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I

*(Acts whose publication is obligatory)***COUNCIL REGULATION (EEC) No 3642/92****of 14 December 1992**

imposing a definitive anti-dumping duty on imports of ferrosilicon originating in Poland and Egypt and authorizing the definitive collection of the provisional anti-dumping duty

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 12 thereof,

Having regard to the Commission proposal, submitted after consultation with the Advisory Committee as provided for in the above Regulation,

Whereas :

A. Provisional measures

- (1) By Regulation (EEC) No 1808/92⁽²⁾, the Commission imposed a provisional anti-dumping duty on imports of ferrosilicon originating in Poland and Egypt. The provisional anti-dumping duty was extended for a maximum of two months by Regulation (EEC) No 2778/92⁽³⁾.

B. Subsequent procedure

- (2) Following the imposition of the provisional anti-dumping duty, the Polish exporter concerned made its views on the conclusions of the investigation known in writing.
- (3) At its request, the exporter was informed of the principal facts and considerations on the basis of which the Commission proposed to recommend the imposition of a definitive duty and the definitive collection of amounts secured by way of the provisional duty. The Poles' written comments were

taken into account and the Commission's conclusions amended accordingly as appropriate.

C. Dumping

- (4) In Regulation (EEC) No 1808/92 the Commission calculated the dumping margin for each exporter as equal to the difference between the normal value and the price of exports to the Community, duly adjusted.
- (5) On the basis of the free-at-Community-frontier price, the average weighted margin for the exporters concerned was established as follows :
- | | |
|--|---------|
| — Poland's producers/exporters : | 43,9 %, |
| — the Egyptian producer/exporter Efaco,
Egyptian Ferroalloys Co : | 61,5 %. |
- (6) As no further information has been forthcoming since the imposition of the provisional duty, the conclusions of Regulation (EEC) No 1808/92 in respect of dumping are confirmed by the Council.

D. Injury

- (7) No further information concerning the injury established over the period of the investigation or regarding the causal link between injury and dumping has been submitted since the imposition of the provisional duty.

The conclusions of Regulation (EEC) No 1808/92 in respect of injury are therefore confirmed.

E. Community interest

- (8) No Community users of ferrosilicon imported from Poland or Egypt have made their views known within the period specified in Article 2 of Regulation (EEC) No 1808/92.
- (9) As regards the need to impose anti-dumping measures, a Polish exporter has highlighted the changes engendered by Poland's transition to a market economy. The exporter concerned stresses the general increase in Polish production costs

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 183, 3. 7. 1992, p. 8.

⁽³⁾ OJ No L 281, 25. 9. 1992, p. 1.

entailed by these changes, and claims that this will cause the prices of Polish products sold on the Community market to rise, thus ceasing to cause injury to the Community industry.

The Commission observes that the Polish exporter provides no figures in support of these claims, nor does it supply any evidence that export prices have risen.

- (10) The undertaking accepted (see below) takes account of the production costs of a producer in a market economy country and of the situation of the Community industry. If the Polish producer's costs, and hence export prices rise, the undertaking places no further restraint on the Polish producer's exports, while at the same time protecting the Community industry from the injury caused by dumping.

Thus, the imposition of anti-dumping measures should not bar products originating in Poland from the Community market, where Community production is not sufficient to meet demand.

- (11) However, the Commission also had to take account of the worrying state of the Community industry, and of the likelihood of the situation worsening, which could lead to the disappearance of the sector altogether in the absence of appropriate measures.
- (12) The Commission notes that in any of the parties concerned supplies evidence of a change of circumstances with regard to the normal value, export prices or the injury, for example, the case may be re-examined, in accordance with Article 14 of Regulation (EEC) No 2423/88.
- (13) The Commission confirms its conclusions concerning Community interest as set down in recitals 31 to 34 of Regulation (EEC) No 1808/92. The Council confirms that it is in the Community interest to impose anti-dumping measures.

F. Undertakings

- (14) On being apprised of the principal conclusions of the preliminary investigation, an Egyptian producer proposed a price undertaking which the Commission accepted in its Decision 92/331/EEC⁽¹⁾.
- (15) In its Decision 92/572/EEC⁽²⁾, the Commission also accepts the undertaking proposed by the Polish producer Huta Laziska. The Advisory Committee has expressed no objection in this matter.

G. Definitive duty

- (16) The provisional anti-dumping duty imposed in Regulation (EEC) No 1808/92 (recital 36) was

calculated to remove the injury caused to the Community industry. The parties concerned made no representations to the Commission.

For this reason, and because it is possible that other Egyptian and Polish producers may export to the Community at dumping prices, the Commission's provisional conclusions are confirmed. Consequently, a definitive anti-dumping duty should be imposed on producers/exporters who have not given an undertaking, at the same rate as the provisional duty, namely 32 %.

H. Collection of provisional duty

- (17) By virtue of the extent of the dumping margins established and the seriousness of the injury caused to Community producers, it is also necessary to collect definitively and in their entirety the amounts secured by way of provisional anti-dumping duty,

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of ferrosilicon originating in Poland and Egypt containing 10 to 96 % silicon by weight and falling within CN codes 7202 21 10, 7202 21 90 and ex 7202 29 00 (taric code 7202 29 00*10).
2. The rate of the duty, expressed as a percentage of the net, free-at-Community-frontier price, before duty shall be 32 % for Poland and Egypt.
3. The duty shall not apply to products manufactured by :
 - the Egyptian company Efaco, the Egyptian Ferroalloys Company, Cairo,
 - the Polish company Huta Laziska Ferroalloys Plant, Laziska-Gorne (additional Taric codes are given in the Annex).
4. The provisions in force concerning customs duties shall apply.

