

Official Journal

of the European Communities

L 9

Volume 36

15 January 1993

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EEC) No 53/93 of 8 January 1993 extending the provisional anti-dumping duty on imports of certain types of electronic microcircuits known as DRAMs (dynamic random access memories) originating in the Republic of Korea** 1
- ★ **Council Regulation (EEC) No 54/93 of 8 January 1993 imposing a definitive duty on imports of synthetic fibres of polyesters originating in India and the Republic of Korea** 2
- ★ **Council Regulation (EEC) No 55/93 of 8 January 1993 imposing a definitive anti-dumping duty on imports of outer rings of tapered roller bearings originating in Japan** 7
- Commission Regulation (EEC) No 56/93 of 14 January 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal 12
- Commission Regulation (EEC) No 57/93 of 14 January 1993 fixing the premiums to be added to the import levies on cereals, flour and malt 14
- Commission Regulation (EEC) No 58/93 of 14 January 1993 fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products 16
- Commission Regulation (EEC) No 59/93 of 14 January 1993 fixing the export refunds on cereals and on wheat or rye flour, groats and meal 19
- Commission Regulation (EEC) No 60/93 of 14 January 1993 fixing the export refunds on malt 22
- Commission Regulation (EEC) No 61/93 of 14 January 1993 fixing the export refunds on rice and broken rice 24
- Commission Regulation (EEC) No 62/93 of 14 January 1993 fixing the import levies on milk and milk products 27

Commission Regulation (EEC) No 63/93 of 14 January 1993 temporarily suspending the advance fixing of export refunds for certain milk products	30
---	----

II *Acts whose publication is not obligatory*

Commission

93/12/EEC :

- * **Commission Decision of 9 December 1992 On the rates of assistance from the European Social Fund towards expenditure on recruitment, setting up and employment premiums** 31

93/13/EEC :

- * **Commission Decision of 22 December 1992 laying down the procedures for veterinary checks at Community border inspection posts on products from third countries** 33

93/14/EEC :

- * **Commission Decision of 23 December 1992 laying down the methods of veterinary checks for products from third countries in free zones and free warehouses, in customs warehouses, as well as during the time of transport from one third country to another via the Community** 42

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 53/93

of 8 January 1993

extending the provisional anti-dumping duty on imports of certain types of electronic microcircuits known as DRAMs (dynamic random access memories) originating in the Republic of Korea

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the Commission proposal,

Whereas Commission Regulation (EEC) No 2686/92⁽²⁾ imposed a provisional anti-dumping duty on imports of certain types of electronic microcircuits known as DRAMs (dynamic random access memories) originating in the Republic of Korea;

Whereas examination of the facts has not yet been completed and the Commission has informed the exporters known to be concerned of its intention to propose an

extension of the validity of the provisional duty for an additional period of two months;

Whereas the exporters have raised no objections,

HAS ADOPTED THIS REGULATION:

Article 1

The validity of the provisional anti-dumping duty on imports of certain types of electronic microcircuits known as DRAMs originating in the Republic of Korea imposed by Regulation (EEC) No 2686/92 is hereby extended for a period of two months. It shall cease to apply if, before the expiry of that period, the Council adopts definitive measures or the proceeding is terminated pursuant to Article 9 of Regulation (EEC) No 2423/88.

Article 2

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

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

Done at Brussels, 8 January 1993.

For the Council

The President

U. ELLEMANN-JENSEN

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 272, 17. 9. 1992, p. 13.

COUNCIL REGULATION (EEC) No 54/93

of 8 January 1993

imposing a definitive duty on imports of synthetic fibres of polyesters
originating in India and the Republic of Korea

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas :

A. Provisional measures

- (1) The Commission, by Regulation (EEC) No 1956/92⁽²⁾, imposed a provisional anti-dumping duty on imports into the Community of synthetic fibres of polyesters (hereafter referred to as PSF) originating in India and the Republic of Korea (hereafter Korea) and falling within CN code 5503 20 00. The duty was extended for a maximum period of two months by Council Regulation (EEC) No 3264/92⁽³⁾.

B. Subsequent procedure

- (2) Following the imposition of the provisional anti-dumping duty, most of the exporting producers mentioned by name in Regulation (EEC) No 1956/92, as well as the complainant, requested and were granted an opportunity to be heard by the Commission. They also made written submissions making their views known on the provisional findings.
- (3) The Commission continued to seek and verify all information it deemed to be necessary for its determinations. Upon request, the parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping duties and the definitive collection of amounts secured by way of a provisional duty. They were also granted a period within which to make representations subse-

quent to these disclosures. Their oral and written comments were considered and, where appropriate, the Commission's findings were modified to take account of them.

- (4) Owing to the complexity of the proceeding, and the numerous arguments put forward, the investigation could not be concluded within the time limit provided for in Article 7 (9) (a) of Regulation (EEC) No 2423/88.

C. Product under consideration, like product, Community industry

- (5) In its provisional findings, as set out in recitals 7 and 8 of Regulation (EEC) No 1956/92, the Commission concluded that although there were several types of PSF having various features in order to meet specific needs, their basic physical characteristics, application and use were the same. The argument was however raised by a group of importers that PSF used for filling have characteristics different from the others.
- (6) The Commission recalls that all types of PSF show in general the same physical characteristics and can only be differentiated at the downstream stage of processing. In addition, PSF destined for filling cannot be distinguished from the others since they all derive from the same chemical reaction. For these reasons the similarities of both types of PSF outweigh by far their differences. Besides, the establishment of such distinction between those types of PSF would in fact pave the way for circumvention of anti-dumping measures. The Council confirms the above conclusion as well as the findings of the Commission regarding the like product and the Community industry set out in recitals 9 and 10 of Regulation (EEC) No 1956/92, since there was no comment by the interested parties in this respect.

D. Dumping

1. Normal value

- (7) For the purpose of definitive findings, normal value was in general established on the basis of the same methods as those used in the provisional determination of dumping, after taking into consideration new facts and arguments presented by the parties.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 197, 16. 7. 1992, p. 25.

⁽³⁾ OJ No L 326, 12. 11. 1992, p. 2.

- (8) One Korean exporting producer reacted to the findings of the Commission and maintained that normal value of substandard products sold on the domestic market should be established by reference to the domestic price of these products. However, since this exporting producer was not able to provide the costs of production for these types, the Commission was not in a position to verify whether these sales were profitable. For this reason, the normal value of these allegedly substandard products was established on the basis of the costs of manufacture and selling, general and administrative expenses of other standard types of PSF sold on the domestic market by this producer, plus a profit rate based on the average profit achieved on its remaining domestic PSF sales. The Council confirms the conclusion of the Commission, as well as its findings set out in recital 13 of Regulation (EEC) No 1956/92.

2. Export price

- (9) The Council confirms the findings and conclusions of the Commission in this respect, on the content of which there was no substantial comment by the interested parties.

3. Comparison

- (10) As far as adjustments for differences in physical characteristics are concerned, two Indian exporting producers submitted additional evidence to substantiate further their claims of alleged differences between the products sold for export and sold domestically. Having considered this evidence, the Commission concluded that these claims were valid and adjusted the normal value established for the exporting producers concerned by an allowance based on the effect of these differences on the prices of the product in India.
- (11) As far as import charges and indirect taxes are concerned, the Indian exporting producers concerned maintained their claims that normal value should be reduced by an allowance corresponding to import charges borne on materials physically incorporated in the like product when destined for domestic consumption and refunded when exported to the Community. In this respect, they submitted additional evidence on the exact nature and amount of import charges borne on these materials. Insofar as this additional evidence satisfactorily showed the existence and proportion of such duty refund, the Commission adjusted

normal value up to the proportion of the claim which was substantiated.

- (12) The Council confirms the above findings and conclusions as well as those set out in recitals 15 to 17 of Regulation (EEC) No 1956/92.

4. Dumping Margins

- (13) On comparing normal values for domestically sold models of the exporting producers which were investigated with the export prices of comparable types on a transaction-by-transaction basis, the final examination of the facts shows the existence of dumping in respect of PSF originating in India and Korea on the part of most of the exporting producers concerned, the margin of dumping being equal to the amount by which the normal value as established exceeds the export price to the Community.
- (14) The weighted average dumping margins, expressed as a percentage of cif Community-frontier prices, varied according to the exporting producers as follows:

— Indian exporting producers:

— Indian Organic Chemicals	2 %
— Reliance Industries	2,1 %
— ICI India	6 %
— India Polyfibres	6,9 %
— Swadeshi Polytex	7,2 %

— Korean exporting producers:

— Sunkyong	1,6 %
— Samyang	4,8 %

- (15) As far as the Korean producer Cheil and the Indian producer JCT were concerned, no dumping was found.
- (16) The Commission found a high degree of cooperation to the anti-dumping proceeding on the part of the exporting producers in the countries concerned. Therefore, for those exporting producers who did not make themselves known in the course of the investigation, or did not fully cooperate with the Commission, a dumping margin was determined on the basis of the facts available as explained in recital 19 of Regulation (EEC) No 1956/92, and it was considered appropriate to use the highest dumping margin of 7,2 % for India and 4,8 % for Korea for these groups of exporting producers. The Council confirms the above findings and conclusions.

