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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3056/92

of 23 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 22 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 24 October 1992.

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

Done at Brussels, 23 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 23 October 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy (°)
0709 90 60	134,42 (°) (°)
0712 90 19	134,42 (°) (°)
1001 10 10	167,09 (°) (°) (°)
1001 10 90	167,09 (°) (°) (°)
1001 90 91	137,42
1001 90 99	137,42 (°)
1002 00 00	154,76 (°)
1003 00 10	122,61
1003 00 90	122,61 (°)
1004 00 10	115,04
1004 00 90	115,04
1005 10 90	134,42 (°) (°)
1005 90 00	134,42 (°) (°)
1007 00 90	137,91 (°)
1008 10 00	48,97 (°)
1008 20 00	109,63 (°)
1008 30 00	46,58 (°)
1008 90 10	(°)
1008 90 90	46,58
1101 00 00	205,27 (°) (°)
1102 10 00	229,55 (°)
1103 11 10	271,70 (°) (°)
1103 11 90	221,20 (°)

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

COMMISSION REGULATION (EEC) No 3057/92

of 23 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 22 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 24 October 1992.

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

Done at Brussels, 23 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 23 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	11,61
1001 90 99	0	0	0	11,61
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	16,42

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	20,67	20,67
1107 10 19	0	0	0	15,44	15,44
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 3058/92

of 22 October 1992

on arrangements for imports into the Community of certain textile products
(category 7) originating in Malaysia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Malaysia before the date of entry into force of this Regulation ;

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 4136/86 of 22 December 1986 on common rules for imports of certain textile products originating in third countries ⁽¹⁾, as last amended by Commission Regulation (EEC) No 1539/92 ⁽²⁾, and in particular Article 11 thereof,

HAS ADOPTED THIS REGULATION :

Article 1

Whereas Article 11 of Regulation (EEC) No 4136/86 lays down the conditions under which quantitative limits may be established ; whereas imports into the Community of certain textile products (category 7) specified in the Annex hereto and originating in Malaysia have exceeded the level referred to in Article 11 (2) ;

Without prejudice to the provisions of Article 2, imports into the Community of the category of products originating in Malaysia and specified in the Annex hereto shall be subject to the provisional quantitative limits set out in that Annex.

Article 2

Whereas, in accordance with Article 11 (5) of Regulation (EEC) No 4136/86, on 25 September 1992, Malaysia was notified of a request for consultations ; whereas, pending a mutually satisfactory solution, the Commission has requested Malaysia for a provisional period of three months to limit its exports to the Community of products falling within category 7 to the provisional quantitative limits set out in the Annex with effect from the date of the request for consultations ; whereas pending the outcome of the requested consultations quantitative limits identical to those requested of the supplier country should be applied provisionally to imports of the category of products in question ;

1. Products referred to in Article 1 shipped from Malaysia to the Community before the date of entry into force of this Regulation and not yet released for free circulation, shall be so released subject to the presentation of a bill of lading or other transport document proving that shipment actually took place during that period.

2. Imports of products shipped from Malaysia to the Community after the entry into force of this Regulation shall be subject to the double-checking system described in Annex VI to Regulation (EEC) No 4136/86.

Whereas Article 11 (13) ensures that the quantitative limits are observed by means of a double-checking system in accordance with Annex VI to Regulation (EEC) No 4136/86 ;

3. All quantities of products shipped from Malaysia to the Community on or after 25 September 1992 and released for free circulation shall be deducted from the quantitative limits laid down. These provisional limits shall not, however, prevent the importation of products covered by them but shipped from Malaysia before the date of entry into force of this Regulation.

Whereas the products in question exported from Malaysia between 25 September 1992 and the date of entry into force of this Regulation must be set off against the quantitative limits which have been introduced ;

Article 3

Whereas these quantitative limits should not prevent the importation of products covered by them shipped from

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

It shall apply from 25 September until 24 December 1992.

⁽¹⁾ OJ No L 387, 31. 12. 1986, p. 42.⁽²⁾ OJ No L 163, 17. 6. 1992, p. 9.

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

Done at Brussels, 22 October 1992.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Category	CN code	Description	Third country	Unit	Member State	Quantitative limits from 25 September to 24 December 1992
7	6106 10 00	Women's or girls' blouses, shirts and shirt-blouses, whether or not knitted or crocheted, of wool, cotton or man-made fibres	Malaysia	1 000 pieces	D	971
	6106 20 00				F	506
	6106 90 10				I	79
					BNL	243
	6206 20 00				UK	3 838
	6206 30 00				IRL	14
	6206 40 00				DK	118
					GR	9
					E	106
					P	9
					EEC	5 893

COMMISSION REGULATION (EEC) No 3059/92
of 23 October 1992

reintroducing the levying of the customs duties applicable to products of CN code ex 0603 10 53 originating in Colombia to which the preferential arrangements of Council Regulation 3835/90 apply

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

Having regard to Council Regulation (EEC) No 3835/90 ⁽¹⁾ amending Regulations (EEC) No 3831/90, (EEC) No 3832/90 and (EEC) No 3833/90 in respect of the system of generalized tariff preferences applied to certain products originating in Bolivia, Colombia, Ecuador and Peru, extended for 1992 by Regulation (EEC) No 3587/91 ⁽²⁾ and in particular Article 3 thereof,

Whereas, pursuant to Article 3 of the abovementioned Regulation (EEC) No 3835/90, amongst others, carnations with CN code ex 0603 10 53, originating in Colombia, are allowed to be imported into the Community free of duty; whereas to these products the provisions of Articles 7 to 12 of Regulation (EEC) No 3833/90 are applied;

Whereas, pursuant to Article 7 of that Regulation, the customs duties applied in the Community can partially or wholly be reintroduced, if the importations of the abovementioned products are made into the Community in such quantities that they bring or threaten to bring a severe prejudice to Community producers of similar or directly competitive products;

Whereas the preferential imports of certain carnations from Colombia are made in such quantities that they threaten to bring a grave prejudice to Community produ-

cers of these products; whereas, from this fact, it is appropriate to reintroduce a partial levying, as soon as possible, of common customs duties in their regard,

HAS ADOPTED THIS REGULATION:

Article 1

As from 27 October 1992, the levying of customs duties, suspended for 1992, pursuant to Regulation (EEC) No 3835/90, shall be reintroduced at a rate of 70 % of the customs duties applicable to third countries, on imports into the Community of the following products, originating in Colombia:

CN code	Description
ex 0603 10 53	Carnations : — with stems of a length equal to or greater than 0 cm and not exceeding 30 cm

Article 2

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

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

Done at Brussels, 23 October 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 126.

