

Official Journal

of the European Communities

ISSN 0378-6978

L 306

Volume 35

22 October 1992

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EEC) No 3017/92 of 19 October 1992 modifying the anti-dumping duties following the review of the anti-dumping measures applicable to imports of synthetic polyester fibres originating in Romania, Taiwan, Turkey and the Republics of Serbia and of Montenegro and the former Yugoslav Republic of Macedonia and terminating the said review in respect of imports of synthetic polyester fibres originating in Mexico and the United States of America** 1
- Commission Regulation (EEC) No 3018/92 of 21 October 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal 10
- Commission Regulation (EEC) No 3019/92 of 21 October 1992 fixing the premiums to be added to the import levies on cereals, flour and malt 12
- ★ **Commission Regulation (EEC) No 3020/92 of 20 October 1992 establishing unit values for the determination of the customs value of certain perishable goods** 14
- Commission Regulation (EEC) No 3021/92 of 21 October 1992 altering the export refunds on white sugar and raw sugar exported in the natural state 18
- Commission Regulation (EEC) No 3022/92 of 21 October 1992 fixing the import levies on rice and broken rice 20
- Commission Regulation (EEC) No 3023/92 of 21 October 1992 fixing the premiums to be added to the import levies on rice and broken rice 22
- Commission Regulation (EEC) No 3024/92 of 21 October 1992 amending Regulation (EEC) No 1301/92 increasing to 2 500 000 tonnes the quantity of bread-making wheat held by the German intervention agency for which a standing invitation to tender for export has been opened 24

Contents (continued)

Commission Regulation (EEC) No 3025/92 of 21 October 1992 amending Regulation (EEC) No 1299/92 increasing to 1 000 000 tonnes the quantity of bread-making rye held by the German intervention agency for which a standing invitation to tender for export has been opened	26
Commission Regulation (EEC) No 3026/92 of 21 October 1992 amending Regulation (EEC) No 1300/92 increasing to 300 000 tonnes the quantity of feed rye held by the German intervention agency for which a standing invitation to tender for export has been opened	28
Commission Regulation (EEC) No 3027/92 of 21 October 1992 amending Regulation (EEC) No 1306/92 increasing to 3 500 000 tonnes the quantity of bread-making wheat held by the French intervention agency for which a standing invitation to tender for export has been opened	30
★ Commission Regulation (EEC) No 3028/92 of 21 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, amending Regulation (EEC) No 569/88 and repealing Regulation (EEC) No 1551/92	32
Commission Regulation (EEC) No 3029/92 of 21 October 1992 fixing the maximum export refund for white sugar for the 25th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 920/92	36
Commission Regulation (EEC) No 3030/92 of 21 October 1992 fixing the import levies on white sugar and raw sugar	37
★ Commission Regulation (EEC, ECSC) No 3031/92 of 21 October 1992 amending Regulation (EEC, ECSC) No 2725/92 concerning the implementation of Council Regulation (EEC) No 2656/92 and Decision 92/470/ECSC concerning certain technical modalities in connection with the application of respectively Regulation (EEC) No 1432/92 and Decision 92/285/ECSC prohibiting trade between the European Economic Community and the European Coal and Steel Community on the one hand, and the Republics of Serbia and Montenegro on the other hand	39

II *Acts whose publication is not obligatory*

Commission

92/501/EEC :

- ★ Commission Decision of 8 October 1992 laying down certain measures to facilitate transition to the new arrangements for the organization of veterinary checks provided for in Article 8 of Council Directive 91/496/EEC 40

92/502/EEC :

- ★ Commission Decision of 16 October 1992 authorizing the Federal Republic of Germany to permit temporarily the marketing of bitter white lupin seed not satisfying the requirements of Council Directive 66/401/EEC 42

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3017/92

of 19 October 1992

modifying the anti-dumping duties following the review of the anti-dumping measures applicable to imports of synthetic polyester fibres originating in Romania, Taiwan, Turkey and the Republics of Serbia and of Montenegro and the former Yugoslav Republic of Macedonia and terminating the said review in respect of imports of synthetic polyester fibres originating in Mexico and the United States of America

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 Community⁽¹⁾, and in particular Article 14 thereof,

Having informed the EEC-Turkey Association Council pursuant to Article 47 (2) of the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey⁽²⁾,

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

Whereas :

A. PROCEDURE

(1) Under Regulation (EEC) No 3946/88⁽³⁾ the Council imposed a definitive anti-dumping duty on imports of synthetic polyester fibres originating in Mexico, Romania, Taiwan, Turkey, the United States of America and Yugoslavia.

(2) In March 1990 the Commission received a request for a review from the 'Association of Importers of Synthetic Polyester Fibres'; requests for a review had also come from exporters of this product in Mexico, Romania and the United States of America.

(3) Having decided, after consultations, that there was sufficient evidence to justify a review, the Commission decided to institute a full review of Regulation (EEC) No 3946/88, in accordance with Article 14 of Regulation (EEC) No 2423/88, and opened an investigation⁽⁴⁾.

(4) The Commission officially notified the exporters and the Community importers and producers known to be concerned and gave them the opportunity to make known their views in writing and to request a hearing.

There were found to be no producers/exporters in the Republics of Slovenia, Croatia and Bosnia-Herzegovina. Anti-dumping measures should therefore be restricted to the Republics of Serbia, Montenegro and the former Yugoslav Republic of Macedonia.

(5) Exporters, importers and the International Rayon and Synthetic Fibres Committee (IRSFC) made known their views in writing. Some of them requested and were granted hearings.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 293, 29. 12. 1972, p. 3.

⁽³⁾ OJ No L 348, 17. 12. 1988, p. 49.

⁽⁴⁾ OJ No C 230, 15. 9. 1990, p. 3.

- (6) The Commission sought and verified all information it considered necessary for a preliminary determination of dumping and injury. It inspected the premises of the following companies

— **Community producers :**

- Du Pont de Nemours GmbH, Germany,
- Enka AG, Germany,
- Hoechst AG, Germany,
- Enichem Fibre SpA, Italy,
- Montefibre SpA, Italy,
- Nurel SA, Spain,
- La Seda de Barcelona SA, Spain,
- Rhône Poulenc SA, Spain,
- Brilen SA, Spain,
- Finicisa Fibras Sinteticas SA, Portugal,
- Akzo NV, Netherlands,
- Rhône Poulenc Fibres SA, France,
- Wellman International Ltd, Ireland ;

— **Community importers :**

- Hugo Bartram KG, Germany,
- Jochen von Grundherr, Germany ;

— **Non-Community producers**

(a) *Taiwan*

- Chung Shing Textile Co., Ltd, Taipei,
- Far Eastern Textile Ltd, Taipei,
- Nan Ya Plastics Corporation, Taipei,
- Shinkong Synthetic Fibres Corporation, Taipei,
- Tainan Spinning Co., Ltd, Tainan,
- Tuntex Distinct Corporation, Tainan ;

(b) *Turkey*

- Sasa, Artificial and Synthetic Fibres Inc., Adana, exporting through an affiliated company, Exsa, Adana,
- Sönmetz Filament, Bursa ;

(c) *Republics of Serbia and Montenegro and the former Yugoslav Republic of Macedonia*

- Hemteks, Skopje ;

(d) *Mexico*

- Celanese Mexicana SA, Mexico,
- Crisal Textil SA, Mexico,
- Fibras Sinteticas SA, Monterrey,
- Kimex SA, Mexico,
- Nylon de Mexico, Mexico ;

(e) *United States of America*

- Eastman Chemical Products Inc., King-sport TE,
- E.I. Du Pont de Nemours and Co., Wilmington DE,
- Hoechst Celanese Fibres, Inc., Charlotte NC,
- Wellman Inc., Johnsonville,
- Martin-Color-Fi Inc., Edgefield,
- Gates Formed-Fibre Product Inc., Auburn,
- Foss Manufacturing Company Inc., Hampton,
- Bollag International Corporation, Newell, NC,
- Carter, Moore & Co., Inc., New York.

- (7) The Commission received, and made use of, information from importers, producers in the exporting countries and Community producers.

- (8) Producers/exporters were notified of the main facts and considerations on the basis of which it was proposed to recommend the imposition of definitive measures. They were also given time in which to present their comments following receipt of this information. Their comments were studied and, where appropriate, taken into account by the Commission in drawing up its conclusions.

- (9) The investigation into dumping practices concerned the period 1 January to 31 August 1990.

