ISSN 0378-6978

Official Journal of the European Communities

L 35

Volume 35

12 February 1992

English edition

Legislation

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COUNCIL REGULATION (EEC) No 319/92

of 3 February 1992

on the implementation for a trial period of the European Communities Investment Partners financial instrument for countries of Latin America, Asia and the Mediterranean region

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

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

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

Whereas the Community is implementing financial, technical and economic cooperation with the developing countries of Latin America, Asia and the Mediterranean region;

Whereas in order to strengthen such cooperation, it is necessary, *inter alia,* to encourage mutually beneficial investment, particularly by small and medium-sized undertakings (SMUs);

Whereas the Council has reached a consensus on the importance of the role of the private sector in the development process;

Whereas joint ventures and investment by Community undertakings in developing countries can bring certain benefits for these countries, including the transfer of capital, know-how, employment, the transfer of training and expertise, increased export possibilities and the meeting of local needs;

Whereas a three-year pilot scheme was launched in 1988 to promote, via an European Communities Investment Partners financial instrument (ECIP), the creation of joint ventures between the Community and countries of Latin America, Asia and the Mediterranean region;

Whereas on 18 December 1990 the Council adopted guidelines on new forms of cooperation to benefit Asia and Latin America on the one hand and the Mediterranean region on the other;

Whereas although the results obtained to date have revealed this instrument to have some potential to attain these objectives, it is still necessary to determine the precise role it could play within the range of cooperation facilities with Latin America, Asia and the Mediterranean region;

Whereas the continuation and extension of the instrument for a further three-year trial period from 1 January 1992 is therefore necessary to confirm the utility of this instrument and perfect the way in which it is implemented, in order that full use may be made of the possibilities of mutually beneficial action in the countries of Latin America, Asia and the Mediterranean region;

Whereas the broadest possible participation by undertakings in all Member States should be encouraged;

Whereas all the Member States should be encouraged to participate in the promotion of their investments in the countries of Latin America, Asia and the Mediterranean region through financial institutions specializing in development;

Whereas the objectives and operating criteria of the instrument need to be defined;

Whereas the Treaty does not provide, for the adoption of this Regulation, powers other than those of Article 235,

HAS ADOPTED THIS REGULATION:

Article 1

1. For a three-year trial period starting on 1 January 1992, and as part of its economic cooperation with the countries of Latin America, Asia and the Mediterranean region, the Community shall operate special cooperation schemes aimed at promoting mutually beneficial investment by Community operators, particularly in the form of joint ventures with local operators in the countries eligible.

(1) OJ No C 81, 26. 3. 1991, p. 6.
(2) OJ No C 183, 15. 7. 1991, p. 464.

2. Account being taken of their respective possibilities and needs, SMUs will receive priority in application of the scheme, while large multinational undertakings will be ineligible.

Article 2

The EC Investment Partners financial instrument (ECIP), hereinafter referred to as the 'instrument', shall offer four kinds of financing facility covering:

1. grants for the identification of projects and partners, not exceeding 50 % of the cost of the operation up to a ceiling of ECU 100 000 (Facility No 1);

2. interest-free advances for feasibility studies and other action by operators intending to set up joint ventures or to invest, not exceeding 50 % of the cost up to a ceiling of ECU 250 000 (Facility No 2);

3. capital requirements of a joint venture or a local company with licensing agreements, in order to meet investment risks peculiar to developing countries, through participation in the provision of equity, or by equity loans not exceeding 20 % of the joint venture's capital up to a ceiling of ECU 1 million (Facility No 3);

4. interest-free advances, not exceeding 50 % of the cost up to a ceiling of ECU 250 000, for training, technical assistance or management expertise of an existing joint venture, or joint venture about to be set up, or a local company with licensing agreements (Facility No 4).

The aggregate amount made available under Facilities Nos 2, 3 and 4 may not exceed ECU 1 million per project.

Article 3

1. The financial institutions shall be selected by the Commission, further to the opinion of the Committee defined in Article 8, from among development banks, commercial banks, merchant banks and investment promotion bodies.

2. Financial institutions which have submitted proposals in accordance with the criteria defined in Article 6 will receive fees in accordance with arrangements to be determined by the Commission.

Article 4

1. With regard to Facility No 1 set out in Article 2, financing applications may be submitted either directly to the Commission by the institution, association or body carrying out the identification of partners and projects, or through a financial institution.

2. In the case of Facilities Nos 2, 3 and 4 set out in Article 2, applications may be submitted by the undertakings concerned solely through the financial institutions defined in Article 3. Community funds for the participating undertakings shall be applied for and provided exclusively through the financial institution.

3. With regard to Facility No 2 set out in Article 2, the financial institutions and undertakings shall be required to share the project risk; where this is successful, however, the Community contribution may be more than 50 % of the cost.

4. In the case of Facility No 3 set out in Article 2, the financial institutions shall provide financing at least equal to that provided by the Community. This facility shall be reserved, where the Community is concerned, for SMUs; exceptions will be possible in cases for which specific justification is provided having particular significance for development policy, for instance technology transfer.

5. In the case of Facility No 4 set out in Article 2, the financial institutions shall make a financial contribution to the project of an amount at least equal to that made by the Community.

6. Framework agreements signed by the Commission with the financial institutions shall explicitly stipulate that the Court of Auditors has the power, in accordance with Article 206a of the Treaty, to audit the operations of these institutions with respect to financial projects funded by the general budget of the European Communities.

Article 5

1. Contributions awarded under the instrument shall, depending upon the circumstances and pursuant to Article 2, be either grants or interest-free advances, or participations in the provision of equity or equity loans.

Participations in the capital shall in principle be acquired by the financial intermediaries on their own behalf. However, in exceptional cases, particularly where in view of the legal situation in a Community Member State, or in other cases to be specified, a participation in the capital on behalf of a financial intermediary is impossible, the Commission may instruct a financial establishment to hold a participation on the Community's behalf.

The commercial, industrial, investment and financial decisions of the joint undertakings set up under the instrument shall be taken exclusively by those undertakings.

2. For Facility No 2 set out in Article 2, interest-free advances shall be reimbursed according to the arrangements to be determined by the Commission, on the understanding that the final repayment periods are to be as short as possible and shall in no instance exceed five years. Such advances shall not be refundable where the studies have produced negative results.

3. For Facility No 3 set out in Article 2, participations by virtue of this instrument shall be disposed of at the earliest opportunity once the project becomes viable, having regard to the Community's rules of sound financial management.

4. Loan repayment, the realization of participations and interest and dividend payments will generate renewable funds which will be held on deposit by the financial intermediaries on behalf of the Community and will be managed in accordance with the requirements of the instrument and pursuant to the principles of sound management, security and yield appropriate to the investment. These funds will be allocated for the operations of the instrument or will bear interest at market rates and will be used in such a way as to curtail use of funds from the general budget of the European Communities for operations under the instrument. All assets held by the financial intermediaries are to be paid back to the Community if the intermediary ceases to be associated with the instrument or if the instrument ceases to operate.

