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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2966/92

of 12 October 1992

amending Regulation (EEC) No 1798/90 in respect of the definitive anti-dumping duty on certain imports of monosodium glutamate originating, *inter alia*, in Indonesia and the Republic of Korea

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 14 thereof,

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

Whereas :

A. Previous procedure

- (1) In Regulation (EEC) No 1798/90⁽²⁾, the Council imposed a definitive anti-dumping duty of ECU 0,510 per kilogram and ECU 0,189 per kilogram on imports of monosodium glutamate originating, *inter alia*, in Indonesia and in the Republic of Korea respectively, with the exception of imports from one Indonesian company and two companies in the Republic of Korea from which price undertakings were accepted by the Commission.

B. Review

- (2) By a notice published on 5 November 1991⁽³⁾, the Commission, after consultation within the Advisory Committee and in accordance with Article 14 of Regulation (EEC) No 2423/88, initiated a review of Regulation (EEC) No 1798/90 as it concerned three Indonesian companies, PT Indomiwon Citra Inti,

PT Cheil Samsung Astra and PT Miwon Indonesia and reopened the investigation.

- (3) Having completed its investigation, the Commission disclosed its findings to the companies concerned, the details of which are set out in Decision 92/493/EEC⁽⁴⁾. Price undertakings were subsequently offered by PT Indomiwon Citra Inti and PT Cheil Samsung Astra in respect of their exports of monosodium glutamate to the Community. Having consulted the Advisory Committee, the Commission accepted these undertakings by Decision 92/493/EEC.
- (4) As regards the situation of PT Miwon Indonesia, since this company had neither exported to the Community during the investigation period nor shown any firm intention to do so in the future, it should continue to be subject to the anti-dumping duty at present in force concerning imports of monosodium glutamate originating in Indonesia.

C. Amendment of Regulation (EEC) No 1798/90 as a consequence of the review in respect of certain imports of the product concerned originating in Indonesia

- (5) Accordingly, the Council considers it appropriate that Regulation (EEC) No 1798/90 should be amended in order that PT Indomiwon Citra Inti and PT Cheil Samsung Astra be exempted from the definitive anti-dumping duty imposed on imports of monosodium glutamate originating in Indonesia.
- (6) The Community Industry concerned was informed of the main facts and considerations on the basis of which the Commission intended to recommend the amendment of Regulation (EEC) No 1798/90 and did not object to them.
- (7) Since Regulation (EEC) No 1798/90 has been only partially reviewed as regards certain imports of the

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 167, 30. 6. 1990, p. 1.

⁽³⁾ OJ No C 287, 5. 11. 1991, p. 5.

⁽⁴⁾ See page 40 of this Official Journal.

product concerned originating in Indonesia, its validity is not prolonged in so far as Article 15 (1) of Regulation (EEC) No 2423/88 is concerned.

D. Amendment of Regulation (EEC) No 1798/90 in respect of certain imports of the product concerned originating in the Republic of Korea

- (8) In May 1992 a company in the Republic of Korea, Miwon Co. Ltd, Seoul, requested the Commission to correct a misspelling of the company's name in Regulation (EEC) No 1798/90 in order to avoid problems faced by this company at the time of clearing its exports of the product concerned through Community customs.
- (9) By the same request, Miwon Co. Ltd, Seoul, informed the Commission that it exports the product concerned to the Community through its fully controlled trading company, Miwon Trading and Shipping Co. Ltd. It also informed the Commission that since Regulation (EEC) No 1798/90 only excludes from the anti-dumping duty direct imports from Miwon Co. Ltd, imports of the product concerned produced by this company and exported by Miwon Trading and Shipping Co. Ltd were not considered by the custom authorities in some Member States as direct imports subject to the said exclusion. Consequently, Miwon Co. Ltd has requested an amendment of the Regulation to take account of this situation.
- (10) In support of its request, Miwon Co. Ltd, Seoul, has submitted evidence that Miwon Trading and Shipping Co. Ltd is the trading company of Miwon Group to which they both belong, that there is a common management control of both companies and that Miwon Trading and Shipping Co. Ltd exports to the Community exclusively monosodium glutamate produced by Miwon Co. Ltd, Seoul. Furthermore, under the terms of the undertaking offered by Miwon Co. Ltd, Seoul, and accepted by Commission Regulation (EEC) No 547/90⁽¹⁾, this company undertakes not to export either directly or indirectly through a subsidiary, a branch or an agent of the company below the minimum price agreed upon. Consequently, the price undertaking given by Miwon Co. Ltd, Seoul, which justifies the exemption from the anti-dumping duty, also covers

exports to the Community of monosodium glutamate produced by this company and made by Miwon Trading and Shipping Co. Ltd.

- (11) In these circumstances, the Council considers it appropriate that Regulation (EEC) No 1798/90 be amended in order to bring it into line with the price undertaking given by Miwon Co. Ltd, Seoul and to specify the correct name of this company.
- (12) To ensure uniform application of Regulation (EEC) No 1798/90, the amendment in respect of certain imports of the product concerned originating in the Republic of Korea should take effect as from 4 March 1990, the date on which Regulation (EEC) No 547/90, accepting undertakings in this proceeding, entered into force. The validity of Regulation (EEC) No 1798/90 is not, however, prolonged in so far as Article 15 (1) of Regulation (EEC) No 2423/88 is concerned,

HAS ADOPTED THIS REGULATION:

Article 1

The first and second indents of Article 1 (2) of Regulation (EEC) No 1798/90 are hereby replaced by the following:

- ECU 0,510 per kilogram for imports originating in Indonesia (Taric additional code 8400).
Direct imports from PT Sasa, Jakarta, PT Indomiwon Citra Inti and PT Cheil Samsung Astra shall be excluded from the duty (Taric additional code 8401),
- ECU 0,189 per kilogram for imports originating in the Republic of Korea (Taric additional code 8402).
Direct imports from Cheil Foods and Chemicals Inc., Seoul, Miwon Co. Ltd, Seoul and imports produced by Miwon Co. Ltd, Seoul and exported by Miwon Trading and Shipping Co. Ltd, Seoul, shall be excluded from the duty (Taric additional code 8403).

Article 2

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

It shall apply with effect from 4 March 1990 as regards the exclusion from the definitive anti-dumping duty of imports produced by Miwon Co. Ltd, Seoul and exported by Miwon Trading and Shipping Co. Ltd, Seoul.

⁽¹⁾ OJ No L 56, 3. 3. 1990, p. 23.

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

Done at Luxembourg, 12 October 1992.

For the Council

The President

W. WALDEGRAVE

COUNCIL REGULATION (EEC) No 2967/92

of 12 October 1992

amending Regulation (EEC) No 2112/90 imposing a definitive anti-dumping duty on imports of certain types of electronic microcircuits known as DRAMs (dynamic random access memories) originating in Japan and collecting definitively the provisional duty

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 14 thereof,

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

Whereas :

I. Previous procedure

- (1) The Commission, by Regulation (EEC) No 165/90⁽²⁾, accepted undertakings offered by certain producing companies in connection with the anti-dumping proceeding concerning imports of certain types of electronic microcircuits known as DRAMs (dynamic random access memories) originating in Japan falling within CN codes 8542 11 12, 8542 11 14, 8542 11 16 and 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 and within CN codes ex 8473 30 10 or ex 8548 00 00 for DRAM memory boards (DRAM modules). In addition and subsequently, the Council, by Regulation (EEC) No 2112/90⁽³⁾, imposed a definitive anti-dumping duty on imports of the product concerned.

II. Review procedure

- (2) By a notice published on 25 February 1992⁽⁴⁾ the Commission, after consultation within the Advisory Committee, and in accordance with Article 14 of Regulation (EEC) No 2423/88, initiated a partial review of Regulation (EEC) No 2112/90 with regard to DRAMs produced in Japan by Motorola Incorporated (Motorola), imports of which are subject to the definitive anti-dumping duty.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1990, p. 5.

