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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2320/92

of 23 July 1992

extending the validity of Regulation (EEC) No 4277/88 concerning the safeguard measure laid down in Article 2 of Decision No 5/88 of the EEC-Austria Joint Committee amending Protocol 3

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Republic of Austria ⁽¹⁾ was signed on 22 July 1972 and came into force on 1 January 1973 ;

Whereas Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, which is an integral part of the said Agreement, was amended by Decision No 5/88 of the EEC-Austria Joint Committee of 14 December 1988 ⁽²⁾ with a view to simplifying the cumulation rules ; whereas a specific safeguard measure is provided for in Article 2 of that Decision ;

Whereas, on 21 December 1988, the Council adopted Regulation (EEC) No 4277/88 ⁽³⁾ for the purpose of laying down the procedures for implementing the said safeguard clause ;

Whereas Decision No 5/88 of the EEC-Austria Joint Committee and Regulation (EEC) No 4277/88 were applicable until 31 December 1991 ;

Whereas, on 14 July 1992, the EEC-Austria Joint Committee adopted Decision No 2/92 ⁽⁴⁾ extending the validity of Decision No 5/88, also with respect to the Article 2 safeguard measure, for an indefinite period of time, with effect from 1 January 1992 ; whereas it is therefore necessary also to extend the validity of Regulation (EEC) No 4277/88,

HAS ADOPTED THIS REGULATION :

Article 1

The validity of Regulation (EEC) No 4277/88 is hereby extended for an indefinite period of time.

Article 2

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

It shall apply from 1 January 1992.

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

Done at Brussels, 23 July 1992.

For the Council
The President
John COPE

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 2.

⁽²⁾ OJ No L 381, 31. 12. 1988, p. 2.

⁽³⁾ OJ No L 381, 31. 12. 1988, p. 25.

⁽⁴⁾ See page 23 of this Official Journal.

COUNCIL REGULATION (EEC) No 2321/92**of 23 July 1992****extending the validity of Regulation (EEC) No 4278/88 concerning the safeguard measure laid down in Article 2 of Decision No 5/88 of the EEC-Finland Joint Committee amending Protocol 3**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Republic of Finland ⁽¹⁾ was signed on 5 October 1973 and came into force on 1 January 1974 ;

Whereas Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, which is an integral part of the said Agreement, was amended by Decision No 5/88 of the EEC-Finland Joint Committee of 12 December 1988 ⁽²⁾ with a view to simplifying the cumulation rules ; whereas a specific safeguard measure is provided for in Article 2 of that Decision ;

Whereas, on 21 December 1988, the Council adopted Regulation (EEC) No 4278/88 ⁽³⁾ for the purpose of laying down the procedures for implementing the said safeguard clause ;

Whereas Decision No 5/88 of the EEC-Finland Joint Committee and Regulation (EEC) No 4278/88 were applicable until 31 December 1991 ;

Whereas, on 17 July 1992, the EEC-Finland Joint Committee adopted Decision No 2/92 ⁽⁴⁾ extending the validity of Decision No 5/88, also with respect to the Article 2 safeguard measure, for an indefinite period of time, with effect from 1 January 1992 ; whereas it is therefore necessary also to extend the validity of Regulation (EEC) No 4278/88,

HAS ADOPTED THIS REGULATION :

Article 1

The validity of Regulation (EEC) No 4278/88 is hereby extended for an indefinite period of time.

Article 2

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

It shall apply from 1 January 1992.

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

Done at Brussels, 23 July 1992.

For the Council

The President

John COPE

⁽¹⁾ OJ No L 328, 28. 11. 1973, p. 2.

⁽²⁾ OJ No L 381, 31. 12. 1988, p. 6.

⁽³⁾ OJ No L 381, 31. 12. 1988, p. 27.

⁽⁴⁾ See page 24 of this Official Journal.

COUNCIL REGULATION (EEC) No 2322/92
of 23 July 1992

repealing Regulation (EEC) No 1638/80 on the system for guaranteeing the stabilization of earnings from certain commodities exported by the African, Caribbean and Pacific (ACP) States and the overseas countries and territories associated with the Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 213 thereof,

Having regard to the proposal from the Commission,

Whereas Article 200 (2) of the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989 ⁽¹⁾, and Article 126 (2) of Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community ⁽²⁾, provide that the statistics to be used to carry out the calculations required under the system for guaranteeing the stabilization of export earnings from agricultural commodities (Stabex) shall be those calculated and published by the Statistical Office of the European Communities;

Whereas, the management of that system no longer requires the retention of the notification system set up by

Regulation (EEC) No 1638/80 ⁽³⁾, whereby the Member States forward to the Commission before the end of each month a statement of all the products imported from the ACP States or overseas countries and territories respectively; whereas that Regulation should therefore be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1638/80 is hereby repealed.

Article 2

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

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

Done at Brussels, 23 July 1992.

For the Council

The President

John COPE

⁽¹⁾ OJ No L 229, 17. 8. 1991, p. 3.

⁽²⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽³⁾ OJ No L 163, 28. 6. 1980, p. 3.

COMMISSION REGULATION (EEC) No 2323/92

of 7 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 6 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 8 August 1992.

