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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EEC) No 3706/92
of 22 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 21 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 23 December 1992.

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

Done at Brussels, 22 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 22 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 ⁽²⁾ ⁽³⁾
0712 90 19	134,03 ⁽²⁾ ⁽³⁾
1001 10 10	173,70 ⁽¹⁾ ⁽²⁾ ⁽¹⁰⁾
1001 10 90	173,70 ⁽¹⁾ ⁽²⁾ ⁽¹⁰⁾
1001 90 91	146,73
1001 90 99	146,73 ⁽¹¹⁾
1002 00 00	157,21 ⁽⁶⁾
1003 00 10	126,36
1003 00 90	126,36 ⁽¹¹⁾
1004 00 10	115,42
1004 00 90	115,42
1005 10 90	134,03 ⁽²⁾ ⁽³⁾
1005 90 00	134,03 ⁽²⁾ ⁽³⁾
1007 00 90	136,53 ⁽⁴⁾
1008 10 00	50,47 ⁽¹¹⁾
1008 20 00	71,66 ⁽⁴⁾
1008 30 00	39,27 ⁽⁵⁾
1008 90 10	(7)
1008 90 90	39,27
1101 00 00	218,22 ⁽⁸⁾ ⁽¹¹⁾
1102 10 00	233,09 ⁽⁸⁾
1103 11 10	281,74 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 90	234,86 ⁽⁸⁾

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

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

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

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 3707/92

of 22 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 21 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 23 December 1992.

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

Done at Brussels, 22 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 22 December 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	12	1	2	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	40,16	40,16	40,16
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	12	1	2	3	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 3708/92**of 21 December 1992****altering the accession compensatory amounts applicable to trade in goods covered by Council Regulation (EEC) No 3033/80 and (EEC) No 3035/80**

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 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as last amended by Regulation (EEC) No 1436/90 ⁽²⁾,

Having regard to Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 3381/90 ⁽⁴⁾,

Whereas the accession compensatory amounts introduced by Articles 53 and 213 of the Act of Accession were fixed

by Commission Regulation (EEC) No 623/86 ⁽⁵⁾, as last amended by Regulation (EEC) No 1847/92 ⁽⁶⁾;

Whereas, in accordance with the provisions of Article 6a (1) (a) and (b) of Regulation (EEC) No 623/86, the amounts should be adjusted,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts fixed in column (3) of Annexes I, III, V and in column (2) of Annexes II, IV, VI to Regulation (EEC) No 623/86 are replaced by zero.

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 from 1 January 1993.

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

Done at Brussels, 21 December 1992.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 323, 29. 11. 1980, p. 1.

⁽²⁾ OJ No L 138, 31. 5. 1990, p. 9.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 327, 27. 11. 1990, p. 4.

⁽⁵⁾ OJ No L 59, 1. 3. 1986, p. 1.

⁽⁶⁾ OJ No L 190, 9. 7. 1992, p. 1.

COMMISSION REGULATION (EEC) No 3709/92**of 21 December 1992****Commission Regulation (EEC) No 2228/91 laying down provisions for the implementation of Council Regulation (EEC) No 1999/85 on inward processing relief arrangements**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1999/85 of 16 July 1985 on inward processing relief arrangements⁽¹⁾, and in particular Article 31 thereof,

Whereas Commission Regulation (EEC) No 2228/91⁽²⁾, as last amended by Commission Regulation (EEC) No 1196/92⁽³⁾, laid down provisions of the implementation of Regulation (EEC) No 1999/85;

Whereas the establishment of the internal market on 1 January 1993 will lead to the abolition of controls at intra-Community frontiers; whereas in order to give effect to such abolition it should be made possible to apply for authorization covering processing operations in several Member States and to issue authorizations valid in more than one Member State; whereas it is also necessary to specify which customs authority will accept such applications and issue such authorizations;

Whereas it is desirable to stipulate that in order to facilitate checks on the proper application of the provisions governing the arrangements, the customs authority may require stock records to be kept;

Whereas it is desirable to reduce the administrative cost of the arrangements for the civil aviation industry and to that end to refrain from requiring notification of inward processing authorizations issued to operators in that sector;

Whereas, following the entry into force on 1 January 1988 of the Combined Nomenclature, raw cane sugar and raw beet sugar are classified under separate codes; whereas such classification has some bearing on the granting of inward processing arrangements under the equivalent compensation system;

Whereas, in the light of the introduction, from 1 January 1993, of new supply arrangements for Community refineries of raw sugar available within the Community or

imported from third countries, exception should be made to allow the equivalent compensation system between raw cane sugar and raw beet sugar;

Whereas requests for authorization to use this system have been submitted to the competent authorities in a number of Member States; whereas such exception, allowing for the equivalent compensation system, should also be applied to requests presented from 1 January 1992 on;

Whereas the measures provided for by this Regulation are in conformity with the opinion of the Community for Customs Procedures with Economic Impact,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2228/91 is hereby amended as follows:

1. Article 3 (1) is replaced by the following:

'1. Without prejudice to paragraph 4 and Article 25, applications for authorization shall be made in writing and shall conform to the model set out in Annex II. They shall contain at least the particulars indicated in that Annex. Applications must be signed and dated and shall be presented to the customs authority designated by the Member State where the processing operation is to be carried out.

1 a. Where it is expected that successive processing operations will be carried out by or on behalf of the applicant in different Member States, application for a single authorization may be made.

In that case, the application, which shall include particulars of the sequence of operations and the exact places where they will be carried out, shall be presented to the customs authority of the Member State where the first such operation will be carried out.'

2. The following paragraph 4 shall be added to Article 4:

'For the purposes of Article 17 of the basic Regulation and to ensure correct application of the provisions governing the arrangements, the customs authority may require the holder to keep stock records, hereinafter referred to as "inward processing records",

⁽¹⁾ OJ No L 188, 20. 7. 1985, p. 1.

