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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1948/92

of 13 July 1992

repealing Regulation (EEC) No 2464/77 imposing a special duty on imports of certain nuts of iron or steel originating in Taiwan

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 2464/77 ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 ⁽²⁾ on protection against dumped or subsidized imports from countries not members of the European Economic Community, and in particular Article 14 thereof,

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

Whereas :

A. Previous procedure

(1) On 7 November 1977 the Council, by Regulation (EEC) No 2464/77, imposed a special duty on imports of certain nuts of iron or steel originating in Taiwan. Article 2 of that Regulation specified that Article 18 of Regulation (EEC) No 459/68, providing for the possibility of a review of anti-dumping measures, should apply, by analogy, to the special measures in question.

Successive regulations on protection against dumped or subsidized imports have provided that any reference to regulations previously repealed shall be construed as a reference to the regulation currently in force. Thus, the reference made to Article 18 of Regulation (EEC) No 459/68 shall be construed as a reference to Article 14 of Regulation (EEC) No 2423/88 now in force.

(2) By means of a notice published in the *Official Journal of the European Communities*⁽³⁾ a review

of Regulation (EEC) No 2464/77 was initiated in 1982 at the request of the Community industry, on the grounds that the duty was not sufficient to remove the injury arising from the imports in question. This review resulted, on the basis of the findings of the investigation, in the level of the duty being confirmed.

B. Review

- (3) In February 1992, owing to the lengthy period of time that had elapsed since the 1982 review, the Commission considered that a further review of the special measures concerned was warranted in order to examine the advisability of the duty continuing in force. The Commission accordingly announced, by means of a notice published in the *Official Journal of the European Communities*⁽⁴⁾ the initiation of a review of the special measures applicable to imports of certain nuts of iron or steel originating in Taiwan.
- (4) The Commission officially so advised the interested parties and gave them the opportunity to make their view known in writing and to request a hearing.

C. Products concerned

- (5) The products concerned are :
- threaded nuts, of iron or steel, turned from bars, rods, profiles or wire, of solid section of a hole diameter not exceeding 6 mm, falling within CN code 7318 16 10,
 - threaded nuts, of iron or steel, of a hole diameter not exceeding 10 mm, falling within CN codes ex 7318 16 91, ex 7318 16 30 and ex 7318 16 50.

⁽¹⁾ OJ No L 286, 10. 11. 1977, p. 7.

⁽²⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽³⁾ OJ No C 67, 16. 3. 1982, p. 7.

⁽⁴⁾ OJ No C 53, 28. 2. 1992, p. 4.

D. Result of the review

- (6) In the absence of any information from the interested parties and, in particular, since the Community industry known to be concerned submitted no information concerning the imports in question, the Commission, after examining the foreseeable effects of a repeal of the existing special measures, has no reason to believe that this repeal would have any negative impact on the situation of the Community industry.
- (7) In these circumstances, the Commission concludes that the repeal of the special measures now in force is not likely to lead to renewed injury or threat of injury to the Community industry. The Commission also considers that the special measures under review, which have been in force for 15 years, should be repealed in the absence of any evidence that the circumstances which led to the original measures continue to apply.

The Council confirms the above findings and concludes that the special duty imposed on imports of certain nuts of iron or steel originating in Taiwan should be repealed.

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

Done at Brussels, 13 July 1992.

E. Termination

- (8) In the light of the above, it is concluded that the review proceeding should be repealed.
- (9) No objections to this conclusion were raised in the Advisory Committee.
- (10) The Community industry concerned was informed of the facts and principal considerations on the basis of which it was intended to terminate the proceeding and repeal the measure reviewed, and did not comment.

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 2464/77 is hereby repealed.

Article 2

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

For the Council

The President

N. LAMONT

COUNCIL REGULATION (EEC) No 1949/92

of 13 July 1992

opening and providing for the administration of a Community tariff quota for apricot pulp originating in Turkey (1992/93)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Annex to Council Regulation (EEC) No 4115/86 of 22 December 1986 on import into the Community of agricultural products originating in Turkey⁽¹⁾, provides for the opening by the Community of an annual Community tariff quota of 90 tonnes at zero duty for apricot pulp originating in Turkey; whereas such a quota has been opened for the period up to 30 June 1992 by Regulation (EEC) No 1550/91⁽²⁾; whereas the tariff quota in question should therefore be opened for the abovementioned volume for the period 1 July 1992 to 30 June 1993;

Whereas the Council has adopted Regulation (EEC) No 1059/88 of 28 March 1988 laying down the arrangements applicable to Greece's trade with Turkey⁽³⁾; whereas the Council has also adopted Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade between Spain and Portugal on the one hand and Algeria, Egypt, Jordan, Lebanon, Tunisia and Turkey on the other⁽⁴⁾;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates

laid down for the quota should be applied consistently to all imports of the product in question into all the Member States until the quota is exhausted; whereas it is appropriate to take the necessary measures to ensure efficient Community administration of this tariff quota while offering the Member States the opportunity to draw from the quota volume the necessary quantities corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of the quota may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 July 1992 to 30 June 1993 the customs duty applicable to the following product, originating in Turkey, shall be suspended in the Community at the level and within the limit of the Commission tariff quota as shown herewith.

Order No	CN code	Description	Amount of quota (in tonnes)	Quota duty (%)
09.0203	ex 2008 50 91	Apricot pulp neither containing added spirit nor added sugar in immediate packings of a net content of 4,5 kg or more	90	0

(¹) Taric code 2008 50 91'20

2. Within the framework of this tariff quota, the Kingdom of Spain and the Portuguese Republic shall apply a customs duty calculated in accordance with the relevant provisions of the Act of Accession and Regulation (EEC) No 2573/87.

Article 2

The tariff quota referred to in Article 1 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

Article 3

If an importer presents, in a Member State, a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

(¹) OJ No L 380, 31. 12. 1986, p. 16.

(²) OJ No L 144, 8. 6. 1991, p. 1.

(³) OJ No L 104, 23. 4. 1988, p. 4.

(⁴) OJ No L 250, 1. 9. 1987, p. 1. Amrmded by Regulation (EEC) No 4162/87 (OJ No L 396, 31. 12. 1987, p. 1).

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

If the quantities requested are greater than the available balance of the tariff quota, allocation shall be made on a pro rata basis with respect to the requests Member States shall be informed by the Commission of the drawings made.

Article 4

Each Member State shall ensure that importers of the product concerned have equal and continuous access to

the quota for such time as the residual balance of the quota volume so permits.

Article 5

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

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

It shall apply from 1 July 1992.

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

Done at Brussels, 13 July 1992.

For the Council

The President

N. LAMONT

COUNCIL REGULATION (EEC) No 1950/92
of 13 July 1992

opening and providing for the administration of a Community tariff quota for heifers and cows, other than those intended for slaughter, of certain mountain breeds

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

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

Having regard to the proposal from the Commission,

Whereas the European Economic Community undertook, within the framework of the General Agreement on Tariffs and Trade (GATT), to open an annual Community tariff quota of 20 000 head at a duty of 6 % for heifers and cows, other than those intended for slaughter, of certain mountain breeds; whereas, in an exchange of letters with Austria dated 21 July 1972, the Community undertook unilaterally to increase the size of the tariff quota from 20 000 to 30 000 head and to lower the quota duty from 6 % to 4 %; whereas, subsequently, this quota was increased unilaterally to 38 000 head; whereas according to the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Austria concerning agriculture of 14 July 1986, which was approved by Decision 86/555/EEC⁽¹⁾, the volume of this tariff quota was raised to 42 600 head as from 1 July 1986; whereas the abovementioned tariff quota should therefore be opened for the period 1 July 1992 to 30 June 1993 at a duty of 4 % for a quantity of 42 600 head; whereas a check should be

carried out to ascertain that the imported animals have not been slaughtered within a certain period;

Whereas it is, in particular, necessary to ensure equal and continuous access for all Community importers to the abovementioned quota, and the uninterrupted application of the quota duties, to all imports of the animals in question until the quota is exhausted; whereas the necessary measures should be taken to ensure efficient administration of this tariff quota, taking into account the Community nature of the quota and special factors in the trade in these animals; whereas to this end the Commission should assign to the Member States on request the quantities needed to cover actual imports in accordance with an economically appropriate procedure to be determined;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the quantities levied by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. From 1 July 1992 to 30 June 1993, the duty applicable to the import into the Community of the animals designated hereafter shall be suspended at the level and within the limits of the Community tariff quota indicated.

Order No	CN code (a)	Description	Quota volume	Quota duty (%)
09.0001	ex 0102 90 10 ex 0102 90 31 ex 0102 90 33	Cows and heifers other than those intended for slaughter, of the following mountain breeds: grey, brown, yellow and mottled Simmental breed and mottled Pintzgau breed	42 600 head	4

(a) Taric codes: 0102 90 10 * 20 and 40,
0102 90 31 * 11, 19, 31 and 39,
0102 90 33 * 10 and 30.

2. Within the limits of this tariff quota, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions in the Act of Accession.

3. For the purposes of this Regulation, the animals referred to in paragraph 1 shall be considered not intended for slaughter if they are not slaughtered within four months of the date of the acceptance of the entry for release for free circulation.

Derogations may, however, be granted in the event of *force majeure* duly attested by a local authority certificate setting out the reasons for the slaughter.

Article 2

1. The quota volume referred to in Article 1 (1) shall be further divided into two parts.

The first part, 80 % of the total, i.e. 34 080 head, shall be reserved for established importers who are able to furnish

(1) OJ No L 328, 22. 11. 1986, p. 57.

proof of having imported animals of the breeds specified in the tariff quota in question during the previous three years.

The second part, of 20 %, i.e. 8 520 head, shall be reserved either for importers who undertake, when making an application, to keep the imported cattle in premises of which they have the use or for importers who have been conducting business in live bovine animals for a period of at least one year and are listed in a public register of the Member State or who can provide proof, recognized by the competent authority, of such conduct.

2. The 34 080 head shall be assigned to the various importers pro rata, in proportion to the scale of their previous imports over the three years under consideration or to the quantities applied for if they are less than previous imports while the 8 520 head shall be assigned to applicants pro rata, in proportion to the entitlement applied for by the importers. In the latter case :

- (a) applications for quantities greater than 50 head shall be automatically reduced to that number ;
- (b) applications which would give rise to a certificate of participation covering a quantity of less than five head shall not be taken into account ;
- (c) quantities which have not been assigned, owing to the minimum five head limitation shall be assigned by drawing lots (with a figure of five head).

3. Any quantities of one of the parts of the tariff quota referred to in paragraph 1 not applied for shall be automatically transferred to the other part.

Article 3

1. Applications to import under each part of the tariff quota, accompanied, where appropriate, by proof of previous imports, shall be made to the competent authorities in the Member States, in accordance with the procedures laid down and the deadline set by those authorities, by means of the document of release for free circulation, which shall be cancelled by the said authorities after being submitted as proof.

These authorities shall transmit to the Commission, not later than 17 July 1992 the data thus collected, and in particular :

- the number of applicants and the number of head applied for by each category of importer,
- the average of previous imports furnished by each applicant in respect of the 34 080 head reserved for established importers.

2. The Commission shall notify the Member States, by 22 July 1992, of the quantities to be assigned to each

applicant, in the form, where necessary, of a percentage of the amount originally applied for, or of that applicant's previous imports.

3. On the basis of the data referred to in paragraph 2, Member States shall issue applicants with certificates specifying the number of head to which they are entitled. The period of validity of the certificates may not go beyond 30 June 1983.

The entitlement certificates, a model of which is annexed to this Regulation, shall be issued upon provision of a security of ECU 20 per head, which shall be released once the certificates have been returned, complete with the customs stamps acknowledging the import of the animals, to the issuing authority.

An entitlement certificate shall not be transferable and shall entitle the bearer to benefit from the tariff quota only when made out in the same name as the entry for release for free circulation which accompanies it.

The rules laid down in Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽¹⁾, as last amended by Regulation (EEC) No 1599/90⁽²⁾, for the release of the security for the import certificates or its conversion into revenue shall apply to the security referred to in the second subparagraph.

4. Quantities which have not been the subject of the issue of entitlement certificates by 31 March 1993 shall be finally reassigned under the procedure described in the foregoing paragraphs to importers who have applied for certificates in respect of their whole entitlements.

To this end, Member States shall notify the Commission by 10 April 1993 of the quantities remaining unused on 31 March 1993, and furnish the data specified in the second subparagraph of paragraph 1. The Commission shall set the new percentages for entitlements in each category and shall transmit them by not later than 15 April 1993 to the Member States, which shall then issue the entitlement certificates to the applicants under the conditions set out in paragraph 3, with a period of validity not extending beyond 30 June 1993.

Article 4

1. Member States shall take all measures necessary to ensure that access to the tariff quota in question is restricted to cattle as specified in Article 1 (1).

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽²⁾ OJ No L 151, 15. 6. 1990, p. 29.

2. They shall ensure importers equal and continuous access to the tariff quota in question.

Article 5

Member States and the Commission shall cooperate closely to ensure that the provisions of this Regulation are observed.

3. Depletion of the said quota shall be measured on the basis of imports submitted for customs clearance under cover of entries for release for free circulation.

Article 6

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

It shall apply from 1 July 1992.

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

Done at Brussels, 13 July 1992.