Article 6

1. Projects shall be selected by the financial institution or, in the case of Facility No 1 set out in Article 2, by the Commission and the financial institution in the light of the appropriations adopted by the budget authority and on the basis of the following criteria:

(a) the anticipated soundness of the invstment and the quality of the promoters;

(b) the contribution to development in particular in terms of:

— impact on the local economy;
— creation of added value;
— creation of local jobs;
— promotion of local entrepreneurs;
— transfer of technology and know-how and development of the techniques used;
— acquisition of training and expertise by managers and local staff;
— implications for women;
— creation of local jobs in circumstances which do not involve exploiting employees;
— impact on the balance of trade and balance of payments;
— impact on the environment;
— manufacture and supply to the local market of products hitherto difficult to obtain or substandard;
— use of local raw materials and resources.

2. The financial financing decision shall be taken by the Commission, which shall verify compliance with the criteria set out in paragraph 1 and compatibility with the various aspects of Community policies and the mutual benefit to the Community and the developing country concerned.

Article 7

Countries eligible shall be the developing countries of Latin America, Asia and the Mediterranean region which have previously benefited from Community development cooperation measures or which have concluded regional or bilateral cooperation or association agreements with the Community.

Article 8

1. The Commission shall implement the instrument in accordance with this Regulation.

2. In carrying out this task, the Commission shall be assisted, as appropriate, by the Committee set up under Article 11 of Regulation (EEC) No 442/81 [1] or by the Committee set up under Article 6 (1) of Regulation (EEC) No 3973/86 [2].

3. (a) The following shall be adopted under the procedure laid down in paragraph 4:

— the choice of financial intermediaries in the light of their experience and aptitude for making a preliminary selection of the projects in accordance with the criteria set out in Article 6;
— guidelines on direct participation.

(b) Furthermore, the Committee may examine, at the Commission's initiative or at the request of one of its members, any question connected with the implementation of this Regulation, in particular:

— information on the projects funded over the previous year;
— the terms of reference of the independent appraisal provided for in Article 9;
— any other information which the Commission wants to submit to it.

4. With regard to the matters mentioned in paragraph 3 (a), the representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according

[1] OJ No L 48, 21. 2. 1981, p. 8.
[2] OJ No L 370, 30. 12. 1986, p. 5.

to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairmann shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

If the mesures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of one month from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

5. The European Investment Bank shall be entrusted with the administration of the action taken with the countries of the Mediterranean region under the instrument as soon as it states that it is in a position to take on that task.

Article 9

1. The Commission shall send to the European Parliament and to the Council, by 30 April each year at the latest, a progress report showing the projects selected, the appropriations granted and the repayments to the general budget of the European Communities and including annual statistics for the previous year.

2. The Commission shall forward the results of an independent appraisal of the instrument to the European Parliament and the Council by 31 March 1994 at the latest.

3. The Council shall ask the Court of Auditors to deliver an opinion on the implementation of the instrument by 31 December 1993.

Article 10

To enable the instrument to continue after the three-year trial period, a Decision by the Council, acting on a Commission proposal, subsequent to the opinion of the European Parliament and taking into account the conclusions of the independent appraisal referred to in Article 9 (2), will be necessary.

Article 11

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

It shall apply with effect from 1 January 1992.

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

Done at Brussels, 3 February 1992.

For the Council

The President

João PINHEIRO

COMMISSION REGULATION (EEC) No 320/92

of 11 February 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 3577/90 (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 222/92 (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 10 February 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 222/92 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 12 February 1992.

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

Done at Brussels, 11 February 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 353, 17. 12. 1990, p. 23.
(3) OJ No L 164, 24. 6. 1985, p. 1.
(4) OJ No L 201, 31. 7. 1990, p. 9.
(5) OJ No L 24, 1. 2. 1992, p. 10.

ANNEX

to the Commission Regulation of 11 February 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	130,43 (2) (3)
0712 90 19	130,43 (2) (3)
1001 10 10	168,97 (1) (5) (10)
1001 10 90	168,97 (1) (5) (10)
1001 90 91	149,59
1001 90 99	149,59
1002 00 00	167,69 (6)
1003 00 10	145,76
1003 00 90	145,76
1004 00 10	131,30
1004 00 90	131,30
1005 10 90	130,43 (2) (3)
1005 90 00	130,43 (2) (3)
1007 00 90	140,36 (4)
1008 10 00	59,71
1008 20 00	129,27 (4)
1008 30 00	70,59 (5)
1008 90 10	(7)
1008 90 90	70,59
1101 00 00	222,43 (8)
1102 10 00	247,43 (8)
1103 11 10	275,35 (8) (10)
1103 11 90	239,05 (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 import 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.

COMMISSION REGULATION (EEC) No 321/92

of 11 February 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 3577/90 (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 10 February 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 12 February 1992.

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

Done at Brussels, 11 February 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 353, 17. 12. 1990, p. 23.
(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 11 February 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 2	1st period 3	2nd period 4	3rd period 5
0709 90 60	0	0	0	4,42
0712 90 19	0	0	0	4,42
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	4,42
1005 90 00	0	0	0	4,42
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 2	1st period 3	2nd period 4	3rd period 5	4th period 6
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 DECISION No 322/92/ECSC

of 7 February 1992

repealing Decision No 3499/87/ECSC imposing a definitive anti-dumping duty on imports of certain sheets and plates, of iron or steel, originating in Mexico

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2424/88/ECSC of 29 July 1988 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community [1], and in particular Articles 9 and 14 thereof,

After consultation within the Advisory Committee as provided for by the above Decision,

Whereas :

A. PREVIOUS PROCEDURE

(1) In December 1986, the Commission initiated an anti-dumping proceeding concerning imports of certain sheets and originating of iron or steel, originating in Mexico [2].

(2) By Commission Decision No 2247/87/ECSC [3], a provisional anti-dumping duty was imposed on the products subject to the proceeding, originating in Mexico.

(3) The Commission subsequently imposed definitive anti-dumping duties by Decision No 3499/87/ECSC [4], as amended by Regulation (EEC) No 486/88 [5].

B. REVIEW

(4) In January 1990 the Commission received a request for review with regard to the anti-dumping measures applicable to imports of the products in question originating in Mexico, lodged by the Mexican exporter Sidermex SA de CV, pursuant to Article 14 of Decision No 2424/88/ECSC.

(5) The request alleged that following the imposition of the definitive anti-dumping duties the circumstances with regard to exports to the Community market of hot-rolled sheets and plates, of iron or steel, have changed and that a review of the anti-dumping measures in force was warranted.

(6) The Commission considered that the evidence submitted concerning the changed circumstances was sufficient to justify the need for a review and as these circumstances applied equally for imports of the products in question from Yugoslavia for which definitive anti-dumping duties have also been imposed, it was considered appropriate to extend the review to that country.

The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities* [6], the reopening of the investigation concerning imports of certain sheets and plates, of iron or steel, originating in Mexico and Yugoslavia.

(7) Subsequently, however, given that the definitive duties were the subject of two separate decisions, it was considered appropriate that the Commission's conclusions in the review proceeding be also dealt with in separate decisions relating to each exporting country individually.

(8) The Commission officially advised the producers/exporters and importers known to the Commission to be concerned, the representatives of the exporting countries and the complainants and gave the parties concerned the opportunity to make known their views in writing and to request a hearing.

(9) Most of the Community producers and all exporters concerned made known their views in writing. Some of them requested and were granted hearings.

(10) No submissions were made by or on behalf of Community purchasers or processors of the hot-rolled sheets and plates, of iron or steel, in question.