⁽³⁾ OJ No L 193, 25. 7. 1990, p. 1. Regulation as amended by Regulation (EEC) No 3049/90 (OJ No L 292, 24. 10. 1990, p. 16).

⁽⁴⁾ OJ No C 50, 25. 2. 1992, p. 3.

III. Commission Decision

- (3) On the basis of the findings of the partial review, the Commission has accepted an undertaking offered by Motorola by Commission Decision 92/494/EEC⁽⁵⁾, in accordance with Article 10 of Regulation (EEC) No 2423/88.

IV. Amendment of the reviewed measures

- (4) In view of Decision 92/494/EEC, Regulation (EEC) No 2112/90 should be amended in order to exempt DRAMs produced by Motorola from the definitive duty.
- (5) After the adoption of Regulation (EEC) No 2112/90, several Japanese producers from which undertakings have been accepted contacted the Commission and requested that the names of some of their affiliated companies which had not been involved in DRAM exports to the Community when Regulation (EEC) No 2112/90 was published should be added to the list in Annex I to Regulation (EEC) No 2112/90, since DRAM exports to the Community would be made by these companies in the future.
- (6) The Commission considers this request fully justified and the Council confirms this view. Therefore the list in Annex I must be amended.
- (7) Since the review related only to the circumstances of one producer in Japan, the measures contained in the aforementioned Regulations (EEC) No 165/90 and (EEC) No 2112/90 are not being amended or confirmed within the meaning of Article 15 (1) of Regulation (EEC) No 2423/88 and consequently the date on which they were due to expire pursuant to this provision remains unchanged,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 2112/90 is hereby amended as follows :

⁽⁵⁾ See page 43 of this Official Journal.

1. the first indent of Article 1 (4) shall be replaced by the following :

‘— they are produced and exported to the Community by the following companies, which have offered undertakings which have been accepted pursuant to Article 2 of Regulation (EEC) No 165/90 and pursuant to Article 1 of Decision 92/494/EEC :

- Fujitsu Limited,
- Hitachi Ltd,
- Matsushita Electronics Corporation,
- Mitsubishi Electric Corporation,
- Motorola Incorporated, USA,
- NEC Corporation,
- NMB Semiconductor Co. Ltd,
- Oki Electric Industry Co. Ltd,
- Sanyo Electric Co. Ltd,
- Sharp Corporation,
- Texas Instruments (Japan) Ltd, and
- Toshiba Corporation, or that’;

2. the third indent of Article 1 (4) shall be replaced by the following :

‘— they are produced, and sold for export to the Community, by one of the companies listed in the first indent : in this case, exemption from the duty shall be conditional upon presentation to the customs authorities of documentation from the producers confirming that it sold the products for which the exemption is sought for export to the Community ; the documentation, the format of which is contained in Annex III, must contain a clear description of the device type(s) sold, the total quantity per device type, the unit price per device type or a statement that the price was not lower than the applicable reference price, the invoice number and the confirmation that these products were produced and sold for export to the Community by the said company under the undertakings referred to in Article 2 of Regulation (EEC) No 165/90 or in Article 1 of Decision 92/494/EEC.’;

3. Annex I shall be amended as follows :

- (a) the following names shall be added to the lists of companies, being companies affiliated respectively to :

— Fujitsu Ltd Japan :

‘— Fujitsu Devices Inc., Japan,’

— Sanyo Electric Co. Ltd :

‘— Shin-Nichi Electronics Co., Ltd, Japan,

— Os Semiconductor Co., Ltd, Japan,

— Shinwa Electronic Device Co., Ltd, Japan,

— Shinyo Electronics Co., Ltd, Japan,

— Sanyo Semiconductor Taipei Co., Ltd, Taiwan,

— Sanyo Semiconductor Distribution (USA) Corporation, USA,

— Sanyo Semiconductor First Sales Co. Ltd, Japan,’

— Sharp Corporation :

‘— Sharp Electronic Components (Taiwan) Corporation, Taiwan,

— Sharp Technology (Taiwan) Corporation, Taiwan,

— Sharp Electronics (Taiwan) Co. Ltd, Taiwan,’

— Texas Instruments (Japan) Ltd :

‘— Texas Instruments International Trade Corp. (Sverige filialen), Sweden,’

— Matsushita Electronics Corporations :

‘— Matsushita Semiconductor Corporation of America (Masca), USA.’;

- (b) the list of companies affiliated to NEC Corporation shall be replaced by the following :

‘— NEC Electronics Inc., USA,

— NEC Electronics Singapore Pte. Ltd, Singapore

— NEC Electronics Hong Kong Limited, Hong Kong,

— NEC Australia Pty Ltd, Australia,

— NEC Semiconductors (Malaysia) Sdn. Berhad, Malaysia,

— NEC Electronics Taiwan Ltd, Taiwan.’;

- (c) the following list of companies shall be added :

‘Companies affiliated to Motorola Incorporated, USA :

— Motorola Canada Limited, Canada,

— Motorola Hong Kong Limited, Hong Kong,

— Motorola Semiconductors Ltd, Hong Kong,

— Nippon Motorola Ltd (NML), Japan,

— Motorola Korea Ltd, Republic of Korea,

— Motorola Malaysia Sdn. BHD, Malaysia,

— Motorola Electronics Private Ltd, Singapore.’;

4. Annex II shall be replaced by the following :

*ANNEX II***Taric and additional codes**

CN code	Taric code
ex 8542 11 01	8542 11 01*10
ex 8542 11 05	8542 11 05*30
ex 8473 30 10	8473 30 10*40
ex 8548 00 00	8548 00 00*20

Additional codes	Firms/rate
8295	Fujitsu Limited Hitachi Ltd Matsushita Electronics Corporation Mitsubishi Electric Corporation Motorola Incorporated, USA NEC Corporation NMB Semiconductor Co. Ltd Oki Electric Industry Co. Ltd Sanyo Electric Co. Ltd Sharp Corporation Texas Instruments (Japan) Ltd Toshiba Corporation : <i>No anti-dumping duty⁽¹⁾</i>
8296	Other 60 %

⁽¹⁾ Also included here are the affiliated companies mentioned in Annex I and other companies complying with the conditions in the third indent of Article 1 (4) of this Regulation.

ANNEX III

1 Exporter (Name and full address)		DOCUMENTATION FOR IMPORT OF DRAMs IN THE EUROPEAN COMMUNITY	
2 Consignee (Name and full address)		3 ISSUING COMPANY (Name and full address)	
NOTE This documentation must be presented to the competent customs office in the European Community together with the entry for free circulation relating to the products		4 Invoice number(s)	
5 Description of the device type(s)		6 Total quantity per device type	7 Unit price per device type
8 This is to confirm that the products shown above were produced and sold for export to the European Community by the company shown in Box 3 under the undertaking referred to in Regulation (EEC) No 165/90 or in Decision 92/494/EEC Place and date : Signature : 			
9 For use by competent customs office in the European Community'.			

Article 2

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

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

Done at Luxembourg, 12 October 1992.

For the Council

The President

W. WALDEGRAVE

COMMISSION REGULATION (EEC) No 2968/92

of 14 October 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 13 October 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 15 October 1992.

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

Done at Brussels, 14 October 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 14 October 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy (°)
0709 90 60	136,94 (°) (°)
0712 90 19	136,94 (°) (°)
1001 10 10	168,68 (°) (°) (°)
1001 10 90	168,68 (°) (°) (°)
1001 90 91	138,76
1001 90 99	138,76 (°)
1002 00 00	156,03 (°)
1003 00 10	124,68
1003 00 90	124,68 (°)
1004 00 10	119,80
1004 00 90	119,80
1005 10 90	136,94 (°) (°)
1005 90 00	136,94 (°) (°)
1007 00 90	139,59 (°)
1008 10 00	51,82 (°)
1008 20 00	111,51 (°)
1008 30 00	49,68 (°)
1008 90 10	(°)
1008 90 90	49,68
1101 00 00	207,14 (°) (°)
1102 10 00	231,32 (°)
1103 11 10	275,11 (°) (°)
1103 11 90	223,22 (°)

(°) 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 2969/92

of 14 October 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 13 October 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 15 October 1992.