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

COMMISSION REGULATION (EEC) No 3060/92

of 23 October 1992

opening and providing for the administration of Community tariff quotas for certain agricultural products originating in the African, Caribbean and Pacific States (1993)

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

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

Whereas Article 16 of Regulation (EEC) No 715/90 provide for the opening by the Community of quotas for imports of the following:

- 1 000 tonnes of fresh apples falling within CN code 0808 10, for the period 1 January to 31 December, and
- 1 000 tonnes of fresh pears falling within CN codes 0808 20 10 to 0808 20 39, for the period 1 January to 31 December,

originating in the countries in question;

Whereas it is in particular necessary to ensure that all Community importers enjoy equal and uninterrupted access to the abovementioned quotas and that the rates laid down for those quotas should apply consistently to all

imports of the products concerned into all Member States until the quotas have been used up; whereas, in the present case, it would appear advisable not to allocate the quotas among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need, under the conditions and according to the procedures specified in Article 3;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of the quotas may be carried out by any of its members;

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

HAS ADOPTED THIS REGULATION:

Article 1

The customs duties applicable to imports into the Community of the following products originating in the African, Caribbean and Pacific States shall be suspended at the levels indicated and within the limits of the Community tariff quotas as shown below:

Order No	CN code	Description	Amount of quota (tonnes)	Quota duty (%)
09.1610	0808 10 10	Fresh apples, from 1 January to 31 December 1993	1 000	4,5
	0808 10 31			min 0,2 ECU/100 kg/net
	0808 10 33			7
	0808 10 39			min 1,2 ECU/100 kg/net
	0808 10 51			4
	0808 10 53			min 1,1 ECU/100 kg/net
	0808 10 59			3
	0808 10 81			min 0,7 ECU/100 kg/net
	0808 10 83			
	0808 10 89			
09.1612	0808 20 10	Fresh pears, from 1 January to 31 December 1993	1 000	4,5
	0808 20 31			min 0,2 ECU/100 kg/net
	0808 20 33			5
	0808 20 35			min 0,7 ECU/100 kg/net
	0808 20 39			2,5
				min 1 ECU/100 kg/net
				5
				min 0,7 ECU/100 kg/net
				6,5
				min 1 ECU/100 kg/net

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 52, 27. 2. 1992, p. 7.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer presents an entry for release for free circulation in a Member State in respect of a product covered by this Regulation, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to requirements from the quota.

Requests for drawings, indicating the date on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries

for release for free circulation, to the extent that the available balance so permits.

If a Member State does not use a drawing in full, it shall return any unused portion to the corresponding quota as soon as possible.

If the quantities requested are greater than the available balance of the quota, the balance shall be allocated among applicants *pro rata*. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products concerned have free access to the quotas for such time as the residual balance of the quotas so permits.

Article 5

The Member States and the Commission shall cooperate closely in order to ensure that this Regulation is complied with.

Article 6

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 23 October 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EEC) No 3061/92

of 23 October 1992

opening and providing for the administration of Community tariff quotas for certain agricultural products originating in the African, Caribbean and Pacific States (1992/1993)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Articles 16 of Regulation (EEC) No 715/90 provide for the opening by the Community of quotas for imports of the following:

- 2 000 tonnes of tomatoes, other than cherry tomatoes falling within CN codes ex 0702 00 10, for the period 15 November to 30 April,
- 2 000 tonnes of cherry tomatoes, falling within CN code ex 0702 00 10, for the period 15 November to 30 April,
- 200 tonnes of fresh figs falling within CN code ex 0804 20 10, for the period 1 November to 30 April,
- 1 500 tonnes of fresh strawberries falling within CN code ex 0810 10 90, for the period 1 November to 28 February;

Whereas within the limits of these tariff quotas, customs duties are phased out progressively;

- during the same periods and in accordance with the same timetables provided for in Articles 75 and 268 of the Act of Accession of Spain and Portugal, concerning the tariff quotas for chilled tomatoes, fresh figs and, strawberries,
- by 60 % of the said duties concerning the tariff quota in relation to tomatoes other than cherry tomatoes and that these maximal reduction rates shall be applied from the moment of entry into force of the present Regulation;

Whereas under Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the third ACP-EEC Convention consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Community⁽³⁾, the abovementioned tariff concession will apply in Spain and in Portugal; whereas within the limits of their tariff quotas Spain and Portugal apply customs duties calculated in accordance with the abovementioned protocol to the third ACP-EEC Convention;

Whereas it is in particular necessary to ensure that all Community importers enjoy equal and uninterrupted access to the abovementioned quotas and that the rates laid down for those quotas should apply consistently to all imports of the products concerned into all Member States until the quotas have been used up; whereas, in the present case, it would appear advisable not to allocate the quotas among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need, under the conditions and according to the procedures specified in Article 3;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of the quotas may be carried out by any of its members;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The customs duties applicable to imports into the Community of the following products originating in the African, Caribbean and Pacific States shall be suspended at the levels indicated and within the limits of the Community tariff quotas as shown below:

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽³⁾ OJ No L 172, 30. 6. 1987, p. 1.

Order No	CN code ⁽¹⁾	Description	Amount of quota (tonnes)	Quota duty (%)
09.1601	ex 0702 00 10	Tomatoes, fresh or chilled, from 15 November 1992 to April 1993	2 000	4,4 min 0,8 ECU/100 kg/net
09.1613	ex 0702 00 10	Cherry tomatoes, fresh or chilled from 15 November 1992 to 30 April 1993	2 000	— from 15 November to 31 December 1992 : 0,2 ECU/100 kg/net ⁽²⁾ — from 1 January to 30 April 1993 : 0
09.1608	ex 0804 20 10	Fresh figs, from 1 November 1992 to 30 April 1993	200	0
09.1603	ex 0810 10 90	Fresh strawberries, from 1 November 1992 to 28 February 1993	1 500	— from 1 November to 31 December 1992 : 2,5 — from 1 January to 28 February 1993 : 0

⁽¹⁾ Taric codes appear in the Annex.

⁽²⁾ This specific customs duty is only levied when it exceeds 2 % *ad valorem*.

2. From that date and within the limits of the tariff quotas Spain and Portugal shall apply customs duties calculated in accordance with the Protocol to the third ACP-EEC Convention consequent on the Accession of Spain and Portugal to the European Communities.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer preserves an entry for release for free circulation in a Member State in respect of a product covered by this Regulation, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to requirements from the quota.

Requests for drawings, indicating the data on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries

for release for free circulation to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota as soon as possible.

If the quantities requested are greater than the available balance of the quota, the balance shall be allocated among applicants *pro rata*. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products concerned have free access to the quotas for such time as the residual balance of the quotas so permits.

Article 5

The Member States and the Commission shall cooperate closely in order to ensure that this Regulation is complied with.

Article 6

This Regulation shall enter into force on 1 November 1992.

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

Done at Brussels, 23 October 1992.

For the Commission
Christiane SCRIVENER
Member of the Commission

ANNEX

Taric codes⁽¹⁾

Order No	CN code	Taric code
09.1601	ex 0702 00 10	0702 00 10 * 29 0702 00 10 * 39 0702 00 10 * 49 0702 00 10 * 59 0702 00 10 * 69 0702 00 10 * 79 0702 00 10 * 84
09.1613	ex 0702 00 10	0702 00 10 * 21 0702 00 10 * 31 0702 00 10 * 41 0702 00 10 * 51 0702 00 10 * 61 0702 00 10 * 71 0702 00 10 * 81
09.1608	ex 0804 20 10	0804 20 10 * 10 0804 20 10 * 20 0804 20 10 * 30
09.1603	ex 0810 10 90	0810 10 90 * 31 0810 10 90 * 35

⁽¹⁾ The Taric codes shown are those applicable on the date of entry into force of the present Regulation.