(11) The Commission sought and verified all the information it deemed necessary for the purpose of its determination and carried out investigations at the premises of the following companies :

Community producers :

— Dillinger Hüttenwerk, Dillingen, Germany,

— Thyssen Stahl AG, Duisburg, Germany,

— Stahlwerke Peine-Salzgitter AG, Salzgitter, Germany,

[1] OJ No L 209, 2. 8. 1988, p. 18, as amended in OJ No L 273, 5. 10. 1988, p. 19.
[2] OJ No C 308, 2. 12. 1986, p. 2.
[3] OJ No L 207, 29. 7. 1987, p. 21.
[4] OJ No L 330, 21. 11. 1987, p. 42.
[5] OJ No L 50, 24. 2. 1988, p. 5.
[6] OJ No C 118, 12. 5. 1990, p. 3.

— ILVA SpA, Genoa, Italy,

— Cockerill Sambre SA, Seraing, Belgium,

— Forges de Clabecq SA, Tubize (Clabecq), Belgium,

— Sidmar NV, Gent, Belgium,

— British Steel plc, London, United Kingdom;

Non-Community producers/exporters:

— Sidermex SA de CV, Mexico DF, Mexico (holding company),

— Altos Hornos de Mexico SA (AHMSA), Monclova, Mexico (producer/exporter),

— Sidermex International Inc., San Antonio, Texas, USA (exporter).

(12) The investigation of dumping covered the period from 1 January to 31 December 1989.

(13) Due to the complexity of the proceeding, in particular the difficulties met by the Commission in obtaining from some of the interested parties the relevant data, the investigation exceeded the normal period of one year laid down in Article 7 (9) of Decision No 2424/88/ECSC.

C. PRODUCT

(14) The products concerned are certain flat-rolled products, of iron or non-alloy steel, of a width exceeding 500 mm, of a thickness of 3 mm or more, not in coils, not further worked than hot-rolled, containing by weight less than 0,6 % of carbon, falling within CN codes: ex 7208 32 10, ex 7208 32 30, ex 7208 32 51, ex 7208 32 59, ex 7208 32 91, ex 7208 32 99, ex 7208 33 10, ex 7208 33 91, ex 7208 33 99, ex 7208 34 10, ex 7208 34 90, ex 7208 42 10, ex 7208 42 30, ex 7208 42 51, ex 7208 42 59, ex 7208 42 91, ex 7208 42 99, ex 7208 43 10, ex 7208 43 91, ex 7208 43 99, ex 7208 44 10, ex 7208 44 90, ex 7211 12 10, ex 7211 19 10, ex 7211 22 10 and ex 7211 29 10.

D. RESULTS OF THE REVIEW WITH REGARD TO MEXICO

(a) Dumping

(15) Since the imposition of the definitive anti-dumping duties in November 1987, exports to the Community of the products in question originating in Mexico had completely ceased. Consequently, export prices could not be established and compared with normal value.

(16) The suspension of Mexican exports to the Community did not permit an investigation into the existence of dumping during the investigation period. In this regard, the Commission is of the opinion that the absence of exports as such is not sufficient to determine whether the anti-dumping duties impsoed may be lifted. Account was therefore taken of other considerations, in particular of the development of the Mexican steel market, in determining whether repealing the measures in force would lead to a situation causing or threatening to cause material injury to the Community.

(b) Development of the Mexican steel market

(17) Total domestic steel demand of finished products in Mexico climbed from 6,5 million tonnes in 1986 to 7,8 million tonnes in 1989. The increase was particularly marked for hot-rolled sheets and plates showing an expansion of more than 30 % over the same period. Total consumption of finished steel products in Mexico reached 8,7 million tonnes in 1990 of which 0,7 million tonnes had to be imported.

(18) As regards more specifically hot-rolled sheets and plates, the Mexican production is fully used to cover domestic demand. The only producer, AHMSA, operates at the limit of its capacities and no further extensions are planned in the future.

(19) While exports of hot-rolled sheets and plates to the Community ceased completely since 1987, export sales made by AHMSA to non-Community countries, and in particular to the USA, have developed favourably in the last few years. Given the geographical proximity of the USA to Mexico and the resulting lower transport costs, the USA is traditionally the most important market for Mexican exports. This market will become even more attractive since the new voluntary restraint agreement between Mexico and the USA provides for an increase in Mexican exports to the USA of about 500 000 tonnes. Moreover, the conclusion of a free trade agreement which is currently being negotiated between Mexico and the USA might further facilitate the access of Mexican steel products to the USmarket. In addition, new export markets have been developed in recent years such as Japan, Thailand and other Asian countries as well as Venezuela.

(20) Domestic demand in Mexico for hot-rolled sheets and plates is forecast to further increase by about 4 to 5 % in the next few years. Following the lifting of price controls by the Mexican Government with effect from the end of 1990, price increases in the domestic market are expected to bring costs of production into line with returns and this is likely to lead to higher domestic sales and, given the capacity limitations, reduced export possibilities.

(c) **Conclusion**

(21) The strong and increasing demand for hot-rolled sheets and plates on the Mexican market, the limited production capacities, the expected flow of exports to non-Community markets and the absence of any exports to the Community since 1988 lead the Commission to the conclusion that there is no clearly foreseeable threat that imports of the products concerned from Mexico into the Community would resume to a sizeable market share after the repeal of the measures in force and that under these circumstances the recurrence of material injury is not imminent.

E. **TERMINATION AND REPEAL OF DUTIES**

(22) In the light of the above finding, taking into account in particular the absence of imminent injurious dumping or the threat thereof with regard to Mexico, the Commission considers that the review proceeding concerning imports of certain sheets and plates, of iron or steel, originating in Mexico should be concluded by the repeal of the anti-dumping measures in question in accordance with Article 14 (3) of Decision No 2424/8/ECSC.

(23) The complainant was informed of the facts and principal considerations on the basis of which the Commission intends to terminate the review proceeding and did not comment,

HAS ADOPTED THIS DECISION :

Article 1

Decision No 3499/87/ECSC is hereby repealed.

Article 2

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

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

Done at Brussels, 7 February 1992.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION DECISION No 323/92/ECSC

of 7 February 1992

terminating the anti-dumping proceeding concerning imports of certain merchant bars and rods of alloy steel originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2424/88/ECSC of 29 July 1988 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community [1] and in particular Article 9 thereof,

After consultation within the Advisory Committee as provided for by the above Decision,

Whereas:

(1) In February 1990 the Commission received a complaint lodged by the European Confederation of Iron and Steel Industries (Eurofer) on behalf of producers whose collective output constitutes the majority of Community production of the products in question. The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities* [2], the initiation of an anti-dumping proceeding concerning imports into the Community of certain merchant bars and rods, not further worked than hot-rolled, hot-drawn or extruded, falling within CN codes ex 7228 30 10, ex 7228 30 33 and ex 7228 30 80, originating in Turkey.

(2) The Commission commenced the investigation by seeking from the parties involved, and verifying, the information necessary for the assessment of dumping and injury.

(3) On 7 November 1991 the Commission was informed by the complainant that it was withdrawing the complaint because of profound changes in the market place.

(4) In these circumstances, the Commission considers that further investigation is not necessary and the proceeding should be terminated,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding concerning imports of certain merchant bars and rods of alloy steel originating in Turkey is hereby terminated.