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

Done at Brussels, 14 October 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 14 October 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 10	1st period 11	2nd period 12	3rd period 1
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	13,70
1001 90 99	0	0	0	13,70
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	0,22	0,22	0,57
1004 00 90	0	0,22	0,22	0,57
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	19,18

B. Malt

(ECU/tonne)

CN code	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2
1107 10 11	0	0	0	24,39	24,39
1107 10 19	0	0	0	18,22	18,22
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 2970/92

of 14 October 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:

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

Article 1

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

Article 2

This Regulation shall enter into force on 15 October 1992.

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

Done at Brussels, 14 October 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 14 October 1992 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	(ECU)	
	Amount of refund ⁽¹⁾	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	38,13 ⁽¹⁾ ⁽²⁾	
1701 11 90 910	35,77 ⁽¹⁾ ⁽²⁾	
1701 11 90 950	⁽²⁾ ⁽²⁾	
1701 12 90 100	38,13 ⁽¹⁾ ⁽²⁾	
1701 12 90 910	35,77 ⁽¹⁾ ⁽²⁾	
1701 12 90 950	⁽²⁾ ⁽²⁾	
1701 91 00 000		0,4145 ⁽²⁾
1701 99 10 100	41,45 ⁽²⁾	
1701 99 10 910	40,40 ⁽²⁾	
1701 99 10 950	40,40 ⁽²⁾	
1701 99 90 100		0,4145 ⁽²⁾

⁽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 2971/92**of 14 October 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 2917/92 ⁽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 15 October
1992.

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

Done at Brussels, 14 October 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 292, 8. 10. 1992, p. 7.

ANNEX

to the Commission Regulation of 14 October 1992 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies (°)		
	Arrangement in Regulation (EEC) No 3877/86 (°)	ACP Bangladesh (¹) (²) (³) (⁴)	Third countries (except ACP) (⁵)
1006 10 21	—	153,46	314,13
1006 10 23	—	150,75	308,70
1006 10 25	—	150,75	308,70
1006 10 27	231,53	150,75	308,70
1006 10 92	—	153,46	314,13
1006 10 94	—	150,75	308,70
1006 10 96	—	150,75	308,70
1006 10 98	231,53	150,75	308,70
1006 20 11	—	192,73	392,66
1006 20 13	—	189,34	385,88
1006 20 15	—	189,34	385,88
1006 20 17	289,41	189,34	385,88
1006 20 92	—	192,73	392,66
1006 20 94	—	189,34	385,88
1006 20 96	—	189,34	385,88
1006 20 98	289,41	189,34	385,88
1006 30 21	—	239,10	502,06 (⁶)
1006 30 23	—	287,26	598,29 (⁶)
1006 30 25	—	287,26	598,29 (⁶)
1006 30 27	448,72 (⁶)	287,26	598,29 (⁶)
1006 30 42	—	239,10	502,06 (⁶)
1006 30 44	—	287,26	598,29 (⁶)
1006 30 46	—	287,26	598,29 (⁶)
1006 30 48	448,72 (⁶)	287,26	598,29 (⁶)
1006 30 61	—	255,00	534,70 (⁶)
1006 30 63	—	308,33	641,37 (⁶)
1006 30 65	—	308,33	641,37 (⁶)
1006 30 67	481,03 (⁶)	308,33	641,37 (⁶)
1006 30 92	—	255,00	534,70 (⁶)
1006 30 94	—	308,33	641,37 (⁶)
1006 30 96	—	308,33	641,37 (⁶)
1006 30 98	481,03 (⁶)	308,33	641,37 (⁶)
1006 40 00	—	71,81	149,63

(¹) Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

(²) 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.

(³) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

(⁴) 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.

(⁵) The levy on imports into Portugal is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3778/91.

(⁶) 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.

(⁷) No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EEC) No 2972/92

of 14 October 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 2918/92 ⁽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 15 October 1992.

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

Done at Brussels, 14 October 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 292, 8. 10. 1992, p. 9.

ANNEX

to the Commission Regulation of 14 October 1992 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 10	1st period 11	2nd period 12	3rd period 1
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 2973/92

of 13 October 1992

concerning the stopping of fishing for other species by vessels flying the flag of the United Kingdom

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as last amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,Whereas Council Regulation (EEC) No 3889/91 of 18 December 1991 allocating, for 1992, certain catch quotas between the Member States for vessels fishing in Faroese waters ⁽³⁾, provides for 'other species' quotas for 1992;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of other species in Faroese waters by vessels flying the flag of the United Kingdom or registered in the United Kingdom have reached the quota allocated for 1992; whereas the United Kingdom has prohibited fishing for this stock as from 30 September

1992; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of other species in Faroese waters by vessels flying the flag of the United Kingdom or registered in the United Kingdom are deemed to have exhausted the quota allocated to the United Kingdom for 1992.

Fishing for other species in Faroese waters by vessels flying the flag of the United Kingdom or registered in the United Kingdom is prohibited, as well as the retention on board, the transhipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

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

It shall apply with effect from 30 September 1992.

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

Done at Brussels, 13 October 1992.

For the Commission

Manuel MARÍN

Vice-President⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.⁽³⁾ OJ No L 367, 31. 12. 1991, p. 67.

COMMISSION REGULATION (EEC) No 2974/92

of 14 October 1992

reducing the basic and buying-in prices for mandarins and satsumas for the 1992/93 marketing year following the monetary realignments of 13 to 17 September 1992 and the overrun in the intervention threshold for 1991/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1754/92⁽²⁾, and in particular Article 16b (4) thereof,

Having regard to Council Regulation (EEC) No 1677/85 of 11 July 1985 on monetary compensatory amounts in agriculture⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 6 (3) thereof,

Whereas Article 6 of Regulation (EEC) No 1677/85 provides that agricultural prices fixed in ecus are to be reduced at the time that the adjustment of the agricultural conversion rates resulting from the dismantlement of transferred monetary gaps and occurring at the beginning of the marketing year following a monetary realignment takes effect; whereas, within the framework of the automatic dismantlement of the negative monetary gaps created by the realignments of 13 to 17 September 1992, it is necessary to divide the prices in ecus by the coefficient reducing agricultural prices fixed at 1,002650 by Article 2 of Commission Regulation (EEC) No 2735/92⁽⁵⁾;

Whereas Commission Regulation (EEC) No 3150/91⁽⁶⁾ fixes the intervention thresholds for the 1991/92 marketing year at 35 800 tonnes for mandarins and 34 500 tonnes for satsumas;

Whereas, pursuant to Article 16a (1) of Regulation (EEC) No 1035/72, if, during a marketing year, intervention measures taken for mandarins and satsumas involve quantities exceeding the intervention thresholds fixed for those products and for that marketing year, the basic and buying-in prices fixed for those products for the following marketing year are to be reduced by 1 % for each 3 000 tonnes in the case of mandarins and each 3 100 tonnes in

the case of satsumas by which those thresholds are exceeded;

Whereas, pursuant to Article 3 of Council Regulation (EEC) No 1123/89 of 27 April 1989 amending Regulation (EEC) No 2601/69 with respect to the processing aid scheme and amending the rules for applying the intervention thresholds for certain citrus fruits⁽⁷⁾, the quantities of mandarins and satsumas delivered for processing under Council Regulation (EEC) No 2601/69⁽⁸⁾ are to be treated in the same way as a quantity qualifying for an intervention measure for the ascertainment of any overrun in the intervention threshold;

