definitively imposed in those cases where the definitive duty is less than the provisional duty,

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive anti-dumping duty of 34,4 % of the net, free-at-Community frontier price, before duty is hereby imposed on imports of radio-broadcast receivers of a kind used in motor vehicles, falling within CN codes ex 8527 21 10 (Taric code : 8527 21 10 * 10), ex 8527 21 90 (Taric code : 8527 21 90 * 10) and ex 8527 29 00 (Taric code : 8527 29 00 * 10), originating in the Republic of Korea (additional code : 8622).

These duties shall apply to broadcast receivers not capable of operating without an external source of power, of a kind used in motor vehicles, whether or not combined, in the same housing, with sound recording or reproducing apparatus, excluding apparatus capable of receiving also radio-telephony or radio-telegraphy.

2. The rate of anti-dumping duty in respect of the apparatus referred to in paragraph 1 and produced by the following undertakings shall be :

— Carmen Electronic Co., Ltd, Seoul (additional code : 8612)	3,4 %
— Daesung Precision Co., Ltd, Seoul (additional code : 8610)	14,1 %
— Daewoo Electronics Co., Ltd, Seoul (additional code : 8616)	4,7 %
— Goldstar Co., Ltd, Seoul (additional code : 8605)	3,9 %
— Hyorim Co., Seoul	10,6 %

(additional code : 8611)

— Hyundai Electronic Industries Co., Ltd, Kyongju (additional code : 8608)	10,8 %
— Inkel Corporation Ltd, Seoul (additional code : 8607)	11,4 %
— Kolon International Co., Seoul (additional code : 8620)	8,9 %
— Osio Electronics Co., Ltd, Kyongju (additional code : 8619)	20,1 %
— Samsung Electronics Co., Ltd, Seoul (additional code : 8678)	20,8 %
— Se Kyung Co., Bucheon City, Kyongju (additional code : 8615)	4,7 %
— Sung Moon Trading Co., Ltd, Seoul (additional code : 8613)	18,5 %
— Tong-Hae Sil Up Co., Ltd, Seoul (additional code : 8614)	8,7 %
— Tong Kook General Electronics Co., Ltd, Seoul (additional code : 8606)	14,3 %
— Woojin Electric Co., Ltd, Seoul (additional code : 8609)	15,1 %
— Woojin Industrial Co., Ltd, Seoul (additional code : 8609)	15,1 %
— Woo Kwang Co., Ltd, Kyungsangbuch-Dou (additional code : 8618)	16,7 %
— Yung Tai Electronics Ind. Co., Ltd, Seoul (additional code : 8617)	29,3 %

of the net, free-at-Community frontier price, before duty.

3. The duties shall not apply to imports of the products specified in paragraph 1, manufactured by Haitai Electronics Co., Ltd, Inchon, (additional code : 8621).

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

Article 2

The amounts secured by way of provisional anti-dumping duty imposed by Regulation (EEC) No 313/92 shall be definitively collected at the rates of provisional duty applicable in the case of Kolon International Co., Seoul and at the rates of duty definitively imposed in all other cases.

Article 3

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, 4 August 1992.

For the Council

The President

N. LAMONT

COMMISSION REGULATION (EEC) No 2307/92

of 6 August 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 import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1820/92 ⁽⁵⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 5 August 1992;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1820/92 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 7 August 1992.

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

Done at Brussels, 6 August 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 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 185, 4. 7. 1992, p. 1.

ANNEX

to the Commission Regulation of 6 August 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy (°)
0709 90 60	150,14 (°) (°)
0712 90 19	150,14 (°) (°)
1001 10 10	161,09 (°) (°) (°)
1001 10 90	161,09 (°) (°) (°)
1001 90 91	147,20
1001 90 99	147,20 (°)
1002 00 00	153,99 (°)
1003 00 10	126,07
1003 00 90	126,07 (°)
1004 00 10	109,13
1004 00 90	109,13
1005 10 90	150,14 (°) (°)
1005 90 00	150,14 (°) (°)
1007 00 90	153,23 (°)
1008 10 00	52,35 (°)
1008 20 00	102,90 (°)
1008 30 00	50,53 (°)
1008 90 10	(°)
1008 90 90	50,53
1101 00 00	219,04 (°) (°)
1102 10 00	228,55 (°)
1103 11 10	262,59 (°) (°)
1103 11 90	236,40 (°)

(°) 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 2308/92

of 6 August 1992

fixing the premiums to be added to the import levies on cereals, flour and malt

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 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 premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1821/92 ⁽⁵⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 5 August 1992;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 August 1992.

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

Done at Brussels, 6 August 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 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 185, 4. 7. 1992, p. 4.

ANNEX

to the Commission Regulation of 6 August 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 8	1st period 9	2nd period 10	3rd period 11
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 2309/92

of 6 August 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2046/92⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 1900/92⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 1901/92⁽⁶⁾, and in particular Article 5 thereof,

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

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 1902/92⁽¹⁰⁾, and in particular Article 10 (2) thereof,

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

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

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

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

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

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 3 and 4 August 1992 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

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

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 1.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 192, 11. 7. 1992, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 192, 11. 7. 1992, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 192, 11. 7. 1992, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

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

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

⁽¹⁴⁾ OJ No L 263, 19. 9. 1991, p. 1.

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 7 August 1992.

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

Done at Brussels, 6 August 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil ⁽¹⁾

(ECU/100 kg)	
CN code	Non-member countries
1509 10 10	76,00 ⁽²⁾
1509 10 90	76,00 ⁽²⁾
1509 90 00	88,00 ⁽²⁾
1510 00 10	77,00 ⁽²⁾
1510 00 90	122,00 ⁽³⁾

⁽¹⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC. However, an amount equal to the amount fixed by Regulation (EEC) No 3148/91 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

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

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

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

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

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

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products ⁽¹⁾

(ECU/100 kg)	
CN code	Non-member countries
0709 90 39	16,72
0711 20 90	16,72
1522 00 31	38,00
1522 00 39	60,80
2306 90 19	6,16

⁽¹⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC. However, an amount equal to the amount fixed by Regulation (EEC) No 3148/91 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

COMMISSION REGULATION (EEC) No 2310/92

of 31 July 1992

amending Regulation (EEC) No 3472/85 on the buying-in and storage of olive oil
by intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 2046/92⁽²⁾, and in particular Article 12 (4) thereof,Whereas Regulation No 136/66/EEC as amended permits access to Community intervention to producers' organizations and associations thereof recognized under Regulation No 136/66/EEC; whereas, therefore, Article 2 of Commission Regulation (EEC) No 3472/85⁽³⁾ should be amended;

Whereas modification of the measures in question should take effect from the date of application of Regulation No 136/66/EEC;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

1. The olive oil originating in the Community referred to in Article 1 may be offered to the intervention agency by:

- any natural or legal person proving he is the first owner of the oil produced, and
- producers' organizations and associations thereof recognized under Regulation No 136/66/EEC acting on behalf of the measures of those organizations.

The offer shall only be accepted when the party concerned proves that the oil in question has been produced in the Community.

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

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

Done at Brussels, 31 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 215, 30. 7. 1992, p. 1.⁽³⁾ OJ No L 333, 11. 12. 1985, p. 5.

COMMISSION REGULATION (EEC) No 2311/92**of 31 July 1992****laying down detailed rules for the application of specific measures adopted in respect of fruit, vegetables, plants and flowers for the benefit of the Azores and Madeira**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products ⁽¹⁾, and in particular Articles 11 (5), 12 (5) and 13 (2) 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 12 thereof,

Whereas Regulation (EEC) No 1600/92 introduces an aid scheme for the implementation of programmes of initiatives for the benefit of the Azores and Madeira in respect of fruit, vegetables, plants and flowers and tea ; whereas detailed rules should be adopted for the application of this scheme ; whereas the detailed rules involve the specification of the works which may be included in the programmes of initiatives, the definition of the measures to be adopted as part of the technical assistance to producer groups, the procedure for accepting the programmes of initiatives and their monitoring and implementation ;

Whereas the detailed rules relating to the undertaking of the economic analysis and forward study of the fruit and vegetable processing industry in the Azores and Madeira should be adopted ;

Whereas, as regards aid measures for marketing, it is necessary to define the concept of an annual contract, to specify the basis of assessment to be adopted for the calculation of the aid and to adopt the detailed rules on apportionment of aid where the quantity of 3 000 tonnes for each product and for each of two regions as laid down in Article 12 (1) of Regulation (EEC) No 1600/92 is exceeded ;

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

Article 1

This Regulation lays down detailed rules for the grant of Community aid for programmes of initiatives and for the grant of aid for marketing under annual contracts, as provided for in Articles 11 and 12 of Council Regulation (EEC) No 1600/92.

It also lays down general rules relating to the economic study on the processed fruit and vegetable industry.

TITLE I

Aid for programmes of initiatives*Article 2*

The programmes of initiatives for the development of production and/or the improvement of the quality of the fresh products referred to in Article 11 of Regulation (EEC) No 1600/92 relate to one or more of the following measures :

- developing production, in particular by new plantings or new crops,
- varietal improvements to improve productivity and to bring about adjustments to environmental conditions and market demand ;
- the adoption of cultivation techniques suited to the climatic and physical conditions in the region,
- the planting and cultivation of experimental crops in conjunction with research centres.

Article 3

The increase in aid provided for in Article 11 (3) of Regulation (EEC) No 1600/92 shall be paid where programmes of initiatives :

- are submitted by a producer group or organization recognized under Council Regulations (EEC) Nos 1360/78 ⁽⁴⁾ and (EEC) No 1035/72 ⁽⁵⁾ respectively, and

⁽¹⁾ OJ No L 173, 27. 6. 1992, 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 166, 23. 6. 1978, p. 1.

⁽⁵⁾ OJ No L 118, 20. 5. 1972, p. 1.

— are drawn up and implemented with the assistance, or under the supervision, of technical specialists in the crops in question who are not members of the above-mentioned groups or organizations. Assistance shall cover in particular one or more of the following objectives :

- conversion of production,
- selection of the most appropriate varieties,
- cultivation techniques suitable for local crops and conditions.

