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Contents

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(Continued overleaf)

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

Contents (continued)

II *Acts whose publication is not obligatory*

Commission

(Continued on inside back cover)

Contents (continued)

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 830/92

of 30 March 1992

imposing a definitive anti-dumping duty on imports of certain polyester yarns (man-made staple fibres) originating in Taiwan, Indonesia, India, the People's Republic of China and Turkey and collecting definitively the provisional duty

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having made a formal application to the EEC-Turkey Association Council pursuant to Article 47 (1) of the Additional Protocol to the Agreement establishing an association between the European Economic Community and Turkey [2], and in the absence of a decision of the said Association Council within the time limit referred to in Article 47 (2) of this Protocol,

Having regard to the proposal from the Commission submitted after consultation within the Advisory Committee as provided for under the abovementioned Regulation,

Whereas :

A. PROVISIONAL MEASURES

(1) The Commission, by Regulation (EEC) No 2904/91 [3] imposed a provisional anti-dumping duty on imports into the Community of certain yarns of polyester staple fibres falling within CN codes 5509 21 10, 5509 21 90, 5509 22 10, 5509 22 90, 5509 51 00 and 5509 53 00 originating in Taiwan, Indonesia, India, the People's Republic of China and Turkey and terminated the anti-dumping proceeding in respect of imports of the yarns concerned originating in the Republic of Korea and in respect of imports of sewing thread falling with CN code 5508 10 11 originating in all the countries concerned by the proceeding.

The Council, by Regulation (EEC) No 202/92 [4] extended this 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. They also made written submissions making known their views on the findings.

(3) Some exporters, who did not make themselves known to the Commission within the time limit specified in the opening notice, submitted responses to the Commission questionnaire, in general, well after the on-the-spot investigations in the exporting countries concerned took place and, in many cases, following the adoption of the provisional measures. Upon request, these exporters were heard by the Commission and, while their views were considered, to carry out a new investigation for any exporter would have unduly delayed the proceeding. The responses to the questionnaires submitted by them had, therefore, to be disregarded.

(4) Upon request, parties were informed 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 a provisional duty. They were also granted a period within which to make representations subsequent to the disclosure.

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

[1] OJ No L 209, 2. 8. 1988, p. 1.
[2] OJ No L 293, 29. 12. 1972, p. 4.
[3] OJ No L 276, 3. 10. 1991, p. 7.
[4] OJ No L 21, 30. 1. 1992, p. 31.

(6) Due to the complexity of the proceeding, in particular to the detailed verification of the voluminous data involved and the numerous arguments put forward, the investigation could not be concluded within the normal time limit as was mentioned in recital 9 of Regulation (EEC) No 2904/91.

C. PRODUCT UNDER CONSIDERATION, LIKE PRODUCT

(i) Definition of the product

(7) The Féderation internationale de la filterie has argued, and the Community importer and finisher of sewing thread, referred to in recital 11 of Regulation (EEC) No 2904/91, has continued to maintain, that the so called 'grey yarns', i.e. 100 % polyester yarns used to produce sewing thread, should be considered as a distinct product from the other polyester yarns of staple fibre covered by the proceeding since they have different technical characteristics and end uses. However, in the main, no new evidence has been submitted to demonstrate that the alleged special characteristics of these 'grey yarns' are not also found in other yarns used for knitting and weaving purposes.

The Council confirms the Commission's conclusions on this matter outlined in recitals 10 and 11 of Regulation (EEC) No 2904/91.

(ii) Like product

(8) In recital 12 of Regulation (EEC) No 2904/91 the Commission found all polyester yarns manufactured in the exporting countries concerned by the proceeding and those produced in the Community to be like products. One Chinese exporter has argued that the yarns that it exported to the Community cannot be considered a like product, either to the yarns produced in the Community or to those manufactured in the other countries covered by the proceeding. In support of this argument, the exporter concerned alleges that the yarns it exported to the Community in the investigation period were manufactured differently, i.e. were not air-spliced, had substandard winding, had a reputation for poor quality and were used to weave low quality cloths.

The fact that the Chinese yarns concerned are not air-spliced and have inferior winding does not alter the fact that they and all the other yarns concerned are manufactured using the same basic technology and are alike in their essential physical and technical characteristics.

Furthermore, the differences alleged in respect of the uses and the customer's perception of the Chinese yarns in question merely concern the quality of these yarns and cannot be considered fundamental to the definition of like product in this proceeding.

In these circumstances, the Commission concludes that the Chinese yarns in question and both the polyester yarns manufactured in the other exporting countries concerned and in the Community are alike within the meaning of Regulation (EEC) No 2423/88.

The Council confirms this conclusion.

D. DUMPING

(i) Normal value

(9) For the purpose of definitive findings, normal value was established on the basis of the same methods as those used in the provisional determination.

(10) Two Indian exporters claimed that, in constructing normal value for the exported yarns, certain costs and expenses should be allocated on a spindle shift basis, i.e. the quantity of yarns produced in a certain period of time, rather than in proportion to turnover. The Commission considered this claim acceptable for one exporter in respect of certain manufacturing overheads, on the basis of the further evidence submitted. As to financial expenses, the Commission has reconsidered its provisional determination and has also accepted this allocation method for both exporters concerned for that part of the expenses in question which appeared to be clearly linked to the financing of plant and machinery. In the absence of accounting data justifying the allocation of the other expenses on a basis other than turnover, the Commission considers that the claims of the exporters concerned in respect of these expenses should be rejected.

(11) One of the exporters referred to in recital 10 also claimed that the expenses taken into account in the construction of the normal value should have been reduced by a part of certain income to the company. Since this income appeared to be neither regularly received nor directly linked to the product concerned, it is considered that the claim should be rejected.

(12) Two Indian exporters claimed that in constructing normal value for the exported product, which was not domestically sold, the Commission had wrongly considered that the yarns in question were fully dyed when, in fact, they were only partially

dyed. On the basis of the evidence submitted by one of the exporters concerned, the Commission has re-calculated the constructed normal value accordingly for certain of these yarns. As to the other exporter, the evidence received is considered insufficient to lead the Commission to amend its provisional findings.

(13) Another Indian exported claimed that the cost of raw materials used by the Commission in constructing normal value for the exported yarns was higher than that incurred. However, the evidence submitted by the exporter, in support of his claim, differed substantially from that made available to, and investigated by, the Commission during the on-the-spot investigation and, therefore, it is considered that the claim should be rejected.

(14) In the light of the considerations set out above, the council confirms the Commission's conclusions.

In the absence of new arguments from the interested parties other than those referred to in recitals 10 to 13, the Council also confirms the method used to establish normal value outlined in recitals 13 to 19 of Regulation (EEC) No 2904/91.

(ii) **Export price**

(15) The Council confirms the method used to establish export prices set out in recitals 20 to 22 of Regulation (EEC) No 2904/91 as no substantial comments in this respect were made by the interested parties.

(iii) **Comparison**

(16) At the provisional determination stage of the proceeding, cooperating Indian exporters requested an allowance with regard to import charges on raw materials physically incorporated in the like product, when destined for consumption in India and not collected in respect of the product exported to the Community. The allowance was granted to the extent that satisfactory justification was provided.

(17) For three Indian exporters, the quantities of raw materials actually used for the manufacture of the product concerned exported to the Community during the investigation period exceeded the quantity which has been subject to the exemption of import charges, the balance being covered by raw materials sourced at domestic prices which, under the Indian replenishment scheme, may be replaced, at a later date, by raw materials exempted from import charges.

Two of the three exporters concerned have contested the amount of the allowance granted in respect of import charges, on the grounds that the cost used by the Commission in calculating this allowance for that quantity of raw materials in excess of that exempted from import charges was not that incurred. From the documents made available to the Commission at the time of the on-the-spot investigation it was not possible to establish the cost of the raw materials in question since these documents were incomplete and did not permit the Commission to allocate the later imports of raw materials, exempted from import charges, to the export transactions in the investigation period for which raw materials at domestic prices were used. In these circumstances, in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88, the Commission considered it reasonable to calculate the allowance, in respect of the raw materials concerned, on the basis of other information available i.e. international polyester fibre prices for December 1989 as published in *Cotton Outlook*.

In support of their claim, the exporters concerned have, several months after the on-the-spot investigation took place, submitted documents and invoices which, at this stage of the proceeding, cannot be verified and therefore must be disregarded. The Commission maintains its findings in respect of the allowances granted for import charges on raw materials for the two exporters concerned.

(18) One of the Indian exporters concerned in recital 17 also claimed that, for certain export transactions of samples sent by air freight, the transport costs adjustment to the export price should be made at the level of the average transport cost for the remaining export transactions. In the light of the quantities concerned by the transactions in question, the Commission is of the view that they cannot be considered as samples and, therefore, the adjustment has to be based on the actual transport costs accounted for. The same exporter also contested the amount of the adjustment to normal value made by the Commission in respect of cash discounts. Given that the evidence submitted in support of this claim does not match with that investigated on-the-spot at the exporters premises, the Commission sees no grounds to change its provisional determination.

(19) In recital 25 of Regulation (EEC) No 2904/91, following the claims of several Indian exporters, the Commission accepted an allowance with regard to prior stage duties and indirect taxes on inputs to the like product destined for consumption in India, which were refunded by the Indian Government in respect of the product exported to the Community.

(20) The complainant has argued that the amount of the allowance granted is not in accordance with Article 2 (10) (b) of Regulation (EEC) No 2423/88 as it exceeds the amount of the duties and taxes borne by the inputs to the like product.

The Commission reiterates that verified information confirms that the amount actually refunded and allowed corresponded to the duties and indirect taxes effectively borne.

(21) In recital 18 of Regulation (EEC) No 2904/91 the Commission outlined the reasons for using the constructed normal value of the like product manufactured in India as a basis for the establishment of the normal value in China.

(22) For the reasons given in recital 8, the Chinese exporter concerned claimed that, if the Commission did not accept that its yarns were not a like product to the other polyester yarns covered by the proceeding, an adjustment should be made to normal value to take account of the differences in physical characteristics affecting price comparability between the Chinese yarns concerned and the Indian yarns.

The findings made by the Commission during its investigation and the further evidence supplied by this exporter lead the Commission to consider it appropriate to make an adjustment to normal value only to the extent of the effect on the market value of some of the quality differences concerned, namely, not air-splicing and sub-standard winding. The amount of the adjustment claimed has therefore been reasonably estimated at 5 % and the normal value reduced accordingly.

(23) The Council confirms the above findings and conclusions.

(iv) **Dumping margins**

(24) Normal value and export prices were compared on a transaction-by-transaction basis for each of the cooperating exporters investigated. The final examination of the facts shows the existence of dumping in respect of imports of the product concerned originating in Taiwan, Indonesia, India, the People's Republic of China and Turkey from all the exporters involved, the margin of dumping being equal to the amount by which the normal value, as finally established following adjustment as outlined in recitals 10, 12 and 22, exceeds the price for export to the Community.

(25) In recital 27 of Regulation (EEC) No 2904/91 the Commission considered that, because of the lack of independence of exporters in the People's Republic of China in setting their export prices, a single dumping margin should be determined for all of them with the exception of one company, Guangying Spinning Co. Ltd, for which an individual dumping margin was determined. This company is a joint venture formed by Chinese and Hong Kong partners, the latter being related to a Community group which imports the product concerned.

(26) The complainant has argued that to provide individual treatment to this exporter constitutes a discrimination against other producers in the Community which also import the product concerned.

The fact that Guangying Spinning Co. Ltd is related, through its Hong Kong partner, to this Community group, is irrelevant to the Commission's consideration of granting individual treatment to this exporter. As outlined in recital 27 of Regulation (EEC) No 2904/91, the reasons for giving individual treatment to Guangying Spinning Co. Ltd are that it enjoys, in the People's Republic of China, a certain degree of economic independence. In the opinion of the Commission, this is sufficient to consider that any measures will not be circumvented by exports, being channelled through this company, from other exporters in China with higher dumping margins. In these circumstances, no discrimination is observed and the arguments of the complainant cannot be accepted.

(27) For the cooperating Indian exporters not selected for investigation, the Commission, for the reasons given in recital 5 of Regulation (EEC) No 2904/91, has applied the weighted average dumping margin finally established for the investigated Indian exporters.

The complainant has contested this methodology on the grounds that any dumping margin established, distinct from either an individual dumping margin or a country-wide dumping margin,

becomes arbitrary. However, the alternative methodology suggested by the complainant merely implied a similarly distinct level of dumping margin for the cooperating exporters not selected for investigation but at a higher level than that determined by the Commission.

Given the fact that the decision as to the companies to be investigated was made by the Commission and that all the cooperating exporters were advised of it at the outset of the investigation and did not object, no grounds exist for the Commission to change the methodology applied.

(28) The weighted average margins of dumping for each exporter, expressed as a percentage of cif Community frontier prices, are as follows:

(a) *Taiwan*

Chung Shing Textile Company Ltd, Taipei:	2,2 %

(b) *Indonesia*

PT Kewairam Indonesia, Bandung:	0,2 %

(c) *India*

Banswara Syntex Ltd, Bombay:	2,2 %
The Coimbatore Pioneer Mills Ltd, Coimbatore:	3,3 %
Modern Syntex Ltd, Bombay:	2,0 %
Rajasthan Spinning & Weaving Mills Ltd, Gulapura:	2,0 %
Reliance Chemotex Industries Ltd, Bombay:	2,1 %
The Shree Meenakshi Mills Ltd, Madurai:	7,8 %
Shree Satyam Spinning & Weaving Mills Ltd, Secunderabad:	5,4 %.

The weighted average of the dumping margins found for the investigated exporters above amounts to 2,9 %. This percentage is considered appropriate as the dumping margin to be attributed to the cooperating exporters in India not investigated.

(d) *People's Republic of China*

Chinatex Non-Cotton Yarns & Fabrics Import and Export Co., Beijing:	23,5 %
Guangying Spinning Co. Ltd, Guangzhou:	0,2 %

(e) *Turkey*

Bisas Bursa Iplik Sanayii AS, Bursa:	10,1 %
Ceytas Ceyhan Tekstil Sanayii AS, Ceyhan, Adana:	2,6 %
Soktas Pamuk ve Tarim Urünlerini Deger Pendirie Ticaret ve Sanayii AS, Söke:	4,1 %.

(29) The dumping margins found for Guangying Spinning Co. Ltd, Guangzhou and PT Kewalram Indonesia, Bandung, can be regarded as *de minimis* and consequently, for the purposes of this proceeding, imports from these two companies are considered as not having been dumped.

(30) In recitals 30 and 31 of Regulation (EEC) No 2904/91, the Commission addressed the issue of establishing the dumping margin for exporters which neither replied to the Commission questionnaire within the established time limit nor otherwise made themselves known and the consequent recourse to facts available in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88. The Commission distinguished between the various countries concerned, depending on the level of coverage of the exports reported by cooperating exporters in relation to the total exports from the respective country. On that basis, dumping margins for the exporters in countries with a high coverage of exports. i.e. India and the People's Republic of China, were estimated to be equal to the highest dumping margin found for an investigated exporter in the respective country. For the exporters in the countries with a low coverage of exports, i.e. Taiwan, Indonesia and Turkey, dumping margins were calculated on the basis of other available information, in particular that contained in the complaint and in Eurostat statistics, duly adjusted, as information obtained from cooperating exporters in these countries could not be held to be representative for all other exporters.