E. Injury

1. Cumulation

- (17) The Council confirms that the effects of Indian and Korean imports had to be analysed cumulatively since they were like products sold simultaneously in the same markets and were not negligible as such. In addition, the Council notes that imports of PSF originating in several other countries were present on the Community market: in this respect, it has to be pointed out that a review of the anti-dumping measures imposed by Council Regulation (EEC) No 3946/88 ⁽¹⁾ on imports of PSF originating in Mexico, Romania, Turkey, Taiwan, the United States of America and Yugoslavia has been carried out concurrently by the Commission.

2. Determination of injury

- (18) The Commission concluded in its provisional findings, as set out in recitals 23 to 34 of Regulation (EEC) No 1956/92, that the Community industry had suffered material injury and based this finding on the following facts:

- the dumped imports from India and Korea increased at a very rapid rate between 1988 and 1990, attaining a 6,2 % market share in the investigation period, while their presence on the Community market was almost negligible in 1987,
- when assessing the penetration of the dumped imports, the fact was also taken into account that dumped imports originating in other countries and representing a market share of 7,4 % were simultaneously present on the Community market,
- the prices of these dumped imports constantly and substantially undercut the prices of the Community industry by margins ranging from 10 to 29 %,
- the Community industry suffered a significant erosion of its sales in 1990 below the level of 1988, and incurred losses in spite of rationalization measures involving cuts in the workforce and plant closures.

No new facts concerning these findings were submitted to the Commission after the imposition of the provisional measures in Regulation (EEC) No 1956/92.

- (19) The above conclusion leads the Council to consider that the Community industry suffered material injury within the meaning of Article 4 (1) of Regulation (EEC) No 2423/88.

3. Causation of injury

- (20) In its provisional findings, the Commission concluded that, although the overall situation of the Community industry improved consequent upon the imposition in December 1988 of anti-dumping measures on imports of PSF originating in six countries (see recital 17), this improvement was quickly followed by a renewed deterioration in performance, which coincided with the arrival and rapid penetration of the imports from India and Korea. The Commission determined that this rapid penetration, achieved through constant price undercutting and obtained at the expense of the imports subject to anti-dumping measures, impeded the recovery of the situation of the Community industry and thus, the dumped imports, taken in isolation, caused the material injury.

- (21) The Commission examined whether the material injury might have been caused by factors other than the dumped imports, and in particular the behaviour of the Community industry itself. However this examination did not show any fact suggesting that the Community industry might be somewhat responsible for the material injury found. In addition, several Indian exporting producers raised again the point that injury could result from the effect of other factors since their market share alone was too small to have any effect on the Community industry. The Council cannot accept this argument since, in accordance with standard practice, the effect of the dumped imports has to be assessed cumulatively. In this case, the market share of the dumped imports, to which dumped imports from India contributed substantially, represents 6,2 %. The Council considers that this is sufficient to have a clear detrimental effect on the Community industry given the sensitivity of customers to price considerations in this sector and given the fact that a significant share of imports from other sources (7,4 % of the Community market) has been found to be sold at dumped prices.

- (22) Therefore, the Council adopts the findings of the Commission and concludes that the dumped imports originating in Korea and India have caused material injury.

⁽¹⁾ OJ No L 348, 17. 12. 1988, p. 49.

F. Community interest

- (23) In its provisional findings, the Commission considered and weighed up the interests of the Community industry, of the consumers and of other industries and activities concerned. It examined in particular the argument submitted by several importers that PSF used for filling should be excluded from the scope of the proceeding, alleging that the current Community production of these fibres was insufficient to meet the current demand. However, the Commission found that, contrary to this allegation, the Community industry is significantly involved in the production of all types of PSF and has the resources to meet any increase in demand. For this reason and those expressed in recitals 43 to 49 of Regulation (EEC) No 1956/92, it concluded that the interests of the Community call, on balance, for granting protection to the Community industry against unfair competition caused by dumped imports.

- (24) The Council adopts the findings of the Commission in this respect and notes in particular that any price increase which may result from the imposition of anti-dumping measures will not negatively affect the competitive situation on the Community market, given the choice of suppliers available.

G. Duty

- (25) Provisional measures took the form of anti-dumping duties; these were imposed for the Korean exporting producers at the level of the dumping margins established since injury thresholds were much higher, and for the Indian exporting producers at the level of the injury threshold since their provisional dumping margins exceeded the latter.
- (26) Since the Commission's findings on the establishment of the dumping margins for the Indian exporting producers set out in recitals 10, 11 and 14 of Regulation (EEC) No 1956/92 have now been confirmed by the Council, and since no further facts or arguments concerning the calculation of the duty set out in recitals 50 to 54 of that Regulation were submitted to the Commission by any of the interested parties, the Council concludes that duties should be imposed at the level of the dumping margins definitively determined. For the exporting producers who did not make themselves known in the course of the investigation, or did not cooperate fully with the Commission, it was therefore considered appropriate to impose a definitive duty at the level of the highest dumping margin of

7,2 % for India and 4,8 % for Korea for this group of exporting producers.

H. Collection of provisional duties

- (27) In view of the nature and the level of the injury caused to the Community industry by the dumped imports, the Council considers it necessary that amounts secured by way of provisional anti-dumping duties should be definitively collected to the extent of the duty rate definitively imposed. The amounts secured in respect of JCT Fibres, India should be released,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of synthetic staple fibres of polyesters, not carded, combed, or otherwise processed for spinning (synthetic fibres of polyesters) falling within CN code 5503 20 00 and originating in India and the Republic of Korea.

2. The rate of the duty applicable to the net, free-at-Community-frontier price, not cleared through Customs, shall be as follows:

- (a) 7,2 % for synthetic fibres of polyesters originating in India (Taric additional code 8645), with the exception of imports of the products specified in paragraph 1 which are produced by the following companies, where the rates of duty applicable shall be as set out below:

- Indian Organic Chemicals
2 % (Taric additional code: 8640),
- Reliance Industries
2,1 % (Taric additional code: 8644),
- ICI India
6 % (Taric additional code: 8643),
- India Polyfibres
6,9 % (Taric additional code: 8639);

- (b) 4,8 % for synthetic fibres of polyesters originating in the Republic of Korea (Taric additional code: 8648), with the exception of imports of the product specified in paragraph 1 which are produced by the following companies, where the rates of duty applicable shall be as set out below:

- Sunkyong Industries
1,6 % (Taric additional code: 8646).

3. The duty specified in paragraph 1 shall not apply to synthetic fibres of polyesters produced by Cheil Synthetic Textiles, Republic of Korea (Taric additional code 8647) and JCT Fibres, India (Taric additional code: 8642).

4. The provisions in force concerning customs duties shall apply to the said duty.

Article 2

The amounts secured by way of provisional anti-dumping duty under Regulation (EEC) No 1956/92 shall be definitively collected at the duty rate definitively imposed.

Amounts secured in excess of the definitive rate of duty shall be released.

Article 3

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

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

Done at Brussels, 8 January 1993.

For the Council

The President

U. ELLEMANN-JENSEN

COUNCIL REGULATION (EEC) No 55/93

of 8 January 1993

imposing a definitive anti-dumping duty on imports of outer rings of tapered roller bearings originating in Japan

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

Whereas :

A. Provisional measures

- (1) The Commission, by Regulation (EEC) No 1994/92⁽²⁾, imposed a provisional anti-dumping duty on imports into the Community of outer rings of tapered roller bearings originating in Japan (hereinafter referred to as 'TRB cups' unless otherwise specified) and falling within CN code ex 8482 99 00 (Taric codes 8482 99 00*11 and 8482 99 00*91). Council Regulation (EEC) No 3263/92⁽³⁾ extended the duty for a period not exceeding two months.

B. Subsequent procedure

- (2) Following the imposition of the provisional anti-dumping duty, the interested parties who so requested were granted an opportunity to be heard by the Commission. Certain of these parties also made written submissions making known their views on the findings.
- (3) Parties were informed in writing of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties and the definitive collection of amounts secured by way of provisional duty. They were also granted a reasonable period within which

to make representations subsequent to the disclosure.

- (4) The oral and written comments submitted by the parties were considered and where appropriate, the Commission findings were modified to take account of them.