⁽²⁾ OJ No L 210, 31. 7. 1991, p. 1.

⁽³⁾ OJ No L 124, 9. 5. 1992, p. 24.

which indicate the quantities of import goods entered for the arrangements and of compensating products obtained, and all particulars needed for the monitoring of the operations and the correct calculation of any import duties which may be payable.

The inward processing records shall be made available to the supervising customs authorities to enable them to carry out the checks necessary for the proper implementation of the arrangements. Where the processing operations are being carried out in two or more establishments, the inward processing records shall at all times show the information pertaining to the implementation of the arrangements in each establishment.

Where the records kept by the applicant for commercial purposes allow supervision of the arrangements they shall be recognized by the customs authority as valid inward processing records within the meaning of the first subparagraph.

3. Article 14 (1) is hereby replaced by the following :

'1. Without prejudice to Article 25, authorizations shall be issued by the customs authority to which the application was presented under Article 3 (1); they shall be made out in writing and shall conform to the model set out in Annex II. They shall contain at least the particulars indicated in that Annex. Authorizations must be signed and dated.

1 a. Where Article 3 (1) (a) applies, the authorization may not be made out without the agreement of the customs authorities designated by the Member States in which the places indicated in the application are located. The following procedure shall apply to :

(a) the customs authority to which the application was presented, after satisfying itself that the economic conditions can be considered fulfilled in respect of the planned operation, shall communicate the application and the draft authorization to the customs authorities of the other Member States concerned ; the said draft shall include, at least, the rate of yield, the approved methods of identification, the customs office referred to at point 12 of the model authorization in Annex II, any simplified procedures used for entry for the arrangements, transfer or discharge and the rules to be observed *inter alia* as regards notification to the supervising office.

(b) The customs authorities having received notification, shall transmit any objections as soon as possible, and in any case within two months of the date of communication of the application and draft authorization.

(c) The customs authority referred to in subparagraph (a), after taking the necessary steps to ensure payment of the customs debt which may arise in respect of the import goods, may issue the authorization if it has received no information concerning the existence of objections to the draft authoriza-

tion within the period referred to in subparagraph (b).

(d) The Member State issuing the authorization shall send a copy thereof to all the Member States referred to above.

Authorizations issued in this way shall be valid only in the Member States referred to above.

The Member States shall communicate, to the Commission, the names and addresses of the customs authorities designated to receive the application and the draft authorization mentioned in subparagraph (a). The Commission shall inform the other Member States accordingly.'

4. The first subparagraph of Article 62 (3) is replaced by the following :

'3. The request for consideration of a case under the terms of the fifth indent of paragraph 2 shall be submitted to the customs authority indicated by the Member State which issued the inward processing authorization. It shall be admissible only if accompanied by all the supporting documents needed for a full examination of the case put forward. Where a customs authority receives a request relating to compensatory interest on a sum of ECU 3 000 or less per bill of discharge and observes that the documents supporting the request indicate a situation of the kind provided for in the fifth indent of paragraph 2, it shall not apply paragraph 1. In this case the supporting documents shall be held for three years by the customs authority.'

5. Article 72 (3) (a) is replaced by the following :

'(a) in respect of each authorization where the value of the import goods per operator and per calendar year exceeds the limits set in Article 6, the particulars indicated in Annex VIII ; such particulars need not be transmitted where the inward processing application has been issued on the basis of one or more of the economic conditions referred to by the following codes : 6106, 6107, 6202, 6301, 6302, 6303, 7004 and 7005.

However, in respect of the products referred to in the second subparagraph of Article 28 (1), particulars must be supplied for every authorization granted, irrespective of the value of the products and irrespective of the code used to identify the economic conditions.'

6. Annex IV is amended accordingly to Annex I of this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1993.

However, the provisions of Article 1 point 6 shall apply also to requests presented from 1 January 1992 on.

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

Done at Brussels, 21 December 1992.

For the Commission
Christiane SCRIVENER
Member of the Commission

ANNEX

The following text shall be added to Annex IV.

3. Sugar

Recourse to equivalent compensation is permitted between raw cane sugar of CN code 1701 11 90 and raw beet sugar of CN code 1701 12 90.'

**COMMISSION REGULATION (EEC) No 3710/92
of 21 December 1992**

**establishing the procedures for transfers of goods or products covered by inward
processing arrangements (suspension system)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1999/85 of 16 July 1985 on inward processing relief arrangements⁽¹⁾, and in particular Article 31 thereof,

Whereas Commission Regulation (EEC) No 2228/91⁽²⁾, as last amended by Regulation (EEC) No 3709/92⁽³⁾, lays down provisions for the implementation of Regulation (EEC) No 1999/85;

Whereas pursuant to Article 3 (1) of Council Regulation (EEC) No 222/77⁽⁴⁾, as last amended by Regulation (EEC) No 474/90⁽⁵⁾, a number of Member States currently apply simplified national procedures to the carriage within their own customs territories of goods or products placed under inward processing arrangements; whereas Article 3 shall be revoked from the date on which Council Regulation (EEC) No 2726/90⁽⁶⁾ becomes applicable;

Whereas Article 5 of Council Regulation (EEC) No 2726/90, stipulates that the Community transit procedure shall apply without prejudice to the specific provisions applicable to the movement of goods placed under economic customs arrangements;

Whereas the abolition of the Community's internal frontiers and of the formalities associated with the crossing of those frontiers mean that goods placed under inward processing arrangements using the drawback system may be transferred without formalities; whereas for practical reasons and in the interests of consistency it is therefore desirable to provide, over and above the normal Community transit procedures, for more flexible procedures, applicable uniformly throughout the Community, for the transfer of goods under inward processing arrangements using the suspension system;

Whereas it is necessary to establish clearly the responsibilities of economic operators in connection with the use of the transfer procedures;

Whereas these procedures should be made applicable when Council Regulation (EEC) No 2726/90 enters into use;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee for Customs Procedures with Economic Impact,

HAS ADOPTED THIS REGULATION:

I

Preliminary provisions

Article 1

1. This Regulation establishes the procedures applicable to transfers within the Community customs territory of goods or products covered by inward processing arrangements (suspension system).
2. If permission is given for the use of such transfer procedures, they must be set out in the authorization. They shall replace the movement procedures of the Community transit arrangements. In the case of a transfer of products or goods from the holder of one authorization to the holder of a second authorization, both of these authorizations shall stipulate the procedures of transfer.
3. Permission for the use of the procedures in question must be given only if the holder of the authorization keeps or has kept for him the inward processing records referred to in Article 4 (4) of Regulation (EEC) No 2228/91.