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

Done at Brussels, 7 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 7 August 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy (°)
0709 90 60	150,99 ⁽²⁾ ⁽³⁾
0712 90 19	150,99 ⁽²⁾ ⁽³⁾
1001 10 10	161,09 ⁽¹⁾ ⁽⁵⁾ ⁽¹⁰⁾
1001 10 90	161,09 ⁽¹⁾ ⁽⁵⁾ ⁽¹⁰⁾
1001 90 91	147,20
1001 90 99	147,20 ⁽¹¹⁾
1002 00 00	153,99 ⁽⁶⁾
1003 00 10	126,07
1003 00 90	126,07 ⁽¹¹⁾
1004 00 10	109,13
1004 00 90	109,13
1005 10 90	150,99 ⁽²⁾ ⁽³⁾
1005 90 00	150,99 ⁽²⁾ ⁽³⁾
1007 00 90	153,23 ⁽⁴⁾
1008 10 00	52,35 ⁽¹¹⁾
1008 20 00	102,90 ⁽⁴⁾
1008 30 00	50,53 ⁽⁷⁾
1008 90 10	(7)
1008 90 90	50,53
1101 00 00	219,81 ⁽⁸⁾ ⁽¹¹⁾
1102 10 00	228,55 ⁽⁸⁾
1103 11 10	262,59 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 90	237,23 ⁽⁸⁾

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

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

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

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

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

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

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

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

(9) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC, except if paragraph 4 of the same Article applies.

(10) An amount equal to the amount fixed by Regulation (EEC) No 1825/91 is to be levied in accordance with Article 101 (4) of Decision 91/482/EEC.

(11) Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

COMMISSION REGULATION (EEC) No 2324/92

of 7 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 6 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 8 August 1992.

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

Done at Brussels, 7 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 7 August 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour*(ECU/tonne)*

CN code	Current 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*(ECU/tonne)*

CN code	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 2325/92

of 6 August 1992

re-establishing the levying of customs duties on products falling within CN code 7013 originating in China, to which the preferential arrangements set out in Council Regulation (EEC) No 3831/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3831/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain industrial products originating in developing countries ⁽¹⁾, extended into 1992 by Regulation (EEC) No 3587/91 ⁽²⁾, and in particular Article 9 thereof,

Whereas, pursuant to Articles 1 and 6 of Regulation, (EEC) No 3831/90, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceilings fixed in column 6 of Annex I;

Whereas, as provided for in Article 7 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the the products in question originating in

each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of products falling within CN code 7013 originating in China, the individual ceiling was fixed at ECU 3 308 000; whereas on 14 April 1992, imports of these products into the Community originating in China reached the ceiling in question after being charged thereagainst; whereas, if its appropriate to re-establish the levying of customs duties for the products in question against China,

HAS ADOPTED THIS REGULATION:

Article 1

As from 11 August 1992, the levying of customs duties, suspended for 1992 pursuant to Council Regulation (EEC) No 3831/90, shall be re-established on imports into the Community of the following products, originating in China:

Order No	CN code	Description
10.0770	7013	Glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes (other than that of heading No 7010 or 7018)

Article 2

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

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

Done at Brussels, 6 August 1992.

For the Commission

Jean DONDELINGER

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 341, 12. 12. 1991, p. 1. Last amended by Council Regulation (EEC) No 1509/92 (OJ No L 159, 12. 6. 1992, p. 1).

COMMISSION REGULATION (EEC) No 2326/92

of 7 August 1992

on the sale at prices fixed at a flat rate in advance of beef held by certain intervention agencies and intended for supplying the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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 certain intervention agencies hold substantial stocks of beef bought into intervention; whereas an extension of the storage period for that beef should be avoided on account of the ensuing high costs;

Whereas Commission Regulation (EEC) No 1912/92 of 10 July 1992 laying down detailed implementing rules for the specific measures for supplying the Canary Islands with products from the beef and veal sector ⁽³⁾ lays down the forecast supply balance for frozen meat of bovine animals for the period 1 July 1992 to 30 June 1993; whereas, in the light of traditional trade patterns, it is appropriate to release intervention beef for the purpose of supplying the Canary Islands during that period;

Whereas Article 4 of Commission Regulation (EEC) No 1695/92 of 30 June 1992 laying down common detailed implementing rules for the supply regime for the Canary Islands for certain agricultural products ⁽⁴⁾, as amended by Regulation (EEC) No 2132/92 ⁽⁵⁾, provides for the use of certificates of aid delivered by the competent Spanish authorities for the purpose of supplies from the Community; whereas it is appropriate to lay down that the potential buyer should present to the intervention agency a certificate of aid together with the intervention purchase application;

Whereas for the purpose of purchase and control procedures it is appropriate to apply certain provisions of Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef bought in by intervention agencies and repealing Regulation (EEC) No 216/69 ⁽⁶⁾, as last amended by Regulation (EEC) No 1809/87 ⁽⁷⁾, and of Regulation (EEC) No 569/88 of 16 February 1988 laying down common detailed rules for

verifying the use and/or destination of products from intervention ⁽⁸⁾, as last amended by Regulation (EEC) No 2315/92 ⁽⁹⁾;

Whereas it is necessary to provide for the lodging of a security to guarantee that the beef arrives at the intended destination;

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:
 - 2 000 tonnes of bone-in beef held by the Danish intervention agency,
 - 500 tonnes of boneless beef held by the Irish intervention agency,
 - 500 tonnes of boneless beef held by the United Kingdom intervention agency,
 - 500 tonnes of boneless beef held by the Italian intervention agency.
2. This meat shall be sold for delivery to the Canary Islands.
3. The qualities and selling prices of the products are given in Annex I hereto.

Article 2

1. Subject to the provisions of this Regulation the sale shall take place in accordance with the provisions of Regulation (EEC) No 2173/79, and in particular Articles 2 to 5 thereof, and of Title I of Regulation (EEC) No 569/88.
2. The intervention agencies shall sell first products which have been in storage longest.