COMMISSION REGULATION (EEC) No 3062/92

of 23 October 1992

adopting exceptional support measures for the market in pigmeat in the Netherlands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Article 20 thereof,

Whereas, on account of an outbreak of swine vesicular disease in a production region in the Netherlands, a temporary ban has been placed on the movement of live pigs from the affected area and on the dispatch of meat of such pigs to the other Member States;

Whereas restrictions on the free movement of goods resulting from the application of veterinary measures in the protection zone are likely to bring about serious disturbance of the market for pigmeat in the Netherlands, the balance of which depends to a large extent on intra-Community trade without barriers; whereas exceptional market support measures, to apply for the period of three weeks during which the veterinary measures are in force, must accordingly be adopted with respect solely to certain sensitive pigmeat products from the affected area;

Whereas private storage aid should be fixed to that end in accordance with the detailed rules for granting private storage aid for pigmeat laid down in Commission Regulation (EEC) No 3444/90⁽³⁾;

Whereas the Netherlands authorities should be authorized to designate the places of slaughter and storage in order to limit the risks of infection;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 26 October to 13 November 1992, applications for private storage aid may be submitted to the Netherlands intervention agency in accordance with the

provisions of Commission Regulation (EEC) No 3444/90 and of this Regulation.

Only products from pigs reared on farms located in the protection zone referred to in point (b) of the Annex to Commission Decision 92/478/EEC⁽⁴⁾ and slaughtered in the slaughterhouses designated by the Netherlands authority may qualify for such aid. The Netherlands authorities shall take all measures necessary to ensure compliance with these provisions.

The list of products which may qualify for the aid and the relevant amounts shall be as set out in the Annex.

2. Storage shall last at least one month and at most six months at the storer's discretion. Where the duration of storage exceeds one month, the aid shall be adjusted accordingly. Supplementary amounts per month and per day shall be as set out in the Annex.

Article 2

The minimum quantity per contract and per product shall be five tonnes.

The Netherlands authorities may designate the places of storage in accordance with veterinary requirements.

Article 3

The security shall amount to 20 % of the aid set out in the Annex.

Article 4

Without prejudice to the notifications provided for in Article 15 of Regulation (EEC) No 3444/90, the Netherlands shall inform the Commission on Tuesday and Thursday each week of the quantities of products in respect of which applications to conclude contracts have been submitted since the preceding notification.

Article 5

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

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 333, 30. 11. 1990, p. 22.

⁽⁴⁾ OJ No L 282, 26. 9. 1992, p. 52.

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

Done at Brussels, 23 October 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

(Ecu per tonne)

CN code	Products in respect of which aid is granted	Amount of aid for a storage period of one month	Supplement	
			per month	per day
ex 0203	Meat of domestic swine, fresh or chilled :			
ex 0203 11 10	Half carcasses without the head, forefoot, tail, flare fat, kidney, thin skirt and spinal cord ⁽¹⁾	223	41	1,37
ex 0203 12 11	Legs	278	47	1,56
ex 0203 12 19	Shoulders	278	47	1,56
ex 0203 19 11	Fore-ends	278	47	1,56
ex 0203 19 13	Loins, with or without the neck-end, or neck-ends separately, loins with or without the chump ⁽²⁾ ⁽³⁾	278	47	1,56
ex 0203 19 15	Bellies, whole or trimmed by rectangular cut	109	36	1,20

⁽¹⁾ The aid may be granted for half carcasses presented as Wiltshire sides, i.e. without the head, cheek, chap, feet, tail, flare fat, kidney, tenderloin, blade bone, sternum, vertebral column, pelvic bone and diaphragm.

⁽²⁾ Loins and neck-ends may be with or without rind, the adherend layer of fat, however, not exceeding 25 mm in depth.

⁽³⁾ The quantity contracted may cover any combination of the products mentioned.

COMMISSION REGULATION (EEC) No 3063/92
of 23 October 1992

amending Regulation (EEC) No 2729/81 laying down special rules implementing the system of import and export licences and the advance fixing of refunds in respect of milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 July 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 2071/90 ⁽²⁾, and in particular Articles 13 (3) and 17 (4) thereof,

Whereas Annex II to Commission Regulation (EEC) No 2729/81 of 14 September 1981 ⁽³⁾, as last amended by Regulation (EEC) No 110/92 ⁽⁴⁾, lays down the maximum terms of validity of export licences with advance fixing of the refund; whereas the situation on the market, in particular for butter and butteroil, makes it necessary to reduce the maximum term of validity of licences for such products in order for the trend in exports over shorter periods;

Whereas Article 1 of Regulation (EEC) No 2729/81 lays down the securities for import and export licences; whereas in order to take account of the reduction in the term of validity of licences for butter and butteroil, the security for those products should be reduced;

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2729/81 is hereby amended as follows:

1. Article 1 is replaced by the following:

'Article 1

1. Securities for import and export licences per 100 kilograms net of product shall be:

- ECU 2,50 for products covered by CN codes 0401 and 0403,
- ECU 7,50 for products covered by CN code 0406,
- ECU 5,00 for products covered by CN code 0405,
- ECU 5,00 for the other products listed in Article 1 of Regulation (EEC) No 804/68.

2. However, no securities need be lodged in the case of export licences as referred to in Article 6 (1).'

2. Annex II is replaced by the Annex to this Regulation.

Article 2

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

It shall apply to licences applied for after the date of its entry into force.

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

Done at Brussels, 23 October 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 272, 26. 9. 1981, p. 19.

⁽⁴⁾ OJ No L 12, 18. 1. 1992, p. 14.

ANNEX

ANNEX II

Term of validity of export licences with advance fixing of the refund

Term of validity	CN code	Description	Compulsory destination (1)
(a) Until the end of the fourth month following that of issue of the licence	0406	Cheese and curd	Zone E and Canada
(b) Until the end of the third month following that of issue of the licence	0405 00	Butter and other fats and oils derived from milk	—
(c) Until the end of the sixth month following that of issue of the licence	The products listed in Article 1 of Regulation (EEC) No 804/68 excepting those listed in point (a) and intended for export to the destinations in point (a), and those in (b)		—

(1) See Article 11 (3). However, where Annex I excludes advance fixing of the refund on certain products and destinations, the issue of an export licence for such products makes it compulsory to export to a destination other than that indicated in Annex I.