Article 2

For the purposes of this Regulation:

- supervising customs office means the customs office empowered by the customs authority of the Member State which issued the authorization to supervise the arrangements;
- customs office of entry for the arrangements means the customs office or offices empowered by the customs authority of the Member State which issued the authorization to accept declarations entering goods for the arrangements;
- customs office of discharge means the customs office or offices empowered by the customs authority of the Member State which issued the authorization to accept declarations assigning goods in the unaltered state or compensating products to one of the treatments or uses referred to in Article 18 of Regulation (EEC) No 1999/85.

⁽¹⁾ OJ No L 188, 20. 7. 1985, p. 1.

⁽²⁾ OJ No L 210, 31. 7. 1991, p. 1.

⁽³⁾ See page 6 of this Official Journal.

⁽⁴⁾ OJ No L 38, 9. 2. 1977, p. 1.

⁽⁵⁾ OJ No L 51, 27. 2. 1990, p. 1.

⁽⁶⁾ OJ No L 262, 26. 9. 1990, p. 1.

II

Provisions governing transfers of goods or products using a single authorization*Article 3*

The customs authority shall permit compensating products or goods in the unaltered state to be transferred from the plant of one operator to the plant of another, with a view to further processing, provided the transfer is entered in the inward processing records.

Article 4

The holder of the authorization shall retain responsibility for transferred goods or products.

III

Provisions governing transfers of goods or products from the holder of one authorization to the holder of another*Article 5*

The customs authority shall permit compensating products or goods in the unaltered state to be transferred from the holder of one authorization to the holder of another, provided the transfer is recorded in the inward processing records of the first holder in accordance with the procedure described in Annex I to this Regulation.

Article 6

1. Responsibility for transferred goods or products shall pass to the holder of the second authorization at the time at which he takes delivery of the said goods or products and enters them in his inward processing records.

2. This new entry in the inward processing records has the effect of placing the goods or products under the arrangements in the name of the holder of the second authorization.

IV

General provisions*Article 7*

1. Provided the proper conduct of operations is not thereby affected, the customs authority, on other conditions it shall lay down, shall permit:

- (a) the carriage of import goods, without customs formalities, from the office of entry for the arrangements to the operator's plant, and of compensating products or goods in the unaltered state from the operator's plant to the office of discharge;
- (b) advance authentication of the forms referred to in Annex I or completion by the operator of the forms referred to in Annex I, which shall be stamped by him using a special metal stamp approved by the authority;
- (c) completion of the formalities using a computerized system, provided the said system is such as to guarantee the proper implementation of the provisions of this Regulation.

2. Where paragraph 1 (a) is applied, the supervising office must be informed by the office of entry for the arrangements that the import goods have been entered for the arrangements and by the office of discharge that the compensating products or goods in the unaltered state have been exported, by dispatching extra copies of the declaration made to that effect and the accompanying documents.

Article 8

The holder of the authorization shall be responsible for providing the customs authority with advance notification of the transfers to be carried out in the form and manner which the said authority shall determine.

Article 9

1. Where the transfer procedures referred to in this Regulation are applied, the provisions of Article 50 of Regulation (EEC) No 2228/91 regarding goods considered to have been released for free circulation may be applied on presentation of the bill of discharge, provided that other Community provisions concerning release for free circulation do not prevent this.

2. The supervising office shall inform the office or offices of entry for the arrangements of the discharges granted, giving reference particulars of the declarations entering goods for the arrangements that it has accepted.

V

Final provisions*Article 10*

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

It shall apply from the date on which Regulation (EEC) No 2726/90 becomes applicable.

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

Done at Brussels, 21 December 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

ANNEX

**TRANSFERS OF GOODS OF PRODUCTS COVERED BY THE ARRANGEMENTS
FROM THE HOLDER OF ONE AUTHORIZATION TO THE HOLDER OF ANOTHER**

1. Where the goods or products are transferred from the holder of one authorization to the holder of another, a form corresponding to the model drawn up in accordance with Council Regulation (EEC) No 717/91 of 21 March 1991 concerning the Single Administrative Document ⁽¹⁾, shall be completed on copies 1, 4 and 5 and an additional identical copy to copy 1.
2. Before a transfer of goods or products takes place, the supervising office dealing with the holder of the first authorization shall be notified of the proposed transfer, in a manner which that office shall determine, in order to enable the performance of any checks considered necessary.
3. Copy 1 shall be kept by the first holder (the sender of the goods or products) with his inward processing records.
4. The remaining copies shall accompany the goods or products.
5. Upon receipt of the goods, the holder of the second authorization (the recipient of the goods or products) shall notify his supervising office of the transfer, in the manner which that office shall determine, and shall keep the additional copy with his inward processing records.
6. Copies 4 and 5 shall be sent by the holder of the second authorization to his supervising office. That office shall keep copy 4 and shall send copy 5, after endorsement, to the first holder's supervising office. Where applicable, notification may be given monthly and in an aggregate form.