Article 4

1. Proposals for programmes of initiatives shall be submitted each year to the services designated by the competent authorities, before a date to be set by the latter. They shall be submitted in accordance with Annex I hereto and shall be accompanied by all appropriate information requested.

2. The competent services shall ensure that :

- the programme of initiatives complies with the objectives of Regulation (EEC) No 1600/92 and with the provisions of this Regulation,
- the proposed programme displays economic coherence and technical quality and that the estimates and the financing plan, as well as the programming of its implementation, are all justified,
- the information given in the draft programme is correct.

The services shall carry out all appropriate checks, including on-site inspections where necessary.

3. The competent services shall decide to accept or reject the programmes within three months of the end of the period laid down for the submission of proposals. They may make approval conditional upon amendment of the proposal so that it conforms to Community rules and regulations. The decision may be made later than the above deadline where an additional appraisal is made by the authorities or where amendments are requested by them.

4. Each year, and at least 30 days before the end of the period specified in paragraph 3, the competent services shall send the Commission a summary sheet for each programme likely to be approved, in accordance with the outline given in Annex I. The Commission may ask for further information and make observations before the end of the period laid down for the approval or rejection of the programmes of initiatives.

5. The programme may be amended during implementation where such amendments can be justified for technical reasons, but amendments must not, however, be

intended to extend the implementation phase originally provided for. The competent services shall take all appropriate measures to approve or reject the said amendments.

The approval or rejection procedure as laid down in paragraphs 3 and 4 shall be followed.

6. While the programme of initiatives is being implemented, the competent services shall verify on a regular basis the progress made in programme implementation, the conformity of the measures on a technical and financial level and the veracity of the supporting documents submitted. At least one on-the-spot check shall be carried out on each programme of initiatives during its implementation.

7. Each year the producers, producer groups or producers' organizations shall submit applications for assistance before a date stipulated by the competent services.

Article 5

Each year, and before 31 October at the latest, the competent services shall send the Commission a report summarizing the progress made in implementing the approved programmes and the results of the checks carried out and shall also provide the Commission with all appropriate information where difficulties of implementation arise which are liable to affect adversely the successful fulfilment of the commitments entered into by the operators for the purposes of Article 11 of Regulation (EEC) No 1600/92.

Article 6

Measures already in receipt of financial assistance or which are the subject of a request for assistance from the existing structural Funds shall not be eligible under this Regulation.

TITLE II

Study on the processed fruit and vegetable industry

Article 7

1. The competent authorities shall be responsible for awarding the study by means of an invitation to tender.

2. The draft invitation to tender, including the contract conditions, shall be sent to the Commission by the competent services. The Commission shall comment on the draft, where appropriate, within one month of its receipt.

3. The competent services shall forward the final study to the Commission. The latter shall make its comments known, where appropriate, within 45 days following receipt of the study.

4. Payment of the Community contribution shall be conditional upon :

- compliance with the provisions of Article 13 of Regulation (EEC) No 1600/92, the contract specifications and the comments made,
- payment of the contribution from Portugal.

TITLE III

Aid for marketing under annual contracts

Article 8

1. For the purposes of Article 12 of Regulation (EEC) No 1600/92, 'annual contract' shall mean a contract by which an operator, either a natural or legal person established elsewhere in the Community, undertakes, before the beginning of the marketing period for the product or products in question, to purchase all or part of the production of a single producer, producers' association or union in the Azores and Madeira, with a view to marketing it outside the area of production.

2. Operators who intend to submit an application for aid shall send the annual contract to the competent Portuguese services before the start of the marketing period for the product or products in question.

The contract shall at the very least include the following information :

- (a) the business names of the contracting parties and their place of establishment ;
- (b) the description of the products ;
- (c) the quantities concerned ;
- (d) the duration of the commitment ;
- (e) the marketing schedule ;
- (f) the packaging and presentation method and the information relating to transport (conditions and costs) ;
- (g) the exact delivery stage.

3. The competent services shall assess the contracts for conformity with the provisions of Article 12 of Regulation (EEC) No 1600/92 and with this Regulation.

They shall verify that the contracts contain all the information specified in paragraph 2 above.

They shall remind operators of the possibility of the application of paragraph 6.

4. For the purpose of calculating the aid, the value of marketed production, delivered to the destination zone shall be evaluated in ecus on the basis of the annual contract, the relevant transport documents and any other

supporting documents submitted to justify the application for payment.

The value of the marketed production to be taken into account shall be equivalent to that of a delivery to the first port or airport of unloading.

The competent services may request any information or additional supporting documentation appropriate for calculating the aid.

5. Applications for aid shall be submitted by the buyer who has undertaken to market the product in the month following the end of the marketing period.

Where the management of the aid scheme so requires, the competent services may specify marketing periods or years for each product.

6. Where, for a given product and for one or both regions, the quantities for which aid is requested exceed the volume of 3 000 tonnes laid down in Article 12 (1) of Regulation (EEC) No 1600/92, the aid shall be awarded to the applicant buyers in proportion to the quantities actually marketed under the annual contracts.

7. The increase in aid provided for in Article 12 (4) of Regulation (EEC) No 1600/92 shall be paid on presentation of the commitments entered into by the partners to pool, for a period of not less than three years, the knowledge and know-how required to achieve the objective of the joint venture. These commitments shall include a clause prohibiting cancellation of the contract before the end of the aforementioned three-year period. This period may not begin before 1 July 1992.

Where the aforementioned commitments are broken, the buyer may not submit an application for aid for the marketing year concerned.

TITLE IV

General provisions and financing

Article 9

1. Applications for Community aid for the programmes of initiatives and for marketing shall be submitted, in accordance with Annexes II and III, to the competent Portuguese services.

The applications shall be accompanied by invoices and all other supporting documents relating to the measures undertaken.

In the case of programmes of aid for programmes of initiatives, the invoices or supporting documents shall contain a reference to that part of the programme area to which the work instalments refer.

2. The competent services, having verified the applications for aid and the relative supporting documents, shall pay out, in the two months following the filing of the relevant application for aid, the contribution of the Member State and the Community contribution determined in accordance with Articles 11 and 12 of Regulation (EEC) No 1600/92. The contribution of the Member State concerned may not be paid out later than the Community contribution.

Article 10

1. The rate to be applied for converting the aid per hectare for the programmes of initiatives into national currency each year shall be the agricultural conversion rate in force on 1 January of the current year of implementation of the programme.

2. In the case of the payment for the study on the processed fruit and vegetable industry referred to in Article 7, the conversion rate to be applied shall be the representative market rate referred to in Article 3a of Commission Regulation (EEC) No 3152/85⁽¹⁾ valid on the day the invitation to tender for the study is opened.

3. The rate to be applied for the calculation and payment of the marketing aid shall be the representative market rate referred to in Article 3a of Regulation (EEC) No 3152/85 applicable on the first day on which the products are taken over by the buyer.

Amounts expressed in the national currency of a third country shall be converted into the national currency of a Member State using the conversion rate to be applied for

determining the customs value in force on the date referred to in the first subparagraph.

Article 11

1. Where aid has been paid out in error, the competent services shall recover the sums paid out, with interest applicable from the date on which the aid was paid out to the date on which it was actually recovered. The rate of interest to be applied shall be that in force for similar recovery operations under national law.

2. The aid recovered and, where appropriate, the interest shall be paid to the disbursing organisations or services and deducted by them from the expenditure financed by the European Agricultural Guidance and Guarantee Fund in proportion to the Community contribution.

Article 12

The competent authorities shall send the Commission, within three months of the entry into force of this Regulation, the additional detailed rules adopted for the application of Articles 11, 12 and 13 of Regulation (EEC) No 1600/92.

TITLE V

Final provisions

Article 13

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, 31 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 310, 21. 11. 1985, p. 1.

*ANNEX I***DESCRIPTION OF THE PROGRAMME OF INITIATIVES**

- A. Demarcation of the geographical area involved and precise geographical identification of the parcels covered by the programme.**
- B. Description of the position at the start of the programme as regards :**
1. *Production :*
 - Number of holdings, cultivated area, yield per hectare, volume of production harvested. This information must be broken down by product.
 - Technical infrastructure of the holdings.
 2. *Technical assistance*
- C. Production potential — aims and prospective outlets**
- D. Programme aims in regard to :**
1. *The means of production :*
 - development of production, in particular by new plantings or new crops,
 - varietal improvements to increase productivity and to adjust to environmental conditions,
 - adoption of cultivation techniques adapted to the climatic and physical conditions of the region,
 - planting and cultivation of experimental crops in conjunction with research centres.
 2. *Technical assistance* linked to production (conversion of production and cultivation techniques)
- E. Investments required**
1. Total cost of the plan, broken down by measure proposed.
 2. Anticipated cost broken down by year of implementation.
- F. Expected time limit for completion and annual phasing of implementation (over a minimum period of three years).**
-

ANNEX II

APPLICATION FOR AID UNDER ARTICLE 4
(programme of initiatives)

Business name of the producer or producers' organization :

Address for administrative purposes :
(street, number, locality, telephone and telex numbers) :
.....

