

Official Journal

of the European Communities

ISSN 0378-6978

L 272

Volume 35

17 September 1992

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 2680/92 of 16 September 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 2681/92 of 16 September 1992 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 2682/92 of 16 September 1992 fixing the export refunds on white sugar and raw sugar exported in its unaltered state	5
Commission Regulation (EEC) No 2683/92 of 16 September 1992 fixing the import levies on rice and broken rice	7
Commission Regulation (EEC) No 2684/92 of 16 September 1992 fixing the premiums to be added to the import levies on rice and broken rice	9
Commission Regulation (EEC) No 2685/92 of 16 September 1992 fixing the maximum export refunds on olive oil for the 19th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3149/91	11
* Commission Regulation (EEC) No 2686/92 of 16 September 1992 imposing a provisional anti-dumping duty on imports of certain types of electronic microcircuits known as DRAMs (dynamic random access memories) originating in the Republic of Korea	13
Commission Regulation (EEC) No 2687/92 of 16 September 1992 amending Regulation (EEC) No 1302/92 increasing to 1 100 000 tonnes the quantity of barley held by the German intervention agency for which a standing invitation to tender for export has been opened	26
Commission Regulation (EEC) No 2688/92 of 16 September 1992 opening a standing invitation to tender in Germany, France and Italy for the free supply of tinned beef to the victims of the conflict in what was formerly Yugoslavia	28

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.

Contents (continued)

Commission Regulation (EEC) No 2689/92 of 14 September 1992 fixing definitively the aid for cotton applicable from 1 May to 31 August 1992 for the 1992/93 marketing year	34
Commission Regulation (EEC) No 2690/92 of 16 September 1992 opening an invitation to tender for the reduction in the levy on maize imported from third countries	36
* Commission Regulation (EEC) No 2691/92 of 16 September 1992 determining the overrun in the Community maximum guaranteed area under cotton and the reduced aid for small cotton producers for the 1991/92 marketing year	39
Commission Regulation (EEC) No 2692/92 of 16 September 1992 on the date of public announcement of new agricultural conversion rates	40
Commission Regulation (EEC) No 2693/92 of 16 September 1992 fixing the correcting factor and the coefficient reducing agricultural prices provided for in Article 6 of Council Regulation (EEC) No 1677/85 on monetary compensatory amounts in agriculture	41
Commission Regulation (EEC) No 2694/92 of 16 September 1992 fixing the sluice-gate prices and levies for eggs	42
Commission Regulation (EEC) No 2695/92 of 16 September 1992 fixing the sluice-gate prices and levies for poultrymeat	44
Commission Regulation (EEC) No 2696/92 of 16 September 1992 fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin	49
Commission Regulation (EEC) No 2697/92 of 16 September 1992 fixing the import levies on white sugar and raw sugar	51
Commission Regulation (EEC) No 2698/92 of 16 September 1992 fixing the aid for cotton	53
Commission Regulation (EEC) No 2699/92 of 16 September 1992 altering the import levies on products processed from cereals and rice	54
Commission Regulation (EEC) No 2700/92 of 16 September 1992 fixing the maximum export refund for white sugar for the 20th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 920/92	57
Commission Regulation (EEC) No 2701/92 of 16 September 1992 fixing the import levy on molasses	58
Commission Regulation (EEC) No 2702/92 of 16 September 1992 fixing the amount of aid for peas, field beans and sweet lupins	59
Commission Regulation (EEC) No 2703/92 of 16 September 1992 adapting the conversion rates to be applied in agriculture fixed by Council Regulation (EEC) No 1678/85	66
* Information from the Commission	71

Corrigenda

* Corrigendum to Council Directive 91/680/EEC of 16 December 1991 supplementing the common system of value added tax and amending Directive 77/388/EEC with a view to the abolition of fiscal frontiers (OJ No L 376 of 31.12.1991)	72
--	-----------

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2680/92

of 16 September 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 15 September 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 17 September 1992.

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

Done at Brussels, 16 September 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 16 September 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy (°)
0709 90 60	149,53 (°) (°)
0712 90 19	149,53 (°) (°)
1001 10 10	169,10 (°) (°) (°)
1001 10 90	169,10 (°) (°) (°)
1001 90 91	143,53
1001 90 99	143,53 (°)
1002 00 00	155,40 (°)
1003 00 10	127,42
1003 00 90	127,42 (°)
1004 00 10	108,55
1004 00 90	108,55
1005 10 90	149,53 (°) (°)
1005 90 00	149,53 (°) (°)
1007 00 90	153,57 (°)
1008 10 00	54,64 (°)
1008 20 00	104,97 (°)
1008 30 00	52,90 (°)
1008 90 10	(°)
1008 90 90	52,90
1101 00 00	212,99 (°) (°)
1102 10 00	230,48 (°)
1103 11 10	274,91 (°) (°)
1103 11 90	229,70 (°)

- (°) 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 2681/92

of 16 September 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 15 September 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 17 September 1992.

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

Done at Brussels, 16 September 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 16 September 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	9	10	11	12
0709 90 60	0	0	0	0,38
0712 90 19	0	0	0	0,38
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	0,38
1005 90 00	0	0	0	0,38
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	9	10	11	12	1
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 2682/92

of 16 September 1992

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

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 point (a) of the first subparagraph of Article 19 (4) thereof,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as last amended by Regulation (EEC) No 1684/92⁽⁷⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter

must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas Council Regulation (EEC) No 1432/92⁽⁸⁾, as amended by Regulation (EEC) No 2015/92⁽⁹⁾, prohibits 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, 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 subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽¹⁰⁾, as last amended by Regulation (EEC) No 2205/90⁽¹¹⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 176, 30. 6. 1992, p. 31.

⁽⁸⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁹⁾ OJ No L 205, 22. 7. 1992, p. 2.

⁽¹⁰⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹¹⁾ OJ No L 201, 31. 7. 1990, p. 9.

HAS ADOPTED THIS REGULATION :

and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

2. Export refunds towards the Republics of Montenegro and Serbia are not fixed.

Article 1

1. The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured

This Regulation shall enter into force on 17 September 1992.

Article 2

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

Done at Brussels, 16 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 16 September 1992 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	(ECU) Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question ⁽²⁾
1701 11 90 100	38,44 ⁽¹⁾	0,4179
1701 11 90 910	35,13 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	38,44 ⁽¹⁾	
1701 12 90 910	35,13 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,4179
1701 99 10 100	41,79	
1701 99 10 910	40,79	
1701 99 10 950	39,29	
1701 99 90 100		

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85, as amended by Regulation (EEC) No 3251/85.

⁽³⁾ 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.

COMMISSION REGULATION (EEC) No 2683/92
of 16 September 1992
fixing the import levies on rice and broken 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 1418/76
of 21 June 1976 on the common organization of the
market in rice ⁽¹⁾, as last amended by Regulation (EEC)
No 674/92 ⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC)
No 883/87 of 23 March 1987 laying down detailed rules
for the application of Council Regulation (EEC)
No 3877/86 on imports rice of the long-grain aromatic
Basmati variety falling within CN codes 1006 10, 1006 20
and 1006 30 ⁽³⁾, as last amended by Regulation (EEC)
No 674/91 ⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were
fixed by Commission Regulation (EEC) No 2530/92 ⁽⁵⁾, as
last amended by Regulation (EEC) No 2623/92 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on the products listed in
Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76
shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 September
1992.

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

Done at Brussels, 16 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 75, 21. 3. 1991, p. 29.

⁽⁵⁾ OJ No L 254, 1. 9. 1992, p. 21.

⁽⁶⁾ OJ No L 264, 10. 9. 1992, p. 15.

ANNEX

to the Commission Regulation of 16 September 1992 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies (°)		
	Arrangement in Regulation (EEC) No 3877/86 (°)	ACP Bangladesh (°) (°) (°) (°)	Third countries (except ACP) (°)
1006 10 21	—	153,45	314,10
1006 10 23	—	153,61	314,43
1006 10 25	—	153,61	314,43
1006 10 27	235,82	153,61	314,43
1006 10 92	—	153,45	314,10
1006 10 94	—	153,61	314,43
1006 10 96	—	153,61	314,43
1006 10 98	235,82	153,61	314,43
1006 20 11	—	192,71	392,63
1006 20 13	—	192,92	393,04
1006 20 15	—	192,92	393,04
1006 20 17	294,78	192,92	393,04
1006 20 92	—	192,71	392,63
1006 20 94	—	192,92	393,04
1006 20 96	—	192,92	393,04
1006 20 98	294,78	192,92	393,04
1006 30 21	—	239,16	502,18 (°)
1006 30 23	—	284,08	591,94 (°)
1006 30 25	—	284,08	591,94 (°)
1006 30 27	443,96 (°)	284,08	591,94 (°)
1006 30 42	—	239,16	502,18 (°)
1006 30 44	—	284,08	591,94 (°)
1006 30 46	—	284,08	591,94 (°)
1006 30 48	443,96 (°)	284,08	591,94 (°)
1006 30 61	—	255,06	534,83 (°)
1006 30 63	—	304,93	634,56 (°)
1006 30 65	—	304,93	634,56 (°)
1006 30 67	475,92 (°)	304,93	634,56 (°)
1006 30 92	—	255,06	534,83 (°)
1006 30 94	—	304,93	634,56 (°)
1006 30 96	—	304,93	634,56 (°)
1006 30 98	475,92 (°)	304,93	634,56 (°)
1006 40 00	—	71,40	148,80

(°) Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

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

(°) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

(°) The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulation (EEC) Nos 3491/90 and 862/91.

(°) The levy on imports into Portugal is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3778/91.

(°) The levy on imports of rice of the long-grain aromatic Basmati variety is applicable under the arrangements laid down in Regulation (EEC) No 3877/86, as amended by Regulation (EEC) No 3130/91.

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

COMMISSION REGULATION (EEC) No 2684/92**of 16 September 1992****fixing the premiums to be added to the import levies on rice and broken 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 1418/76
of 21 June 1976 on the common organization of the
market in rice ⁽¹⁾, as last amended by Regulation (EEC)
No 674/92 ⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice
and broken rice were fixed by Commission Regulation
(EEC) No 2531/92 ⁽³⁾, as last amended by Regulation
(EEC) No 2624/92 ⁽⁴⁾;

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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums to be added to the import levies fixed in
advance in respect of rice and broken rice originating in
third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 September
1992.

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

Done at Brussels, 16 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 254, 1. 9. 1992, p. 24.

⁽⁴⁾ OJ No L 264, 10. 9. 1992, p. 17.

ANNEX

to the Commission Regulation of 16 September 1992 fixing the premiums to be added to the import levies on rice and broken rice

(ECU/tonne)

CN code	Current 9	1st period 10	2nd period 11	3rd period 12
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 2685/92**of 16 September 1992****fixing the maximum export refunds on olive oil for the 19th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3149/91**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) 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⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil ⁽³⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3149/91 ⁽⁴⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Council Regulation (EEC) No 1432/92 ⁽⁵⁾, as amended by Regulation (EEC) No 2015/92 ⁽⁶⁾, prohibits 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 Article 6 of Regulation (EEC) No 3149/91 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Commu-

nity and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

Whereas the Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the 19th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3149/91 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 September 1992.

Article 2

This Regulation shall enter into force on 17 September 1992.

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

Done at Brussels, 16 September 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 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 299, 30. 10. 1991, p. 24.

⁽⁵⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁶⁾ OJ No L 205, 22. 7. 1992, p. 2.

ANNEX

to the Commission Regulation of 16 September 1992 fixing the maximum export refunds on olive oil for the 19th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3149/91

<i>(ECU/100 kg)</i>	
Product code	Amount of refund ⁽¹⁾
1509 10 90 100	43,50
1509 10 90 900	67,00
1509 90 00 100	53,50
1509 90 00 900	85,50
1510 00 90 100	13,00
1510 00 90 900	45,00

⁽¹⁾ 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 products codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EEC) No 2686/92

of 16 September 1992

imposing a provisional anti-dumping duty on imports of certain types of electronic microcircuits known as DRAMs (dynamic random access memories) originating in the Republic of Korea

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas :

A. PROCEDURE

(1) In March 1991 the Commission announced by means of a notice published in the *Official Journal of the European Communities*⁽²⁾ the initiation of an anti-dumping proceeding concerning imports into the Community of certain types of electronic microcircuits known as DRAMs (dynamic random access memories) originating in the Republic of Korea falling

- within CN codes 8542 11 41, 8542 11 43, 8542 11 45, for finished DRAMs,
- within CN code ex 8542 11 10 for DRAM wafers,
- within CN code ex 8542 11 30 for DRAM-dice or -chips
- and either within the CN code for finished DRAMs or within CN codes ex 8473 30 00 or ex 8548 00 00 for DRAM modules

and commenced an investigation.

After the CN codes were changed by Commission Regulation (EEC) No 2587/91⁽³⁾ DRAMs now fall

- within CN codes 8542 11 12, 8542 11 14, 8542 11 16, 8542 11 18 for finished DRAMs,
- within CN code ex 8542 11 01 for DRAM wafers,
- within CN code ex 8542 11 05 for DRAM-dice or -chips

— and within CN codes ex 8473 30 10 or ex 8548 00 00 for DRAM modules.

- (2) This notice followed the receipt of a written complaint lodged by the European Electronic Component Manufacturers' Association (EECA) representing a major proportion of the total Community production of DRAMs. The complaint contained evidence of dumping of the said product originating in Korea and of material injury resulting therefrom. This evidence was considered sufficient to justify the initiation of a proceeding.
- (3) The Commission officially advised the producers in the exporting country and importers known to be concerned, the representatives of the exporting country and the complainant. Parties directly concerned were given the opportunity to make their views known in writing and to request a hearing.
- (4) All three known producers in Korea cooperated in the proceeding.
- (5) Representatives of these producers, of one exporter to the Community unrelated to the Korean producers, the complainant and 16 importers made their views known in writing. All producers, the exporter and all the related importers requested and were granted hearings. Representations were also made by two groups of Community users of the product concerned.
- (6) The Commission sought and verified all information it deemed necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following :
 - (a) *Community producers*
 - Motorola Ltd, Glasgow, United Kingdom,
 - Siemens AG, Munich, Germany ;
 - (b) *Producers in Korea*
 - Goldstar Electron Co., Ltd, Seoul,
 - Hyundai Electronics Industries Co., Ltd, Icheon,
 - Samsung Electronics Co., Ltd, Seoul ;
 - (c) *Importers in the Community*
 - Goldstar Deutschland GmbH, Willich, Germany,
 - Hyundai Electronics Europe GmbH, Eschborn, Germany,

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 57, 6. 3. 1991, p. 9.