(31) Representatives of the Indonesian Government and of the exporters in Indonesia and Taiwan have argued that the high level of the country-wide dumping margin provisionally established, is far from reflecting the actual prices and costs prevailing in these countries. As a consequence, the Commission should not rely on the allegations contained in the complaint for the establishment of normal value but make determinations more in line with the information verified during the investigation. Furthermore, they have provided the Commission with statistics relative to the actual product type concerned by the majority of the imports into the Community from these two countries, such information not being available in Eurostat statistics.

Further to these arguments, the Commission notes that, while the costs of raw materials of the yarns concerned alleged in the complaint are more or less in line with the average costs investigated in all the exporting countries involved in the proceeding, this is not the case for the overheads and profits which, on average, are far below those alleged in the complaint. This situation, supported by independent sources, namely the 1989 production costs comparison study made by the international Textile

Manufacturers' Federation, and the data submitted with regard to the product types actually exported by firms other than those investigated in Taiwan and Indonesia, have led the Commission to reassess the normal value to be used for the final establishment of the country-wide dumping margins for these two countries, by further adjusting, as appropriate, the information in the complaint.

(32) The Association of Exporters in Turkey expressed serious doubts concerning the accuracy of Eurostat statistics used for the establishment of the country-wide dumping margin for Turkey. Upon request, the national customs authorities concerned carried out an investigation, the outcome of which is that a substantial proportion of the imports recorded in Eurostat under the CN codes corresponding to the yarns concerned originating in Turkey, have been misclassified, as they should have been entered under a CN code heading not covered by the proceeding. The result of this misclassification is that the coverage of exports by the investigated exporters in Turkey increases considerably and, therefore, the Commission considers that the highest dumping margin found for an investigated exporter is an appropriate basis for estimating the country-wide dumping margin for this country.

(33) The complainant has objected to this change in the method to establish the country-wide dumping margin for Turkey. It is argued that, in spite of the misclassification, Turkey should not be considered as a country with a high coverage of exports and therefore the country-wide dumping margin for this country should not be based on the highest dumping margin found for a cooperating exporter, but at a higher level.

The Commission notes that, as a result of the misclassification, the proportion of total imports from Turkey covered by the imports of the product concerned reported by the three investigated exporters in Turkey is now such that the information obtained from these three companies is representative for all other exporters in this country and, thus, the most reasonable information available pursuant to Article 7 (7) (b) of Regulation (EEC) No 2423/88.

(34) On the basis of the foregoing, the following dumping margins expressed as a percentage of cif-Community-frontier-prices have been determined :

Taiwan	14,3 %
Indonesia	11,9 %
India	7,8 %
People's Republic of China	23,5 %
Turkey	10,1 %

(35) The Council confirms the abovementioned findings and conclusions.

E. INJURY

(i) Cumulation of the effects of the dumped imports

(36) In recital 34 of Regulation (EEC) No 2904/91, the Commission concluded that the effect on the Community industry of dumped imports from the five countries concerned by the proceeding had to be assessed jointly. One Chinese exporter has objected to this conclusion and claimed that the injurious impact of imports from the People's Republic of China should not be cumulated with that of the other imports concerned but looked at in isolation. This exporter argued that imports from the People's Republic of China should be ascribed to the lower quality segment of the market which does not compete with the medium or high segment where the other yarns are found. In support of its claim, the Chinese exporter also alleged that the trend of the volume of Chinese imports had, in sharp contrast to the increase shown by imports from the other countries concerned, declined steadily since 1987, and that, in assessing cumulation, the Commission should take into account the further decline of the Chinese imports after the investigation period.

(37) The fact that imports of Chinese yarns during the investigation period were not air-spliced and were of sub-standard winding, does not permit a clear dividing line to be established, separating these yarns from those either imported from the other countries concerned or manufactured in the Community. As is concluded in recital 8, all yarns concerned by the proceeding are alike, whatever their source. In addition, there is, to a considerable extent, commercial interchangeability and competition between yarns originating in all sources ; this is shown by the limited difference in the user's perception of the Chinese yarns compared to the yarns concerned manufactured elsewhere. The argument is therefore rejected.

As to the volume development of the dumped Chinese imports concerned into the Community, they increased from 3 546 tonnes in 1986 to 6 755 tonnes in 1987, to 4 490 tonnes in 1988 and reached 3 310 tonnes during the investigation period. Thus, these imports showed no real trend but remained during the investigation period, after a peak in 1987 and 1988, more or less at the level of 1986, which cannot be considered to be negligible as such. In assessing cumulation, it is the standard practice of the Commission not to examine the development of imports after the investigation period as they could be influenced, in some cases, by the initiation of the proceeding.

(38) As a result of the misclassification referred to in recital 32, the Turkish exporters argued that the revised Community market share held in 1989 by the imports concerned originating in Turkey should be considered *de minimis* and, therefore, not capable of causing material injury to the Community industry. As a consequence, the proceeding should be terminated in respect of these imports without the imposition of protective measures.

The revised level of these imports compared to the apparent Community consumption shows that they continue to hold a non negligible market share during the investigation period. Consequently the argument put forward must be rejected.

(39) In the light of the consideration set out above, the Council confirms the Commission's findings outlined in recitals 33 and 34 of Regulation (EEC) No 2904/91 and concludes that the effects of the Chinese and the Turkish dumped imports have to be analysed cumulatively with the other imports concerned.

(ii) **Volume and market share of dumped imports**

(40) Following the misclassification referred to in recital 32 with regard to imports of the yarns concerned originating in Turkey, the cumulated volume and market share of the dumped imports from the five countries involved, outlined in recitals 35 and 36 of Regulation (EEC) No 2904/91, need to be adjusted accordingly. Thus, the volume of dumped imports into the Community originating in these countries is now 15 047 tonnes during the investigation period, which corresponds to a Community market share of 8,3 %. The volume and market share of these imports in 1986 were respectively 7,877 tonnes and 3,7 %.

The Council confirms these findings.

(iii) **Prices of dumped imports**

(41) In its provisional findings, the Commission established price undercutting for all countries concerned and for almost all the exporters investigated. The weighted average undercutting ranged up to 56,48 %. The Chinese exporter referred to in recital 22 claimed that, in establishing price undercutting, the Commission should, for the purpose of comparing prices of the Chinese yarns imported and of the Community yarns, make a quality adjustment. The Commission has considered it justified to take into account the same adjustment made to normal value for the establishment of the level of undercutting by the exporter concerned which has been reduced accordingly.

The Council confirms the above conclusion as well as the findings of the Commission with regard to the undercutting margins as described in recital 37 of Regulation (EEC) No 2904/91.

(iv) **Situation of the Community industry**

(42) In assessing the situation of the Community industry, the Commission took into account several economic indicators in respect of the Community producers investigated and considered it reasonable to make reference to some of these indicators in a larger context, i.e. the overall situation of producers of the yarns concerned in the Community.

With regard to the Community producers investigated, the following facts emerge :

— the volume of production and capacity utilization remained generally stable on an annual basis during the period from 1986 to 1989,

— since 1986 volume of sales was in line with that of production and, as a result, the year-end stock levels showed no real trend,

— the development in sales volume compared to that of the apparent Community consumption led to a certain increase in the market share held by these producers since 1986,

— Community producers were forced, in general, to refrain from increasing their prices when the upward development of costs of production would normally have so advised. In many cases, since the end of 1988 they were even obliged to reduce their prices to levels which did not allow reasonable profits to be made and, in most cases, were below the costs of production,

— losses on sales incurred in 1988 and 1989 amounted, on average, to 1,3 and 5,9 % respectively,

— more than 1 000 jobs were lost during 1988 and 1989. This represents nearly a 20 % reduction of the personnel employed in 1987.

The Commission also noted certain relevant economic factors in respect of all Community producers of the like product, as follows :

— total volume of production in the Community, as estimated by the complainant and not contested by any interested party, decreased from 202 700 tonnes in 1986 to 157 150 tonnes during the investigation period, i.e. by more than 22 %,

— from 1986 to 1989, 77 production units totally or partially involved in the spinning of the polyester yarns concerned were closed down in nine Community countries, either as a result of restructuring or of cessation of activities.

(43) No other new facts concerning the injury findings were put forward to the Commission, although one Chinese exporter challenged these findings on a number of points.

(44) The exporter concerned argued that the findings made by Commission in respect of production, capacity utilization, sales, stocks and market share of the Community producers investigated, do not point to injury. It is further alleged that the provisional findings contain no indication of the price trend established by the Commission and that, since the Community producers investigated generally manufactured the yarns concerned as well as other textile products, findings on profitability, plant closures and employment should not be made on a company-wide basis but refer only to the yarns specifically concerned. On the basis of these arguments, the exporter concludes that in the Commission's findings there are not sufficient indicators as to injury.

The Commission considers that, in accordance with Article 4 (1) (c) of Regulation (EEC) No 2423/88, in assessing the injurious situation of the Community industry, the trends in the relevant economic factors should not be evaluated in isolation since no one or several of them can necessarily give decisive guidance. Indeed, recital 45 of Regulation (EEC) No 2904/91 indicates that, in view of the characteristics of the industry concerned, economic factors such as production, sales, stocks and market share did not clearly reflect, in all cases, the difficult market conditions in which the Community producers investigated have had to operate and, as a result, injury is better reflected by the development of other parameters such as prices, profitability and employment.

The prices practised by the Community producers investigated decreased, on average, by 2,9 % during the investigation period in comparison with those prevailing in 1988. However, what is relevant on this matter is that these producers were constantly prevented from increasing their prices since 1986, notwithstanding the pressure exerted by the upward development of costs of production during that period.

The Commission confirms that findings on profitability specifically refer to the yarns concerned and that the jobs lost by the Community producers investigated can mainly be allocated to the spinning activities related to the yarns in question, since these activities were either exclusive or predominant in the majority of the producers selected for investigation.

(45) The same exporter submitted that no injury conclusions can be drawn from data which were not verified by the Commission. Recital 3 of Regulation (EEC) No 2904/91 states the reason why the Commission decided in this proceeding to select a certain number of firms for investigation as well as the criteria followed in this selection. The Commission concluded in its provisional findings that the Community industry had suffered material injury which manifested itself, in particular, by price erosion, insufficient profitability or even losses and reduction in employment. The negative trend of all these parameters, on which the provisional injury conclusions are based, were found in practically all the producers investigated, which are representative of the Community industry, and, therefore, it cannot be maintained that these conclusions are drawn from unverified data.

(46) The Council confirms the above findings and concludes that the Community industry has suffered material injury within the meaning of Article 4 (1) of Regulation (EEC) No 2423/88, specially demonstrated by the suppression of price increases which normally would have occurred and the deterioration in profitability and employment.

F. CAUSATION OF INJURY

(i) **Effect of dumped imports**

(47) In its provisional findings, the Commission determined that the development of the negative parameters in the Community, with regard to prices, profitability and employment, corresponds in time with the highest penetration of the dumped imports concerned. Apart from the matters already discussed in recitals 36 and 38, no other argument has been raised by the interested parties with regard to causation of injury by the dumped imports concerned.

(ii) **Effect of other factors**

(48) Several exporters have argued that the Commission, in its provisional findings, has not properly taken into account the impact of imports of the product concerned originating in Egypt and Brazil when considering that the dumped imports from the countries covered by the proceeding have, taken in isolation, caused material injury. They further argued that Article 4 of Regulation (EEC) No 2423/88 imposes on the Commission the requirement to measure the injurious impact of other factors which might also have caused material injury.

(49) In recital 50 of Regulation (EEC) No 2904/91 the Commission noted a substantial increase in imports of the product concerned originating in Egypt and Brazil and the apparent low level of their prices. However, it also considered that no conclusion could be drawn from the prices recorded in Eurostat statistics, as they masked extremely important differences among product types and no other information was available in this respect. The Commission further considered that, even if imports from the two countries concerned had caused injury, there was no indication that the injury caused by the dumped imports originating in the countries concerned by the proceeding would thereby be rendered non-material.

Thus, in the absence of reliable information on export prices, having further examined the matter, the Commission has no basis, at present, to consider that imports from Egypt and Brazil have caused injury.

According to Article 4 of Regulation (EEC) No 2423/88, responsibility for the injury caused by dumping can be attributed to the exporters concerned even if this injury is merely a part of more extensive injury attributable to other factors. This Article only requires that other possible causal factors of injury should not be ascribed to the dumped imports.

In the present case, given the price sensitivity of the yarns in question, the low level of prices of the imports concerned constitutes, through the effects of dumping, the most relevant factor leading to price suppression and hence deterioration in profitability and employment. This is demonstrated by the fact that, in spite of the market share gained by the Community producers investigated, practically all of them incurred losses as a result of the suppressed increase in prices.

As described in recital 58 of Regulation (EEC) No 2904/91, the prices practised by each of the exporters investigated were compared to the addition of the cost of production in the Community, which, due to stable capacity utilization was not influenced by imports, and a margin of profit equal to that made before the impact of any imports were felt. Thus, no significant injury attributable to other imports is ascribed to the dumped imports concerned by the proceeding.

(50) Some exporters argued that the Commission attributes the injury caused to the Community industry to the dumped imports concerned, when such injury is, in fact, inherent to the slow restructuring that the textile industry in the Community is undergoing and the subsequent decline in demand. As far as this process concerns the polyester spinning industry in the Community, the Commission noted in recital 44 of Regulation (EEC) No 2904/91 that the loss in employment by the Community producers investigated was the result not only of an ongoing restructuring but also of the adverse impact of the dumped imports concerned. As to the restructuring in the downstream industries, and the consequent reduction in demand for the yarns concerned, this should normally have led to a decrease in the volume of the dumped imports concerned. However, this has not been the case, as these imports have increased both in volume and market share.

(51) The Council confirms the above considerations as well as the conclusions in recitals 47 to 53 of Regulation (EEC) No 2904/91.

G. COMMUNITY INTEREST

(52) One exporter submitted that the imposition of duties on the dumped imports concerned would merely result in replacing such imports, at least partially, by other low-priced imports which may or may not have been dumped but which caused equal injury to the Community industry.

In this respect, the Commission refers to the considerations in recital 51 with regard to the lack of evidence on reliable export prices from countries other than those concerned by the proceeding. Therefore the likelihood of such displacement of imports cannot be inferred. Even if a certain displacement were to occur, this would not necessarily be against the Community interest in as far as it would demonstrate that the exporters concerned by the proceeding were able to sell on the Community market only by having recourse to unfair commercial practices.

(53) Some exporters and several weavers and importers in the Community raised the argument that an increase in the price of the imported yarns concerned, as the result of the adoption of anti-dumping measures, would aggravate the difficult competitive situation already faced by the downstream textile industry in the Community with regard to the imports of fabrics and garments from low cost producing countries. Some of the weavers concerned have further submitted that, since a large number of spinning units in the Community, which might have been protected by anti-dumping measures, had already gone out of business, the impostion of anti-dumping duties on imported yarns at this time would pass the pressure down to the weavers and put them at risk.