Whereas, according to information supplied by the Member States, the intervention measures taken by the Community for the 1991/92 marketing year related to 95 278 tonnes for mandarins and 156 529 tonnes for satsumas; whereas the Commission therefore notes an overrun in the intervention thresholds fixed for that marketing year of 59 478 tonnes for mandarins and 122 029 tonnes for satsumas;

Whereas, consequently, the basic and buying-in prices for mandarins and satsumas for the 1992/93 marketing year, as fixed by Council Regulation (EEC) No 1378/92 of 21 May 1992 fixing for the 1992/93 marketing year certain prices and other amounts in the fruit and vegetables sector⁽⁹⁾, must be reduced by 19 % for mandarins and by 20 % for satsumas; whereas the reductions must be added to those resulting from the monetary realignments of 13 to 17 September 1992; whereas the resulting total reduction is 19,21 % for mandarins and 20,21 % for satsumas;

Whereas, pursuant to Article 18b (2) of Regulation (EEC) No 1035/72, withdrawals on the territory of the former German Democratic Republic before the end of the 1991/92 marketing year are not to be taken into consideration in determining whether intervention thresholds have been exceeded;

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

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 277, 22. 9. 1992, p. 18.

⁽⁶⁾ OJ No L 299, 30. 10. 1991, p. 27.

⁽⁷⁾ OJ No L 118, 29. 4. 1989, p. 25.

⁽⁸⁾ OJ No L 324, 27. 12. 1969, p. 21.

⁽⁹⁾ OJ No L 147, 29. 5. 1992, p. 7.

HAS ADOPTED THIS REGULATION:

19,21 % for mandarins and 20,21 % for satsumas and shall be as set out in the Annex.

Article 1

The basic and buying-in prices for mandarins and satsumas for the 1992/93 marketing year, as fixed by Regulation (EEC) No 1378/92, shall be reduced by

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, 14 October 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

BASIC AND BUYING-IN PRICES

1992/93 marketing year

MANDARINS

For the period 16 November 1992 to 28 February 1993

(ECU/100 kg net)

	Basic price			Buying-in price		
	Community of Ten	Spain	Portugal	Community of Ten	Spain	Portugal
November (16 to 30)	30,03	25,72	30,03	19,27	16,44	19,27
December	29,65	25,48	29,65	18,76	16,11	18,76
January	29,15	25,16	29,15	18,00	15,62	18,00
February	27,49	24,10	27,49	17,49	15,30	17,49

These prices refer to packed mandarins of Quality Class I, size 54/69 mm.

SATSUMAS

For the period 16 October 1992 to 15 January 1993

(ECU/100 kg net)

	Basic price	Buying-in price
October (16 to 31)	23,24	11,20
November	20,00	9,00
December	22,16	9,97
January (1 to 15)	21,08	9,57

These prices refer to packed satsumas Unshiu (owari) of Quality Class I, size 54/69 mm.

NB: The prices set out in this Annex do not take into account the effect of the cost of the packaging in which the product is presented.

COMMISSION REGULATION (EEC) No 2975/92

of 14 October 1992

fixing the maximum export refunds on olive oil for the 21st 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 21st 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 October 1992.

Article 2

This Regulation shall enter into force on 15 October 1992.

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

Done at Brussels, 14 October 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 14 October 1992 fixing the maximum export refunds on olive oil for the 21st 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 2976/92
of 14 October 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 2927/92 ⁽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 75,550 per 100 kilograms.

Article 2

This Regulation shall enter into force on 15 October 1992.

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

Done at Brussels, 14 October 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 292, 8. 10. 1992, p. 26.

COMMISSION REGULATION (EEC) No 2977/92**of 14 October 1992****fixing the import levies on milk and milk products**

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

Having regard to Council Regulation (EEC) No 804/68 of
27 June 1968 on the common organization of the market
in milk and milk products ⁽¹⁾, as last amended by Regula-
tion (EEC) No 2071/92 ⁽²⁾, and in particular Article 14 (8)
thereof,

Whereas the import levies on milk and milk products
were fixed by Commission Regulation (EEC) No
1528/92 ⁽³⁾, as last amended by Regulation (EEC) No
2838/92 ⁽⁴⁾;

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

known to the Commission that the levies at present in
force should be altered to the amounts set out in the
Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 14 of Regulation
(EEC) No 804/68 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 October
1992.

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

Done at Brussels, 14 October 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 160, 13. 6. 1992, p. 14.

⁽⁴⁾ OJ No L 285, 30. 9. 1992, p. 32.

ANNEX

to the Commission Regulation of 14 October 1992 fixing the import levies on milk and milk products

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

CN code	Note (*)	Import levy
0401 10 10		16,39
0401 10 90		15,18
0401 20 11		22,75
0401 20 19		21,54
0401 20 91		28,20
0401 20 99		26,99
0401 30 11		72,79
0401 30 19		71,58
0401 30 31		140,47
0401 30 39		139,26
0401 30 91		236,20
0401 30 99		234,99
0402 10 11	(*)	112,39
0402 10 19	(*) (*)	105,14
0402 10 91	(*) (*)	1,0514/kg + 30,70
0402 10 99	(*) (*)	1,0514/kg + 23,45
0402 21 11	(*)	181,94
0402 21 17	(*)	174,69
0402 21 19	(*) (*)	174,69
0402 21 91	(*) (*)	216,74
0402 21 99	(*) (*)	209,49
0402 29 11	(*) (*) (*)	1,7469/kg + 30,70
0402 29 15	(*) (*)	1,7469/kg + 30,70
0402 29 19	(*) (*)	1,7469/kg + 23,45
0402 29 91	(*) (*)	2,0949/kg + 30,70
0402 29 99	(*) (*)	2,0949/kg + 23,45
0402 91 11	(*)	30,28
0402 91 19	(*)	30,28
0402 91 31	(*)	37,85
0402 91 39	(*)	37,85
0402 91 51	(*)	140,47
0402 91 59	(*)	139,26
0402 91 91	(*)	236,20
0402 91 99	(*)	234,99
0402 99 11	(*)	49,85
0402 99 19	(*)	49,85
0402 99 31	(*) (*)	1,3684/kg + 27,08
0402 99 39	(*) (*)	1,3684/kg + 25,87
0402 99 91	(*) (*)	2,3257/kg + 27,08
0402 99 99	(*) (*)	2,3257/kg + 25,87
0403 10 02		112,39
0403 10 04		181,94