Bank and account number to which the aid is to be paid :

Total area of the holding :

Reference year of the works, from :
to :

List of the works carried out during the reference year

Type of measure and supporting documents attached	Amount (national currency)
A. New crops or plantings	
1. Invoice No dated	
2.	
3.	
B. Varietal improvements	
1. Invoice No dated	
2.	
3.	
C. Adoption of farming techniques appropriate to the region	
1. Invoice No dated	
2.	
3.	
D. Planting and cultivation of experimental crops	
1. Invoice No dated	
2.	
3.	
Total	

To be completed by the Member State					
	National currency	Number of ha	Unit cost per ha (national currency)	Conversion rate	Unit cost per ha (ECU)
1. Total expenditure					
— Year one :					
— Year two :					
— Year three :					
Total :					
2. Producers' contribution					
— Year one :					
— Year two :					
— Year three :					
Total :					
3. Member State's contribution					
— Year one :					
— Year two :					
— Year three :					
Total :					
4. Total contributions Producers and Member State :					
5. Community contributions					
— Year one :					
— Year two :					
Total :					
6. Maximum amount EC contributions :					500 cf 4
7. Definitive Community contri- bution :					

Increase in aid per hectare	Amount (national currency)
Provision of technical assistance for supervision and crop management	
1. Invoice No dated	
2.	
3.	
Hectares involved : (minimum 2 ha)	
Annual amount to be paid ECU 100/ha × conversion rate	

ANNEX III

APPLICATION FOR AID UNDER ARTICLE 8
(marketing measures)

— Product :
— Marketing year : from to
— Business name of producer or producers' organization :
.....
Address for administrative purposes :
(Street, number, locality, telephone and telex numbers) :
.....
— Business name of the natural or legal person established elsewhere in the Community :
.....
Address for administrative purposes :
.....
Bank and account number to which the aid is to be paid :
— Legal relationship between the two operators (annual contract, association contract)
.....

To be completed by the Member State (for each product and marketing year)

Application received on :	Amount (in national currency)
A. ELIGIBLE EXPENDITURE	
1. Quantities marketed :	
2. Value of the production marketed, delivered to destination zone :	
3. Expenditure to be taken into consideration : following calculation of the value indicated at point 2 above, on the basis of supporting documents :	
4. Reduction coefficient { $\frac{3\,000\text{ tonnes}}{\text{(quantity actually marketed)}}$ } :	
5. Eligible expenditure (4 × 3) :	
6. Percentage rate of aid (10 % or 13 %) :	
7. Amount payable (5 × 6) :	

COMMISSION REGULATION (EEC) No 2312/92

of 31 July 1992

laying down detailed rules for implementing the specific measures for supplying
the French overseas departments with live bovine animals

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 4 (5) and 9 thereof,

Whereas, for the purposes of Articles 4 and 7 of Council
Regulation (EEC) No 3763/91, the number of pure-bred
breeding animals originating in the Community eligible
for aid with a view to developing the potential for produc-
tion in the French overseas departments (FOD) and the
number of male animals eligible for exemption from
duties on direct imports from third countries or for aid
for deliveries originating in the rest of the Community for
the beef-veal sector and for the 1992/93 marketing year
should be determined;

Whereas the amount of the aid referred to above for the
supply to the FOD of male animals and of breeding
animals originating in the rest of the Community should
be laid down; whereas, in the case of male animals, this
aid should be fixed so that the conditions of supply for
deliveries within the Community may be equivalent to
those for deliveries from the world market; whereas, in
the case of pure-bred breeding animals, this aid is to be
laid down with regard to the criteria in Article 4 (3) of
Regulation (EEC) No 3763/91;

Whereas the common detailed rules for implementation
of the specific measures for the supply of certain agricul-
tural products to the FOD were laid down by Commis-
sion Regulation (EEC) No 131/92⁽²⁾, as amended by
Regulation (EEC) No 2132/92⁽³⁾; whereas supplementary
implementing rules geared to current commercial prac-
tices in the beef and veal sector, in particular regarding
the period of validity of import licences and aid certificates
and the amount of the securities to ensure that operators
comply with their obligations, should be laid down;

Whereas eligibility for the specific measures for supply
for fattening in the FOD assumes that the animals in
question are fattened and consumed on the spot; whereas
appropriate securities and checks should be instituted to
ensure compliance with these conditions;

Whereas, for the purposes of the sound administrative
management of the supply arrangements, a time limit for
submitting applications for licences and certificates and a
period of reflection before they are issued should be laid
down;

Whereas Article 8 of Regulation (EEC) No 131/92
provides for transitional supply arrangements to apply
until 30 June 1992; whereas this Regulation should apply
from 1 July 1992;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of Article 7 of Regulation (EEC)
No 3763/91, the number of live male bovine animals
intended for fattening and consumption in the FOD
eligible for exemption from customs duties and import
levies or for Community aid shall be as laid down in
Annex I.

Article 2

1. Eligibility for exemption from import duties shall be
subject to:

- (a) a written declaration by the importer at the time of
importation that the bovine animals are intended for
fattening in the FOD for a period of 60 days from the
day on which they are entered for free circulation and
for subsequent consumption there;
- (b) provision by the importer of a security for an amount
equivalent to the total of the customs duty and levy
applicable on the day of importation;
- (c) a written undertaking by the importer provided at the
time of importation to inform the competent French
authorities within one month of the date of importa-
tion of the holding or holdings where the bovine
animals are to be fattened.

2. The applicant shall have the choice of providing the
security in cash or in the form of a guarantee by an insti-
tution meeting the criteria laid down by France.

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 15, 22. 1. 1992, p. 13.

⁽³⁾ OJ No L 213, 29. 7. 1992, p. 25.

3. Except in cases of *force majeure*, the security shall not be released unless, within a period of 12 months, proof is provided to the French authorities that the bovine animals :

- (a) has been fattened on the holding or holdings notified in accordance with paragraph 1 (c);
- (b) has not been slaughtered before the end of the period laid down in paragraph 1 (a), or
- (c) has been slaughtered before the end of that period for veterinary reasons or died as the result of sickness or accident.

The security shall be released immediately proof is supplied.

However,

- where the 12-month period is not respected, the security released shall be reduced by 15 %,
- where the 12-month period is exceeded by more than six months, the whole of the security shall be forfeit.

Amounts not released shall be applied to the payment of customs duties and levy respectively.

4. For the purposes of this Regulation, the point or day of importation shall be the day the entry for free circulation was accepted.

Article 3

1. Eligibility for Community aid shall be subject to :

- (a) a written declaration by the applicant at the time of their arrival in the FOD that the bovine animals are intended for fattening there for a period of 60 days from the date of their arrival and for consumption there ;
- (b) a written undertaking by the applicant provided at the time of arrival of the bovine animals that he will inform the competent French authorities within one month of their arrival of the holding or holdings where they are to be fattened.

2. Except in cases of *force majeure*, the aid shall be paid only if the application referred to in Article 3 (1) of Regulation (EEC) No 131/92 is accompanied by proof that the bovine animal :

- (a) has been fattened on the holding or holdings notified in accordance with paragraph 1 (b);
- (b) has not been slaughtered before the end of the period laid down in paragraph 1 (a), or

- (c) has been slaughtered before the end of that period for veterinary reasons or died as the results of sickness or accident.

Notwithstanding Article 3 (1) of Regulation (EEC) No 131/92, if the application for aid and the proof referred to above are submitted during the six months following the 12-month period, the aid paid shall be 85 % of the aid applicable.

3. For the purposes of this Regulation, the time or day of arrival shall be the actual day of arrival in the FOD.

Article 4

1. Every animal imported or delivered under the arrangements referred to in Article 1 shall be identified by :

- an indelible tattoo, or
- an official or officially approved ear tag attached to at least one of the animal's ears.

2. The tattoo or tag shall be designed so as to permit, through registration when the animal is entered for free circulation or arrives, as appropriate, determination of the date of entry for free circulation or arrival and of the identity of the importer or applicant for aid.

Article 5

The amounts of Community aid are laid down in Annex II.

Article 6

The aid referred to in Article 7 of Regulation (EEC) No 3763/91 for the supply to the FOD of pure-bred breeding animals originating in the Community and the number of animals eligible are laid down in Annex III.

Article 7

1. France shall designate the competent authority for :

- (a) the issue of import licences ;
- (b) the issue of the aid certificate provided for in Article 3 (1) of Regulation (EEC) No 131/92 ;
- (c) the payment of the aid to the operators concerned.

2. France shall take the measures required to ensure compliance with the obligations referred to in Articles 2 (1) and 3 (1).

Article 8

Regulation (EEC) No 131/92 shall apply.

Article 9

1. Applications for licences and certificates shall be submitted to the competent authority during the first five working days of every month. An application shall be valid only if:

- (a) it does not exceed the maximum quantity available published by France;
- (b) before the expiry of the period laid down for the submission of applications, proof has been provided that the party concerned has lodged a security of 30 ECU per head.

2. Licences and certificates shall be issued on the 10th working day of every month.

Article 10

- 1. Import licences shall expire on the last day of the month following that of their issue.
- 2. Aid certificates shall expire on the last day of the second month following that of their issue.

Article 11

The aid provided for in Articles 5 and 6 shall be paid in respect of the quantities actually supplied.

Article 12

The amounts of the aid referred to in Articles 5 and 6 shall be adjusted when market conditions so require.

Article 13

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

It shall apply from 1 July 1992.

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

Done at Brussels, 31 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

*ANNEX I***Part 1**

Supply balance for Réunion for male bovine animals for fattening for the period from 1 July 1992 to 30 June 1993.

CN code	Description	Number of animals
ex 0102 90	Bovine animals for fattening	1 300

Part 2

Supply balance for Guyana for male bovine animals for fattening for the period from 1 July 1992 to 30 June 1993.

CN code	Description	Number of animals
ex 0102 90	Bovine animals for fattening	1 100

ANNEX II

Aid for the animals referred to in Annex I and coming from the Community market.

<i>(ECU per head)</i>	
Product code	Amount
ex 0102 90 10	200
0102 90 35	300
0102 90 37	300

*ANNEX III***Part 1**

Supply to Réunion of pure-bred breeding bovines originating in the Community for the period from 1 July 1992 to 30 June 1993.

CN code	Description	Number of animals to be supplied	Aid (ECU/head)
0102 10 00	Pure-bred breeding bovines ⁽¹⁾	180	1 000

Part 2

Supply to Guyana of pure-bred breeding bovines originating in the Community for the period from 1 July 1992 to 30 June 1993.

CN code	Description	Number of animals to be supplied	Aid (ECU/head)
0102 10 00	Pure-bred breeding bovines ⁽¹⁾	340	1 000

Part 3

Supply to Martinique of pure-bred breeding bovines originating in the Community for the period from 1 July 1992 to 30 June 1993.