(54) As outlined in recital 54 of Regulation (EEC) No 2904/91, anti-dumping duties are intended, in general, to eliminate distortion of competition arising from unfair commercial practices so that open and fair competition can be re-established on a certain market. In the present case, the basic purpose of the adoption of anti-dumping measures is to counteract the injurious impact of the dumped imports on the Community spinners of the yarns concerned.

As to the interests of the Community processing industry of these yarns, the Commission considers that to refrain from re-establishing fair competition on the Community market for the product concerned, while being, in terms of lower prices, advantageous to weavers and knitters in the short term only, would seriously threaten the viability of the remaining spinning industry which is already in a precarious financial situation. Moreover, the fact that a considerable number of spinners in the Community have closed down should not lead to the conclusion that those which are still in operation do not need to be protected from injurious dumping practices.

Furthermore, the complainant in this proceeding, which represents not only spinners but also weavers, in balancing the various interests involved, considers that priority should be given to eliminating the adverse effects of dumping on the Community spinning industry. This view is shared by the European Trade Union Committee on textiles, clothing and leather, whose members belong to both the spinning and the weaving industry and which, after carefully weighing the conflicting claims of the two industries, has manifested in writing to the Commission its strong support for the adoption of definitive protective measures in this proceeding.

(55) The Fédération international de la filterie and two Community producers of sewing thread have argued that the termination of the proceeding in respect of sewing thread falling within CN code 5508 10 11 (see recital 64 of Regulation (EEC) No 2904/91), combined with the adoption of anti-dumping measures with regard to imports from the countries concerned of polyester yarns falling within CN codes 5509 22 10 and 5509 22 90 which are alleged to be, in the main, the raw material used in the manufacture of sewing thread, will result in a displacement of imports of these yarns by imports of sewing thread, thereby adversely affecting the manufacturing activities of the sewing thread producers in the Community. It is consequently alleged that these yarns should also be excluded from the proceeding and that, in any case, since they represented only 5,36 % of the total imports concerned in the investigation period, their exclusion could not affect significantly the interests of the complainant Community industry.

In this respect, the complainant, even if it did not contest the legal basis for the termination of the proceeding in respect of sewing thread, has argued that it would have been more appropriate to adopt protective measures for this product. As to the yarns falling within CN codes 5509 22 10 and 5509 22 90, the complainant contests that these yarns are only marginally used for purposes other than the manufacture of sewing thread. As a consequence, it is argued by the complainant that not to adopt measures in respect of these yarns, origina-

ting in the countries concerned by the proceeding, would indeed significantly affect the interests of the spinners concerned in the Community, a fact further demonstrated by the enormous increase in imports of these yarns, which have doubled since the end of the investigation period.

The Commission, confronted with these conflicting arguments, has examined all information available to it and has requested both parties to substantiate their allegations. However, no evidence which demonstrates that the yarns concerned are, or are not, used almost exclusively for the production of sewing thread has been received. Furthermore, the Commission understands that, whatever might be the impact on the competitiveness of the Community producers of sewing thread of the adoption of measures in respect of the yarns concerned, this impact is mitigated by the comparative advantages in terms of marketing, of these producers *vis-à-vis* producers of sewing thread in third countries, i.e. the availability of a full range of colours and proximity to the customer. In these circumstances, taking account of the fact that dumping and injury have been established with regard to the yarns in question and in view of the need to avoid circumvention which would render ineffective the protection of the Community industry, the Commission considers that the exclusion claimed is not justified.

(56) The Council confirms the Commission's findings and concludes that it is in the Community interest to adopt anti-dumping measures to eliminate the injurious effects of the imports concerned originating in Taiwan, Indonesia, India, the People's Republic of China and Turkey. These measures should take the form of anti-dumping duties.

H. DUTY

(57) In establishing the level of the definitive duty to be imposed, the Council confirms the Commission's methodology and findings outlined respectively in recitals 57 to 62 and in recital 63 of Regulation (EEC) No 2904/91, with regard to imports from cooperating exporters and from exporters which neither replied to the Commission's questionnaire within the established time limit nor otherwise made themselves known.

(58) In calculating the increase in export price necessary to remove the injury with regard to one Chinese exporter, due account has been taken of the quality adjustment granted by the Commission in recitals 22 and 41.

(59) One exporter argued that before the imposition of anti-dumping duties, the Commission should follow the consultation procedure provided for in the Multi-fibre Agreement (MFA). The Council notes, however, that the MFA does not prevent participating countries from taking justified anti-dumping measures and there is no obligation for prior consultation on these matters.

(60) The Council has considered the situation of companies which started, or will start, exporting the product concerned to the Community after the end of the investigation period. It came to the conclusion that the situation would create an opportunity for circumvention to apply any anti-dumping duty lower than the highest determined with regard to any exporter in the countries concerned. However, the Council notes that the Commission is ready to initiate, without delay, a review proceeding whenever the exporting company can show the Commission, and supply to that effect satisfactory evidence, that it did not export the product concerned to the Community during the period of investigation covered by the present proceeding, that it only started those exports after the said period or has the firm intention of so doing and that it is not related to, or associated with, any of the companies subject to the present proceeding whose imports into the Community are deemed to have been dumped.

I. UNDERTAKING

(61) One Chinese exporter offered a price undertaking. However, it was considered that, since the exporter concerned is not fully autonomous in setting its export prices, there was a risk that the undertaking would not be respected. Thus, after consultations, this undertaking was not considered acceptable. After being informed of the reasons for not accepting the undertaking, the exporter concerned withdrew its offer.

J. COLLECTION OF PROVISIONAL DUTIES

(62) In view of the dumping margins established, and the seriousness of the injury caused to the Community industry, the Council considers it necessary that amounts secured by way of provisional anti-dumping duties should be definitively collected to the extent of the amount of the duty definitively imposed,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of single and multiple (folded) or cabled yarns containing 85 % or more by weight of polyester staple fibres, not put up for retail sale, falling within CN codes 5509 21 10, 5509 21 90, 5509 22 10 and 5509 22 90 and other yarns of polyester staple fibres mixed mainly or solely either with artificial staple fibres or with cotton, not put up for retail sale, falling within CN codes 5509 51 00 and 5509 53 00 and originating in Taiwan, Indonesia, India, the People's Republic of China and Turkey.

2. The rate of the duty applicable to the net-free-at-Community-frontier price before duty, shall be as follows:

	Rate of duty (%)	*Taric additional code*
Taiwan	14,3	8578
Indonesia	11,9	8579
India	7,8	8580
People's Republic of China	23,5	8581
Turkey	10,1	8582

with the exception of imports of the products specified in paragraph 1 which are produced by the following companies, the rates of duty applicable to which are set out below.

	Rate of duty (%)	*Taric additional code*
TAIWAN		
Chung Shing Textile Company Ltd	2,2	8583
INDIA		
Rajasthan Spinning & Weaving Mills Ltd	2,0	8584
The Shree Meenakshi Mills Ltd	7,8	8585
Deepak Spinners Ltd	2,9	8586
Gokak Patel Volkart Ltd	2,9	8586
Himachal Fibres Ltd	2,9	8586
Hind Syntex Ltd	2,9	8586
Indo Rama Synthetics (India) Ltd	2,9	8586
Loyal Textile Mills Ltd	2,9	8586
Orient Syntex Ltd	2,9	8586
Precot Mills Ltd	2,9	8586
Rajasthan Textile Mills (prop. Sutlej Cotton Mills Ltd)	2,9	8586
Sholingur Textiles Ltd	2,9	8586
Soundaraja Mills Ltd	2,9	8586
The Madhavnagar Cotton Mills Ltd	2,9	8586
Vardhman Spinning & General Mills Ltd	2,9	8586
Yarn Syndicate Ltd	2,9	8586
Modern Syntex Ltd	2,0	8587
Sree Satyam Spinning & Weaving Mills Ltd	5,4	8588
Reliance Chemotex Industries Ltd	2,1	8589
The Coimbatore Pioneer Mills Ltd	3,3	8590
Banswara Syntex Ltd	2,2	8591
TURKEY		
Bisas Bursa İplik Sanayii AS	10,1	8592
Soktas Pamuk Ve Tarim Urünierini Deger Pendirme Ticaret Ve Sanayii AS	4,1	8593
Ceytas Ceyhan Tekstil Sanayii AS	2,6	8594

The free-at-Community price shall be net if the actual conditions of payment provide for payment within 30 days of the arrival of the goods on the customs territory of the Community. It shall be increased by 1 % for each further month by which the period for payment is extended.

3. None of the duties shall apply to imports of the products specified in paragraph 1 produced by PT Kewalram Indonesia, Bandung, Indonesia (Taric additional code : 8595) and Guangying Spinning Co. Ltd, Guangzhou, People's Republic of China (Taric additional code : 8596).

4. The provisions in force concerning customs duties shall apply.

Article 2

The amounts secured by way of provisional anti-dumping duty imposed by Commission Regulation (EEC) No 2904/91 shall be definitively collected at the rate corresponding to the definitive duty. Amounts secured in excess of the definitive rate of duty shall be released.

Article 3

This Regulation shall enter into force on the day following that 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, 30 March 1992.

For the Council

The President

Arlindo MARQUES CUNHA

COUNCIL REGULATION (EEC) No 831/92

of 30 March 1992

amending Regulation (EEC) No 3659/90 on products subject to the supplementary trade mechanism during the second stage of Portuguese accession

THE COUNCIL 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, and in particular Article 234 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 3659/90 (1) provides for the application of the supplementary trade mechanism (STM) to Portugal from 1 January 1991 to 31 December 1995; whereas, in view of the low level of deliveries to Portugal of milk and cream in small packings, it is not necessary to apply the STM; whereas, as a result, these products should be removed from the list laid down by the aforementioned Regulation to facilitate the integration of the Portuguese market into the Community market,

HAS ADOPTED THIS REGULATION:

Article 1

Point 1 of the Annex to Regulation (EEC) No 3659/90 is hereby replaced by the following:

'CN code	Description
0406 90 21	Cheddar
0406 90 23	Edam
0406 90 77	Danbo, Fontal, Fontina, Fynbo, Gouda, Havarti, Maribo, Samsoe
0406 90 79	Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio'

Article 2

This Regulation shall enter into force on the third day following that 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, 30 March 1992.

For the Council

The President

Arlindo MARQUES CUNHA

(1) OJ No L 362, 27. 12. 1990, p. 38. Regulation as amended by Regulation (EEC) No 1715/91 (OJ No L 162, 26. 6. 1991, p. 17).

COUNCIL REGULATION (EEC) No 832/92

of 30 March 1992

amending Regulation (EEC) No 790/89 fixing the level of additional flat-rate aid for the formation of producers' organizations and the maximum amount applied to aid for quality and marketing improvement in the nut- and locust bean-growing sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables (1), and in partiuclar Article 14b (4) thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 14b of Regulation (EEC) No 1035/72, the additional flat-rate aid to encourage the formation of organizations of nut and locust bean producers is calculated on the basis of the quantity of nuts and/or locust beans marketed by an organization during the first marketing year which follows the date of its specific recognition ;

Whereas unfavourable weather conditions in a produciton region during the harvest on which calculation of the aid is to be based are likely to create considerable distortions in the application of this additional aid scheme ; whereas, in order to ensure proper application of the scheme, provision should be made under Regulation (EEC) No 790/89 (2), at the reasoned request of the producers' organization concerned, for the aid to be calculated in such cases on the basis of the quantity marketed in the marketing year which follows the marketing year which was substantially affected by the abovementioned conditions,

HAS ADOPTED THIS REGULATION :

Article 1

The following paragraph is hereby added to Article 1 of Regulation (EEC) No 790/89 :

'For the purposes of Article 14b (2) of Regulation (EEC) No 1035/72, where unfavourable weather conditions in a production region result in a reduction of more than 20 % in the harvest of producers' organizations, the competent authority may, at the reasoned request of the latter, calculate the aid on the basis of the quantity marketed by the organizations during the second marketing year which follows the date of their specific recognition.'

Article 2

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

However, at the request of the producers' organizations concerned, Article 1 shall apply from the date of entry into force of Title IIa of Regulation (EEC) No 1035/72.

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

Done at Brussels, 30 March 1992.

For the Council

The President

Arlindo MARQUES CUNHA

(1) OJ No L 118, 20. 5. 1972, p. 1. Regulation as last amended by Regulation (EEC) No 1968/91 (OJ No L 177, 5. 7. 1991, p. 10).

(2) OJ No L 85, 30. 3. 1989, p. 6. Regulation as last amended by Regulation (EEC) No 2145/91, (OJ No L 200, 23. 7. 1991, p. 1).

COUNCIL REGULATION (EEC) No 833/92

of 30 March 1992

amending Regulation (EEC) No 1442/88 on the granting for the 1988/89 to 1995/96 wine years, of permanent abandonment premiums in respect of wine-growing areas and repealing Regulation (EEC) No 2239/86 on a specific common measure to improve wine-growing structures in Portugal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

Whereas Regulation (EEC) No 1442/88 (2), does not at present apply in Portugal;

Whereas Regulation (EEC) No 2239/86 (3) provides for measures for the permanent abandonment and restructuring of wine-growing areas;

Whereas the system of premiums for the permanent abandonment of wine-growing applicable in the other Member States has been transferred to the Guarantee Section of the EAGGF by Regulation (EEC) No 1327/91 (4) and the level of Community funding has been fixed at 100 %;

Whereas, in accordance with the Act of Accession of Spain and Portugal, the provision concerning the common organization of the market in wine apply in Portugal from the second stage of transition; whereas the general permanent abandonment arrangements should also be made applicable in that Member State and the amounts of the premiums currently applicable should be retained in order to take account of the specific structural situation;

Whereas on 7 August 1991, the Commission approved the operational programme for the restructuring of wine-growing areas submitted by Portugal and intended to replace the restructuring arrangements laid down by Regulation (EEC) No 2239/86;

Whereas Regulation (EEC) No 1442/88 should therefore be amended and Regulation (EEC) No 2239/86 should be repealed; whereas the latter Regulation will continue to apply, however, to undertakings entered into by Portugal under that Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1442/88 is hereby amended as follows:

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

'5. As regards Portugal, the premiums and amounts per hectare applicable shall be the following:

(a) for areas of not less than 10 ares but not more than 25 ares cultivated with wine-grape varieties and constituting the entire wine-growing area of the holding concerned: ECU 2 500;

(b) for areas of more than 25 ares cultivated with wine-grape varieties:

— ECU 1 000 if the average yield per hectare is not more than 20 hl,

— ECU 1 600 if the average yield per hectare is more than 20 hl but not more than 25 hl,

— ECU 2 200 if the average yield per hectare is more than 25 hl but nor more than 30 hl,

— ECU 2 800 if the average yield per hectdare is more than 30 hl but not more than 50 hl,

— ECU 3 500 if the average yield per hectare is more than 50 hl but nor more than 90 hl,

— ECU 5 000 if the average yield per hectare is more than 90 hl but not more than 130 hl,

— ECU 6 200 if the average yield per hectare is more than 130 hl but not more than 160 hl,

— ECU 6 500 if the average yield per hectare is more than 160 hl;

(1) OJ No C 39, 17. 2. 1992.
(2) OJ No L 132, 28. 5. 1988, p. 3. Regulation amended by Regulation (EEC) No 1327/90 (OJ No L 132, 23. 5. 1990, p. 23).
(3) OJ No L 196, 18. 7. 1986, p. 1. Regulation amended by Regulation (EEC) No 3208/88 (OJ No L 286, 20. 10. 1988, p. 5).
(4) OJ No L 132, 23. 5. 1990, p. 23.