For the Council

The President

J. GUMMER

ENTITLEMENT CERTIFICATE No COMMUNITY TARIFF QUOTAS FOR — Cows and heifers other than those intended for slaughter of certain mountain breeds — Bulls, cows and heifers other than those intended for slaughter of certain Alpine breeds				
1. Holder (Name, complete address and Member State)	2. Issuing authority			
NOTES A. This certificate is valid in all Member States of the Community. B. This certificate must be attached to the entry for release for free circulation, and the entry must itself be drawn up in the name of the holder of this certificate. C. The customs office concerned should write off the quantities released for free circulation and return this certificate to the holder or the holders representative. D. The holder must return this certificate to the issuing authority to obtain release of the guarantee.	3. This certificate is valid until and including <table border="1" style="display: inline-table; margin-left: 10px; border-collapse: collapse;"> <tr> <td style="width: 30px; text-align: center;">day</td> <td style="width: 30px; text-align: center;">month</td> <td style="width: 30px; text-align: center;">year</td> </tr> </table> Place and date of issue : Signature and stamp of issuing authority :	day	month	year
day	month	year		
4. Description of animals	5. CN code			
	6. Number of head in figures			
7. Number of head in words				

8. WRITING OFF BY CUSTOMS OFFICES (in column 9, indicate in part 1 the quantity available, and in part 2 the quantity written off)			
9. Number of head in figures	10. Number of head in words for the quantity written off	11. Number and date of acceptance of the entry for release for free circulation	12. Name, Member State, signature and stamp of the customs office
1.			
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COUNCIL REGULATION (EEC) No 1951/92

of 13 July 1992

opening and providing for the administration of a Community tariff quota for bulls, cows and heifers, other than those intended for slaughter, of certain Alpine breeds

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

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

Having regard to the proposal from the Commission,

Whereas the European Economic Community undertook, within the framework of the General Agreement on Tariffs and Trade (GATT), to open an annual Community tariff quota of 5 000 head at a duty of 4 % for bulls, cows and heifers, other than those intended for slaughter, of certain Alpine breeds ; whereas eligibility for such quota is subject to submission of the following documents :

- bulls : a pedigree certificate,
- female animals : a pedigree certificate or certificate of registration in the herdbook, certifying purity of breed ;

Whereas the abovementioned tariff quota should therefore be opened for the period 1 July 1992 to 30 June 1993 at a duty of 4 % ; whereas a check should be carried out to ascertain that the imported animals have not been slaughtered within a certain period ;

Whereas it is in particular necessary to ensure equal and continuous access for all Community importers to the

abovementioned quota, and the uninterrupted application of the quota duties, to all imports of the animals in question until the quota is exhausted ; whereas the necessary measures should be taken to ensure efficient administration of this tariff quota, taking into account the Community nature of the quota and special factors in the trade in these animals ; whereas to this end the Commission should assign to the Member States on request the quantities needed to cover actual imports in accordance with an economically appropriate procedure to be determined ;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the quantities levied by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. From 1 July 1992 to 30 June 1993 the duty applicable to the import into the Community of the animals designated hereafter shall be suspended at the level and within the limits of the Community tariff quota indicated :

Order No	CN code (a)	Description	Quota volume	Quota duty (%)
09.0003	ex 0102 90 10 ex 0102 90 31 ex 0102 90 33 ex 0102 90 35	Bulls, cows and heifers, other than those intended for slaughter, of the following breeds : mottled Simmental breed and the Schwyz and Fribourg breeds	5 000 head	4

(a) Taric codes : 0102 90 10 * 30, 40 and 50,
0102 90 31 * 21, 29, 31 and 39,
0102 90 33 * 20 and 30,
0102 90 35 * 21 and 29.

Within the limits of this tariff quota, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions in the Act of Accession.

2. Eligibility for this tariff quota shall be subject to the submission of :

- in the case of bulls : a pedigree certificate,
- in the case of female animals : a pedigree certificate or certificate of registration in the herdbook, certifying purity of breed.

3. For the purposes of this Regulation, the animals referred to in paragraph 1 shall be considered not intended for slaughter if they are not slaughtered within four months of the date of acceptance of the entry for free circulation.

Derogations may, however, be granted in the event of *force majeure* duly attested by a local authority certificate setting out the reasons for the slaughter.

Article 2

1. The quota volume referred to in Article 1 (1) shall be further divided into two parts.

The first part, 80 % of the total, i.e. 4 000 head, shall be reserved for established importers who are able to furnish proof of having imported animals of the breeds specified in the tariff quota in question during the previous three years.

The second part, of 20 %, i.e. 1 000 head, shall be reserved either for importers who undertake, when making an application, to keep the imported cattle in premises of which they have the use or for importers who have been conducting business in live bovine animals for a period of at least one year and are listed in a public register of the Member State or who can provide proof, recognized by the competent authority, of such conduct.

2. The 4 000 head shall be assigned to the various importers pro rata, in proportion to the scale of their previous imports over the three years under consideration, or to the quantities applied for if they are less than previous imports while the 1 000 head shall be assigned to applicants pro rata, in proportion to the entitlement applied for by the importers. In the latter case :

- (a) applications for quantities greater than 50 head shall be automatically reduced to that number ;
- (b) applications which would give rise to a certificate of participation covering a quantity of less than five head shall not be taken into account ;
- (c) quantities which have not been assigned, owing to the minimum five head limitation shall be assigned by drawing lots (with a figure of five head).

3. Any quantities of one of the parts of the tariff quota referred to in paragraph 1 not applied for shall be automatically transferred to the other part.

Article 3

1. Applications to import under each part of the tariff quota, accompanied, where appropriate, by proof of previous imports, shall be made to the competent authorities in the Member States, in accordance with the procedures laid down and the deadline set by those authorities, by means of the document of release for free circulation, which shall be cancelled by the said authorities after being submitted as proof.

These authorities shall transmit to the Commission, not later than 17 July 1992, the data thus collected, and in particular :

- the number of applicants and the number of head applied for by each category of importer,

- the average of previous imports furnished by each applicant in respect of the 4 000 head reserved for established importers.

2. The Commission shall notify the Member States, by 22 July 1992, of the quantities to be assigned to each applicant, in the form, where necessary, of a percentage of the amount originally applied for, or of that applicant's previous imports.

3. On the basis of the data referred to in paragraph 2, Member States shall issue applicants with certificates specifying the number of head to which they are entitled. The period of validity of the certificates may not go beyond 30 June 1993.

The entitlement certificates, a model of which is annexed to this Regulation, shall be issued upon provision of a security of ECU 20 per head, which shall be released once the certificates have been returned, complete with the customs stamps acknowledging the import of the animals, to the issuing authority.

An entitlement certificate shall not be transferable and shall entitle the bearer to benefit from the tariff quota only when made out in the same name as the entry for release for free circulation which accompanies it.

The rules laid down in Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽¹⁾, as last amended by Regulation (EEC) No 1599/90⁽²⁾, for the release of the security for the import certificates or its conversion into revenue shall apply to the security referred to in the second subparagraph.

4. Quantities which have not been the subject of the issue of entitlement certificates by 31 March 1993 shall be finally reassigned under the procedure described in the foregoing paragraphs to importers who have applied for certificates in respect of their whole entitlements.

To this end, Member States shall notify the Commission by 10 April 1993 of the quantities remaining unused on 31 March 1993, and furnish the data specified in the second subparagraph of paragraph 1. The Commission shall set the new percentages for entitlements in each category and shall transmit them by not later than 15 April 1993 to the Member States, which shall then issue

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽²⁾ OJ No L 151, 15. 6. 1990, p. 29.

the entitlement certificates to the applicants under the conditions set out in paragraph 3, with a period of validity not extending beyond 30 June 1993.

Article 4

1. Member States shall take all measures necessary to ensure that access to the tariff quota in question is restricted to cattle as specified in Article 1 (1).

2. They shall ensure importers equal and continuous access to the tariff quota in question.

3. Depletion of the said quota shall be measured on the basis of imports submitted for customs clearance under cover of entries for release for free circulation.

Article 5

Member States and the Commission shall cooperate closely to ensure that the provisions of this Regulation are observed.

Article 6

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

It shall apply from 1 July 1992.

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

Done at Brussels, 13 July 1992.

For the Council

The President

J. GUMMER

ENTITLEMENT CERTIFICATE No COMMUNITY TARIFF QUOTAS FOR — Cows and heifers other than those intended for slaughter of certain mountain breeds — Bulls, cows and heifers other than those intended for slaughter of certain Alpine breeds				
1. Holder (Name, complete address and Member State)	2. Issuing authority			
NOTES A. This certificate is valid in all Member States of the Community. B. This certificate must be attached to the entry for release for free circulation, and the entry must itself be drawn up in the name of the holder of this certificate. C. The customs office concerned should write off the quantities released for free circulation and return this certificate to the holder or the holders representative. D. The holder must return this certificate to the issuing authority to obtain release of the guarantee.	3. This certificate is valid until and including <table border="1" style="display: inline-table; margin-left: 10px; border-collapse: collapse;"> <tr> <td style="width: 30px; text-align: center;">day</td> <td style="width: 30px; text-align: center;">month</td> <td style="width: 30px; text-align: center;">year</td> </tr> </table> Place and date of issue : Signature and stamp of issuing authority :	day	month	year
day	month	year		
4. Description of animals	5. CN code			
	6. Number of head in figures			
7. Number of head in words				

8. WRITING OFF BY CUSTOMS OFFICES (in column 9, indicate in part 1 the quantity available, and in part 2 the quantity written off)			
9. Number of head in figures	10. Number of head in words for the quantity written off	11. Number and date of acceptance of the entry for release for free circulation	12. Name, Member State, signature and stamp of the customs office
1.			
2.			
1.			
2.			
1.			
2.			

COMMISSION REGULATION (EEC) No 1952/92

of 15 July 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 1738/92 ⁽²⁾, and in particular Article 13 (5) thereof,

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

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1820/92 ⁽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 14 July 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 1820/92 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 16 July 1992.

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

Done at Brussels, 15 July 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 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 185, 4. 7. 1992, p. 1.

ANNEX

to the Commission Regulation of 15 July 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>	
CN code	Levy (°)
0709 90 60	144,95 ⁽²⁾ ⁽³⁾
0712 90 19	144,95 ⁽²⁾ ⁽³⁾
1001 10 10	159,17 ⁽¹⁾ ⁽³⁾ ⁽¹⁰⁾
1001 10 90	159,17 ⁽¹⁾ ⁽³⁾ ⁽¹⁰⁾
1001 90 91	137,11
1001 90 99	137,11 ⁽¹¹⁾
1002 00 00	152,26 ⁽⁶⁾
1003 00 10	124,65
1003 00 90	124,65 ⁽¹¹⁾
1004 00 10	108,99
1004 00 90	108,99
1005 10 90	144,95 ⁽²⁾ ⁽³⁾
1005 90 00	144,95 ⁽²⁾ ⁽³⁾
1007 00 90	151,39 ⁽⁴⁾
1008 10 00	50,99 ⁽¹¹⁾
1008 20 00	101,50 ⁽⁴⁾
1008 30 00	49,19 ⁽⁵⁾
1008 90 10	(7)
1008 90 90	49,19
1101 00 00	204,95 ⁽⁸⁾ ⁽¹¹⁾
1102 10 00	226,17 ⁽⁸⁾
1103 11 10	259,71 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 90	221,35 ⁽⁸⁾

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

(2) In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.

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

(4) Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

(5) Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

(6) The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

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

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

(9) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC, except if paragraph 4 of the same Article applies.

(10) An amount equal to the amount fixed by Regulation (EEC) No 1825/91 is to be levied in accordance with Article 101 (4) of Decision 91/482/EEC.

(11) Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

COMMISSION REGULATION (EEC) No 1953/92

of 15 July 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 1738/92⁽²⁾, and in particular Article 15 (6) thereof,

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

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1821/92⁽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 14 July 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 16 July 1992.

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

Done at Brussels, 15 July 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 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 185, 4. 7. 1992, p. 4.

ANNEX

to the Commission Regulation of 15 July 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period
	7	8	9	10
0709 90 60	0	0,95	0,95	1,71
0712 90 19	0	0,95	0,95	1,71
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	0,95	0,95	1,71
1005 90 00	0	0,95	0,95	1,71
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period	4th period
	7	8	9	10	11
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 1954/92
of 15 July 1992
fixing the import levies on rice and broken rice

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 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 674/92⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30⁽³⁾, as last amended by Regulation (EEC) No 674/91⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 1714/92⁽⁵⁾, as amended by Regulation (EEC) No 1883/92⁽⁶⁾,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 July 1992.

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

Done at Brussels, 15 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 75, 21. 3. 1991, p. 29.

⁽⁵⁾ OJ No L 179, 1. 7. 1992, p. 61.

⁽⁶⁾ OJ No L 189, 9. 7. 1992, p. 28.

ANNEX

to the Commission Regulation of 15 July 1992 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies (°)		
	Arrangement in Regulation (EEC) No 3877/86 (°)	ACP Bangladesh (¹) (²) (³) (⁴)	Third countries (except ACP) (⁵)
1006 10 21	—	162,99	333,18
1006 10 23	—	166,84	340,88
1006 10 25	—	166,84	340,88
1006 10 27	255,66	166,84	340,88
1006 10 92	—	162,99	333,18
1006 10 94	—	166,84	340,88
1006 10 96	—	166,84	340,88
1006 10 98	255,66	166,84	340,88
1006 20 11	—	204,64	416,48
1006 20 13	—	209,45	426,10
1006 20 15	—	209,45	426,10
1006 20 17	319,58	209,45	426,10
1006 20 92	—	204,64	416,48
1006 20 94	—	209,45	426,10
1006 20 96	—	209,45	426,10
1006 20 98	319,58	209,45	426,10
1006 30 21	—	253,54	530,93 (⁶)
1006 30 23	—	299,17	622,11 (⁶)
1006 30 25	—	299,17	622,11 (⁶)
1006 30 27	466,58 (⁷)	299,17	622,11 (⁶)
1006 30 42	—	253,54	530,93 (⁶)
1006 30 44	—	299,17	622,11 (⁶)
1006 30 46	—	299,17	622,11 (⁶)
1006 30 48	466,58 (⁷)	299,17	622,11 (⁶)
1006 30 61	—	270,37	565,44 (⁶)
1006 30 63	—	321,10	666,91 (⁶)
1006 30 65	—	321,10	666,91 (⁶)
1006 30 67	500,18 (⁷)	321,10	666,91 (⁶)
1006 30 92	—	270,37	565,44 (⁶)
1006 30 94	—	321,10	666,91 (⁶)
1006 30 96	—	321,10	666,91 (⁶)
1006 30 98	500,18 (⁷)	321,10	666,91 (⁶)
1006 40 00	—	75,63	157,26

(¹) Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

(²) In accordance with Regulation (EEC) No 715/90, the levies are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

(³) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

(⁴) The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulation (EEC) Nos 3491/90 and 862/91.

(⁵) The levy on imports into Portugal is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3778/91.

(⁶) The levy 3778/91 imports of rice of the long-grain aromatic Basmati variety is applicable under the arrangements laid down in Regulation (EEC) No 3877/86, as amended by Regulation (EEC) No 3130/91.

