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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 363/93

of 10 February 1993

amending Regulation (EEC) No 3013/89 on the common organization of the market in sheepmeat and goatmeat and Regulation (EEC) No 1323/90 instituting specific aid for sheep and goat farming in certain less-favoured areas of the Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas Article 24 of Regulation (EEC) No 3013/89⁽²⁾ laid down transitional provisions for 1990, 1991 and 1992 on condition that the United Kingdom applied the variable slaughter premium, in order to achieve gradually a single premium scheme not later than 1993; whereas the United Kingdom decided to abolish the said premium from the beginning of the 1992 marketing year; whereas, however, in view of the monetary upheavals which have had considerable effects on the Community market in sheepmeat in 1992, particularly in Ireland and Northern Ireland, the transitional provisions should be extended until the end of the 1992 marketing year for that area;

Whereas, in view of the said monetary upheavals, the specific aid provided for under the rural society measures introduced in Regulation (EEC) No 1323/90⁽³⁾ should be increased for that year,

Article 1

The following paragraph shall be inserted in Article 24 of Regulation (EEC) No 3013/89:

'7a. With regard to the 1992 marketing year, paragraph 7 shall apply even if the United Kingdom no longer has recourse to the provisions of this Article.'

Article 2

The following shall be inserted in Regulation (EEC) No 1323/90:

Article 1a

Notwithstanding Article 1, for the 1992 marketing year the unit amounts of the specific aid shall be as follows:

- ECU 7 per ewe for the producers referred to in Article 5 (2) and (4) of Regulation (EEC) No 3013/89,
- ECU 4,9 per ewe for the producers referred to in Article 5 (3) of that Regulation,
- ECU 4,9 per she-goat for the producers referred to in Article 5 (5) of that Regulation,
- ECU 4,9 per female of the ovine species where the second subparagraph of Article 5 (8) of that Regulation is applied.'

Article 3

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

⁽¹⁾ Opinion delivered on 9 February 1993 (not yet published in the Official Journal).

⁽²⁾ OJ No L 289, 7. 10. 1989, p. 1. Regulation as last amended by Regulation (EEC) No 2069/92 (OJ No L 215, 30. 7. 1992, p. 59).

⁽³⁾ OJ No L 132, 23. 5. 1990, p. 17. Regulation as last amended by Regulation (EEC) No 1743/91 (OJ No L 163, 26. 6. 1991, p. 44).

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

Done at Brussels, 10 February 1993.

For the Council

The President

B. WESTH

COUNCIL REGULATION (EEC) No 364/93**of 10 February 1993****amending Regulation (EEC) No 1765/92 establishing a support system for producers of certain arable crops**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops ⁽³⁾ provides for the payment to producers of durum wheat in traditional production zones of a supplement to the compensatory payment referred to in Title I of that Regulation in order to compensate for the additional loss of income to the producers in question by comparison with producers of other cereals as a result of the setting of a single price for all cereals; whereas its amount will be based on area sown to durum wheat in the traditional zones that was eligible for the production aid for the 1988/89, 1989/90, 1990/91 or 1991/92 marketing year at the producer's choice;

Whereas, under the Act of Accession, the durum wheat production aid has been introduced gradually in Spain and the full amount paid from the 1992/93 marketing year only; whereas in consequence the aid has had its full economic impact only from the 1992/93 marketing year; whereas for the sake of equity Spanish producers should be able to use 1992/93 as a reference year;

Whereas in Portugal the aid was introduced from the 1991/92 marketing year only; whereas accordingly reference should be made only to areas eligible for the aid for that marketing year; whereas however to give Portuguese durum wheat producers a possibility of choice it would be reasonable to allow them to use the 1988/89, 1989/90 and 1990/91 marketing years;

Whereas however an excessive increase in the areas eligible for the durum wheat supplement to the compensatory payment in Spain and Portugal should be avoided;

Whereas account should be taken of the situation of durum wheat producers located in certain departments of the south of France which are not regarded as traditional production zones but where durum wheat cultivation is of particular importance owing to the lack of a viable alternative; whereas this situation should be corrected by classifying the departments in question as traditional production zones; whereas, however, in order to avoid an unjustified increase in the production of durum wheat, the land eligible for the supplement to the compensatory payment should be limited, by analogy to the treatment applied to producers in traditional zones; whereas, in view of the absence of historical data on the area of durum wheat cultivated by each producer in the departments in question, the eligible areas in these departments should be restricted to the average of the areas under durum wheat during the same reference period as that used for durum wheat producers in traditional production zones,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1765/92 is hereby amended as follows:

1. The following shall be inserted after the first subparagraph of Article 4 (3):

'However, the following may also be taken into consideration:

- in Spain, in addition to the marketing years referred to in the first subparagraph, the 1992/93 marketing year, provided that the total eligible area does not exceed 550 000 hectares,
- in Portugal, in addition to the 1991/92 marketing year, the 1988/89, 1989/90 and 1990/91 marketing years for the areas sown to durum wheat, provided that the total eligible area does not exceed 30 000 hectares.'

⁽¹⁾ OJ No C 30, 3. 2. 1993, p. 7.

⁽²⁾ Opinion delivered on 9 February 1993 (not yet published in the Official Journal).

⁽³⁾ OJ No L 181, 1. 7. 1992, p. 12.

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

'4. In France the supplement to the compensatory payment referred to in the third subparagraph of paragraph 3 shall be paid to durum wheat producers for the areas located in the departments indicated in Annex III hereto, within the limit of the number of hectares allocated to each department.'

3. In Article 10 (4) 'in Article 4 (3)' shall be replaced by 'in Article 4 (3) and (4)'.

4. The following Annex to this Regulation shall be added :

ANNEX III

Zones referred to in Article 4 (4)

FRANCE

	<i>Hectares</i>
— Department of Ardèche :	600
— Department of Drôme :	2 300
— Department of Midi-Pyrénées Region :	60 455'

Article 2

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

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

Done at Brussels, 10 February 1993.

For the Council

The President

B. WESTH

**COMMISSION REGULATION (EEC) No 365/93
of 18 February 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 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 ⁽³⁾, 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 ⁽⁴⁾ 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 17 February 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 19 February 1993.

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

Done at Brussels, 18 February 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 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 390, 31. 12. 1992, p. 118.

ANNEX

to the Commission Regulation of 18 February 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ^(*)
0709 90 60	135,95 ⁽²⁾ ⁽³⁾
0712 90 19	135,95 ⁽²⁾ ⁽³⁾
1001 10 00	176,11 ⁽¹⁾ ⁽³⁾ ⁽¹⁰⁾
1001 90 91	139,38
1001 90 99	139,38 ⁽¹¹⁾
1002 00 00	149,16 ⁽⁹⁾
1003 00 10	124,92
1003 00 20	124,92
1003 00 80	124,92 ⁽¹¹⁾
1004 00 00	114,88
1005 10 90	135,95 ⁽²⁾ ⁽³⁾
1005 90 00	135,95 ⁽²⁾ ⁽³⁾
1007 00 90	136,83 ⁽⁷⁾
1008 10 00	47,35 ⁽¹¹⁾
1008 20 00	79,48 ⁽⁴⁾
1008 30 00	37,67 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	37,67
1101 00 00	207,85 ⁽⁸⁾ ⁽¹¹⁾
1102 10 00	221,55 ⁽⁸⁾
1103 11 30	285,29 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 50	285,29 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 90	223,33 ⁽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 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

⁽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 (OJ No L 166, 26. 6. 1991, p. 42) 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 366/93**of 18 February 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 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 ⁽³⁾, 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 ⁽⁴⁾ 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 17

February 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 19 February 1993.