Article 2

The amounts secured by way of provisional anti-dumping duty imposed by Regulation (EEC) No 1808/92 shall be collected definitively and in their entirety.

Article 3

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

⁽¹⁾ OJ No L 183, 3. 7. 1992, p. 40.

⁽²⁾ See page 32 of this Official Journal.

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

Done at Brussels, 14 December 1992.

For the Council

The President

N. LAMONT

ANNEX

Origin	Additional codes	Companies/Rates
EGYPT	8685	Ferrosilicon produced for export to the Community by Efaco, the Egyptian Ferroalloys Company, Cairo : no anti-dumping duty
EGYPT	8686	Others : 32 %
POLAND	8688	Ferrosilicon produced for export to the Community by Huta Laziska Ferroalloys Plant, Laziska-Gorne : no anti-dumping duty
POLAND	8689	Others : 32 %

COMMISSION REGULATION (EEC) No 3643/92

of 17 December 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 16 December 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 18 December 1992.

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

Done at Brussels, 17 December 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 17 December 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy (°)
0709 90 60	134,03 (°) (°)
0712 90 19	134,03 (°) (°)
1001 10 10	173,70 (°) (°) (°)
1001 10 90	173,70 (°) (°) (°)
1001 90 91	146,53
1001 90 99	146,53 (°)
1002 00 00	157,21 (°)
1003 00 10	126,36
1003 00 90	126,36 (°)
1004 00 10	115,17
1004 00 90	115,17
1005 10 90	134,03 (°) (°)
1005 90 00	134,03 (°) (°)
1007 00 90	136,53 (°)
1008 10 00	50,98 (°)
1008 20 00	111,58 (°)
1008 30 00	39,85 (°)
1008 90 10	(°)
1008 90 90	39,85
1101 00 00	217,94 (°) (°)
1102 10 00	232,90 (°)
1103 11 10	281,75 (°) (°)
1103 11 90	234,55 (°)

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

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

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

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 3644/92

of 17 December 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 16 December 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 18 December 1992.

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

Done at Brussels, 17 December 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 17 December 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 12	1st period 1	2nd period 2	3rd period 3
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt*(ECU/tonne)*

CN code	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 3645/92

of 17 December 1992

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

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 No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2046/92⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 1900/92⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 1901/92⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 1902/92⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾,

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁴⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, however, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 14 and 15 December 1992 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 1.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 192, 11. 7. 1992, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 192, 11. 7. 1992, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 192, 11. 7. 1992, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

⁽¹⁴⁾ OJ No L 263, 19. 9. 1991, p. 1.

HAS ADOPTED THIS REGULATION:

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 3

This Regulation shall enter into force on 18 December 1992.

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

Done at Brussels, 17 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil ⁽¹⁾

(ECU/100 kg)	
CN code	Non-member countries
1509 10 10	79,00 ⁽²⁾
1509 10 90	79,00 ⁽²⁾
1509 90 00	92,00 ⁽²⁾
1510 00 10	77,00 ⁽²⁾
1510 00 90	122,00 ⁽⁴⁾

⁽¹⁾ No 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 3094/92 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

⁽²⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

⁽³⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽⁴⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products ⁽¹⁾

(ECU/100 kg)	
CN code	Non-member countries
0709 90 39	17,38
0711 20 90	17,38
1522 00 31	39,50
1522 00 39	63,20
2306 90 19	6,16

⁽¹⁾ No 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 3148/91 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

COMMISSION REGULATION (EEC) No 3646/92**of 16 December 1992****on arrangements for imports into the Community of certain textile products
(category 6) originating in Pakistan**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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,

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 6) specified in the Annex hereto and originating in Pakistan have exceeded the level referred to in Article 11 (2);

Whereas, in accordance with Article 11 (5) of Regulation (EEC) No 4136/86, on 13 October 1992, Pakistan was notified of a request for consultations; whereas, pending a mutually satisfactory solution, the Commission has requested Pakistan for a provisional period until 31 December 1992 to limit its exports to the Community of products falling within category 6 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;

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;

Whereas the products in question exported from Pakistan between 13 October 1992 and the date of entry into force of this Regulation must be set off against the quantitative limits which have been introduced;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to the provisions of Article 2, imports into the Community of the category of products originating in Pakistan and specified in the Annex hereto shall be subject to the provisional quantitative limits set out in that Annex, for the period 13 October to 31 December 1992.

Article 2

1. Products referred to in Article 1 shipped from Pakistan 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 referred to in Article 1 shipped from Pakistan 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.

3. All quantities of products referred to in Article 1 shipped from Pakistan to the Community on or after 13 October 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 Pakistan before the date of entry into force of this Regulation.