(c) for areas cultivated with varieties classified in the administrative concerned either as table grapes or as both table and wine grapes.

— ECU 5 500 in the case of varieties trained by the pergola method,

— ECU 3 500 in the case of varieties trained by a method other than the pergola method.

The amounts specified in points (b) and (c) of the first subparagraph shall be increased by ECU 300 per hectare if the areas concerned constitute the entire wine-growing area cultivated by the applicant.'

2. The following shall be added to Article 7 (1):

'Portugal shall have authority to reduce the amounts provided for in Article 2 (5) if the applicant for a permanent abandonment premium is a member of a wine cooperative or other association of wine-growers. In such case, the premium shall be reduced by not more than 7 % and the sum corresponding to this reduction shall be paid to the cooperative or association in question.'

3. In Article 20, the following indent shall be added:

'— the application of this Regulation in Portugal.'

4. Article 22 shall be deleted.

Article 2

Regulation (EEC) No 2239/86 is hereby repealed. However, the provision of this Regulation shall continue to apply to the undertakings entered into by Portugal before the entry into force of this Regulation under the permanent abandonment arrangements for wine growing and before 7 August 1991 under the restructuring arrangements for wine-growing areas.

Article 3

This Regulation shall enter into force on the third day following that 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, 30 March 1992.

For the Council

The President

Arlindo MARQUES CUNHA

COMMISSION REGULATION (EEC) No 834/92

of 2 April 1992

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals (1), as last amended by Regulation (EEC) No 674/92 (2), and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy (3), as last amended by Regulation (EEC) No 2205/90 (4), and in particular Article 3 thereof,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 594/92 (5) and subsequent amending Regulations;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

— for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 1 April 1992;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 594/92 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 3 April 1992.

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

Done at Brussels, 2 April 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 73, 19. 3. 1992, p. 7.
(3) OJ No L 164, 24. 6. 1985, p. 1.
(4) OJ No L 201, 31. 7. 1990, p. 9.
(5) OJ No L 64, 10. 3. 1992, p. 4.

ANNEX

to the Commission Regulation of 2 April 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy (9)
0709 90 60	138,64 (2) (3)
0712 90 19	138,64 (2) (3)
1001 10 10	167,59 (1) (5) (10)
1001 10 90	167,59 (1) (5) (10)
1001 90 91	148,17
1001 90 99	148,17 (11)
1002 00 00	164,92 (6)
1003 00 10	143,10
1003 00 90	143,10 (11)
1004 00 10	121,77
1004 00 90	121,77
1005 10 90	138,64 (2) (3)
1005 90 00	138,64 (2) (3)
1007 00 90	140,57 (4)
1008 10 00	51,33 (11)
1008 20 00	117,34 (4)
1008 30 00	58,67 (5)
1008 90 10	(7)
1008 90 90	58,67
1101 00 00	220,44 (8) (11)
1102 10 00	243,89 (8)
1103 11 10	273,33 (8) (10)
1103 11 90	236,56 (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 835/92

of 2 April 1992

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals [1], as last amended by Regulation (EEC) No 674/92 [2], and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy [3], as last amended by Regulation (EEC) No 2205/90 [4], and in particular Article 3 thereof,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1845/91 [5] and subsequent amending Regulation;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

— for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 1 April 1992;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 3 April 1992.

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

Done at Brussels, 2 April 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

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[1] OJ No L 281, 1. 11. 1975, p. 1.
[2] OJ No L 73, 19. 3. 1992, p. 7.
[3] OJ No L 164, 24. 6. 1985, p. 1.
[4] OJ No L 201, 31. 7. 1990, p. 9.
[5] OJ No L 168, 29. 6. 1991, p. 4.

ANNEX

to the Commission Regulation of 2 April 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. **Cereals and flour**

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period
	4	5	6	7
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. **Malt**

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period	4th period
	4	5	6	7	8
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 836/92

of 2 April 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats [1], as last amended by Regulation (EEC) No 1720/91 [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 728/91 [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 729/91 [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 730/91 [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, with regard to Turkey and the Maghreb countries, the provisions of this Regulation should be without prejudice to the additional amount to be determined in accordance with the agreements between the Community and these 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 30 and 31 March 1992 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within 29 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 162, 26. 6. 1991, p. 27.
[3] OJ No L 169, 28. 6. 1976, p. 24.
[4] OJ No L 80, 27. 3. 1991, p. 1.
[5] OJ No L 169, 28. 6. 1976, p. 43.
[6] OJ No L 80, 27. 3. 1991, 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 80, 27. 3. 1991, 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 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 3 April 1992.

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

Done at Brussels, 2 April 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil (1)

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	72,00 (2)
1509 10 90	72,00 (2)
1509 90 00	83,00 (3)
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 3148/91 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) Turkey : ECU 11,48 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) Algeria, Tunisia and Morocco : 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.

(*) These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

(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	15,84
0711 20 90	15,84
1522 00 31	36,00
1522 00 39	57,60
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 837/92

of 2 April 1992

adopting interim protective measures in so far as concerns Spain in regard to applications for STM licences coming from the Community of Ten for milk and milk products lodged between 23 and 27 March 1992

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, and in particular Article 85 (1) thereof,

Whereas Commission Regulation (EEC) No 608/86 [1] laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten and from Portugal, as last amended by Regulation (EEC) No 705/92 [2], fixes the indicative ceilings for milk sector products for 1992 and splits these up into monthly ceilings;

Whereas applications for STM licences in the Community of Ten for cheese of categories 5, 5a and 6 lodged between 23 and 27 March 1992 relate to quantities higher than the ceiling set for the month of April 1992;

Whereas Article 85 (1) of the Act of Accession states that the Commission may take interim protective measures necessary by an emergency procedure where the situation indicates that the initiative ceiling will be attained or exceeded; whereas to this it is necessary, as an interim protective measure, in view of the number of requests, for the products concerned and only for the Community of Ten, to issue licences up to a percentage of the quantities applied for categories 5, 5a and 6 and to suspend all further issuing of licences for the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for STM licences as referred to in Regulation (EEC) No 606/86, lodged between 23 and 27 March 1992 for the Community of Ten and lodged with the Commission, for milk products falling within:

— category 5 of CN code ex 0406 are hereby accepted up to 27 %,

— category 5a of CN code ex 0406 are hereby accepted up to 87,05 %,

— category 6 of CN code ex 0406 are hereby accepted up to 8,28 %.

2. The issuing of STM licences in the Community of Ten is hereby provisionally suspended for products falling within categories 5, 5a and 6.

Article 2

This Regulation shall enter into force on 3 April 1992.

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

Done at Brussels, 2 April 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

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[1] OJ No L 58, 1. 3. 1986, p. 28.
[2] OJ No L 75, 21. 3. 1992, p. 29.

COMMISSION REGULATION (EEC) No 838/92

of 2 April 1992

opening invitations to tender for the fixing of aid for the private storage of carcases and half-carcases of lamb

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat [1], as last amended by Regulation (EEC) No 1741/91 [2], and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 3446/90 of 27 November 1990 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat [3], as amended by Regulation (EEC) No 1258/91 [4], provides in particular for detailed rules on the invitation to tender;

Whereas Commission Regulation (EEC) No 3447/90 of 28 November 1990 on special conditions for the granting of private storage aid for sheepmeat and goatmeat [5], as last amended by Regulation (EEC) No 1258/91, provides in particular the minimum quantities in respect of which a tender may be submitted;

Whereas the application of Article 7 (3) of Regulation (EEC) No 3013/89 results in the opening of invitations to tender for private storage aid;

Whereas that Article provides for the application of these measures on the basis of the situation of each quotation zone; whereas it is appropriate consequently to open tenders separately for each of the zones where the conditions are fulfilled,

HAS ADOPTED THIS REGULATION:

Article 1

Separate invitations to tender are opened in Great Britain, Denmark, the Netherlands, France, Spain, Portugal, Ireland, Northern Ireland, Italy and Germany for aid to private storage for carcases and half-carcases of lamb.

Subject to the provisions of Regulation (EEC) No 3447/90 tenders may be made to the intervention agencies of the Member States concerned.

Article 2

Tenders must be submitted not later than 2 p.m. on 7 April 1992 to the relevant intervention agency.

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, 2 April 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

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[1] OJ No L 289, 7. 10. 1989, p. 1.
[2] OJ No L 163, 26. 6. 1991, p. 41.
[3] OJ No L 333, 30. 11. 1990, p. 39.
[4] OJ No L 120, 15. 5. 1991, p. 15.
[5] OJ No L 333, 30. 11. 1990, p. 46.

COMMISSION REGULATION (EEC) No 839/92

of 1 April 1992

amending the list annexed to Regulation (EEC) No 55/87 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain areas of the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources [1], as last amended by Regulation (EEC) No 3500/91 [2],

Having regard to Commission Regulation (EEC) No 55/87 of 30 December 1986 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain areas of the Community [3], as last amended by Regulation (EEC) No 553/92 [4], and in particular Article 3 thereof;

Whereas the Danish and Dutch authorities have requested replacement in the list annexed to Regulation (EEC) No 55/87 of four vessels that no longer meet the requirements laid down in Article 1 (2) of that Regulation; whereas the national authorities have provided all the information in support of the request required under Article 3 of Regulation (EEC) No 55/87; whereas scrutiny of this information shows that the requirements of the Regulation are met; whereas the vessels in question should be replaced in the list,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 55/87 is amended as indicated in the Annex to this Regulation.

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, 1 April 1992.

For the Commission

Manuel MARÍN

Vice-President

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[1] OJ No L 288, 11. 10. 1986, p. 1.
[2] OJ No L 331, 3. 12. 1991, p. 2.
[3] OJ No L 8, 10. 1. 1987, p. 1.
[4] OJ No L 60, 5. 3. 1992, p. 7.

ANNEX

The Annex to Regulation (EEC) No 55/87 is amended as follows:

— Vessels to be replaced:

External identification Letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
THE NETHERLANDS				
NZ 1	Spera in Deo		Terneuzen	83
UK 49	Jannetje		Urk	64
ST 10	Immetje Hans		Staveren	74
HD 101	R.H. van Schijndel		Den Helder	221

— Vessels replacing the abovementioned vessels:

External identification Letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
THE NETHERLANDS				
HA 31	Innovatie		Harlingen	138
GO 61	Visarend		Goedereede	199
ST 10	Immetje Hans		Staveren	191
DENMARK				
E 441	Britta Brock	OWNQ	Esbjerg	220

COMMISSION REGULATION (EEC) No 840/92

of 1 April 1992

concerning the classification of certain goods in the combined nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2658/87 [1] on the tariff and statistical nomenclature and on the Common Customs Tariff, as last amended by Regulation (EEC) No 627/92 [2], and in particular Article 9,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and these rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivisions to it and which is established by specific Community provisions, which a view to the application of tariff or other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

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

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the combined nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

This Regulation shall enter into force on the 21st day after 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, 1 April 1992.

For the Commission
Christiane SCRIVENER
Member of the Commission

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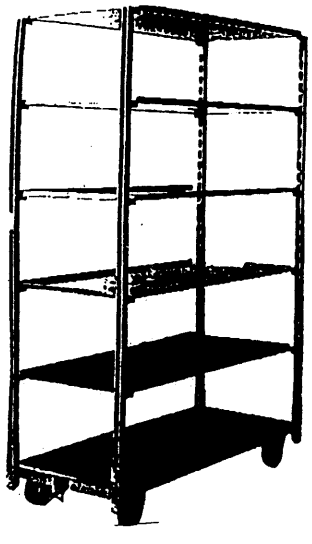
[1] OJ No L 256, 7. 9. 1987, p. 1.
[2] OJ No L 68, 13. 3. 1992, p. 9.

ANNEX

Description	Classification CN code	Reasons
(1)	(2)	(3)
Samples of perfume paste on a support of printed publicity material	3303 00 10	Classification is determined by General Rules 1 and 6 for the interpretation of the combined nomenclature, note 2 to Section VI, note 2 to Chapter 33 and the wording of CN codes 3303 00 and 3303 00 10
Mobile shelving unit of a height up to 2 250 mm, consisting of a base mounted on four small wheels, with four steel corner supports and at least two wooden shelves. The mobile shelving unit is generally used during the transport and for storage of goods sold by florists (Mobile shelving unit: See photo (1)) 	9403 20 99	Classification is determined by General Rules 1, 3 (b) and 6 for the interpretation of the combined nomenclature, note 2 to Chapter 94 and the wording of CN codes 9403, 9403 20 and 9403 20 99 Classification as a container is precluded because the shelving unit is open all sides

(1) Photo is of a purely illustrative nature.

COMMISSION REGULATION (EEC) No 841/92

of 2 April 1992

amending Regulations (EEC) No 1727/70, (EEC) No 1728/70, (EEC) No 2603/71, (EEC) No 410/76 and (EEC) No 2501/87 as regards certain varieties of tobacco and (EEC) No 2468/72 as regards the collection and processing and storage centres

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco (1), as last amended by Regulation (EEC) No 1737/91 (2), and in particular Article 2 (6), the first subparagraph of Article 3 (3) and Articles 5 (6), 6 (10) and 7 (4) thereof,

Having regard to Council Regulation (EEC) No 1467/70 of 20 July 1970 fixing certain general rules governing intervention on the market in raw tobacco (3), and in particular Article 1 thereof,

Whereas Council Regulation (EEC) No 1738/91 (4) provides *inter alia* for the hybrids 'Pereg' and 'Korso' to be added to the name of variety No 1 (Badischer Geudertheimer), for 'and hybrids thereof' to be added to variety No 2 (Badischer Burley E) and for 'and hybrids thereof' to be added to variety No 3 (Virgin D) in order to take account of German unification ; whereas the Annexes to the Regulations with provisions relating to the designations and characteristics of the various varieties of tobacco should be amended ;

— Regulation (EEC) No 1727/70 of 25 August 1970 on intervention procedure for raw tobacco (5), as last amended by Regulation (EEC) No 838/91 (6),

— Regulation (EEC) No 1728/70 of 25 August 1970 fixing the scales of price increases and reductions for raw tobacco (7), as last amended by Regulation (EEC) No 838/91,

— Regulation (EEC) No 2603/71 of 6 December 1971 on detailed rules for the conclusion of contracts for first processing and market preparation of tobacco held by intervention agencies (8), as last amended by Regulation (EEC) No 838/91,

— Regulation (EEC) No 410/76 of 23 February 1976 fixing the maximum permissible weight losses in connection with the supervision of the first processing and market preparation of tobacco (9), as last amended by Regulation (EEC) No 838/91,

— Regulation (EEC) No 2501/87 of 24 June 1987 fixing the characteristics of each variety of tobacco grown in the Community (10), as last amended by Regulation (EEC) No 838/91 ;

Whereas the Annex to Commission Regulation (EEC) No 2468/72 (11), as last ameded by Regulation (EEC) No 3349/87 (12), lists the collection centres and the processing and storage centres ; whereas, in the light of German unification, the Annex in question should be adopted to take account of the new situation ; whereas that Regulation should be amended accordingly ;

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

HAS ADOPTED THIS REGULATION :

Article 1

In Annexes I, II, IV and V to Regulation (EEC) No 1727/70, Annexes I and II to Regulation (EEC) No 1728/70, the Annex to Regulation (EEC) No 2603/71 and the Annex to Regulation (EEC) No 410/76, the terms used to designate the varieties specified under serial Nos 1, 2 and 3 are hereby replaced by the following :

'1. Badischer Geudertheimer, Pereg and Korso
2. Badischer Burley E and hybrids thereof
3. Virginia D and hybrids thereof'.