CN code	Description	Number of animals to be supplied	Aid (ECU/head)
0102 10 00	Pure-bred breeding bovines ⁽¹⁾	40	1 000

Part 4

Supply to Guadeloupe of pure-bred breeding bovines originating in the Community for the period from 1 July 1992 to 30 June 1993.

CN code	Description	Number of animals to be supplied	Aid (ECU/head)
0102 10 00	Pure-bred breeding bovines ⁽¹⁾	40	1 000

⁽¹⁾ Entry under this subheading is subject to the conditions laid down in the relevant Community provisions.

COMMISSION REGULATION (EEC) No 2313/92

of 6 August 1992

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of boneless beef held by certain intervention agencies and intended for export, amending Regulation (EEC) No 569/88 and repealing Regulation (EEC) No 1534/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 2066/92 ⁽²⁾, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies ⁽³⁾, as amended by Regulation (EEC) No 1809/87 ⁽⁴⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas Commission Regulation (EEC) No 2824/85 of 9 October 1985 laying down detailed rules for the sale of frozen boned beef from intervention stocks for export, either in the same state or after cutting and/or repackaging ⁽⁵⁾ has provided for repackaging under certain conditions;

Whereas certain intervention agencies hold large stocks of boneless intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas, as there are outlets in certain third countries for the products concerned, part of that meat should be put up for sale in accordance with Regulations (EEC) No 2539/84 and (EEC) No 2824/85;

Whereas it is necessary to lay down a time limit for export of the said meat; whereas this time limit should be fixed by taking into account Article 5 (b) of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector ⁽⁶⁾, as last amended by Regulation (EEC) No 815/91 ⁽⁷⁾;

Whereas, in order to ensure that beef sold is exported, lodging of security, as specified in Article 5 (2) (a) of Regulation (EEC) No 2539/84, should be required;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 569/88 ⁽⁸⁾, as last amended by Regulation (EEC) No 1557/92 ⁽⁹⁾; whereas the Annex to the said Regulation should be modified;

Whereas Commission Regulation (EEC) No 1354/92 ⁽¹⁰⁾ should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A sale shall be organized of approximately:

- 5 000 tonnes of boneless beef held by the Irish intervention agency and bought in before 1 May 1992,
- 2 500 tonnes of boneless beef held by the intervention agency of the United Kingdom and bought in between 15 June 1990 and 1 May 1992,
- 1 000 tonnes of boneless beef held by the Danish intervention agency and bought in before 1 April 1992,
- 3 000 tonnes of boneless beef held by the French intervention agency and bought in before 1 May 1992.

2. This meat shall be for export.

3. Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulations (EEC) No 2539/84 and (EEC) No 2824/85.

The provisions of Commission Regulation (EEC) No 985/81 ⁽¹¹⁾ shall not apply to this sale.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 49.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 268, 10. 10. 1985, p. 14.

⁽⁶⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁷⁾ OJ No L 83, 3. 4. 1991, p. 6.

⁽⁸⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁹⁾ OJ No L 164, 18. 6. 1992, p. 22.

⁽¹⁰⁾ OJ No L 145, 27. 5. 1992, p. 53.

⁽¹¹⁾ OJ No L 99, 10. 4. 1981, p. 38.

4. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

5. Only those tenders shall be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 13 August 1992.

6. Particulars of the quantities and the places where the products are stored shall be available to interested parties at the addresses given in Annex II.

Article 2

The products referred to in Article 1 must be exported within five months from the date of conclusion of the contract of sale.

Article 3

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 30 per 100 kilograms.

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be ECU 450 per 100 kilograms of boneless beef referred to under (a) in Annex I.

Article 4

1. In the removal order referred to in Article 3 of Regulation (EEC) No 569/88, the export declaration, and, where appropriate, the T5 control copy shall be entered :

Carne de intervención [Reglamento (CEE) n° 2313/92];
Interventionskød (Forordning (EØF) nr. 2313/92);
Interventionsfleisch [Verordnung (EWG) Nr. 2313/92];
Κρέας παρεμβάσεως [κανονισμός (ΕΟΚ) αριθ. 2313/92];

Intervention meat [Regulation (EEC) No 2313/92];
Viande d'intervention [Règlement (CEE) n° 2313/92];
Carni d'intervento [Regolamento (CEE) n. 2313/92];
Vlees uit interventievoorraden [Verordening (EEG) nr. 2313/92];
Carne de intervenção [Regulamento (CEE) n° 2313/92].

2. With regard to the security provided for in Article 3 (2), compliance with the provisions of paragraph 1 shall constitute a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 ⁽¹⁾.

Article 5

In part I of the Annex to Regulation (EEC) No 569/88, 'Products to be exported in the same state as that in which they were when removed from intervention stock', the following item 130 and footnote are added :

'130. Commission Regulation No 2313/92 of 6 August 1992 on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of boneless beef held by certain intervention agencies and intended for export ⁽¹³⁰⁾.

⁽¹³⁰⁾ OJ No L 222, 7. 8. 1992, p. 37.'

Article 6

Regulation (EEC) No 1354/92 is hereby repealed.

Article 7

This Regulation shall enter into force on 13 August 1992.

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

Done at Brussels, 6 August 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

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

Precio mínimo expresado en ecus por tonelada⁽¹⁾ — Mindstepriser i ECU/ton⁽¹⁾ — Mindestpreise, ausgedrückt in ECU/Tonne⁽¹⁾ — Ελάχιστες τιμές πωλήσεως εκφραζόμενες σε Ecu ανά τόνο⁽¹⁾ — Minimum prices expressed in ECU per tonne⁽¹⁾ — Prix minimaux exprimés en écus par tonne⁽¹⁾ — Prezzi minimi espressi in ecu per tonnellata⁽¹⁾ — Minimumprijzen uitgedrukt in ecu per ton⁽¹⁾ — Preço mínimo expresso em ecus por tonelada⁽¹⁾

1. IRELAND

a) Filets	6 850
Striploins	3 150
Insides	2 450
Outsides	2 400
Knuckles	2 400
Rumps	2 250
Cube-rolls	4 100

2. UNITED KINGDOM

a) Filets	6 750
Striploins	3 050
Topsides	2 350
Silversides	2 300
Thick flanks	2 200
Rumps	2 200

3. DANMARK

a) Mørbrad med bimørbrad	6 850
Filet med entrecôte og tyndsteg	3 150
Inderlår med kappe	2 450
Tykstegsfilet med kappe	2 400
Klump med kappe	2 400
Yderlår med lårtunge	2 400

4. FRANCE

a) Filet	6 850
Faux filet	3 150
Tende de tranche	2 450
Tranche grasse	2 400
Rumsteak	2 250
Gîte à la roix	2 400
Entrecôte	2 250

⁽¹⁾ Estos precios se entenderán netos con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) n° 2173/79.

⁽¹⁾ Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

⁽¹⁾ Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

⁽¹⁾ Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

⁽¹⁾ These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

⁽¹⁾ Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.

⁽¹⁾ Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.

⁽¹⁾ Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

⁽¹⁾ Estes preços aplicam-se a peso líquido, conforme o disposto no n° 1 do artigo 17º do Regulamento (CEE) n° 2173/79.

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

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção**

- IRELAND :** Department of Agriculture and Food
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11 ext. 2278 and 3806, telefax (01) 61 62 63, (01) 78 52 14 and
(01) 66 20 198
Telex 93 292 and 93 607
- UNITED KINGDOM :** Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berkshire
Tel. (0734) 58 36 26
Telex 848 302, telefax (0734) 56 67 50
- DANMARK :** EF-Direktoratet
Frederiksborggade 18
DK-1360 København K
(tlf. 33 92 70 00, telex 151 37 EFDIR DK, telefax 33 92 69 48)
- FRANCE :** Ofival
Tour Montparnasse
33, avenue du Maine
F-75755 Paris Cedex 15
(tél. : 45 38 84 00 ; télex : 20 54 76)
-

COMMISSION REGULATION (EEC) No 2314/92

of 6 August 1992

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for processing within the Community and repealing Regulation (EEC) No 1550/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 2066/92 ⁽²⁾, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies ⁽³⁾, as amended by Regulation (EEC) No 1809/87 ⁽⁴⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas certain intervention agencies hold stocks of intervention meat; whereas an extension of the period of storage should be avoided on account of the ensuing high costs; whereas, in the present market situation, there are outlets for such meat for processing in the Community;

Whereas such sales should be made in accordance with Commission Regulations (EEC) No 2539/84, (EEC) No 569/88 ⁽⁵⁾, as last amended by Regulation (EEC) No 2313/92 ⁽⁶⁾, and (EEC) No 2182/77 ⁽⁷⁾, as last amended by Regulation (EEC) No 3988/87 ⁽⁸⁾, subject to certain special exceptions on account of the particular use to which the products in question are to be put;

Whereas Commission Regulation (EEC) No 1550/92 ⁽⁹⁾ should be repealed;

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

1. The following approximate quantities of beef shall be put up for sale for processing within the Community :

- approximately 1 500 tonnes of bone-in beef held by the Italian intervention agency,
- approximately 500 tonnes of bone-in beef held by the Irish intervention agency,
- approximately 1 000 tonnes of bone-in beef held by the French intervention agency,
- approximately 5 000 tonnes of boned beef held by the United Kingdom intervention agency and bought in before 1 March 1992,
- approximately 2 000 tonnes of boned beef held by the Irish intervention agency and bought in before 1 March 1992,
- approximately 1 000 tonnes of boned beef held by the Danish intervention agency and bought in before 1 April 1992,
- approximately 4 000 tonnes of boned beef held by the Italian intervention agency and bought in before 1 May 1992.

2. The intervention agencies referred to in paragraph 1 shall sell first the meat which has been stored the longest.

3. The sales shall be conducted in accordance with the provisions of Regulations (EEC) No 2539/84, (EEC) No 569/88, (EEC) No 2182/77 and this Regulation.

4. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

5. Only those tenders shall be taken into consideration which reach the intervention agencies concerned no later than 12 noon on 12 August 1992.

6. Particulars relating to the quantities and the places where the products are stored shall be available to interested parties at the addresses given in Annex II.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 49.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁶⁾ See page 37 of this Official Journal.