Done at Brussels, 7 February 1992.

For the Commission

Frans ANDRIESSEN

Vice-President

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[1] OJ No L 209, 2. 8. 1988, p. 18, as amended in OJ No L 273, 5. 10. 1988, p. 19.

[2] OJ No C 144, 14. 6. 1990, p. 4.

COMMISSION REGULATION (EEC) No 324/92

of 11 February 1992

amending Regulation (EEC) No 3701/91 laying down detailed rules for the application of the import arrangements provided for in Council Regulation (EEC) No 3667/91 for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91

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 15 (2) thereof,

Having regard to Council Regulation (EEC) No 3667/91 of 11 December 1991 opening and providing for the administration of a Community tariff quota for meat of bovine animals, frozen, falling within CN code 0202 and products falling within CN code 0206 29 91 (3), and in particular Article 4 thereof,

Whereas Article 8 (2) 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 (4), as last amended by Regulation (EEC) No 815/91 (5), determines the products for which applications are to be made for import licences, without prejudice to other provisions;

Whereas, for the efficient administration of imports under the Community tariff quota for frozen meat of bovine animals falling within CN codes 0202 and 0206 29 91 as required by Commission Regulation (EEC) No 3701/91 (6), it is inappropriate to limit applications for import licences to one subheading or group of subheadings of the combined nomenclature; whereas it is therefore necessary to make a special provision in this regard;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following point (d) is added to Article 6 (2) of Regulation (EEC) No 3701/91:

'(d) in section 16 the indication of one of the groups of subheadings of the combined nomenclature indicated in the same indent figuring in the Annex.'

Article 2

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

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

Done at Brussels, 11 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 148, 28. 6. 1968, p. 24.
(2) OJ No L 150, 15. 6. 1991, p. 16.
(3) OJ No L 349, 18. 12. 1991, p. 1.
(4) OJ No L 241, 13. 9. 1980, p. 5.
(5) OJ No L 83, 3. 4. 1991, p. 6.
(6) OJ No L 350, 19. 12. 1991, p. 34.

ANNEX

— 0202 10 00, 0202 20

— 0202 30, 0206 29 91

COMMISSION REGULATION (EEC) No 325/92

of 11 February 1992

amending Regulation (EEC) No 3291/91 increasing to 34 500 tonnes the quantity of rye held by the French intervention agency for which a standing invitation to tender for export has been opened

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 3577/90 (2), and in particular Article 7 (6) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies (3), as last amended by Regulation (EEC) No 3043/91 (4),

Whereas Commission Regulation (EEC) No 3291/91 (5), opened a standing invitation to tender for the export of 10 000 tonnes of rye held by the French intervention agency; whereas, in a communication of 6 February 1992, France informed the Commission of the intention of its intervention agency to increase by 24 500 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of rye held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 34 500 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 3291/91 must therefore be amended;

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

Article 2 of Regulation (EEC) No 3291/91 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 34 500 tonnes of rye to be exported to all third countries.

2. The regions in which the 34 500 tonnes of rye are stored are stated in Annex I to this Regulation.'

Article 2

Annex I to Regulation (EEC) No 3291/91 is replaced by the Annex hereto.

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, 11 February 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 353, 17. 12. 1990, p. 23.
(3) OJ No L 202, 9. 7. 1982, p. 23.
(4) OJ No L 288, 18. 10. 1991, p. 21.
(5) OJ No L 312, 13. 11. 1991, p. 5.

ANNEX

'ANNEX I

(tonnes)

Place of storage	Quantity
Paris	29 100
Toulouse	5 400'

COMMISSION REGULATION (EEC) No 326/92

of 11 February 1992

amending Regulation (EEC) No 3286/91 as regards the opening of a standing invitation to tender for the export of 100 000 tonnes of durum wheat held by the Greek intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals [1], as last amended by Regulation (EEC) No 3577/90 [2], and in particular Article 7 (6) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies [3], as last amended by Regulation (EEC) No 3043/91 [4],

Whereas Commission Regulation (EEC) No 3286/91 [5], opens a standing invitation to tender for the export of 100 000 tonnes of durum wheat held by the Greek intervention agency, to be exported to the Soviet Union and Algeria;

Whereas it is appropriate to extend the destinations to all third countries;

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

Article 2 (1) of Regulation (EEC) No 3286/91 is hereby replaced by the following:

'1. The invitation to tender shall cover a maximum of 100 000 tonnes of durum wheat to be exported to all third countries.'

Article 2

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

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

Done at Brussels, 11 February 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 353, 17. 12. 1990, p. 23.
[3] OJ No L 202, 9. 7. 1982, p. 23.
[4] OJ No L 288, 18. 10. 1991, p. 21.
[5] OJ No L 310, 12. 11. 1991, p. 9.

COMMISSION REGULATION (EEC) No 327/92

of 11 February 1992

opening a standing invitation to tender for the export of 30 000 tonnes of feed rye held by the Danish intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals (1), as last amended by Regulation (EEC) No 3577/90 (2), and in particular Article 7 (6) thereof,

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

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

Whereas on 6 February 1992 Denmark notified the Commission that it wished to put up for sale for export 30 000 tonnes of feed rye held by its intervention agency; whereas it is possible to accede to that request;

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 Danish intervention agency may, on the conditions laid down in Regulation (EEC) No 1836/82, open a standing invitation to tender for the export of 30 000 tonnes of feed rye held by it.

Article 2

1. The invitation to tender shall cover a maximum of 30 000 tonnes of feed rye to be exported to all third countries.

2. The regions in which the 30 000 tonnes of feed rye are stored are stated in Annex I to this Regulation.

Article 3

The export licences shall be valid from their date of issue, within the meaning of Article 9 of Regulation (EEC) No 1836/82, until the end of the third month following.

Tenders submitted in response to this invitation to tender may not be accompanied by applications for export certificates pursuant to Article 44 of Commission Regulation (EEC) No 3719/88 (7).

Article 4

1. Notwithstanding Article 7 (1) of Regulation (EEC) No 1836/82 the time limit for submission of tenders under the first partial invitation to tender shall expire on 19 February 1992 at 1 p.m. (Brussels time).

2. The time limit for submission of tenders under the subsequent partial invitations to tender shall expire each Wednesday at 1 p.m. (Brussels time).

3. The last partial invitation to tender shall expire on 27 May 1992.

4. The tenders shall be lodged with the Danish intervention agency.

Article 5

The Danish intervention agency shall notify the Commission of the tenders received not later than two hours after expiry of the time limit for the submission thereof. Notification shall be made as specified in the table in Annex II to this Regulation, to the telephone, telex or telefax numbers in Annex III.

Article 6

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

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 353, 17. 12. 1990, p. 23.
(3) OJ No L 139, 24. 5. 1986, p. 36.
(4) OJ No L 201, 31. 7. 1990, p. 5.
(5) OJ No L 202, 9. 7. 1982, p. 23.
(6) OJ No L 288, 18. 10. 1991, p. 21.
(7) OJ No L 331, 2. 12. 1988, p. 1.