⁽¹⁾ OJ No L 78, 26. 3. 1991, p. 1.

Appendix

The form referred to in point 1 of this Annex, used for transfers of goods from the holder of one authorization to the holder of another, must contain the following information in the boxes indicated. The other boxes need not be filled in if the holders of the authorizations provide the statistical data on a monthly basis. Otherwise, the customs authority may require other boxes to be filled in or to have additional copies for statistical purposes.

2. Consignor : Give the name and forename of or business name of the holder of the first authorization and his full address, followed by the authorization number and the issuing Member State.
3. Forms : indicate the order number of the set of forms among the total number of sets used.

Where the declaration relates to a single item (i.e. where only one 'description of goods' box needs to be filled in), leave box 3 blank but enter the figure 1 in box 5.

5. Items : State the total number of items declared in all the forms or supplementary forms used. The number of items is equal to the number of 'description of goods' boxes which need to be filled in.
8. Consignee : Give the name and forename of or business name of the holder of the second authorization and his full address.
15. Dispatching country : Indicate the Member State dispatching the goods.

31. Packages and description of goods ; marks and numbers — container No(s) — number and kind : Enter the marks, (identifying) numbers, number and kind of packages or, in the case of unpacked goods, the number of goods covered by the declaration or the indication 'in bulk', as appropriate, plus the details needed to identify them.

The goods should be described using their usual commercial description, in sufficient detail to allow the goods to be identified. Where a container is used, the identification marks of the container should also be indicated in this box.

32. Item No : State the order number of the item in question among the total number of items declared in the forms or supplementary forms used, as defined in box 5.

Where the declaration relates to a single item, the Member States may stipulate that nothing should be entered in this box, the figure 1 having been entered in box 5.

33. Commodity code : Enter the code number for the item in question.

37. Procedure : Indicate the code 5751.

38. Net mass : State the net mass in kilograms of the goods described in the corresponding box 31. The net mass is the mass of the goods stripped of all packaging.

41. Supplementary units : Indicate the quantity in the units laid down in the Combined Nomenclature.

44. Additional information : documents produced, certificates and authorization : Enter 'Application of Regulation (EEC) No 3710/92 — IP/S goods.'

When the import goods are subject to specific commercial-policy measures and when these measures are still to be applied at the moment of transfer, the words 'Commercial Policy' should be added to this entry.

In addition, the number of the INF 1 bulletin used should be indicated, if Article 76 (7) of Regulation (EEC) No 2228/91 is applicable.

46. Statistical value : enter the amount, expressed in the currency stipulated by the Member State where the goods are entered for the arrangements, of the value for customs purposes determined in accordance with Regulation (EEC) No 1224/80.

54. Place and date : signature and name of the declarant or his representative : subject to the special provisions to be adopted concerning the use of computer, the original hand-written signature of the person indicated in box 2 followed by his name and forename must appear on the copy to be retained by the customs office. Where the person concerned is a legal person, the person signing the form should state his capacity after his signature, name and forename.

COMMISSION REGULATION (EEC) No 3711/92
of 21 December 1992

amending Regulation (EEC) No 1725/92 laying down detailed implementing rules for the specific measures for supplying the Azores and Madeira with products from the pigmeat sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992, introducing specific measures for the Azores and Madeira concerning certain agricultural products⁽¹⁾, and in particular Article 10 hereof,

Whereas Commission Regulation (EEC) No 1725/92⁽²⁾ establishing the implementing rules for the supply measures has fixed in part 2 of Annex III the aid for the supply to Madeira of pure-bred breeding pigs as well as the number of animals which benefit from it;

Whereas in the light of initial experience gained the number of animals benefitting from the Community aid should be increased in order to satisfy the needs of the sector;

Whereas the measures provided for in the present regulation are in conformity with the opinion of the Management Committee for Pigmeat,

HAS ADOPTED THIS REGULATION:

Article 1

Part 2 of Annex III of Regulation (EEC) No 1725/92 is replaced by the Annex of 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, 21 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 179, 1. 7. 1992, p. 95.

*ANNEX***PART 2**

**Supply in Madeira of pure-bred breeding pigs originating in the Community for the period from
1 July 1992 to 30 June 1993**

CN code	Description of the goods	Number of animals to supply	Aid (ECU/head)
0103 10 00	Pure-bred breeding pigs ('):		
	— male animals	120	400
	— female animals	1 600	350'

COMMISSION REGULATION (EEC) No 3712/92

of 21 December 1992

of amending Regulation (EEC) No 1214/92 on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2726/90 of 17 September 1990 on Community transit⁽¹⁾, and in particular Article 44 thereof,

Whereas Commission Regulation (EEC) No 1214/92 contains, *inter alia*, specific provisions relating to guarantees⁽²⁾;

Whereas it is appropriate, on the one hand, to adapt these provisions to take account of recent developments in the transport of certain categories of goods presenting increased risks to duties and other charges which may due on importation either by forbidding the use of the comprehensive guarantee or by increasing the level of that guarantee and, on the other hand, to amend them in order to make them more binding;

Whereas for legal reasons, it is appropriate to amend the period during which Member States can reply to an application for a simplified Community transit procedure requested by airline or shipping companies;

Whereas the guarantee waiver may not be applied where the use of the comprehensive guarantee is forbidden;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Community transit,

HAS ADOPTED THIS REGULATION:

Article 1

Title IV 'Provisions applying to external and internal community transit' of Regulation (EEC) No 1214/92 is hereby amended as follows:

1. The following text is inserted in Chapter II after 'Section 2: Comprehensive Guarantee':

'Use of the comprehensive guarantee

Article 34 (A)

When external Community transit operations comprising goods imported to the Community from third

countries having been or which must be made the subject of specific information, notably by application of the provisions of Regulation (EEC) No 1468/81, present increased risk of fraud, Member States shall, by agreement with the Commission, take specific measures with a view to temporarily forbidding the use of the comprehensive guarantee.