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

CN code	Note (1)	Import levy
0403 10 06		216,74
0403 10 12	(1)	1,0514/kg + 30,70
0403 10 14	(1)	1,7469/kg + 30,70
0403 10 16	(1)	2,0949/kg + 30,70
0403 10 22		25,16
0403 10 24		30,61
0403 10 26		75,20
0403 10 32	(1)	0,1912/kg + 29,49
0403 10 34	(1)	0,2457/kg + 29,49
0403 10 36	(1)	0,6916/kg + 29,49
0403 90 11		112,39
0403 90 13		181,94
0403 90 19		216,74
0403 90 31	(1)	1,0514/kg + 30,70
0403 90 33	(1)	1,7469/kg + 30,70
0403 90 39	(1)	2,0949/kg + 30,70
0403 90 51		25,16
0403 90 53		30,61
0403 90 59		75,20
0403 90 61	(1)	0,1912/kg + 29,49
0403 90 63	(1)	0,2457/kg + 29,49
0403 90 69	(1)	0,6916/kg + 29,49
0404 10 11 * 11		24,66
0404 10 11 * 14		181,94
0404 10 11 * 17		216,74
0404 10 11 * 21		112,39
0404 10 11 * 24		181,94
0404 10 11 * 27		216,74
0404 10 19 * 11	(1)	0,2466/kg + 23,45
0404 10 19 * 14	(1)	1,7469/kg + 30,70
0404 10 19 * 17	(1)	2,0949/kg + 30,70
0404 10 19 * 21	(1)	1,0514/kg + 30,70
0404 10 19 * 24	(1)	1,7469/kg + 30,70
0404 10 19 * 27	(1)	2,0949/kg + 30,70
0404 10 91 * 11	(2)	0,2466/kg
0404 10 91 * 14	(2)	1,7469/kg + 6,04
0404 10 91 * 17	(2)	2,0949/kg + 6,04
0404 10 91 * 21	(2)	1,0514/kg + 6,04
0404 10 91 * 24	(2)	1,7469/kg + 6,04
0404 10 91 * 27	(2)	2,0949/kg + 6,04
0404 10 99 * 11	(2)	0,2466/kg + 23,45
0404 10 99 * 14	(2)	1,7469/kg + 29,49
0404 10 99 * 17	(2)	2,0949/kg + 29,49
0404 10 99 * 21	(2)	1,0514/kg + 29,49
0404 10 99 * 24	(2)	1,7469/kg + 29,49
0404 10 99 * 27	(2)	2,0949/kg + 29,49
0404 90 11		112,39
0404 90 13		181,94
0404 90 19		216,74
0404 90 31		112,39
0404 90 33		181,94
0404 90 39		216,74
0404 90 51	(1)	1,0514/kg + 30,70
0404 90 53	(1) (2)	1,7469/kg + 30,70
0404 90 59	(1)	2,0949/kg + 30,70
0404 90 91	(1)	1,0514/kg + 30,70
0404 90 93	(1) (2)	1,7469/kg + 30,70
0404 90 99	(1)	2,0949/kg + 30,70

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

CN code	Note (°)	Import levy
0405 00 10	(°)	243,43
0405 00 90		296,98
0406 10 20	(°) (°)	232,13
0406 10 80	(°) (°)	285,03
0406 20 10	(°) (°) (°)	420,77
0406 20 90	(°) (°)	420,77
0406 30 10	(°) (°) (°)	183,50
0406 30 31	(°) (°) (°)	174,91
0406 30 39	(°) (°) (°)	183,50
0406 30 90	(°) (°) (°)	280,22
0406 40 00	(°) (°) (°)	148,14
0406 90 11	(°) (°) (°)	222,94
0406 90 13	(°) (°) (°)	172,10
0406 90 15	(°) (°) (°)	172,10
0406 90 17	(°) (°) (°)	172,10
0406 90 19	(°) (°) (°)	420,77
0406 90 21	(°) (°) (°)	222,94
0406 90 23	(°) (°) (°)	188,31
0406 90 25	(°) (°) (°)	188,31
0406 90 27	(°) (°) (°)	188,31
0406 90 29	(°) (°) (°)	188,31
0406 90 31	(°) (°) (°)	188,31
0406 90 33	(°) (°)	188,31
0406 90 35	(°) (°) (°)	188,31
0406 90 37	(°) (°) (°)	188,31
0406 90 39	(°) (°) (°)	188,31
0406 90 50	(°) (°) (°)	188,31
0406 90 61	(°) (°)	420,77
0406 90 63	(°) (°)	420,77
0406 90 69	(°) (°)	420,77
0406 90 73	(°) (°)	188,31
0406 90 75	(°) (°)	188,31
0406 90 77	(°) (°)	188,31
0406 90 79	(°) (°)	188,31
0406 90 81	(°) (°)	188,31
0406 90 85	(°) (°)	188,31
0406 90 89	(°) (°) (°)	188,31
0406 90 93	(°) (°)	232,13
0406 90 99	(°) (°)	285,03
1702 10 10		23,09
1702 10 90		23,09
2106 90 51		23,09
2309 10 15		81,28
2309 10 19		105,46
2309 10 39		99,24
2309 10 59		82,88
2309 10 70		105,46
2309 90 35		81,28
2309 90 39		105,46
2309 90 49		99,24
2309 90 59		82,88
2309 90 70		105,46

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

COMMISSION REGULATION (EEC) No 2978/92

of 14 October 1992

fixing the maximum export refund for white sugar for the 24th 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 24th 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 24th 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 43,056 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 15 October 1992.

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

Done at Brussels, 14 October 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 2979/92**of 14 October 1992****adopting interim protective measures on applications for STM licences in the beef and veal sector submitted during the period 5 to 8 October 1992 for trade with Spain and Portugal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 85 (1) and Article 252 (1) thereof,

Whereas Commission Regulation (EEC) No 3810/91 of 18 December 1991 laying down detailed rules for the application of the supplementary trade mechanism in the beef and veal sector between the Community as constituted on 31 December 1985 and Spain and Portugal and repealing Regulations (EEC) No 4026/89 and (EEC) No 3815/90 ⁽¹⁾, as last amended by Regulation (EEC) No 2934/92 ⁽²⁾, set the indicative ceilings applicable in the beef and veal sector and the maximum quantities for which STM licences may be issued in September and October 1992;

Whereas Article 85 (1) of the Act of Accession makes provision for the Commission to take the interim protective measures necessary if the indicative ceiling for the year in course or part of it is reached or exceeded;

Whereas the licence applications lodged between 5 and 8 October 1992 are for a quantity in excess of that set for

the months of September and October 1992 for live animals; whereas as an interim protective measure only a percentage of the amounts applied for in that period should be granted and no further certificates issued for the time being,

HAS ADOPTED THIS REGULATION:

Article 1

For live animals of the bovine species, other than pure-bred breeding animals and animals for bullfights:

1. applications for STM licences for the following products submitted between 5 and 8 October 1992 and notified to the Commission shall be accepted for 79,208 % for Spain and 31,255 % for Portugal;
2. the issuing of STM licences in response to applications submitted from 12 October 1992 onwards is suspended for the time being.

Article 2

This Regulation shall enter into force on 16 October 1992.

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

Done at Brussels, 14 October 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 357, 28. 12. 1991, p. 53.

⁽²⁾ OJ No L 293, 9. 10. 1992, p. 10.

COMMISSION REGULATION (EEC) No 2980/92

of 14 October 1992

opening an invitation to tender for the reduction in the levy on grain sorghum 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 1991 ⁽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 grain sorghum into Spain in the years 1987 to 1991; 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 3505/91 ⁽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 grain sorghum imported into Spain under cover of a licence valid in that Member State alone;

Whereas Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) ⁽⁵⁾, as last amended by Regulation (EEC) No 523/91 ⁽⁶⁾, provides in particular for a reduction of 60 % in the levy applicable to grain sorghum up to a quota of 100 000 tonnes per calendar year and of 50 % in excess of that quota;

Whereas, if that benefit is combined with the reduction provided for under this Regulation, this is likely to disturb the Spanish market for cereals; whereas such combined

benefits should be ruled out for the sake of the satisfactory functioning of the invitation to tender;

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 3505/91, an invitation to tender is hereby opened for the reduction in the import levy on grain sorghum to be imported into Spain.
2. Under this invitation to tender, the reduction in the import levy on grain sorghum provided for in Article 11 of Regulation (EEC) No 715/90 shall not apply to grain sorghum to be imported into Spain.
3. The invitation to tender shall be open until 12 November 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 grain sorghum 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;

⁽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. 12.

⁽⁵⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁶⁾ OJ No L 58, 5. 3. 1991, p. 1.

- (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.

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 31 December 1992.
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 for 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*.

⁽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.