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

Done at Brussels, 18 February 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 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 390, 31. 12. 1992, p. 121.

ANNEX

to the Commission Regulation of 18 February 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 2	1st period 3	2nd period 4	3rd period 5
0709 90 60	0	0	0	5,32
0712 90 19	0	0	0	5,32
1001 10 00	0	0	0	0
1001 90 91	0	1,72	1,72	0,91
1001 90 99	0	1,72	1,72	0,91
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	5,32
1005 90 00	0	0	0	5,32
1007 00 90	0	0	0	6,25
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	5,31
1008 90 90	0	0	0	5,31
1101 00 00	0	2,24	2,24	1,26

B. Malt

(ECU/tonne)

CN code	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1107 10 11	0	3,06	3,06	1,62	1,62
1107 10 19	0	2,29	2,29	1,21	1,21
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 367/93

of 18 February 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 15 and 16 February 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 19 February 1993.

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

Done at Brussels, 18 February 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 Commission Regulation (EEC) No 3094/92 (OJ No L 311, 28. 10. 1992, p. 20), as amended by Regulation (EEC) No 3839/92 (OJ No L 387, 31. 12. 1992, p. 71), 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 amended Regulation (EEC) No 3094/92 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

COMMISSION REGULATION (EEC) No 368/93**of 18 February 1993****altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty**

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 3814/92 ⁽²⁾, and in particular Article 19 (1) and (2) thereof,

Whereas the rates of the refunds applicable from 1 February 1993 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Commission Regulation (EEC) No 176/93 ⁽³⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EEC) No 176/93 to the informa-

tion at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EEC) No 176/93 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 February 1993.

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

Done at Brussels, 18 February 1993.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽³⁾ OJ No L 22, 30. 1. 1993, p. 43.

ANNEX

to the Commission Regulation of 18 February 1993 altering the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

	— Rate of refund in ECU/100 kg (*) —
White sugar :	37,80
Raw sugar :	34,77
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose) :	$37,80 (*) \times \frac{S (*)}{100}$ or
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion :	the rate fixed above for 100 kg of white or raw sugar used for the dissolution
Molasses :	—
Isoglucose (?) :	37,80 (3)

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

(1) 'S' represents in 100 kilograms of syrup

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

(2) Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

(3) Amount of refund per 100 kilograms of dry matter.

(4) The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92.

COMMISSION REGULATION (EEC) No 369/93

of 18 February 1993

amending Regulation (EEC) No 124/93 on the issuing of a standing invitation to tender for the resale on the internal market of 100 000 tonnes of durum wheat held by the Greek intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals ⁽³⁾, as last amended by Regulation (EEC) No 2203/90 ⁽⁴⁾, provides that cereals held by the intervention agency are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82 ⁽⁵⁾, as last amended by Regulation (EEC) No 3043/91 ⁽⁶⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas tendering procedures for the resale of durum wheat from Spanish and Italian intervention stocks have been opened under price conditions derogating from those provided for in Regulation (EEC) No 1836/82; whereas for the sake of fairness the same price conditions

should be laid down for the resale of durum wheat under Commission Regulation (EEC) No 124/93 ⁽⁷⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following Article 2 (a) is hereby added to Regulation (EEC) No 124/93:

'Article 2a: Notwithstanding Article 5 (1) of Regulation (EEC) No 1836/82, in no case may successful tenders be lower than the intervention price applicable on the final date for submission of tenders.'

Article 2

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

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

Done at Brussels, 18 February 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 139, 24. 5. 1986, p. 36.
⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 5.
⁽⁵⁾ OJ No L 202, 9. 7. 1982, p. 23.
⁽⁶⁾ OJ No L 288, 18. 10. 1991, p. 21.

⁽⁷⁾ OJ No L 17, 26. 1. 1993, p. 6.

COMMISSION REGULATION (EEC) No 370/93**of 18 February 1993****postponing the date for the take-over of beef and veal offered for sale by the
intervention agencies pursuant to Regulation (EEC) No 2848/89**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No 805/68 of
27 June 1968 on the common organization of the market
in beef and veal ⁽¹⁾, as last amended by Regulation (EEC)
No 125/93 ⁽²⁾,Whereas Commission Regulation (EEC) No 2848/89 ⁽³⁾,
as last amended by Regulation (EEC) No 3807/92 ⁽⁴⁾, fixes
certain selling prices for beef and veal taken over by the
intervention agencies before 1 May 1992; whereas the
situation regarding these stocks is such that this date
should be replaced by 1 November 1992;Whereas the measures provided for in this Regulation are
in accordance with the opinion of the Management
Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

*Article 1*In Article 4 of Regulation (EEC) No 2848/89, '1 May
1992' is hereby replaced by '1 November 1992'.*Article 2*This Regulation shall enter into force on the day of its
publication in the *Official Journal of the European
Communities*.This Regulation shall be binding in its entirety and directly applicable in all Member
States.

Done at Brussels, 18 February 1993.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.⁽²⁾ OJ No L 18, 27. 1. 1993, p. 1.⁽³⁾ OJ No L 274, 23. 9. 1989, p. 9.⁽⁴⁾ OJ No L 384, 30. 12. 1992, p. 33.

COMMISSION REGULATION (EEC) No 371/93

of 18 February 1993

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of boneless beef held by certain intervention agencies and intended for export, and repealing Regulation (EEC) No 3784/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 125/93 ⁽²⁾, and in particular Article 7 (3) thereof,

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

Whereas Commission Regulation (EEC) No 2824/85 of 9 October 1985 laying down detailed rules for the sale of frozen boned beef from intervention stocks for export, either in the same state or after cutting and/or repackaging ⁽⁵⁾, as amended by Regulation (EEC) No 251/93 ⁽⁶⁾, has provided for repackaging under certain conditions;

Whereas certain intervention agencies hold large stocks of boneless intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas, as there are outlets in certain third countries for the products concerned, part of the meat should be put up for sale in accordance with Regulation (EEC) No 2539/84 and (EEC) No 2824/85;

Whereas it is necessary to lay down a time limit for export of the said meat; whereas this time limit should be fixed by taking into account Article 5 (b) of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector ⁽⁷⁾, as last amended by Regulation (EEC) No 3662/92 ⁽⁸⁾;

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

Whereas it is appropriate to specify that, in view of the prices which have been fixed in the context of this sale in order to permit the disposal of certain cuts, exports of such cuts should not be eligible for the refunds periodically fixed in the beef and veal sector;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 3002/92 ⁽⁹⁾, as amended by Regulation (EEC) No 75/93 ⁽¹⁰⁾;

Whereas Commission Regulation (EEC) No 3784/92 ⁽¹¹⁾ should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A sale shall be organized of approximately:
 - 5 000 tonnes of boneless beef held by the Irish intervention agency and bought in before 1 October 1992,
 - 5 000 tonnes of boneless beef held by the intervention agency of the United Kingdom and bought in between 15 June 1990 and 1 September 1992,
 - 1 000 tonnes of boneless beef held by the Danish intervention agency and bought in before 1 November 1992,
 - 5 000 tonnes of boneless beef held by the French intervention agency and bought in before 1 October 1992,
 - 200 tonnes of boneless beef held by the Italian intervention agency and bought in before 1 May 1991.
2. This meat shall be for export.
3. Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulations (EEC) No 2539/84, (EEC) No 2824/85 and (EEC) No 3002/92.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 18, 27. 1. 1993, p. 1.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 268, 10. 10. 1985, p. 14.

⁽⁶⁾ OJ No L 28, 5. 2. 1993, p. 47.

⁽⁷⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁸⁾ OJ No L 370, 19. 12. 1992, p. 43.