C. Product under consideration, like product

- (5) The investigation which led to the imposition of provisional measures was based on data relating to finished TRB cups, that is to say products which are ready for immediate use without further processing. In this respect, one Japanese exporter argued that imports of TRB cups which are only cut to shape (turned) and require substantial further processing (i.e. heat treatment, grinding and honing) before they can be used commercially, should be excluded from the scope of the proceeding.
- (6) In this regard, the Commission found that these unfinished TRB cups are rough products and have significantly different physical characteristics to those of finished TRB cups which are further processed and have high precision specifications and dimensions. Moreover, this further processing involves very high relative costs which mean that considerable value is added to the unfinished TRB cup. A clear distinction can therefore be made between unfinished and finished TRB cups. In addition, the unfinished TRB cups are destined exclusively for further processing while finished TRB cups are incorporated into tapered roller bearings. For these reasons, the Commission considers that unfinished TRB cups cannot be considered to be a product which is alike in all respects to the product under consideration and therefore should, in accordance with Article 2 (12) of Regulation (EEC) No 2423/88 be excluded from the scope of the proceeding.
- (7) The Japanese exporters concerned have also argued that finished TRB cups are not a separate product with regard to the complete tapered roller bearings (hereafter referred to as 'TRBs'). In this regard, the Commission again took account of the relationship between TRB cups and TRBs and whether substantial further processing and components have to be added to TRB cups in order to transform them into

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 199, 18. 7. 1992, p. 8.

⁽³⁾ OJ No L 326, 12. 11. 1992, p. 1.

TRBs. Since a TRB has considerable value added in comparison to a TRB cup (the latter only accounting for approximately 33 % of the value of the finished TRB) and comprises several more parts than the TRB cup, the Commission considers that TRB cups and TRBs form two different products for the purposes of this proceeding. In addition, TRB cups can be invoiced and sold separately from TRBs by the economic operators both in the exporting country and the Community.

- (8) Accordingly, for the purposes of this proceeding, the products concerned are defined as 'outer rings of tapered roller bearings, further worked than turned'.
- (9) The Council confirms these findings concerning the product under consideration.

D. Dumping

1. Normal value

- (10) With regard to normal value, following publication of the provisional measures and the subsequent disclosure of the Commission's dumping calculations, one Japanese exporter showed that certain TRB cup types had in fact been sold in sufficient quantities domestically for the sales price of such types to be considered as the basis for normal value (as opposed to the cost of production being used). The Commission modified its calculations accordingly.
- (11) The Council confirms the Commission's revised findings concerning normal value.

2. Export price

- (12) In its provisional findings, as set out in recital 17 (of Regulation (EEC) No 1994/92), when constructing export prices, the Commission deducted 6 % as a reasonable profit margin for related importers in the Community. The Japanese exporters contested the correctness of this figure. In this regard, since this the profit margin was determined on the basis of the usual margin for the import trade sector concerned, it was considered that no other profit margin could be more reasonable. The Council confirms the Commission's findings.
- (13) Following disclosure of the Commission's dumping calculations, both Japanese exporters contended that certain incorrect minor adjustments had been made in the provisional findings to their selling prices in the Community to the first independent customer. The Commission accepted these arguments, however the modifications subsequently

made only affected the final dumping margin of one of the Japanese exporters.

- (14) No other comments were received concerning export price. The Council accordingly confirms the Commission's revised findings.

3. Comparison

- (15) No comments concerning comparison of export prices and normal value were received from the parties concerned and therefore the Council confirms the Commission's findings as set out in recitals 20 to 23 of Regulation (EEC) No 1994/92.

4. Dumping Margins

- (16) On the basis of the modified calculations concerning normal value and export price, the definitive dumping margins calculated by the Commission expressed as a percentage of the cif value for each of the companies concerned are as follows:

— Koyo Seiko Co. Ltd	11,3 %
— NTN Corporation	6,0 %

The Council confirms these findings.

- (17) The Council also confirms that for those producers that neither replied to the Commission's questionnaire nor otherwise made themselves known, the dumping margin for these companies is to be determined on the basis of the facts available in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88. Given that the cooperating companies comprise substantially all exports of TRB cups to the Community, it is considered appropriate to base the dumping margin for these other companies on the higher of the dumping margins found, i.e.: 11,3 %.

E. Injury

1. General

- (18) The Commission has established injury in its provisional findings on the basis of data relating to Community producers in France, Germany and the United Kingdom. In this respect, one Japanese exporter requested that in addition to these three Member States production of TRB cups in Italy and Spain should also be taken into account.
- (19) In this respect, the Commission found that the producers in France, Germany and the United Kingdom represent approximately 80 % of the total Community production of TRB cups. In conformity with its usual practice, the Commission considers that this is sufficient to be considered

representative for the whole of the Community production and that it is therefore both reasonable and appropriate to base its findings on data relating to these three Member States only. In addition, given the small market share of Italy and Spain on the Community market for the product concerned, minor differences in the economic situation of Community producers in these countries compared with the three Member States mentioned above, cannot substantially alter the general economic situation of the Community industry concerned.

(20) The Council confirms this view.

(21) As far as volume and prices of dumped imports were concerned, no new figures or arguments were presented following the imposition of provisional measures. The Council therefore confirms the Commission's findings as set out in recitals 31 to 33 of Regulation (EEC) No 1994/92 and in particular those relating to price undercutting.

2. Situation of the Community industry

(22) One Japanese exporter argued that there could not have been any injury to the Community industry as the sales value of the EC producers had increased between 1988 and the investigation period. In this regard, the investigation has shown that Community producers have indeed withdrawn from certain low priced, high volume, market sectors and concentrated their activities on higher value niche-markets. This resulted in a decrease in sales volume but an increase in sales value. The Commission considers, however, that it is important for Community producers to be present in all sectors of the market and be able to offer a full product range. Only in this way will they be able to compete with dumped imports and stay in the market in the medium to long term.

(23) The Council therefore confirms the Commission's view that the loss of sales volume is a clear indicator of the precarious economic situation of the Community industry.

(24) As far as profit is concerned, one Japanese exporter alleged that some cost factors of the Community producers were affected by purchases of raw materials from associated companies situated outside the Community and that such purchases could have

influenced the profit and loss situation of the Community producers. In this respect, the Commission found that the costs of such purchases in relation to the overall cost of the finished products were generally in line with the ratios of raw material cost to finished cost of the Japanese exporters. For this reason, the Commission considers that the costs of the Community industry were not artificially influenced by the transactions between associated companies. In addition, even if these purchase prices may have had some influence on the financial situation of the Community producers, these effects cannot be so significant as to detract from the fact that the injury resulting from dumped imports has to be considered as material.

(25) In view of the above, the Council confirms the Commission's findings with regard to the situation of the Community industry and considers that material injury has occurred.

(26) In recitals 44 to 49 of Regulation (EEC) No 1994/92, the Commission has established that there is a causal link between the dumped imports and the material injury. Following the imposition of the provisional measures, the Commission considered again whether factors other than dumped imports from Japan could have caused material injury to the Community industry and in particular whether such injury was caused by an ill timed increase in the Community industry's capacity. In this regard, the Commission found that there was, indeed, an increase in capacity between 1989 and 1990 based on improved market expectations. It was further found that, in the second half of 1990, the bearing market shrank significantly and the Community producers were faced with excess capacity.

(27) Whilst this overcapacity increased the costs of the Community industry, this cannot detract from the fact that TRB cup prices were greatly depressed by the price undercutting which resulted from the dumped TRB cups sold by the Japanese exporters' Community subsidiaries. Whilst it cannot, therefore, be excluded that the capacity was not fully used and had some negative effects, it does not change the fact that the dumped imports, taken in isolation, have caused material injury.

- (28) In view of the above and the data contained in Regulation (EEC) No 1994/92, the Commission has established that the injury suffered is material and that a causal link has been established between the injury and the dumped imports from Japan. The Council therefore confirms the conclusions of the Commission relating to injury.

G. Community interest

- (29) No comments were received concerning this point. The Council therefore confirms the Commission's conclusions as stated in recital 52 of Regulation (EEC) No 1994/92.

H. Definitive duty

- (30) With regard to the calculation of the definitive duty, the Commission has taken into consideration the injurious contribution of the dumped imports to the poor economic situation of the Community industry as well as higher production costs due to the overcapacity of the Community industry. In this respect, and after further examination following the imposition of provisional measures, it was considered that in the present case, the removal of the price undercutting of the Japanese producers would be sufficient to eliminate the injury caused by dumping.
- (31) Expressed as a percentage of the cif value, the revised injury margins remain higher than the revised dumping margins established in recital 16 of this Regulation. This being so, the dumping margins should be imposed as the appropriate rates of anti-dumping duty. The Council confirms this conclusion.
- (32) Accordingly, the following definitive rates of anti-dumping duty should apply:
- | | |
|----------------------|---------|
| — Koyo Seiko Co. Ltd | 11,3 %, |
| — NTN Corporation | 6,0 %. |
- (33) As far as companies not listed in the previous recital are concerned, duties should be fixed on the basis of the facts available. Given that the imports of the two companies concerned account for a high proportion, if not all imports into the Community of TRB cups originating in Japan, the Commission considers that the result of its investigation forms the most appropriate basis. Thus, the level of duty to be applied against all other Japanese manufacturers is 11,3 %.
- (34) Since there is a danger of the payment conditions being altered in order to avoid the duty imposed, the Council considers it appropriate to require that free-at-Community-frontier prices be regarded as net only if the terms of sale provide for payment

within 180 days of the date of the bill of lading for consignments of the goods concerned.