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

Done at Brussels, 11 February 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX I

(tonnes)

Place of storage	Quantity
Jylland	15 260
Sjaelland	9 274
Lolland/Falster	4 602

ANNEX II

Standing invitation to tender for the export of 30 000 tonnes of feed rye wheat held by the Danish intervention agency

(Regulation (EEC) No 327/92)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne) (1)	Price increases (+) or reductions (−) (ECU/tonne) p.m.	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

(1) This price includes the increases or reductions relating to the lot to which the tender refers.

ANNEX III

The only numbers to use to call Brussels are [DG VI-C-1 (Attention : Messrs Thibault and Brus)] :

— telex : 22037 AGREC B
22070 AGREC B (Greek characters)

— telefax : — 235 01 32
— 236 10 97
— 236 20 05.

COMMISSION REGULATION (EEC) No 328/92

of 11 February 1992

concerning applications for STM licences for cereals submitted on 10 February 1992 for imports of common wheat into Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 85 (1) thereof,

Whereas Commission Regulation (EEC) No 598/86 of 28 February 1986 on the application of the supplementary trade mechanism to imports into Spain of common wheat of bread-making quality from the Community as constituted at 31 December 1985 [1], as last amended by Regulation (EEC) No 276/92 [2], sets a target ceiling for the 1991/92 marketing year of 1 050 000 tonnes;

Whereas, pursuant to Article 6 (2) of Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM) [3], as last amended by Regulation (EEC) No 3296/88 [4], the Commission has been notified of applications received on 10 February 1992 for STM licences for imports of common wheat of bread-making quality into Spain which are well in excess of the ceiling set; whereas measures should be taken to deal with this situation,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for STM licences for common wheat of bread-making quality falling within CN code 1001 90 99 which were submitted on 10 February 1992 and notified to the Commission shall be accepted for the tonnages applied for, adjusted by a coefficient of 0,22.

2. The issue of STM licences for applications received from 11 February 1992 onwards is hereby suspended.

Article 2

This Regulation shall enter into force on 12 February 1992.

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

Done at Brussels, 11 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

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[1] OJ No L 58, 1. 3. 1986, p. 16.
[2] OJ No L 30, 6. 2. 1992, p. 16.
[3] OJ No L 57, 1. 3. 1986, p. 1.
[4] OJ No L 293, 27. 10. 1988, p. 7.

COMMISSION REGULATION (EEC) No 329/92

of 11 February 1992

amending Regulation (EEC) No 148/92 opening a standing invitation to tender for the supply to Albania of 25 000 tonnes of bread-making common wheat held at Ghent by the French intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2938/91 of 1 October 1991 on an emergency measure for the free supply of certain agricultural products to Albania [1],

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals [2], as last amended by Regulation (EEC) No 3577/90 [3], and in particular Article 7 (6) thereof,

Whereas Commission Regulation (EEC) No 2943/91 [4], as amended by Regulation (EEC) No 3814/91 [5], provides that contracts for the supply of cereals under Regulation (EEC) No 2938/91 are to be allocated by invitation to tender;

Whereas Commission Regulation (EEC) No 1570/77 [6], as last amended by Regulation (EEC) No 2258/87 [7], lays down in particular quality criteria for bread-making common wheat accepted for intervention;

Whereas Commission Regulation (EEC) No 148/92 [8] provides for a standing invitation to tender to be opened for the supply to Albania of 25 000 tonnes of bread-making common wheat held at Ghent by the French intervention agency; whereas logistical problems in Albania necessitate changes in the term of the invitation to tender;

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

Article 2 of Regulation (EEC) No 148/92 is replaced by the following:

'*Article 2*

The invitation to tender shall cover 25 000 tonnes of bread-making common wheat, of which 10 000 tonnes shall be in bulk and 15 000 tonnes in sacks, to be supplied from the port of Ghent, cif (ex-ship), to the Albanian port of Durres.'

Article 2

In Article 4 (2) of Regulation (EEC) No 148/92 '13 February 1992' is replaced by '27 February 1992'.

Article 3

Annex I to Regulation (EEC) No 148/92 is replaced by Annex I to this Regulation.

Article 4

Annex III to Regulation (EEC) No 148/92 is replaced by Annex II to this Regulation.

Article 5

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, 11 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

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[1] OJ No L 280, 8. 10. 1991, p. 4.
[2] OJ No L 281, 1. 11. 1975, p. 1.
[3] OJ No L 353, 17. 12. 1990, p. 23.
[4] OJ No L 280, 8. 10. 1991, p. 16.
[5] OJ No L 357, 28. 12. 1991, p. 69.
[6] OJ No L 174, 14. 7. 1977, p. 18.
[7] OJ No L 208, 30. 7. 1987, p. 10.
[8] OJ No L 17, 24. 1. 1992, p. 8.

ANNEX I

Standing invitation to tender for the supply to Albania of 25 000 tonnes of bread-making common wheat held at Ghent by the French intervention agency

(packaging: 10 000 tonnes in bulk, 15 000 tonnes in sacks)

(Regulation (EEC) No 148/92)

Tenderer number	Quantity (tonnes)	Supply cost applied for (ECU/tonne)
1	2	3
1		
2		
3		
4		
etc.		

ANNEX II

'ANNEX III

Delivery specifications

Delivery in sacks and in bulk, cif (ex-ship), to the Albanian port of Durres.

One lot of 25 000 tonnes in three shipments:

— in sacks: 5 000 tonnes: departure date 19 February 1992. Arrival date between 1 and 2 March 1992,

— in sacks: 10 000 tonnes: departure date 24 February 1992. Arrival date between 6 and 7 March 1992,

— in bulk: 10 000 tonnes: departure date 6 March 1992. Arrival date between 16 and 17 March 1992.

The deliveries may take place before the dates laid down in the initiative of the successful tenderer and under his responsibility if the necessary conditions are met for unloading and removal in the port of Durres.

If no bid has been accepted on 13 February 1992, the above dates should be postponed by seven days.

The same should be applied if no bid has been accepted on 20 February 1992.

For the shipments in sacks:

— sacks to conform to OJ No C 114, 29. 4. 1991 (II.A.2.c),

— labelling:

1. European flag: OJ No C 114, 29. 4. 1991 (Annex I),
2. Markings in Albanian:
   "Common wheat/European Community".

In case re-sacking is necessary, the successful tenderer must provide 2 % of empty sacks of the same quality as those containing the product with the marking followed by a capital R.'