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

Done at Brussels, 14 October 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Weekly invitation to tender for the reduction in the levy on grain sorghum imported from third countries

(Regulation (EEC) No 2980/92)

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 2981/92**of 14 October 1992****amending Regulation (EEC) No 2690/92 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 and 1991 ⁽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 1991 ; whereas by Regulation (EEC) No 3919/91 ⁽³⁾ extending the measures taken under the above mentioned 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 2690/92 ⁽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 an amendment of this Regulation not only as regards quantities but also as regards the period of invitation to tender and the term of validity of import licences issued in the framework of the mentioned tender ;

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 1 (2) of Regulation (EEC) No 2690/92 is replaced by the following :

'2. The invitation to tender shall be open until 12 November 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

Article 3 (2) of Regulation (EEC) No 2690/92 is replaced by the following :

'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 31 December 1992.'

*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, 14 October 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽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 272, 17. 9. 1992, p. 36.

II.

(Acts whose publication is not obligatory)

COMMISSION

DECISION No 1/92 OF THE EEC-EFTA JOINT COMMITTEE 'COMMON TRANSIT'

of 24 September 1992

amending appendix II of the Convention of 20 May 1987 on common transit

(92/492/EEC)

THE JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on common transit⁽¹⁾, and in particular Article 15 (3) (a) thereof,

Whereas Appendix II of the Convention contains, *inter alia*, specific provisions concerning guarantees;

Whereas, because the development in the transportation of certain categories of goods presents increased risks, the provisions in force concerning guarantees in the EEC have recently been amended so as to reinforce the operational nature of these provisions; whereas appendix II of the Convention should therefore be adapted accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

Title II 'PROVISIONS RELATING TO GUARANTEES' of Appendix II of the Convention is hereby amended as follows:

1. After 'COMPREHENSIVE GUARANTEE', the following text is inserted:

'Amount of guarantee

Article 11c

When the comprehensive guarantee is intended to cover T1 operations concerning goods coming from third countries and introduced into the countries and which are listed in Annex VII to this Appendix, the

minimum level shall be established according to the following procedure:

1. The comprehensive guarantee shall be fixed in the sum of at least ECU 100 000;
 2. The competent authorities of the countries shall have the option of setting the amount of the comprehensive guarantee in a lesser sum to that envisaged in point 1 for persons:
 - (a) who are resident in the country where the guarantee is furnished;
 - (b) who are regular users of the common transit system;
 - (c) whose financial situation is such that they can meet their commitments;
- and
- (d) who have not committed any serious infringement of customs or fiscal laws.

However, the amount of the comprehensive guarantee cannot, in any case, be less than ECU 50 000.

In the case of application of this point, the office of guarantee shall enter in Box 7 of the certificate of guarantee provided for in Article 12 of this Appendix one of the following statements:

- "aplicación del apartado 2 del artículo 11 quater",
- "anvendelse af artikel 11c, stk. 2",
- "Durchführung von Artikel 11c, Absatz 2",
- "εφαρμογή του άρθρου 11γ παράγραφος 2",
- "application of Article 11 (c) (2)",
- "application de l'article 11 quater, point 2",
- "applicazione dell' articolo 11 quater, paragrafo 2",
- "toepassing van artikel 11 quater, punt 2",
- "aplicação do nº 2 do artigo 11º C",
- "sovelletaan 11 c artiklan 2 kappaletta",

⁽¹⁾ OJ No L 226, 13. 8. 1987, p. 2.

- "samkvæmt 2. mgr. c-lidar 11. gr",
- "anvendelse av Artikkel 11 c, paragraf 2",
- "till ämping av artikel 11 c, andra stycket";

3. In the case where the amount indicated on the certificate of guarantee is insufficient to cover the amount of duties and other charges which may be payable on the T1 operation concerned, a supplementary guarantee corresponding to the difference between the two abovementioned amounts shall be required.';

2. Article 18 (2) is replaced by the following:

'2. When, because of circumstances peculiar to it, a transport of goods presents increased risks and for this reason the guarantee of ECU 7 000 is insufficient, the office of departure shall require a guarantee of greater

amount in multiples of ECU 7 000, necessary to guarantee the goods to be consigned.'

Article 2

Annex VII is replaced by Annex VII attached hereto.

Article 3

This Decision shall enter into force on 15 October 1992.

Done at Brussels, 24 September 1992.

By the Joint Committee

The Chairman

Peter WILMOTT

ANNEX

ANNEX VII

LIST OF GOODS WHICH WHEN TRANSPORTED GIVE RISE TO AN INCREASE IN THE
FLAT RATE GUARANTEE

1	2	3
Harmonized System heading No	Description	Quantity corresponding to the standard amount of ECU 7 000
ex 01.02	Live bovine animals, other than pure-bred breeding animals	4 000 kg
ex 01.04	Live sheep or goats, other than pure-bred breeding animals	6 000 kg
02.01	Meat of bovine animals, fresh or chilled	2 000 kg
02.02	Meat of bovine animals, frozen	3 000 kg
02.04	Meat of sheep or goats, fresh, chilled or frozen	3 000 kg
ex 02.10	Meat of bovine animals, salted, in brine, dried or smoked	3 000 kg
04.02	Milk and cream, concentrated or containing added sugar or other sweetening matter	5 000 kg
04.05	Butter and other fats and oils derived from milk	3 000 kg
04.06	Cheese and curd	3 500 kg
ex 09.01	Coffee, not roasted, whether or not decaffeinated	3 000 kg
ex 09.01	Coffee, roasted, whether or not decaffeinated	2 000 kg
09.02	Tea	3 000 kg
ex 16.01	Sausages and similar products of meat, meat offal or blood, of domestic swine	4 000 kg
ex 16.02	Other prepared or preserved meat, meat offal or blood, of domestic swine	4 000 kg
ex 16.02	Other prepared or preserved meat, meat offal or blood, of bovine animals	3 000 kg
ex 21.01	Extracts, essence and concentrates, of coffee	1 000 kg
ex 21.01	Extracts, essences and concentrates, of tea	1 000 kg
ex 21.06	Food preparations not elsewhere specified or included, containing 18 % or more by weight of milkfats	3 000 kg
22.04	Wine of fresh grapes, including fortified wines, grape must other than that of heading No 20.09	15 hl
22.05	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances	15 hl
ex 22.07	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher	3 hl
ex 22.08	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol	3 hl
ex 22.08	Spirits, liqueurs and other spirituous beverages	5 hl
ex 24.02	Cigarettes	70 000 items
ex 24.02	Cigarillos	60 000 items
ex 24.02	Cigars	25 000 items
ex 24.03	Smoking tobacco	100 kg
ex 27.10	Light and medium petroleum oils and gas oils	200 hl
33.03	Perfumes and toilet waters	5 hl

COMMISSION DECISION

of 12 October 1992

accepting undertakings offered in connection with the review of anti-dumping measures applicable to certain imports of monosodium glutamate originating in Indonesia and terminating the investigation

(92/493/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 10 thereof,

After consultations within the Advisory Committee as provided for under the above Regulation,

Whereas :

I. PREVIOUS PROCEDURE

- (1) By Regulation (EEC) No 1798/90⁽²⁾, the Council imposed a definitive anti-dumping duty of ECU 0,510 per kilogram on imports of monosodium glutamate originating, *inter alia*, in Indonesia, with the exception of imports from one Indonesian company from which a price undertaking was accepted by the Commission.

II. REVIEW

- (2) In April and July 1991 the Commission received letters from PT Indomiwon Citra Inti and PT Cheil Samsung Astra, two unrelated Indonesian manufacturers of monosodium glutamate, stating their intention to export the product concerned to the Community in the near future, that these exports would be subject to the abovementioned duty and that neither of these companies had produced or exported during the original period of investigation.
- (3) Furthermore, from the information received, it appeared that PT Indomiwon Citra Inti was indirectly related to another Indonesian manufacturer of monosodium glutamate, PT Miwon Indonesia. This latter company cooperated with the Commission during the previous proceeding but did not export the product concerned to the Community

during the original period of investigation. Given this indirect relationship, it was decided that the review for PT Indomiwon Citra Inti should also cover PT Miwon Indonesia, which agreed to cooperate.