⁽⁷⁾ OJ No L 251, 1. 10. 1977, p. 60.

⁽⁸⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽⁹⁾ OJ No L 164, 18. 6. 1992, p. 17.

Article 2

1. Notwithstanding Article 3 (1) and (2) of Regulation (EEC) No 2182/77, the tender or application to purchase :

(a) shall be valid only if presented by a natural or legal person who, for at least 12 months, has been engaged in the processing of products containing beef and who is entered in a public register of a Member State ;

(b) must be accompanied by :

- a written undertaking by the applicant to process the meat purchased into products specified in Article 1 (1) of Regulation (EEC) No 2182/77 within the period referred to in Article 5 (1) of the abovementioned Regulation,
- a precise indication of the establishment or establishments where the meat which has been purchased will be processed.

2. The applicants referred to in paragraph 1 may instruct an agent to take delivery, on their behalf, of the products which they purchase. In this case the agent shall submit the tenders or applications to purchase of the purchasers whom he represents.

3. The purchasers and agents referred to in the foregoing paragraphs shall maintain and keep up to date an accounting system which permits the destination and use of the products to be ascertained with a view particularly to checking to ensure that the quantities of products purchased and manufactured tally.

Article 3

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 10 per 100 kilograms.

2. The security provided for in Article 5 (3) (a) of Regulation (EEC) No 2539/84 shall be :

- ECU 100 per 100 kilograms for bone-in forequarters,
- ECU 140 per 100 kilograms for boned meat.

Article 4

Regulation (EEC) No 1550/92 is hereby repealed.

Article 5

This Regulation shall enter into force on 12 August 1992.

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

Done at Brussels, 6 August 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio mínimo expresado en ecus por tonelada (¹) Mindstepriiser i ECU/ton (¹) Mindestpreise, ausgedrückt in ECU/Tonne (¹) Ελάχιστες τιμές πώλησεως εκφραζόμενες σε Ecu ανά τόνο (¹) Minimum prices expressed in ecus per tonne (¹) Prix minimaux exprimés en écus par tonne (¹) Prezzi minimi espressi in ecu per tonnellata (¹) Minimumprijzen uitgedrukt in ecu per ton (¹) Preço mínimo expresso em ecus por tonelada (¹)
---	--	--	--

a) Carne sin deshuesar — Ikke-udbenet kød — Fleisch mit Knochen — Κρέας μη αποστεωμένο — Unboned beef — Viande avec os — Carni con osso — Vlees met been — Carne com osso

Ireland	— Forequarters: Category C, classes U, R and O	500	1 200
Italia	— Quarti anteriori provenienti dai: Categoria A, classi U, R e O	1 500	1 200
France	— Quartiers avant: Catégorie A/C, classe U, R et O	1 000	1 200

b) Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Αποστεωμένο κρέας — Boned beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada

Ireland	— Category C: Shins and shanks Plates and flanks Forequarters Insides Outsides Knuckles Rumps Briskets	200 500 700 100 200 100 100 100	1 700 1 200 1 900 3 100 3 100 2 500 2 500 1 600
United Kingdom	— Category C: Rumps Thick flanks Topsides Silversides Briskets Pony parts Pony Foreribs Forequarter flanks Thin flanks Shins and shanks Clod and sticking	500 200 700 700 500 100 600 100 300 1 000 150 150	2 500 2 500 3 100 3 100 1 600 1 600 2 200 2 100 1 200 1 200 1 700 2 100

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio mínimo expresado en ecus por tonelada (¹) Mindstepriser i ECU/ton (¹) Mindestpreise, ausgedrückt in ECU/Tonne (¹) Ελάχιστες τιμές πώλησεως εκφραζόμενες σε Ecu ανά τόνο (¹) Minimum prices expressed in ecus per tonne (¹) Prix minimaux exprimés en écus par tonne (¹) Prezzi minimi espressi in ecu per tonnellata (¹) Minimumprijzen uitgedrukt in ecu per ton (¹) Preço mínimo expresso em ecus por tonelada (¹)
---	--	--	---

Italia

— Categoria A:

Collo Sottospalla	800	1 900
Spalla / Geretto	1 600	1 600
Pancia	800	1 100
Petto	800	1 400

Danmark

— Kategori A / C:

Bryst og slag	500	1 400
Øvrigt kød af forfjerding	500	1 900

(¹) Estos precios se entenderán con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) nº 2173/79.

(¹) Disse priser gælder i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

(¹) Diese Preise gelten gemäß Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

(¹) Οι τιμές αυτές εφαρμόζονται σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

(¹) These prices shall apply in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

(¹) Ces prix s'entendent conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) nº 2173/79.

(¹) Il prezzo si intende in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.

(¹) Deze prijzen gelden overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

(¹) Estes preços aplicam-se conforme o disposto no nº 1 do artigo 17º do Regulamento (CEE) nº 2173/79.

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

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção**

IRELAND : Department of Agriculture and Food
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 2278 and 3806
Telex 93292 and 93607, telefax (01) 616263, (01) 785214 and (01) 6620198

DANMARK : EF-Direktoratet
Frederiksborggade 18
DK-1360 København K
Tlf. 33 92 70 00, telex 15137 EFDIR DK, telefax 33 92 69 48

ITALIA : Azienda di Stato per gli interventi nel mercato agricolo (AIMA)
Via Palestro 81
I-00185 Roma
Tel. 49 49 91
Telex 61 30 03

UNITED KINGDOM : Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berkshire
Tel. (0734) 58 36 26
Telex 848 302, telefax : (0734) 56 67 50

FRANCE : OFIVAL
Tour Montparnasse
33, avenue du Maine
F-75755 Paris Cedex 15
Tél. 45 38 84 00, télex 205476

COMMISSION REGULATION (EEC) No 2315/92**of 6 August 1992****on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of bone-in beef held by certain intervention agencies and intended for export to certain destinations, amending Regulation (EEC) No 569/88 and repealing Regulation (EEC) No 3755/91**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 2066/92 ⁽²⁾, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies ⁽³⁾, as amended by Regulation (EEC) No 1809/87 ⁽⁴⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas certain intervention agencies hold stocks of bone-in intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas outlets exist in certain third countries for the products in question; whereas it is appropriate therefore to offer this meat for sale in accordance with Regulation (EEC) No 2539/84;

Whereas quarters from intervention stocks may in certain cases have been handled a number of times; whereas, in order to help with the presentation and marketing of such meat, its repackaging should be authorized, subject to the observance of precise conditions;

Whereas it is necessary to lay down a time limit for export of the said meat; whereas this time limit should be fixed by taking into account Article (5) (b) of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector ⁽⁵⁾, as last amended by Regulation (EEC) No 815/91 ⁽⁶⁾;

Whereas, in order to ensure that beef sold is exported, the lodging of security, as specified in Article 5 (2) (a) of Regulation (EEC) No 2539/84, should be required;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 569/88 ⁽⁷⁾, as last amended by Regulation (EEC) No 2313/92 ⁽⁸⁾; whereas, however, the Annex to the said Regulation setting out the entries to be made should be expanded;

Whereas Commission Regulation (EEC) No 3755/91 ⁽⁹⁾ should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A sale shall be organized of approximately:
- 1 000 tonnes of bone-in beef held by the Belgian intervention agency,
 - 1 000 tonnes of bone-in beef held by the United Kingdom intervention agency,
 - 500 tonnes of bone-in beef held by the Danish intervention agency,
 - 2 000 tonnes of bone-in beef held by the German intervention agency,
 - 10 000 tonnes of bone-in beef held by the French intervention agency.

This meat shall be for export to the destinations under 02 referred to in footnote No 7 to the Annex to Commission Regulation (EEC) No 1713/92 ⁽¹⁰⁾.

Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulation (EEC) No 2539/84.

The provisions of Commission Regulation (EEC) No 985/81 ⁽¹¹⁾ shall not apply to this sale. However, the competent authorities may allow bone-in forequarters and

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 49.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁶⁾ OJ No L 83, 3. 4. 1991, p. 6.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁸⁾ See page 37 of this Official Journal.

⁽⁹⁾ OJ No L 352, 21. 12. 1991, p. 71.

⁽¹⁰⁾ OJ No L 179, 1. 7. 1992, p. 54.

⁽¹¹⁾ OJ No L 99, 10. 4. 1981, p. 38.

hindquarters, the packaging material of which is torn or soiled, to be placed in new packaging of the same type under their supervision before presentation for consignment at the customs office of departure.

2. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

3. Only those tenders shall be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 12 August 1992.

4. Particulars of the qualities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex II.

Article 2

The products referred to in Article 1 must be exported within five months from the date of conclusion of the contract of sale.

Article 3

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 30 per 100 kilograms.

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be ECU 120 per 100 kilograms.

Article 4

1. In the removal order referred to in Article 3 of Regulation (EEC) No 569/88, the export declaration, and, where appropriate, the T5 control copy shall be entered :

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

Done at Brussels, 6 August 1992.

Carne de intervención [Reglamento (CEE) n° 2315/92];
Interventionskød [Forordning (EØF) nr. 2315/92];
Interventionsfleisch [Verordnung (EWG) Nr. 2315/92];
Κρέας παρεμβάσεως [κανονισμός (ΕΟΚ) αριθ. 2315/92];

Intervention meat [Regulation (EEC) No 2315/92];
Viande d'intervention [Règlement (CEE) n° 2315/92];
Carni d'intervento [Regolamento (CEE) n. 2315/92];
Vlees uit interventievoorraden [Verordening (EEG) nr. 2315/92];

Carne de intervenção [Reglamento (CEE) n° 2315/92].

2. With regard to the security provided for in Article 3 (2), compliance with the provisions of paragraph 1 shall constitute a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽¹⁾.

Article 5

In part I of the Annex to Regulation (EEC) No 569/88, 'Products to be exported in the same state as that in which they were when removed from intervention stock', the following item 131 and the corresponding footnote are added :

'131. Commission Regulation (EEC) No 2315/92 of 6 August 1992 on the sale by procedure laid down in Regulation (EEC) No 2539/84 of bone-in beef held by certain intervention agencies and intended for export to certain destinations⁽¹³¹⁾.