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE 92/3/EURATOM

of 3 February 1992

on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 31 and 32 thereof,

Having regard to the proposal from the Commission (1), drawn up after obtaining the opinion of a group of persons appointed by the Scientific and Technical Committee from among scientific experts in the Member States,

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

Having regard to the opinion of the Economic and Social Committee (3),

Whereas on 2 February 1959 the Council adopted Directives laying down the basic standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation (4), as amended by Directive 80/836/Euratom (5) and Directive 84/467/Euratom (6);

Whereas, pursuant to Article 2 of Directive 80/836/Euratom, these basic safety standards apply *inter alia* to the transport of natural and artificial radioactive substances;

Whereas, pursuant to Article 3 of Directive 80/836/Euratom, each Member State must make compulsory the reporting of activities which involve a hazard arising from ionizing radiation; whereas, in the light of possible dangers and other relevant considerations these activities are subject to prior authorization in cases decided upon by each Member State;

Whereas Member States have consequently set up systems within their territories in order to meet the requirements of Article 3 of Directive 80/836/Euratom laying down basic standards in accordance with Article 30 of the Euratom Treaty; whereas, therefore, by means of the internal controls that Member States apply on the basis of national rules consistent with existing Community and any relevant international requirements, Member States continue to ensure a comparable level of protection within their territories;

Whereas the protection of the health of workers and the general public requires that shipments of radioactive waste between Member States and into and out of the Community be subjet to a system of prior authorization; whereas this requirement is in line with the Community's policy of subsidiarity;

Whereas the European Parliament resolution of 6 July 1988 on the findings of the Committee of Inquiry into the Handling and Transport of Nuclear Materials (7) calls *inter alia*, for comprehensive Community rules to make transfrontier movements of nuclear waste subject to a system of strict controls and authorizations from their point of origin to their point of storage;

Whereas Council Directive 84/631/EEC of 6 December 1984 on the supervision and control within the European Community of the transfrontier shipment of hazardous waste (8) does not apply to radioactive waste;

(1) OJ No C 210, 23. 8. 1990, p. 7.
(2) OJ No C 267, 14. 10. 1991, p. 210.
(3) OJ No C 168, 10. 7. 1990, p. 18.
(4) OJ No 11, 20. 2. 1959, p. 221/59.
(5) OJ No L 246, 17. 9. 1980, p. 1.
(6) OJ No L 265, 5. 10. 1984, p. 4.
(7) OJ No C 235, 12. 9. 1988, p. 70.
(8) OJ No L 326, 13. 12. 1984, p. 31. Directive as last amended by Directive 86/279/EEC (OJ No L 181, 4. 7. 1986, p. 13).

Whereas by Decision No 90/170/EEC [1] the Council has decided that the Community should be Party to the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal of 22 March 1989; whereas that Convention does not apply to radioactive waste;

Whereas all the Member States have subscribed to the International Atomic Energy Agency (IAEA) code of good practice on the international transboundary movement of radioactive waste;

Whereas the management of radioactive waste necessitates supervision and control including a compulsory and common notification procedure for shipments of such waste;

Whereas measures ensuring *post-factum* control of shipments are necessary;

Whereas the competent authorities of the Member States of destination of radioactive waste should be able to raise objections to shipments of radioactive waste;

Whereas it is also desirable for the competent authorities of the Member State of origin and of the Member State(s) of transit to be able, subject to certain criteria, to lay down conditions in respect of the shipment of radioactive waste on their territory;

Whereas, to protect human health and the environment against dangers arising from such waste, account must be taken of risks occurring outside the Community; whereas, therefore, in the case of radioactive waste entering and/or leaving the Community, the third country of destination or origin and any third country or countries of transit must be consulted and informed and must have given their consent;

Whereas the Fourth ACP-EEC Convention signed at Lomé on 15 December 1989 contains specific provisions governing the export of radioactive waste from the Community to non-member States party to that Convention;

Whereas radioactive waste may contain nuclear materials as defined by Commission Regulation (Euratom) No 3227/76 of 19 October 1976 concerning the application of the provisions on Euratom safeguards [2] and the transport of such substances must be subjected to the International Convention on the physical protection of nuclear materials (IAEA, 1980),

HAS ADOPTED THIS DIRECTIVE:

TITLE I

Scope

Article 1

1. This Directive shall apply to shipments of radioactive waste between Member States and into and out of the Community whenever the quantities and concentration exceed the levels laid down in Articles 4 (a) and (b) of Directive 80/836/Euratom.

2. Specific provisions concerning reshipment of such waste are set out in Title IV.

Article 2

For the purpose of this Directive:

— *'radioactive waste'* means any any material which contains or is contaminated by radio-nuclides and for which no use is foreseen,

— *'shipment'* means transport operations from the place of origin to the place of destination, including loading and unloading, of radioactive waste,

— the *'holder'* of radioactive waste means any natural or legal person who, before carrying out a shipment, has the legal responsibility for such materials and intends to carry out shipment to a consignee,

— the *'consignee'* of radioactive waste means any natural or legal person to whom such material is shipped,

— *'place of origin'* and *'place of destination'* mean places situated in two different countries, either Member States of the Community or third countries, accordingly called 'country of origin' and 'country of destination',

— *'competent authorities'* means any authority which, under the law or regulations of the countries of origin, transit or destination, are empowered to implement the system of supervision and control defined in Titles I to IV inclusive; these competent authorities shall be designated in accordance with Article 17,

— *'sealed source'* has the the meaning given to it in Directive 80/836/Euratom.

Article 3

The transport operations necessary for shipment shall comply with Community and national provisions and with international agreements on the transport of radioactive material.

TITLE II

Shipments between Member States

Article 4

A holder of radioactive waste who intends to carry out a shipment of such waste or to arrange for such a shipment to be carried out shall submit an application for authori-

[1] OJ No L 92, 7. 4. 1990, p. 52.
[2] OJ No L 363, 31. 12. 1976, p. 1. Regulation as amended by Regulation (Euratom) No 220/90 (OJ No L 22, 27. 1. 1990, p. 56).

zation to the competent authorities of the country of origin. These competent authorities shall send such applications for approval to the competent authorities of the country of destination and of the country or countries of transit, if any.

For this purpose they shall use the standard document referred to in Article 20.

The sending of that document shall in no way affect the subsequent decision referred to in Article 7.

Article 5

1. Any application may be sent in respect of more than one shipment, provided that:

— the radioactive waste to which it relates essentially has the same physical, chemical and radioactive characteristics, and

— the shipments are to be made from the same holder to the same consignee and involve the same competent authorities, and

— where shipments involve third countries, such transit is via the same frontier post of entry to and/or exit from the Community and via the same frontier post of the third country or countries concerned, unless otherwise agreed between the competent authorities concerned.

2. The authorization shall be valid for a period of not more than three years.

Article 6

1. Not later than two months after receipt of the duly completed application, the competent authorities of the country of destination and of any country of transit shall notify the competent authorities of the country of origin of their acceptance or of the conditions which they consider necessary or of their refusal to grant approval.

For this purpose they shall use the standard document referred to in Article 20.

2. Any conditions required by the competent authorities of the Member States, whether they are the country of transit or of destination, may not be more stringent than those laid down for similar shipments within those States and must comply with existing international agreements.

Reasons shall be given for any refusal to grant approval, or the attaching of conditions to approval, in accordance with Article 3.

3. However, the competent authorities of the country of destination or of any country of transit may request a further period of not more than one month in addition to the period referred to in paragraph 1 to make their position known.

4. If upon expiry of the periods referred to in paragraph 1 and, if appropriate, paragraph 3, no reply has been received from the competent authorities of the country of destination and/or the intended countries of transit, those countries shall be deemed to have given their approval for the shipment requested, unless they have informed the Commission, in accordance with Article 17, that they do not accept this automatic approval procedure in general.

Article 7

If all the approvals necessary for shipment have been granted, the competent authorities of the Member State of origin shall be entitled to authorize the holder of the radioactive waste to ship it and inform the competent authorities of the country of destination and of the country or countries of transit, if any.

For that purpose, they shall use the standard document referred to in Article 20. Any additional requirements for such shipments shall be attached to this document.

This authorization shall not in any way affect the responsibility of the holder, the transporter, the owner, the consignee or any other natural or legal person involved in the shipment.