⁽³⁾ OJ No L 259, 16. 9. 1991, p. 1.

- Samsung Semiconductor Europe GmbH, Eschborn, Germany,
- Samsung UK, Ltd, Brentford, Middlesex, United Kingdom;

(d) *Exporter of Korean origin products to the Community*

- Texas Instruments Limited, Singapore

- (7) The investigation of dumping covered the period from 1 January to 31 December 1990 (the investigation period).
- (8) The investigation overran the normal duration of one year provided for in Article 7 (9) (a) of Regulation (EEC) No 2423/88 (hereafter referred to as the 'basic Regulation') due to the complexity of the investigation, in particular in light of the numerous DRAM types and the calculation of the normal value on a quarterly basis as stated in recital 19.

B. PRODUCT UNDER INVESTIGATION ; LIKE PRODUCT

- (9) DRAMs are used for the storage of information in electronic digital computing circuits. Data can both be read from and written on to a DRAM. DRAMs are a type of integrated memory circuit manufactured using variations of metal oxide semiconductor (MOS) process technology known as CMOS, BiCMOS and NMOS — CMOS and BiCMOS being the more advanced methods of production using less power and allowing faster access speeds and a wider working temperature range. The memory capacity or 'density' of a DRAM is expressed with the term K or M. K is regarded as being equal to 1 000 but refers more precisely to the binary number 1024, M is equal to 1 000 000 but refers more precisely to 1,045 million. Therefore, a 1M DRAM has for example approximately 1,045 million bits of storage capacity, i.e. memory.
- (10) The DRAM production process can be subdivided roughly into the following four steps :

1. DRAM wafer processing or diffusion (also referred to as front end):

This is technologically the most demanding production step consisting of hundreds of separate processes to which a silicon wafer is exposed. The result is a DRAM wafer, which contains finished DRAM dice incorporating all essential technical

characteristics of the finished DRAM. This production step is extremely investment intensive and most of the substantial DRAM research and development (hereinafter 'R&D') is carried out with a view to designing and developing this part of DRAM production (typically therefore the DRAM R&D laboratories are located close to the DRAM wafer processing plants).

2. DRAM assembly (also referred to as DRAM packaging):

After DRAM wafer processing the DRAM wafer is cut into DRAM dice which are bonded and encapsulated into plastic or ceramic packages or packaged. This production step is referred to as assembly.

3. DRAM testing :

Subsequently the assembled or packaged DRAMs are tested and checked for reliability before shipment (hereinafter 'finished DRAM'). This production step is typically undertaken in conjunction with the assembly operations (and is jointly referred to as back end).

The back-end steps are technologically less demanding and require relatively modest expenditure for investment and R&D. In addition, depending on the product, back end costs as compared to total cost of manufacturing are relatively small.

4. Finally in a further step it is possible to mount together two or more finished DRAMs onto so-called DRAM modules or 'stack' DRAMs in order to increase the total memory capacity available.

- (11) DRAMs are generally categorized using the criteria :

- density (e.g. 256K, 1M, 4M . .),
- process technology (e.g. NMOS, CMOS, BiCMOS),
- configuration (e.g. $\times 1$, $\times 4$, . .),
- package (e.g. PDIP, PSOJ, PZIP, . .),
- access time (e.g. 100 ns, 80ns, 70ns, . .).

- (12) The investigation showed that there are various types of DRAMs :

- DRAM wafers and dice,
- finished DRAMs of different density, process technology, configuration, package, access time,

- DRAM modules and 'stack' DRAMs of different density, process technology, configuration, package, access time,
 - variations of DRAMs like VRAMs (video RAMs) and pseudo SRAMs of different density, process technology, configuration, package, access time.
- (13) In this context the Commission had to examine whether all these DRAM types were to be considered as one product.
- (14) One Korean producer argued that DRAM wafer and DRAM dice and finished DRAMs could not be considered as one product, since DRAM wafers and DRAM dice were not identical to finished DRAMs. This producer argued that DRAM wafers and DRAM dice could be considered as the basic components of finished DRAMs.

One group of users of DRAMs in the Community argued that finished DRAMs of different densities should not be viewed as one product, either because finished DRAMs of certain densities were not produced by the Community industry or because they were not imported during the investigation period. In particular it was argued that future generations of finished DRAMs, i.e. 16M DRAMs, required special production-related R&D and for that reason should be excluded from the product definition.

- (15) In this context, the Commission notes that DRAM wafers and dice, finished DRAMs, DRAM-modules or 'stack' DRAMs and DRAMs in different variations falling within the different categories as outlined above have the same technical and physical characteristics and similar uses.

This is shown by the following:

- DRAM wafers and DRAM dice :
 - once a DRAM wafer is processed or diffused, the DRAM dice contained thereon have all the essential electronic properties, which are the properties which distinguish DRAMs from other products,
 - there is virtually no separate merchant market for DRAM wafers and DRAM dice,
 - the DRAM wafer and the DRAM dice thereon are dedicated to a single use as the memory storage unit in a finished DRAM ;
- finished DRAMs :
 - DRAMs, different either in density, or in process technology, or in configuration, or in package or in access time, including future densities, process technologies and

packages all fall within the same general category of products which perform the same basic function and which are used for the same basic purposes. Although some of the design and some of the process technology used may have changed gradually on the basis of the experience gained both during the life cycle of one single DRAM generation (DRAMs of the same density are known as one DRAM generation) and over the succeeding generations of DRAMs, the essential characteristic of a DRAM, its memory function, has remained the same. This is underlined by the close link between prices of DRAMs belonging to two succeeding generations (e.g. 1 M and 4 M), especially at a time when a shift from one generation of DRAMs to the next higher generation of DRAMs occurs ;

— DRAM modules and 'stack' DRAMs :

- DRAM modules or 'stack' DRAMs consist of mainly two or more finished DRAMs stuffed onto a circuit board in order to provide a large memory capacity. They thus perform essentially the same function as single finished DRAMs and are considered as a multi-combinational form of a DRAM ;

— variations of finished DRAMs like VRAMs (video RAMs) and pseudo SRAMs :

- VRAMs and pseudo SRAMs, if based on DRAM-technology, have the same technical and physical characteristics as finished DRAMs and perform the same basic memory function as finished DRAMs while used for specific applications.

- (16) It is therefore concluded that for the purpose of the present proceeding all types, densities and variations of DRAM products, as detailed in recital 15 including future densities, future process technologies and future packages, are to be viewed as one product, the product under consideration.

- (17) As to the question whether DRAM products sold on the Korean market and whether the DRAM products sold by the Community industry on the Community market constitute like products to the product under consideration, it was established in the course of the investigation that all these categories of DRAM products are identical in their particular characteristics as well as in their application and uses and therefore form one single category of products which are alike in all respects within the meaning of Article 2 (12) of the basic Regulation and are hereinafter called DRAMs.

C. DUMPING

1. Normal value

- (18) All three Korean producers have sold DRAMs to independent customers, both distributors and end-users, on the Korean market.

- (19) With a view to determining normal values for the DRAMs exported to the Community, it was claimed by one Korean producer that DRAM production in general is characterized by substantial cost reductions over time due to the learning curve effect and that these cost reductions are reflected in the development of sales prices both in the domestic and export markets and that therefore normal values should be established on a quarterly basis.

A detailed analysis undertaken confirmed that in general the cost of production for DRAMs declined for all three Korean producers over the period of investigation.

With regard to prices, information on a quarterly basis revealed that in general prices followed this decreasing pattern on the Korean market.

The Commission therefore decided provisionally to establish normal value on a quarterly basis.

- (20) For the determination of normal value it was first determined whether sales in Korea could be considered as being representative and whether they were made in the ordinary course of trade.

It was established in this context that the domestic sales volume of certain DRAMs was below 5 % of their Community sales volume and that certain DRAMs were not sold on the domestic market in a given quarter.

For the remaining sales in Korea and on the basis of the corresponding quarterly cost of production, the extent to which sales on the Korean market of the DRAMs types exported were made at prices which covered the full cost of production was examined.

This revealed that for two Korean producers all sales of the respective DRAMs and, for the remaining Korean producer, more than 90 % of the sales

of DRAMs were made at prices which did not permit recovery of all costs reasonably allocated.

On the basis of the findings concerning the representativeness of domestic sales and the ordinary course of trade of domestic sales shown above all normal values of all DRAMs were constructed for all Korean producers in accordance with Article 2 (3) (b) (ii) of the basic Regulation.

- (21) Constructed normal values were determined for each producer on the basis of the cost of production i.e. the cost of manufacturing and selling, general and administrative costs (hereinafter 'SG&A') of each Korean producer together with a reasonable amount of profit.

- (22) SG&A expenses were calculated by reference to the expenses incurred by each Korean producer concerned on its domestic sales of like products to independent buyers.

As far as the R&D costs in particular are concerned, all R&D expenses incurred in the period of investigation which related to DRAMs, be it current or future products, have been allocated to the DRAMs sold in the period of investigation. Given the nature of these costs, this approach was considered to be the most appropriate from both an economic and an accounting point of view. Moreover, this approach is in line with the Commission's consistent practice in dealing with such expenses in particular in the sector of integrated circuits.

- (23) In the absence of sufficient profitable domestic DRAM sales by any of the Korean producers and in the absence of any reliable profitability data available for the same business sector on the Korean market namely the semiconductor sector in general, the profit rate to be incorporated in the constructed normal values had to be arrived at on any other reasonable basis in accordance with the provisions of Article 2 (3) (b) (ii) of basic Regulation.

In this context it should be noted that the rate of profit required in the DRAM business is largely influenced by the following factors, which are all independent of the sales activity of the producers concerned in any of their particular regional sales markets (i.e. they would be unaffected whether sales of a Korean producer of DRAMs were made in Korea or elsewhere):

— the financing of high future DRAM R&D costs,

- the financing of the very large capital expenditure necessary for mass production in the future,
- the short innovation cycles, and
- in general, the risky nature of this cyclical business sector.

Moreover, it should be noted that the capital expenditure for R&D and investment exponentially increase for each new generation of DRAMs.

On the basis of above factors determining the profit rate for the world-wide DRAM business, in particular, the market situation in Korea, and taking into account the Commission's experience in the product sector concerned obtained in previous anti-dumping proceedings, a profit margin of 13,5 % on turnover is determined as reasonable and representative for the market situation in Korea for the purpose of the present proceeding.

2. Export prices

- (24) Export prices were determined for the purpose of the preliminary findings on the basis of the prices actually paid or payable for the products sold for export to the Community. These export prices included both those for direct exports to the Community and those for export via the independent exporter mentioned in recital 6.

With regard to export sales which were made to sales subsidiaries in the Community related to Korean producers export prices were constructed on the basis of the prices at which the DRAMs were first resold to independent purchasers in the Community adjusted to take account of all costs incurred between importation and resale and a profit margin of 5 % on sales turnover which was considered reasonable in view of the information available to the Commission in this and previous proceedings concerning the same business sector. For one company which had not reported all costs which had been incurred by its related importers between importation and resale to the first independent customer on the Community market, the Commission included these costs in the calculation of the export price.

3. Comparison

- (25) Normal values established quarterly as described in recitals 21, 22 and 23 were compared with export prices on a transaction-by-transaction basis at an

ex-factory level for identical DRAMs on the basis of Article 2 (9) (a) of the basic Regulation.

- (26) As far as differences in conditions and terms of sale are concerned, allowances were granted in accordance with Article 2 (9) and (10) of the basic Regulation and limited to those which bore a direct relationship to the sales under consideration and where the Commission was satisfied that the allowances were justified. Furthermore, adjustments were made in respect of differences relating to transport, insurance, handling, loading and ancillary costs as well as salespersons' salaries. For salespersons' salaries, a number of allowances claimed have been rejected since the investigation revealed that not all salaries claimed concerned salaries of salespersons wholly engaged in direct selling activities as required by the basic Regulation.

4. Dumping margins

- (27) The preliminary examination of the facts showed the existence of dumping in respect of imports of the product concerned originating in Korea.

The weighted average dumping margins provisionally established for each producer and expressed as a percentage of the total cif Community-frontier value of imports are as follows :

— Goldstar	122,4 %,
— Hyundai	57,3 %,
— Samsung	18,1 %.

- (28) For the case of any other exporting producer or exporter who failed to reply to the Commission's questionnaire or did not otherwise make itself known, dumping was determined on the basis of the facts available in accordance with the provisions of Article 7 (7) (b) of the basic Regulation.

In this connection, the Commission, in accordance with consistent practice, considered that the highest dumping margin, determined with regard to a producer which had cooperated in the framework of this investigation, was appropriate.

D. COMMUNITY INDUSTRY

- (29) The Commission found that there were three companies established in the Community during the period of investigation actually carrying out production of DRAMs. Two of these producers supported the complaint. The third producer, NEC Semiconductors Ltd, Livingston, United Kingdom, did not participate in the proceeding.