(⁷) No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EEC) No 1955/92**of 15 July 1992****fixing the premiums to be added to the import levies on rice and broken rice**

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 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 674/92 ⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2591/91 ⁽³⁾, as last amended by Regulation (EEC) No 1884/92 ⁽⁴⁾;

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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 July 1992.

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

Done at Brussels, 15 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 243, 31. 8. 1991, p. 8.

⁽⁴⁾ OJ No L 189, 9. 7. 1992, p. 30.

ANNEX

to the Commission Regulation of 15 July 1992 fixing the premiums to be added to the import levies on rice and broken rice

(ECU/tonne)

CN code	Current 7	1st period 8	2nd period 9	3rd period 10
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 1956/92

of 7 July 1992

imposing a provisional anti-dumping duty on imports of synthetic fibres of polyesters originating in India and the Republic of Korea

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 Community⁽¹⁾, and in particular Article 11 thereof,

After consultation within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. PROCEDURE

- (1) In September 1990 the Commission received a written complaint lodged by the International Rayon and Synthetic Fibres Committee (IRSFC) on behalf of producers whose collective output of synthetic fibres of polyester was stated to constitute a major proportion of Community production of the product in question. The complaint contained evidence of dumping of the product concerned originating in India and the Republic of Korea (Korea), and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding.

The Commission accordingly announced, by notice published in the *Official Journal of the European Communities*⁽²⁾ the initiation of an anti-dumping proceeding concerning imports into the Community of synthetic fibres of polyester, falling within CN code 5503 20 00 and originating in India and Korea and commenced an investigation.

It has to be noted that a review of the anti-dumping measures imposed by Council Regulation (EEC) No 3946/88⁽³⁾ on imports of synthetic fibres of polyesters originating in Mexico, Romania, Turkey, Taiwan, the United States of America and Yugoslavia based on Article 14 of Regulation (EEC) No 2423/88 was carried out concurrently⁽⁴⁾.

- (2) The Commission officially advised the exporters and importers known to be concerned, the representatives of the exporting countries and the complainant and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.
- (3) All the known Korean exporters, most of the Indian exporters, and all complainant Community producers made their views known in writing. Submissions were also made by a number of importers.
- (4) The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following :

(a) *Community producers*

- Hoechst AG, Frankfurt/Main, Germany,
- Du Pont de Nemours GmbH, Bad Homburg, Germany,
- Enka AG, Wuppertal, Germany,
- Rhône Poulenc Fibres SA, Lyon, France,
- Weliman International Ltd, Mullagh-Kells, Ireland,
- Enichem Fibre Spa, Milano, Italy,
- Montefibre Spa, Milano, Italy,
- Akzo NV, Arnhem, Netherlands,
- Nurel SA, Barcelona, Spain,
- La Seda de Barcelona SA, Barcelona, Spain,
- Rhône Poulenc Fibras SA, Barcelona, Spain,
- Brilen SA, Barcelona, Spain,
- Hoechst Fibras SA, Portalegre, Portugal.

These Community producers are all members of IRSFC.

(b) *Indian exporting producers*

- ICI India Ltd, Bombay,
- India Polyfibres Ltd, Lucknow,
- Indian Organic Chemicals Ltd, Bombay,
- JCT Fibres Ltd, New Delhi,
- Orissa Synthetics Ltd, New Delhi,
- Reliance Industries Ltd, Bombay,
- Swadeshi Polytex Ltd, New Delhi.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 291, 21. 11. 1990, p. 20.

⁽³⁾ OJ No L 348, 17. 12. 1988, p. 49.

⁽⁴⁾ OJ No C 230, 15. 9. 1990, p. 3.

(c) Korean exporting producers

- Samyang Co Ltd, Seoul,
- Sunkyong Industries Ltd, Seoul,
- Cheil Synthetic Textiles Co Ltd, Seoul.

- (5) The Commission requested and received detailed written and oral submissions from the complainant, from the exporting producers named and from a number of importers and verified the information provided to the extent considered necessary.

One Indian exporting producer refused full access to the information requested concerning the establishment of normal value. The Commission has therefore made its findings concerning normal value for this company on the basis of the facts available, in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88.

- (6) The investigation of dumping covered the period from 1 January 1990 to 31 August 1990 (investigation period).

B. PRODUCT UNDER CONSIDERATION, LIKE PRODUCT AND COMMUNITY INDUSTRY

1. Product under consideration

- (7) The product concerned by the notice of initiation of this antidumping proceeding is synthetic staple fibres of polyesters, not carded, combed or otherwise processed for spinning; it is commonly referred to as polyester synthetic fibres (hereafter PSF).

This product is a basic material used at various stages of the manufacturing process of textile goods, depending on the nature of textiles concerned. Around 60 % of the Community consumption of PSF is used for spinning, that is to say manufacturing filaments for the production of textiles, after mixing or not with other fibres such as cotton or wool. Approximately 25 % is used for filling, that is to say the stuffing or padding of certain textile goods (for example cushions, car seats, jackets, ...) while the remaining 15 % is used for other non-woven applications, in particular the production of carpets.

- (8) Although the potential use and the quality of PSF sold may differ, this does not entail any significant

differences in the basic physical characteristics, consumer's perception or marketing of the various types of PSF concerned. They should therefore be considered as one product for the purpose of this proceeding.

The question was indeed raised by some importers whether a differentiation should not be made between PSF used for filling and the others because of a different use. Such differentiation is however not acceptable since it is only possible at the downstream stage of processing PSF. By contrast, before such processing all types of PSF show in general the same physical characteristics.

Some exporters and importers also requested that PSF having special features, such as conjugate fibres, low-melt fibres or thermofusible fibres should be considered as a product different from the above defined product and excluded from the scope of the present proceeding, since their prices exceeded by far the selling prices of other fibres.

However, the investigation showed that, although there are several types of PSF having various features in order to meet specific needs, their basic physical characteristics, application and use were the same as for other PSF. In addition, the market of this product is in fact formed by overlapping series of PSF types with no clearly defined boundaries between them. Accordingly, it was found that any specific feature did not render the allegedly special PSF different and that, in order to avoid any discrimination, they should be covered by the scope of the present proceeding.

2. Like product

- (9) The investigation showed that the various types of PSF sold on the Indian and Korean market are, despite minor differences in length, thickness or quality, alike to the PSF exported from these countries to the Community.

Likewise, apart from the abovementioned possible minor differences, the PSF exported from India and Korea to the Community are alike in all respects to the Community-produced PSF.

3. Community industry

- (10) The Commission found that the complainants manufactured more than 80 % of the total Community output of the like product and thus

form a major proportion of the total Community production in accordance with Article 4 (5) of Regulation (EEC) No 2423/88.

C. NORMAL VALUE

1. Normal value based on prices in the exporting country

- (11) As regards four Korean and Indian exporting producers, PSF were sold in sufficient quantities and at prices which permitted recovery of all costs reasonably allocated in the normal course of trade on the domestic market and normal value was provisionally determined on the basis of the weighted average domestic prices of the types of PSF considered. These prices were net of all discounts and rebates directly linked to the sales of PSF.

Where the volume of such sales was less than the threshold established by the Commission in previous cases as 5 % of the volume of exports of these types to the Community, the Commission considered such sales to be insufficient to be representative and determined normal value on the basis of constructed value.

2. Normal value based on constructed value

- (12) As regards the remaining Indian and Korean exporting producers, types of PSF suitable for direct comparison were sold in substantial quantities during the investigation period on the domestic market at prices which did not permit recovery, in the normal course of trade, of all costs reasonably allocated and the normal value was determined on the basis of a constructed value of each type concerned.

In such circumstances the constructed value was established on the basis of the costs, both fixed and variable, in the country of origin, of materials and manufacture for the types sold on the domestic market plus a reasonable amount for selling, general and administrative expenses, established with regard to the domestic sales on the basis of the audited accounts of the producing exporter concerned and duly allocated on the basis of the turnover of the type under consideration, and for profit.

As regards profit, when the exporting producers concerned had no profitable sales of any type of the like product, profit was established on the basis of the average profit realized by the other producers on their profitable sales of the like product on the domestic market, in accordance with Article 2 (3)(b)(ii) of Regulation (EEC) No 2423/88.

- (13) For the remaining Korean producer referred to in recital 12, in the absence of any information on the costs of production of the types of PSF concerned, the Commission was unable to assess the profitability of these sales. Therefore, it had to establish normal value on the basis of the costs of manufacture and selling, general and administrative expenses of other types of PSF sold on the domestic market by this producer, in accordance with Article 2 (3)(b)(ii) of Regulation (EEC) No 2423/88.

This company claimed that the costs of production of the types of PSC concerned were not reported because these were substandard products, for which only the net realizable value could be supplied. This was not accepted since the quantity of the alleged substandard PSC exceeded by far the proportion of by-product which could be considered as generated by the production process. Furthermore, the Commission was not in possession of any evidence showing that the types concerned were of a different quality than any other. As far as profit was concerned, it was established on the basis of the average profit achieved on the domestic market on the remaining PSF sales of this exporter.

D. EXPORT PRICE

- (14) The Commission verified for the products of each exporter at least 70 % of all transactions during the investigation period. This quantity was considered representative of all transactions of these exporters during this period.

Since the exports by all Indian and two Korean exporting producers were made directly to independent importers in the Community, the export prices were determined on the basis of the prices actually paid or payable for the products sold which were found to be reliable. For one Korean exporting producer, the export price was based on the price paid or payable by an independent sales company in Korea for the product when sold for export to the Community.

E. COMPARISON

1. General

- (15) For the purpose of a fair comparison between normal value and export price and in accordance with Article 2 (9) and (10) of Regulation (EEC) No 2423/88, the Commission took account of differences affecting price comparability such as different physical characteristics, import charges and selling expenses, where a direct relationship between these differences and the sales under consideration could be found. All comparisons were made at ex-works level and at the same level of trade.

2. Differences in physical characteristics

- (16) As far as differences in physical characteristics are concerned, normal value was adjusted, when the claim of a difference was substantiated, by an allowance based on the effect of these differences on the market value of the product in the country of origin or export.

For this purpose, the differences in market value were determined, as in previous cases, on the basis of the significant physical differences in full cost of production terms, including a ratio of selling, general and administrative expenses and the profit margin which are normally included in the prices of the domestic models used for comparison.

3. Difference in import charges

- (17) Several Indian exporters claimed that normal value should be reduced by an allowance corresponding to import charges borne on materials physically incorporated in the like product when destined for domestic consumption and refunded when exported to the Community.

However no satisfactory evidence was given on the exact nature and amount of the import charges borne on these materials.

Therefore, in accordance with Article 2 (10) of Regulation (EEC) No 2423/88, the Commission, for its provisional findings, rejected this claim.

F. DUMPING MARGINS

- (18) Since export prices varied considerably, normal value for the domestically sold models of the

exporters were compared with the export price of comparable models on a transaction-by-transaction basis. The preliminary examination of the facts shows the existence of dumping in respect of PSF originating in India and Korea on the part of most of the exporters investigated, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community. The margin of dumping varied according to the exporter, but the weighted average margin for all the Indian exporting producers were substantial and in any case higher than the amount necessary to remove the injury caused by that dumping (see recitals 50 to 57).

For the Korean exporting producers, the weighted average margins were as follows:

— Sunkyong	1,68 %
— Samyang	9,02 %

- (19) For those producers that neither replied to the Commission's questionnaire, nor otherwise made themselves known, or refused access to information deemed to be necessary by the Commission, dumping was determined on the basis of the facts available in accordance with the provision of Article 7 (7) of Regulation (EEC) No 2423/88. In this connection, since the quantity exported by the cooperating Indian and Korean exporting producers represents more than 90 % of the exports to the Community, the Commission considered that the result of its investigation in each of the exporting countries concerned provided the most appropriate basis for determination of the margin of dumping. Since it could create an opportunity for circumvention of the duty if the dumping margin for those producers was any lower than the highest dumping margin for India and for Korea, it is considered appropriate to use these dumping margins for these groups of producers.

- (20) As far as the Korean producer Cheil is concerned, no dumping was found.

G. INJURY

- (21) The Commission considered that the effects of Indian and Korean imports had to be analysed cumulatively. Indeed, the exported products of each of the countries concerned were like products, sold or offered for sale in the same geographical markets, had common or similar channels of distribution, were simultaneously present in the market, and were not negligible as such.

Consequently, these imports produced a similar and simultaneous effect on the Community industry which must be assessed jointly.

- (22) In addition, it should be noted that the imports subject to the anti-dumping measures imposed by Regulation (EEC) No 3496/88 and currently under review (see recital 1), were also present on the Community market.

2. Community consumption

- (23) The size of the Community market is relatively stable. It increased from 431 535 tonnes in 1988 to 441 033 tonnes in 1989 but decreased to 424 194 tonnes in 1990 (277 507 tonnes during the investigation period).

3. Volume and market shares of the dumped imports

- (24) The volume of dumped PSF imported from India increased from 1 258 tonnes in 1988 to 5 551 tonnes in 1989, 8 877 tonnes in 1990 and 5 886 tonnes in the investigation period. This represented an increase in market share from 0,3 to 2,1 %.

The volume of dumped PSF imported from Korea increased from 3 459 tonnes in 1988 to 6 996 tonnes in 1989, and in 16 150 tonnes in 1990 and 11 282 tonnes in the investigation period. This represented an increase in market share from 0,8 to 4,1 %.

- (25) The cumulated volume of dumped imports from India and Korea showed an increase from 4 717 tonnes in 1988 to 25 027 tonnes in 1990 and 17 168 tonnes in the investigation period. This represented an increase in market share from 1,1 to 6,2 %.

Therefore the market share of the dumped imports has to be considered as significant. In addition, account must be taken of the fact that their volume is increasing at a very rapid rate between 1988 and 1990, i.e. by a factor of 4.

4. Prices of the dumped imports

- (26) The Commission investigated whether the Indian and Korean exporting producers practised price undercutting during the investigation period. This was examined in relation to the sales of the exporting producers in the Member States where the majority of the PSF concerned was sold.

The Commission first selected representative PSF of the various types and categories marketed by the Community producers, then selected representative Indian and Korean export types which were directly comparable.

The types so determined were compared on the basis of sales to the first independent customer at the same level of trade. The average selling price of each Indian and Korean export type was thus compared in each of the Community markets considered with the corresponding figures for the appropriate Community industry types.