B. REVIEW UNDER ARTICLE 14 OF REGULATION (EEC) NO 2423/88

- (10) As regards injury, a fall in imports and/or an improvement in the economic and financial situation of the Community industry is taken into consideration only if it results from factors other than the anti-dumping measures in force.

C. PRODUCT

1. Product description

- (11) The product is the same as that described in Regulation (EEC) No 3946/88.
- (12) The product under investigation is synthetic staple fibres of polyesters, not carded, combed or otherwise processed for spinning, covered by CN code 5503 20 00, and hereinafter referred to as synthetic polyester fibres.

This product is a raw material used in various stages of textile production, depending on the nature of the textiles to be produced. Some 60 % of the synthetic polyester fibres consumed in the

Community are used for spinning yarn to make fabric, mixed, where necessary, with other fibres such as wool or cotton. About 40 % is used as wadding for stuffing certain textile products (cushions, car seats, anoraks, and the like), including other non-spun applications such as carpet manufacture.

- (13) Although the potential use and quality of synthetic polyester fibres can vary, there is no significant difference in the basic physical characteristics, consumer perception or marketing of the various types of synthetic polyester fibres under consideration. They may therefore be grouped as one product for the purposes of this proceeding.

Importers raised the question whether a distinction should not be drawn between synthetic polyester fibres used for wadding and other fibres because of the different application. Such a distinction was not acceptable, however, because it was only possible following industrial processing. Before processing, all types of synthetic polyester fibres generally have the same physical characteristics.

Some exporters and importers also asked for synthetic polyester fibres with specific characteristics, such as fire-resistant or bicomponent fibres, to be considered a different product and excluded from the scope of this proceeding, since such fibres were much higher priced than the others. The investigation showed, however, that although there were several types of synthetic polyester fibres with different characteristics corresponding to specific purposes, the basic physical characteristics, application and use were the same as other synthetic polyester fibres. Furthermore, the market for the product is made up of different classes of synthetic polyester fibres which overlap without there being a clear distinction between them. These additional characteristics of so-called 'special fibres' do not, therefore, make them different, and they should fall within the scope of this review.

2. Like products

- (14) The Commission found that synthetic polyester fibres produced in the Community and those sold on the domestic markets of Taiwan; the Yugoslav Republics of Serbia and of Montenegro and the former Yugoslav Republic of Macedonia; Turkey, Romania, the United States of America and Mexico

were like products as regards physical and technical characteristics to those exported by those countries to the Community.

D. DUMPING

1. Normal value

(a) *Taiwan*

- (15) The Commission was able to establish that the three Taiwanese firms exporting to the Community had sold representative quantities of the product, equivalent, that is, to over 5 % of exports to the Community, on the domestic market. Since, however, the volume of profitable sales was negligible, the normal value had to be constructed on the basis of the cost of production and a reasonable profit margin.

The cost of production was computed on the basis of all costs, both fixed and variable, of materials and manufacture, plus a reasonable amount for selling and general and administrative expenses. Given a representative volume of domestic sales, the amount was calculated by reference to the expenses incurred by Taiwanese producers on sales of like products on the domestic market. As to the profit margin, the information available to the Commission indicated that there had been no representative profitable sales on the domestic market in the period under investigation. The Commission therefore established the profit margin on another reasonable basis, namely the profits made by the firms concerned over previous three years on all sales in the sector of each firm; this margin varied between 6 % and 11 %.

(b) *The Republics of Serbia and Montenegro and the former Yugoslav Republic of Macedonia*

- (16) Since there had been sales of a representative quantity on the domestic market (over 5 % of exports to the Community), the normal value was calculated on the basis of prices actually paid or to be paid in the ordinary course of trade for the like product intended for consumption on the domestic market, net of all discounts and rebates.

(c) *Turkey*

- (17) Since there had been sales of a representative quantity on the domestic market (over 5 % of exports to the Community), the normal value was calculated on the basis of prices actually paid or to be paid in the ordinary course of trade for the like product intended for consumption on the domestic market, net of all discounts and rebates.

(d) *Romania*

- (18) In view of the fact that Romania cannot be classed as a market economy, the Commission had to base its calculations on the normal value of the product in question in a market economy country. The importers and the producer objected to Turkey, chosen in the previous investigation, but accepted Taiwan as a similar country. The Commission found that there were no significant differences between the two countries in the production process, scale of production or type of product, nor in the conditions of access to the main items of production cost. It accordingly decided that it was appropriate and not unreasonable to determine the Romanian normal value.
- (19) As indicated in recital 15, the normal value for Taiwan had to be constructed. In this respect an importer of the Romanian product requested that the normal value thus established be adjusted on the grounds that Romania had a comparative advantage in terms of oil supplies, a raw material for the manufacture of polyester fibres. This request was not found to be justified. The investigation established that Taiwanese firms were able to obtain low-cost raw materials on the domestic market. Any advantage enjoyed by the Romanian producer was therefore not significant.

In constructing the normal value for Romania, the Commission based its calculations on the situation of the most efficient Taiwanese producer manufacturing the same type of product for the domestic market and for export. The Council believes that any comparative advantage has been taken fully into account, especially since the importer in question did not provide any precise figures in support of his request.

(e) *United States of America and Mexico*

- (20) Given that the two countries' exports had not contributed to the injury (see recitals 30 and 31),

the Commission thought it unnecessary to find out whether dumping had taken place.

2. Export prices

- (21) Export prices were established on the basis of the prices actually paid or payable for products sold for export to the Community.

Where products were exported through subsidiaries or associates based in the Community, as in the case of the Turkish producer, export prices were calculated by the Commission on the basis of the price at which they were resold to the first independent buyer, duly adjusted to take account of all costs incurred between import and resale, plus a margin deemed reasonable to cover general expenses and profit, given the profit margins of independent importers of the product in question.

3. Comparison

- (22) In comparing the normal value with the export prices, transaction by transaction, the Commission, in accordance with Article 2 (9) and (10) of Regulation (EEC) No 2423/88, took account, where warranted, of the differences directly affecting price comparability, such as selling expenses — i.e. terms of credit, transport, insurance and handling costs, technical assistance, salaries of sales staff, and ancillary costs — where the claim was justified and the link direct. All comparisons were made at the ex-works stage and at the same level of trade.
- (23) Regarding the export prices charged both by producers from Turkey and from the Republics of Serbia and Montenegro and the former Yugoslav Republic of Macedonia, the Commission took account, in accordance with Article 2 (10) (b) of Regulation (EEC) No 2423/88, of the differences resulting from the import charges on raw materials, which varied according to whether the raw materials were used for production sold on the domestic market or for export to the Community. Adjustments were thus made in cases where refunds of duty were found to have been accorded, where such refunds concerned materials physically incorporated in the product exported to the Community.

4. Dumping margins

- (24) The comparisons referred to above showed that dumping was taking place. The dumping margin calculated for each country or producer/exporter is

equal to the difference between the normal value and the price on export to the Community, duly adjusted.

The weighted average dumping margins for each of the countries or producers/exporters concerned, adjusted to free-at-Community-frontier prices, are as follows :

— *Taiwan :*

- Nan Ya Plastics Corporation, Taipei 5,9 %,
- Far Eastern Textile Ltd, Taipei 6,8 %,
- Shinkong Synthetic Fibres Corporation, Taipei 13,0 %.

— *Romania :* 14,1 %.

— *The Republics of Serbia and Montenegro and the former Yugoslav Republic of Macedonia :*

- Hemteks, Skopje 15,6 %.

— *Turkey :*

- Sasa, Artificial and Synthetic Fibres Inc., Adana 11,4 %.

- (25) In the case of firms which failed to cooperate in the investigation or did not reply satisfactorily to the Commission's questionnaire, the dumping margin was determined on the basis of available information, in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88. The Commission considered the results of its investigation to be the most appropriate basis for determining the dumping margin and that the fixing of a margin lower than the highest margin determined for an exporter which cooperated with the investigation would reward failure to cooperate and make it possible to evade duty. It accordingly applied the highest appropriate margin to such firms. The Council supports this approach.

E. INJURY

- (26) In accordance with Article 14 (1) of Regulation (EEC) No 2423/88, the investigation sought to determine whether any changes had occurred, for better or for worse, in the circumstances as a result of the behaviour of the exporters on the Community market or the situation of the Community industry, independently of the anti-dumping measures which are the subject of this review procedure.