- (30) Since not all DRAM producers established in the Community participated in the investigation, the share of the output of the producers represented in the complaint had to be estimated using market research data. This revealed that the producers represented in the complaint accounted for more than 80 % of the total output of DRAMs in the Community and therefore constitutes the major proportion of the Community industry for the purposes of the present proceeding.
- (31) One Korean producer argued that one of the complainant companies, Siemens AG, was itself an importer of DRAMs since it bought substantial quantities from this Korean producer during the period of investigation and should therefore not be considered as part of the Community industry in the light of Article 4 (5) of the basic Regulation.
- (32) In addressing this issue, the Commission has assessed whether the producer with links to importers or to exporters or which itself is an importer of the product concerned, should be excluded from the definition of the Community industry. The exclusion of such a producer must be decided on a case-by-case basis on reasonable grounds and taking into consideration all aspects involved.
- (33) The examination of the facts showed that the Siemens AG is organized in different product sector groups (i.e. systems, semiconductors, etc.). In this context it was established that the Siemens' systems groups use the DRAMs of Korean origin exclusively as components for their own production and that the purchased DRAMs were not resold on the Community market. The Commission notes that Siemens had little choice but to be supplied from Korean producers in view of the price differential between Korean products and those of Community producers and in particular those from Siemens' semiconductor group. Any other behaviour would have been against its economic interest and would have put it at a competitive disadvantage since its competitors had free access to the low-priced imported products and could therefore improve their cost competitiveness in the competitive systems market. The choice of Siemens' systems groups to be partly supplied by Korean producers rather than by Siemens' semiconductor group was made possible by the structuring of Siemens in different profit centres which are free to obtain their supplies from any producer which can provide them with the best price and market conditions. It did not in any way presuppose that the primary interest of Siemens AG went from producing to importing. The commitment of Siemens to continue producing DRAMs in the Community appeared to the Commission during the course of the investigation to be undeniable.
- (34) In these circumstances, the Commission considers that purchases made by Siemens' systems groups can be considered to be an act of economic self-defence and as such a legitimate and justified business decision. Therefore no reasonable grounds exist to exclude Siemens AG from the definition of the Community industry and the Commission concludes that the producers supporting the complaint satisfy the requirements to be regarded as the Community industry within the meaning of Article 4 (5) of the basic Regulation.
- (35) One Korean producer argued that since one of the complainant producers was not carrying out all separate DRAM production steps in the Community, this complainant producer should be eliminated from the definition of the Community industry.
- In this context the Commission notes that in order to be included among the Community industry a producer does not have to carry out the totality of its production process for individual product models nor the production of its whole range of products within the Community.
- It is considered sufficient that a producer carries out a major part of the total production within the Community and in this respect shows its commitment as a Community producer.
- In this respect, the Commission has established in the investigation that the complainant producer referred to carried out the DRAM front end production process (i.e. DRAM wafer diffusion) and part of the DRAM back end production process (i.e. DRAM assembly and DRAM testing) within the Community. For some DRAMs sold on the Community market the back end production process was carried out outside the Community using DRAM wafers or DRAM dies produced in the Community. As explained in recital 10 the front end production process is technologically the most demanding process and it is very investment intensive. During this process all essential technical characteristics of a finished DRAM are incorporated in the DRAM wafer or die. In addition the

head office where the central planning and administration is carried out is located in the Community. Furthermore, as stated in recitals 12 and 16, the Commission considers that DRAM wafers and DRAM dice are to be considered as one product together with finished DRAMs, which are fully assembled and tested. Therefore the Commission considers that this complainant carries out the major part of the total DRAM production in the Community and can therefore be considered as part of the Community industry.

E. INJURY

1. Volume of the Community market, volume and market shares of Korean imports

- (36) The total Community consumption of DRAMs increased continuously over the period of 1986 to 1990 as measured in approximate thousand megabits from 25 000 in 1986 to 55 000 in 1988 and to 150 000 in 1990 (i. e. by more than 450 % for the period from 1986 to 1990) and as measured in approximate thousand ECU from 240 000 in 1986 to 800 000 in 1988 and to 850 000 in 1990 (i. e. by more than 250 % for the period from 1986 to 1990).

The increase of the Community market measured in value (thousand ECU) is notably smaller from 1988 to 1989 and from 1989 to 1990 compared to the market measured in volume (thousand megabits) indicating a substantial overall price decline in the Community DRAM market notably in 1990.

- (37) At the same time, the quantities of Korean DRAM imports into the Community measured in approximate thousand megabits show a substantial increase over the period of 1986 to 1990 from 1 500 in 1986 to 7 500 in 1988 and to 37 000 in 1990, a more than 23-fold increase between 1986 and 1990 corresponding to an approximate rise in market share measured in megabits held by Korean imports from 6 % in 1986 to 15 % in 1988 and to 25 % in 1990. This represents a rise in market share of more than 300 % in the period between 1986 and 1990.

The quantities of Korean DRAM imports into the Community as measured in approximate thousand ECU also show a substantial increase over the last five years, from 19 000 in 1986 to 150 000 in 1988 and to 170 000 in 1990, i. e. around eight-fold in the period between 1986 and 1990.

This development corresponds to a rise in the market share held by Korean imports from around 8 % in 1986 to around 19 % in 1988 and to

around 20 % in 1990, i. e. by about 150 % in value in the period between 1986 and 1990.

2. Prices of Korean dumped imports

- (38) In order to assess the pricing behaviour of the Korean producers a detailed evaluation of their prices obtained on the Community market during the period of investigation was undertaken. This evaluation was carried out on the basis of transaction-by-transaction sales reports by both the Korean producers and the Community producers, for identical models, covering sales to the first independent purchaser in the Community.

Where appropriate, account was taken of differences in the costs of certain sales transactions, in particular, by adjusting those transactions for insurance and freight costs which covered sales from the Korean producers directly to independent customers in the Community.

The evaluation revealed that for all three Korean producers substantial price undercutting existed, ranging from 9,3 to 20,7 % when expressed as a weighted average margin of undercutting for each producer concerned.

In this context it should be noted that a substantial proportion of the sales on the Community market by the Korean producers concerned were even made below cost of production.

3. Situation of the Community industry

(a) General

- (39) One Community producer, Motorola, had already produced DRAM products in the Community at the beginning of the 80s but stopped production in 1985 due to deteriorating market conditions. It decided in 1987 to restart DRAM production in the Community, with first production output during the second half of 1989, in the expectation that the anti-dumping investigation into Japanese dumping by the Commission would lead to an improvement of market conditions.

Motorola then decided to further increase its production capacity on the basis of positive projections of sales and prices indicating future profitability in the Community market. Subsequently, these extension plans had to be cancelled due to substantial price erosion on the Community market.

- (40) The other Community producer, Siemens, started its DRAM production in the Community in 1988 during the anti-dumping investigation concerning DRAMs originating in Japan which established injurious dumping by Japanese producers during the period 1986/87.

Production started in 1988 on the basis of projections that fair market conditions would be expected to prevail in the future on the Community market following the investigation of Japanese dumping. Subsequently, Siemens gained a substantial market share in the Community.

In the period 1989/90 Siemens had to delay and finally alter firm plans for the construction of an additional DRAM production facility for the new generation 4M DRAMs, after a major price decline occurred in the Community DRAM market.

Instead, the production of the 4M DRAMs was started on an existing minor production line. Subsequently, it was envisaged that even this production line would be closed down, part of the workforce would be laid off and DRAM production would be concentrated in the main production plant in Regensburg.

(b) Production

- (41) The total production of Community producers increased after the start of production in 1988/89 by a factor of nine in the period 1988 to 1990 measured in thousand megabits and reached around 45 000.

(c) Sales volume, market shares

- (42) Sales increased between 1988 and 1990 since the start of the Community industry's DRAM production in 1988/89, namely to a level of around 35 000 thousand megabits and around ECU 180 million.
- (43) These sales, when based on the Community market measured both in thousand megabits and thousand ECU reflect a market share in the Community of around 20 % in 1990.

(d) Stocks

- (44) DRAMs in stock for the Community industry increased by a factor of more than 18 as measured in thousand megabits in the period from 1988 to 1990.

(e) Prices

- (45) As a consequence of the substantial price undercutting practised by the Korean producers the sales prices of the Community industry decreased substantially during the period of investigation. In this highly price-sensitive industry the Community industry had little choice but to follow the prices set by the Korean producers in order to sell the DRAMs produced. It can therefore be concluded that the Community industry suffered price depression. Although a certain reduction in price levels commensurate with falling unit costs is common in

this industry, the level of decrease of more than 40 % within the period of investigation alone, indicates the severity of the price depression suffered by the Community industry.

(f) Financial situation

- (46) Although the Community producers have substantially increased their market share and sales volume on the Community market their financial situation has deteriorated significantly since they started production in the years 1988/89. In this context, it should be noted that although the Community industry incurred financial losses at the start of production in 1988, this could be expected in an industry at an early stage of its production which is characterised by substantial learning effects. However, the financial situation has deteriorated during the period of investigation to a level which threatens the overall viability of the Community DRAM industry. The financial losses have reached a negative three-digit figure when expressed in ECU million during this period. Moreover, considering the time which has lapsed since the start of production, the Community industry cannot be considered as being in the start-up phase. Nevertheless, the unit-cost improvement which is associated with high volume production in this industry could not fully be achieved.

4. Arguments raised concerning injury

- (47) All three Korean producers have argued that the Community industry cannot be considered as being injured since it substantially increased its sales volume and market share in the period from 1988 to 1990.

In this context, the Commission notes that the substantial increase in sales and market share of the Community industry can be attributed to the fact that it only started production in 1988/89 after the initiation of the anti-dumping proceeding concerning DRAMs originating in Japan and that an increase in sales and market share is a necessary consequence of its appearance on the market. Nevertheless this gain in market share and this increase in sales volume must be viewed against the heavy financial losses incurred by the Community industry following the drop in prices on the Community market.

5. Conclusion

- (48) In conclusion, the negative development for the Community industry as far as stock volumes are concerned and especially the significant financial losses incurred by it, led the Commission to conclude that the Community DRAM industry has been suffering material injury within the terms of Article 4 (1) of the basic Regulation.

F. CAUSATION

1. Effect of dumped imports

- (49) The rapid increase of Korean dumped imports coincides with the depression of Community DRAM market prices, the Community industry's increasing financial losses and with an increase in stock volume as shown above.

Since the DRAM market is highly price sensitive the substantial price undercutting due to dumping together with the substantial increase in market share of Korean low-priced dumped imports are clear indications that the dumped Korean imports have considerably contributed to the injurious situation suffered by the Community industry.

- (50) Two Korean producers claimed that they individually exported only limited quantities and could not have caused injury taken in isolation.

The Commission notes however that the injury situation and its causation must in general be assessed as a whole. Indeed, in conformity with the case-law of the European Court of Justice and the consistent practice of the Community institutions, it is neither necessary nor in general possible to define separately the share of injury attributable to individual exporting producers involved in an anti-dumping proceeding.

- (51) It was furthermore argued by one Korean producer that it actually gained market share in the Community not by injurious dumping and the resulting increase in sales of DRAMs in general but because it had become the sole remaining supplier of 256K DRAMs. This product, at the time of the investigation could be considered as a product at the end of its life cycle. In this respect, the Korean producer argued that its increase in sales and market share was a result of a supply gap and not of its own marketing effort.

The Commission considers that this argument cannot be accepted because injury and its causation must be established taking into account all imports from the country concerned. As established in recital 16 all different types of DRAMs have to be considered as one product. In addition, it was established, on the basis of market research data, that the market price for the 256K DRAM was rapidly decreasing in the Community during the period 1988 to 1990. This cannot be considered as a sign of an excess in demand. Moreover, the

Commission also established that during the investigation period there was a substantial number of suppliers of the DRAM concerned.

2. Other factors

- (52) The Commission considered whether factors other than dumped imports, i.e. production overcapacity or imports from other countries could have caused the injury to the Community industry found.

- (53) In this respect the Korean producers argued that the slow-down in the DRAM market can be attributed to world-wide overcapacity of DRAMs to which the Community industry has contributed by constructing new DRAM processing lines and starting production.

In addition the Korean producers also argued that the financial losses incurred by the Community producers due to low market prices had not been caused by Korean dumping but by a general fall in demand and at the same time a decrease in the US dollar and Japanese yen exchange rates against Community currencies affecting the whole sector of the electronics industry including the DRAM industry.

- (54) The Commission notes that, while it can not be excluded that the development of both the DRAM market overall, the development of the exchange rates of the dollar and the yen and world-wide production capacity had some impact on the general situation of the Community market, this cannot alter the fact that a continuous increase in import volumes of DRAMs originating in Korea, representing a substantial increase in Korean companies' market share, together with prices which substantially undercut the prices of the major market participants including the Community producers, contributed to, and caused to a large extent, the difficulties which the Community DRAM industry faces.

With respect in particular to the argument of production overcapacity, the Commission notes, that the capacity constructed by the Community industry is at the lower level of an economically feasible production with a single production line for each Community producer. In contrast to this, the Korean companies each have several production lines and are even constructing new ones. It is, therefore, not the Community industry but rather the Korean exporters who contribute considerably to this world-wide overcapacity.

- (55) Furthermore, one Korean producer argued that injury to Community producers was caused by a failure of these producers to respond to new developments in the general area of electronics, e.g. the public R&D support, product innovation and the fragmentation of the Community electronics market.

The Commission cannot accept this claim since it comprised merely some general statements about the Community semiconductor and electronics industry which have not been supported in any specific way as far as the Community DRAM producers are concerned.

- (56) Furthermore, one Korean producer alleged that one of the complainants, Siemens, was itself a substantial importer of DRAMs since it bought substantial quantities from this Korean producer's related importer in the Community and that therefore the Community industry had been inflicting injury on itself.

The Commission notes that the systems groups of Siemens bought DRAMs for their own use from the related importer at very low prices as explained in recitals 31 to 34.

Indeed, for the reasons given above, the Siemens systems groups were economically forced due to the low prices of dumped imports of Korean DRAMs to purchase these goods from the Korean importers located in the Community. In addition the Commission has found in its investigation that none of these purchases were resold on the market. Therefore, the Commission has concluded that these imports were made because of their low and dumped price level and are not to be considered as causing 'self-inflicted' injury. Consequently, the Commission considers that they do not constitute 'other factors' within the meaning of Article 4 (1) of the basic Regulation.

- (57) Two Korean producers argued that injury was also caused by imports of DRAMs from countries other than Korea.

In this context, the Commission notes that in support of this argument only general, DRAM-unspecific, import statistics were provided, without any per unit price information.

Moreover, the figures provided apparently do not appropriately distinguish the imports, by their origin since it is known that several countries allegedly exporting DRAMs do not have DRAM wafer processing/diffusion facilities. On the basis of the findings of the investigation and in particular

in the light of the export sales channels of some Korean producers it is moreover highly probable that imports into the Community of DRAMs of Korean origin are included in these statistics.

As far as imports of DRAMs originating in Japan are concerned, these have been covered by anti-dumping measures since January 1990 which take the form of undertakings from all known Japanese producers.

- (58) Accordingly, since these import statistics are not specific to DRAMs but include imports of computer parts and integrated circuits in general without any price information and most probably include products of Korean origin they cannot be used in support of this claim.

- (59) Two Korean producers argued that they could not have caused injury to the Community industry because they always sold at a similar level to the Japanese DRAM producers.

The Commission notes in this context that a comparison between the other main market participants in the Community, the Japanese producers, was made on the basis of independent market research data. This comparison revealed undercutting of Japanese companies' prices in the Community by Korean dumped imports.

3. Conclusion

- (60) The Commission has established a substantial growth in import volume of DRAMs originating in Korea and a resulting increase in market share together with substantial price undercutting by these imports.

Furthermore, the Commission has determined that the Community industry has to be considered as materially injured.

- (61) While the Commission is aware that other factors might also have had some negative impact on the overall economic situation of the Community industry, nevertheless, the Commission concludes that dumped imports of DRAMs of Korean origin have, taken in isolation, caused material injury to the Community industry.

G. COMMUNITY INTEREST

- (62) The purpose of anti-dumping measures is to remedy an unfair trading practice which has an injurious effect on Community industry. Such a remedy should result in the re-establishment of a fair competitive situation which, as such, is in the interest of the Community.