Adjustments were made, when necessary, to take account of differences in direct selling expenses where comparison could not be made within the same sales channel. Adjustments, as described in recital 16, were also made when necessary to reflect any differences in the quality of the product sold.

- (27) The comparison outlined above showed significant price undercutting on the part of the Indian and Korean exporters.

As far as the Indian exporters are concerned, the price undercutting found ranged from 10 to 29 %. For the Korean exporters, price undercutting found ranged from 15 to 20 %.

5. Other relevant economic factors

(a) *Capacity, utilization rate, production and stocks*

- (28) The production of PSF by the Community industry rose from 379 286 tonnes in 1988 to 107 251 tonnes in 1990 (extrapolated from the production figures for the investigation period, i.e. 271 110 tonnes).

Since its production capacity was increased from 432 903 to 471 723 tonnes over the same period, its utilization rate remained relatively stable, i.e. 86 to 88 %.

During this period the stocks of the Community industry increased from 29 146 to 56 533 tonnes, i.e. by 94 %.

(b) *Volume of sales and market share of the Community industry*

- (29) The quantity of PSF sold in the Community by the Community industry increased by 5,6 % from 337 424 tonnes in 1988 to 365 465 tonnes in 1989, and fell by 7,3 % to 330 310 tonnes in 1990, (220 207 tonnes in the investigation period).

As far as market share is concerned, figures remained relatively stable: after an increase from 78,2 % in 1988 to 80,8 % in 1989, the market share of the Community industry slightly decreased to 79,4 % in 1990.

(c) *Price evolution*

- (30) A detailed investigation of PSF pricing in the Community was made by reference to the selling prices of the PSF models by the Community industry and the exporters concerned.

This investigation showed that PSF prices increased in the Community between 1988 and 1989, owing to the imposition of anti-dumping measures on imports originating in several countries (see recitals 2 and 21) and decreased again in 1990 to the level of prices in 1988.

(d) *Profitability*

- (31) The Commission found that there was a negative return on sales of the Community industry from 1988 onward. Although these negative results showed a slight improvement in 1989, a further deterioration took place during the investigation period. In 1990, none of the Community producers reached reasonable profitability and several of them incurred severe losses. On average, the Community industry suffered losses during the investigation period by approximately 2,3 %.

(e) *Employment and investment*

- (32) Between 1988 and 1990, 237 jobs were lost in the Community industry, that is to say 5 % of the workforce.

The Community industry also cut its investments over this period, and two plants were closed.

6. Conclusion

- (33) In order to determine whether the Community industry is suffering material injury within the meaning of Article 4 (1) of Regulation (EEC) No 2423/88 the Commission took account of the following facts:

— the Community producers were unable to increase their sales significantly between 1988 and 1989, and suffered a significant erosion of their sales in 1990, below the level of 1988,

— the Community industry incurred losses in spite of rationalization measures involving cuts in the workforce and plant closures.

- (34) The abovementioned decline of sales and losses lead the Commission to conclude, for the purpose of its provisional findings, that the Community industry has been suffering material injury within the terms of Article 4 (1) of Regulation (EEC) No 2423/88.

H. CAUSATION OF INJURY

1. Effect of the dumped imports

- (35) In determining whether the material injury is caused by the dumped imports, the Commission took account of the following facts:

— imports of PSF from India and Korea have increased at a very rapid rate since their volume was rising by a multiple of 4 between 1988 and 1990,

— the Indian and the Korean exporters practised a significant price undercutting which undoubtedly led to the rapid penetration of the dumped imports,

— although an increase in prices might have been expected after the imposition of anti-dumping duties on imports of PSF from several countries (see recitals 2 and 21), the level of price for PSF in the Community remained stagnant and showed a downward trend again in the investigation period.

- (36) It has to be recalled that, as mentioned in recitals 2 and 21, anti-dumping duties were imposed in December 1988 on imports of PSF originating in six countries, not including India and Korea whose respective market shares were at this time minimal. As a result of these measures, the situation of the Community industry improved in 1989. In addition, owing to the elimination of the unfair price advantage, the imports subject of the above anti-dumping duties decreased by 38 %, i. e. a decrease of 22 000 tonnes between 1988 and 1990.

However, the Commission found that this improvement was quickly followed by a renewed deterioration of performances in the Community industry during the investigation period. This deterioration could be characterized by a decline of its sales by 7,3 % in 1990, i. e. approximately 26 000 tonnes, an erosion of its market share, and an aggravation of its profit situation, already insufficient, resulting in substantial losses for several Community producers.

- (37) The Commission found that the above negative elements, irrespective of the imposition of the abovementioned anti-dumping measures, coincided in fact with the arrival on the Community market of the imports from India and Korea and their rapid penetration. It is noteworthy in this respect that the volume of sales lost in the Community industry coincided approximately with the volume of sales gained by the Indian and Korean exporters, and with the volume of sales lost by the imports subject to anti-dumping measures.

In fact, the rapid penetration of the Indian and Korean imports, achieved through constant and substantial price undercutting, was obtained at the expense of the imports subject to the anti-dumping measures, and had the effect of impeding the improvement of the situation of the Community industry notwithstanding the decrease of the latter and eventually of provoking a further deterioration.

Indeed, given the sensitivity of the customers to price considerations in this sector, the presence of low-priced dumped imports from India and Korea on a market recently shielded from the effect of other unfair commercial practices could not fail to have a very negative effect on sales volumes, sales prices and consequently the profits of the Community industry.

2. Effect of other factors

- (38) The Commission has also considered the effect of other factors. Although the Commission has found, as discussed above, that material injury has been caused to the Community industry by dumped Indian and Korean exports, this does not entail any assumption that all injury suffered in recent years is to be attributed to those exports. Indeed, the stagnant demand on this market might have had some negative effects on the Community industry.
- (39) However, in view of the stable level of consumption and capacity utilization, the losses of the Community industry cannot be attributed to the market situation. The Commission has also examined the effect of non-dumped imports. Although these may have had some negative effects on the situation of the Community industry, it was found that these imports, which remained stable over the period examined, do not affect the conclusion that dumped imports from Korea and India

had, in isolation, a clear detrimental impact on the Community industry.

- (40) Several Korean exporters argued in this respect that the main effect of their exports was to replace or displace the imports on which anti-dumping measures were imposed. Although this might be true, these exporters had no right to acquire, through dumping, the market share of other exporters subject to anti-dumping measures, because of unfair commercial practice, and thus to impede the recovery of the Community industry and to provoke a further deterioration in its situation.
- (41) Several Indian exporters also claimed that injury could result from the effect of other factors since their market share in the Community was too small to have any effect on the Community industry. However, as explained in recitals 21 and 22, the effect of the market share of the dumped imports has to be assessed cumulatively. This market share, which represents 6,2 %, is sufficient to have a clear detrimental impact on the Community industry, to which dumped imports from India contributed substantially.
- (42) All the above elements led the Commission to determine that the effects of dumped imports of PSF from India and Korea, taken in isolation, have to be considered as causing material injury to the Community industry.

I. COMMUNITY INTEREST

1. General considerations

- (43) The purpose of anti-dumping duties is to eliminate dumping which is causing injury to the Community industry and thus to re-establish a situation of open and fair competition on the Community market which is fundamentally in the general Community interest.
- (44) While the Commission recognizes that the imposition of anti-dumping duties should affect price levels of the exporters concerned in the Community and subsequently may have some influence on the relative competitiveness of their products, it does not expect fair competition on the Community market to be reduced by the taking of anti-dumping measures. On the contrary, the removal of the unfair advantages gained by the dumping practices is designed to prevent the decline of the Community industry and thus to help to maintain the availability of the widest choice of producers.

- (45) The Commission has also considered and balanced the effects of anti-dumping duties on PSF imported from India and Korea in relation to the specific interest of the Community industry and other interested parties including consumers.

2. Interests of Community industry

- (46) In view of the nature of the material injury suffered by the Community industry, in particular the fact that it was prevented from recovering from the unhealthy situation caused by other dumped imports, the Commission considers that, in the absence of intervention, the disappearance of certain Community producers is quite probable in the short term, given the level of losses incurred by them over an extended period. This could entail a severe reduction in numbers employed and may lead to a reduction of the choice suppliers which is not in the interest of consumers.

3. Interests of other parties

- (47) Arguments have been raised that the imposition of anti-dumping measures would be contrary to the Community interest, because they would result in higher prices, less competition and may harm other Community industries.
- (48) Although it is clear that price advantages based on unfair practices are unjustifiable and may in the longer term be harmful even to the interests of consumers when they have the effect of weakening competitors and provoking their disappearances, it is unclear in this case that, for the consumers of textile goods, the imposition of protective measures will result in higher prices since PSF is only a raw material which undergoes many processes before reaching the consumer level.

As far as the processing industry is concerned, the extent of any price rise is expected to be limited in view of the fact that competition between the numerous different Community producers and exporters will not be reduced. Indeed, the duties proposed are relatively low in particular with respect to the fact that in most cases they do not cover the undercutting margins referred to in recital 27. In addition, they will be imposed on imports on which the processing industry is far from being dependent, given the choice of suppliers available on this market.

4. Conclusion

- (49) In conclusion, after balancing the various interests involved, the Commission considers that the im-

sition of measures in the present case will re-establish fair competition by eliminating the injurious effects of dumping practices.

The Commission considers that it is therefore in the Community interest to impose anti-dumping measures in the form of a provisional anti-dumping duty.

J. DUTY

- (50) When calculating the amount of duty adequate to remove the injury, the Commission had to consider that the Community industry as a whole is not profitable. Accordingly it is considered necessary that the measures taken allow the Community industry to cover its costs of production and to obtain the reasonable profit it has been deprived of through the effects of the dumped imports.
- (51) In the circumstances of the industry concerned, it was found that an adequate annual return on sales of 8 %, based on the normal profit rate achieved in previous years in this industrial sector and the need for long-term investments, could be regarded as an appropriate minimum.
- (52) In order to establish the margin by which the exporting producers should increase their prices the Commission then calculated for the complainant Community industry on a weighted average basis, the increase in prices which would be required to enable them to cover their total cost and earn an 8 % profit before tax.
- (53) In order to allow the Community industry to make price increases necessary to remove injury, the prices of the corresponding types of the exporting producers should increase on average by the same amount expressed as a percentage of the individual exporting producer's actual prices.
- (54) In order to determine the level of the duty, price increases thus established have been expressed as a percentage of the weighted average cif value of the goods when imported.
- (55) The result of this calculation was an injury margin for each exporter, which will eliminate the injury caused by dumping and thus enable the Community industry to increase its prices in order to reestablish a healthy situation. For the Korean companies concerned, since the injury margin was higher than the dumping margin found, the duty was established on the basis of the latter.

- (56) For those companies which neither replied to the Commission questionnaire nor otherwise made themselves known or refused full access to information deemed to be necessary by the Commission for its verification of the company's records, the Commission considered it appropriate to impose the highest duty calculated, i.e. 15,9 % for products originating in India and 9,0 % for products originating in Korea. Indeed, it would constitute a bonus for non-cooperation to hold that the duties for these exporters were any lower than the highest anti-dumping duty determined.
- (57) A period should be fixed within which the parties concerned may make their views known and request a hearing. Furthermore, it should be stated that all findings made for the purpose of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive duty which the Commission may propose,

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of synthetic staple fibres of polyesters, not carded, combed, or otherwise processed for spinning, (polyester synthetic fibres) falling within CN code 5503 20 00 and originating in India and the Republic of Korea.
2. The rate of the duty applicable to the net-free-at-Community-frontier price before duty, is set out as follows :
- (a) 15,9 % for polyester synthetic fibres specified in paragraph 1, originating in India (Taric additional code : 85645), with the exception of imports of the products which are produced by the following companies, the rates of duty applicable to which are set out below :
- India Polyfibres : 12,6 % (Taric additional code : 8639),
 - Indian Organic Chemicals : 14,2 % (Taric additional code : 8640),

- Swadeshi Polytex : 15,3 % (Taric additional code : 8641),
- JCT Fibres : 15,4 % (Taric additional code : 8642),
- ICI India : 15,7 % (Taric additional code : 8643),
- Reliance Industries : 15,9 % (Taric additional code : 8644);

- (b) 9,0 % for polyester synthetic fibres specified in paragraph 1 originating in the Republic of Korea (Taric additional code : 8648), with the exception of imports of the products which are produced by the following company, the rate of duty applicable to which is set out below :

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

3. The duty specified in paragraph 1 shall not apply to polyester synthetic fibres manufactured by Cheil Synthetic Textiles, Republic of Korea (Taric additional code 8647).

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

5. The release for free circulation in the Community of the products referred in paragraphs 1 and 2 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2423/88, the parties concerned may make known their views and apply to be heard orally by the Commission within one month of the date of entry into force of this Regulation.

Article 3

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

Subject to Articles 11, 12 and 13 of Regulation (EEC) No 2423/88, Article 1 of this Regulation shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 7 July 1992.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION REGULATION (EEC) No 1957/92

of 15 July 1992

opening a standing invitation to tender for the supply of common wheat flour to
Albania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1567/92 of 15 June 1992 on a second emergency measure to supply food products to the population of 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 1738/92 ⁽³⁾, and in particular Article 7 (6) thereof,Whereas Commission Regulation (EEC) No 1616/92 of 24 June 1992 laying down detailed rules applicable to the free supply of food products to the population of Albania ⁽⁴⁾ provides for allocation of the supply of cereals under Council Regulation (EEC) No 1567/92 to be made by invitation to tender; whereas the invitations to tender for the free supply of processed products cover the quantities of basic products to be taken from intervention stocks as payment in kind for these supplies, and for the processing, transport and other related costs;

Whereas a standing invitation to tender should be opened for the supply of a consignment of 5 000 tonnes of common wheat flour;

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

Under the conditions laid down in Regulation (EEC) No 1616/92, the French intervention agency shall open a standing invitation to tender for the supply to Albania of 5 000 tonnes of common wheat flour, as set out in Annex I and in accordance with the provisions of this Regulation.

Article 2

Tenders shall be for the quantity, in metric tonnes, of common wheat necessary to cover the supply, transport

and other costs up to the delivery stage provided for, of all the lot indicated in the invitation to tender provided for in Article 14 (2) of Regulation (EEC) No 1616/92.