- (4) By a notice published on 5 November 1991⁽³⁾ the Commission, after consultation within the Advisory Committee and in accordance with Article 14 of Regulation (EEC) No 2423/88, initiated a review of Regulation (EEC) No 1798/90 as it concerned the three Indonesian companies mentioned in recitals 2 and 3 above.
- (5) Accordingly, the Commission reopened the investigation and questionnaires were sent to the three manufacturers concerned, the replies being verified at their premises in Indonesia.
- (6) The investigation period for the review was 1 January to 30 September 1991.

III. RESULTS OF THE INVESTIGATION

1. Newcomers

- (7) The investigation showed that PT Cheil Samsung Astra and PT Indomiwon Citra Inti were established and started operations well after the end of the previous investigation period and did not export the product concerned to the Community during that period. In addition, it was found that these two companies had no link of any sort with the Indonesian exporters involved in the previous investigation for which dumping was found. Furthermore, it was also found that PT Cheil Samsung Astra is already exporting monosodium glutamate to the Community and PT Indomiwon Citra Inti has the firm intention to do so as demonstrated by a distribution agreement signed with an importer in the Community. As to PT Miwon Indonesia, it was found that this company had never exported the product concerned to the Community nor could show any firm intention to do so in the near future. In these circumstances,

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 167, 30. 6. 1990, p. 1.

⁽³⁾ OJ No C 287, 5. 11. 1991, p. 5.

only PT Cheil Samsung Astra and PT Indomiwon Citra Inti can be recognized as newcomers for which a review of the measures in force is warranted.

2. Product under investigation, like product

- (8) The product under investigation is the same as that in the proceeding which led to Regulation (EEC) No 1798/90, i.e. monosodium glutamate produced in the form of crystals of various sizes, falling within CN code ex 2922 42 00.

3. Normal value

- (9) Since most sales of the like product by PT Indomiwon Citra Inti and PT Cheil Samsung Astra on their domestic market were made at a loss during the investigation period, normal value was constructed. As trade in the Community market for monosodium glutamate is mainly in large packing sizes (15 kg and over), the Commission established the constructed normal value on this basis.
- (10) In constructing normal value, the Commission based manufacturing costs on the companies' own costs and added a reasonable amount for selling, general and administrative expenses and profit.

The amount for selling, general and administrative expenses and profit was calculated by reference to the expenses incurred and profit realised by PT Miwon Indonesia on profitable domestic sales of the like product. The latter company was the only manufacturer known to have profitable sales in the Indonesian market in quantities which could be considered representative.

4. Export price

- (11) Since, during the investigation period, only one of the companies concerned exported monosodium glutamate to the Community and these exports were only made in small quantities, no reliable export price could be established on the basis of these exports, for the product under consideration.

5. Injury

- (12) Since this review was limited to changed circumstances concerning certain Indonesian producers,

the injury findings established in Regulation (EEC) No 1798/90 are considered still valid.

6. Measures

- (13) It is clear that if the export prices of the monosodium glutamate sold for export to the Community by the two companies concerned at least equal their normal value for the like product, no dumping would exist.
- (14) However, the normal values as established for the two companies concerned and adjusted to take account of costs incurred in conveying the goods to the Community frontier, were found to exceed the injury threshold established in the previous investigation. It is therefore considered that the measures to be imposed in respect of the imports to the Community of monosodium glutamate produced by PT Indomiwon Citra Inti and PT Cheil Samsung Astra should be limited to ensuring that the product concerned is not sold at a price less than the injury threshold.
- (15) Accordingly, it was considered appropriate that PT Indomiwon Citra Inti and PT Cheil Samsung Astra be subject to an individual variable anti-dumping duty equal to the difference between the price required to remove the injury established in the original investigation and their export prices, cif Community frontier, duty unpaid.
- (16) As to the situation of PT Miwon Indonesia, since this company, as mentioned in recital 7 above, has neither exported to the Community during the investigation period nor shown any intention to do so in the future, it should continue to be subject to the duty presently in force.

IV. UNDERTAKINGS

- (17) Following the disclosure of the above findings to the companies concerned, undertakings were offered by PT Indomiwon Citra Inti and PT Cheil Samsung Astra in respect of their exports to the Community. By these undertakings, a minimum price is set at the level of the injury threshold which will prevent any injurious effect of dumping being caused to the Community industry concerned. As the Commission considers that it is administratively feasible to monitor the undertakings efficiently, it has concluded that they should be accepted.

Moreover, in case of violation of these price undertakings, the Commission can impose provisional duties immediately and the Council can subsequently impose definitive duties based on the facts established in the present investigation.

- (18) No objection was raised within the Advisory Committee to the acceptance of the undertakings.
- (19) The Community industry concerned was informed of the main facts and considerations on the basis of which the Commission intended to accept the undertakings and did not object to them.
- (20) The Council has accordingly decided by Regulation (EEC) No 2966/92⁽¹⁾, to exclude imports of the product concerned from PT Indomiwon Citra Inti and PT Cheil Samsung Astra from the applicability of the anti-dumping duty imposed on imports of the product concerned originating in Indonesia,

anti-dumping proceeding concerning imports of monosodium glutamate falling within CN code ex 2922 42 00 (Taric code 2922 42 00*10) originating, *inter alia*, in Indonesia are hereby accepted.

Article 2

The review investigation in connection with the anti-dumping proceeding referred to in Article 1 is hereby terminated.

Done at Brussels, 12 October 1992.

HAS DECIDED AS FOLLOWS:

Article 1

The price undertakings offered by PT Indomiwon Citra Inti and PT Cheil Samsung Astra in connection with the

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ See page 1 of this Official Journal.

COMMISSION DECISION

of 12 October 1992

accepting an undertaking in connection with the anti-dumping proceeding concerning imports on certain types of electronic microcircuits known as DRAMs (dynamic random access memories) originating in Japan, and terminating the investigation with regard to the producer in question

(92/494/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 10 thereof,

After consultations within the Advisory Committee as provided under by the above Regulation,

Whereas :

I. PREVIOUS PROCEDURE

- (1) The Commission, by Regulation (EEC) No 165/90⁽²⁾, accepted undertakings offered by certain producing companies in connection with the anti-dumping proceeding concerning imports of certain types of electronic microcircuits known as DRAMs (dynamic random access memories) originating in Japan. Subsequently, the Council, by Regulation (EEC) No 2112/90⁽³⁾ as amended by Regulation (EEC) No 3049/90⁽⁴⁾, imposed a definitive anti-dumping duty on imports of the product concerned.
- (2) The undertakings offered by the producing companies concerned and accepted by the Commission have the effect of ensuring that these producers' DRAM sales prices in the Community do not fall below a certain reference price level which is considered adequate to eliminate to a satisfactory extent the material injury caused to the complainant companies. The reference prices are adjusted quarterly on the basis of a formula contained in the undertakings and the production costs of all producing companies from which undertakings have been accepted.

II. PRODUCT CONCERNED

- (3) The products concerned are certain types of electronic microcircuits known as DRAMs as defined in Regulation (EEC) No 2112/90.

Finished DRAMs fall within CN codes 8542 11 12, 8542 11 14, 8542 11 16 and 8542 11 18, DRAM wafers within CN code ex 8542 11 01, DRAM dice within CN code ex 8542 11 05 (chips), and memory boards (modules) within CN codes ex 8473 30 10 or ex 8548 00 00.

III. REVIEW PROCEDURE

- (4) By a notice published on 25 February 1992⁽⁵⁾ the Commission, after consultation within the Advisory Committee, and in accordance with Article 14 of Regulation (EEC) No 2423/88 initiated a partial review of Regulation (EEC) No 2112/90 with regard to DRAMs produced in Japan by Motorola Incorporated (Motorola).
- (5) In the framework of the investigation conducted the Commission sought and verified all information it deemed to be necessary for the purposes of this proceeding and carried out an investigation at the premises of the following producer in Japan :
— Tohoku Semiconductor Corporation (TSC), Sendai, Japan (a joint venture company owned by Motorola and Toshiba).
- (6) The period of investigation of the partial review was 1 July to 31 December 1991.