- (63) It has been established in the framework of the present proceeding that, in view of the substantial and increasing financial losses incurred by the Community industry not to take anti-dumping measures with respect to DRAM imports originating in Korea would threaten the viability of the Community DRAM industry.

This development must be seen in particular in the light of considerable recent domestic investment by Korean companies in the DRAM sector and by extensive R&D efforts by Korean producers covering DRAMs three generations ahead of current commercialization.

- (64) The Commission is aware that the Community user industries, notably the information processing equipment industry, operate in a world wide competitive environment in which relative cost advantages are important and that these industries are of considerable economic importance. In this respect, purchase price increases due to anti-dumping measures have to be considered in assessing the form and nature of anti-dumping measures to be imposed.

- (65) On the other hand, the Commission considers, that in view of the central function of the DRAM industry as the technology driver for the semiconductor industry in particular and the electronics industry in general, it is of the utmost importance for technological reasons to have a viable and strong Community DRAM industry. This view is shared by the two groups of users which have participated in the investigation.

Moreover, semiconductors in general and DRAMs in particular are key components in the information processing and telecommunication equipment industry. Therefore, the DRAM industry is considered to be of strategic importance for viable downstream industries and the existence of a reliable and powerful Community source of supply is considered to be of great importance for the electronics industry as a whole in the Community.

- (66) One group of users of DRAMs in the Community argued that one Community producer, Siemens, was producing DRAMs mainly for captive use and therefore sold only limited quantities on the merchant market so that this group of users has to turn to suppliers from outside the Community.

- (67) In this context, the Commission considers that it is evident from the figures concerning the development of its share of the merchant market, that the Community industry is in a position to meet a substantial part of the demand of DRAMs in the Community. This is noteworthy because of the relatively short time period during which the Community industry has been operating its

Community DRAM production and within which it was able to gain a substantial share of the Community market.

- (68) It has been argued by two Korean producers that the Community computer industry which is bigger than the Community semiconductor industry, as measured in sales volume and employment, currently faces substantial problems. Even if this is the case, it was nevertheless not argued by the Korean producers concerned that these problems were due to high electronic component prices prevailing in the Community which were the result of anti-dumping measures with respect to DRAM imports. Nor did the Korean producers argue either that any anti-dumping measures concerning DRAMs originating in Korea would worsen the situation of the Community computer industry and thus the Commission cannot accept this argument.

- (69) One group of users of DRAMs in the Community has furthermore argued that anti-dumping measures concerning DRAMs originating in Korea would lead to an increase in its costs and would therefore put the user industry at a competitive disadvantage.

In this context, the Commission notes that this claim was supported only by general information on the share of costs represented by integrated circuits as compared to total manufacturing costs and not by DRAM specific information.

The Commission considers that even if the share of the costs represented by DRAMs was not negligible, it would not be acceptable that advantages gained in the past through unfair trade practices could be invoked as a justification for not taking the necessary steps to re-establish a fair trading situation. In addition, on the question of prices in other markets, the Commission notes the existence of alleged injurious dumping which is currently being investigated by the authorities of the importing country.

- (70) Furthermore, it has been argued by one Korean producer and by this user group that any anti-dumping measures with respect to Korean producers would reduce competition in the Community DRAM market by eliminating competitors from the market.

In this context, the Commission notes that the purpose of anti-dumping measures as already stated in recital 62 is to remedy unfair trading practices and also to enhance fair competition. As regards the competitive situation on the Community market, it should be noted that the anti-dumping measures concerning DRAMs originating in Japan have not reduced the number of Japanese competitors operating on the Community DRAM market

and that no measures in the present case could lead to the disappearance of the Community industry with the consequent reduction in the number of suppliers and level of competition.

- (71) Furthermore, it has been argued by one group of users of DRAMs in the Community DRAM industry is already protected by high customs tariffs and that therefore no additional protective measures with regard to dumping are necessary.

In this context, the Commission notes that the above argument cannot be accepted because it has been established in the present proceeding that, despite customs tariffs, the Community industry was materially injured.

- (72) This user group has also argued that the Community DRAM industry benefits from substantial publicly supported R&D projects and therefore does not need any additional protective measures with regard to dumping.

In this context, the Commission notes that the public support in the form of R&D projects provided to the electronics industry in the Community in general, and to the semiconductor sector in particular, is a sign of the recognition of the importance of a strong Community electronics industry. Furthermore, in order not to impede the results of these public R&D initiatives the Commission considers it to be necessary to ensure fair market conditions in this industry.

With regard to the argument by the user group concerning the extent of public support, the Commission notes that, despite this support, the Community DRAM industry has incurred, as a result of dumping, heavy financial losses which threaten the viability of the industry.

- (73) Furthermore, the Commission notes that the relative stabilization of the Community DRAM market achieved after the imposition of anti-dumping measures with respect to DRAMs originating in Japan at the beginning of 1990 has been significantly impaired by the effect of low priced dumped imports from Korea.

- (74) Finally, it would be discriminatory not to impose anti-dumping measures on dumped imports of Korean DRAMs which have been causing material injury to the Community industry, when in the same circumstances anti-dumping measures have been imposed with respect to imports of Japanese DRAMs which had been found to be injuriously dumped in a previous proceeding.

- (75) In conclusion, the Commission considers that it is, on balance, in the interest of the Community to impose anti-dumping measures concerning imports of DRAMs originating in Korea.

H. DUTY

- (76) Based on the preliminary findings of the investigation, and in particular in order to prevent Korean producers from continuing to significantly undercut prices of the Community industry and thereby cause injury to it during the proceeding, it is considered that no other immediate course of action exists, but to impose *ad valorem* duties at the provisional stage.

In order to determine the amount of provisional duty necessary to prevent, to a satisfactory extent, injury being caused during the proceeding, the Commission considered, that, both the individual contributions of each exporting producer to the injury of the Community industry determined by the exporting producers' price and volume levels, in general the particularities of the DRAM market and the present situation of the DRAM market in the Community, should be taken into account.

Therefore, it was considered appropriate, in order to determine the level of the duty at the provisional stage, to take into account the standardization of the main DRAM products, the present exceptional situation in the Community DRAM market and the overall level, by which the Korean producers' prices undercut those of the Community producers in the Community market.

This level for all three companies concerned is lower than the dumping margins established in the course of the proceeding.

- (77) Consequently, the Commission considers it to be appropriate to provisionally impose an *ad valorem* duty of 10,1 % expressed as a percentage of the net free-at-Community-frontier price before duty to all imports of the product under consideration originating in Korea.

I. FINAL PROVISION

- (78) In the interest of sound administration, a period should be fixed within which parties concerned may make their views known in writing. Furthermore, it should be stated that all findings made for the purpose of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive duty which the Community may propose,

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of certain types of electronic microcircuits known as DRAMs (dynamic random access memories) originating in the Republic of Korea and falling within CN codes 8542 11 12, 8542 11 14, 8542 11 16, 8542 11 18, ex 8542 11 01 (Taric code : 8542 11 01* 10), ex 8542 11 05 (Taric code : 8542 11 05* 30), ex 8473 30 10 (Taric code : 8473 30 10* 40) or ex 8548 00 00 (Taric code : 8548 00 00* 20).

2. For the purpose of this Regulation, DRAMs comprise all variations, types and densities including DRAM wafers and DRAM-dice or DRAM-chips, and multi-combinational forms of DRAMs such as stack DRAMs and DRAM modules.

3. The rate of duty shall be 10,1 % expressed as a percentage of the net free-at-Community-frontier price before duty.

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

5. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) of Regulation (EEC) No 2423/88, the parties concerned may make known their views in writing within one month from the date of entry into force of this Regulation.

Article 3

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

Subject to Article 11, 12 and 13 of Regulation (EEC) No 2423/88, Article 1 of this Regulation shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 16 September 1992.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2687/92
of 16 September 1992

amending Regulation (EEC) No 1302/92 increasing to 1 100 000 tonnes the quantity of barley held by the German intervention agency for which a standing invitation to tender for export has been opened

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 7 (6) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies ⁽³⁾, as last amended by Regulation (EEC) No 3043/91 ⁽⁴⁾,

Whereas Commission Regulation (EEC) No 1302/92 ⁽⁵⁾, as last amended by Regulation (EEC) No 2096/92 ⁽⁶⁾, opened a standing invitation to tender for the export of 800 000 tonnes of barley held by the German intervention agency; whereas, in a communication of 10 September 1992, Germany informed the Commission of the intention of its intervention agency to increase by 300 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 1 100 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 1302/92 must therefore be amended;

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

Article 2 of Regulation (EEC) No 1302/92 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 1 100 000 tonnes of barley to be exported to all third countries.
2. The regions in which the 1 100 000 tonnes of barley are stored are stated in Annex I to this Regulation.'

Article 2

Annex I to Regulation (EEC) No 1302/92 is replaced by the Annex hereto.

Article 3

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, 16 September 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 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 288, 18. 10. 1991, p. 21.

⁽⁵⁾ OJ No L 139, 22. 5. 1992, p. 27.

⁽⁶⁾ OJ No L 210, 25. 7. 1992, p. 12.

*ANNEX**ANNEX I**(tonnes)*

Place of storage	Quantity
Schleswig-Holstein/Hamburg	64 072
Niedersachsen/Bremen	215 416
Nordrhein-Westfalen	215 074
Hessen	63 885
Rheinland-Pfalz	43 585
Baden-Württemberg	42 676
Bayern	100 237
Berlin/Brandenburg	52 045
Mecklenburg-Vorpommern	63 604
Sachsen	61 864
Sachsen-Anhalt	99 393
Thüringen	75 483
Saarland	2 445

COMMISSION REGULATION (EEC) No 2688/92

of 16 September 1992

opening a standing invitation to tender in Germany, France and Italy for the free supply of tinned beef to the victims of the conflict in what was formerly Yugoslavia

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 2344/92 of 10 August 1992 laying down detailed rules applicable to the free supply of agricultural products to the victims of the conflict in what was formerly Yugoslavia, as provided for in Council Regulation (EEC) No 2139/92 ⁽³⁾, provides for allocation of the supply of tinned beef under Regulation (EEC) No 2139/92 ⁽⁴⁾ to be made by invitation to tender; whereas the invitations to tender for the free supply of processed products cover the quantities of basic products to be taken from intervention stocks as payment in kind for these supplies, and for the transport and other related costs;

Whereas a standing invitation to tender should be opened for the supply of 485 tonnes of tinned beef to be delivered to the representatives of the United Nations High Commissioner for Refugees in Ljubljana, Split, Zagreb, Belgrade, Novi Sad, Podgorica and Skopje;

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

Under the conditions laid down in Regulation (EEC) No 2344/92, the German, French and Italian intervention agencies shall open a standing invitation to tender for the supply of 485 tonnes of tinned beef, as set out in Annex I and in accordance with the provisions of this Regulations.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 49.

⁽³⁾ OJ No L 227, 11. 8. 1992, p. 18.

⁽⁴⁾ OJ No L 214, 30. 7. 1992, p. 8.

Article 2 (2) of Regulation (EEC) No 2344/92 notwithstanding, the aforementioned products shall be delivered in the conditions defined in Annex I.

Article 2

For each lot, tenders shall be for the quantity, in metric tonnes, of compensated quarters, stored by the intervention agency concerned, necessary to cover the supply, transport and other related costs, up to the delivery stage provided for, of the entire lot indicated in the invitation to tender provided for in Article 15 (2) of Regulation (EEC) No 2344/92. For the purposes of this Regulation, 'compensated quarters' means hindquarters and forequarters of an equal weight.

The quantity of meat from intervention awarded as payment in kind for the supply shall be made available, at the successful tenderer's choice, from the intervention stocks designated for this purpose in the abovementioned invitation to tender.

The tender security shall be set at ECU 100 per tonne.

Article 3

1. The time limit for submission of tenders for the first partial invitation to tender shall be 12 a.m. on 23 September 1992 (Brussels time).

2. The time limit for submission of tenders for the following partial invitation to tender shall expire at 12 a.m. each Wednesday (Brussels time).

3. The time limit for submission of tenders for the last partial invitation to tender shall expire at 12 a.m. on 21 October 1992 (Brussels time).

4. Notwithstanding Article 15 of Regulation (EEC) No 2344/92, the intervention agency concerned shall publish an invitation to tender at least three days before the date laid down for the first partial invitation to tender.

Article 4

Tenders shall be submitted to the intervention agency concerned.

The intervention agencies concerned shall forward the tenders to the Commission in accordance with the schedule specified in Annex II.

Article 5

A specimen of the takeover certificate referred to in Article 9 (3) of Regulation (EEC) No 2344/92 is given in Annex III hereto.

The certificate shall be issued after the goods have been taken over by the authorities referred to in Annex I.

Article 6

The successful tenderer shall undertake to provide the authorities laid down in Annex I with the documents required for the purposes of the supply which are specified in the invitation to tender issued by the intervention agency concerned.

Article 7

For the purposes of booking the expenditure by the European Agricultural Guidance and Guarantee Fund (EAGGF), the book value of the bone-in quarters shall be ECU 785 per tonne.

Article 8

Notwithstanding Article 6 (2) of Regulation (EEC) No 2344/92 the Commission shall fix for each lot the maximum quantity of compensated quarters to be taken as payment in kind or shall decide not to make any award.

Article 9

Notwithstanding Article 8 (2) of Regulation (EEC) No 2344/92, the supply guarantee shall be fixed at ECU 2 500 per tonne.

Article 10

The Member States concerned shall take all appropriate measures to ensure that no refund or monetary compensatory amount is applied within the framework of the supply, in particular by specifying this on the export licence and the export customs document.

Article 11

1. The Member States concerned shall adopt all additional provisions necessary for implementation of this Regulation.

2. The Member States concerned shall send to the Commission all information on the carrying out of the supply, in particular relating to the award of the contract, delivery times and the actual date of takeover by the authorities referred to in Annex I.

Article 12

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, 16 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I**Characteristics and quality of the goods :**

Tinned beef, of the type 'meat in jelly'/'viande en gelée'/'Fleisch in eigenem Saft', with one of the following product codes :

- 1602 50 90 195 ⁽¹⁾,
- 1602 50 90 395 ⁽¹⁾

The tinned beef must be completely sterilized, in accordance with the requirements laid down in Annex B, Chapter II to Council Directive 77/99/EEC ⁽²⁾, so that it can be kept for at least three years.