⁽¹³¹⁾ OJ No L 222, 7. 8. 1992, p. 46.'

Article 6

Regulation (EEC) No 3755/91 is hereby repealed.

Article 7

This Regulation shall enter into force on 12 August 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio mínimo expresado en ecus por tonelada Mindstepriser i ECU/ton Mindestpreise, ausgedrückt in ECU/Tonne Ελάχιστες τιμές πώλησεως εκφραζόμενες σε Ecu ανά τόνο Minimum prices expressed in ecus per tonne Prix minimaux exprimés en écus par tonne Prezzi minimi espressi in ecu per tonnellata Minimumprijzen uitgedrukt in ecu per ton Preço mínimo expresso em ecus por tonelada
Deutschland	— Vorderviertel, stammend von : Kategorien A/C, Klassen U, R und O	1 000	1 350
	— Hinterviertel, stammend von : Kategorien A/C, Klassen U, R und O	1 000	2 350
France	— Quartiers avant : catégorie A/C, classes U, R et O	5 000	1 350
	— Quartiers arrière : catégorie A/C, classes U, R et O	5 000	2 350
Danmark	— Bagfjerdinger af : Kategori A/C, klasse R og O	500	2 350
United Kingdom	— Hindquarters, from : Category C, classes U, R and O	1 000	2 350
Belgique/België	— Quartiers avant provenant des : Voorvoeten, afkomstig van : catégorie A, classes U, R et O categorie A, klassen U, R en O	500	1 350
	— Quartiers arrière provenant des : Achtervoeten, afkomstig van : catégorie A, classes U, R et O categorie A, klassen U, R en O	500	2 350

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

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção**

DEUTSCHLAND : Bundesanstalt für landwirtschaftliche Marktordnung (BALM)
Geschäftsbereich 3 (Fleisch und Fleischerzeugnisse)
Postfach 180 107 — Adickesallee 40
D-6000 Frankfurt am Main 18
Tel. (069) 1 56 4772/3
Telex : 04 11 156
Telefax (069) 156 47 91

FRANCE : Ofival
Tour Montparnasse
33, avenue du Maine
F-75755 Paris Cedex 15
(tél. : 45 38 84 00 ; télex : 20 54 76)

DANMARK : EF-Direktoratet
Frederiksborggade 18
DK-1360 København K
(tlf. 33 92 70 00, telex 151 37 EFDIR DK, telefax 33 92 69 48)

UNITED KINGDOM : Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berkshire
Tel. (0734) 58 36 26
Telex 848 302
Telefax (0734) 566 750

BELGIQUE/BELGIË : Office belge de l'économie et de l'agriculture
Rue de Trèves 82
B-1040 Bruxelles
[tél. : (02) 287 24 11 ; télex : 24076 OBEA BRU B, 65567 OBEA BRU B,
téléfax : (02) 230 25 33]

Belgische dienst voor bedrijfs-
leven en landbouw
Trierstraat 82
B-1040 Brussel

COMMISSION REGULATION (EEC) No 2316/92

of 6 August 1992

fixing the export refunds on beef

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 2066/92 ⁽²⁾, and in particular Article 18 thereof,

Whereas Article 18 of Regulation (EEC) No 805/68 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 885/68 ⁽³⁾, as last amended by Regulation (EEC) No 427/77 ⁽⁴⁾, lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas Regulation (EEC) No 32/82 ⁽⁵⁾, as last amended by Regulation (EEC) No 3169/87 ⁽⁶⁾, Regulation (EEC) No 1964/82 ⁽⁷⁾, as amended by Regulation (EEC) No 3169/87, and Regulation (EEC) No 2388/84 ⁽⁸⁾, as last amended by Regulation (EEC) No 3988/87 ⁽⁹⁾, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products;

Whereas it follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below;

Whereas, given the current market situation in the Community and the possibilities of disposal in certain third countries in particular, export refunds should be granted on adult male bovine animals of a live weight of at least 300 kilograms and other bovine animals of a live weight of at least 250 kilograms; whereas experience gained in recent years has shown that live pure-bred breeding animals weighing at least 250 kilograms in the case

of females and 300 kilograms in that of males should be treated in the same way as other bovine animals, subject to certain special administrative formalities;

Whereas export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex under CN code 0201, on some frozen meat listed in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10;

Whereas, in view of the wide differences in products covered by CN codes 0201 20 90 700 and 0202 20 90 100 used for refund purposes, refunds should only be granted on cuts in which the weight of bone does not exceed one third;

Whereas a minimum content of lean bovine meat should be fixed for boneless cuts wrapped individually and covered by CN codes 0201 30 and 0202 30;

Whereas refunds should also be granted on fresh or frozen boned or boneless pieces, even where each piece is not individually wrapped, and on minced meat, and the wording of the tariff subheadings for fresh boned or boneless pieces specified;

Whereas, in the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland; whereas, to allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States; whereas there are possibilities for exporting such meat and also salted, smoked and dried meat to certain African, Near and Middle Eastern countries; whereas a refund should accordingly be set;

Whereas, in the case of certain other cuts and preserves of meat or offal shown in the Annex under CN code 1602 50 90, the Community share of international trade may be maintained by granting a refund corresponding to that at present available;

Whereas, in the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant;

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 49.

⁽³⁾ OJ No L 156, 4. 7. 1968, p. 2.

⁽⁴⁾ OJ No L 61, 5. 3. 1977, p. 16.

⁽⁵⁾ OJ No L 4, 8. 1. 1982, p. 11.

⁽⁶⁾ OJ No L 301, 24. 10. 1987, p. 21.

⁽⁷⁾ OJ No L 212, 21. 7. 1982, p. 48.

⁽⁸⁾ OJ No L 221, 18. 8. 1984, p. 28.

⁽⁹⁾ OJ No L 376, 31. 12. 1987, p. 31.

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- 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 factor referred to in the preceding indent;

Whereas Commission Regulation (EEC) No 3846/87 ⁽³⁾, as last amended by Regulation (EEC) No 1271/92 ⁽⁴⁾; establishes the agricultural product nomenclature for the purposes of export refunds;

Whereas, in order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought in line with those on fresh or chilled cuts other than those from adult male bovine animals;

Whereas experience has shown that in certain cases it is often difficult to determine the relevant quantities of beef, veal and other meat contained in prepared or preserved meat covered by CN code 1602 50; whereas exclusively beef and veal products should accordingly be set apart and a new heading should be created for mixtures of meats or offals; whereas checks on products other than mixtures of meat or offal should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽⁵⁾, as amended by Regulation (EEC) No 2026/83 ⁽⁶⁾;

Whereas the analytical criteria for preparations and preserves covered by CN code 1602 50 90 should be supplemented by fixing in particular a maximum colla-

gen/protein ratio in terms of the meat content of such products;

Whereas the introduction of a collagen/protein ratio for products covered by CN code 1602 50 90 in respect of their meat content has meant that products containing at least 40 % but less than 60 % meat and with a collagen/protein ratio of less than 0,35 could not qualify for a refund; whereas this gap should consequently be filled;

Whereas refunds on female animals should vary depending on their age in order to prevent abuses in the export of certain pure-bred breeding animals;

Whereas Council Regulation (EEC) No 1432/92 ⁽⁷⁾, as amended by Regulation (EEC) No 2015/92 ⁽⁸⁾, prohibits trade between the Community and the Republics of Serbia and Montenegro; whereas that prohibition does not apply to certain cases given in the limitative enumeration in Articles 2 and 3 of that Regulation; whereas account should be taken of this when the refunds are fixed; whereas, moreover, so as not to penalize the charitable organizations which have continued to supply humanitarian aid despite the abolition of refunds on 20 June 1992, this new measure should be applied retrospectively;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which export refunds as referred to in Article 18 of Regulation (EEC) No 805/68 are granted and the amount thereof shall be as set out in the Annex hereto.

Article 2

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

The conditions for the granting of refunds referred to in footnote ⁽¹⁰⁾ shall apply from 20 June 1992.

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

Done at Brussels, 6 August 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽³⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 137, 20. 5. 1992, p. 7.

⁽⁵⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁶⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽⁷⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁸⁾ OJ No L 205, 22. 7. 1992, p. 2.

ANNEX

(ECU/100 kg)		
Product code	Destination (7)	Refund (8) (10)
— Live weight —		
0102 10 00 120	01	96,00
0102 10 00 130	02	85,50
	03	55,50
	04	25,50
	04	25,50
0102 10 00 390	01	96,00
0102 90 31 900	02	85,50
	03	55,50
	04	25,50
0102 90 33 900	02	85,50
	03	55,50
	04	25,50
0102 90 35 900	02	101,50
	03	73,00
	04	34,50
0102 90 37 900	02	101,50
	03	73,00
	04	34,50
— Net weight —		
0201 10 10 100	02	92,00
	03	65,00
	04	32,50
0201 10 10 900	02	126,50
	03	88,00
	04	44,00
0201 10 90 110 (1)	02	124,50
	03	85,00
	04	42,50
0201 10 90 190	02	92,00
	03	65,00
	04	32,50
0201 10 90 910 (1)	02	171,50
	03	115,00
	04	57,50
0201 10 90 990	02	126,50
	03	88,00
	04	44,00
0201 20 21 000	02	126,50
	03	88,00
	04	44,00