*Article 3*This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 13 October to 31 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, 16 December 1992.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Category	CN code	Description	Third country	Unit	Member State	Quantitative limits from 13 October to 31 December 1992
6	6203 41 10	Men's or boy's woven breeches, shorts other than swimwear and trousers (including slaks); women's or girl's woven trousers and slacks, of wool, of cotton or of man-made fibres; lower parts of tracksuits with lining, other than category 16 or 29, of cotton or of man-made fibres	Pakistan	1 000 pieces	D	2 186
	6203 41 90				F	770
	6203 42 31				I	121
	6203 42 33				BNL	440
	6203 42 35				UK	479
	6203 42 90				IRL	7
	6203 43 19				DK	30
	6203 43 90				GR	13
	6203 49 19				ES	69
	6203 49 50				PT	13
	6204 61 10				EEC	4 128
	6204 62 31					
	6204 62 33					
	6204 62 39					
	6204 63 18					
	6204 69 18					
	6211 32 42					
	6211 33 42					
	6211 42 42					
	6211 43 42					

COMMISSION REGULATION (EEC) No 3647/92

of 16 December 1992

on arrangements for imports into the Community of certain textile products
(category 18) originating in Pakistan

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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,

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 18) specified in the Annex hereto and originating in Pakistan have exceeded the level referred to in Article 11 (2);

Whereas, in accordance with Article 11 (5) of Regulation (EEC) No 4136/86, on 13 October 1992, Pakistan was notified of a request for consultations; whereas, pending a mutually satisfactory solution, the Commission has requested Pakistan for a provisional period of three months to limit its exports to the Community of products falling until 31 December 1992 within category 18 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;

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;

Whereas the products in question exported from Pakistan between 13 October 1992 and the date of entry into force of this Regulation must be set off against the quantitative limits which have been introduced;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to the provisions of Article 2, imports into the Community of the category of products originating in Pakistan and specified in the Annex hereto shall be subject to the provisional quantitative limits set out in that Annex, for the period 13 October 1992 to 31 December 1992.

Article 2

1. Products referred to in Article 1 shipped from Pakistan 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 referred to in Article 1 shipped from Pakistan 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.

3. All quantities of products referred to in Article 1 shipped from Pakistan to the Community on or after 13 October 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 Pakistan before the date of entry into force of this Regulation.

Article 3

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

It shall apply with effect from 13 October to 31 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, 16 December 1992.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Category	CN code	Description	Third country	Unit	Member State	Quantitative limits from 13 October to 31 December 1992
18	6207 11 00	Men's or boys' singlets and other vests, underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, other than knitted or crocheted	Pakistan	Tonnes	D	286
	6207 19 00				F	375
	6207 21 00				I	508
	6207 22 00				BNL	247
	6207 29 00				UK	372
	6207 91 00				IRL	3
	6207 92 00				DK	49
	6207 99 00	GR			6	
	6208 11 00	ES			253	
	6208 19 10	PT			6	
	6208 19 90	EEC			2 105	
	6208 21 00					
	6208 22 00					
	6208 29 00					
	6208 91 10					
	6208 91 90					
	6208 92 10					
	6208 92 90					
	6208 99 00					

COMMISSION REGULATION (EEC) No 3648/92

of 17 December 1992

amending Regulation (EEC) No 1767/82 laying down detailed rules for applying specific import levies on certain milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 2071/92 ⁽²⁾, and in particular Article 14 (7) thereof,

Whereas Commission Regulation (EEC) No 1767/82 ⁽³⁾, as last amended by Regulation (EEC) No 1502/90 ⁽⁴⁾, lays down the conditions under which certain cheeses may be imported into the Community at a reduced levy;

Whereas developments in the situation in the territory of the former Yugoslavia and in particular the creation of new republics no longer permit the system agreed with the former Yugoslavia as regards the application of a specific levy to kashkaval cheese and sheep's milk cheese in points (o) and (p) of Annex I to Regulation (EEC) No 1767/82 to be administered normally;

Whereas a derogation should be made from that system and the word 'Yugoslavia' in the column headed 'Country of origin' in Annex I to Regulation (EEC) No 1767/82 should be replaced provisionally by 'Bosnia-Herzegovina, Croatia, Slovenia, Montenegro, Serbia and the former Yugoslav Republic of Macedonia'; whereas the requirement of presentation of the IMA 1 certificate required for all imports of the cheeses concerned originating in the abovementioned Republics should at the same time be provisionally suspended, without prejudice to the need to submit a licence as referred to in Article 13 (1) of Regulation (EEC) No 804/68; whereas it is also advisable to add that the rules of origin pursuant to Commission Regulation (EEC) No 343/92 ⁽⁵⁾ are to apply; whereas the provisions of Regulation (EEC) No 1767/82 must be amended accordingly and the heading in Annex IV thereto indicating the name of the issuing agency for IMA 1 certificates, situated in Belgrade, must be deleted;

Whereas this Regulation is without prejudice to Council Regulation (EEC) No 1432/96 ⁽⁶⁾, as amended by Regulation (EEC) No 2015/92 ⁽⁷⁾, or to Council Regulations (EEC) No 2655/92 ⁽⁸⁾ and (EEC) No 2656/92 ⁽⁹⁾ prohibiting trade between the European Economic Community and the Republics of Serbia and Montenegro;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1767/82 is hereby amended as follows:

1. the following Article 7a is inserted after Article 7:

'Article 7a

By way of temporary derogation from Article 1 (2), the importation into the Community of the products listed in points (o) and (p) of Annex I hereto originating in the Republics of Bosnia-Herzegovina, Croatia, Slovenia, Montenegro, Serbia and the former Yugoslav Republic of Macedonia shall no longer necessitate IMA 1 certificates.

The applicable rules as to the origin of the products referred to in the first paragraph and imported from the abovementioned Republics shall be those laid down in Regulation (EEC) No 343/92 ⁽⁵⁾.