The decision to forbid the use of the comprehensive guarantee by a Member State shall apply with regard to other Member States.

The Member States shall keep each other and the Commission informed of decisions taken under this Article.

After six months the Commission shall determine whether or not the measures taken need to be continued.

Amount of the guarantee

Article 34 (B)

Without prejudice to the provisions of Article 34 (a) of this Regulation the level of the comprehensive guarantee shall be determined as follows:

1. The amount of the guarantee shall be set at least at 30 % of the duties, levies and taxes payable according to the procedures laid down in paragraph 4 below.
2. The comprehensive guarantee shall be fixed at a level equal to the full amount of duties, levies and taxes payable, under the provisions of paragraph 4 below, when it is intended to cover external community transit operations concerning goods:
 - imported into the Community,
 - listed in Annex VIII A of this Regulation and
 - having been the subject of specific information of the Commission concerning transit operations presenting increased risks of fraud, in particular pursuant to the provisions of Regulation (EEC) No 1468/81.

However, the competent authorities of the Member States may set the amount of the guarantee at 50 % of the duties, levies and taxes payable:

⁽¹⁾ OJ No L 262, 26. 9. 1990, p. 1.

⁽²⁾ OJ No L 132, 16. 5. 1992, p. 1.

for persons :

- who are established in the Member State where the guarantee is furnished ;
- who are regular users of the Community transit system ;
- whose financial situation is such that they can meet their commitments ; and
- who have not committed any serious infringement of customs or tax laws.

If this subparagraph is applied, the office of guarantee shall enter in box 7 of the certificate of guarantee provided for in Article 12 one of the following statements :

- aplicación del segundo apartado del punto 2 del artículo 34 ter del Reglamento (CEE) n° 1214/92
- anvendelse af artikel 34b, stk. 2, andet afsnit, i forordning (EØF) nr. 1214/92
- Anwendung von Artikel 34b Absatz 2 zweiter Unterabsatz der Verordnung (EWG) Nr. 1214/92
- Εφαρμογή του άρθρου 34 β), σημείο 2, παράγραφος 2, δεύτερο εδάφιο του κανονισμού (ΕΟΚ) αριθ. 1214/92
- application of the second subparagraph of Article 34 B (2) of Regulation (EEC) No 1214/92
- application article 34 ter, paragraphe 2, deuxième alinéa, Règlement (CEE) n° 1214/92
- applicazione dell'articolo 34 ter, paragrafo 2, secondo comma del regolamento (CEE) n. 1214/92
- toepassing artikel 34 ter, lid 2, tweede alinea, van Verordening (EEG) nr. 1214/92
- aplicação do ponto 2, segundo parágrafo, do artigo 34º-B do Regulamento (CEE) n° 1214/92.

3. Where the Community transit declaration includes other goods besides those covered by paragraph 2 of this Article the provisions relating to the amount of the guarantee shall be applied as if the two categories of goods were covered by separate declarations.

However, account shall not be taken of the presence of goods of either category if the quantity or value thereof is relatively insignificant.

4. In order to apply this Article an evaluation shall be made of :

- consignments made over a period of eight days,
- the duties, levies and taxes payable taking account of the highest level of taxation applicable in one of the countries concerned.

This evaluation shall be made on the basis of the commercial and accounting documentation of the

person concerned in respect of goods transported during the past year, the amount obtained then being divided by 52.

In the case of new operators the office of guarantee shall in collaboration with the person concerned estimate the quantity, value and taxes applicable to the goods being transported over a given period based on data already available. The office of guarantee shall by extrapolation determine the likely value of and taxes on the goods to be transported during a period of 8 days.

Where the principal uses the comprehensive guarantee for the goods covered by Annex VIII A, the office of guarantee shall carry out an annual review of the amount of the comprehensive guarantee, in particular on the basis of information from the offices of departure, and shall if appropriate adjust the amount.'

2. The text of Article 41 (2) is replaced by the following :

'2. Where, owing to circumstances peculiar to it, a transport operation involves increased risks and the office of departure therefore considers that the guarantee of ECU 7 000 is insufficient, it may ask for a guarantee of a greater amount in multiples of ECU 7 000 in order to guarantee the duties relating to the total quantity of goods to be dispatched.'

Article 2

Article 47 is replaced by the following :

Article 47

1. The guarantee waiver shall not apply, in accordance with Article 32 (3) of the basic Regulation, to goods :

- (a) the total value of which exceeds ECU 100 000 for cargo ;
- or
- (b) which are listed in Annex XI as involving increased risks.

2. The guarantee waiver shall not apply where, in accordance with the provisions of Article 34 (A), the use of the comprehensive guarantee is forbidden.'

Article 3

In Article 52 (11) (a) third sub-paragraph and in Article 56 (2) second sub-paragraph and Article 56 (11) (a) third sub-paragraph, the term 'within two months' shall be replaced by the term 'within sixty days'.

Article 4

Annex VIII of Regulation (EEC) No 1214/92 is replaced by the text of Annex I of this Regulation.

Annex VIII A conforming to the text of Annex II of this Regulation shall be added to Regulation (EEC) No 1214/92.

Annex XI of Regulation (EEC) No 1214/92 is replaced by the text of Annex III of this Regulation.

Article 5

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*. It shall apply from 1 January 1993.