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.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 49.

⁽³⁾ OJ No L 192, 11. 7. 1992, p. 31.

⁽⁴⁾ OJ No L 179, 1. 7. 1992, p. 1.

⁽⁵⁾ OJ No L 213, 29. 7. 1992, p. 25.

⁽⁶⁾ OJ No L 251, 5. 10. 1979, p. 12.

⁽⁷⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁸⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁹⁾ OJ No L 222, 7. 8. 1992, p. 46.

Article 3

1. A purchase application is only valid if it is accompanied by a certificate of aid covering at least the quantity concerned and issued in the framework of Regulation (EEC) No 1695/92.

2. Notwithstanding the second subparagraph of Article 2 (2) of Regulation (EEC) No 2173/79, purchase applications shall not indicate the store or stores where the meat applied for is being kept.

Article 4

1. By way of derogation from Article 15 (1) of Regulation (EEC) No 2173/79 the amount of security shall be ECU 100 per tonne.

2. An amount of security of ECU 1 700 per tonne of bone-in beef and of ECU 4 500 per tonne of boneless beef to guarantee the delivery to the Canary Islands shall be put up by the purchaser before taking over.

The delivery to the Canary Islands of the relevant products shall be a primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85⁽¹⁾.

Proper evidence of compliance with the abovementioned obligation shall be provided by way of appropriate certification issued by the competent authority in the Canary Islands⁽²⁾ and submitted to the intervention agency concerned within six months from the date of conclusion of contract.

Article 5

In the removal order referred to in Article 3 of Regulation (EEC) No 569/88 and the T5 control copy shall be entered:

« Carne de intervención destinada a las islas Canarias [Reglamento (CEE) n° 2326/92] »;

»Interventionskød til De Kanariske Øer (Forordning (EØF) nr. 2326/92)»;

»Interventionsfleisch für die Kanarischen Inseln (Verordnung (EWG) Nr. 2326/92)»;

«Κρέας από την παρέμβαση για τις Καναρίους Νήσους [Κανονισμός (ΕΟΚ) αριθ. 2326/92]»;

«Intervention meat for the Canary Islands (Regulation (EEC) No 2326/92)»;

« Viandes d'intervention destinées aux Îles Canaries [règlement (CEE) n° 2326/92] »;

« Carni in regime d'intervento destinate alle isole Canarie (Regolamento (CEE) n. 2326/92) »;

»Interventie vlees voor de Canarische eilanden (Verordening (EEG) nr. 2326/92)»;

« Carne de intervenção destinada às ilhas Canárias [Regulamento (CEE) n° 2326/92] ».

Article 6

In Part II of the Annex to Regulation (EEC) No 569/88, the following item (44) and footnote are added:

«(44) Commission Regulation (EEC) No 2326/92 of 7 August 1992 on the sale at prices fixed at a flat rate in advance of beef held by certain intervention agencies and intended for supplying the Canary Islands⁽⁴⁾».

⁽⁴⁾ OJ No L 223, 8. 8. 1992, p. 9.

Article 7

This Regulation shall enter into force on 20 August 1992.

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

Done at Brussels, 7 August 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

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Fax: (922) 24 42 61.

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 de venta expresado en ecus por tonelada Salgspriser i ECU/ton Verkaufspreise, ausgedrückt in ECU/Tonne Τιμές πωλήσεως εκφραζόμενες σε Ecu ανά τόνο Selling prices expressed in ecus per tonne Prix de vente exprimés en écus par tonne Prezzi di vendita espressi in ecu per tonnellata Verkoopprijzen uitgedrukt in ecu per ton Preço de venda expresso em ecus por tonelada
Ireland	— Fillets	250	6 850
	— Striploins	250	3 150
United Kingdom	— Fillets	250	6 750
	— Striploins	250	3 050
Italia	— Filetto	250	6 850
	— Rostbeef	250	3 150
Danmark	— Bagfjerdinger af : kategori A/C, klasse R og O	2 000	1 730

*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
-

COMMISSION REGULATION (EEC) No 2327/92**of 5 August 1992****introducing prior Community surveillance of imports of slippers and other indoor footwear falling within CN code 6405 20 91 and originating in the People's Republic of China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1766/82 of 30 June 1992 on common rules for imports from the People's Republic of China ⁽¹⁾, as last amended by Regulation (EEC) No 1243/86 ⁽²⁾, and in particular Article 10 thereof,

After consulting within the Committee set up under the Regulation referred to above,

Whereas the Commission has been informed that imports into the Community of slippers and other indoor footwear falling within CN heading 6405 20 91 and originating in the People's Republic of China have been rising rapidly in a way liable to have adverse effects on the already precarious situation of the Community producers concerned;

Whereas, according to the figures available, imports into the Community of slippers and other indoor footwear from all third countries rose from 52 774 027 pairs in 1989 to 62 104 700 pairs in 1991; whereas, in this context, imports of the products concerned originating in the People's Republic of China have risen from 36 582 384 pairs in 1989 to 50 652 258 pairs in 1991; whereas the majority of imports into the Community of the products concerned originate in the People's Republic of China;

Whereas, in the light of this trend, developments in the situation of imports originating in the People's Republic of China should be monitored closely in order to identify swiftly any adverse effects on the Community industry concerned; whereas prior Community surveillance of the imports concerned should be introduced;

Whereas, in accordance with Council Regulation (EEC) No 2616/85 of 16 September 1985 concerning the conclusion of a trade and economic cooperation agreement between the European Economic Community and the People's Republic of China ⁽³⁾, and in particular at Article 6 (1) of this agreement, a consultation has been

held so as to inform the Chinese authorities of the introduction of this surveillance,

HAS ADOPTED THIS REGULATION:

Article 1

With effect from 10 August 1992, the release for free circulation in the Community of slippers and other indoor footwear falling within CN heading 6405 20 91 and originating in the People's Republic of China shall be subject to prior Community surveillance in accordance with the procedures laid down in Article 10 of Regulation (EEC) No 1786/82 and in this Regulation.