Article 2

The descriptions of the varieties specified under serials Nos 1, 2 and 3 set out in the Annex to Regulation (EEC) No 2501/87 are hereby replaced by the descriptions set out in the Annex hereto.

Article 3

In the Annex to Regulation (EEC) No 2468/72, the following is hereby added to the lists of collection centres and processing and storage centres : '4371 Glauzig'.

Article 4

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

This Regulation shall apply from the 1991 harvest.

(1) OJ No L 94, 28. 4. 1970, p. 1.
(2) OJ No L 163, 26. 6. 1991, p. 11.
(3) OJ No L 164, 27. 7. 1970, p. 32.
(4) OJ No L 163, 26. 6. 1991, p. 13.
(5) OJ No L 191, 27. 8. 1970, p. 5.
(6) OJ No L 85, 5. 4. 1991, p. 16.
(7) OJ No L 191, 27. 8. 1970, p. 18.
(8) OJ No L 269, 8. 12. 1971, p. 11.
(9) OJ No L 50, 26. 2. 1976, p. 11.
(10) OJ No L 237, 20. 8. 1987, p. 1.
(11) OJ No L 267, 28. 11. 1972, p. 1.
(12) OJ No L 317, 7. 11. 1987, p. 31.

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

Done at Brussels, 2 April 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

Variety No 1 : Badischer Geudertheimer, Pereg and Korso

1. *Special characteristics*

1.1. Genetic :	(a) Badischer Geudertheimer : Variety of German origin, descended over many generations from so-called 'Landraassen' (local strains), maintenance breeding, seed-certified or obtained from certified seed.
	(b) Pereg : Geudertheimer type, resistant to Peronospora, produced by crossing with Bel. Maintenance breeding, seed-certified or obtained from certified seed.
	(c) Korso : Geudertheimer type, resistant to Peronospora and Y virus, produced by crossing with Bel. Maintenance breeding, seed-certified or obtained from certified seed.
1.2. Botanical and morphological :	(a) Badischer Geudertheimer : Under normal growing conditions the plant is tall, about 1,70 m with an average of 15 to 20 leaves for harvesting. Insertion of leaves : oblique. Distance between leaves : average 10 to 11 cm. Leaves erect with tips hanging. Large ovate or elliptical leaves, green to dark green in colour, slightly shiny. Early variety under normal growing conditions.
	(b) Pereg : The plant is tall, about 1,60 to 1,80 m, with an average of 17 to 20 leaves for harvesting. Leaf insertion oblique. Leaves erect with tips from inclined to hanging. Long ovate to elongate leaves, green in colour, with an almost smooth surface. Fairly early variety.
	(c) Korso : The plant is tall, about 1,70 m, with an average of 15 to 18 leaves for harvesting. Leaves long to medium wide, medium green in colour, dull surface. Bears oblique leaves, early variety.
1.3. Soil and climatic :	Light, deep, loamy soils with an adequate water supply, at low altitude and with medium atmospheric humidity.

2. *Conditions of production*

2.1. Plant population :	Average 29 000 to 38 000 plants/hectare.
2.2. Topping :	By hand or machine while in full flower, with sucker control where appropriate.
2.3. Harvesting :	Leaf by leaf from each position on the stalk.
2.4. Yield :	Under normal growing conditions between 2 500 to 3 000 kilograms/hectare average per area.
2.5. Curing :	Air curing in barns suitable for this purpose.
2.6. Grading and packing :	Tobacco graded by position on the stalk (lugs, lower middle leaves, upper middle leaves and top leaves), and divided into up to three quality categories : tied in hands, in provisional bales or in other packing, with or without additional binding.

Variety No 2 : Badischer Burley E and hybrids thereof

1. *Special characteristics*

1.1. Genetic :	(a) Badischer Burley : A successful Burley type produced by crossing White Burley and double Geudertheimer. Maintenance breeding, seed-certified or obtained from certified seed.
	(b) Bursicana, Zerlina and Dreta : Burley types, resistant to Peronospora, produced by crossing with Bel 61/10. Maintenance breeding, seed-certified or obtained from certified seed.
	(c) BB16F : produced by crossing B21 × Bel and White Burley.

1.2. Botanical and morphological :

(a) Badischer Burley : Under normal growing conditions the plant is tall, about 1,80 m with average 15 to 20 leaves for harvesting. Leaf insertion : lugs and lower middle leaves horizontal, top leaves vertical. Distance between leaves : average 10 cm. Large leaves, broad ovate in shape, light green to yellowish-green in colour. Fairly early flowering : the upper leaves reach early maturity at various stages over a considerable period under normal growing conditions.

(b) Bursanica : Under normal growing conditions the plant is very tall, growing to about 1,90 m. Average 17 to 22 leaves for harvesting. Leaf insertion : lugs and lower middle leaves horizontal and top leaves vertical. Leaves large, ovate or broad ovate in shape, light green to greenish/yellow in colour, puckered to strongly puckered. Medium to late flowering and maturity.

(c) BB16F : Under normal growing conditions the plant has a conical habit, growing to about 1,60 m with 15 to 18 leaves for harvesting. Leaves semi-elliptical to elliptical in shape, light green to light yellow when ripe. Hexagonal inflorescence with pink flowers.

1.3. Soil and climatic : Sandy alluvial soils with adequate water supply and medium atmospheric humidity.

2. *Conditions of production*

2.1. Plant population : Badischer Burley E, Bursanica, Zerlina and Dreta : On average 29 000 to 35 000 plants/hectare.

BB16F : On average 28 000 to 32 000 plants/hectare.

2.2. Topping : By hand or machine when in full flower, with sucker control where appropriate.

2.3. Harvesting : Leaf by leaf from each position on the stalk or stalk cut.

2.4. Yield : Under normal growing conditions on average between 2 200 to 3 300 kilograms/hectare.

2.5. Curing : Air curing in barns suitable for this purpose.

2.6. Grading and packing : Tobacco graded by position on the stalk (lugs, lower middle leaves, upper middle leaves and top leaves), and divided into up to three quality categories : tied in hands, in provisional bales or in other packing, with or without additional binding.

Variety No 3 : Virgin D

1. *Special characteristics*

1.1. Genetic : Variety of Virgin, cultivated since the fifties. Bred from American Virgin, resistant to Y virus and black root rot. Maintenance breeding, seed-certified or obtained from certified seed.

1.2. Botanical and morphological : Under normal growing conditions the plant is tall, about 1,80 m, with an average of 14 to 20 leaves for harvesting. Bears erect leaves, medium to large, elongate to broad ovate with very prominent veins, light green to green in colour. Fairly early maturity and flowering.

1.3. Soil and climatic : Light, sandy to loamy soils which warm quickly, with an adequate water supply.

2. *Conditions of production*

2.1. Plant population :

(a) Average 29 000 to 35 000 plants/hectare.

(b) Average 18 000 to 22 000 plants/hectare on very sandy, well-drained soils.

2.2. Topping : Generally not carried out or done late with sucker control.

2.3. Harvesting : Leaf by leaf according to ripeness and position on the stalk.

2.4. Yield :	Under normal growing conditions between 1 600 and 2 400 kilograms/hectare per area.
2.5. Curing :	Flue curing in special ovens (bulks) suitable for this purpose.
2.6. Grading and packing :	Tobacco graded by position on the stalk (lugs, lower middle leaves, upper middle leaves and top leaves), and divided into up to three quality categories : tied in hands, in provisional bales or in other packing, with or without additional binding.

COMMISSION REGULATION (EEC) No 842/92

of 2 April 1992

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector [1], as last amended by Regulation (EEC) No 61/92 [2], and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 366/92 [3], as last amended by Regulation (EEC) No 827/92 [4];

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) 366/92 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 [5], as last amended by Regulation (EEC) No 2205/90 [6],

— for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 1 April 1992,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 3 April 1992.

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

Done at Brussels, 2 April 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

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(1) OJ No L 177, 1. 7. 1981, p. 4.
(2) OJ No L 6, 11. 1. 1992, p. 19.
(3) OJ No L 39, 15. 2. 1992, p. 28.
(4) OJ No L 87, 2. 4. 1992, p. 16.
(5) OJ No L 164, 24. 6. 1985, p. 1.
(6) OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 2 April 1992 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy (3)
1701 11 10	39,09 (1)
1701 11 90	39,09 (1)
1701 12 10	39,09 (1)
1701 12 90	39,09 (1)
1701 91 00	44,41
1701 99 10	44,41
1701 99 90	44,41 (2)

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

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

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

COMMISSION REGULATION (EEC) No 843/92

of 2 April 1992

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 674/92 (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 possibilites exist for a quantity of 100 000 tonnes of soft wheat flour and 100 000 tonnes of hard wheat meal 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 337/92 (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, if the refund system is to operate normally, refunds should be calculated on the following basis:

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 % a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 (8), as last amended by Regulation (EEC) No 2205/90 (9),

— for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas 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 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 3 April 1992.

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 73, 19. 3. 1992, p. 7.
(3) OJ No L 281, 1. 11. 1975, p. 78.
(4) OJ No L 94, 7. 4. 1989, p. 13.
(5) OJ No L 36, 13. 2. 1992, p. 15.
(6) OJ No 128, 27. 6. 1967, p. 2574/67.
(7) OJ No L 53, 28. 2. 1992, p. 15.
(8) OJ No L 164, 24. 6. 1985, p. 1.
(9) OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 2 April 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 2 April 1992 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU / tonne)

Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	04	105,00
	05	40,00
	06	35,00
	02	20,00
1001 90 91 000	—	—
1001 90 99 000	04	60,00
	05	32,00
	02	20,00
1002 00 00 000	03	21,00
	05	30,00
	07	85,00
	02	20,00
1003 00 10 000	—	—
1003 00 90 000	04	74,00
	05	32,00
	02	30,00
1004 00 10 000	—	—
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	04	60,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 100	06	98,00 (2)
	02	92,00
1101 00 00 130	01	87,00
1101 00 00 150	01	80,00
1101 00 00 170	01	74,00
1101 00 00 180	01	69,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 500	01	92,00
1102 10 00 700	—	0
1102 10 00 900	—	—
1103 11 10 200	06	190,00 (3)
	02	175,00
1103 11 10 400	01	0
1103 11 10 900	01	0
1103 11 90 200	01	92,00
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 Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgystan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Lithuania, Estonia and Latvia,

06 Algeria,

07 Zone II b).

(2) Refund fixed under the procedure laid lown in Article 9 (4) of amended Regulation (EEC) No 891/89 in respect of a quantity of 100 000 tonnes of soft wheat flour destined for Algeria.

(3) Refund fixed under the procedure laid lown in Article 9 (4) of amended Regulation (EEC) No 891/89 in respect of a quantity of 100 000 tonnes of hard wheat meal destined for Algeria.

NB : The zones are those defined in Commission Regulation (EEC) No 1124/77, as last amended by Regulation (EEC) No 3049/89.

COMMISSION REGULATION (EEC) No 844/92

of 2 April 1992

fixing the corrective amount applicable to the refund on cereals

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 674/92 [2],

Having regard to 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],

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence ; whereas, in this case, a corrective amount must be applied to the refund ;

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], made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75 ;

Whereas Commission Regulation (EEC) No 1281/75 [6] laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals ;

Whereas, pursuant to that Regulation, when the corrective amount is 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 possibilities and conditions for the sale of cereals and cereal products on the world market on the other ; whereas the same Regulation 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 exports and the need to avoid disturbances on the Community market ;

Whereas for the products listed in Article 1 (c) of Regulation (EEC) No 2727/75 account should be taken of the specific criteria laid down in Article 2 (2) of Regulation (EEC) No 1281/75 ;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure ; whereas it may be altered in the period between fixings ;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts should be calculated on the following basis :

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 [7], as last amended by Regulation (EEC) No 2205/90 [8],

— for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent ;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto ;

[1] OJ No L 281, 1. 11. 1975, p. 1.
[2] OJ No L 73, 19. 3. 1992, p. 7.
[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 131, 22. 5. 1975, p. 15.
[7] OJ No L 164, 24. 6. 1985, p. 1.
[8] OJ No L 201, 31. 7. 1990, p. 9.

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 corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 April 1992.

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

Done at Brussels, 2 April 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 2 April 1992 fixing the corrective amount applicable to the refund on cereals

(ECU / tonne)

Product code	Destination (1)	Current	1st period	2nd period	3rd period	4th period	5th period	6th period
		4	5	6	7	8	9	10
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	—	—	—	—	—	—	—	—
1001 10 90 000	01	0	0	− 50,00	− 50,00	− 50,00	—	—
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	01	0	0	0	0	0	—	—
1002 00 00 000	01	0	0	0	0	0	—	—
1003 00 10 000	—	—	—	—	—	—	—	—
1003 00 90 000	01	0	0	− 30,00	− 30,00	− 30,00	—	—
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	0	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 100	01	0	0	− 35,00	− 35,00	− 35,00	—	—
1101 00 00 130	01	0	0	− 35,00	− 35,00	− 35,00	—	—
1101 00 00 150	01	0	0	− 35,00	− 35,00	− 35,00	—	—
1101 00 00 170	01	0	0	− 35,00	− 35,00	− 35,00	—	—
1101 00 00 180	01	0	0	− 35,00	− 35,00	− 35,00	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 500	01	0	0	− 35,00	− 35,00	− 35,00	—	—
1102 10 00 700	01	0	0	− 35,00	− 35,00	− 35,00	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 200	01	0	0	− 50,00	− 50,00	− 50,00	− 50,00	− 50,00
1103 11 10 400	01	0	0	− 50,00	− 50,00	− 50,00	− 50,00	− 50,00
1103 11 10 900	01	0	0	− 50,00	− 50,00	− 50,00	− 50,00	− 50,00
1103 11 90 200	01	0	0	− 35,00	− 35,00	− 35,00	− 35,00	− 35,00
1103 11 90 800	—	—	—	—	—	—	—	—

(1) For the following destinations:
01 all third countries.