COMMISSION REGULATION (EEC) No 3064/92

of 23 October 1992

fixing the export refunds on milk and milk products and amending Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 2071/92 ⁽²⁾, and in particular Article 17 (4) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 1344/86 ⁽⁴⁾, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 3 (1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5 (1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products ⁽⁵⁾, as last amended by Regulation (EEC) No 2767/90 ⁽⁶⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 267, 29. 9. 1990, p. 14.

the products listed in Article 1 (1) (d) of 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⁾;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽³⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁴⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 150 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84 ⁽⁵⁾, as last amended by Regulation (EEC) No 222/88 ⁽⁶⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas Commission Regulation (EEC) No 3846/87 ⁽⁷⁾, as last amended by Regulation (EEC) No 2785/92 ⁽⁸⁾, established the combined nomenclature applicable to export refunds for agricultural products;

Whereas, in accordance with current tariff classification rules, frozen condensed milk is considered to be a solid product for which the refund granted is higher than that applicable to normal condensed milk; whereas the refund applicable to the product should consequently be specified and Sector 10 of the Annex to Regulation (EEC) No 3846/87 should be adjusted accordingly;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

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

Whereas Council Regulation (EEC) No 1432/92 ⁽⁹⁾, as amended by Regulation (EEC) No 2015/92 ⁽¹⁰⁾, 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, moreover, so as not to penalize the charitable organizations which have continued to supply humanitarian aid despite the abolition of refunds on 12 June 1992, this new measure should be applied retrospectively;

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.

Article 2

Footnote ⁽¹¹⁾ in Sector 10 of the Annex to Regulation (EEC) No 3846/87 reads as follows:

⁽¹¹⁾ The refund on frozen condensed milk is the same as that on products in subheadings 0402 91 or 0402 99.'

Article 3

This Regulation shall enter into force on 24 October 1992.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 91, 1. 4. 1984, p. 71.

⁽⁶⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁷⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁸⁾ OJ No L 281, 25. 9. 1992, p. 16.

⁽⁹⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽¹⁰⁾ OJ No L 205, 22. 7. 1992, p. 2.

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

Done at Brussels, 23 October 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 23 October 1992 fixing the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund (")
0401 10 10 000		6,36
0401 10 90 000		6,36
0401 20 11 100		6,36
0401 20 11 500		9,61
0401 20 19 100		6,36
0401 20 19 500		9,61
0401 20 91 100		12,65
0401 20 91 500		14,67
0401 20 99 100		12,65
0401 20 99 500		14,67
0401 30 11 100		18,72
0401 30 11 400		28,65
0401 30 11 700		42,84
0401 30 19 100		18,72
0401 30 19 400		28,65
0401 30 19 700		42,84
0401 30 31 100		50,94
0401 30 31 400		79,31
0401 30 31 700		87,41
0401 30 39 100		50,94
0401 30 39 400		79,31
0401 30 39 700		87,41
0401 30 91 100		99,57
0401 30 91 400		146,17
0401 30 91 700		170,49
0401 30 99 100		99,57
0401 30 99 400		146,17
0401 30 99 700		170,49
0402 10 11 000		65,00
0402 10 19 000		65,00
0402 10 91 000		0,6500
0402 10 99 000		0,6500
0402 21 11 200		65,00
0402 21 11 300		104,92
0402 21 11 500		111,53
0402 21 11 900		121,00
0402 21 17 000		65,00
0402 21 19 300		104,92
0402 21 19 500		111,53
0402 21 19 900		121,00
0402 21 91 100		122,01
0402 21 91 200		122,96
0402 21 91 300		124,71
0402 21 91 400		134,83
0402 21 91 500		138,29
0402 21 91 600		151,47
0402 21 91 700		159,41
0402 21 91 900		168,22
0402 21 99 100		122,01
0402 21 99 200		122,96
0402 21 99 300		124,71
0402 21 99 400		134,83
0402 21 99 500		138,29
0402 21 99 600		151,47
0402 21 99 700		159,41
0402 21 99 900		168,22

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

Product code	Destination (*)	Amount of refund (")
0402 29 15 200		0,6500
0402 29 15 300		1,0492
0402 29 15 500		1,1153
0402 29 15 900		1,2100
0402 29 19 200		0,6500
0402 29 19 300		1,0492
0402 29 19 500		1,1153
0402 29 19 900		1,2100
0402 29 91 100		1,2201
0402 29 91 500		1,3483
0402 29 99 100		1,2201
0402 29 99 500		1,3483
0402 91 11 110		6,36
0402 91 11 120		12,65
0402 91 11 310		19,53
0402 91 11 350		24,42
0402 91 11 370		30,28
0402 91 19 110		6,36
0402 91 19 120		12,65
0402 91 19 310		19,53
0402 91 19 350		24,42
0402 91 19 370		30,28
0402 91 31 100		24,60
0402 91 31 300		35,78
0402 91 39 100		24,60
0402 91 39 300		35,78
0402 91 51 000		28,65
0402 91 59 000		28,65
0402 91 91 000		99,57
0402 91 99 000		99,57
0402 99 11 110		0,0636
0402 99 11 130		0,1265
0402 99 11 150		0,1967
0402 99 11 310		22,53
0402 99 11 330		27,52
0402 99 11 350		37,32
0402 99 19 110		0,0636
0402 99 19 130		0,1265
0402 99 19 150		0,1967
0402 99 19 310		22,53
0402 99 19 330		27,52
0402 99 19 350		37,32
0402 99 31 110		0,2663
0402 99 31 150		38,94
0402 99 31 300		0,5094
0402 99 31 500		0,8741
0402 99 39 110		0,2663
0402 99 39 150		38,94
0402 99 39 300		0,5094
0402 99 39 500		0,8741
0402 99 91 000		0,9957
0402 99 99 000		0,9957
0403 10 02 000		—
0403 10 04 200		—
0403 10 04 300		—
0403 10 04 500		—
0403 10 04 900		—
0403 10 06 000		—
0403 10 12 000		—
0403 10 14 200		—
0403 10 14 300		—

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

Product code	Destination (*)	Amount of refund (")
0403 10 14 500		—
0403 10 14 900		—
0403 10 16 000		—
0403 10 22 100		6,36
0403 10 22 300		9,61
0403 10 24 000		12,65
0403 10 26 000		18,72
0403 10 32 100		0,0636
0403 10 32 300		0,0961
0403 10 34 000		0,1265
0403 10 36 000		0,1872
0403 90 11 000		65,00
0403 90 13 200		65,00
0403 90 13 300		104,92
0403 90 13 500		111,53
0403 90 13 900		121,00
0403 90 19 000		122,01
0403 90 31 000		0,6500
0403 90 33 200		0,6500
0403 90 33 300		1,0492
0403 90 33 500		1,1153
0403 90 33 900		1,2100
0403 90 39 000		1,2201
0403 90 51 100		6,36
0403 90 51 300		9,61
0403 90 53 000		12,65
0403 90 59 110		18,72
0403 90 59 140		28,65
0403 90 59 170		42,84
0403 90 59 310		50,94
0403 90 59 340		79,31
0403 90 59 370		87,41
0403 90 59 510		99,57
0403 90 59 540		146,17
0403 90 59 570		170,49
0403 90 61 100		0,0636
0403 90 61 300		0,0961
0403 90 63 000		0,1265
0403 90 69 000		0,1872
0404 90 11 100		65,00
0404 90 11 910		6,36
0404 90 11 950		19,53
0404 90 13 120		65,00
0404 90 13 130		104,92
0404 90 13 140		111,53
0404 90 13 150		121,00
0404 90 13 911		6,36
0404 90 13 913		12,65
0404 90 13 915		18,72
0404 90 13 917		28,65
0404 90 13 919		42,84
0404 90 13 931		19,53
0404 90 13 933		24,42
0404 90 13 935		30,28
0404 90 13 937		35,78
0404 90 13 939		37,44
0404 90 19 110		122,01
0404 90 19 115		122,96
0404 90 19 120		124,71
0404 90 19 130		134,83
0404 90 19 135		138,29