I. Collection of the provisional duties

- (35) Given the precarious situation of the Community industry, the Council considers it necessary that the amounts secured by way of the provisional anti-dumping duty for all companies should be collected definitively to the extent of the duty rate definitively imposed,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of outer rings of tapered roller bearings, further worked than turned, originating in Japan and falling within CN code ex 8482 99 00 (Taric codes 8482 99 00*11 and 8482 99 00*91).
2. The rate of duty for the product specified in paragraph 1 shall be 11,3 % (Taric additional code 8669), except for products manufactured by NTN Corporation (Taric additional code 8668), when it shall be 6,0 %.
3. The rates of the duty shall be levied on the net, free-at-Community-frontier price, not cleared through customs. The free-at-Community-frontier price shall be net if the actual payment conditions are such that payment is made within one hundred and eighty days of the date of the bill of lading for consignments of the goods concerned. This price shall be increased or reduced by 1 % for each month of increase or decrease in the period of payment.
4. The provisions in force concerning customs duties shall apply to the said duty.

Article 2

1. The amounts secured by way of the provisional anti-dumping duty under Regulation (EEC) No 1994/92 in respect of outer rings of tapered roller bearings, further worked than turned, shall be definitively collected at the duty rate definitively imposed.
2. Amounts secured in excess of the definitive rate of duty shall be released.
3. Amounts secured in respect of outer rings of tapered roller bearings which have only been turned shall also be released.

Article 3

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

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

Done at Brussels, 8 January 1993.

For the Council

The President

U. ELLEMANN-JENSEN

COMMISSION REGULATION (EEC) No 56/93**of 14 January 1993****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,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽⁵⁾, and in particular Article 5 thereof,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 3873/92 ⁽⁶⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 13 January 1993, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3873/92 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 January 1993.

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

Done at Brussels, 14 January 1993.

For the Commission

René STEICHEN

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 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 390, 31. 12. 1992, p. 118.

ANNEX

to the Commission Regulation of 14 January 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Third countries ^(*)
0709 90 60	133,39 ⁽²⁾ ⁽³⁾
0712 90 19	133,39 ⁽²⁾ ⁽³⁾
1001 10 00	173,97 ⁽¹⁾ ⁽³⁾ ⁽¹⁰⁾
1001 90 91	138,87
1001 90 99	138,87 ⁽¹¹⁾
1002 00 00	157,03 ⁽⁹⁾
1003 00 10	124,22
1003 00 20	124,22
1003 00 80	124,22 ⁽¹¹⁾
1004 00 00	113,46
1005 10 90	133,39 ⁽²⁾ ⁽³⁾
1005 90 00	133,39 ⁽²⁾ ⁽³⁾
1007 00 90	134,67 ⁽⁴⁾
1008 10 00	45,96 ⁽¹¹⁾
1008 20 00	75,29 ⁽⁴⁾
1008 30 00	36,31 ⁽³⁾
1008 90 10	(7)
1008 90 90	36,31
1101 00 00	207,18 ⁽⁸⁾ ⁽¹¹⁾
1102 10 00	232,60 ⁽⁸⁾
1103 11 30	281,28 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 50	281,28 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 90	222,77 ⁽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 57/93

of 14 January 1993

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,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽⁵⁾, and in particular Article 5 thereof,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 3874/92 ⁽⁶⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market

rate established during the reference period from 13 January 1993, as regards floating currencies, should be used to calculate the levies;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 January 1993.

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

Done at Brussels, 14 January 1993.

For the Commission

René STEICHEN

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 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 390, 31. 12. 1992, p. 121.

ANNEX

to the Commission Regulation of 14 January 1993 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
	1	2	3	4
0709 90 60	0	0	0	1,27
0712 90 19	0	0	0	1,27
1001 10 00	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 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	1,27
1005 90 00	0	0	0	1,27
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	1	2	3	4	5
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 58/93**of 14 January 1993****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 11 and 12 January 1993 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 15 January 1993.

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

Done at Brussels, 14 January 1993.

For the Commission

René STEICHEN

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 59/93

of 14 January 1993

fixing the export refunds 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 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 the fourth subparagraph of Article 16 (2) thereof,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾ provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand, and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas export possibilities exist for a quantity of 50 000 tonnes of rye flour of certain destinations; whereas the procedure laid down in Article 9 (4) of Commission Regulation (EEC) No 891/89 ⁽⁴⁾, as last amended by Regulation (EEC) No 3570/92 ⁽⁵⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities

were fixed in Commission Regulation No 162/67/EEC ⁽⁶⁾, as last amended by Regulation (EEC) No 468/92 ⁽⁷⁾;

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

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁸⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 3819/92 ⁽⁹⁾;

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

Whereas Council Regulation (EEC) No 1432/92 ⁽¹⁰⁾ as last amended by Regulation (EEC) No 3534/92 ⁽¹¹⁾, 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 Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 January 1993.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 362, 11. 12. 1992, p. 51.

⁽⁶⁾ OJ No L 128, 27. 6. 1967, p. 2574/67.

⁽⁷⁾ OJ No L 53, 28. 2. 1992, p. 15.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 17.

⁽¹⁰⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽¹¹⁾ OJ No L 358, 8. 12. 1992, p. 16.

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

Done at Brussels, 14 January 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 14 January 1993 fixing export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refund (2)	Product code	Destination (1)	Amount of refund (2)
0709 90 60 000	—	—	1005 90 00 000	04	84,00
0712 90 19 000	—	—		02	0
1001 10 00 200	—	—	1007 00 90 000	—	—
1001 10 00 400	04	50,00	1008 20 00 000	—	—
	02	20,00	1101 00 00 100	01	89,00
1001 90 91 000	01	0	1101 00 00 130	01	84,00
1001 90 99 000	04	55,00	1101 00 00 150	01	77,00
	05	21,00	1101 00 00 170	01	71,00
	02	20,00	1101 00 00 180	01	67,00
1002 00 00 000	03	21,00	1101 00 00 190	—	—
	02	20,00	1101 00 00 900	—	—
1003 00 10 000	01	0	1102 10 00 500	01	125,00 (3)
1003 00 20 000	04	66,00	1102 10 00 700	—	—
	02	20,00	1102 10 00 900	—	—
1003 00 80 000	04	66,00	1103 11 30 200	01	140,00
	02	20,00	1103 11 30 900	01	0
1004 00 00 200	—	—	1103 11 50 200	01	140,00
1004 00 00 400	—	—	1103 11 50 400	01	120,00
1005 10 90 000	—	—	1103 11 50 900	01	0
			1103 11 90 200	01	89,00
			1103 11 90 800	—	—

(1) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Poland.

(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.

(3) Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEC) No 891/89, as last amended by Regulation (EEC) No 3570/92 in respect of a quantity of 50 000 tonnes of rye flour destined for all third countries.

NB: The zones are those defined in Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EEC) No 60/93
of 14 January 1993
fixing the export refunds on 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 the fourth subparagraph of Article 16 (2) thereof,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾ provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice ⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87 ⁽⁵⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁶⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 3819/92 ⁽⁷⁾;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas Council Regulation (EEC) No 1432/92 ⁽⁸⁾, as amended by Regulation (EEC) No 2015/92 ⁽⁹⁾, prohibits trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1 (d) of Regulation (EEC) No 2727/75 subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 January 1993.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 17.

⁽⁸⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁹⁾ OJ No L 205, 22. 7. 1992, p. 2.

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

Done at Brussels, 14 January 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 14 January 1993 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
Product code	Refund ⁽¹⁾
1107 10 19 000	78,00 ⁽¹⁾
1107 10 99 000	108,00 ⁽¹⁾
1107 20 00 000	126,00 ⁽¹⁾

⁽¹⁾ In view of the lack of a decision by the Council on the Commission's proposal COM(92) 275 of 8 July 1992, the attention of interested parties is drawn to the possibility that, for agri-monetary reasons, an adjustment will be made in the refund on exports made from 1 January 1993.

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

COMMISSION REGULATION (EEC) No 61/93**of 14 January 1993****fixing the export refunds on rice and broken 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 first sentence of the fourth subparagraph of Article 17 (2) thereof,

Whereas Article 17 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas export possibilities exist for a quantity of 15 000 tonnes of wholly milled rice, falling within CN codes 1006 30 92 900, 1006 30 94 900 and 1006 30 96 900 to certain destinations; whereas the procedure laid down in Article 9 (4) of Commission Regulation (EEC) No 891/89 ⁽⁴⁾, as last amended by Regulation (EEC) No 3570/92 ⁽⁵⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas Commission Regulation (EEC) No 1361/76 ⁽⁶⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

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

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

Whereas the refund must be fixed at least once a month; whereas it may be altered in the intervening period;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁷⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 3819/92 ⁽⁸⁾;

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

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 362, 11. 12. 1992, p. 51.