Packaging :

- (a) In cans with a maximum net content of 340 grams ;
- (b) Cans must be hermetically sealed and show no signs of rust ;
- (c) Cans must be packed in standard cartons for export, suitable for transport by land and sea. Each carton must be duly sealed after packing. Sealed cartons must be secured with a suitable tape made of fibre or other material and placed on disposable palettes.

Marking :

- (a) Each can must bear a label showing, in one of the official languages of the Community :
 - the ingredients,
 - the net weight in grams,
 - the date of manufacture and expiry date,
 - the name and address of the manufacturer,
 - the veterinary approval number of the processing plant.
- (b) The outer packaging of each palette must bear the following information in letters at least 3 cm high :
 - the inscription 'Humanitarian Aid — Regulation (EEC) No 2139/92',
 - the inscription 'European Economic Community',
 - the European flag, as defined in Annexes I and II to Commission communication No 91/C/114/01 ⁽³⁾.

Conditions of supply

- (a) Stage of delivery : F.A.S. warehouse, unloaded.
- (b) Authority responsible for the takeover : see each lot.
- (c) Lot I : Ljubljana

- 10 tonnes delivered before 8 October 1992 ⁽⁴⁾
- 4 tonnes delivered between 9 October and 22 October 1992 ⁽⁴⁾
- 7 tonnes delivered between 23 October and 20 November 1992 ⁽⁴⁾

Authority responsible for the takeover :

Slovenia Red Cross on behalf of the United Nations High Commissioner for Refugees (UNHCR).

Warehouse : Smartinska Street, 33
Ljubljana.

Contact : Ivan Hvala

Lot II : Split

- 80 tonnes delivered before 6 October 1992 ⁽⁴⁾
- 36 tonnes delivered between 7 October and 3 November 1992 ⁽⁴⁾

Authority responsible for the takeover :

- United Nations High Commissioner for Refugees (UNHCR)

⁽¹⁾ OJ No L 101, 15. 4. 1992, p. 12.

⁽²⁾ OJ No L 26, 31. 1. 1977, p. 85.

⁽³⁾ OJ No C 114, 29. 4. 1991, p. 1.

⁽⁴⁾ Delivery dates may be changed in agreement with the authority responsible for the takeover.

Warehouse : UNHCR c/o Adriachem
58212 Kastel Sucurac
Split

Contact : Mr Boi Lan Van Chou

Lot III : Zagreb

- 80 tonnes delivered before 6 October 1992 (*)
- 36 tonnes delivered between 7 October and 3 November 1992 (*)

Authority responsible for the takeover :

- United Nations High Commissioner for Refugees (UNHCR)

Warehouse : UNHCR c/o Grafika
Zagrebacka 194
41000 Zagreb

Contact : Mrs Koka

Lot IV : Belgrade

- 54 tonnes delivered before 8 October 1992 (*)
- 18 tonnes delivered between 9 October and 22 October 1992 (*)
- 18 tonnes delivered between 23 October and 6 November 1992 (*)
- 18 tonnes delivered between 7 November and 20 November 1992 (*)

Authority responsible for taking over :

Yugoslavian Federal Red Cross (on behalf of the UNHCR)

Warehouse : Sthina, 19
11000 Belgrade

Contact : Mr Dusan Musicki

Lot V : Novi Sad

- 26 tonnes delivered before 8 October 1992 (*)
- 13 tonnes delivered between 9 October and 6 November 1992 (*)

Authority responsible for taking over :

Yugoslavia Red Cross, c/o Vojvodina Red Cross (on behalf of the UNHCR)

Warehouse : Pionirska, 8
21000 Novi Sad

Contact : Mr Milan Obradovic

Lot VI : Podgorica

- 14 tonnes delivered before 8 October 1992 (*)
- 7 tonnes delivered between 9 October and 6 November 1992 (*)

Authority responsible for taking over :

Montenegro Red Cross (on behalf of the UNHCR)

Warehouse : Jovana Tomasevica, 6
81000 Podgorica/Titograd

Contact : Mr Dusan Musicki

Lot VII : Skopje

- 44 tonnes delivered before 5 October 1992 (*)
- 21 tonnes delivered between 6 October and 2 November 1992 (*)

Authority responsible for taking over :

Macedonia Red Cross (on behalf of the UNHCR)

Warehouse Koco Raun, 13
91000 Skopje

Contact : Mr Ivan Narasanov

*ANNEX II***Standing invitation to tender for the free supply of tinned beef to the victims of the conflict in what was formerly Yugoslavia**

(Regulation (EEC) No 2688/92)

Lot No ...

Tenderer's number	Quantity of tinned beef to be supplied	Quantity of compensated quarters required as payment in kind <i>(in tonnes)</i>
1		
2		
3		
4		
5		

Send to : DG VI-D-2 (beef and veal)
For the attention of Mr Bennink
Telefax (32 2) 296 60 27

ANNEX III

Takeover certificate

I, the undersigned,
(name, first name, position of authority)

acting on behalf of
hereby certify that the following goods have been taken over :

Product :	
Total quantity in tonnes (net weight) :	
Place and date of takeover :	
Registration numbers of heavy goods vehicles :	

Attestation of official sealing of the goods vehicle in the presence of the designated monitoring agency :

.....

.....

Number of cans sampled :

Name of monitoring agency :

.....

.....

Name and signature of its on-the-spot representative :

.....

.....

Observations or reservations :

.....

.....

.....

.....

.....

Signature
(Stamp)

COMMISSION REGULATION (EEC) No 2689/92

of 14 September 1992

fixing definitively the aid for cotton applicable from 1 May to 31 August 1992 for the 1992/93 marketing year

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 the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 14 on cotton, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and by Council Regulation (EEC) No 2052/92⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton⁽²⁾, as last amended by Regulation (EEC) No 2053/92⁽³⁾, and in particular Article 5 (1) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, in the absence of a regulation determining any reduction in the aid for the 1992/93 marketing year, under the maximum guaranteed quantity arrangements, the amounts of aid applicable from 1 May to 31 August 1992 have been calculated using a provisional reduction ;

Whereas Commission Regulation (EEC) No 2511/92⁽⁴⁾ fixes the reduction in the aid for the 1992/93 marketing year ;

Whereas certain of these provisional aid amounts were fixed in line with the guide price proposed by the Commission to the Council for the 1992/93 marketing year ; whereas those amounts, fixed subject to the provisions of the Council's decisions, had to be fixed in this way owing to the absence of the regulation fixing the guide price for the 1992/93 marketing year ; whereas Council Regulation (EEC) No 2055/92⁽⁵⁾ fixes the guide price for cotton for the 1992/93 marketing year ;

⁽¹⁾ OJ No L 215, 30. 7. 1992, p. 10.
⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.
⁽³⁾ OJ No L 215, 30. 7. 1992, p. 12.
⁽⁴⁾ OJ No L 250, 29. 8. 1992, p. 14.
⁽⁵⁾ OJ No L 215, 30. 7. 1992, p. 14.

Whereas the aid amounts applying provisionally for cotton should accordingly be fixed definitively,

HAS ADOPTED THIS REGULATION :

Article 1

The aid amounts for unginned cotton given in Commission Regulations (EEC) No 1111/92⁽⁶⁾, (EEC) No 1171/92⁽⁷⁾, (EEC) No 1322/92⁽⁸⁾, (EEC) No 1393/92⁽⁹⁾, (EEC) No 1500/92⁽¹⁰⁾, (EEC) No 1710/92⁽¹¹⁾, (EEC) No 1815/92⁽¹²⁾, (EEC) No 1888/92⁽¹³⁾, (EEC) No 1966/92⁽¹⁴⁾ and (EEC) No 2042/92⁽¹⁵⁾ are hereby replaced by the amounts set out in the Annex hereto and shall apply as definitive amounts with effect from the date of entry into force of each Regulation.

The aid amounts for unginned cotton given in Commission Regulations (EEC) No 2207/92⁽¹⁶⁾, (EEC) No 2368/92⁽¹⁷⁾, (EEC) No 2395/92⁽¹⁸⁾, (EEC) No 2452/92⁽¹⁹⁾ and (EEC) No 2498/92⁽²⁰⁾ are hereby confirmed as set out in the Annex hereto and shall apply as definitive amounts with effect from the date of entry into force of each Regulation.

Article 2

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

⁽⁶⁾ OJ No L 117, 1. 5. 1992, p. 71.
⁽⁷⁾ OJ No L 122, 7. 5. 1992, p. 29.
⁽⁸⁾ OJ No L 140, 23. 5. 1992, p. 17.
⁽⁹⁾ OJ No L 146, 28. 5. 1992, p. 17.
⁽¹⁰⁾ OJ No L 158, 11. 6. 1992, p. 20.
⁽¹¹⁾ OJ No L 179, 1. 7. 1992, p. 49.
⁽¹²⁾ OJ No L 183, 3. 7. 1992, p. 25.
⁽¹³⁾ OJ No L 189, 9. 7. 1992, p. 35.
⁽¹⁴⁾ OJ No L 197, 16. 7. 1992, p. 57.
⁽¹⁵⁾ OJ No L 207, 23. 7. 1992, p. 45.
⁽¹⁶⁾ OJ No L 218, 1. 8. 1992, p. 39.
⁽¹⁷⁾ OJ No L 230, 13. 8. 1992, p. 22.
⁽¹⁸⁾ OJ No L 233, 15. 8. 1992, p. 26.
⁽¹⁹⁾ OJ No L 243, 25. 8. 1992, p. 25.
⁽²⁰⁾ OJ No L 248, 28. 8. 1992, p. 58.

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

Done at Brussels, 14 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Aid for unginned cotton

<i>(ECU per 100 kg)</i>	
Regulation (EEC) No	Amount of aid
1111/92	67,357
1171/92	66,831
1322/92	68,359
1393/92	69,636
1500/92	69,009
1710/92	69,153
1815/92	70,069
1888/92	70,851
1966/92	71,400
2042/92	72,177
2207/92	72,666
2368/92	73,290
2395/92	73,792
2452/92	74,183
2498/92	75,036

COMMISSION REGULATION (EEC) No 2690/92

of 16 September 1992

opening an invitation to tender for the reduction in the levy on maize imported from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1799/87 of 25 June 1987 on special arrangements for imports of maize and sorghum into Spain from 1987 to 1990 ⁽¹⁾, as amended by Regulation (EEC) No 3391/91 ⁽²⁾, and in particular Articles 3 (2) and 8 thereof,

Whereas, as part of an agreement with the United States of America, the Community has undertaken to import a certain quantity of maize into Spain in the years 1987 to 1990; whereas by Regulation (EEC) No 3919/91 ⁽³⁾ extending the measures taken under the abovementioned agreement, the Council approved the extension of that agreement to 1992, that extension being without prejudice to the rights and obligations arising from the original agreement;

Whereas under the said rights and obligations Commission Regulation (EEC) No 3504/91 ⁽⁴⁾, opens invitations to tender for the reduction in the levy on imports of the quantities outstanding for 1991; whereas a closer estimate of those quantities calls for a further invitation to tender to be opened;

Whereas, pursuant to Article 3 (3) of Regulation (EEC) No 1799/87, the levy reduction is to be applied to maize imported into Spain under cover of a licence valid in that Member State alone;

Whereas the specific additional rules required for administering the invitation to tender should be laid down, including in particular rules on the lodging by operators and the release of securities against fulfilment of their obligations, and in particular the obligation to process or use the imported product in Spain;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Further to the invitations to tender opened by Regulation (EEC) No 3504/91, an invitation to tender is hereby

opened for the reduction in the import levy on maize to be imported into Spain.

2. The invitation to tender shall be open until 15 October 1992. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.

Article 2

1. Tenders shall be lodged in writing with the competent authority against a receipt or forwarded to that authority by telex, telegram or telefax.

2. Tenders shall indicate:

- the weekly invitation in response to which they are made,
- the name and exact address of the tenderer, with telex or telefax number,
- the type and quantity of the product to be imported,
- the reduction in the import levy proposed, in ecus per tonne,
- the origin of the maize to be imported.

3. Tenders shall be valid only if:

- (a) they do not exceed the maximum quantity available for each closing date for the submission of applications;
- (b) evidence is provided before expiry of the time limit for submission that the tenderer has lodged a security for an amount per tonne equal to that of the reduction proposed in the tender;
- (c) they are accompanied by a written undertaking to lodge with the competent authority within two days of receipt of notification of award as mentioned in Article 4 (2) an application for an import licence for the quantities awarded together with an application for advance fixing of the levy at the reduced rate proposed in the tender and an application for advance fixing of the Spanish monetary compensatory amounts;
- (d) they are for at least 1 000 tonnes.

4. Tenders not meeting the requirements set out in paragraph 1, 2 and 3 or incorporating terms other than those provided for in the invitation to tender shall not be valid.

5. Once submitted, tenders may not be withdrawn.

⁽¹⁾ OJ No L 170, 30. 6. 1987, p. 1.

⁽²⁾ OJ No L 320, 22. 11. 1991, p. 1.

⁽³⁾ OJ No L 372, 31. 12. 1991, p. 35.

⁽⁴⁾ OJ No L 331, 3. 12. 1991, p. 9.

Article 3

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3719/88 ⁽¹⁾ import licences shall, for the purposes of determining their term of validity, be deemed to have been issued on the closing date for the submission of tenders.

2. Import licences issued in connection with awards made under this invitation to tender shall be valid from the date on which they are issued within the meaning of paragraph 1, until the last day of the month following the month in which they were issued.

3. Notwithstanding Article 2 (2) of Commission Regulation (EEC) No 891/89 ⁽²⁾, Article 5 (2) of Commission Regulation (EEC) No 3105/87 ⁽³⁾ shall apply in respect of licences issued under this Regulation.

4. Notwithstanding Article 9 of Regulation (EEC) No 3719/88, rights conferred by import licences shall not be transferable.

Article 4

1. On the basis of tenders submitted and forwarded, the Commission shall decide in accordance with the procedure laid down in Article 26 of Council Regulation (EEC) No 2727/75 ⁽⁴⁾;

- either to set a maximum reduction in the import levy, or
- to make no awards.

Where a maximum reduction in the import levy is set, awards shall be made to the tenderer or tenderers offering the maximum or a smaller reduction.

2. As soon as the Commission has reached a decision as referred to in paragraph 1, the competent Spanish authority shall notify all tenderers in writing of the outcome of their tenders.

Article 5

1. Where the successful tenderer lodges an application for an import licence as referred to in Article 2 (3) (c)

within the time limit laid down, a licence shall be issued for the quantities for which he has been awarded a contract.