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

Product code	Destination (*)	Amount of refund (")
0404 90 19 150		151,47
0404 90 19 160		159,41
0404 90 19 180		168,22
0404 90 19 900		—
0404 90 31 100		65,00
0404 90 31 910		6,36
0404 90 31 950		19,53
0404 90 33 120		65,00
0404 90 33 130		104,92
0404 90 33 140		111,53
0404 90 33 150		121,00
0404 90 33 911		6,36
0404 90 33 913		12,65
0404 90 33 915		18,72
0404 90 33 917		28,65
0404 90 33 919		42,84
0404 90 33 931		19,53
0404 90 33 933		24,42
0404 90 33 935		30,28
0404 90 33 937		35,78
0404 90 33 939		37,44
0404 90 39 110		122,01
0404 90 39 115		122,96
0404 90 39 120		124,71
0404 90 39 130		134,83
0404 90 39 150		138,29
0404 90 39 900		—
0404 90 51 100		0,6500
0404 90 51 910		0,0636
0404 90 51 950		22,53
0404 90 53 110		0,6500
0404 90 53 130		1,0492
0404 90 53 150		1,1153
0404 90 53 170		1,2100
0404 90 53 911		0,0636
0404 90 53 913		0,1265
0404 90 53 915		0,1872
0404 90 53 917		0,2865
0404 90 53 919		0,4284
0404 90 53 931		22,53
0404 90 53 933		27,52
0404 90 53 935		37,32
0404 90 53 937		38,94
0404 90 53 939		—
0404 90 59 130		1,2201
0404 90 59 150		1,3483
0404 90 59 930		0,6107
0404 90 59 950		0,8741
0404 90 59 990		0,9957
0404 90 91 100		0,6500
0404 90 91 910		0,0636
0404 90 91 950		22,53
0404 90 93 110		0,6500
0404 90 93 130		1,0492
0404 90 93 150		1,1153

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

Product code	Destination (*)	Amount of refund (")
0404 90 93 170		1,2100
0404 90 93 911		0,0636
0404 90 93 913		0,1265
0404 90 93 915		0,1872
0404 90 93 917		0,2865
0404 90 93 919		0,4284
0404 90 93 931		22,53
0404 90 93 933		27,52
0404 90 93 935		37,32
0404 90 93 937		38,94
0404 90 93 939		—
0404 90 99 130		1,2201
0404 90 99 150		1,3483
0404 90 99 930		0,6107
0404 90 99 950		0,8741
0404 90 99 990		0,9957
0405 00 10 100		—
0405 00 10 200		133,07
0405 00 10 300		167,41
0405 00 10 500		171,71
0405 00 10 700		176,00
0405 00 90 100		176,00
0405 00 90 900		226,00
0406 10 20 100		—
0406 10 20 200		—
0406 10 20 210		—
0406 10 20 230	028	—
	032	—
	400	39,03
	404	—
	***	47,97
0406 10 20 290	028	—
	032	—
	400	39,03
	404	—
	***	47,97
0406 10 20 610	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	***	89,49
0406 10 20 620	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	***	98,13
0406 10 20 630	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	***	110,79

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

Product code	Destination (*)	Amount of refund (")
0406 10 20 640	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	***	130,00
0406 10 20 650	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	***	135,35
0406 10 20 660		—
0406 10 20 810	028	—
	032	—
	036	—
	038	—
	400	21,46
	404	—
	***	21,06
0406 10 20 830	028	—
	032	—
	036	—
	038	—
	400	37,62
	404	—
	***	35,97
0406 10 20 850	028	—
	032	—
	036	—
	038	—
	400	45,81
	404	—
	***	43,62
0406 10 20 870		—
0406 10 20 900		—
0406 10 80 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	87,74
	404	—
	***	84,94
0406 20 90 915	028	—
	032	—
	400	116,99
	404	—
	***	113,25
0406 20 90 917	028	—
	032	—
	400	124,30
	404	—
	***	120,33

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

Product code	Destination (*)	Amount of refund (")
0406 20 90 919	028	—
	032	—
	400	138,92
	404	—
	...	134,49
0406 20 90 990		—
0406 30 10 100		—
0406 30 10 150	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83
0406 30 10 200	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 250	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 300	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 350	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 400	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 450	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95

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

Product code	Destination (*)	Amount of refund (")
0406 30 10 500		—
0406 30 10 550	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68
0406 30 10 600	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42
0406 30 10 650	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 750	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 800	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 900		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83

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

Product code	Destination (*)	Amount of refund (")
0406 30 31 500	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 100		—
0406 30 39 300	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68

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

Product code	Destination (*)	Amount of refund (")
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 930	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 950	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 90 000	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 40 00 100	—	—
0406 40 00 900	028	—
	032	—
	038	—
	400	120,00
	404	—
	...	126,51
0406 90 13 000	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	159,34

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

Product code	Destination (*)	Amount of refund (")
0406 90 15 100	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	159,34
0406 90 15 900		—
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	159,34
0406 90 17 900		—
0406 90 21 100		—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	151,68
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71

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

Product code	Destination (*)	Amount of refund (")
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 31 159		—
0406 90 31 900		—
0406 90 33 111		—
0406 90 33 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 33 159		—
0406 90 33 911		—
0406 90 33 919	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83

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

Product code	Destination (*)	Amount of refund (")
0406 90 33 959		—
0406 90 35 110		—
0406 90 35 190	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	***	158,54
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	***	130,00
0406 90 61 000	028	—
	032	—
	036	90,00
	400	190,00
	404	140,00
	***	185,00
0406 90 63 100	028	—
	032	—
	036	105,03
	400	220,00
	404	160,00
	***	212,12
0406 90 63 900	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	***	165,00
0406 90 69 100		—
0406 90 69 910	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	***	165,00
0406 90 69 990		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	42,66
	400	160,00
	404	120,00
	***	151,00
0406 90 75 100		—
0406 90 75 900	028	—
	032	—
	036	—
	400	65,00
	404	—
	***	125,96

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

Product code	Destination (*)	Amount of refund (")
0406 90 77 100	028	24,00
	032	24,00
	036	—
	038	—
	400	58,77
	404	—
	...	110,79
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	75,00
	404	—
	...	135,35
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 81 100		—
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 85 100		—
0406 90 85 910	028	—
	032	—
	036	42,67
	400	160,00
	404	90,00
	...	158,54
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00

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

Product code	Destination (*)	Amount of refund (")
0406 90 85 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 85 999		—
0406 90 89 100	028	13,50
	032	13,50
	036	—
	038	—
	400	89,49
	404	—
	...	89,49
0406 90 89 200	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 90 89 300	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	151,00
0406 90 89 959	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 89 971	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	...	135,35