⁽¹⁾ OJ No L 38, 14. 2. 1992, p. 1';

2. in points (o) and (p) in Annex I, 'Yugoslavia' in the column headed 'Country of origin' is replaced by:

'Bosnia-Herzegovina, Croatia, Slovenia, Montenegro, Serbia and the former Yugoslav Republic of Macedonia';

3. in Annex IV, the issuing agency for IMA 1 certificates situated in Belgrade is deleted.

Article 2

This Regulation shall be without prejudice to Regulations (EEC) No 1432/92, (EEC) No 2655/92 and (EEC) No 2656/92 prohibiting trade between the European Economic Community and the Republics of Serbia and Montenegro.

Article 3

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 196, 5. 7. 1982, p. 1.

⁽⁴⁾ OJ No L 141, 2. 6. 1990, p. 5.

⁽⁵⁾ OJ No L 38, 14. 2. 1992, p. 1.

⁽⁶⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁷⁾ OJ No L 205, 22. 7. 1992, p. 2.

⁽⁸⁾ OJ No L 266, 12. 9. 1992, p. 26.

⁽⁹⁾ OJ No L 266, 12. 9. 1992, p. 27.

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

Done at Brussels, 17 December 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 3649/92

of 17 December 1992

on a simplified accompanying document for the intra-Community movement of products subject to excise duty which have been released for consumption in the Member State of dispatch

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products⁽¹⁾, and in particular Article 7 (4) thereof,

Having regard to the opinion of the Committee on Excise Duties,

Whereas, for excisable products being already released for consumption in a Member State, the free movement of those products shall not be restricted to the territory of that Member State; in cases where those products are destined or earmarked for commercial purposes in another Member State the excise duty shall be levied again according to the rules of the Member State of destination and thus give rise to a reimbursement of the excise duty paid in the Member State of dispatch;

Whereas to ensure fiscal control of those products, Article 7 (4) of Directive 92/12/EEC provides for a simplified accompanying document listed the essential data from the accompanying document referred to in Article 18 (1) of that Directive; whereas the form and the content of that document should be established;

Whereas the traders concerned should not bear any additional burden as regards transport documents, and provision should therefore be made for the use of already existing commercial documents provided they fulfil certain conditions;

Whereas it is necessary to provide a copy for the reimbursement of the excise duty paid in the Member State of dispatch;

Whereas the details of the procedure and the number of copies of the accompanying document should be established;

Whereas it is necessary to make provision for an accompanying document for commercial movements of completely denatured alcohol,

Article 1

If products subject to excise duty and already released for consumption in one Member State are intended to be used in another Member State for the purposes referred to in Article 7 of Directive 92/12/EEC, the person who is responsible for the intra-Community movement must draw up a simplified accompanying document. During the movement of those products from one Member State to another Member State the document must accompany the consignment during the movement and must be made available to the competent authorities of the Member States for control purposes.

Article 2

1. The specimen shown in the Annex may be used, in accordance with the explanatory notes shown on copy 1 of the specimen, as the simplified accompanying document.
2. Commercial documents, e.g. invoices, delivery notes, freight documents and so on, may also be used as the simplified accompanying document provided they contain the same elements of information as the specimen document shown in the Annex, and the nature of the information is identified by a number corresponding with the relative box number of the said specimen.

Article 3

If the commercial documents referred to in Article 2 are used as the simplified accompanying document they shall be marked conspicuously with the following statement:

'Simplified accompanying document (excise goods) for fiscal control purposes'

Article 4

The simplified accompanying document shall be drawn up in three copies.

Copy 1 shall be kept by the supplier for fiscal control.

Copy 2 must accompany the goods during the movement and shall be kept by the recipient.

Copy 3 must accompany the goods and shall be returned to the supplier with a certificate of receipt which also indicates the further fiscal treatment of the goods in the Member State of destination given by the recipient if the

⁽¹⁾ OJ No L 76, 23. 3. 1992, p. 1.

supplier requires it in particular for reimbursement purposes. This copy shall be attached to any eventual application for reimbursement provided for in Article 22 (3) of Directive 92/12/EEC.

Article 5

The simplified accompanying document shall also be used to accompany commercial intra-Community move-

ments of completely denatured alcohol, provided for in Article 27 (1) (a) of Council Directive 92/83/EEC⁽¹⁾.

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, 17 December 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 316, 31. 10. 1992, p. 21.

**EUROPEAN COMMUNITY
EXCISE DUTIES**

**SIMPLIFIED ACCOMPANYING DOCUMENT
INTRA-COMMUNITY MOVEMENT OF PRODUCTS WHICH HAVE BEEN RELEASED FOR CONSUMPTION**

1	1	1 Supplier VAT No ☐ (Name and address)	2 Transaction reference	
	Copy for the supplier	4 Recipient VAT No (Name and address)	3 Competent authority of the country of destination (Name and address)	
		5 Transporter/means of transport		
		7 Place of delivery		
1	6 Marks and numbers, No and kind of packages, description of goods		8 Reference number and date of declaration	
		9 Commodity code (CN code)		
		10 Quantity	11 Gross weight (kg)	
			12 Net weight (kg)	
		13 Invoice price/Commercial value		
14 Certificates (certain wines and spirits, small breweries and small distilleries)				
A Record of control. For use by competent authority		15 Boxes 1-13 certified correct. Return of copy 3 required yes ☐ no ☐ (*)		
		Signatory's company and telephone No		
		Name of signatory		
		Place and date		
		Signature		

Continue on reverse (copies 2 and 3)

(*) Cross applicable

EXPLANATORY NOTES

(Reverse of copy 1)

Intra-Community movement of products subject to excise duty which have been released for consumption in the Member State of dispatch

1. General

1.1. The simplified accompanying document is required for excise purposes in accordance with the provisions of Article 7 of Council Directive 92/12/EEC of 25 February 1992.