IV. RESULTS OF THE INVESTIGATION

- (7) The investigation showed that Motorola started commercial production of DRAMs in Japan in the framework of its joint venture, TSC, in October 1988, i.e. after the initial period of investigation (1 April 1986 to 31 March 1987). It was furthermore established that in the framework of the joint venture the available production capacity of the joint-venture company TSC is allocated in equal parts to the parent companies according to their individual product requirements on the basis of regular projections.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1990, p. 5.

⁽³⁾ OJ No L 193, 25. 7. 1990, p. 1.

⁽⁴⁾ OJ No L 292, 24. 10. 1990, p. 16.

⁽⁵⁾ OJ No C 50, 25. 2. 1992, p. 3.

- (8) In addition, the investigation revealed that Motorola did not export any of the DRAMs produced in the framework of its joint-venture company TSC to the Community during the period of investigation in the present review proceeding.
- (9) Finally, it was established that the normal value for the producer concerned is not lower than the undertaking reference price as calculated for the other Japanese producers during the period of investigation.
- (10) No new investigation was carried out as regards injury since it was neither requested nor considered appropriate.

V. UNDERTAKINGS

- (11) On the basis of the results of the investigation it is considered appropriate that the offer of an undertaking by Motorola which is identical to that of the other Japanese producers should be accepted by the Commission. Indeed any other decision could be considered discriminatory for either Motorola or the other Japanese producers.
- (12) The complainants and Motorola were informed of the essential facts and considerations, in particular about the calculation of the normal value, on the basis of which the Commission intended to accept the undertaking offered by Motorola and were given every opportunity to comment.
- (13) No comment was received in this respect.
- (14) Should this undertaking be withdrawn by the producer concerned or should the Commission have reason to believe it has been infringed, the Commission could, in accordance with Article 10 (6) of Regulation (EEC) No 2423/88, immediately impose a provisional duty on the basis of the results and conclusions of the investigation carried out in the framework of this review proceeding. Subsequently, a definitive duty could also be

imposed by the Council on the basis of the information gathered in this investigation.

- (15) The Advisory Committee was consulted on the acceptance of the undertaking offered and no objections were raised.
- (16) Since the present review relates only to the circumstances of one producer in Japan, the measures contained in Regulations (EEC) No 165/90 and (EEC) No 2112/90 referred to above are not being amended or confirmed within the meaning of Article 15 (1) of Regulation (EEC) No 2423/88 and consequently the date on which they were due to expire pursuant to that provision remains unchanged,

HAS DECIDED AS FOLLOWS:

Article 1

The undertaking offered by Motorola Incorporated in connection with the anti-dumping proceeding concerning imports on certain types of electronic microcircuits known as DRAMs (dynamic random access memories) originating in Japan is hereby accepted.

This acceptance shall take effect on the date of entry into force of Council Regulation (EEC) No 2967/92⁽¹⁾, amending Regulation (EEC) No 2112/90.

Article 2

The investigation in connection with the anti-dumping proceeding referred to in Article 1 is hereby terminated in respect of Motorola Incorporated.

Done at Brussels, 12 October 1992.

For the Commission

Jean DONDELINGER

Member of the Commission

⁽¹⁾ See page 4 of this Official Journal.

COMMISSION DECISION

of 14 October 1992

amending Decision 92/478/EC concerning certain protection measures relating to swine vesicular disease in the Netherlands

(92/495/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, as last amended by Directive 92/65/EEC⁽²⁾, and in particular Article 10 (4) thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market⁽³⁾, as last amended by Directive 91/496/EEC⁽⁴⁾, and in particular Article 9 (4) thereof,

Whereas several outbreaks of swine vesicular disease have occurred in the Netherlands;

Whereas as a result of the disease situation the Commission adopted Decision 92/478/EEC, of 24 September 1992, concerning certain protection relating to swine vesicular disease in the Netherlands⁽⁵⁾;

Whereas disease outbreaks have been reported in a restricted area only;

Whereas the scope of the protection measures should be adjusted to take account of this situation;

Whereas the authorities of the Netherlands have undertaken to implement national measures that are necessary to guarantee the efficient implementation of the Decision;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

Decision 92/478/EEC is amended as follows:

1. Paragraph 1 of Article 2 is replaced by the following:

'1. The Netherlands shall not send to other Member States from those holdings and parts of its territory described in the Annex:

- live pigs,
- fresh pigmeat and pigmeat products obtained from pigs slaughtered after 9 September 1992.'

Furthermore the Netherlands shall not send to other Member States pigs coming from holdings which are situated within a distance of 10 km from a confirmed outbreak of swine vesicular disease and not fresh pigmeat and unheated pigmeat products originating from pigs coming from holdings situated in the same distance from a confirmed outbreak.

2. Paragraph 3 of Article 2 is replaced by the following:

'3. The Netherlands are authorized to dispatch in a sealed means of transport to the other Member States with effect from 16 October 1992 pigs coming from outside that part of the territory described in the Annex:

- originating from a well separated unit where a guarantee has been obtained in writing from the person in charge of the pigs that not live pigs have been introduced into the unit during the 15 day period prior to leaving the herd of origin,
- which have been transported directly under official supervision from the herd of origin to an assembly point (collecting centre) if applicable or the actual place of loading by means of transport which must have undergone cleansing and disinfection under official control before and after each journey and bear a visible mark to that effect,
- which at assembly points (collection centres) have undergone a health examination by an official veterinarian, who in particular should pay attention to signs of swine vesicular disease.

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ No L 268, 14. 9. 1992, p. 54.

⁽³⁾ OJ No L 395, 30. 12. 1989, p. 13.

⁽⁴⁾ OJ No L 268, 24. 9. 1991, p. 56.

⁽⁵⁾ OJ No L 282, 26. 9. 1992, p. 52.

4. Assembly points (collecting centres) must keep a daily record of all pigs passing the centres in order to allow for proper tracing back.
5. The Netherlands should further inform the competent authority of the Member State of destination prior to any dispatch of live pigs giving information on the consignment and means of transports.
6. The Netherlands will assure that ante-mortem and post-mortem inspections at slaughterhouses in particular pay attention to signs and lesions of swine vesicular disease.
3. In Article 3 paragraph 1 the following words are added 'as amended by Decision 92/495/EEC'.
4. In Article 3 paragraph 2 the following words are added 'as amended by Decision 92/495/EEC'.
5. In Article 3 the following paragraph is added:
'3. The health certificate provided for in Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine (*) accompanying pigs sent from the Netherlands must be completed by the following:
"Animals in accordance with Commission Decision 92/478/EEC of 24th September concerning protection measures relating to swine vesicular disease in the Netherlands, as amended by Decision 92/495/EEC."
(*) OJ No 121, 29. 7. 1964, p. 1977.'
6. In Article 4 second indent the words 'arrange for an epidemiological survey' shall be replaced by 'ensure that the epidemiological survey will continue.'

7. Article 5 is replaced by:

'Article 5

This Decision shall apply until 15 November 1992. The situation shall be reviewed by the Standing Veterinary Committee not later than 10 November 1992 to assess the disease situation and any protection measures necessary at that time.'

Article 2

Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 3

This Decision shall enter into force on 15 October 1992.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 14 October 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2919/92 of 7 October 1992 on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of bone-in beef held by certain intervention agencies and intended for export after processing and amending Regulation (EEC) No 569/88

(Official Journal of the European Communities No L 292 of 8 October 1992)

On page 12, in Article 6, point '44' is replaced by '45' and on page 13 footnote '44' is replaced by '45'.