The quantity of common wheat awarded as payment in kind for the supply shall be made available, at the successful tenderer's choice, from the intervention stocks designated for this purpose in the abovementioned invitation to tender.

Article 3

1. The time limit for submission of tenders for the first partial invitation to tender shall be 11 a.m. on 22 July 1992 (Brussels time).
2. The time limit for submission of tenders under the subsequent partial invitations to tender shall expire each Wednesday at 11 a.m. (Brussels time).
3. The time limit for submission of tenders for the last partial invitation to tender shall expire at 11 a.m. on 5 August 1992 (Brussels time).
4. Notwithstanding Article 14 of Commission Regulation (EEC) No 1616/92, the intervention agency concerned shall publish an invitation to tender at least three days before the date laid down for the first partial invitation to tender.

Article 4

Tenders shall be submitted to the French intervention agency.

The French intervention agency shall forward the tenders to the Commission in accordance with the schedule specified in Annex II.

Article 5

A specimen of the takeover certificate referred to in Article 9 (3) of Regulation (EEC) No 1616/92 is given in Annex III hereto.

The certificate shall be issued after the goods have been unloaded.

Article 6

The successful tenderer shall undertake to provide the Albanian authorities with the documents required for the purposes of the supply specified in the invitation to tender issued by the French intervention agency.

⁽¹⁾ OJ No L 166, 20. 6. 1992, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽⁴⁾ OJ No L 170, 25. 6. 1992, p. 18.

Article 7

For the purposes of booking the expenditure by the European Agricultural Guidance and Guarantee Fund (EAGGF), the book value of the product concerned shall be :

common wheat : ECU 52,00 per tonne.

Article 8

France shall take all appropriate measures to ensure that no refund or monetary compensatory amount is applied within the framework of the supply, in particular by specifying this on the export licence.

Article 9

1. France shall adopt all and any additional provisions necessary for implementation of this Regulation.
2. France shall send to the Commission all and any information on the carrying out of the supply, in particular relating to the award of the contract, delivery times and the actual date of takeover by the beneficiary.

Article 10

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, 15 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

1. Destination : Albania
2. Product to be mobilized : Common wheat flour
3. Characteristics and quality of the goods⁽¹⁾ : OJ No C 114, 29. 4. 1991 (point II.B.1.a)
4. Total quantity : 5 000 tonnes (in bags — slung)
5. Number of lots : 1 lot of 5 000 tonnes
6. Packaging⁽²⁾ : OJ No C 114, 29. 4. 1991 (point II.B.2.d)
7. Marking :
 - European flag : OJ No C 114, 29. 4. 1991 (Annex I)
 - Inscriptions in Albanian :
‘WHEAT FLOUR / EUROPEAN COMMUNITY’
8. Mobilization of the product : French domestic market
9. Method of transport : by sea, by rigged-up vessel, (unloading possibly on barges)
10. Stage of delivery : cif ex-ship port of unloading
11. Port of unloading : 5 000 tonnes in Preveza (Greece)
12. Final date for supply : Preveza on 17. 8. 1992.
If no bid has been accepted on 22 July 1992, the above dates should be postponed by seven days.
The same should apply if no bid has been accepted on 29 July 1992.
13. Supply may be made earlier on the successful tenderer's initiative and on his own responsibility if unloading and port removal conditions in Preveza allow.

⁽¹⁾ The successful tenderer shall submit to the beneficiary a certificate issued by an official authority certifying that, for the product to be supplied, the standards relating to radioactivity levels have been complied with in the Member State concerned.
The radioactivity certificate must specify the caesium-134 and -137 and iodine-131 contents.

⁽²⁾ With a view to possible re-bagging, the successful tenderer shall supply 2 % of empty bags of the same quality as those containing the goods, bearing the inscription followed by a capital 'R'.
Amended by OJ No C 135, 26. 5. 1992, p. 20.

*ANNEX II***Standing invitation to tender for the supply of 5 000 tonnes of common wheat flour to Albania**

[Regulation (EEC) No 1957/92]

Tenderer's number	Quantity of common wheat flour to be supplied (in tonnes)	Quantity of common wheat required as payment in kind (in tonnes)
1	5 000	
2		
3		
4		
etc.		

*ANNEX III***Delivery by boat****TAKE-OVER CERTIFICATE**

I, the undersigned,

(Name, First name, Company)

acting on behalf of the Albanian Government, certify that the following goods have been taken over:

— name of the vessel:

— place and date of take-over:

— product:

— tonnage, weight taken over:

Observations or reservations:

.....

.....

.....

.....

COMMISSION REGULATION (EEC) No 1958/92

of 15 July 1992

opening a standing invitation to tender for the supply of common wheat flour to
Albania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1567/92 of 15 June 1992 on a second emergency measure supply of food products to the population of 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 1738/92 ⁽³⁾, and in particular Article 7 (6) thereof,

Whereas Commission Regulation (EEC) No 1616/92 of 24 June 1992 laying down detailed rules applicable to the free supply of food products to the population of Albania ⁽⁴⁾ provides for allocation of the supply of cereals under Council Regulation (EEC) No 1567/92 to be made by invitation to tender; whereas the invitations to tender for the free supply of processed products cover the quantities of basic products to be taken from intervention stocks as payment in kind for these supplies, and for the processing, transport and other related costs;

Whereas a standing invitation to tender should be opened for the supply of a consignment of 5 000 tonnes of common wheat flour;

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

Under the conditions laid down in Regulation (EEC) No 1616/92, the Belgian intervention agency shall open a standing invitation to tender for the supply to Albania of 5 000 tonnes of common wheat flour, as set out in Annex I and in accordance with the provisions of this Regulation.

Article 2

Tenders shall be for the quantity, in metric tonnes, of common wheat necessary to cover the supply, transport

and other costs up to the delivery stage provided for, of all the lot indicated in the invitation to tender provided for in Article 14 (2) of Regulation (EEC) No 1616/92.

The quantity of common wheat awarded as payment in kind for the supply shall be made available, at the successful tenderer's choice, from the intervention stocks designated for this purpose in the abovementioned invitation to tender.

Article 3

1. The time limit for submission of tenders for the first partial invitation to tender shall be 11 a.m. on 22 July 1992 (Brussels time).
2. The time limit for submission of tenders under the subsequent partial invitations to tender shall expire each Wednesday at 11 a.m. (Brussels time).
3. The time limit for submission of tenders for the last partial invitation to tender shall expire at 11 a.m. on 5 August 1992 (Brussels time).
4. Notwithstanding Article 14 of Commission Regulation (EEC) No 1616/92, the intervention agency concerned shall publish an invitation to tender at least three days before the date laid down for the first partial invitation to tender.

Article 4

Tenders shall be submitted to the Belgian intervention agency.

The Belgian intervention agency shall forward the tenders to the Commission in accordance with the schedule specified in Annex II.

Article 5

A specimen of the takeover certificate referred to in Article 9 (3) of Regulation (EEC) No 1616/92 is given in Annex III hereto.

The certificate shall be issued after the goods have been unloaded.

Article 6

The successful tenderer shall undertake to provide the Albanian authorities with the documents required for the purposes of the supply specified in the invitation to tender issued by the Belgian intervention agency.

⁽¹⁾ OJ No L 166, 20. 6. 1992, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽⁴⁾ OJ No L 170, 25. 6. 1992, p. 18.

Article 7

For the purposes of booking the expenditure by the European Agricultural Guidance and Guarantee Fund (EAGGF), the book value of the product concerned shall be:

common wheat: ECU 52,00 per tonne.

Article 8

Belgium shall take all appropriate measures to ensure that no refund or monetary compensatory amount is applied within the framework of the supply, in particular by specifying this on the export licence.

Article 9

1. Belgium shall adopt all and any additional provisions necessary for implementation of this Regulation.
2. Belgium shall send to the Commission all and any information on the carrying out of the supply, in particular relating to the award of the contract, delivery times and the actual date of takeover by the beneficiary.

Article 10

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, 15 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

1. Destination : Albania
2. Product to be mobilized : Common wheat flour
3. Characteristics and quality of the goods⁽¹⁾ : OJ No C 114, 29. 4. 1991 (point II.B.1.a)
4. Total quantity : 5 000 tonnes (in bags — slung)
5. Number of lots : 1 lot of 5 000 tonnes
6. Packaging⁽²⁾ : OJ No C 114, 29. 4. 1991 (point II.B.2.d)
7. Marking :
 - European flag : OJ No C 114, 29. 4. 1991 (Annex I)
 - Inscriptions in Albanian :
‘WHEAT FLOUR / EUROPEAN COMMUNITY’
8. Mobilization of the product : Belgian domestic market
9. Method of transport : by sea, by rigged-up vessel, (unloading possibly on barges)
10. Stage of delivery : cif ex-ship port of unloading
11. Port of unloading : 5 000 tonnes in Durres
12. Final date for supply : Durres on 17. 8. 1992.
If no bid has been accepted on 22 July 1992, the above dates should be postponed by seven days.
The same should apply if no bid has been accepted on 29 July 1992.
13. Supply may be made earlier on the successful tenderer's initiative and on his own responsibility if unloading and port removal conditions in Durres allow.

⁽¹⁾ The successful tenderer shall submit to the beneficiary a certificate issued by an official authority certifying that, for the product to be supplied, the standards relating to radioactivity levels have been complied with in the Member State concerned.

The radioactivity certificate must specify the caesium-134 and -137 and iodine-131 contents.

⁽²⁾ With a view to possible re-bagging, the successful tenderer shall supply 2 % of empty bags of the same quality as those containing the goods, bearing the inscription followed by a capital 'R'.
Amended by OJ No C 135, 26. 5. 1992, p. 20.

ANNEX II

Standing invitation to tender for the supply of 5 000 tonnes of common wheat flour to Albania

[Regulation (EEC) No 1958/92]

Tenderer's number	Quantity of common wheat flour to be supplied (in tonnes)	Quantity of common wheat required as payment in kind (in tonnes)
1	5 000	
2		
3		
4		
etc.		

ANNEX III

Delivery by boat

TAKEOVER CERTIFICATE

I the undersigned,
 (Name, First name, Company)

acting on behalf of the Albanian Government, certify that the following goods have been taken over:

- name of the vessel:.....
- place and date of takeover:.....
- product:.....
- tonnage, weight taken over:.....

Observations or reservations:

.....

.....

.....

.....

COMMISSION REGULATION (EEC) No 1959/92
of 14 July 1992

re-establishing the levying of customs duties on products falling within CN codes 2937 21 00 and 2937 29 10 originating in China, to which the preferential arrangements of Council Regulation (EEC) No 3831/90 apply

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

Having regard to Council Regulation (EEC) No 3831/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain industrial products originating in developing countries ⁽¹⁾, extended into 1992 by Regulation (EEC) No 3587/91 ⁽²⁾, and in particular Article 9 thereof,

Whereas, pursuant to Articles 1 and 6 of Regulation (EEC) No 3831/90, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceilings fixed in column 6 of Annex I;

Whereas, as provided for in Article 7 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of

the countries and territories concerned may at any time be re-established;

Whereas, in the case of products falling within CN codes 2937 21 00 and 2937 29 10 originating in China, the individual ceiling was fixed at 811 000; whereas on 14 April 1992, imports of these products into the Community originating in China reached the ceiling in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the production in question against China:

HAS ADOPTED THIS REGULATION:

Article 1

As from 19 July 1992, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3831/90, shall be re-established on imports into the Community of the following products, originating in China:

Order No	CN code	Description
10.0370	2937 21 00 2937 29 10	Cortisone, hydrocortisone, prednisone (dehydrocortisone) and prednisolone (dehydrocortisone) Acetates of cortisone or hydrocortisone

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, 14 July 1992.

For the Commission
Christiane SCRIVENER
Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 341, 12. 12. 1991, p. 1. This Regulation was last amended by Council Regulation (EEC) No 1509/92 (OJ No L 159, 12. 6. 1992, p. 1).

COMMISSION REGULATION (EEC) No 1960/92

of 15 July 1992

on the issuing of import licences for certain processed mushroom products
originating in Taiwan

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1796/81 of 30 June 1981 on measures applicable to imports of mushrooms of *Agaricus* spp. falling within CN codes 0711 90 40, 2003 10 20 and 2003 10 30⁽¹⁾, as amended by Regulation (EEC) No 1122/92⁽²⁾,

Having regard to Commission Regulation (EEC) No 1707/90 of 22 June 1990 laying down detailed rules for the application of Regulation (EEC) No 1796/81 on imports of mushrooms from third countries⁽³⁾, as last amended by Regulation (EEC) No 1123/92⁽⁴⁾, and in particular Article 5 (8) thereof,

Whereas Commission Regulation (EEC) No 1843/92⁽⁵⁾ adjusted, until 31 December 1992, the allocation of the global quantity fixed by Article 3 of Regulation (EEC) No 1796/81; whereas Article 5 (8) of Regulation (EEC) No 1707/90 provides that if the quantities for which licences have been applied for exceed the balance available, the Commission is to fix a single percentage figure by which the quantities applied for are to be reduced and suspend the issuing of licences in response to subsequent applications;

Whereas quantities of mushrooms originating in Taiwan and applied for on 10 July 1992 exceed the quantities available; whereas the extent to which licences may be issued may accordingly be determined;

Whereas the quantities for which licences have been issued have reached the annual amount granted to Taiwan; whereas the issuing of licences qualifying for the exemption from the additional amount provided for in Article 2 of Regulation (EEC) No 1796/81 should accordingly be suspended for traditional importers,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for pursuant to Article 5 (4) (a) of Regulation (EEC) No 1707/90 on 10 July 1992 and forwarded to the Commission on 13 July 1992 for mushrooms of *Agaricus* spp. falling within CN codes 0711 90 40, 2003 10 20 and 2003 10 30 originating in Taiwan shall be issued, the endorsement laid down in Article 7 of Regulation (EEC) No 1707/90 being indicated, for up to 44 % of the quantity applied for.

For the products referred to in the first Paragraph the issuing of licences which may qualify for exemption from the additional amount provided for in Article 2 of Regulation (EEC) No 1796/81 is hereby suspended for applications under Article 5 (4) (a) of Regulation (EEC) No 1707/90 lodged from 13 July 1992.

Article 2

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

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

Done at Brussels, 15 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 183, 4. 7. 1981, p. 1.

⁽²⁾ OJ No L 117, 1. 5. 1992, p. 98.