1.2. The document must be completed legibly and in a manner that makes entries indelible. Information may be pre-printed. No erasures or overwriting is permitted.

1.3. The general specification of the paper to be used and the measurement of boxes is as laid down in the *Official Journal of the European Communities* No C 164 of 1 July 1989, page 3.

The paper is to be white for all copies with the size 210 millimetres by 297 millimetres with a maximum tolerance of 5 millimetres less or 8 millimetres more with regard to their length.

1.4. Any unused space is to be lined through so that nothing can be added.

1.5. The accompanying document comprises three copies:

copy 1 to be retained by the supplier.

copy 2 to accompany the goods and to be retained by the recipient.

copy 3 to accompany the goods and be returned to the supplier with a certificate of receipt by the person named in box 4 if the supplier requires it in particular for reimbursement purposes.

2. Headings

Box 1 Supplier: the full name, address and VAT number (if any) of the person making the goods available in one Member State. If there is an excise number it should also be indicated.

Box 2 Transaction reference: a reference number given by the person supplying the goods which will identify the movement with his commercial records. Normally this will be the number and date of the invoice.

Box 3 Competent authority: the name and address of the authority in the Member State of destination to whom the movement has been declared in advance.

Box 4 Recipient: the full name, address and VAT number (if any) of the person receiving the goods. If there is an excise number it should also be indicated.

Box 5 Transporter: enter 'supplier', 'recipient' or the name and address of the person responsible for arranging the first movement, if different from the persons indicated in box 1 or box 4; the means of transport is also to be indicated.

Box 6 Reference number and date of the declaration: the declaration and/or authorization which has to be given by the competent authority in the Member State of destination before the movement starts.

Box 7 Place of delivery: the address of delivery if different from the address in box 4.

Box 8 Full description of the goods, marks and numbers, and kind of packages:

the marks and numbers of external packages, e.g. containers; the number of internal packages, e.g. cartons; and the commercial description of goods.

The description may be continued on a separate sheet attached to each copy. A packing list could be used for this purpose.

Alcohol and alcoholic beverages other than beer, must have the alcoholic strength shown (percentage by volume at 20 °C).

Beer is to be shown at either degrees Plato or alcohol percentage by volume at 20 °C, or both, in accordance with the requirement of the Member State of destination and the Member State of dispatch.

Mineral oils must show the density at 15 °C.

Box 9 Commodity code: the CN Code.

Box 10 Quantity: the number, the weight or the volume as appropriate for excise duty purposes in the Member State of destination, for example:

- cigarettes, the number of items, expressed in thousands,
- cigars and cigarillos, the net weight,
- alcohol and alcoholic beverages, litres at 20 °C to two decimal places,
- mineral oils except heavy fuel oil, litres at 15 °C.

Box 11 Gross weight: the gross weight of the consignment.

Box 12 Net weight: the weight of the goods without packaging.

Box 13 Invoice price or value: the sum total of the invoice excise duty included. If there is no sale connected with the movement, the commercial value is to be entered. In that case the remark 'no sale' should be added.

Box 14 Certificates: This space is reserved for eventual certificates which are required on copy 2 only.

1. In the case of certain wines, certification relating to the origin and quality of the products should, where necessary, be indicated in accordance with the relevant Community legislation.

2. In the case of certain spirits certification relating to the place of production which is required under the relevant Community legislation should, where necessary, be indicated.

3. Beer brewed by an independent small brewery, as defined in the specific Council Directive relating to the structures of excise duties on alcohol and alcoholic beverages, for which it is intended to claim a reduced rate of excise duty in the Member State of destination should be certified in the following terms:

'It is hereby certified that the beer has been brewed by an independent small undertaking with a production in the previous year of hectolitres'.

4. Ethyl alcohol produced by a small distillery, as defined in the specific Council Directive relating to the structures of excise duties on alcohol and alcoholic beverages, for which it is intended to claim a reduced rate of excise duty in the Member State of destination should be certified in the following terms:

'It is hereby certified that the product described has been produced by a small undertaking with a production in the previous year of hectolitres of pure alcohol'.

Box 15 Signatory's company, etc: the document is to be completed by, or on behalf of, the person responsible for the movement of the goods. It can be either the supplier or the recipient. If the supplier requires copy 3 to be returned to him with a certificate of receipt this should be indicated.

Box A Record of control: the competent authorities shall record the controls applied on copies 2 and 3. All comments shall be signed, dated and stamped by the responsible official.

Box B Certificate of receipt: to be given by the recipient and to be returned to the supplier if he requires it in particular for reimbursement purposes.