- (27) The Commission's findings are as follows :

1. Exporters' behaviour on the Community market

(a) *Cumulation*

- (28) To measure the impact of dumped imports on the Community industry, it must first be ascertained whether the approach adopted in determining the measures under review, namely cumulation of all imports originating in the countries covered by the investigation, should be continued.
- (29) Imports from Mexico stood at nearly 0,1 % in 1990. Although the mere fact that Mexican imports are insignificant after the imposition of anti-dumping measures does not of itself mean that the measures should be dropped or these imports not cumulated with other imports, the investigation found that the structure of the Mexican market, as analysed over a number of years, made it highly unlikely that exports to the Community would ever reach significant levels in future. In effect, Mexican production is mainly destined for the US market. Confirmation of this comes from the fact that although Mexico had sizeable production capacity between 1984 and 1990, its share of the Community market remained negligible, hovering around the 0,2 % to 0,5 % level, apart from a temporary increase of 1 % in 1987.

The Commission thus believes that imports from Mexico would not rise significantly if anti-dumping duties were abolished and that there is little likelihood of further injury. This being so, the Commission finds that imports from Mexico should not be cumulated with those of the other countries concerned.

- (30) Imports from the United States of America have fallen and accounted for no more than 0,8 % of the market in 1990. The investigation established that this trend is the result of circumstances other than the imposition of anti-dumping duties. First, the leading US producers responsible for most exports to the Community are not subject to such duties, and the duties imposed on others are relatively low. Furthermore, US production is focused on high-cost products for the domestic market. In these circumstances the export volume of the products in question is unlikely to have been affected by the anti-dumping duties. These exports are unlikely to contribute to injury in future. There are thus no grounds for cumulating imports from the United States of America with those of the other countries concerned.

- (31) Imports from the other four countries concerned were substantial, those of Taiwan and Turkey in particular (respectively 4,2 % and 2 % market shares in 1990) can scarcely be regarded as negligible.

- (32) Although the volume of imports from Romania and the Republics of Serbia and Montenegro and the former Yugoslav Republic of Macedonia was significantly reduced after the imposition of anti-dumping measures — to a low level in the case of the latter and to a negligible level in the case of Romania — the only explanation for this drop was the anti-dumping measures.

Romanian and Serbian, Montenegrin and Macedonian exports have always been oriented towards the Community and they have held significant and constant market shares over the last six years. For those reasons, they still represent a threat. The effects of these imports should thus be cumulated with those of Taiwan and Turkey as they were at the time when the measures under review were imposed.

- (33) The Council supports this approach.

(b) Community consumption

- (34) The Community market remains relatively stable in size. It rose from 431 535 tonnes in 1988 to 441 033 tonnes in 1989, falling to 424 194 tonnes in 1990 (277 507 tonnes during the reference period).

(c) Volume of imports

- (35) Following the introduction of anti-dumping measures in December 1988, the volume of imports of synthetic polyester fibres from the four countries in question fell from 44 000 tonnes in 1988 to 31 400 tonnes in 1990; in the case of Taiwan, imports rose from 12 000 tonnes in 1988 to 18 000 tonnes in 1990. The share of Community imports held by these countries shrank from 10,2 % in 1988 to 7,4 % in 1990.

(d) Import prices

- (36) During the reference period the prices of these imports were lower than the prices of the relevant Community product, and caused a scale of under-

cutting ranging from 19 % to 25 % on average. It should be noted that this undercutting has been taking place even with anti-dumping measures in force.

2. Situation of the Community industry

(a) Production capacity, utilization rate, stocks

- (37) Community production of synthetic polyester fibres fluctuated from 379 286 tonnes in 1988 to 428 147 tonnes in 1989 and 407 251 tonnes in 1990. Since production capacity rose from 432 903 tonnes in 1988 to 466 339 tonnes in 1989 and 471 723 tonnes in 1990, the utilization rate has remained fairly stable around 86 % — 88 %. Stocks over the same period rose by 94 % from 29 146 tonnes to 56 533 tonnes.

(b) The Community industry's sales volume and market share

- (38) The quantity of synthetic polyester fibres sold in the Community by the Community industry rose from 337 424 tonnes in 1988 to 356 465 tonnes in 1989 but fell back to 330 310 tonnes in 1990 and stood at 220 207 tonnes during the reference period. The Community industry's market share developed as follows: 78,2 % in 1988, 80,8 % in 1989 and 79,4 % in 1990.

(c) Price trends

- (39) A detailed analysis was made of the selling prices in the Community of polyester synthetic fibres produced by the Community industry and those of imports from the countries under investigation.

The investigation showed that, following the imposition of anti-dumping measures, prices in the Community rose from 1988 to 1989, and then fell to 1988 levels in 1990.

(d) Profits

- (40) The Commission found that, overall, the Community industry had recorded poor financial results since 1988. Despite a slight improvement in 1989, the situation in the reference period had deteriorated. In 1990 only a few Community producers made a modest profit, while many others suffered heavy losses. A weighted average of the Community industry's results shows a loss of some 2,3 % over the reference period.

(e) *Employment and investment*

- (41) Between 1988 and 1990 the Community industry shed 237 jobs, 5 % of its labour force, and investments were cut back and two factories closed.

3. **Conclusions concerning a change in circumstances**

- (42) In light of the above, the Community industry's vulnerability in the face of declining sales and financial losses still requires protection against dumped imports originating in Taiwan, Romania, Turkey and the Republics of Serbia and Montenegro and the former Yugoslav Republic of Macedonia. The imposition of the measures under review has not prevented continued undercutting of Community producers' prices by these exports, which have remained at an appreciable level. In these circumstances, there are no grounds for lifting the anti-dumping measures against these countries as requested by the importers' association. Indeed, the measures should be adjusted in the light of the evidence of dumping and injury emerging from this investigation. Imports originating in the United States of America and Mexico, in contrast, cannot be seen as a source of injury, now or in the future, for the reasons set out in recitals 29 and 30.

- (43) Importers claimed that a review which examined the possibility of lifting existing measures could lead only to a downwards adjustment of the existing duties.

The Council cannot accept this argument. First, no such provision exists in the relevant Community legislation or in GATT's anti-dumping code. Such a rule would be contrary to the whole idea of a review instrument, as provided for in Regulation (EEC) No 2423/88. The aim of Article 14 is to adjust measures to changing circumstances, whether in connection with dumping or the resulting injury. It is thus irrelevant whether the request for a review comes from the importers, the exporters of the Community producers.

This applies with even greater force in that the Commission may at any moment review the measures and adjust them to changing circum-

stances without any request from an interested party.

F. LEVEL OF DUTY**1. Rate**

- (44) In order to determine the amount of duty to be levied, the Commission took account of the dumping margins observed and the level of duty required to eliminate the injury.
- (45) In calculating the injury threshold, the Commission had to take account of the fact that the Community industry as a whole is making losses. The proposed measures therefore have to ensure that the industry can increase its prices to cover production costs and make a reasonable profit. Based on the profits realized in previous years and the industry's ongoing long-term investment requirements, 8 % was estimated to be a reasonable figure.

The Commission then calculated the price increases that would enable the Community industry to cover all its costs and make a profit of 8 %. The prices of the dumped imports were then increased by the figure thus calculated, expressed as a percentage of the weighted average price of their imports cif at the Community frontier.

The individual injury threshold for each exporter was obtained by adding the average increase thus calculated to the existing anti-dumping duty.

- (46) These calculations produced an injury margin for each exporter, and will enable Community producers to raise prices to restore the industry to health.
- (47) The dumping margin for Romanian, Serbian, Montenegrin, Macedonian, Turkish and Taiwanese producer/exporters was lower than the average injury calculated as above. In line with Article 13 (3) of Regulation (EEC) No 2423/88, this margin is the figure used to determine the rate of duty imposed on these exporters.
- (48) Since there may be other producer/exporters who failed to reply to the Commission questionnaire, failed to make themselves known in any other way or failed to supply the information considered necessary by the Commission, it is necessary, for

the reasons set out in recital 25, to impose a duty calculated on the basis of the most appropriate available information. Consequently, the highest appropriate margin was applied to these firms.

- (49) No duty will be levied on Mexican and United States producers, for the reasons set out in recitals 29 and 30.
- (50) The Council confirms the above.

2. Form

- (51) No argument was put forward to justify a change in the form of the anti-dumping under review. Consequently, it would seem appropriate for the *ad valorem* format to be retained.

G. COMMUNITY INTEREST

1. Situation of the Community industry

- (52) To leave the Community industry without protection against this unfair competition would lead to a further deterioration in the situation. The injury already suffered by the Community industry in the past led to the imposition of the measures under review. As these measures have not eliminated the injury, the situation of the Community producers remains precarious. Any further deterioration would endanger jobs and investment in a sector on which many downstream industries depend.