⁽⁹⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽¹⁰⁾ OJ No L 11, 19. 1. 1993, p. 5.

⁽¹¹⁾ OJ No L 383, 29. 12. 1992, p. 84.

The provisions of Commission Regulation (EEC) No 985/81⁽¹⁾ shall not apply to this sale.

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

5. Only those tenders shall be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 25 February 1993.

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

Article 2

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

Article 3

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

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be ECU 450 per 100 kilograms of boneless beef referred to under (a) in Annex I and ECU 230 per 100 kilograms of boneless beef referred to under (b) in Annex I. However, the security for boneless beef sold by the Italian intervention agency shall be ECU 700 per 100 kilograms.

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

Done at Brussels, 18 February 1993.

For the Commission

René STEICHEN

Member of the Commission

Article 4

In the case of the meat referred to under 1 (b), 2 (b), 3 (b), and 4 (b) in Annex I no export refund shall be granted.

Article 5

1. In the removal order referred to in Article 3 (1) (b) of Regulation (EEC) No 3002/92, the export declaration, and, where appropriate, the T5 control copy shall be entered:

Productos de intervención [Reglamento (CEE) n° 371/93]
Interventionsprodukter [Forordning (EØF) nr. 371/93];
Interventionserzeugnisse [Verordnung (EWG) Nr. 371/93];

Προϊόντα παρεμβάσεως [κανονισμός (ΕΟΚ) αριθ. 371/93];

Intervention products [Regulation (EEC) No 371/93];
Produits d'intervention [Règlement (CEE) n° 371/93];
Prodotti d'intervento [Regolamento (CEE) n. 371/93];
Produkten uit interventievoorrden [Verordening (EEG) nr. 371/93];

Produtos de intervenção [Regulamento (CEE) n° 371/93].

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

Article 6

Regulation (EEC) No 3784/92 is hereby repealed.

Article 7

This Regulation shall enter into force on 25 February 1993.

⁽¹⁾ OJ No L 99, 10. 4. 1981, p. 38.

⁽²⁾ OJ No L 205, 3. 8. 1985, p. 5.

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

Precio mínimo expresado en ecus por tonelada⁽¹⁾ — Mindestpreise in ECU/ton⁽¹⁾ — Mindestpreise, ausgedrückt in ECU/Tonne⁽¹⁾ — Ελάχιστες τιμές πωλήσεως εκφραζόμενες σε Ecu ανά τόνο⁽¹⁾ — Minimum prices expressed in ECU per tonne⁽¹⁾ — Prix minimaux exprimés en écus par tonne⁽¹⁾ — Prezzi minimi espressi in ecu per tonnellata⁽¹⁾ — Minimumprijzen uitgedrukt in ecu per ton⁽¹⁾ — Preço mínimo expresso em ecus por tonelada⁽¹⁾

1. IRELAND

a) Fillets	6 150
Striploins	2 850
Insides	2 450
Outsides	2 400
Knuckles	2 400
Rumps	2 250
Cube-rolls	3 700
b) Briskets	600
Forequarters	1 000
Shins/shanks	1 000
Plates/flanks	400

2. UNITED KINGDOM

a) Fillets	5 000
Striploins	2 500
Topsides	2 250
Silversides	2 200
Thick flanks	2 200
Rumps	2 200
b) Shins and shanks	900
Clod and sticking	950
Ponies	1 000
Thin flanks	350
Forequarter flanks	350
Briskets	500
Foreribs	1 000

3. DANMARK

a) Mørbrad med bimørbrad	6 100
Filet med entrecôte og tyndsteg	2 850
Inderlår med kappe	2 450
Tykstegsfilet med kappe	2 400
Klump med kappe	2 400
Yderlår med lårtunge	2 400
b) Bryst og slag	650
Øvrigt kød af forfjerdinger	1 250
Skank og muskel	800

4. FRANCE

a) Filet	6 000
Faux filet	2 800
Tende de tranche	2 450
Tranche grasse	2 400
Rumsteak	2 300
Gîte à la noix	2 400
Entrecôte	2 300
b) Caisse B	450
Jarret	850
Macreuse	850
Caisse A	950
Boule de gîte	850
Bavette	850

5. ITALIA

a) Filetto	3 000
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⁽¹⁾ Estos precios se entenderán netos con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) n° 2173/79.

⁽¹⁾ Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

⁽¹⁾ Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

⁽¹⁾ Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

⁽¹⁾ These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

⁽¹⁾ Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.

⁽¹⁾ Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.

⁽¹⁾ Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

⁽¹⁾ Estes preços aplicam-se a peso líquido, conforme o disposto no n° 1 do artigo 17º do Regulamento (CEE) n° 2173/79.

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

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

- IRELAND:** Department of Agriculture and Food
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 2278 and 3806
Telex 93292 and 93607, telefax (01) 616263, (01) 785214 and (01) 6620198
- DANMARK:** EF-Direktoratet
Frederiksborggade 18
DK-1360 København K
Tlf. (33) 92 70 00, telex 15137 EFDIR DK, telefax (33) 92 69 48
- ITALIA:** Azienda di Stato per gli interventi nel mercato agricolo (AIMA)
Via Palestro 81
I-00185 Roma
Tel. 49 49 91
Telex 61 30 03
- UNITED KINGDOM:** Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berkshire
Tel. (0734) 58 36 26
Telex 848 302, telefax: (0734) 56 67 50
- FRANCE:** OFIVAL
Tour Montparnasse
33, avenue du Maine
F-75755 Paris Cedex 15
Tél. 45 38 84 00, télex 205476
-

COMMISSION REGULATION (EEC) No 372/93

of 18 February 1993

providing for the grant of compensation to producers' organizations in respect of tuna, with the exception of yellowfin tuna, delivered to the canning industry during the period 1 April to 30 June 1992

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

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery products⁽¹⁾, and in particular Article 18 (8) thereof,

Whereas the compensation referred to in Article 18 of Regulation (EEC) No 3759/92 is granted, under certain conditions, to Community tuna producers' organizations in respect of quantities of tuna delivered to the canning industry, during the calendar quarter for which prices were recorded, where the average quarterly price recorded on the Community market and the free-at-frontier price, plus, if necessary, the countervailing charge, are both lower than 93 % of the Community producer price for the product in question;

Whereas Article 1 (2) of Commission Regulation (EEC) No 575/92, which applies a reference price⁽²⁾ to yellowfin tuna, imposes a countervailing charge where importation at a free-at-frontier price lower than a reference price fixed for yellowfin tuna, examination of the Community market situation for this species should take into account any countervailing charge imposed; this information not yet being available, it is advisable to dissociate the compensatory allowance granted for this species from that granted in respect of other species;

Whereas examination of the situation of the Community market for tuna, with the exception of yellowfin tuna, has shown that for one species and presentation of the product in question, for the period 1 April to 30 June 1992, both the average quarterly market price and the free-at-frontier price referred to in Article 18 of Regulation (EEC) No 3759/92 were lower than 93 % of the Community producer price in force as laid down in

Council Regulation (EEC) No 3570/91 of 28 November 1991 fixing, in respect of the 1992 fishing campaign, the Community producer price for tuna intended for the industrial manufacture of products falling within CN code 1604⁽³⁾;

Whereas the quantities eligible for compensation, within the meaning of Article 18 (2) of Regulation (EEC) No 3759/92, may not exceed, for the quarter concerned, the limits laid down in paragraph 4 of that Article;

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

HAS ADOPTED THIS REGULATION:

Article 1

The compensation referred to in Article 18 of Regulation (EEC) No 3759/92, with the exception of that relating to yellowfin tuna, shall be granted for the period 1 April to 30 June 1992, in respect of the products listed and within the limits set out below:

(ECU/tonne)	
Products	Maximum amount of allowance within the meaning of the first and second indents of Article 18 (3) of Regulation (EEC) No 3759/92
Skipjack or stripe-bellied tuna, whole	74

Article 2

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

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

Done at Brussels, 18 February 1993.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

⁽¹⁾ OJ No L 388, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 62, 7. 3. 1992, p. 9.