2. Where the undertaking referred to in Article 2 (3) (c) is not fulfilled, the tendering security shall be forfeit.

Article 6

1. The tendering security shall be released:

- (a) where the tender is not accepted;
- (b) where the tenderer provides evidence by means of a sales invoice to a processor or consumer in Spain that the products imported have been processed or used in Spain;
- (c) where the successful tenderer provides evidence that the product imported has become unfit for any use or where import cannot be effected to reasons of *force majeure*.

2. Article 33 of Regulation (EEC) No 3719/88 shall apply to securities.

Article 7

Tenders lodged must be forwarded by the competent Spanish authority to the Commission to arrive not more than two hours after the time limit laid down in the notice of invitation to tender. They must be forwarded in the form shown in the Annex.

Should no tenders be received, Spain shall inform the Commission within the same period as that referred to in the first paragraph.

Article 8

The times for the purposes of this Regulation shall be Brussels time.

Article 9

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, 16 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽²⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽³⁾ OJ No L 294, 17. 10. 1987, p. 15.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 1.

*ANNEX***Weekly invitation to tender for the reduction in the levy on maize imported from third countries**

(Regulation (EEC) No 2690/92)

Deadline for submission of tenders (date/time)

1	2	3	4	5
Numbering of tenderers	Quantity (tonnes)	Reduction in import levy	MCA fixed in advance	Origin of the cereals
1				
2				
3				
4				
5				
etc.				

COMMISSION REGULATION (EEC) No 2691/92

of 16 September 1992

determining the overrun in the Community maximum guaranteed area under cotton and the reduced aid for small cotton producers for the 1991/92 marketing year

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

Having regard to Council Regulation (EEC) No 1152/90 of 27 April 1990 instituting a system of aid in favour of small cotton producers⁽¹⁾, as amended by Regulation (EEC) No 2054/92⁽²⁾, and in particular Article 7 (2) thereof,

Whereas, pursuant to Article 7 (2) of the abovementioned Regulation, the Commission is to record any overrun in the Community maximum guaranteed area and is to determine the resulting reduction in the aid; whereas, on the basis of information received from the producer Member States, the Commission has recorded an overrun for the 1991/92 marketing year in the maximum guaranteed area determined by Commission Regulation (EEC) No 2048/90 of 18 July 1990 laying down detailed rules for the application of the system of aid in favour of small cotton producers⁽³⁾, as amended by Regulation (EEC) No 3218/90⁽⁴⁾; whereas that overrun should therefore be determined and, using the formula laid down in Article 9 (2) of Regulation (EEC) No 2048/90, the reduced aid for that marketing year should be determined as indicated below;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1991/92 marketing year, the overrun in the Community maximum guaranteed area under cotton referred to in Article 7 (2) of Regulation (EEC) No 1152/90 shall be 46 309 hectares.

Article 2

For the 1991/92 marketing year, the aid reduced pursuant to Article 7 (2) of Regulation (EEC) No 1152/90 shall be ECU 153,04 per hectare.

Article 3

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, 16 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 116, 8. 5. 1990, p. 1.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 13.

⁽³⁾ OJ No L 187, 19. 7. 1990, p. 29.

⁽⁴⁾ OJ No L 308, 8. 11. 1990, p. 20.

COMMISSION REGULATION (EEC) No 2692/92**of 16 September 1992****on the date of public announcement of new agricultural conversion rates**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 3155/85 of 11 November 1985 providing for the advance fixing of monetary compensatory amounts ⁽¹⁾, as last amended by Regulation (EEC) No 3247/89 ⁽²⁾, and in particular the last subparagraph of Article 6 (3) thereof,

Whereas monetary compensatory amounts fixed in advance are adjusted if a new agricultural conversion rate comes into effect that was publicly announced before the application for advance fixing was lodged; whereas the date of public announcement of the new agricultural conversion rates resulting from the automatic dismantling of the gaps newly created by the monetary realignment announced by press release on 13 September 1992 must be fixed;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

In the case of the monetary realignment of 14 September 1992 the date of public announcement referred to in Article 6 (1) of Regulation (EEC) No 3155/85 shall be 13 September 1992.

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, 16 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 310, 21. 11. 1985, p. 22.

⁽²⁾ OJ No L 314, 28. 10. 1989, p. 51.

COMMISSION REGULATION (EEC) No 2693/92

of 16 September 1992

fixing the correcting factor and the coefficient reducing agricultural prices provided for in Article 6 of Council Regulation (EEC) No 1677/85 on monetary compensatory amounts in agriculture

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

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture⁽¹⁾, as last amended by Regulation (EEC) No 2205/90⁽²⁾, and in particular Article 6 (1) and Article 12 thereof,

Whereas, as a result of the monetary realignment of 13 September 1992, the correcting factor provided for in Article 6 (1) of Regulation (EEC) No 1677/85 must be altered;

Whereas the coefficient reducing agricultural prices provided for in Article 6 (4) of Regulation (EEC) No 1677/85 must be fixed in accordance with Article 5 (2) of Commission Regulation (EEC) No 3578/88 of 17 November 1988 laying down detailed rules for the application of the system for the automatic dismantlement of negative monetary compensatory amounts⁽³⁾, as last amended by Regulation (EEC) No 3137/91⁽⁴⁾;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

The correcting factor provided for in Article 6 (1) of Regulation (EEC) No 1677/85 is hereby fixed at 1,154338.

Article 2

The coefficient provided for in Article 5 of Regulation (EEC) No 3578/88 is hereby fixed at 1,002003.

Article 3

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, 16 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽³⁾ OJ No L 312, 18. 11. 1988, p. 16.

⁽⁴⁾ OJ No L 297, 29. 10. 1991, p. 17.

COMMISSION REGULATION (EEC) No 2694/92**of 16 September 1992****fixing the sluice-gate prices and levies for eggs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾, and in particular Articles 3 and 7 (1) thereof,

Whereas sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2771/75 must be fixed quarterly in advance in accordance with the methods of calculation laid down in Council Regulation (EEC) No 2773/75 of 29 October 1975 laying down rules for calculating the levy and the sluice-gate price for eggs⁽³⁾, as last amended by Regulation (EEC) No 4155/87⁽⁴⁾;

Whereas, since sluice-gate prices and levies for eggs were, by Commission Regulation (EEC) No 1788/92⁽⁵⁾, last fixed for the period 1 Juli to 31 September 1992, they must be fixed anew for the period 1 October to 31 December 1992; whereas such prices and levies should in principle be calculated by reference to feed-grain prices for the period 1 April to 31 August 1992;

Whereas, when the sluice-gate prices applicable from 1 October, 1 January and 1 April are being fixed, changes in world market prices for feed grain are to be taken into account only if the price of the quantity of feed grain required varies by at least a specified minimum in relation to that used to calculate the sluice-gate price for the preceding quarter; whereas, by Regulation (EEC) No 2773/75, the minimum was set at 3 %;

Whereas the price of the quantity of feed grain required varies by more than 3 % from that used for the preceding quarter; whereas this variation must accordingly be taken into account in fixing sluice-gate prices for the period 1 October to 31 December 1992;

Whereas, when the levies applicable from 1 October, 1 January and 1 April are being fixed, world market prices for feed grain are to be taken into account only if at the same time a new sluice-gate price is fixed;

Whereas, since a new sluice-gate price has been fixed, changes in world market prices for feed grain must be taken into account in fixing the levies;

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⁽⁶⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas Council Regulations (EEC) No 518/92⁽⁷⁾, (EEC) No 519/92⁽⁸⁾ and (EEC) No 520/92⁽⁹⁾ of 27 February 1992 on certain procedures for applying the Interim Agreements on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic respectively, of the other part, introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 579/92⁽¹⁰⁾ lays down detailed rules for applying the arrangements provided for in these agreements as regards eggs;

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

HAS ADOPTED THIS REGULATION:

Article 1

The levies provided for in Article 3 of Regulation (EEC) No 2771/75, in respect of the products specified in Article 1 (1) thereof and the sluice-gate prices provided for in Article 7 thereof shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1992.

(1) OJ No L 282, 1. 11. 1975, p. 49.

(2) OJ No L 128, 11. 5. 1989, p. 29.

(3) OJ No L 282, 1. 11. 1975, p. 64.

(4) OJ No L 392, 31. 12. 1987, p. 29.

(5) OJ No L 182, 2. 7. 1992, p. 56.

(6) OJ No L 263, 19. 9. 1991, p. 1.

(7) OJ No L 56, 29. 2. 1992, p. 3.

(8) OJ No L 56, 29. 2. 1992, p. 6.

(9) OJ No L 56, 29. 2. 1992, p. 9.

(10) OJ No L 62, 7. 3. 1992, p. 15.

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

Done at Brussels, 16 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 16 September 1992 fixing the sluice-gate prices and levies for eggs ⁽¹⁾

CN code	Sluice-gate price	Levy
	ECU/100 units	ECU/100 units
0407 00 11	51,39	13,14 ⁽¹⁾
0407 00 19	10,88	4,03 ⁽¹⁾
	ECU/100 kg	ECU/100 kg
0407 00 30	82,64	34,61
0408 11 10	402,21	161,97 ⁽¹⁾
0408 19 11	181,95	70,60 ⁽¹⁾
0408 19 19	193,87	75,45 ⁽¹⁾
0408 91 10	337,63	156,44 ⁽¹⁾
0408 99 10	89,48	40,15 ⁽¹⁾

⁽¹⁾ 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 579/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

⁽²⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EEC) No 2695/92
of 16 September 1992
fixing the sluice-gate prices and levies for poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾, and in particular Articles 3 and 7 (1) thereof,

Whereas the sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2777/75 must be fixed quarterly in advance in accordance with methods of calculation laid down in Council Regulation (EEC) No 2778/75 of 29 October 1975 laying down rules for calculating the levy and the sluice-gate price for poultrymeat⁽³⁾, as last amended by Regulation (EEC) No 3986/87⁽⁴⁾;

Whereas, since the sluice-gate prices and levies for poultrymeat were, by Commission Regulation (EEC) No 1790/91⁽⁵⁾ last fixed for the period 1 July to 30 September 1992, they must be fixed anew for the period 1 October to 31 December 1992; whereas such prices and levies should in principle be calculated by reference to feed-grain prices for the period 1 April to 31 August 1992;

Whereas, when the sluice-gate prices applicable from 1 October, 1 January and 1 April are being fixed, trends in world market prices for feed grain are to be taken into account only if the price of the quantity of feed grain required varies by at least a specified minimum in relation to that used to calculate the sluice-gate price for the preceding quarter; whereas, by Regulation (EEC) No 2778/75, this minimum was set at 3 %;

Whereas the price of the quantity of feed grain required for the production of poultrymeat varies by more than 3 % from that used for the preceding quarter; whereas this variation must accordingly be taken into account in fixing sluice-gate prices for the period 1 October to 31 December 1992;

Whereas, when the levies applicable from 1 October, 1 January and 1 April are being fixed, changes in world market prices for feed grain should be taken into account only if at the same time a new sluice-gate price is fixed;

Whereas, since a new sluice-gate price is to be fixed for certain products; changes in world market prices for feed grain must be taken into account in fixing the levies;

Whereas, by Council Regulation (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries⁽⁶⁾, as last amended by Regulation (EEC) No 1509/92⁽⁷⁾, and (EEC) No 715/90⁽⁸⁾ 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), as last amended by Regulation (EEC) No 444/92⁽⁹⁾, special import arrangements were introduced involving a reduction to 50 % in levies within the framework of fixed amounts or annual quotas, in particular for certain poultrymeat products;

Whereas Council Regulation (EEC) No 3833/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain agricultural products originating in developing countries⁽¹⁰⁾, as last amended by Regulation (EEC) No 1509/92, partially or totally suspends Common Tariff duties, in particular on certain poultrymeat products;

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⁽¹¹⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 84.

⁽⁴⁾ OJ No L 376, 31. 12. 1987, p. 7.

⁽⁵⁾ OJ No L 182, 2. 7. 1992, p. 61.

⁽⁶⁾ OJ No L 370, 31. 12. 1990.

⁽⁷⁾ OJ No L 159, 12. 6. 1992, p. 1.

⁽⁸⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁹⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽¹⁰⁾ OJ No L 370, 31. 12. 1990, p. 86.

⁽¹¹⁾ OJ No L 263, 19. 9. 1991, p. 1.

Whereas Council Regulations (EEC) No 518/92⁽¹⁾, (EEC) No 519/92⁽²⁾ and (EEC) No 520/92⁽³⁾ of 27 February 1992 on certain procedures for applying the Interim Agreements on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic respectively, of the other part, introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 579/92⁽⁴⁾ lays down detailed rules for applying the arrangements provided for in these agreements as regards poultrymeat;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. In respect of the products specified in Article 1 (1) of Regulation (EEC) No 2777/75, the levies provided for in Article 3 thereof and the sluice-gate prices provided for in Article 7 thereof shall be as shown in the Annex hereto.

2. However, in the case of products falling within CN codes 0207 31, 0207 39 90, 0207 50, 0210 90 71, 0210 90 79, 1501 00 90, 1602 31, 1602 39 19, 1602 39 30 and 1602 39 90, in respect of which the rate of duty has been bound within GATT, the levy shall not exceed the amount resulting from that binding.

Article 2

This Regulation shall enter into force on 1 October 1992.

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

Done at Brussels, 16 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 56, 29. 2. 1992, p. 3.

⁽²⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽³⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁴⁾ OJ No L 62, 7. 3. 1992, p. 15.