⁽⁶⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁸⁾ OJ No L 387, 31. 12. 1992.

Whereas Council Regulation (EEC) No 1432/92⁽¹⁾, as amended by Regulation (EEC) No 3534/92⁽²⁾, 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 Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 January 1993.

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

Done at Brussels, 14 January 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽²⁾ OJ No L 358, 8. 12. 1992, p. 16.

ANNEX

to the Commission Regulation of 14 January 1993 fixing the export refunds on rice and broken rice

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refunds (2)	Product code	Destination (1)	Amount of refunds (2)
1006 20 11 000	01	184,00	1006 30 65 100	01	230,00
1006 20 13 000	01	184,00		02	236,00
1006 20 15 000	01	184,00		03	241,00
1006 20 17 000	—	—		04	230,00
1006 20 92 000	01	184,00	1006 30 65 900	01	230,00
1006 20 94 000	01	184,00		04	230,00
1006 20 96 000	01	184,00	1006 30 67 100	—	—
1006 20 98 000	—	—	1006 30 67 900	—	—
1006 30 21 000	01	184,00	1006 30 92 100	01	230,00
1006 30 23 000	01	184,00		02	236,00
1006 30 25 000	01	184,00		03	241,00
1006 30 27 000	—	—		04	230,00
1006 30 42 000	01	184,00	1006 30 92 900	01	230,00
1006 30 44 000	01	184,00		04	230,00
1006 30 46 000	01	184,00	1006 30 94 100	01	230,00
1006 30 48 000	—	—		02	236,00
1006 30 61 100	01	230,00		03	241,00
	02	236,00		04	230,00
	03	241,00	1006 30 94 900	01	230,00
	04	230,00		04	230,00
1006 30 61 900	01	230,00	1006 30 96 100	01	230,00
	04	230,00		02	236,00
1006 30 63 100	01	230,00		03	241,00
	02	236,00		04	230,00
	03	241,00	1006 30 96 900	01	230,00
	04	230,00		04	230,00
1006 30 63 900	01	230,00	1006 30 98 100	—	—
	04	230,00	1006 30 98 900	—	—
			1006 40 00 000	—	—

(1) The destinations are identified as follows:

- 01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Zones I, II, III, VI, Ceuta and Melilla,
- 03 Zones IV, VII c), Canada and Zone VIII excluding Surinam, Guyana and Madagascar,
- 04 Destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87.

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

NB: The zones are those defined in the Annex to Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EEC) No 62/93
of 14 January 1993
fixing the import levies on milk and milk products

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

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

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 3864/92 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3864/92 to the prices

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 January 1993.

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

Done at Brussels, 14 January 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 390, 31. 12. 1992, p. 92.

ANNEX

to the Commission Regulation of 14 January 1993 fixing the import levies on milk and milk products

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

CN code	Note (°)	Import levy	CN code	Note (°)	Import levy
0401 10 10		15,53	0403 10 16	(°)	1,9796/kg + 30,78
0401 10 90		14,32	0403 10 22		24,00
0401 20 11		21,59	0403 10 24		29,28
0401 20 19		20,38	0403 10 26		71,77
0401 20 91		26,87	0403 10 32	(°)	0,1796/kg + 29,57
0401 20 99		25,66	0403 10 34	(°)	0,2324/kg + 29,57
0401 30 11		69,36	0403 10 36	(°)	0,6573/kg + 29,57
0401 30 19		68,15	0403 90 11		104,70
0401 30 31		133,96	0403 90 13		167,39
0401 30 39		132,75	0403 90 19		205,21
0401 30 91		225,40	0403 90 31	(°)	0,9745/kg + 30,78
0401 30 99		224,19	0403 90 33	(°)	1,6014/kg + 30,78
0402 10 11	(°)	104,70	0403 90 39	(°)	1,9796/kg + 30,78
0402 10 19	(°)(°)	97,45	0403 90 51		24,00
0402 10 91	(°)(°)	0,9745/kg + 30,78	0403 90 53		29,28
0402 10 99	(°)(°)	0,9745/kg + 23,53	0403 90 59		71,77
0402 21 11	(°)	167,39	0403 90 61	(°)	0,1796/kg + 29,57
0402 21 17	(°)	160,14	0403 90 63	(°)	0,2324/kg + 29,57
0402 21 19	(°)(°)	160,14	0403 90 69	(°)	0,6573/kg + 29,57
0402 21 91	(°)(°)	205,21	0404 10 02		27,55
0402 21 99	(°)(°)	197,96	0404 10 04		167,39
0402 29 11	(°)(°)(°)	1,6014/kg + 30,78	0404 10 06		205,21
0402 29 15	(°)(°)	1,6014/kg + 30,78	0404 10 12		104,70
0402 29 19	(°)(°)	1,6014/kg + 23,53	0404 10 14		167,39
0402 29 91	(°)(°)	1,9796/kg + 30,78	0404 10 16		205,21
0402 29 99	(°)(°)	1,9796/kg + 23,53	0404 10 26	(°)	0,2755/kg + 23,53
0402 91 11	(°)	30,28	0404 10 28	(°)	1,6014/kg + 30,78
0402 91 19	(°)	30,28	0404 10 32	(°)	1,9796/kg + 30,78
0402 91 31	(°)	37,85	0404 10 34	(°)	0,9745/kg + 30,78
0402 91 39	(°)	37,85	0404 10 36	(°)	1,6014/kg + 30,78
0402 91 51	(°)	133,96	0404 10 38	(°)	1,9796/kg + 30,78
0402 91 59	(°)	132,75	0404 10 48	(°)	0,2755/kg
0402 91 91	(°)	225,40	0404 10 52	(°)	1,6014/kg + 6,04
0402 91 99	(°)	224,19	0404 10 54	(°)	1,9796/kg + 6,04
0402 99 11	(°)	49,85	0404 10 56	(°)	0,9745/kg + 6,04
0402 99 19	(°)	49,85	0404 10 58	(°)	1,6014/kg + 6,04
0402 99 31	(°)(°)	1,3033/kg + 27,16	0404 10 62	(°)	1,9796/kg + 6,04
0402 99 39	(°)(°)	1,3033/kg + 25,95	0404 10 72	(°)	0,2755/kg + 23,53
0402 99 91	(°)(°)	2,2177/kg + 27,16	0404 10 74	(°)	1,6014/kg + 29,57
0402 99 99	(°)(°)	2,2177/kg + 25,95	0404 10 76	(°)	1,9796/kg + 29,57
0403 10 02		104,70	0404 10 78	(°)	0,9745/kg + 29,57
0403 10 04		167,39	0404 10 82	(°)	1,6014/kg + 29,57
0403 10 06		205,21	0404 10 84	(°)	1,9796/kg + 29,57
0403 10 12	(°)	0,9745/kg + 30,78	0404 90 11		104,70
0403 10 14	(°)	1,6014/kg + 30,78	0404 90 13		167,39

CN code	Note (°)	Import levy	CN code	Note (°)	Import levy
0404 90 19		205,21	0406 90 31	(°) (°) (°)	192,08
0404 90 31		104,70	0406 90 33	(°) (°)	192,08
0404 90 33		167,39	0406 90 35	(°) (°) (°)	192,08
0404 90 39		205,21	0406 90 37	(°) (°) (°)	192,08
0404 90 51	(°)	0,9745/kg + 30,78	0406 90 39	(°) (°) (°)	192,08
0404 90 53	(°) (°)	1,6014/kg + 30,78	0406 90 50	(°) (°) (°)	192,08
0404 90 59	(°)	1,9796/kg + 30,78	0406 90 61	(°) (°)	393,39
0404 90 91	(°)	0,9745/kg + 30,78	0406 90 63	(°) (°)	393,39
0404 90 93	(°) (°)	1,6014/kg + 30,78	0406 90 69	(°) (°)	393,39
0404 90 99	(°)	1,9796/kg + 30,78	0406 90 73	(°) (°)	192,08
0405 00 11	(°)	232,12	0406 90 75	(°) (°)	192,08
0405 00 19	(°)	232,12	0406 90 77	(°) (°)	192,08
0405 00 90		283,19	0406 90 79	(°) (°)	192,08
0406 10 20	(°) (°)	233,86	0406 90 81	(°) (°)	192,08
0406 10 80	(°) (°)	288,80	0406 90 85	(°) (°)	192,08
0406 20 10	(°) (°) (°)	393,39	0406 90 89	(°) (°) (°)	192,08
0406 20 90	(°) (°)	393,39	0406 90 93	(°) (°)	233,86
0406 30 10	(°) (°) (°)	183,05	0406 90 99	(°) (°)	288,80
0406 30 31	(°) (°) (°)	177,36	1702 10 10		23,09
0406 30 39	(°) (°) (°)	183,05	1702 10 90		23,09
0406 30 90	(°) (°) (°)	279,77	2106 90 51		23,09
0406 40 00	(°) (°) (°)	148,14	2309 10 15		75,51
0406 90 11	(°) (°) (°)	218,02	2309 10 19		97,92
0406 90 13	(°) (°) (°)	172,10	2309 10 39		92,29
0406 90 15	(°) (°) (°)	172,10	2309 10 59		77,41
0406 90 17	(°) (°) (°)	172,10	2309 10 70		97,92
0406 90 19	(°) (°) (°)	393,39	2309 90 35		75,51
0406 90 21	(°) (°) (°)	218,02	2309 90 39		97,92
0406 90 23	(°) (°) (°)	192,08	2309 90 49		92,29
0406 90 25	(°) (°) (°)	192,08	2309 90 59		77,41
0406 90 27	(°) (°) (°)	192,08	2309 90 70		97,92
0406 90 29	(°) (°) (°)	192,08			