⁽³⁾ OJ No L 338, 10. 12. 1991, p. 6.

COMMISSION REGULATION (EEC) No 373/93
of 18 February 1993
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 3814/92 ⁽²⁾, and in particular Article 16 (8) 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 ⁽³⁾, and in particular Article 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 29/93 ⁽⁴⁾, as last amended by Regulation (EEC) No 362/93 ⁽⁵⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 29/93 to

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 17 February 1993, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 February 1993.

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

Done at Brussels, 18 February 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 5, 9. 1. 1993, p. 14.

⁽⁵⁾ OJ No L 41, 18. 2. 1993, p. 43.

ANNEX

to the Commission Regulation of 18 February 1993 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	37,95 ⁽¹⁾
1701 11 90	37,95 ⁽¹⁾
1701 12 10	37,95 ⁽¹⁾
1701 12 90	37,95 ⁽¹⁾
1701 91 00	44,78
1701 99 10	44,78
1701 99 90	44,78 ⁽²⁾

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

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

DECISION No 2/92 OF THE EEC-SAN MARINO COOPERATION COMMITTEE

of 22 December 1992

on the laws, regulations and administrative provisions applicable to customs matters in the Community to be adopted by the Republic of San Marino

(93/102/EEC)

THE COOPERATION COMMITTEE,

Having regard to the Interim Agreement between the European Economic Community and the Republic of San Marino, and in particular Article 6 (1) thereof,

Whereas, in accordance with the terms of that Article, the Republic of San Marino with effect from the entry into force of the Agreement, the laws, regulations and administrative provisions relating to goods covered by the customs union, applicable to customs matters in the Community and necessary for the proper functioning of that customs union; whereas it is necessary, in this context, to specify which provisions are actually necessary and also, where appropriate, rules for their implementation in the Republic of San Marino; whereas the provisions in question are those in force at the time, in whatever form, in the Community; whereas these provisions are to be applied by the Republic of San Marino to its imports from third countries,

HAS DECIDED AS FOLLOWS:

Article 1

The provisions contained in the acts appearing in the list annexed to this Decision shall be adopted *mutatis mutandis* by the Republic of San Marino in accordance

with the conditions and the implementing rules provided for in that list.

The Cooperation Committee may amend the list annexed to this Decision.

Article 2

Where the acts appearing in the list annexed to this Decision provide that, in order to settle certain questions, a decision must be taken by the Commission of the European Communities, the decision shall be taken by the authorities of the Republic of San Marino after the Cooperation Committee has given its prior agreement. The decisions of these authorities shall be guided by the case law of the Court of Justice and the practice followed by the Commission.

Article 3

This Decision shall enter into force on 1 January 1993.

Done at Brussels, 22 December 1992.

For the Cooperation Committee

The Chairman

Pietro GIACOMINI

ANNEX**LIST OF CUSTOMS PROVISIONS REFERRED TO IN ARTICLE 6 (1) OF THE EEC-SAN MARINO AGREEMENT****I. Goods entering or leaving**

1. Council Regulation (EEC) No 4151/88 of 21 December 1988 laying down the provisions applicable to goods brought into the customs territory of the Community (OJ No L 367, 31. 12. 1988, p. 1).
2. Council Regulation (EEC) No 3632/85 of 12 December 1985 defining the conditions under which a person may be permitted to make a customs declaration (OJ No L 350, 27. 12. 1985, p. 1).

II. Release for free circulation

1. Council Directive 79/695/EEC of 24 July 1979 on the harmonization of procedures for the release of goods for free circulation (OJ No L 205, 13. 8. 1979, p. 19), as last amended by Directive 90/504/EEC (OJ No L 281, 12. 10. 1990, p. 28).
2. Commission Directive 82/57/EEC of 17 December 1981 laying down certain provisions for implementing Council Directive 79/695/EEC on the harmonization of procedures for the release of goods for free circulation (OJ No L 28, 5. 2. 1982, p. 38), as last amended by Directive 83/371/EEC (OJ No L 204, 28. 7. 1983, p. 63).

III. Customs obligation

1. Council Regulation (EEC) No 2144/87 of 13 July 1987 on customs debt (OJ No L 201, 22. 7. 1987, p. 15), as last amended by Regulation (EEC) No 4108/88 (OJ No L 361, 29. 12. 1988, p. 2).
2. Commission Regulation (EEC) No 597/89 of 8 March 1989 laying down certain provisions for implementing Council Regulation (EEC) No 2144/87 on customs debt (OJ No L 65, 9. 3. 1989, p. 11).
3. Council Regulation (EEC) No 1031/88 of 18 April 1988 determining the persons liable for payment of a customs debt (OJ No L 102, 21. 4. 1988, p. 5), as last amended by Regulation (EEC) No 1716/90 (OJ No L 160, 26. 6. 1990, p. 6).
4. Council Regulation (EEC) No 1430/79 of 2 July 1979 on the repayment or remission of import or export duties (OJ No L 175, 12. 7. 1979, p. 1), as last amended by Regulation (EEC) No 1854/89 (OJ No L 186, 30. 6. 1989, p. 1).
5. Commission Regulation (EEC) No 1574/80 of 20 June 1980 laying down provisions for the implementation of Articles 16 and 17 of Council Regulation (EEC) No 1430/79 on the repayment or remission of import or export duties (OJ No L 161, 26. 6. 1980, p. 3).
6. Commission Regulation (EEC) No 3040/83 of 28 October 1983 laying down provisions for the implementation of Articles 2 and 14 of Council Regulation (EEC) No 1430/79 on the repayment or remission of import or export duties (OJ No L 297, 29. 10. 1983, p. 13).
7. Commission Regulation (EEC) No 3799/86 of 12 December 1986 laying down provisions for the implementation of Articles 4a, 6a, 11a and 13 of Council Regulation (EEC) No 1430/79 on the repayment or remission of import or export duties (OJ No L 352, 13. 12. 1986, p. 19).

The exchange of information provided for in Article 6 to 10 shall take place between the Republic of San Marino and the Commission via the Cooperation Committee set up by the Agreement.

8. Council Regulation (EEC) No 1697/79 of 27 July 1979 on the post-clearance recovery of import duties or export duties which have not been required of the persons liable for payment on goods entered for a customs procedure involving the obligation to pay such duties (OJ No L 197, 3. 8. 1979, p. 1), as last amended by Regulation (EEC) No 918/83 (OJ No L 105, 23. 4. 1983, p. 1).

9. Commission Regulation (EEC) No 2380/89 of 2 August 1989 laying down provisions for the implementation of Article 5 (2) of Council Regulation (EEC) No 1697/79 on the post-clearance recovery of import duties or export duties which have not been required of a person liable for payment on goods entered for a customs procedure involving the obligation to pay such duties (OJ No L 225, 3. 8. 1989, p. 30).

The exchange of information provided for in Articles 3 to 8 shall take place between the Republic of San Marino and the Commission via the Cooperation Committee set up by the Agreement.