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

Done at Brussels, 21 December 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

ANNEX I

ANNEX VIII

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

1	2	3
HS code	Description	Quantity corresponding to the standard amount of ECU 7 000
ex 01.02	Live bovine animals, other than pure bred breeding animals	4 000 kg
ex 01.03	Live pigs, other than pure bred breeding animals	5 000 kg
ex 01.04	Live sheep or goats, other than pure bred breeding animals	6 000 kg
02.01	Meat of bovine animals, fresh or chilled	2 000 kg
02.02	Meat of bovine animals, frozen	3 000 kg
02.03	Meat of pigs, fresh, chilled or frozen	4 000 kg
02.04	Meat of sheep or goats, fresh, chilled or frozen	3 000 kg
ex 02.10	Meat of bovine animals, salted, in brine, dried or smoked	3 000 kg
04.02	Milk and cream, concentrated or containing added sugar or other sweetening matter	5 000 kg
04.05	Butter and other fats and oils derived from milk	3 000 kg
04.06	Cheese and curd	3 500 kg
ex 09.01	Coffee, not roasted, whether or not decaffeinated	3 000 kg
ex 09.01	Coffee, roasted, whether or not decaffeinated	2 000 kg
09.02	Tea	3 000 kg
10.01	Cereals (wheat) and (meslin)	900 kg
10.02	Rye	1 000 kg
10.03	Barley	1 000 kg
10.04	Oats	850 kg
ex 16.01	Sausages and similar products of meat, meat offal or blood, of domestic swine	4 000 kg
ex 16.02	Other prepared or preserved meat, meat offal or blood, of domestic swine	4 000 kg
ex 16.02	Other prepared or preserved meat, meat offal or blood of bovine animals	3 000 kg
ex 21.01	Extracts, essences and concentrates, of coffee	1 000 kg
ex 21.01	Extracts, essences and concentrates of tea	1 000 kg
ex 21.06	Food preparations not elsewhere specified or included, containing 18 % or more by weight or milkfats	3 000 kg
22.04	Wine of fresh grapes, including fortified wines, grape must other than that of heading No 20.09	15 hl
22.05	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances	15 hl

1	2	3
HS code	Description	Quantity corresponding to the standard amount of ECU 7 000
ex 22.07	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher	3 hl
ex 22.08	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol	3 hl
ex 22.08	Spirits, liqueurs and other spirituous beverages	5 hl
ex 24.02	Cigarettes	70 000 items
ex 24.02	Cigarillos	60 000 items
ex 24.02	Cigars	25 000 items
ex 24.03	Smoking tobacco	100 kg
ex 27.10	Light and medium petroleum oils and gas oils	200 hl
33.03	Perfumes and toilet waters	5 hl'

*ANNEX II**ANNEX VIIIa*

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

ex 01.02	Live bovine animals, other than pure-bred breeding animals
ex 01.03	Live swine, other than pure-bred breeding animals
ex 01.04	Live sheep or goats, other than pure-bred breeding animals
02.01	Meat of bovine animals, fresh or chilled
02.02	Meat of bovine animals, frozen
02.03	Meat of swine, fresh, chilled or frozen
02.04	Meat of sheep or goats, fresh, chilled or frozen
10.01	Wheat and meslin
10.02	Rye
10.03	Barley
10.04	Oats'

*ANNEX III**ANNEX XI***LIST OF GOODS PRESENTING INCREASED RISKS TO WHICH THE GUARANTEE
WAIVER DOES NOT APPLY**

ex 01.02	Live bovine animals, other than pure-bred breeding animals
ex 01.03	Live swine, other than pure-bred breeding animals
ex 01.04	Live sheep or goats, other than pure-bred breeding animals
02.01	Meat of bovine animals, fresh or chilled
02.02	Meat of bovine animals, frozen
02.03	Meat of swine, fresh, chilled or frozen
02.04	Meat of sheep or goats, fresh, chilled or frozen
ex 09.01	Coffee, not roasted, whether or not decaffeinated
ex 09.01	Coffee, roasted, whether or not decaffeinated
09.02	Tea
10.01	Wheat and meslin
10.02	Rye
10.03	Barley
10.04	Oats
ex 21.01	Extracts, essences and concentrates, of coffee
ex 21.01	Extracts, essences and concentrates, of tea
22.04	Wine of fresh grapes, including fortified wines, grape must other than that of heading No 20.09
22.05	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances
ex 22.07	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher
ex 22.08	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol
ex 22.08	Spirits, liqueurs and other spirituous beverages
ex 24.02	Cigarettes
ex 24.02	Cigarillos
ex 24.02	Cigars
ex 24.03	Smoking tobacco
ex 27.10	Light and medium petroleum oils and gas oils
33.03	Perfumes and toilet waters'

COMMISSION REGULATION (EEC) No 3713/92**of 22 December 1992****deferring the date of application of Article 11 (1) of Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs, with regard to the imports from certain third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs⁽¹⁾, and in particular Article 16 (3), second indent thereof,

Whereas some third countries have introduced to the Commission a request for being included in the list of third countries provided for in Article 11 (1) of Regulation (EEC) No 2092/91 as well as the information provided for in Article 2 (2) of Commission Regulation (EEC) No 94/92⁽²⁾;

Whereas from a first examination of the information it has resulted that in certain of these countries production and inspection rules are applied which appear largely satisfy the requirement of equivalency provided for in Article 11 (2) of Regulation (EEC) No 2092/91 ; whereas however on certain points the examination has to be completed and studied in detail, with the consequence that the stage in examining the information does not permit a decision to be taken regarding the inclusion of these third countries in the list provided for in Article 11 (1) before 1 January 1993, the date of implementation of this provision ;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee provided for in Article 14 of Regulation (EEC) No 2092/91,

The implementation of the provisions of Article 11 (1) of Regulation (EEC) No 2092/91 is deferred for a period of six months from the date of implementation of the present Regulation for products imported from the following third countries :

- Argentina, for products certified as being produced in this country by organic production methods by the Instituto Argentino para la Certificacion y Promocion de los Productos Biologicos or by the Fundacion de Alimentos Ecologicos Argentinos ;
- Austria, for products certified as being produced in this country by organic production methods by the official services in each Land in charge of general food inspection ;
- Australia, for products certified as being produced in this country by organic production methods by the Australian Quarantine and Inspection Service (AQIS) ;
- Israel, for products certified as being produced in this country by organic production methods by the Ministry of Agriculture, Department of Plant Protection and Inspection (DPPI) or by the Ministry of Industry and Trade, Food and Vegetable Products for Export Inspection Service ;
- Switzerland, for products certified as being produced in this country by organic production methods by the Vereinigung Schweizerischer Biologischer Landbau-Organisationen (VSBLO).