Article 2

1. The release for free circulation of the products referred to in Article 1 in a Member State shall be subject to presentation of an import document issued by the relevant authorities of the importing Member State.

2. The import document referred to in paragraph 1 shall be issued automatically by the competent authority of the importing Member State without charge for any quantity requested, within five working days of presentation of an application by any Community importer, wherever established in the Community.

The import document may be used for three months, starting from the date of receipt by the importer.

3. The application presented by the importer shall give the following information:

(a) the name and address of the importer and of the exporter;

(b) a description of the product, including:

- the trade name,
- the corresponding CN code,
- the country of origin,
- the country of consignment;

(c) the free-at-frontier cif price and the quantity in pairs;

(d) the proposed date(s) and place(s) of import.

⁽¹⁾ OJ No L 195, 5. 7. 1982, p. 21.

⁽²⁾ OJ No L 113, 30. 4. 1986, p. 1.

⁽³⁾ OJ No L 250, 19. 9. 1985, p. 1.

Article 3

The Member States shall notify the Commission within the first ten days of each month of the quantities of the product (in pairs) for which import documents have been issued in the preceding month.

Article 4

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

This Regulation shall apply from 10 August 1992 to 31 December 1992.

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

Done at Brussels, 5 August 1992.

For the Commission

Filippo M. PANDOLFI

Vice-President

COMMISSION REGULATION (EEC) No 2328/92

of 31 July 1992

amending Regulation (EEC) No 1201/89 laying down rules implementing the system of aid for cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Greece, and in particular Protocol 4 on cotton, as last amended by Regulation (EEC) No 4006/87⁽¹⁾,

Having regard to Council Regulation (EEC) No 2619/81 of 27 July 1981 laying down the general rules for the system of aid for cotton⁽²⁾, as amended by Regulation (EEC) No 2053/92⁽³⁾, and in particular Article 11 thereof,

Whereas Article 7 of Commission Regulation (EEC) No 1201/89⁽⁴⁾, as last amended by Regulation (EEC) No 2756/91⁽⁵⁾, states that the aid application is to be lodged on or before the date on which the application for supervised storage of the cotton is made; whereas to facilitate marketing it should be made possible for the aid application to be lodged after the cotton has been brought into supervised storage; whereas such a change will require adjustment of certain provisions on the lodging of applications for aid and for supervised storage and on payment of the advance on the aid; whereas lodgment of the aid application shortly after the closing date should not result in the aid being totally forfeited;

Whereas Council Regulation (EEC) No 1964/87 of 2 July 1987 adjusting the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece⁽⁶⁾, as last amended by Regulation (EEC) No 2052/92⁽⁷⁾, has introduced a system of maximum guaranteed quantities which includes in particular in certain cases a deferral in the reduction in the guide price; whereas, with a view to the cases a deferral in the reduction in the guide price; whereas, with a view to the proper management of the system, the arrangements for this deferral should be laid down;

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

Article 1

Regulation (EEC) No 1201/89 is hereby amended as follows:

1. the following subparagraph is added to Article 5 (3):

‘If, however, the application is lodged:

- between 1 and 31 August of the marketing year for which aid is applied for the amount to be granted shall be that applicable on the previous 31 July reduced by 50 %,
- after 31 August of that marketing year, the aid application shall be rejected.’;

2. Article 6 is replaced by the following:

Article 6

The reduction in the aid for a given marketing year shall be:

- increased by an amount corresponding to half the percentage of the guide price for the marketing year in question obtained by dividing the difference between the estimated production of the previous marketing year and the actual production of that year by the guaranteed maximum quantity for that marketing year, where estimated production was less than actual production,
- decreased by an amount corresponding to half the percentage of the guide price of the marketing year in question obtained by dividing the difference between the estimated production of the previous marketing year and the actual production of that year by the guaranteed maximum amount for that marketing year, where estimated production was greater than actual production.

However, the first three percentage points of the results of this calculation shall be ignored in adjusting the aid. The calculation is to be carried out to three decimal places.’;

3. in Article 7 (1) the second sentence of the English text is replaced by the following:

‘It shall be lodged, for each harvest, between 1 June preceding the marketing year which the aid is applied for and 31 July of the marketing year in question.’;

4. in Article 7 (4) the following indent is added:

— a reference to the application for supervised storage if already lodged.’;

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 215, 30. 7. 1992, p. 12.

⁽⁴⁾ OJ No L 123, 4. 5. 1989, p. 23.

⁽⁵⁾ OJ No L 264, 20. 9. 1991, p. 21.

⁽⁶⁾ OJ No L 184, 3. 7. 1987, p. 14.

⁽⁷⁾ OJ No L 215, 30. 7. 1992, p. 10.