2. Situation of the importers

- (53) The importers argued that they are in a difficult position, since they are caught between large Community fibre producers on the one hand and, on the other, a powerful fibre-processing industry to which not all the effects of anti-dumping measures can be passed on. Consequently, any anti-dumping duty would cut importers' profit margins and threaten their very existence. The Council does not accept this argument. The allegations concerning the effect that the retention of anti-dumping measures would have on importers' competitive and financial situation were not substantiated. Given that the outcome of this review will be to discontinue some of the duties imposed in 1988 and to cut others, imports should, in some cases at least, become less expensive. Furthermore, the importers' arguments miss the

point of anti-dumping measures, which is to restore healthy competition that is not distorted by unfair practices. This objective would be compromised if it were possible for importers to take advantage of such unfair competition.

3. Balancing the interests

- (54) Having considered the arguments set out above, and the significant part played by the imports in question in the difficulties confronting the Community synthetic polyester fibre industry, the Council concludes that Community interest requires the retention of the anti-dumping measures previously imposed, readjusted in line with the conclusions of this enquiry.

H. NEWCOMERS

- (55) For producers who are newcomers to the market, and who did not export during the reference period, the Commission is prepared to reexamine the situation if the exporters concerned can demonstrate, backed up by adequate proof, that they did not export to the Community during the period of the enquiry (recital 9), that they began to export after this period, and that they are not related or linked to any of the companies covered by this enquiry.

I. PERIOD OF VALIDITY OF THE REGULATION

- (56) This Regulation should be considered an amendment to Regulation (EEC) No 3946/88 within the meaning of Article 15 (1) of Regulation (EEC) No 2423/88. The measures will therefore lapse after a period of five years starting from the date on which this Regulation enters into force.

HAS ADOPTED THIS REGULATION :

Article 1

Article 1 of Regulation (EEC) No 3946/88 is hereby replaced by the following :

'Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of synthetic polyester fibres falling within CN code 5503 20 00 and originating in Taiwan, Romania, Turkey and the Republics of Serbia and Montenegro and the former Yugoslav Republic of Macedonia.

2. The duty, calculated on the basis of the free-at-Community-frontier price of the product, not cleared through customs, shall be :

— 13 % for polyester fibres originating in Taiwan (additional taric code 8195), with the exception of those produced by the companies listed below, to which the following rates shall apply :

— Far Eastern Textile Ltd, Taipei 6,8 %
(Additional taric code 8192)

— Nan Ya Plastics Corporation, Taipei 5,9 %
(Additional taric code 8193)

— Shingkong Synthetic Fibres Corporation, Taipei 13,0 %
(Additional taric code 8194)

— 15,6 % for polyester fibres originating in the Republics of Serbia and Montenegro, and the former Yugoslav Republic of Montenegro (Additional taric code 8263)

— 11,4 % for polyester fibres originating in Turkey (Additional taric code 8198)

— 14,1 % for polyester fibres originating in Romania (Additional taric code 8262).

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

Article 2

The definitive anti-dumping duties applicable to synthetic polyester fibres falling within CN code 5503 20 00 and originating in the United States of America and Mexico imposed by Regulation (EEC) No 3946/88, are hereby repealed and the proceeding with regard to these two countries is hereby terminated.

Article 3

This Regulation shall enter into force on the day following that 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 Luxembourg, 19 October 1992.

For the Council

The President

D. CURRY

COMMISSION REGULATION (EEC) No 3018/92

of 21 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 20 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 22 October 1992.

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

Done at Brussels, 21 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 21 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	134,42 ⁽²⁾ ⁽³⁾
0712 90 19	134,42 ⁽²⁾ ⁽³⁾
1001 10 10	167,09 ⁽¹⁾ ⁽⁵⁾ ⁽¹⁰⁾
1001 10 90	167,09 ⁽¹⁾ ⁽⁵⁾ ⁽¹⁰⁾
1001 90 91	137,42
1001 90 99	137,42 ⁽¹¹⁾
1002 00 00	154,76 ⁽⁹⁾
1003 00 10	122,61
1003 00 90	122,61 ⁽¹¹⁾
1004 00 10	116,88
1004 00 90	116,88
1005 10 90	134,42 ⁽²⁾ ⁽³⁾
1005 90 00	134,42 ⁽²⁾ ⁽³⁾
1007 00 90	137,91 ⁽⁴⁾
1008 10 00	48,97 ⁽¹¹⁾
1008 20 00	109,63 ⁽⁴⁾
1008 30 00	46,58 ⁽⁵⁾
1008 90 10	(7)
1008 90 90	46,58
1101 00 00	205,27 ⁽⁸⁾ ⁽¹¹⁾
1102 10 00	229,55 ⁽⁸⁾
1103 11 10	271,70 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 90	221,20 ⁽⁸⁾

- (¹) Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.
- (²) In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.
- (³) Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 1,81/tonne.
- (⁴) Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.
- (⁵) Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.
- (⁶) The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.
- (⁷) The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).
- (⁸) On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.
- (⁹) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC, except if paragraph 4 of the same Article applies.
- (¹⁰) An amount equal to the amount fixed by Regulation (EEC) No 1825/91 is to be levied in accordance with Article 101 (4) of Decision 91/482/EEC.
- (¹¹) Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

COMMISSION REGULATION (EEC) No 3019/92

of 21 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 20 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 22 October 1992.

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

Done at Brussels, 21 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 21 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	0,27
0712 90 19	0	0	0	0,27
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	11,83
1001 90 99	0	0	0	11,83
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0,27
1005 90 00	0	0	0	0,27
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	16,56

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	21,06	21,06
1107 10 19	0	0	0	15,73	15,73
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 3020/92**of 20 October 1992****establishing unit values for the determination of the customs value of certain perishable goods**

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

Having regard to Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods ⁽¹⁾, as last amended by Regulation (EEC) No 3334/90 ⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communicated to the Commission in accordance with Article 1 (2)

of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 October 1992.

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

Done at Brussels, 20 October 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 321, 21. 11. 1990, p. 6.

ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	0701 90 51] 0701 90 59]	New potatoes	15,54	656	122,41	31,88	107,21	3 877	11,94	24 100	35,92	10,93
1.20	0702 00 10] 0702 00 90]	Tomatoes	77,99	3 149	590,66	152,91	519,38	19 894	58,27	134 492	172,17	62,89
1.30	0703 10 19	Onions (other than seed)	10,71	432	81,15	21,01	71,36	2 733	8,00	18 479	23,65	8,64
1.40	0703 20 00	Garlic	178,04	7 189	1 348,40	349,09	1 185,66	45 416	133,03	307 026	393,05	143,57
1.50	ex 0703 90 00	Leeks	30,35	1 276	240,49	61,99	211,30	7 174	23,24	46 691	69,78	21,59
1.60	ex 0704 10 10] ex 0704 10 90]	Cauliflowers	31,88	1 340	252,88	65,14	221,09	7 537	24,43	48 965	73,34	22,77
1.70	0704 20 00	Brussels sprouts	53,72	2 267	423,88	110,06	374,08	11 735	41,29	82 719	124,09	37,72
1.80	0704 90 10	White cabbages and red cabbages	23,05	975	182,88	47,36	160,54	5 181	17,70	35 248	53,35	16,11
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>)	132,49	5 350	1 003,48	259,79	882,38	33 799	99,00	228 490	292,51	106,85
1.100	ex 0704 90 90	Chinese cabbage	39,75	1 677	314,32	81,49	274,48	9 909	30,51	61 684	91,79	27,92
1.110	0705 11 10] 0705 11 90]	Cabbage lettuce (head lettuce)	112,52	4 747	889,76	230,67	776,98	28 050	86,37	174 612	259,84	79,06
1.120	ex 0705 29 00	Endives	22,96	965	182,14	46,92	159,25	5 429	17,59	35 268	52,83	16,40
1.130	ex 0706 10 00	Carrots	29,52	1 246	232,51	60,55	203,65	7 364	22,69	45 777	68,23	20,76
1.140	ex 0706 90 90	Radishes	76,03	3 212	604,06	156,14	526,58	18 296	58,48	117 341	175,57	53,25
1.150	0707 00 11] 0707 00 19]	Cucumbers	46,95	1 896	355,62	92,06	312,70	11 978	35,08	80 974	103,66	37,86
1.160	0708 10 10] 0708 10 90]	Peas (<i>Pisum sativum</i>)	206,76	8 349	1 565,94	405,41	1 376,95	52 744	154,50	356 560	456,47	166,74
1.170		Beans :										
1.170.1	0708 20 10] 0708 20 90]	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)	217,22	8 771	1 645,12	425,91	1 446,58	55 411	162,31	374 588	479,54	175,17
1.170.2	0708 20 10] 0708 20 90]	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>)	95,76	3 867	725,29	187,77	637,76	24 429	71,56	165 148	211,42	77,22
1.180	ex 0708 90 00	Broad beans	92,83	3 894	734,40	189,09	645,42	21 793	71,04	142 837	212,96	66,61
1.190	0709 10 00	Globe artichokes	71,30	3 008	563,82	146,17	492,35	17 775	54,73	110 648	164,65	50,09
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	343,46	13 869	2 601,27	673,45	2 287,33	87 616	256,65	592 300	758,26	276,97
1.200.2	ex 0709 20 00	— other	218,40	8 818	1 654,05	428,22	1 454,43	55 712	163,19	376 623	482,15	176,12
1.210	0709 30 00	Aubergines (egg-plants)	78,20	3 157	592,28	153,33	520,80	19 949	58,43	134 860	172,64	63,06
1.220	ex 0709 40 00	Ribbed celery (<i>Apium graveolens</i> var. <i>dulce</i>)	62,23	2 627	490,12	127,65	429,28	15 523	47,83	96 494	143,84	43,77
1.230	0709 51 30	Chantarelles	1 177,1	47 723	8 970,74	2 314,54	7 825,18	298 523	883,16	2 033 303	2 606,93	941,57
1.240	0709 60 10	Sweet peppers	63,35	2 558	479,82	124,22	421,91	16 161	47,34	109 255	139,86	51,09
1.250	0709 90 50	Fennel	40,06	1 692	318,24	82,26	277,42	9 639	30,81	61 820	92,50	28,05
1.260	0709 90 70	Courgettes	38,41	1 614	304,72	78,38	267,79	8 982	29,39	59 164	88,32	27,15
1.270	ex 0714 20 10	Sweet potatoes, whole, fresh (intended for human consumption)	98,95	4 174	781,50	202,59	690,51	22 594	75,77	151 536	228,30	69,55
2.10	ex 0802 40 00	Chestnuts (<i>Castanea</i> spp.), fresh	164,80	6 655	1 248,18	323,14	1 097,54	42 041	123,15	284 208	363,84	132,90
2.20	ex 0803 00 10	Bananas (other than plantains), fresh	39,28	1 586	297,55	77,03	261,64	10 022	29,35	67 752	86,73	31,68
2.30	ex 0804 30 00	Pineapples, fresh	44,82	1 810	339,48	87,88	298,51	11 434	33,49	77 299	98,95	36,14
2.40	ex 0804 40 10] ex 0804 40 90]	Avocados, fresh	135,84	5 485	1 028,83	266,35	904,66	34 653	101,50	234 261	299,90	109,54

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.50	ex 0804 50 00	Guavas and mangoes, fresh	114,97	4 642	870,78	225,43	765,68	29 329	85,91	198 273	253,83	92,71
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	17,76	746	139,59	36,23	122,40	4 458	13,61	27 429	40,84	12,80
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	37,52	1 515	284,16	73,56	249,87	9 571	28,03	64 703	82,83	30,25
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	49,67	2 006	376,23	97,40	330,83	12 672	37,12	85 668	109,67	40,06
2.70		Mandarins (including tangerines and satsumas), fresh ; clementines, wilkings and similar citrus hybrids, fresh :										
2.70.1	ex 0805 20 10	— Clementines	73,84	2 981	559,23	144,78	491,73	18 835	55,17	127 334	163,01	59,54
2.70.2	ex 0805 20 30	— Monreales and Satsumas	58,55	2 364	443,46	114,81	389,94	14 936	43,75	100 976	129,26	47,21
2.70.3	ex 0805 20 50	— Mandarins and wilkings	57,76	2 438	454,90	118,47	398,43	14 408	44,40	89 560	133,50	40,62
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	64,12	2 589	485,63	125,72	427,02	16 357	47,91	110 578	141,56	51,71
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	45,43	1 834	344,13	89,09	302,60	11 591	33,95	78 358	100,31	36,64
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	135,88	5 487	1 029,13	266,43	904,92	34 663	101,53	234 329	299,98	109,58
2.90		Grapefruit, fresh :										
2.90.1	ex 0805 40 00	— white	50,35	2 033	381,32	98,72	335,30	12 843	37,62	86 826	111,15	40,60
2.90.2	ex 0805 40 00	— pink	81,46	3 289	616,97	159,73	542,51	20 780	60,87	140 482	179,84	65,69
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	78,13	3 155	591,76	153,20	520,34	19 931	58,38	134 742	172,49	63,01
2.110	0807 10 10	Water-melons	17,61	737	138,27	35,81	121,55	4 433	13,48	27 243	40,36	12,75
2.120		Melons (other than water-melons) :										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey dew (including Cantalene), Onteniente, Piel de Sapo (including Verde Liso), Rochet, Tendral, Futuro	42,57	1 719	322,45	83,48	283,53	10 860	31,81	73 420	93,99	34,33
2.120.2	ex 0807 10 90	— other	106,83	4 313	809,11	209,47	711,46	27 252	79,83	184 233	235,85	86,15
2.130	0808 10 91 0808 10 93 0808 10 99	Apples	21,63	873	163,82	42,41	144,04	5 517	16,16	37 301	47,75	17,44
2.140		Pears										
2.140.1	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Pears — Nashi (<i>Pyrus pyrifolia</i>)	75,80	3 060	574,09	148,63	504,81	19 336	56,64	130 719	167,34	61,12
2.140.2	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Other	42,24	1 705	319,97	82,83	281,35	10 777	31,56	72 856	93,27	34,06
2.150	0809 10 00	Apricots	32,40	1 360	254,53	66,06	223,20	8 129	24,82	50 014	74,48	23,34
2.160	0809 20 10 0809 20 90	Cherries	79,83	3 352	627,19	162,79	549,98	20 031	61,15	123 238	183,53	57,51
2.170	ex 0809 30 00	Peaches	100,72	4 067	762,87	197,50	670,80	25 695	75,26	173 703	222,37	81,22

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ IrI	Lit	Fl	£
2.180	ex 0809 30 00	Nectarines	54,80	2 222	417,68	107,76	364,34	13 899	41,12	94 671	121,37	43,83
2.190	0809 40 11 0809 40 19	Plums	58,95	2 380	446,51	115,59	392,62	15 039	44,05	101 669	130,15	47,54
2.200	0810 10 10 0810 10 90	Strawberries	305,92	12 402	2 331,42	601,52	2 033,70	77 583	229,52	528 438	677,52	244,70
2.205	0810 20 10	Raspberries	1 686,7	71 352	13 344,9	3 467,96	11 643,49	414 554	1 296,5	2 611 963	3 905,77	1 180,3
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	161,42	6 779	1 268,11	329,16	1 111,99	40 501	123,65	249 172	371,08	116,29
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	110,53	4 463	837,13	216,72	736,10	28 196	82,59	190 613	244,02	89,13
2.230	ex 0810 90 80	Pomegranates	87,50	3 533	662,68	171,56	582,70	22 320	65,38	150 890	193,17	70,56
2.240	ex 0810 90 80	Khakis (including Sharon fruit)	397,70	16 124	3 030,92	782,00	2 643,87	100 861	298,39	686 988	880,79	318,12
2.250	ex 0810 90 30	Lychees	492,92	20 190	3 808,61	977,07	3 341,06	124 068	370,46	824 805	1 100,55	373,96

COMMISSION REGULATION (EEC) No 3021/92**of 21 October 1992****altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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 second subparagraph of Article 19 (4) thereof,Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 2970/92 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2970/92 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out 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 exported in the natural state, as fixed in the Annex to Regulation (EEC) No 2970/92 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 October 1992.

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

Done at Brussels, 21 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 299, 15. 10. 1992, p. 13.

ANNEX

to the Commission Regulation of 21 October 1992 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	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⁾	
1701 11 90 910	35,31 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	38,13 ⁽¹⁾	
1701 12 90 910	35,31 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,4145
1701 99 10 100	41,45	
1701 99 10 910	40,07	
1701 99 10 950	40,07	
1701 99 90 100		0,4145

⁽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 3022/92
of 21 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 2971/92 ⁽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 22 October
1992.

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

Done at Brussels, 21 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 299, 15. 10. 1992, p. 15.