ANNEX

to the Commission Regulation of 16 September 1992 fixing the sluice-gate prices and levies for poultrymeat ⁽¹⁾ ⁽²⁾

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 units	ECU/100 units	%
0105 11 00	22,30	6,13	—
0105 19 10	98,95	20,28	—
0105 19 90	22,30	6,13	—
	ECU/100 kg	ECU/100 kg	
0105 91 00	77,04	25,42 (*)	—
0105 99 10	87,16	38,46	—
0105 99 20	112,97	38,58 (*)	—
0105 99 30	102,61	29,04 (*)	—
0105 99 50	118,76	40,28	—
0207 10 11	96,79	31,93 (*)	—
0207 10 15	110,06	36,31 (*)	—
0207 10 19	119,92	39,56 (*)	—
0207 10 31	146,59	41,49 (*)	—
0207 10 39	160,68	45,48 (*)	—
0207 10 51	102,55	45,24 (*)	—
0207 10 55	124,52	54,94 (*)	—
0207 10 59	138,36	61,05 (?) (*)	—
0207 10 71	161,39	55,12 (*)	—
0207 10 79	152,27	58,58 (?) (*)	—
0207 10 90	169,65	57,54	—
0207 21 10	110,06	36,31 (*)	—
0207 21 90	119,92	39,56 (*)	—
0207 22 10	146,59	41,49 (*)	—
0207 22 90	160,68	45,48 (*)	—
0207 23 11	124,52	54,94 (*)	—
0207 23 19	138,36	61,05 (?) (*)	—
0207 23 51	161,39	55,12 (*)	—
0207 23 59	152,27	58,58 (?) (*)	—
0207 23 90	169,65	57,54	—
0207 31 00	1 613,90	551,20	3 (?)
0207 39 11	282,95	104,16 (*)	—
0207 39 13	131,91	43,52 (*)	—
0207 39 15	91,40	32,35 (*)	—
0207 39 17	63,28	22,40 (*)	—
0207 39 21	181,60	59,91 (*)	—
0207 39 23	170,59	56,28 (*)	—
0207 39 25	281,24	99,54	—
0207 39 27	63,28	22,40 (*)	—
0207 39 31	307,84	87,13 (*)	—

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 kg	ECU/100 kg	%
0207 39 33	176,75	50,03 (*)	—
0207 39 35	91,40	32,35 (*)	—
0207 39 37	63,28	22,40 (*)	—
0207 39 41	234,54	66,38 (*)	—
0207 39 43	109,94	31,12 (*)	—
0207 39 45	197,90	56,01 (*)	—
0207 39 47	281,24	99,54 (*)	—
0207 39 51	63,28	22,40 (*)	—
0207 39 53	319,77	123,02 (*) (*)	—
0207 39 55	282,95	104,16 (*) (*)	—
0207 39 57	152,20	67,16	—
0207 39 61	167,50	64,44 (*) (*)	—
0207 39 63	186,62	63,29	—
0207 39 65	91,40	32,35 (*) (*)	—
0207 39 67	63,28	22,40 (*) (*)	—
0207 39 71	228,41	87,87 (*) (*)	—
0207 39 73	181,60	59,91 (*) (*)	—
0207 39 75	220,79	84,94 (*) (*)	—
0207 39 77	170,59	56,28 (*) (*)	—
0207 39 81	193,76	79,46 (*) (*)	—
0207 39 83	281,24	99,54	—
0207 39 85	63,28	22,40 (*)	—
0207 39 90	161,71	57,24	10
0207 41 10	282,95	104,16 (*)	—
0207 41 11	131,91	43,52 (*)	—
0207 41 21	91,40	32,35 (*)	—
0207 41 31	63,28	22,40 (*)	—
0207 41 41	181,60	59,91 (*)	—
0207 41 51	170,59	56,28 (*)	—
0207 41 71	281,24	99,54 (*)	—
0207 41 90	63,28	22,40 (*)	—
0207 42 10	307,84	87,13 (*)	—
0207 42 11	176,75	50,03 (*)	—
0207 42 21	91,40	32,35 (*)	—
0207 42 31	63,28	22,40 (*)	—
0207 42 41	234,54	66,38 (*)	—
0207 42 51	109,94	31,12 (*)	—
0207 42 59	197,90	56,01 (*)	—
0207 42 71	281,24	99,54 (*)	—
0207 42 90	63,28	22,40 (*)	—
0207 43 11	319,77	123,02 (*) (*)	—
0207 43 15	282,95	104,16 (*) (*)	—
0207 43 21	152,20	67,16	—
0207 43 23	167,50	64,44 (*) (*)	—

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 kg	ECU/100 kg	%
0207 43 25	186,62	63,29	—
0207 43 31	91,40	32,35 ⁽¹⁾ ⁽⁴⁾	—
0207 43 41	63,28	22,40 ⁽²⁾ ⁽⁴⁾	—
0207 43 51	228,41	87,87 ⁽²⁾ ⁽⁴⁾	—
0207 43 53	181,60	59,91 ⁽²⁾ ⁽⁴⁾	—
0207 43 61	220,79	84,94 ⁽²⁾ ⁽⁴⁾	—
0207 43 63	170,59	56,28 ⁽²⁾ ⁽⁴⁾	—
0207 43 71	193,76	79,46 ⁽²⁾ ⁽⁴⁾	—
0207 43 81	281,24	99,54	—
0207 43 90	63,28	22,40 ⁽⁴⁾	—
0207 50 10	1 613,90	551,20	3 ⁽³⁾
0207 50 90	161,71	57,24	10
0209 00 90	140,62	49,77	—
0210 90 71	1 613,90	551,20	3
0210 90 79	161,71	57,24	10
1501 00 90	168,74	59,72	18
1602 31 11	293,18	82,98	17
1602 31 19	309,36	109,49	17
1602 31 30	168,74	59,72	17
1602 31 90	98,43	34,84	17
1602 39 11	278,26	103,68	—
1602 39 19	309,36	109,49	17
1602 39 30	168,74	59,72	17
1602 39 90	98,43	34,84	17

⁽¹⁾ The levy on products covered by CN codes 0207, 1602 31 and 1602 39 originating in the ACP countries and listed in Article 6 of Regulation (EEC) No 715/90 is reduced by 50 % within the limits of the quotas referred to in that Regulation.

⁽²⁾ The levy on such products originating in the developing countries and listed in the Annex to Regulation (EEC) No 3834/90 is reduced by 50 % within the limits of the fixed amounts referred to in that Annex.

⁽³⁾ The Common Customs Tariff duties on these products originating in the developing countries and listed in Regulation (EEC) No 3833/90 are suspended and no levy is to be collected.

⁽⁴⁾ 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 579/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

⁽⁵⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EEC) No 2696/92

of 16 September 1992

fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin⁽¹⁾, as amended by Regulation (EEC) No 4001/87⁽²⁾, and in particular Article 2 (2) and the second subparagraph of Article 5 (5) thereof,

Whereas the sluice-gate prices and import duties of the products specified in Article 1 of Regulation (EEC) No 2783/75 must be fixed quarterly in advance in accordance with the methods of calculation laid down in Commission Regulation (EEC) No 1679/90 of 28 June 1990 fixing sluice-gate prices and import duties for ovalbumin and lactalbumin⁽³⁾;

Whereas, since sluice-gate prices and import duties for ovalbumin and lactalbumin were, by Commission Regulation (EEC) No 1789/92⁽⁴⁾ last fixed for the period 1 July to 30 September 1992, they must be fixed anew for the period 1 October to 31 December 1992; whereas such prices and duties should be calculated by reference to the sluice-gate price and levy applicable to eggs in shell during the same period;

Whereas these have been fixed by Commission Regulation (EEC) No 2694/92 of 16 September 1992 fixing the sluice-gate prices and levies for eggs⁽⁵⁾;

Whereas the sluice-gate price and levy applicable to eggs in shell have been altered by the said Regulation; whereas it is therefore necessary likewise to alter the sluice-gate

prices and import duties for ovalbumin and lactalbumin fixed by Regulation (EEC) No 2816/91;

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⁽⁶⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

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

HAS ADOPTED THIS REGULATION:

Article 1

The import duties provided for in Article 2 of Regulation (EEC) No 2783/75, in respect of the products specified in Article 1 thereof and the sluice-gate prices provided for in Article 5 thereof, in respect of the like products, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1992.

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

Done at Brussels, 16 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 104.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 44.

⁽³⁾ OJ No L 157, 22. 6. 1990, p. 16.

⁽⁴⁾ OJ No L 182, 2. 7. 1992, p. 59.

⁽⁵⁾ See page 42 of this Official Journal.

⁽⁶⁾ OJ No L 263, 19. 9. 1991, p. 1.

ANNEX

to the Commission Regulation of 16 September 1992 fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin ⁽¹⁾

CN code	Sluice-gate price	Import duty
	ECU/100 kg	ECU/100 kg
3502 10 91	386,73	140,52
3502 10 99	51,83	19,04
3502 90 51	386,73	140,52
3502 90 59	51,83	19,04

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

COMMISSION REGULATION (EEC) No 2697/92
of 16 September 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 2679/92 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 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 15 September 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 17 September 1992.

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

Done at Brussels, 16 September 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 271, 16. 9. 1992, p. 21.

⁽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 16 September 1992 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	39,39 ⁽¹⁾
1701 11 90	39,39 ⁽¹⁾
1701 12 10	39,39 ⁽¹⁾
1701 12 90	39,39 ⁽¹⁾
1701 91 00	46,80
1701 99 10	46,80
1701 99 90	46,80 ⁽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 2698/92
of 16 September 1992
fixing the aid for cotton

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

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Commission Regulation (EEC) No 4006/87 ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽²⁾, as last amended by Regulation (EEC) No 2053/92 ⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 2539/92 ⁽⁴⁾, as last amended by Regulation (EEC) No 2652/92 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2539/92 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 75,345 per 100 kilograms.

Article 2

This Regulation shall enter into force on 17 September 1992.

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

Done at Brussels, 16 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽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 254, 1. 9. 1992, p. 47.

⁽⁵⁾ OJ No L 266, 12. 9. 1992, p. 21.

COMMISSION REGULATION (EEC) No 2699/92

of 16 September 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 2525/92⁽⁷⁾, as last amended by Regulation (EEC) No 2671/92⁽⁸⁾;

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁷⁾ OJ No L 254, 1. 9. 1992, p. 5.

⁽⁸⁾ OJ No L 270, 15. 9. 1992, p. 24.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

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

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

Whereas these exchange rates being those recorded on 15 September 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 2525/92 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 17 September 1992.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 16 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 16 September 1992 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies (*)	
	ACP	Third countries (other than ACP) (*)
1102 30 00	158,15	161,17
1103 14 00	158,15	161,17
1103 29 50	158,15	161,17
1104 19 91	268,56	274,60
1108 19 10	226,78	257,61

(*) 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.

COMMISSION REGULATION (EEC) No 2700/92

of 16 September 1992

fixing the maximum export refund for white sugar for the 20th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 920/92

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 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 the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 920/92 of 10 April 1992 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, as amended by Regulation (EEC) No 1684/92⁽⁴⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 920/92, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 20th partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 1432/92⁽⁵⁾, as amended by Regulation (EEC) No 2015/92⁽⁶⁾, prohibits

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 Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 20th partial invitation to tender for white sugar issued pursuant to amended Regulation (EEC) No 920/92 the maximum amount of the export refund is fixed at ECU 43,380 per 100 kilograms.

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.

Article 2

This Regulation shall enter into force on 17 September 1992.

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

Done at Brussels, 16 September 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 98, 11. 4. 1992, p. 11.

⁽⁴⁾ OJ No L 176, 30. 6. 1992, p. 31.

⁽⁵⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁶⁾ OJ No L 205, 22. 7. 1992, p. 2.

COMMISSION REGULATION (EEC) No 2701/92
of 16 September 1992
fixing the import levy on molasses

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 market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 61/92⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 1887/92⁽³⁾, as last amended by Regulation (EEC) No 2622/92⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1887/92 to the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this Regulation;

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 15 September 1992,

HAS ADOPTED THIS REGULATION:

Article 1

1. The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, ECU 0,56 per 100 kilograms.
2. However, no import levy applies to OCT originating products according to Article 101 (1) of Council Decision 91/482/EEC⁽⁷⁾.

Article 2

This Regulation shall enter into force on 17 September 1992.

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

Done at Brussels, 16 September 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 189, 9. 7. 1992, p. 34.

⁽⁴⁾ OJ No L 264, 10. 9. 1992, p. 14.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁷⁾ OJ No L 263, 19. 9. 1991, p. 1.

COMMISSION REGULATION (EEC) No 2702/92

of 16 September 1992

fixing the amount of aid for peas, field beans and sweet lupins

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 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins ⁽¹⁾, as last amended by Regulation (EEC) No 1750/92 ⁽²⁾, and in particular Article 3 (6) (a) thereof,

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins ⁽³⁾, as last amended by Regulation (EEC) No 1734/92 ⁽⁴⁾, and in particular Article 26a (7) thereof,

Whereas, as provided for in Article 3 (1) of Regulation (EEC) No 1431/82, aid is granted for peas, field beans and sweet lupins harvested in the Community and used in the manufacture of feedingstuffs where the world market price of soya cake is lower than the activating price; whereas this aid is equal to a proportion of the difference between these prices; whereas this proportion of the price difference was fixed in Article 3a of Council Regulation (EEC) No 2036/82 ⁽⁵⁾, as last amended by Regulation (EEC) No 2206/90 ⁽⁶⁾;

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 1431/82, aid is granted for peas and field beans harvested in the Community where the world market price for these products is lower than the guide price; whereas this aid is equal to the difference between the two prices;

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1992/93 marketing year was fixed by Council Regulation (EEC) No 1751/92 ⁽⁷⁾; whereas, as provided for in Article 2a of Regulation (EEC) No 1431/82, the activating price for the aid for peas, field beans and sweet lupins is increased monthly as from the beginning of the third month of the marketing year; whereas the amount of the monthly

increases in the threshold price was fixed by Council Regulation (EEC) No 1752/92 ⁽⁸⁾;

Whereas the abatement of the subsidy which arises from the system of maximum guaranteed quantities for the 1992/93 year, has been fixed by Commission Regulation (EEC) No 2512/92 ⁽⁹⁾;

Whereas, pursuant to Article 4 of Regulation (EEC) No 1431/82, the world market price for soya cake must be determined on the basis of the most favourable purchase possibilities, excepting offers and quotations which cannot be considered representative of the real market trend; whereas account must be taken both of all offers on the world market and of the prices quoted on exchanges that are important for international trade;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 2049/82 ⁽¹⁰⁾, as last amended by Regulation (EEC) No 1238/87 ⁽¹¹⁾, the price must be determined per 100 kilograms of bulk soya cake of the standard quality defined in Article 1 (2) of Council Regulation (EEC) No 1464/86 ⁽¹²⁾ delivered to Rotterdam; whereas the necessary adjustments, notably those referred to in Article 2 of Regulation (EEC) No 2049/82, must be made for offers and quotations not of the type referred to above;

Whereas, if the aid 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 moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in Article 6 (1) of Council Regulation (EEC) No 1676/85 ⁽¹³⁾, as last amended by Regulation (EEC) No 2205/90 ⁽¹⁴⁾,
- 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 pursuant to Articles 121 (2) and 307 (2) of the Act of Accession the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of products from third countries;

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 17.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 179, 30. 6. 1992, p. 120.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 180, 1. 7. 1992, p. 18.

⁽⁸⁾ OJ No L 180, 1. 7. 1992, p. 20.

⁽⁹⁾ OJ No L 250, 29. 8. 1992, p. 15.

⁽¹⁰⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽¹¹⁾ OJ No L 117, 5. 5. 1987, p. 9.

⁽¹²⁾ OJ No L 133, 21. 5. 1986, p. 21.