⁽³⁾ OJ No L 158, 23. 6. 1990, p. 34.

⁽⁴⁾ OJ No L 117, 1. 5. 1992, p. 100.

⁽⁵⁾ OJ No L 187, 7. 7. 1992, p. 34.

COMMISSION REGULATION (EEC) No 1961/92

of 15 July 1992

establishing the amount of Community aid for the supply to the Azores and Madeira of malt of Community origin

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

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira⁽¹⁾, and in particular Article 10 thereof,

Whereas Article 3 of Council Regulation (EEC) No 1600/92 introduces an exemption scheme for duties on imports and aid for the supply by the rest of the Community of certain cereal products;

Whereas, in accordance with Council Regulation (EEC) No 1600/92, the amount of the aid for the supply of Community products must be determined in such a way that users are supplied on terms equivalent to exemption from levies on direct imports from the world market;

Whereas Commission Regulation (EEC) No 1727/92⁽²⁾ lays down detailed rules for the implementation of the specific arrangements for the supply of cereal products to the Azores and Madeira; whereas those provisions, which supplement Commission Regulation (EEC) No 1696/92⁽³⁾, as referred to in this Regulation;

Whereas fixing the aid at an amount equal to the export refund plus a fixed component to take account of conditions for deliveries of relatively small quantities will make Community products competitive in relation to products originating in third countries;

Whereas export refunds are fixed taking account of the prices of cereals and cereal products on the Community market and on the world market; whereas refunds must cover the difference between these prices;

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 amount of the aid for the supply of products falling within CN code ex 1107 and manufactured from cereals processed in the rest of the Community shall be equal to the export refunds for those products plus ECU 3 per tonne.

Article 2

The provisions of Regulation (EEC) No 1727/92 shall apply to the supply of the products referred to in Article 1 of this Regulation to the Azores and Madeira.

Article 3

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, 15 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 179, 1. 7. 1992, p. 101.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 6.

COMMISSION REGULATION (EEC) No 1962/92

of 15 July 1992

establishing the forecast supply balance for glucose and Community aid for the supply to the Canary Islands of products falling within CN codes 1103 11 10, ex 1103 13, ex 1103 19, 1103 21 00, ex 1103 29, ex 1107 and ex 1702 of Community origin

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands ⁽¹⁾, and in particular Article 3 (4), thereof,

Whereas Article 3 of Council Regulation (EEC) No 1601/92 introduces an exemption scheme for duties on imports and aid for the supply by the rest of the Community of certain cereal products;

Whereas the supply balance for products falling within CN code ex 1702, with the exception of products falling within CN codes 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30, for the Canary Islands should be drawn up on the basis of requirements; whereas it should be permitted to change this balance during the course of the marketing year if necessary;

Whereas, in accordance with Council Regulation (EEC) No 1601/92, the amount of the aid for the supply of Community products must be determined in such a way that users are supplied on terms equivalent to exemption from levies on direct imports from the world market;

Whereas Commission Regulation (EEC) No 1728/92 ⁽²⁾ lays down detailed rules for the implementation of the specific arrangements for the supply of cereal products to the Canary Islands; whereas those provisions, which supplement Commission Regulation (EEC) No 1695/92 ⁽³⁾ for the cereals sector, apply to cereal products, as referred to in this Regulation;

Whereas fixing the aid at an amount equal to the export refund plus a fixed component to take account of conditions for deliveries of relatively small quantities will make Community products competitive in relation to products originating in third countries;

Whereas export refunds are fixed taking account of the prices of cereals and cereal products on the Community market and on the world market; whereas refunds must cover the difference between these prices;

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

Pursuant to Article 2 of Council Regulation (EEC) No 1601/92, the forecast supply balance quantities of products falling within CN code ex 1702, with the exception of products falling within CN codes 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30, eligible for exemption from duties on imports or Community aid shall be of 3 000 tonnes for the 1992/93 marketing year.

Article 2

The amount of the aid for the supply of products falling within CN codes 1103 11 10, ex 1103 13, ex 1103 19, 1103 21 00, ex 1103 29 and ex 1107, manufactured from cereals processed in the rest of the Community and of products falling within CN code ex 1702, with the exception of products falling within CN codes 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30, shall be equal to the export refunds for those products plus ECU 3 per tonne.

Article 3

The provisions of Regulation (EEC) No 1728/92 shall apply to the supply of the products referred to in Article 2 of this Regulation.

Article 4

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

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 179, 1. 7. 1992, p. 104.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 1.

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

Done at Brussels, 15 July 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 1963/92

of 15 July 1992

fixing the export refunds on fruit and vegetables

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 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1754/92⁽²⁾, and in particular Article 30⁽⁴⁾ thereof,

Whereas Article 30 of Regulation (EEC) No 1035/72 provides that, to the extent necessary to allow economically significant quantities to be exported, the difference between prices in international trade for the products referred to in that Article and prices for the products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2518/69 of 9 December 1969 laying down general rules for the granting of refunds on exports of fruit and vegetables and criteria for fixing their amounts⁽³⁾, as amended by Regulation (EEC) No 2455/72⁽⁴⁾, provides that when refunds are being fixed, account must be taken of the existing situation and future trends with regard to prices and availabilities of fruit and vegetables on the Community market on the one hand and prices in international trade on the other; whereas account must also be taken of the costs indicated in (b) of that Article and of the economic aspects of the proposed exports;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2518/69, when prices on the Community market are being determined account must be taken of the prices which are most favourable from the exportation point of view; whereas, when prices in international trade are being determined, the quotations and prices referred to in paragraph 2 of that Article must be taken into account;

Whereas the situation with regard to international trade or the specific requirements of certain markets may make it necessary to vary the refund for a given product according to the destination of that product;

Whereas tomatoes, fresh lemons, fresh sweet oranges, apples, peaches and nectarines of the common quality standards 'Extra' Class, Class I and Class II, 'Extra' Class and Class I table grapes, almonds and hazelnuts, and

unshelled walnuts may at present be exported in economically significant quantities;

Whereas the refund applicable to exports of tomatoes to Sweden should be amended during the period 1 July to 30 September 1992 pursuant to the undertakings entered into with that country under the 1980 agreement⁽⁵⁾;

Whereas by its Regulation (EEC) No 1432/92⁽⁶⁾ the Council prohibited trade between the Community and the Republics of Serbia and of Montenegro; that it is important to take account of it at the time of the fixing of the refunds;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in the last indent of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾ as last amended by Regulation (EEC) No 2205/90⁽⁸⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the factor referred to in the preceding indent;

Whereas it follows from applying these detailed rules to the present market situation and to its future trends, and in particular to quotations and prices for fruit and vegetables in the Community and in international trade that the refunds should be as set out in the Annex hereto;

Whereas, for Spain and Portugal, the Act of Accession introduced transitional measures by phases and stages respectively;

Whereas where Spain and, from the beginning of the second stage of transition on 1 January 1990, Portugal are concerned when refunds are fixed, account is to be taken for each product in accordance with Articles 87 and 255 of the Act of Accession, of economically justified price differences;

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

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 23.

⁽³⁾ OJ No L 318, 18. 12. 1969, p. 17.

⁽⁴⁾ OJ No L 266, 25. 11. 1972, p. 7.

⁽⁵⁾ OJ No L 194, 28. 7. 1980, p. 12.

⁽⁶⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1990, p. 9.

HAS ADOPTED THIS REGULATION :

Article 1

1. The export refunds on fruit and vegetables shall be as set out in column I of the Annex hereto. However, the refunds applicable on products harvested on the one part

in Spain and on the other part in Portugal shall be those given in columns II and III of the Annex.

2. Export refunds towards the Republics of Montenegro and Serbia are not fixed.

Article 2

This Regulation shall enter into force on 16 July 1992.

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

Done at Brussels, 15 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 15 July 1992 fixing the export refunds on fruit and vegetables

(ECU/100 kg net)

Product code	Destination of refund (1)	Amounts of refunds		
		Community as constituted on 31 December 1985 (1)	Spain (II)	Portugal (III)
0702 00 10 100	05	4,50 (2)	—	1,19 (2)
0702 00 10 900	—	—	—	—
0702 00 90 100	05	4,50 (2)	—	1,19 (2)
0702 00 90 900	—	—	—	—
0802 12 90 000	05	9,67	9,67	9,67
0802 21 00 000	05	11,30	11,30	11,30
0802 22 00 000	05	21,80	21,80	21,80
0802 31 00 000	05	14,00	14,00	14,00
0805 10 11 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 11 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 11 900	—	—	—	—
0805 10 15 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 15 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 15 900	—	—	—	—
0805 10 19 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 19 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 19 900	—	—	—	—
0805 10 21 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 21 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 21 900	—	—	—	—
0805 10 25 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 25 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 25 900	—	—	—	—
0805 10 29 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 29 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 29 900	—	—	—	—
0805 10 31 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 31 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 31 900	—	—	—	—
0805 10 35 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 35 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 35 900	—	—	—	—

(ECU/100 kg net)

Product code	Destination of refund (1)	Amounts of refunds		
		Community as constituted on 31 December 1985 (I)	Spain (II)	Portugal (III)
0805 10 39 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 39 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 39 900	—	—	—	—
0805 10 41 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 41 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 41 900	—	—	—	—
0805 10 45 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 45 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 45 900	—	—	—	—
0805 10 49 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 49 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 49 900	—	—	—	—
0805 20 50 100	—	—	—	—
0805 20 50 900	—	—	—	—
0805 30 10 100	05	13,50	7,62	5,92
0805 30 10 900	—	—	—	—
0806 10 11 100	05	4,84	4,84	0,40
0806 10 11 300	05	4,84	4,84	0,40
0806 10 11 900	—	—	—	—
0806 10 15 100	05	4,84	4,84	0,40
0806 10 15 300	05	4,84	4,84	0,40
0806 10 15 900	—	—	—	—
0806 10 19 100	05	4,84	4,84	0,40
0806 10 19 300	05	4,84	4,84	0,40
0806 10 19 900	—	—	—	—
0808 10 91 100	—	—	—	—
0808 10 91 910	02	6,50	1,39	2,77
0808 10 91 990	—	—	—	—
0808 10 93 100	—	—	—	—
0808 10 93 910	02	6,50	1,39	2,77
0808 10 93 990	—	—	—	—
0808 10 99 100	—	—	—	—
0808 10 99 910	02	6,50	1,39	2,77
0808 10 99 990	—	—	—	—
0809 30 00 110	03	5,00	3,79	5,00
0809 30 00 190	—	—	—	—
0809 30 00 900	03	5,00	5,00	5,00

(¹) The destinations are as follows :

- 01 Poland, the Czech and Slovak Federal Republic, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Bosnia-Herzegovina, Croatia, Slovenia and the Yugoslav Republic of Macedonia,
- 02 Sweden, Norway, Iceland, Austria, the Faroe Islands, Finland, Greenland, Malta, Syria, Poland, the Czech and Slovak Federal Republic, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Bosnia-Herzegovina, Croatia, Slovenia and the Yugoslav Republic of Macedonia, Bolivia, Brazil, Venezuela, Peru, Panama, Equador, Colombia, the countries and territories of Africa other than South Africa, countries of the Arabian peninsula (Saudi Arabia, Bahrein, Qatar, Oman, the United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm, al Qaiwain, Fujairah and Ras al Khaimah), Yemen), Iran and Jordan, Hong Kong, Singapore, Malaysia, Indonesia, Thailand and Taiwan,
- 03 all destinations excluding Switzerland, Austria, the Republics of Serbia and Montenegro,
- 04 Austria, Switzerland, Finland, Sweden, Greenland, Norway, Iceland and Malta,
- 05 All destinations excepting the Republics of Serbia and Montenegro.

(²) For exports to Sweden in the period 1 July to 30 September 1992, the refund is :

- reduced to ECU 0,97 100 kg for products originating in the Community as constituted on 31 December 1985 ;
 - cancelled for products originating in Portugal.
-

COMMISSION REGULATION (EEC) No 1964/92
of 15 July 1992

fixing the export refunds for products processed from fruit and vegetables as provided for in Article 12 of Council Regulation (EEC) No 426/86

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1569/92⁽²⁾, and in particular Article 12 (2) and (5) thereof,

Whereas, pursuant to Article 12 (1) of Regulation (EEC) No 426/86, to the extent necessary to enable the products referred to in Article 1 (1) (a) of the said Regulation to be exported in economically significant quantities on the basis of prices for those products on the world market, the difference between those prices and prices within the Community may be covered by an export refund; whereas Article 12 (3) of Regulation (EEC) No 426/86 provides that in cases where the refund for sugars incorporated in the products listed in Article 1 (1) (b) of the Regulation is not sufficient to permit export of the products, the refund fixed pursuant to Article 12 (1) shall apply for such exports;

Whereas, pursuant to Article 2 of Council Regulation (EEC) No 519/77 of 14 March 1977 laying down general rules for granting export refunds on products processed from fruit and vegetables and criteria for fixing the amount of such refunds⁽³⁾, account should be taken, when refunds are being fixed, of the existing situation and future trends with regard to, on the one hand, prices and availabilities on the Community market of products processed from fruit and vegetables and, on the other hand, prices ruling in international trade; whereas account should also be taken of the costs referred to in subparagraph (b) of the said Article and of the economic aspect of the proposed exports;

Whereas, in accordance with Article 3 of Regulation (EEC) No 519/77, account should be taken, when prices on the Community market are being determined, of the

ruling prices which are most favourable from the point of view of exportation; whereas, when prices in international trade are being determined, account should be taken of the prices referred to in paragraph 2 of the said Article;

Whereas when the application of the rules referred to above results in an amount of refund which for products listed in Article 1 (1) (b) of Regulation (EEC) No 426/86 is supposed to be lower than the refund for the added sugars pursuant to Article 11 of the same Regulation, no refund should be fixed; whereas, in such cases, the refunds for added sugars should apply;

Whereas the nonfixing of refunds for peeled tomatoes to be exported to the USA entails the application of the provisions of Article 16 of Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁴⁾, as last amended by Regulation (EEC) No 887/92⁽⁵⁾;

Whereas by its Regulation (EEC) No 1432/92⁽⁶⁾ the Council prohibited trade between the Community and the Republics of Serbia and of Montenegro; that it is important to take account of it at the time of the fixing of the refunds;

Whereas application of the abovementioned rules and criteria to the current market situation, and in particular to the prices of products processed from fruit and vegetables on the Community market and in international trade entails fixing an appropriate refund;

Whereas on account of the characteristics of the market in dried grapes, particularly as regards the traditional periods for fixing commercial contracts the question of whether it is appropriate to fix a refund for these products and the amount of such a refund should be reexamined by 15 April 1992 at the latest;

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

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 166, 20. 6. 1992, p. 5.