(°) The levy on 100 kg of product falling within this code is equal to the sum of the following:

- (a) the amount per kilogram shown, multiplied by the weight of lactic matter contained in 100 kg of product; and
- (b) the other amount indicated.

(°) The levy on 100 kg of product falling within this code is equal to:

- (a) the amount per kilogram shown, multiplied by the weight of the dry lactic matter contained in 100 kg of product plus, where appropriate,
- (b) the other amount indicated.

(°) Products falling within this code imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.

(°) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.

(°) No levy applies to OCT originating products according to Article 101 (1) 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 584/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

COMMISSION REGULATION (EEC) No 63/93**of 14 January 1993****temporarily suspending the advance fixing of export refunds for 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⁾;

Having regard to Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EEC) No 1344/86⁽⁴⁾, and in particular the first subparagraph of Article 5 (4) thereof,

Whereas the market for certain milk products is characterized by uncertainty; whereas the current refunds applicable could lead to speculative advance fixing of the refund; whereas it is necessary to suspend temporarily the advance fixing of refunds for the products in question,

and that certificates, for which the application is pending, should not be issued;

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

HAS ADOPTED THIS REGULATION:

Article 1

The advance fixing of refunds on products falling within CN code 0402 10 is hereby suspended for the period 12 to 25 January 1993.

Article 2

This Regulation shall enter into force on 15 January 1993.

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

Done at Brussels, 14 January 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 9 December 1992

On the rates of assistance from the European Social Fund towards expenditure on recruitment, setting up and employment premiums

(93/12/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽¹⁾ and in particular Article 3 (2) thereof,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾,

Having regard to Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽³⁾, and in particular Article 1 (1) and (6) and Article 3 thereof,

Whereas it is for the Commission to determine the maximum rates of assistance towards expenditure on

recruitment, setting up and employment premiums applicable for the 1993 financial year, as set out in Article 3 (2) of Regulation (EEC) No 4255/88,

HAS ADOPTED THIS DECISION:

Article 1

The maximum rates of eligible assistance for expenditure on recruitment, setting up and employment premiums in the 1993 financial year, as referred to in Article 3 (2) of Regulation (EEC) No 4255/88, on the basis of which assistance from the European Social Fund is calculated, are hereby fixed per person and per week as follows:

Belgium :	Bfrs	4 460
Denmark :	Dkr	1 123
Germany :	DM	273
Greece :	Dr	14 819
Spain :	Pta	11 736
France :	FF	601
Ireland :	£Irl	76
Italy :	Lit	158 285
Luxembourg :	Lfrs	4 942
Netherlands :	Fl	230
Portugal :	Esc	5 930
United Kingdom :	£	81.

⁽¹⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 21.

Article 2

The amounts provided for in Article 1 shall cover full-time wage subsidy, setting up or recruitment operations. As regards part-time operations, the amounts shall be calculated in proportion to the number of hours worked on the basis of 40 hours per week.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 9 December 1992.

For the Commission

Vasso PAPANDREOU

Member of the Commission

COMMISSION DECISION

of 22 December 1992

laying down the procedures for veterinary checks at Community border inspection posts on products from third countries

(93/13/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 90/675/EEC laying down the principles governing the organization of veterinary checks on products entering the Community from third countries⁽¹⁾, as last amended by Decision 92/438/EEC⁽²⁾, and in particular Article 4 (6), Article 8 (3), Article 10 (2), Article 11 (7), Article 14 (3), Article 16 (4) and Article 18 (1) thereof,

Whereas the principles underlying the organization of documentary, identity and physical checks, as well as the follow-up to such checks have been laid down; whereas it is now necessary to adopt additional measures in order to establish a reliable harmonized procedure and set up the new arrangements for veterinary checks on products from third countries;

Whereas documentary and identity checks are based on a comparison between the information transmitted by the importer and the products imported into the Community and must be carried out according to certain rules; whereas physical checks on such products must also meet certain requirements, and the type and results of checks must be mentioned on a certificate;

Whereas, therefore, the proper functioning of the new arrangements requires that all information on a product be brought together in a document based on a given model;

Whereas the routing of products which may be accepted only for uses other than human consumption should be carried out within the framework of an appropriate existing Community procedure;

Whereas certain veterinary checks are not carried out on products carried in the luggage of travellers and intended for their consumption, or sent in small consignments addressed to individuals; whereas a maximum weight limit should nevertheless be fixed for products subject to such derogations;

Whereas certain plant products posing a risk of spreading contagious diseases to animals must be subjected to

veterinary checks; whereas a list of such products must be drawn up, together with a list of third countries or parts of third countries which may be authorized to export them to the Community;

Whereas certain consignments of products exported from a Member State towards a third country may be refused importation by the third country, then in those cases it is up to the competent authority of the Member State that has exported the products to take the necessary measures to control the consignment on its re-introduction into the territory of the Community;

Whereas in accordance with Article 11 (2) (b) of Directive 90/675/EEC, the Member State is able to conclude bilateral agreements for certain veterinary controls in the country of destination, it is required in these cases to ensure all necessary measures in the way of veterinary checks as mentioned in this Directive are carried out;

Whereas the products stored in a free zone or in a free warehouse, in a warehouse under customs control or in transit through the territory of the Community from one third country to another will be made the subject of a further implementing Decision;

Whereas derogations concerning the inspection of fish coming from third countries into the Community will be made the subject of later implementing Decisions;

Whereas the specific conditions of sampling and of examination of the different types of products will be the subject of further implementing Decisions;

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

HAS ADOPTED THIS DECISION:

Article 1

1. The documentary and the identify checks must be carried out according to Annex A.

⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 243, 25. 8. 1992, p. 27.

2. Importers or their representatives must, using a document based on the model laid down in Annex B, inform the veterinary staff of the border inspection post in advance of arrival of the products. The document shall be drawn up in four copies (one original and three copies) and the importer or his representative must:

- fill in section 1 on all four copies,
- transmit a copy to the customs authorities of the border inspection post,
- transmit the original and the two remaining copies to the official veterinarian responsible for the border inspection post.

3. The document based on the model laid down in Annex B must be made out in at least the language or in one of the languages of the border inspection post where the products coming from third countries are introduced into the Community and in the language or in one of the languages of the country of destination of the product.

4. Without prejudice to paragraph 3, the information contained in the document based on the model laid down in Annex B may, with the agreement of the competent authorities of the Member States, be made the object of a prior notification through telecommunications or other systems of data transmission.

Article 2

Physical checks, laboratory tests and analyses of official samples must be carried out in accordance with the requirements of Annexes C and D.

Article 3

1. After completion of the checks mentioned in Articles 1 and 2, section 2 of the document based on the model laid down in Annex B has to be completed under the responsibility of the official veterinarian responsible for the border inspection post and must be signed by him; then the original must be passed to the customs authorities at the border inspection post, one copy given to the importer or his representative and the second copy retained at the post.

2. The official veterinarian shall retain original certificates or health documents accompanying the consignment as well as the copy of the document based on the model laid down in Annex B for at least three years.

Article 4

1. If the veterinary checks carried out indicate that the product should not be imported into the Community the competent authority, after consulting the importer or his representative, shall decide with all speed either to return or to destroy it.

2. If the competent authority decides to destroy the consignment, it must take all necessary measures to ensure that the consignment and the destruction opera-

tion remains at all times under official control. The destruction of the consignment must be carried out in the border inspection-post installation or in appropriate installations as near as possible to that border inspection post.