2	Copy for the recipient	1 Supplier VAT No ☐ (Name and address)	2 Transaction reference	
		4 Recipient VAT No (Name and address)	3 Competent authority of the country of destination (Name and address)	
		5 Transporter/means of transport		
		7 Place of delivery		
		6 Reference number and date of declaration		
8 Marks and numbers, No and kind of packages, description of goods	9 Commodity code (CN code)			
		10 Quantity	11 Gross weight (kg)	
		12 Net weight (kg)		
		13 Invoice price/Commercial value		
14 Certificates (certain wines and spirits, small breweries and small distilleries)				
A Record of control. For use by competent authority		15 Boxes 1-13 certified correct. Return of copy 3 required yes ☐ no ☐ (*)		
		Signatory's company and telephone No		
		Name of signatory		
		Place and date		
		Signature		
Continue on reverse (copies 2 and 3)				

B CERTIFICATION OF RECEIPT

Goods received by recipient

Date Place Reference No

The excise duty has been paid / declared to the competent authority (*).

Date Reference No

Other remarks of the recipient:

Place/date Name of signatory

Signature

(*) Delete inapplicable

A Record of control (continued)

3	Copy for return to supplier	1 Supplier VAT No ☐ (Name and address)		2 Transaction reference	
		4 Recipient VAT No (Name and address)		3 Competent authority of the country of destination (Name and address)	
		5 Transporter/means of transport		6 Reference number and date of declaration	
		7 Place of delivery			
		8 Marks and numbers, No and kind of packages, description of goods		9 Commodity code (CN code)	
		10 Quantity	11 Gross weight (kg)		
			12 Net weight (kg)		
		13 Invoice price/Commercial value			
14 Certificates (certain wines and spirits, small breweries and small distilleries)					
A Record of control. For use by competent authority				15 Boxes 1-13 certified correct. Return of copy 3 required yes ☐ no ☐ (*)	
				Signatory's company and telephone No	
				Name of signatory	
				Place and date	
				Signature	
Continue on reverse (copies 2 and 3)					

(*) Cross applicable

B CERTIFICATION OF RECEIPT

Goods received by recipient

Date Place Reference No

The excise duty has been paid / declared to the competent authority (*).

Date Reference No

Other remarks of the recipient:

Place/date Name of signatory

Signature

(*) Delete inapplicable

A Record of control (continued)

COMMISSION REGULATION (EEC) No 3650/92

of 17 December 1992

amending Regulation (EEC) No 3201/90 laying down detailed rules for the description and presentation of wines and grape musts

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1756/92 ⁽²⁾, and in particular Article 72 (5) thereof,Whereas Council Regulation (EEC) No 2392/89 ⁽³⁾, as last amended by Regulation (EEC) No 3897/91 ⁽⁴⁾, lays down general rules for the description and presentation of wines and grape musts ;Whereas Commission Regulation (EEC) No 3201/90 ⁽⁵⁾, as last amended by Regulation (EEC) No 153/92 ⁽⁶⁾, lays down detailed rules for the description and presentation of wines and grape musts ;

Whereas account should be taken of certain practices followed in some competitions and presentations, allowing the wine to be stored in bulk ; whereas measures should, however, be introduced to guarantee the identity and authenticity of such wines ;

Whereas it is important to specify how reference to the bottling of a wine should be made on the label in Portugal ;

Whereas mention that a wine has been bottled on the holding where the grapes from which it was made were harvested and turned into wine, or has been bottled under equivalent conditions, is an indication that the wine so produced is better and increases some consumers' trust ; whereas the terms that may be used where more restrictive conditions are fulfilled should be specified ;

Whereas some errors inadvertently made in Regulation (EEC) No 3201/90 need to be corrected ;

Whereas certain synonyms for the names of vine varieties which may be used for the description of Portuguese wines should be published in Annex III ;

Whereas Annexes I, II and IV to Regulation (EEC) No 3201/90 should be adapted to take account of the

indications that may be used for wines imported from South Africa, Israel, Mexico and Uruguay ;

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

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 3201/90 is hereby amended and rectified as follows :

1. in the French, Italian, Dutch, Greek, Spanish and Portuguese versions, 'vinho de mesa regional' in the second subparagraph of Article 1 (2) is replaced by 'vinho regional' ;
2. in Article 2 (21) of the French, Italian, Greek and Spanish versions, 'vinho de mesa regional' is replaced by 'vinho regional' ;
3. the following subparagraph is added to Article 3 (1) :

'In Portugal, the term "região demarcada" may be used in association with "denominação de origem controlada" ;
4. the following is added to Article 3 (3) (f) in respect of Portuguese wines :
 - does not concern the English version,
 - "nobre".

The term "nobre" shall be reserved for the quality wine psr known as "Dão" ;

5. in Article 6 (1), the following amendment and rectification are made :
 - in the second indent, 'Kloster' is added after 'Burg',
 - in ther seventh indent, 'Casal' is added after 'Vila' ;
6. in the French, Italian, Greek and Spanish versions, 'vinho de mesa regional' in the first subparagraph of Article 11 (1) is replaced by 'vinho regional' ;

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.⁽²⁾ OJ No L 180, 1. 7. 1992, p. 27.⁽³⁾ OJ No L 232, 9. 8. 1989, p. 13.⁽⁴⁾ OJ No L 368, 31. 12. 1991, p. 5.⁽⁵⁾ OJ No L 309, 8. 11. 1990, p. 1.⁽⁶⁾ OJ No L 17, 24. 1. 1992, p. 20.