⁽³⁾ OJ No L 73, 21. 3. 1977, p. 24.

⁽⁴⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁵⁾ OJ No L 95, 9. 4. 1992, p. 20.

⁽⁶⁾ OJ No L 151, 3. 6. 1992, p. 4.

HAS ADOPTED THIS REGULATION :

Article 1

1. The export refunds referred to in Article 12 of Regulation (EEC) No 426/86 shall be as set out in Annex hereto.

2. The non-fixing of a refund rate for peeled tomatoes, as defined in Annex, to be exported to the United States

of America shall be taken into consideration for the application of Article 16 of Regulation (EEC) No 3665/87.

3. Where no refund is fixed for a product listed in Annex, that product may, where applicable, benefit from any export refund applicable to added sugars pursuant to Article 11 of Regulation (EEC) No 426/86.

4. Export refunds towards the Republics of Montenegro and Serbia are not fixed.

Article 2

This Regulation shall enter into force on 16 July 1992.

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

Done at Brussels, 15 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 15 July 1992 fixing the export refunds for products processed from fruit and vegetables as provided for in Article 12 of Council Regulation (EEC) No 426/86

(ECU/100 kg net)

Product code	Destination of the exports (1)	Refund (2)
0806 20 12 000	03	35,00
0806 20 92 000	03	35,00
0812 10 00 100	01	13,30
2002 10 10 100	02	15,00
2006 00 31 000	01	30,22
2006 00 90 100	01	30,22
2008 19 10 100		21,80
2008 19 90 100		21,80
2009 11 99 110		2,10
2009 19 99 110		2,10
2009 11 99 120		4,20
2009 19 99 120		4,20
2009 11 99 130		6,30
2009 19 99 130		6,30
2009 11 99 140		8,40
2009 19 99 140		8,40
2009 11 99 150		10,50
2009 19 99 150		10,50

(1) For the following destinations :

01 All destinations except North America and the Republics of Serbia and Montenegro ;

02 All destinations except the United States of America and the Republics of Serbia and Montenegro ;

03 All destinations except the United States of America, Turkey, South Africa, Australia, Iran, Afghanistan and the Republics of Serbia and Montenegro.

(2) Amounts shown shall apply to products obtained from fruit harvested within the Community.

COMMISSION REGULATION (EEC) No 1965/92
of 15 July 1992

fixing the maximum export refunds on olive oil for the 16th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3149/91

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 1720/91 ⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil ⁽³⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3149/91 ⁽⁴⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas by its Regulation (EEC) No 1432/92 ⁽⁵⁾ the Council prohibited trade between the Community and the Republics of Serbia and of Montenegro; that it is important to take account of it at the time of the fixing of the refunds;

Whereas Article 6 of Regulation (EEC) No 3149/91 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any

tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The maximum export refunds for olive oil for the 16th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3149/91 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 July 1992.

2. Export refunds towards the Republics of Montenegro and Serbia are not fixed.

Article 2

This Regulation shall enter into force on 16 July 1992.

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

Done at Brussels, 15 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 299, 30. 10. 1991, p. 24.

⁽⁵⁾ OJ No L 151, 3. 6. 1992, p. 4.

ANNEX

to the Commission Regulation of 15 July 1992 fixing the maximum export refunds on olive oil for the 16th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3149/91

(ECU/100 kg)

Product code	Amount of refund
1509 10 90 100	42,50
1509 10 90 900	67,00
1509 90 00 100	52,50
1509 90 00 900	85,50
1510 00 90 100	13,00
1510 00 90 900	45,00

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

COMMISSION REGULATION (EEC) No 1966/92
of 15 July 1992
fixing the aid for cotton

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

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Commission Regulation (EEC) No 4006/87⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton⁽²⁾, as last amended by Regulation (EEC) No 791/89⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 1171/92⁽⁴⁾, as last amended by Regulation (EEC) No 1888/92⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1171/92 to

the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

1. The aid for unginmed cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 66,261 per 100 kilograms.

2. However, the amount of the aid will be confirmed or replaced with effect from 16 July 1992 to take account of the guide price of cotton adopted in respect of the 1992/1993 marketing year and which appear to have been offered in the largest quantities.

Article 2

This Regulation shall enter into force on 16 July 1992.

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

Done at Brussels, 15 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 122, 7. 5. 1992, p. 29.

⁽⁵⁾ OJ No L 189, 9. 7. 1992, p. 36.

COMMISSION REGULATION (EEC) No 1967/92

of 15 July 1992

fixing the amount of aid for peas, field beans and sweet lupins

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 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins⁽¹⁾, as last amended by Regulation (EEC) No 1750/92⁽²⁾, and in particular Article 3 (6) (a) thereof,

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins⁽³⁾, as last amended by Regulation (EEC) No 1734/92⁽⁴⁾, and in particular Article 26a (7) thereof,

Whereas, as provided for in Article 3 (1) of Regulation (EEC) No 1431/82, aid is granted for peas, field beans and sweet lupins harvested in the Community and used in the manufacture of feedingstuffs where the world market price of soya cake is lower than the activating price; whereas this aid is equal to a proportion of the difference between these prices; whereas this proportion of the price difference was fixed in Article 3a of Council Regulation (EEC) No 2036/82⁽⁵⁾, as last amended by Regulation (EEC) No 2206/90⁽⁶⁾;

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 1431/82, aid is granted for peas and field beans harvested in the Community where the world market price for these products is lower than the guide price; whereas this aid is equal to the difference between the two prices;

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1992/93 marketing year was fixed by Council Regulation (EEC) No 1751/92⁽⁷⁾; whereas, as provided for in Article 2a of Regulation (EEC) No 1431/82, the activating price for the aid for peas, field beans and sweet lupins is increased monthly as from the beginning of the third month of the marketing year; whereas the amount of the monthly increases in the threshold price was fixed by Council Regulation (EEC) No 1752/92⁽⁸⁾;

Whereas, since there are no valid activating threshold or guide prices for the 1992/93 marketing year for peas, field beans and sweet lupins, the amount of the subsidy in the case of advance fixing for this marketing year for peas, field beans and sweet lupins has only been calculated provisionally on the basis of the proposals of the Commission to the Council of the prices and connected measures valid for the 1992/93 marketing year; whereas that amount must be applied provisionally only and will have to be confirmed or replaced when the prices and related measures for the 1992/93 marketing year are known, and notably those concerning the application of the guaranteed maximum quantities;

Whereas, owing to the lack of the adjustment in the rate of aid resulting from the maximum guaranteed quantity arrangements for the 1992/93 marketing year, the amount of the aid for this marketing year has only been able to be calculated provisionally on the basis of the abatement applicable for the 1991/92 marketing year; whereas this amount should, therefore, only be applied provisionally and should be confirmed or replaced once the consequences of the maximum guaranteed quantity arrangements are known;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1991/92 year, has been fixed by Commission Regulation (EEC) No 2607/91⁽⁹⁾;

Whereas, pursuant to Article 4 of Regulation (EEC) No 1431/82, the world market price for soya cake must be determined on the basis of the most favourable purchase possibilities, excepting offers and quotations which cannot be considered representative of the real market trend; whereas account must be taken both of all offers on the world market and of the prices quoted on exchanges that are important for international trade;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 2049/82⁽¹⁰⁾, as last amended by Regulation (EEC) No 1238/87⁽¹¹⁾, the price must be determined per 100 kilograms of bulk soya cake of the standard quality defined in Article 1 (2) of Council Regulation (EEC) No 1464/86⁽¹²⁾ delivered to Rotterdam; whereas the necessary adjustments, notably those referred to in Article 2 of Regulation (EEC) No 2049/82, must be made for offers and quotations not of the type referred to above;

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 17.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 179, 30. 6. 1992, p. 120.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 180, 1. 7. 1992, p. 18.

⁽⁸⁾ OJ No L 180, 1. 7. 1992, p. 20.

⁽⁹⁾ OJ No L 243, 31. 8. 1991, p. 55.

⁽¹⁰⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽¹¹⁾ OJ No L 117, 5. 5. 1987, p. 9.

⁽¹²⁾ OJ No L 133, 21. 5. 1986, p. 21.

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

- in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in Article 6 (1) of Council Regulation (EEC) No 1676/85⁽¹⁾, as last amended by Regulation (EEC) No 2205/90⁽²⁾,
- 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 pursuant to Articles 121 (2) and 307 (2) of the Act of Accession the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of products from third countries;

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Commission Regulation (EEC) No 1899/91⁽³⁾; whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide price is increased monthly as from the beginning of the third month of the marketing year;

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ecus that results from

Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of aid provided for in Article 3 (1) of Regulation (EEC) No 1431/82 is indicated in the Annexes hereto.
2. However, the amount of the subsidy for the 1992/93 marketing year for peas, field beans and sweet lupins will be confirmed or replaced as from 16 July 1992 to take into account the effects of the application of maximum guaranteed quantities.

Article 2

This Regulation shall enter into force on 16 July 1992.

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

Done at Brussels, 15 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽³⁾ OJ No L 169, 29. 6. 1991, p. 29.

ANNEX I

Gross aid

Products intended for human consumption :

	<i>(ECU per 100 kg)</i>						
	Current 7 (1)	1st period 8 (1)	2nd period 9 (1)	3rd period 10 (1)	4th period 11 (1)	5th period 12 (1)	6th period 1 (1)
Peas used :							
— in Spain	8,162	8,162	8,320	8,478	8,636	8,794	8,952
— in Portugal	8,170	8,170	8,328	8,486	8,644	8,802	8,960
— in another Member State	8,230	8,230	8,388	8,546	8,704	8,862	9,020
Field beans used :							
— in Spain	8,230	8,230	8,388	8,546	8,704	8,862	9,020
— in Portugal	8,170	8,170	8,328	8,486	8,644	8,802	8,960
— in another Member State	8,230	8,230	8,388	8,546	8,704	8,862	9,020

Products used in animal feed :

	<i>(ECU per 100 kg)</i>						
	Current 7 (1)	1st period 8 (1)	2nd period 9 (1)	3rd period 10 (1)	4th period 11 (1)	5th period 12 (1)	6th period 1 (1)
A. Peas used :							
— in Spain	9,304	9,304	9,462	9,504	9,633	9,791	9,805
— in Portugal	9,341	9,341	9,499	9,542	9,671	9,829	9,843
— in another Member State	9,341	9,341	9,499	9,542	9,671	9,829	9,843
B. Field beans used :							
— in Spain	9,304	9,304	9,462	9,504	9,633	9,791	9,805
— in Portugal	9,341	9,341	9,499	9,542	9,671	9,829	9,843
— in another Member State	9,341	9,341	9,499	9,542	9,671	9,829	9,843
C. Sweet lupins harvested in Spain and used :							
— in Spain	12,494	12,494	12,494	12,340	12,302	12,302	12,111
— in Portugal	12,543	12,543	12,543	12,391	12,353	12,353	12,163
— in another Member State	12,543	12,543	12,543	12,391	12,353	12,353	12,163
D. Sweet lupins harvested in another Member State and used :							
— in Spain	12,494	12,494	12,494	12,340	12,302	12,302	12,111
— in Portugal	12,543	12,543	12,543	12,391	12,353	12,353	12,163
— in another Member State	12,543	12,543	12,543	12,391	12,353	12,353	12,163

ANNEX VIII

Corrective amount to be added to amounts in Annex VII

(in national currency per 100 kg)

Use of products :	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Denmark (Dkr)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Federal Republic of Germany (DM)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Greece (Dr)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Spain (Pta)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— France (FF)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Ireland (£ Irl)	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000
— Italy (Lit)	0	0	0	0	0	0	0	0	0	0	0
— Netherlands (Fl)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— United Kingdom (£)	0,000	0,000	0,000	0	0,000	0,000	0,000	0,000	0,000	0,000	0,000

ANNEX IX

Exchange rate of the ecu to be used

	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
In national currency, ECU 1 =	42,4032	7,84195	2,05586	249,150	129,429	6,89509	0,767417	1 538,24	2,31643	172,969	0,696904

(¹) Amount fixed provisionally, pending and subject to the setting of the prices and related measures and of the application of the maximum guaranteed quantity arrangements for the 1992/93 marketing year.

COMMISSION REGULATION (EEC) No 1968/92
of 15 July 1992
amending Regulation (EEC) No 1835/92 introducing a countervailing charge on
fresh lemons originating in Argentina

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 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1754/92⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1835/92⁽³⁾ introduced a countervailing charge on fresh lemons originating in Argentina;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration, the countervailing charge on the import of fresh lemons originating in Argentina must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1835/92 'ECU 2,28' is hereby replaced by 'ECU 4,12'.

Article 2

This Regulation shall enter into force on 16 July 1992.

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

Done at Brussels, 15 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 23.

⁽³⁾ OJ No L 185, 4. 7. 1992, p. 31.

COMMISSION REGULATION (EEC) No 1969/92

of 15 July 1992

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 61/92 ⁽²⁾, and in particular Article 16 (8) thereof,Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1813/92 ⁽³⁾, as amended by Regulation (EEC) No 1947/92 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) 1813/92 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in

the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁶⁾,

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

Whereas these exchange rates being those recorded on 14 July 1992,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 July 1992.