10. Council Regulation (EEC) No 4046/89 of 21 December 1989 on the security to be given to ensure payment of a customs debt (OJ No L 388, 30. 12. 1989, p. 24).
11. Commission Regulation (EEC) No 3716/90 of 19 December 1990 laying down provisions for the implementation of Council Regulation (EEC) No 4046/89 on the security to be given to ensure payment of a customs debt (OJ No L 358, 21. 12. 1990, p. 48).
12. Council Regulation (EEC) No 1854/89 of 14 June 1989 on the entry in the accounts and terms of payment of the amounts of the import duties or export duties resulting from a customs debt (OJ No L 186, 30. 6. 1989, p. 1).
13. Council Regulation (EEC) No 3842/86 of 1 December 1986 laying down measures to prohibit the release for free circulation of counterfeit goods (OJ No L 357, 18. 12. 1986, p. 1).
14. Commission Regulation (EEC) No 3077/87 of 14 October 1987 laying down provisions for the implementation of Council Regulation (EEC) No 3842/86 laying down measures to prohibit the release for free circulation of counterfeit goods (OJ No L 291, 15. 10. 1987, p. 19).
15. Commission Regulation (EEC) No 2164/91 of 23 July 1991 laying down provisions for the implementation of Article 5 (2) of Council Regulation (EEC) No 1697/79 (OJ No L 201, 29. 7. 1991, p. 16).

IV. Valuation of goods for customs purposes

1. Council Regulation (EEC) No 1224/80 of 28 May 1980 on the valuation of goods for customs purposes (OJ No L 134, 31. 5. 1980, p. 1), as last amended by Regulation (EEC) No 4046/89 (OJ No L 388, 30. 12. 1989, p. 24).
2. Commission Regulation (EEC) No 1494/80 of 11 June 1980 on interpretive and generally accepted accounting principles for the purposes of customs value (OJ No L 154, 21. 6. 1980, p. 3).
3. Commission Regulation (EEC) No 1495/80 of 11 June 1980 implementing certain provisions of Council Regulation (EEC) No 1224/80 on the evaluation of goods for customs purposes (OJ No L 154, 21. 6. 1980, p. 14), as last amended by Regulation (EEC) No 558/91 (OJ No L 62, 8. 3. 1991, p. 24).
4. Commission Regulation (EEC) No 1496/80 of 11 June 1980 on the declaration of particulars relating to customs value and on documents to be furnished (OJ No L 154, 21. 6. 1980, p. 16), as last amended by Regulation (EEC) No 3272/88 (OJ No L 291, 25. 10. 1988, p. 49).
5. Commission Regulation (EEC) No 3177/80 of 5 December 1980 on the place of introduction to be taken into consideration in applying Article 14 (2) of Council Regulation (EEC) No 1224/80 on the valuation of goods for customs purposes (OJ No L 335, 12. 12. 1980, p. 1), as last amended by Regulation (EEC) No 2779/90 (OJ No L 267, 29. 9. 1990, p. 36).
6. Commission Regulation (EEC) No 3179/80 of 5 December 1980 on postal charges to be taken into consideration when determining the customs value of goods sent by post (OJ No L 335, 12. 12. 1990, p. 62), as last amended by Regulation (EEC) No 1264/90 (OJ No L 124, 15. 5. 1990, p. 32).
7. Commission Regulation (EEC) No 3158/83 of 9 November 1983 on the incidence of royalties and licence fees in customs value (OJ No L 309, 10. 11. 1983, p. 19).
8. Commission Regulation (EEC) No 3579/85 of 16 December 1985 on air transport costs to be included in customs value (OJ No L 347, 23. 12. 1985, p. 2), as last amended by Regulation (EEC) No 2839/90 (OJ No L 273, 3. 10. 1990, p. 1).
9. Commission Regulation (EEC) No 1766/85 of 27 June 1985 on the rates of exchange to be used in the determination of customs value (OJ No L 168, 28. 6. 1985, p. 21), as last amended by Regulation (EEC) No 593/91 (OJ No L 66, 13. 3. 1991, p. 14).

V. Customs procedures with economic impact

Temporary importation arrangements

1. Council Regulation (EEC) No 3599/82 of 21 December 1982 on temporary importation arrangements (OJ No L 376, 31. 12. 1982, p. 1).
2. Commission Regulation (EEC) No 1751/84 of 13 June 1984 laying down certain provisions for the application of Council Regulation (EEC) No 3599/82 on temporary importation arrangements (OJ No L 171, 29. 6. 1984, p. 1), as last amended by Regulation (EEC) No 1516/89 (OJ No L 148, 1. 6. 1989, p. 50).
3. Council Regulation (EEC) No 3312/89 of 30 October 1989 on the temporary import of containers (OJ No L 321, 4. 11. 1989, p. 5).
4. Commission Regulation (EEC) No 4027/88 of 21 December 1988 laying down provisions for the temporary importation of containers (OJ No L 355, 23. 12. 1988, p. 22), as last amended by Regulation (EEC) No 3348/89 (OJ No L 323, 8. 11. 1989, p. 17).
5. Council Regulation (EEC) No 1855/89 of 14 June 1989 on the temporary importation of means of transport (OJ No L 186, 30. 6. 1989, p. 8).
6. Commission Regulation (EEC) No 2249/91 of 25 July 1991 laying down provisions for the implementation of Council Regulation (EEC) No 1855/89 on the temporary importation of means of transport (OJ No L 204, 27. 7. 1991, p. 31).

Inward processing arrangements

1. Council Regulation (EEC) No 1999/85 of 16 July 1985 on inward processing relief arrangements (OJ No L 188, 20. 7. 1985, p. 1).
2. Commission Regulation (EEC) No 2228/91 of 26 June 1991 laying down provisions for the implementation of Regulation (EEC) No 1999/85 on inward processing relief arrangements (OJ No L 210, 31. 7. 1991, p. 1), as last amended by Regulation (EEC) No 1196/92 (OJ No L 124, 9. 5. 1992, p. 24).

Outward processing arrangements

1. Council Regulation (EEC) No 2473/86 of 24 July 1986 on outward processing relief arrangements and the standard exchange system (OJ No L 212, 2. 8. 1986, p. 1).
2. Commission Regulation (EEC) No 2458/87 of 31 July 1987 laying down provisions for the implementation of Council Regulation 2473/86 on outward processing relief arrangements and the standard exchange system (OJ No L 230, 17. 8. 1987, p. 1), as last amended by Regulation (EEC) No 3185/90 (OJ No L 304, 1. 11. 1990, p. 83).
3. Council Regulation (EEC) No 1970/88 of 30 June 1988 concerning triangular traffic under the outward processing relief arrangements and the standard exchange system (OJ No L 174, 6. 7. 1988, p. 1).

Processing under customs control

1. Council Regulation (EEC) No 2763/83 of 26 September 1983 on arrangements permitting goods to be processed under customs control before being put into free circulation (OJ No L 272, 5. 10. 1983, p. 1), as last amended by Regulation (EEC) No 720/91 (OJ No L 78, 26. 3. 1991, p. 9).
2. Commission Regulation (EEC) No 3548/84 of 17 December 1984 laying down certain provisions for the application of Regulation (EEC) No 2763/83 on arrangements permitting goods to be processed under customs control before being put into free circulation (OJ No L 331, 19. 12. 1984, p. 5), as last amended by Regulation (EEC) No 2361/87 (OJ No L 215, 3. 8. 1987, p. 9).
3. Commission Regulation (EEC) No 3717/91 of 18 December 1991 drawing up the list of goods which may benefit from the arrangements permitting goods to be processed under customs control before being put into free circulation (OJ No L 351, 20. 12. 1991, p. 23).