Article 2

This Regulation shall enter into force on the 1 January 1993.

⁽¹⁾ OJ No L 198, 22. 7. 1991, p. 1.

⁽²⁾ OJ No L 11, 17. 1. 1992, p. 14.

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

Done at Brussels, 22 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3714/92

of 22 December 1992

amending certain Regulations on the common organization of the market in poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 234/79 of 5 February 1979 on the procedure for adjusting the Common Customs Tariff nomenclature used for agricultural products⁽¹⁾, as last amended by Regulation (EEC) No 3208/89⁽²⁾, and in particular Article 2 (1) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽³⁾, as last amended by Regulation (EEC) No 1235/89⁽⁴⁾, and in particular Articles 5 (3) and 9 (3) thereof,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽⁵⁾, and in particular Article 4 (5) thereof,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products⁽⁶⁾, and in particular Article 10 thereof,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽⁷⁾, and in particular Article 4 (4) thereof,

Whereas Commission Regulation (EEC) No 2505/92 of 14 July 1992 amending Annexes I and II to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽⁸⁾ provides for a subdivision for live fowls of the species

Gallus domesticus not exceeding 185 g covered by CN subheading 0105 11 and for fresh or chilled fatty livers covered by CN subheading 0207 31 with effect on 1 January 1993;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. In the Annex to Commission Regulation (EEC) No 572/73 of 26 February 1973 establishing egg and poultrymeat products eligible for the advance fixing of export refunds⁽⁹⁾, CN code 0105 11 00 is hereby replaced by CN code 0105 11.
2. In Articles 1 (1) and 5 (2) of Regulation (EEC) No 2777/75, CN code 0207 31 00 is hereby replaced by CN code 0207 31.
3. In Annexes I and II to Council Regulation (EEC) No 2778/75 of 29 October 1975 laying down rules for calculating the levy and the sluice-gate price for poultrymeat⁽¹⁰⁾, CN code 0105 11 00 is hereby replaced by CN code 0105 11.
4. In the Annex to Commission Regulation (EEC) No 3011/79 of 20 December 1979 fixing the coefficients for calculating levies on derived poultrymeat products and repealing Regulation No 199/67/EEC⁽¹¹⁾, CN code 0207 31 00 is hereby replaced by CN code 0207 31.
5. CN code ex 0105 11 00 is hereby replaced by CN code ex 0105 11

— in Article 4 (1) (f) of Regulation (EEC) No 3763/91,

— in Article 4 (1) (d) of Regulations (EEC) No 1600/92 and No 1601/92,

⁽¹⁾ OJ No L 34, 9. 12. 1979, p. 2.

⁽²⁾ OJ No L 312, 27. 10. 1989, p. 5.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽⁴⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽⁵⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽⁶⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽⁷⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽⁸⁾ OJ No L 267, 14. 9. 1992, p. 1.

⁽⁹⁾ OJ No L 56, 1. 3. 1973, p. 6.

⁽¹⁰⁾ OJ No L 282, 1. 11. 1975, p. 84.

⁽¹¹⁾ OJ No L 337, 29. 12. 1979, p. 65.

- in the Annex to Commission Regulation (EEC) No 1726/92 of 30 June 1992 laying down detailed implementing rules for the specific measures for supplying the Azores and Madeira with products from the eggs and poultrymeat sectors ⁽¹⁾,
- in Annex III to Commission Regulation (EEC) No 1729/92 of 30 June 1992 laying down detailed implementing rules for the specific measures for supplying the Canary Islands with products from the eggs and poultrymeat sectors ⁽²⁾,
- in the Annex to Commission Regulation (EEC) No 2826/92 of 29 September 1992 laying down detailed implementing rules for the specific measures for supplying the French overseas departments with products from the eggs, poultrymeat and rabbit sectors ⁽³⁾.

Article 2

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, 22 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 179, 1. 7. 1992, p. 99.

⁽²⁾ OJ No L 179, 1. 7. 1992, p. 107.

⁽³⁾ OJ No L 285, 30. 9. 1992, p. 10.

COMMISSION REGULATION (EEC) No 3715/92
of 22 December 1992
suspending advance fixing of the import levy for rice

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 674/92 ⁽²⁾, and in particular the second paragraph of Article 13 (7) thereof,

Whereas Article 13 (7) of Regulation (EEC) No 1418/76 provides that the provisions concerning advance fixing of the levy may be suspended if the market situation shows that the application of such provisions will or is likely to cause difficulties;

Whereas there is danger, given the irregular pattern of fixings at the end of the year and the uncertain trend of prices during that period, that if existing arrangements are adhered to, levies could be fixed in advance in the short term for quantities considerably in excess of the quantities which might be expected under more normal conditions;

Whereas the abovementioned situation requires that application of the provisions concerning advance fixing of

levies for the product concerned be temporarily suspended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Advance fixing of the import levy for the products referred to in Article 1 (a), (b) and (c) of Regulation (EEC) No 1418/76 is hereby suspended from 24 December 1992 to 7 January 1993.

Article 2

This Regulation shall enter into force on 24 December 1992.