⁽¹³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Commission Regulation (EEC) No 1899/91⁽¹⁾; whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide price is increased monthly as from the beginning of the third month of the marketing year;

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ecus that results from Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of aid provided for in Article 3 (1) of Regulation (EEC) No 1431/82 is indicated in the Annexes hereto.

Article 2

This Regulation shall enter into force on 17 September 1992.

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

Done at Brussels, 16 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 169, 29. 6. 1991, p. 29.

ANNEX I

Gross aid

Products intended for human consumption :

(ECU per 100 kg)

	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2	6th period 3
Peas used :							
— in Spain	10,650	10,808	10,966	11,124	11,282	11,440	11,598
— in Portugal	10,658	10,816	10,974	11,132	11,290	11,448	11,606
— in another Member State	10,718	10,876	11,034	11,192	11,350	11,508	11,666
Field beans used :							
— in Spain	10,718	10,876	11,034	11,192	11,350	11,508	11,666
— in Portugal	10,658	10,816	10,974	11,132	11,290	11,448	11,606
— in another Member State	10,718	10,876	11,034	11,192	11,350	11,508	11,666

Products used in animal feed :

(ECU per 100 kg)

	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2	6th period 3
A. Peas used :							
— in Spain	11,428	11,614	11,829	11,987	12,029	12,186	12,344
— in Portugal	11,467	11,653	11,868	12,025	12,068	12,226	12,383
— in another Member State	11,467	11,653	11,868	12,025	12,068	12,226	12,383
B. Field beans used :							
— in Spain	11,428	11,614	11,829	11,987	12,029	12,186	12,344
— in Portugal	11,467	11,653	11,868	12,025	12,068	12,226	12,383
— in another Member State	11,467	11,653	11,868	12,025	12,068	12,226	12,383
C. Sweet lupins harvested in Spain and used :							
— in Spain	14,588	14,626	14,703	14,703	14,549	14,549	14,549
— in Portugal	14,641	14,678	14,755	14,755	14,602	14,602	14,602
— in another Member State	14,641	14,678	14,755	14,755	14,602	14,602	14,602
D. Sweet lupins harvested in another Member State and used :							
— in Spain	14,588	14,626	14,703	14,703	14,549	14,549	14,549
— in Portugal	14,641	14,678	14,755	14,755	14,602	14,602	14,602
— in another Member State	14,641	14,678	14,755	14,755	14,602	14,602	14,602

[illegible]

[illegible]

[illegible]

ANNEX VIII

Corrective amount to be added to amounts in Annex VII

(in national currency per 100 kg)

Use of products :	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Denmark (Dkr)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Federal Republic of Germany (DM)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Greece (Dr)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Spain (Pta)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— France (FF)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Ireland (£ Irl)	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000
— Italy (Lit)	0	0	0	0	0	0	0	0	0	0	0
— Netherlands (Fl)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— United Kingdom (£)	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000

ANNEX IX

Exchange rate of the ecu to be used

	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
In national currency, ECU 1 =	42,0639	7,77921	2,03942	251,726	131,222	6,83992	0,761276	1 636,61	2,29789	177,208	0,722129

COMMISSION REGULATION (EEC) No 2703/92

of 16 September 1992

adapting the conversion rates to be applied in agriculture fixed by Council Regulation (EEC) No 1678/85

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾, and in particular Articles 6 (2) and 6a (2) thereof,

Whereas the agricultural conversion rates currently applicable were fixed by Council Regulation (EEC) No 1678/85 ⁽³⁾, as last amended by Commission Regulation (EEC) No 1380/92 ⁽⁴⁾;

Whereas, where the currency exchange rates are realigned within the European Monetary System, Article 6 of Regulation (EEC) No 1677/85 stipulates that, under the procedure laid down in Article 12 of that Regulation, the Member States' agricultural conversion rates must be adapted in such a way as to eliminate, in stages, newly created monetary gaps; whereas pursuant to Article 6a of that Regulation, the agricultural conversion rate of a Member State for the pigmeat product sector is to be adapted so as to avoid, within certain limits, the application of new monetary compensatory amounts;

Whereas, as a result of the currency realignment of 13 September 1992 and having due regard to the provisions

of Commission Regulation (EEC) No 3578/88 of 17 November 1988 laying down detailed rules for the application of the arrangements for the automatic dismantling of negative monetary compensatory amounts ⁽⁵⁾, as last amended by Regulation (EEC) No 3137/91 ⁽⁶⁾, new agricultural conversion rates must be fixed;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes IV, V, VIII and XI to Regulation (EEC) No 1678/85 are hereby replaced by the Annexes hereto.

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, 16 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 147, 29. 5. 1992, p. 15.

⁽⁵⁾ OJ No L 312, 18. 11. 1988, p. 16.

⁽⁶⁾ OJ No L 297, 29. 10. 1991, p. 17.

ANNEX

ANNEX IV

GREECE

Sector or product	Agricultural conversion rates			
	ECU 1 = Dr...	Applicable until	ECU 1 = Dr...	Applicable from
Milk and milk products	274,609	16. 9. 1992	290,577	17. 9. 1992
Beef and veal	274,609		290,577	
Sheepmeat and goatmeat	252,121		266,426	
Eggs and poultrymeat and ovalbumin and lactalbumin	274,609		290,577	
Fishery products	252,121		266,426	
Cereals	274,609		290,577	
Rice	274,609		290,577	
Sugar and isoglucose	274,609		290,577	
Wine	274,609		290,577	
Olive oil	252,121		266,426	
Colza and rape seed	274,609		290,577	
Sunflower and linseed	274,609		290,577	
Soya beans	274,609		290,577	
Dried fodder	274,609		290,577	
Field beans and peas and sweet lupins	274,609		290,577	
Grain legumes	274,609		290,577	
Flax and hemp	274,609		290,577	
Silkworms	274,609		290,577	
Cotton	274,609		290,577	
Tobacco	274,609		290,577	
Seeds	274,609		290,577	
Fruit and vegetables:				
— tomatoes, cucumbers, courgettes, aubergines	274,609		290,577	
— cherries	274,609		290,577	
— apricots, peaches, nectarines, table grapes, cauliflowers	274,609		290,577	
— cherries preserved in syrup	274,609		290,577	
— pears, plums, lemons, tinned pine-apples	274,609		290,577	
— broad-leaved (Batavia) endives, processed tomatoes, cabbage lettuce, apples, peaches preserved in syrup, dried figs	274,609		290,577	
— Williams pears preserved in syrup	274,609		290,577	
— nuts, locust beans, prunes, dried grapes	274,609		290,577	
— clementines, mandarines, satsumas, sweet oranges, artichokes	252,121		266,426	
— other fruit and vegetables	274,609		290,577	
All other products (1)	274,609		290,577	

(1) Subject to Article 6a of Regulation (EEC) No 1677/85 in relation to pigmeat.

ANNEX V

SPAIN

Sector or product	Agricultural conversion rates			
	ECU 1 = Pta...	Applicable until	ECU 1 = Pta...	Applicable from
Milk and milk products	152,069	16. 9. 1992	152,069	17. 9. 1992
Beef and veal	152,069		152,069	
Sheepmeat and goatmeat	150,828		151,475	
Eggs and poultrymeat and ovalbumin and lactalbumin	150,853		151,475	
Fishery products	151,660		151,660	
Cereals	151,756		151,756	
Rice	150,441		151,475	
Sugar and isoglucose	151,756		151,756	
Wine	149,813		150,558	
Olive oil	149,813		150,558	
Colza and rape seed	150,441		151,475	
Sunflower and linseed	150,441		151,475	
Soya beans	150,441		151,475	
Dried fodder	149,813		150,558	
Field beans and peas and sweet lupins	150,441		151,475	
Grain legumes	150,853		151,475	
Flax and hemp	149,813		150,558	
Silkworms	149,813		150,558	
Cotton	150,853		151,475	
Tobacco	150,441		151,475	
Seeds	150,441		151,475	
Fruit and vegetables:				
— tomatoes, cucumbers, courgettes, aubergines	150,441		151,475	
— cherries	150,441		151,475	
— apricots, peaches, nectarines, table grapes, cauliflowers	150,441		151,475	
— cherries preserved in syrup	150,441		151,475	
— pears, plums, lemons, tinned pine-apples	150,441		151,475	
— broad-leaved (Batavia) endives, processed tomatoes, cabbage lettuce, apples, peaches preserved in syrup, dried figs	150,441		151,475	
— Williams pears preserved in syrup	150,441		151,475	
— nuts, locust beans, prunes, dried grapes	150,441		151,475	
— clementines, mandarines, satsumas, sweet oranges, artichokes	150,828		151,475	
— other fruit and vegetables	150,441		151,475	
All other products (1)	150,853		151,475	

(1) Subject to Article 6a of Regulation (EEC) No 1677/85 in relation to pigmeat.

ANNEX VIII

ITALY

Sector or product	Agricultural conversion rates			
	ECU 1 = Lit...	Applicable until	ECU 1 = Lit...	Applicable from
Milk and milk products	1 761,45	16. 9. 1992	1 793,53	17. 9. 1992
Beef and veal	1 761,45		1 793,53	
Sheepmeat and goatmeat	1 761,45		1 793,53	
Eggs and poultrymeat and ovalbumin and lactalbumin	1 761,45		1 793,53	
Fishery products	1 761,45		1 793,53	
Cereals	1 761,45		1 793,53	
Rice	1 761,45		1 793,53	
Sugar and isoglucose	1 761,45		1 793,53	
Wine	1 761,45		1 793,53	
Olive oil	1 761,45		1 793,53	
Colza and rape seed	1 761,45		1 793,53	
Sunflower and linseed	1 761,45		1 793,53	
Soya beans	1 761,45		1 793,53	
Dried fodder	1 761,45		1 793,53	
Field beans and peas and sweet lupins	1 761,45		1 793,53	
Grain legumes	1 761,45		1 793,53	
Flax and hemp	1 761,45		1 793,53	
Silkworms	1 761,45		1 793,53	
Cotton	1 761,45		1 793,53	
Tobacco	1 761,45		1 793,53	
Seeds	1 761,45		1 793,53	
Fruit and vegetables:				
— tomatoes, cucumbers, courgettes, aubergines	1 761,45		1 793,53	
— cherries	1 761,45		1 793,53	
— apricots, peaches, nectarines, table grapes, cauliflowers	1 761,45		1 793,53	
— cherries preserved in syrup	1 761,45		1 793,53	
— pears, plums, lemons, tinned pine-apples	1 761,45		1 793,53	
— broad-leaved (Batavia) endives, processed tomatoes, cabbage lettuce, apples, peaches preserved in syrup, dried figs	1 761,45		1 793,53	
— Williams pears preserved in syrup	1 761,45		1 793,53	
— nuts, locust beans, prunes, dried grapes	1 761,45		1 793,53	
— clementines, mandarines, satsumas, sweet oranges, artichokes	1 761,45		1 793,53	
— other fruit and vegetables	1 761,45		1 793,53	
All other products (*)	1 761,45		1 793,53	

(*) Subject to Article 6a of Regulation (EEC) No 1677/85 in relation to pigmeat.

ANNEX XI

UNITED KINGDOM

Sector or product	Agricultural conversion rates			
	ECU 1 = £...	Applicable until	ECU 1 = £...	Applicable from
Milk and milk products	0,795423	16. 9. 1992	0,808227	17. 9. 1992
Beef and veal	0,795423		0,808227	
Sheepmeat and goatmeat	0,795423		0,808227	
Eggs and poultrymeat and ovalbumin and lactalbumin	0,795423		0,808227	
Fishery products	0,795423		0,808227	
Cereals	0,795423		0,808227	
Rice	0,795423		0,808227	
Sugar and isoglucose	0,795423		0,808227	
Wine	0,795423		0,808227	
Olive oil	0,795423		0,808227	
Colza and rape seed	0,795423		0,808227	
Sunflower and linseed	0,795423		0,808227	
Soya beans	0,795423		0,808227	
Dried fodder	0,795423		0,808227	
Field beans and peas and sweet lupins	0,795423		0,808227	
Grain legumes	0,795423		0,808227	
Flax and hemp	0,795423		0,808227	
Silkworms	0,795423		0,808227	
Cotton	0,795423		0,808227	
Tobacco	0,795423		0,808227	
Seeds	0,795423		0,808227	
Fruit and vegetables :				
— tomatoes, cucumbers, courgettes, aubergines	0,795423		0,808227	
— cherries	0,795423		0,808227	
— apricots, peaches, nectarines, table grapes, cauliflowers	0,795423		0,808227	
— cherries preserved in syrup	0,795423		0,808227	
— pears, plums, lemons, tinned pine-apples	0,795423		0,808227	
— broad-leaved (Batavia) endives, processed tomatoes, cabbage lettuce, apples, peaches preserved in syrup, dried figs	0,795423		0,808227	
— Williams pears preserved in syrup	0,795423		0,808227	
— nuts, locust beans, prunes, dried grapes	0,795423		0,808227	
— clementines, mandarines, satsumas, sweet oranges, artichokes	0,795423		0,808227	
— other fruit and vegetables	0,795423		0,808227	
All other products (*)	0,795423		0,808227	

(*) Subject to Article 6a of Regulation (EEC) No 1677/85 in relation to pigmeat.

INFORMATION FROM THE COMMISSION

The Commission draws the attention of interested parties to the fact that for movements effected from 17 September 1992 the monetary compensatory amounts will be calculated using the following monetary gaps determined in line with the provisions of Articles 5 and 6 of Council Regulation (EEC) No 1677/85⁽¹⁾:

United Kingdom:

— cereals, sugar, milk, beef and veal	— 1,6
— eggs and poultry, pigmeat, olive oil	0

Italy:

— cereals, sugar, milk, beef and veal	— 3,8
— eggs and poultry, pigmeat, wine, olive oil	0

Other Member States:

— all products	0
----------------	---

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

CORRIGENDA

Corrigendum to Council Directive 91/680/EEC of 16 December 1991 supplementing the common system of value added tax and amending Directive 77/388/EEC with a view to the abolition of fiscal frontiers

(Official Journal of the European Communities No L 376 of 31 December 1991)

Page 16, Article 28j, point 2:

for: '(c) agricultural services supplied by flat-rate farmers to taxable persons other than those eligible within the territory of the country for the flat-rate scheme provided for in this Article.

This compensation shall exclude any other form of deduction.'

read: '(c) agricultural services supplied by flat-rate farmers to taxable persons other than those eligible within the territory of the country for the flat-rate scheme provided for in this Article.

This compensation shall exclude any other form of deduction.'