Customs warehouses

1. Council Regulation (EEC) No 2503/88 of 25 July 1988 on customs warehouses (OJ No L 225, 15. 8. 1988, p. 1).
2. Commission Regulation (EEC) No 2561/90 of 30 July 1990 laying down provisions for the implementation of Council Regulation (EEC) No 2503/88 on customs warehouses (OJ No L 246, 10. 9. 1990, p. 1), as last amended by Regulation (EEC) No 2485/91 (OJ No L 228, 17. 8. 1991, p. 34).

Free zones

1. Council Regulation (EEC) No 2504/88 of 25 July 1988 on free zones and free warehouses (OJ No L 225, 15. 8. 1988, p. 8), as last amended by Regulation (EEC) No 1604/92 (OJ No L 173, 27. 6. 1992, p. 30).
2. Commission Regulation (EEC) No 2562/90 of 30 July 1990 laying down provisions for the implementation of Regulation (EEC) No 2504/88 on free zones and free warehouses (OJ No L 246, 10. 9. 1990, p. 33), as last amended by Regulation (EEC) No 2485/91 (OJ No L 228, 17. 8. 1991, p. 34).

Other

1. Commission Regulation (EEC) No 1656/91 of 13 June 1991 laying down special provisions applicable to certain types of inward processing operation or processing under customs control (OJ No L 151, 15. 6. 1991, p. 39).
2. Council Regulation (EEC) No 3787/86 of 11 December 1986 on the annulment or revocation of authorizations issued under certain customs procedures with economic impact (OJ No L 350, 12. 12. 1986, p. 14).

Implementing rules

1. For the purposes of customs procedures with economic impact, the Member States of the Community and the Republic of San Marino are considered to be a single customs territory, comprising the customs territory of the Community and defined in Council Regulation (EEC) No 2151/84 ⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal ⁽²⁾, and the territory of the Republic of San Marino.
2. During the period laid down in Article 7 (1) (a) of the Agreement, the Community customs offices listed in Annex I to the Agreement will be responsible for granting permission to use customs procedures with economic impact for customs operations carried out in the Republic of San Marino, placing goods under these arrangements, and monitoring and clearing the goods.

VI. Origin rules*1. Definition of the concept of origin*

1. Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods (OJ No L 148, 28. 6. 1968, p. 1), as last amended by Regulation (EEC) No 1769/89 (OJ No L 174, 22. 6. 1989, p. 11).
2. Commission Regulation (EEC) No 37/70 of 9 January 1970 on determining the origin of essential spare parts for use with any piece of equipment, machine, apparatus or vehicle dispatched beforehand (OJ No L 7, 10. 1. 1970, p. 6).
3. Commission Regulation (EEC) No 2632/70 of 23 December 1970 on determining the origin of radio and television receivers (OJ No L 279, 24. 12. 1970, p. 35).
4. Commission Regulation (EEC) No 861/71 of 27 April 1971 on determining the origin of tape recorders (OJ No L 95, 28. 4. 1971, p. 11).
5. Commission Regulation (EEC) No 3672/90 of 18 December 1990 on determining the origin of ball, roller or needle roller bearings (OJ No L 356, 19. 12. 1990, p. 30).
6. Commission Regulation (EEC) No 288/89 of 3 February 1989 on determining the origin of integrated circuits (OJ No L 33, 4. 2. 1989, p. 23).
7. Commission Regulation (EEC) No 2071/89 of 11 July 1989 on determining the origin of photocopying apparatus, incorporating an optical system or of the contact type (OJ No L 196, 12. 7. 1989, p. 24).
8. Commission Regulation (EEC) No 2884/90 of 5 October 1990 on determining the origin of certain goods produced from eggs (OJ No L 276, 6. 10. 1990, p. 14). This Regulation applies only to those goods listed in the Annex thereto falling within CN code ex 35.02.

⁽¹⁾ OJ No L 197, 27. 7. 1984, p. 1.

⁽²⁾ OJ No L 302, 15. 11. 1985, p. 153.

2. *Special rules concerning textile products*

1. Council Regulation (EEC) No 4136/86 of 22 December 1986 on common rules for imports of certain textile products originating in third countries (OJ No L 387, 31. 12. 1986, p. 42), as last amended by Regulation (EEC) No 768/88 (OJ No L 84, 20. 3. 1988, p. 1).
2. Council Regulation (EEC) No 616/78 of 20 March 1978 on proof of origin for certain textile products falling within Chapter 51 or Chapters 53 to 62 of the Common Customs Tariff and imported into the Community, and on the conditions for the acceptance of such proof (OJ No L 84, 31. 3. 1978, p. 1), as last amended by Regulation (EEC) No 3626/83 (OJ No L 360, 23. 12. 1983, p. 5).

3. *Origin rules for the application of preferential arrangements*

The Republic of San Marino shall apply in the same way as the Community the Community provisions on origin rules for imports into the Community of products originating in countries to which preferences have been granted. When the Republic of San Marino authorities wish to carry out a post-clearance check on an origin certificate (EUR 1 or from A) or an exporter's declaration in an invoice, a request to do so must be submitted to the EEC-San Marino Cooperation Committee, which must then make a decision on the request.

VII. Exportation

1. Council Directive 81/177/EEC of 24 February 1981 on the harmonization of procedures for the export of Community goods (OJ No L 83, 30. 3. 1981, p. 40), as amended by Regulation (EEC) No 1854/89 (OJ No L 186, 30. 6. 1989, p. 1).
2. Commission Directive 82/347/EEC of 24 April 1982 laying down provisions for implementing Council Directive 81/177/EEC on the harmonization of procedures for the export of Community goods (OJ No L 156, 7. 6. 1982, p. 1).
3. Article 161 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community customs code (OJ No L 302, 19. 10. 1992).
4. Commission Regulation (EEC) No 3269/92 of 10 November 1992, laying down certain implementing provisions of Article 161, 182 and 183 of Council Regulation (EEC) No 2913/92 establishing the Community customs code, as regards the export procedure and re-export and goods leaving the customs territory of the Community (OJ No L 326, 12. 11. 1992, p. 11).

VIII. Movement of goods

Rules concerning the Single Administrative Document:

1. Council Regulation (EEC) No 717/91 (OJ No L 78, 26. 1. p. 1).
2. Commission Regulation (EEC) No 2453/92 (OJ No L 249, 28. 8. 1992, p. 1).

Rules on Community transit:

A. which apply until 31 December 1992:

1. Regulation (EEC) No 222/77 (OJ No L 38, 9. 2. 1977, p. 1), as last amended by Council Regulation (EEC) No 474/90 (OJ No L 51, 27. 2. 1990, p. 1).
2. Commission Regulation (EEC) No 1062/87 (OJ No L 107, 22. 4. 1987), as last amended by Regulation (EEC) No 2920/90 (OJ No L 279, 11. 10. 1990, p. 20).

B. which apply from 1 January 1993:

1. Council Regulation (EEC) No 2726/90 (OJ No L 262, 26. 9. 1990, p. 1).
 2. Commission Regulation (EEC) No 1214/92 (OJ No L 132, 16. 5. 1992).
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DECISION No 3/92 OF THE EEC-SAN MARINO COOPERATION COMMITTEE**of 22 December 1992****on the arrangements for the provision of mutual assistance pursuant to Article 13 of the Agreement between the Community and San Marino**

(93/103/EEC)

THE COOPERATION COMMITTEE

Having regard to the Interim Agreement between the European Economic Community and the Republic of San Marino, and in particular Article 13 (8) thereof,

Whereas the proper functioning of the Agreement requires close collaboration between the authorities of the Contracting Parties responsible for implementing the provisions of that Agreement,

HAS DECIDED AS FOLLOWS:

TITLE I**GENERAL PROVISIONS***Article 1*

The administrative authorities of the Parties shall assist each other in accordance with the terms of this Protocol.