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

Done at Brussels, 22 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

COMMISSION REGULATION (EEC) No 3716/92
of 22 December 1992

**adjusting the corrective amount on the import of artichokes into the
Community of Ten from Spain**

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 3709/89
of 4 December 1989 laying down general rules for imple-
menting the Act of Accession of Spain and Portugal as
regards the compensatory mechanism for imports of fruit
and vegetables from Spain ⁽¹⁾, and in particular Article 4
(2) thereof,

Whereas Article 152 of the Act of Accession introduces
from 1 January 1990 a compensatory mechanism for
imports into the Community as constituted on 31
December 1985, hereinafter called 'the Community of
Ten', of fruit and vegetables from Spain for which a
reference price is fixed with regard to third countries;

Whereas Regulation (EEC) No 3709/89 lays down general
rules for applying the said compensatory mechanism and
Commission Regulation (EEC) No 3820/90 ⁽²⁾ lays down
detailed rules for applying the said compensatory
mechanism;

Whereas Commission Regulation (EEC) No 3531/92 ⁽³⁾,
as amended by Regulation (EEC) No 3606/92 ⁽⁴⁾, intro-
duces a corrective amount on imports of artichokes into
the Community of Ten from Spain;

Whereas Article 3 (4) of Regulation (EEC) No 3709/89
lays down the conditions under which a corrective
amount introduced pursuant to Article 3 (1) of the said
Regulation, is to be adjusted; whereas the said conditions
require that the corrective amount on imports of
artichokes from Spain into the Community of Ten be
adjusted,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 3531/92 'ECU 22,55'
is replaced by 'ECU 9,34.'

Article 2

This Regulation shall enter into force on 23 December
1992.

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

Done at Brussels, 22 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.
⁽²⁾ OJ No L 366, 29. 12. 1990, p. 43.

⁽³⁾ OJ No L 358, 8. 12. 1992, p. 11.
⁽⁴⁾ OJ No L 366, 15. 12. 1992, p. 42.

COMMISSION REGULATION (EEC) No 3717/92**of 22 December 1992****fixing the maximum export refund for white sugar for the 34th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 920/92**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 3484/92⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

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

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

Whereas, following an examination of the tenders submitted in response to the 34th partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 1432/92⁽⁵⁾, as amended by Regulation (EEC) No 3534/92⁽⁶⁾, prohibits

trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 34th partial invitation to tender for white sugar issued pursuant to amended Regulation (EEC) No 920/92 the maximum amount of the export refund is fixed at ECU 43,208 per 100 kilograms.

2. Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

Article 2

This Regulation shall enter into force on 23 December 1992.

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

Done at Brussels, 22 December 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 353, 3. 12. 1992, p. 8.

⁽³⁾ OJ No L 98, 11. 4. 1992, p. 11.

⁽⁴⁾ OJ No L 176, 30. 6. 1992, p. 31.

⁽⁵⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁶⁾ OJ No L 358, 8. 12. 1992, p. 16.

COMMISSION REGULATION (EEC) No 3718/92

of 22 December 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 3484/92⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

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

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

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

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

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

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

Whereas Council Regulation (EEC) No 1432/92⁽⁸⁾, as amended by Regulation (EEC) No 3534/92⁽⁹⁾, prohibits trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽¹⁰⁾, as last amended by Regulation (EEC) No 2205/90⁽¹¹⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

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

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

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

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 353, 3. 12. 1992, p. 8.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 176, 30. 6. 1992, p. 31.

⁽⁸⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁹⁾ OJ No L 358, 8. 12. 1992, p. 16.

⁽¹⁰⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹¹⁾ OJ No L 201, 31. 7. 1990, p. 9.

HAS ADOPTED THIS REGULATION:

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

Article 1

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

Article 2

This Regulation shall enter into force on 23 December 1992.

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

Done at Brussels, 22 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 22 December 1992 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽¹⁾	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	36,39 ⁽¹⁾	0,3956
1701 11 90 910	36,31 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	36,39 ⁽¹⁾	
1701 12 90 910	36,31 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3956
1701 99 10 100	39,56	0,3956
1701 99 10 910	40,68	
1701 99 10 950	40,68	
1701 99 90 100		

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

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

⁽³⁾ Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

COMMISSION REGULATION (EEC) No 3719/92

of 22 December 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 3484/92⁽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 3612/92⁽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 21 December 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 23 December 1992.

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

Done at Brussels, 22 December 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 353, 3. 12. 1992, p. 8.

⁽³⁾ OJ No L 183, 3. 7. 1992, p. 18.

⁽⁴⁾ OJ No L 367, 16. 12. 1992, p. 5.

⁽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 22 December 1992 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽²⁾
1701 11 10	40,80 ⁽¹⁾
1701 11 90	40,80 ⁽¹⁾
1701 12 10	40,80 ⁽¹⁾
1701 12 90	40,80 ⁽¹⁾
1701 91 00	47,27
1701 99 10	47,27
1701 99 90	47,27 ⁽²⁾

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

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

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

COMMISSION REGULATION (EEC) No 3720/92
of 22 December 1992
amending Regulation (EEC) No 2251/92 on quality inspection of fresh fruit and
vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1754/92⁽²⁾, and in particular Articles 3 (5), 8, 10 (1) and 12 (3) thereof,

Whereas by Commission Regulation (EEC) No 2251/92⁽³⁾ the Commission adopted rules on how quality inspection of fresh fruit and vegetables is to be carried out; whereas a number of errors were made in that Regulation, in particular in its German version; whereas these should be rectified;

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

In the second subparagraph of Article 3 (7) of Regulation (EEC) No 2251/92 the words 'of the Annex to Commission Regulation (EEC) No 920/89' are hereby replaced by 'of Annex III to Commission Regulation (EEC) No 920/89'.

Article 2

Corrections are hereby made, in the German text only, to Articles 2, 3 and 4 and to the Annexes to Regulation (EEC) No 2251/92.

Article 3

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

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

Done at Brussels, 22 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 23.

⁽³⁾ OJ No L 219, 4. 8. 1992, p. 9.