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

Product code	Destination (°)	Amount of refund (")
0406 90 89 972	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 89 979	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	...	135,35
0406 90 89 990		—
0406 90 93 000		—
0406 90 99 000		—
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		1,50
2309 10 15 300		2,00
2309 10 15 400		2,50
2309 10 15 500		3,00
2309 10 15 700		3,50
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		1,50
2309 10 19 300		2,00
2309 10 19 400		2,50
2309 10 19 500		3,00
2309 10 19 600		3,50
2309 10 19 700		3,75
2309 10 19 800		4,00
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		19,50
2309 10 70 200		26,00
2309 10 70 300		32,50
2309 10 70 500		39,00
2309 10 70 600		45,50
2309 10 70 700		52,00
2309 10 70 800		57,20
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		1,50
2309 90 35 300		2,00
2309 90 35 400		2,50
2309 90 35 500		3,00
2309 90 35 700		3,50
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—

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

Product code	Destination (*)	Amount of refund (")
2309 90 39 200		1,50
2309 90 39 300		2,00
2309 90 39 400		2,50
2309 90 39 500		3,00
2309 90 39 600		3,50
2309 90 39 700		3,75
2309 90 39 800		4,00
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		19,50
2309 90 70 200		26,00
2309 90 70 300		32,50
2309 90 70 500		39,00
2309 90 70 600		45,50
2309 90 70 700		52,00
2309 90 70 800		57,20
2309 90 70 900		—

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EEC) No 3518/91.

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by '—'.

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (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.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EEC) No 3065/92

of 23 October 1992

reintroducing the levying of the customs duties applicable to products of CN codes 3904 10 00, 3904 21 00 and 3904 22 00 originating in Hungary, to which the tariff ceilings of Council Regulation (EEC) No 521/92 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 521/92 of 27 February 1992 opening and providing for the administration of Community tariff quotas and ceilings for certain agricultural and industrial products originating in Hungary, Poland and the Czech and Slovak Federal Republic (CSFR)(¹), and in particular Article 3 thereof,

Whereas, pursuant to Article 1 of that Regulation, Poland, Hungary and the Czech and Slovak Federal Republic (CSFR) shall benefit from preferential tariff arrangements, in particular the preferential tariff ceilings laid down in column 5 of Annex I of that Regulation; whereas, under Article 3 of that Regulation, as soon as the ceilings have been reached, the Commission may adopt a regulation reintroducing the customs duties applicable to the third countries in question until the end of the calendar year;

Whereas that ceiling was reached on 16 July 1992, by charges of imports of the products listed in the Annex, originating in Hungary to which the tariff preferences

apply; whereas the situation on the Community market requires that customs duties applicable to this country on the products in question be reimposed;

Whereas, it is appropriate to reintroduce the levying of customs duties for the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

As from 27 October 1992, the levying of customs duties, suspended for 1992 in pursuance of Regulation (EEC) No 521/92, shall be reintroduced on imports into the Community of the products listed in the Annex, originating in Hungary.

Article 2

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

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

Done at Brussels, 23 October 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

ANNEX

Order No	CN code	Description
21.0127	3904 10 00 3904 21 00 3904 22 00	Polyvinyl chloride, not mixed with any other substances; other polyvinyl chloride

(¹) OJ No L 56, 29. 2. 1992, p. 12.

COMMISSION REGULATION (EEC) No 3066/92

of 23 October 1992

ending the charges against the tariff ceilings opened for 1992, in the framework
generalized tariff preferences, by Council Regulation (EEC) No 3831/90 in respect
of certain industrial products originating in Hungary

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

Having regard to Council Regulation (EEC) No 3831/90
of 20 December 1990 applying generalized tariff prefer-
ences for 1991 in respect of industrial products origina-
ting in developing countries⁽¹⁾, extended into 1992 by
Regulation (EEC) No 3587/91⁽²⁾, and in particular the
second paragraph of Article 9 thereof,

Whereas, pursuant to Articles 1 and 6 of Regulation
(EEC) No 3831/90 suspension of customs duties in the
context of preferential tariff ceilings is granted for 1992
within the limits of the individual ceilings set out in
column 6 of Annex I to that Regulation in respect of each
of the products or group of products under consideration ;
whereas, as provided for in the second paragraph of
Article 9 of the said Regulation, the Commission may
take measures to stop quantities being charged against
any particular preferential tariff limit if these limits were
exceeded particularly as a result of regularizations of
imports actually made during the preferential tariff
period ;

Whereas, by virtue of Article 1 of Regulation (EEC)
No 1509/92, Hungary was withdrawn from the list of

beneficiaries in Annex III of Regulation (EEC)
No 3831/90 as from 1 March 1992 ; whereas the preferen-
tial tariff period for that country consequently ended on
29 February 1992 ;

Whereas, in respect of the product of the order
No 10.0458 originating in Hungary, the relevant ceiling
was fixed at ECU 5 513 000 ; whereas on 16 July 1992,
the sum of the quantities charged during the 1992 prefe-
rential period has exceeded the ceiling in question ;

Whereas it appears desirable to take measures to stop
quantities being charged against the said ceilings in
respect of Hungary for the product,

HAS ADOPTED THIS REGULATION :

Article 1

The quantities charged against the tariff ceiling opened
for 1992 by Regulation (EEC) No 3831/90 relating to the
products indicated in the table below and originating in
Hungary, shall cease to be allowed from 27 October
1992 :

Order No	CN code	Description
10.0458	3904 10 00 3904 21 00 3904 22 00	Polyvinyl chloride, not mixed with any other substances ; other polyvinyl chloride

Article 2

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

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

Done at Brussels, 23 October 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

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

COMMISSION REGULATION (EEC) No 3067/92

of 23 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 3051/92 ⁽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 22 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 24 October 1992.

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

Done at Brussels, 23 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 307, 23. 10. 1992, p. 43.

⁽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 23 October 1992 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	37,05 ⁽¹⁾
1701 11 90	37,05 ⁽¹⁾
1701 12 10	37,05 ⁽¹⁾
1701 12 90	37,05 ⁽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.

COUNCIL REGULATION (EEC) No 3068/92

of 23 October 1992

imposing a definitive anti-dumping duty on imports of potassium chloride
originating in Belarus, Russia or Ukraine

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal presented by the Commission after consultation within the Advisory Committee as provided for in that Regulation,

Whereas :

A. PROVISIONAL MEASURES

- (1) By Regulation (EEC) No 1031/92⁽²⁾, the Commission imposed a provisional anti-dumping duty on imports into the Community of potassium chloride originating in Belarus, Russia or Ukraine. By Regulation (EEC) No 2442/92⁽³⁾ the Council extended this duty for a period of exceeding two months.

B. SUBSEQUENT PROCEDURE

- (2) Following the imposition of the provisional anti-dumping duty, the Belarussian, Russian and Ukrainian exporters, the Community producers and certain importers requested and were granted a hearing by the Commission. They also submitted comments in writing.
- (3) The parties' oral and written comments were considered, and the Commission altered its conclusions accordingly where necessary.

- (4) This investigation was not concluded within the period specified in Article 7 (9) (a) of Regulation (EEC) No 2423/88 owing to the complexity of the proceedings, particularly the detailed checking of the many figures and arguments put forward.