NB: The zones are those defined in Commission Regulation (EEC) No 1124/74, as last amended by Regulation (EEC) No 3049/89.

COMMISSION REGULATION (EEC) No 845/92
of 2 April 1992
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 674/92 (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, if the refund system is to operate normally, refunds should be calculated on the following basis:

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 (6), as last amended by Regulation (EEC) No 2205/90 (7),

— for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

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

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 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 3 April 1992.

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 73, 19. 3. 1992, p. 7.
(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 164, 24. 6. 1985, p. 1.
(7) OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 2 April 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 2 April 1992 fixing the export refunds on malt

(ECU / tonne)

Product code	Refund
1107 10 19 000	78,00
1107 10 99 000	116,00
1107 20 00 000	135,00

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 846/92

of 2 April 1992

fixing the corrective amount applicable to the refund 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 Council Regulation (EEC) No 674/92 (2),

Having regard to 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),

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

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), made possible the fixing of a corrective amount for certain products listed in Article 1 (d) of Regulation (EEC) No 2727/75;

Whereas Commission Regulation (EEC) No 1281/75 (6) laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed in respect of malt, account must be taken of the existing situation and the future trend with regard to the possibilities and conditions for the sale of the cereals concerned and of malt on the world market; whereas the same Regulation also provides that account must be taken of the quantity of cereals needed for making malt, the economic aspect of exports and the need to avoid disturbances on the Community market;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts should be calculated on the following basis:

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 (7), as last amended by Regulation (EEC) No 2205/90 (8),

— for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 April 1992.

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 73, 19. 3. 1992, p. 7.
(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 131, 22. 5. 1975, p. 15.
(7) OJ No L 164, 24. 6. 1985, p. 1.
(8) OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 2 April 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 2 April 1992 fixing the corrective amount applicable to the refund on malt

(ECU/tonne)

Product code	Current	1st period	2nd period	3rd period	4th period	5th period
	4	5	6	7	8	9
1107 10 11 000	0	0	0	0	0	– 35
1107 10 19 000	0	0	0	0	0	– 35
1107 10 91 000	0	0	0	0	0	– 35
1107 10 99 000	0	0	0	0	0	– 35
1107 20 00 000	0	0	0	0	0	– 35

(ECU/tonne)

Product code	6th period	7th period	8th period	9th period	10th period	11th period
	10	11	12	1	2	3
1107 10 11 000	– 35	– 35	– 35	– 35	– 35	– 35
1107 10 19 000	– 35	– 35	– 35	– 35	– 35	– 35
1107 10 91 000	– 35	– 35	– 35	– 35	– 35	– 35
1107 10 99 000	– 35	– 35	– 35	– 35	– 35	– 35
1107 20 00 000	– 35	– 35	– 35	– 35	– 35	– 35

COMMISSION REGULATION (EEC) No 847/92

of 2 April 1992

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export to Russia under Council Regulation (EEC) No 599/91 and amending Regulation (EEC) No 569/88

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 1628/91 [2], and in particular Article 7 (3) thereof,

Whereas certain intervention agencies hold large stocks of 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 part of that meat should be put up for sale for import into Russia under Council Regulation (EEC) No 599/91 of 5 March 1991 introducing a credit guarantee for exports of agricultural products and foodstuffs from the Community, Bulgaria, Czechoslovakia, Hungary, Poland, Romania, Yugoslavia, Lithuania, Latvia and Estonia to the Soviet Union [3], as last amended by Regulation (EEC) No 3281/91 [4];

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 [5], as amended by Regulation (EEC) No 1809/87 [6], provides 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 repacking [7] provides for repackaging under certain conditions;

Whereas, in view of the urgency and the specific nature of the operation and of the need for controls, special detailed rules must be laid down in particular as regards the minimum quantity which may be purchased during the operation;

Whereas Commission Regulation (EEC) No 2150/91 of 19 July 1991 [8], amended by Regulation (EEC) No 3363/91 [9] concerning the conditions under which a credit guarantee agreement, introducing a credit guarantee for exports of agricultural products and foodstuffs to the Soviet Union, shall be concluded with a pool of commercial banks lays down certain provisions governing the recognition of delivery contracts; whereas provision should be made for sales contracts covering intervention meat to be authorized only after recognition as referred to above has been verified;

Whereas quarters from intervention stocks may in certain cases have been handled a number of times; whereas in order to help with the presentation and marketing of such meat, its repackaging should be authorized, subject to the observance of clear conditions;

Whereas a time limit must be laid down 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 [10], as last amended by Regulation (EEC) No 815/91 [11];

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

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 569/88 [12], as last amended by Regulation (EEC) No 812/92 [13]; whereas the Annex to that Regulation setting out the entries to be made should be expanded;

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

[1] OJ No L 148, 28. 6. 1968, p. 24.
[2] OJ No L 150, 15. 6. 1991, p. 16.
[3] OJ No L 67, 14. 3. 1991, p. 21.
[4] OJ No L 310, 12. 11. 1991, p. 1.
[5] OJ No L 238, 6. 9. 1984, p. 13.
[6] OJ No L 170, 30. 6. 1987, p. 23.
[7] OJ No L 268, 10. 10. 1985, p. 14.
[8] OJ No L 200, 23. 7. 1991, p. 12.
[9] OJ No L 318, 20. 11. 1991, p. 31.
[10] OJ No L 241, 13. 9. 1980, p. 5.
[11] OJ No L 83, 3. 4. 1991, p. 6.
[12] OJ No L 55, 1. 3. 1988, p. 1.
[13] OJ No L 86, 1. 4. 1992, p. 72.

HAS ADOPTED THIS REGULATION:

Article 1

1. A sale shall be organized of approximately:

— 15 000 tonnes of bone-in beef held by the German intervention agency,

— 15 000 tonnes of bone-in beef held by the French intervention agency,

— 10 000 tonnes of bone-in beef held by the Irish intervention agency,

— 60 000 tonnes of boned beef held by the Irish intervention agency.

2. This meat shall be offered for sale under the terms of Regulation (EEC) No 599/91 and must be imported into Russia.

3. Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulations (EEC) No 2539/84 and (EEC) No 2824/85.

The provisions of Commission Regulation (EEC) No 985/81 [1] shall not apply to this sale. However, the competent authorities may allow bone-in forequarters and hindquarters, the packaging material of which is torn or soiled, to be placed in new packaging of the same type under their supervision before presentation for consignment at the customs office of departure.

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. Tenders or purchase applications shall be valid only if:

— they relate to bone-in or boneless beef,

— they relate to a total minimum quantity of 10 000 tonnes,

— they relate to an equal weight of forequarters and hindquarters and quote a single price per tonne expressed in ecus for the whole quantity of bone-in beef specified in the tender,

— in respect of boneless beef, they relate to a lot comprising all the cuts referred to in Annex II in the percentages stated therein and quote a single price per tonne expressed in ecus of the lot made up in this fashion,

— they are accompanied by a copy of a sales contract for a quantity of beef equal to the quantity applied for, concluded by the applicant with the competent Russian authorities; the contract must contain a declaration in English by those authorities to the effect that the quantity mentioned will be delivered under the terms of Regulation (EEC) No 599/91,

— they quote a definitive price in national currency per tonne fob ports.

6. In order to meet the conditions laid down in paragraph 5, operators may submit part tenders relating to bone-in beef in several Member States. In that case, tenders or purchase applications shall quote the same price expressed in ecus.

Immediately after submitting tenders or purchase applications, operators shall send a copy thereof by telex or fax to the Commission of the European Communities, Division VI/D.2, 130 rue de la Loi, B-1049 Brussels (telex 220 37 B, AGREC; fax (02) 236 60 27).

7. Intervention agencies shall only conclude sales contracts after written authorization by the Commission, in particular in accordance with Articles 5 and 6 of Regulation (EEC) No 2150/91, has been received.

8. Tenders shall be considered only if they reach the intervention agencies concerned by 12 noon on 10 April 1992 at the latest.

No purchase applications shall be accepted after 30 April 1992.

9. Details of the quantities of the products and the places where they are stored must be made available to interested parties at the addresses given in Annex III.

Article 2

1. Notwithstanding Article 6 of Regulation (EEC) No 2539/84, the time limit for taking over meat laid down in that Article shall be extended to three months.

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

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 300 per 100 kilograms of bone-in beef,

— ECU 500 per 100 kilograms of boneless beef.

Article 4

1. No export refund shall be granted on meat sold under this Regulation.

Removal orders as referred to in Article 3 of Regulation (EEC) No 569/88, export declaration and, where appropriate, T5 control copies shall bear the following:

Carne de intervención — Sin restitución — [Reglamento (CEE) nº 847/92];

Interventionskød — Uden restitution — [Forordning (EØF) nr. 847/92];

Interventionsfleisch — Ohne Erstattung — [Verordnung (EWG) Nr. 847/92];

[1] OJ No L 99, 10. 4. 1981, p. 38.

Κρέας παρεμβάσεως — Χωρίς επιστροφή — [κανονισμός (ΕΟΚ) αριθ. 847/92];

Intervention meat — No refund — [Regulation (EEC) No 847/92];

Viande d'intervention — Sans restitution — [Règlement (CEE) n° 847/92];

Carni d'intervento — Senza restituzione — [Regolamento (CEE) n. 847/92];

Vlees uit interventievoorraden — zonder restitutie — [Verordening (EEG) nr. 847/92];

Carne de intervenção — Sem restituição — [Regulamento (CEE) nº 847/92].

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

Article 5

The following item 127 and footnote are hereby added to part 1 of the Annex to Regulation (EEC) No 569/88, 'Products to be exported in the same state as that in which they were when removed from intervention stock':

'127. Commission Regulation (EEC) No 847/92 of 2 April 1992 on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export to Russia under Council Regulation (EEC) No 599/91 [127].

[127] OJ No L 88, 3. 4. 1992, p. 49.'

Article 6

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, 2 April 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

[1] 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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio mínimo expresado en ecus por tonelada Mindstepriser i ECU/ton Mindestpreise, ausgedrückt in ECU/Tonne Ελάχιστες τιμές πωλήσεως εκφραζόμενες σε Ecu ανά τόνο Minimum prices expressed in ecus per tonne Prix minimaux exprimés en écus par tonne Prezzi minimi espressi in ecu per tonnellata Minimumprijzen uitgedrukt in ecu per ton Preço mínimo expresso em ecus por tonelada
Bundesrepublik Deutschland	— Vorderviertel, stammend von : Kategorien A/C, Klassen U, R und O	7 500	485
	— Hinterviertel, stammend von : Kategorien A/C, Klassen U, R und O	7 500	485
France	— Quartiers avant, provenant de : Catégorie A/C, classes U, R et O	7 500	485
	— Quartiers arrière, provenant de : Catégorie A/C, classes U, R et O	7 500	485
Ireland	— Hindquarters from : Category C, classes U, R and O	5 000	485
	— Forequarters from : Category C, classes U, R and O	5 000	485
Ireland	— Boned cuts from : Category C, classes U, R and O	60 000	700 (1)

(1) Precio mínimo por cada tonelada de producto de acuerdo con la distribución contemplada en el Anexo II.
(1) Minimumpris pr. ton produkt efter fordelingen i bilag II.
(1) Mindestpreis je Tonne des Erzeugnisses gemäß der in Anhang II angegebenen Zusammensetzung.
(1) Ελάχιστη τιμή ανά τόνο προϊόντος σύμφωνα με την κατανομή που αναφέρεται στο παράρτημα II.
(1) Minimum price per tonne of products made up according to the percentages referred to in Annex II.
(1) Prix minimum par tonne de produit selon la répartition visée à l'annexe II.
(1) Prezzo minimo per tonnellata di prodotto secondo la ripartizione indicata nell'allegato II.
(1) Minimumprijs per ton produkt volgens de in bijlage II aangegeven verdeling.
(1) Preço mínimo por tonelada de produto segundo a repartição indicada no anexo II.

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

Distribución del lote contemplado en el cuarto guión del apartado 5 del artículo 1
Fordeling af det i artikel 1, stk. 5, fjerde led, omhandlede parti
Zusammensetzung der in Artikel 1 Absatz 5 vierter Gedankenstrich genannten Partie
Κατανομή της παρτίδας που αναφέρεται στο άρθρο 1 παράγραφος 5 τετάρτη περίπτωση
Repartition of the lot meant in the fourth subparagraph of Article 1 (5)
Répartition du lot visé à l'article 1er paragraphe 5 quatrième tiret
Composizione della partita di cui all'articolo 1, paragrafo 5, quarto trattino
Verdeling van de in artikel 1, lid 5, vierde streepje, bedoelde partij
Repartição do lote referido no nº 5, quarto travessão, do artigo 1º

Cortes *Udskæringer* *Teilstücke* *Τεμάχια* *Cuts* *Découpes* *Tagli* *Deelstukken* *Cortes*	*Porcentaje en peso* *Vægtprocent* *Gewichtsanteile* *Ποσοστό του βάρους* *Weight percentage* *Pourcentage du poids* *Percentuale del peso* *% van het totaalgewicht* *Percentagem do peso*
Striploins	5,5 %
Insides	9,1 %
Outsides	8,6 %
Knuckles	5,4 %
Rumps	5,8 %
Briskets	7,9 %
Forequarters	30,2 %
Shins/shanks	6,6 %
Plates/Flanks	20,9 %
	100,0 %

ANEXO III — BILAG III — ANHANG III — ΠΑΡΑΡΤΗΜΑ III — ANNEX III — ANNEXE III — ALLEGATO III — BIJLAGE III — ANEXO III

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

BUNDESREPUBLIK DEUTSCHLAND :
Bundesanstalt für landwirtschaftliche Marktordnung (BALM)
Geschäftsbereich 3 (Fleisch und Fleischerzeugnisse)
Postfach 180 107 — Adickesallee 40
D-6000 Frankfurt am Main 18
Tel. (069) 1 56 4772/3 ; Telex : 04 11 156 ; Telefax (069) 1 56 4791 ;
Teletext 6990 732

FRANCE :
OFIVAL
Tour Montparnasse
33, avenue du Maine
F-75755 Paris Cedex 15
Tél. 4538 84 00 ; télex 20 54 76

IRELAND :
Department of Agriculture and Food
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11
Telex 93 292 and 93 607
Telefax (01) 61 62 63 and (01) 78 52 14

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 4 March 1992

relating to a procedure in application of Article 83 of the Euratom Treaty

(XVII-002 — UKAEA Dounreay)

(Only the English text is authentic)

(92/194/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 83 thereof,

Having given UKAEA Dounreay (United Kingdom) the opportunity to express its point of view on the objections raised by the Commission,

Whereas as follows:

I. THE FACTS

This Decision concerns non-compliance with essential safeguard requirements by the United Kingdom Atomic Energy Authority (UKAEA Dounreay) (UK) during the period from April to November 1991.

The Dounreay site is located about 10 miles west of Thurso in Scotland (UK). The site comprises both military and civil installations which are physically separated.

The civil part of the site comprises major installations performing a variety of fuel-cycle activities, such as operating a fast reactor, plutonium reprocessing, uranium fuel reprocessing, uranium fuel fabrication, waste treatment/disposal, a decommissioned prototype fast reactor and laboratories/other associated services.