TITLE II*Article 2***Definitions**

Within the meaning of this Decision:

- (a) 'customs legislation' shall be all the provisions applicable in the territories of the Parties to import, export and transit of goods and the placing of goods under any other customs procedure, including measures relating to prohibition, restriction or monitoring;
- (b) 'customs duties' shall be all the varieties of duty, charge, fee and tax charged and collected in the territories of the Contracting Parties pursuant to the terms of customs legislation, with the exception of fees and charges commensurate with the approximate cost of services rendered;
- (c) 'requesting authority' shall be an administrative authority, suitably empowered by one of the Contracting Parties, which submits a request for assistance;

(d) 'receiving authority' shall be an administrative authority, suitably empowered by one of the Contracting Parties, which receives a request for assistance;

(e) 'violation' shall be any attempted or actual infringement of this legislation.

*Article 3***Scope**

1. The Contracting Parties shall assist each other in the manner and according to the conditions laid down in this Protocol, to ensure that customs legislation is correctly implemented, notably by preventing and detecting violations of that legislation, and by conducting investigations in that connection.

2. Assistance with customs-related matters, as provided for in this Protocol, shall be the concern of any administrative authority of the Contracting Parties which is responsible for the implementation of this Protocol. It shall not affect any provisions regulating mutual assistance in criminal matters. It shall furthermore not apply to information gathered under the powers which the authorities exercise at the request of the judicial authorities, unless those authorities give their assent.

*Article 4***Assistance in response to a request**

1. The receiving authority shall provide the requesting authority, at its request, with all information likely to help it to ensure that customs legislation is implemented correctly. This shall apply in particular to information concerning operations detected or planned which constitute or appear to constitute a violation of that legislation.

2. The receiving authority shall inform the requesting authority, at its request, if goods exported from the territory of one of the Contracting Parties are regularly brought into the territory of the other Contracting Party, and shall give details, where applicable, of the customs procedure by which such goods are covered.

3. At the request of the requesting authority, the receiving authority shall take steps to establish surveillance of:

- (a) natural or legal persons, in cases in which there are reasonable grounds for believing that they are violating or have violated customs legislation;
- (b) movements of goods indicated as being the object of potential serious violations of customs legislation;
- (c) means of transport, in cases in which there are reasonable grounds for believing that they have been used, are being used or have been used in violating customs legislation.

Article 5

Spontaneous assistance

The Contracting Parties shall assist each other in the matters for which they are responsible in cases in which they consider such action necessary to the correct implementation of customs legislation, particularly if they receive information relating to:

- operations which have violated, are violating or may violate that legislation, and which may be of interest to other Contracting Parties;
- new ways or means of carrying out such operations;
- goods known to be connected with a serious violation of customs legislation governing imports, transit or any other customs procedure.

Article 6

Forwarding/notification

At the request of the requesting authority, the receiving authority shall take all the necessary steps, in conformity with its legislation:

- to forward any document, or
- to provide notification of any decision

which falls within the scope of implementation of this Protocol to an addressee who is resident or established in its territory. In such cases, Article 7 (3) shall apply.

Article 7

Form and content of requests for assistance

1. Requests pursuant to this Protocol shall be made in writing. The request shall be accompanied by the documents needed for a reply to be provided. If the urgency of a particular situation so demands, the request may be made verbally, but it must be confirmed immediately in writing.

2. Requests made in accordance with the terms of paragraph 1 shall be accompanied by the following information:

- (a) details of the requesting authority submitting the application;
- (b) the measure requested;
- (c) the grounds for and aim of the request;
- (d) the relevant legislation, rules and other legal documents;
- (e) particulars of the natural or legal persons to which an investigation relates, in as full and accurate a form as possible;
- (f) a summary of the pertinent facts, except in the cases referred to in Article 6.

3. Requests shall be drawn up in one of the official languages of the requesting authority or in a language which suits that authority.

4. If a request does not comply with the formal requirements, a call may be made for it to be corrected or added to. Precautionary measures may be ordered, however.

Article 8

Replying to requests

1. In response to a request for assistance, the receiving authority, or, in cases in which that authority cannot act alone, the administrative department to which the authority has referred the request, shall supply information already at its disposal and carry out or commission the appropriate inquiries as though acting on its own account or on behalf of another authority of the same Contracting Party.

2. Requests for assistance shall be answered in accordance with the legislation, rules and other legal instruments of the receiving Contracting Party.

3. By agreement between a Contracting Party and the other Contracting Party concerned, and in the manner established by the latter, officials duly authorized by the second Contracting Party may collect at the offices of the receiving authority, or another authority under its responsibility, information concerning violations of customs legislation which is needed by the requesting authority for the purposes of this Protocol.

4. Officials of one Contracting Party, by agreement with the other Contracting Party, may be present during the inquiries carried out on the territory of the latter.

*Article 9***Forwarding of information**

1. The receiving authority shall forward the results of the inquiries to the requesting authority in the form of documents, certified true copies of documents, reports and other similar written material.
2. The material described in paragraph 1 may be replaced by computerized information produced in any form for the same purpose.

*Article 10***Derogations from the obligation to provide assistance**

1. The Contracting Parties may refuse assistance under this Protocol if such assistance :
 - (a) is likely to harm their sovereignty, public order, security or other vital interests ;
 - (b) invokes a rule or regulation concerning taxes or exchange which is not part of the rules and regulations concerning customs duties ;
 - (c) or would entail a violation of industrial, commercial or professional secrecy.
2. If the requesting authority asks to be provided with information which it would not itself be in a position to supply if requested, it shall draw attention to this fact in its request. It is then the responsibility of the receiving authority to decide how to respond to that request.
3. If assistance is refused, the requesting authority must be informed immediately of the decision and grounds for that decision.

*Article 11***Safeguarding of secrecy**

1. The information communicated pursuant to this Protocol in any form whatsoever shall be confidential. It shall be covered by professional confidentiality and enjoy the protection provided by the laws in force in the territory of the Contracting Party receiving the information and the protection of corresponding rules applying to Community bodies.
2. Personal data shall not be passed on in instances in which there are reasonable grounds for belief that supplying or using such information would conflict with the fundamental legal principles of one of the Parties, especially if the individual in question would suffer unjustified harm as a result. If so requested, the Party receiving the information shall provide the Party supplying the

information with details of the use to which it is put and the results obtained.

3. Personal data may only be communicated to the administrative authorities, and in cases in which they are needed for legal proceedings, to the national ministry of justice and to the judicial authorities. No other individual or authority may collect such information without prior permission from the authority supplying that information.

4. The Party supplying the information shall check its accuracy. If it becomes apparent that the information provided is inaccurate or should be destroyed, the receiving Party shall be informed without delay, and shall be expected to correct or destroy the information.

5. The individual in question may request information on the data held and the ends to which it is held. This shall be without prejudice to cases in which the public interest is an overriding consideration.

*Article 12***Use of information**

1. The information collected must be used only for the purposes of this Protocol. It may be used by the Contracting Parties for other purposes only with prior written permission from the administrative authority supplying that information, and shall moreover be subject to the restrictions imposed by that authority. These provisions shall not apply to information concerning crimes connected with narcotic drugs and psychotropic substances ; information of this type may be passed on the authorities directly involved in combating the trafficking of drugs, within the bounds of Article 3.
2. The terms of paragraph 1 shall not preclude the use of information in administrative or legal proceedings subsequently instituted in connection with infringements of customs legislation.
3. Information collected and documents consulted pursuant to the terms of this Protocol may be cited as proof in a Contracting Party's statements, reports and evidence and during legal proceedings and procedures.