Article 8

Without prejudice to any other accompanying documents required under other relevant legal provisions, the documents referred to in Articles 4 and 6 shall accompany each shipment falling under the scope of this Directive, including the cases of approval of more than one transfer referred to in Article 5.

Where shipments are made by rail, these documents shall be available to the competent authorities of all the countries concerned.

Article 9

1. Within 15 days of receipt, the consignee of the radioactive waste shall send the competent authorities of its Member State an acknowledgement of receipt, using the standard document referred to in Article 20.

2. The competent authorities of the country of destination shall send copies of the acknowledgment to the other countries involved in the operation. The competent authorities of the country of origin shall send a copy of the acknowledgement to the original holder.

TITLE III

Imports into and exports out of the Community

Article 10

1. Where waste falling within the scope of this Directive is to enter the Community from a third country and the country of destination is a Member State, the

consignee shall submit an application for authorization to the competent authorities of that Member State using the standard document referred to in Article 20. The consignee shall act as the holder and the competent authorities of the country of destination shall act as if they were the competent authorities of the country of origin referred to in Title II in respect of the country or countries of transit.

2. Where waste falling within the scope of this Directive is to enter the Community from a third country and the country of destination is not a Member State, then the Member State in whose territory the waste is first to enter the Community shall be deemed to be the country of origin for the purposes of that shipment.

3. With regard to shipments falling within paragraph 1, the intended consignee of the shipment within the Community, and with regard to shipments falling within paragraph 2, the person within the Member State in whose territory the waste is first to enter the Community who has responsibility for managing the shipment within that Member State shall inform his competent authorities in order to initiate the appropriate procedures.

Article 11

The competent authorities of Member States shall not authorize shipments:

1. either to:

   (a) a destination south of latitude 60° south;

   (b) a State party to the Fourth ACP-EEC Convention which is not a member of the Community, taking account, however, of Article 14;

2. or to a third country which, in the opinion of the competent authorities of the country of origin, in accordance with the criteria referred to in Article 20, does not have the technical, legal or administrative resources to manage the radioactive waste safely.

Article 12

1. Where radioactive waste is to be exported from the Community to a third country, the competent authorities of the Member State of origin shall contact the authorities of the country of destination regarding such a shipment.

2. If all the conditions for shipment are fulfilled, the competent authorities of the Member State of origin shall authorize the holder of radioactive waste to ship it and shall inform the authorities of the country of destination about this shipment.

3. This authorization shall not in any way affect the responsibility of the holder, the transporter, the owner, the consignee or any other natural or legal person involved in the shipment.

4. For the purpose of the shipment, the standard documents referred to in Article 20 shall be used.

5. The holder of the radioactive waste shall notify the competent authorities of the country of origin that the waste has reached its destination in the third country within two weeks of the date of arrival and shall indicate the last customs post in the Community through which the shipment passed.

6. This notification shall be substantiated by a declaration or certification of the consignee of the radioactive waste stating that the waste has reached its proper destination and indicating the customs post of entry in the third country.

TITLE IV

Reshipment operations

Article 13

Where a sealed source is returned by its user to the supplier of the source in another country, its shipment shall not fall within the scope of this Directive.

However, this exemption shall not apply to sealed sources containing fissile material.

Article 14

This Directive shall not affect the right of a Member State or an undertaking in the Member State to which waste is to be exported for processing to return the waste after treatment to its country of origin. Nor shall it affect the right of a Member State or an undertaking in that Member State to which irradiated nuclear fuel is to be exported for reprocessing to return to its country of origin waste and/or other products of the reprocessing operation.

Article 15

1. Where a shipment of radioactive waste cannot be completed or if the conditions for shipment are not complied with in accordance with the provisions under Title II, the competent authorities of the Member State of dispatch shall ensure that the radioactive waste in question is taken back by the holder of that waste.

2. In case of shipments of radioactive waste from a third country to a destination within the Community, the competent authorities of the Member State of destination shall ensure that the consignee of that waste negotiates a clause with the holder of the waste established in the third country obliging that holder to take back the waste where a shipment cannot be completed.

Article 16

The Member State or States which approved transit for the initial shipment may not refuse to approve reshipment in the cases referred to :

— in Article 14, if the reshipment concerns the same material after treatment or reprocessing and if all relevant legislation is respected,

— in Article 15, if the reshipment is undertaken on the same conditions and with the same specifications.

TITLE V

Procedural provisions

Article 17

Member States shall forward to the Commission not later than 1 January 1994 the name(s) and the address(es) of the competent authorities and all necessary information for rapidly communicating with such authorities, as well as their possible non-acceptance of the automatic approval procedure referred to in Article 6 (4).

Member States shall regularly forward to the Commission any changes to such data.

The Commission shall communicate this information, and any changes thereto, to all the competent authorities in the Community.

Article 18

Every two years, and for the first time on 31 January 1994, Member States shall forward to the Commission reports on the implementation of this Directive.

They shall supplement these reports by information on the situation with regard to shipments within their respective territories.

On the basis of these reports, the Commission shall prepare a summary report for the European Parliament, the Council and the Economic and Social Committee.

Article 19

The Commission shall be assisted in performing the tasks laid down in Articles 18 and 20 by a Committee of an advisory nature composed of representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes ; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

Article 20

The procedure laid down in Article 19 shall in particular apply to :

— the preparation and possible updating of the standard document for applications for authorization referred to in Article 4,

— the preparation and possible updating of the standard document for granting approval referred to in Article 6 (1),

— the preparation and possible updating of the standard document for acknowledgment of receipt referred to in Article 9 (1),

— the establishment of criteria enabling Member States, to evaluate whether requirements for exports of radioactive waste are met, as provided for in Article 11 (2),

— the preparation of the summary report referred to in Article 18.

TITLE VI

Final provisions

Article 21

1. Member States shall bring into force not later than 1 January 1994 the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

2. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

3. Member States shall communicate to the Commission the main provisions of domestic law which they adopt in the field governed by this Directive.

Article 22

This Directive is addressed to the Member States.

Done at Brussels, 3 February 1992.

For the Council

The President

João PINHEIRO

COMMISSION

COMMISSION DECISION

of 13 January 1992

on the quantities of sheepmeat and goatmeat that may be imported in 1992 into certain sensitive marketing zones from certain non-member countries

(92/93/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2641/80 of 14 October 1980 derogating from certain import rules laid down in Regulation (EEC) No 1837/80 on the common organization of the market in sheepmeat and goatmeat [3], as amended by Regulation (EEC) No 3939/87 [4], and in particular Article 1 (2) thereof,

Whereas certain non-member countries which have concluded voluntary restraint agreements with the European Economic Community have undertaken to limit their exports of sheepmeat and goatmeat to sensitive marketing zones to the traditional quantities or the quantities towards which the traditional trade flows have tended; whereas, under the provisions of the third indent of Article 1 (1) of Regulation (EEC) No 2641/80, the issue of import licences of the products in question is to be suspended when agreed import quantities into these zones for 1992 should therefore be specified and importers should be informed of the time from which licences will no longer be granted;

Whereas quantities have already been agreed, by Exchange of Letter, with Austria [5], Iceland [5], Czechoslovakia [5], Yugoslavia [5] and Romania [6];

Whereas for Bulgaria, Hungary and Poland the quantities must be fixed each year in the framework of consultation;

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

HAS ADOPTED THIS DECISION:

Article 1

The competent French authorities shall issue, up to the quantities listed in the Annex hereto, import licences for 1992 for sheepmeat and goatmeat falling within CN codes 0104 10 90, 0104 20 90 and 0204, imported from the non-member countries listed in Annex I into France.