ANNEX

to the Commission Regulation of 21 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 (°) (°) (°)	Third countries (except ACP) (°)
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 (°)
1006 30 23	—	290,28	604,34 (°)
1006 30 25	—	290,28	604,34 (°)
1006 30 27	453,26 (°)	290,28	604,34 (°)
1006 30 42	—	239,10	502,06 (°)
1006 30 44	—	290,28	604,34 (°)
1006 30 46	—	290,28	604,34 (°)
1006 30 48	453,26 (°)	290,28	604,34 (°)
1006 30 61	—	255,00	534,70 (°)
1006 30 63	—	311,58	647,86 (°)
1006 30 65	—	311,58	647,86 (°)
1006 30 67	485,90 (°)	311,58	647,86 (°)
1006 30 92	—	255,00	534,70 (°)
1006 30 94	—	311,58	647,86 (°)
1006 30 96	—	311,58	647,86 (°)
1006 30 98	485,90 (°)	311,58	647,86 (°)
1006 40 00	—	73,44	152,88

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 3023/92**of 21 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 2972/92 ⁽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 22 October 1992.

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

Done at Brussels, 21 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 299, 15. 10. 1992, p. 17.

ANNEX

to the Commission Regulation of 21 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 3024/92

of 21 October 1992

amending Regulation (EEC) No 1301/92 increasing to 2 500 000 tonnes the quantity of bread-making wheat held by the German intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1738/92 ⁽²⁾, and in particular Article 7 (6) thereof,

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

Whereas Commission Regulation (EEC) No 1301/92 ⁽⁵⁾, as last amended by Regulation (EEC) No 2755/92 ⁽⁶⁾, opened a standing invitation to tender for the export of 2 300 000 tonnes of bread-making wheat held by the German intervention agency; whereas, in a communication of 12 October 1992, Germany informed the Commission of the intention of its intervention agency to increase by 200 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of bread-making wheat held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 2 500 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 1301/92 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 1301/92 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 2 500 000 tonnes of bread-making wheat to be exported to all third countries.

2. The regions in which the 2 500 000 tonnes of bread-making wheat are stored are stated in Annex I to this Regulation.'

Article 2

Annex I to Regulation (EEC) No 1301/92 is replaced by the Annex hereto.

Article 3

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

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

Done at Brussels, 21 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 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 288, 18. 10. 1991, p. 21.

⁽⁵⁾ OJ No L 139, 22. 5. 1992, p. 24.

⁽⁶⁾ OJ No L 279, 23. 9. 1992, p. 24.

ANNEX**ANNEX I**

<i>(tonnes)</i>	
Place of storage	Quantity
Schleswig-Holstein/Hamburg	333 086
Niedersachsen/Bremen	285 215
Nordrhein-Westfalen	315 468
Hessen	58 292
Rheinland-Pfalz	83 698
Baden-Württemberg	66 158
Bayern	410 221
Berlin/Brandenburg	58 993
Mecklenburg-Vorpommern	220 565
Sachsen	137 812
Sachsen-Anhalt	289 643
Thüringen	233 376
Saarland	7 140'

COMMISSION REGULATION (EEC) No 3025/92

of 21 October 1992

amending Regulation (EEC) No 1299/92 increasing to 1 000 000 tonnes the quantity of bread-making rye held by the German intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular Article 7 (6) thereof,

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

Whereas Commission Regulation (EEC) No 1299/92⁽⁵⁾, as last amended by Regulation (EEC) No 2822/92⁽⁶⁾, opened a standing invitation to tender for the export of 800 000 tonnes of bread-making rye held by the German intervention agency; whereas, in a communication of 12 October 1992, Germany informed the Commission of the intention of its intervention agency to increase by 200 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of bread-making rye held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 1 000 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 1299/92 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 1299/92 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 1 000 000 tonnes of bread-making rye to be exported to all third countries.

2. The regions in which the 1 000 000 tonnes of bread-making rye are stored are stated in Annex I to this Regulation.

Article 2

Annex I to Regulation (EEC) No 1299/92 is replaced by the Annex hereto.

Article 3

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

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

Done at Brussels, 21 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 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 288, 18. 10. 1991, p. 21.

⁽⁵⁾ OJ No L 139, 22. 5. 1992, p. 18.

⁽⁶⁾ OJ No L 285, 30. 9. 1992, p. 5.

ANNEX

ANNEX I

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein/Hamburg	247 705
Niedersachsen/Bremen	227 513
Nordrhein-Westfalen	137 771
Hessen	10 295
Rheinland-Pfalz	35 236
Baden-Württemberg	12 468
Bayern	51 853
Saarland	8 094
Berlin/Brandenburg	142 478
Mecklenburg-Vorpommern	61 669
Sachsen	12 341
Sachsen-Anhalt	51 414
Thüringen	942'

COMMISSION REGULATION (EEC) No 3026/92

of 21 October 1992

amending Regulation (EEC) No 1300/92 increasing to 300 000 tonnes the quantity of feed rye held by the German intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1738/92 ⁽²⁾, and in particular Article 7 (6) thereof,

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

Whereas Commission Regulation (EEC) No 1300/92 ⁽⁵⁾, as amended by Regulation (EEC) No 2096/92 ⁽⁶⁾, opened a standing invitation to tender for the export of 200 000 tonnes of feed rye held by the German intervention agency; whereas, in a communication of 12 October 1992, Germany informed the Commission of the intention of its intervention agency to increase by 100 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of feed rye held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 300 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 1300/92 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 1300/92 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 300 000 tonnes of feed rye to be exported to all third countries.
2. The regions in which the 300 000 tonnes of feed rye are stored are stated in Annex I to this Regulation.'

Article 2

Annex I to Regulation (EEC) No 1300/92 is replaced by the Annex hereto.

Article 3

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

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

Done at Brussels, 21 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 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 288, 18. 10. 1991, p. 21.

⁽⁵⁾ OJ No L 139, 22. 5. 1992, p. 21.

⁽⁶⁾ OJ No L 210, 25. 7. 1992, p. 12.

*ANNEX**ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
Schleswig-Holstein/Hamburg	49 888
Niedersachsen/Bremen	67 154
Nordrhein-Westfalen	5 480
Hessen	4 374
Rheinland-Pfalz	6 118
Bayern	3 076
Berlin/Brandenburg	91 442
Mecklenburg-Vorpommern	39 688
Sachsen	7 659
Sachsen-Anhalt	25 087

COMMISSION REGULATION (EEC) No 3027/92

of 21 October 1992

amending Regulation (EEC) No 1306/92 increasing to 3 500 000 tonnes the quantity of bread-making wheat held by the French intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular Article 7 (6) thereof,

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

Whereas Commission Regulation (EEC) No 1306/92⁽⁵⁾, as last amended by Regulation (EEC) No 2468/92⁽⁶⁾, opened a standing invitation to tender for the export of 3 000 000 tonnes of bread-making wheat held by the French intervention agency; whereas, in a communication of 12 October 1992, France informed the Commission of the intention of its intervention agency to increase by 500 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of bread-making wheat held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 3 500 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 1306/92 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 1306/92 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 3 500 000 tonnes of bread-making wheat to be exported to all third countries.
2. The regions in which the 3 500 000 tonnes of bread-making wheat are stored are stated in Annex I to this Regulation.

Article 2

Annex I to Regulation (EEC) No 1306/92 is replaced by the Annex hereto.

Article 3

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

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

Done at Brussels, 21 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 202, 9. 7. 1982, p. 23.
⁽⁴⁾ OJ No L 288, 18. 10. 1991, p. 21.
⁽⁵⁾ OJ No L 139, 22. 5. 1992, p. 39.
⁽⁶⁾ OJ No L 246, 27. 8. 1992, p. 12.

*ANNEX**ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
Amiens	225 000
Bordeaux	110 000
Châlons	457 000
Dijon	114 000
Lille	385 000
Nancy	181 000
Nantes	203 000
Orléans	756 000
Paris	328 000
Poitiers	367 000
Rennes	65 000
Rouen	217 000
Toulouse	85 000
Clermont-Ferrand	6 000'

COMMISSION REGULATION (EEC) No 3028/92

of 21 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, amending Regulation (EEC) No 569/88 and repealing Regulation (EEC) No 1551/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

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

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 569/88 ⁽⁷⁾, as last

amended by Regulation (EEC) No 2919/92 ⁽⁸⁾; whereas, however, the Annex to the said Regulation setting out the entries to be made should be expanded;

Whereas Commission Regulation (EEC) No 1551/92 ⁽⁹⁾ should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A sale shall be organized of approximately:

- (a) 20 000 tonnes of bone-in beef held by the German intervention agency,
20 000 tonnes of bone-in beef held by the French intervention agency,
4 000 tonnes of bone-in beef held by the Irish intervention agency and stored in the Netherlands,
3 000 tonnes of bone-in beef held by the Italian intervention agency,
4 000 tonnes of bone-in beef held by the Danish intervention agency,
1 500 tonnes of bone-in beef held by the Belgian intervention agency;
- (b) 10 000 tonnes of bone-in beef, to be sold as 'compensated' quarters, held by the German intervention agency.