(ECU/100 kg)		
Product code	Destination (?)	Refund (?) (°)
		— Net weight —
0201 20 29 100 (°)	02	171,50
	03	115,00
	04	57,50
0201 20 29 900	02	126,50
	03	88,00
	04	44,00
0201 20 31 000	02	92,00
	03	65,00
	04	32,50
0201 20 39 100 (°)	02	124,50
	03	85,00
	04	42,50
0201 20 39 900	02	92,00
	03	65,00
	04	32,50
0201 20 51 100	02	161,00
	03	110,50
	04	56,00
0201 20 51 900	02	92,00
	03	65,00
	04	32,50
0201 20 59 110 (°)	02	218,50
	03	146,00
	04	73,00
0201 20 59 190	02	161,00
	03	110,50
	04	56,00
0201 20 59 910 (°)	02	124,50
	03	85,00
	04	42,50
0201 20 59 990	02	92,00
	03	65,00
	04	32,50
0201 20 90 700	02	92,00
	03	65,00
	04	32,50
0201 30 00 050 (°)	05	112,00
0201 30 00 100 (°)	02	312,00
	03	208,50
	04	104,50
	06	266,50
0201 30 00 150 (°)	02	165,00
	03	125,00
	04	62,50
	06	144,50
	07	90,00

(ECU/100 kg)		
Product code	Destination (7)	Refund (8) (9)
— Net weight —		
0201 30 00 190 (6)	02	128,00
	03	84,00
	04	42,00
	06	102,50
	07	90,00
0202 10 00 100	02	92,00
	03	65,00
	04	32,50
0202 10 00 900	02	126,50
	03	88,00
	04	44,00
0202 20 10 000	02	126,50
	03	88,00
	04	44,00
0202 20 30 000	02	92,00
	03	65,00
	04	32,50
0202 20 50 100	02	161,00
	03	110,50
	04	56,00
0202 20 50 900	02	92,00
	03	65,00
	04	32,50
0202 20 90 100	02	92,00
	03	65,00
	04	32,50
0202 30 90 100 (4)	05	112,00
0202 30 90 400 (6)	02	165,00
	03	125,00
	04	62,50
	06	144,50
	07	90,00
0202 30 90 500 (6)	02	128,00
	03	84,00
	04	42,00
	06	102,50
	07	90,00
0202 30 90 900	07	90,00
0206 10 95 000	02	128,00
	03	84,00
	04	42,00
	06	102,50
0206 29 91 000	02	128,00
	03	84,00
	04	42,00
	06	102,50
0210 20 90 100	08	102,50
	09	60,50
0210 20 90 300	02	128,00

(ECU/100 kg)

Product code	Destination (?)	Refund (*) (10)
		— Net weight —
0210 20 90 500 (3)	02	128,00
1602 50 10 120	02	134,50 (?)
	03	108,00 (?)
	04	108,00 (?)
	02	119,50 (?)
1602 50 10 140	03	96,00 (?)
	04	96,00 (?)
	02	96,00 (?)
1602 50 10 160	03	77,00 (?)
	04	77,00 (?)
	02	63,50 (?)
1602 50 10 170	03	51,00 (?)
	04	51,00 (?)
	02	63,50
1602 50 10 190	03	51,00
	04	51,00
	02	36,00
1602 50 10 240	03	36,00
	04	36,00
	02	26,00
1602 50 10 260	03	26,00
	04	26,00
	02	16,00
1602 50 10 280	03	16,00
	04	16,00
	01	116,00 (?)
1602 50 90 125	01	73,00 (?)
1602 50 90 135	01	36,00
1602 50 90 195	01	103,00 (?)
1602 50 90 325	01	65,00 (?)
1602 50 90 335	01	36,00
1602 50 90 395	01	77,00 (?)
1602 50 90 425	01	48,50 (?)
1602 50 90 435	01	36,00
1602 50 90 495	01	36,00
1602 50 90 505	01	77,00 (?)
1602 50 90 525	01	48,50 (?)
1602 50 90 535	01	36,00
1602 50 90 595	01	36,00
1602 50 90 615	01	16,00
1602 50 90 625	01	36,00
1602 50 90 705	01	26,00
1602 50 90 805	01	16,00
1602 50 90 905	01	

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to Commission Regulation (EEC) No 32/82.

(2) Entry under this subheading is subject to compliance with the condition laid down in Commission Regulation (EEC) No 1964/82.

(3) The refund on beef in brine is granted on the net weight of the meat, after deduction of the weight of the brine.

(4) OJ No L 336, 29. 12. 1979, p. 44.

(5) OJ No L 221, 19. 8. 1984, p. 28.

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86.

(7) The destinations are as follows :

01 Third countries.

02 North African, Near and Middle East third countries, West, Central East and South African third countries, except Cyprus, Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia.

03 European third countries, Ceuta, Melilla, Cyprus, Greenland, Pakistan, Sri Lanka, Burma, Thailand, Vietnam, Indonesia, the Philippines, China, North Korea and Hong Kong and the destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87, except Austria, Sweden and Switzerland.

04 Austria, Sweden and Switzerland.

05 The United States of America, carried out in accordance with Commission Regulation (EEC) No 2973/79.

06 French Polynesia and New Caledonia.

07 Canada.

08 North, West, Central, East and Southern African third countries, except Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia.

09 Switzerland.

(8) Article 7 of Regulation (EEC) No 885/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

(9) The refund is granted only on products manufactured under the arrangement provided for in Article 4 of Council Regulation (EEC) No 565/80.

(10) Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

NB: The countries are as defined in Commission amended Regulation (EEC) No 3518/91.

The descriptions corresponding to the product codes and the footnotes are set out in Commission Regulation (EEC) No 3846/87 as amended.

COMMISSION REGULATION (EEC) No 2317/92

of 6 August 1992

fixing the export refunds 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 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 the fourth subparagraph of Article 16 (2) thereof,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾ provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand, and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas export possibilities exist for a quantity of 50 000 tonnes of soft wheat flour to certain destinations; whereas the procedure laid down in Article 9 (4) of Commission Regulation (EEC) No 891/89⁽⁴⁾, as last amended by Regulation (EEC) No 337/92⁽⁵⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Commission Regulation No 162/67/EEC⁽⁶⁾, as last amended by Regulation (EEC) No 468/92⁽⁷⁾;

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

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 % a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 2205/90⁽⁹⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

Whereas Council Regulation (EEC) No 1432/92⁽¹⁰⁾, as amended by Regulation (EEC) No 2015/92⁽¹¹⁾, prohibits

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 171, 26. 6. 1992, p. 47.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 36, 13. 2. 1992, p. 15.

⁽⁶⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁷⁾ OJ No L 53, 28. 2. 1992, p. 15.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽¹⁰⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽¹¹⁾ OJ No L 205, 22. 7. 1992, p. 2.

trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 August 1992.

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

Done at Brussels, 6 August 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 6 August 1992 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

Product code	Destination (1)	Amount of refund (2) (ECU / tonne)
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	06	122,00
	02	0
1001 10 90 000	04	50,00
	02	20,00
1001 90 91 000	06	71,00
	02	0
1001 90 99 000	04	60,00
	05	80,00 (3)
	02	20,00
1002 00 00 000	03	21,00
	02	20,00
1003 00 10 000	—	—
1003 00 90 000	04	40,00
	02	20,00
1004 00 10 000	—	—
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	04	60,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 100	01	96,00
1101 00 00 130	01	90,00
1101 00 00 150	01	83,00
1101 00 00 170	01	76,00
1101 00 00 180	01	71,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 500	01	96,00
1102 10 00 700	—	—
1102 10 00 900	—	—
1103 11 10 200	01	166,50
1103 11 10 400	01	148,00
1103 11 10 900	01	0
1103 11 90 200	01	96,00
1103 11 90 800	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Tunisia,
- 06 Algeria.

(²) Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

(³) Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEC) No 891/89 in respect of a quantity of 50 000 tonnes of soft wheat flour destined for Tunisia.

NB : The zones are those defined in Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EEC) No 2318/92

of 6 August 1992

fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;

Whereas Commission Regulation (EEC) No 1281/75⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed, account must be taken of the existing situation and the future trend with regard to prices

and availabilities of cereals on the Community market on the one hand and possibilities and conditions for the sale of cereals and cereal products on the world market on the other; whereas the same Regulation provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of exports and the need to avoid disturbances on the Community market;

Whereas for the products listed in Article 1 (c) of Regulation (EEC) No 2727/75 account should be taken of the specific criteria laid down in Article 2 (2) of Regulation (EEC) No 1281/75;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 2205/90⁽⁸⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 171, 26. 6. 1992, p. 47.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

HAS ADOPTED THIS REGULATION :

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to

Article 2

This Regulation shall enter into force on 7 August 1992.

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

Done at Brussels, 6 August 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 6 August 1992 fixing the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (*)	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12	5th period 1	6th period 2
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	01	0	0	0	0	0	—	—
1001 10 90 000	01	0	0	0	0	0	—	—
1001 90 91 000	01	0	0	0	0	0	—	—
1001 90 99 000	01	0	0	0	0	0	—	—
1002 00 00 000	01	0	0	0	0	0	—	—
1003 00 10 000	—	—	—	—	—	—	—	—
1003 00 90 000	01	0	0	0	0	0	—	—
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	0	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 100	01	0	0	0	0	0	—	—
1101 00 00 130	01	0	0	0	0	0	—	—
1101 00 00 150	01	0	0	0	0	0	—	—
1101 00 00 170	01	0	0	0	0	0	—	—
1101 00 00 180	01	0	0	0	0	0	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 500	01	0	0	0	0	0	—	—
1102 10 00 700	01	0	0	0	0	0	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 200	01	0	0	0	0	0	0	0
1103 11 10 400	01	0	0	0	0	0	0	0
1103 11 10 900	01	0	0	0	0	0	0	0
1103 11 90 200	01	0	0	0	0	0	0	0
1103 11 90 800	—	—	—	—	—	—	—	—

(*) For the following destinations:

01 all third countries.

NB: The zones are those defined in Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EEC) No 2319/92

of 6 August 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 2197/92 ⁽⁷⁾, as amended by Regulation (EEC) No 2279/92 ⁽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:

— 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 5 August 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 2197/92 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 7 August 1992.

⁽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 218, 1. 8. 1992, p. 9.

⁽⁸⁾ OJ No L 220, 5. 8. 1992, p. 29.