3. If, in derogation to paragraph 1, the competent authority in application of Article 16 (2) of Council Directive 90/675/EEC accepts that the products may be imported only for certain uses other than human consumption, treatment and transport of these products shall be done only under the supervision of the competent authority and in accordance with Directive 90/667/EEC of 27 November 1990 laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in foodstuffs of animal or fish origin and amending Directive 90/425/EEC⁽¹⁾. Moreover, the competent authority at the place of destination of the registered plant shall be informed of the operation through the Animo network, or pending the implementation of the latter, by telecommunication or by any data transfer system.

4. The procedures described in paragraphs 1, 2 and 3 shall also apply where the inspections carried out by the competent authority at the border crossing point reveal any of the infringements mentioned in Article 4 (3) of Council Directive 90/675/EEC. However, measures in the sense of Article 16 (1) and (2) may only be taken by the official veterinarian responsible for the nearest border inspection post. All the consignments which are rejected shall be notified immediately by the Shift system or, pending the implementation of the latter, by telecommunication or by any data transfer system.

Article 5

1. Without prejudice to specific Community rules for certain products, the products referred to in points (i), (ii) and (iv) of Article 14 (1) of Council Directive 90/675/EEC shall not be the subject of the systematic veterinary checks set out in chapter I of this Directive if they are less than 1 kilo in weight and destined for human consumption. However all necessary measures must be taken to ensure that only such products from approved or parts of approved countries are introduced into the Community.

2. The first paragraph shall not affect the animal health and public health rules set out in the appropriate Community legislation or in its absence the national rules of the Member States.

Article 6

1. Member States shall submit the plant products listed in Annex E to the veterinary checks specified in Article 1 (1).

⁽¹⁾ OJ No L 363, 27. 12. 1990, p. 51.

2. Member States shall authorize the importation of plant products listed in Annex E originating from the countries or parts of third countries listed in Annex F where the importation from these countries or parts of third countries is not prohibited.

3. The requirements of Article 16 of Council Directive 90/675/EEC apply *mutatis mutandis* to plant products when the veterinary checks indicate that they do not satisfy the conditions of this Decision.

Article 7

This Decision shall apply with effect from 1 January 1993.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 22 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

*ANNEX A***Detailed rules for documentary and identity checks on products from third countries**

1. For each consignment, the competent authority must ascertain the customs destination.
2. Each certificate or document for animal health or public health which accompanies a consignment of products originating in a third country must be inspected in order to confirm :
 - (a) that it is an original certificate or document ;
 - (b) that it refers to a third country or part of a third country authorized to export to the Community, or for non-harmonized products, to the Member State concerned ;
 - (c) that its presentation and content correspond to the specimen drawn up for the product and third country concerned ;
 - (d) that it consists of a single sheet of paper ;
 - (e) that it has been fully completed ;
 - (f) that the date of issue of the certificate or document for animal health or public health relates to that of the loading of the products for their dispatch towards the Community ;
 - (g) that it is made out to a single recipient ;
 - (h) that it relates to an establishment authorized to export to the Community, or for non-harmonized products, to the Member State concerned ;
 - (i) that it is drawn up in at least one of the official languages of the Member States where the inspection is carried out ;
 - (j) that it is signed by the official veterinarian or where appropriate the representative of the official authority and shows legibly and in capitals, his name and position, and also that the official health stamp of the third country is in a different colour to that of the printing of the certificate ;
 - (k) that the information given in the certificate is in conformity to that in the document based on the model laid down in Annex B pertaining to the consignment.
3. It is necessary that visual inspection shall be carried out to ensure that the products match the information given in the veterinary certificates or documents accompanying the consignment ; this procedure should include amongst others :
 - (a) verification of the seals on the means of transport where this is required ;
 - (b) for all types of products, a check for the presence and conformity of the official stamp or health marks identifying the country and establishment of origin and that these correspond to those on the certificate or document ;
 - (c) in addition, for wrapped products, inspection of the labelling information required by the veterinary legislation.

ANNEX B

Any alteration or erasure on this document by an unauthorized person makes it invalid

CERTIFICATE FOR VETERINARY CHECKS ON PRODUCTS INTRODUCED INTO THE EEC FROM NON-MEMBER COUNTRIES

1. Details of consignment presented (*)

Border inspection post carrying out the veterinary checks :

Country of origin :

Country where consigned :

Consignor :

Importer :

Country of destination in the EEC :
(Country, establishment, address)

Customs destination :

Means of transport

Air: Flight No

Land: Vehicle No

Sea: Vessel name and container No :

Seal No :

CN code	Nature of goods	Type of preservation	Number of packages	Gross weight	Net weight
Totals					

Probable date of arrival :	Animal Health and/or Public Health Certificate(s)	Complete identification of declarer : Signature	Date :
	No(s) :		
	Date of issue :		
	Place of issue :		
	Issuing authority :		

(*) To be completed by the importer or his representative.

2. Decision on consignment⁽¹⁾

Reference number :

<i>Release for free use in the EEC</i> ☐ fit for human consumption ☐ destined for animal feed use to : (country and establishment) ☐ destined for pharmaceutical use to : (country and establishment) ☐ unfit for human consumption or animal feed use ☐ destined to undergo other technical treatment (indicate) : ☐ other uses (indicate) :	<i>Entry into the EEC under customs surveillance :</i> ☐ consigned to another third country without unloading (name of third country) : ☐ storage in free zone or free warehouse Name and address : ☐ storage in customs warehouse Name and address : ☐ consigned to a Member State with specific requirements : (Country and establishment) and conforming to Decision :
<i>Importation refused :</i> Reason :	
Action : to be returned before : to be destroyed before : to be processed in conformity with Article 4 of Decision 93/13/EEC Name and address of processing establishment :	

Full identification of border inspection post and official seal	Date :	Official Veterinarian (Signature) Name in capital letters ⁽²⁾
--	---------------	---

<i>Remarks :</i>		
Checks carried out : Document ☐ Laboratory tests carried out : Laboratory tests in hand :	Identity ☐	Physical ☐ Results :

Seal number of official service :

Competent authority of place of destination :

⁽¹⁾ To be completed by ticking the applicable entry and deleting the others.⁽²⁾ To be completed by the official veterinarian responsible for the border inspection post.

ANNEX C**Detailed rules for physical checks on products**

1. The physical check on each consignment must be carried out under conditions permitting the required inspection and testing to be carried out satisfactorily.
2. Each consignment must be inspected to check the conditions and means of transport, in particular to confirm that :
 - (a) the temperature conditions comply with the requirements for the products concerned if laid down in Community rules or, where none exist, in the relevant national rules ;
 - (b) the conditions of transport have maintained the products in the required state ;
 - (c) there is no reason to suspect abnormalities during transport.
3. The conformity of the products with the information on the certificate must be confirmed, on the basis, in particular, of the following procedures :
 - (a) verification that the number of items or packages mentioned on the accompanying certification corresponds to the weight of the consignment by example of the weight of one item or package ;
 - (b) verification that the packaging, wrapping or envelope used fulfils the Community or, where applicable, national requirements : material used, state, presence of marks and/or indications required.

4. Each lot submitted to a physical examination to verify, after opening of the packaging, wrapping or envelope, that the conditions foreseen for the product concerned in the vertical Directives or, where none exist, the relevant national legislation are satisfied.

With this aim in view an organoleptic examination, particularly visual examination, must be carried out on each consignment to check for abnormalities rendering the product unfit for the use given on the veterinary certificates or accompanying documents ; these examinations shall be carried out on in principle 1 % of the items or packages of the consignment, with a minimum of two and a maximum of 10. For loose products, the examination shall be made on at least five separate samples distributed throughout the consignment.

At any time, during the examination of the products, the official veterinarian may derogate from the maximum laid down above.

In addition to the physical checks referred to above, public health inspection of products intended for human consumption must include :

- measurement of the temperature of the product, if Community or, where applicable, national rules so require,
- checks for abnormalities in appearance, consistency, colour, smell and, where appropriate, taste ; for frozen or deep-frozen products, inspection shall be carried out after thawing of the products.

5. In addition, the veterinarian shall, whenever he deems necessary, require any additional examinations to be carried out to verify compliance with Community or national legislation governing imports of or trade in these products.
6. In the event of doubt, additional physical and laboratory examinations shall be carried out on the products after the consignment has been fully unloaded, and if necessary the determination of the species.
7. In addition to the formalities referred to in Article 3, veterinary services shall take all necessary steps to indicate that an official physical control of the consignment has been carried out, particularly by resealing and placing the official stamp on all packages handled and by resealing all containers opened, mentioning the seal number indicated in the document in Annex B and on certificates or documents accompanying the consignment.

*ANNEX D***Detailed rules relating to laboratory testing of products**

1. Pending approval of Community monitoring plans, each Member State must submit consignments of products presented for importation to a monitoring plan, to verify Community legislation is respected, or where applicable national rules, in particular, to detect residues, pathogenic organisms or other substances dangerous to humans, animals or the environment.

These monitoring plans must take into account the nature of the products and the risk that they present.