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

Done at Brussels, 15 July 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 183, 3. 7. 1992, p. 18.⁽⁴⁾ OJ No L 196, 15. 7. 1992, p. 33.⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 15 July 1992 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy (°)
1701 11 10	37,71 (°)
1701 11 90	37,71 (°)
1701 12 10	37,71 (°)
1701 12 90	37,71 (°)
1701 91 00	45,08
1701 99 10	45,08
1701 99 90	45,08 (°)

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

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 25 June 1992

amending Decision 81/546/EEC concerning the animal health conditions and veterinary certificates for the import of fresh meat from Austria and amending Decision 91/190/EEC concerning the animal health conditions and veterinary certificates for the import of domestic animals of the bovine and porcine species from Austria

(92/375/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 products from third countries⁽¹⁾, as last amended by Regulation (EEC) No 3763/91⁽²⁾, and in particular Articles 8 and 16 thereof,

Whereas by Decision 81/546/EEC⁽³⁾, as last amended by Decision 91/609/EEC⁽⁴⁾, the Commission established the animal health provisions and veterinary certification for the import of fresh meat from Austria;

Whereas by Decision 91/190/EEC⁽⁵⁾, as last amended by Decision 92/40/EEC⁽⁶⁾, the Commission established the animal health conditions and veterinary certification for the import of domestic bovine and porcine animals from Austria;

Whereas imports from Austria into the Member States of live pigs, fresh pigmeat and certain pigmeat products were suspended in accordance with Commission Decision 90/90/EEC⁽⁷⁾;

Whereas the abovementioned imports from Vorarlberg, Tyrol, Salzburg, Upper Austria, Kärnten und Burgenland were no longer suspended in accordance with Commission Decision 92/40/EEC;

Whereas, nevertheless, in accordance with the provisions of Commission Decision 92/265/EEC⁽⁸⁾ imports from Kärnten were suspended once again;

Whereas it is appropriate to amend the animal health certificates to take account of the existing situation in this region;

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

HAS ADOPTED THIS DECISION:

Article 1

The animal health certificates referred to in Annex B to Decision 81/546/EEC should be amended as follows:

1. after 'Exporting country: Austria' delete 'Carinthia';
2. in the first indent of Section IV (1) point 1 delete 'Carinthia'.

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽³⁾ OJ No L 206, 27. 7. 1981, p. 7.

⁽⁴⁾ OJ No L 331, 3. 12. 1991, p. 19.

⁽⁵⁾ OJ No L 96, 17. 4. 1991, p. 16.

⁽⁶⁾ OJ No L 16, 23. 1. 1992, p. 19.

⁽⁷⁾ OJ No L 61, 10. 3. 1990, p. 21.

⁽⁸⁾ OJ No L 137, 20. 5. 1992, p. 23.

Article 2

The animal health certificates referred to in Annexes C and D to Decision 91/190/EEC should be amended as follows :

1. after 'Exporting country : Austria' delete 'Carinthia' ;
2. in the first and second sentence of Section III delete 'Carinthia'.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 25 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION
of 2 July 1992
amending Council Decision 79/542/EEC as regards Slovenia and Croatia
(92/376/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 and meat products from third countries ⁽¹⁾, as last amended by Council Regulation (EEC) No 3763/91 ⁽²⁾, and in particular Article 3 thereof,

Whereas by Council Decision 79/542/EEC ⁽³⁾, as last amended by Commission Decision 92/245/EEC ⁽⁴⁾, a list of third countries from which Member States authorize imports of bovine and porcine animals, Equidae, fresh meat and meat products has been established;

Whereas following a Community veterinary mission it appears that the animal health situation and the structure of the veterinary services of Slovenia and Croatia are satisfactory and the competent veterinary authorities provided the necessary guarantees; whereas it is therefore possible to take into account those countries in relation to imports of bovine and porcine animals, fresh meat and meat products and the list in the Annex of Decision 79/542/EEC must be amended accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex of Decision 79/542/EEC is replaced by the Annex to this Decision.

Article 2

This Decision is addressed to Member States.

Done at Brussels, 2 July 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 356, 24. 12. 1991, p. 1.

⁽³⁾ OJ No L 146, 14. 6. 1979, p. 15.

⁽⁴⁾ OJ No L 124, 9. 5. 1992, p. 42.

Country	Fresh meat and meat products				Fresh meat	Live animals		Special remarks	
	Domestic				Wild	B	P	Fresh meat	Meat products
	B	S/G	P	D/S	C/H				
Switzerland	x	x	x	x	x	x	x		
Thailand									(²)
Tunisia									(²) (⁴)
Turkey				x					(²)
United States of America	x	x	x	x	x	x	x		
Uruguay	x	x		x					(²)
Union of Soviet Socialist Republics	x	x	x	x	x	x	x	(¹)	(²)
Yugoslavia	x	x	x	x	x	x	x		
Zimbabwe	x								(²)

B: Bovines (including buffalo)

S/G: Sheep/goat

P: Pig

D/S: Domestic solipeds

C/H: Cloven-hoofed

x: Authorized

Special remarks:

(¹) Excluding meat of wild swine.

(²) Excluding bone-in meat and offal of wild cloven-hoofed animals.

(³) Notwithstanding any restrictions indicated in the above list, meat products which have undergone a heat treatment in a hermetically sealed container to an F value of 3 or more are authorized.

(⁴) Notwithstanding any restrictions indicated in the above list. Meat products which have undergone a heat treatment so that a centre temperature of at least 80 °C has been achieved are authorized.

SPECIAL COLUMN FOR EQUIDAE

PART I	
Country	Equidae
Argentina	x
Algeria	x
Australia	x
Austria	x
Belarus	x
Brazil	x
Bulgaria	x
Canada	x
Chile	x
Colombia	x
Croatia	x
Cyprus	x
Czechoslovakia	x
Estonia	x
Finland	x
Greenland	x
Hungary	x
Iceland	x
Israel	x
Latvia	x
Lithuania	x
Malta	x
Mauritius	x
Mexico	x
Morocco	x (1)
New Zealand	x
Norway	x
Paraguay	x
Poland	x
Romania	x
Russia	x
Slovenia	x
South Africa	x (1)
Sweden	x
Switzerland	x
Tunisia	x
Ukraine	x
United States of America	x
Uruguay	x
Yugoslavian Republics	x

(1) Until specific provisions under Article 13 (2) of Directive 90/426/EEC have been adopted, Member States shall not import Equidae coming from this country.

PART II	
Country	Registered horses
Bahrein	x
Barbados	x
Bermuda	x
Bolivia	x
Costa Rica	x
Cuba	x
Egypt	x
Ecuador	x
Hong Kong	x
Jamaica	x
Japan	x
Jordan	x
Kuwait	x
Libya	x
Oman	x
Peru	x
Turkey	x
United Arab Emirates	x
Venezuela	x

COMMISSION DECISION

of 2 July 1992

concerning animal health conditions and veterinary certification for imports of fresh meat from the Republic of Slovenia

(92/377/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 Council Regulation 3763/91/EEC ⁽²⁾, and in particular Article 16 thereof,

Whereas it is necessary to lay down animal health conditions for imports of fresh meat from Slovenia;

Whereas, following a Community veterinary mission, it appears that the animal health situation in Slovenia compares favourably with that in most of the Community countries, particularly as regards diseases transmissible through meat;

Whereas, in addition, the responsible veterinary authorities of Slovenia have confirmed that Slovenia has for at least 12 months been free from rinderpest, foot-and-mouth disease and that no vaccinations have been carried out against those diseases during that time;

Whereas animals vaccinated against classical swine fever are present in Slovenia; whereas therefore imports of fresh meat of the porcine species from this country should not be authorized;

Whereas the responsible veterinary authorities of Slovenia have undertaken to notify the Commission of the European Communities and the Member States, by telex or telegram, within 24 hours, of confirmation of the occurrence of any of the abovementioned diseases or the adoption of vaccination against them;

Whereas animal health conditions and veterinary certification must be adapted in the light of the animal health situation of the non-member country concerned;

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

HAS ADOPTED THIS DECISION:

Article 1

1. Member States shall authorize the importation of the following categories of fresh meat from Slovenia:

- (a) fresh meat of domestic animals of the bovine, ovine or caprine species, conforming to the guarantees laid down in the animal health certificate in accordance with Annex A, which must accompany the consignment;
- (b) fresh meat of domestic solipeds, conforming to the guarantees laid down in the animal health certificate in accordance with Annex B, which must accompany the consignment.

2. Member States shall not authorize the importation of categories of fresh meat from Slovenia other than those referred to in paragraph 1.

Article 2

This Decision shall not apply to imports of glands and organs authorized by the country of destination for pharmaceutical manufacturing purposes.

Article 3

This Decision shall apply from 1 July 1992.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 2 July 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 356, 24. 12. 1991, p. 1.

ANNEX A

ANIMAL HEALTH CERTIFICATE

for fresh meat⁽¹⁾ of domestic animals of the bovine, ovine and caprine species, intended for consignment to the European Economic Community

Country of destination :

Reference number of the public health certificate⁽²⁾ :

Exporting country : Republic of Slovenia

Ministry :

Department :

Reference :

(Optional)

I. Identification of meat

Meat of :

(Animal species)

Nature of cuts :

Nature of packaging :

Number of cuts or packages :

Net weight :

II. Origin of meat

Address(es) and veterinary approval number(s) of the approved slaughterhouse(s)⁽²⁾ :

Address(es) and veterinary approval number(s) of the approved cutting plant(s)⁽²⁾ :

Address(es) and veterinary approval number(s) of the approved cold stores⁽²⁾ :

III. Destination of meat

The meat will be sent from :

(Place of loading)

to :

(Country and place of destination)

by the following means of transport⁽³⁾ :

Name and address of consignor :

Name and address of consignee :

⁽¹⁾ Fresh meat means all parts fit for human consumption from domestic animals of the bovine, ovine and caprine species which have not undergone any preserving process ; however, chilled and frozen meat shall be considered as fresh meat.

⁽²⁾ Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in application of Article 19 (a) of Directive 72/462/EEC.

⁽³⁾ For railway wagons or lorries, the registration number should be given, for aircraft the flight number and for ships the name.

IV. Attestation of health

I, the undersigned, official veterinarian, certify that :

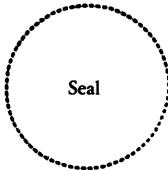
1. the fresh meat described above is obtained from :

- animals which have remained in the territory of the Republic of Slovenia for at least three months before being slaughtered or since birth in the case of animals less than three months old,
- animals which come from holdings in which there has been no outbreak of foot-and-mouth disease in the previous 30 days, and around which within a radius of 10 km there has been no case of foot-and-mouth disease for 30 days,
- animals which have been transported from their holdings of origin to the approved slaughterhouse concerned without contact with animals which do not comply with the conditions required for export of their meat to the Community, and, if conveyed in a means of transport, that the latter has been cleaned and disinfected before loading,
- animals which have passed the ante-mortem health inspection referred to in Directive 72/462/EEC at the slaughterhouse during the 24 hours before slaughter and have showed no evidence of foot-and-mouth disease,
- in the case of fresh meat from sheep and goats, animals which have not come from a holding which for health reasons is subject to prohibition as a result of an outbreak of ovine or caprine brucellosis during the previous six weeks ;

2. the fresh meat described above is obtained from an establishment or establishments in which, after a case of foot-and-mouth disease has been diagnosed, further preparation of meat for export to the Community has been authorized only after slaughter of all animals present, removal of all meat, and the total cleaning and disinfection of the establishments under the control of an official veterinarian.

Done at, on

(Place) (Date)



.....

(Signature of official veterinarian)

.....

(Name in capital letters, qualification and title)

ANNEX B

ANIMAL HEALTH CERTIFICATE

for fresh meat⁽¹⁾ of domestic solipeds intended for consignment to the European Economic Community

Country of destination :

Reference number of the public health certificate⁽²⁾ :

Exporting country : Republic of Slovenia

Ministry :

Department :

Reference :

(Optional)

I. Identification of meat

Meat of domestic solipeds

Nature of cuts :

Nature of packaging :

Number of cuts or packages :

Net weight :

II. Origin of meat

Address(es) and veterinary approval number(s) of the approved slaughterhouse(s)⁽²⁾ :

Address(es) and veterinary approval number(s) of the approved cutting plant(s)⁽²⁾ :

Address(es) and veterinary approval number(s) of the approved cold stores⁽²⁾ :

III. Destination of meat

The meat will be sent from :

(Place of loading)

to :

(Country and place of destination)

by the following means of transport⁽²⁾ :

Name and address of consignor :

Name and address of consignee :

⁽¹⁾ Fresh meat means all parts fit for human consumption from domestic solipeds which have not undergone any preserving process; however, chilled and frozen meat shall be considered as fresh meat.

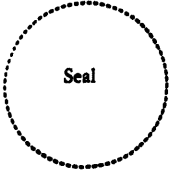
⁽²⁾ Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in application of Article 19 (a) of Directive 72/462/EEC.

⁽³⁾ For railway wagons or lorries, the registration number should be given, for aircraft the flight number and for ships the name.

IV. Attestation of health

I, the undersigned, official veterinarian, certify that the fresh meat described above is obtained from animals which have remained in the territory of the Republic of Slovenia for at least three months before being slaughtered or since birth in the case of animals less than three months old.

Done at on
(Place) (Date)



.....
(Signature of official veterinarian)

.....
(Name in capital letters, qualification and title)

COMMISSION DECISION

of 3 July 1992

amending Decision 89/3/EEC in regard to health protection measures in connection with imports of certain fresh meat from the State of Goias, Brazil

(92/378/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 Regulation (EEC) No 3763⁽²⁾, and in particular Article 16 thereof,

Whereas the requirements as regards animal health conditions and veterinary certification for imports of fresh meat from Brazil are laid down in Commission Decision 86/195/EEC⁽³⁾, as last amended by Decision 92/76/EEC⁽⁴⁾, with particular reference to the situation of foot-and-mouth disease obtaining in Brazil at that time;

Whereas this situation led to the adoption by Decision 89/3/EEC⁽⁵⁾, as last amended by Decision 91/343/EEC⁽⁶⁾, of health protection measures in connection with imports of certain fresh meat from Brazil;

Whereas the last on-the-spot check by Community inspectors, carried out in April 1992, revealed a deterioration in the situation in the State of Goias;

Whereas Decision 89/3/EEC should therefore be amended in order to suspend the importation of fresh meat of bovine animals from the State of Goias, Brazil;

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

HAS ADOPTED THIS DECISION:

Article 1

The State of Goias is added to the list of States of Brazil set out in Article 1 of Decision 89/3/EEC.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 3 July 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 356, 24. 12. 1991, p. 1.

⁽³⁾ OJ No L 142, 28. 5. 1986, p. 51.

⁽⁴⁾ OJ No L 30, 6. 2. 1992, p. 25.

⁽⁵⁾ OJ No L 5, 7. 1. 1989, p. 32.

⁽⁶⁾ OJ No L 187, 13. 7. 1991, p. 49.