7. in Article 15 (1), the following subparagraph is added :

“The preceding subparagraph notwithstanding, the wine may be stored before being released for consumption in containers whose nominal volume is greater than two litres, provided the total volume concerned by the award and the identification of the container are clearly indicated and if the authenticity of the wine is guaranteed by the rules of the competition.”;

8. the following amendments are made to Article 18 :

— in paragraph 1 (h) the following terms are added at the end : ‘engarrafado no Casal’ and ‘engarrafado no paço’,

— in paragraph 1 the following subparagraph is inserted after the first subparagraph :

“Erzeugerabfüllung” in (a) may be replaced by “Gutsabfüllung” where :

— the conditions laid down in the first indent of Article 2 (3) (f) or in the first indent of Article 11 (2) (q) of Regulation (EEC) No 2392/89 are fulfilled,

— the wine-growing holding is required to keep accounts for tax purposes,

— the head of the holding has received professional training in oenology,

— the areas under vines from which the grapes used for the production of the wine in question were harvested have been cultivated for at least three years on the holding in question.”;

9. Annexes I, II, III and IV are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the seventh 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, 17 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

I. Annex I to Regulation (EEC) No 3201/90 is hereby amended as follows:

The following point is inserted after point 14 (TURKEY):

'14a. URUGUAY

— vinos finos'.

II. Annex II to Regulation (EEC) No 3201/90 is hereby amended as follows:

1. In point 1 (SOUTH AFRICA):

(a) the following sub-region is added to point 2 (Wine-growing region Stellenbosch):

— 'Jonkershoek Valley (Jonkershoek Valle)';

(b) the following sub-region is added to point 8 (Wine-growing region Robertson):

— 'Klaasvoogds';

(c) the following sub-region is added to point 9 (Wine-growing region Swellendam):

— 'Buffeljags';

(d) the following sub-region is added to point 14 (Wine-growing region Overberg):

— 'Elgin'.

2. The following point is inserted after point 13 (MOROCCO):

'13a. MEXICO

Wines bearing one of the following names of the State and wine-growing region:

1. Estado de Baja California:

- Región de Tecate
- Región de Ensenada
- Valle Guadalupe
- Valle de Calafia
- San Vicente
- Santo Tomás
- San Antonio de las Minas

2. Estado de Baja California sur

3. Estado de Sonora:

- Región de Hermosillo
- Región de Caborca

4. Estado de Coahuila:

- Región de la Laguna
- Parras
- Cuatro Ciénegas

5. Estado de Chihuahua

6. Estado de Querétaro:

- Región de San Clemente
- Región de Tequisquiapan
- Región de Ezequiel Montes
- Región de San Juan del Río

7. Estado de Zacatecas:

- Región de Fresnillo-Calera
- Región de Luis Moya

8. Estado de Aguascalientes

9. Estado de Durango

10. Estado de San Luis Potosí

11. Estado de Guanajuato:

- Región de San Luis de la Paz
- Región de Dolores Hidalgo';

3. The following point is inserted :

‘21a. URUGUAY

Wines bearing one of the following geographical ascriptions :

— Canelones	— Colonia	— Rivera
Joanicó	Carmelo	Tacuarombo
— Montevideo	Cerros de San Juan	Durazno
Manga		El Carmen
— San José	— Soriano	Carpintería
— Sur de Florida	— Río Negro	— Flores
— Maldonado	— Salto	— Norte de Florida
— Sur de Rocha	— Paysandú	— Cerro Largo
— Sur de Lavalleja	— Artigas	— Norte de Lavalleja
	Bella Unión	— Norte de Rocha’.

III. Annex III to Regulation (EEC) No 3201 is hereby amended as follows :

In point 7 (PORTUGAL) :

- in the column ‘Name of the vine variety used in the classification of vine varieties for the administrative unit concerned’, the variety ‘Periquita’ is replaced by ‘João Santarém’;
- in the column ‘Accepted synonyms’, ‘João Santerém’ is replaced by ‘Castelão fr’;
- ‘Moscatel de Setúbal’ is replaced by ‘Moscatel de Setúbal (’).

(’) Accepted only for quality wines psr made from grapes harvested in the specified region of Setúbal.’

IV. Annex IV to Regulation (EEC) No 3201/90 is hereby amended as follows :

1. In the name of the following variety is added to point 1 (SOUTH AFRICA) :

‘Morio Muscat’;

2. The names of the following varieties are added to point 12 (ISRAEL) :

‘Chardonnay’

‘Merlot’;

3. The following point is inserted after point 13 (MOROCCO) :

‘13a. MEXICO

List of varieties accepted in the Community :

Carignane	Pinot Chardonnay
Cabernet Franc	Palomino
White Riesling	Chenin Blanc
Riesling	Ruby Cabernet
Dolcetto	Zinfandel
Moscatel	Petit Sirah
Ugni Blanc	Grenache or Garnacha
	Nebbiolo
Gamay	Merlot
Sauvignon Blanc	Chardonnay
Colombard	Malbec or Cot
Gewürztraminer	Semillon
Bola de Dulce	Pinot Noir
Macabeo	Gros Vert or Verdone
Mission	Cabernet Sauvignon
Merlot Noir	Villard Blanc
Chasselas	Salvador
Xarello	Ruby Red.’;
Lenoir	