C. PRODUCT, LIKE PRODUCT

- (5) The product which is the target of the proceeding is potassium chloride or potash muriate (termed 'potash'), and is usually used as an agricultural fertilizer. Information gathered during the Investigation shows that potash is available in two grades: 'standard' (powder) or 'granulated' (granules). As explained in recitals 8 to 10 of Regulation (EEC) No 1031/92, the potassium content (expressed as the percentage of the weight of the dry anhydrous product represented by K_2O) of both grades varies. Each grade has three different specifications: K_2O content of 40 % or less, K_2O content of between 40 and 62 %, and K_2O content of over 62 %. The three specifications correspond to CN codes 3104 20 10, 3104 20 50 and 3104 20 90.
- (6) For the purposes of the preliminary conclusions, the 'over 62 %' specification was disregarded, for the reasons given in recital 10 of Regulation (EEC) No 1031/92.

Following the hearings conducted after the publication of Regulation (EEC) No 1031/92, the Commission decided to take the 'over 62 %' specification into account for its final findings, as it emerged from the information gathered that although this specification was most often used in pharmaceuticals and industry its physical and chemical characteristics were largely identical to the specifications with a lower potassium content, and it could therefore be used in their place. The Commission therefore considered the different grades and specifications of potash to be one and the same product.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 110, 28. 4. 1992, p. 5.

⁽³⁾ OJ No L 243, 25. 8. 1992, p. 1.

It should be pointed out, however, that the specification with the highest potassium content does not exist in granulated form at the moment, seemingly for technical and economic reasons. It is therefore unnecessary to distinguish between the standard and granulated grades in the case of potash with a K_2O content of over 62 %. The Council confirms these findings.

The Council confirms the Commission's findings and the findings given in recitals 13 to 16 of Regulation (EEC) No 1031/92.

(b) Export price

- (9) The export prices of potash exported by producers in the former USSR were determined in the manner described in recitals 17 to 20 of Regulation (EEC) No 1031/92, and in accordance with the terms of Article 2 (8) (b) of Regulation (EEC) No 2423/88.

D. DUMPING

(a) Normal value

- (7) Since Belarus, Russia and Ukraine are still considered non-market economy countries, normal value had to be calculated in accordance with Article 2 (5) of Regulation (EEC) No 2423/88. The choice of Canada, the world's second largest producer, was not disputed by any of the parties, and normal value was therefore established on the basis of Canadian domestic prices in the case of granular potash and on Canadian and US prices for standard potash, Canadian sales of which were too low to constitute a representative basis relative to imports into the Community from the former USSR.

- (8) Since the production costs of the mining firm which assisted in the investigation were greater than Canadian and US market prices, the Community producers asked for normal value to be assessed on the basis of that firm's production costs. However, during the investigation, the Commission verified that Canadian and US market prices still made it possible for other producers to make profits in normal trade transactions. It then emerged that the firm was bearing temporary and exceptional costs because of the special situation of the area of Canada in which its mine was located, and because the mine had started operations a short time before. To add these costs to those of the exports from the former USSR would have been unfair and contrary to Article 2 (5) (a) of Regulation (EEC) No 2423/88.

Establishing normal value on the basis of price levels on the competitive Canadian and US markets is therefore a reasonable and appropriate approach.

(c) Comparison

- (10) Normal value and export prices were compared at the ex-mine stage, transaction by transaction.
- (11) Certain importers pressed for an adjustment in connection with the deduction of sea freight costs, arguing that they used cheaper (when compared to other companies) vessels from the former USSR for transportation between the ports of the former USSR and the Community. The costs selected by the Commission were those actually paid by the main importer. The Commission calculated the sea freight costs on that basis, obtaining a figure lower than that established in Regulation (EEC) No 1031/92.
- (12) In connection with haulage costs between the mines and ports of the former USSR, which had been calculated on the basis of Canadian mines and ports as described in recital 20 of Regulation (EEC) No 1031/92, one importer claimed that account should be taken of the fact that one of the three production sites (the Belaruskali mine) was closer to a port. This was considered, and nothing was found in the record of the proceeding or in the importers' or exporters' replies to indicate that it was possible to determine the source of potash imported into the Community from the former USSR, and thus the portion which had come from the closest mine. The Commission therefore judged it reasonable and appropriate to assume that each site contributed an equal portion of potash exports to the Community. The cost of transporting the potash between plants and ports in the former USSR was therefore determined on the basis of Canadian transport costs, while taking into account the distances between each of the production sites in the former USSR and the ports.

(13) The exporters and some of the importers claimed that there was a difference in grade and in the anti-caking treatments supposedly necessary for certain end-uses which justified a downward adjustment of the prices of potash from the former USSR. In the light of the fact that the chemical characteristics of potash from Canada, the former USSR and the Community are strictly identical, the Commission had to dismiss the argument concerning quality. With regard to the argument concerning anti-caking treatment, the Commission found no difference in manufacturing processes, and the investigation showed no proof that potash originating in the countries of the former USSR needed any kind of special treatment when compared to potash from other countries in order to make it fit for use. No adjustment was therefore found to be justified.

to Community producers (recitals 24 to 33 of Regulation (EEC) No 1031/92). No new argument was put forward in this connection. The Council confirms that Community producers have suffered substantial injury.

G. CAUSAL LINK BETWEEN DUMPING AND INJURY

(14) The Commission did, however, observe that potash from the former USSR did not always exactly match potash from the Community and Canada in terms of crystal size. The exporters and a number of importers furthermore pointed out that deliveries and shipping of potash from the former USSR were less reliable, while these considerations do not alter the fundamental characteristics of the product, the Commission thought an adjustment of the order of 2 % to be reasonable in the light of the consumers' image of potash from the former USSR. The Council confirms these findings.

(17) In recitals 34 to 37 of Regulation (EEC) No 1031/92, the Commission pointed out that the increase in the volume of cheaper potash exports from the countries of the former USSR had coincided with growing losses in the Community industry. All the parties concerned agreed that the potash market was a transparent one and extremely sensitive to price changes. It was thus clear that imports of potash from the former USSR at prices below those charged by the Community industry had caused that industry serious injury.

E. DUMPING MARGIN

(15) The final examination of the facts revealed that potash from Russia, Belarus and Ukraine had been dumped. The dumping margin is equal to the difference between the normal value and the export price. In view of the way in which the exporters which participated in the investigation were organized and the fact that they were represented by a single state organization, a single dumping margin was calculated for all of them. The average weighted dumping margin so calculated was 24 % of the total cif value of the exports in question. The Council confirms these findings.

With regard to other considerations, the possibility of exports from other sources affecting the Community industry could not be dismissed. The Commission made a distinction between the potential effects of such imports and the injury caused by the imports which are the subject of this proceeding, however. The reason for this was the relatively small volume of imports from other sources and the absence of evidence of price undercutting. The Commission was furthermore aware that the demand for potash has decreased in the last few years. The effects of this consideration have, however, been dissociated from the injury caused by imports from the former USSR. In fact the injury is mainly indicated by more pronounced losses. The Commission investigation, moreover, did not yield any findings proving or likely to constitute proof that the Community producers' management practices could have contributed to the injury sustained.