In all cases, the official veterinary surgeon of the border inspection post which carried out testing under this monitoring plan must inform the competent authority at the place of destination in accordance with Article 4 (5) of Directive 90/675/EEC and mention the testing in the document based on Annex B that is made out to certify the veterinary checks that are carried out. When the testing concerns a substance or a pathogenic agent which presents a direct or immediate animal or public health risk, the official veterinarian responsible for the border inspection post who carried out the test or the competent authority at the place of destination that has been informed may withhold the consignment from release until the results of the laboratory test are known.

Each Member State has to inform the other Member States and the Commission of positive results found during the execution of the monitoring plans, so that the veterinary checks may be altered as a result of the information gathered.

2. When, in particular following the examination of a consignment, or on the basis of information received from another Member State or from the Commission, or on the basis of a result of an unfavourable examination on a previous consignment, the competent authority decides to carry out a laboratory examination, the consignment may only be sent to its destination on the condition that this laboratory examination has given satisfactory results. In the meantime the consignment remains under the control of the responsible veterinarian of the border inspection post that has carried out the veterinary controls.

*ANNEX E***Plant products subject to veterinary checks**

1. Straw.
 2. Hay.
-

*ANNEX F***List of countries or parts of countries from which Member States shall authorize import of hay and straw**

Australia	Iceland
Austria	Latvia
Belarus	Lithuania
Bulgaria	Malta
Canada	New Zealand
Chile	Norway
Croatia	Poland
Cyprus	Romania
Czechoslovakia	Slovenia
Estonia	Sweden
Finland	Switzerland
Greenland	United States of America
Hungary	

COMMISSION DECISION

of 23 December 1992

laying down the methods of veterinary checks for products from third countries in free zones and free warehouses, in customs warehouses, as well as during the time of transport from one third country to another via the Community

(93/14/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁽¹⁾, as last amended by Decision 92/438/EEC⁽²⁾, and, in particular, Articles 5, 6, 7 and 12 thereof,

Whereas Commission Decision 93/13/EEC has established the procedures for the veterinary checks at the border inspection posts of the Community on products entering the Community from third countries⁽³⁾;

Whereas these general procedures must be completed by laying down control conditions for products destined to be stored in free warehouses, free zones or customs warehouses;

Whereas these conditions must, in particular, ensure the follow-up, during the storage and the transport, of the products not complying with the requirements of Community legislation or, if applicable, of the national legislation;

Whereas, furthermore, it is convenient to determine the scope of the controls applicable on products in transit through the territory of the Community;

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

HAS ADOPTED THIS DECISION:

Article 1

1. Without prejudice to the provisions of Commission Decision 92/571/EEC of 15 December 1992 in relation to

new transitory measures which are necessary to facilitate the move to the system of veterinary checks provided for in Council Directive 90/675/EEC, products from third countries entering the Community and destined for a free zone or a free warehouse or destined to be stored in a warehouse under the customs warehousing procedure or the temporary storage of goods procedure shall be:

- subject to the controls laid down in Articles 4 and 8 of Directive 90/675/EEC for harmonized products,
- subject to the controls laid down in Articles 4 and 11 of Directive 90/675/EEC for non-harmonized products.

2. In each case, the official veterinarian shall deliver a document based on Annex B to Decision 93/13/EEC attesting that the products have been submitted to the controls mentioned in paragraph 1⁽⁴⁾.

3. The transport of products to the destination mentioned in paragraph 1 and their transport from one warehouse to another shall take place under the following conditions:

- (a) the transport has to be carried out under customs control by means of transport sealed by the competent authority;
- (b) the competent authority which authorizes the transport has to inform the competent authority of the warehouse of destination via the Animo network or, pending the implementation of the latter, by telecommunication or by any data transfer system;
- (c) the products have to be accompanied by a document based on Annex B to Decision 93/13/EEC attesting that the products have fulfilled the controls of Directive 90/675/EEC and by either an authenticated copy of the original veterinary certificates or documents relating to the goods. In the case of transport from one warehouse to another warehouse, a document based on Annex B to Decision 93/13/EEC shall be delivered on the basis of documents accompanying the consignment to the warehouse and on the basis of veterinary controls carried out during the storage of products in the warehouse, in accordance with Articles 5 and 6 of Council Directive 90/675/EEC.

⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 243, 25. 8. 1992, p. 27.

⁽³⁾ See page 33 of this Official Journal.

⁽⁴⁾ OJ No L 367, 16. 12. 1992, p. 36.

Article 2

1. The warehouses designated in accordance with Article 6 of Directive 90/675/EEC have to meet at least the following conditions :

- the minimum requirements laid down by Community legislation for the warehouses storing the products concerned, or in the absence of Community legislation, by national legislation,
- to be under permanent control of the competent authority,
- to have day-to-day accountability of all the products entering or leaving the warehouse,
- to have appropriate rooms reserved exclusively for the competent authorities carrying out the veterinary controls.

2. The competent authority must take all the necessary measures :

- to check that the conditions set out in the first paragraph are maintained,
- to ensure effective control of the entries and exits to the warehouses,
- to perform all necessary controls to avoid any deterioration or any substitution of the products stored in the warehouses.

Article 3

In derogation from Article 1 of the present Decision, the Member State may, in conformity with Article 7 of Directive 90/675/EEC, authorize the entry into its territory of products which do not comply with the requirements of Community legislation or, in the case of products where the rules governing trade have not been harmonized with the relevant national legislation, to be stored in a free zone or in a free warehouse ; in this case, besides the requirements mentioned in Article 7 of Directive 90/675/EEC, the following requirements are applicable :

- (a) the competent authority of the border inspection post of introduction from third country must ensure that products are really destined, after storage, to be re-dispatched to a third country ;
- (b) these products are stored in separate rooms from the products destined to be put in free circulation on the territory of the Community ;
- (c) the products are not submitted to any manipulation other than those necessary for storage or of division of the consignment, without alteration of the packaging of origin ;

(d) the transport of these products to the free zone or the free warehouse of destination or from a free zone or from a free warehouse to another free zone or free warehouse is subject to the following conditions :

- the importer must give the proof that the competent authority of the free warehouse or the free zone of destination does not oppose the introduction of these products,
- the competent authority of the border inspection post of introduction from the third country, or of the free warehouse or of the free zone from where the products are dispatched, must specify the fact of the passage or storage of the products on the veterinary certificates or documents,
- the transport has to be carried out under customs control by means of leak proof transport, identified and sealed by the competent authority so that the seals are broken at the time of any opening of the container,
- the competent authority which authorizes the transport has to inform the competent authority of the free zones or free warehouses of destination via the Animo network or, pending the implementation of the latter, by telecommunication or by any data transfer system,
- the means of land transport used must be cleaned and disinfected under the responsibility of the competent authority before being used for further transport,
- the dispatching competent authority of the free zone or free warehouse and that of the free zone or free warehouse of destination have to take all necessary measures to avoid any public health or animal health risk during transport, storage or division of the consignment,
- the products must be accompanied by the original veterinary certificates or documents ;

(e) the competent authority shall take all the necessary measures :

- to ensure effective control of the entry and exit of products out of the free warehouse or free zone,
- to perform all suitable controls to avoid any deterioration or any substitution of the products stored in the free warehouse or free zone.

Article 4

1. The competent authority may carry out random documentary checks of the products on board planes or boats, connecting two third countries, which make a stopover in the Community.

2. When the products mentioned in the first paragraph are transhipped from a plane or from one boat to another, the competent authority has to be informed and may carry out a documentary control of the products being transhipped.

3. When the products mentioned in paragraph 1 are unloaded and stored temporarily at the point of entry with a view to being forwarded towards a predetermined third country, the competent authority shall take the following measures :

- (a) it carries out a documentary and an identity check of the products ;
- (b) it informs the operator of his obligation to send the products to this predetermined third country within a set time limit and by an identified means of transport ;
- (c) it submits the products to the controls of Article 1 (1) of the present Decision if these products have not been re-dispatched within the set time limit to the predetermined third country ;
- (d) during the storage it carries out all necessary measures to avoid any deterioration or any substitution of the products.

4. In all the cases mentioned in this Article the original veterinary certificates or documents shall accompany the products dispatched to the third country.

Article 5

Member States shall carry out the necessary measures to ensure that any breach of the present decision, especially to Articles 3 and 4, shall be subject to a sanction which is effective, appropriate and with deterrent effect against the person or legal entity responsible.

Article 6

Without prejudice to the Community rules on animal health, Member States may authorize the import of consignments of animal products to their territory for exhibitions or displays at trade fairs using their national rules.

Member States authorizing the import of such consignments shall take effective step to ensure that these products, once the displays or exhibitions have finished will be destroyed or re-dispatched to the originating third country.

Article 7

To take account of experience required, the Commission shall submit a report before the 31 December 1993.

Article 8

This Decision shall apply from the 1 January 1993.

Article 9

This Decision is addressed to the Member States.

Done at Brussels, 23 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission