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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 729/92

of 16 March 1992

imposing a definitive anti-dumping duty on imports of certain thermal paper originating in Japan and definitively collecting the provisional anti-dumping 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 regard to the proposal from the Commission submitted after consultation within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. Provisional measures

- (1) The Commission by Regulation (EEC) No 2805/91⁽²⁾, imposed a provisional anti-dumping duty on imports into the Community of certain thermal paper originating in Japan and falling within CN codes ex 3703 90 90 (Taric code : 3703 90 90 * 10) and ex 4810 11 90 (Taric code : 4810 11 90 * 10). Council Regulation (EEC) No 103/92⁽³⁾ extended the duty for a period not exceeding two months.

B. Subsequent procedure

- (2) Following the imposition of the provisional anti-dumping duty, the interested parties who so requested were granted an opportunity to be heard by the Commission. They also made written submissions making known their views on the findings.
- (3) Parties were informed in writing of the essential facts and considerations on the basis of which it

was intended to recommend the imposition of definitive duties and the definitive collection of amounts secured by way of a provisional duty. They were also granted a period within which to make representations subsequent to the disclosure.

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

C. Product

- (5) In view of observations made by the Customs administrations of certain Member States concerning problems at import clearance, the Commission re-examined the product description given in recital 8 of Regulation (EEC) No 2805/91. It was found that the expression 'thermal paper... destined to be used in machines ... which print facsimiles ...' was inadequate and should be replaced by the term 'telefax paper'. The Council supports the Commission's view.
- (6) One Japanese producer reiterated the points it made prior to the imposition of provisional duties, namely that telefax paper presented in jumbo reels or coils constitutes two separate products and that its exports of coils were not causing injury to the Community industry. The Council, however, supports the Commission's view that telefax paper in the form of jumbo reels and coils constitutes one single category of product and it confirms the conclusions of recitals 10 to 12 of Regulation (EEC) No 2805/91.
- (7) During the Commission's investigation, it was found that, apart from the CN codes indicated in the notice of initiation of the proceeding⁽⁴⁾, several

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 270, 26. 9. 1991, p. 15.

⁽³⁾ OJ No L 11, 17. 1. 1992, p. 33.

⁽⁴⁾ OJ No C 16, 24. 1. 1991, p. 3.

other codes were also being used for imports into the Community of the product concerned.

Accordingly, the Commission services published a notice⁽¹⁾ advising the parties known to be concerned of the inclusion of these other CN codes in the proceeding.

There was no reaction from interested parties to this notice.

As a result also of the discussions held subsequent to the initiation of this proceeding at the level of the Customs Cooperation Council (CCC) concerning the correct classification of telefax paper, the Council of the European Communities confirms the Commission's view that measures should also apply to all CN codes under which the product under consideration can, within the framework of existing customs legislation, be imported.

The Commission has therefore concluded that the information that it possesses and has verified constitutes a valid basis for the establishment of dumping margins, the assessment of injury and the calculation of appropriate duties for the product falling under all the CN codes concerned.

D. Dumping

- (8) In the light of its own overall net profit, one Japanese company claimed that the reasonable profit of 18 % on cost of production used for constructing normal value was too high. The profit margin for this company's profitable sales, calculated in accordance with Article 2 (B) (3) (b) (ii) of Regulation (EEC) No 2423/88, was indeed found to be less than the 18 % margin used. Accordingly, the percentage of profit used for constructing normal value for this company has, where necessary, been reduced.

For the remaining companies, the Council considers that, in view of their profitability during the investigation period, 18 % is a reasonable profit margin for constructing normal value and confirms the conclusions set out in recitals 13 to 23 of Regulation (EEC) No 2805/91.

No further information was received, and the Council therefore confirms that the definitive weighted average dumping margins expressed as a percentage of the cif value for each of the companies concerned are as follows:

- Jujo Paper Co., Ltd, Tokyo : 0,0 %,
- Kanzaki Paper Manufacturing Co., Ltd, Tokyo : 10,3 %,

- Mitsubishi Paper Mills Ltd, Tokyo : 15,5 %,
- Tomoegawa Paper Co., Ltd, Tokyo : 24,8 %.

The Council confirms the Commission's findings with regard to the 55,3 % dumping margin calculated for the purposes of the residual duty.

E. Injury and cause of injury

- (9) No new elements concerning injury were submitted to the Commission following the publication of Regulation (EEC) No 2805/91. The Council therefore confirms the conclusions set out in recital 37 of Regulation (EEC) No 2805/91.
- (10) As far as cause of injury is concerned, one Japanese producer claimed that the impact of its sales to the Community should be examined in isolation and deemed not to have caused injury, as the volume of its exports was small.
- (11) The Commission, in accordance with the findings of the Court of Justice, considers that the Community authorities should examine the impact on the Community industry of all dumped imports taken together, even if the export volume of an individual company is relatively low.

The Council therefore confirms the Commission's view that, for the purpose of determining injury, the exports of this company should not be treated separately from those of the other Japanese companies.

F. Community interest

- (12) No new arguments concerning Community interest were brought forward, and the Council therefore confirms the Commission findings set out in Section F of Regulation (EEC) No 2805/91 and considers that it is in the Community's interest to impose anti-dumping measures to eliminate the injurious effects of dumped imports originating in Japan.

G. Duty

- (13) With regard to the calculation to determine the duty rate necessary to eliminate the injury being suffered by Community industry, the Commission considers that the difference between the actual selling price in the Community of the Japanese product and a sales price which enables Community industry to achieve an 18 % profit on turnover, should be removed.
- (14) For the reasons given in recital 46 of Regulation (EEC) No 2805/91, an 18 % profit margin is the minimum necessary to render possible additional investments in manufacturing facilities and

⁽¹⁾ OJ No C 334, 28. 12. 1991, p. 7.

research and development. Taking into account the fast changing nature of the industry concerned and the continual need to adapt paper to suit new hardware, the Commission is of the opinion that, without this profit margin, the deterioration of the situation of the Community industry would inevitably be exacerbated and the injury caused by dumping would remain.

(15) The Council therefore confirms the Commission findings with regard to the injury threshold established in Regulation (EEC) No 2805/91; however, as the injury correction figures calculated for the cooperating companies are higher than the dumping margins established, it is the latter which are to be the basis for applying the duty. With regard to the residual duty, the injury correction figure was less than the dumping margin and the former will therefore be taken into account.

(16) On the basis of calculations of dumping and injury described in Regulation (EEC) No 2805/91 and the submissions subsequently received, the Council therefore concludes that duties should be imposed to eliminate the level of dumping found for Kanzaki Paper Manufacturing Co., Ltd, Mitsubishi Paper Mills Ltd and Tomoegawa Paper Co., Ltd. No duty should be applied to Jujo Paper Co., Ltd, which was found not to be dumping.

(17) As far as the other companies are concerned, the Council, for the reasons given in recital 49 of Regulation 2805/91, confirms that, as provided for in Article 7 (7) (b) of Regulation (EEC) No 2423/88, the duty to be imposed on these companies should be based on the facts available.

(18) The Commission has noted a continuing decline in import prices and therefore considers anti-dumping duty in *ad-valorem* form to be inappropriate to remedy the injury caused to the Community industry. The Council agrees and concludes that a specific duty, calculated and applied on a weight basis, would be more appropriate.

(19) Accordingly, the amount of anti-dumping duty for the product under consideration shall be ECU 1 275,15 per tonne (net weight), except when manufactured by the following companies, for whom the amount of anti-dumping duty is set out below:

- Kanzaki Paper Manufacturing Co., Ltd: ECU 211,55 per tonne (net weight),
- Mitsubishi Paper Mills Ltd: ECU 395,00 per tonne (net weight),
- Tomoegawa Paper Co., Ltd: ECU 563,75 per tonne (net weight).

No anti-dumping duties should apply to goods manufactured by Jujo Paper Co., Ltd.

H. Undertaking

(20) One Japanese producer, Tomoegawa Paper Co. Ltd has offered an undertaking which is considered

acceptable. The undertaking will increase the price of the products in question to a level sufficient to eliminate the dumping established by the Commission.

Following consultations with the Member States, the undertaking was accepted by Commission Decision 92/177/EEC⁽¹⁾.

I. Collection of the provisional duties

(21) In view of the size of the dumping margins established and of the serious nature of the injury caused to the Community industry, the Council considers it necessary that the amounts secured by way of the provisional anti-dumping duty for all companies should be collected definitively to the extent of the amount of the definitive duty imposed,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of telefax paper originating in Japan and falling within CN codes:

- ex 3703 10 00 (Taric code 3703 10 00 * 10),
- ex 3703 90 90 (Taric code 3703 90 90 * 10),
- ex 4809 90 00 (Taric code 4809 90 00 * 10),
- ex 4810 11 90 (Taric code 4810 11 90 * 10),
- ex 4811 90 10 (Taric code 4811 90 10 * 10),
- ex 4811 90 90 (Taric code 4811 90 90 * 10),
- ex 4823 59 10 (Taric code 4823 59 10 * 10),
- ex 4823 59 90 (Taric code 4823 59 90 * 10).

2. The amount of anti-dumping duty for the product specified in paragraph 1 shall be ECU 1 275,15 per tonne (net weight) (Taric additional code 8602), except when manufactured by the following companies for whom the amount of anti-dumping duty is set out below:

- Kanzaki Paper Manufacturing Co., Ltd. Tokyo (Taric additional code 8598) ECU 211,55 per tonne (net weight) (Taric additional code 8598);
- Mitsubishi Paper Mills Ltd, Tokyo (Taric additional code 8599) ECU 395,00 per tonne (net weight).

3. No anti-dumping duties shall apply to goods manufactured by Jujo Paper Co., Ltd, Tokyo (Taric additional code 8601) or Tomoegawa Paper Co., Ltd, Tokyo (Taric additional code 8600).

⁽¹⁾ See page 22 of this Official Journal.

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

Article 2

The amounts secured by way of the provisional anti-dumping duty imposed under Regulation (EEC) No 2805/91 shall be definitively collected to the extent of the amounts secured and to the extent of the amounts

resulting from the application of the definitive duty as fixed in Article 1 (2).

Secured amounts in excess of these amounts will 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, 16 March 1992.

For the Council

The President

Jorge BRAGA DE MACEDO

COMMISSION REGULATION (EEC) No 730/92

of 25 March 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 24 March 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 26 March 1992.

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

Done at Brussels, 25 March 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 25 March 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy (°)
0709 90 60	127,85 (°) (°)
0712 90 19	127,85 (°) (°)
1001 10 10	164,24 (°) (°) (°)
1001 10 90	164,24 (°) (°) (°)
1001 90 91	142,85
1001 90 99	142,85 (°)
1002 00 00	163,00 (°)
1003 00 10	140,57
1003 00 90	140,57 (°)
1004 00 10	119,91
1004 00 90	119,91
1005 10 90	127,85 (°) (°)
1005 90 00	127,85 (°) (°)
1007 00 90	138,05 (°)
1008 10 00	51,95 (°)
1008 20 00	122,41 (°)
1008 30 00	62,83 (°)
1008 90 10	(°)
1008 90 90	62,83
1101 00 00	212,39 (°) (°)
1102 10 00	240,39 (°)
1103 11 10	268,08 (°) (°)
1103 11 90	228,04 (°)

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

(°) 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.

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

(°) 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.

(°) 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.

(°) 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.

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

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

(°) 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.

(°) 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.

(°) 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 731/92

of 25 March 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 24 March 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 26 March 1992.

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

Done at Brussels, 25 March 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 168, 29. 6. 1991, p. 4.

ANNEX

to the Commission Regulation of 25 March 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	3	4	5	6
0709 90 60	0	4,53	4,53	4,53
0712 90 19	0	4,53	4,53	4,53
1001 10 10	0	2,09	2,09	2,09
1001 10 90	0	2,09	2,09	2,09
1001 90 91	0	2,85	2,85	2,85
1001 90 99	0	2,85	2,85	2,85
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	4,53	4,53	4,53
1005 90 00	0	4,53	4,53	4,53
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	4,00	4,00	4,00

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	3	4	5	6	7
1107 10 11	0	5,07	5,07	5,07	5,07
1107 10 19	0	3,79	3,79	3,79	3,79
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 732/92**of 24 March 1992****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods ⁽¹⁾, as last amended by Regulation (EEC) No 3334/90 ⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communi-

cated to the Commission in accordance with Article 1 (2) of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 March 1992.

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

Done at Brussels, 24 March 1992.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 321, 21. 11. 1990, p. 6.

ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	0701 90 51 0701 90 59	New potatoes	40,15	1 688	318,47	82,04	278,44	9 493	30,77	61 665	92,37	28,67
1.20	0702 00 10 0702 00 90	Tomatoes	114,40	4 811	907,40	233,75	793,34	27 047	87,67	175 698	263,18	81,70
1.30	0703 10 19	Onions (other than seed)	32,70	1 375	259,36	66,81	226,76	7 731	25,06	50 220	75,22	23,35
1.40	0703 20 00	Garlic	170,04	7 151	1 348,73	347,44	1 179,21	40 203	130,31	261 153	391,19	121,44
1.50	ex 0703 90 00	Leeks	30,35	1 276	240,49	61,99	211,30	7 174	23,24	46 691	69,78	21,59
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	31,88	1 340	252,88	65,14	221,09	7 537	24,43	48 965	73,34	22,77
1.70	0704 20 00	Brussels sprouts	53,72	2 267	423,88	110,06	374,08	11 735	41,29	82 719	124,09	37,72
1.80	0704 90 10	White cabbages and red cabbages	23,05	975	182,88	47,36	160,54	5 181	17,70	35 248	53,35	16,11
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>)	74,37	3 127	589,92	151,96	515,78	17 584	56,99	114 227	171,10	53,11
1.100	ex 0704 90 90	Chinese cabbage	74,04	3 114	587,32	151,29	513,50	17 506	56,74	113 722	170,34	52,88
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	94,84	3 988	752,26	193,78	657,71	22 423	72,68	145 660	218,18	67,73
1.120	ex 0705 29 00	Endives	22,96	965	182,14	46,92	159,25	5 429	17,59	35 268	52,83	16,40
1.130	ex 0706 10 00	Carrots	42,78	1 799	339,35	87,41	296,70	10 115	32,78	65 709	98,42	30,55
1.140	ex 0706 90 90	Radishes	71,44	3 257	614,26	158,23	537,06	18 310	59,35	118 940	178,16	55,31
1.150	0707 00 11 0707 00 19	Cucumbers	71,04	2 987	563,50	145,16	492,67	16 797	54,44	109 111	163,44	50,73
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	293,99	12 363	2 331,79	600,68	2 038,70	69 506	225,30	451 502	676,32	209,96
1.170		Beans :										
1.170.1	0708 20 10 0708 20 90	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)	219,51	9 231	1 741,07	448,51	1 522,23	51 897	168,22	337 122	504,98	156,77
1.170.2	0708 20 10 0708 20 90	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>)	337,29	14 184	2 675,22	689,15	2 338,96	79 742	258,48	517 999	775,92	240,88
1.180	ex 0708 90 00	Broad beans	92,83	3 894	734,40	189,09	645,42	21 793	71,04	142 837	212,96	66,61
1.190	0709 10 00	Globe artichokes	81,09	3 410	643,16	165,68	562,32	19 171	62,14	124 534	186,54	57,91
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	367,25	15 444	2 912,85	750,36	2 546,73	86 826	281,44	564 012	844,85	262,27
1.200.2	ex 0709 20 00	— other	275,35	11 580	2 183,94	562,59	1 909,44	65 099	211,01	422 875	633,43	196,64
1.210	0709 30 00	Aubergines (egg-plants)	110,50	4 647	876,49	225,78	766,32	26 126	84,68	169 713	254,22	78,92
1.220	ex 0709 40 00	Ribbed celery (<i>Apium graveolens</i> var. <i>dulce</i>)	57,22	2 406	453,85	116,91	396,81	13 528	43,85	87 879	131,63	40,86
1.230	0709 51 30	Chantarelles	713,23	30 060	5 626,73	1 460,68	4 977,83	162 425	546,18	1 092 598	1 645,94	501,92
1.240	0709 60 10	Sweet peppers	127,43	5 359	1 010,76	260,37	883,72	30 128	97,66	195 713	293,16	91,01
1.250	0709 90 50	Fennel	63,05	2 651	500,14	128,83	437,28	14 908	48,32	96 842	145,06	45,03
1.260	0709 90 70	Courgettes	38,41	1 614	304,72	78,38	267,79	8 982	29,39	59 164	88,32	27,15
1.270	ex 0714 20 10	Sweet potatoes, whole, fresh (intended for human consumption)	98,95	4 174	781,50	202,59	690,51	22 594	75,77	151 536	228,30	69,55
2.10	ex 0802 40 00	Chestnuts (<i>Castanea</i> spp.), fresh	131,65	5 522	1 041,42	268,14	915,24	30 904	100,74	202 551	301,99	94,47
2.20	ex 0803 00 10	Bananas (other than plantains), fresh	52,20	2 195	414,06	106,66	362,02	12 342	40,00	80 174	120,09	37,28
2.30	ex 0804 30 00	Pineapples, fresh	49,31	2 074	391,17	100,76	342,01	11 660	37,79	75 743	113,45	35,22
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	136,67	5 748	1 084,06	279,25	947,80	32 313	104,74	209 905	314,42	97,61

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ IrI	Lit	Fl	£
2.50	ex 0804 50 00	Guavas and mangoes, fresh	149,35	6 281	1 184,60	305,15	1 035,70	35 310	114,45	229 372	343,58	106,66
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	52,16	2 193	413,74	106,58	361,74	12 332	39,97	80 113	120,00	37,25
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	40,27	1 693	319,47	82,29	279,32	9 522	30,86	61 859	92,66	28,76
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	23,74	998	188,15	48,54	164,94	5 596	18,17	36 391	54,61	16,93
2.70		Mandarins (including tangerines and satsumas), fresh ; clementines, wilkings and similar citrus hybrids, fresh :										
2.70.1	ex 0805 20 10	— Clementines	148,44	6 242	1 177,36	303,29	1 029,37	35 094	113,75	227 970	341,48	106,01
2.70.2	ex 0805 20 30	— Monreales and Satsumas	55,39	2 329	439,38	113,18	384,15	13 097	42,45	85 077	127,44	39,56
2.70.3	ex 0805 20 50	— Mandarins and wilkings	60,07	2 525	476,03	122,82	417,30	14 158	45,99	92 072	138,19	42,83
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	70,79	2 977	561,53	144,65	490,95	16 738	54,25	108 729	162,86	50,56
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	34,20	1 438	271,29	69,88	237,19	8 086	26,21	52 531	78,68	24,42
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	115,84	4 871	918,79	236,68	803,30	27 387	88,77	177 904	266,48	82,73
2.90		Grapefruit, fresh :										
2.90.1	ex 0805 40 00	— white	28,53	1 199	226,30	58,29	197,86	6 745	21,86	43 819	65,63	20,37
2.90.2	ex 0805 40 00	— pink	64,77	2 724	513,74	132,34	449,17	15 313	49,63	99 475	149,00	46,25
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	116,62	4 904	924,98	238,28	808,71	27 571	89,37	179 102	268,28	83,28
2.110	0807 10 10	Water-melons	25,62	1 076	203,27	52,29	178,63	5 992	19,61	39 467	58,92	18,11
2.120		Melons (other than water-melons) :										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey dew (including Cantalene), Onteniente, Piel de Sapo (including Verde Liso), Rochet, Tendral, Futuro	79,69	3 351	632,12	162,83	552,67	18 842	61,07	122 397	183,34	56,91
2.120.2	ex 0807 10 90	— other	163,61	6 880	1 297,67	334,28	1 134,56	38 681	125,38	251 267	376,38	116,84
2.130	0808 10 91 0808 10 93 0808 10 99	Apples	79,32	3 336	629,19	162,08	550,10	18 754	60,79	121 829	182,49	56,65
2.140		Pears										
2.140.1	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Pears — Nashi (<i>Pyrus pyrifolia</i>)	209,72	8 819	1 663,41	428,50	1 454,33	49 582	160,72	322 084	482,46	149,77
2.140.2	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Other	78,67	3 308	623,98	160,74	545,55	18 599	60,29	120 821	180,98	56,18
2.150	0809 10 00	Apricots	61,28	2 577	485,48	125,15	426,56	14 483	46,92	94 255	140,88	43,60
2.160	0809 20 10 0809 20 90	Cherries	150,60	6 316	1 191,32	306,73	1 046,98	35 352	115,24	231 706	345,46	108,06
2.170	ex 0809 30 00	Peaches	125,64	5 284	996,55	256,71	871,29	29 705	96,28	192 961	289,04	89,73

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.180	ex 0809 30 00	Nectarines	187,71	7 894	1 488,87	383,54	1 301,73	44 380	145,85	288 288	431,83	134,06
2.190	0809 40 11] 0809 40 19]	Plums	127,84	5 376	1 013,99	261,21	886,54	30 225	97,97	196 338	294,10	91,30
2.200	0810 10 10] 0810 10 90]	Strawberries	247,31	10 401	1 961,59	505,31	1 715,04	58 471	189,53	379 821	568,94	176,62
2.205	0810 20 10	Raspberries	891,69	37 500	7 072,44	1 821,90	6 183,50	210 815	683,35	1 369 428	2 051,31	636,81
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	136,31	5 755	1 079,64	279,74	950,71	30 917	104,59	209 154	315,16	95,45
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	66,11	2 779	523,89	135,17	459,26	15 582	50,61	101 329	152,08	47,14
2.230	ex 0810 90 80	Pomegranates	64,68	2 721	513,07	132,36	450,09	15 261	49,56	99 270	148,90	45,90
2.240	ex 0810 90 80	Khakis (including Sharon fruit)	104,27	4 385	827,04	213,05	723,09	24 652	79,91	160 140	239,87	74,46
2.250	ex 0810 90 30	Lychees	170,46	7 169	1 352,06	348,29	1 182,12	40 302	130,63	261 798	392,15	121,74

COMMISSION REGULATION (EEC) No 733/92**of 25 March 1992****altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 61/92 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 680/92 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 680/92 to the informa-

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 680/92 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 March 1992.

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

Done at Brussels, 25 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.⁽³⁾ OJ No L 73, 19. 3. 1992, p. 19.

ANNEX

to the Commission Regulation of 25 March 1992 altering the export refunds on white sugar
and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	35,76 ⁽¹⁾	
1701 11 90 910	35,19 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	35,76 ⁽¹⁾	
1701 12 90 910	35,19 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3887
1701 99 10 100	38,87	
1701 99 10 910	38,26	
1701 99 10 950	38,26	
1701 99 90 100		0,3887

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

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

COMMISSION REGULATION (EEC) No 734/92

of 25 March 1992

amending Regulation (EEC) No 2290/83 laying down provisions for the implementation of Articles 50 to 59b and Articles 63a and 63b of Council Regulation (EEC) No 918/83 setting up a Community system of reliefs from customs duty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty⁽¹⁾, as last amended by Regulation (EEC) No 3357/91⁽²⁾, and in particular Article 143 thereof,

Whereas the abovementioned Regulation (EEC) No 3357/91 provided, *inter alia*, for the revision of Articles 52 to 56 and 63a and 63b of Regulation (EEC) No 918/83 in order to remove the condition of non-equivalence of Community products;

Whereas it is therefore necessary to modify accordingly the implementing provisions laid down in Commission Regulation (EEC) No 2290/83⁽³⁾, as last amended by Commission Regulation (EEC) No 1843/89⁽⁴⁾, and to remove all references to the condition of non-equivalence of Community products;

Whereas to follow the line of the revision of Regulation (EEC) No 918/83 it seems essential to abolish as far as possible the expensive and complicated procedure involving in certain instances a decision by the Commission after consultation of a group of experts of all the Member States, meeting within the framework of the Committee on Duty Free Arrangements;

Whereas all references to a decision by the Commission should therefore be deleted and all decisions should be taken at national level;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Duty Free Arrangements,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2290/83 is hereby amended as follows:

1. Article 2 (1) is replaced by the following:

'1. The admission free of import duties of educational, scientific and cultural materials referred to in Article 51, 52 (1) and 53 of the basic Regulation,

hereinafter referred to as "goods", shall entail the following obligations on the part of the establishment or organization to which the goods are consigned:

- to dispatch the goods in question directly to the declared place of destination,
- to account for them in its inventory,
- to facilitate any verification which the competent authorities consider necessary in order to ensure that the conditions for granting admission free of import duties are satisfied, or remain satisfied.

In addition, in the case of goods referred to in Articles 52 (1) and 53 and the basic Regulation, it shall entail the obligation on the part of the establishment or organization to which the goods are consigned to use the abovementioned goods exclusively for non-commercial purposes within the meaning of the second indent of Article 54 of the basic Regulation.

2. The first subparagraph of Article 3 (2) is replaced by the following:

'2. Where the establishment or organization to which the goods are lent, hired out or transferred is situated in a Member State other than that in which the establishment that lent, hired out or transferred the goods is situated, upon the dispatch of such goods the competent customs office of the Member State of dispatch shall issue a control Copy T 5 in accordance with the rules laid down in Regulation (EEC) No 2823/87 in order to ensure that such goods are put to a use entitling them to continue to qualify for admission free of import duties.'

3. The title of Title III is amended to read as follows:

TITLE III

SPECIFIC PROVISIONS RELATING TO THE IMPORTATION FREE OF IMPORT DUTIES OF SCIENTIFIC INSTRUMENTS AND APPARATUS UNDER ARTICLES 52 AND 54 OF THE BASIC REGULATION.

4. Article 5 is replaced by the following:

Article 5

For the purposes of the first indent of Article 54 of the basic Regulation, the objective technical characteristics of a scientific instrument or apparatus shall be understood to mean those characteristics resulting from the construction of that instrument or apparatus

⁽¹⁾ OJ No L 105, 23. 4. 1983, p. 1.

⁽²⁾ OJ No L 318, 20. 11. 1991, p. 3.

⁽³⁾ OJ No L 220, 11. 8. 1983, p. 20.

⁽⁴⁾ OJ No L 180, 27. 6. 1989, p. 22.

or from adjustments to a standard instrument or apparatus which make it possible to obtain high-level performances above those normally required for industrial or commercial use.

Where it is not possible to establish clearly on the basis of its objective technical characteristics whether an instrument or apparatus is to be regarded as a scientific instrument or apparatus, reference shall be made to the use of the instrument or apparatus for which admission free of import duties is requested. If this examination shows that the instrument or apparatus in question is used for scientific purposes, it shall be deemed to be of a scientific nature.'

5. Article 6 (2) is replaced by the following:

'2. The application referred to in paragraph 1 must contain the following information relating to the instrument or apparatus in question:

- (a) the precise trade description of the instrument or apparatus used by the manufacturer, its presumed combined nomenclature classification and the objective technical characteristics on the basis of which the instrument or apparatus is considered to be scientific;
- (b) the name or business name and address of the manufacturer and, if available, of the supplier;
- (c) the country of origin of the instrument or apparatus;
- (d) the place where the instrument or apparatus is to be used;
- (e) the precise use for which the instrument or apparatus is intended;
- (f) the price of the instrument or apparatus or its value for customs purposes;
- (g) the quantity of the instrument or apparatus in question.

Documentary evidence providing all relevant information on the characteristics and technical specifications of the instrument or apparatus must be furnished with the application.'

6. Article 7 is replaced by the following:

'Article 7

The competent authority of the Member State in which is situated the establishment or organization to which the goods are consigned shall take a direct decision on applications under Article 6 in all cases.'

7. Article 14 is replaced by the following:

'Article 14

The competent authority of the Member State in which is situated the establishment or organization to which the goods are consigned shall take a direct

decision in respect of the application referred to in Article 13.'

8. Article 15a (2) (a) is replaced by the following:

'(a) the precise trade description of the instrument or apparatus used by the manufacturer, and its presumed classification in the combined nomenclature.'

9. Article 15c is replaced by the following:

'Article 15c

The competent authority of the Member State in which is situated the establishment or organization to which the goods are consigned shall take a direct decision on applications in all cases.'

10. Article 15d is replaced by the following:

'Article 15d

The provisions of Articles 15a and 15c shall apply *mutatis mutandis* to spare parts, components, specific accessories and tools to be used for the maintenance, checking, calibration or repair of instruments of apparatus admitted duty-free pursuant to Article 63a (2) (a) and (b) of the basic Regulation.'

11. Article 16 is replaced by the following:

'Article 16

1. Each Member State shall send the Commission a list of the instruments, apparatus, spare parts, components, accessories and tools of which the price or the value for customs purposes exceeds ECU 5 000 and in respect of which it has authorized or refused admission free of import duties under Articles 7, 14 or 15c.

The list shall give the precise trade description of the goods referred to in the first subparagraph and the eight-figure combined nomenclature code. It shall also include the name of the manufacturer or manufacturers, the country or countries of origin and the price or customs value of the goods concerned.

2. The lists referred to in paragraph 1 shall be sent during the first and third quarters of each year and shall contain particulars of those goods whose admission free of import duties has been authorized or refused during the preceding six months.

3. The Commission shall forward these lists to the other Member States.'

12. Article 18 is replaced by the following:

'Article 18

In order to ensure the uniform application of Community provisions, the lists referred to in Article 16 shall be examined periodically by the Committee on Duty Free Arrangements.'

13. Article 18a (2) (b) is replaced by the following:

'(b) the the precise trade description of the equipment as well as the quantity and value thereof and, where appropriate, its presumed classification in the combined nomenclature.'

14. Article 18c is replaced by the following:

'Article 18c

The provisions of Article 8 shall apply *mutatis mutandis*.'

15. Title IV, Articles 9, 10, 15b and 17 are deleted.

Article 2

This Regulation shall enter into force on the third day following 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, 25 March 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EEC) No 735/92

of 25 March 1992

amending Regulation (EEC) No 2289/83 laying down provisions for the implementation of Articles 70 to 78 of Council Regulation (EEC) No 918/83 setting up a Community system of reliefs from customs duty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty⁽¹⁾, as last amended by Regulation (EEC) No 3357/91⁽²⁾, and in particular Article 143 thereof,

Whereas Regulation (EEC) No 3357/91, *inter alia*, replaced Articles 72 and 73 of Regulation (EEC) No 918/83 in order to remove the condition of non-equivalence of Community products;

Whereas it is therefore necessary to modify accordingly the implementing provisions laid down in Commission Regulation (EEC) No 2289/83⁽³⁾, as last amended by Regulation (EEC) No 1746/85⁽⁴⁾, and to remove all references to the condition of non-equivalence of Community products;

Whereas to follow the line of the revision of Regulation (EEC) No 918/83 it seems essential to abolish the expensive and complicated procedure involving in certain cases a decision by the Commission after consultation of a group of experts of all the Member States, meeting within the framework of the Committee on Duty Free Arrangements;

Whereas all references to a decision by the Commission should therefore be deleted and all decisions should be taken at national level;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Duty Free Arrangements,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2289/83 is hereby amended as follows:

1. The introductory phrase of Article 2 (1) is replaced by the following:

⁽¹⁾ OJ No L 105, 23. 4. 1983, p. 1.

⁽²⁾ OJ No L 318, 20. 11. 1991, p. 3.

⁽³⁾ OJ No L 220, 11. 8. 1983, p. 15.

⁽⁴⁾ OJ No L 167, 27. 6. 1985, p. 23.

'1. The admission free of import duties of articles referred to in Articles 71 and 72 (1) and (2) of the basic Regulation shall entail the following obligations on the part of the institution or organization to which they are consigned:'.
'

2. The first subparagraph of Article 3 (2) is replaced by the following:

'2. Where the institution or organization to which an article is lent, hired out or transferred is situated in a Member State other than that in which the institution or organization that lent, hired out or transferred the article is situated, upon the dispatch of such article the competent customs office of the Member State of dispatch shall issue a Control Copy T 5 in accordance with the rules laid down in Regulation (EEC) No 2823/87 in order to ensure that such article is put to a use entitling it to continue to qualify for admission free of import duties.'
'

3. Article 6 (2) is replaced by the following:

'2. The application referred to in paragraph 1 shall contain the following information relating to the article in question:

- (a) the precise trade description of the article used by the manufacturer, its presumed combined nomenclature classification and the objective technical characteristics indicating that it was specially designed for the education, employment or social advancement of handicapped persons;
- (b) the name or business name and address of the manufacturer and, if applicable, of the supplier;
- (c) the country of origin of the article;
- (d) the place of destination of the article;
- (e) the precise use for which the article is intended;
- (f) the price of the article or its value for customs purposes;
- (g) the quantity of the article in question.

Documentary evidence providing all relevant information on the characteristics and technical specifications of the article shall be furnished with the application.'

4. Article 7 is replaced by the following:

'Article 7

The competent authority of the Member State in which is situated the institution or organization to which the articles are consigned shall take a direct decision on applications under Article 6.'

5. Article 17 is replaced by the following:

'Article 17

The following shall apply *mutatis mutandis* to exemption from import duties of articles imported by handicapped persons themselves for their own use:

- Article 6, 7 and 10 in the case of articles referred to in Article 72 (1) of the basic Regulation,
- Articles 13, 14 and 15 in the case of articles referred to in Article 72 (2) of the basic Regulation.'

6. Article 18 is replaced by the following:

'Article 18

The competent authorities may allow the application provided for in Articles 4 and 6 to be made in a

simplified form, where it relates to items imported under the conditions referred to in Articles 16 and 17.'

7. Articles 5, 8, 9, Title IV and Articles 11 and 12 are deleted.

Article 2

This Regulation shall enter into force on the third day following 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, 25 March 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EEC) No 736/92

of 25 March 1992

repealing Regulation (EEC) No 2287/83 laying down provisions for the implementation of Article 127 of Council Regulation (EEC) No 918/83 setting up a Community system of reliefs from customs duty

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

Having regard to Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty⁽¹⁾, as last amended by Regulation (EEC) No 3357/91⁽²⁾, and in particular Article 143 thereof,

Whereas Commission Regulation (EEC) No 2287/83⁽³⁾ laying down provisions for the implementation of Article 127 of Regulation (EEC) No 918/83 provided that duty-free admission under Article 27 of Regulation (EEC) No 918/83 should be restricted to consignments dispatched by letter or parcel-post directly from a third country to a natural or legal person in the Community;

Whereas the abovementioned Regulation (EEC) No 3357/91 provided *inter alia* for the revision of Article 27 of Regulation (EEC) No 918/83, which now states that it applies to goods dispatched direct from a third country to a natural or legal person in the Community;

Whereas Article 27 of Regulation (EEC) No 918/83, as amended, incorporates the provisions of Regulation (EEC) No 2287/83; whereas Regulation (EEC) No 2287/83 may therefore be repealed;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Duty Free Arrangements,

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EEC) No 2287/83 is hereby repealed.

Article 2

This Regulation shall enter into force on the third day following 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, 25 March 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 105, 23. 4. 1983, p. 1.

⁽²⁾ OJ No L 318, 20. 11. 1991, p. 3.

⁽³⁾ OJ No L 220, 11. 8. 1983, p. 12.

COMMISSION REGULATION (EEC) No 737/92**of 25 March 1992****fixing the maximum export refund for white sugar for the 46th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 963/91**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 61/92⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 963/91 of 18 April 1991 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 963/91, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 46th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 46th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 963/91 the maximum amount of the export refund is fixed at ECU 40,76 per 100 kilograms.

Article 2

This Regulation shall enter into force on 26 March 1992.

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

Done at Brussels, 25 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 100, 20. 4. 1991, p. 9.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 March 1992

accepting an undertaking given by a Japanese producer in connection with the anti-dumping proceeding concerning imports of certain thermal paper originating in Japan, and terminating the investigation with regard to the producer in question

(92/177/EEC)

THE COMMISSION 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 10 thereof,

After consultations within the Advisory Committee as provided for by Regulation (EEC) No 2423/88,

Whereas :

A. Provisional measures

- (1) The Commission, by Regulation (EEC) No 2805/91⁽²⁾, imposed a provisional anti-dumping duty on imports into the Community of certain thermal paper (hereinafter referred to as 'telefax paper') originating in Japan, and falling within CN codes ex 3703 90 90 and ex 4810 11 90. The Council, by Regulation (EEC) No 103/92⁽³⁾, extended this duty for a period not exceeding two months.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 270, 26. 9. 1991, p. 15.

⁽³⁾ OJ No L 11, 17. 1. 1992, p. 33.

B. Imposition of a definitive duty

- (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) The Commission pursued its investigation into the dumping and resultant injury. On the basis of its conclusions, the Commission has proposed to the Council to adopt a Regulation imposing a definitive anti-dumping duty on imports of telefax paper originating in Japan, and definitively collecting the provisional anti-dumping duty imposed on these imports.

C. Undertaking

- (4) After all producers concerned were notified of the results of the investigation, Tomoegawa Paper Co. Ltd offered an undertaking in accordance with Article 10 of Regulation (EEC) No 2423/88.
- (5) The effect of this undertaking would be to increase export prices by an amount that would be sufficient to eliminate the dumping established. The Commission believes that, administratively, it will be possible to verify that this undertaking is being respected. In view of this, the Commission considers that the undertaking offered is acceptable and that the investigation concerning the company in question may be closed without imposition of an anti-dumping duty.

- (6) Should this undertaking not be complied with or be withdrawn by the producer concerned, the Commission could, in accordance with Article 10 (6) of Regulation (EEC) No 2423/88, immediately impose a provisional duty on the basis of the results and conclusions of the investigation set out in Council Regulation (EEC) No 729/92⁽¹⁾. Subsequently, a definitive duty could also be imposed by the Council on the basis of information gathered in this investigation.
- (7) When the Advisory Committee was consulted on the acceptance of the undertaking offered, no objections were raised,

imports of telefax paper originating in Japan, is hereby accepted.

This acceptance shall take effect on the day of entry into force of the definitive duty.

Article 2

The investigation in connection with the anti-dumping proceeding referred to in Article 1 is hereby terminated in respect of Tomoegawa Paper Co., Ltd.

HAS DECIDED AS FOLLOWS:

Done at Brussels, 16 March 1992.

Article 1

The undertaking offered by Tomoegawa Paper Co., Ltd in connection with the anti-dumping proceeding concerning

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ See page 1 of this Official Journal.

COMMISSION DECISION

of 16 March 1992

amending Decision 87/257/EEC relating to the list of establishments in the United States of America approved for the purpose of importing fresh meat into the Community

(92/178/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard 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 products from third countries⁽¹⁾, as last amended by Directive 91/688/EEC⁽²⁾, and in particular Articles 4 (1) and 18 (1) thereof,

Whereas a list of establishments in the United States of America, approved for the purpose of importing fresh meat into the Community, was drawn up initially by Commission Decision 87/257/EEC⁽³⁾, as last amended by Council Decision 91/522/EEC⁽⁴⁾; whereas that list may be amended at any time in the light of the results of Community inspections carried out in the United States of America;

Whereas, during the latest inspection conducted pursuant to Article 5 of Directive 72/462/EEC and Article 2 (1) of Commission Decision 86/474/EEC of 11 September 1986 on the implementation of the on-the-spot inspections to be carried out in respect of the importation of bovine animals and swine and fresh meat from non-member countries⁽⁵⁾, some improvements were noted in certain establishments; whereas assurances were presented to the Commission concerning the establishments in question;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 87/257/EEC is hereby replaced by the Annex to this Decision.

Article 2

The Member States shall authorize imports of fresh meat from the establishment 889 A (JF O'Neill Packing Co., Omaha, NE).

Article 3

In relation to the establishments 5736 A (VMI Corporation, Omaha, NE) and 245 L (IBP, Lexington, NE), the Commission may fix the date as of which the Member States shall authorize the imports of fresh meat after having reinspected these establishments and after having informed the Member States in the Standing Veterinary Committee of the results of the inspection.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 16 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 377, 31. 12. 1991, p. 18.

⁽³⁾ OJ No L 121, 9. 5. 1987, p. 46.

⁽⁴⁾ OJ No L 283, 11. 10. 1991, p. 14.

⁽⁵⁾ OJ No L 279, 30. 9. 1986, p. 55.

ANNEX

ANNEX

List of establishments in the United States of America approved for the purpose of importing fresh meat into the Community

Approval No	Establishment/address	Category (*)							SR
		SL	CP	CS	B	S/G	P	SP	
3 S	Montfort Pork Inc., Marshalltown, IA	x					x		5, 9
3 W	Montfort Pork Inc., Worthington, MN	x					x		6, 9
7	Berliner & Marx, South Bend, IN	x			x				2
7 A	Berliner & Marx, Edgar, WI	x	x		x				
I-30	New Orleans Inspection Service Inc., New Orleans, LA			x					1
53	American Freezer Services, Norfolk, NE			x					1
E-113-W	M & R Packing Co., Walterboro, SC	x	x					x	
I-113	US Cold Storage, Philadelphia, PA			x					1
I-149	C W Storage, Albany, NY			x					1
I-162	Americold, Fogelsville, PA			x					1
I-183	Blue Grass Inspection Service, Philadelphia, PA			x					1
I-195	Rosenberger's Cold Storage Inc., Hatfield, PA			x					1
244	IBP, Storm Lake, IA	x					x		7, 9
244 C	IBP, Council Bluffs, IA	x					x		5, 9
244 M	IBP, Madison, NE	x					x		5, 9
244 P	IBP, Perry, IA	x					x		5, 9
244 W	IBP, Waterloo, IA	x					x		7, 9
245 L	IBP, Lexington, NE	x	x		x				
253	Long Prairie Packing Co. Inc., Long Prairie, MN	x			x				8
I-305	Georgia Ports Authority, Savannah, GA			x					1
I-320	South Carolina State Ports Authority, North Charleston, SC			x					1
I-333	Diamond Distribution Center, Newark, DE			x					1
I-335	Service Cold Storage, Miami, FL			x					1
I-346	Primliks, Miami, FL			x					1
382 G	Smithfield Packing Co., Norfolk, VA			x					1
410	Green Bay Dressed Beef Inc., Green Bay, WI	x			x				2
511	Rocco Further Processing, Timberville, VA	x	x			x			
532	Northern States Beef, Omaha, NE	x			x				2
562	Packerland Packing Co., Green Bay, WI	x			x				2

Approval No	Establishment/address	Category (*)							SR
		SL	CP	CS	B	S/G	P	SP	
E-646	Transcontinent Packing Co., Palestine, TX	x	x					x	
E-713	Central Nebraska Packing Inc., North Platte, NE	x	x					x	
1620	Quality Pork Processors Inc., Austin, MN	x					x		6, 9
889 A	J. F. O'Neill Packing Co., Omaha, NE	x	x		x				10
2003	Cornbelt Meats Inc., Albert Lea, MN	x					x		6, 9
E-2018	Dallas Crown Packing Co., Kaufman, TX	x	x					x	
2508	The Bruss Company, Chicago, IL		x			x			
3001	Capitol Cold Storage, San Antonio, TX			x					1
3056	Termicol Inc., Wallula, WA			x					1
3131	Worthington Freezer Warehouse Company, Worthington, MN			x					1, TF
3136	Fairmont Refrigerated Service Co., Fairmont, MN			x					1, TF
3149	Millard Warehouse (L & B Corp.), Des Moines, IA			x					1
3150	Beatrice Cold Storage Warehouse, Denver, CO			x					1
3157	Des Moines Cold Storage Co. Inc., Des Moines, IA			x					1
3158	Freezer Services Inc., Amarillo, TX			x					1
3161	Monument Distribution Warehouse Inc., Indianapolis, IN			x					1
3164	Americold Corporation, Boston, MA			x					1
3170	Logansport Refrig Services, Logansport, IN			x					1
3190	American Freezer Services Inc., Fremont, NE			x					1
3198	Millard Warehouse (L & B Corp.), Denison, IA			x					1
3215	Napoleon Warehouse Inc., Napoleon, OH			x					1
3216	Freezer Services Inc. of Texas, Garden City, KS			x					1
3219	Merchants Refrigerating Co., Denver, CO			x					1
3229	Iowa Beef Processors Inc., Emporia, KS			x					1
3241	AMC Warehouses, Grand Prairie, TX			x					1
3245	United Refrigerated Services, Marshall, MO			x					1
3256	Nobel Inc., Denver, CO			x					1
3261	Rosenberger's Cold Storage Inc., Hatfield, PA			x					1
3273	Central Nebraska Packing Inc., North Platte, NE			x					1
3338	Millard Warehouse, Iowa City, IA			x					1
3363	Millard Warehouse (L & B Corp.), Friona, TX			x					1
3396	Americold, Bettendorf, IA			x					1
3397	DFW Cold Storage Inc., Richardson, TX			x					1

Approval No	Establishment/address	Category (*)							SR
		SL	CP	CS	B	S/G	P	SP	
3398	Millard Warehouse, Grand Island, NE			x					1
3407	Bell Cold Storage, St Paul, MN			x					1
3431	Texas Cold Storage, Fort Worth, TX			x					1
3447	Mohawk Cold Storage Division, Wauwatosa, WI			x					1
3474	Nordic Warehouses Inc., Benson, NC			x					1
3475	Atlas Warehouse Cold Storage, Green Bay, WI			x					1
3477	Northland Cold Storage, Greenbay, WI			x					1
3490	Oneida Cold Storage, Salt Lake City, UT			x					1
3505	Dakota Cold Storage, Huron, SD			x					1
3507	Zollinger Cold Storage Corp., Logan, UT			x					1
3512	Inland Storage Dist Center, Kansas City, KS			x					1
3524	Trans Continental Cold Storage, Storm Lake, IA			x					1
3535	Ashland Cold Storage Co., Chicago, IL			x					1
3552	Cloverleaf Cold Storage Co. (No 2), Sioux City, IA			x					1
3554	Cloverleaf Cold Storage Co., Sioux City, IA			x					1
3555	Cloverleaf Cold Storage Co., Sioux City, IA			x					1, TF
3562	L & B Corporation, Lincoln, NE			x					1
3573	Albert Lea Freezer Warehouse Co., Albert Lea, MN			x					1, TF
3610	Millard Cold Storage, Dodge City, KS			x					1
3688	Newport St Paul Cold Storage, Newport, MN			x					1
3707	United States Cold Storage Inc., Omaha, NE			x					1
3722	Des Moines Cold Storage Co. Inc., Des Moines, IA			x					1, TF
3738	Artesian Ice and Cold Storage Co., St Joseph, MO			x					1
3748	Cloverleaf Cold Storage Co., Sioux City, IA			x					1
3854	Merchants Refrigerating Co., Vinita Park, MO			x					1
3860	Central Storage and Warehouse Inc., Eau Claire, WI			x					1
3871	York Cold Storage Co., York, NE			x					1
3910	United States Cold Storage, East Peoria, IL			x					1
3935	Millard Warehouse, Omaha, NE			x					1
3942	Wilkerson Cold Storage, Lubbock, TX			x					1
4215	Mid America Refr. Serv., Omaha, NE			x					1
E-4816	Great Western Meat Co., Morton, TX	x	x					x	
5736 A	VMI Corporation, Omaha, NE		x		x				4

Approval No	Establishment/address	Category (*)							SR
		SL	CP	CS	B	S/G	P	SP	
E-6043	Florence Packing Co., Stanwood, WA	x	x					x	
6543	Savannah Cold Storage, Savannah, GA			x					1
E-7041	Beltex Corporation, Fort Worth, TX	x	x					x	
7164	Cox Packing Co., Devine, TX	x	x			x			
7271	Custom Meat Corp., Dallas, TX		x			x			
7298	Monfort of Colorado Inc., Harper, KS	x	x			x			
E-8861	Amfran Packing Co., Plainfield, CT	x	x					x	
8904	Bell Cold Storage, St Paul, MN			x					1
8984	Provimi Veal Corp., Seymour, WI	x	x		x				3
8984-A	Provimi Lamb, Seymour, WI		x			x			
E-9294	Cavel West Inc., Redmond, OR	x	x					x	
9400	Taylor Packing Co Inc., Wyalusing, PA	x			x				7
E-9910	Cavalier Export Co., Evington, VA	x	x					x	
13182	Mid-Continent Cold Storage, Omaha, NE			x					1
13247	Gold Leaf of Nebraska, York, NE		x		x				4
E-13439	Archway Packing Co., Desloge, MO	x	x					x	
E-15849	Cavel International, De Kalb, IL	x	x					x	
17054	RCS/Smithfield Inc., Smithfield, VA			x					1
17068	US Coldstorage, Cumberton, NC			x					1
17461	Millard Refrigerated Services, Greeley, CO			x					1
17756	Millard Refrigerated Services, Sioux City, IA			x					1

(*) SL: Slaughterhouse

CP: Cutting premises

CS: Cold store

B: Bovine meat

S/G: Sheepmeat/Goatmeat

P: Pigmeat

SP: Meat from solipeds

SR: Special remarks

1 = Only storage of meat already finally packaged in approved slaughtering or cutting establishments.

2 = Offal only.

3 = Also for sliced bovine livers.

4 = Only sliced bovine livers.

5 = Tongues and hearts only.

6 = Tongues, hearts and kidneys only.

7 = Tongues, hearts, kidneys and livers only.

8 = Tongues, hearts, kidneys, livers and brains only.

9 = Only packaged meat which has undergone the freezing treatment provided for in Article 3 of Directive 77/96/EEC.

10 = Offal excluded.

TF = The establishments with the indication 'TF' are authorized, within the meaning of Article 4 of Directive 77/96/EEC, to perform the freezing treatment provided for in Article 3 of the same Directive.