5. in Article 9 (3) the last indent is replaced by:

‘— a reference to the aid application lodged or a statement that it will be lodged at a later date.’;

6. Article 9 (8) is replaced by the following:

8. ‘As soon as the application for supervised storage has been lodged, Member States shall, on request, grant an advance on the aid provided a security at least equal to the advance has been lodged. The amount of the advance shall be equal to the amount of the aid, or, if the application for aid has set yet been lodged, it shall be equal to the amount of aid applicable on the date supervised storage began, in which case the security shall be at least equal to the amount of the advance, plus 10 %. The security shall take one of the forms

provided for in Article 8 of Regulation (EEC) No 2220/85. The security shall be forfeited pro rata to the quantities for which the obligation provided for in paragraph 9 is not fulfilled and/or by the amount by which the advance paid out exceeds the amount of aid to be paid.’;

7. in Article 10 (1) the words ‘for each aid application’ are replaced by ‘for each consignment.’

Article 2

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

It shall apply from 1 September 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

COMMISSION REGULATION (EEC) No 2329/92**of 31 July 1992****amending for the fourteenth time Regulation (EEC) No 646/86 fixing the export
refunds on wine**

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

Having regard to Council Regulation (EEC) No 822/87 of
16 March 1987 on the common organization of the
market in wine ⁽¹⁾, as last amended by Regulation (EEC)
No 1756/92 ⁽²⁾, and in particular Article 56 (4) thereof,

Whereas Commission Regulation (EEC) No 646/86 ⁽³⁾, as
last amended by Regulation (EEC) No 2375/91 ⁽⁴⁾, fixes
the export refunds on wine;

Whereas, pursuant to Article 70 of the Act of Accession,
the guide prices for Spanish table wine are to be fixed
from the 1992/93 wine year at the same level as the
common prices and whereas, as a consequence, refunds in
Spain should no longer be different from those applicable
in the rest of the Community;

Whereas export refunds are granted on wine as referred to
in Article 36 of Regulation (EEC) No 822/87 in excess of
the quantities normally produced as determined pursuant
to that Article; whereas the granting of a refund gives
such wine an advantage over table wine in competition on
the world market; whereas, in order to safeguard outlets
for table wine, wine as referred to in Article 36 of Regula-

tion (EEC) No 822/87 should not qualify for export
refunds;

Whereas, pursuant to Regulation (EEC) No 646/86,
refunds for the former Yugoslavia are not to be granted
after 31 August 1992; whereas prospects shall exist for
the disposal of table wine on certain markets in the
former Yugoslavia; whereas the possibility of granting
refunds for those markets after that date should be main-
tained;

Whereas the measures laid down in this Regulation are in
accordance with the opinion of the Management
Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 646/86 is hereby
replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 1 September
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

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 27.

⁽³⁾ OJ No L 60, 1. 3. 1986, p. 46.

⁽⁴⁾ OJ No L 217, 6. 8. 1991, p. 15.

ANNEX

Product code	For export to (1)	Refund
		ECU/% vol/hl (2)
2009 60 11 100	01 ; 02 ; 09	1,30
2009 60 19 100	01 ; 02 ; 09	1,30
2009 60 51 100	01 ; 02 ; 09	1,30
2009 60 71 100	01 ; 02 ; 09	1,30
		ECU/hl
2204 21 25 110	02 ; 09	5,50
		ECU/% vol/hl (2)
2004 21 25 190	02	1,80
	03 ; 09	1,65
		ECU/hl
2204 21 25 910	02 ; 09	5,50
		ECU/% vol/hl (2)
2004 21 29 190	02	1,80
	03 ; 09	1,65
		ECU/% vol/hl
2204 21 35 110	02 ; 09	5,50
		ECU/% vol/hl (2)
2004 21 35 190	02	1,80
	03 ; 09	1,65
2004 21 39 190	02	1,80
	03 ; 09	1,65
		ECU/hl
2204 21 49 910	02 ; 09	17,25
2204 21 59 910	02 ; 09	17,25
2204 29 25 110	02 ; 09	5,50
		ECU/% vol/hl (2)
2204 29 25 190	02	1,80
	03 ; 09	1,65
		ECU/hl
2204 29 25 910	02 ; 09	5,50
		ECU/% vol/hl (2)
2004 29 29 190	02	1,80
	03 ; 09	1,65

Product code	For export to ⁽¹⁾	Refund
		ECU/hl
2204 29 35 910	02 ; 09	5,50
		ECU/% vol/hl ⁽²⁾
2204 29 35 190	02	1,80
2204 29 39 190	03 ; 09	1,65
	02	1,80
	03 ; 09	1,65
		ECU/hl
2204 29 49 910	02 ; 09	17,25
2204 29 59 910	02 ; 09	17,25
		ECU/% vol/hl ⁽²⁾
2204 30 91 100 ⁽³⁾	01 ; 02 ; 09	1,30
2204 30 99 100 ⁽³⁾	01 ; 02 ; 09	1,30

⁽¹⁾ The destination area as follows :

- 01 Venezuela ;
- 02 All countries of the African continent with the exception of those explicitly excluded under 09 ;
- 03 Republics of Bosnia-Herzegovina, Croatia and Slovenia and the Yugoslav Republic of Macedonia ;
- 09 All other destinations with the exception of the following third countries :
 - all countries of the American continent within the meaning of Commission Regulation (EEC) No 634/89 (OJ No L 70, 14. 3. 1989, p. 17),
 - South Africa,
 - Algeria,
 - Australia,
 - Austria,
 - Cyprus,
 - Israel,
 - Morocco,
 - Switzerland,
 - Tunisia,
 - Turkey, and
 - Yugoslav Republic of Serbia and Montenegro.

⁽²⁾ Potential alcoholic strength by volume as defined in Annex II to Regulation (EEC) No 822/87.

⁽³⁾ Total alcoholic strength by volume as defined in Annex II to Regulation (EEC) No 822/87.