Within the uranium fuel fabrication installation a rebuilt, upgraded and refurbished uranium scrap/residue recovery plant was put into operation in September 1990. This plant is designed to recover valuable uranium contained in all sorts of 'odd' materials such as residues, ashes, scraps etc. stemming from fabrication of uranium fuel.

Through a series of documents referred to hereinafter, on-site verifications and the hearing held in Brussels in the offices of the Commission on 10 February 1992, the following facts were established:

— In the course of 1991 the UKAEA Dounreay Management became increasingly concerned about the adequacy of the accounting system for nuclear materials and improvement was considered necessary. Following a physical inventory taking in March 1991, Euratom safeguards inspectors drew the attention of UKAEA Dounreay to shortcomings in the accountancy system and in particular to unrecorded transfers.

— In August 1991 the uranium scrap/residue recovery plant underwent some modifications following Euratom inspectors' findings. Despite this, unrecorded transfers continued and were notified to the operator by Euratom safeguards inspectors who also drew the operator's attention to deficiencies in the records system.

— In November 1991 the operator carried out one of the two physical inventory takings which are required under code 5 of the Commisison Decision of 4 February 1981 laying down particular safeguard provisions. On 30 November 1991 UKAEA Dounreay completed the physical inventory taking at the uranium fuel fabrication installation. Its results reveaaled an unacceptably high difference between the physical and the book stocks of uranium (Material Unaccounted For : 'MUF') which was attributed predominantly to the uranium scrap/residue recovery plant.

— On 4 December 1991 UKAEA Dounreay decided to withdraw the Authority To Operate (ATO) for the plant and to set up an Internal Inquiry Team to Investigage the circumstance leading to the unacceptably high MUF and to make appropriate recommendations.

— Immediate anomaly investigation procedures were carried out by Euratom safeguard inespectors in December 1991 and January 1992 and a reinventory after a complete wash out was considered necessary. These investigations up to the re-inventory established or reconfirmed :

  — an insufficient oeprating records system,

  — an overstatement of shipper's data (considered only likely for a small proportion of the material treated),

  — undeclared transfers between the uranium scrap/residue recovery plant and the waste plant,

  — uncertainties in the weights of slags, swabs and sweepings (these weights seemed to be underestimated),

  — unmeasured quantities of uranium in the solvent,

  — unmeasured inventories in tanks and in the dissolvers,

  — inconsistent measurements on slags from some campaigns,

  — a number of unrecorded transfers having taken place during the material balance period,

  — material omitted from the inventory in November 1991.

— On 22 January 1992 the UK Department of Energy transmitted to the Commission the report of the UKAEA Inquiry Team which concluded that the originally assessed MUF had to be reduced considerably.

— On 3 February 1992 the re-inventory was completed and also showed a considerable reduction of the originally assessed MUF.

— After the hearing of 10 February 1992 the Euratom Safeguards Inspectorate confirmed its previous findings set out above and concluded that altough the remaining MUF's were not significantly different from the zero-hypothesis, the associated uncertainties and the original high MUF indicate significant deficiencies in the operator's materials accounting system for transfers, inventory procedures and system of measurement.

The facts related to the failures of the accounting system and its implementation are not disputed by the operator.

II. LEGAL ASSESSMENT

A. *The legal provisions*

By virtue of its activities, UKAEA Dounreay is an undertaking falling within the terms of Article 196 (b) of the Euratom Treaty. It is therefore subject to the provisions of Chapter VII, Title Two, of the Treaty, to Commission Regulation (Euratom) No 3227/76 of 19 October 1976 concerning the application of the provisions on Euratom safeguards [1], as amended by Regulation (Euratom) No 220/90 [2], and to the Commission Decision of 4 February 1981 laying down the particular safeguard provisions for this undertaking.

In accordance with Article 77 of the Treaty, the Commission must satisfy itself that, in the territories of the Member States :

(a) ores, source materials and special fissile materials are not diverted from their intended uses as declared by the users ;

(b) the provisions relating to supply and any particular safeguarding obligations assumed by the Community under an agreement concluded with a third State or an international organization are complied with.

To this end the Commission requires, in accordance with Article 79 of the Treaty, that operating records be kept and produced in order to permit accounting for ores, source materials and special fissile materials used or produced. The same requirement applies in the case of the transport of source materials and special fissile materials.

Pursuant to Article 3 of Regulation (Euratom) No 3227/76 the particular safeguard provisions shall specify those important changes in the basic technical characteristics for which advance notification is required. Any other changes in the basic technical characteristics shall be communicated to the Commission, together with the first inventory change report made after the modification is complete.

[1] OJ No L 363, 31. 12. 1976, p. 1.
[2] OJ No L 22, 27. 1. 1990, p. 56.

As regards nuclear material accontancy and control the specific requirements concerning control of measurement accuracy and statistical evaluation are set out in detail in items 24 and 25 of Annex I C to Regulation (Euratom) No 3227/76.

Pursuant to Article 9 of Regulation (Euratom) No 3227/76 the undertakings shall maintain a system of accounting for and control of nuclear materials. This system shall include accounting and operating records and, in particular, information on the quantities, nature, form and composition of these materials, their actual location and the particular safeguarding obligation. The system of measurements on which the records are based shall comply with the most recent international standards or shall be equivalent in quality to those standards. On the basis of these records it must be possible to establish and justify the communications addressed to the Commission.

Specific records requirements are set out in code 3 of the Commission Decision of 4 February 1981 laying down particular safeguard provisions.

Pursuant to Article 10 of Regulation (Euratom) No 3227/76 the acconting records shall show in respect of each material balance area :

— all inventory changes, so as to permit a determination of the book inventory at any time,

— all measurement and counting results that are used for determination of the physical inventory,

— all corrections that have been made in respect of inventory changes, book inventories and physical inventories.

Thus for all inventory changes and physical inventories the accounting records shall show, in respect of each batch of nuclear material, material identification, batch data and source data. Moreover for each inventory change, the date of the inventory change and, when appropriate, the dispatching material balance area and the receiving material balance area or the recipient, shall be indicated.

Article 11 of Regulation (Euratom) No 3227/76 provides that the operating records shall include, if appropriate, for each material balance area :

— those operating data which are used to establish changes in the quantities and composition of the nuclear material,

— the data obtained from the calibration of tanks and instruments and from sampling and analysis, the procedures to control the quality of measurements and the derived estimates of random and systematic error,

— a description of the sequence of actions taken in preparing for, and in taking, a physical inventory in order to ensure that it is correct and complete,

— a description of the actions taken in order to ascertain the cause and magnitude of any accidental or unmeasured loss that might have occurred.

In accordance with Article 14 of Regulation (Euratom) No 3227/76 the undertakings shall transmit to the Commisison, for each material balance area, inventory change reports in respect of all nuclear materials. The reports shall identify the materials and give batch data for each batch thereof, the date of the inventory change and, when appropriate, the dispatching material balance area and the receiving material balance area or the recipient.

Pursuant to Article 16 of Regulation (Euratom) No 3227/76 the undertakings shall transmit to the Commission, for each material balance area, material balance reports showing :

— beginning physical inventory,

— inventory changes (first increases, then decreases),

— ending book inventory,

— ending physical inventory,

— material unaccounted for.

A physical inventory listing with all batches separately giving, *inter alia,* identification of the materials and giving batch data for each batch thereof and the use which the persons or undertakings concerned intend to make of the materials, shall be attached to each material balance report.

B. *The infringements established*

Following an examination of the facts by the Euratom Safeguards Directorate, the following infringements have been established :

1. Breach of the provisions on the obligation to communicate in advance changes in the basic technical characteristics laid down in Article 3 of Regulation (Euratom) No 3227/76 in conjunction with items 24 and 25 of Annex I C thereof ;

2. Breach of the provisions on accounting for and control of nuclear materials laid down in Article 9 of that Regulation, in conjunction with code 3 of the Commission Decision of 4 February 1981, particularly as regards :

   — data on changes in quantities, nature, form and composition of these materials and their actual location,

   — non-compliance of the system of measurements with the most recent international standards or their equivalent ;

3. Breach of the provisions on recording inventory changes and physical inventories laid down in Article 10 of that Regulation;

4. Breach the provisions on operating records for transfer of nuclear material laid down in Article 11 of that Regulation;

5. As a consequence of 2 to 4, breaches of the provisions on the reporting of inventory changes and physical inventory data laid down in Articles 14 and 16 of that Regulation.

C. *The sanction to be applied*

Under the terms of Article 83 (1) of the Treaty, in the event of an infringement on the part of persons or undertakings of the obligations imposed on them, the Commission may impose sanctions on such persons or undertakings.

These sanctions are in order of severity;

(a) a warning;

(b) the withdrawal of special benefits such as financial or technical assistance;

(c) the placing of the undertaking for a period not exceeding four months under the administration of a person or board appointed by common accord of the Commission and the State having jurisdiction over the undertaking;

(d) total or partial withdrawal of source materials or special fissile materials.

Given that the determining criterion for application of this Article is the severity of the infringement committed, it is first necessary to carry out both an objective and a subjective analysis of the nature of the offences.

From an objective point of view, the provisions breached are essential elements of Community legislation in the field of safeguards, and observance of them is essential if the aims set out in Articles 77 and 79 of the Treaty are to be attained.

In assessing the severity of the infringements, however, objective specificities in the operation of the uranium scrap/residue recovery plant must be taken into account. These specificities are in particular due to the nature and complexity of the chemical processes involved. In addition, the exact chemical composition of input materials may sometimes not be fully known due to their inhomogeneity and their mixed origins.

Because the uranium scrap/residue recovery plant in question does not treat irridiated nuclear materials, it does not come under Article 78 (2) of the Treaty which requires the Commission to approve the techniques to be used for the chemical processing of irradiated materials.

Despite apparent shortcomings of the measurement systems and the accounting system applied, the investigations carried out finally resulted in converging low MUF figures, indicating that a diversion of nuclear materials to purposes other then those for which they were intended cannot be stated.

From a subjective point of view, if appears that there was no intention behind the actions and that these should not be seen as a form of diversion.

Moreover, it is to be noted that the operator, experiencing doubts about the adequacy of his accounting system, partly due to the Euratom safeguards inspectors' comments, decided to postpone a physical inventory taking to November 1991 in order to wash out the plant.

In carrying out this physical inventory taking, the operator himself detected the deficiencies of the accounting system through his investigations into the causes of the MUF. Upon detecting the MUF, the operator decided to take the following immediate actions:

— informing Euratom safeguards inspectors on site,

— withdrawal of the authority to operate the uranium scrap/residue recovery plant,

— notification of the incident to the UK Department of Energy and to the Commission,

— setting up of an inquiry team.

In appreciating both the objective and the subjective factors set out above the Commission feels that the infringements committed by UKAEA Dounreay are such that a sanction is warranted.

Given the nature of the failures established, the Commission regards it essential that all necessary action be taken to rectify the situation and to ensure that failures cannot recur in the future, all the more so since UKAEA Dounreay intends to continue to operate the uranium scrap/residue recovery plant.

In order to guarantee that the shortcomings of the measurement systems and the failures of the accounting system fo not recur, appropriate measures to improve them must be drawn up and implemented.

In view of the nature of the failures recognized and in order to guarantee that the failures do not recur, and taking into account that the operation of the uranium scrap/residue recovery plant has been suspended since immediately after the physical inventory taking in November 1991 and there is therefore no immediate danger of a recurence of the failures as long as the plant is not operating, the appropriate sanction to impose is that laid down in Article 83 (1) (a) of the Treaty.

It is necessary however, formally to require the operator to rectify the failures so that they do not recur when the plant resumes normal operation and to warn him about the possible consequences of a continued breach of the relevant provisions under Community law.

In order to enable the Commission to satisfy itself that the legal requirements will be fully met in the future, the operator should report on the intended rectifications and the actual performance of the rectified accounting system. In assessing the structural system modifications and their implementation, the Commission will also take into account whether the operator has made the necessary improvements in the following areas not covered in the recommendations of the UKAEA Inquiry Team Report :

— technical methods and measurement procedures for waste streams,

— procedures for materials control, materials accounting (source documentation, operating records, accounting records, reports), and physical inventory taking, including implications of human factors and consideration of decommissionned plant areas containing nuclear material,

— declaration of basic technical characteristics to take account of modifications of measurement methods, accuracy values and changed procedures,

— the possible positive impact on the materials accounting system of the operational separation of processing of well characterized residues from inhomogeneous material,

HAS ADOPTED THIS DECISION :

Article 1

UKAEA Dounreay has infringed Article 79 of the Treaty as defined in Articles 3, 9, 10, 11, 14 and 16 of Commission Regulation (Euratom) No 3227/76 of 19 October 1976 and in code 3 of the Commission Decision of 4 February 1981 laying down particular safeguard provisions, through :

(a) its failure to communicate in advance changes in the basic technical characteristics of its uranium scrap/residue recovery plant ;

(b) its failure to maintain a system of accounting for, and control of, nuclear materials which includes accounting and operating records and, in particular, information on the quantities, nature, form and composition of these materials and their actual location ;

(c) its failure to apply a system of measurements on which the records are based which complies with the most recent international standards ;

(d) its failure to meet the requirements on recording inventory changes and physical inventory data ;

(e) its failure to meet the requirements on operating records for transfer of nuclear material ;

(f) as a consequence of the failures listed under (b) to (e), its failure to report inventory changes and physical inventory data.

Article 2

1. The Commission issues a warning to UKAEA Dounreay.

2. The warning is imposed with the understanding that the failures listed in Article 1 be rectified so that they do not recur when the uranium scrap-residue recovery plant resumes operations for purposes other than testing or calibration.

3. Based on the reports referred to in Article 3 and its own verifications the Commission will assess UKAEA Dounreay's compliance with the requirement set out in paragraph 2.

4. If UKAEA Dounreay does not provide the Commission with the report referred to in Article 3 (2) or if any of the failures listed in Article 1 is not rectified when the uranium scrap/residue recovery plant has resumed its normal operation, the Commission will consider imposing a further sanction.

Article 3

1. UKAEA Dounreay shall provide the Commission with a report describing the measures intended to rectify the failures listed in Article 1 at least two weeks before the uranium scrap/residue recovery plant resumes its normal operation.

2. Within one month after the uranium scrap/residue recovery plant has resumed its normal operation UKAEA Dounreay shall provide the Commission with a report on the performance of the rectified accounting system.

Article 4

1. This Decision is addressed to the United Kingdom Atomic Energy Authority, Corporate Headquarters, 11 Charles II Street, London SW1Y 4QP.