This meat shall be for export to third countries, with the exception of the destinations under 02 referred to in footnote No 7 to the Annex of Commission Regulation (EEC) No 2316/92 ⁽¹⁰⁾.

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

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 49.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁶⁾ OJ No L 83, 3. 4. 1991, p. 6.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁸⁾ OJ No L 292, 8. 10. 1992, p. 11.

⁽⁹⁾ OJ No L 164, 18. 6. 1992, p. 22.

⁽¹⁰⁾ OJ No L 222, 7. 8. 1992, p. 50.

⁽¹¹⁾ OJ No L 99, 10. 4. 1981, p. 38.

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

2. Tenders submitted under paragraph 1 (b) must relate to an equal number of forequarters and hindquarters and must quote a single price per tonne for the whole quantity of bone-in meat covered by the tender.

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

4. Only those tenders shall be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 28 October 1992.

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

Article 2

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

Article 3

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

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be ECU 300 per 100 kilograms.

Article 4

1. In respect of meat sold under this Regulation no export refund shall be granted.

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

Carne de intervención sin restitución [Reglamento (CEE) nº 3028/92];

Interventionskød uden restitution [Forordning (EØF) nr. 3028/92];

Interventionsfleisch keine Erstattung [Verordnung (EWG) Nr. 3028/92];

Κρέας παρεμβάσεως χωρίς επιστροφή [Κανονισμός (ΕΟΚ) αριθ. 3028/92];

Intervention meat without refund [Regulation (EEC) No 3028/92];

Viande d'intervention sans restitution [Règlement (CEE) n° 3028/92];

Carni d'intervento senza restituzione [Regolamento (CEE) n. 3028/92];

Vlees uit interventievoorraden zonder restitutie [Verordening (EEG) nr. 3028/92];

Carne de intervenção sem restituição [Regulamento (CEE) nº 3028/92].

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

Article 5

In part I of the Annex to Regulation (EEC) No 569/88, 'Products to be exported in the same state as that in which they were when removed from intervention stock', the following item 135 and footnote are added:

'135. Commission Regulation (EEC) No 3028/92 of 21 October 1992 on the sale by procedure laid down in Regulation (EEC) No 2539/84 of bone-in beef held by certain intervention agencies and intended for export⁽¹³⁵⁾.

⁽¹³⁵⁾ OJ No L 306, 22. 10. 1992, p. 32.'

Article 6

Regulation (EEC) No 1551/92 is hereby repealed.

Article 7

This Regulation shall enter into force on 28 October 1992.

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

Done at Brussels, 21 October 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio mínimo expresado en ecus por tonelada Mindstepriser i ECU/ton Mindestpreise, ausgedrückt in ECU/Tonne Ελάχιστες τιμές πώλησεως εκφραζόμενες σε Ecu ανά τόνο Minimum prices expressed in ecus per tonne Prix minimaux exprimés en écus par tonne Prezzi minimi espressi in ecu per tonnellata Minimumprijzen uitgedrukt in ecu per ton Preço mínimo expresso em ecus por tonelada
a) Deutschland	— Vorderviertel, stammend von : Kategorien A/C, Klassen U, R und O	10 000	450
	— Hinterviertel, stammend von : Kategorien A/C, Klassen U, R und O	10 000	550
France	— Quartiers avant : catégorie A/C, classes U, R et O	10 000	450
	— Quartiers arrière : catégorie A/C, classes U, R et O	10 000	550
Ireland	Forequarters, from : Category C, classes U, R and O	2 000	450
	Hindquarters, from : Category C, classes U, R and O	2 000	550
Italia	— Quarti anteriori, provenienti da : categoria A, classi U, R e O	1 500	450
	— Quarti posteriori, provenienti da : categoria A, classi U, R e O	1 500	550
Danmark	— Bagfjerdinger af : kategori A/C, klasse R og O	4 000	550
Belgique/België	— Quartiers avant provenant de : Voorvoeten, afkomstig van : catégorie A, classes U, R et O Categorie A, klassen U, R en O	500	450
	— Quartiers arrière provenant de : Achtervoeten, afkomstig van : catégorie A, classes U, R et O Categorie A, klassen U, R en O	1 000	550
b) Deutschland	Kompensierte Viertel ⁽¹⁾ mit Knochen, stammend von : Kategorien A/C, Klassen U, R und O	10 000	500

(1) Nombre égal de quartiers avant et de quartiers arrière.

(1) Equal number of forequarters and hindquarters.

(1) Gleiche Anzahl Vorder- und Hinterviertel.

(1) Numero uguale di quarti anteriori e posteriori.

(1) Een gelijk aantal voor- en achtervoeten.

(1) Lige stort antal forfjerdinger og bagfjerdinger.

(1) Ίσος αριθμός μπροστινών και πισινών τετάρτων.

(1) Número igual de cuartos delanteros y traseros.

(1) Número igual de quartos dianteiros e de quartos traseiros.

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

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

- DEUTSCHLAND :** Bundesanstalt für landwirtschaftliche Marktordnung (BALM)
Geschäftsbereich 3 (Fleisch und Fleischerzeugnisse)
Postfach 180 107 — Adickesallee 40
D-6000 Frankfurt am Main 18
Tel. (069) 1 56 47 72/3
Telex : 04 11 156, Telefax : 069 15 64 791
- FRANCE :** Ofival
Tour Montparnasse
33, avenue du Maine
F-75755 Paris Cedex 15
(tél. : 45 38 84 00 ; télex : 20 54 76)
- IRELAND :** Department of Agriculture and Food
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 2278 and 3806
Telefax (01) 61 62 63, (01) 78 52 14 and (01) 662 01 98
Telex 93 292 and 93 607
- ITALIA :** Azienda di Stato per gli interventi nel mercato agricolo (AIMA)
Via Palestro 81
I-00185 Roma
Tel. 49 49 91
Telex 61 30 03
- DANMARK :** EF-Direktoratet
Frederiksborggade 18
DK-1360 København K
(tlf. (33) 92 70 00, telex 151 37 EFDIR DK, telefax (33) 92 69 48)
- BELGIQUE/BELGIË :** Office belge de l'économie et de l'agriculture
Rue de Trèves 82
B-1040 Bruxelles
[tél. (2) 287 24 11 ; télex 24076 OBEA BRU B, 65567 OBEA BRU B ; téléfax (2) 230 25 33]
- Belgische dienst voor bedrijfsleven en landbouw
Trierstraat 82
B-1040 Brussel

COMMISSION REGULATION (EEC) No 3029/92**of 21 October 1992****fixing the maximum export refund for white sugar for the 25th 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 25th 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 25th 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 42,605 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 22 October 1992.

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

Done at Brussels, 21 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 3030/92
of 21 October 1992
fixing the import levies on white sugar and raw sugar

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1813/92 ⁽³⁾, as last amended by Regulation (EEC) No 3014/92 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1813/92 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

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

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

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

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

Whereas these exchange rates being those recorded on 20 October 1992,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 22 October 1992.

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

Done at Brussels, 21 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 183, 3. 7. 1992, p. 18.