*Article 13***Experts and witnesses**

An agent of a receiving authority may be permitted, within the bounds of the authorization he has received, to appear as an expert or witness in legal or administrative proceedings instituted within the fields covered by this Protocol, within the jurisdiction of another Contracting Party, and to produce items and documents or certified true copies of documents needed for those proceedings. The summons must provide clear details of the case concerned and state in what connection and capacity the agent will be questioned.

*Article 14***Cost of assistance**

No Contracting Party shall submit any claim for refunds of costs incurred as a result of the implementation of this Protocol except, where appropriate, for fees paid to experts and witnesses and to interpreters and translators not connected with the authorities.

*Article 15***Implementation**

1. Implementation of this Protocol shall be the responsibility of the national administrative authorities of the Republic of San Marino and of the appropriate departments of the Commission. They shall decide on all the practical steps required in this connection, taking into account current data-protection rules. They may propose to the relevant bodies such alterations to this Protocol as they consider necessary.

2. The Contracting Parties shall consult each other on and subsequently notify each other about implementing rules, which shall be adopted in accordance with the procedures laid down in this Article.

*Article 16***Complementarity**

1. This Protocol shall supplement and shall not prevent the implementation of actual or potential mutual assistance agreements between one or more Community Member States and San Marino. It shall likewise do nothing to prevent mutual assistance of wider scope being provided under those agreements.

2. Without prejudice to the terms of Article 12, the agreements shall not affect Community provisions governing the passing between the appropriate departments of the Commission and the customs authorities of the Member States of any customs-related information likely to be of interest to the Community.

Article 17

This Decision shall enter into force on 1 January 1993.

Done at Brussels, 22 December 1992.

For the Cooperation Committee

The Chairman

Pietro GIACOMINI

Joint Declaration

Article 6 of Decision No 3/92

The Parties stress that the reference made to their own legislation may, where appropriate, include any international commitments into which they may have entered, such as the Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters signed in The Hague on 15 November 1965.

DECISION No 4/92 OF THE EEC-SAN MARINO COOPERATION COMMITTEE

of 22 December 1992

concerning certain methods of administrative cooperation for implementation of the Interim Agreement and the procedure for forwarding goods to the Republic of San Marino

(93/104/EEC)

THE COOPERATION COMMITTEE,

Having regard to the Interim Agreement between the European Economic Community and the Republic of San Marino, and in particular Articles 7 (3) (a), (c) and 13 (8) thereof,

Whereas Article 3 (3) (c) of Council Regulation (EEC) No 2726/90 of 17 September 1990 on Community transit⁽¹⁾ stipulates that the procedure for internal Community transit may apply to the movement of Community goods in cases in which a Community provision has expressly provided for the application of that procedure;

Whereas, in accordance with the terms of the Agreement, it is necessary to determine, firstly, the procedure for forwarding goods to San Marino, referred to in Article 7 (3) of the Agreement and, secondly, the methods of administrative cooperation necessary for the proper functioning of the Agreement;

Whereas, in the light of experience gained in the Community with regard to methods of administrative cooperation and the forwarding of goods within Community territory, it is appropriate, in the present case, to take as a guide the methods employed in the Community to ensure the free movement of goods within the Community;

Whereas the provisions adopted by this Decision may, moreover, be reviewed by the Cooperation Committee in the light of the situation obtaining on 1 January 1993, and also by the Contracting Parties if the Agreement itself is reviewed,

HAS DECIDED AS FOLLOWS:

TITLE I

GENERAL

Article 1

1. For the purposes of implementing the Agreement concluded between the EEC and the Republic of San Marino the competent authorities of the Member States

shall cooperate in applying the rules of the Community transit procedure, without prejudice to the special provisions laid down below.

2. Where this Decision is applied, guarantee documents and certificates must bear the words Republic of San Marino.

TITLE II

MOVEMENT OF GOODS

— to San Marino from Community offices provided with authorization by the Agreement with San Marino

Article 2

1. Where goods specified in Article 1 and bound for San Marino are released for free circulation at one of the customs offices listed in Annex I to the Agreement, a T 2 SM or T 2L SM document shall be issued, as appropriate.

2. Where a T 2 SM document is issued, the Community transit operation shall end at the customs office at the point of exit from Community.

3. T 2L SM documents shall be issued in triplicate, *inter alia* for the purposes of furnishing evidence of the arrival in San Marino of the goods concerned.

4. Pursuant to paragraph 3, the original and a copy of the T 2L SM document shall be delivered to the person concerned and the second copy shall be retained at the office of departure.

The customs office which issues a T 2L SM document in triplicate shall endorse each copy with one of the following phrases:

- Rilasciato in tre esemplari
- Délivré en trois exemplaires.

The person concerned shall present to the competent authorities of San Marino the original and the copy given to him, both duly stamped.

⁽¹⁾ OJ No L 262, 26. 9. 1990, p. 1.

5. The competent authorities of San Marino shall stamp and return to the office of departure, as appropriate:

- control copy No 5 of the T 2 SM document;
- a copy of the T 2L SM document.

— from the Community to San Marino

Article 3

In order to prove that goods dispatched to San Marino are in free circulation within the Community:

- control copy No 4 of document T 2 duly stamped by the customs authorities at the customs office of departure,

or

- the original T 2L, T 2L ES or T 2L PT,

or

- a document having equivalent effect,

must be submitted to the competent authorities of San Marino.

TITLE III

MOVEMENT OF GOODS FROM SAN MARINO TO THE COMMUNITY

Article 4

1. Where goods are presented to the competent authorities of San Marino with a view to their being forwarded to the Community, those authorities shall issue a T 2 or T 2L document or a document having equivalent effect,

which will be submitted to the Community office of import in order to furnish evidence that they are in free circulation in San Marino.

2. Where goods which were previously brought into San Marino under the cover of a T 2 ES or T 2 PT, T 2L ES or T 2L PT document or a document having equivalent effect are presented to the competent authorities of San Marino with a view to their being forwarded to the Community, those authorities shall draw up a T 2L ES or T 2L PT document or a document having equivalent effect, making reference to the document which accompanied the goods at the time of their arrival in San Marino. This document (T 2L ES or T 2L PT) must be submitted to the Community office of import.

TITLE IV

FINAL PROVISION

Article 5

This Decision shall enter into force on 1 January 1993, and shall be applicable from 1 April 1993. Transitional provisions shall be adopted for the period between 1 January and 31 March 1993, in line with the summary of the conclusions of the first meeting of the EEC-San Marino Cooperation Committee.

Done at Brussels, 22 December 1992.

For the Cooperation Committee

The Chairman

Pietro GIACOMINI

**Extract from the summary of the conclusions of the first meeting of the
EEC-San Marino Cooperation Committee**

The Parties agreed to postpone implementation of Decision No 4 until 1 April 1993, to give the Republic of San Marino sufficient time to introduce the procedures and issue the documents required under that Decision.

Pending implementation of the Decision, i.e. until 31 March 1993, and to ensure that Community provisions concerning the circulation of goods between the Community and the Republic of San Marino are correctly and simply applied, the Cooperation Committee agreed that the formalities for recording trade between the Community and the Republic of San Marino should be carried out through one of the Community customs offices listed in the Annex to the Interim Agreement, without prejudice to existing commitments entered into by the Republic of San Marino and Italy by virtue of the exchange of letters of 21 December 1972. It was agreed that, in respect of transit between the abovementioned customs offices and San Marino during this transitional period, the movement of goods originating from, or bound for, a Member State other than Italy will be subject to guarantee equivalent to that provided for in the application of internal Community transit.