F. INJURY

(16) The Commission pointed out in its preliminary conclusions that substantial injury had been caused

(18) In the light of the foregoing and the reasons put forward in recitals 34 to 37 of Regulation (EEC) No 1031/92, the Council confirms that dumped imports of potash from Belarus, Russia and Ukraine, taken in isolation, have caused serious injury to Community producers.

H. DUTY

- (19) The Commission has recalculated the level of duty needed to remove the injury according to the method set out in recital 38 of Regulation (EEC) No 1031/92. No objections to this method were expressed, and the Council confirms that the definitive duty should be equal to the dumping margin.

With regard to the form of the duty, the Commission moreover considers that the margin of manoeuvre available to exporters in countries which still have no market economy, and the effect on the entire potash market of even slight price undercutting, mean that neither a fixed-rate nor an *ad valorem* duty would be certain to remove the injury caused by dumping. Since no new arguments have been advanced on this issue, the Commission has concluded that an anti-dumping duty should be adopted in the form of a minimum price.

- (20) Since the value of the products is related essentially to their K₂O content, the minimum price should be calculated definitively for the standard and granulated grades of each of the three specifications according to the method set out in recital 40 of Regulation (EEC) No 1031/92. The Council confirms these findings.

I. COMMUNITY INTEREST

- (21) The parties have presented no further facts or arguments concerning Community interest to the Commission. The Council confirms the Commission's conclusions, contained in recitals 41 to 48 of Regulation (EEC) No 1031/92, that it is in the Community's interest to remove the injury caused by the observed dumping of exports from Belarus, Russia and Ukraine, and thus to halt the decline of Community output without denying the exporters concerned access to the Community market.

J. UNDERTAKING

- (22) The Belarussian, Russian and Ukrainian exporters offered to propose a price undertaking. However, the offer concerned an undertaking in principle and was not based on any specific price. The Commission considered this simple undertaking in principle to be unacceptable, and informed the exporters concerned of its decision and the reasons behind it.

K. COLLECTION OF THE PROVISIONAL DUTY

- (23) In view of the size of the dumping margins established and the degree of injury to the Community industry, the Council judges it necessary to collect the amounts secured by way of provisional anti-dumping duty up to the level of the definitive duty, with the balance being released,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of potassium chloride (KCl) falling within CN codes 3104 20 10, 3104 20 50 and 3104 20 90, originating in Belarus, Russia and Ukraine.

The duty shall be equal to the difference between the minimum prices shown below and the net, free-at-Community-frontier price before customs clearance:

- potassium chloride with a K₂O content of 40 % or less :
 - standard grade : ECU 57,95 per tonne of KCl (Taric code 3104 20 10*10),
 - granulated grade : ECU 65,76 per tonne of KCl (Taric code 3104 20 10*20);
- potassium chloride with a K₂O content of over 40 % but less than or equal to 62 % :
 - standard grade : ECU 86,93 per tonne of KCl (Taric code 3104 20 50*10),
 - granulated grade : ECU 98,65 per tonne of KCl (Taric code 3104 20 50*20);
- potassium chloride with a K₂O content of over 62 % : ECU 133,87 per tonne of KCl.

2. The provisions in force with regard to customs duties shall apply.

Article 2

The amounts secured by way of provisional anti-dumping duty pursuant to Regulation (EEC) No 1031/92 shall be definitively collected up to the levels resulting from the application of the definitive duties imposed in Article 1 (1).

The balance of the security collected shall be released.

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, 23 October 1992.

For the Council

The President

J. COPE

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 October 1992

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

(92/504/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas the applications for import licences submitted between 1 and 10 October 1992, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regu-

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

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

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine and fresh meat or meat based products from third countries⁽⁵⁾, as last amended by Regulation (EEC) No 1601/92⁽⁶⁾,

HAS ADOPTED THIS DECISION:

Article 1

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

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 83, 3. 4. 1991, p. 6.

⁽⁵⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽⁶⁾ OJ No L 173, 27. 6. 1992, p. 13.

Germany:

- 30,00 tonnes originating in Madagascar,
- 310,00 tonnes originating in Botswana,
- 15,00 tonnes originating in Swaziland,
- 300,00 tonnes originating in Zimbabwe,
- 610,00 tonnes originating in Namibia;

Greece:

- 55,00 tonnes originating in Madagascar;

Spain:

- 150,00 tonnes originating in Zimbabwe;

Italy:

- 56,00 tonnes originating in Madagascar;

The Netherlands:

- 57,00 tonnes originating in Madagascar,
- 200,00 tonnes originating in Botswana;

United Kingdom:

- 14,00 tonnes originating in Madagascar,
- 250,00 tonnes originating in Zimbabwe.

Article 2

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

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

— Botswana:	3 396,10 tonnes,
— Kenya:	142,00 tonnes,
— Madagascar:	6 503,38 tonnes,
— Swaziland:	3 234,69 tonnes,
— Zimbabwe:	2 683,13 tonnes,
— Namibia:	2 673,20 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 October 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION

of 19 October 1992

suspending the buying-in of butter in certain Member States

(Only the Danish, German, English, French and Dutch texts are authentic)

(92/505/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EEC) No 2071/92 ⁽²⁾, and in particular the first subparagraph of Article 7a (1) and Article 7a (3) thereof,

Whereas Council Regulation (EEC) No 777/87 ⁽³⁾, as last amended by Regulation (EEC) No 1634/91 ⁽⁴⁾, sets out the circumstances under which the buying-in of butter and skimmed milk powder may be suspended and subsequently resumed and, where suspension takes place, the alternative measures that may be taken;

Whereas Commission Regulation (EEC) No 1547/87 ⁽⁵⁾, as last amended by Regulation (EEC) No 2011/91 ⁽⁶⁾, lays down the criteria on the basis of which the buying-in of butter by invitation to tender is to be opened and suspended in a Member State or, as regards the United Kingdom and the Federal Republic of Germany, in a region;

Whereas Commission Decision 92/425/EEC ⁽⁷⁾ suspends buying-in in certain Member States; whereas information on market prices shows that the condition laid down in Article 1 (3) of Regulation (EEC) No 1547/87 is currently no longer met in the Netherlands; whereas the list of Member States where that suspension applies must be adapted accordingly;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS DECISION:

Article 1

The buying-in of butter by invitation to tender as provided for in Article 1 (3) of Regulation (EEC) No 777/87 is hereby suspended in Belgium, Denmark, Germany, France, Luxembourg and Great Britain.

Article 2

Decision 92/425/EEC is hereby repealed.

Article 3

This Decision is addressed to the Kingdom of Belgium, Kingdom of Denmark, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the United Kingdom.

Done at Brussels, 19 October 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 78, 20. 3. 1987, p. 10.

⁽⁴⁾ OJ No L 150, 15. 6. 1991, p. 26.

⁽⁵⁾ OJ No L 144, 4. 6. 1987, p. 12.

⁽⁶⁾ OJ No L 185, 11. 7. 1991, p. 5.

⁽⁷⁾ OJ No L 232, 14. 8. 1992, p. 35.