⁽⁹⁾ OJ No L 188, 8. 7. 1992, p. 30.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽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, 6 August 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 6 August 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	263,70	269,74
1104 19 10	263,70	269,74
1104 29 11	194,85	197,87
1104 29 31	234,40	237,42
1104 29 91	149,43	152,45
1104 30 10	109,88	115,92
1107 10 11	260,77	271,65
1107 10 19	194,85	205,73
1108 11 00	322,30	342,85
1109 00 00	586,00	767,34

(*) 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 17 July 1992

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

(92/403/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 July 1992, expressed in terms of boned

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

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

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

HAS ADOPTED THIS DECISION:

Article 1

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

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 83, 3. 4. 1991, p. 6.

⁽⁵⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽⁶⁾ OJ No L 356, 24. 12. 1991, p. 1.

Germany:

- 270,00 tonnes originating in Botswana,
- 250,00 tonnes originating in Zimbabwe,
- 30,00 tonnes originating in Madagascar,

Hellenic Republic:

- 75,00 tonnes originating in Madagascar,

Kingdom of the Netherlands:

- 690,00 tonnes originating in Botswana,
- 50,00 tonnes originating in Zimbabwe,
- 60,00 tonnes originating in Madagascar,

United Kingdom:

- 510,00 tonnes originating in Botswana,
- 420,00 tonnes originating in Zimbabwe,
- 150,00 tonnes originating in Namibia.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80

during the first 10 days of August 1992 in respect of the following quantities of boned beef and veal:

— Botswana :	6 442,90 tonnes,
— Kenya :	142,00 tonnes,
— Madagascar :	6 969,38 tonnes,
— Swaziland :	3 300,49 tonnes,
— Zimbabwe :	5 154,93 tonnes,
— Namibia :	5 183,20 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 17 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION

of 20 July 1992

amending Decision 92/355/EEC on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(92/404/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

Whereas, as a result of an administrative error, certain quantities applied for under these arrangements were not able to be taken into account; whereas Commission Decision 92/355/EEC ⁽⁵⁾ should be amended to take account thereof,

HAS ADOPTED THIS DECISION:

Article 1

Decision 92/355/EEC is hereby amended as follows:

1. the following is added to Article 1:

'Republic of Portugal:
26,00 tonnes originating in Botswana,';

2. the figure for Botswana in Article 2 is replaced by '7 912,90 tonnes'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 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 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 83, 3. 4. 1991, p. 6.

⁽⁵⁾ OJ No L 192, 11. 7. 1992, p. 67.

COMMISSION DECISION**of 22 July 1992****settling the dispute between Germany and Spain over the creation of a coach service****(Only the German and Spanish texts are authentic)****(92/405/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 517/72 of 28 February 1972 on the introduction of common rules for regular and special regular services by coach and bus between Member States ⁽¹⁾, as last amended by Regulation (EEC) No 1301/78 ⁽²⁾, and in particular Article 14 thereof,

Whereas Udo Bach of Reesendamm, 8, W — 2381 Busdorf, Germany (hereinafter referred to as 'Udo Bach'), submitted to the German authorities an application dated 14 July 1989 for authorization to introduce a special regular coach service between Norderstedt, Germany, and Alicante, Spain, carrying passengers whose cars would be taken by vehicle transporters to the passengers' destination;

Whereas by letter of 4 June 1991, the German authorities asked the Commission to decide this application, in accordance with Article 14 of Regulation (EEC) No 517/72, since they had failed to reach agreement with the Spanish authorities on it;

Whereas the Commission organized a meeting on 20 November 1991 with representatives of the German and Spanish governments to resolve the difficulties posed by the application introduced by Udo Bach;

Whereas the applicant, supported by the German authorities, argues that there is no direct motor-rail link between North Germany and Alicante, in so far as the present link extends only to Narbonne, France, and that is over-subscribed; that the proposed service would therefore reduce vehicle congestion and pollution by taking passengers and their cars off the roads on to the coach and accompanying vehicle transporter; and that this is a safer way to travel;

Whereas the Spanish authorities do not oppose the application in principle and are satisfied that the conditions set out in Article 8 (2) and (3) of Regulation (EEC) No 517/72 concerning supply and demand are fulfilled; whereas

they consider that a Spanish operator should be allowed to participate, if interested;

Whereas there is a Spanish operator, Herederos de A. Tamame of Leopoldo Alas Clarin 16, Zamora, Spain (hereinafter referred to as 'Tamame'), who would be interested in running this service jointly with Udo Bach; and the Spanish authorities therefore consider that, if the proposed service is authorized for the German operator, it should also be authorized for the Spanish operator;

Whereas the German authorities consider that the aforementioned Article 8 (3) should only apply when another operator has submitted an application at the same time as the one which is under consideration by the Member States concerned;

Whereas Udo Bach and Tamame have been unable to reach agreement on the joint operation of the proposed coach service between Norderstedt and Alicante;

Whereas it can be considered that there is a demand for the coach service proposed by Udo Bach in that there is no direct motor-rail link from the Hamburg area in Germany to Alicante in Spain, which is a major tourist route;

Whereas the introduction of new coach services which take private cars off the roads should be encouraged, since this is a safer mode of transport and is also environmentally friendly;

Whereas the French authorities, as a transit Member State, informed the Commission by a letter of 3 September 1991 that they had no objections to the service provided that it did not pick up or set down passengers in France and was only for passengers whose cars were carried separately on vehicle transporters and that such carriage complied with the rules applicable to professional road haulage;

Whereas the minutes of the proceedings of the Mixed German-Spanish Committee which have been submitted by the Spanish authorities concern only a given service between Germany and a third country and do not contain a general agreement concerning the authorization of regular services and special regular services to be operated

⁽¹⁾ OJ No L 67, 20. 3. 1972, p. 19.

⁽²⁾ OJ No L 158, 16. 6. 1978, p. 1.

between the two countries; whereas it is, therefore, not necessary to decide whether such an agreement between two Member States would be consistent with Regulation (EEC) No 517/72;

Whereas whilst the Commission appreciates that the interests of existing coach operators in participating in the running of a proposed service should be considered in accordance with Article 8 (3) of Regulation (EEC) No 517/72, the negotiations between Udo Bach and Tamame to operate this service jointly have not resulted in agreement;

Whereas the decision whether to run a coach service jointly is one which should be left to the commercial judgment of the operators concerned;

Whereas if Tamame wishes to run a similar service he may also apply for authorization to the appropriate authorities; whereas the Spanish authorities agree that they have not asked the German authorities to give their consent to an application made by Tamame,

HAS ADOPTED THIS DECISION:

Article 1

Udo Bach of Reesendamm, 8, W — 2381 Busdorf, Germany, shall be granted, by the competent authority, an authorization, valid for a two-year period, to operate a coach service between Norderstedt, Germany, and Alicante, Spain, exclusively for passengers whose cars are transported separately. Udo Bach may pick up and set down passengers en route at Hittfeld, Garbsen, Essen, Frechen, Rüsselsheim and Valencia. This authorization does not cover the picking-up of passengers in Valencia destined for Alicante and in Alicante destined for Valencia.

Article 2

This Decision is addressed to the Federal Republic of Germany and to the Kingdom of Spain.

Done at Brussels, 22 July 1992.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION

of 23 July 1992

derogating from High Authority recommendation No 1/64 concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community (155th derogation)

(92/406/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 71 thereof,

Having regard to High Authority recommendation No 1/64 of 15 January 1964 to the Governments of the Member States concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community ⁽¹⁾, as last amended by recommendation 88/27/ECSC ⁽²⁾, and in particular Article 3 thereof,

Whereas certain iron and steel products indispensable to the manufacture of certain goods and having very special physical and chemical characteristics are not produced in the Community, or are produced in insufficient quantities ; whereas for a number of years insufficiency has been overcome by duty-free tariff quotas ; whereas Community producers are still not in a position to comply with the present quality requirements put forward by the users ; whereas duty-free quotas at a level securing the supply of users are consequently required ;

Whereas import of these products on preferential terms is not injurious to iron and steel undertakings in the Community which produce directly competing products ;

Whereas neither this suspension of duties nor these tariff quotas are likely to jeopardize the objectives of recom-

mendation No 1/64, but will help to maintain existing trade flows between Member States and non-member countries ;

Whereas these are special cases in the commercial policy field justifying the authorization of derogations pursuant to Article 3 of recommendation No 1/64 ;

Whereas provision should be made pursuant to the third paragraph of Article 71 of the ECSC Treaty, to ensure that the quotas granted will be used solely to supply the needs of industries in the importing countries and that re-export in the unaltered state to other Member States of the imported iron and steel products will be prevented ;

Whereas the Governments of the Member States have been consulted on the tariff quotas set out below,

HAS ADOPTED THIS DECISION :

Article 1

Member States are hereby authorized to derogate from the obligations arising pursuant to Article 1 of High Authority recommendation No 1/64 to the extent necessary to suspend at the levels indicated the customs duties on the products set out below, within tariff quotas of the amounts indicated for the Member States concerned :

CN code	Description	Member State	Quota (tonnes)	Duty (%)
ex 7225 10 99	Cold-rolled, non grain-oriented, of a width of 600 mm or more, of a thickness between 0,5 mm and 1 mm, of a watt-loss exceeding 0,75 W, two-side type L (organic/inorganic) varnish, capable of withstanding — a temperature of 400 °C for 3 hours and 30 minutes at normal atmospheric pressure, — salt spray for 100h in accordance with specification JIS Z 2371 at 35°C and 5% concentration-95/98 humidity	France	450	0

⁽¹⁾ OJ No 8, 22. 1. 1964, p. 99/64.
⁽²⁾ OJ No L 15, 20. 1. 1988, p. 13.

Article 2

1. Member States accorded quotas pursuant to Article 1 shall ensure, in liaison with the Commission, that such quotas are apportioned among third countries on a non-discriminatory basis.

2. They shall take all necessary steps to preclude the possibility of iron and steel products imported under the said tariff quotas being re-consigned to other Member States in the unaltered state.

Article 3

This Decision is addressed to the Member States.

It shall apply from 1 January 1992 until 31 December 1992.

Done at Brussels, 23 July 1992.

For the Commission

Frans ANDRIESEN

Vice-President