2. This Decision shall be communicated to the United Kingdom.

Done at Brussels, 4 March 1992.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

COMMISSION DECISION

of 17 March 1992

on the organization of a temporary experiment under Council Directive 66/401/EEC on the marketing of fodder plant seed with regard to increasing the maximum weight of a lot

(92/195/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (1), as last amended by Directive 90/654/EEC (2), and in particular Article 13a thereof,

Whereas Directive 66/401/EEC provides for the maximum weight of a lot in the context of seed testing;

Whereas the development of seed marketing practices and in particular methods of transporting seed including by way of bulk shipment require that the maximum prescribed lot weight should be increased;

Whereas current international practice permits procedures whereby the maximum weight of a lot may be increased for certain species;

Whereas it is therefore useful to organize a temporary experiment under specified conditions with the aim of seeking improved alternatives to the present provisions in respect of the maximum weight of a lot;

Whereas it is desirable in respect of certain species to cover also seed harvested in third countries;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

A temporary experiment is hereby organized, under the conditions specified in Article 2, at Community level in order to assess whether the maximum weight of a lot laid down in Annex III to Directive 66/401/EEC may be increased in respect of seed of the category 'certified seed' of the species of Graminae and Leguminosae listed in Article 2 of the said Directive.

Article 2

1. In respect of Graminae and Leguminosae other then *Lupinus sp., Pisum sativum* and *Vicia sp.*, the conditions referred to in Article 1 shall be as follows:

(a) those laid down in the 'Provisional rules for the issue of International Seed Testing Association ("ISTA") Seed Lot Certificates on herbage and amenity seed lots exceeding the maximum lot size prescribed in Table 2A being transported loose in bulk containers' as adopted by the 22nd Congress of ISTA in July 1989;

(b) each lot before bulking shall have been officially found to comply with the standards and conditions laid down in Annex II to the said Directive;

(c) the official label prescribed under the said Directive or, in respect of third countries, the OECD label, shall bear the number of this Decision after the words 'EEC rules and standards';

(d) where a Member State participates in the experiment samples supplied by that Member State for Community comparative trials shall derive from seed lots officially certified following this experiment; and

(e) the certification authority shall monitor the experiment.

2. In respect of *Lupinus sp., Pisum sativum* and *Vicia sp.* the conditions referred to in Article 1 shall be as follows:

(a) the maximum weight of a lot laid down in Annex III of the said Directive shall be increased from 20 to 25 tonnes;

(b) the heterogeneity of the seed lot shall be assessed at random;

(c) any possible seed damage due to bulking shall be assessed at random;

(d) the official label prescribed under the said Directive shall bear the number of this Decision after the words 'EEC rules and standards';

(e) where a Member State participates in the experiment samples supplied by that Member State for Community comparative trials shall derive from seed lots officially certified following this experiment; and

(f) the certification authority shall monitor the experiment.

(1) OJ No 125, 11. 7. 1966, p. 2298/66.
(2) OJ No L 353, 17. 12. 1990, p. 48.

Article 3

1. Any Member State may participate in the experiment.

2. Member States shall inform the Commission whether they have decided to participate in the experiment.

3. The experiment shall end on 31 December 1995. Member States may decide to cease participation in the experiment at an earlier date.

4. Member States shall report to the Commission and to the other Member States before the end of each year progress reports on the results of the experiment.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 17 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION

of 19 March 1992

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

(92/196/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas the applications for import licences submitted between 1 and 10 March 1992, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

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

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat based products from third countries (5), as last amended by Directive 91/688/EEC (6),

HAS ADOPTED THIS DECISION:

Article 1

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

Belgium:

— 9,28 tonnes originating in Madagascar;

Germany:

— 920,00 tonnes originating in Botswana,

— 146,00 tonnes in Zimbabwe,

— 310,00 tonnes originating in Namibia.

Italy:

— 13,80 tonnes originating in Namibia.

Portugal:

— 2,68 tonnes originating in Madagascar.

United Kingdom:

— 1 220,00 tonnes originating in Botswana,

— 9,41 tonnes originating in Swaziland,

— 410,00 tonnes originating in Namibia,

— 726,00 tonnes originating in Zimbabwe.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of April 1992 in respect of the following quantities of boned beef and veal:

— Botswana:	15 956,00	tonnes,
— Kenya:	142,00	tonnes,
— Madagascar:	7 379,56	tonnes,
— Swaziland:	3 300,49	tonnes,
— Zimbabwe:	8 228,00	tonnes,
— Namibia:	9 398,20	tonnes.

(1) OJ No L 84, 30. 3. 1990, p. 85.
(2) OJ No L 52, 27. 2. 1992, p. 7.
(3) OJ No L 241, 13. 9. 1980, p. 5.
(4) OJ No L 83, 3. 4. 1991, p. 6.
(5) OJ No L 302, 31. 12. 1972, p. 28.
(6) OJ No L 377, 31. 12. 1991, p. 18.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 March 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION DECISION

of 24 March 1992

derogating from the definition of the concept of originating products to take account of the special situation of the Netherlands' Antilles with regard to ladies' knitted pullovers falling within CN code 6110 20

(92/197/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community [1], and in particular Article 30 (8) of Annex II thereto,

Whereas Article 30 of Annex II to the said Decision, concerning the definition of the concept of originating products and methods of administrative cooperation provides that derogations from the rules of origin may be adopted where the development of existing industries or the creation of new industries in a country or territory justifies them;

Whereas the Government of the Netherlands' Antilles has requested a derogation from the rules of origin for ladies' knitted pullovers manufactured there, which for a temporary period could not satisfy the rules of origin applicable to clothing laid down in Annex II to Decision 91/482/EEC;

Whereas Article 30 of Annex II to Decision 91/482/EEC sets out the conditions which must be fulfilled in order for a derogation to be granted; whereas granting a derogation would not cause any serious injury to an economic sector of the Community, or of one or more Member States; whereas a temporary derogation could make a substantial contribution to establishing a textiles industry in the Netherlands' Antilles; whereas such a derogation is indispensable for the realization of an important investment programme and will also enable the company concerned to invest in new production facilities in order to comply in future with the normal rules of origin; whereas the relevant conditions of Article 30 are therefore respected in the present case;

Whereas according to Article 30 (8) of Annex II to Decision 91/482/EEC the procedure laid down in Council Decision 90/523/EEC of 8 October 1990 on the procedure concerning derogations from the rules of origin set out in Protocol No 1 to the Fourth ACP-EEC Convention [2], is to apply *mutatis mutandis* to the overseas countries and territories; whereas therefore a draft of the measures to be taken was submitted to the Committee on Origin and whereas that Committee failed to deliver an opinion on the draft within the period laid down by its chairman,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from the provisions of Annex II to Decision 91/482/EEC, ladies knitted pullovers falling within CN code 6110 20 shall be considered as originating in the Netherlands' Antilles when they are made-up there from non-originating pieces of knitted fabric, subject to the conditions set out in this Decision.

Article 2

The derogation provided for in Article 1 shall relate to a quantity of 120 000 pullovers exported from the Netherlands' Antilles during the period from 1 March 1992 to 28 February 1993. It shall relate to a quantity of 216 000 pullovers for the period from 1 March 1993 to 28 February 1994 and to a quantity of 360 000 pullovers for the period from 1 March 1994 to 28 February 1995, after which date it may be renewed for two consecutive years in accordance with Article 30 (9) (b) of Annex II to Decision 91/482/EEC.

Article 3

The competent authorities of the Netherlands' Antilles shall take the necessary steps to carry out quantitative checks on the exports referred to in Article 2 and shall forward to the Commission every three months a statement of the quantities in respect of which movement certificates EUR.1 have been issued.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 24 March 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

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[1] OJ No L 263, 19. 9. 1991, p. 1.
[2] OJ No L 290, 23. 10. 1990, p. 33.

COMMISSION DECISION

of 24 March 1992

authorizing the United Kingdom to permit temporarily the marketing of black medick seed not satisfying the requirements of Council Directive 66/401/EEC

(92/198/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (1), as last amended by Directive 90/654/EEC (2), and in particular Article 17 thereof,

Having regard to Commission Directive 86/109/EEC of 27 February 1986, limiting the marketing of seed of certain species of fodder plants and oil and fibre plants to seed which has been officially certified as 'basic seed' or 'certified seed' (3), as last amended by Directive 91/376/EEC (4), and in particular Article 2a thereof,

Having regard to the request submitted by the United Kingdom,

Whereas in the United Kingdom the production of seed of black medick satisfying the requirements of Directive 66/401/EEC has been insufficient in 1991 and therefore is not adequate to meet that country's needs;

Whereas it is not possible to cover this demand satisfactorily with such seed from other Member States or from third countries satisfying all the requirements laid down in Directive 66/401/EEC;

Whereas the United Kingdom should therefore be authorized to permit for a period expiring on 31 August 1992 the marketing of seed of the abovementioned species which does not satisfy the requirements laid down in the said Directive;

Whereas, moreover, other Member States, which are able to supply the United Kingdom with such seed not satisfying the requirements of the said Directive should be authorized to permit the marketing of such seed provided it is intended for the United Kingdom;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The United Kingdom is authorized to permit, for a period expiring on 31 August 1992, the marketing in its territory of a maximum of two tonnes of commercial seed of black medick *(Medicago lupulina L.)*. The official label shall state: 'Intended exclusively for the United Kingdom'.

Article 2

The other Member States are hereby authorized to permit, subject to the conditions laid down in Article 1, the marketing in their territory of a total amount of two tonnes of commercial seed of black medick *(Medicago lupulina L.)* provided that it is intended exclusively for the United Kingdom. The official label shall state: 'Intended exclusively for the United Kingdom'.

Article 3

Member States shall notify the Commission before 31 October 1992 of the quantities of seed marketing in their territory pursuant to this Decision. The Commission shall inform the other Member States thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 24 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No 125, 11. 7. 1966, p. 2298/66.
(2) OJ No L 353, 17. 12. 1990, p. 48.
(3) OJ No L 93, 8. 4. 1986, p. 21.
(4) OJ No L 203, 26. 7. 1991, p. 108.

COMMISSION DECISION

of 24 March 1992

amending Decision 91/409/EEC authorizing Member States to permit temporarily the marketing of forest reproductive material not satisfying the requirements of Council Directive 66/404/EEC

(92/199/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/404/EEC of 14 June 1966 on the marketing of forest reproductive material [1], as last amended by Directive 90/654/EEC [2], and in particular Article 15 thereof,

Whereas Commission Decision 91/409/EEC [3], as amended by Decision 91/621/EEC [4], authorizes Member States to permit the marketing of criteria forest reproductive materials not satisfying the requirements of Council Directive 66/404/EEC in their territory for a period expiring, as far as first marketing is concerned, on 30 November 1992 and, in the other cases, on 31 December 1994;

Whereas, as a consequence of poor seed yields of the species *Quercus sessiliflora Sal.* in the Community during 1991, the United Kingdom has requested authorization to permit in the same periods the marketing in its territory of seedlings of the said species produced in the territory of Norway from seed satifying less stringent requirements in respect of provenance;

Whereas, for genetic reasons, the reproductive material must be collected at places of origin within the natural range of the relevant species and the strictest possible guarantees should be given to ensure the identity of the material;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The letter 'N' (denoting Norway) is hereby added to the list of States of provenance in the section relating to *Quercus sessiliflora Sal.* in respect of the United Kingdom in the Annex to Decision 91/409/EEC.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 24 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

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[1] OJ No 125, 11. 7. 1966, p. 2326/66.
[2] OJ No L 353, 17. 12. 1990, p. 48.
[3] OJ No L 228, 17. 8. 1991, p. 61.
[4] OJ No L 335, 6. 12. 1991, p. 21.

COMMISSION DECISION

of 24 March 1992

to take no action on the tenders received in response to the invitation to tender for the private storage aid of carcases and half-carcases of lamb issued under Regulations (EEC) No 590/92 and (EEC) No 617/92

(92/200/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat [1], as amended by Regulation (EEC) No 1741/91 [2], and in particular Article 7 (5) thereof,

Having regard to Commission Regulation (EEC) No 3446/90 of 27 November 1990 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat [3], as amended by Regulation (EEC) No 1258/91 [4], and in particular Article 12 (1) (f) thereof,

Whereas Commission Regulation (EEC) No 3447/90 of 28 November 1990 on special conditions for the granting of private storage aid for sheepmeat and goatmeat [5], as last amended by Regulation (EEC) No 1258/91, completes the provisions of Regulation (EEC) No 3446/90 and provides in particular for detailed rules on the tendering procedure;

Whereas Commission Regulations (EEC) No 590/92 [6] and (EEC) No 617/92 [7] invite tenders for the fixing of aid for the private storage of carcases and half-carcases of lamb;

Whereas according to Article 12 (1) (f) of Regulation (EEC) No 3446/90 on the basis of the tenders received it is necessary to fix a maximum amount for private storage aid or make no award;

Whereas the level of the offers received leads to no award of aid;

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

HAS ADOPTED THIS DECISION:

Article 1

For the invitation to tender opened by Regulations (EEC) No 590/92 and (EEC) No 617/92, no award of aid is made.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 24 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

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[1] OJ No L 289, 7. 10. 1989, p. 1.
[2] OJ No L 163, 26. 6. 1991, p. 41.
[3] OJ No L 333, 30. 11. 1990, p. 39.
[4] OJ No L 120, 15. 5. 1991, p. 15.
[5] OJ No L 333, 30. 11. 1990, p. 46.
[6] OJ No L 62, 7. 3. 1992, p. 52.
[7] OJ No L 67, 12. 3. 1992, p. 28.

COMMISSION DECISION

of 26 March 1992

authorizing the French Republic to permit temporarily the marketing of maize seed not satisfying the requirements of Council Directive 66/402/EEC

(92/201/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (1), as last amended by Directive 90/654/EEC (2), and in particular Article 17 thereof,

Having regard to the request submitted by the French Republic,

Whereas in France the production of maize seed of certain varieties satisfying the requirements of Directive 66/402/EEC has been insufficient in 1991 and therefore is not adequate to meet that country's needs;

Whereas it is not possible to cover this demand satisfactorily with seed from other Member States, or from third countries, satisfying all the requirements laid down in the said Directive;

Whereas France should therefore be authorized to permit for a period expiring on 31 May 1992, the marketing of seed of the abovementioned species of varieties not included in the common catalogue of varieties of agricultural plant species, nor in that Member State's national catalogue of varieties, nor in other Member States' national catalogues of varieties;

Whereas, moreover, other Member States,which are able to supply France with such seed not satisfying the requirements of the said Directive should be authorized to permit the marketing of such seed provided it is intended for France;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The French Republic is authorized to permit, for a period expiring on 31 May 1992, the marketing in its territory of a maximum of 210 tonnes of maize seed *(Zea Mays L.)* of varieties 'Waxy' having an FAO index not superior to 550 which are not included in the common catalogue of varieties of agricultural plant species, nor in that Member State's national catalogue of varieties nor in other Member States' national catalogues of varieties.

The official label shall state: 'Intended exclusively for France'.

Article 2

The other Member States are hereby authorized to permit, subject to the conditions laid down in Article 1, the marketing in their territory of a maximum of 210 tonnes of maize seed of the said varieties provided that it is intended exclusively for France. The official label shall state: 'Intended exclusively for France'.

Article 3

Member States shall notify the Commission before 31 July 1992 of the quantities of seed marketed in their territory pursuant to this Decision. The Commission shall inform the other Member States thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 26 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No 125, 11. 7. 1966, p. 2309/66.
(2) OJ No L 353, 17. 12. 1990, p. 48.