4. The following point is inserted :

'21a. URUGUAY

List of varieties accepted in the Community	Accepted synonyms
Moscatel de Hamburgo	
Semillon	
Ugni Blanc	
Cabernet Sauvignon	
Merlot	
Sirah	
Pinot Blanc	
Sauvignon Blanc	
Cabernet Franc	
Cot Rouge	Malbec
Chardonnay	
Pinot Noir	
Gamay	
Garnacha	
Riesling	
Gewürztraminer	
Chenin	
Torrontes	
Trebbiano	
Nebbiolo	
Bonarda	
Barbera	
Arriloba	
Chasselas	
Cinsaut	
Colombard	
Egiodola	
Folle Noire	Vidinila
Folle Blanche	
Grand Noir de la Calmette	Granoir
Merlot	
Muscat à petits grains	
Muscat Ottonel	
Ruby Cabernet	
Silvaner	
Tannat	Harriague'

COMMISSION REGULATION (EEC) No 3651/92

of 17 December 1992

applying the duty in the Common Customs Tariff to fresh lemons originating in Cyprus

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 1252/73 of 14 May 1973 on imports of citrus fruits originating in Cyprus ⁽¹⁾, and in particular Article 5 thereof,

Whereas Article 5 (2) and (3) of Annex I to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus provides for a reduced rate of duty on imports into the Community of fresh lemons originating in Cyprus; whereas, during the period in which reference prices are applied, this reduction is dependent on the observance of a specified price on the Community market; whereas detailed rules for the application of this system are contained in Regulation (EEC) No 1252/73; whereas, in certain respects, these rules refer to provisions of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽²⁾ as last amended by Regulation (EEC) No 1754/92 ⁽³⁾;

Whereas Regulation (EEC) No 1252/73 provides that, where products are imported, the duty in the Common Customs Tariff is applied where quotations for that product, in accordance with the provisions of Article 24 (2) of Regulation (EEC) No 1035/72 recorded on the representative Community markets at the importer/wholesaler stage or converted to that stage, adjusted by the conversion factors and following deduction of import charges other than customs duties, remain lower than the reference price in force, plus the incidence of the Common Customs Tariff on that price and a standard amount fixed at 1,2 units of account (ECU 1,44) per 100 kilograms, for three consecutive market days on the representative markets of the Community with the lowest quotations;

Whereas the conversion factors and import charges other than customs duties are those used for the purpose of

calculating the entry price referred to in Regulation (EEC) No 1035/72; whereas the method of calculating import charges other than customs duties is, for certain cases, defined in Article 2 of Regulation (EEC) No 1252/73;

Whereas, if the system is to operate normally, it 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 ⁽⁴⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁵⁾,
- 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 application of these rules to quotations recorded for lemons imported into the Community and originating in Cyprus indicates that the conditions set out in the first paragraph of Article 4 of Regulation (EEC) No 1252/73 are fulfilled; whereas the duty in the Common Customs Tariff should, therefore, be applied to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

As from 19 December 1992, the duty in the Common Customs Tariff shall be applied to fresh lemons CN code ex 0805 30 10 imported into the Community and originating in Cyprus.

Article 2

This Regulation shall enter into force on 19 December 1992.

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 113.

⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽³⁾ OJ No L 180, 1. 7. 1992, p. 23.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 17 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 14 December 1992

accepting an undertaking by a Polish producer in connection with the anti-dumping proceeding concerning imports of ferrosilicon originating in Poland and Egypt

(92/572/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas :

A. PROVISIONAL MEASURES

- (1) Commission Regulation (EEC) No 1808/92⁽²⁾ imposed a provisional anti-dumping duty on imports into the Community of ferrosilicon originating in Poland and Egypt, falling within CN codes 7202 21 10, 7202 21 90 and 7202 29 00.

The provisional anti-dumping duty was extended for a period not exceeding two months by Council Regulation (EEC) No 2778/92⁽³⁾.

- (2) For the conclusions on dumping, injury and the Community interest giving grounds for the introduction of anti-dumping measures, the Commis-

sion referred to recitals 4 to 13 of Council Regulation (EEC) No 3642/92⁽⁴⁾.

B. UNDERTAKINGS

- (3) All the producers were informed of the results of the investigation; one of them, Huta Laziska, offered a price undertaking in accordance with Article 10 of Regulation (EEC) No 2423/88.
- (4) The Commission considers the offer acceptable. In its opinion, the undertaking will raise import prices in the Community by an amount judged sufficient in present circumstances to eliminate the injury caused by dumping. The investigation can therefore be terminated in respect of the Polish producer.
- (5) However, the Commission has taken note of the extremely tense situation on the Community ferrosilicon market. It will closely monitor the effects of this measure and may consider it necessary to review the matter if circumstances change.
- (6) The Commission would also point out that if an undertaking has been withdrawn, or if it has reason to believe that an undertaking has been violated, it may, where the interests of the Community so require, apply provisional anti-dumping duties forthwith under Article 10 (6) of Regulation (EEC) No 2423/88 on the basis of the facts established before the undertaking was given.
- (7) The anti-dumping committee was consulted about acceptance of the undertaking offered, and raised no objection,

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 183, 3. 7. 1992, p. 8.

⁽³⁾ OJ No L 281, 25. 9. 1992, p. 1.

⁽⁴⁾ See page 1 of this Official Journal.

HAS DECIDED AS FOLLOWS :

Sole Article

The undertaking offered by the Polish producer Huta Laziska in connection with the anti-dumping proceeding concerning imports of ferrosilicon originating in Poland and Egypt is hereby accepted.

This Decision shall take effect from the date of entry into force of Regulation (EEC) No 3642/92.

Done at Brussels, 14 December 1992.

For the Commission

Frans ANDRIESEN

Vice-President