NB : The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as amended by Regulation (EEC) No 3795/91 (OJ No L 358, 30. 12. 1991, p. 1.).

COMMISSION REGULATION (EEC) No 2330/92

of 7 August 1992

fixing the import levies on white sugar and raw sugar

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1813/92 ⁽³⁾, as last amended by Regulation (EEC) No 2299/92 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) 1813/92 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in

the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁶⁾,

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

Whereas these exchange rates being those recorded on 6 August 1992,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 8 August 1992.

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

Done at Brussels, 7 August 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 183, 3. 7. 1992, p. 18.

⁽⁴⁾ OJ No L 221, 6. 8. 1992, p. 42.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 7 August 1992 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	37,82 ⁽¹⁾
1701 11 90	37,82 ⁽¹⁾
1701 12 10	37,82 ⁽¹⁾
1701 12 90	37,82 ⁽¹⁾
1701 91 00	45,08
1701 99 10	45,08
1701 99 90	45,08 ⁽²⁾

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

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

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

COMMISSION REGULATION (EEC) No 2331/92**of 7 August 1992****regarding that the market in pears is in a state of serious crisis**

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1754/92⁽²⁾, and in particular Article 19a (1) thereof,

Whereas, under Article 19a (1) of Regulation (EEC) No 1035/72, if, for a given product on one of the representative markets referred to in Article 17 (2) of that Regulation, the prices communicated to the Commission pursuant to paragraph 1 of that same Article remain below the buying-in price, plus 5 % of the basic price, for two consecutive market days, the Commission shall without delay record that the market in the product in question is in a state of serious crisis;

Whereas this situation has arisen in France for pears; whereas it should consequently be recorded that the market in this product is in a state of serious crisis,

HAS ADOPTED THIS REGULATION:

Article 1

It is recorded that the market in pears is in a state of serious crisis.

Article 2

This Regulation shall enter into force on 8 August 1992.

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

Done at Brussels, 7 August 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 23.

II

(Acts whose publication is not obligatory)

COUNCIL

**DECISION No 2/92 OF THE EEC-AUSTRIA JOINT COMMITTEE
of 14 July 1992**

**extending the validity of Decision No 5/88 of the Joint Committee modifying
Protocol 3 concerning the definition of the concept of originating products and
methods of administrative cooperation in order to simplify the cumulation rules**

(92/407/EEC)

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Republic of Austria, signed in Brussels on 22 July 1972,

Having regard to Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, hereinafter referred to as 'Protocol 3', and in particular Article 28 thereof,

Whereas on 14 December 1988 the Joint Committee adopted Decision No 5/88 amending Protocol 3 in order to simplify the cumulation rules;

Whereas it was considered necessary at the time to review the effects of the introduction of the new cumulation rules after a period of experience to verify their economic effect and to limit the application of the Decision to three years;

Whereas Decision No 5/88 entered into force on 1 January 1989 and is applicable until 31 December 1991;

Whereas the review carried out by the Joint Committee has revealed that the new cumulation rules introduced by the Decision are working in a satisfactory manner both

from the point of view of their use by operators and their control by customs administrations and from the point of view of their economic effects;

Whereas it is necessary to extend the validity of Decision No 5/88 for an indefinite period of time,

HAS DECIDED AS FOLLOWS:

Article 1

The validity of Decision No 5/88 of the EEC-Austria Joint Committee is hereby extended for an indefinite period of time.

Article 2

This Decision shall apply from 1 January 1992.

Done at Brussels, 14 July 1992.

For the Joint Committee

The President

G. WAAS

DECISION No 2/92 OF THE EEC-FINLAND JOINT COMMITTEE**of 17 July 1992****extending the validity of Decision No 5/88 of the Joint Committee modifying Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation in order to simplify the cumulation rules****(92/408/EEC)****THE JOINT COMMITTEE,**

Having regard to the Agreement between the European Economic Community and the Republic of Finland, signed in Brussels on 5 October 1973,

Having regard to Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, hereinafter referred to as 'Protocol 3', and in particular Article 28 thereof,

Whereas on 12 December 1988 the Joint Committee adopted Decision No 5/88 amending Protocol 3 in order to simplify the cumulation rules ;

Whereas it was considered necessary at the time to review the effects of the introduction of the new cumulation rules after a period of experience to verify their economic effect and to limit the application of the Decision to three years ;

Whereas Decision No 5/88 entered into force on 1 January 1989 and is applicable until 31 December 1991 ;

Whereas the review carried out by the Joint Committee has revealed that the new cumulation rules introduced by the Decision are working in a satisfactory manner both from the point of view of their use by operators and their

control by customs administrations and from the point of view of their economic effects ;

Whereas it is necessary to extend the validity of Decision No 5/88 for an indefinite period of time,

HAS DECIDED AS FOLLOWS :

Article 1

The validity of Decision No 5/88 of the EEC-Finland Joint Committee is hereby extended for an indefinite period of time.

Article 2

This Decision shall apply from 1 January 1992.

Done at Brussels, 17 July 1992.