Article 2

The competent Irish authorities shall not issue import licences for 1992 for sheepmeat and goatmeat falling within CN codes 0104 10 90, 0104 20 90 and 0204 from Austria, Iceland, Czechoslovakia, Yugoslavia, Romania, Bulgaria, Hungary and Poland.

Article 3

The licences referred to in this Decision shall be issued only in France.

[1] OJ No L 289, 7. 10. 1989, p. 1.
[2] OJ No L 163, 26. 6. 1991, p. 41.
[3] OJ No L 275, 18. 10. 1980, p. 2.
[4] OJ No L 373, 31. 12. 1987, p. 1.
[5] OJ No L 154, 9. 6. 1984, p. 36.
[6] OJ No L 96, 3. 4. 1985, p. 30.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 13 January 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

Quantities referred to in Article 1

(tonnes)

Country	Carcase weight equivalent
Austria	0
Bulgaria	360
Czechoslovakia	0
Hungary	975
Iceland	0
Poland	1 150
Romania	144
Yugoslavia	50

COMMISSION DECISION

of 5 February 1992

allocating import quotas for halons, carbon tetrachloride, 1,1,1-trichloroethane and other fully halogenated chlorofluorocarbons than 11, 12, 113, 114 and 115 for the period 1 January to 31 December 1992

(92/94/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 594/91 of 4 March 1991 on substances that deplete the ozone layer [1],

Whereas Article 3 of Regulation (EEC) No 594/91 states that the release into free circulation of halons, carbon tetrachloride, 1,1,1-trichloroethane and other fully halogenated chlorofluorocarbons than 11, 12, 113, 114 and 115 imported into the Community from third countries is to be subject to quantitative limits and that these quantitative limits may be modified;

Whereas a sufficient supply of carbon tetrachloride cannot be ensured in 1992 after the closure of a plant producing this substance in the Community;

Whereas the import into the Community of halons from third countries not Parties to the Protocol is prohibited in accordance with Article 5 of the aforesaid Regulation;

Whereas the Commission has published a notice to importers in the European Community of controlled substances that deplete the ozone layer [2] regarding the same Regulation and has thereby received applications for import quotas;

Whereas the applications for the import quotas of halons, carbon tetrachloride, 1,1,1-trichloroethane and other fully halogenated chlorofluorocarbons than 11, 12, 113, 114 and 115 exceed the import quotas available for each group of substances by 510 %, 160 %, 95 % and 190 % respectively;

Whereas the Commission consequently cannot fully satisfy the applications and has to allocate import quotas to the applicants, taking primarily their individual background in importing the respective substances and the amounts applied for into consideration;

Whereas some companies which have applied for an important import quota for 1992 did not import any of these substances before, while others imported large quantities of substances in the reference year and/or in the following years;

Whereas the applications from some companies substantially exceed the quantities imported by them in the previous years, sometimes by as much as 1 000 % and more;

Whereas the allocations of the individual quotas to the applicants must be based on the principles of continuity, equality and proportionality;

Whereas Article 12 of the same Regulation sets out the procedure according to which decisions can be taken concerning the implementation of the Regulation;

Whereas the measures provided for in this Decision are in accordance with the opinion of the committee referred to in Article 12 of the same Regulation,

HAS DECIDED AS FOLLOWS:

Article 1

The amount of carbon tetrachloride which may be released into free circulation in the European Community in 1992 and which is imported from sources outside the Community shall be increased by 8,162 ODP-weighted tonnes.

Article 2

The allocation of import quotas for halons, carbon tetrachloride, 1,1,1-trichloroethane and other fully halogenated chlorofluorocarbons than 11, 12, 113, 114 and 115 controlled by the Regulation (EEC) No 594/91 and indicated in the Groups II to V of Annex 1 thereto during the period 1 January to 31 December 1992 shall be as indicated in the Annex hereto.

Done at Brussels, 5 February 1992.

For the Commission

Carlo RIPA DI MEANA

Member of the Commission

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[1] OJ No L 67, 14. 3. 1991, p. 1.
[2] OJ No C 218, 21. 8. 1991, p. 2.

ANNEX

Import quotas of other fully halogenated chlorofluorocarbons than 11, 12, 113, 114 and 115 allocated to importers regarding Regulation (EEC) No 594/91.

Importer	Quantity (1)
Aldrich Chemical Co., Ltd	0,20
Dupont de Nemours (Ned.) BV	8
Galex SA	2
Kali Chemie AG	3,80

(1) Quantities are expressed in weighted tonnes according to the ozone depleting potentials (ODPs) specified in Annex I to Regulation (EEC) No 594/91. This is equivalent to the calculated levels mentioned in the same Regulation.

Import quotas of halons allocated to importers regarding Regulation (EEC) No 594/91.

Importer	Quantity (1)
Aldrich Chemical Co., Ltd	6
Atochem SA	120
Galex SA	8
Great Lakes Chemical Europe Ltd	350
Guido Tazzetti & C., SpA	25
ICI Chemicals & Polymers	140
Proquisa Internacional Lda	45

(1) Quantities are expressed in weighted tonnes according to the ozone depleting potentials (ODPs) specified in Annex I to Regulation (EEC) No 594/91. This is equivalent to the calculated levels mentioned in the same Regulation.

Import quotas of carbon tetrachloride allocated to importers regarding Regulation (EEC) No 594/91.

Importer	Quantity (1)
Aldrich Chemical Co., Ltd	5,83
Chemiewerk Nünchritz	9 058
Kali Chemie AG	3 566
Rhône-Poulenc Chemicals	2 200

(1) Quantities are expressed in weighted tonnes according to the ozone depleting potentials (ODPs) specified in Annex I to Regulation (EEC) No 594/91. This is equivalent to the calculated levels mentioned in the same Regulation.

Import quotas of 1,1,1-trichloroethane allocated to importers regarding Regulation (EEC) No 594/91.

Importer	Quantity (1)
Aldrich Chemical Co., Ltd	0,19
Atochem SA	40
Brugés SA	5
Caldic Chemie BV	525
Disachim	69
Dow Europe SA	200
Gamma Chimica SpA	207
Gormaso Química SA	7,60
Helm AG	19
ICI Chemicals & Polymers	60
Ilario Ormezzano SpA	4,60
Klöckner & Co., AG	215
Lambert Rivière SA	71
MSB Metron Semiconductors Benelux	0,20
MSD Metron Semiconductors Deutschland	0,20
MSF Metron Semiconductors France	0,02
Petrasol BV	450
Petrochem UK Ltd	50
Quimidroga SA	7,10
RCN Recycling — Chemie Niederheim	49
Samuel Banner & Co., Ltd	215
Società Approvvigionamenti Industriali	4,60
SGS Thomson Microelectronics	0,01
UDD Inter a/s	1,70
Xyma AE	4,10

(1) Quantities are expressed in weighted tonnes according to the ozone depleting potentials (ODPs) specified in Annex I to Regulation (EEC) No 594/91. This is equivalent to the calculated levels mentioned in the same Regulation.