⁽⁴⁾ OJ No L 305, 21. 10. 1992, p. 8.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 21 October 1992 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	39,40 ⁽¹⁾
1701 11 90	39,40 ⁽¹⁾
1701 12 10	39,40 ⁽¹⁾
1701 12 90	39,40 ⁽¹⁾
1701 91 00	46,34
1701 99 10	46,34
1701 99 90	46,34 ⁽²⁾

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

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

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

COMMISSION REGULATION (EEC, ECSC) No 3031/92

of 21 October 1992

amending Regulation (EEC, ECSC) No 2725/92 concerning the implementation of Council Regulation (EEC) No 2656/92 and Decision 92/470/ECSC concerning certain technical modalities in connection with the application of respectively Regulation (EEC) No 1432/92 and Decision 92/285/ECSC prohibiting trade between the European Economic Community and the European Coal and Steel Community on the one hand, and the Republics of Serbia and Montenegro on the other hand

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Council Regulation (EEC) No 2656/92 of 8 September 1992 concerning certain technical modalities in connection with the application of Regulation (EEC) No 1432/92 prohibiting trade between the European Economic Community and the Republics of Serbia and Montenegro⁽¹⁾, and in particular Article 3 thereof,

Having regard to Decision 92/470/ECSC of the Representatives of the Governments of the Member States meeting within the Council of 8 September 1992 concerning certain technical modalities in connection with the application of Decision 92/285/ECSC prohibiting trade between the European Coal and Steel Community and the Republics of Serbia and Montenegro⁽²⁾, and in particular Article 3 thereof,

Whereas it is necessary to amend Commission Regulation (EEC, ECSC) No 2725/92⁽³⁾ in order to facilitate its application;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the committees established by Article 3 of Regulation (EEC) No 2656/92 and of Decision 92/470/ECSC,

HAS ADOPTED THIS REGULATION:

Article 1

Article 4 of Regulation (EEC, ECSC) No 2725/92 is hereby replaced by the following:

'Article 4

The import licence referred to in Article 2 shall, as far as possible, contain:

- (a) the name of the importer and exporter;
- (b) a description of the products, including:
 - their commercial designation and their end-use,
 - a description of the products in accordance with the International Convention on the Harmonized Commodity Description and Coding System (HS),
 - the quantity expressed in the appropriate units,
 - the value expressed in the currency of the sale contract;
- (c) the designation and full postal address of the issuing authority and validation stamp.

The name of the country or territory of destination on the import licence shall be one of those referred to in Article 1 of Regulation (EEC) No 2656/92.'

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 apply with effect from 19 September 1992.

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

Done at Brussels, 21 October 1992.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 266, 12. 9. 1992, p. 27.

⁽²⁾ OJ No L 266, 12. 9. 1992, p. 29.

⁽³⁾ OJ No L 276, 19. 9. 1992, p. 18.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 8 October 1992

laying down certain measures to facilitate transition to the new arrangements
for the organization of veterinary checks provided for in Article 8 of Council
Directive 91/496/EEC

(92/501/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Directive 91/496/EEC of
15 July 1991 laying down the principles governing the
organization of veterinary checks on animals entering the
Community from third countries and amending Direc-
tives 89/662/EEC, 90/425/EEC and 90/675/EEC⁽¹⁾, as
amended by Directive 92/438/EEC⁽²⁾, and in particular
Article 28 thereof,

Whereas until such time as the computerized system for
veterinary checking procedures referred to in Article 12
(4) of Directive 91/496/EEC is operational, the procedures
to be followed for imports of certain animals must be laid
down, particularly the procedures relating to notification
of the import conditions applied by the Member State of
destination;

Whereas it is necessary to take into consideration the
animals of species not covered by Annex A of Council
Directive 90/425/EEC of 26 June 1990 concerning veteri-
nary and zootechnical checks applicable in intra-
Community trade in certain live animals and products
with a view to the completion of the internal market⁽³⁾, as
last amended by Directive 91/628/EEC⁽⁴⁾;

Whereas it is necessary to provide for a period of adapta-
tion for the new control system; whereas the transitional

measures to be laid down must be strictly necessary as
regards their scope and their duration with a view to faci-
litating this adaptation;

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

HAS ADOPTED THIS DECISION:

Article 1

The provisions of this Decision shall apply where, under
the terms of Article 8 (A) (1) (b) (i) of Directive
91/496/EEC, the following are presented at a border
inspection post:

- animals referred to in Council Directives 91/67/
EEC⁽⁵⁾ and 91/68/EEC⁽⁶⁾,
- animals of species which on 8 July 1992 are not
covered by Annex A to Directive 90/425/EEC.

Article 2

If the Member State of destination has notified the
Member State of entry of its import conditions, where
necessary duly translated, the importer shall, where appro-
priate, obtain prior agreement from the Member State or
Member States of transit for transport of the consignment
via its or their territory.

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 56.

⁽²⁾ OJ No L 243, 25. 8. 1992, p. 27.

⁽³⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽⁴⁾ OJ No L 340, 11. 12. 1991, p. 17.

⁽⁵⁾ OJ No L 46, 19. 2. 1991, p. 1.

⁽⁶⁾ OJ No L 46, 19. 2. 1991, p. 19.

The central competent authority shall inform their border inspection posts about the import conditions mentioned in the first paragraph which have been transmitted to it.

Article 3

1. If the condition laid down in Article 2 is not fulfilled, the provisions of this Article shall apply.

2. The importer shall obtain prior agreement from the official veterinarian at the border inspection post of entry, acting upon instruction from the central competent authority, for presentation of the animals at that border inspection post.

3. Where appropriate, the importer shall obtain prior agreement from the Member State or Member States of transit for transport of the consignment via its or their territory.

4. At the request of the importer, the competent authority of the Member State of destination shall officially notify the conditions subject to which the animals referred to in Article 1 may enter its territory.

Such notification must be addressed to the importer of the consignment and must contain the following information :

- the address of the border inspection post at which the animals will be presented,
- the consignment of animals to which it refers, with indication of the third country of origin,
- the animal health conditions which the animals must fulfil,
- the name and address of the importer and the consignee.

The competent authority of the Member State of destination shall send, by the most expeditious means available, a copy of the official notification to the central competent

authority of the Member State of introduction, and/or to the border inspection post of entry.

5. On arrival at the border inspection post of entry, the importer must present to the veterinary inspection staff the official notification referred to in paragraph 4 and, if necessary, supply an authenticated translation in the language used at the border inspection post of entry.

6. The official veterinarian responsible for checks at the border inspection post must keep the official notifications presented by importers in accordance with paragraph 5 and send them each month to the competent authorities which issued them.

Article 4

The Commission shall monitor developments in the situation and lay down any other measure necessary pursuant to Article 28 of Directive 91/496/EEC, in particular for certain animals of species which will, before 31 December 1992, be covered by Annex A to Directive 90/425/EEC.

Article 5

This Decision shall apply until 31 December 1992.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 8 October 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION

of 16 October 1992

authorizing the Federal Republic of Germany to permit temporarily the marketing of bitter white lupin seed not satisfying the requirements of Council Directive 66/401/EEC

(92/502/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ⁽¹⁾, as last amended by Commission Directive 92/19/EEC ⁽²⁾, and in particular Article 17 thereof,

Having regard to Commission Directive 86/109/EEC of 27 February 1986, limiting the marketing of seed of certain species of fodder plants and oil and fibre plants to seed which has been officially certified as 'basic seed' or 'certified seed' ⁽³⁾, as last amended by Directive 91/376/EEC ⁽⁴⁾, and in particular Article 2a thereof,

Having regard to the request submitted by the Federal Republic of Germany,

Whereas in Germany the production of seed of bitter white lupin satisfying the requirements of Directive 66/401/EEC has been insufficient in 1991 and therefore is not adequate to meet that country's needs;

Whereas it is not possible to cover this demand satisfactorily with such seed from other Member States or from third countries satisfying all the requirements laid down in Directive 66/401/EEC;

Whereas the Federal Republic of Germany should therefore be authorized to permit for a period expiring on 31 October 1992 the marketing of seed of the abovementioned species which does not satisfy the requirements laid down in the said Directive;

Whereas, moreover, other Member States, which are able to supply the Federal Republic of Germany with such seed not satisfying the requirements of the said Directive should be authorized to permit the marketing of such seed provided it is intended for the Federal Republic of Germany;

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

on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The Federal Republic of Germany is authorized to permit, for a period expiring on 31 October 1992, the marketing in its territory of a maximum of 400 tonnes of commercial seed of bitter white lupin (*Lupinus albus L.*). The official label shall state: 'Intended exclusively for Germany'.

Article 2

The other Member States are hereby authorized to permit, subject to the conditions laid down in Article 1, the marketing in their territory of a total amount of 400 tonnes of commercial seed of bitter white lupin (*Lupinus albus L.*) provided that it is intended exclusively for the Federal Republic of Germany. The official label shall state: 'Intended exclusively for Germany'.

Article 3

Member States shall notify the Commission before 31 December 1992 of the quantities of seed marketed in their territory pursuant to this Decision. The Commission shall inform the other Member States thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 16 October 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2298/66.

⁽²⁾ OJ No L 104, 22. 4. 1992, p. 61.

⁽³⁾ OJ No L 93, 8. 4. 1986, p. 21.

⁽⁴⁾ OJ No L 203, 26. 7. 1991, p. 108.