For the Joint Committee

The President

G. AVERY

COUNCIL DECISION

of 23 July 1992

on the amount of transfers to be paid to OCT for the 1990 application year under the system for stabilizing export earnings in accordance with Decision 91/482/EEC

(92/409/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾, and in particular Article 121 (4) thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Articles 118, 120 and 121 of the said Decision, ECU 1 500 000 has been made available to cover all commitments to the overseas countries and territories (OCT) arising from the system for stabilizing export earnings for the year of application 1990;

Whereas under the system transfer rights for the 1990 year of application have been established for two OCT, for which the transfer bases calculated in accordance with Article 124 of the said Decision, and reduced in accordance with Article 121 (2) of the same Decision, total ECU 2 180 501;

Whereas the said amount exceeds the ECU 1 500 000 available for the 1990 year of application;

Whereas the total transfer bases will therefore have to be reduced by 31,21 %,

Article 1

The transfer rights to compensate for losses of export earnings in the 1990 year of application, which amount to ECU 2 180 501, are hereby reduced by 31,21 %, giving rise to a final payment of ECU 1 500 000, which is broken down as follows:

(in ECU)

OCT	Product	Transfer amount
French Polynesia	Copra oil	880 876
Falkland Islands	Wool	619 124

Article 2

This Decision shall take effect on the day of its adoption.

Done at Brussels, 23 July 1992.

*For the Council**The President*

John COPE

⁽¹⁾ OJ No L 263, 19. 9. 1991, p. 1.

COUNCIL DECISION**of 27 July 1992**

on the conclusion of the Agreement in the form of an exchange of letters on the provisional application of the Protocol establishing, for the period from 3 May 1992 to 2 May 1994, the fishing opportunities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola

(92/410/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola, signed in Luanda on 1 February 1989 ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas the Community and the People's Republic of Angola held negotiations to determine the amendments or additions to be made to the abovementioned Agreement on the expiry of the application period of the Third Protocol to the Agreement and currently in force;

Whereas, as a result of those negotiations, a new Protocol was initialled on 12 June 1992;

Whereas the Protocol provides Community fishermen with fishing opportunities in waters over which the People's Republic of Angola has sovereignty from 3 May 1992 to 2 May 1994;

Whereas, in order to avoid any interruption in the fishing activities of Community vessels, the new Protocol should be applied as soon as possible; whereas for this reason the two Parties have initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from the day following that on which the Protocol currently in force expires; whereas that Agreement should be approved, pending a

final decision to be taken on the basis of Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters on the provisional application of the Protocol establishing, for the period from 3 May 1992 to 2 May 1994, the fishing opportunities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an exchange of letters in order to bind the Community.

Done at Brussels, 27 July 1992.

For the Council

The President

N. LAMONT

⁽¹⁾ OJ No L 341, 3. 12. 1987, p. 1.

AGREEMENT

in the form of an exchange of letters on the provisional application of the Protocol defining, for the period from 3 May 1992 to 2 May 1994, the fishing opportunities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola

A. Letter from the Government of Angola

Sir,

With reference to the Protocol initialled on 12 June 1992 defining the fishing opportunities and financial compensation for the period from 3 May 1992 to 2 May 1994, I have the honour to inform you that the Government of Angola is prepared to apply the Protocol on a provisional basis with effect from 3 May 1992, pending its entry into force in accordance with Article 7 thereof, provided that the European Economic Community is disposed to do the same.

This is on the understanding that the first instalment of the financial compensation fixed in Article 2 of the Protocol is to be paid before 30 September 1992.

I should be obliged if you would confirm the Community's agreement to such provisional application of the Protocol.

Please accept, Sir, the assurance of my highest consideration.

*For the Government
of the People's Republic of Angola*

B. Letter from the Community

Sir,

I am in receipt of your letter of today's date, which reads as follows:

'With reference to the Protocol initialled on 12 June 1992 defining the fishing opportunities and financial compensation for the period from 3 May 1992 to 2 May 1994, I have the honour to inform you that the Government of Angola is prepared to apply the Protocol on a provisional basis with effect from 3 May 1992, pending its entry into force in accordance with Article 7 thereof, provided that the European Economic Community is disposed to do the same.

This is on the understanding that the first instalment of the financial compensation fixed in Article 2 of the Protocol is to be paid before 30 September 1992.

I should be obliged if you would confirm the Community's agreement to such provisional application of the Protocol.'

I have the honour to confirm the Community's agreement to such provisional application of the Protocol.

Please accept, Sir, the assurance of my highest consideration.

*For the Council of
the European Communities*

COMMISSION

COMMISSION DECISION

of 31 July 1992

on the granting of aid to steel undertakings by the Danish and Dutch Governments

(Only the Danish and Dutch texts are authentic)

(92/411/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 95 (1) and (2) thereof,

Having consulted the Consultative Committee and with the unanimous assent of the Council,

Whereas :

In order to help protect the environment by reducing carbon dioxide emissions and improving energy efficiency, the Danish and Dutch authorities have decided to introduce a specific additional tax on carbon dioxide and energy coupled with arrangements providing reliefs for firms. In Denmark, the reliefs consist in particular of :

- a system of progressive refund of part of the tax paid : the amount of the refund increases in parallel with the proportion of the firm's value added accounted for by the tax,
- a grant where the tax accounts for more than 3 % of the firm's value added, eligibility for the grant being subject to the carrying out of an energy expert's report and to the implementation of the energy-saving measures advocated in the report. The grant comes on top of the progressive refund so as to cover the amount of the tax still payable, except for Dkr 10 000 (ECU 1 260) which the firm must pay itself.

In the Netherlands, the reliefs relate to the part of the tax that is based on energy consumption (the other half of the tax being based on the carbon dioxide content of fuels) and consist of a reduced rate of taxation for firms whose natural gas consumption exceeds a threshold of 10 million m³ a year.

In both countries, firms subject to the tax will therefore incur additional costs despite these reliefs. The Commission, to which these tax arrangements were notified in

accordance with Article 93 of the EEC Treaty, took the view that the relief measures comprised aid elements since they favoured certain undertakings in the two Member States.

It concluded that the aid was compatible with the common market since its object was to limit the loss of competitiveness of the recipient firms, as a result of their being subject to the tax, as compared with their competitors in countries which had not introduced such a tax, and since it did not jeopardize the positive effects which the introduction of the tax was likely to have in terms of environmental protection.

In April 1992, thereof, the Commission decided not to oppose the granting of the aid, though it stipulated that, if Community legislation were subsequently introduced in this area, the Danish and Dutch Governments would have to bring their taxes and therefore the related aid measures into line with it.

However, the Commission excluded ECSC steel undertakings from eligibility for the aid. This is because the aid is not included amongst the types of aid authorized by Commission Decision No 3855/91/ECSC of 27 November 1991 establishing Community rules for aid to the steel industry⁽¹⁾. The granting of the aid is consequently prohibited under Article 4 point (c) of the ECSC Treaty.

However, the additional costs incurred by Danish and Dutch firms as a result of their being subject to the tax will affect their competitiveness compared with their competitors inside and outside the Community. The goal of not impeding the competitiveness of steel undertakings contributes to achievement of the objectives laid down in

⁽¹⁾ OJ No L 362, 31. 12. 1991, p. 57.

the ECSC Treaty, and in particular those laid down in Articles 2 and 3 thereof. Accordingly, it would be unjustified to exclude the Danish and Dutch steel industries from eligibility for the relief measures.

The Community is thus faced with a situation not provided for in the ECSC Treaty and one in which it must act. Accordingly, use should be made of the first paragraph of Article 95 of the Treaty to enable the Community to pursue the objectives set out in the introductory articles of the Treaty and to authorize through an *ad hoc* decision the payment of the aid to the steel industry in the two Member States.

ECSC steel undertakings in Denmark and the Netherlands will henceforth qualify, on the same terms as other undertakings, for the measures providing relief from the specific additional tax on carbon dioxide and energy introduced in each of the two Member States. Any amendment to the relief measures initially authorized by the Commission will have to be notified to the Commission where they are likely to have effects on the steel industry. Such notifications will be examined in accordance with the procedures established by Decision No 3855/91/ECSC so that the Commission can check within reasonable deadlines that the aid thus amended complies with the restrictions set by this Decision.

The Member States will report twice a year on the aid thus granted and on its use. Since the tax is being introduced in the Netherlands on 1 July 1992, this Decision will enter into force there as from that date.

So as to ensure consistency with Decision No 3855/91/ECSC, this Decision will apply until 31 December 1996,

HAS ADOPTED THIS DECISION:

Article 1

Aid of the type authorized for activities not covered by the ECSC Treaty by Decisions of 8 April 1992 in respect of Denmark and of 29 April 1992 in respect of the Netherlands which are intended to reduce the increase in the tax burden on steel undertakings in Denmark and the Netherlands resulting from the introduction, in those two

Member States, of a specific additional tax designed to protect the environment by reducing carbon dioxide emissions and by improving energy efficiency and the granting of which is not reserved exclusively to the steel industry may be considered to be compatible with the common market.

Article 2

The Commission shall be informed, in sufficient time to enable it to submit its comments, of any plans to alter the aid authorized in Article 1.

The Commission shall examine any such planned alterations in accordance with the provisions of Article 6 (4) and (5) of Decision No 3855/91/ECSC.

Article 3

The Kingdom of Denmark and the Kingdom of the Netherlands shall supply the Commission twice a year with reports on the aid disbursed over the previous six months and, if appropriate, the uses to which the aid was put and the results obtained over the same period.

Article 4

This Decision shall enter into force:

- on 1 July 1992 in the Kingdom of the Netherlands,
- on the day of its notification to the Kingdom of Denmark.

It shall apply until 31 December 1996.

Article 5

This Decision is addressed to the Kingdom of Denmark and the Kingdom of the Netherlands.

Done at Brussels, 31 July 1992.

For the Commission

Leon BRITTAN

Vice-President

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2210/92 of 31 July 1992 fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex II to the Treaty

(Official Journal of the European Communities No L 218 of 1 August 1992)

On pages 54 and 55 in the Annex CN codes 1002 00 00, 1003 00 90 and 1004 00 90 shall read as follows :

1002 00 00	Rye :	
	— used unprocessed	10,315
	— used in the form of :	
	— — pellets of CN code 1103, or pearled grains of CN code 1104	6,189
	— — rolled or flaked grains and hulled grains of CN code 1104	9,284
	— — germ of CN code 1104	3,484
	— — starch of CN code 1108 19 90	9,955
	— — gluten of CN code 2303 10 90	—
	— — other (except flours of CN code 1102)	10,315
1003 00 90	Barley :	
	— used unprocessed	7,450
	— used in the form of :	
	— — flours of CN code 1102, groats and meal of CN code 1103, or rolled, flaked or pearled grains of CN code 1104	5,215
	— — pellets of CN code 1103	4,470
	— — germs of CN code 1104	3,484
	— — starch of CN code 1108 19 90	9,955
	— — gluten of CN code 2303 10 90	—
	— — other	7,450
1004 00 90	Oats :	
	— used unprocessed	7,462
	— used in the form of :	
	— — pellets of CN code 1103, and pearled grains of CN code 1104	4,477
	— — rolled or flaked grains and hulled grains of CN code 1104	6,716
	— — germs of CN code 1104	3,484
	— — starch of CN code 1108 19 90	9,955
	— — gluten of CN code 2303 10 90	—
	— — other	7,462